

(Royal Proclamation Emblem)

Sangha Act, B.E. 2505
as amended by
Sangha Act (No. 2), B.E. 2535
Sections in numerical order

Bhumibol Adulyadej, Rex.

Given on the 25th day of December B.E. 2505 (A.D. 1962)

Being the 17th year of the present Reign

And

Given on the 25th day of February B.E. 2535 (A.D. 1992)

Being the 47th year of the present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that

Whereas it is expedient to amend the law concerning the *Sangha*,

Be it therefore, enacted, by and with the advice and consent of the Constituent Assembly acting as the State Assembly as follows:

* Section 1 This Act shall be called "*Sangha Act, B.E. 2505.*"

Section 2 This Act shall come into force on the day immediately following the day it is published in the Government Gazette onwards.

Section 3 *Sangha Act, B.E. 2489 (A.D. 1946)* shall be repealed.

Section 4 Until there are enacted other Ministerial Regulations, Rules of the *Sangha* Supreme Council, Patriarchal Commands, Regulations or Ordinances of the *Sangha* Supreme Council having either repealing, same, contradictory, conflicting, or different effect, or prescribed otherwise, within one year from the date of enforcement of this Act, all Ministerial Regulations, Ecclesiastical Orders, Ecclesiastical Rules, Organizational Regulations, Patriarchal Commands, together with all other Regulations or Ordinances concerning the *Sangha* currently in force and effect on the date of the proclamation of this Act in the Government Gazette that are not contradictory to or conflicting with the provisions of this Act, shall continue to be in full force and effect.

Section 5 In the interest of Section 4, if authority as provided in the Regulations of the *Sangha* Supreme Council, Ecclesiastical Orders, Ecclesiastical Rules, Patriarchal Commands, Regulations and Ordinances concerning the *Sangha* is not mentioned in this Act as the authority of a Buddhist monk of any rank or of a committee of Buddhist monks, the *Sangha* Supreme Council, by virtue of its rules, shall

* Regarding this Section, it is provided in *Sangha Act (No.2), B.E. 2535 (A.D. 1992)* as Section 1 This Act shall be called "*Sangha Act (No.2) B.E. 2535 (A.D. 1992)*"

have the power to confer the same to a Buddhist monk of particular rank or any Buddhist monk or a group of Buddhist monks as it may deem fit.

* Section 5 bis In this Act

Sangha means all Buddhist monks who were ordained by the preceptors in accordance with this Act or under the law in force prior to this Act whether whose religious activities are performed within or without the Kingdom.

Other *Sangha* means the ordained members of the Chinesenikaya Sect or Annamnikaya Sect.

The Royal Chapter means the Buddhist monk who is appointed and established with an ecclesiastical honorific rank from the rank of Ordinary to the rank of *Somdet*.

The Royal Chapter of *Somdet* rank with most seniority by ecclesiastical honorific rank means the Royal Chapter of *Somdet* rank who was established with the ecclesiastical honorific rank prior to the establishing of the same of other Royal Chapters of *Somdet* rank. In the event the rank establishing was made on the same day, the monk who was sequentially established earlier shall be deemed more senior.

* Section 5 ter His Majesty the King is empowered to appoint, establish, and remove the ecclesiastical honorific rank of Buddhist monks in the *Sangha*.

Section 6 The Minister of Education shall have charge and control of the execution of this Act and is vested with the power to issue the ministerial regulations for the execution of this Act.

After their publications in the Government Gazette, such ministerial regulations shall come into force.

Chapter 1 The Patriarch

* Section 7 His Majesty the King shall establish the Patriarch.

In the case where the position of the Patriarch becomes vacant, the Prime Minister with the consent of the *Sangha* Supreme Council shall propose to the King, the name of the most senior Royal Chapter of *Somdet* rank for appointment as Patriarch.

In the case where the most senior Royal Chapter of *Somdet* rank is unable to perform the duty, the Prime Minister with the consent of the *Sangha* Supreme Council shall propose to the King, the name of other Royal Chapter of *Somdet* rank with less seniority down the line and who is able to perform the duty for appointment as Patriarch.

Section 8 The Patriarch is head of the national *Sangha*. He governs the whole body of *Sangha* and may exercise his prerogative in issuing a Patriarchal

* Section 5 bis was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 5 ter was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 7 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

Command to the extent that it is not contrary to the law of the country, the doctrinal discipline, and the Rules of the *Sangha* Supreme Council.

* Section 9 In the case where the Patriarch resigns from his position or is relieved from his position by His Majesty the King, he may be appointed by His Majesty the King an advisor to the Patriarch or any other position as it may please His Majesty the King.

* Section 10 In the absence of the Patriarch, the most senior Royal Chapter of *Somdet* rank by the ecclesiastical honorific rank shall perform the duty of the Patriarch.

In the case where the most senior Royal Chapter of *Somdet* rank by the ecclesiastical honorific rank is unable to perform the duty, the remaining members of the *Sangha* Supreme Council shall elect one senior Royal Chapter of *Somdet* rank by the ecclesiastical honorific rank down the line of seniority who is able to perform duty to perform the duty of the Patriarch.

In the case where the Patriarch is absence from the Kingdom or is unable to perform his duty, the Patriarch shall appoint any Royal Chapter of *Somdet* rank to perform his duty.

In the case where the Patriarch has not appointed his substitute as provided in paragraph three or the Royal Chapter who has been appointed to perform the duty of the Patriarch is unable to perform the duty of the Patriarch, the provisions of paragraph one and paragraph two shall apply *mutatis mutandis*.

The Minister of Education shall make announcement of the name of the Royal Chapter who performs the duty of the Patriarch under this Section in the Government Gazette.

Section 11 The office of the Patriarch is vacated upon

- (1) Death;
- (2) Disrobing;
- (3) Resignation;
- (4) Royal Command.

Chapter 2

The *Sangha* Supreme Council

* Section 12 The *Sangha* Supreme Council consists of the Patriarch who is its *ex officio* Chairperson, every Royal Chapter of *Somdet* rank shall be its *ex officio* members, and not more than twelve Royal Chapters appointed by the Patriarch as members.

* Section 9 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 10 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 12 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

Section 13 The Director General of the Department of Religious Affairs is *ex officio* Secretary General of the *Sangha* Supreme Council, and the Department of Religious Affairs shall be the Office of the Secretary General of the *Sangha* Supreme Council.

Section 14 Members of the *Sangha* Supreme Council who are appointed by the Patriarch shall be in office for a period of two years and may be reappointed.

Section 15 Other than periodical dismissal from office as mentioned in Section 14 above, membership of the *Sangha* Supreme Council appointed by the Patriarch shall terminate upon

- (1) Death;
- (2) Disrobing;
- (3) Resignation;
- (4) Patriarchal Command.

In the case of premature dismissal from membership of the *Sangha* Supreme Council, the Patriarch may appoint any Royal Chapter of *Somdet* rank to assume the vacated office.

The member appointed in accordance with the provision of the foregoing paragraph shall retain his office during such time only as the vacating member was entitled to retain the same.

* Section 15 bis The Patriarch Command for the appointment of the members of the *Sangha* Supreme Council and the dismissal of the members of the *Sangha* Supreme Council shall be countersigned by the Minister of Education.

* Section 15 ter The *Sangha* Supreme Council shall have the following powers and duties

- (1) To govern the *Sangha* with decency and virtue;
- (2) To govern and prescribe ordination of novices;
- (3) To control and promote religious studies, welfare education, dissemination, public assistance, and public aid by the *Sangha*;
- (4) Maintain and uphold the doctrinal discipline;
- (5) Do other things as provided by this Act or other laws.

For the above purposes, the *Sangha* Supreme Council shall have the power to formulate and bring into force, its rules, regulations, procedures, orders, resolutions or announcements which are not contradicting to law and doctrinal discipline, and to appoint any monk or committee or sub-committee mentioned in Section 19 to exercise such powers and duties as mentioned in paragraph one.

* Section 15 quarter To maintain and uphold the doctrinal discipline for the decency and virtue of the *Sangha*, the *Sangha* Supreme Council may formulate its rules

* Section 15 bis was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 15 ter was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 15 quarter was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

to prescribe administrative penalty or method of penalty for monks or novices whose behavior is detrimental to the Religion and the administration of the *Sangha*.

Monks and novices receiving disrobing penalty shall leave the monkhood within three days from the day the penalty order has been known.

* Section 16 In the case where the Chairperson of the *Sangha* Supreme Council is unable to attend a meeting or is absent from the *Sangha* Supreme Council meeting, and no Royal Chapter of *Somdet* rank is appointed to act on his behalf, the most senior Royal Chapter of *Somdet* rank by ecclesiastical honorific rank who is present at the meeting shall act on his behalf

Section 17 To constitute a quorum, a meeting of the *Sangha* Supreme Council shall be attended by *ex officio* council members and council members by appointment altogether not less than half of the total number of all council members.

The proceedings of the meeting of the *Sangha* Supreme Council shall be in accordance with the rules of the *Sangha* Supreme Council.

* Section 18 In the case where no council member of the *Sangha* Supreme Council has been appointed to fill the vacancy under Section 15 paragraph two, it shall be deemed that the number of the *Sangha* Supreme Council members is what is remaining.

* Section 19 To comply with the resolutions of the *Sangha* Supreme Council, the Patriarch shall appoint committees or sub-committees for various activities comprising a number of monks or other persons to screen matters presented to the *Sangha* Supreme Council and to perform other duties assigned by the *Sangha* Supreme Council and directly reporting to the *Sangha* Supreme Council.

The setting up of various committees or sub-committees, the appointment of committee members or sub-committees members, the dismissal of committee members or sub-committees members, and meeting proceedings shall be in accordance with the rules of the *Sangha* Supreme Council.

Part 3

The *Sangha* Administration

* Section 20 The *Sangha* shall be under the administration of the *Sangha* Supreme Council.

The administrative organization of the *Sangha* shall be as provided in the rules of the *Sangha* Supreme Council.

* Section 16 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 18 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 19 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 20 was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 20 bis In the interest of the administration of the *Sangha* both in the central and regional parts of the country, there shall be Ecclesiastical Governors General performing their duties in their jurisdiction of *Sangha* administration.

The appointment of the Ecclesiastical Governor General and the prescription of their powers and duties shall be in accordance with the criteria and procedures provided in the rules of the *Sangha* Supreme Council.

Section 21 The territorial jurisdiction for regional *Sangha* Administration shall be divided as follows:

- (1) Region
- (2) Province
- (3) District
- (4) Sub-district

The number and the boundary of the territorial jurisdiction shall be in accordance with what has been determined by the rules of the *Sangha* Supreme Council.

Section 22 The governing monks for regional *Sangha* Administration shall be in hierarchical order as follows:

- (1) Ecclesiastical Regional Governor
- (2) Ecclesiastical Provincial Governor
- (3) Ecclesiastical District Officer
- (4) Ecclesiastical Sub-District Chief

When it is deemed appropriate, the *Sangha* Supreme Council may set up the positions of Vice Ecclesiastical Regional Governor, Vice Ecclesiastical Provincial Governor, Vice Ecclesiastical District Officer, and Vice Ecclesiastical Sub-District Chief, to assist the governors, the officers and the chiefs.

Section 23 The appointment and dismissal of a preceptor, an abbot, a vice-abbot, an assistant abbot and Other *Sangha* administrative positions of monks including a lay treasurer shall be in accordance with the criteria and procedures provided in the rules of the *Sangha* Supreme Council.

Part 4 Punishment and Disrobing

Section 24 Punishment shall be meted out to a monk who violates the doctrinal discipline. Such punishment shall be in accordance with what has been set forth in doctrinal discipline.

Section 25 Subject to Section 24, the *Sangha* Supreme Council has the power to formulate its rules prescribing criteria and procedures to facilitate the accurate,

* Section 20 bis was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

expedient, speedy and fair punishment. It shall be deemed lawful for the *Sangha* Supreme Council to prescribe in its rules to empower itself or any monk with administrative position to mete out punishment to monk or monks violating the doctrinal discipline as well as to prescribe at which point a decision to enforce punishment shall be final.

Section 26 Any monk who violates the doctrinal discipline and is given a final decision to be punished by disrobing is required to leave the monkhood within twenty-four hours of his being informed of such decision.

* Section 27 In case where a monk is attributable to any of the following

(1) Being adjudged under the provisions of Section 25 to a non-disrobing punishment but refuse to accept such punishment;

(2) Regularly violating the doctrinal discipline;

(3) Not belonging to a monastery;

(4) Not being a resident of a monastery wheresoever;

He shall leave the monkhood in accordance with the criteria and procedures prescribed in the rules of the *Sangha* Supreme Council.

The monk who is adjudged to give up the monkhood shall disrobe himself within three days from the date the decision is known to him.

Section 28 The monk who is adjudged by a final judgment to be a bankrupt shall disrobe himself within three days from the date the court case becomes final.

Section 29 In the event a monk is apprehended on charge of committing criminal offence, the investigating officer is empowered to arrange for him to leave the monkhood provided that the investigating officer or the public prosecutor refuses to provisionally release him and the abbot of the monastery to which the monk belongs refuses to detain him, or the investigating officer does not think it is appropriate to let him be detained by the abbot, or the monk is not a resident of any monastery wheresoever.

Section 30 In the event a monk is to be imprisoned or held in confinement or in custody following a judgment or an order of a court of law, the official executing the court's judgment or order is empowered to arrange for him to leave the monkhood and is required to report the incident to the court.

Part 5 Monasteries

* Section 31 Monasteries are of two kinds:

(1) Monasteries having royal grant of land with consecrated boundaries

(2) Abodes for monks

* Section 27 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 31 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

A monastery shall have juristic person status.

The abbot shall be the monastery's agent for its general affairs.

Section 32 Building, formation, merger, relocation, dissolution of a monastery and applying for royal grant of land with consecrated boundaries shall be in accordance with procedures prescribed in the Ministerial Regulation.

In case of dissolution of a monastery, the assets of the dissolved monastery shall become common ecclesiastical property.

* Section 32 bis Pending the dissolution of an abandoned monastery with no monks residing therein, it shall be the duty of the Department of Religious Affairs to govern and look after such abandoned monastery including the monastery compound, the monastery estate and the monastery property.

The upgrading of an abandoned monastery to be a monastery with rains-residence monks shall be in accordance with the criteria and procedures prescribed in the Ministerial Regulations.

Section 33 Land both belonging to a monastery and under control of a monastery is of the following categories:

(1) Monastery Compound means the area in which the monastery is situated including its boundaries.

(2) Monastery Estate means a piece of land belonging to a monastery.

(3) Monastic Revenue Estate means a piece of land the interest in which is dedicated to a monastery or Buddhism.

* Section 34 The transfer of title on monastery compound, monastery estate, or common ecclesiastical property can only be affected by an Act except for the case mentioned in paragraph two.

The transfer of title on monastery compound, monastery estate or common ecclesiastical property to government agency, state enterprise or other government agencies can only be made by Royal Decree provided that the *Sangha* Supreme Council has no objections and has received compensation from such government agency, state enterprise or other government agencies.

No person shall be allowed to raise time prescription as a defense against a monastery or the Department of Religious Affairs, as a case may be, concerning property which is a monastery compound, a monastery estate or common ecclesiastical property.

* Section 35 A monastery compound, a monastery estate, and common ecclesiastical property are not subject to execution.

Section 36 A monastery shall have one abbot. A position of vice abbot or a deputy abbot may be established, if appropriate.

* Section 32 bis was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 34 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

* Section 35 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

Section 37 An abbot shall have the following duties:

- (1) To orderly maintain and run his monastery and the monastic affairs and handily manage the ecclesiastical property of the monastery;
- (2) To govern and oversee that the ordained and the laity residing or dwelling in his monastery conduct themselves in conformity with the doctrinal discipline or the rules and regulations or orders of the *Sangha* Supreme Council;
- (3) To manage to educate the ordained and the laity with the doctrinal discipline;
- (4) To reasonably facilitate merit-making activities.

Section 38 An abbot shall have the following powers:

- (1) To forbid the ordained and the laity from dwelling in his monastery without his permission;
- (2) To expel from his monastery any disobedient ordained or laity;
- (3) To order the ordained and the laity residing or dwelling in his monastery to do work within the monastery or to make a written promise to refrain from disobedience or to make an apology when such ordained or laity defied the abbot's order duly made in accordance with the doctrinal discipline, the rules and regulations or orders of the *Sangha* Supreme Council.

Section 39 In the event of the absence of the abbot or he is unable to perform his duty, an abbot substitute for the abbot shall be appointed. The abbot substitute shall have the same powers and duties as the abbot.

The appointment of the abbot substitute shall be in accordance with the criteria and procedures prescribed in the rules of the *Sangha* Supreme Council.

Part 6 Ecclesiastical Property

Section 40 Ecclesiastical property is of two categories as follows:

- (1) Common ecclesiastical property is a property belonging to Buddhism Religion which is not to a monastery in particular;
- (2) Monastery ecclesiastical property is a property belonging to a monastery in particular.

The maintenance and management of common ecclesiastical property shall be the powers and duties of the Department of Religious Affairs. For this purpose, it shall be deemed that the Department of Religious Affairs shall be the owner of such common ecclesiastical property.

The maintenance and management of monastery ecclesiastical property shall be in accordance with the procedures prescribed in the Ministerial Regulations

Section 41 The Ministry of Education shall prepare the annual budget of common ecclesiastical property with the approval of the *Sangha* Supreme Council. Such budget shall be usable upon its publication in the Government Gazette.

Part 7 Penalty

* Section 42 Whoever, not being appointed as a preceptor or having been dismissed from being a preceptor under Section 23, ordains other person, shall be punished with imprisonment for a period of not more than one year.

* Section 43 Whoever violates Section 15 quarter paragraph two, Section 26, Section 27 paragraph three, or Section 28, shall be punished with imprisonment for a period of not more than one year.

* Section 44 Whoever has been disrobed for commission of grave offense involving expulsion from monkhood whether with or without a decision under Section 25 but takes on re-ordination by giving false statement or concealing truth from a preceptor, shall be punished with imprisonment for a period of not more than one year.

* Section 44 bis Whoever defames, insults, or threatens the Patriarch shall be punished by imprisonment for a period of not more than one year, or fine not more than twenty thousand baht, or both.

* Section 44 ter Whoever imputes the *Sangha* or Other *Sangha* which may cause detriment or disharmony, shall be punished with imprisonment for a period of not more than one year, or fine not more than twenty thousand baht, or both.

Part 8 Miscellaneous

Section 45 The monk who is appointed to an administrative position in the *Sangha* as and the lay treasurer are deemed to be the official in accordance with the provisions of the Penal Code.

* Section 46 The administration of Other *Sangha* shall be in accordance with the criteria and procedures prescribed in the Ministerial Regulations.

* Section 42 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)
* Section 43 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)
* Section 44 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)
* Section 44 bis was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)
* Section 44 ter was added by Sangha Act (No.2) B.E. 2535 (A.D. 1992)
* Section 46 was amended by Sangha Act (No.2) B.E. 2535 (A.D. 1992)

Remarks:

1. *Sangha* Act (No.2) B.E. 2535 (A.D. 1992), has added 4 more Sections, viz., Sections 18 (*sic*), 20, and 21 as follows:

Section 18 All Ministerial Regulations, Rules of the *Sangha* Supreme Council, Regulations, Orders or Ordinances of the *Sangha* Supreme Council, issued in accordance with *Sangha* Act, B.E. 2505 (A.D. 1962), are still in effect as long as they are not contradictory to this Act.

Section 19 The monasteries with juristic person status in accordance with the Civil and Commercial Code shall have the juristic person status under *Sangha* Act, B.E. 2505 (A.D. 1962), as amended by this Act.

Section 20 The monks who have been appointed and established with ecclesiastical honorific ranks shall continue to hold such ecclesiastical honorific ranks.

The individuals who have been appointed members of the *Sangha* Supreme Council, the Ecclesiastical Governor General, any committee members, or any sub-committee members under the *Sangha* Act, B.E. 2505 (A.D. 1962), or under the Ministerial Regulations, Rules of the *Sangha* Supreme Council, Regulations, Orders or Ordinances of the *Sangha* Supreme Council issued by virtue of the provisions of the *Sangha* Act, B.E. 2505 (A.D. 1962), shall continue to hold offices until the expiration of the term of office or until the *Sangha* Supreme Council resolves otherwise.

Section 21 The Minister of Education shall have charge and control of the execution of this Act.

2. Countersigning Individuals

2.1 Field Marshal Sarit Thanarat, Prime Minister, countersigned the Royal Proclamation for *Sangha* Act, B.E. 2505 (A.D. 1962)

2.2 Mr. Anant Panyarachun, Prime Minister, countersigned the Royal Proclamation for *Sangha* Act, (No. 2) B.E. 2535 (A.D. 1992)