

**CONSTITUTION OF THE KINGDOM OF THAILAND, B.E. 2550 (2007)**

**Translation**

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Enacted on the 24th Day of August B.E. 2550;

Being the 62 Year of the Present Reign.

May there be virtue. Today is the eleventh day of the waxing moon in the ninth month of the year of the Pig under the lunar calendar, being Friday, the twenty-fourth day of August under the solar calendar, in the 2550th year of the Buddhist Era.

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayammintharathirat Borommanatthabophit is graciously pleased to proclaim that the President of the National Legislative Assembly addresses royalty that the democratic regime of government with the King as Head of State has been evolved in Thailand for more than seventy five years and, through this period of time, the Constitutions had been promulgated, repealed and amended for the compliance with the situation of the nation and the changing circumstances and that the Constituent Assembly and the Constitution Drafting Commission have been established by the provisions of the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 so as to prepare the new Constitution for the compatibility of the administration of State affairs in the forthcoming period with due regard to opinions of the public at all steps through the extensive public consultation and all invaluable opinions have been introduced incessantly into drafting process and to the consideration of motions thereon.

This prepared draft Constitution contains the significant principles in maintaining mutual interest of the Thai people in securing of independence and security of the nation, upholding all religions, revering the King as the Head of State and mental representation of the nation, upholding the democratic regime of government with the King as Head of State for the administration of State affairs, rendering the crystallized promotion and protection of rights and liberties of the people, strengthening role and participation of the public in the administration of State affairs and in the examination of the exercise of State power, determining the mechanism for efficiently balancing of powers of political institutions both the legislative and the executive in accordance with the parliamentary regime and strengthening the Court and other independent organizations to perform their duties honestly and fairly.

At the completion of drafting process, the Constituent Assembly had published and disseminated the draft Constitution to the public extensively for acknowledgement and then organized the referendum for public approval thereto. The referendum result has shown that the majority of the people having the right to vote resolved approval to the draft Constitution. The President of the National Legislative Assembly then presents the draft Constitution to the King for His Royal signature to promulgate it as the Constitution of the Kingdom of Thailand and the King is graciously pleased in so doing for the compliance with public opinion.

Be it, therefore, commanded by the King that the Constitution of the Kingdom of Thailand be promulgated to replace, as from the date of its promulgation, the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 promulgated on 1st Day of October B.E. 2549.

May the Thai people unite in observing, protecting and upholding the Constitution of the Kingdom of Thailand in order to maintain the democratic regime of government and the sovereign power derived from the Thai people, and to bring about happiness, prosperity and dignity to His Majesty's subjects throughout the Kingdom according to the will of His Majesty in every respects.

## **CHAPTER I**

### **General Provisions**

#### **Section 1**

Thailand is one and indivisible Kingdom.

#### **Section 2**

Thailand adopts a democratic regime of government with the King as Head of State.

#### **Section 3**

The sovereign power belongs to the Thai people. The King as Head of State shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of this Constitution.

The performance of duties of the National Assembly, the Council of Ministers, the Courts, the Constitutional organizations and State agencies shall be in accordance with the rule of laws.

#### **Section 4**

The human dignity, right, liberty and equality of the people shall be protected.

#### **Section 5**

The Thai people, irrespective of their origins, sexes or religions, shall enjoy equal protection under this Constitution.

#### **Section 6**

The Constitution is the supreme law of State. The provisions of any law, rule or regulation, which are contrary to or inconsistent with this Constitution, shall be unenforceable.

#### **Section 7**

Whenever no provision under this Constitution is applicable to any case, it shall be decided in accordance with the constitutional convention in the democratic regime of government with the King as Head of State.

## **CHAPTER II**

### **The King**

#### **Section 8**

The King shall be enthroned in a position of revered worship and shall not be violated.

No person shall expose the King to any sort of accusation or action.

#### **Section 9**

The King is a Buddhist and Upholder of religions.

#### **Section 10**

The King holds the position of Head of the Thai Armed Forces.

#### **Section 11**

The King has the prerogative to create titles and confer decorations.

#### **Section 12**

The King selects and appoints qualified persons to be the President of the Privy Council and not more than eighteen Privy Councilors to constitute the Privy Council.

The Privy Council has the duty to render such advice to the King on all matters pertaining to His functions as He may consult, and has other duties as prescribed in this Constitution.

### **Section 13**

The selection, appointment or removal of Privy Councilors shall be at the King's pleasure.

The President of the National Assembly shall countersign the Royal Command appointing or removing the President of the Privy Council.

The President of the Privy Council shall countersign the Royal Command appointing or removing other Privy Councilors.

### **Section 14**

A Privy Councilor shall not be a member of the House of Representatives, senator, Election Commissioner, Ombudsman, a member of the National Human Rights Commission, Constitutional Court judge, Administrative Court judge, a member of the National Counter Corruption Commission, a member of the State Audit Commission, government official holding permanent position or receiving a salary, official of State enterprise, other State official or member or official of political party, and must not manifest loyalty to any political party.

### **Section 15**

Before taking office, a Privy Councilor shall make a solemn declaration before the King in the following words:

"I, (name of the declarer), do solemnly declare that I will be loyal to His Majesty the King and will faithfully perform my duties in the interests of the State and the people. I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

### **Section 16**

A Privy Councilor vacates office upon death, resignation or removal by Royal Command.

### **Section 17**

The appointment and removal of officials of the Royal Household and of the Royal Chief Aide-de-Camp shall be at the King's pleasure.

### **Section 18**

Whenever the King is absent from the Kingdom or unable to perform His functions for any reason whatsoever, the King may appoint a person as Regent. In this regard, the President of the National Assembly shall countersign the Royal Command therefore.

### **Section 19**

In the case where the King does not appoint the Regent under Section 18, or the King is unable to appoint the Regent owing to He is not being sui juris or any other reason whatsoever, the Privy Council shall submit the name of a person suitable to hold the office of the Regent to the National Assembly for approval. Upon approval of the National Assembly, the President of the National Assembly shall make an announcement, in the name of the King, to appoint such person as Regent.

During the expiration of the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly in giving an approval under paragraph one.

### **Section 20**

While there is no Regent under Section 18 or Section 19, the President of the Privy Council shall be Regent pro tempore.

In the case where the Regent appointed under Section 18 or Section 19 is unable to perform his duties, the President of the Privy Council shall act as Regent pro tempore.

While being the Regent under paragraph one or acting as the Regent under paragraph two, the President of the Privy Council shall not perform his duties as President of the Privy Council. In such case, the Privy Council shall select a Privy Councilor to act as President of the Privy Council pro tempore.

### **Section 21**

Before taking office, the Regent appointed under Section 18 or Section 19 shall make a solemn declaration before the National Assembly in the following words:

“I, (name of the declarer), do solemnly declare that I will be loyal to His Majesty the King (name of the King) and will faithfully perform my duties in the interests of the State and the people. I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect.”

During the expiration of the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly under this Section.

### **Section 22**

Subject to Section 23, the succession to the Throne shall be in accordance with the Palace Law on Succession, B.E. 2467.

The Amendment of the Palace Law on Succession, B.E. 2467 shall be the prerogative of the King. At the initiative of the King, the Privy Council shall draft the Palace Law Amendment and shall present it to the King for His consideration. When the King has already approved the draft Palace Law amendment and put His signature thereto, the President of the Privy Council shall notify the President of the National Assembly for informing the National Assembly. The President of the National Assembly shall countersign the Royal Command. The Palace Law Amendment shall come into force upon its publication in the Government Gazette.

During the expiration of the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly in acknowledging the matter under paragraph two.

### **Section 23**

In the case where the Throne becomes vacant and the King has already appointed His Heir to the Throne under the Palace Law on Succession, B.E. 2467, the Council of Ministers shall notify the President of the National Assembly. The President of the National Assembly shall then convoke the National Assembly for the acknowledgement thereof and shall invite such Heir to ascend the Throne and proclaim such Heir King.

In the case where the Throne becomes vacant and the King has not appointed His Heir under paragraph one, the Privy Council shall submit the name of the Successor to the Throne under Section 22 to the Council of Ministers for further submission to the National Assembly for approval. For this purpose, the name of a Princess may be submitted. Upon the approval of the National Assembly, the President of the National Assembly shall invite such Successor to ascend the Throne and proclaim such Successor King.

During the expiration of the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly in acknowledging the matter under paragraph one or in giving an approval under paragraph two.

### **Section 24**

Pending the proclamation of the name of the Heir or the Successor to the Throne under Section 23, the President of the Privy Council shall be Regent pro tempore. In the case where the Throne becomes vacant while the Regent has been appointed under Section 18 or Section 19 or while the President of the Privy Council is acting as the Regent under Section 20 paragraph one, such Regent, as the case may be, shall continue to be the Regent until the proclamation of the name of the Heir or the Successor to ascend the Throne as King.

In the case where the Regent who has been appointed and continues to be the Regent under paragraph one is unable to perform his duties, the President of the Privy Council shall act as Regent pro tempore.

In the case where the President of the Privy Council is the Regent under paragraph one or acts as Regent pro tempore under paragraph two, the provisions of Section 20 paragraph three shall apply.

### **Section 25**

In the case where the Privy Council has to perform its duties under Section 19 or Section 23 paragraph two, or the President of the Privy Council has to perform his duties under Section 20 paragraph one or paragraph two or Section 24 paragraph two, and there is, during that period, no President of the Privy Council or the President of the Privy Council is unable to perform his duties, the remaining Privy Councilors shall elect one among themselves to act as President of the Privy Council or to perform the duties under Section 20 paragraph one or paragraph two or Section 24 paragraph three, as the case may be.

## **CHAPTER III**

### **Rights and Liberties of Thai People**

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#### **Part 1**

#### **General Provisions**

### **Section 26**

In exercising powers of all State authorities, regard shall be had to human dignity, rights and liberties in accordance with the provisions of this Constitution.

### **Section 27**

Rights and liberties recognized by this Constitution explicitly, by implication or by decisions of the Constitutional Court shall be protected and directly binding on the National Assembly, the Council of Ministers, the Courts, the Constitutional organizations and all State organs in enacting, applying and interpreting laws.

### **Section 28**

A person can invoke human dignity or exercise his rights and liberties in so far as it is not in violation of rights and liberties of other persons or contrary to this Constitution or good morals

A person whose rights and liberties recognized by this Constitution are violated can invoke the provisions of this Constitution to bring a lawsuit or to defend himself in the Courts.

A person may bring a lawsuit against the State directly so as to act in compliance with the provisions in this Chapter. If there is a law enforcing the exercise of any right and liberty as recognized by this Constitution, the exercising of that right and liberty shall be in accordance with such law.

A person shall have the right to be enhanced, supported and assisted by the State in exercising of right under this Chapter.

### **Section 29**

The restriction of such rights and liberties as recognized by the Constitution shall not be imposed on a person except by virtue of the law specifically enacted for the purpose determined by this Constitution and only to the extent of necessity and provided that it shall not affect the essential substances of such rights and liberties.

The law under paragraph one shall be of general application and shall not be intended to apply to any particular case or person; provided that the provision of the Constitution authorizing its enactment shall also be mentioned therein.

The provisions of paragraph one and paragraph two shall apply mutatis mutandis to rules or regulations issued by virtue of the law.

## **Part 2 Equality**

### **Section 30**

All persons are equal before the law and shall enjoy equal protection under the law.

Men and women shall enjoy equal rights.

Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted.

Measures determined by the State in order to eliminate obstacle to or to promote persons' ability to exercise their rights and liberties as other persons shall not be deemed as unjust discrimination under paragraph three.

### **Section 31**

Members of the armed forces or the police force, Government officials, other officials of the State and officers or employees of State agencies shall enjoy the same rights and liberties under the Constitution as those enjoyed by other persons, unless such enjoyment is restricted by law or rule issued by virtue of the law specifically enacted in regard to politics, efficiency, disciplines or ethics.

## **Part 3 Rights and Liberties of an Individual**

### **Section 32**

A person shall enjoy the right and liberty in his life and person.

A torture, brutal act or punishment by a cruel or inhumane means shall not be made; provided that punishment under judgments of the Courts or by virtue of the law shall not be deemed the punishment by a cruel or inhumane means under this paragraph.

Arrest and detention of person shall not be made except by order or warrant issued by the Courts or there is a ground as provided by the law.

Search of person or act affecting the right and liberty under paragraph one shall not be made except by virtue of the law.

In the case where there is an act affecting right and liberty under paragraph one, the injured person, public prosecutor or any person acting for the benefit of the injured person shall have the right to bring lawsuit to the Courts so as to stop or nullify such act and to impose appropriate measure to alleviate damage occurred wherefrom.

### **Section 33**

A person shall enjoy the liberty of dwelling.

A person is protected for his peaceful habitation in and for possession of his dwelling.

The entry into a dwelling without consent of its possessor or the search of a dwelling or private place shall not be made except by order or warrant issued by the Courts or there is a ground as provided virtue of the law.

#### **Section 34**

A person shall enjoy the liberty of traveling and the liberty of making the choice of his residence within the Kingdom.

The restriction on such liberties under paragraph one shall not be imposed except by virtue of the law specifically enacted for maintaining the security of the State, public order, public welfare, town and country planning or welfare of youth.

No person of Thai nationality shall be deported or prohibited from entering the Kingdom.

#### **Section 35**

A person's family rights, dignity, reputation and the right of privacy shall be protected.

The assertion or circulation of a statement or picture in any manner whatsoever to the public, which violates or affects a person's family rights, dignity, reputation or the right of privacy, shall not be made except for the case which is beneficial to the public.

Personal data of a person shall be protected from the seeking of unlawful benefit as provided by the law.

#### **Section 36**

A person shall enjoy the liberty of communication by lawful means.

The censorship, detention or disclosure of communication between persons including any other act of disclosing a statement in the communication between persons shall not be made except by virtue of the law specifically enacted for security of the State or maintaining public order or good morals.

#### **Section 37**

A person shall enjoy full liberty to profess a religion, a religious denomination or creed, and observe religious precepts or commandments or exercise a form of worship in accordance with his belief; provided that it is not contrary to his civic duties, public order or good morals.

In exercising the liberty referred to in paragraph one, a person shall be protected from any act of the State, which is derogatory to his rights or detrimental to his due benefits on the grounds of professing a religion, a religious denomination or creed or observing religious precepts or commandments or exercising a form of worship in accordance with his different belief from that of others.

#### **Section 38**

Forced labor shall not be imposed except by virtue of the law specifically enacted for the purpose of averting imminent public calamity or by virtue of the law which provides for its imposition during the time when the country is in a state of war or armed conflict, or when a state of emergency or martial law is declared.

### **Part 4**

#### **Rights in Judicial Process**

#### **Section 39**

No person shall be inflicted with a criminal punishment unless he has committed an act which the law in force at the time of commission provides to be an offence and imposes a punishment therefore, and the punishment to be inflicted on such person shall not be heavier than that provided by the law in force at the time of the commission of the offence.

The suspect or the accused in a criminal case shall be presumed innocent.

Before the passing of a final judgment convicting a person of having committed an offence, such person shall not be treated as a convict.

#### **Section 40**

A person shall have the rights in judicial process as follows:

- (1) right to access to judicial process easily, comfortably, quickly and indiscriminately;
- (2) fundamental rights in judicial process composing of, at least, right to public trial; right to be informed of and to examine into facts and related documents adequately; right to present facts, defenses and evidences in the case; right to object the partial judges; right to be considered by the full bench of judges; and right to be informed of justifications given in the judgment or order;
- (3) right to correct, prompt and fair trial;
- (4) an injured person, alleged offender, plaintiff, defendant or the accused, interested parties, interested person or witness to the case shall have the right to appropriate treatment in judicial process including the right to be investigated correctly, promptly and fairly and not to testify against himself;
- (5) an injured person, alleged offender, the accused and witness to a criminal case shall have the right to necessary and appropriate protection and assistance from State. The gratuity, compensation and expenses to be paid shall be provided by the law;
- (6) every child, youth, woman or aging or disabled person shall have the right to appropriate protection in judicial process and shall have the right to appropriate treatment in the case related to sexual offences;
- (7) an alleged offender and the accused in criminal case shall have the right to correct, prompt and fair investigation or trial with an adequate opportunity in defending his case, the right to examine or to be informed of evidence, right to defend himself through counsel and the right to bail;
- (8) a person shall, in civil action, have the right to appropriate legal assistance from State.

### **Part 5**

#### **Property Right**

#### **Section 41**

The property right of a person is protected. The extent and the restriction of such right shall be in accordance with the provisions of the law.

The succession is protected. The right of succession of a person shall be in accordance with the provisions of the law.

#### **Section 42**

The expropriation of immovable property shall not be made except by virtue of the law specifically enacted for the purpose of public utilities, necessary national defense, exploitation of national resources, town and country planning, promotion and preservation of the quality of the environment, agricultural or industrial development, land reform, conservation of ancient monument and historic sites, or other public interests, and fair compensation shall be paid in due course to the owner thereof as well as to all persons having the rights thereto, who suffer loss by such expropriation, as provided by law.

The amount of compensation under paragraph one shall be fairly assessed with due regard to the normal market price, mode of acquisition, condition and location of the immovable property, loss of the person whose property or right thereto is expropriated, and benefits that the State and the person whose property or right thereto is expropriated may receive from the use of the expropriated property.

The expropriation of immovable property law shall specify the purpose of the expropriation and shall clearly determine the period of time to fulfill that purpose. If the immovable property is not used to fulfill such purpose within such period of time, it shall be returned to the original owner or his heir.

The return of immovable property to the original owner or his heir under paragraph three and the claim of compensation paid shall be in accordance with the provisions of the law.

## **Part 6**

### **Rights and Liberties in Occupation**

#### **Section 43**

A person shall enjoy the liberties to engage in an enterprise or an occupation and to undertake a fair and free competition.

The restriction on such liberties under paragraph one shall not be imposed except by virtue of the law specifically enacted for maintaining the security and safety of State or economy of the country, protecting the public in regard to public utilities, maintaining public order and good morals, regulating the engagement in an occupation, consumer protection, town and country planning, preserving natural resources or the environment, public welfare, preventing monopoly, or eliminating unfair competition.

#### **Section 44**

A person shall enjoy the right to work safety and welfare and to living security irrespective of whether he is employed or unemployed in accordance with the provisions of the law.

## **Part 7**

### **Freedom of Expression of Individual and the Press**

#### **Section 45**

A person shall enjoy the liberty to express his opinion, make speech, write, print, publicize, and make expression by other means.

The restriction on liberty under paragraph one shall not be imposed except by virtue of the law specifically enacted for the purpose of maintaining the security of State, protecting the rights, liberties, dignity, reputation, family or privacy rights of other person, maintaining public order or good morals or preventing or halting the deterioration of the mind or health of the public.

The closure of a newspaper or other mass media business in deprivation of the liberty under this Section shall not be made.

The prevention of a newspaper or other mass media from printing news or expressing their opinions, wholly or partly, or interference in any manner whatsoever in deprivation of the liberty under this Section shall not be made except by the provisions of the law enacted in accordance with the provisions of paragraph two.

The censorship by a competent official of news or articles before their publication in a newspaper or other mass media shall not be made except during the time when the country is in a state of war; provided that it must be made by virtue of the law enacted under the provisions of paragraph two.

The owner of a newspaper or other mass media business shall be a Thai national.

No grant of money or other properties shall be made by State as subsidies to private newspapers or other mass media.

#### **Section 46**

Officials or employees in a private sector undertaking newspaper, radio or television broadcasting businesses or other mass media business shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without mandate of any government agency, State agency, State enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics, and shall enjoy the right to form organization with balancing mechanism among professional organizations so as to protect rights, liberties and fairness.

Government officials, officials or employees of a government agency, State agency or State enterprise engaging in the radio or television broadcasting business or other mass media business enjoy the same liberties as those enjoyed by officials or employees under paragraph one.

Any act done by a person holding political position, State official or the owner of business with a view to obstruct or interfere the presentation of news or an expression of opinions in public issue of the person under paragraph one or paragraph two, irrespective of whether such act has been done directly or indirectly, shall be deemed as willfully misuse of power and take no effect except where such act has been done through the enforcement of law or professional ethics.

#### **Section 47**

Transmission frequencies for radio or television broadcasting and telecommunication are national communication resources for public interest.

There shall be an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by the law.

In carrying out the act under paragraph two, regard shall be had to utmost public benefit at national and local levels in education, culture, State security, other public interests and fair and free competition, including public participation in providing public mass media.

The supervision of the businesses under paragraph two shall constitute measures for the prevention of merger, acquisition or control among the mass media or by other persons which may deteriorate liberties to information of the public or may hinder the public from variety of information.

#### **Section 48**

No person holding a political position shall be the owner of, or hold shares in, newspaper, radio or television broadcasting or telecommunication business, irrespective of whether he so commits in his name, or through his proxy or nominee, or by other direct or indirect means which enable him to administer such business as if he is the owner of, or hold shares in, such business.

### **Part 8**

#### **Rights and Liberties in Education**

#### **Section 49**

A person shall enjoy an equal right to receive education for the duration of not less than twelve years which shall be provided by State thoroughly, up to the quality, and without charge.

The indigent, disabled or handicapped, or destitute person shall enjoy an equal right under paragraph one and shall be supported by State to receive equal education with other persons.

The education and training provided by professional or private organization, alternative education of the public, self-directed learning and lifelong learning shall get appropriate protection and promotion from State.

#### **Section 50**

A person shall enjoy an academic freedom.

Education and training, learning and teaching, research and disseminating of research according to academic principles shall be protected; provided that it is not contrary to his civic duties or good morals.

### **Part 9**

#### **Rights to Public Health Services and Welfare**

#### **Section 51**

A person shall enjoy an equal right to receive standard public health service, and the indigent shall have the right to receive free medical treatment from State's infirmary.

The public health service by the State shall be provided thoroughly and efficiently.

The State shall promptly prevent and eradicate harmful contagious diseases for the public without charge.

#### **Section 52**

Children and youth shall enjoy the right to survive and to receive physical, mental and intellectual development potentially in suitable environment with due regard to their participation.

Children, youth, women and family members shall have the right to be protected by State against violence and unfair treatment and shall have the right to medical treatment or rehabilitation upon the occurrence thereof.

An interference and imposition of rights of children, youth and family members shall not be made except by virtue of the law specially enacted for the maintenance of family institution or utmost benefit of such person.

Children and youth with no guardian shall have the right to receive appropriate care and education from the State.

#### **Section 53**

A person who is over sixty years of age and has insufficient income for living shall have the right to welfare, public facilities and appropriate aids from State.

#### **Section 54**

The disabled or handicapped shall have the right to get access to, and to utilize of, welfare, public facilities and appropriate aids from State.

A person of unsound mind shall have the right to appropriate aids from State.

#### **Section 55**

A person who is homeless and has insufficient income for living shall have the right to appropriate aids from State.

### **Part 10**

#### **Rights to Information and Petition**

## **Section 56**

A person shall have the right to receive and to get access to public information in possession of a government agency, State agency, State enterprise or local government organization, unless the disclosure of such information shall affect the security of State, public safety, interests of other persons which shall be protected, or personal data of other persons as provided by law.

## **Section 57**

A person shall have the right to receive information, explanation and justification from a government agency, State agency, State enterprise or local government organization before permission is given for the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning him or a local community and shall have the right to express his opinions on such matters to the concerned agencies for their consideration.

The State shall organize public consultation thoroughly before the making of social, economic, politic and cultural development plan, the expropriation of immovable property, the making of town and country planning, the determination of land use, and the enactment of rule which may affect material interest of the public.

## **Section 58**

A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties, as provided by law.

## **Section 59**

A person shall have the right to present a petition and to be informed of the result of its consideration within the appropriate time.

## **Section 60**

A person shall have the right to sue a government agency, State agency, State enterprise, local government organization or other State authority which is a juristic person to be liable for an act or omission done by its government official, official or employee.

## **Section 61**

The right of a person who is a consumer to receive actual information shall be protected and a consumer shall have the right to make a complaint for remedy of damage and to amalgamate with another so as to protect consumers' rights.

There shall be an autonomous consumer protection organization which is not a State agency consisting of representatives of consumers for giving opinions to a State agency on the enactment and issuance of laws, rules and regulations and on the determination of various measures for consumer protection, and for examining and making a report on any act or omission related to consumer protection. The State shall provide financial support for an operation of such autonomous organization.

## **Section 62**

A person shall have the right to follow up, and to request for examination of, the performance of duties of a person holding political position, State agency and State officials.

A person who provides information related to the performance of duties of a person holding political position, State agency and State officials to the organization examining the misuse of State power or State agency shall be protected.

## **Part 11**

### **Liberties to Assembly and Association**

### **Section 63**

A person shall enjoy the liberty to assemble peacefully and without arms.

The restriction on such liberty under paragraph one shall not be imposed except by virtue of the law specifically enacted for the purpose of public assembling and for securing public convenience in the use of public places or for the maintenance of public order during the time when the country is in a state of war, or when a state of emergency or martial law is declared.

### **Section 64**

A person shall enjoy the liberty to unite and form an association, a union, a league, a co-operative, a farmer group, a private organization, a non-governmental organization or any other group.

The government officials and State officials shall enjoy the liberty to association as other individual if it is not affect efficiency of State administration and the continuation in providing public services as provided by law.

The restriction on such liberty under paragraph one and paragraph two shall not be imposed except by virtue of the law specifically enacted for preventing common interests of the public, maintaining public order or good morals or preventing economic monopoly.

### **Section 65**

A person shall enjoy the liberty to unite and form a political party for the purpose of making political will of the people and carrying out political activities in fulfillment of such will through the democratic regime of government with the King as Head of State as provided in this Constitution.

The internal organization, management and regulations of a political party shall be consistent with the fundamental principles of the democratic regime of government with the King as Head of State.

Members of the House of Representatives who are members of a political party, members of the Executive Committee of a political party, or members of a political party, of not less than the number prescribed by the organic law on political parties shall, if of the opinion that their political party's resolution or regulation on any matter is contrary to the status and performance of duties of a member of the House of Representatives under this Constitution or contrary to or inconsistent with the fundamental principles of the democratic regime of government with the King as Head of State, have the right to refer it to the Constitutional Court for decision thereon.

In the case where the Constitutional Court decides that such resolution or regulation is contrary to or inconsistent with the fundamental principles of the democratic regime of government with the King as Head of State, such resolution or regulation shall lapse.

## **Part 12**

### **Community Rights**

#### **Section 66**

Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion.

#### **Section 67**

The right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion

and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately.

Any project or activity which may seriously affect the quality of the environment, natural resources and biological diversity shall not be permitted, unless its impacts on the quality of the environment and on health of the people in the communities have been studied and evaluated and consultation with the public and interested parties have been organized, and opinions of an independent organization, consisting of representatives from private environmental and health organizations and from higher education institutions providing studies in the field of environment, natural resources or health, have been obtained prior to the operation of such project or activity.

The right of a community to sue a government agency, State agency, State enterprise, local government organization or other State authority which is a juristic person to perform the duties under this Section shall be protected.

### **Part 13**

#### **Right to Protect the Constitution**

##### **Section 68**

No person shall exercise the rights and liberties prescribed in the Constitution to overthrow the democratic regime of government with the King as Head of State under this Constitution or to acquire the power to rule the country by any means which is not in accordance with the modes provided in this Constitution.

In the case where a person or a political party has committed the act under paragraph one, the person knowing of such act shall have the right to request the Prosecutor General to investigate its facts and submit a motion to the Constitutional Court for ordering cessation of such act without, however, prejudice to the institution of a criminal action against such person.

In the case where the Constitutional Court makes a decision compelling the political party to cease to commit the act under paragraph two, the Constitutional Court may order the dissolution of such political party.

In the case where the Constitutional Court makes the dissolution order under paragraph three, the right to vote of the President and the executive board of directors of the dissolved political party at the time the act under paragraph one has been committed shall be suspended for the period of five years as from the date the Constitutional Court makes such order.

##### **Section 69**

A person shall have the right to resist peacefully an act committed for the acquisition of the power to rule the country by a means which is not in accordance with the modes provided in this Constitution.

### **CHAPTER IV**

#### **Duties of the Thai People**

##### **Section 70**

Every person shall have a duty to uphold the nation, religions, the King and the democratic regime of government with the King as Head of State under this Constitution.

##### **Section 71**

Every person shall have a duty to defend the country, to protect benefits of the nation and to obey the law.

## **Section 72**

Every person shall have a duty to exercise his right to vote at an election.

The person who exercises his right to vote at an election or fails to attend an election for voting without notifying the reasonable cause of such failure shall be entitled to or lose the right as provided by law.

The notification of the cause of failure to attend an election and the provision of facilities for attendance thereat shall be in accordance with the provisions of the law.

## **Section 73**

Every person shall have a duty to serve in armed forces, render assistance in providing public calamity prevention and rehabilitation, pay taxes, render assistance to the official service, receive education and training, protect, preserve and pass on the national arts and culture and local wisdom and conserve natural resources and the environment as provided by law.

## **Section 74**

A Government official, official or employee of a government agency, State agency, State enterprise or local government organization and other State official shall have a duty to act in compliance with the law in order to protect public interests, and provide convenience and services to the public according to the good public governance principle.

In performing the duty and other act relating to the public, the person under paragraph one shall be politically impartial.

In the case where the person under paragraph one neglect or fail to perform the duties under paragraph one or paragraph two, the interested person shall have the right to request the person under paragraph one or his superior to explain reason and request them to act in compliance with the provisions of paragraph one or paragraph two.

## **CHAPTER V**

### **Directive Principles of Fundamental State Policies**

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#### **Part 1**

#### **General Provisions**

## **Section 75**

The provisions of this Chapter are intended to serve as directive principles for legislating and determining policies for the administration of State affairs.

In stating its policies to the National Assembly, the Council of Ministers which will assume the administration of State affairs shall clearly state to the National Assembly the activities and their implementation period intended to be carried out for the administration of State affairs in implementation of the directive principles of fundamental State policies provided in this Chapter and shall prepare and submit to the National Assembly an annual report on the result of the implementation, including problems and obstacles encountered.

## **Section 76**

The Council of Ministers shall prepare a plan for the administration of State affairs stating measures and their details which shall be done for the administration of State affairs in each year and such plan shall be in compliance with the directive principles of fundamental State policies.

For the purpose of State administration, the Council of Ministers shall have the plan to enact laws necessarily to the administration of State affairs.

**Part 2**  
**National Security Policy**

**Section 77**

The State shall protect and uphold the institution of kingship and the independence and integrity of its jurisdictions and shall arrange for the maintenance of necessary and adequate armed forces and ordnances as well as up-to-date technology for the protection and upholding of its independence, sovereignty, security of State, institution of kingship, national interests and the democratic regime of government with the King as Head of State, and for national development.

**Part 3**  
**State Administration Policy**

**Section 78**

The State shall act in compliance with the State administration policy as follows:

- (1) carrying out the administration of State affairs with a view to establish sustainable development of social, economic and security of the nation and strengthening an implementation of the sufficient economy philosophy with due regard to general benefits of the nation materially;
- (2) making powers, duties and responsibilities among the central administration, provincial administration and local administration to be clear and suitable for national development, and supporting a Changwat to set up its development plan and providing financial support for the implementation of such plan for the benefit of the public within that area;
- (3) delegating powers to local governments for the purpose of autonomy and self-determination of local affairs, enhancing local governments to participate and act in compliance with the directive principles of fundamental State policies, develop local economics, public utilities and assistances and information infrastructure in the localities thoroughly and equally throughout the country as well as developing into a large sized local government organization a Changwat ready for such purpose with due regard to the will of the people in that Changwat;
- (4) developing working system of public sector with due regard to the development of quality, merit and ethics of State officials along the line with the improvement of working processes for the efficiency of State administration, and encouraging State agencies to apply the good public governance principle in the performance of their official duties;
- (5) organizing officials work and other works of State with a view to enhance quick, efficiency, transparency and accountability in making or providing public services and with due regard to public consultation;
- (6) preparing a legal agency providing legal opinion related to the performance of the State under the laws and examining draft laws for the State to perform its duties autonomously so as to ensure that the administration of State affairs is in accordance with the rule of law;
- (7) preparing a political development plan and establishing autonomously political development council to monitor an implementation of the plan;
- (8) ensuring the government officials and State officials to have appropriate rights and benefits.

## **Part 4**

### **Religions, Social, Public Health, Education and Culture Policies**

#### **Section 79**

The State shall patronize and protect Buddhism as the religion observed by most Thais for a long period of time and other religions, promote good understanding and harmony among followers of all religions as well as encourage the application of religious principles to create virtue and develop the quality of life.

#### **Section 80**

The State shall act in compliance with the social, public health, education and culture policies as follows:

- (1) protecting and developing child and youth, promoting childhood nourishment and education, promoting the equality between women and men, creating, reinforcing and developing family integrity and the strength of communities, as well as providing aids and welfare to the elderly, the indigent, the disabled or handicapped and the destitute person for their better quality of life and ability to become self-reliance;
- (2) promoting, supporting and developing health system with due regard to the health promotion for sustainable health conditions of the public, providing and promoting standard and efficient public health service thoroughly and encouraging private sector and the communities in participating in health promotion and providing public health service, and the person having duty to provide such service whose act meets the requirements of professional and ethical standards shall be protected as provided by law;
- (3) developing quality and standard in providing education at all levels and forms to be in line with economic and social changes, preparing the national education plan and the law for national education development, providing development of quality of teachers and educational personnel to meet the current changing in the present day world, and instilling awareness of being Thais, disciplines, common interests and a democratic regime of government with the King as Head of the State to learners;
- (4) promoting and supporting the delegation of powers to the local governments, communities, religious organizations and private sector with a view to provide and participate in educational management for the development of educational quality standard equally and to be in line with the fundamental State policy;
- (5) encouraging and supporting the making of researches in various disciplines of arts and sciences and disseminating all research results funded by the State;
- (6) encouraging and instilling the right awareness of national unity and learning, and instilling and making known of arts, tradition and culture of the nation as well as good value and local wisdom.

## **Part 5**

### **Law and Justice Policies**

#### **Section 81**

The State shall act in compliance with the law and justice policies as follows:

- (1) ensuring the compliance with, and the enforcement of, the law to be correct, quick, fair and thorough, enhancing the provision of legal assistances and

- knowledge to the public, providing efficient public service system and other State affairs in relation to the administration of justice with due regard to the participation of the public and the profession organizations, and providing legal aids service to the public;
- (2) protecting rights and liberties of individual from any violation irrespective of whether such violation has been done by a State official or other persons, and providing justice to the public on an equal basis;
  - (3) preparing the law establishing the autonomous law reform organization for the purpose of reforming and developing laws of the nation and revising the existing laws for the compliance with the Constitution, with due regard to opinions given by persons affected by such laws;
  - (4) preparing the law establishing the autonomous organization for reforming the judicial process for improving and developing the performance of all agencies concerned with the judicial process;
  - (5) providing support for the operation of private organizations rendering legal assistance to the public, especially the people who suffers from domestic violence.

## **Part 6**

### **Foreign Policy**

#### **Section 82**

The State shall promote friendly relations with other countries and adopt the principle of non-discrimination and shall comply with human rights conventions in which Thailand is a party thereto as well as international obligations concluded with other countries and international organizations.

The State shall promote trade, investment and tourism with other countries and shall render protection and guardian to benefits of Thais living abroad.

## **Part 7**

### **Economic Policy**

#### **Section 83**

The State shall encourage and support an implementation of the sufficient economy philosophy.

#### **Section 84**

The State shall act in compliance with the economic policy as follows:

- (1) encouraging a free and fair economic system through market mechanism, ensuring the development of economics in sustainable fashion by repealing and refraining from the enactment of laws, rules and regulations controlling business which do not correspond with the economic necessity, and refraining from the engagement in an enterprise in competition with the private sector unless it is necessary for the purpose of maintaining the security of State, preserving common interests, or providing public utilities;
- (2) encouraging entrepreneurs to use merit, ethics and corporate governance principle in carrying out of their businesses;

- (3) preserving monetary and financial disciplines in order to strengthen balance and security of economic and social of the nation, improving tax system to be fair and compatible with the changing of economic and social conditions;
- (4) providing saving system for old age living to the public and State officials thoroughly;
- (5) regulating business activities for free and fair competition, antimonopoly whether direct or indirect monopoly, and consumer protection;
- (6) implementing fair distribution of incomes, and protecting, enhancing and extending the occasion to occupation of the public for economic development as well as promoting and supporting the development of local wisdom and Thai wisdom for the manufacturing of goods and providing of services and for use in occupation;
- (7) promoting people of working age to obtain employment, protecting child and woman labor, providing the system of labor relations and tripartite which entitling labors to elect their representatives, providing social security and ensuring labors working at equal value to obtain wages, benefits and welfares upon fair and indiscriminate basis;
- (8) protecting and maintaining the interests of farmers in manufacturing and marketing, ensuring maximize profits of the farm products, encouraging an association of farmers in the form of farmer council having with a view to agricultural planning and the protection of their mutual interests;
- (9) promoting, encouraging and protecting the autonomous cooperative system and the occupation or profession body as well as the association of the public to carry out economic activities;
- (10) providing infrastructures necessarily for the living of people with a view to maintain economic security of State and preventing private sector from monopolizing such infrastructures that may be harmful to the State;
- (11) refraining from doing any act which may give rise to the transfer of ownership of the fundamental structure or network of infrastructures necessarily for the living of people or for national security to private sector or to the decrease of shares or capital held or invested by the State lower than fifty per cent;
- (12) encouraging and supporting the merchant marine and rail transportation, and carrying out the domestic and international logistics management system;
- (13) encouraging and strengthening the private sector organizations, both national and local level;
- (14) encouraging agricultural products transformation industry with a view to increase value added thereto.

## **Part 8**

### **Land Use, Natural Resources and Environment Policies**

#### **Section 85**

The State shall act in compliance with the land use, natural resources and environment policies as follows:

- (1) preparing and applying the rule on the use of land through out the country with due regard to the compliance with environmental condition, nature of land and water and the way of life of local communities, the efficient measures for preservation of natural resources, the sustainable standard for land use and

- opinion of the people in the area who may be affected by the rule on the use of land;
- (2) distributing the right to hold land fairly, enabling farmers to be entitled to the ownership or the right in land for agriculture thoroughly by means of land reform or by other means, and providing water resources for the distribution of water to farmers for use in agriculture adequately and appropriately;
  - (3) preparing town and country planning, and developing and carrying out the plan effectively and efficiently for the purpose of sustainable preservation of natural resources;
  - (4) preparing systematic management plan for water and other natural resources for the common interests of the nation, and encouraging the public to participate in the preservation, conservation and exploitation of natural resources and biological diversity appropriately;
  - (5) conducting the promotion, conservation and protection of the quality of the environment under the sustainable development principle, and controlling and eliminate pollution which may affect health and sanitary, welfare and quality of life of the public by encouraging the public, the local communities and the local governments to have participation in the determination of the measures.

## **Part 9**

### **Science, Intellectual Properties and Energy Policies**

#### **Section 86**

The State shall act in compliance with the science, intellectual properties and energy policies as follows:

- (1) enhancing the development of science, technology and innovation in all aspects by enacting specific law in so doing, preparing budget for studying and making of researches, establishing institution for research and development, encouraging the use of results emerging from researches and development, the efficient transfer of technology and the appropriate development of researchers, and disseminating science and modern technology knowledge to the public and encouraging the public to apply science into their living;
- (2) supporting an invention or excogitation for new wisdom, preserving and developing local wisdom and Thai wisdom, and protecting intellectual properties;
- (3) promoting and supporting continuously and systematically of the research, the development and the use of natural alternative energy which is beneficial to the environment.

## **Part 10**

### **Public Participation Policy**

#### **Section 87**

The State shall act in compliance with the public participation policy as follows:

- (1) encouraging public participation in the determination of public policy and the making of economic and social development plan both in the national and local level;

- (2) encouraging and supporting public participation to make decision on politics and the making of economic and social development plan and the provision of public services;
- (3) encouraging and supporting public participation in the examination of the exercise of State power at all levels in the form of profession or occupation organization or other forms;
- (4) strengthening the politics power of the public, and preparing the laws establishing civil politics development fund for facilitating the communities to organize public activities and for supporting networks of the groups of people to express opinion and requirements of the communities in the localities;
- (5) supporting and providing education to the public related to the development of politics and public administration under the democratic regime of government with the King as Head of State, and encouraging the public to exercise their rights to vote honestly and uprightly.

In providing public participation under this Section, regard shall be had to approximate proportion between women and men.

## **CHAPTER VI**

### **The National Assembly**

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#### **Part 1**

#### **General Provisions**

#### **Section 88**

The National Assembly consists of the House of Representatives and the Senate.

Joint or separate sittings of the National Assembly shall be in accordance with the provisions of this Constitution.

No person shall be a member of the House of Representatives and a senator simultaneously.

#### **Section 89**

The President of the House of Representatives is President of the National Assembly. The President of the Senate is Vice-President of the National Assembly.

In the case where there is no President of the House of Representatives, or the President of the House of Representatives is not present or is unable to perform his duties, the President of the Senate shall act as President of the National Assembly in his place.

The President of the National Assembly shall have the powers and duties as provided in this Constitution and shall conduct the proceedings of the National Assembly at joint sittings in accordance with the rules of procedure.

The President of the National Assembly and the person who acts as President of the National Assembly in his place shall be impartial in the performance of duties.

The Vice-President of the National Assembly shall have the powers and duties as provided in this Constitution and as entrusted by the President of the National Assembly.

#### **Section 90**

An organic law bill and a bill may be enacted as law only by and with the advice and consent of the National Assembly and when the King's signature has been given or deemed

to be given thereto; it shall come into force upon its publication in the Government Gazette.

### **Section 91**

Members of the House of Representatives or senators of not less than one-tenth of the total number of the existing members of each House shall have the right to lodge with the President of the House of which they are members a complaint asserting that the membership of any member of such House has terminated under Section 106 (3), (4), (5), (6), (7), (8), (10), or (11) or Section 119 (3), (4), (5), (7), or (8), as the case may be, and the President of the House with whom the complaint is lodged shall refer it to the Constitutional Court for decision as to whether the membership of such person has terminated.

When the Constitutional Court has made a decision, it shall notify the President of the House with which the complaint is lodged under paragraph one of such decision.

In the case where the Election Commission is of opinion that the membership of a member of the House of Representatives or a senator has terminated under paragraph one, it shall refer this matter to the President of the House which such person is a member and the President of that House shall then refer it to the Constitutional Court for decision under paragraph one and paragraph two.

### **Section 92**

The vacation of the office of a member of the House of Representatives or a senator after the day on which his membership terminates or the day on which the Constitutional Court decides that the membership of any member terminates does not affect any act done by such member in the capacity as member including the receipt of emolument or other benefits by such member before he vacates office or the President of the House of which such person is a member has been notified of the decision of the Constitutional Court, as the case may be, except that in the case of vacation of the office on the ground of his being elected or selected in violation of the organic law on election of members of the House of Representatives and acquisition of senators, emolument and other benefits received from being in office shall be returned.

## **Part 2**

### **The House of Representatives**

### **Section 93**

The House of Representatives consists of four hundred and eighty members, four hundred of whom are from the election on a constituency basis and eighty of whom are from the election on a proportional basis.

The election of member of the House of Representatives shall be by direct suffrage and secret ballot, and the ballot to be used in an election shall be varied upon the election basis.

The rules and procedure for the election of members of the House of Representatives shall be in accordance with the organic law on election of members of the House of Representatives and acquisition of senators.

In the case where the office of a member of the House of Representatives becomes vacant for any reason and an election of a member of the House of Representatives has not been held to fill the vacancy, the House of Representatives shall consist of the existing members of the House.

Subject to Section 109 (2), in the case where there occurs, during the term of the House of Representatives, any cause resulting in the members elected from the election on a

proportional basis being less than eighty in number, such members shall consist of the existing members.

In the case where there occurs, during the general election, any cause resulting in the members of the House of Representatives elected from the election being less than four hundred and eighty in number but not less than ninety-five per cent of the total number of members of the House of Representatives, such members is deemed to constitute the House of Representatives. In this case, the acquisition for the fulfillment of the total number of members of the House of Representatives shall be completed within one hundred and eighty days and the new coming members shall hold office for the remaining term of the House of Representatives.

#### **Section 94**

In the election of members of the House of Representatives on a constituency basis, the person having the right to vote shall cast ballot for the equal number of members of the House in each constituency.

The determination of the number of members of the House of Representatives in each constituency and the determination of constituencies shall be as follows:

- (1) the determination of the ratio of the number of inhabitants to one member shall be made by reference to the division of such number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election by the number of four hundred members of the House of Representatives;
- (2) any Changwat with inhabitants below the number of inhabitants per one member under (1) shall have one member of the House of Representative. Any Changwat with more inhabitants than the number of inhabitants per one member shall have an additional member of the House of Representatives for every such number of inhabitants as representing the number of inhabitants per one member;
- (3) upon the number of members of the House of Representatives of each Changwat being obtained under (2), if the number of members of the House of Representatives is still less than four hundred, any Changwat with the largest fraction remaining from the determination under (2) shall have an additional member of the House of Representatives and the addition of the members of the House of Representatives in accordance with such procedure shall be made to other Changwat in respective order of fractions remaining from the determination under (2) until the number of four hundred is obtained;
- (4) in a Changwat where the number of members of the House of Representatives to be elected is not more than three, the area of that Changwat shall be regarded as the constituency and in a Changwat where the number of members of the House of Representatives is more than three, the area of such Changwat shall be divided into constituencies and, for this purpose, each constituency shall have three members of the House of Representatives;
- (5) in a Changwat which is divided into many constituencies, if there is unable to have three members of the House of Representatives in all constituencies, the area of such Changwat shall be firstly divided into the constituency with three members of the House of Representatives and the rest constituencies shall have not less than two members of the House of Representatives and in a Changwat where the number of members of the House of Representatives to be elected is four, the area of such Changwat shall be divided into two constituencies and each constituency shall have two members of the House of Representatives;
- (6) in a Changwat which is divided into more constituencies than one, the boundary of each constituency shall be adjoining and the number of inhabitants in each constituency must be closely apportioned.

The counting of votes shall be conducted at the polling station and the result of the vote-counting shall be reported to the constituency for calculation of total votes-counting in that constituency and the result of the total vote-counting shall be announced publicly at any single place in that constituency as designated by the Election Commission, except that in the case where necessity arises in a particular locality, the Election Commission may otherwise prescribe the counting of votes, the calculation of total vote-counting and the announcement of the result of the total vote-counting in accordance with the organic law on election of members of the House of Representatives and acquisition of senators.

### **Section 95**

An election of members of the House of Representatives on a proportional basis is an election for members of the House of Representatives from the lists of candidates prepared by political parties whereby the person having the right to vote in each constituency shall cast ballot for one political party preparing the list of candidates for such constituency.

A political party may submit the lists of candidates for the election on proportional basis for some or all constituencies.

In the case where there occurs to the submitted list of candidates for the election on proportional basis of a political party, whether on or before an election day, any cause resulting in the remaining candidates being less than the number of candidates as specified in the submitted list, the remaining candidates are deemed to be candidates of such political party and, in this case, it shall be deemed that the House of Representatives consists of the remaining members.

### **Section 96**

The determination of the constituencies for the election of the members of the House of Representatives on a proportional basis shall be as follows:

- (1) the country shall be divided into eight groups of Changwat and each group of Changwat shall be regarded as one constituency having ten members of the House of Representatives;
- (2) in grouping of Changwat, the boundary of each Changwat in each group shall be adjoining and the number of inhabitants in each group must be closely apportioned by reference to the division of such number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election and the whole area of each Changwat shall be in on constituency.

### **Section 97**

The preparation of the lists of candidates prepared by a political party for the election of the members of the House of Representatives on a proportional basis shall be as follows:

- (1) the lists of candidates for each constituency shall consist of candidates in equal number of members of the House of Representatives to be elected on a proportional basis in each constituency and placed in numerical order and shall be submitted to the Election Commission before the date an application for candidacy in an election on the constituency basis commences;
- (2) candidates under (1) shall not be candidates in an election both on the constituency basis and on proportional basis of any political party and, in preparing the list of candidates, regard shall be had to opportunity and approximate proportion between women and men.

### **Section 98**

The determination of the proportion of candidates in the list of candidates of each political party as being elected in each constituency shall be conducted by accumulating the votes received by each political party in each constituency as basis for reckoning the proportion of candidates to be elected of each political party which shall be reflected to the result of the accumulation of the votes as aforesaid, the votes received by each political party and

the numbers of members of the House of Representatives to be elected on a proportional basis in such constituency. The candidates named in the list of candidates of each political party shall be regarded as being elected in accordance with the result of reckoning by numerical order as specified the list of candidates of each political party under the rules and procedure as prescribed in the organic law on election of members of the House of Representatives and acquisition of senators.

The provisions of Section 94 paragraph three shall apply mutatis mutandis to the counting of votes for the election of members of the House of Representatives on a proportional basis, provided that the Election Commission prescribes to conduct the preliminary calculation of total vote-counting at Changwat.

### **Section 99**

A person having the following qualifications has the right to vote at an election:

- (1) being of Thai nationality; provided that a person who has acquired Thai nationality by naturalization must hold the Thai nationality for not less than five years;
- (2) being not less than eighteen years of age on 1st January of the year of the election; and
- (3) having his name appear on the house register in the constituency for not less than ninety days up to the election day.

A voter who has a residence outside the constituency within which his appear in the house register, or who has his name appear in the house register in the constituency for the period of less than ninety days up to the date of the election, or who has a residence outside the Kingdom of Thailand shall have the right to cast ballot in an election in accordance with rules, procedure and conditions provided by the organic law on election of members of the House of Representatives and acquisition of senators.

### **Section 100**

A person under any of the following prohibitions on the election day is disfranchised:

- (1) being a Buddhist priest, novice, monk or clergy;
- (2) being under suspension of the right to vote;
- (3) being detained by a warrant of the Court or by a lawful order;
- (4) being of unsound mind or of mental infirmity.

### **Section 101**

A person having the following qualifications has the right to be a candidate in an election of members of the House of Representatives:

- (1) being of Thai nationality by birth;
- (2) being not less than twenty five years of age on the election day;
- (3) being a member of any and only one political party for a consecutive period of not less than ninety days up to the date of applying for candidacy in an election, or being a member of any and only one political party for a consecutive period of not less than thirty days up to the date of applying for candidacy in an election in the case where the general election is conducted on account of the dissolution of the House of Representatives;
- (4) a candidate in an election on a constituency basis shall also possess any of the following qualifications:
  - (a) having his name appear in the house register in Changwat where he stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;

- (b) being born in Changwat where he stands for election;
  - (c) having studied in an education institution situated in Changwat where he stands for election for a consecutive period of not less than five academic years;
  - (d) having served in the official service or having had his name appear in the house register in Changwat where he stands for election for a consecutive period of not less than five years;
- (5) a candidate in an election on a proportional basis shall also possess any of the qualifications under (4) but the reference to Changwat therein shall mean a group of Changwat;
- (6) other qualifications as prescribed in the organic law on election of members of the House of Representatives and acquisition of senators.

### **Section 102**

A person under any of the following prohibitions shall have no right to be a candidate in an election of members of the House of Representatives:

- (1) being addicted to narcotics;
- (2) being bankrupt or having been dishonestly bankrupt;
- (3) being disfranchised under Section 100 (1), (2) or (4);
- (4) having been sentenced by a judgment to imprisonment and being detained by a warrant of the Court;
- (5) having been discharged for a period of less than five years on the election day after being sentenced by a judgment to imprisonment except for an offence committed through negligence;
- (6) having been expelled, dismissed or removed from the official service, a State agency or a State enterprise on the ground of dishonest performance of duties or corruption;
- (7) having been ordered by a judgment or an order of the Court that his assets shall vest in the State on the ground of unusual wealth or an unusual increase of his assets;
- (8) being a government official holding a permanent position or receiving salary except a political official;
- (9) being a member of a local assembly or a local administrator;
- (10) being a senator or having been a senator who vacates office for a period of less than two years;
- (11) being an official or employee of a government agency, State agency or State enterprise or other State official;
- (12) being a judge of the Constitutional Court, an Election Commissioner, an Ombudsman, a member of the State Audit Commission or a member of the National Human Right Commission;
- (13) being under the prohibition from holding a political position under Section 263;
- (14) having been removed from office by the resolution of the Senate under Section 274.

### **Section 103**

A political party presenting its members as candidates in the election in any constituency shall present its members as candidates in an equal amount to the number of members of the House of Representatives in such constituency.

In the case where there occurs, after presenting the complete number of candidates as required in paragraph one, any cause resulting in the remaining candidates being less than the required number, it shall be deemed that such political party has presented the complete number of candidates.

After presenting its members as candidates in the election, neither a political party nor a candidate shall revoke such presentation or alter the candidates.

#### **Section 104**

The term of the House of Representatives is four years from the election day.

During the term of the House of Representatives, the amalgamation of the political parties having their members as members of the House of Representatives shall not be made.

#### **Section 105**

Membership of the House of Representatives commences on the election day.

#### **Section 106**

Membership of the House of Representatives terminates upon:

- (1) expiration of the term or dissolution of the House of Representatives;
- (2) death;
- (3) resignation;
- (4) being disqualified under Section 101;
- (5) being under any prohibition under Section 102;
- (6) acting in contravention of any prohibition under Section 265 or Section 266;
- (7) resignation from membership of his political party or his political party passing a resolution, with the votes of not less than three-fourths of the joint meeting of the Executive Committee of that political party and members of the House of Representatives belonging to that political party, terminating his membership of the political party. In such cases, his membership shall be deemed to have terminated as from the date of the resignation or the resolution of the political party except where such member of the House of Representatives appeals to the Constitutional Court within thirty days as from the date of the resolution of the political party for raising an objection that such resolution is of such nature as specified in Section 65 paragraph three. If the Constitutional Court decides that the said resolution is not of the nature as specified in Section 65 paragraph three, his membership shall be deemed to have terminated as from the date of the decision of the Constitutional Court. If the Constitutional Court decides that the said resolution is of such nature as specified in Section 65 paragraph three, that member of the House of Representatives may become a member of another political party within thirty days as from the date of the decision of the Constitutional Court;
- (8) loss of membership of the political party in the case where the political party of which he is a member is dissolved by an order of the Constitutional Court and he is unable to become a member of another political party within sixty days as from the date on which the Constitutional Court issues its order. In such case, his membership shall be deemed to have terminated as from the day following the date on which such period of sixty days has elapsed;
- (9) the Senate passing a resolution under Section 274 removing him from office or the Constitutional Court having a decision terminating his membership under Section 91. In such cases, his membership shall be deemed to have terminated as from the date on which the Senate passes a resolution or the Constitutional Court has a decision, as the case may be;

- (10) having been absent for more than one-fourth of the number of days in a session the length of which is not less than one hundred and twenty days without permission of the President of the House of Representatives;
- (11) being sentenced by a judgment to imprisonment notwithstanding the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or a defamation offense.

### **Section 107**

Upon the expiration of the term of the House of Representatives, the King will issue a Royal Decree calling for a general election of members of the House of Representatives in which the election day must be fixed within forty five days as from the date of the expiration of the term of the House of Representatives and the election day must be the same throughout the Kingdom.

### **Section 108**

The King has the prerogative to dissolve the House of Representatives for a new election of members of the House.

The dissolution of the House of Representatives shall be made in the form of a Royal Decree in which the day for a new general election must be fixed for not less than forty-five days but not more than sixty days as from the day the House of Representatives has been dissolved and such election day must be the same throughout the Kingdom.

The dissolution of the House of Representatives may be made only once under the same circumstance.

### **Section 109**

When the office of member of the House of Representatives becomes vacant for any reason other than the expiration of the term or the dissolution of the House of Representatives, the following actions shall be taken:

- (1) in the case where the vacancy is that of the office of a member of the House of Representatives elected from the election on a constituency basis, an election of a member of the House of Representatives to fill the vacancy shall be held within forty-five days as from the date of the vacancy unless the remainder of the term of the House of Representatives is less than one hundred and eighty days.
- (2) in the case where the vacancy is that of the office of a member of the House of Representatives elected from the election on a proportional basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, elevate the person whose name in the list of that political party is placed in the next order to be a replacing member of the House of Representatives, except where there is no person to be elevated and, in such case, the House of Representatives consists of the remaining members;

Membership of the replacing member of the House of Representatives under (1) shall commence as from the day on which the election to fill the vacancy is held, while membership of the replacing member of the House of Representatives under (2) shall commence as from the day following the date of the publication of the name of the replacing member in the Government Gazette. The replacing member of the House of Representatives may serve only for the remainder of the term of the House.

### **Section 110**

After the Council of Ministers has assumed the administration of State affairs, the King will appoint as Leader of the Opposition in the House of Representatives a member of the House who is the leader of the political party having its members holding no ministerial positions and having the largest number of members among the political parties having their members holding no ministerial positions, provided that such number must not be

less than one-fifth of the total number of members of the House of Representatives at the time of the appointment.

In the case where no political party in the House of Representatives has the description as prescribed under paragraph one, the leader of the political party, who receives a majority of supporting votes from the members of the House who belong to the political parties having their members holding no ministerial positions, shall be the Leader of the Opposition in the House. In case of an equality of supporting votes, it shall be decided by lot.

The President of the House of Representatives shall countersign the Royal Command appointing the Leader of the Opposition in the House of Representatives.

The Leader of the Opposition in the House of Representatives shall vacate office upon being disqualified as specified in paragraph one or paragraph two, and Section 124 paragraph four shall apply mutatis mutandis, and in such case, the King will appoint a new Leader of the Opposition in the House of Representatives to fill the vacancy.

### **Part 3**

#### **The Senate**

##### **Section 111**

The Senate consists of one hundred and fifty members acquired upon the basis of election in each Changwat, one elected senator for each Changwat, and upon the selection basis in an amount equal to the total number of senators deducted by the number of senators from the election basis.

In the case where the number of Changwat is increased or decreased during the term of office of the senators whom acquired by the election basis, the Senate shall be regarded as consisting of the existing senators.

Upon the vacancy of a senator by whatever reasons and the election or selection for the fulfillment of the vacancy has not yet conducted, as the case may be, the Senate shall be regarded as consisting of the remaining senators.

In the case where there occurs any cause resulting in the number of senators being less than the total number of the senators under paragraph one but not less than ninety-five per cent of the total number of senators, such senators is deemed to constitute the Senate. In this case, the election or selection for the fulfillment of the total number of senators under paragraph one shall be completed within one hundred and eighty days as from the date the aforesaid situation has occurred and the new coming senator shall hold office for the remaining term of the Senate.

##### **Section 112**

In an election of senators, the area of Changwat shall be regarded as one constituency and the number of senator for each Changwat is one. The person having the right to vote at an election of senators may cast ballot, at the election, for one candidate and the election shall be by direct suffrage and secret ballot.

For the purpose of the election of senators, the campaign to be launched by the candidates in the election is limited to the matters related to the performance of duties of the Senate.

The rules, procedure and conditions for the election of, and the launching of election campaign of candidates for, senators shall be in accordance with the organic law on election of members of the House of Representatives and acquisition of senators.

##### **Section 113**

There shall be the Senators Selective Committee consisting of the President of the Constitutional Court, the Chairperson of the Election Commission, the President of the

Ombudsmen, the Chairperson of the National Counter Corruption Commission, the Chairperson of the State Audit Commission, a judge of the Supreme Court of Justice holding the position of not lower than judge of the Supreme Court of Justice as entrusted by the general meeting of the Supreme Court of Justice and a judge of the Supreme Administrative Court as entrusted by the general meeting of the Supreme Administrative Court, having a duty to select persons under Section 114 within thirty days as from the date of receiving the list of candidates from the Election Commission and to notify the selection result to the Election Commission for publication of the persons selected as senators.

Members of the Committee under paragraph one shall select one among themselves to be the Chairperson of the Committee.

In the absent of any member or a member is unable to perform his duty and the remaining members are not less than one-half of the total number of members, the Senators Selective Committee shall consist of the remaining members.

#### **Section 114**

The Senators Selection Committee shall carry out the selection process for persons who may be beneficial to the performance of powers and duties of the Senate from persons nominated by academic institutions, public sector, private sector, professional organizations and other organizations to be senators in an amount as prescribed in Section 111 paragraph one.

In selection of person under paragraph one, regard shall be had to knowledge, skills or experience of the nominated persons which will be beneficial to the performance of the Senate, and the composition of the selected persons shall be regarded to interdisciplinary knowledge and experience, genders opportunity and equality, closely apportion of the persons nominated by the organizations under paragraph one and opportunity of social vulnerable groups.

The rules, procedure and conditions for the selection of senators shall be in accordance with the organic law on election of members of the House of Representatives and acquisition of senators.

#### **Section 115**

A person having the qualifications and having no any of the prohibitions as mentioned below has the right to be a candidate in an election or selection of senators:

- (1) being of Thai nationality by birth;
- (2) being of not less than forty years of age on the election day or the date of nomination;
- (3) having graduated with not lower than a Bachelor's degree or its equivalent;
- (4) a candidate in an election of senators shall also possess any of the following qualifications:
  - (a) having his name appear on the house register in Changwat where he stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;
  - (b) being born in Changwat where he stands for election;
  - (c) having studied in an education institution situated in Changwat where he stands for election for a consecutive period of not less than five academic years;
  - (d) having served in the official service or having had his name appear in the house register in Changwat where he stands for election for a consecutive period of not less than five years;

- (5) not being ascendants, spouse or child of a member of the House of Representatives or a person holding a political position;
- (6) not being a member or a person holding any position in a political party, or having been a member or having been holding a position in a political party and his membership has terminated or he vacates office in a political party for a period of not more than five years on the date of applying for candidacy or the date of nomination;
- (7) being disfranchised under Section 102 (1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13) or (14);
- (8) not being a Minister or a person holding a political position other than a member of a local assembly or a local administrator or vacating office for a period of not more than five years.

### **Section 116**

A senator shall not be a Minister or a person holding any political position or a person holding position in the independent constitutional organization.

The person having held office of senator with membership having terminated for not more than two years shall not be a Minister or a person holding any political position.

### **Section 117**

Membership of the senators acquired on the election basis commences on the election day and membership of the senators acquired on the selection basis commences on the day the Election Commission publishes the result of the selection.

The term of membership of the senates is six years as from the election day or the day the Election Commission publishes the result of the selection, as the case may be, and no senator shall hold office more than one term.

At the end of the term of office, the senators vacating office shall remain in office to continue their duties until the acquisition of the new senators.

### **Section 118**

Upon the expiration of membership of the senators acquired on the election basis, the King will issue a Royal Decree calling for a new general election of senators in which the election day must be fixed within thirty days as from the date of the expiration of membership of the senator acquired on the election basis and the election day must be the same throughout the Kingdom.

Upon the expiration of membership of the senators acquired on the selection basis, the Senators Selection Committee shall announce the commencing and period for selection process which shall complete within sixty days as from the date of the expiration of membership of the senator acquired on the selection basis.

### **Section 119**

Membership of the Senate terminates upon:

- (1) expiration of membership;
- (2) death;
- (3) resignation;
- (4) being disqualified under Section 115;
- (5) acting in contravention of any of the prohibitions under Section 116, Section 265 or Section 266;
- (6) the Senate passing a resolution under Section 274 removing him from office or the Constitutional Court having a decision terminating his membership under Section 91 or the Supreme Court having a decision under Section 239

- paragraph two or Section 240 paragraph three; in such cases, his membership shall be deemed to have terminated as from the date of the resolution of the Senate or the decision of the Court, as the case may be;
- (7) having been absent for more than one-fourth of the number of days in a session the length of which is not less than one hundred and twenty days without permission of the President of the Senate;
  - (8) being sentenced by a judgment to imprisonment notwithstanding the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or a defamation offense.

### **Section 120**

When the office of a senator becomes vacant under Section 119, the provisions of Section 112, Section 113, Section 114 and Section 118 shall apply mutatis mutandis to the election or selection of a senator, as the case may be, and the replacing senator shall remain in office for the un-expired term of office of the member he replaces. In the case where the term of office of a senator who vacates office is less than one hundred and eighty days, the election or selection may be omitted.

### **Section 121**

In considering the selection of a person to hold any position under this Constitution, the Senate shall appoint a committee for examining past records, behaviors and ethics of the person nominated for holding such position as well as gathering necessary facts and evidences to be reported to the Senate for its further consideration.

The proceeding of the committee under paragraph one shall be in accordance with the rules of procedure of the Senate.

## **Part 4**

### **Provisions Applicable to both Houses**

### **Section 122**

Members of the House of Representatives and senators are representatives of the Thai people and free from any mandate, commitment or control, and shall honestly perform the duties for the common interests of the Thai people without conflict of interest.

### **Section 123**

Before taking office, a member of the House of Representatives and a senator shall make a solemn declaration at a sitting of the House of which he is a member in the following words:

"I, (name of the declarer), do solemnly declare that I shall perform my duties in accordance with the honest dictates of my conscience for the common interests of the Thai people. I shall also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

### **Section 124**

The House of Representatives and the Senate shall each have one President and one or two Vice-Presidents who are appointed by the King from the members of such House in accordance with its resolution.

The President and the Vice-Presidents of the House of Representatives hold office until the expiration of the term or the dissolution of the House.

The President and the Vice-Presidents of the Senate hold office until the day preceding the date of the election the new President and Vice-Presidents.

The President and the Vice-Presidents of the House of Representatives and the President and the Vice-Presidents of the Senate vacate office before the expiration of the term of office under paragraph one or paragraph two, as the case may be, upon:

- (1) loss of membership of the House of which he is a member;
- (2) resignation;
- (3) holding a position of Prime Minister, Minister or other political official;
- (4) being sentenced by a judgment to imprisonment notwithstanding the case is not come to an end or the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or a defamation offense.

While being in office, the President and the Vice-Presidents of the House of Representatives shall not be members of the Executive Committee of a political party or members of a political party simultaneously.

### **Section 125**

The President of the House of Representatives and the President of the Senate shall have the powers and duties to carry out the business of each House in accordance with its rules of procedure. The Vice-presidents have the powers and duties as entrusted by the President and act on behalf of the President when the President is not present or unable to perform his duties.

The President of the House of Representatives, the President of the Senate and the persons who act on behalf of the President shall be impartial in the performance of duties.

When the President and the Vice-Presidents of the House of Representatives or the President and the Vice-Presidents of the Senate are not present at any sitting, the members of each House shall elect one among themselves to preside over such sitting.

### **Section 126**

At a sitting of the House of Representatives or the Senate, the presence of not less than one-half of the total number of the existing members of each House is required to constitute a quorum, except that in the case of considering the agenda on interpellation under Section 156 and Section 157, the House of Representatives and the Senate may otherwise prescribe a quorum in the rules of procedure.

A resolution on any issue shall be made by a majority of votes, unless it is otherwise provided in this Constitution.

In casting a vote, each member has one vote. In case of an equality of votes, the presiding member shall have an additional vote as a casting vote.

The President of the National Assembly, the President of the House of Representatives and the President of the Senate shall cause the voting of each member to be recorded and disclose such record in a place where the public entry for its inspection is possible, except for the case of the voting by secret ballot.

The casting of votes to elect or give approval to a person for holding office shall be secret, unless otherwise provided in this Constitution, and members shall have autonomy and shall not be bound by resolutions of their political parties or any other mandate.

### **Section 127**

The National Assembly shall, within thirty days as from the date of the election of members of the House of Representatives, be summoned for the first sitting.

Each year, there shall be a general ordinary session and a legislative ordinary session.

The day on which the first sitting under paragraph one is held shall be considered as the first day of the general ordinary session, and the first day of the legislative ordinary session shall be fixed by the House of Representatives. In the case where the first sitting

under in paragraph one has less than one hundred and fifty days up to the end of a calendar year, the legislative ordinary session may be omitted in that year.

During the legislative ordinary session, the National Assembly shall hold a sitting only in such cases as prescribed in Chapter 2 or in cases of the consideration of bills or organic law bills, the approval of an Emergency Decree, the approval of the declaration of war, the hearing and approval of a treaty, the election or approval of a person for holding office, the removal of a person from office, the interpellation and the amendment of the Constitution, unless the National Assembly has passed a resolution, by the votes of more than one-half of the total number of the existing members of both Houses, for considering other matters.

An ordinary session of the National Assembly shall last one hundred and twenty days but the King may prolong it.

An ordinary session may be prorogued before the end of one hundred and twenty days only with the approval of the National Assembly.

### **Section 128**

The King convokes the National Assembly, opens and prorogues its session.

The King may be present to perform the opening ceremony of the first general ordinary session under Section 127 paragraph one or may command the Heir to the Throne who is sui juris or any person to perform the ceremony as His Representative.

When it is necessary for the interests of State, the King may convoke an extraordinary session of the National Assembly.

Subject to Section 129, the convocation, the prolongation of session and the prorogation of the National Assembly shall be made by a Royal Decree.

### **Section 129**

Members of both Houses or members of the House of Representatives of not less than one-third of the total number of the existing members of both Houses have the right to present their petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly.

The petition referred to in paragraph one shall be lodged with the President of the National Assembly.

The President of the National Assembly shall present the petition to the King and countersign the Royal Command.

### **Section 130**

At a sitting of the House of Representatives or the Senate or at a joint sitting of the National Assembly, words expressed in giving statements of fact or opinions or in casting the vote by any member are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such member.

The privilege under paragraph one does not extend to a member who expresses words at a sitting which is broadcast through radio or television if such words appear out of the precinct of the National Assembly and the expression of such words constitutes a criminal offence or a wrongful act against any other person, who is not a Minister or member of that House.

In the case of paragraph two, if the words expressed by the member cause damage to other person who is not a Minister or member of that House, the President of that House shall cause explanations to be published as requested by that person in accordance with procedure and within such period of time as prescribed in the rules of procedure of that House, without prejudice to the right of such person to bring the case before the Court.

The privilege provided in this Section extends to printers and publishers of the minutes of sittings in accordance with the rules of procedure of the House of Representatives, the Senate or the National Assembly, as the case may be, and to persons permitted by the

presiding member to give statements of fact or opinions at such sitting as well as to persons who broadcasts the sitting through radio or television with the permission of the President of such House *mutatis mutandis*.

### **Section 131**

No member of the House of Representatives or senator shall, during a session, be arrested, detained or summoned by a warrant for inquiry as the suspect in a criminal case unless permission of the House of which he is a member is obtained or he is arrested in *flagrante delicto*.

In the case where a member of the House of Representatives or a senator has been arrested in *flagrante delicto*, it shall be forthwith reported to the President of the House of which he is a member and such President may order the release of the person so arrested.

In the case where a criminal charge is brought against a member of the House of Representatives or a senator, whether the House is in session or not, the Court shall not try the case during a session, unless permission of the House of which he is a member is obtained or it is a case concerning the organic law on election of members of the House of Representatives and acquisition of senators, the organic law on Election Commission or the organic law on political parties; provided that the trial of the Court shall not hinder such member from attending the sitting of the House.

The trial and adjudication of the Court conducted before it is invoked that the accused is a member of either House are valid.

If a member of the House of Representatives or a senator is detained during the inquiry or trial before the beginning of a session, when the session begins, the inquiry official or the Court, as the case may be, must order his release as soon as the President of the House of which he is a member has so requested.

The order of release under paragraph one shall be effective as from the date of such order until the last day of the session.

### **Section 132**

During the expiration of the term or the dissolution of the House of Representatives, the Senate shall not hold its sitting except in the following cases:

- (1) a sitting at which the Senate shall act as the National Assembly under Section 19, Section 21, Section 22, Section 23 and Section 189, and the votes taken shall be based on the number of senators;
- (2) a sitting at which the Senator shall consider of a person for holding office under the provision of this Constitution;
- (3) a sitting at which the Senate shall consider and pass a resolution removing a person from office.

### **Section 133**

A sitting of the House of Representatives and of the Senate and a joint sitting of the National Assembly shall be in public under the conditions stipulated in the rules of procedure of each House. Nevertheless a sitting in camera shall be held at the request of the Council of Ministers or members of not less than one-fourth of the total number of the existing members of each House or of both Houses, as the case may be.

### **Section 134**

The House of Representatives and the Senate have the power to make the rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matters or activities which are within the powers and duties of each standing committee, performance and quorum of committees, sittings, submission and consideration of bills and organic law bills, submission of motions, consultation, debate, passing of a resolution, recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and orders and other relevant

matters and the power to make the codes of ethics of members and committee members and other matters for the execution under this Constitution.

### **Section 135**

The House of Representatives and the Senate have the power to select and appoint members of each house to constitute a standing committee and have the power to select and appoint persons, being or not being its members, to constitute a non-standing committee in order to perform any act, inquire into or study any matter within the powers and duties of the House and report its findings to the House. The resolution appointing such non-standing committee must specify its activities or the responsible matters clearly and without repetition or duplication.

The committee under paragraph one has the power to demand documents from any person or summon any person to give statements of fact or opinions on the act or the matter under its inquiry or study and such demand or summoning is enforceable as provided by law but it is not applicable to a judge performing his powers and duties in trial of the case or to the personnel management of each Court and to the Ombudsman or members of the independent Constitutional organization in the performance of their powers and duties under the Constitution or the organic laws, as the case may be.

In the case where the person under paragraph two is a government official, official or employee of government agency, State agency, State enterprise or local government organization, the Chairperson of the committee shall notify the Minister who supervises and controls the agency to which such person is attached in order to instruct him to act as prescribed in paragraph two, except that, in the case of the safety of or important benefit to the State, it shall be deemed as a ground for the exemption to the compliance with paragraph two.

The privileges provided in Section 130 shall also extend to the persons performing their duties under this Section.

The number of members of a standing committee appointed solely from members of the House of Representatives shall be in proportion to or in close proportion to the number of members of the House of Representatives of each political party or group of political parties in the House of Representatives.

In the absence of the rules of procedure of the House of Representatives under Section 134, the President of the House of Representatives shall determine the proportion under paragraph five.

## **Part 5**

### **Joint Sitzings of the National Assembly**

#### **Section 136**

The National Assembly shall hold a joint sitting in the following cases:

- (1) the approval of the appointment of the Regent under Section 19;
- (2) the making of a solemn declaration by the Regent before the National Assembly under Section 21;
- (3) the acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467 under Section 22;
- (4) the acknowledgment or approval of the succession to the Throne under Section 23;
- (5) the passing of a resolution for the consideration by the National Assembly of other matters during a legislative ordinary session under Section 127;

- (6) the approval of the prorogation of a session under Section 127;
- (7) the opening of the session of the National Assembly under Section 128;
- (8) the making of the rules of procedure of the National Assembly under Section 137;
- (9) the approval of the further consideration of a bill or an organic law bill under Section 145;
- (10) the reconsideration of a bill or an organic law bill under Section 151;
- (11) the approval of the further consideration of a Constitution Amendment, a bill or an organic law bill under Section 153 paragraph two;
- (12) the announcement of policies under Section 176;
- (13) the holding of a general debate under Section 179;
- (14) the approval of the declaration of war under Section 189;
- (15) the hearing and approval of a treaty under Section 190;
- (16) the amendment of the Constitution under Section 291;

### **Section 137**

At a joint sitting of the National Assembly, the rules of procedure of the National Assembly shall apply. While the rules of procedure of the National Assembly have not yet been issued, the rules of procedure of the House of Representatives shall apply mutatis mutandis.

The provisions applicable to both Houses shall apply mutatis mutandis to the joint sitting of the National Assembly, except that, for the appointment of a committee, the number of committee members appointed from the members of each House must be in proportion to or in close proportion to the number of members of each House.

## **Part 6**

### **The Enactment of the Organic Law**

### **Section 138**

There shall be the following organic law:

- (1) the organic law on election of members of the House of Representative and acquisition of Senators;
- (2) the organic law on Election Commission;
- (3) the organic law on political parties;
- (4) the organic law on referendum;
- (5) the organic law on rules and procedure of the Constitutional Court;
- (6) the organic law on criminal proceeding against persons holding political positions;
- (7) the organic law on Ombudsman;
- (8) the organic law on counter corruption;
- (9) the organic law on State Audit.

### **Section 139**

An organic law bill may be introduced only by the followings:

- (1) the Council of Ministers;

- (2) members of the House of Representatives of not less than one-tenth of the total number of the existing number of the House of Representatives or members of the House of Representatives and senators of not less than one-tenth of members of the both Houses; or
- (3) the Constitutional Court, the Supreme Court of Justice or other independent Constitutional organization by through the President of such Court or of such organizations whom having charge and control of the execution of the organic law.

#### **Section 140**

The consideration of the organic law bill of the House of Representatives and the Senate shall be made in three readings as follows:

- (1) the voting for the acceptance of the principle of the bill in the first reading and for each Section of the bill in the second reading shall be made by majority of votes of each House;
- (2) the voting for approval of the bill to be enacted as the organic law in the third reading shall be made by more than one-half of the total number of the existing members of each House.

The provisions in Chapter 6, Part 7 the enactment of the Act shall apply mutatis mutandis to the consideration of the organic law bill.

#### **Section 141**

Before presenting the organic law bill as approved by the National Assembly to the King for His signature, it shall be submitted to the Constitutional Court for considering of its constitutionality and, in such case, the Constitutional Court shall have a decision thereon within thirty days as from the date of receiving thereof.

If the Constitutional Court decides that the provisions of an organic law bill are contrary to or inconsistent with the Constitution, such provisions shall lapse and if the Constitutional Court decides that such provisions are the essential element thereof or the organic law bill is enacted inconsistent with the provisions of the Constitution, such organic law bill shall lapse.

In the case where the decision of the Constitutional Court resulting in the lapse of the provisions which are contrary to or inconsistent with the Constitution under paragraph two, such organic law bill shall be returned to the House of Representatives and the Senate respectively for their reconsideration. In such case, the House of Representatives or the Senate shall make an amendment to the organic law bill for its constitutionality by through the votes of more than one-half of the total number of the existing members of each House and the Prime Minister shall then proceed further under Section 90 and Section 150 or Section 151, as the case may be.

### **Part 7**

#### **The Enactment of an Act**

#### **Section 142**

Subject to Section 139, a bill may be introduced only by the followings:

- (1) the Council of Ministers;
- (2) members of the House of Representatives of not less than twenty in number;
- (3) the Court or the independent Constitutional organization, only for the bills relating to the administration of their organizations and the law in which the President of such Court or of such organizations whom having charge and control of the execution of the Act;

- (4) the persons having the right to vote of not less than ten thousand in number whom jointly introduce a bill under Section 163.

If the bill under (2), (3) or (4) is a money bill, it shall be introduced only with the endorsement of the Prime Minister.

In the case where the person having the right to vote have introduced the bill under (4) and thereafter the person under (1) or (2) introduces the bill having the same principle thereto, the provisions of Section 163 paragraph four shall apply to the consideration of such bill.

A bill shall be first submitted to the House of Representatives.

In an introduction of a bill under paragraph one, a bill and its explanatory memorandum shall be submitted altogether.

A bill introduced to the National Assembly shall be opened to public and the public shall get access thereto conveniently.

### **Section 143**

A money bill means a bill with provisions dealing with any of the following matters:

- (1) the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) the allocation, receipt, custody, payment of the State funds, or transfer of expenditure estimates of the State;
- (3) the raising of loans, or guarantee or redemption of loans, or any binding of State's properties;
- (4) currency.

In case of doubt as to whether a bill is a money bill which requires the endorsement of the Prime Minister or not, it shall be the power of a joint sitting of the President of the House of Representatives and Presidents of all its standing committees to make a decision thereon.

The President of the House of Representatives shall hold a joint sitting to consider the case under paragraph two within fifteen days as from the date such case occurs.

The resolution of the joint sitting under paragraph two shall be decided by a majority of votes. In case of an equality of votes, the President of the House of Representatives shall have an additional vote as a casting vote.

### **Section 144**

For any bill introduced by members of the House of Representatives which, at the stage of the adoption of its principle, was not a money bill but was then amended by the House of Representatives and, in the opinion of the President of the House, such amendment has rendered it to exhibit the characteristic of a money bill, the President of the House shall suspend the consideration of such bill and, within fifteen days as from the day on which such case occurs, shall refer it to a joint sitting of the President of the House of Representatives and Chairpersons of all its standing committees to make a decision thereon.

If the joint sitting under paragraph one decides that the amendment resulted in such bill exhibiting the characteristic of a money bill, the President of the House shall refer it to the Prime Minister for endorsement. In the case where the Prime Minister does not endorse it, the House of Representative shall amend it so as to prevent it from being a money bill.

### **Section 145**

When a bill which has been specified by the Council of Ministers, in its policies stated to the National Assembly under Section 176, as necessary for the administration of State affairs, if it is not approved by a resolution of the House of Representatives and the votes

disapproving it are less than one-half of the total number of the existing members of the House, the Council of Ministers may request the National Assembly to hold a joint sitting for passing a resolution on another occasion. If it is approved, the National Assembly shall appoint the persons, being or not being its members, in such an equal number as proposed by the Council of Ministers, to constitute a joint committee of the National Assembly for considering such bill, and the joint committee of the National Assembly shall prepare a report thereon and submit the bill which it has already considered to the National Assembly. If such bill is approved by the National Assembly, further proceedings under Section 150 shall be taken. If it is not approved, such bill shall lapse.

#### **Section 146**

Subject to Section 168, when the House of Representatives has considered a bill submitted under Section 142 and resolved to approve it, the House of Representatives shall submit such bill to the Senate. The Senate must finish the consideration of such bill within sixty days; but if it is a money bill, the consideration thereof must be finished within thirty days; provided that the Senate may, as a special case, resolve to extend the period for not more than thirty days. The said period shall mean the period during a session and shall be counted as from the day on which such bill reaches the Senate.

The period referred to in paragraph one shall not include the period during which the bill is under the consideration of the Constitutional Court under Section 149.

If the Senate has not finished the consideration of the bill within the period referred to in paragraph one, it shall be deemed that the Senate has approved it.

In the case where the House of Representatives submits a money bill to the Senate, the President of the House of Representatives shall also notify the Senate that the bill so submitted is a money bill. The notification of the President of the House of Representatives shall be deemed final.

In the case where the President of the House of Representatives does not notify the Senate that the bill is a money bill, such bill shall not be deemed a money bill.

#### **Section 147**

Subject to Section 168, after the Senate has finished the consideration of a bill,

- (1) if it agrees with the House of Representatives, further proceedings under Section 150 shall be taken;
- (2) if it disagrees with the House of Representatives, such bill shall be withheld and returned to the House of Representatives;
- (3) if there is an amendment, the amended bill shall be returned to the House of Representatives. If the House of Representatives approves such amendment, further proceedings under Section 150 shall be taken. In other cases, each House shall appoint persons, being or not being its members, in such an equal number as may be fixed by the House of Representatives, to constitute a joint committee for considering the bill and the joint committee shall prepare a report thereon and submit the bill which it has already considered to both Houses. If both Houses approve the bill already considered by the joint committee, further proceedings under Section 150 shall be taken. If either House disapproves it, the bill shall be withheld.

The joint committee has the power to demand documents from any person or summon any person to give statements of fact or opinions in respect of the consideration of the bill and the privileges provided in Section 130 shall also extend to the person performing his duties under this Section.

At a meeting of the joint committee, the presence of the members of the joint committee appointed by both Houses of not less than one-half of the total number of its members is required to constitute a quorum and the provisions of Section 137 shall apply *mutatis mutandis*.

If the Senate fails to return the bill to the House of Representatives within the period under Section 146, it shall be deemed that the Senate approves such bill and further proceeding under Section 150 shall be taken.

#### **Section 148**

A bill withheld under Section 147 may be reconsidered by the House of Representatives only after the lapse of one hundred and eighty days as from the date the bill or the organic law bill is returned to the House of Representatives by the Senate in case of withholding under Section 147 (2) and as from the date either House disapproves it in case of withholding under Section 147 (3). In such cases, if the House of Representatives resolves to reaffirm the original bill or the bill considered by the joint committee by the votes of more than one-half of the total number of the existing members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under Section 150 shall be taken.

If the bill withheld is a money bill, the House of Representatives may forthwith proceed to reconsider it. In such case, if the House of Representatives resolves to reaffirm the original bill or the bill considered by the joint committee by the votes of more than one-half of the total number of the existing members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under Section 150 shall be taken.

#### **Section 149**

While a bill is being withheld under Section 147, the Council of Ministers or members of the House of Representatives may not introduce a bill having the same or similar principle as that of the bill so withheld.

In the case where the House of Representatives or the Senate is of the opinion that the bill so introduced or referred to for consideration has the same or similar principle as that of the bill being withheld, the President of the House of Representatives or the President of the Senate shall refer the said bill to the Constitutional Court for decision. If the Constitutional Court decides that it is a bill having the same or similar principle as that of the bill so withheld, such bill shall lapse.

#### **Section 150**

The Prime Minister shall present the bill approved by the National Assembly to the King for His signature within twenty days as from the date of receiving such bill from the National Assembly and the bill shall come into force as an Act upon its publication in the Government Gazette.

#### **Section 151**

If the King refuses His assent to a bill and either returns it to the National Assembly or does not return it within ninety days, the National Assembly must reconsider such bill. If the National Assembly resolves to reaffirm the bill with the votes of not less than two-thirds of the total number of existing members of both Houses, the Prime Minister shall present such bill to the King for signature once again. If the King does not sign and return the bill within thirty days, the Prime Minister shall cause the bill to be promulgated as an Act in the Government Gazette as if the King had signed it.

#### **Section 152**

In considering a bill the substance of which is decided by the President of the House of Representatives to be concerned with children, the youth, women, the elderly, the disabled or handicapped, if the House of Representatives does not consider it by its full committee, the House of Representatives shall appoint a non-standing committee consisting of representatives, from private organizations concerned with the respective types of persons, of not less than one-third of the total number of members of the committee and the members thereof shall consist of women and men in closely apportion.

### **Section 153**

In the case where the term of the House of Representatives expires or the House of Representatives is dissolved, the draft Constitution Amendment or all bills to which the King has refused His assent or which have not been returned by the King within ninety days, shall lapse.

In the case where the term of the House of Representatives expires or where the House of Representatives is dissolved, the National Assembly, the House of Representatives or the Senate, as the case may be, may, after a general election of members of the House of Representatives, continue the consideration of the draft Constitution Amendment or the bill which has not yet been approved by the National Assembly if the Council of Ministers which is newly appointed after the general election so requests within sixty days as from the first sitting day of the National Assembly after the general election and the National Assembly approves it. If the Council of Ministers does not so request within such period of time, such draft Constitution Amendment or bill shall lapse.

The further consideration of the draft Constitution Amendment or the bill under paragraph two shall be in accordance with the rules of procedure of the House of Representatives, the Senate or the National Assembly, as the case may be.

## **Part 8 Constitutionality of Laws**

### **Section 154**

After any bill has been approved by the National Assembly under Section 150 or has been reaffirmed by the National Assembly under Section 151, before the Prime Minister presents it to the King for signature:

- (1) if members of the House of Representatives, senators or members of both Houses of not less than one-tenth of the total number of the existing members of both Houses are of the opinion that provisions of the said bill are contrary to or inconsistent with this Constitution or such bill is enacted contrary to the provisions of this Constitution, they shall submit their opinion to the President of the House of Representatives, the President of the Senate or the President of the National Assembly, as the case may be, and the President of the House receiving such opinion shall then refer it to the Constitutional Court for decision and, without delay, inform the Prime Minister thereof;
- (2) if the Prime Minister is of the opinion that the provisions of the said bill are contrary to or inconsistent with this Constitution or it is enacted contrary to the provisions of this Constitution, the Prime Minister shall refer such opinion to the Constitutional Court for decision and, without delay, inform the President of the House of Representatives and the President of the Senate thereof.

During the consideration of the Constitutional Court, the Prime Minister shall suspend the proceedings in respect of the promulgation of the bill until the Constitutional Court gives a decision thereon.

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with this Constitution or it is enacted contrary to the provisions of this Constitution and that such provisions of the bill form the essential element thereof, such bill shall lapse.

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with this Constitution otherwise than in the case specified in paragraph three, such conflicting or inconsistent provisions shall lapse and the Prime Minister shall proceed further in accordance with Section 150 or Section 151, as the case may be.

## **Section 155**

The provisions of Section 154 shall apply mutatis mutandis to draft rules of procedure of the House of Representatives, draft rules of procedure of the Senate and draft rules of procedure of the National Assembly which have already been approved by the House of Representatives, the Senate or the National Assembly, as the case may be, but remain unpublished in the Government Gazette.

## **Part 9**

### **Control of the Administration of State Affairs**

## **Section 156**

Every member of the House of Representatives or senator has the right to interpellate a Minister on any matter within the scope of his authority, but the Minister has the right to refuse to answer it if the Council of Ministers is of the opinion that the matter should not yet be disclosed on the ground of safety or vital interest of the State.

## **Section 157**

In the administration of State affairs on any matter which involves an important problem of public concern, affects national or public interest, or requires urgency, a member of the House of Representatives may notify the President of the House of Representatives in writing prior to the commencement of the sitting of the day, that he will interpellate the Prime Minister or the Minister responsible for the administration of State affairs on that matter without specifying the question, and the President of the House of Representatives shall place such matter on the agenda of the meeting of that day.

The interpellation and the answer to the interpellation under paragraph one may be made once a week, and a verbal interpellation by a member of the House of Representatives on a matter involving the administration of State affairs may be made not exceeding three times on each matter in accordance with the rules of procedure of the House of Representatives.

## **Section 158**

Members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister. Such motion must nominate the suitable next Prime Minister who is also a person under Section 171 paragraph two and, when the motion has been submitted, the dissolution of the House of Representatives shall not be permitted, except that the motion is withdrawn or the resolution is passed without being supported by the vote in accordance with paragraph three.

In the submission of the motion for a general debate under paragraph one, if it is concerned with the behavior of the Prime Minister, which involves circumstances of unusual wealthiest, exhibits a sign of malfeasance in office or intentionally violates the provisions of the Constitution or law, it shall not be submitted without the petition under Section 271 having been presented. Upon the submission of the petition under Section 271, it may be preceded without awaiting the outcome of the proceedings under Section 272.

If the general debate is concluded with a resolution not to pass over the agenda of the general debate, the House of Representatives shall pass a vote of confidence or no-confidence. Voting in such case shall not take place on the date of the conclusion of the debate. The vote of no-confidence must be passed by more than one-half of the total number of the existing members of the House of Representatives.

In the case where a vote of no-confidence is passed by not more than one-half of the total number of the existing members of the House of Representatives, the members of the House of Representatives who submit the motion for the general debate shall no longer have the right to submit another motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Ministers throughout the session.

In the case where a vote of no-confidence is passed by more than one-half of the total number of the existing members of the House of Representatives, the President of the House of Representatives shall submit the name of the person nominated under paragraph one to the King for further appointment and Section 172 shall not apply.

### **Section 159**

Members of the House of Representatives of not less than one-sixth of the total number of the existing members of the House of Representatives have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister and the provisions of Section 158 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

In the case where the Minister vacates his portfolio but being appointed to hold another portfolio after the submission of a motion under paragraph one, he still be a subject of a general debate for the purpose of passing a vote of no-confidence under paragraph one.

The provisions of paragraph two shall apply *mutatis mutandis* to the Minister who vacates his portfolio for the period of not exceeding ninety days before the submission of a motion under paragraph one but being appointed to be the Minister of another portfolio.

### **Section 160**

In the case where the number of members of the House of Representatives whose their political parties having members holding no ministerial positions is less than the number of members of the House required for the making of submission of a motion for a general debate under Section 158 or Section 159, more than one-half of the existing number of such members of the House of Representatives have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or in an individual Minister under Section 158 or Section 159 if the Council of Ministers conducts the administration of State affairs for more than two years.

### **Section 161**

Senators of not less than one-third of the total number of the existing members of the Senate have the right to submit a motion for a general debate in the Senate for the purpose of requesting the Council of Ministers to give statements of fact or explain important problems in connection with the administration of State affairs without a resolution to be passed.

The motion for the general debate under this Section may be submitted only once in each session.

### **Section 162**

In the sitting of the House of Representatives or the Senate for consideration of an interpellation on any matter within the scope of the authority of Minister or for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or in an individual Minister, the Prime Minister or such Minister shall attend the sitting of the House of Representatives or the Senate for giving statement or answer thereon by himself, provided that there occurs an inevitably cause which hinder him in so doing but he shall notify the President of the House of Representatives or the President of the Senate on or before the sitting date.

A member of the House of Representatives is not bound by the resolution of his political party in submitting an interpellation, debating and voting of no-confidence.

**CHAPTER VII**  
**Direct Political Participation of the Public**

**Section 163**

The persons having the right to vote of not less than ten thousand in number shall have a right to submit a petition to the President of the National Assembly to consider such bill as prescribed in Chapter 3 and Chapter 5 of this Constitution.

A bill must be attached to the petition referred to in paragraph one.

The rules and procedure for the petition and the examination thereof shall be in accordance with the provisions of the law.

In considering the bill under paragraph one, the House of Representatives and the Senate shall facilitate representatives of the persons submitting a petition to state the principles of the bill and the non-standing committee for considering such bill shall consist of representatives of the persons submitting a petition in an amount of not less than one-third of the total number of its members.

**Section 164**

The persons having the right to vote of not less than twenty thousand in number shall have a right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under Section 274 removing the persons under Section 270 from office.

The request under paragraph one shall clearly itemize circumstances in which such persons have allegedly committed the act.

The rules, procedure and conditions for the lodging of the complaint by the voters under paragraph one shall be in accordance with the organic law on counter corruption.

**Section 165**

A person having the right to vote in an election shall have the right to vote in a referendum.

A referendum shall be held when:

- (1) the Council of Ministers is of the opinion that any issue may affect national or public interests, the Prime Minister, with the approval of the Council of Ministers, may consult the President of the House of Representatives and the President of the Senate for the purpose of publishing in the Government Gazette calling for a referendum;
- (2) it is required by law.

A referendum under (1) or (2) may be held for the purpose of finding solution of the subject matter of a referendum through the majority of votes in a referendum or for the purpose of public consultation to the Council of Ministers, provided that otherwise prescribed by law.

A vote in a referendum shall be made for either approval or not approval to the subject matter of a referendum. A referendum shall not be held on an issue specifically relating to any individual or group of persons.

Before the referendum day, the State shall provide sufficient information to the public and provide equal opportunity to the peoples who agree or disagree with the subject matter of a referendum to state their opinions.

The rules and procedure for voting in a referendum shall be in accordance with the organic law on referendum which shall at least consist of details of the procedure for voting, referendum period and the number of votes required for final decision.

## **CHAPTER VIII**

### **Monetary, Finance and Budget**

#### **Section 166**

The expenditure estimates of the State shall be made in the form of an Act. If the Annual Appropriations Act for the following fiscal year is not enacted in time, the law on annual appropriations for the preceding fiscal year shall apply for the time being.

#### **Section 167**

In an introduction of the annual appropriations bill, the bill shall be annexed with documents stating estimated incomes, obscure objectives, activities, plans or projects of each item of expenditures including monetary and financial status of the country through the overview of economic condition arising from spending and gathering of incomes, benefits and deficiencies resulting from any specific tax exemption, justification for binding of over-year obligations, State debts and its incurring and financial status of State enterprises of that year and the previous year.

If any expenditure is unable to be directly allocated to a government agency, State enterprise or other State agencies, it shall be allocated to the item of reserved expenditure and, in such case, justification and necessary of such allocation shall also be stated.

There shall be a law on State monetary and finance laying down monetary and financial disciplines as well as the rules relating to a financial planning for medium term range, the gathering of incomes, a determination of guidelines for the making of expenditure estimates of State, the financial and properties management, an accounting, the public funds, an incurring of debts or any act resulting in the binding of properties of or the incurring of financial obligation of State, the rule for a determination of the amount of reserved money to be paid for emergency or necessity situation and other relevant acts which are the scope for the gathering of incomes and supervising of spending in accordance with the principles of balancing, economic sustainable development and social fairness.

#### **Section 168**

The House of Representatives must finish the consideration of an annual appropriations bill, a supplementary appropriations bill and a transfer of appropriations bill within one hundred and five days as from the date the bill reaches the House of Representatives.

If the House of Representatives has not finished the consideration of the bill within the period referred to in paragraph one, such bill shall be deemed to have been approved by the House of Representatives and shall be submitted to the Senate.

In the consideration by the Senate, the Senate must approve or disapprove the bill without any amendment within twenty days as from the date the bill reaches the Senate. Upon the lapse of such period, such bill shall be deemed to have been approved; in such case and in the case where the Senate approves it, further proceedings under Section 150 shall be taken.

If the Senate disapproves the bill, the provisions of Section 148 paragraph two shall apply *mutatis mutandis*.

In the consideration of the annual appropriations bill, the supplementary appropriations bill and the transfer of appropriations bill, a member of the House of Representatives shall not submit a motion adding any item or amount to the bill, but may submit a motion reducing or abridging the expenditures which are not expenditures according to any of the following obligations:

- (1) money for payment of the principal of a loan;
- (2) interest on a loan;

(3) money payable in accordance with the law.

In the consideration by the House of Representatives, the Senate or a committee, any proposal, submission of a motion or commission of an act, which results in direct or indirect involvement by members of the House of Representatives, senators or members of a committee in the use of the appropriations, shall not be permitted.

In the case where members of the House of Representatives or senators of not less than one-tenth of the total number of the existing members of each House are of the opinion that the violation of the provisions of paragraph six has occurred, they shall refer it to the Constitutional Court for decision and the Constitutional Court shall decide it within seven days as from the date of its receipt. In the case where the Constitutional Court decides that the violation of the provisions of paragraph six has occurred, such proposal, submission of the motion, or commission of the act shall be ineffective.

The State shall allocate adequate budgets for the autonomous administration of the National Assembly, the Constitutional Court, the Courts of Justice, the Administrative Courts and other Constitutional organizations.

In the consideration of the expenditure estimates of the National Assembly, the Courts and the organizations under paragraph eight, if such organization is of the opinion that the allocated budget is insufficient, it shall submit a motion to the committee directly.

### **Section 169**

The payment of State funds shall be made only when it has been authorized by the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations or the law on treasury balance, except that it may be prepaid in the case of urgent necessity under the rules and procedure provided by law. In such case, the expenditure estimates for reimbursement must be set aside in the Transfer of Appropriations Act, the Supplementary Appropriations Act, or the Annual Appropriations Act for the following fiscal year, and the sources of incomes for reimbursement of expenditures paid-up from the treasury balance must be stated.

During the time when the country is in state of war or fighting, the Council of Ministers has the power to transfer or shift the budget allocated for any government agency or State enterprise to be used for other items forthwith even it is different from the provisions of the Annual Appropriation Act and it shall be reported to the National Assembly without delay.

If there is a transfer or shift of the budget allocated for any item to be used for other items of any government agency or State enterprise, the Government shall report the National Assembly for information every six months.

### **Section 170**

A State agency having income which is not required to be remitted as State revenue shall report the receipt and spending of such money to the Council of Ministers at the lapse of each fiscal year and the Council of Ministers shall report further to the House of Representatives and the Senate.

A spending of income under paragraph one shall be in accordance with the monetary and financial disciplines under this Chapter.

## **CHAPTER IX**

### **The Council of Ministers**

#### **Section 171**

The King appoints the Prime Minister and not more than thirty-five other Ministers to constitute the Council of Ministers having the duty to carry out the administration of State affairs with collective accountability.

The Prime Minister must be a member of the House of Representatives appointed under Section 172.

The President of the House of Representatives shall countersign the Royal Command appointing the Prime Minister.

The Prime Minister shall not hold office for more than eight consecutive years.

### **Section 172**

The House of Representatives shall complete its consideration and approval of the person suitable to be appointed as Prime Minister within thirty days as from the day the National Assembly is convoked for the first sitting under Section 127.

The nomination of a person who is suitable to be appointed as Prime Minister under paragraph one shall be endorsed by members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House.

The resolution of the House of Representatives approving the appointment of a person as Prime Minister shall be passed by the votes of more than one-half of the total number of the existing members of the House of Representatives. The passing of the resolution in such case shall be by open votes.

### **Section 173**

In the case where the period of thirty days as from the date the National Assembly is convoked for the first sitting of members of the House of Representatives has elapsed and no one has been approved for appointment as Prime Minister under Section 172 paragraph three, the President of the House of Representatives shall, within fifteen days as from the lapse of such period, present to the King for the issuance of a Royal Command appointing the person who has received the highest votes as Prime Minister.

### **Section 174**

A Minister must possess the qualifications and must not be under any of the prohibitions as follows:

- (1) being of Thai nationality by birth;
- (2) being not less than thirty five years of age;
- (3) having graduated with not lower than a Bachelor's degree or its equivalent;
- (4) not being under any of the prohibitions under Section 102 (1), (2), (3), (4), (6), (7), (8), (9), (11), (12), (13) or (14);
- (5) having been discharged for a period of less than five years before the appointment after being sentenced by a judgment to imprisonment, except for an offence committed through negligence or petty offence;
- (6) not being a senator or having been a senator whose membership has terminated for not more than two years up to the date of the appointment as Minister.

### **Section 175**

Before taking office, a Minister must make a solemn declaration before the King in the following words:

"I, (name of the declarer), do solemnly declare that I will be loyal to the King and will faithfully perform my duty in the interests of the country and of the people. I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

### **Section 176**

The Council of Ministers which will assume the administration of State affairs must, within fifteen days as from the date it takes office, state its policies and explanation for an

implementation of the directive principles of fundamental State policies under Section 75; provided that no vote of confidence shall be passed, and must, after giving such statement, prepare a plan for the administration of State affairs as guideline for the administration of State affairs for each year under Section 76.

Before stating policies to the National Assembly under paragraph one, if there occurs a case of importance and necessary urgency which, if left delayed, will affect material benefits of State, the Council of Ministers which has taken office may, for the time being, carry out such acts in so far as it is necessary.

### **Section 177**

A Minister has the right to attend and give a statement of facts or opinions at a sitting of the House. In the case where the House of Representatives or the Senate has passed a resolution requiring Ministers to attend a sitting for any matter, he shall attend the sitting. The provisions of Section 130 governing privileges shall apply *mutatis mutandis*.

In the case where a Minister is a member of the House of Representatives simultaneously, he must, in the sitting of the House of Representatives, abstain from voting in relation to the matter concerning with the holding of his position or the performance of his duty or the matter he has interests therewith.

### **Section 178**

Ministers shall carry out the administration of State affairs in accordance with the provisions of the Constitution, laws and the policies stated under Section 176, and shall be accountable individually to the House of Representatives for the performance of their duties and shall also be accountable collectively to the National Assembly for the general policies of the Council of Ministers.

### **Section 179**

In the case where there is an important problem in the administration of State affairs in regard to which the Council of Ministers deems it advisable to take opinion of members of the House of Representatives and senators, the Prime Minister may give a notice to the President of the National Assembly requesting that a general debate be held at a joint sitting of the National Assembly. In such case, no resolution shall be passed by the National Assembly on the issue put in the debate.

### **Section 180**

Ministers vacate office en masse upon:

- (1) the termination of ministership of the Prime Minister under Section 182;
- (2) the expiration of the term or the dissolution of the House of Representatives;
- (3) the resignation of the Council of Ministers.

In the case where the ministership of the Prime Minister terminates under Section 182 (1), (2), (3), (4), (5), (7) or (8), the procedure under Section 172 and Section 173 shall apply *mutatis mutandis*.

### **Section 181**

The outgoing Council of Ministers shall remain in office for carrying out duty until the newly appointed Council of Ministers takes office, but in case of vacation of office under Section 180 (2) the Council of Ministers and a Minister is able to carry out any duty as necessary within the following conditions:

- (1) refraining from the exercise of power which resulting in the appointment or transfer of government officials holding permanent positions or salaries or of officials of State agency, State enterprise or any enterprise in which the State is a major shareholders or resulting in leaving such persons from the performance of their duties or offices or replacing other persons to replace him except by prior approval of the Election Commission;

- (2) refraining from doing an act which resulting in giving of approval to spend budget reserved for emergency or necessity situation except by prior approval of the Election Commission;
- (3) refraining from doing an act which resulting in giving approval of work or project or which the forthcoming Council of Ministers may be bound;
- (4) refraining from using resources or personnel of State to do an act which may affect the result of a general election, and refraining from the violation of any prohibitions under the rules prescribed by the Election Commission.

### **Section 182**

The ministership of an individual Minister terminates upon:

- (1) death;
- (2) resignation;
- (3) being sentenced by a judgment to imprisonment notwithstanding the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or a defamation offense;
- (4) the passing of a vote of no-confidence by the House of Representatives under Section 158 or Section 159;
- (5) being disqualified or being under any of the prohibitions under Section 174;
- (6) the issuance of a Royal Command to remove a Minister from office under Section 183;
- (7) having done an act prohibited by Section 267, Section 268 or Section 269;
- (8) being removed from office by a resolution of the Senate under Section 274.

Apart from the termination of ministership of individual Minister under paragraph one, the ministership of the Prime Minister terminates upon the lapse of the period under Section 171 paragraph four.

The provisions of Section 91 and Section 92 shall apply to the termination of ministership under (2), (3), (5) or (7) or paragraph two and, in such case, the Election Commission may also refer the matter thereof to the Constitutional Court for decision.

### **Section 183**

The King has the prerogative to remove a Minister from his office upon the advice of the Prime Minister.

### **Section 184**

For the purpose of maintaining national or public safety or national economic security, or averting public calamity, the King may issue an Emergency Decree which shall have the force as an Act.

The issuance of an Emergency Decree under paragraph one shall be made only when the Council of Ministers is of the opinion that it is the case of emergency and necessary urgency which is unavoidable.

In the next succeeding sitting of the National Assembly, the Council of Ministers shall submit the Emergency Decree to the National Assembly for its consideration without delay. If it is out of session and it would be a delay to wait for the opening of an ordinary session, the Council of Ministers must proceed to convoke an extraordinary session of the National Assembly in order to consider whether to approve or disapprove the Emergency Decree without delay. If the House of Representatives disapproves it or approves it but the Senate disapproves it and the House of Representatives reaffirms its approval by the votes of not more than one-half of the total number of the existing members of the House, the Emergency Decree shall lapse; provided that it shall not affect any act done during the enforcement of such Emergency Decree.

If the Emergency Decree under paragraph one has the effect of amending or repealing any provisions of any Act and such Emergency Decree has lapsed in accordance with paragraph three, the provisions of the Act in force before the amendment or repeal shall continue to be in force as from the day the disapproval of such Emergency Decree is effective.

If the House of Representatives and the Senate approve the Emergency Decree, or if the Senate disapproves it but the House of Representatives reaffirms its approval by the votes of more than one-half of the total number of the existing members of the House, such Emergency Decree shall continue to have the force as an Act.

The Prime Minister shall cause the approval or disapproval of the Emergency Decree to be published in the Government Gazette. In case of disapproval, it shall be effective as from the day following the date of its publication in the Government Gazette.

The consideration of an Emergency Decree by the House of Representatives and the Senate in case of reaffirmation of an Emergency Decree must take place at the first opportunity when such Houses hold their sittings.

### **Section 185**

Before the House of Representatives or the Senate approves an Emergency Decree under Section 184 paragraph three, members of the House of Representatives or senators of not less than one-fifth of the total number of the existing members of each House have the right to submit an opinion to the President of the House of which they are members that the Emergency Decree is not in accordance with Section 184 paragraph one or paragraph two, and the President of such House shall, within three days as from the date of receipt of such opinion, refer it to the Constitutional Court for decision. After the Constitutional Court has given a decision thereon, it shall notify such decision to the President of the House referring such opinion.

When the President of the House of Representatives or the President of the Senate has received the opinion from members of the House of Representatives or senators under paragraph one, the consideration of such Emergency Decree shall be deferred until the decision of the Constitutional Court under paragraph one has been notified.

In the case where the Constitutional Court decides that any Emergency Decree is not in accordance with Section 184 paragraph one or paragraph two, such Emergency Decree shall not have the force of law *ab initio*.

The decision of the Constitutional Court that an Emergency Decree is not in accordance with Section 184 paragraph one or paragraph two, must be given by the votes of not less than two-thirds of the total number of judges of the Constitutional Court.

### **Section 186**

If, during a session, it is necessary to have a law on taxes, duties or currency, which, in the interests of State, requires an urgent and confidential consideration, the King may issue an Emergency Decree which shall have the force as an Act.

The Emergency Decree issued under paragraph one must be submitted to the House of Representatives within three days as from the day following the date of its publication in the Government Gazette, and the provisions of Section 184 shall apply *mutatis mutandis*.

### **Section 187**

The King has the prerogative to issue a Royal Decree which is not contrary to the law.

### **Section 188**

The King has the prerogative to declare and lift the martial law in accordance with the conditions and manner under the Martial Law.

In the case where it is necessary to declare the martial law in a certain locality as a matter of urgency, the military authority may do so under the Martial Law.

### **Section 189**

The King has the prerogative to declare war with the approval of the National Assembly.

The approval resolution of the National Assembly must be passed by the votes of not less than two-thirds of the total number of the existing members of both Houses.

During the expiration of the term or the dissolution of the House of Representatives, the Senate shall perform the function of the National Assembly in giving the approval under paragraph one, and the resolution shall be passed by the votes of not less than two-thirds of the total number of the existing senators.

### **Section 190**

The King has the prerogative to conclude a peace treaty, armistice and other treaties with other countries or international organizations.

A treaty which provides for a change in the Thai territories or the Thai external territories that Thailand has sovereign right or jurisdiction over such territories under any treaty or an international law or requires the enactment of an Act for its implementation or affects immensely to economic or social security of the country or results in the binding of trade, investment budget of the country significantly must be approved by the National Assembly. In such case, the National Assembly must complete its consideration within sixty days as from the date of receipt of such matter.

Before the conclusion of a treaty with other countries or international organizations under paragraph two, the Council of Ministers must provide information thereon to the public, conduct public consultation and state information in relevant thereto to the National Assembly. In such case, the Council of Ministers must submit negotiation framework to the National Assembly for approval.

Upon giving signature to the treaty under paragraph two, the Council of Ministers shall, prior to give consent to be bound, facilitate the public to get access to the details of such treaty. In the case where the application of such treaty has affected the public or small and medium entrepreneurs, the Council of Ministers must revise or render remedy to such effects rapidly, expediently and fairly.

There shall be a law determining measure and procedure for the conclusion of a treaty having immense effects to economic or social security of the country or resulting in the binding of trade or investment of the country significantly and the revision or rendering of remedy to the effects of such treaty with due regard to the fairness among the beneficiaries, the affected persons and the general public.

A matter arising from the provisions of paragraph two falls within the jurisdiction of the Constitutional Court and the provisions of Section 154 (1) shall apply *mutatis mutandis* to the referring of the matter to the Constitutional Court.

### **Section 191**

The King has the prerogative to grant a pardon.

### **Section 192**

The King has the prerogative to remove titles and recall decorations.

### **Section 193**

The King appoints and removes officials in the military service and civil service who hold the positions of Permanent Secretary of State, Director-General and their equivalents except in the case where they vacate office upon death.

### **Section 194**

A government official and a State official holding a permanent position or receiving a salary and not being a political official shall not be a political official or hold other political positions.

### **Section 195**

All laws, Royal Prescripts and Royal Commands relating to State affairs must be countersigned by a Minister unless otherwise provided in this Constitution.

All laws which have been signed or deemed to have been signed by the King shall forthwith be published in the Government Gazette.

### **Section 196**

Emoluments and other remuneration of Privy Councilors, President and Vice-Presidents of the House of Representatives, President and Vice-Presidents of the Senate, Leader of the Opposition in the House of Representatives, members of the House of Representatives and senators shall be prescribed by the Royal Decree which the provisions thereof must not allow payment prior to the date such persons taking offices.

Gratuities, pensions or other remuneration of Privy Councilors who vacate their office shall be prescribed by the Royal Decree.

## **CHAPTER X**

### **The Courts**

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#### **Part 1**

#### **General Provisions**

### **Section 197**

The trial and adjudication of cases are the power of the Courts, which must be proceeded by justice in accordance with the Constitution and the law and in the name of the King.

Judges are independent in the trial and adjudication of cases with accurate, rapid and impartial practice in accordance with the Constitution and the law.

The transfer of a judge without his prior consent shall not be permitted except in the case of term transfer as provided by law, promotion to a higher position, being under a disciplinary action or becoming a defendant in a criminal case, being affected to justice in the trial and adjudication or in case of force majeure or any other inevitable necessity as provided by law.

Judges shall not be political officials or hold political positions.

### **Section 198**

All Courts may be established only by Acts.

A new Court for the trial and adjudication of any particular case or a case of any particular charge in place of the Court existing under the law and having jurisdiction over such case shall not be established.

A law having an effect of changing or amending the law on the organization of Courts or on judicial procedure for the purpose of its application to a particular case shall not be enacted.

### **Section 199**

In the case where there is a dispute on the competent jurisdiction among the Court of Justice, the Administrative Court, the Military Court or any other Court, it shall be decided by a committee consisting of the President of the Supreme Court of Justice as Chairperson, the President of the Supreme Administrative Court, the President of such other Court and not more than four qualified persons as provided by law as members.

The rules for the submission of the dispute under paragraph one shall be as provided by law.

## **Section 200**

The King appoints and removes judges except in the case of removal from office upon death.

The appointment and removal from office of a judge of any Court other than the Constitutional Court, the Court of Justice, the Administrative Court and the Military Court as well as the adjudicative jurisdiction and procedure of such Courts shall be in accordance with the law on the establishment of such Courts.

## **Section 201**

Before taking office, a judge shall make a solemn declaration before the King in the following words:

“I, (name of the declarer) do solemnly declare that I will be loyal to His Majesty the King and will faithfully perform my duty in the name of the King without any partiality in the interest of justice, of the people and of the public order of the Kingdom. I will also uphold and observe the democratic regime of government with the King as Head of the State, the Constitution of the Kingdom of Thailand and the law in every respect.”

## **Section 202**

Salaries, emoluments and other benefits of judges shall be as prescribed by law; provided that the system of salary-scale or emoluments applicable to civil servants shall not be applied.

The provisions of paragraph one shall apply to Election Commissioners, Ombudsmen, members of the National Counter Corruption Commission and members of the State Audit Commission *mutatis mutandis*.

## **Section 203**

No person may simultaneously become a member, whether an *ex officio* member or a qualified member, of the Judicial Commission of the Courts of Justice, the Administrative Court or any other Court as provided by law.

## **Part 2**

### **The Constitutional Court**

## **Section 204**

The Constitutional Court consists of the President and eight judges of the Constitutional Court to be appointed by the King upon advice of the Senate from the following persons:

- (1) three judges of the Supreme Court of Justice holding a position of not lower than judge of the Supreme Court of Justice and elected at a general meeting of the Supreme Court of Justice by secret ballot;
- (2) two judges of the Supreme Administrative Court elected at a general meeting of the Supreme Administrative Court by secret ballot;
- (3) two qualified persons in law who having orientated knowledge and experience in this field and having been selected under Section 206;
- (4) two qualified persons in political science, public administration or other social sciences who having orientated knowledge and experience in the administration of State affairs and having been selected under Section 206.

In the case where no judge of the Supreme Court of Justice or judge of the Supreme Administrative Court having been elected under (1) or (2), the Supreme Court of Justice or the Supreme Administrative Court, as the case may be, shall elect, at its general meeting,

other persons whom qualified and not being under the prohibitions provided in Section 205, having orientated knowledge and experience in law and suitable for the performance of the duty as judges of the Constitutional Court to be judges of the Constitutional Court under (1) or (2), as the case may be.

The elected persons under paragraph one shall hold a meeting and elect one among themselves to be the President of the Constitutional Court and notify the result to the President of the Senate accordingly.

The President of the Senate shall countersign the Royal Command appointing the President and judges of the Constitutional Court.

### **Section 205**

The qualified persons under Section 204 (3) and (4) shall possess the qualifications and shall not be under any of the prohibitions as follows:

- (1) being of Thai nationality by birth;
- (2) being not less than forty five years of age;
- (3) having been a Minister, a judge of the Supreme Military Court, an Election Commissioner, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member of the National Human Rights Commission, or having served in a position of not lower than Deputy Prosecutor General, Director-General or a person holding an administrative position in a government agency having administrative power equivalent to Director-General, or holding an academic position of not lower than Professor or having been a lawyer practicing legal profession regularly and continuously for not less than thirty years up to the date of nomination;
- (4) not being under any of the prohibitions under Section 100 or Section 102 (1), (2), (4), (5), (6), (7), (13) or (14);
- (5) not being a member of the House of Representatives, senator, political official, member of a local assembly or local administrator;
- (6) not being or having been a member or holder of other position of a political party over the period of three years preceding the taking of office;
- (7) not being an Election Commissioner, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member of the National Human Rights Commission.

### **Section 206**

The selection and election of judges of the Constitutional Court under Section 204 (3) and (4) shall be proceeded as follows:

- (1) there shall be a Selective Committee for Judges of the Constitutional Court consisting of the President of the Supreme Court of Justice, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives and the President of the Constitutional independent organizations whom elected among themselves to be one in number, as members. The Selective Committee must complete the selection under Section 204 (3) and (4) within thirty days as from the date a ground for the selection occurs and then nominates the selected persons, with their consents, to the President of the Senate. The selection resolution shall be by open votes and passed by the votes of not less than two-thirds of the total number of the existing members of the Selective Committee. In the case where there is no member in any position or a member is unable to perform his duty and the number of the remaining members is not less than one-half thereof, the Selective Committee shall consist of the remaining members; provided that the provisions of Section 113 paragraph two shall apply mutatis mutandis;

- (2) the President of the Senate shall convoke a sitting of the Senate for the passing of approval resolution to the selected persons under (1) within thirty days as from the date of receipt of the nomination. A resolution shall be made by secret ballot. In case of approval resolution, the President of the Senate shall tender the nominated persons to the King for His appointment. In the case where the Senate disapproves the nomination, whether wholly or partly, it shall be returned to the Selective Committee for reselection. In such case, if the Selective Committee disagrees with the Senate and reaffirms its resolution unanimously, the names of the selected person shall be nominated to the President of the Senate to present to the King for His appointment, but if the reaffirmation is not passed by unanimous resolution, the reselection shall be commenced and it shall complete within thirty days as from the date a ground for the selection occurs.

If it is unable to complete the selection under (1) within the specified period by any cause, the Supreme Court of Justice shall, at its general meeting, appoint three judges of the Supreme Court of Justice holding a position of not lower than a judge of the Supreme Court of Justice and the Supreme Administrative Court shall, at its general meeting, appoint two judges of the Supreme Administrative Court to be members of the Selective Committee for the carrying out the duty under (1).

### **Section 207**

The President and judges of the Constitutional Court shall not:

- (1) be a government official holding a permanent position or receiving a salary;
- (2) be an official or employee of a State agency, State enterprise or local government organization or a director or adviser of a State enterprise or State agency;
- (3) hold any position in a partnership, a company or an organization carrying out business with a view to sharing profits or incomes, or be an employee of any person;
- (4) engage in any independent profession.

In the case where the general meeting of the Supreme Court of Justice or of the Supreme Administrative Court or the Senate, has approved the person in (1), (2), (3) or (4) with the consent of that person, the selected person can commence the performance of duty only when he has resigned from the position in (1), (2) or (3) or has satisfied that his engagement in such independent profession has ceased to exist. This must be done within fifteen days as from the date of the selection or approval. If such person has not resigned or has not ceased to engage in the independent profession within the specified period, it shall be deemed that that person has never been selected or approved to be a judge of the Constitutional Court and the provisions of Section 204 and Section 206, as the case may be, shall apply.

### **Section 208**

The President and judges of the Constitutional Court shall hold office for nine years as from the date of their appointment by the King and shall hold office for only one term.

The outgoing President and judges of the Constitutional Court shall remain in office to perform duty until the newly appointed President and judges of the Constitutional Court take office.

The President and judges of the Constitutional Court shall be judicial officials under the law.

### **Section 209**

In addition to the vacation of office upon the expiration of term, the President and judges of the Constitutional Court vacate office upon:

- (1) death;

- (2) being of seventy years of age;
- (3) resignation;
- (4) being disqualified or being under any of the prohibitions under Section 205;
- (5) having done an act in violation of Section 207;
- (6) the Senate passing a resolution under Section 274 for the removal from office;
- (7) being sentenced by a judgment to imprisonment notwithstanding the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or a defamation offense.

When a case under paragraph one occurs, the remaining judges shall continue to perform their duties subject to Section 216.

### **Section 210**

In the case where the President and judges of the Constitutional Court vacate office en masse at the expiration of term, the proceedings under Section 204 and Section 206 shall be taken within thirty days as from the date of the vacation of office.

In the case where the President and judges of the Constitutional Court vacate office otherwise than in the case under paragraph one, the following proceedings shall be taken:

- (1) in the case of the judge of the Constitutional Court who was selected at the general meeting of the Supreme Court of Justice, the proceedings under Section 204 shall complete within thirty days as from the date of the vacation of office;
- (2) in the case of the judge of the Constitutional Court who was selected at the general meeting of the Supreme Administrative Court, the proceedings under Section 204 shall complete within thirty days as from the date of the vacation of office;
- (3) in the case of the judges of the Constitutional Court under Section 204 (3) or (4), the proceedings under Section 206 shall complete within thirty days as from the date of the vacation of office.

In the case where some or all judges of the Constitutional Court vacate office out of a session of the National Assembly, the proceedings under Section 206 shall be taken within thirty days as from the date of the opening of a session of the National Assembly.

In the case where the President of the Constitutional Court vacates office, the provisions of Section 204 paragraph three shall apply.

### **Section 211**

In the application of the provisions of any law to any case, if the Court by itself is of the opinion that, or a party to the case raises an objection with reasons that, the provisions of such law fall within the provisions of Section 6 and there has not yet been a decision of the Constitutional Court on such provisions, the Court shall submit, in the course of official service, its opinion to the Constitutional Court for consideration and decision. During such period, the Court may continue the trial, but the adjudication to the case shall be suspended until the Constitutional Court has made its decision.

In the case where the Constitutional Court is of the opinion that the objection of a party under paragraph one is not essential for decision, the Constitutional Court may refuse to accept the case for consideration.

The decision of the Constitutional Court shall apply to all cases but shall not affect final judgments of the Courts.

### **Section 212**

A person whose rights and liberties recognized by this Constitution are violated, has the right to submit a motion to the Constitutional Court for its a decision as to whether the provisions of the law are contrary to or inconsistent with the Constitution.

The exercise of right under paragraph one must be in the case of unable to exercise the right by other means as provided in the organic law on rules and procedure of the Constitutional Court;

#### **Section 213**

In the performance of duty, the Constitutional Court shall have the power to demand documents or relevant evidence from any person or summon any person to give statements of fact as well as request inquiry officials, a government agency, State agency, State enterprise or local government organization to carry out any act for the purpose of its consideration.

The Constitutional Court shall have the power to appoint a person or a group of persons to carry out duty as entrusted.

#### **Section 214**

In the case where a dispute arises as to the power and duty among the National Assembly, the Council of Ministers or the Constitutional organization other than the Courts and such dispute arises between two or more of such organizations, the President of the National Assembly, the Prime Minister, or such organization shall submit a matter together with its opinion to the Constitutional Court for decision.

#### **Section 215**

In the case where the Constitutional Court is of the opinion that a matter or issue submitted for its consideration has been decided, the Constitutional Court may refuse to accept such matter or issue for consideration.

#### **Section 216**

The quorum of judges of the Constitutional Court for hearing and rendering a decision shall consist of not less than five judges. The decision of the Constitutional Court shall be made by a majority of votes, unless otherwise provided in this Constitution.

Every judge of the Constitutional Court who constitutes a quorum shall give a decision on his own part and make an oral statement to the meeting before passing a resolution.

The decisions of the Constitutional Court and all judges thereof shall be published in the Government Gazette.

The decision of the Constitutional Court must at least consist of the background or allegation, summary of facts obtained from hearings, reasons for the decision on questions of fact and questions of law and the provisions of the Constitution and the law invoked and resorted to.

The decision of the Constitutional Court shall be deemed final and binding on the National Assembly, Council of Ministers, Courts and other State organs.

The rules and procedure of the Constitutional Court shall be in accordance with the organic law on rules and procedure of the Constitutional Court.

#### **Section 217**

The Constitutional Court shall have its autonomous secretariat, with the Secretary-General of the Office of the Constitutional Court as the superintendent responsible directly to the President of the Constitutional Court.

A person to be appointed as the Secretary-General of the Office of the Constitutional Court must be nominated by the President of the Constitutional Court with approval of judges of the Constitutional Court as provided by law.

The Office of the Constitutional Court shall have autonomy in its personnel administration, budget and other activities as provided by law.

### **Part 3**

#### **Courts of Justice**

## **Section 218**

The Courts of Justice have the power to try and adjudicate all cases except those specified by this Constitution or the law to be within the jurisdiction of other Courts.

## **Section 219**

There shall be three levels of Courts of Justice, viz, Courts of First Instance, Courts of Appeal and the Supreme Court of Justice, except otherwise provided by this Constitution or other laws.

The Supreme Court of Justice has the power to try and adjudicate cases provided by the Constitution or the law to submit directly to the Supreme Court of Justice and appeals against judgments or orders of Courts of First Instance or Courts of Appeal as provided by law, except where the Supreme Court of Justice is of the opinion that the question of law or the question of fact of the such appeals is not essential for decision, it has the power to refuse the acceptance of such cases for consideration in accordance with the rule provided by its general meeting.

The Supreme Court of Justice has the power to try and adjudicate the election related cases and the suspension of the right to vote at an election of members of the House of Representatives and acquisition of senators, and the Court of Appeal has the power to try and adjudicate the election related cases and the suspension of the right to vote at an election of members of a local assembly or local administrators; provided that, the rules and procedure for trial and adjudication of such cases shall base upon inquisitorial system in accordance with the rules and procedure provided by a general meeting of the Supreme Court of Justice and shall be conducted without delay.

There shall be in the Supreme Court of Justice a Criminal Division for Persons Holding Political Positions, the quorum of which consists of nine judges of the Supreme Court of Justice holding a position of not lower than judge of the Supreme Court of Justice or senior judges having held a position of not lower than judge of the Supreme Court of Justice whom elected at a general meeting of the Supreme Court of Justice by secret ballot and on a case-by-case basis.

The competence of the Supreme Court of Justices Criminal Division for Persons Holding Political Positions and the criminal procedure for such persons shall be as provided by this Constitution and the organic law on criminal procedure for persons holding political positions.

## **Section 220**

The appointment and removal from office of a judge of a Court of Justice must be approved by the Judicial Commission of the Courts of Justice before they are tendered to the King.

The promotion, increase salaries and punishment of judges of the Courts of Justice must be approved by the Judicial Commission of the Courts of Justice. In such case, the Judicial Commission of the Courts of Justice shall appoint a sub-committee in each level of Courts for rendering opinion thereon for its consideration.

In giving approval of the Judicial Commission of the Courts of Justice under paragraph one and paragraph two, regard shall be had to knowledge, competency and moral behavior of such person.

## **Section 221**

The Judicial Commission of the Courts of Justice consists of the following persons:

- (1) President of the Supreme Court of Justice as Chairperson;
- (2) qualified members of all levels of Courts, viz, six members from the Supreme Court of Justice, four members from the Courts of Appeal, and two members from the Courts of First Instance, who are judges of each level of Courts and elected by judicial officials of all levels of Courts;

(3) two qualified members who are not judicial officials and elected by the Senate.

The qualifications, prohibitions and procedure for the election of the qualified members shall be in accordance with the provisions of law.

In the case where there is no qualified member under paragraph one (3) or the number of such members is less than two and if not less than seven members of the Judicial Commission of the Courts of Justice are of the opinion that there is an urgent matter to be approved, the said number of the members of the Judicial Commission of the Courts of Justice shall constitute a quorum to consider such urgent matter.

### **Section 222**

The Courts of Justice shall have an autonomous secretariat, with the Secretary-General of the Office of the Courts of Justice as the superintendent responsible directly to the President of the Supreme Court of Justice.

A person to be appointed as the Secretary-General of the Office of the Courts of Justice must be nominated by the President of the Supreme Court of Justice with approval of the Judicial Commission of the Courts of Justice as provided by law.

The Office of the Courts of Justice shall have autonomy in its personnel administration, budget and other activities, as provided by law.

## **Part 4**

### **Administrative Courts**

#### **Section 223**

Administrative Courts have the power to try and adjudicate cases of dispute between a government agency, State agency, State enterprise, local government organization or Constitutional organization, or between State officials and private individual, or between a government agency, State agency, State enterprise, local government organization or Constitutional organization, or among State officials themselves, as a consequence of the exercise of an administrative power provided by law, or of the carrying out of an administrative act of a government agency, State agency, State enterprise, local government organization, Constitutional organization or State officials, as provided by law, as well as to try and adjudicate matters prescribed by the Constitution or the law to be under the jurisdiction of the Administrative Courts.

The jurisdiction of the Administrative Courts under paragraph one does not include the adjudication of disputes made by Constitutional organization as the direct exercise of their powers under the Constitution.

There shall be the Supreme Administrative Court and Administrative Courts of First Instance, and there may also be the Appellate Administrative Court.

#### **Section 224**

The appointment and removal from office of an administrative judge must be approved by the Judicial Commission of the Administrative Courts as provided by law before they are tendered to the King.

Qualified persons in the field of law or the administration of State affairs may be appointed as judges of the Supreme Administrative Court. Such appointment shall be made in the number of not less than one-third of the total number of judges of the Supreme Administrative Court and must be approved by the Judicial Commission of the Administrative Courts as provided by law and by the Senate before it is tendered to the King.

The promotion, increase of salaries and punishment of administrative judges must be approved by the Judicial Commission of the Administrative Courts as provided by law.

The number of administrative judges in each level of the Courts shall be as prescribed by the Judicial Commission of the Administrative Courts.

### **Section 225**

The appointment of an administrative judge as President of the Supreme Administrative Court, shall, when already approved by the Judicial Commission of the Administrative Courts and the Senate, be tendered by the Prime Minister to the King for appointment.

### **Section 226**

The Judicial Commission of the Administrative Courts consists of the following persons:

- (1) President of the Supreme Administrative Court as Chairperson;
- (2) nine qualified members who are administrative judges and elected by administrative judges among themselves;
- (3) three qualified members, two of whom are elected by the Senate and the other by the Council of Ministers.

The qualifications, prohibitions and procedure for the election of the qualified members shall be in accordance with the provisions of law.

In the case where there is no qualified member under paragraph one (3) or the number of such members is less than three and if not less than six members of the Judicial Commission of the Administrative Courts are of the opinion that there is an urgent matter to be approved, the said number of the members of the Judicial Commission of the Administrative Courts shall constitute a quorum to consider such urgent matter.

### **Section 227**

The Administrative Courts shall have an autonomous secretariat, with the Secretary-General of the Office of the Administrative Courts as the superintendent responsible directly to the President of the Supreme Administrative Courts.

A person to be appointed as the Secretary-General of the Office of the Administrative Courts must be nominated by the President of the Supreme Administrative Courts with approval of the Judicial Commission of Administrative Courts as provided by law.

The Office of the Administrative Courts shall have autonomy in its personnel administration, budget and other activities as provided by law.

## **Part 5 Military Courts**

### **Section 228**

Military Courts have the power to try and adjudicate the cases which offenders are subjected to the jurisdiction of the Military Courts and other cases, as provided by law.

The appointment and removal from office of military judges shall be as provided by law.

## **CHAPTER XI Constitutional Organization**

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### **Part 1 Independent Organizations**

## **1. The Election Commission**

### **Section 229**

The Election Commission consists of a Chairperson and other four Commissioners appointed, by the King with the advice of the Senate, from persons of apparent political impartiality and integrity.

The President of the Senate shall countersign the Royal Command appointing the Chairperson and Commissioners under paragraph one.

### **Section 230**

An Election Commissioner shall have the qualifications and shall not be under any prohibition as follows:

- (1) being of not less than forty years of age;
- (2) having graduated with not lower than a Bachelor's degree or its equivalent;
- (3) having qualifications and not being under any of the prohibitions under Section 205 or Section 205 (1), (4), (5) and (6);
- (4) not being a judge of the Constitutional Court, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member of the National Human Right Commission.

The provisions of Section 207 shall also apply mutatis mutandis to the Election Commissioner.

### **Section 231**

The selection and election of Chairperson and Election Commissioners shall be proceeded as follows:

- (1) there shall be a Selective Committee of seven members consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, a person selected at a general meeting of the Supreme Court of Justice and a person selected at a general meeting of the Supreme Administrative Court as members to be in charge of the selection and nomination of three persons, who have the qualifications under Section 230 and suitable to be Election Commissioners, to the President of the Senate upon their consents. The selection resolution shall be passed by the votes of not less than two-thirds of the total number of the existing members of the Selective Committee. In the case where there is no member in any position or a member is unable to perform his duty and the number of the remaining members is not less than one-half thereof, the Selective Committee shall consist of the remaining members; provided that the provisions of Section 113 paragraph two shall apply mutatis mutandis;

Persons selected by the Supreme Court of Justice and the Supreme Administrative Court at their general meeting under paragraph one shall not be judges and shall not be members of the Selective Committee for other Constitutional organizations simultaneously.

- (2) the Supreme Court of Justice shall, at its general meeting, consider and select two persons who have qualifications under Section 230 and suitable to be Election Commissioners for making nomination to the President of the Senate upon their consents;
- (3) the selection under (1) and (2) shall be made within thirty days as from the date when a ground for the Section of persons to be in such office occurs. In the

- case where it is unable to make nomination within specified period, or unable to make nomination in the complete number within the period specified in (1), the Supreme Court of Justice shall, at its general meeting, make selection to obtain the complete number within fifteen days as from the date of the expiration of the nomination time under (1);
- (4) the President of the Senate shall convoke the Senate for passing a resolution, by secret ballot, approving the nominated persons under (1), (2) and (3);
  - (5) in the case where the Senate approves the nomination, the proceedings under (6) shall be preceded, but in the case where the Senate disapproves the nomination, whether wholly or partly, it shall be returned to the Selective Committee or the Supreme Court of Justice, at its general meeting, for reselection. In such case, if the Selective Committee or the Supreme Court of Justice, at its general meeting, disagrees with the Senate and reaffirms its resolution unanimously or by the votes of not less than two-thirds of the general meeting of the Supreme Court of Justice, as the case may be, the proceedings (6) shall be proceeded, but in the case where the reaffirmation is not passed unanimously or by the votes of less than the required number, the reselection shall be commenced and it shall complete within thirty days as from the date a ground for the selection occurs.
  - (6) the person approved under (4) or (5) shall meet and elect among themselves to be Chairperson of the Election Commission and, then, notify the President of the Senate of the result. The President of the Senate shall tender to the King for further appointment.

### **Section 232**

Election Commissioners shall hold office for a term of seven years as from the date of their appointment by the King and shall serve for only one term.

The Election Commissioners who vacate office upon the expiration of the term shall remain in office to continue to perform their duties until the newly appointed Election Commissioners take office.

The provisions of Section 209 (1), (2), (3), (5), (6), (7) and the disqualifications and the prohibitions under Section 230 shall also apply *mutatis mutandis* to the vacation of office of Election Commissioners.

### **Section 233**

Members of the House of Representatives, senators, or members of both Houses of not less than one-tenth of the total number of the existing members of the two Houses have the right to lodge with the President of the National Assembly a complaint that any Election Commissioner is disqualified or is under any of the prohibitions or has acted in contravention of any of the prohibitions under Section 230 and the President shall refer that complaint, within three days as from the date of receipt of the complaint, to the Constitutional Court for its decision.

When the Constitutional Court has passed a decision, it shall notify the President of the National Assembly and the Chairperson of the Election Commission of such decision.

The provisions of Section 92 shall also apply *mutatis mutandis* to the vacation of office of Election Commissioners.

### **Section 234**

In the case where the Election Commissioners have vacated office en masse at the expiration of term, the selective process under Section 231 shall be taken within ninety days as from the date of the vacation.

In the case where Election Commissioners vacate office for any reason other than the expiration of term, the selection process under Section 231 shall be completed within sixty

days as from the date in which the reason has occurred, and the approved person shall serve only for the remainder of the term of the replaced Commissioners.

### **Section 235**

The Election Commission shall control and hold, or cause to be held, an election of members of the House of Representatives, senators, members of a local assembly and local administrators, as the case may be, including the voting in a referendum for the purpose of rendering it to proceed in an honest and fair manner.

The Chairperson of the Election Commission shall have the charge and control of the execution of the organic law on election of members of the House of Representatives and acquisition of senators, the organic law on political parties, the organic law on Election Commission, the organic law on referendum and the law on election of members of local assemblies or local administrators and shall be the political-party registrar.

There shall be the Office of the Election Commission being an agency having autonomy in its personnel administration, budget and other activities as provided by law.

### **Section 236**

The Election Commission shall have the following powers and duties:

- (1) to issue notifications or regulations determining all acts necessary for the execution of the laws referred to in Section 235 paragraph two including regulations relating to a launching of election campaigns and any act of political parties, candidates and persons having the right to vote to proceed in an honest and fair manner and determining rules to be complied by State in giving support of fair election and equal opportunity in campaigning;
- (2) to lay down regulations determining prohibitions in performance of duties of the Council of Ministers and portfolio Minister under Section 181 with due regard to the maintenance of interest of State and to honesty, fairness, equality and equal opportunity in an election;
- (3) to determine measures for controlling of a donation of money to political parties, rendering of financial support by State, spending of money of political parties and candidates and auditing publicly of accounts of political parties, and to control a disbursement and receipt of money for benefit in voting at an election;
- (4) to give orders instructing government officials, officials or employees of a State agency, State enterprise or local government organization or other State officials to perform all necessary acts under the laws referred to in Section 235 paragraph two;
- (5) to conduct investigations and inquiries and to make decisions on arising problems or disputes under the laws referred to in Section 235 paragraph two;
- (6) to order a new election or a new voting at a referendum to be held in any or all polling stations when there occurs convincing evidence that the election or the voting at a referendum in that or those polling stations has not proceeded in an honest and fair manner;
- (7) to announce the result of an election and the voting in a referendum;
- (8) to promote and support or co-ordinate with government agency, State agency, State enterprise or local government organization or to support private organizations in giving education to the public on the democratic regime of government with the King as Head of State and the enhancement of public participation in politics;
- (9) to perform other acts as provided by law.

In the performance of duties, the Election Commission has the power to summon any relevant document or evidence from any person, or summon any person to give statements as well as to request public prosecutors, inquiry officials, government agencies,

State agencies, State enterprises or local government organizations to take action for the purpose of performing duties, investigating, conducting inquiries and passing decisions.

The Election Commission has the power to appoint persons, a group of persons or representatives of private organizations to perform such duties as entrusted.

### **Section 237**

A candidate in an election who commits an act or causes or supports another person to act in violation of the organic law on election of members of the House of Representatives and acquisition of senators or regulations or notifications of the Election Commission which resulting in the election not to be honest and fair, his right to vote at an election shall be suspended under the organic law on election of members of the House of Representatives and acquisition of senators.

If it appears convincing evidence, through an act of the person under paragraph one, that the President or an executive board of director of a political party connives or neglects at such commission or such commission is known to him but he fails to deter or revise such commission for the maintenance of honest and fair election, it shall be deemed that such political party doing an act for the acquisition of the power to rule the country by means which is not in accordance with the provisions of this Constitution under Section 68. In such case, if the Constitutional Court orders to dissolve such political party, the right to vote at an election of the President or the executive board of directors of a political party shall be suspended for the period of five years as from the date such order is made.

### **Section 238**

The Election Commission shall conduct an investigation and inquiry forthwith upon the occurrence of any of the followings;

- (1) an objection is made by a voter, a candidate at an election or a political party having its members stand for at an election in any constituency that an election in that constituency is not appropriate or unlawful;
- (2) an objection is made by a candidate in the selection or a member of the organization referred to in Section 114 paragraph one that the selection of senators is not appropriate or unlawful;
- (3) it appears convincing evidence that, prior to being elected or selected, a member of the House of Representatives, senator, member of a local assembly or local administrator had committed any dishonest act to enable him to be elected or selected or he has been elected or selected dishonestly as a result of any act committed by any person or political party in violation of the organic law on election of members of the House of Representatives and acquisition of senators, the organic law on political parties or the organic law on election of members of local assemblies and local administrators;
- (4) it appears convincing evidence that voting in a referendum is in violation of law or an objection is made by a person having the right to vote that voting in a referendum in any polling station is not appropriate or unlawful.

The Election Commission shall, at the completion of the conducts under paragraph one, pass forthwith a decision thereon.

### **Section 239**

In the case where the Election Commission passes the decision to have re-election or suspend the right to vote at an election before the announcement of the result of the election of members of the House of Representatives and senators, such decision shall be final.

If the Election Commission is of the opinion, after the announcement of the result of election, that re-election must be held or the right to vote at an election of a member of the House or Representatives or a senator must be suspended, it shall submit a complaint to the Supreme Court of Justice for decision. When the Supreme Court of Justice receives

the complaint of the Election Commission, such member of the House or Representatives or senator shall not be able to perform his duty until the complaint is dismissed by the Supreme Court of Justice. In the case where the Supreme Court of Justice has an order for re-election in any constituency or for suspension of the right to vote at an election of any member of the House of Representatives or senator, the membership of the House of Representatives or the membership of the Senate in such constituency shall terminate.

In the case where the person under paragraph two is unable to perform his duty, he shall not be regarded as one of the existing members of the House of Representatives or the Senate, as the case may be.

The provisions of paragraph one, paragraph two and paragraph three shall apply mutatis mutandis to the election of members of local assemblies and local administrators and, in such case, a submission of a complaint under paragraph two shall be made to the Courts of Appeal and the order of the Courts of Appeal shall be final.

### **Section 240**

If there is an objection that the selection of a senator is not appropriate or unlawful or there is convincing evidence that a senator committed an act under Section 238 prior to be selected, the Election Commission shall conduct an investigation and inquiry forthwith.

Upon reaching any decision, the Election Commission shall forthwith submit its decision to the Supreme Court of Justice for decision and the provision of Section 239 paragraph two and paragraph three shall apply mutatis mutandis to an inability of such senator.

In the case where the Supreme Court of Justice orders to revoke the selection or suspend the right to vote at an election of a senator, the membership of the Senate of such senator shall terminate as from the date such order is made, and the selection to fulfill the vacancy shall be taken.

The Chairperson of the Election Commission shall not participate in the proceeding or the giving of decision under paragraph one or paragraph two and, in this case, it shall be deemed that the Election Commission consisting of the remaining Commissioners.

The objection and consideration of the Election Commission shall be in accordance with the organic law on election of members of the House of Representatives and acquisition of senators.

### **Section 241**

During the period in which a Royal Decree calling for an election of members of the House of Representatives or senators, a Notification calling for selection of senators or a Notification calling for the voting in a referendum is effective, no Election Commissioner shall be arrested, detained or summoned by a warrant for inquiry except in the case where permission of the Election Commission is obtained or where the arrest is made in flagrante delicto.

In the case where an Election Commissioner has been arrested in flagrante delicto, or where an Election Commissioner is arrested or detained in other cases, it shall be forthwith reported to the Chairperson of the Election Commission and the Chairperson may order a release of the person so arrested, but in the case where the Chairperson of the Election Commission is arrested or detained, the remaining Election Commissioners shall have the power to order a release.

## **2. The Ombudsmen**

### **Section 242**

There shall be three Ombudsmen who shall be appointed by the King with the advice of the Senate from the persons recognized and respected by the public, with knowledge and

experience in the administration of State affairs, enterprises or activities of common interests of the public and with apparent integrity.

The elected persons to be Ombudsmen shall hold a meeting and elect one among themselves to be the President of the Ombudsmen and notify the result to the President of the Senate accordingly.

The President of the Senate shall countersign the Royal Command appointing the Ombudsmen.

The qualifications and prohibitions of the Ombudsmen shall be in accordance with the organic law on Ombudsmen.

The Ombudsmen shall hold office for a term of six years as from the date of their appointment by the King and shall serve for only one term.

There shall be the Office of the Ombudsmen being an agency having autonomy in its personnel administration, budget and other activities as provided by law.

### **Section 243**

The provisions of Section 206 and 207 shall apply *mutatis mutandis* to the selection and election of the Ombudsmen. In such case, there shall be a Selective Committee of seven members consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, a person selected at a general meeting of the Supreme Court of Justice and a person selected at a general meeting of the Supreme Administrative Court and the provisions of Section 231 (1) paragraph two shall apply *mutatis mutandis*.

### **Section 244**

The Ombudsmen have the powers and duties as follows:

- (1) to consider and inquire into the complaint for fact-findings in the following cases:
  - (a) failure to perform in compliance with the law or performance beyond powers and duties as provided by law of a government official, an official or employee of a government agency, State agency, State enterprise or local government organization;
  - (b) performance of or omission to perform duties of a government official, an official or employee of a government agency, State agency, State enterprise or local government organization, which unjustly causes injuries to the complainant or the public whether such act is lawful or not;
  - (c) investigation any omission to perform duties or unlawful performance of duties of the Constitutional organization or agencies in the administration of justice, except the trial and adjudication of the Courts;
  - (d) other cases as provided by law;
- (2) to conduct the proceeding in relation to ethics of persons holding political positions and State officials under Section 279 paragraph three and Section 280;
- (3) to monitor, evaluate and prepare recommendations on the compliance with the Constitution including considerations for amendment of the Constitution as deemed necessary;
- (4) to report the result of its investigation and performance together with comments to the Council of Ministers, the House of Representatives and the Senate annually. Such report shall be published in the Government Gazette and disclosed to the public.

In exercising of powers and duties under (1) (a), (b) and (c), the Ombudsmen shall proceed where there is a complaint thereon, provided that the Ombudsmen is of the opinion that such act causes injuries to the public or it is necessary to protect public interests and, in such case, the Ombudsmen may consider and conduct investigation irrespective of a complaint.

### **Section 245**

The Ombudsmen may submit a case to the Constitutional Court or Administrative Court in the following cases:

- (1) if the provisions of any law begs the question of the constitutionality, the Ombudsmen shall submit the case and the opinion to the Constitutional Court and the Constitutional Court shall decide without delay in accordance with the organic law on rules and procedure of the Constitutional Court;
- (2) if rules, orders or actions of any person under Section 244 (1) (a) begs the question of the constitutionality or legality, the Ombudsmen shall submit the case and the opinion to the Administrative Court and the Administrative Court shall decide without delay in accordance with the Act on Establishment of the Administrative Courts and Administrative Courts Procedure.

## **3. The National Counter Corruption Commission**

### **Section 246**

The National Counter Corruption Commission consists of the President and eight members appointed by the King with the advice of the Senate.

Members of the National Counter Corruption Commission shall be persons of apparent integrity, with qualifications and without any of the prohibitions under Section 205 and having been a Minister, an Election Commissioner, an Ombudsman, a member of the National Human Rights Commission or a member of the State Audit Commission, or having served in a position of not lower than a Director-General or a person holding an administrative position in a government agency having administrative powers equivalent to a Director-General or a person holding an academic position of not lower than Professor, or a representative of a private development organization or a professional practitioner of a professional organization established under the law who practices such profession for not less than thirty years whom certified and nominated to the selection by such private development organization or professional organization.

The provisions of Section 204 paragraph three and paragraph four, Section 206 and Section 207 shall apply mutatis mutandis to the selection and election of members of the National Counter Corruption Commission and, in such case, the Selective Committee shall consist of five members, viz, the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives and the Leader of the Opposition in the House of Representatives.

The President of the Senate shall countersign the Royal Command appointing the President and members of the National Counter Corruption Commission.

There shall be a Counter Corruption Commissioner to each Changwat and its qualifications, selection and powers and duties shall be in accordance with the organic law on counter corruption.

### **Section 247**

Members of the National Counter Corruption Commission shall hold office for a term of nine years as from the date of their appointment by the King and shall serve for only one term.

Members of the National Counter Corruption Commission who vacate office at the expiration of term shall remain in office to continue to perform their duties until the newly appointed members take office.

The provisions of Section 209 and Section 210 shall apply mutatis mutandis to the vacation from office, the selection and an election for the fulfillment of the vacancy of members of the National Counter Corruption Commission.

#### **Section 248**

Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House or voters of not less than twenty-thousand in number have a right to lodge with the President of the Senate a complaint that any member of the National Counter Corruption Commission has acted unjustly, intentionally violated the Constitution or laws or has been under any circumstance which is seriously detrimental to the dignity of the holding of office, in order to request the Senate to pass a resolution removing him from office.

The resolution of the Senate removing the member of the National Counter Corruption Commission from office under paragraph one shall be passed by the votes of not less than three-fourths of the total number of the existing members of the Senate.

#### **Section 249**

Members of the House of Representatives, senators or members of both Houses of not less than one-fifth of the total number of the existing members of both Houses have a right to lodge with the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions an allegation that any member of the National Counter Corruption Commission has become unusually wealthy or has committed an offence of corruption or malfeasance in office.

The request under paragraph one shall clearly itemize the circumstance in which such person has allegedly committed the act under paragraph one and shall be submitted to the President of the Senate. When the President of the Senate has received the said request, the President shall refer it to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for trial and adjudication.

The alleged member of the National Counter Corruption Commission shall not perform his duty until the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions has dismissed the said request.

In the case where a member of the National Counter Corruption Commission is unable to perform his duty under paragraph three and the remaining members of the National Counter Corruption Commission are less than one-half of the total number thereof, the President of the Supreme Court of Justice and the President of Supreme Administrative Court shall jointly appoint a person having qualifications and is not under the same prohibitions of members of the National Counter Corruption Commission as acting member of the National Counter Corruption Commission pro tempore. The appointed person shall act as a member of the National Counter Corruption Commission until a member of the National Counter Corruption Commission he acting for is able to perform his duty or until there is a decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions that such person has committed an offence.

#### **Section 250**

The National Counter Corruption Commission shall have the following powers and duties:

- (1) to inquire into facts, summarize the case and prepare opinions in relation to the removal from office to be submitted to the Senate according to Section 272 and Section 279 paragraph three;
- (2) to inquire into facts, summarize the case and prepare opinions in relation to a criminal proceedings of the persons holding political positions to be submitted to

- the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions in accordance with Section 275;
- (3) to inquire and decide whether a State official of high administration level or a government official holding a position of a Divisional Director or its equivalent or higher level has become unusually wealthy or has committed an offence of corruption, malfeasance in office or malfeasance in judicial office, and to take such actions against a State official or a government official of lower level who participates in the commission of such offence with the person holding the said position or the person holding political position or who commits an offence in the manner deemed appropriate by the National Counter Corruption Commission in accordance with the organic law on counter corruption;
  - (4) to inspect the accuracy, actual existence as well as change of assets and liabilities of the persons holding positions under Section 259 and Section 264 as stated in the account and supporting documents submitted in accordance with the rules and procedures prescribed by the National Counter Corruption Commission;
  - (5) to supervise and monitor moral and ethics of persons holding political positions;
  - (6) to submit an inspection report and a report on the performance of duties together with recommendations to the Council of Ministers, the House of Representatives and the Senate annually. The report shall be published in the Government Gazette and disclosed to the public;
  - (7) to carry on other acts as provided by law.

The provisions of Section 213 shall apply mutatis mutandis to the performance of duties of the National Counter Corruption Commission.

The President of the National Counter Corruption Commission shall be judicial officials under the law.

#### **Section 251**

The National Counter Corruption Commission shall have an autonomous secretariat, with the Secretary-General of the National Counter Corruption Commission as the superintendent responsible directly to the President of the National Counter Corruption Commission.

A person to be appointed as the Secretary-General of the National Counter Corruption Commission must be nominated by the President of the National Counter Corruption Commission with approval of members of the National Counter Corruption Commission.

The Office of the National Counter Corruption Commission shall have autonomy in its personnel administration, budget and other activities as provided by law.

### **4. The State Audit Commission**

#### **Section 252**

The State audit shall be carried out by the State Audit Commission that is independent and impartial.

The State Audit Commission consists of the Chairperson and six other members appointed by the King from persons with expertise and experience in state audit, accounting, internal audit, finance and other fields.

The provisions of Section 204 paragraph three and paragraph four, Section 206 and Section 207 shall apply mutatis mutandis to the selection and election of members the State Audit Commission and the Auditor-General, provided that the composition of the Selective Committee shall be in accordance with Section 243.

The President of the Senate shall countersign the Royal Command appointing the Chairperson and members of the State Audit Commission and the Auditor-General.

Members of the State Audit Commission shall hold office for a term of six years from the date of their appointment by the King and shall serve for only one term.

Qualifications, prohibitions and vacation of office of members of the State Audit Commission and the Auditor-General as well as powers and duties of the State Audit Commission, the Auditor-General and the Office of the State Audit Commission shall be in accordance with the organic law on State Audit.

The determination of qualifications and procedure for the selection of persons to be appointed as members of the State Audit Commission and the Auditor-General shall be made in the manner which can secure persons of appropriate qualifications an integrity and which can provide for the guarantee of the independence in the performance of duties of such persons.

### **Section 253**

The State Audit Commission has the powers and duties to determine standards relating to State audit, to provide opinions, suggestions and recommendations for the correction of faults in State audit and to appoint the independent Financial Disciplinary Committee to render decisions on actions relating to financial discipline, finance and budget and the cases of dispute in relation to the decisions of the Financial Disciplinary Committee shall be under the jurisdiction of the Administrative Courts.

The Auditor-General shall have the powers and duties in relation to State Audit and shall be independent and impartial.

### **Section 254**

The State Audit Commission shall have an autonomous secretariat, with the Auditor-General as the superintendent responsible directly to the Chairperson of the State Audit Commission.

There shall be the Office of the State Audit Commission being an agency having autonomy in its personnel administration, budget and other activities as provided by law.

## **Part 2**

### **Other Organizations**

#### **1. The Public Prosecutors**

### **Section 255**

Public prosecutors shall have the powers and duties as provided in this Constitution and the law on powers and duties of public prosecutors and other laws.

Public prosecutors are independent in considering and making orders to the cases and in the performance of duties for fairness.

The appointment and removal from office of the Prosecutor General shall be by the resolution of the Public Prosecutors Committee upon the approval of the Senate.

The President of the Senate shall countersign the Royal Command appointing the Prosecutor General.

The Public Prosecutors shall have its autonomous secretariat having autonomy in its personnel administration, budget and other activities, with the Prosecutor General as the superintendent as provided by law.

A public prosecutor shall neither being a member of the board of directors of a State enterprise or other enterprises of State having similar nature; provided that an approval is given by the Public Prosecutors Committee, nor engaging in any occupation or profession or in any enterprise that may affect the performance of his duties or may detriment the dignity of his office and shall not be a member of the board of directors, director, legal advisor or holding any other position having similar nature in any partnership or company.

The provisions of Section 202 shall apply *mutatis mutandis*.

## **2. The National Human Rights Commission**

### **Section 256**

The National Human Rights Commission consists of a President and six other members appointed, by the King with the advice of the Senate, from the persons having apparent knowledge and experiences in the protection of rights and liberties of the people with due regard to the participation of representatives from private organizations in the field of human rights.

The President of the Senate shall countersign the Royal Command appointing the President and members of the National Human Rights Commission.

The qualifications, prohibitions, selection, election, removal and determination of the remuneration of members of the National Human Rights Commission shall be as provided by law.

The members of the National Human Rights Commission shall hold office for a term of six years as from the date of their appointment by the King and shall serve for only one term.

The provisions of Section 204 paragraph three, Section 206, Section 207 and Section 209 (2) shall apply *mutatis mutandis*, provided that the composition of the Selective Committee shall be in accordance with Section 243.

There shall be the Office of the National Human Rights Commission being an agency having autonomy in its personnel administration, budget and other activities as provided by law.

### **Section 257**

The National Human Rights Commission has the powers and duties as follows:

- (1) to examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report to the National Assembly for further proceeding;
- (2) to submit the case together with opinions to the Constitutional Court in the case where the Commission agrees with the complainant that the provisions of any law are detrimental to human rights and beg the question of the constitutionality as provided by the organic law on rules and procedure of the Constitutional Court;
- (3) to submit the case together with opinions to the Administrative Courts in the case where the Commission agrees with the complainant that any rule, order or administrative act is detrimental to human rights and begs the question of the constitutionality and legality as provided by the law on establishment of Administrative Courts and Administrative Court Procedure;

- (4) to bring the case to the Courts of Justice for the injured person upon request of such person if it deems appropriate for the resolution of human rights violation problem as a whole as provided by law;
- (5) to propose to the National Assembly and the Council of Ministers policies and recommendations with regard to the revision of laws, rules or regulations for the promotion and protection of human rights;
- (6) to promote education, researches and the dissemination of knowledge on human rights;
- (7) to promote co-operation and co-ordination among government agencies, private organizations and other organizations in the field of human rights;
- (8) to prepare an annual report for the appraisal of situations in the sphere of human rights in the country and submit it to the National Assembly;
- (9) other powers and duties as provided by law.

In the performance of duties of the National Human Rights Commission, regard shall be had to interests of the country and the public.

The National Human Rights Commission has the power to demand relevant documents or evidence from any person or summon any person to give statements of fact including other powers for the purpose of performing its duties as provided by law.

### **3. The National Economic and Social Council**

#### **Section 258**

The National Economic and Social Council has the duties to give advice and recommendations to the Council of Ministers on economic and social problems as well as related laws.

A national economic and social development plan and other plans as provided by law shall obtain opinions of the National Economic and Social Council before they can be adopted and published.

The composition, sources, powers and duties and operation of the National Economic and Social Council shall be in accordance with the provisions of law.

There shall be the Office of the National Economic and Social Council being an agency having autonomy in its personnel administration, budget and other activities as provided by law.

## **CHAPTER XII**

### **Inspection of the Exercise of State Power**

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#### **Part 1**

#### **Inspection of Assets**

#### **Section 259**

Persons holding the following political positions shall submit an account showing particulars of assets and liabilities of themselves, their spouses and children who have not yet become sui juris to the National Counter Corruption Commission on each occasion of taking or vacating office:

- (1) Prime Minister;
- (2) Ministers;
- (3) members of the House of Representatives;
- (4) senators;
- (5) other political officials;
- (6) local administrators and members of a local assembly as provided by law.

The account under paragraph one shall be submitted together with supporting documents evidencing the actual existence of such assets and liabilities as well as a copy of the personal income tax return of the previous fiscal year.

The account showing particulars of assets and liabilities under paragraph one and paragraph two shall include assets of the persons holding political positions under direct or indirect possession or care of other persons.

### **Section 260**

The account showing particulars of assets and liabilities under Section 259 shall disclose the particulars of assets and liabilities actually existing as of the date of taking or vacating office, as the case may be, and shall be submitted within the following period:

- (1) in the case of the taking of office, within thirty days as from the date of taking office;
- (2) in the case of the vacation of office, within thirty days as from the date of the vacation;
- (3) in the case where the person under Section 259, who has already submitted the account, dies while being in office or before submitting the same after the vacation of office, an heir or an administrator of an estate of such person shall submit an account showing the particulars of assets and liabilities existing on the date of such person's death within ninety days as from the date of the death.

In addition to the submission of the account under (2), the person holding a position of Prime Minister, Minister, local administrator, member of a local assembly or the person holding a political position but having vacated office shall also re-submit an account showing particulars of assets and liabilities within thirty days as from the date of the expiration of one year after the vacation of office.

### **Section 261**

The account showing particulars of assets and liabilities and supporting documents submitted by the Prime Minister, Ministers, members of the House of Representatives and senators shall be disclosed to public without delay but not later than thirty days as from the date of the expiration of the time limit for the submission of such account. The account of the persons holding other positions shall be disclosed in the case where the disclosure thereof may be beneficial to the trial and adjudication of case or for the making of decision and a request is made by the Courts, an interest person or the State Audit Commission.

The President of the National Counter Corruption Commission shall convene a meeting of the Commission to inspect the accuracy and the actual existence of assets and liabilities without delay.

### **Section 262**

In the case where the submission of the account is made by reason of the vacation of office or death of any person holding a political position, the National Counter Corruption Commission shall inspect the change of assets and liabilities of such person and prepare a report of the inspection. Such report shall be published in the Government Gazette.

In the case where it appears that the assets of the person under paragraph one have unusually increased, the President of the National Counter Corruption Commission shall send all documents together with the inspection report to the Prosecutor General to institute an action in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions so that the unusually increasing assets shall vest in the State and the provisions of Section 272 paragraph five shall apply *mutatis mutandis*.

### **Section 263**

Any person holding a political position who intentionally fails to submit the account showing assets and liabilities and the supporting documents as provided in this Constitution or intentionally submits the same with false statements or conceals the facts which should be revealed, the National Counter Corruption Commission shall refer the matter to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for further decision.

If the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions decides that any person holding a political position committed an offence under paragraph one, such person shall vacate office on the date such decision is made and the provision of Section 92 shall apply *mutatis mutandis*. In this case, such person is prohibited from holding any political position or any position of a political party for the period of five years as from the date the decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions is made.

### **Section 264**

The provisions of Section 259, Section 260, Section 261 paragraph two and Section 263 paragraph one shall apply *mutatis mutandis* to State officials as determined by the National Counter Corruption Commission.

The National Counter Corruption Commission may disclose the account showing particulars of assets and liabilities as submitted to interested parties if such disclosure is beneficial to the trial or decision of offences as provided by the organic law on counter corruption.

## **Part 2**

### **Conflict of Interests**

### **Section 265**

Members of the House of Representatives and senators shall not:

- (1) hold any position or have any duty in a government agency, State agency or State enterprise, or hold a position of a member of a local assembly, local administrator or local government official;
- (2) receive or interfere or intervene in, whether directly or indirectly, any concession from State, a government agency, State agency or State enterprise, or become a party to a contract of the nature of economic monopoly with State, a government agency, State agency or State enterprise, or become a partner or shareholder in a partnership or company receiving such concession or becoming a party to the contract of that nature;
- (3) receive any special money or benefit from a government agency, State agency or State enterprise apart from that given by a government agency, State agency or State enterprise to other persons in the ordinary course of business.
- (4) act in violation of the prohibitions under Section 48.

The provisions of this Section shall not apply in the case where a member of the House of Representatives or a senator receives military pensions, gratuities, pensions, annuities for royalty or any other form of payment of the same nature, and shall not apply in the case

where a member of the House of Representatives accepts or holds a position of committee member of the National Assembly, the House of Representatives or the Senate, or committee member appointed in the course of the administration of State affairs.

The provisions in (2), (3) and (4) shall apply to spouses and children of members of the House of Representatives or senators and to other persons other than spouses and children of such members of the House of Representatives or senators who act as agents or partners of, or who are entrusted by, members of the House of Representatives or senators to act under this Section.

### **Section 266**

A member of the House of Representatives and a senator shall not, through the status or position of member of the House of Representatives or senator, interfere or intervene the following matters, directly or indirectly, for the benefit of his own or other persons or of political party:

- (1) the performance of official duties or routine works of a government official, official or employee of a government agency, State agency, State agency, an enterprise in which the State is a major shareholders or a local government organization;
- (2) the recruitment, appointment, reshuffle, transfer, promotion and elevation of the salary scale of a government official holding a permanent position or receiving salary and not being a political official, an official or employee of a government agency, State agency, State enterprise or local government organization;
- (3) the removal from office of a government official holding a permanent position or receiving salary and not being a political official, an official or employee of a government agency, State agency, State enterprise or local government organization.

### **Section 267**

The provisions of Section 265 shall apply to the Prime Minister and Ministers, except for the holding of position or an act to be done under the provisions of law. The Prime Minister and Ministers shall neither hold any position in a partnership, a company or an organization carrying out business with a view to sharing profits or incomes nor being an employee of any person.

### **Section 268**

The Prime Minister and a Minister shall not perform any act in violation of the provisions of Section 266, except the performance of powers and duties for the administration of State affairs as stated to the National Assembly or as provided by law.

### **Section 269**

The Prime Minister and a Minister shall not be a partner or shareholder of a partnership or a company or retain his being a partner or shareholder of a partnership or a company up to the limit as provided by law. In the case where the Prime Minister or any Minister intends to continue to receive benefits in such cases, the Prime Minister or such Minister shall inform the President of the National Counter Corruption Commission within thirty days as from the date of the appointment and shall transfer his shares in the partnership or company to a juristic person which manages assets for the benefit of other persons as provided by law.

The Prime Minister and a Minister shall not do any act which, by nature, amounts to the administration or management of shares or affairs of such partnership or company.

This Section apply to the spouse and children who have not yet become sui juris of the Prime Minister and a Minister and Section 259 paragraph three shall apply mutatis mutandis.

## **Part 3**

### **Removal from Offices**

#### **Section 270**

A person holding a position of Prime Minister, Minister, member of the House of Representatives, senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court or Prosecutor General, who is under the circumstance of unusual wealth indicative of the commission of corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law or seriously violates or fails to comply with ethical standard, may be removed from office by the Senate.

The provisions of paragraph one shall also apply to the persons holding the following positions:

- (1) judge of the Constitutional Court, Election Commissioner, Ombudsman and member of the State Audit Commission;
- (2) judge, public prosecutor or high ranking official in accordance with the organic law on counter corruption.

#### **Section 271**

Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under Section 274 removing the persons under Section 270 from office. The said request shall clearly itemize circumstances in which such persons have allegedly committed the act.

Senators of not less than one-fourth of the total number of the existing members of the Senate have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under Section 274 removing a senator from office.

Voters of not less than twenty-thousand in number have the right to lodge a complaint in order to request the Senate to pass a resolution under Section 164 removing the persons under Section 270 from office.

#### **Section 272**

Upon receipt of the request under Section 271, the President of the Senate shall refer the matter to the National Counter Corruption Commission for inquisition without delay.

When the inquisition is complete, the National Counter Corruption Commission shall prepare a report thereon for submission to the Senate. The said report shall clearly state whether, and to what extent, the accusation put in the request is prima facie case together with convincing evidences and shall state the resolutions therefore.

In the case where the National Counter Corruption Commission is of the opinion that the accusation put in the request is an important matter, the National Counter Corruption Commission may make a separate report specifically on the said accusation and refer it to the Senate in advance.

If the National Counter Corruption Commission passes a resolution by the votes of not less than one-half of the total number of the existing members that the accusation has a prima facie case, the holder of the position against whom the accusation has been made shall not, as from the date of such resolution, perform his duties until the Senate has passed its resolution. The President of the National Counter Corruption Commission shall submit the report, existing documents and its opinion to the President of the Senate for proceeding in accordance with Section 273 and to the Prosecutor General for instituting prosecution in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. If the National Counter Corruption Commission is of the opinion that the accusation has no prima facie case, such accusation shall lapse.

In the case where the Prosecutor General is of the opinion that the report, documents and opinion submitted by the National Counter Corruption Commission under paragraph four are not so complete as to institute prosecution, the Prosecutor General shall notify the National Counter Corruption Commission for further proceedings and, for this purpose, the incomplete items shall be specified on the same occasion. In such case, the National Counter Corruption Commission and the Prosecutor General shall appoint a working committee, consisting of their representatives in an equal number, for collecting complete evidence and submit it to the Prosecutor General for further prosecution. In the case where the working committee is unable to reach a decision as to the prosecution, the National Counter Corruption Commission shall have the power to prosecute by itself or appoint a lawyer to prosecute on its behalf.

### **Section 273**

Upon receipt of the report under Section 272, the President of the Senate shall convoke a sitting of the Senate for considering the said matter without delay.

In the case where the National Counter Corruption Commission submits the report out of session of the Senate, the President of the Senate shall inform the President of the National Assembly in order to tender a petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly. The President of the Senate shall countersign the Royal Command.

### **Section 274**

A senator shall have autonomy in casting a vote, which must be by secret ballot. A resolution for the removal of any person from office shall be passed by the votes of not less than three-fifths of the total number of the existing members of the Senate.

A person who is removed from office shall vacate office or be released from government service as from the date of the resolution of the Senate. Such person shall be deprived of the right to hold any political position or to serve in the government service for five years.

The resolution of the Senate under this Section shall be final and no request for the removal of such person from office shall be made on the same ground, without, however, prejudice to the trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

## **Part 4**

### **Criminal Proceedings against Persons Holding Political Positions**

### **Section 275**

In the case where the Prime Minister, a Minister, member of the House of Representatives, senator or other political official has been accused of becoming unusually wealthy, or of the commission of malfeasance in office according to the Penal Code or a dishonest act in the performance of duties or corruption according to other laws, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall have the competent jurisdiction to try and adjudicate the case.

The provisions of paragraph one shall also apply to the case where the said person or other person is a principal, an instigator or a supporter including a person who gives, asks to give or promises to give property or other benefits to the person under paragraph one with a view to induce him from acting or omitting or delaying an act resulting in a dishonest act in the performance of duties.

The submission of an accusation requesting the National Counter Corruption Commission to conduct the proceedings under Section 250 (2) shall be in accordance with the organic law on counter corruption.

In the case where the accused under paragraph one is a person holding position of Prime Minister, Minister, President of the House of Representatives or President of the Senate, the person injured by such act may submit an accusation to the National Counter Corruption Commission to conduct the proceedings under Section 250 (2) or to the Supreme Court of Justice to appoint, at its general meeting, an independent inquisitor under 276. If the injured person has submitted the said accusation to the National Counter Corruption Commission, he may submit the accusation to the Supreme Court of Justice only when the National Counter Corruption Commission refuses to accept the accusation for further inquisition, proceeds the inquisition with materially delay or is of the opinion that the accusation has no prima facie case.

If the National Counter Corruption Commission is of the opinion that there is a ground under paragraph four and it has the resolution to conduct the proceedings under Section 250 (2) by the votes of not less than one-half of the total number of its existing member, the National Counter Corruption Commission shall conduct the proceedings under Section 250 (2) forthwith and, in such case, the injured person shall not submit an accusation to the Supreme Court of Justice under paragraph four.

The provisions of Section 272 paragraph one, paragraph four and paragraph five shall apply *mutatis mutandis*.

### **Section 276**

In the case where the Supreme Court of Justice, at its general meeting, is of the opinion that the submitted accusation should be proceeded under Section 275 paragraph four, the Supreme Court of Justice, at its general meeting, may appoint an independent inquisitor from a person of apparent political impartiality and integrity or refer the matter to the National Counter Corruption Commission for inquisition under Section 250 (2) in lieu of the appointment of an independent inquisitor.

Qualifications, powers and duties, inquisition and other necessary acts of an independent inquisitor shall be provided by law.

If the independent inquisitor, after inquiring into facts, summarizing the case and preparing opinions, is of the opinion that accusation has prima facie case, he shall submit the report and existing documents together with its opinion to the President of the Senate for further proceedings under Section 273 and shall submit the inquisition file and opinion to the Prosecutor General to bring the case to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. The provisions of Section 272 paragraph five shall apply *mutatis mutandis*.

### **Section 277**

In a trial, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall rely on the file of the National Counter Corruption Commission or of the independent inquisitor, as the case may be, and may conduct an inquisition in order to obtain additional facts or evidence as it thinks fit.

The rules and procedure of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be as provided in the organic law on criminal proceedings against persons holding political positions, and the provisions of Section 213 shall apply *mutatis mutandis* to the performance of duties of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

The provisions on the immunity of members of the House of Representatives and senators under Section 131 shall not apply to a trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

### **Section 278**

An adjudication of a case shall be made by a majority of votes; provided that every judge constituting the quorum shall prepare his written opinion and make oral statements to the meeting prior to the passing of a resolution.

Orders and decisions of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be disclosed and final, unless in case of paragraph three.

In the case where a person who has been sentenced by a judgment of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions finds newly-discovered evidence which may alter the fact of the case materially, he may appeal to the general meeting of the Supreme Court of Justice within thirty days as from the date of rendering of a judgment of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

An appeal and the consideration and adjudication of the general meeting of the Supreme Court of Justice shall be prescribed in the regulation laid down by the general meeting of the Supreme Court of Justice.

## **CHAPTER XIII**

### **Ethics of Persons Holding Political Positions and State Officials**

#### **Section 279**

Ethical standard of each kind of person holding political position, government official or State official shall be in accordance with the established Code of Ethics.

Ethical standard under paragraph one shall consist of mechanism and system that ensure its effective enforcement and shall have punishment procedure for each degree of violation.

Any violation or failure to comply with ethical standard under paragraph one is deemed to be in breach of discipline. In the case where a person holding political position violates or fails to comply therewith, the Ombudsmen shall report to the National Assembly, the Council of Ministers or related local assemblies, as the case may be, and shall refer the matter, in case of serious violation or failure, to the National Counter Corruption Commission for further proceedings and it is deemed the cause for removal from office under Section 270.

The consideration, selection, scrutiny or appointment of any person to hold the position relating to the exercise of power of State power, including the transfer, promotion and elevation of the salary scale and punishment of such person shall be in accordance with merit system with due regard to ethical behavior of that person.

#### **Section 280**

For the purpose of this Chapter, the Ombudsmen have the powers and duties in giving suggestion or recommendation in the making of or improving the Code of Ethics under Section 279 paragraph one and enhances ethical consciousness of persons holding political positions, government officials and State officials, and have duties to report any violation of the Code of Ethics to the responsible person for the enforcement of the Code under Section 279 paragraph three.

In the case where the violation or failure to comply with the ethical standard is made in a serious manner or there is a reasonable ground to believe that the responsible may act unfairly, the Ombudsmen may conduct inquisition and disclose the result thereof to the public.

## **CHAPTER XIV**

### **Local Administration**

### **Section 281**

Subject to Section 1, the State shall give autonomy to local government organization with the principle of self-government according to the will of the people in a locality and shall encourage local government organization to be the principal public services provider and to participate in rendering resolution to any problem occurs within its vicinity.

Any locality has a tendency to self-government shall have the right to be formed as a local government organization as provided by law.

### **Section 282**

The supervision of local government organizations shall be exercised in so far as it is necessary under the rules, procedure and conditions which are clear, expedient and appropriate for each type of local government organization as provided by law but must be protecting local interest or the interests of the country as a whole, provided, at any rate, that it shall not substantially affect the principle of self-government according to the will of the people in the locality otherwise than as provided by law.

In the conduct of supervision under paragraph one, there shall be a supervision standard to be applied to local government organizations, upon their own selection, with regard to the appropriateness and difference of level of development and efficiency in the administration of each type of local government organization without prejudice to capability of local government organizations in making decision for the fulfillment of their requirements and there shall be a mechanism for the examination of performance thereof which is executed mainly by the people.

### **Section 283**

Local government organizations have the powers and duties to maintain and provide, in general, public services for the benefit of the people in localities and enjoys autonomy in laying down policies, administration, provision of public services, personnel administration, finance and shall have powers and duties particularly on their own part with regard to the compliance with the development of Changwat and the country as a whole.

Local government organizations shall receive any promotion and support to strengthen their autonomous in administration and capability to response efficiently to requirements of the people in their localities, to develop locally financial system so as to provide all public services under their powers and duties and to establish or jointly establish organizations to provide public services under their powers and duties with a view to provide valuable and beneficial services to public thoroughly.

There shall be a law determining plans and process for decentralization prescribing the delineation of powers and duties and the allocation of revenue between central and provincial administrations and local government organization and between local government organizations themselves with due regard to an increasing of distributed powers along the capability of each type of local government organization. In such case, an examination and evaluation system by the committee consisting of representatives of concerned government agencies, representatives of local government organizations and qualified persons in an equal number shall be provided by law.

There shall be a law on local revenue prescribing powers and duties for the collection of taxes and other revenues of local government organizations and the provisions of which shall be in compliance with the nature of each type of taxes, the distribution of resources in public sector and the balance of revenue and expenditure of local government organizations. In such case, regard shall be had to level of economic development of localities, financial status of local government organizations and sustainability of State finance.

In the case where the delineation of powers and duties and the distribution of revenue to local government organizations has made, the committee under paragraph three shall review them every five years in order to consider the suitability of the delineation of

powers and duties and the allocation of revenue previously made, having particular regard to the promotion of decentralization.

The proceeding under paragraph five shall be effective when the approval of the Council of Ministers has been obtained and the National Assembly has been notified thereof.

#### **Section 284**

A local government organization shall have a local assembly and local administrative committee or local administrators.

Members of a local assembly shall be elected.

A local administrative committee or local administrators shall be directly elected by the people or shall be from the approval of a local assembly.

An election of members of a local assembly and local administrative committee or local administrators who must be directly elected by the people shall be made by direct suffrage and secret ballot.

Members of a local assembly, local administrative committee or local administrators shall hold office for the period of four years.

A member of a local administrative committee or local administrator shall not be a government official holding a permanent position or receiving a salary or an official or employee of a government agency, State agency, State enterprise or local government organization and shall not have any conflict of interest in the holding of position as provided by law.

The qualifications of the person having the right to vote and the person having the right to apply for candidacy in an election of members of a local assembly, members of a local administrative committee and local administrators and rules and procedure therefore shall be in accordance with the provisions of the law.

In the case where a local administrative committee has vacated office en masse or local administrators vacate office and a local administrative committee or local administrators must be temporarily appointed, the provisions of paragraph three and paragraph six shall not apply, as provided by law.

The establishment of the special local government organization having different organizational structure from the provisions in this Section shall be as provided by law, provided that a local administrative committee or local administrators thereof shall be elected.

The provisions of Section 265, Section 266, Section 267 and Section 268 shall apply mutatis mutandis to members of local assembly and local administrative committee or local administrators.

#### **Section 285**

If persons having the right to vote in an election in any local government organization consider that any member of the local assembly or any administrator of that local government organization is not suitable to remain in office, such persons shall have the right to vote for removal of such member of the local assembly or any administrator from office. The number of persons having the right to lodge such request, rules and procedure for lodging a request, the examination of request and voting shall be provided by law.

#### **Section 286**

Persons having the right to vote in any local government organization shall have the right to lodge with the President of the local assembly a request for the issuance by the local assembly of local ordinances.

The number of persons having the right to lodge such request, rules and procedure for lodging a request and the examination of request shall be provided by law.

### **Section 287**

People in a locality have the right to participate in the administration of local government organization and the local government organization shall facilitate the people to have participation thereto.

In the case where any act of the local government organization may be detrimental to way of life of the people within its locality materially, the local government organization shall provide information thereof to the people prior to the commencement of such act within a reasonable period. If it deems appropriate or upon the request of people having the rights to vote at an election in such locality, the local government organization shall conduct public consultation on such matter before the commencement of such act or conduct the referendum for decision thereon as provided by law.

The local government organization shall report to the public of its preparation of appropriation, expenditures and the result of the performance of its duties in each year with a view to enhance public examination and supervision of its administration.

The provisions of Section 168 paragraph six shall apply *mutatis mutandis* to the preparation of appropriation of a local government organization under paragraph three.

### **Section 288**

The appointment and removal of officials and employees of a local government organization shall be in accordance with the need of and suitability to each locality but personnel administration of local government organizations shall be based upon similar standard and it may be jointly developed or personnel transfer among local government organizations shall be made and it shall obtain prior approval from the Local Officials Committee, the central personnel administration of local government organizations, as provided by law.

There shall be the Local Officials Merit Protection Committee, in personnel administration of local government organizations, so as to establish and maintain merit and ethics protection system in personnel administration as provided by law.

The Local Officials Committee under paragraph one shall consist, in an equal number, of representatives of relevant government agencies, representatives of local government organizations and qualified persons possessing the qualifications as provided by law.

The transfer, promotion, increase of salaries and the punishment of the officials and employees of a local government organization shall be in accordance with the provisions of law.

### **Section 289**

A local government organization has the duty to conserve local arts, custom, wisdom and good culture of locality.

A local government organization has the right to provide education and professional training in accordance with the suitability to and the need of that locality and participate in the provision of education and training by State with regard to the compliance with the national education standard and system.

In providing education and training under paragraph two, the local government organization shall also have regard to the conservation of local arts, custom, wisdom and good culture.

### **Section 290**

A local government organization has the powers and duties to promote and conserve the quality of the environment as provided by law.

The law under paragraph one shall at least contain the following matters as its substance:

- (1) the management, preservation and exploitation of the natural resources and environment in the area of the locality;

- (2) the participation in the preservation of natural resources and environment outside the area of the locality only in the case where the living of the inhabitants in the area may be affected;
- (3) the participation in considering the initiation of any project or activity outside the area of the locality which may affect the quality of the environment, health or sanitary conditions of the inhabitant in the area;
- (4) the participation of local community.

## **CHAPTER XV**

### **Amendment of the Constitution**

#### **Section 291**

An amendment of the Constitution may be made only under the rules and procedure as follows:

- (1) a motion for amendment must be proposed either by the Council of Ministers or members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House of Representatives or members of both Houses of not less than one-fifth of the total number of the existing members thereof or persons having the right to votes of not less than fifty thousand in number under the law on the public submission of a bill;

A motion for amendment which has the effect of changing the democratic regime of government with the King as Head of State or changing the form of State shall be prohibited;

- (2) a motion for amendment must be proposed in the form of a draft Constitution Amendment and the National Assembly shall consider it in three readings;
- (3) the voting in the first reading for acceptance in principle shall be by roll call and open voting, and the amendment must be approved by votes of not less than one-half of the total number of the existing members of both Houses;
- (4) in the consideration Section by Section in the second reading, consultation with the people who submit a draft Constitution Amendment shall be held;

The voting in the second reading for consideration Section by Section shall be decided by a simple majority of votes;

- (5) at the conclusion of the second reading, there shall be an interval of fifteen days after which the National Assembly shall proceed with its third reading;
- (6) the voting in the third and final reading shall be by roll call and open voting, and its promulgation as the Constitution must be approved by votes of more than one-half of the total number of the existing members of both Houses;
- (7) after the resolution has been passed in accordance with the above rules and procedure, the draft Constitution Amendment shall be presented to the King, and the provisions of Section 150 and Section 151 shall apply mutatis mutandis.

### **Transitory Provisions**

#### **Section 292**

The Privy Council holding office on the date of the promulgation of this Constitution shall be the Privy Council under the provisions of this Constitution.

### **Section 293**

The National Legislative Assembly under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall act as the National Assembly, the House of Representatives and the Senate under the provisions of this Constitution until the first meeting of the National Assembly under Section 127.

During the period under paragraph one, if the provisions of this Constitution or other laws prescribes that the President of the National Assembly, the President of the House of Representatives or the President of the Senate shall countersign the Royal Command, the President of the National Legislative Assembly shall countersign the Royal Command in lieu thereof.

At the initial period, if there is the first meeting of the National Assembly under Section 127 but the Senate is unavailable, the National Legislative Assembly shall act as the Senate; except the consideration for appointment or removal any person from office under the provisions of this Constitution, until there is the Senate under this Constitution. In such case, any act done by the National Legislative Assembly during such period is deemed to be an act of the Senate and in the case where this Constitution or other laws prescribes that the President of the Senate shall countersign the Royal Command, the President of the National Legislative Assembly shall countersign the Royal Command in lieu thereof.

The provisions of Section 93, Section 94, Section 101, Section 102, Section 106, Section 109, Section 111, Section 113, Section 114, Section 115, Section 119, Section 120, Section 197 paragraph four and Section 261 and the provisions of other laws which prohibit persons from holding political positions shall not apply to the holding of positions of members of the National Legislative Assembly.

The provisions of Section 153 shall apply *mutatis mutandis* to the lapse of the National Legislative Assembly.

### **Section 294**

The Constituent Assembly and the Constitution Drafting Commission under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall lapse on the date of the promulgation of this Constitution.

In order to deter conflict of interest, no member of the Constitution Drafting Commission shall apply for candidacy in an election of members of the House of Representatives or holding a position of senator within two years as from the date of vacation from office under paragraph one.

### **Section 295**

The National Legislative Assembly shall complete the consideration of the organic law bill on election of members of the House of Representatives and acquisition of senators, the organic law bill on political parties and the organic law bill on Election Commission as submitted by the Constitution Drafting Commission within the period prescribed in the Constitution of the Kingdom of Thailand (Interim), B.E. 2549.

In the case where the National Legislative Assembly is unable to finish the consideration of such organic law bills within the period under paragraph one, the President of the National Legislative Assembly shall present the organic law bills submitted by the Constitution Drafting Commission to the King for His signature within seven days as if the approval of the National Legislative Assembly is given thereto.

During the period the organic law on political parties and the organic law on Election Commission under paragraph one is not come into force, the Organic Law on Political Parties, B.E. 2541 and the Organic Law on Election Commission, B.E. 2541 shall still in force until the said organic laws come into force.

### **Section 296**

The election of members of the House of Representatives under this Constitution shall be held within ninety days and the acquisition of senators under this Constitution shall be held within one hundred and fifty days as from the date the organic law under Section 295 comes into force.

At the first general election of members of the House of Representatives after the promulgation of this Constitution, a person who is eligible to be a candidate in an election shall be member of only one political party for not less than thirty days up to the election day and, in such case, the period under Section 101 (4) (a) shall be one year and the period under Section 101 (4) (c) and (d) shall be two years.

At the initial period, the persons having been senators elected for the first time under the Constitution of the Kingdom of Thailand, B.E. 2540 shall not hold positions of senators whom will be firstly acquired under this Constitution, and the provisions of Section 115 (9) and Section 116 paragraph two shall not apply to the persons whom elected for the last time under the Constitution of the Kingdom of Thailand, B.E. 2540.

### **Section 297**

At the initial period, senators acquired upon the selection basis hold office for a term of three years as from the commencement of membership and the provisions prohibiting senators form holding office for more than one term shall not apply to such persons in the subsequence selection.

### **Section 298**

The Council of Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution shall be the Council of Ministers under this Constitution and shall vacate office en masse when the Council of Ministers appointed under this Constitution taking office.

The National Security Council under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall vacate office en masse at the time when the Council of Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution vacate office.

The provisions of Section 171 paragraph two, Section 172, Section 174 and Section 182 (4), (7) and (8) shall not apply to the holding of office of the Prime Minister and Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution.

### **Section 299**

The Ombudsmen holding positions on the date of promulgation of this Constitution shall be the Ombudsmen under this Constitution and shall be in offices until the expiration of the term of office. In such case, the term of office shall commence as from the date the appointment is made by the King and the Ombudsmen shall elect one among themselves to be the President of the Ombudsmen within sixty days as from the date of promulgation of this Constitution and the provisions of Section 242 paragraph two and paragraph three shall apply mutatis mutandis.

Election Commissioners, members of the National Counter Corruption Commission and members of the National Economic and Social Council holding positions on the date of promulgation of this Constitution shall be in office until the expiration of the term of office and, in such case, the term of office shall commence as from the date of appointment.

Members of the National Human Rights Commission holding positions on the date of promulgation of this Constitution shall be in office until the appointment of the National Human Rights Commission under this Constitution. In the case where such persons hold office for not more than one year as from the date of promulgation of this Constitution, the provisions prohibiting members of the National Human Rights Commission form holding office for more than one term shall not apply to such persons in the first appointment of members of the National Human Rights Commission under this Constitution.

The persons under this Section shall continue the performance of duties under the organic laws or other relevant laws which are in force on the date of promulgation of this Constitution until the enactment of the organic laws or other laws for the compliance with this Constitution, unless the provisions thereof are contrary to or inconsistent with the provisions of this Constitution, the provisions of this Constitution shall replace.

### **Section 300**

The Constitutional Tribunal under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall be the Constitutional Court under this Constitution and the person holding the position of President of the Supreme Court of Justice shall be the President of the Constitutional Court, the person holding the position of President of the Supreme Administrative Court shall be the Vice-President of the Constitutional Court and the judges of the Supreme Court of Justice and of the Supreme Administrative Court selected under Section 35 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall be judges of the Constitutional Court until the appointment of the Constitutional Court under this Constitution which shall finish within one hundred and fifty days as from the date of appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives after the first general election of members of the House of Representatives under this Constitution.

The provisions of Section 205 (3), Section 207 (1) and (2) and Section 209 (5) shall not apply to the holding of position of the judges of the Constitutional Court under paragraph one.

The provisions of Section 35 paragraph two, paragraph three and paragraph four of the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall continue in force until the enactment of the organic law on rules and procedure of the Constitutional Court.

All cases or acts under the consideration of the Constitutional Tribunal under paragraph one shall be considered by the Constitutional Court under this Section and when the Constitutional Court under this Constitution is appointed, all pending cases or acts shall be in the jurisdiction of the newly appointed Constitutional Court.

During the period the organic law on rules and procedure of the Constitutional Court is not yet enacted, the Constitutional Court has the powers to prescribe a determination related to its trial and rendering of decisions but such organic law shall be enacted within one year as from the date of promulgation of this Constitution.

### **Section 301**

The selection for the State Audit Commission and the Auditor-General shall finish within one hundred and twenty days as from the date of appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives after the first general election of members of the House of Representatives under this Constitution and, if the President of the Constitutional Court from the selection proceedings under this Constitution does not exist, the Selective Committee shall consist of the existing members.

In the case where the State Audit Commission does not exist, the Auditor-General shall act as the President of the State Audit Commission and the State Audit Commission.

### **Section 302**

The following organic laws shall continue in force under the conditions under this Section:

- (1) Organic Law on Ombudsmen, B.E. 2542 and the President of the Ombudsmen shall have charge and control of the execution of this Organic Law;
- (2) Organic Law on Counter Corruption, B.E. 2542 and the Chairperson of the National Counter Corruption Commission shall have charge and control of the execution of this Organic Law;
- (3) Organic Law on State Audit, B.E. 2542 and the Chairperson of the State Audit Commission shall have charge and control of the execution of this Organic Law;
- (4) Organic Law on Criminal Proceeding Against Persons Holding Political Positions, B.E. 2542 and the President of the Supreme Court of Justice shall have charge and control of the execution of this Organic Law.

Amendment to the organic laws by the Acts promulgated during the period the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 being in force is deemed to be made by the organic laws under this Constitution.

Persons having charge and control of the execution of the organic laws under paragraph one shall cause revision to the organic laws for the compliance with this Constitution within one year as from the date of promulgation of this Constitution or, in the case where the person having charge and control of the execution of such organic law does not exist, the period of one year shall commence as from the date of appointment of such person.

The House of Representatives shall complete the consideration of the organic law bills under this Section within one hundred and twenty days as from the date of receipt of such organic law bills and the Senate shall finish its consideration thereon within ninety days as from the date of receipt of such organic law bills.

A resolution approves such amendment or disapproves the organic law bills under paragraph one shall be made by the votes of not less than one-half of the total members of each House.

The Election Commission shall prepare the organic law bill on referendum for the compliance with this Constitution and the provisions in paragraph three, paragraph four and paragraph five shall apply mutatis mutandis.

### **Section 303**

At the initial period, the Council of Ministers taking office after the first general election under this Constitution shall cause a preparation or amendment to laws in the matters and within the specific period as follows:

- (1) laws related to the determination of measures for supporting and protecting rights and liberties under Section 40, Section 44, Freedom of Expression of Individual and the Press in Part 7, Rights and Liberties in Education in Part 8, Rights to Public Health Services and Welfare in Part 9 and Rights to Information and Petition in Part 10 as well as laws on personal data under Section 56, Community Rights in Part 12, law establishing autonomous consumer protection organization under Section 61 paragraph two, law on political development council under Section 78 (7), law establishing organization for reforming the judicial process under Section 81 (4), law establishing farmer council under Section 84 (8), law establishing civil politics development fund under Section 87 (4) and law on National Human Rights Commission under Section 256; within one year as from the date its policies is stated to the National Assembly under Section 176;
- (2) law for the development of national education under Section 80 which promotes formal education, non-formal education, education-at-will, self-learning, life-long learning, community college or other forms of education and causes amendment to law for determining agencies to be responsible for the provision of education appropriately and in conformity with all levels of all education systems of basic education; within one year as from the date its policies is stated to the National Assembly under Section 176;
- (3) law under Section 190 paragraph five which consists of, at least, detailed measure and procedure for the conclusion of treaty having system for the balancing of powers thereon between the Council of Ministers and the National Assembly and securing transparency, efficiency and actual public participation, and details of studies or researches conducted independently before the commencement of negotiation in which there is no conflict of interests between interests of State and the of researchers through the binding period of the treaty; within one year as from the date its policies is stated to the National Assembly under Section 176;
- (4) law under Section 86 (1) and Section 167 paragraph three; within two years as from the date its policies is stated to the National Assembly under Section 176;
- (5) law determining plans and process for decentralization, law on local revenue, law on establishment of local government organization, law on local officials and other laws as referred to in Chapter XIV Local Administration for the compliance with this Constitution; within two years as from the date its policies is stated to

the National Assembly under Section 176. Such law may be compiled in form of Local Administration Code.

In the case where the laws enacted before the date of promulgation of this Constitution have compatible substances with this Constitution, the execution of this Section to such laws is exempted.

#### **Section 304**

The Code of Ethics under Section 279 shall finish within one year as from the date of promulgation of the Constitution.

#### **Section 305**

At the initial period, the some provisions of this Constitution shall not apply to specific cases under specific conditions as follows:

- (1) the provisions of Section 47 paragraph two shall not apply until the enactment of the law under Section 47 to establish the regulatory body having duty to distribute the frequencies and supervise radio and television broadcasting and telecommunication businesses which shall not more than one hundred and eighty days as from the date the government policies is stated to the National Assembly. Such law shall, at least, establish specialized committees within such regulatory body whereby one of which for supervision of radio or television broadcasting and the other one for supervision of telecommunication businesses and they work apart, and shall have details on the supervision and protection of business, the establishment of telecommunication resources development fund and the promotion of public participation in running of public mass media, but the aforesaid shall not affect the permissions, concessions or legal contracts concluded before the date of promulgation of this Constitution until the termination of such permissions, concessions or contracts;
- (2) subject to Section 296 paragraph three, the provisions of Section 102 (10) particularly to the requirement on having been senator, Section 115 (9) and Section 116 paragraph two shall not apply to the first election of members of the House of Representatives and the holding of political positions at the first time under this Constitution;
- (3) the provisions of Section 141 shall not apply to the enactment of the organic law under Section 295;
- (4) the provisions of Section 167 paragraph one and paragraph two, Section 168 paragraph nine, Section 169 particularly to the requirement on the determination of sources of income for reimbursement of expenditures paid-up from the treasury balance, and Section 170 shall not apply within one year as from the date of promulgation of this Constitution;
- (5) any act in relation to the conclusion or implementation of treaty which have been done prior to the date of promulgation of this Constitution shall be valid and the provisions of Section 190 paragraph three shall not apply; provided, at any rate, that the provisions of Section 190 paragraph three shall apply to the pending procedure that must be continued;
- (6) the provisions of Section 209 (2) shall not apply to members of the National Human Rights Commission holding office on the date of promulgation of this Constitution;
- (7) the provisions of Section 255 paragraph five and Section 288 paragraph three shall not apply within one year as from the date of promulgation of this Constitution.

#### **Section 306**

At the initial period, judges of the Supreme Court of Justice having held positions of not lower than judges of the Supreme Court of Justice who turn to sixty years of age in the fiscal year 2550 shall perform the duties of senior judges in the Supreme Court of Justice

under Section 219 until the amendment of law prescribing rules for the performance of duties of senior judges.

Within one year as from the date of promulgation of this Constitution, there shall enact the law extending term of office of judges of the Courts of Justice to seventy years of age and a judge of the Courts of Justice who turns to sixty years of age or more in any fiscal year, performs of duties for not less than twenty years and passes the performance capability test may request to hold the office of senior judge in the Courts of not higher than the Court he held his last office.

The law to be enacted under paragraph one and paragraph two shall have the provisions that persons who turn to sixty years of age or more in any fiscal year, within the first ten years as from the date such law come into force, gradually and continually vacate their offices and enable such persons to make a request for holding the office of senior judge.

The provisions of paragraph two and paragraph three shall apply mutatis mutandis to public prosecutors.

### **Section 307**

Qualified members of the Judicial Commission of the Courts of Justice holding office on the date of promulgation of this Constitution shall remain in office; except a qualified member who turns to sixty years of age in the fiscal year 2550 and a qualified member in any level of the Courts who transferred from the such level of the Court, but not more than one hundred and eighty days as from the date of promulgation of this Constitution.

### **Section 308**

The Council of Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution shall appoint the independent Law Reform Committee within ninety days as from the date of promulgation of this Constitution having duties to study and give recommendation on the preparation of laws to be enacted for the compliance with this Constitution and to prepare the law establishing the law reform organization under Section 81 (3) within one year as from the date of promulgation of this Constitution and such law shall have, at least, the provisions that entrusting to such organization a duty to support the preparation of bills of persons having the right to vote in an election.

The execution under paragraph one is not prejudice to the powers and duties of other organizations in the preparation of bills under their responsibilities.

### **Section 309**

Any act that its legality and constitutionality has been recognized by the Constitution of the Kingdom of Thailand (Interim), B.E. 2549, including all acts related therewith committed whether before or after the date of promulgation of this Constitution shall be deemed constitutionally under this Constitution.

Countersigned by

Mr.Meechai Ruchuphan

President of the National Legislative Assembly

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