

Constitution of the Kingdom of Thailand, B.E. 2534 (1991)

Translation

SOMDET PHRA PARAMINTHARAMAHA BHUMIBOL ADULYADEJ

SAYAMINTHARATHIRAT BOROMMANATTHABOPHIT

Enacted on the 9th Day of December B.E. 2534;

Being the 46th Year of the Present Reign

May there be virtue. Today is the third day of the waning moon in the first month of the year of Goat under the lunar calendar, being Monday, the nine day of December under the solar calendar, in the 2534th year of the Buddhist Era.

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayamintharathirat Borommanatthabophit is graciously pleased to proclaim that He was advised by the National Legislative Assembly that since the grant of the Constitution of the Kingdom of Thailand B.E. 2475 by His Majesty King Prajadhipok Phra Pok Klao Chao Yu Hua, His Majesty's Uncle, there had been amendment to the Constitution and promulgation of new Constitutions and Constitution for the Administration on several occasions depending on the changes of situation in the country. All Constitution and Constitution for the Administration of the Kingdom that had been promulgated were in unity with one another in adhering to the democratic regime of government with the King as Head of State who should exercise the legislative power through the National Assembly, the executive power through the Council of Ministers, and the judicial power through the Courts. The essential difference between them lied in the relationship between the legislative and the executive powers, depending on the changing situation of the country for the time being. This revealed the faithful adherence of the Thai people to the democratic regime of government with the King as Head of State, which was in accordance with the will of His Majesty's Uncle, King Prajadhipok Phra Pok Klao Chao Yu Hua, in granting the power to administer the State affairs to the Thai people. The adherence to the democratic regime of government with the King as Head of State had been inherited until the present time. Even the Constitution for the Administration of the Kingdom B.E. 2534 had demonstrated such will and entrusted the task of drafting the Constitution to the National Legislative Assembly.

The National Legislative Assembly had appointed a Committee charged with the duty of drafting the Constitution.

When the Constitution had been completely drafted, the National Legislative Assembly considered the Draft Constitution in three readings in accordance with the provision of the Constitution for Administration of the Kingdom B.E. 2534. In the first reading, the National Legislative Assembly had passed a resolution to accept the principle of such for considering and had appointed the Committee considering on Draft Constitution to complete such consideration. After the completion of such consideration, the Committee thereof submitted Draft Constitution to the National Legislative Assembly for consideration in second and third reading.

In addition to the will of His Majesty's Uncle and the common will of the Thai people which were the principle of the whole step of consideration, hearing to public and any group of person opinion as well as researching the provision of the previous Constitutions and selecting the suitable provisions of those to compose in this Constitution was to be considered for the purpose of common will of the Thai people in upholding the independence and security of the Nation, preserving the religion to become everlasting, enthroning the King as Head of State and in the hearts of the Thai people, adhering to the democratic regime of government with the King as Head of State as the means of administering the State affairs, upholding and protecting the right and liberties of the Thai people, and uniting to secure justice, prosperity and happiness for all Thai people.

Having carefully determined and revised the Draft Constitution in the light of the situation of the country, the National Legislative Assembly passed a resolution approving the presentation of the Draft Constitution of the King for His Royal Signature to promulgate it as the Constitution of the Kingdom of Thailand.

Having thoroughly examined the Draft Constitution, the King deemed it expedient to grant His Royal Assent in accordance with the resolution of the National Legislative Assembly.

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 for the Administration of the Kingdom B.E. 2534 promulgated on 1st March B.E. 2534.

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

CHAPTER I

General Provisions

Section 1

Thailand is a unified and indivisible Kingdom.

Section 2

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

Section 3

The sovereign power emanates from the Thai people. The King who is 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.

Section 4

The Thai people, irrespective of their birth or religion, shall enjoy equal protection under this Constitution.

Section 5

The provision of any law, which is contrary to or inconsistent with this Constitution, shall be unenforceable.

CHAPTER II

The King

Section 6

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 7

The King is a Buddhist and Upholder of religions.

Section 8

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

Section 9

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

Section 10

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

The Privy Council has a duty to advise the King on all matters pertaining to His functions as He may consult, and has other duties as provided in this Constitution.

Section 11

The selection and appointment as well as the removal of a Privy Councilor 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 12

A Privy Councilor shall not be a member of the Constitutional Tribunal, senator, member of the House of Representatives, government official holding a permanent position or receiving a salary, official of a State enterprise, or member or official of a political party, and must not manifest loyalty to any political party.

Section 13

Before taking office a Privy Councilor 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 duties 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 14

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

Section 15

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

Section 16

Whenever the King is absent from the Kingdom or unable to perform His functions for whatever reason, He will appoint a person Regent, and the President of the National Assembly shall countersign the Royal Command.

Section 17

In the case where the King does not appoint a Regent under Section 16, or in the case where the King is unable to appoint a Regent owing to His not being sui juris or to any other reason what ever, the Privy Council shall submit the name of a suitable person to hold the office of Regent to the National Assembly for approval. Upon approval by the National Assembly, the President of the National Assembly shall make an announcement, in the name of the King, of the appointment of such person as Regent.

During the expiration of the term of the House of Representatives or the House of Representatives is dissolved, the Senate shall act as the National Assembly to give the approval under paragraph one.

Section 18

In the absence of the Regent under Section 16 or Section 17, the President of the Privy Council shall be Regent pro tempore.

In the case where the Regent appointed under Section 16 or Section 17 is unable to perform his duties, the President of the Privy Council shall temporarily act as Regent.

While being Regent under paragraph one or acting as 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 temporarily as President of the Privy Council.

Section 19

Before taking office, the Regent appointed under Section 16 or Section 17 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 King (name of the King) and will faithfully perform my duties 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 20

Subject to Section 21, 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 Royal prerogative. Upon the initiation of the King, the Privy Council shall draft the Palace Law amending the existing Palace Law and shall present it to the King for His consideration. If He approve the draft Palace Law and sign His signature thereon, the President of the Privy Council shall instruct it to the President of the National Assembly so that he shall then inform it to the National Assembly. The President of the National Assembly shall countersign the Royal Command and it shall come into force as Law after its publication in the Government Gazette.

Section 21

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

In the case where the Throne becomes vacant and the King has not appointed His Heir under paragraph one, the Privy Council shall, under Section 20, submit the name of the successor to the Throne to the Council of Ministers and the Council of Ministers shall submit the name of the successor to the National Assembly for approval. In this case, 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 him King.

During the expiration of the term of the House of Representatives or the House of Representatives is dissolved, the Senate shall act as the National Assembly to be informed under paragraph one or to give an approval under paragraph two.

Section 22

Pending the proclamation of the name of the Heir or the successor to the Throne under Section 21, 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 16 or Section 17 or while the President of the Privy Council is acting as Regent under Section 18 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 the Throne.

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

In the case where the President of the Privy Council is the Regent under paragraph one or acts temporarily as Regent under paragraph two, the provision of Section 18 paragraph three shall apply.

Section 23

In the case where the Privy Council must perform its duty under Section 17 or Section 21 paragraph two, or the President of the Privy Council must perform his duty under Section 18 paragraph one or paragraph two or Section 22 paragraph two, and the President of the Privy Council is absent or is unable to perform his duties, the remaining Privy Councilors shall select a Privy Councilor to act as President of the Privy Council or perform the duty under Section 18 paragraph one or paragraph two or Section 22 paragraph three as the case may be.

CHAPTER III

Rights and Liberties of the Thai People

Section 24

All persons shall enjoy rights and liberties subject to the provisions of the Constitution.

Man and woman shall have equal rights.

The restriction of rights and liberties which is contrary to the will of the provisions of the Constitution can not be done.

Section 25

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

Section 26

All persons shall enjoy political rights.

The exercise of political rights shall be in accordance with the provisions of law.

Section 27

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

In exercising the liberty referred to in paragraph one, every person is 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 sect or creed, or of exercising a form of worship in accordance with his belief different from that of others.

Section 28

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 it 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 commission.

Section 29

In criminal case, it shall be presumed that an accused or an offender is innocent.

Prior to the final decision indicating that such person is guilty, such person can not be treated as guilty person.

Submission of bail by an accused or an offender in a criminal case shall be urgently considered and the bail can not be set in excess of necessity. The refusal of bail must be in accordance with principles provided in law and must be immediately informed to the accused or offender.

The right to appeal against the refusal of bail shall be protected as provided by law.

Person detained or imprisoned shall have the right to receive reasonable visit.

Section 30

Every person shall enjoy the liberty of his person.

The arrest, detention or search of person, irrespective of any circumstance, shall not be made except by virtue of law.

However the arrested or searched person shall be informed of the charge or reason and reasonable detail of the arrest or search without delay and the detained person shall have the right to meet and consult with a lawyer personally.

To inform any person of the charge against him, there must be reasonable evidence that such person may commit the offences as charged.

In case of detention of any person, the detainee, the public prosecutor or any person has the right to request to the court with criminal jurisdiction that such detention is illegal.

After receiving such request the court shall immediately hear the case unilaterally. If the request has reasonable ground the court shall order the detainer to bring the detainee to the court immediately and if the detainer can not satisfactorily prove to the court that such detention is legal, the court shall immediately order the release of the detainee.

Section 31

In criminal case, the accused or defendant shall have the right of fair and speedy investigation or trial.

Section 32

The accused or defendant in criminal case shall have the right of assistance from the state by providing the lawyer as specified by law.

In civil case, person shall have the right of legal assistance from state as specified by law.

Section 33

Person shall have the right to refuse to give any statement against oneself which might cause oneself to be charged in criminal case.

Statement from any person resulted from torture, duress or use of force or statement resulted from any act which causes involuntary statement shall not be heard as evidence.

Section 34

In the case where any person was inflicted with a criminal punishment by a final judgment, if it appears in the judgment of the Court reviewing the case thereafter that he did not commit the alleged offence, he shall be entitled to compensation and to recover any right he had lost by virtue of the results of the judgment upon the condition and in the manner provided by law.

Section 35

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 armed conflict or war, or when a state of emergency or martial law is declared.

Section 36

Every person shall enjoy the liberty of dwelling.

Every person is protected for his peaceful habitation in and for possession of his dwelling place. The entry into a dwelling place without the consent of its possessor or the search thereof shall not be made except by virtue of law.

Section 37

The property right of a person is protected.

The extent and the restriction of such right shall be specified by law.

The succession is protected. The right of succession of a person shall be specified by law.

Section 38

The expropriation of immovable property shall not be made except by virtue of the law specifically enacted for the purpose of public utility, natural defense, exploitation of national resources, town and country planning, agricultural or industrial development, land reform, or other public interests, and fair compensation shall be paid in due time to the owner thereof as well as to the person having the right therein, who suffers loss by such expropriation, as to be specified by the law.

The amount of compensation under paragraph one shall be fairly assessed with due regard to the ordinary purchasing and buying price, mode of acquisition, nature and situation of the immovable property and loss of a person who is expropriated.

The law on expropriation of immovable property shall certainly specify the purpose of the expropriation and shall clearly determine the period of time to fulfill that purpose of such immovable property. The immovable property, if not being used to fulfill that purpose within the period of time prescribed by law, shall be returned to the original owner or his heir unless it is used for other purposes according to paragraph one pursuant to the provisions of law.

The return of the immovable property to the original owner or his heir under paragraph three and the claim of compensation paid shall be as specified by law.

Section 39

Person shall have the liberty to express opinion by speech, writing, printing, advertisement and other means of communication.

The restriction of such liberty in paragraph one shall not be imposed except by virtue of law for maintaining the security of state or safeguarding the liberty, dignity, reputation, family right or privacy of other person or maintaining public order or good morals or preventing deterioration of mentality or health of the people.

The closure of publishing firm or publication which is the restriction of liberty under this Section without the judgment or order of court shall not be done.

The official censor of presentation of news or article in the newspaper, radio broadcast or television prior to the presentation shall not be done except it is done while the country is in period of battle or war, or while a state of emergency or martial law is declared, however it must be done by virtue of law enacted according to paragraph two.

Owner of newspaper business or other public medias must be person of Thai Nationality according to the provisions of law.

The support of money or other property to private newspaper by the state shall not be done.

Section 40

Every person shall have equal right of receiving primary education according to the law on compulsory education.

Every person shall enjoy the liberty of education; provided that such education is not contrary to his civic duties under the Constitution, and to the law relating to compulsory education and the law relating to the organization of education establishments.

Liberty on academic shall be protected; however it must not be contrary to the duty of citizen.

Section 41

Person shall have the right to receive standard public health services and the poor person shall receive free medical treatment according to the provisions of law.

Section 42

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

The restriction on liberty under paragraph one shall not be imposed except by virtue of the law specifically enacted for the case of public meetings and for securing public conveniences in the use of public places or for maintaining public order while the country is in a state of battle or war, or while a state of emergency or martial law is declared.

Section 43

Every person shall enjoy the liberty to form an association, union, league, co-operative or any other group.

The restriction of liberty under paragraph one shall not be imposed except by virtue of provisions of law to protection of public interest of people or to maintain peace or good moral of the people or to prevent any economic monopoly.

Section 44

Every person shall enjoy the liberty to form a political party for the purpose of carrying out political activities through the means of a democratic regime with the King as Head of State as provided in this Constitution.

The formation, incorporation, management and dissolution of a political party shall be in accordance with the provisions of the law on political parties.

A political party shall prepare an account showing its assets and liabilities and shall publicly declare sources of its income and expenditure as the law provided.

Section 45

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

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

Section 46

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

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

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

Section 47

Family rights, dignity or reputation and right of privacy of every person shall be protected.

The announcement or release the news either by statement or picture or any means to the public which will effect the right of persons in family, dignity or reputation and privacy shall not be done except for the public interest.

Section 48

Person shall have the right to submit complaint as the law provided.

Section 48 bis

Person shall have the right to receive information or news from the government agency or state agency or public enterprise in order to check the performance of the government official or state official when such matter have or may have affects on the living of such person as the law provided.

Section 48 ter

The right of a person to sue a governmental agency which is a juristic person to be liable for an act done by its official is protected.

Section 48 quarter

Persons who are in the armed forces, the police force and other government officials, local government officials and employees of State organizations shall enjoy the same rights and liberties under the Constitution as those accorded to the general person unless such enjoyment is restricted by law, by-laws or regulation issued by virtue of the law specifically enacted in so far as it is concerned with politics, efficiency or discipline.

Section 48 quin quics

The right of a person to engage in an enterprise or an occupation and fair free competition shall be protected.

The restriction on such rights under paragraph one shall be imposed only by virtue of the law specifically enacted for the purpose of maintaining security and safety of State or economy of the country, protecting the people on public utilities, maintaining public order and good morals, organizing the rule on occupation, consumer protection, town and country planning, natural resources or environment conservation, public welfare, or for the purpose of preventing monopoly or eliminating unfair competition.

Section 48 sexies

No person shall exercise the rights and liberties according to the Constitution against the Nation, religions, the King and the Constitution.

CHAPTER IV

Duties of the Thai People

Section 49

Person shall have a duty to uphold the Nation, religions, the King and the democratic regime of government with the King as the Head of State according to this Constitution.

Section 50

Every person shall have a duty to exercise his right of election in good faith.

Section 51

Person shall have a duty to defend the country.

Section 52

Person shall have a duty to serve in the armed forces as the law provided.

Section 53

Person shall have a duty to comply with the law.

Section 54

Person shall have a duty to pay taxes and duties as the law provided.

Section 55

Person shall have a duty to render assistance to the official service as the law provided.

Section 56

Every person shall have a duty to receive education and training as the law provided.

Section 57

Person has the duty to protect and maintain national arts and cultures.

Section 57 bis

Every person shall have a duty to conserve natural resources and environment as the law provided.

CHAPTER V
Directive Principles of State Policies

Section 58

The provisions in this Chapter are to be directive principles for legislating and determining State policies in the administration of the country, and shall not create the right to take legal action against the State.

Section 59

The State shall protect and maintain the institution of kingship, the independence and integrity of its territories.

Section 60

The State shall arrange for the maintenance of the armed forces for safeguarding its independence, security of the State and national interest.

The arm forces shall be employed in a battle or a war, for the protection of the institution of kingship and the democratic regime of government with the King as the Head of State, for suppressing or protecting a rebellion and a riot, for maintaining the security of the State and for national development.

Section 61

The State shall control and supervise the compliance with the law and order and shall maintain public order so that the people may be assured of the safety in their lives, persons and property as well as in their peaceful existence.

Section 62

The State should promote friendly relations with other countries and adopt the principle of reciprocity.

Section 63

The State should organize the systems of official service and other State affairs for the achievement of efficiency, eliminate unnecessary process as well as clearly impose extent of discretion of a State official, and should take all means to prevent and suppress discrimination and corruption.

Section 64

The State should organize the system of judicial process to ensure justice to the people and to meet the requirement of expediency.

Section 65

The State should promote and support education and professional training according to the suitability and to the demand of the country, and should promote the private sector to engage in the organization of education system in any level as the law provided.

The organization of educational system is an exclusive duty of the State. All educational establishments shall be under supervision of the State.

Compulsory education in the educational establishments of the State is to be provided without charge.

As for higher education, the State should allow educational establishments to manage their own affairs within the limits as provided by law.

The State should provide the indigent and inferior persons with grants and requisites in their education and occupational training.

Section 66

The State should encourage researches in arts and sciences and should promote and expedite science and technology development to be applied in the development of the country.

Section 67

The State should keep, promote and develop the equality of men and women.

Section 68

The State should support and promote citizens development, especially children and youth, so that they may be physically, mentally, intellectually, morality and ethically sound.

Section 69

The State should promote public understanding and public belief in the democratic regime of government with the King as its Head.

The state should promote public understanding on local administration include supporting the local to have self autonomy as the law provided.

Section 70

The state should provide political development plan which is in accordance with the Directive Principles of State Policies and the democratic regime of government with the King as the Head of State.

Section 71

The State must proceed and support the election of members of the House of Representatives and member of the local councils including the selection of members of the Senate to be honest and fair in accordance with the purposes of democratic regime of government with the King as the Head of State.

Section 72

The State should promote the decentralization of financial to the local enable the local to have the ability to collect and administrate the income for the benefit of providing good services to the people.

Section 73

The State should proceed throughly, seriously, continuously and fairly concerning with the provision of infra-structure to the rural.

Section 74

The State should throughly distribute income to the rural.

Section 75

The State should preserve certain important occupations for Thai citizen.

Section 76

The State should conserve and promote national art and culture.

Section 77

The State should promote sport, tourism and recreation.

Section 78

The State should conserve environment, balance of natural resources and its substation and should prevent and eliminate pollution and should plan suitable use of soil and water.

Section 79

The State should proceed to raise the quality and standard of living of people.

Section 80

The State should promote, support and protect co-operative system.

Section 81

The State should provide the system of ownership and possession of land for the benefit of living, promotion of agriculture, industry or commercial or other activities and should determine the obligations of land owner to utilize the land in accordance with the condition of the land.

Section 82

The State should, by mean of land reform, land consolidation or by other means, efficiently secure land ownership of rights in land to all farmers for engaging in agriculture.

The State should provide and supervise use of water of the farmers to be adequate and suitable for agriculture.

Section 83

The State should promote, protect and preserve the interests of the farmers in the production, the storage and the disposition of their produce in order to receive fair benefit and should promote the assembling of farmers in the form of co-operative or other forms for the purpose of maintaining such benefit.

Section 84

The State should support economic role in the private sector.

Section 85

The State should not engage in an enterprise in the nature of business or competition with the private sector except it is necessary for the purpose of maintaining the security of the State, preserving public interest or providing public utilities.

Section 86

The State should impose measures to prevent direct or indirect economic monopoly by individuals, which is not created by virtue of law.

Section 87

The State should have a demographic policy appropriate for natural resources, economic and social conditions, and technological progress for the benefit of economic and social development and for the security of state.

Section 88

The State should give aids to persons suffering from performing duties for the Nation, or rendering assistance to the official service or performing a moral duty, or from public calamities.

Section 89

The State should arrange social work for the welfare of the people, and should promote and encourage the private sector to participate therein.

Section 89 bis

The State should give aids and assistant in concerning to health, inspiration and hope to elderly person and handicapped person so that they can live in an appropriate livelihood.

Section 89 ter

The State should support the people of working age to obtain employments and should ensure the fair protection of labor especially children and women labor and provide for the system of labor relation including the settlement of fair wages.

Section 89 quater

The State should promote public health throughout the people and provide the indigent persons with free medical treatment, and should promote the private sector to engage therein as it could be.

The State shall instantly prevent and suppress harmful contagious diseases in the interest of the public without charge.

CHAPTER VI
The National Assembly

Part 1
General Provisions

Section 90

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

Joint or separate sitting of the National Assembly shall be in accordance with the provision of this Constitution.

Section 91

The Speaker 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 the Speaker of the House of Representatives is none or is absent or is unable to perform his duties, the President of the Senate shall act in his place.

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

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

Section 92

A bill may be enacted as law only by and with the advice and consent of the National Assembly.

Section 93

After a bill has been approved by the National Assembly, the Prime Minister shall present it to the King for signature within thirty days as from the date he receives such bill, and it shall come into force as an Act upon its publication in the Government Gazette.

Section 94

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 re-deliberate 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 existed members of both Houses, the Prime Minister shall present such bill to the King for His 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 95

Senators or members of the House of Representatives must submit the account of property and debt to the President of the House in which such member belong as the law provided.

Section 96

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

Section 97

Senators or members of the House of Representatives of not less than one-tenth of the total number of existed members of each House have a 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 103 (3), (4), (5), (6), (7), (8), (10) or (11), or Section 120 (3), (4), (5), (6), (7), (9), (10) or (11), as the case may be, and

the President of the House with whom the complaint is lodged shall refer it to the Constitutional Tribunal for decision as to whether the membership of such person has terminated.

When the Constitutional Tribunal has made a decision, it shall inform the President of the House with whom the complaint is lodged under paragraph one.

The resolution of the Constitutional Tribunal under paragraph two shall be passed by the votes of not less than three-fourths of the total number of members of the Constitutional Tribunal.

Section 98

In the case where any senator or member of the House of Representatives does an act or being under any circumstance which is malfeasance in office or an offence against officials in concerning with member of the State Legislative Assembly or detrimental to the dignity of membership of the Senate or of the House of Representatives, senators or members of the House of Representatives, as the case may be, of not less than one-third of the total number of existed members of each House have a right to lodge with the President of which they are members a complaint in order to have the Senate or the House of Representatives decide to terminate the membership of that member.

The resolution of the Senate or the House of Representatives under paragraph one shall be passed by the votes of not less than three-fourths of the total number of existed members of each House.

Section 99

The vacancy of the office of a senator or a member of the House of Representatives after the day on which his membership terminates or after the decision of the Constitutional Tribunal that the membership of any member terminates does not affect any act done by such person in the capacity of a member including the receipt of emoluments or other considerations by such member before he vacates his office, or the President of the House of which such person is a member has been informed of the decision of the Constitutional Tribunal, as the case may be.

PART 2

The Senate

Section 100

The Senate consist of members which the King appointed from qualified person possessing knowledge or expertise in academic or other businesses which will be useful to the administrative of the country in the democratic regime with the King as the Head of State, being of Thai Nationality by birth, being not less than thirty-five years of age, not being a member or holding any position of being counselor of any political party, not being member of local assembly or local administrator who is elected and has not been resolved by the Constitution Tribunal to terminated from the membership by Section 97 because of the causes under Section 103 (7) because of the causes under Section 113 (7) (8) or (12).

The numbers of Senator shall be two-third of the members of the House of Representatives. The fraction shall be disregarded.

In case the position of a senator is vacated, whatever the reason may be, the Senate shall consist of the number of the remaining senator.

The Prime Minister shall countersign the Royal Command appointing a senator.

Section 101

The term of membership of the Senate is four years as from the date of appointment by the King.

Senators who leave the office because of the end of the term must remain in the office to carry out the duty until the newly appointed senators take up the office.

The King shall have the Royal Prerogative to reappoint the senators who complete the term as member of the Senate.

Section 102

Senators shall

- (1) not receive concession from the State or government agencies or State enterprises or withhold such concession or become a party to the contract with the State or government agencies or State enterprises on the nature of monopoly whether directly or indirectly.
- (2) not receive special money or other interest from government agencies or State agencies or State enterprises except from what the government agencies or State agencies or State enterprises practice with other person in ordinary business.

The provisions of Section 114 paragraph two shall apply *mutatis mutandis*.

Section 103

Membership of a senator terminates upon:

- (1) the expiration of term of office;
- (2) death;
- (3) resignation;
- (4) loss of Thai nationality;
- (5) becoming a member or holding any position or becoming consulting of any political party;
- (6) becoming member of local assembly or local administrator which assuming such position by mean of election;
- (7) disfranchisement under Section 113 (1), (2), (3), (4), (7), (8), (11) or (12);
- (8) acting in contravention of the prohibition under Section 102;
- (9) the Senate passing a resolution terminating the membership in accordance with Section 98 or the Constitutional Tribunal passing a resolution terminating membership in accordance with Section 97. In such cases, the membership shall be deemed to have terminated on the date of the resolution of the Senate or of the Constitutional Tribunal;
- (10) having been absent throughout a session which is not less than ninety days without the permission of the President of the Senate;
- (11) having been imprisoned by a final judgment to a term of imprisonment except for an offence committed through negligence or for a petty offence.

Section 104

When the office of a senator becomes vacant for any reason other than the expiration of the term of office, the King will appoint a person properly qualified under Section 94 to fill the vacancy. The senator so appointed may serve only for the remainder of his predecessor's term of office.

Part 3

The House of Representatives

Section 105

The House of Representatives consists of members, which the citizen elects, having the number according to the principle provided in Section 106.

Section 106

The number of the members of the House of Representatives, which each Changwat shall have, shall be calculated according to the household registration of each Changwat announced in the last year prior to the election at the ratio of one hundred and fifty thousand citizens for one member.

The Changwat having less than one hundred and fifty thousand citizens shall have the election of one member in that Changwat.

If a Changwat has more than one hundred and fifty thousand there shall be election of one additional member of the House of Representatives for one hundred fifty thousand citizens. The fraction of one hundred fifty thousand, if it is seventy-five thousand or more, shall be counted as one hundred fifty thousand.

As for Changwat in which not more than three members of the House of Representatives are to be elected, the area of such Changwat shall be regarded as one constituency. As for Changwat in which more than three members of the House of Representatives are to be elected, the area of such Changwat shall be divided into the constituencies and each constituency shall have three members of the House of Representatives.

If it is not possible to divide a Changwat into constituencies with three members of the House of Representatives in each constituency, the area of such Changwat shall be divided into the constituency which three members of the House of Representatives are to be elected before, but the number of members of the House of Representatives in the permanent constituencies must not less than two.

As for Changwat in which four members of the House of Representatives are to be elected, the area of such Changwat shall be divided into two constituencies and two members of the House of Representatives are to be elected in each constituency.

Section 107

In Changwat which shall be divided into more than one constituency the boundaries of each constituency shall be adjoining and the ratio of the number of inhabitants to the number of members of the House of Representatives are to be elected in one constituency must be closed to that in another constituency.

Section 108

In each constituency, a person having the right to vote at an election shall have the right to cast votes for candidates equal in number to the number of members of the House of Representatives to be elected in such constituency.

The election shall be conducted by direct suffrage and secret ballot.

Section 109

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 also possess this qualification not less than ten years;
- (2) being not less than eighteen years of age on 1st January of the election year; and
- (3) having his name appeared on the house register in the constituency.

Section 110

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

- (1) being of unsound mind or of mental infirmity;
- (2) being a Buddhist priest, novice, monk or clergy;
- (3) being detained by a warrant of the Court;
- (4) being disfranchised by a judgment.

Section 111

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

- (1) being of Thai nationality by birth; provided that a Thai national having alien father must also possess the qualifications stipulated by the law on election of members of the House of Representatives;
- (2) being not less than twenty five years of age on the date of the election;
- (3) being a member either of the political party sending members to stand for election under Section 112 or the political party under Section 121 paragraph two;
- (4) possessing one of the following qualifications;
 - (a) having his name appeared on the house register in Changwat which he apply to be a candidate for an uninterrupted period of not less than one year on applying day;
 - (b) having been a member of the House of Representatives of Changwat which he apply to be a candidate or having been a member of local assembly or local administrator in such Changwat;
 - (c) born in Changwat which he apply to be a candidate;
 - (d) having been educated in educational establishment established in Changwat which he apply to be a candidate for an uninterrupted period of not less than two educational years.
 - (e) use to be government officer or use to be registered in the household registration in the Changwat he apply to be a candidate for an uninterrupted period of not less than two years.

Section 112

In the general election, the political party, the members of which shall have a right to stand as candidates under Section 111 (3), must be the party sending its members of not less than one fourth of all the member of the House of Representatives to stand as candidates in the election.

And in each constituency where the said political party sends its members to stand for election, the members thereof shall equal in number to that of the members of the House of Representatives and is entitle to send only one group of candidate.

When any political party has sent the candidate to stand for election, that political party or its candidates cannot withdraw the candidatures.

When any political party has sent the candidates in the required number according to paragraph one, and thereafter the number of the candidates of that political party has reduced below the required number for any reason whatever, that political party shall be regarded as having sent the candidates for the required number according to paragraph one.

Section 113

A person with following qualification is prohibited person to exercise the right to be a candidate in an election:

- (1) being addicted to harmful habit forming drugs;
- (2) being an non-discharged bankrupt;
- (3) being disfranchised under Section 110 (1), (2) or (4);
- (4) being deaf and dumb;
- (5) having been sentenced by a judgment to imprisonment and being detained by a warrant of the Court;

- (6) having been discharged for a period of less than five years on the election day after being sentenced by a judgment to imprisonment for a term of two years or over, except for an offence committed through negligence;
- (7) having been dismissed, removed or called upon to retire from government service, government agency or State enterprise on account of malfeasance in office or deem to be malfeasance in office or being assumed to be malfeasance or misbehave in government circle;
- (8) having been sentenced or ordered by the Court that his assets devolves on the State owing to his unusual wealth or his assets has become unusually accumulative;
- (9) being government official holding a permanent position or receiving a salary except a political official;
- (10) being member of local assembly, local administrator or member of local administrator Council;
- (11) being official or employee of State agency or State enterprise or local administration;
- (12) his membership had terminated by the resolution of the Senate or of the House of Representatives under Section 98 and four years has not been past since the day the Senate or the House of Representatives passed the resolution until the election day;

Section 114

A member of the House of Representatives shall:

- (1) not hold any position or have any duty in any government agency or State enterprise, or a position of member of local assembly, local administrator or local official except the position of the Minister or any other political official;
- (2) not receive any concession from the State or a government agency or State agency or State enterprise or withhold such concession or become a party to the contract of the nature of economic monopoly with the State or a government agency or State agency or State enterprise, whether directly or indirectly;
- (3) not receive any special money or benefit from any government agency or State agency or State enterprise apart from what the government agency or State agency or State enterprise gives to other persons in the ordinary course of business.

The provision of (2) shall not apply in the case where a member of the House of Representatives received the concession or became a party to the contract before he is elected.

The provision of this Section shall not apply in the case where a member of the House of Representatives receives *Bia Wad*, gratuities, pensions, or annuities or any other form of payments of the same nature, and shall not apply in the case where a member of the House of Representatives accepts or holds the position of committee member of the National Assembly or the House of Representatives, or committee member appointed as a qualified person under the provision of law, or committee member appointed in the course of the administration of the State affairs in case he holds a position of political official.

Section 115

Subject to the provisions of this Constitution, the rules and procedure of election shall be in accordance with the law on election of members of the House of Representatives.

There shall be Election Commission having the power and duty as provide by law to overlook the election of the member of the House of Representatives to be fair and just.

Qualifications, principles method of appointment and termination from office of the Election Commission shall be in accordance with the provision of law.

Section 116

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

Section 117

Upon 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 from the date of expiration of the term of the House of Representatives and the election day must be the same all over the Kingdom.

Section 118

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

The dissolution of the House of Representatives shall be made in the form of a Royal Decree in which the Election Day for the general election must be fixed within sixty days and such Election Day must be the same all over the Kingdom.

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

Section 119

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

Section 120

Membership of the House of Representatives terminates Upon:

- (1) the expiration of the term or dissolution of the House of Representatives;
- (2) death;
- (3) resignation;
- (4) being disqualified under Section 111 (1), (2), or (4);
- (5) being under any prohibition provided in Section 113 (1), (2), (3), (4), (7), (8), (9), (10), (11) or (12);
- (6) acting in contravention of the prohibitions under Section 114;
- (7) the resignation from membership of his political party or his political party passing a resolution, with the vote of not less than three-fourth of the joint meeting of the Executive Board of that party and member of the House of Representatives of such political party, terminating his membership of the political party. In such cases, his membership shall be deemed to have terminated from the date of resignation or of the resolution of the political party;
- (8) the House of Representatives passing a resolution terminating the membership under Section 92 or the Constitutional Tribunal passing a resolution terminating the membership under Section 91. In such cases, his membership shall be deemed to have terminated from the date of resolution of the House of Representatives or of the Constitutional Tribunal;
- (9) the 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 Court and he is unable to become a member of another political party within sixty days from the date on which the Court issues its order. In such case, his membership shall be deemed to have terminated on the day following the date on which sixty days elapsed;
- (10) having been absent throughout a session which is not less than ninety days without permission of the President of the House of Representatives;
- (11) having been imprisoned by a final judgment to a term of imprisonment except for an offence committed through negligence or a petty offence.

The resolution of the political party under (7) shall be the resolution of joint meeting of the executive committee of the political party and member of the House of Representatives belonging to that political party. And such resolution shall be passed by the votes of not less than three-fourths of the total number of members of the executive committee of that political party plus member of the House of Representatives belonging to that political party.

Section 121

If 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, an election of a member of the House of Representatives to fill the vacancy shall be held within forty-five days unless the remainder of the term of the House of Representatives is less than one hundred and eighty days.

In the election under paragraph one, the candidate for an election shall be member of the political party having its members being member of the House of Representatives elected at the general election, and Section 112 shall apply *mutatis mutandis*.

The replacing member of the House of Representatives may serve only for the remainder of the term of the House of Representatives.

Section 122

After the Council of Ministers has assumed the administration of the State affairs, the King will appoint as Leader of the Opposition in the House of Representatives a member of the House of Representatives who is leader of the political party having its members of the House of Representatives holding no ministerial position, and having the largest number of members of the House of Representatives among the political parties having their members of the House of Representatives holding no ministerial position, and such number must not be less than one-fifth of the total number of members of the House of Representatives existed at the time of appointment.

In case there is no political party in the House of Representatives having the qualification determined under paragraph one, the member of the House of Representatives who is the leader of a political party receiving the majority support from member of the House of Representatives belonging to political parties which members of the House of Representatives do not hold the position of a minister shall be the leader of the opposition in the House of Representatives. In case there are equal support there shall be a draw lot.

The Speaker 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 referred to in paragraph one or paragraph two, and Section 122 shall apply *mutatis mutandis*, and in such case, the King will appoint new Leader of the Opposition in the House of Representatives to fill the vacancy.

Part 4

Provisions Applicable to Both Houses

Section 123

Senators and members of the House of Representatives shall be representatives of the Thai people and shall perform the duties for common interest of the Thai people.

Section 124

Before taking office, a senator and a member of the House of Representatives shall make a solemn declaration in 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 will perform my duties in accordance with the honest dictates of my conscience for the common interest of the Thai people.

I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect".

Section 125

The Senate and the House of Representatives 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.

Section 126

The President and the Vice-President of the Senate hold office until the day preceding the date of election of the new President and Vice-President, which must be held every two years.

The Speaker and the Deputy Speaker of the House of Representatives hold office until the expiration of the term or the dissolution of the House.

The President and the Vice-President of the Senate and the Speaker and the Deputy Speaker of the House of Representatives vacate office before the expiration of 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 from office;
- (3) holding a position of Minister or of other political official;
- (4) being sentenced by a judgment to imprisonment.

Section 127

The President of the Senate and the Speaker of the House of Representatives shall have the power and duty to carry out the business of the Houses in accordance with their rules of procedure. The Vice-President shall have the power and duty which is entrusted by the President and shall act on behalf of the President when the President is absent or unable to perform his duty.

Section 128

When the President and the Vice-President of the Senate or the Speaker and the Deputy Speaker of the House of Representatives are absent from any sitting, the members of each House shall elect one among themselves to preside over such sitting.

Section 129

At sitting of the Senate or of the House of Representatives, the presence of not less than one-half of the total number of existed members of each House existed at that time is required to constitute a quorum, except for the considering interpellation agenda under Section 155 which the House of Representatives may otherwise determine the quorum in the rules of procedure.

Section 130

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

In casting the 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.

Section 131

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

The privilege under paragraph one shall not extend to members who express words in a sitting which is on radio or television broadcasting provided that such words appear out of National Assembly's area and such words expressing being criminal offence or delicto.

Section 132

The privilege prescribed in Section 131 paragraph one also extends to printers and publishers of the minutes of sittings in accordance with the regulations of the National Assembly, of the Senate or of the House of Representatives, as the case may be, and to persons permitted by the presiding member to give a statement of fact or opinion at such sittings as well as any person who broadcast the sitting on radio or television with permission of the President of such House.

Section 133

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 two ordinary sessions of the National Assembly.

The day on which the first sitting referred to in paragraph one is held shall be considered as the first day of the first annual ordinary session, and the first day of the second annual ordinary session shall be fixed by the House of Representatives.

Section 134

An ordinary session of the National Assembly shall last ninety days but the King may prolong it.

An ordinary session may be prorogued before the end of ninety days only with the approval of the National Assembly.

Section 135

The King convokes the National Assembly.

He opens and prorogues its session.

The King may be present to perform the opening ceremony of the first annual ordinary session under Section 133 paragraph one or may command the Heir to the Throne who is sui juris or any person to perform the ceremony as his representative.

Section 136

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

Section 137

Senators or members of the House of Representatives or member of both Houses of not less than one-third of the total number of existed members of both Houses have the right to present their petition to the King for the issue 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 138

Subject to Section 137 the convocation, the prolongation of session and the prorogation of the National Assembly shall be made by a Royal Decree.

Section 139

No senator or member of the House of Representatives shall, during a session, be arrested or detained or summoned by a warrant for inquiry as an alleged offender 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 senator or a member of the House of Representatives has been arrested in flagrante delicto, it shall be forthwith reported to the President of the House of which he is a member and the President of the House of which he is a member may order the release of the person so arrested.

Section 140

In the case where a criminal charge is brought against a senator or a member of the House of Representatives, 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 being a case concerning the law on election of member of the House of Representatives; provided that the proceedings of the Court shall not hinder such member from attending the sitting of the House.

The proceedings of the Court before the invocation of membership of either House of the accused are valid.

Section 141

If a senator or member of the House of Representatives 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 142

The Senate shall not hold its sitting while the term of the House of Representatives is expired or the House of Representatives is dissolved; except where the Senate shall perform the function of the National Assembly under Section 17, Section 21 and Section 180 by consider the vote from the number of Senator.

Section 143

Bills may be introduced only by the Council of Ministers or members of the House of Representatives, but money bills may be introduced by members of the House of Representatives only with the endorsement of the Prime Minister.

A member of the House of Representatives may introduce a bill only if the political party of which he is a member has passed a resolution approving the introduction thereof, and the bill is endorsed by not less than twenty members of the House of Representatives who are members of that political party.

A money bill means a bill with provision dealing with one of the following matters:

- (1) imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) allocation, receipt, custody, or payment of the State funds or transfer of expenditure estimates of the State;
- (3) establishment of agency which cause to increase the expense budget of the country;
- (4) raising of loans or guarantee or redemption of loans;
- (5) currency.

In case of doubt as to whether a bill is a money bill which requires the endorsement of the Prime Minister, it shall be the power of the President of the House of Representatives to make a decision thereon.

Section 144

A bill submitted by the House of Representatives which is in the stage for acceptance in principle not being a money bill but the House of Representatives has amended it which the President of the House of Representatives is of the opinion that the amendment change it to be a money bill, the President of the House of Representatives shall order to withhold consideration thereon and refer such bill to the Prime Minister for endorsement. If the Prime Minister has not endorsed it, the House of Representatives shall amend such bill so as to alter it not to be a money bill.

Section 145

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

Section 146

Subject to Section 152, when the House of Representatives has considered a bill submitted under Section 145 and resolves to approve it, the House of Representatives shall submit such bill to the Senate. The Senate must finish the consideration of the bill within sixty days; if it is a money bill, the consideration thereof must be finished within thirty days; provided that the Senate may resolve to extend the period as a special case which shall not be over 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 Tribunal 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 such bill.

In the case where the House of Representatives submits a money bill to the Senate, the President of the House of Representatives shall also advise the Senate that the bill so submitted is a money bill. The advice 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 advise the Senate that the bill is a money bill, such bill shall not be deemed a money bill.

Section 147

Subject to Section 152, after the Senate has finished the consideration of a bill:

- (1) if it agrees with the House of Representatives, further proceedings under Section 93 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 considers not to be the amendment on important issue and agrees with the amendment, further proceedings under Section 93 shall be taken, in the other cases, each House shall appoint its members or other persons in equal number as may be fixed by the House of Representatives to constitute a joint committee for consideration of 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 considered by the joint committee, further proceedings under Section 93 shall be taken; if either House disapproves the bill, such bill shall be withheld.

The joint committee has the power to demand documents from any person or summon any person to give a statement of fact or opinion in respect of the consideration of the bill and the privilege provided in Section 131 and Section 132 shall also extend to the person performing his duties under this Section.

At a meeting of the joint committee, 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 Section 161 shall apply *mutatis mutandis*.

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 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 the bill 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 existed members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under Section 93 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 existed members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under Section 93 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 Senate or the House of Representatives 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 Senate or the President of the House of Representatives shall refer the said bill to the Constitutional Tribunal for decision.

If the Constitutional Tribunal 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

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 which have not yet been approved by the National Assembly, those to which the King has refused assent and those which have not been returned by the King within ninety days shall lapse.

Section 151

The expenditure estimates of 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 152

The House of Representatives must finish the consideration of the annual appropriations bill, the supplementary appropriations bill and the transfer of appropriations bill within one hundred and five days as from the date the bills 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 of the Senate, the Senate must approve or disapprove it without any amendment within twenty days as from the date the bill reaches the Senate. After such period, such bill shall be deemed to have been approved; in this case and in the case where the Senate approves it, further proceedings under Section 93 shall be taken.

If the Senate disapproves the bill, 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 one 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.

Section 153

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 the 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.

Section 154

The Senate and the House of Representatives are, by virtue of this Constitution, vested with the power to control the administration of the State affairs.

Section 155

The senator or member of the House of Representatives, has the right to interpellate a Minister on any matter within the scope of his authority but the Minister has the right to decline to answer 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.

The answer of interpellation of a senator under paragraph one shall be replied in the Government Gazette.

Section 156

Members of the House of Representatives of not less than one-fifth of the total number of existed 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 or in the Council of Ministers.

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 same day of 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 existed 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 existed 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 the general debate for the purpose of passing a vote of not confidence in an individual Minister or in the Council of Ministers throughout the session.

Section 157

The sittings of the Senate and of the House of Representatives and the joint sittings of the National Assembly are public under the conditions stipulated in the rules of procedure of each House. 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 existed members of each House or of both Houses, as the case may be.

Section 158

The Senate and the House of Representatives have the power to select and appoint members of each House as members of standing committee and have the power to select and appoint members or other persons as members of ad hoc committee to carry out activities or investigate or study any matter within the jurisdiction of the House and report to the House. The mentioned committee shall have the power to call for documents from any person or call any person to state the fact or express opinion in the activities being carried out or investigated or studied.

The privilege provided in Section 131 and Section 132 shall also extend to the persons performing their duties under this Section.

The number of members of a standing committee to be appointed from member 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 159, the President of the House of Representatives shall determine the proportion under paragraph three.

Section 159

The Senate and the House of Representatives have the power to make the rules of procedure governing the selection and performance of duties of the Presidents and the Vice-Presidents of the Houses and members of committees, quorum of committees, sittings, introduction and consideration of bills, presentation of motions, consultation, debate, passing of resolution, interpellation, general debate, observation of the rules and order as well as other matters for the execution of this Constitution.

Section 159 bis

When the senators or members of the House of Representatives of not less than one-tenth of the total number of existed members of each House are of the opinion that the rules of procedure of the House of which he is a member or the rules of procedure of the National Assembly in any matter is contrary to or inconsistent with the Constitution, they shall submit their opinion to the Constitutional Tribunal for consideration. The Constitutional Tribunal shall, after having a consideration, inform the President of the House of which the rules of procedure to be enacted for further proceeding.

Part 5

Joint Sittings of the National Assembly

Section 160

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

- (1) approval of the appointment of the Regent under Section 17;
- (2) making of a solemn declaration by the Regent before the National Assembly under Section 19;
- (3) acknowledgement an amendment of the Palace Law on Succession B.E. 2467 under Section 20;
- (4) acknowledgment or approval of the succession to the Throne under Section 21;
- (5) reconsideration of a bill under Section 94;
- (6) approval of the prorogation of session under Section 134;
- (7) opening of the session of the National Assembly under Section 135;
- (8) drafting of the rules of procedure under Section 161;

- (9) consideration of person to be suggested to the King for appointment to be Parliamentary Ombudsman under Section 162 bis;
- (10) announcement of policies under Section 165;
- (11) general debate under Section 167;
- (12) approval of the declaration of war under Section 177;
- (13) approval of a treaty under Section 178;
- (14) amendment of the Constitution under Section 211.

Section 161

At a joint sitting of the National Assembly, the rules of procedure of the National Assembly shall be applied. In the case where no rules of procedure of the National Assembly, the rules of procedure of the House of Representatives shall apply *mutatis mutandis* at the time being.

Section 162

The provisions applicable to both Houses shall apply *mutatis mutandis* to the joint sitting of the National Assembly; provided that, in so far as the appointment of a committee is concerned, the number of members of committee appointed from the members of each House must be in proportion to or in close proportion to the number of members of each House.

Section 162 bis

The King shall appoint not more than five Parliamentary Ombudsmen according to the resolution of the National Assembly and the President of the National Assembly shall countersign.

Qualification, principle, method of appointment dismissal and power and duty shall be as provided by law.

CHAPTER VII

The Council of Ministers

Section 163

The King appoints the Prime Minister and not more than forty-eight other Ministers to constitute the Council of Ministers having the duty to carry out the administration of the State affairs.

The Prime Minister shall be a member of the House of Representatives.

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

Section 164

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 honestly perform my duties 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 165

A Minister must have the qualifications and not being under any prohibition as follows:

- (1) being qualified for the candidate at an election under Section 111 (1);

- (2) being not less than thirty years of age;
- (3) being disfranchised under Section 113 (1), (2), (3), (4), (7), (8), (11) or (12);
- (4) not having been discharged for a period of less than five years after being sentenced by a judgment to imprisonment for a term of two years or over except for an offence committed through negligence.

Section 166

A Minister shall not be government official holding a permanent position or receiving a salary except political official.

Section 167

A Minister shall not hold a position or perform any act, which a member of the House of Representatives is prohibited to hold or perform under Section 114, except the position required to be held by law, and shall neither be manager, director, adviser, agent, nor employee of any person, partnership, company or organization, which engages in a business for profit.

Section 168

A Minister has the right to attend and give a statement of fact or opinion at a sitting of the House of which he is not a member, but has no right to vote.

Section 131 and Section 132 governing privileges shall apply *mutatis mutandis*.

Section 169

The Council of Ministers which will assume the administration of the State affairs must state its policy to the National Assembly but no vote of confidence is required.

Section 170

The Ministers shall carry out the administration of the State affairs, in accordance with the provision of the Constitution, law and policy to be stated under Section 169 and shall be responsible individually to the Senate and the House of Representatives for the performance of their duties and shall be responsible collectively to the National Assembly for the general policy of the Council of Ministers.

A minister shall submit an account showing the property and debt as the law provided.

Section 171

If there is a problem in the administration of the State affairs, on which the Council of Ministers deems it advisable to take opinion of the senators and the members of the House of Representatives, the Prime Minister may give a notice to the President of the National Assembly requesting that a general debate be held at a 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 172

Ministers vacate office en masse upon:

- (1) the passing of a vote of no-confidence by the House of Representatives under Section 156;
- (2) the term of the House of Representatives is expired or the House of Representatives is dissolved;
- (3) the resignation of the Council of Ministers;
- (4) the termination of ministership of the Prime Minister under Section 173.

The outgoing Council of Ministers shall remain in office and perform the duty until the newly appointed Council of Ministers takes the office.

Section 173

The ministership of an individual Minister terminates upon:

- (1) death;
- (2) resignation;
- (3) being disqualified or being under any prohibition provided in Section 165;
- (4) being sentenced by a judgment to imprisonment;
- (5) the passing of a vote of no-confidence by the House of Representatives under Section 156;
- (6) having done an act prohibited by Section 167;
- (7) a Royal Command issued under Section 174.

Section 97, Section 98, and Section 99 shall apply *mutatis mutandis* to the termination of the ministership under (2), (3), (4) or (6).

Section 174

The King has the prerogative of relieving a Minister of his office upon the advice of the Prime Minister.

Section 175

For the purpose of maintaining of national or public safety or national economic security or averting of 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 an emergency case when there is an urgent necessity 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 consideration without delay. If there is out of session and waiting for ordinary session might be delay, the Council of Ministers must proceed to convoke an extraordinary session of the National Assembly in order to urgently consider the Emergency Decree for approval or disapproval. 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 its existed members, such Emergency Decree shall lapse; provided that it shall not affect any act done during the enforcement of such Emergency Decree.

If an Emergency Decree under paragraph one has affected to amend or repeal any provision of any Act and such Emergency Decree then lapses in accordance with paragraph three, the previous provisions before amending or repealing shall continue to have the force as from the date the disapproval of such Emergency Decree is effective.

If the Senate and the House of Representatives 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 its existed members, 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 Senate and by the House of Representatives in case of reaffirmation of approval of the Emergency Decree must take place on the first opportunity when such Houses hold their sitting.

Section 176

Before the Senate or the House of Representatives approves an Emergency Decree under Section 175 paragraph three, senators or members of the House of Representatives of not less than one-fifth of the total number of existed members of each House have the right to

submit an opinion that the Emergency Decree is not in accordance with Section 175 paragraph one to the President of the House of which he is a member, and the President of the House who receives the said opinion shall then refer it to the Constitutional Tribunal for decision. When the Constitutional Tribunal has given a decision thereon, it shall inform its decision to the President of the House who refers such opinion.

After receiving an opinion from senators or members of the House of Representatives under paragraph one, the President of the Senate or of the House of Representatives shall order to stay the consideration on such Emergency Decree until the decision of the Constitutional Tribunal under paragraph one has been informed.

In the case where the Constitutional Tribunal has decided that an Emergency Decree is not in accordance with Section 175 paragraph one, such Emergency Decree shall not affect from the beginning.

The decision of the Constitutional Tribunal, which decides that an Emergency Decree is not in accordance with Section 175 paragraph one, must be passed by a majority of votes of not less than two-thirds of the total number of members of the Constitutional Tribunal.

Section 177

If, during a session, it is necessary to have a law on taxes, duties or currency, which, in the interests of the 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 after the date of its publication in the Government Gazette, and Section 175 shall apply *mutatis mutandis*.

Section 178

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

Section 179

The King has the prerogative of declaring and lifting the martial law in accordance with the conditions and manner under the martial laws.

In the case where it is necessary to declare the martial laws in a certain locality without delay, the military authority may do so under the martial laws.

Section 180

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

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

After the expiration of the term or the dissolution of the House of Representatives, the Senate shall perform the function of the National Assembly in making the approval under paragraph one. In this case a resolution shall be passed by votes of not less than two-thirds of total number of existed senators.

Section 181

The King has the prerogative of concluding 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 State jurisdiction area or requires the enactment of an Act for its implementation must be approved by the National Assembly.

Section 182

The King has the prerogative of granting pardon.

Section 183

The King has the prerogative of removing titles and recalling decorations.

Section 184

The King appoints and removes officials in the military service and in the civil service holding the positions of Permanent Secretary of State, Director-General and their equivalent.

Section 185

Subject to Section 184, the requirement of qualifications, recruitment, appointment, promotion, increase of salaries, punishment and retirement of government officials shall be in accordance with the provision of law.

Section 185 bis

A government official holding a permanent position or receiving a salary and not being political official, shall not be a political official.

Section 185 ter

Emoluments and other remuneration of the Privy Councilor, the President and the Vice-President of the Senate, the President and the Vice-President of the House of Representatives, the Leader of the Opposition in the House of Representatives, senators and members of the House of Representatives and members of the Election Commission, Parliamentary Ombudsman and Constitutional Tribunal shall be prescribed by the Royal Decree.

Section 185 quarter

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

CHAPTER VIII

The Courts

Section 186

The trial and adjudication of cases are the power of the Court, which must proceed in accordance with the law and in the name of the King.

Section 187

All Courts may be established only by Acts.

Section 188

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

Section 189

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

Section 190

Judges are independent in the trial and adjudication of cases in accordance with the law.

Section 191

Judges shall not be political officials.

Section 192

The King appoints and removes judges.

Before taking office for the first time, a judge is required to make a solemn declaration before the King with the words prescribed by the Judicial Commission under the law on judicial service.

Section 193

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

The promotion, increase of salaries and punishment of judges of Court of Justice must be approved by the Judicial Commission under the law on judicial service.

Section 194

Military Courts have the power to try and adjudicate cases as provided by the law.

The appointment and removal of a military judge shall be in accordance with the law.

Section 195

Administrative court has the jurisdiction to consider the cases as the law provided.

Section 195 bis

The King appoints and removes judges in the administrative court.

Before taking the office for the first time, a administrative court judge is required to make a sole declaration before the King with the words prescribed by law.

Section 195 ter

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

The Promotion, increase of salaries and punishment of a judge of an administrative court must be approved by the Administrative Judicial Commission as the law provided.

Section 195 quarter

The appointment and removal of a judge of other courts than the court of justice, administrative court and military court including the jurisdiction and rules of procedure of much court shall be in accordance with the law on creation of such court.

Section 195 quin quics

In the case where there is a dispute on the jurisdiction between the Court of Justice and other Court or between other Courts, the Constitutional Tribunal shall decide it.

CHAPTER IX

Local Administration

Section 196

The administration of local government created as local administration organization shall be in accordance with the principle of self administration according to the will of the local people as the law provided.

Local administration organization under paragraph one shall be independence in determination of local administration policy and shall be independence in local taxation and monetary as the law provided.

The overlook of the local administration organization shall be done only when necessary to protect the interest of local people or interest of the country as a whole.

Section 197

Any locality having the qualification to govern itself as the law provided shall have the right of self governing.

Section 198

Members of a local assembly shall be basically elected. Members shall be appointed only in case of necessity in accordance with the provision of law, and whose number must be less than the number of elected members.

The election of members of a local assembly shall be by direct suffrage and secret ballot.

The candidate for local assembly must at least have the qualification under Section 111 (1) and (2) also.

The principles and methods of election under this Section shall be in accordance with the law on such matters.

Section 199

A local administrative committee or local administrator shall be basically elected. A local administrative committee or local administrator shall be appointed only in case of necessity as provided by the law.

The principles and methods of election under this Section shall be in accordance with the law on such matters.

CHAPTER X

The Constitutional Tribunal

Section 200

The Constitutional Tribunal is composed of the President of the National Assembly, the President of the Senate, the President of the Supreme Court, the Attorney General and six other persons appointed by the Senate and the House of Representatives, three persons each, from qualified persons in law and political science.

The President of the National Assembly shall be President of the Constitutional Tribunal.

While the term of the House of Representatives is expired or the House of Representatives is dissolved, the ex officio member of the Constitutional Tribunal under paragraph one shall compose of the President of the Senate, the President of the Supreme Court and the Attorney General. In this case, the President of the Senate is President of the Constitutional Tribunal.

Section 201

A member of the Constitutional Tribunal, appointed by the Senate and the House of Representatives, shall not be the senator, member of the House of Representatives, member of local assembly, local administrator, government official holding a permanent position or receiving a salary or local government official.

Section 202

A member of the Constitutional Tribunal appointed by the Senate or the House of Representatives shall hold the office for four years but may be re-appointed.

The outgoing member of the Constitutional Tribunal shall remain in office and perform the duty until newly appointed to the Constitutional Tribunal.

Section 203

In addition to the expiration of the term of office, a member of the Constitutional Tribunal appointed by the Senate or the House of Representatives vacates office upon:

- (1) death;
- (2) resignation;
- (3) being under any prohibition under Section 201;
- (4) being sentenced by a judgment to imprisonment.

Section 204

If the office of a member of the Constitutional Tribunal appointed by the Senate or the House of Representatives becomes vacant upon any reason other than the vacation of term, the Senate or the House of Representatives, as the case may be, shall appoint a new member of the Constitutional Tribunal to fill the vacancy within thirty days.

The period referred to in paragraph one means the period during the session.

In the absence of appointment of a new member of the Constitutional Tribunal under paragraph one, the remainder shall further perform their duties.

Section 205

After a bill has been approved by the National Assembly and before the Prime Minister presents it to the King for signature under Section 93:

- (1) if the senators or the members of the House of Representatives or members of both Houses of not less than one-fifth of the total number of existed members of both Houses are of the opinion that the provision of the said bill is contrary to or inconsistent with the Constitution or illegally issues under the provision of the Constitution, they shall submit their opinion to the President of the National Assembly, the President of the Senate, or the President of the House of Representatives, as the case may be, and the President of the House who receives the said opinion shall then refer it to the Constitutional Tribunal for decision and inform the Prime Minister of it;
- (2) if the Prime Minister is of the opinion that the provision of the said bill is contrary to or inconsistent with the Constitution or illegally issues under the provision of the Constitution, he shall refer such opinion to the Constitutional Tribunal for decision and then inform the President of the Senate and the President of the House of Representatives of it.

During the consideration of the Constitutional Tribunal, the Prime Minister shall suspend the proceedings in respect of the promulgation of the bill referred to in paragraph one until the Constitutional Tribunal makes a decision thereon. If the Constitutional Tribunal decides that the provision of such bill is contrary to or inconsistent with the Constitution or illegally issues under the provision of the Constitution, such bill shall lapse.

Section 206

In applying a law to any case, if the Court, by itself or by the objection of parties, is of the opinion that the provision of such law comes under Section 5 and there has not yet been a decision of the Constitutional Tribunal relating to such provision, the Court shall stay its trial and adjudication of the case and submit its opinion through proper channel to the Constitutional Tribunal for consideration and decision.

The decision of the Constitutional Tribunal shall apply to all cases but shall not affect the judgments of the Courts which have been final.

Section 207

In the case where the Council of Ministers, the National Assembly, the Senate or the House of Representatives resolve that there is a problem which requires an interpretation of the Constitution, the Prime Minister, the President of the National Assembly, the President of the Senate or the President of the House of Representatives, as the case may be, shall refer such problem to the Constitutional Tribunal for decision.

Section 208

At a sitting of the Constitutional Tribunal, the presence of not less than six members shall constitute a quorum.

The resolutions of the sitting shall be passed by the majority of votes unless otherwise required in this Constitution.

Section 209

The decision of the Constitutional Tribunal shall be deemed final and shall be published in the Government Gazette.

Section 210

The procedure of the Constitutional Tribunal shall be in accordance with the law.

CHAPTER XI

Amendment of the Constitution

Section 211

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-third of the total number of existed members of the House of Representatives or members of the Senate and the House of Representatives of not less than one-third of the total number of existed members of both Houses.

The members of the House of Representatives may propose or jointly propose such motion only in accordance with the resolution of the political party to which they belong;

- (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 opening voting and the amendment must be approved by the votes of not less than two-thirds of the total number of existed members of both Houses;
- (4) the voting in the second reading for consideration Section by Section shall be decided by simple majority of votes;
- (5) at the conclusion of the second reading, there shall be an intervening period 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 opening voting and the promulgation of its as the Constitution must be approved by the votes of more than one-half of the total number of existed 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 Section 93 and Section 94 shall apply *mutatis mutandis*.

Transitory Provisions

Section 212

As from the date of the promulgation of this Constitution until the date of the election of members of the House of Representatives under Section 218, the National Legislative Assembly under the Constitution for the Administration of the Kingdom B.E. 2534 shall act as the National Assembly in accordance with this Constitution, but the members of the National Legislative Assembly shall not introduce a bill under Section 137, draft Constitution Amendment under Section 149 or submit motion for a general debate under Section 150 or Section 151.

The provision of Section 96 and Section 108 shall not apply to the holding of office of the members of the National Legislative Assembly under paragraph one.

Section 213

Section 125, Section 126, Section 133, Section 134 and Section 135 shall apply *mutatis mutandis* to members of the National Legislative Assembly under Section 212.

Section 214

The Privy Council holding office before the promulgation of this Constitution shall be the Privy Council under this Constitution.

Section 215

The Council of Ministers administering the State affairs before the date of the promulgation of this Constitution shall be the Council of Ministers under this Constitution, and Section 162 and Section 163 shall not apply to the holding of office of the Ministers under this Section.

After the election of members of the House of Representatives under Section 218, the Council of Ministers referred to in paragraph one shall vacate office; provided that it shall remain in office and perform the duties until the new Council of Ministers takes office.

Section 183 and Section 191 shall not apply to the officials holding the positions of political officials before the date the new Council of Ministers takes office.

Section 216

Since the date of the promulgation of this Constitution, the provision of Section 7 of the Constitution for the Administration of the Kingdom B.E. 2534 shall continue to be in force until the appointment of senators under Section 217, and the provision of Section 18, Section 19, Section 20, Section 21, Section 22 and Section 23 of the Constitution for the Administration of the Kingdom B.E. 2534 shall also continue to be in force until the date the new Council of Ministers takes office.

Section 217

As for the initial stage, the King shall appoint a person possessing qualification under Section 94 paragraph one in the number as provided in Section 94 paragraph two to be senators on the date of the election under Section 218.

The President of the National Peacekeeping Council shall countersign the Royal Command under paragraph one.

Membership of the Senate is four years and, during this time, Section 98 shall apply *mutatis mutandis*.

Section 218

The election of members of the House of Representatives under the provision of this Constitution shall be carried out within one hundred and twenty days as from the date of the promulgation of this Constitution.

Section 219

(Repealed)

Section 220

As for the initial stage, the Senate and the House of Representatives shall appoint the members of the Constitutional Tribunal under Section 200 within thirty days as from the day opening the first ordinary session of the National Assembly after the election of the House of Representatives under Section 218.

Section 221

(As repealed by Section 3, ibid.)

Section 222

All announcements or orders of the National Peacekeeping Command or of the Chairman of the National Peacekeeping Command or other laws amending or adding an announcement or order of the National Peacekeeping Command or of the Chairman of the National Peacekeeping Command issued to be in force before the day on which this Constitution is promulgated, or orders of the Prime Minister or of the Chairman of the National Peacekeeping Council issued by virtue of Section 27 of the Constitution for the Administration of the Kingdom B.E. 2534, regardless of their legislative, executive or judicial force, which are in force before the date of the promulgation of this Constitution, shall continue to be in force. And if the said announcements or orders are in the legislative or judicial force, the repeal or modification of the said announcements or orders shall be made by an Act. An Act enacted in accordance with this Section shall have no effect to an acts performed by any person or group of person in compliance with such announcement or order, and no person shall expose such person or group of person to any sort of execution or action.

Section 223

In the case where the law prescribes that any act requires the consent or approval of the National Assembly, the Senate or the House of Representatives, after the act has been consented or approved by the National Legislative Assembly under the Constitution for the Administration of the Kingdom B.E. 2534 or under Section 216 of this Constitution, it shall be deemed that the National Assembly, the Senate or the House of Representatives, as the case may be, consents or approves it.

Countersigned by

Mr. Ukrit Mongkolnavin

President of the National Legislative Assembly

Disclaimer

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. www.ThaiLaws.com, therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.

The Constitution of the Kingdom of Thailand (The Fifth Amendment) B.E. 2538

Section 1

This Constitution shall be called the Constitution of the Kingdom of Thailand (The Fifth Amendment) B.E. 2538.

Section 2

This Constitution shall be enforce from the day following the promulgation in the Government Gazette.

Section 3

Chapter 3 to Chapter 11 Section 24 to Section 211 of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by the Constitution of the Kingdom of Thailand (1st Amendment) B.E. 2535, Constitution of the Kingdom of Thailand (2nd Amendment) B.E. 2535, Constitution of the Kingdom of Thailand (3rd Amendment) B.E. 2535 and Constitution of the Kingdom of Thailand (4th Amendment) B.E. 2535 shall be abolished and replaced by the followings.

(The whole amendment is inserted in the Constitution of the Kingdom of Thailand B.E. 2534)

Transitory Provisions

Section 4

Senators who is in the position on the day of promulgation of this Constitution shall be senator according to the provisions of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution until the end of four year term since the election of members of the House of Representatives according to Section 218 of the Constitution of the Kingdom of Thailand B.E. 2534.

Section 5

Senator or member of the House of Representatives, who received concession from the state or government agencies or state agencies or state enterprises or being partner to contract with state or government agencies or state agencies or state enterprises which is in the form of monopoly whether directly or indirectly, if acquire the concession or contract on the date of promulgation of this Constitution, shall withhold the concession or contract until the end of the term of concession of contract or until the membership is terminated.

Section 6

Member of the House of Representatives who is in the position on the date of promulgation of this Constitution shall remain being the member of the House of Representatives according to the provision of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution.

Provisions of Section 105, Section 106 and Section 109 (2) shall be enforceable to the first general election which shall take place after the promulgation of this Constitution.

The election of member of the House of Representatives to replace the vacant position prior to the first general election under paragraph two shall be in accordance with the provisions of the Constitution of the Kingdom of Thailand B.E. 2534.

Section 7

While there is no amendment of provisions of law or enactment of a new law to create the Election Commission, provisions of Section 115 paragraph two and paragraph three of the Constitution of the Kingdom of Thailand B.E. 2534 which are amended by this Constitution shall not be enforced, however it must not be more than two years after the promulgation of this Constitution.

Section 8

Leader of the opposition in the House of Representatives who is in the position on the date of promulgation of this Constitution shall remain the leader of the opposition in the House of Representatives under the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution.

Section 9

The President of the Senate, Vice President of the Senate who is in the position on the date of promulgation of this Constitution shall remain the President of the Senate and Vice President of the Senate until the end of the term of Senate under Section 4 of this Constitution or leave the position before the term under Section 116 of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution.

The Speaker of the House of Representatives and Deputy Speaker of the House of Representatives who is in the position on the date of promulgation of this Constitution shall remain the Speaker of the House of Representatives and Deputy Speaker of the House of Representatives under the provisions of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution.

Section 10

The Committee under Section 141, Section 153 and Section 158 and the Rules of Procedure of the Senate, Rules of Procedure of the House of Representatives under Section 154 and Rules of Procedure of the National Assembly under Section 157 of the Constitution of the Kingdom of Thailand B.E. 2534 shall remain the committee under Section 147, Section 158 and Section 162 and Rules of Procedure of the Senate, Rules of Procedure of the House of Representatives under Section 159 and Rules of Procedure of the National Assembly under Section 161 of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution.

Section 11

The Council of Ministers which is administering the affairs of the country on the date of promulgation of this Constitution shall remain the Council of Ministers under the provisions of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution.

Section 12

While there is no amendment of provisions of law in order to make the Local Administration Organization in accordance with provision of Section 196 of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution, the law on Local Administration which is enforceable on the date of promulgation of this Constitution shall be enforce until there is a law applicable in accordance with provision of Section 196 of the Constitution of the Kingdom of Thailand B.E. 2537 which is amended by this Constitution. However it must not be more than four years as from the promulgation of this Constitution.

Section 13

The Constitution Tribunal who is in the position on the date of promulgation of this Constitution shall remain the Constitution Tribunal under the provisions of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by this Constitution.

Countersigned by

Professor Marut Bunnag

President of the National Assembly