

Administrative Charter of the Kingdom, B.E. 2502 (1959)

Translation

BHUMIBOL ADULYADEJ, REX.

GIVEN UNDER MY HAND THIS 28TH DAY OF JANUARY, B.E. 2502 (1959);

BEING THE 14TH YEAR OF MY REIGN.

Phra Bat Somdet Phra Paraminthramaha Bhumibol Adulyadej Mahitalathibet-ramathibodi Chakkrinaruebodin Sayaminthrat Borommanatthabopit is graciously pleased to proclaim that:

WHEREAS the Leader of the Revolutionary Council who has successfully taken the power of public administration on October 20, BE 2501 (1959), informed His Majesty that the Revolutionary Council abolished the Constitution of the Kingdom of Thailand, Buddhist Era 2475 (1932), as amended in Buddhist Era 2495 (1952), for it desires to bring into existence a more proper constitution and the smoother public administration than that abolished; and that in order to obtain such constitution, it is desirable to set up a constituent assembly comprising of the qualified persons to take charge of the preparation of the said constitution; and that pending promulgation of a constitution drawn up by the constituent assembly, a national administrative charter suiting the prevailing circumstances is required; AND WHEREAS His Majesty concurs with the Revolutionary Council;

BE IT COMMANDED by the King's most Excellent Majesty, for the purpose of implementing the submission of the Leader of the Revolutionary Council, that the following provisions shall form an Administrative Charter of the Kingdom until promulgation of a constitution to be drafted by the constituent assembly.

Section 1

The sovereign power derives from the Thai people.

Section 2

Thailand is one and indivisible Kingdom. The King shall be Head of State and Commander-in-Chief of the Thai Forces.

Section 3

The King shall be enthroned in the position of revered worship and inviolability.

Section 4

There shall be one Privy Council consisting of not more than nine Privy Councilors. The appointment and removal of the Privy Councilors shall be durante bene placito regis.

Section 5

The King shall enact the Acts by and with the advice and consent of the National Assembly.

The Council of Ministers shall exercise the executive power. And the courts shall exercise the judicial power in His Majesty's Name.

Section 6

There shall be a Constituent Assembly obliged to draft a constitution and exercise the legislative functions as the National Assembly.

Section 7

The Constituent Assembly shall consist of two hundred members appointed by the King. Where a membership is vacant, the King shall appoint any person to fill such vacancy.

Section 8

Upon resolution of the Constituent Assembly, the King shall appoint one of its members as its President and one or more other members as its Vice Presidents.

Section 9

Subject to Section 10 and Section 11, the Constituent Assembly shall be competent to enact the rules of procedure governing the proposal of bills, the filing of the motions, the discussions and other activities within the scope of its authority.

Section 10

Once the drawing up of a constitution is completed, the Constituent Assembly, in its capacity as the National Assembly, shall discuss as to whether the draft constitution ought to be forwarded to the King for his signature. In such discussion, the Assembly may not amend the draft constitution.

In the discussion under the foregoing paragraph, the presence of not less than three fourth of the total number of the existing members of the Assembly is required to constitute a quorum.

The President of the Assembly shall countersign a proclamation promulgating the constitution.

Section 11

In cases more than one half of the total number of the existing members of the Constituent Assembly do not support a decision to forward the draft constitution to the King for his signature, the Constituent Assembly shall draw up a new draft constitution and proceed with it in pursuance of the provisions of this Charter.

Section 12

In the sessions of the Constituent Assembly, every person shall enjoy absolute privilege to state any facts, express any opinion or cast his votes and shall not be subject to any claim or accusation in consequence thereof.

The privilege referred to in the foregoing paragraph shall extend to the persons printing and publicizing the minutes as ordered by the Assembly.

Section 13

In the event that a member of the Constituent Assembly is restrained, detained or prosecuted in a criminal case, a release or stay of trial shall be granted at the request of the President of the Assembly.

Section 14

The King shall appoint one Prime Minister and other Ministers in the appropriate number to constitute a Council of Ministers in charge of the public administration.

The Prime Minister and the Ministers may not be the members of the Assembly.

The Prime Minister and the Ministers shall be entitled to attend and express any opinions amongst the sessions of the Assembly, but none of them may vote therein.

Section 15

The King shall be invested with the prerogative to remove the Ministers.

Section 16

Until the Council of Ministers is set up, the Leader of the Revolutionary Council shall act as the Council of Ministers and the Prime Minister.

Section 17

Pending operation of this Charter, if the Prime Minister finds desirable to prevent or suppress an act giving rise to the subversion of the national security or Throne or an act contributable to the impairment, disturbance or threat against the internal or external peace of the Kingdom, the Prime Minister, upon resolution of the Council of Ministers, shall be bestowed with the power to issue any order or to perform any act whatsoever. Such order or act shall be deemed lawful.

Upon issuance of any order or performance of any act in virtue of the foregoing paragraph, the Prime Minister shall inform the Assembly thereof.

Section 18

All legal provisions, royal rescripts and proclamations dealing with the state affairs must be countersigned by the Prime Minister or a Minister.

The President of the Assembly shall countersign a proclamation on appointment of Prime Minister.

Section 19

The judges shall be independent in the trial and adjudication of cases in pursuance of laws.

Section 20

Where no provision under this Charter is applicable to any case, the case shall be decided in compliance with the customary practices of the democratic regime of government of Thailand.

Where any problem falls upon the work cycle of the Assembly and it requires any decision pursuant to the foregoing paragraph, or where the Council of Ministers requires any decision of the Assembly, then the Assembly shall render such decision.

Countersigned by:

Field Marshal Sarit THANARAT,
Leader of the Revolutionary Council.

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