

## Administrative Charter of the Kingdom, B.E. 2515 (1972)

Translation

BHUMIBOL ADULYADEJ, REX.

GIVEN UNDER MY HAND THIS 15TH DAY OF DECEMBER, B.E. 2515 (1972);

BEING THE 27TH YEAR OF MY REIGN.

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

WHEREAS the Revolutionary Council led by Field Marshal Thanom Kittikhachon has successfully taken the power of public administration on November 17, B.E. 2514 (1971), and the Leader of the Revolutionary Council informed His Majesty that the Council abolished the Constitution of the Kingdom of Thailand, Buddhist Era 2511 (1968), for it entertains a desire to resolve the situations threatening the Nation, the Throne and the People as quickly as practicable, and to determine a more appropriate administrative mechanism in line with the conditions of the Nation, economic base and public sentiment; and that the said resolution and determination would, however, take times according to the necessity of the circumstances, and pending which an administrative charter suiting the prevailing situations and the national defense is required;

BE IT COMMANDED by the King's most Excellent Majesty that the following provisions shall form an Administrative Charter of the Kingdom until promulgation of a constitution resolved by the National Legislative Assembly to be forwarded to Him.

### Section 1

Thailand is one and indivisible Kingdom.

The King shall be Head of State and Commander-in-Chief of the Thai Forces.

### Section 2

The sovereign power derives from the Thai people. The King who is Head of State shall exercise such power in pursuance of the provisions of this Administrative Charter.

### Section 3

The King shall exercise the legislative power through the National Legislative Assembly; the executive power, the Council of Ministers; and the judicial power, the courts.

### Section 4

The King shall be enthroned in the position of revered worship and inviolability, and shall never be a subject of any accusation or claim.

### Section 5

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 6

There shall be a National Legislative Assembly consisting of two hundred and ninety nine members appointed by the King from whom being of Thai nationality by birth and having attained thirty five years of age.

Each member of the National Legislative Assembly shall be in office for three years from the date of his appointment.

The King shall be invested with the prerogative to reinstate a member having retired by rotation.

Should a membership in the National Legislative Assembly become vacant for any reason other than the retirement by rotation, the King may appoint a person qualified pursuant to paragraph 1 to fill such vacancy. The person so appointed shall hold office for the remaining term of his predecessor.

### **Section 7**

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

### **Section 8**

Subject to Section 10, in the sessions of the National Legislative Assembly the presence of not less than one half of the total number of the existing members is required to constitute a quorum.

Subject to Sections 10 and Section 11, the National Legislative Assembly shall be competent to enact the rules of procedure governing the selection and performance of duty of its President, Vice Presidents and committees, the conduct of meetings, the proposal and readings of the bills, the filing of motions, the debates, the passage of resolution, the questionings, the preservation of peace and order and other activities within the scope of its authority.

### **Section 9**

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

The bills may only be proposed by the members of the National Legislative Assembly or Council of Ministers. But a monetary bill, that is, a bill the whole or part of which deals with the establishment, abrogation, reduction, modification, suspension or regulation of taxes or duties, the appropriation, receipt, preservation, disbursement of or creation of obligations binding the national treasury, the reduction of the national incomes, the borrowing of monies, the providing of sureties or the disbursement of loans, or a bill concerning currency, may only be introduced by the Council of Ministers.

In case of doubt as to whether a bill proposed by the members of the National Legislative Assembly is a monetary one, the matter shall be referred to the President of the Assembly for decision.

### **Section 10**

It shall be the Council of Ministers which introduces a draft constitution to the National Legislative Assembly.

The draft constitution shall be discussed on three readings. The first and second readings shall be held pursuant to the rules of procedure of the National Legislative Assembly, whilst the third may be commenced upon elapse of fifteen days from the conclusion of the second reading.

On the third reading, the voting shall be held by means of roll call and the resolution to promulgate the draft constitution must be passed by not less than two third of the total number of the existing members.

In the meeting under paragraph 3 the presence of not less than three fourth of the total number of the existing members is required to constitute a quorum.

Once the National Legislative Assembly passes the resolution in favor of the draft constitution on the third reading, its President shall forward the draft to the King for his signature.

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

#### **Section 11**

In cases the National Legislative Assembly resolves not to support the draft constitution on the first or third reading, the Council of Ministers shall introduce a new draft constitution within ninety days from the National Legislative Assembly's passage of such resolution.

The provisions of Section 10 shall apply to the discussions on and promulgation of the new draft introduced by the Council of Ministers according to paragraph 1.

#### **Section 12**

Amongst the sessions of the National Legislative Assembly, every member shall be entitled to put up to any Minister the questions concerning his performance of duty, but the Minister may refuse to answer if he finds that the matters in issue ought not to be disclosed yet, for they involve the safety or significant interest of the State, or that the question concerned is prohibited by the rules of procedure. In such proceedings of the National Legislative Assembly, no member may debate in conjunction with any question or raise additional questions.

#### **Section 13**

In the sessions of the National Legislative 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 members of the Assembly's committees and the persons printing and publicizing the minutes as ordered by the Assembly.

In the event that a member of the National Legislative 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, upon advice of the Prime Minister, other Ministers in the appropriate number to constitute a Council of Ministers in charge of the public administration. It shall be the prerogative of the King to remove any Minister upon advice of the Prime Minister.

The Prime Minister and the Ministers may not also 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 National Legislative Assembly, but none of them may vote.

The Prime Minister shall be bestowed with the authority to carry out and supervise the public administration.

The Ministers shall have the authority as determined by the laws and as required by the Council of Ministers or Prime Minister.

The termination of a membership in the National Legislative Assembly does not affect the public administration undertaken by the Council of Ministers and the tenure of the Prime Minister or any Minister.

## **Section 15**

In case of an urgent need to maintain the national security or avert a public calamity, or in case of a necessity to bring into existence a law concerning taxation or money, the King shall have the prerogation to enact the Emergency Decrees having the same force as the Acts.

Once an Emergency Decree is promulgated, the Council of Ministers shall refer it to the National Legislative Assembly without delay. Upon approval of the National Legislative Assembly, the Emergency Decree shall continue to be in force as an Act. Upon denial by the National Legislative Assembly, it shall come to an end, but the affairs having been carried out pending its operation shall remain unaffected.

The approval or denial of an Emergency Decree shall be published in the Government Gazette. The denial shall take effect upon its publication in the Government Gazette.

## **Section 16**

The King shall be given the prerogative to enact the royal decrees not contrary to the laws.

## **Section 17**

Pending operation of this Administrative Charter, if the Prime Minister finds desirable to prevent, abate or suppress an act giving rise to the subversion of the national security, Throne, national economy or state business, or an act contributable to the disturbance of or threat against the public peace or public policy, destruction of the national resources or deterioration of the public health, whether it comes to pass prior to or following the entry into operation of this Administrative Charter, 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, or the observance thereof, 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**

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 21**

All announcements rendered by the Revolutionary Council or orders rendered by the Leader of the Revolutionary Council from the date of the Revolution, November 17, B.E. 2514 (1974), to the date of promulgation of this Administrative Charter, shall be deemed lawful, irrespective of whatever forms they are in and which of the legislative, executive or judicial effect they produce.

## **Section 22**

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 National Legislative Assembly and it requires any decision pursuant to the foregoing paragraph, or where the Council of Ministers requires any decision of the National Legislative Assembly, then the National Legislative Assembly shall render such decision.

### **Section 23**

In case of doubt as to whether any act or practice is contrary to, inconsistent with or in breach of the provisions of this Administrative Charter, the National Legislative Assembly shall pass any decision.

Countersigned by:

Field Marshal Thanom KITTIKHACHON,

Leader of the Revolutionary Council.

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#### **Disclaimer**

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