

Administrative Charter of the Kingdom, B.E. 2520 (1977)

Translation

BHUMIBOL ADULYADEJ, REX.

GIVEN UNDER MY HAND THIS 9TH DAY OF NOVEMBER, BUDDHIST ERA 2520 (1977);

BEING THE 32ND YEAR OF MY REIGN.

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

WHEREAS the Leader of the Revolutionary Council informed His Majesty that the Revolutionary Council has taken the power of public administration on October 20, 2520 (1977), and abolished the Constitution of the Kingdom of Thailand, Buddhist Era 2519 (1978), for it is of a desire to as quickly as possible restore the economy, society, national harmony, peace and order and public happiness, and to strengthen the relations with foreign states for the sake of the more secure public administration without internal and external threats; and that in this respect, the Revolutionary Council wishes to bring into existence a new constitution drawn up by a National Legislative Assembly, and looks forward to an election determined to be held within Buddhist Era 2521 (the Year 1978); and that pending the said proceedings, an administrative charter suiting the prevailing circumstances is required;

BE IT COMMANDED by the King, by virtue of the reasons addressed by the Leader of the Revolutionary Council, that the following provisions submitted by the Revolutionary Council shall form an Administrative Charter of the Kingdom until promulgation of a constitution prepared in pursuance thereof.

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

The King selects and appoints one qualified person as the President of a Privy Council and not more than fourteen other qualified persons as the Privy Councilors to constitute a Privy Council.

The Privy Council shall bear the duty to render to the King the opinions as to all royal duties, as the King may require.

The appointment and removal of the Privy Councilors shall be durante bene placito regis.

Section 6

There shall be a National Legislative Assembly encharged with the duty to draw up a draft constitution and consider the bills.

In preparing a draft constitution, the National Legislative Assembly shall be mindful of a general election scheduled to be held within Buddhist Era 2521 (the Year 1978).

Section 7

The National Legislative Assembly shall consist of not less than three hundred but not more than four hundred members appointed by the King from those being of Thai nationality by birth, pursuant to the advice of the Chairperson of the National Policy Council.

Once a membership in the National Legislative Assembly becomes vacant, the King may appoint a person having the qualification under paragraph 1 to fill such vacancy.

The Chairperson of the National Policy Council shall countersign a proclamation on appointment of a member of the National Legislative Assembly.

The King shall be invested with the prerogative to remove a member of the National Legislative Assembly, upon the advice of the Chairperson of the National Policy Council and the resolution of the National Legislative Assembly. And the President of the National Legislative Assembly shall countersign a proclamation on removal of such member.

Section 8

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 9

The National Legislative Assembly shall set up a committee having the duty to draw up a draft constitution and propose it to the National Legislative Assembly.

The number of the members of the constitutional committee and a question as to whether or not such members ought to be the members of the National Legislative Assembly shall be decided by the National Legislative Assembly.

Section 10

Upon receipt of a draft constitution prepared by the committee under Section 3, the National Legislative Assembly shall hold the constitutional deliberations 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 deliberations on the third reading, 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 on promulgation of the constitution.

Section 11

In cases the National Legislative Assembly resolves not to support the draft constitution on the third reading, the National Legislative Assembly shall prepare a new draft constitution in pursuance of the provisions of this Administrative Charter. If it is unable to organize an election within Buddhist Era 2521 (the Year 1978) due to such preparation, the time limit for electoral organization shall be extended for one hundred and twenty days from the final date of Buddhist Era 2521 (the Year 1978).

Section 12

If no resolution is passed in favor of the new draft constitution drawn up according to Section 11 on the first or third reading under Section 10, the members of the National Legislative Assembly shall en bloc vacate their offices on the date of the National Legislative Assembly's passage of the disapproval resolution. In this respect, the Council of Ministers, with the approval of the National Policy Council, shall improve the draft constitution prepared by the committee under Section 9 or any of the previous constitutions of the Kingdom of Thailand within thirty days from the National Legislative Assembly's passage of the disapproval resolution, and submit such draft to the King for his signature promulgating it as the constitution.

In making the improvement pursuant to paragraph 1, the Council of Ministers shall take into consideration an election which must be held as quickly as practicable.

The Prime Minister shall countersign a proclamation on promulgation of the constitution under this Section.

Section 13

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

Section 14

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 paragraph 1 shall extend to the members of the National Legislative 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 National Legislative Assembly.

Section 15

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 which do not require the Council of Ministers or Ministers to give explanations or opinions on any subjects, the debates, the passage of resolution, the preservation of peace and order and other activities within the scope of its authority.

Section 16

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

Only the Council of Ministers may introduce the bills.

Section 17

There shall be a National Policy Council. The Councilors of which shall be the members of the Revolutionary Council pursuant to the Announcement of the Revolutionary Council No. 6 dated October 22, Buddhist Era 2520 (1977).

The Leader of the Revolutionary Council shall become the Chairperson of the National Policy Council and the Deputy Leader of the Revolutionary Council, the Vice Chairperson of the same. The National Policy Council shall appoint two of its Councilors to serve as its Secretary General and Deputy Secretary General.

In the event that the Chairperson of the National Policy Council is absent or unable to function, the Vice Chairperson of the same shall assume the functions of his Chairperson. In cases both the Chairperson and the Vice Chairperson of the National Policy Council are absent or incapable of functioning, the National Policy Councilors shall select one amongst themselves to preside over them.

Section 18

The National Policy Council shall be bestowed with the authority to determine the state policy and provide any recommendations to the Council of Ministers, in order that the public administration would be steered in line with such state policy. It shall also bear other authority herein granted.

Section 19

The Chairperson of the National Policy Council may refer to a joint meeting of the National Policy Council and the Council of Ministers for decision any problem dealing with a significant policy or that requested by the Prime Minister. The Council of Ministers shall abide by any decision is reached by the joint meeting.

The Chairperson of the National Policy Council shall chair the joint meeting under paragraph 1. And the provision of paragraph 3 of Section 17 shall apply *mutatis mutandis*.

Section 20

Until the Council of Ministers is set up, the Chairperson of the National Policy Council shall act as the Council of Ministers and the Prime Minister.

Section 21

The King shall appoint one Prime Minister upon advice of the Chairperson of the National Policy Council, and other Ministers in the appropriate number upon the advice of the Prime Minister, to constitute a Council of Ministers in charge of the public administration.

Section 22

It shall be the prerogative of the King to remove the Prime Minister upon the advice of the Chairperson of the National Policy Council, and any Minister upon advice of the Prime Minister.

Section 23

The Chairperson of the National Policy Council shall countersign a proclamation on appointment or removal of the Prime Minister.

The Prime Minister, that on appointment or removal of a Minister.

Section 24

The Prime Minister and the Ministers may not also be the members of the National Legislative Assembly and may not hold any position in a private commercial enterprise.

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

Section 25

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

Section 26

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 may enact the Emergency Decrees having the same force as the Acts, upon the advice of the Prime Minister and approval of the National Policy Council.

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 27

Finding 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 coming to pass prior to or following the entry into operation of this Administrative Charter and inside or outside the Kingdom, the Prime Minister, upon resolution of the Council of Ministers, shall be empowered 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 paragraph 1, the Prime Minister shall inform the National Legislative Assembly thereof.

Section 28

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

Section 29

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

Section 30

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 31

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.

Section 32

All acts, announcements or orders rendered by the Leader of the Revolutionary Council or Revolutionary Council prior to the promulgation of this Administrative Charter, including the observance thereof, shall be deemed lawful, irrespective of whatever forms they are done or embodied and which of the legislative, executive or judicial effect they produce.

Countersigned by:

Admiral Sa-ngat CHALOYU,

Leader of the Revolutionary Council.

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