

Administrative Charter of the Kingdom, B.E. 2534 (1991)

Translation

BHUMIBOL ADULYADEJ, REX.

GIVEN UNDER MY HAND THIS 1ST DAY OF MARCH, BUDDHIST ERA 2534 (1991);

BEING THE 46TH 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 National Peacekeeping Council which has successfully taken the power of public administration on March 23, B.E. 2534 (1991), informed His Majesty that the Revolutionary Council abolished the Constitution of the Kingdom of Thailand, Buddhist Era 2521 (1978), and the Amendments thereof, for the Council entertains a desire to bring into existence a more appropriate constitution, to smooth the public administration, to eliminate the threats against the Nation and the Throne, to restore the peace and order as quickly as practicable, and to determine an effective and suitable administrative mechanism in line with the conditions of the Nation, economic base and societies of the national people; and that pending such proceedings an administrative charter suiting the prevailing circumstances is required;

BE IT COMMANDED by the King's most Excellent Majesty, with a view to implementing the submission of the Leader of the National Peacekeeping Council, that the following provisions shall form an Administrative Charter of the Kingdom, until promulgation of a constitution draw up in pursuance of the provisions 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 2534 (1991).

Section 7

The National Legislative Assembly shall consist of not less than two hundred but not more than three hundred members appointed by the King from those being of Thai nationality by birth, pursuant to the advice of the President of the National Peacekeeping Chamber.

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 President of the National Peacekeeping Chamber shall countersign a proclamation on appointment of a member of the National Legislative Assembly.

Section 8

Where any member of the National Legislative Assembly performs an act exposing his membership in a state of dishonor or falls under the circumstances obstructing the exercise of duty of his fellow members, not less than twenty members of the National Legislative Assembly may petition their President to terminate the membership of the member in question.

The resolution of the National Legislative Assembly to terminate the membership pursuant to paragraph 1 must be passed by not less than two third of the total number of the members existing on the date of voting.

Section 9

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.

The President of the National Peacekeeping Chamber shall countersign the proclamations on appointment of the President and the Vice Presidents of the National Legislative Assembly.

Section 10

The National Legislative Assembly shall set up a committee consisting of not more than twenty members and having the duty to draw up a draft constitution and propose it to the National Legislative Assembly.

The committee under paragraph 1 may also comprise of the persons not being the members of the National Legislative Assembly

Section 11

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.

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.

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.

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 12

In cases the National Legislative Assembly resolves not to support the draft constitution on the third reading pursuant to in Section 11, paragraph 3, the National Legislative Assembly shall prepare a new draft constitution and hold the constitutional deliberations in accordance with the provisions of this Administrative Charter. If it is unable to organize an election within Buddhist Era 2534 (1991) due to such preparation and deliberations, the time limit for electoral organization shall be extended for one hundred and twenty days from the final date of Buddhist Era 2534 (1991).

Section 13

If no resolution is passed in favor of the new draft constitution drawn up according to Section 12 on the first or third reading under Section 11, 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 National Peacekeeping Chamber and the Council of Ministers shall hold the joint conferences to improve the draft constitution prepared by the committee under Section 10 or Section 12 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.

The President of the National Peacekeeping Chamber shall chair the joint conferences under paragraph 1.

In carrying out the proceedings under paragraph 1, regards shall be paid to an election required be held as quickly as practicable.

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

Section 14

Subject to Section 11, in the sessions of the Nation 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 15

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 16

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 17

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 18

There shall be a National Peacekeeping Chamber. The members of which shall be the members of the National Peacekeeping Council pursuant to the Announcement of the National Peacekeeping Council No. 2 dated February 23, B.E. 2534 (1991) and the Announcement of the National Peacekeeping Council No. 5 dated February 23, B.E. 2534 (1991).

The President of the National Peacekeeping Chamber may appoint not more than fifteen additional members of his Chamber.

The Leader of the National Peacekeeping Council shall become the President of the National Peacekeeping Chamber. One of the Deputy Leaders of the National Peacekeeping Council shall be designated by the National Peacekeeping Chamber as the Vice President of the National Peacekeeping Chamber. And the Secretary General of the National Peacekeeping Council shall serve as the Secretary General of the National Peacekeeping Chamber.

The National Peacekeeping Chamber shall appoint one or several persons, whether being its members, as its Deputy Secretaries General.

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

Section 19

The National Peacekeeping Chamber shall have the authority to together with the Council of Ministers determine the public administration policy to be addressed by the latter to the National Legislative Assembly and to furnish the Council of Ministers with any recommendations beneficial to the public administration undertaken by it. The National Peacekeeping Chamber shall also bear other authority herein granted.

The President of the National Peacekeeping Chamber shall chair the joint conferences of the National Peacekeeping Chamber and the Council of Ministers pursuant to the provisions of this Administrative Charter.

Section 20

Finding expedient, the President of the National Peacekeeping Chamber or Prime Minister may hold a joint conference of the National Peacekeeping Chamber and the Council of Ministers to together consider and resolve any problems dealing with the public administration.

Section 21

The King shall appoint one Prime Minister upon advice of the President of the National Peacekeeping Chamber, 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 President of the National Peacekeeping Chamber, and any Minister upon advice of the Prime Minister.

Section 23

The President of the National Peacekeeping Chamber 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. In this respect, the provision of Section 15 on privilege shall apply *mutatis mutandis*.

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 peace and order, national security, public safety or national economic security or to avert a public calamity, or in case of a necessity to bring into existence a law concerning taxation or money which is required to be considered immediately and confidentially for the state interest's sake, 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 Peacekeeping Chamber.

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 peace and order or 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 President of the National Peacekeeping Chamber or Prime Minister, or both, with the approval of the joint conference of the National Peacekeeping Chamber and the Prime Minister, shall be empowered to issue any order or to perform any act whatsoever. Such order or act rendered or done by either of the President of the National Peacekeeping Chamber or Prime Minister or jointly by both of them, as well as the observance thereof, shall be deemed lawful.

Upon issuance of any order or performance of any act in virtue of paragraph 1, either or both of the of the President of the National Peacekeeping Chamber or Prime Minister shall refer the matter to the President of the National Legislative Assembly who shall further 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 National Peacekeeping Council or of the National Peacekeeping Council prior to the promulgation of this Administrative Charter and dealing with the seizure and taking control of the power of public administration on February 23, B.E. 2534 (1991), including the observance thereof and the actions undertaken by whosoever in consequence of the said seizure and taking control of the power of public administration, shall be deemed lawful, irrespective of whatever forms they are done or embodied and which of the legislative, executive or judicial effect they produce.

Section 33

Until the Council of Ministers is set up, the President of the National Peacekeeping Chamber shall serve as the Prime Minister and the National Peacekeeping Chamber shall function as the Council of Ministers.

Countersigned by:

General Soonthon KHONGSOMPONG,

Leader of the National Peacekeeping Council.

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