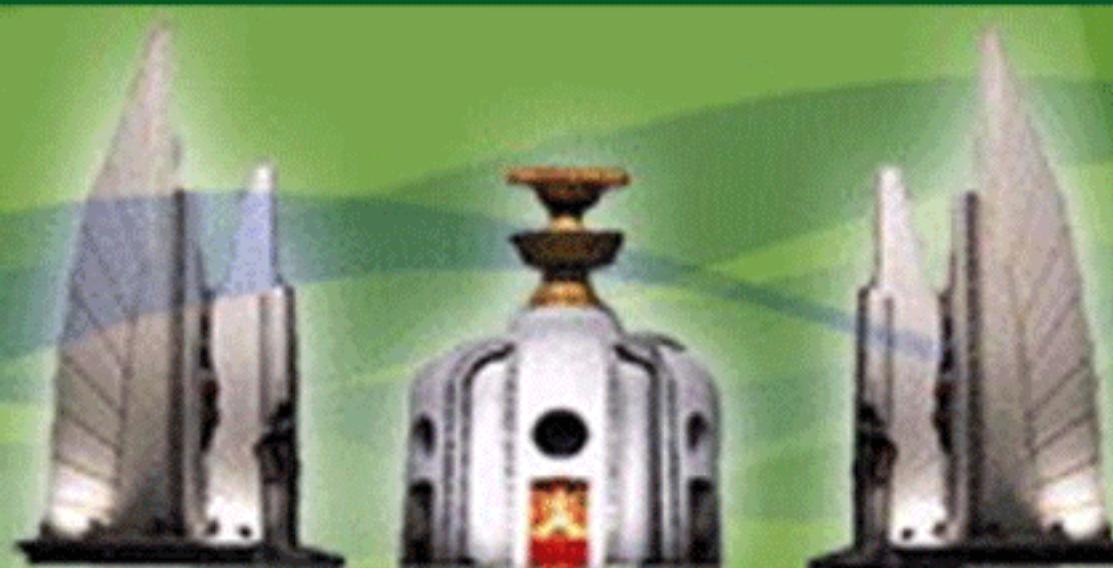




Constitution

of the Kingdom of Thailand,
B.E. 2550 (2007)



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CONSTITUTION OF THE KINGDOM OF THAILAND

SOMDET PHRA PARAMINTHARAMAHA
BHUMIBOL ADULYADEJ
SAYAMMINTHARATHIRAT BOROMMANATTHABOPHIT

Enacted on the 24th Day of August B.E. 2550 (2007);
Being the 62nd Year of the Present Reign.

May there be virtue. Today is the eleventh day of the waxing moon in the ninth month of the year of the Pig under the lunar calendar, being Friday, the twenty fourth day of August under the solar calendar, in the 2550th year of the Buddhist Era.

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayammintharathirat Borommanatthabophit is graciously pleased to proclaim that the President of the National Legislative Assembly has informed that Thailand's democratic regime of government with the King as Head of the State has progressed with the passage of over seventy five years and over the years there have been, on a number of occasions, the promulgation, repeal and amendment of constitutions so as to be appropriate to attending circumstances of the country as well as temporal changes; and whereas the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) made provision for the establishment of the Constituent Assembly and the Constitution Drafting Commission in charge of preparing an entirely new draft constitution as guidance for the government of the country, in a manner allowing members of the

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government of the country, in a manner allowing members of the public to have participation and express opinions extensively at every stage and taking those opinions into particular account in preparing the draft and considering submitted motions on a continued basis.

This newly prepared draft constitution makes provision for achieving common intentions of the Thai people in connection with the upholding of national independence and security, the nurture of all religions, the upholding of the King as Head of the State and as the revered centre of national morale, the adherence to the democratic regime of government with the King as Head of the State as a means to rule the country, the protection of rights and liberties of the people, the provision of public roles and participation in the government and in the scrutiny of the exercise of State powers in concrete ways, the formulation of mechanisms for ensuring that political institutions, both in the Legislature and the Executive, shall achieve the equilibrium and efficiency along the line of the parliamentary system and also that the judicial institution and other independent organs shall perform duties in an honest and fair manner.

Having completed the preparation of the draft constitution, the Constituent Assembly publicised the draft and caused to be conducted a referendum for approving the draft constitution *in toto*. It has been apparent from the referendum that a majority of people having the right to vote, who were present at the referendum, gave approval to this new draft constitution. The President of the National Legislative Assembly therefore presented the draft constitution to the King for His Royal signature in order to promulgate it as the Constitution of the Kingdom of Thailand. The King has deemed it expedient to grant His Royal assent in accordance with the resolution of the people.



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 of the Kingdom of Thailand (Interim), B.E. 2549 (2006) promulgated on 1st October B.E. 2549 (2006).

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



CHAPTER I

General Provisions

Section 1. Thailand is one and indivisible Kingdom.

Section 2. Thailand adopts a democratic regime of government with the King as Head of the State.

Section 3. The sovereign power belongs to the Thai people. The King as Head of the State shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of this Constitution.

The performance of duties of the National Assembly, the Council of Ministers, the Courts, and the constitutional organs as well as State agencies shall be under the Rule of Law.

Section 4. The human dignity, rights and liberties and equality of the people shall be protected.

Section 5. The Thai people, irrespective of their origins, sexes or religions, shall enjoy equal protection under this Constitution.

Section 6. The Constitution is the supreme law of the State. The provisions of any law, rule or regulation, which are contrary to or inconsistent with this Constitution, shall be unenforceable.

Section 7. Whenever no provision under this Constitution is applicable to any case, it shall be decided in accordance with the constitutional practice in the democratic regime of government with the King as Head of the State.



CHAPTER II

The King

Section 8. 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 9. The King is a Buddhist and Upholder of religions.

Section 10. The King holds the position of Head of the Thai Armed Forces.

Section 11. The King has the prerogative to create titles and confer decorations.

Section 12. The King selects and appoints qualified persons to be the President of the Privy Council and not more than eighteen Privy Councillors to constitute the Privy Council.

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

Section 13. The selection and appointment or the removal of a Privy Councillor shall depend entirely upon 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 Councillors.



Section 14. A Privy Councillor shall not be a member of the House of Representatives, senator, Election Commissioner, Ombudsman, member of the National Human Rights Commission, judge of the Constitutional Court, judge of an Administrative Court, member of the National Counter Corruption Commission, member of the State Audit Commission, Government official holding a permanent position or receiving a permanent salary, official of a State enterprise, other State official or holder of other position of member or official of a political party, and must not manifest loyalty to any political party.

Section 15. Before taking office, a Privy Councillor shall 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 His Majesty 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 16. A Privy Councillor vacates office upon death, resignation or removal by a Royal Command.

Section 17. The appointment and removal of officials of the Royal Household and of the Royal Chief Aide-de-Camp shall depend entirely upon the King’s pleasure.

Section 18. Whenever the King is absent from the Kingdom or unable to perform His functions for any reason whatsoever, the King will appoint a person Regent, and the President of the National Assembly shall countersign the Royal Command therefor.



Section 19. In the case where the King does not appoint a Regent under section 18, or the King is unable to appoint a Regent owing to His not being *sui juris* or any other reason whatsoever, the Privy Council shall submit the name of a person suitable to hold the office of Regent to the National Assembly for approval. Upon approval by the National Assembly, the President of National Assembly shall make an announcement, in the name of the King, to appoint such person as Regent.

During the expiration the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly in giving an approval under paragraph one.

Section 20. While there is no Regent under section 18 or section 19, the President of the Privy Council shall be Regent *pro tempore*.

In the case where the Regent appointed under section 18 or section 19 is unable to perform his or her duties, the President of the Privy Council shall act as Regent *pro tempore*.

While being Regent under paragraph one or acting as Regent under paragraph two, the President of the Privy Council shall not perform his or her duties as President of the Privy Council. In such case, the Privy Council shall select a Privy Councillor to act as President of the Privy Council *pro tempore*.

Section 21. Before taking office, the Regent appointed under section 18 or section 19 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 the 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.”



During the expiration of the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly under this section.

Section 22. Subject to section 23, the succession to the Throne shall be in accordance with the Palace Law on Succession, B.E. 2467 (1924).

The Amendment of the Palace Law on Succession, B.E. 2467 shall be the prerogative of the King. At the initiative of the King, the Privy Council shall draft the Palace Law Amendment and shall present it to the King for His consideration. When the King has already approved the draft Palace Law Amendment and put His signature thereon, the President of the Privy Council shall notify the President of the National Assembly for informing the National Assembly. The President of the National Assembly shall countersign the Royal Command, and the Palace Law Amendment shall have the force of law upon its publication in the Government Gazette.

During the expiration of the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly in acknowledging the matter under paragraph two.

Section 23. In the case where the Throne becomes vacant and the King has already appointed His Heir to the Throne under the Palace Law on Succession, B.E. 2467, the Council of Ministers shall notify the President of the National Assembly. The President of the National Assembly shall convoke the National Assembly for the acknowledgement thereof, and the President of the National Assembly shall invite such Heir to ascend the Throne and proclaim such Heir King.



In the case where the Throne becomes vacant and the King has not appointed His Heir under paragraph one, the Privy Council shall submit the name of the Successor to the Throne under section 22 to the Council of Ministers for further submission to the National Assembly for approval. For this purpose, the 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 such Successor King.

During the expiration of the term of the House of Representatives or the dissolution thereof, the Senate shall act as the National Assembly in acknowledging the matter under paragraph one or in giving an approval under paragraph two.

Section 24. Pending the proclamation of the name of the Heir or the Successor to the Throne under section 23, 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 18 or section 19 or while the President of the Privy Council is acting as Regent under section 20 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 ascend the Throne as King.

In the case where the Regent who has been appointed and continues to be the Regent under paragraph one is unable to perform his or her duties, the President of the Privy council shall act as Regent *pro tempore*.

In the case where the President of the Privy Council is the Regent under paragraph one or acts as Regent *pro tempore* under paragraph two, the provisions of section 20 paragraph three shall apply.



Section 25. In the case where the Privy Council will have to perform its duties under section 19 or section 23 paragraph two, or the President of the Privy Council will have to perform his or her duties under section 20 paragraph one or paragraph two or section 24 paragraph two, and during that time there is no President of the Privy Council or the President of the Privy Council is unable to perform his or her duties, the remaining Privy Councillors shall elect one amongst themselves to act as President of the Privy Council or to perform the duties under section 20 paragraph one or paragraph two or section 24 paragraph three, as the case may be.

CHAPTER III

Rights and Liberties of the Thai People

Part 1

General Provisions

Section 26. In exercising powers of all State authorities, regard shall be had to human dignity, rights and liberties in accordance with the provisions of this Constitution.

Section 27. Rights and liberties recognised by this Constitution expressly, by implication or by decisions of the Constitutional Court shall be protected and directly binding on the National Assembly, the Council of Ministers, Courts, constitutional organs and State agencies in enacting, applying and interpreting laws.

Section 28. A person can invoke human dignity or exercise his or her rights and liberties in so far as it is not in violation



of rights and liberties of other persons or contrary to the Constitution or good morals.

A person whose rights and liberties recognised by this Constitution are violated can invoke the provisions of this Constitution for the purpose of exercising rights through the medium of the Court or defending himself or herself in the Court.

A person may have a recourse to the Court for directly enforcing the State to comply with provisions in this Chapter. Where the exercise of any particular right or liberty as recognised by this Constitution is a subject-matter of the existing law, such right and liberty shall be exercisable as provided by law.

A person shall have the right to receive from the State promotion, support and assistance as needed for the exercise of right in accordance with the provisions of this Chapter.

Section 29. The restriction of such rights and liberties as recognised by the Constitution shall not be imposed on a person except by virtue of provisions of the law specifically enacted for the purpose determined by this Constitution and to the extent of necessity and provided that it shall not affect the essential substances of such rights and liberties.

The law under paragraph one shall be of general application and shall not be intended to apply to any particular case or person; provided that the provision of the Constitution authorising its enactment shall also be mentioned therein.

The provisions of paragraph one and paragraph two shall also apply *mutatis mutandis* to by-laws issued by virtue of provisions of law.



Part 2

Equality

Section 30. All persons are equal before the law and shall enjoy equal protection under the law.

Men and women shall enjoy equal rights.

Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted.

Measures determined by the State in order to eliminate obstacles to or to promote persons' ability to exercise their rights and liberties in the same manner as other persons shall not be deemed as unjust discrimination under paragraph three.

Section 31. Members of the armed forces or the police force, Government officials, other State officials and officials or employees of State agencies shall enjoy the same rights and liberties under the Constitution as those enjoyed by other persons, unless such enjoyment is restricted by law or by-law issued by virtue of the law specifically enacted in regard to politics, efficiency, disciplines or ethics.

Part 3

Personal Rights and Liberties

Section 32. A person shall enjoy the right and liberty in his or her life and person. A torture, brutal act, or punishment by a cruel or inhumane means shall not be permitted; provided, however, that punishment in execution of a judgment of the Court or as



provided by law shall not be deemed the punishment by a cruel or inhumane means under this paragraph.

No arrest or detention of person shall be made except by an order or a warrant of the Court or upon other causes as provided by law.

A search of a person or an act affecting the right and liberty under paragraph one shall not be made unless upon such causes as provided by law.

In the case where there occurs an act affecting the right and liberty under paragraph one, the injured person, the Public Prosecutor or any other person, in the interest of the injured person, has the right to file an application to the Court for an order stopping or revoking such act, and, for this purpose, there may be determined appropriate means or remedies for injury sustained.

Section 33. A person shall enjoy the liberty of dwelling. A person is protected for his or her peaceful habitation in and for possession of his or her dwelling place.

An entry into a dwelling place without consent of its possessor or a search of a dwelling place or a private place shall not be made except by an order or a warrant of the Court or upon other causes as provided by law.

Section 34. A person shall enjoy the liberty of travelling and the liberty of making the choice of his or her residence within the Kingdom.

The restriction on such liberties under paragraph one shall not be imposed except by virtue of the law specifically enacted for 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 35. A person's family rights, dignity, reputation and the right of privacy shall be protected.

The assertion or circulation of a statement or picture in any manner whatsoever to the public, which violates or affects a person's family rights, dignity, reputation or the right of privacy, shall not be made except for the case which is beneficial to the public.

A person shall have the right to be accorded protection against undue exploitation of personal data related to his or her individuality, as provided by law.

Section 36. A person shall enjoy the liberty of communication by lawful means.

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

Section 37. A person shall enjoy full liberty to profess a religion, a religious sect or creed, and observe religious principles or religious precepts or exercise a form of worship in accordance with his or her belief; provided that it is not contrary to his or her civic duties, public order or good morals.

In exercising the liberty referred to in paragraph one, a person is protected from any act of the State, which is derogatory to his or her rights or detrimental to his or her due benefits on the grounds of professing a religion, a religious sect or creed or observing religious principles or religious precepts or exercising a form of worship in accordance with his or her different belief from that of others.



Section 38. Forced labour 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 war or armed conflict, or when a state of emergency or martial law is declared.

Part 4

Rights in the Administration of Justice

Section 39. No person shall be inflicted with a criminal punishment unless he or she has committed an act which the law in force at the time of commission provides to be an offence and imposes a punishment therefor, 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 the commission of the offence.

The suspect or the accused in a criminal case shall be presumed innocent.

Before the passing of a final judgement convicting a person of having committed an offence, such person shall not be treated as a convict.

Section 40. A person shall have the following rights in the administration of justice:

(1) the right to have easy, expeditious, speedy and comprehensive access to justice;

(2) the fundamental rights in legal proceedings, in respect of which fundamental assurances must be accorded as to the openness of trial, adequate opportunities to receive information and examine documents, the submission of facts, arguments and evidence, the challenge of judges, trial by judges of a duly constituted quorum and reasoned decisions, judgments or orders;



(3) a person has the right to have his or her case tried in a correct, speedy and fair manner;

(4) the injured person, the suspect, the plaintiff, the defendant, the party, the interested person or the witness has the right to proper treatment in the administration of justice, including the right to correct, speedy, fair inquiries and the right not to make statements incriminating himself or herself;

(5) the injured person, the suspect, the accused and the witness in a criminal case has the right to receive necessary and appropriate protection and aids from the State, provided that necessary remuneration, compensation and expenses shall be as provided by law;

(6) the children, the youth, women the elderly or the disabled or persons of infirmity have the right to be accorded protection with regard to appropriate trials and have the right to receive proper treatment in cases related to sexual violence;

(7) in a criminal case, the suspect or the accused has the right to correct, speedy and fair inquiries or trials, adequate opportunities to defend himself or herself and to examine or be informed of evidence as necessary, legal assistance from an attorney and a provisional release;

(8) in a civil case, a person has the right to receive appropriate legal aids from the State.

Part 5

Rights in Property

Section 41. The property right of a person is protected. The extent and the restriction of such right shall be in accordance with the provisions of the law.

The succession is protected. The right of succession of a person shall be in accordance with the provisions of the law.



Section 42. The expropriation of immovable property shall not be made except by virtue of the law specifically enacted for State affairs dedicated to public utilities, necessary national defence, exploitation of national resources, town and country planning, promotion and preservation of the quality of the environment, agricultural or industrial development, land reform, conservation of ancient places and sources of historical value or other public interests, and fair compensation shall be paid in due time to the owner thereof as well as to all persons having the rights thereto, who suffer loss by such expropriation, as provided by law.

The amount of compensation under paragraph one shall be fairly assessed with due regard to the normal market price, mode of acquisition, nature and location of the immovable property, losses suffered by the person whose property or right thereto is expropriated and benefits which the State and the person whose property or right thereto is expropriated obtain through the use of the expropriated immovable property.

The law on expropriation of immovable property shall specify the purpose of the expropriation and shall clearly determine the period of time to fulfil that purpose. If the immovable property is not used to fulfil such purpose within such period of time, it shall be returned to the original owner or his or her heir.

The return of immovable property to the original owner or his or her heir under paragraph three and the claim of compensation paid shall be in accordance with the provisions of the law.



Part 6

Rights and Liberties in Occupation

Section 43. A person shall enjoy the liberties to engage in an enterprise or an occupation and to undertake fair and free competition.

The restriction on such liberties under paragraph one shall not be imposed except by virtue of the law specifically enacted for maintaining the security and safety of the State or economy of the country, protecting the public in regard to public utilities, maintaining public order and good morals, regulating the engagement in an occupation, consumer protection, town and country planning, preserving natural resources or the environment, public welfare, preventing monopoly, or eliminating unfair competition.

Section 44. A person has the right to security in respect of safety and welfare at work, including security in the living both during the working life and upon leaving the state of employment.

Part 7

Liberties in Expression of Persons and Mass Media

Section 45. A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicise, and make expression by other means.

The restriction on the liberty under paragraph one shall not be imposed except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the State, safeguarding the rights, liberties, dignity, reputation, family or privacy rights of other persons, maintaining public order or



good morals or preventing the deterioration of the mind or health of the public.

The closure of a newspaper or other mass-media business in deprivation of the liberty under this section shall not be made.

The prohibition of a newspaper or other mass-media business from presenting information or expressing opinions in whole or in part or imposition of interference by any means in deprivation of the liberty under this section shall not be made except by virtue of the law enacted under paragraph two.

The censorship by a competent official of news or articles before their publication in a newspaper or other mass media shall not be made except during the time when the country is in a state of war; provided that it must be made by virtue of the law enacted under paragraph two.

The owner of a newspaper or other mass-media business shall be a Thai national.

No grant of money or other properties shall be made by the State as subsidies to private newspapers or other mass media.

Section 46. Officials or employees of privately-owned newspaper, radio or television broadcasting or other mass-media businesses shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without any mandate of any Government agency, State agency, State enterprise or the owner of such businesses provided that it is not contrary to their professional ethics, and have the right to establish organisations protecting rights, liberties and fairness and establish self-regulatory mechanisms within professional agencies.

Government officials, officials or employees of a Government agency, a State agency or a State enterprise engaging in a radio or television broadcasting business or any other mass-



media business shall enjoy the same liberties as those enjoyed by officials or employees of privately-owned businesses under paragraph one.

Any act of a person holding a political position, a State official or a business owner which, whether directly or indirectly done, impedes or interferes with the presentation of news or the expression of opinions on a public issue by persons under paragraph one or paragraph two shall be deemed as an intentionally undue exercise of powers and duties and shall be of no effect, unless done in compliance with the law or professional ethics.

Section 47. Transmission frequencies for radio or television broadcasting and telecommunication are national communication resources for public interests.

There shall be an independent regulatory agency having the duty to allocate the frequencies under paragraph one and exercise supervision over the operation of radio or television broadcasting businesses and telecommunication businesses as provided by law.

In carrying out the act under paragraph two, regard shall be had to optimal benefits of the people at national and local levels in education, culture, State security, other public interests and free and fair competition, provided that public participation in the operation of public mass media shall also be encouraged.

In exercising supervision over the operation of businesses under paragraph two, there shall be measures for preventing any merger, cross right-holding or market dominance amongst mass media businesses or by any other person, which has the effect of impeding the liberty of the public in perceiving information or of obstructing public access to a diversity of information.



Section 48. A person holding a political position shall not own or hold shares in a newspaper, radio or television broadcasting or telecommunication business, whether in his or her own name or through his or her nominee or through other direct or indirect means enabling the management of such business in a way akin to owning or holding shares in such business.

Part 8

Rights and Liberties in Education

Section 49. A person shall enjoy an equal right to receive education for the duration of not less than twelve years which shall be provided by the State thoroughly, up to the quality, and without charge.

The indigent, the disabled, persons of infirmity or persons suffering a state of difficulty shall be accorded the right under paragraph one and entitled to such support from the State as to enable them to receive education comparable to that received by other persons.

The provision of education by professional organisations or the private sector, alternative education by the people, self-tuition and life-long learning shall be protected and promoted by the State as appropriate.

Section 50. A person shall enjoy an academic freedom. Education, training, learning, teaching, researching and disseminating such research according to academic principles shall be protected; provided that it is not contrary to his or her civic duties or good morals.



Part 9

Rights to Public Health Services and Welfare from the State

Section 51. A person shall enjoy an equal right to receive public health services which are appropriate and up to the quality, and the indigent shall have the right to receive free medical treatment from public health centres of the State.

A person has the right to receive public health services from the State, which shall be provided thoroughly and efficiently.

A person has the right to be appropriately protected by the State against harmful contagious diseases, and to have such diseases eradicated, without charge and in a timely manner.

Section 52. Children and the youth have the right of survival and the right to receive physical, mental and intellectual development in accordance with their potential in a suitable environment, having prime regard to their participation.

Children, the youth, women and family members shall have the right to be protected by the State against violence and unfair treatment and shall also have the right to receive rehabilitation in the event of such circumstances.

Imposition of any interference with, and restriction on, rights of children, the youth or family members shall not be made except by virtue of the law specifically enacted for preserving and maintaining the status of the family or optimal benefits of such persons.

Children and the youth with no guardian shall have the right to receive appropriate care and education from the State.

Section 53. A person who is over sixty years of age and has insufficient income for the living shall have the right to



receive such welfare and public facilities as suitable for his or her dignity as well as appropriate aids to be provided by the State.

Section 54. The disabled or persons of infirmity shall have the right to have access to and use public welfare and conveniences as well as appropriate aids to be provided by the State.

Persons of unsound mind shall be appropriately assisted by the State.

Section 55. Homeless persons with insufficient income for the living shall have the right to receive appropriate aids from the State.

Part 10

Rights in connection with Information and Complaints

Section 56. A person shall have the right to know and have access to public data or information in possession of a Government agency, a State agency, a State enterprise or a local government organisation, unless the disclosure of such data or information shall affect the security of the State, public safety or interests of other persons which shall be protected or purport to be personal data, as provided by law.

Section 57. A person shall have the right to receive data, explanations and reasons from a Government agency, a State agency, a State enterprise or a local government organisation prior to the approval or the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning such person or a local community and shall have the right to



express his or her opinions to agencies concerned, for assisting further consideration of such matters.

In planning social, economic, political and cultural development, or in undertaking expropriation, town and country planning, zoning and making by-laws likely to have impacts on essential interests of the public, the State shall cause to be held comprehensive public hearings prior thereto.

Section 58. A person shall have the right to participate in the decision-making process of State officials in the performance of administrative functions which affect or may affect his or her rights and liberties.

Section 59. A person shall have the right to present a petition and to be informed of the result of its consideration without delay.

Section 60. A person shall have the right to file a lawsuit against a Government agency, a State agency, a State enterprise, a local government organisation or other State authority which is a juristic person to be liable for an act or omission done by its Government official, official or employee.

Section 61. The right of a person as a consumer shall be protected in respect of the acquisition of rightful information and a person as such shall have the right to make a complaint for a remedy of loss suffered as well as the right to assemble in an endeavour to protect rights of consumers.

There shall be an organisation for the protection of consumers, to be established as an entity independent from State agencies and consisting of representatives of consumers, which shall have the duties to give opinions for assisting considerations



of State agencies in connection with the making and enforcement of laws and by-laws, give opinions in connection with the determination of measures for consumer protection and examine as well as report the performance or omission of acts protecting consumers. In this connection, the State shall also provide budgetary support to the operation of such independent organisation.

Section 62. A person shall have the right to monitor and make a request for an examination of the performance of duties of persons holding political positions, State agencies and State officials.

The person who *bona fide* provides to an agency responsible for the scrutiny of the exercise of State powers or to a State agency information in connection with the performance of duties of persons holding political positions, State agencies or State officials shall be protected.

Part 11

Liberties in connection with Assembly and Association

Section 63. A person shall enjoy the liberty to assemble peacefully and without arms.

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

Section 64. A person shall enjoy the liberty to unite and form an association, a union, a league, a co-operative, a farmers'



group, a private organisation, a private development organisation or any other group.

Government officials and State officials shall have the liberty to assemble like other people provided that their assembly shall not affect the efficiency of public administration and the continuity of the provision of public services, as provided by law.

The restriction on such liberty under paragraph one and paragraph two shall not be imposed except by virtue of the law specifically enacted for protecting the common interest of the public, maintaining public order or good morals or preventing economic monopoly.

Section 65. A person shall enjoy the liberty to unite and form a political party for the purpose of making political will of the people and carrying out political activities in fulfilment of such will through the democratic regime of government with the King as Head of the State as provided in this Constitution.

The internal organisation, management and regulations of a political party shall be consistent with fundamental principles of the democratic regime of government with the King as Head of the State.

Members of the House of Representatives who are members of a political party, members of the Executive Committee of a political party, or members of a political party, of not less than the number prescribed by the Organic Act on Political Parties shall, if of the opinion that their political party's resolution or regulation on any matter is contrary to the status and performance of duties of a member of the House of Representatives under this Constitution or contrary to or inconsistent with fundamental principles of the democratic regime of government with the King as Head of the State, have the right to refer it to the Constitutional Court for decision thereon.



In the case where the Constitutional Court decides that such resolution or regulation is contrary to or inconsistent with fundamental principles of the democratic regime of government with the King as Head of the State, such resolution or regulation shall lapse.

Part 12

Community Rights

Section 66. Persons so assembling as to be a community, a local community or a traditional community shall have the right to conserve or restore their customs, local knowledge, good arts and culture of their community and of the nation and participate in the management, maintenance, preservation and exploitation of natural resources, the environment and the biological diversity in a balanced and sustainable fashion.

Section 67. The right of a person to give to the State and communities participation in the conservation, preservation and exploitation of natural resources and biological diversities and in the protection, promotion and preservation of the quality of the environment for regular and continued livelihood in the environment which is not hazardous to his or her health and sanitary condition, welfare or quality of life, shall be protected as appropriate.

Any project or activity which may seriously affect the community with respect to the quality of the environment, natural resources and health shall not be permitted, unless, prior to the operation thereof, its impacts on the quality of the environment and on public health have been studied and assessed and a public hearing process has been conducted for consulting the public as well as interested persons and there have been obtained opinions of an independent organisation, consisting of representatives



from private organisations in the field of the environment and health and from higher education institutions providing studies in the field of the environment, natural resources or health.

The right of a community to bring a lawsuit against a Government agency, a State agency, a State enterprise, a local government organisation or other State authority which is a juristic person for the performance of duties under this provision shall be protected.

Part 13

Rights to Protect the Constitution

Section 68. No person shall exercise the rights and liberties prescribed in the Constitution to overthrow the democratic regime of government with the King as Head of the State under this Constitution or to acquire the power to rule the country by any means which is not in accordance with the modes provided in this Constitution.

In the case where a person or a political party has committed the act under paragraph one, the person knowing of such act shall have the right to request the Prosecutor General to investigate its facts and submit a motion to the Constitutional Court for ordering cessation of such act without, however, prejudice to the institution of a criminal action against such person.

In the case where the Constitutional Court makes a decision compelling the political party to cease to commit the act under paragraph two, the Constitutional Court may order the dissolution of such political party.

In the case where the Constitutional Court issues an order dissolving the political party under paragraph three, the right to vote of the dissolved political party's leader and executive committee members at the time of the commission of the offence



under paragraph one shall be suspended for the period of five years as from the date of such order of the Constitutional Court.

Section 69. A person shall have the right to resist peacefully any act committed for the acquisition of the power to rule the country by a means which is not in accordance with the modes provided in this Constitution.

CHAPTER IV

Duties of the Thai People

Section 70. Every person shall have a duty to protect and uphold the Nation, religions, the King and the democratic regime of government with the King as Head of the State under this Constitution.

Section 71. Every person shall have a duty to defend the country, safeguard national interests and obey the law.

Section 72. Every person shall have a duty to exercise his or her right to vote at an election.

The person who attends an election for voting or fails to attend an election for voting without notifying a reasonable cause of such failure shall acquire or lose such rights as provided by law.

The notification of the cause of failure to attend an election and the provision of facilities for attendance thereat shall be in accordance with the provisions of the law.

Section 73. Every person shall have a duty to serve in armed forces, render assistance in the prevention and alleviation of public hazards, pay taxes and duties, render assistance to the official service, receive education and training, safeguard, protect



and pass on national arts, culture and local knowledge and conserve natural resources and the environment, as provided by law.

Section 74. A Government official, official or employee of a Government agency, a State agency, a State enterprise or other State official shall have a duty to act in compliance with the law in order to protect public interests, and provide convenience and services to the public in accordance with the good governance principle.

In performing the duty and other acts relating to the public, the persons under paragraph one shall be politically impartial.

In the case where the persons under paragraph one neglect or fail to perform the duties under paragraph one or paragraph two, the interested person shall have the right to request the persons under paragraph one or their superiors to give explanations and reasons and request them to act in compliance with the provisions of paragraph one or paragraph two.

CHAPTER V

Directive Principles of Fundamental State Policies

Part 1

General Provisions

Section 75. The provisions in this Chapter indicate the will of the State in enacting legislation and determining policies for the administration of State affairs.

In declaring policies to the National Assembly, the Council of Ministers which is due to assume the administration of the State affairs shall make clear statements as to activities, and



timeframes therefor, intended to be pursued in order to achieve the directive principles of fundamental State policies and shall prepare a report indicating results of their implementation, including problems and obstacles pertinent thereto, for submission to the National Assembly at least once a year.

Section 76. The Council of Ministers shall prepare plans for the administration of the State affairs in order to put on view measures and details embodying guidance on the discharge of official duties for each year, which must be consistent with the directive principles of fundamental State policies.

In the administration of the State affairs, the Council of Ministers shall cause to be prepared a legislative plan as necessary for the implementation of the policies and the plans for the administration of the State affairs.

Part 2

Directive Principles of State Policies in relation to National Security

Section 77. The State shall protect and uphold the institution of monarchy, independence, sovereignty and integrity of the territorial jurisdiction of the State and shall provide such armed forces, military weapons and technology as are modern, necessary and sufficient for protecting and upholding the independence, sovereignty, national security, the institution of monarchy, national interests and the democratic regime of government with the King as Head of the State and for the development of the country.



Part 3
Directive Principles of State Policies
in relation to the Administration
of the State Affairs

Section 78. The State shall pursue directive principles of State policies in relation to the Administration of the State Affairs, as follows:

(1) to carry out the administration of the State affairs in the direction of facilitating social and economic development and national security in a sustainable fashion, provided that the implementation of the self-sufficiency economy philosophy shall be promoted and prime regard shall be had to overall national interests;

(2) to organise the central, provincial and local administration to the effect of achieving boundaries, powers and duties and responsibilities that are clear and well suited to the national development, and enable a province to have a plan and a budget for its development in the interest of local residents;

(3) to carry out decentralisation under which local government organisations may attain self-dependence and self-determination, to promote local government organisations' participation in the implementation of directive principles of fundamental State policies, to develop the economy of the localities and public utilities as well as facilities systems and information infrastructure of the localities thoroughly and equally throughout the country, and also develop into a large-sized local government organisation a province which is ready for such purpose, having regard to the will of the people in that province;

(4) to develop the working system in the public sector with particular emphasis on the development of the quality, conscience and ethics of State officials in tandem with the



improvement of patterns and methods of work in order to achieve efficiency of the administration of the State affairs, and to promote the application of the good governance principle amongst State agencies;

(5) to organise the bureaucracy and other affairs of the State to the effect that the provision and delivery of public services can be undertaken with rapidity, efficiency, transparency and accountability, having regard to public participation;

(6) to take action enabling law agencies which have legal duties to give opinions on the operation of the State and scrutinise the law-making of the State to perform their duties independently to ensure that the administration of State affairs shall be in compliance with the Rule of Law principle;

(7) to put in place a plan for political reform and to bring into existence an independent Political Reform Council for monitoring strict compliance with such plan;

(8) to take action enabling Government officials and State officials to receive appropriate fringe benefits.

Part 4

Directive Principles of State Policies in relation to Religions, Social Affairs, Public Health, Education and Cultural Affairs

Section 79. The State shall provide patronage and protection to Buddhism, which is the religion long practised by the majority of the Thai people, and other religions and shall promote good understanding and harmony amongst followers of all religions and encourage the application of religious precepts for the purpose of fostering conscience and developing the quality of life.



Section 80. The State shall pursue directive principles of State policies in relation to Social Affairs, Public Health, Education and Cultural Affairs, as follows:

(1) to protect and develop children and the youth, encourage their up-keep and primary education, promote the equality between women and men, foster and develop solidarity of the institution of family and the community as well as provide aids and welfare to the elderly, the indigent, the disabled, persons of infirmity and persons suffering a state of difficulty to enable their better quality of life and self-dependence;

(2) to promote, support and develop the health system based upon the fostering of health that leads to a sustainable state of happiness of the people, provide and promote public health services that meet the standard thoroughly and efficiently, promote participation by private individuals and communities in the development of health and the provision of public health services, provided that persons who, under the duty to provide such services, have performed the duty in accordance with the professional standard and ethics, shall be protected;

(3) to develop the quality and standard of the provision of education at all levels and in all forms in harmony with economic and social changes, bring into existence the national educational plan and the law aimed at the development of national education, provide the development of the quality of teachers and educational personnel to ensure such advancement as to keep pace with changes in the world community and instill into learners awareness of Thai values, disciplines, concerns for public interests and adherence to the democratic regime of government with the King as Head of the State;

(4) to promote and support decentralisation in order to enable local government organisations, communities, religious organisations and private individuals to provide, and participate in



the provision of, education with a view to developing the educational standard and quality comparable to and in line with directive principles of fundamental State policies;

(5) promote and support studies and research in various branches of sciences and disseminate information and results of the studies and research works undertaken under financial sponsorship from the State;

(6) promote and support fraternity and learning and implant attentiveness about and disseminate arts, culture and traditions and customs of the nation, including decent tastes and local knowledge.

Part 5

Directive Principles of State Policies in relation to Legislation and the Administration of Justice

Section 81. The State shall pursue directive principles of State policies in relation to legislation and the administration of justice, as follows:

(1) to ensure compliance with and enforcement of the law in a correct, speedy, fair and comprehensive manner, promote the provision of legal aids and dissemination of legal knowledge to the public, organise the bureaucracy and other affairs of the State in the sphere of the administration of justice to meet efficiency, whereby the public and professional organisations may have due participation in the administration of justice and the provision of legal aids to the public;

(2) to protect rights and liberties of the people against violation by State officials and other persons, provided that the administration of justice shall be offered to all people on the basis of equality;



(3) to bring into existence the law establishing an independent law reform agency to be in charge of the revision and development of law of the country, including the revision of laws in the implementation of the Constitution, provided that opinions of those affected from such laws shall also be heard;

(4) to bring into existence the law establishing an independent justice-administration reform organisation to be in charge of revision and development of the operation of agencies concerned with the administration of justice;

(5) support the operation of organisations in the private sector providing legal aids to the public, in particular to those affected by family violence.

Part 6

Directive Principles of State Policies in relation to Foreign Affairs

Section 82. The State shall promote relations and co-operation with other countries and shall adhere to the equal treatment principle and comply with treaties related to human rights to which Thailand becomes a party as well as international obligations made with other countries and international organisations.

The State shall promote trade, investment and tourism with other countries and accord protection to and take care of interests of the Thai people in foreign countries.



Part 7
Directive Principles of State Policies
in relation to Economy

Section 83. The State shall promote and give support to the implementation of the self-sufficiency economy philosophy.

Section 84. The State shall pursue directive principles of State policies in relation to economy, as follows:

(1) to promote a free and fair economy based upon market force and encourage sustainable economic development through repealing and refraining from enacting business-controlling laws and regulations which do not correspond to the economic necessity, and not to engage in an enterprise which is, in essence, in competition with the private sector unless it is necessary for the purpose of maintaining national security, safeguarding public interests or providing public utilities;

(2) to promote the application of righteousness, ethics and good governance in tandem with the operation of business;

(3) to ensure the application of fiscal and financial disciplines with a view to promoting economic and social stability and security of the country and revise taxation systems to achieve fairness and in conformity with changes in economic and social conditions;

(4) to provide savings for the people and State officials for their living at the old age;

(5) to oversee the operation of businesses and ensure their free and fair competition, prevent direct and indirect monopolies and protect consumers;

(6) to ensure fair distribution of income, protect, promote and expand opportunities for businesses of the people with a view to economic development, promote and encourage the



development of local knowledge and Thai wisdom for use in the production of goods, services and the handling of the occupation;

(7) to promote jobs for the working-age population, protect child and woman labour, organise labour relations and the tripartite system under which employees may elect their representatives, organise the social security system and provide protection to the effect that employees doing the work of the same value should receive fair remuneration, fringe benefits and welfare without discrimination;

(8) to protect and maintain interests of farmers in the production and marketing, promote agricultural products towards achieving highest prices and promote the association of farmers in the form of farmers' councils for making planning on farming and preserving common interests of farmers;

(9) to promote, support and protect co-operatives systems so as to achieve autonomy and do so with respect to the occupational or professional association as well as the association of people for undertaking economic affairs;

(10) to provide basic public utilities necessary for the livelihood of the public in the interest of maintaining national security in the economic dimension and take action to prevent basic public utilities necessary for the livelihood of the public from being monopolised by private individuals in a manner likely to cause detrimental effects on the State;

(11) any act causing a State-owned infrastructure or a basic network of basic public utilities necessary for the livelihood of the public or for national security to be owned by private individuals or to be owned in a proportion of less than fifty one percent shall not be permitted;

(12) to promote and provide support to the maritime business, rail carriage as well as transportation logistics, both domestically and internationally;



(13) to promote and provide support to private organisations in the economic sphere at national and local levels with a view to their strength;

(14) to promote the agricultural-product processing industry to generate economic added values.

Part 8

Directive Principles of State Policies in relation to Land, Natural Resources and the Environment

Section 85. The State shall pursue directive principles of State policies in relation to land, natural resources and the environment, as follows:

(1) to prescribe rules on land use which cover areas throughout the country, having regard to the consistency with natural surroundings, whether land areas, water surfaces, ways of life of local residents, and the efficient preservation of natural resources, and prescribe standards for sustainable land use, provided that residents in areas affected by such rules on land use shall also have due participation in the decision-making;

(2) to distribute land holding in a fair manner, enable farmers to have ownership or rights in land for farming purposes thoroughly through land reform or otherwise, and provide water resources for sufficient use of water by farmers in a manner suitable for farming;

(3) to provide town and country planning and carry out the development and action in the implementation of town and country plans in an efficient and effective manner in the interest of sustainable preservation of natural resources;

(4) to provide a plan for managing water resources and other natural resources systematically and in a manner generating



public interests, provided that the public shall have due participation in the preservation, maintenance and exploitation of natural resources and biological diversity in a balanced fashion;

(5) promote, maintain and protect the quality of natural resources in accordance with the sustainable development principle, control and eradicate polluted conditions affecting health, sanitary conditions, welfare and the quality of life of the public, provided that members of the public, local residents and local government organisations shall have due participation in determining the direction of such work.

Part 9
Directive Principles of State Policies
in relation to Science, Intellectual Property
and Energy

Section 86. The State shall pursue directive principles of State policies in relation to science, intellectual property and energy, as follows:

(1) to promote the development in various branches of science, technology and innovation by bringing into existence specific law for this purpose, providing budgets in support of studies and research, putting in place institutions dedicated to studies and development and putting forth the utilisation of results of studies and development, efficient transfers of technology and the appropriate development of personnel, and disseminate modern knowledge in science and technology as well as encourage the public to apply scientific principles to their livelihood;

(2) to promote inventions or discoveries leading to new knowledge, preserve and develop local knowledge and Thai wisdom and protect intellectual property;



(3) to promote and lend support to research and development and make use of alternative energy that is naturally acquired and advantageous to the environment in a continued and systematic manner.

Part 10

Directive Principles of State Policies in relation to Public Participation

Section 87. The State shall pursue directive principles of State policies in relation to public participation, as follows:

(1) to promote public participation in the determination of policies and plans for economic and social development at both national and local levels;

(2) to promote and lend support to public participation in political decision-making, the planning of economic and social development and the provision of public services;

(3) to promote and lend support to public participation in the scrutiny of the exercise of the State powers at all levels in the form of varying professional organisations or occupational groups or in other forms,

(4) to promote political strength of the public, put forth the law establishing a civic fund for political development for assisting the operation of public activities of localities and lend support to the operation of civic groups forming networks in all forms in order for those groups to be able to express opinions and propose demands of localities in their areas;

(5) to promote and provide to the public education on political development and the democratic regime of government with the King as Head of the State and promote honest and fair voting by the public at an election.



Public participation under this section is founded upon the consideration of close proportion between men and women.

CHAPTER VI

The National Assembly

Part 1

General Provisions

Section 88. The National Assembly consists of the House of Representatives and the Senate.

Joint or separate sittings of the National Assembly shall be in accordance with the provisions of this Constitution.

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

Section 89. The President 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 there is no President of the House of Representatives, or the President of the House of Representatives is not present or is unable to perform his or her duties, the President of the Senate shall act as President of the National Assembly in his or her place.

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

The President of the National Assembly and the person who acts as President of the National Assembly in his or her place shall be impartial in the performance of duties.



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

Section 90. An organic law bill or a bill may be enacted as law only by and with the advice and consent of the National Assembly and, when signed or deemed to have been signed by the King under this Constitution, shall be published in the Government Gazette for further entry into force as law.

Section 91. Members of the House of Representatives or senators of not less than one-tenth of the total number of the existing members of each House have the 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 106 (3), (4), (5), (6), (7), (8), (10) or (11) or section 119 (3), (4), (5), (7) or (8), as the case may be, and the President of the House with whom the complaint is lodged shall refer it to the Constitutional Court for decision as to whether the membership of such person has terminated.

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

In the case where the Election Commission is of the opinion that the membership of any member of the House of Representatives or of any senator has terminated under paragraph one, it shall refer the matter to the President of the House of which such member is a member, and the President of that House shall refer the matter to the Constitutional Court for a decision under paragraph one and paragraph two.



Section 92. The vacation of the office of a member of the House of Representatives or a senator after the day on which his or her membership terminates or the day on which the Constitutional Court decides that the membership of any member terminates does not affect any act done by such member in the capacity as member including the receipt of emolument or other remuneration by such member before he or she vacates office or the President of the House of which such person is a member has been notified of the decision of the Constitutional Court, as the case may be, except that in the case of the vacation of office on the ground of his or her being elected or selected in violation of the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, emolument and other remuneration received from being in office shall be returned.

Part 2

The House of Representatives

Section 93. The House of Representatives consists of four hundred and eighty members, four hundred of whom are from the election on a constituency basis and eighty of whom are from the election on a proportional representation basis.

The election of members of the House of Representatives shall be by direct suffrage and secret ballot and, for this purpose, one ballot card shall be used for each category of members of the House of Representatives.

Rules and procedures for the election of members of the House of Representatives shall be in accordance with the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

In the case where the office of a member of the House of Representatives becomes vacant for any reason and an election



of a member of the House of Representatives has not been held to fill the vacancy, the House of Representatives shall consist of the existing members of the House.

Subject to section 109 (2), in the case where there occurs, during the term of the House of Representatives, any cause resulting members elected from the election on a proportional representation basis being less than eighty in number, members from the election on a proportional representation basis shall consist of the existing members.

In the case where, in any general election, there occurs any event resulting in members of the House of Representatives being less than four hundred and eighty in number but being not less than ninety five percent of the total number of members of the House of Representatives, it shall be deemed that members in such number duly form the House of Representatives, provided that action shall be taken for achieving such number of member of the House of Representatives as provided in this Constitution within one hundred and eighty days and such members shall hold office for the remaining term of the House or Representatives.

Section 94. In the election of members of the House of Representatives on a constituency basis, the person having the right to vote in a given constituency shall have the right to cast ballot for such number of candidates as the number of members of the House of Representatives allowable for that constituency.

The calculation of the number of members of the House of Representatives for which each constituency shall have and the determination of constituencies shall be as follows.

(1) The ratio of the number of inhabitants to one member shall be calculated by reference to the division of such number of inhabitants throughout the country as evidenced in the census



announced in the year preceding the year of election by the number of four hundred members of the House of Representatives;

(2) Any province with inhabitants below the number of inhabitants per one member under (1) shall have one member of the House of Representative. Any province with more inhabitants than the number of inhabitants per one member shall have an additional member of the House of Representatives for every such number of inhabitants as representing the number of inhabitants per one member.

(3) Upon the number of members of the House of Representatives of each province being obtained under (2), if the number of members of the House of Representatives so calculated is still less than four hundred, any province with the largest fraction remaining from the determination under (2) shall have an additional member of the House of Representatives and the addition of the members of the House of Representatives in accordance with such procedure shall be made to provinces in respective order of fractions remaining from the determination under (2) until the number of four hundred members of the House is obtained;

(4) The determination of a constituency shall be made in the following manner. Where any province is entitled to not more than three members of the House of Representatives, the area of that province shall be regarded as a constituency. But if any province is entitled to more than three members of the House of Representatives, the area of that province shall be divided into constituencies to the effect that each constituency shall have three members of the House of Representatives;

(5) In the case where it is impossible to divide constituencies in a particular province to the effect that every constituency shall have three members of the House of Representatives, constituencies shall be divided in a manner of each constituency having three members of the House of



Representatives first provided that the remaining constituencies shall have not less than two members. If any province is entitled to four members of the House of Representatives, constituencies shall be divided into two constituencies each of which shall have two members of the House of Representatives;

(6) In a province which is divided into more than one constituency, the boundary of each constituency shall be adjoining and the number of inhabitants in each constituency must be closely apportioned.

The counting of votes shall be conducted at a polling station and the result of the vote-counting of that polling station shall be furnished altogether to a constituency for the counting of the entire votes. Thereafter, the result of the vote-counting shall be announced publicly at any single place in that constituency as designated by the Election Commission, except that in the case where necessity arises in a particular locality, the Election Commission may determine that the vote-counting, the summation of the vote-counting and the announcement of the result of the vote-counting shall be conducted otherwise, in accordance with the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

Section 95. The election of members of the House of Representatives on a proportional representation basis shall be conducted by reference to party-lists prepared by political parties and, for this purpose, a voter in any constituency shall have the right to cast only one vote for a political party having prepared the list of candidates in that constituency.

Each political party may send candidates, in the election on a proportional representation basis, for all constituencies or for only some constituencies.



With respect to a list of candidates standing in the election on a proportional representation basis as submitted by a political party, if it appears that, prior to or on the election day, there exists any cause whatsoever resulting in the list of that political party having the number of candidates standing in the election on a proportional representation basis being less than the number having been submitted by that political party, it shall be deemed that the list of that political party has the existing number of candidates standing in the election on a proportional representation basis, and in this case, it shall be deemed that the House of Representatives consists of existing members.

Section 96. The determination of constituencies for the election of members of the House of Representatives on a proportional representation basis shall be as follows:

(1) the area of the entire country shall be divided into eight groups of provinces, provided that each group of provinces shall be regarded as a constituency and each constituency shall have ten members of the House of Representatives;

(2) in grouping provinces, those provinces of adjoining areas shall be in the same group and every group shall have a close total number of inhabitants as evidenced in the census announced in the year preceding the year of election, provided that the entire province shall fall within one constituency.

Section 97. The preparation of a list of candidates of a political party for the election of members of the House of Representatives on a proportional representation basis shall be as follows.

(1) A list of candidates in each constituency shall contain names of candidates in a full number equal to the number of members of the House of Representatives on a proportional



representation basis allowable for each constituency, such names being placed in a numerical order, and the list shall then be submitted to the Election Commission prior to the opening date for receiving applications for candidacy in the election on a constituency basis.

(2) The names of persons listed under (1) shall not be duplicated by names of candidates both in the constituency category and in the proportional representation category of any political party and regard shall be had to appropriate opportunities and proportions as well as the equality between men and women.

Section 98. In calculating the proportion in which candidates in a list of each political party shall be elected in each constituency, all votes which each political party has obtained in that constituency shall be summed up altogether and shall be calculated in order to have the number of elected candidates for each political party in direct proportion to the votes hitherto summed up, the votes obtained by each political party and the number of members of the House of Representatives on a proportional representation basis allowable for that constituency. For this purpose, the candidates whose names are listed in the list of each political party shall be elected in accordance with the votes so calculated and the numerical order in which they are placed in the list of that political party, provided that all this shall be in accordance with the rules and procedures provided in the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

The provisions of section 94 paragraph three shall apply to the counting of votes in the election of members of the House of Representatives on a proportional representation basis *mutatis mutandis* and, for this purpose, the Election Commission



may direct that a preliminary summation of the result of the vote-counting be first conducted at a Province.

Section 99. 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 naturalisation must hold the Thai nationality for not less than five years;

(2) being not less than eighteen years of age on 1st January of the year of the election; and

(3) having his or her name appear on the house register in the constituency for not less than ninety days up to the election day.

A voter who has a residence outside the constituency within which his or her name appear in the house register, or who has his or her name appear in the house register in the constituency for the period of less than ninety days up to the election day, or who has a residence outside the Kingdom of Thailand shall have the right to cast ballot in an election in accordance with rules, procedures and conditions provided by the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

Section 100. A person under any of the following prohibitions on the election day is disfranchised:

(1) being a Buddhist priest, novice, monk or clergy;

(2) being under suspension of the right to vote;

(3) being detained by a warrant of the Court or by a lawful order;

(4) being of unsound mind or of mental infirmity.



Section 101. A person having the following qualifications has the right to be a candidate in an election of members of the House of Representatives:

(1) being of Thai nationality by birth;
(2) being not less than twenty five years of age on the election day;

(3) being a member of any and only one political party for a consecutive period of not less than ninety days up to the election day, except that in the case where a general election takes place as a consequence of the dissolution of the House of Representatives such person must be a member of any and only one political party for a consecutive period of not less than thirty days up to the election day;

(4) a candidate in an election on a constituency basis shall also possess any of the following qualifications:

(a) having his or her name appear in the house register in a province where he or she stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;

(b) being born in a province where he or she stands for election;

(c) having studied in an educational institution situated in a province where he or she stands for election for a consecutive period of not less than five academic years;

(d) having served in the official service or having had his or her name appear in the house register in a province where he or she stands for election for a consecutive period of not less than five years.

(5) a candidate in an election on a proportional representation basis shall also possess any of the following qualifications under (4), provided that any of such qualification which refers to a province shall refer to a group of provinces;



(6) other qualifications as provided in the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

Section 102. A person under any of the following prohibitions shall have no right to be a candidate in an election of members of the House of Representatives:

- (1) being addicted to drugs;
- (2) being a bankrupt or having been a fraudulent bankrupt;
- (3) being disfranchised under section 100 (1), (2) or (4);
- (4) being sentenced by a judgment to imprisonment and being detained by a warrant of the Court;
- (5) having been discharged for a period of less than five years on the election day after being sentenced by a judgment to imprisonment except for an offence committed through negligence or a petty offence;
- (6) having been expelled, dismissed or removed from the official service, a State agency or a State enterprise on the ground of dishonest performance of duties or corruption;
- (7) having been ordered by a judgement or an order of the Court that his or her assets devolve on the State on the ground of unusual wealthiness or an unusual increase of his or her assets;
- (8) being a Government official holding a permanent position or receiving a permanent salary except a political official;
- (9) being a member of a local assembly or a local administrator;
- (10) being a senator, or having been a senator with membership having terminated for not more than two years;
- (11) being an official or employee of a Government agency, a State agency, a State enterprise or other State official;



(12) being a judge of the Constitutional Court, an Election Commissioner, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member of the National Human Rights Commission;

(13) being under the prohibition from holding a political position under section 263;

(14) having been removed from office by the resolution of the Senate under section 274.

Section 103. A political party sending candidates to stand for election in any constituency shall send candidates in a complete number of members of the House of Representatives allowable for that constituency and it is not permitted to send candidates in excess of such number.

When any political party has sent candidates to stand for election in the complete number under paragraph one, if for any reason such number subsequently diminishes and fails to meet the complete number, it shall be deemed that that political party has sent candidates to stand for election in the complete number.

When any political party has sent candidates to stand for election, that political party or the candidate for that political party may not withdraw candidacy or change candidates.

Section 104. The term of the House of Representatives is four years from the election day.

During the term of the House of Representatives, there shall not be any merger political parties having members who are members of the House of Representatives.

Section 105. Membership of the House of Representatives commences on the election day.



Section 106. Membership of a member of the House of Representatives terminates upon:

(1) expiration of the term or dissolution of the House of Representatives;

(2) death;

(3) resignation;

(4) being disqualified under section 101;

(5) being under any prohibition under section 102;

(6) acting in contravention of any prohibition under section 265 or section 266;

(7) resignation from membership of his or her political party or his or her political party passing a resolution, with the votes of not less than three-fourths of the joint meeting of the Executive Committee of that political party and members of the House of Representatives belonging to that political party, terminating his or her membership of the political party. In such case, his or her membership shall be deemed to have terminated as from the date of the resignation or the resolution of the political party except where such member of the House of Representatives appeals to the Constitutional Court within thirty days as from the date of the resolution of the political party for raising an objection that such resolution is of such nature as specified in section 65 paragraph three. If the Constitutional Court decides that the said resolution is not of the nature as specified in section 65 paragraph three, his or her membership shall be deemed to have terminated as from the date of the decision of the Constitutional Court. If the Constitutional Court decides that the said resolution is of such nature as specified in section 65 paragraph three, that member of the House of Representatives may become a member of another political party within thirty days as from the date of the decision of the Constitutional Court;



(8) loss of membership of the political party in the case where the political party of which he or she is a member is dissolved by an order of the Constitutional Court and he or she is unable to become a member of another political party within sixty days as from the date on which the Constitutional Court issues its order. In such case, his or her membership shall be deemed to have terminated as from the day following the date on which such period of sixty days has elapsed;

(9) the Senate passing a resolution under section 274 removing him or her from office or the Constitutional Court having a decision terminating his or her membership under section 91 or the Supreme Court of Justice having an order under section 239 paragraph two. In such case, his or her membership shall be deemed to have terminated as from the date on which the Senate passes a resolution or the Court has a decision or an order, as the case may be;

(10) having been absent for more than one-fourth of the number of days in a session the length of which is not less than ninety days without permission of the President of the House of Representatives;

(11) having been sentenced by a final judgment to a term of imprisonment irrespective of a suspension of the punishment, except for a suspension of the punishment in an offence committed through negligence or a petty offence or an offence of defamation.

Section 107. Upon the 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 as from the date of the expiration of the term of the House of Representatives and the election day must be the same throughout the Kingdom.



Section 108. The King has the prerogative to dissolve the House of Representatives for a new election of members of the House.

The dissolution of the House of Representatives shall be made in the form of a Royal Decree in which the day for a new general election must be fixed within the period of not less than forty five days but not more than sixty days as from the date of the dissolution of the House of Representatives and such election day must be the same throughout the Kingdom.

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

Section 109. When 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, the following actions shall be taken:

(1) in the case where the vacancy is that of the office of a member of the House of Representatives elected from the election on a constituency basis, an election of a member of the House of Representatives to fill the vacancy shall be held within forty five days as from the date of the vacancy unless the remainder of the term of the House of Representatives is less than one hundred and eighty days;

(2) in the case where the vacancy is that of the office of a member of the House of Representatives elected from the election on a proportional representation basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, elevate the person whose name in the list of that political party is placed in the next order to be a replacing member of the House of Representatives, except that in the case where there remains no name in the list for the purpose of such elevation, the number of



members of the House of Representatives in the proportional representation category shall be that of the existing members.

Membership of the replacing member of the House of Representatives under (1) shall commence as from the day on which the election to fill the vacancy is held, while membership of the replacing member of the House of Representatives under (2) shall commence as from the day following the date of the publication of the name of the replacing member, and the replacing member of the House of Representatives may serve only for the remainder of the term of the House.

Section 110. 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 who is the leader of the political party having its members holding no ministerial positions and having the largest number of members amongst the political parties having their members holding no ministerial positions, provided that such number must not be less than one-fifth of the total number of members of the House of Representatives at the time of the appointment.

In the case where no political party in the House of Representatives meets the condition as prescribed under paragraph one, the leader of the political party, who receives a majority of supporting votes from the members of the House who belong to the political parties having their members holding no ministerial positions, shall be the Leader of the Opposition in the House. In case of an equality of supporting votes, it shall be decided by lot.

The President 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 specified in paragraph one or paragraph two, and section 124 paragraph four shall apply *mutatis mutandis*, and in such case, the King will appoint a new Leader of the Opposition in the House of Representatives to fill the vacancy.

Part 3

The Senate

Section 111. The Senate shall consist of one hundred and fifty members to be elected from each province, one member being elected from each province, and to be selected in the number equivalent to the total number hitherto stated deducted by the number of elected senators.

In the case of an increase or decrease of the number of provinces during the term of office of elected senators, the Senate shall consist of the remaining senators.

In the case where the office of the senator becomes vacant for any reason whatsoever and an election or a selection, as the case may be, of a senator to fill the vacancy has not yet been held, the Senate shall consist of the remaining senators.

In the case where there occurs any event resulting in the number of senators being lower than that specified in paragraph one but not lower than ninety five percent of the total number of senators, it shall be deemed that the Senate consists of such number of senators, provided that there shall be an election or selection in order to acquire the complete number of senators under paragraph one within one hundred and eighty days as from the date of such event, and the newly acquired senators shall hold office for the remaining term of the Senate.



Section 112. In an election of senators in each province, the area of the province shall be regarded as a constituency and there shall be one senator in each province; for this purpose, the person having the right to vote may cast one vote by direct suffrage and secret ballot.

For the purpose of an election of senators, candidates may conduct a campaign only in connection with the performance of duties of senators.

Rules, procedures and conditions for an election and a campaign of senators shall be in accordance with the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

Section 113. There shall be a Senators Selection Committee, consisting of the President of the Constitutional Court, the Chairman of the Election Commission, Chairman of the Ombudsmen, President of the National Counter Corruption Commission, the Chairman of the State Audit Commission, a judge in the Supreme Court of Justice holding office not lower in rank than Judge of the Supreme Court of Justice as entrusted by the general assembly of the Supreme Court of Justice and a judge of the Supreme Administrative Court as entrusted by the general assembly of judges of the Supreme Administrative Court, as members, to be in charge of selecting persons under section 114 within thirty days as from the date of receipt of the list from the Election Commission and notifying the result of the selection to the Election Commission for announcing the selected persons as senators.

The members under paragraph one shall elect one member amongst themselves as Chairman of the Committee.

In the case where there is no member in any particular office or there is one but the person holding such office is unable to perform duties, the Senators Selection Committee shall, if the



remaining members are not less than one half in number, consist of the remaining members.

Section 114. The Senators Selection Committee shall select suitable persons from those nominated by organisations in the academic sector, the public sector, the private sector, the professional sector and other sectors, who are of value to the performance of duties of senators as senators in the number equal to that to be achieved as specified in section 111 paragraph one.

In the selection of persons under paragraph one, particular regard shall be had to the knowledge, expertise or experience beneficial to the performance of duties of senators, and regard shall also be had to factors in relation to persons with varying knowledge and capability in varying fields, sexual opportunities and equality, a close proportion of persons in each sector under paragraph one, and the provision of opportunities to the socially underprivileged persons.

Rules, procedures and conditions for the selection of senators shall be in accordance with the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

Section 115. A person having the following qualifications and not being under the following prohibitions has the right to be a candidate in an election of senators or to be nominated for the selection of senators:

- (1) being of Thai nationality by birth;
- (2) being of not less than forty years of age on the date of applying for candidacy or the date of nomination;
- (3) having graduated with not lower than a Bachelor's degree or its equivalent;



(4) a candidate for an election of senators shall also have any of the following qualifications:

(a) having his or her name appear in the house register in a province where he or she stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;

(b) being born in a province where he or she stands for election;

(c) having studied in an educational institution situated in a province where he or she stands for election for a consecutive period of not less than five academic years;

(d) having served in the official service or having had his or her name appear in the house register in a province where he or she stands for election for a consecutive period of not less than five years;

(5) not being an ascendant, a spouse or a son or daughter of a member of the House of Representatives or a person holding a political position;

(6) not being a member or a holder of any position of a political party, or having been a member or a holder of any position of a political party, with membership or office having terminated for a period of not more than five years up to the date of applying for candidacy or the date of nomination;

(7) not being a member of the House of Representatives, or having been a member of the House of Representatives with membership having terminated for the period of not more than five years up to the date of applying for candidacy or the date of nomination;

(8) being disfranchised under section 102 (1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13) or (14);

(9) not being a Minister or a person holding a political position other than a member of a local assembly or a local



administrator, or having held such position and having vacated office for a period of not more than five years.

Section 116. A senator shall not be a Minister, a holder of other political position or a holder of a position in a constitutional independent organ.

The person having held office of senator with membership having terminated for not more than two years, shall not be a Minister or a holder of other political position.

Section 117. Membership of an elected senator commences on the election day and membership of a selected senator commences on the date of the publication by the Election Commission of the result of the selection.

Membership of a senator shall be for a term of six years as from the election day or the date of the publication by the Election Commission of the result of the selection, as the case may be. A senator may not hold office for more than one term consecutively.

The senators whose membership terminates at the expiration of the term shall continue to be in office to perform duties until new senators are acquired.

Section 118. Upon expiration of the term of elected senators, the King will issue a Royal Decree calling for a new general election of senators in which the election day must be fixed within thirty days as from the date of the expiration of the term of elected senators and the election day must be the same throughout the Kingdom.

Upon expiration of the term of selected senators, the Election Commission shall announce the date of commencement of the selection and the period for the selection of senators, which



must be completed within sixty days as from the date of the expiration of the term of selected senators.

Section 119. Membership of a senator terminates upon:

- (1) expiration of the term of the Senate;
- (2) death;
- (3) resignation;
- (4) being disqualified or being under any of the prohibitions under section 115;
- (5) acting in contravention of any of the prohibitions under section 116, section 265 or section 266;
- (6) the Senate passing a resolution under section 274 removing him or her from office or the Constitutional Court having a decision terminating his or her membership under section 91 or the Supreme Court of Justice having an order under section 239 paragraph two or section 240 paragraph three; in such case, his or her membership shall be deemed to have terminated as from the date of the resolution of the Senate or of the decision or the order of the Court, as the case may be;
- (7) having been absent for more than one-fourth of the number of days in a session the length of which is not less than one hundred and twenty days without permission of the President of the Senate;
- (8) having been sentenced by a final judgment to a term of imprisonment irrespective of a suspension of the punishment, except for a suspension of the punishment in an offence committed through negligence or a petty offence or an offence of defamation.

Section 120. When the office of senator becomes vacant by reason of any circumstance under section 119, the provisions of section 112, section 113, section 114 and section 118 shall apply to an election or selection of senators in such case, and the



replacing senator may serve only for the remainder of the term of the replaced senator, except that if the remainder of the term of the senator whose office becomes vacant is less than one hundred and eighty days, the election or selection may be omitted.

Section 121. In considering any person for appointment to any position in accordance with the provisions of this Constitution, the Senate shall appoint a committee to be in charge of examining personal records, behaviours and ethical conduct of the person nominated for holding such position and gathering necessary facts and evidence for further reporting to the Senate and thereby assisting in its consideration.

The performance of activities of the committee under paragraph one shall be in accordance with procedures prescribed in Rules of Procedure of the Senate.

Part 4

Provisions Applicable to Both Houses

Section 122. Members of the House of Representatives and senators are representatives of the Thai people without being bound by any mandate, entrustment or dominance, and shall honestly perform the duties for common interests of the Thai people without any conflict of interests.

Section 123. Before taking office, a member of the House of Representatives and a senator shall make a solemn declaration at a sitting of the House of which he or she 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 benefits of the country and the people.



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

Section 124. The House of Representatives and the Senate 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.

The President and the Vice-Presidents of the House of Representatives hold office until the expiration of the term or the dissolution of the House.

The President and the Vice-Presidents of the Senate hold office until the day preceding the date of the election of the new President and Vice-Presidents.

The President and the Vice-Presidents of the House of Representatives and the President and the Vice-Presidents of the Senate vacate office before the expiration of the term of office under paragraph two or paragraph three, as the case may be, upon:

- (1) loss of membership of the House of which he or she is a member;
- (2) resignation;
- (3) holding a position of Prime Minister, Minister or other political official;
- (4) having been sentenced by a judgment to a term of imprisonment irrespective of the finality of the case or a suspension of the punishment, except for a non-final case or a suspension of the punishment in an offence committed through negligence or a petty offence or an offence of defamation.

During office, the President and Vice-President of the House of Representatives may not be a member of an executive committee or hold any position in a political party simultaneously.



Section 125. The President of the House of Representatives and the President of the Senate shall have the powers and duties to carry out the business of each House in accordance with its rules of procedure. The Vice-presidents have the powers and duties as entrusted by the President and act on behalf of the President when the President is not present or unable to perform his or her duties.

The President of the House of Representatives, the President of the Senate and the persons who act on behalf of the President shall be impartial in the performance of duties.

When the President and the Vice-Presidents of the House of Representatives or the President and the Vice-Presidents of the Senate are not present at any sitting, the members of each House shall elect one amongst themselves to preside over such sitting.

Section 126. At a sitting of the House of Representatives or the Senate, the presence of not less than one-half of the total number of the existing members of each House is required to constitute a quorum, except that in the case of considering the agenda on an interpellation under section 156 and section 157, the House of Representatives and the Senate may otherwise prescribe a quorum in the rules of procedure.

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

In casting a 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.

The President of the National Assembly, the President of the House of Representatives and the President of the Senate shall cause the voting of each member to be recorded and disclose



such record in a place where the public entry for its inspection is possible, except for the case of the voting by secret ballot.

The casting of votes to elect or give approval to a person for holding office shall be by secret ballot, unless otherwise provided in this Constitution, and members shall have autonomy and shall not be bound by resolutions of their political parties or any other mandate.

Section 127. 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 a general ordinary session and a legislative ordinary session.

The day on which the first sitting under paragraph one is held shall be considered as the first day of the general ordinary session, and the first day of the legislative ordinary session shall be fixed by the House of Representatives. In the case where the first sitting under paragraph one has less than one hundred and fifty days up to the end of a calendar year, the legislative ordinary session may be omitted in that year.

During the legislative ordinary session, the National Assembly shall hold a sitting only in such cases as prescribed in Chapter 2 or in cases of the consideration of organic law bills or bills, the approval of an Emergency Decree, the approval of the declaration of war, the hearing of explanations and the approval of a treaty, the election or approval of a person for holding office, the removal of a person from office, the interpellation and the amendment of the Constitution, unless the National Assembly has passed a resolution, by the votes of more than one-half of the total number of the existing members of both Houses, for considering other matters.



An ordinary session of the National Assembly shall last one hundred and twenty days but the King may prolong it.

An ordinary session may be prorogued before the end of one hundred and twenty days only with the approval of the National Assembly.

Section 128. The King convokes the National Assembly, opens and prorogues its session.

The King may be present to perform the opening ceremony of the first general ordinary session under section 127 paragraph one or may command the Heir to the Throne who is *sui juris* or any person to perform the ceremony as His Representative.

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

Subject to section 129, the convocation, the prolongation of session and the prorogation of the National Assembly shall be made by a Royal Decree.

Section 129. Members of both Houses or members of the House of Representatives of not less than one-third of the total number of the existing members of both Houses have the right to present their petition to the King for the issuance 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 130. At a sitting of the House of Representatives or the Senate or at a joint sitting of the National Assembly, words expressed in giving statements of fact or opinions or in casting the vote by any member are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such member.

The privilege under paragraph one does not extend to a member who expresses words at a sitting which is broadcast through radio or television if such words appear out of the precinct of the National Assembly and the expression of such words constitutes a criminal offence or a wrongful act against any other person, who is not a Minister or member of that House.

In the case of paragraph two, if the words expressed by the member cause damage to other person who is not a Minister or member of that House, the President of that House shall cause explanations to be published as requested by that person in accordance with the procedure and within the period of time as prescribed in the rules of the procedure of that House, without prejudice to the person's right to bring the case before the Court.

The privilege provided in this section extends to printers and publishers of the minutes of sittings in accordance with the rules of procedure of the House of Representatives, the Senate or the National Assembly, as the case may be, and to persons permitted by the presiding member to give statements of fact or opinions at such sitting as well as to persons who broadcasts the sitting through radio or television with the permission of the President of such House *mutatis mutandis*.

Section 131. No member of the House of Representatives or senator shall, during a session, be arrested, detained or summoned by a warrant for an inquiry as the suspect in a criminal case unless permission of the House of which he or



she is a member is obtained or he or she is arrested in *flagrante delicto*.

In the case where a member of the House of Representatives or a senator has been arrested in *flagrante delicto*, it shall be forthwith reported to the President of the House of which he or she is a member and such President may order the release of the person so arrested.

In the case where a criminal charge is brought against a member of the House of Representatives or a senator, 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 or she is a member is obtained or it is a case concerning the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, the Organic Act on Election Commission or the Organic Act on political parties; provided that the trial of the Court shall not hinder such member from attending the sitting of the House.

The trial and adjudication of the Court conducted before it is invoked that the accused is a member of either House are valid.

If a member of the House of Representatives or a senator 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 or her release as soon as the President of the House of which he or she is a member has so requested.

The order of release shall be effective as from the date of such order until the last day of the session.

Section 132. During the expiration of the term or the dissolution of the House of Representatives, the Senate shall not hold its sitting except in the following cases:



(1) a sitting at which the Senate shall act as the National Assembly under section 19, section 21, section 22, section 23 and section 189, and the votes taken shall be based on the number of senators;

(2) a sitting at which the Senator shall make a determination placing a person to any office in accordance with the provisions of this Constitution;

(3) a sitting at which the Senate shall consider and pass a resolution removing a person from office.

Section 133. A sitting of the House of Representatives and of the Senate and a joint sitting 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 the existing members of each House or of both Houses, as the case may be.

Section 134. The House of Representatives and the Senate have the power to make the rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matters or activities which are within the powers and duties of each standing committee, the performance and quorum of committees, sittings, the submission and consideration of organic law bills and bills, the submission of motions, the consultation, debates, the passing of a resolution, the recording and disclosure of the passing of a resolution, the interpellation, the initiation of a general debate, the observance of rules and orders and other relevant matters, and shall also have the power to make the rules of procedure governing codes of ethics of members and committee members and other matters for the execution of this Constitution.



Section 135. The House of Representatives and the Senate have the power to select and appoint members of each house to constitute a standing committee and have the power to select and appoint persons, being or not being its members, to constitute an *ad hoc* committee in order to perform any act, inquire into or study any matter within the powers and duties of the House and report its findings to the House. The resolution appointing such *ad hoc* committee must specify the activity or the matter concerned clearly and without repetition or duplication.

The committee under paragraph one has the power to issue an order demanding documents from any person or summoning any person to give statements of fact or opinions on the act undertaken or on the matter under its inquiry or study, and such order shall have a binding force as provided by law, but such order shall not apply to judges performing duties in relation to trial and adjudication of cases or personnel administration of each court and shall not apply to Ombudsmen or members of constitutional independent organs who directly perform official duties in each organ in accordance with the provisions of the Constitution or in accordance with an Organic Act, as the case may be.

In the case where the person under paragraph two is a Government official, official or employee of a Government agency, a State agency, a State enterprise or a local government organisation, the Chairman of the committee shall notify the Minister who supervises and controls the agency to which such person is attached in order to instruct him or her to act as prescribed in paragraph two, except that, in the case of the safety or benefit of importance to the State, it shall be deemed as a ground of an exemption to the compliance with paragraph two.

The privileges provided in section 130 shall also extend to the persons performing their duties under this section.



The number of members of a standing committee appointed solely from members 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 134, the President of the House of Representatives shall determine the proportion under paragraph five.

Part 5

Joint Sitzings of the National Assembly

Section 136. The National Assembly shall hold a joint sitting in the following cases:

(1) the approval of the appointment of the Regent under section 19;

(2) the making of a solemn declaration by the Regent before the National Assembly under section 21;

(3) the acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467 under section 22;

(4) the acknowledgment or approval of the succession to the Throne under section 23;

(5) the passing of a resolution for the consideration by the National Assembly of other matters during a legislative ordinary session under section 127;

(6) the approval of the prorogation of a session under section 127;

(7) the opening of the session of the National Assembly under section 128;

(8) the making of the rules of procedure of the National Assembly under section 137;



(9) the approval of the consideration of an organic law bill or a bill under section 145;

(10) the reconsideration of an organic law bill or a bill or under section 151;

(11) the approval of the further consideration of a Constitution Amendment, an organic law bill or a bill under section 153 paragraph two;

(12) the announcement of policies under section 176;

(13) the holding of a general debate under section 179;

(14) the approval of the declaration of war under section 189;

(15) the hearing of explanations and approval of a treaty under section 190;

(16) the amendment of the Constitution under section 291.

Section 137. At a joint sitting of the National Assembly, the rules of procedure of the National Assembly shall apply. While the rules of procedure of the National Assembly have not yet been issued, the rules of procedure of the House of Representatives shall apply *mutatis mutandis*.

The provisions applicable to both Houses shall apply *mutatis mutandis* to the joint sitting of the National Assembly, except that, for the appointment of a committee, the number of committee members appointed from the members of each House must be in proportion to or in close proportion to the number of members of each House.



Part 6

Enactment of Organic Acts

Section 138. There shall be the following Organic Acts:

- (1) Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators;
- (2) Organic Act on the Election Commission;
- (3) Organic Act on Political Parties;
- (4) Organic Act on Referendum;
- (5) Organic Act on Procedure of the Constitutional Court;
- (6) Organic Act on Criminal Procedure for Persons Holding Political Positions;
- (7) Organic Act on Ombudsmen;
- (8) Organic Act on Counter Corruption;
- (9) Organic Act on State Audit.

Section 139. An organic law bill may be introduced only by:

- (1) the Council of Ministers;
- (2) members of the House of Representatives of not less than one-tenth of the total number of its existing members, or members of the House of Representatives and senators of not less than one-tenth of the total number of existing members of both Houses; or
- (3) the Constitutional Court, the Supreme Court of Justice or a constitutional independent organ, where the President of such Court and the President of such independent organ has charge and control of the execution of such Organic Act.

Section 140. The consideration of an organic law bill by the House of Representatives and by the Senate shall be conducted in three readings, as follows:



(1) the voting in the first reading for acceptance in principle and in the second reading for consideration section by section shall be decided by a majority of votes;

(2) the voting in the third reading must be approved, for promulgation as Organic Act, by votes of more than one-half of the total number of the existing members of each House.

The provisions of Chapter VI Part 7 Enactment of Acts shall apply to the consideration of an organic law bill *mutatis mutandis*.

Section 141. Upon its approval by the National Assembly, an organic law bill shall be, prior to its presentation to the King for signature, referred to the Constitutional Court for determining its constitutionality, provided that such determination shall be completed within thirty days as from the date of its receipt.

In case of a decision of the Constitutional Court that any organic law bill contains a provision contrary to or inconsistent with the Constitution, such provision shall lapse. In the case of a decision that such provision forms an essential part or that an organic law bill is enacted in derogation of the provisions of the Constitution, such organic law bill shall lapse.

In the case where the decision of the Constitutional Court results in the provision that is contrary to or inconsistent with the Constitution lapsing under paragraph two, such organic law bill shall be referred back to the House of Representatives and the Senate for consideration in respective order. In such case, the House of Representatives or the Senate shall consider amendment in order for the bill not to be contrary to or inconsistent with the Constitution, provided that a resolution making amendment thereto shall be supported by votes of more than one-half of the total number of existing members of each House and, thereafter, the



Prime Minister shall further proceed in accordance with section 90 and section 150, or section 151, as the case may be.

Part 7

Enactment of Acts

Section 142. Subject to section 139, a bill may be introduced only by:

- (1) the Council of Ministers;
- (2) not less than twenty members of the House of Representatives;
- (3) the Court or a constitutional independent organ, only in respect of the law that is concerned with institutional organisation and the law the execution of which the President of such Court and the President of such organ has charge and control; or
- (4) persons having the right to vote of not less than ten thousand in number, who lodge a petition for introducing the law under section 163.

In the case where a bill introduced under (2), (3) or (4) purports to be a money bill, its introduction may be made only with the endorsement of the Prime Minister.

In the case where any bill has been introduced by the people under (4), if the person under (1) or (2) has introduced a bill with a principle identical to that of such earlier bill, the provisions of section 163 paragraph four shall also apply to the consideration of such bill.

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

A bill introduced under paragraph one shall also be accompanied by an explanatory note summarising essential contents of the bill.



A bill introduced to the National Assembly shall be open to the public and details thereof shall be made publicly accessible in a convenient manner.

Section 143. A money bill means a bill with provisions dealing with any of the following matters:

- (1) the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) the allocation, receipt, custody, payment of the State funds, or transfer of expenditure estimates of the State;
- (3) the raising of loans, a guarantee, redemption of loans, or action binding upon the property of the State;
- (4) currency.

In case of doubt as to whether a bill is a money bill which requires the endorsement of the Prime Minister or not, it shall be the power of a joint sitting of the President of the House of Representatives and Presidents of all its standing committees to make a decision thereon.

The President of the House of Representatives shall hold a joint sitting to consider the case under paragraph two within fifteen days as from the date such case occurs.

The resolution of the joint sitting under paragraph two shall be decided by a majority of votes. In case of an equality of votes, the President of the House of Representatives shall have an additional vote as a casting vote.

Section 144. In the case where any bill as introduced by members of the House of Representatives was not, at the stage of the adoption of its principle, a money bill but was subsequently amended by the House of Representatives and, in the opinion of the President of the House, such amendment has rendered it to exhibit the characteristic of a money bill, the President of



the House shall suspend the consideration of such bill and, within fifteen days as from the day on which such case occurs, shall refer it to a joint sitting of the President of the House of Representatives and Presidents of all its standing committees to make a decision thereon.

In the case where the joint sitting under paragraph one decides that the amendment resulted in such bill exhibiting the characteristic of a money bill, the President of the House shall refer it to the Prime Minister for endorsement. In the case where the Prime Minister does not endorse it, the House of Representative shall amend it so as to prevent it from being a money bill.

Section 145. When a bill which has been specified by the Council of Ministers, in its policies stated to the National Assembly under section 176, as necessary for the administration of the State affairs is not approved by a resolution of the House of Representatives and the votes disapproving it are less than one-half of the total number of the existing members of the House, the Council of Ministers may request the National Assembly to hold a joint sitting for passing a resolution on another occasion. If it is approved, the National Assembly shall appoint the persons, being or not being its members, in such an equal number as proposed by the Council of Ministers, to constitute a joint committee of the National Assembly for considering such bill, and the joint committee of the National Assembly shall prepare a report thereon and submit the bill which it has already considered to the National Assembly. If such bill is approved by the National Assembly, further proceedings under section 150 shall be taken. If it is not approved, such bill shall lapse.

Section 146. Subject to section 168, when the House of Representatives has considered a bill submitted under section



142 and passed a resolution approving it, the House of Representatives shall submit such bill to the Senate. The Senate must finish the consideration of such bill within sixty days; but if it is a money bill, the consideration thereof must be finished within thirty days; provided that the Senate may, as an exceptional case, pass a resolution extending the period for not more than 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 Court 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 it.

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 168, after the Senate has finished the consideration of a bill,

(1) if it agrees with the House of Representatives, further proceedings under section 150 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 or the amended organic law bill shall be returned to the House of Representatives. If the House of Representatives approves such amendment, further proceedings under section 150 shall be taken. In other cases, each House shall appoint persons, being or not being its members, in such an equal number as may be fixed by the House of Representatives, to constitute a joint committee for considering 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 already considered by the joint committee, further proceedings under section 150 shall be taken. If either House disapproves it, the bill shall be withheld.

The joint committee has the power to demand documents from any person or summon any person to give statements of fact or opinions in respect of the consideration of the bill or the organic law bill and the privileges provided in section 130 shall also extend to the person performing his or her duties under this section.

At a meeting of the joint committee, the presence of 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 the provisions of section 137 shall apply *mutatis mutandis*.

If the Senate does not return the bill to the House of Representatives within the time under section 146, it shall be deemed that the Senate has approved such bill and further proceedings under section 150 shall be taken.

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 it in case of withholding under section 147 (3). In such cases, if the House of Representatives resolves to reaffirm the bill considered by the joint committee by the votes of more than one-half of the total number of the existing members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under section 150 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 bill considered by the joint committee by the votes of more than one-half of the total number of the existing members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under section 150 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 House of Representatives or the Senate 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 House of Representatives or the President of the Senate shall refer the said bill to the Constitutional Court for decision. If the Constitutional Court 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. After a bill has already been approved by the National Assembly, the Prime Minister shall present it to the King for signature within twenty days as from the date of the receipt



of such bill from the National Assembly, and it shall come into force upon its publication in the Government Gazette.

Section 151. 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 redeliberate 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 existing members of both Houses, the Prime Minister shall present such bill to the King for signature on another occasion. 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 152. In considering a bill the substance of which is decided by the President of the House of Representatives to be concerned with children, the youth, women, the elderly, the disabled or persons of infirmity, if the House of Representatives does not consider it by its full committee, the House of Representatives shall appoint an *ad hoc* committee consisting of representatives, from private organisations concerned with the respective types of persons, of not less than one-third of the total number of members of the committee, provided that it shall be represented by a close number of men and women.

Section 153. 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 to which the King has refused His assent or which have not been returned by the King within ninety days shall lapse.

In the case where the term of the House of Representatives expires or where the House of Representatives is



dissolved, the National Assembly, the House of Representatives or the Senate, as the case may be, may, after a general election of members of the House of Representatives, continue the consideration of the draft Constitution Amendment or the bill which has not yet been approved by the National Assembly if the Council of Ministers which is newly appointed after the general election so requests within sixty days as from the first sitting day of the National Assembly after the general election and the National Assembly approves it. If the Council of Ministers does not so request within such period of time, such draft Constitution Amendment or bill shall lapse.

The further consideration of the draft Constitution Amendment or the bill under paragraph two shall be in accordance with the rules of procedure of the House of Representatives, the Senate or the National Assembly, as the case may be.

Part 8

Scrutiny of Unconstitutionality of Enactment

Section 154. After any bill has been approved by the National Assembly, then, before the Prime Minister presents it to the King for signature under section 150; or after any bill has been reaffirmed by the National Assembly under section 151, then, before the Prime Minister presents it to the King for signature on another occasion:

(1) if members of the House of Representatives, senators or members of both Houses of not less than one-tenth of the total number of the existing members of both Houses are of the opinion that the said bill contains provisions that are contrary to or inconsistent with this Constitution or is enacted contrary to the provisions of this Constitution, they shall submit their opinion to the President of the House of Representatives, the President of



the Senate or the President of the National Assembly, as the case may be, and the President of the House receiving such opinion shall then refer it to the Constitutional Court for decision and, without delay, inform the Prime Minister thereof;

(2) if the Prime Minister is of the opinion that the said bill contains provisions that are contrary to or inconsistent with this Constitution or is enacted contrary to the provisions of this Constitution, the Prime Minister shall refer such opinion to the Constitutional Court for decision and, without delay, inform the President of the House of Representatives and the President of the Senate thereof.

During the consideration of the Constitutional Court, the Prime Minister shall suspend the proceedings in respect of the promulgation of the bill until the Constitutional Court gives a decision thereon.

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with this Constitution or enacted contrary to the provisions of this Constitution and that such provisions of the bill form the essential part thereof, such bill shall lapse.

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with this Constitution otherwise than in the case specified in paragraph three, such conflicting or inconsistent provisions shall lapse and the Prime Minister shall proceed further in accordance with section 150 or section 151, as the case may be.

Section 155. The provisions of section 154 shall apply *mutatis mutandis* to draft rules of procedure of the House of Representatives, draft rules of procedure of the Senate and draft rules of procedure of the National Assembly which have already been approved by the House of Representatives, the Senate or



the National Assembly, as the case may be, but remain unpublished in the Government Gazette.

Part 9

Scrutiny of Administration of the State Affairs

Section 156. Every member of the House of Representatives or senator has the right to interpellate a Minister on any matter within the scope of his or her authority, but the Minister has the right to refuse to answer it 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.

Section 157. In the administration of the State affairs on any matter which involves an important problem of public concern, affects national or public interests, or requires urgency, a member of the House of Representatives may notify the President of the House of Representatives in writing prior to the commencement of the sitting of the day that the member will interpellate the Prime Minister or the Minister responsible for the administration of the State affairs on that matter without specifying the question, and the President of the House of Representatives shall place such matter on the agenda of the meeting of that day.

The interpellation and the answer to the interpellation under paragraph one may be made once a week, and a verbal interpellation by a member of the House of Representatives on a matter involving the administration of the State affairs may be made not exceeding three times on each matter in accordance with the rules of procedure of the House of Representatives.

Section 158. Members of the House of Representatives of not less than one-fifth of the total number of the existing members



of the House have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister. Such motion must nominate the suitable next Prime Minister who is also a person under section 171 paragraph two and, when the motion has been submitted, the dissolution of the House of Representatives is not permitted, except that the motion is withdrawn or the resolution is passed without being supported by the vote in accordance with paragraph three.

In the submission of the motion for a general debate under paragraph one, if it is concerned with the behaviour of the Prime Minister, which involves a circumstance of unusual wealthiness, exhibits a sign of malfeasance in office or amounts to an intentional violation of the provisions of the Constitution or law, it shall not be submitted without the petition under section 271 having been presented. Upon the submission of the petition under section 271, it may be proceeded with without awaiting the outcome of the proceedings under section 272.

If the general debate is concluded without a resolution passing 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 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 the existing 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 the existing 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 a general debate for the purpose of passing a vote of no-confidence in the Prime Ministers throughout the session.



In the case where a vote of no-confidence is passed by more than one-half of the total number of the existing members of the House of Representatives, the President of the House of Representatives shall submit the name of the person nominated under paragraph one to the King for further appointment and section 172 shall not apply.

Section 159. Members of the House of Representatives of not less than one-sixth of the total number of the existing 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, and the provisions of section 158 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

A Minister who vacates original office but remains a Minister in different office subsequent to the date of the motion submitted by members of the House of Representatives under paragraph one shall remain subjected to the debate for the purpose of passing a vote of no-confidence.

The provisions of paragraph two shall also apply *mutatis mutandis* to a Minister who has vacated original office for a period not longer than ninety days prior to the date of the motion submitted by members of the House of Representatives under paragraph one but remains a Minister in different office.

Section 160. In the case where the number of members of the House of Representatives who are not members of the parties of which any members are Ministers does not reach the number determined for submission of a motion for a general debate under section 158 or section 159, members of the House of Representatives of more than one-half of such existing members shall have the right to submit a motion for a general debate for the



purpose of passing a vote of no-confidence in the Prime Minister or an individual Minister under section 158 or section 159 after the Council of Ministers has carried out administration of the State affairs for more than two years.

Section 161. Senators of not less than one-third of the total number of the existing members of the Senate have the right to submit a motion for a general debate in the Senate for the purpose of requesting the Council of Ministers to give statements of fact or explain important problems in connection with the administration of the State affairs without a resolution to be passed.

The motion for the general debate under this section may be submitted only once in each session.

Section 162. In the case where there is a sitting of the House of Representatives or the Senate for an interpellation on any matter in connection with work under official duties or for a debate of no-confidence against the Prime Minister or any Minister, it shall be the duty of the Prime Minister or that Minister to attend the sitting of the House of Representatives or the Senate for giving explanations or answering the interpellation on that matter personally, except where there exists an inevitable necessity preventing attendance, provided that the President of the House of Representatives or the Senate shall be informed thereof before or on the date of the sitting with regard to such matter.

Members of the House of Representatives shall be independent from any resolutions of political parties in respect of an interpellation, a debate and the passing of a vote in a debate of no-confidence.



CHAPTER VII

Direct Political Participation by the People

Section 163. The persons having the right to vote of not less than ten thousand in number have a right to submit a petition to the President of the National Assembly to consider a bill as prescribed in Chapter 3 and Chapter 5 of this Constitution.

A bill must be attached to the petition referred to in paragraph one.

The rules and procedures for the petition and the examination of names of petitioners shall be in accordance with the provisions of the law.

In considering a bill under paragraph one, the House of Representatives and the Senate shall provide representatives of the petitioners introducing the bill with opportunities of explaining the principle thereof, and the *ad hoc* committee to be appointed for considering the bill shall also consist of representatives of the petitioners introducing such bill in the number of not less than one third of the total number of members of the committee.

Section 164. The persons having the right to vote of not less than twenty thousand in number have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under section 274 removing the persons under section 270 from office.

The said request under paragraph one shall clearly itemise circumstances in which such persons have allegedly committed the act.

The rules, procedures and conditions for the lodging of the complaint by the persons having the right to vote under paragraph one shall be in accordance with the Organic Act on Counter Corruption.



Section 165. The persons having the right to vote have the right to a referendum.

A referendum may be conducted in the following circumstances:

(1) in the case where the Council of Ministers is of the opinion that any issue may affect national or public interests, the Prime Minister, with the approval of the Council of Ministers, may consult the President of the House of Representatives and the President of the Senate for the purpose of publishing in the Government Gazette calling for a referendum;

(2) in the case where a referendum is required by the law.

A referendum under (1) or (2) may be conducted in order to achieve a final determination, by a majority of votes cast by persons having the right to vote at a referendum, on a problematic issue to which the referendum relates, or may be conducted for giving advice to the Council of Ministers, except specifically provided by law.

A referendum shall be conducted for voting for or against the matter to which the referendum relates and shall not be conducted on an issue contrary to or inconsistent with the Constitution or relating to any individual person or group of persons.

Prior to a referendum, the State shall take steps in providing adequate information and providing proponents and opponents of the matter concerned with equal opportunities of expressing their opinions.

The rules and procedures for voting in a referendum shall be in accordance with the Organic Act on Referendum, which shall, at least, prescribe details as to the method of the referendum, timeframes therefor and the number of votes required for a final determination.



CHAPTER VIII

Fiscal Affairs, Finance and Budget

Section 166. The expenditure estimates of the 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 167. An annual appropriations bill to be introduced shall be accompanied by clear supporting documents, including income estimates as well as objectives, activities, action plans and projects in each item of expenditure, and shall also indicate the fiscal and financial status of the country in connection with the overall outlook of the economy emanating from expenditure and procurement of revenues, benefits and revenue deficiency from various forms of specific tax exemption, the need to set appropriations with commitment across the year, debt burdens and debt creation of the State and the financial status of State enterprises, for the year in which appropriations are to be submitted for approval and the preceding year.

If no budget can directly be appropriated to any item of expenditure of a Government agency, a State enterprise or any other State agency, the budget therefor shall be listed in the expenditure items of the Central Budget, provided that reasons and necessity for the determination thereof shall also be specified.

There shall be the law on fiscal affairs and finance of the State setting out a framework for fiscal and financial disciplines, including rules with regard to short-term fiscal planning, procurement of revenues, the determination of directions for the preparation of appropriations of the State, the administration of fiscal affairs and assets, accounting, public funds, the creation of



debts or the operation binding on assets or fiscal burdens of the State and rules with regard to the determination of the amount of reserved funds to be expended in the case of emergency or necessity and other relevant activities, which form a framework for the procurement of revenues and the oversight of expenditure in accordance with the principles of maintaining stability, sustainable economic development and fairness in society.

Section 168. The House of Representatives must complete the analysis and consideration of an annual appropriations bill, a supplementary appropriations bill and a transfer of appropriations bill within one hundred and five days as from the date the bill 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 a bill by the Senate, the Senate must approve or disapprove it without any amendment within twenty days as from the date the bill reaches the Senate. Upon the lapse of such period, such bill shall be deemed to have been approved; in such case and in the case where the Senate approves it, further proceedings under section 150 shall be taken.

If the Senate disapproves the bill, the provisions of 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 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.

In the consideration by the House of Representatives, the Senate or a committee, any proposal, submission of a motion or commission of any act, which results in direct or indirect involvement by members of the House of Representatives, senators or members of a committee in the use of the appropriations, shall not be permitted.

In the case where members of the House of Representatives or senators of not less than one-tenth of the total number of the existing members of each House are of the opinion that the violation of the provisions of paragraph six has occurred, they shall refer it to the Constitutional Court for decision and the Constitutional Court shall decide it within seven days as from the date of its receipt. In the case where the Constitutional Court decides that the violation of the provisions of paragraph six has occurred, such proposal, submission of the motion, or commission of the act shall be ineffective.

The State shall provide adequate budgetary appropriations for the independent operation of the National Assembly, the Constitutional Court, Courts of Justice, the Administrative Courts and constitutional organs.

In considering budgetary appropriations of the National Assembly, the Courts and agencies under paragraph eight, such agency may, if it is of the opinion that the budgetary appropriation for it is insufficient, directly submit a motion to the committee.

Section 169. The payment of State funds shall be made only when it has been authorised 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 procedures provided by the law. In such case, the expenditure estimates for the reimbursement of the treasury balance must be set aside in the Transfer of Appropriations Act, the Supplementary Appropriations Act, or the Annual Appropriations Act for the following fiscal year, provided that sources of revenues for reimbursing expenditure already made out of the treasury balance shall also be specified.

In the case where the country is in a state of war or armed conflict, the Council of Ministers has the power to transfer or relocate the expenditure determined for any Government agency or State enterprise for use in a different item from that previously determined in the Annual Appropriations Act forthwith and shall report it to the National Assembly without delay.

In the case of a transfer or relocation of the expenditure in any item of the pre-determined appropriations for use in a different item of a Government agency or a State enterprise, the Government shall report it to the National Assembly for information at every interval of six months.

Section 170. In the case where a revenue of any State agency is not required to be submitted as the State revenue, that State agency shall prepare a report on the receipt and disbursement thereof for submission to the Council of Ministers at the end of each fiscal year, and the Council of Ministers shall prepare a report thereon for further submission to the House of Representatives and the Senate.

The disbursement of the revenue under paragraph one shall also be subject to the framework for fiscal and financial disciplines under this Chapter.



CHAPTER IX

The Council of Ministers

Section 171. The King appoints the Prime Minister and not more than thirty-five other Ministers to constitute the Council of Ministers having the duties to carry out the administration of the State affairs in accordance with the collective responsibility principle.

The Prime Minister must be a member of the House of Representatives appointed under section 172.

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

The Prime Minister shall not hold office for a consecutive period of more than eight years.

Section 172. The House of Representatives shall complete its consideration and approval of the person suitable to be appointed as Prime Minister within thirty days as from the day the National Assembly is convoked for the first sitting under section 127.

The nomination of a person who is suitable to be appointed as Prime Minister under paragraph one shall be endorsed by members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House.

The resolution of the House of Representatives approving the appointment of a person as Prime Minister shall be passed by the votes of more than one-half of the total number of the existing members of the House of Representatives. The passing of the resolution in such case shall be by open votes.

Section 173. In the case where the period of thirty days as from the date the National Assembly is convoked for the



first sitting of members of the House of Representatives has elapsed and no one has been approved for appointment as Prime Minister under section 172 paragraph three, the President of the House of Representatives shall, within fifteen days as from the lapse of such period, present the matter to the King for the issuance of a Royal Command appointing the person who has received the highest votes as Prime Minister.

Section 174. A Minister must possess the qualifications and must not be under any of the prohibitions as follows:

- (1) being of Thai nationality by birth;
- (2) being not less than thirty five years of age;
- (3) having graduated with not lower than a Bachelor's degree or its equivalent;
- (4) not being under any of the prohibitions under section 102 (1), (2), (3), (4), (6), (7), (8), (9), (11), (12), (13) or (14);
- (5) having been discharged for a period of less than five years before the appointment after being sentenced by a judgment to imprisonment, except for an offence committed through negligence or a petty offence;
- (6) not being a senator or having been a senator whose membership has terminated for not more than two years up to the date of the appointment as Minister.

Section 175. 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 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 176. The Council of Ministers which will assume the administration of the State affairs must, within fifteen days as from the date it takes office, state its policies to the National Assembly and explain its operations in accordance with the directive principles of fundamental State policies under section 75, provided that no vote of confidence shall be passed, and must thereafter prepare plans for the administration of the State affairs for the purpose of determining guidance on the discharge of official duties for each year under section 76.

Before stating policies to the National Assembly under paragraph one, if there occurs a case of importance and necessary urgency which, if left delayed, will affect material benefits of the State, the Council of Ministers which has taken office may, for the time being, carry out such acts in so far as it is necessary.

Section 177. A Minister has the right to attend and give statements of fact or opinions at a sitting of the House and, in the case where the House of Representatives or the Senate passes a resolution requiring attendance at a sitting for any matter, is obliged to attend thereat, and privileges as provided in section 130 shall apply *mutatis mutandis*.

At a sitting of the House of Representatives, if any Minister is simultaneously also a member of the House, that Minister shall not cast a vote on a matter connected with the holding of office, the performance of duties or the having of any interest in such matter.

Section 178. Ministers shall carry out the administration of the State affairs in accordance with the provisions of the Constitution, laws and the policies stated under section 176, and shall be responsible individually to the House of Representatives for the performance of their duties and also be responsible



collectively to the National Assembly for general policies of the Council of Ministers.

Section 179. In the case where there is an important problem in the administration of the State affairs in regard to which the Council of Ministers deems it advisable to take opinion of members of the House of Representatives and senators, the Prime Minister may give a notice to the President of the National Assembly requesting that a general debate be held at a joint 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 180. Ministers vacate office *en masse* upon:

- (1) the termination of ministership of the Prime Minister under section 182;
- (2) the expiration of the term or the dissolution of the House of Representatives;
- (3) the resignation of the Council of Ministers.

In the case where the ministership of the Prime Minister terminates under section 182 (1), (2), (3), (4), (5), (7) or (8), the procedure under section 172 and section 173 shall apply *mutatis mutandis*.

Section 181. The outgoing Council of Ministers shall remain in office for performing duties until the newly appointed Council of Ministers takes office; but, in the case of the vacation of office under section 180 (2), the Council of Ministers and Ministers may perform duties only to the extent of necessity, subject to the following conditions:

- (1) there shall not be taken any act which is, in nature, the exercise of the power to appoint or transfer Government officials holding permanent positions or receiving permanent salaries or



officials of State agencies, State enterprises or undertakings of which the majority of shares are held by the State or dismiss such persons from the performance of duties or from office or instruct others to perform duties in replacement, unless upon prior approval by the Election Commission;

(2) there shall not be taken any act which has the effect of approving any disbursement of reserved funds available for cases of emergency or necessity, unless upon prior approval by the Election Commission;

(3) there shall not be taken any act which has the effect of approving any work or project or of creating binding commitment upon the subsequent Council of Ministers;

(4) there shall not be any exploitation of State resources or State personnel for any act having impacts on an election and there shall not be committed any act which is, in nature, a violation of prohibitions in accordance with the rules prescribed by the Election Commission.

Section 182. The ministership of an individual Minister terminates upon:

(1) death;

(2) resignation;

(3) having been sentenced by a judgment to a term of imprisonment irrespective of the finality of the case or a suspension of the punishment, except for a non-final case or a suspension of the punishment in an offence committed through negligence or a petty offence or an offence of defamation;

(4) the passing of a vote of no-confidence by the House of Representatives under section 158 or section 159;

(5) being disqualified or being under any of the prohibitions under section 174;



(6) the issuance of a Royal Command removing ministership under section 183;

(7) having done an act prohibited by section 267, section 268 or section 269;

(8) being removed from office by a resolution of the Senate under section 274.

Apart from the circumstances resulting in the termination of the ministership in an individual capacity under paragraph one, the ministership of the Prime Minister also terminates upon the expiration of the time under section 171 paragraph four.

The provisions of section 91 and section 92 shall apply to the termination of the ministership under (2), (3), (5) or (7) or paragraph two and, for this purpose, the Election Commission may refer the matter to the Constitutional Court for decision thereon.

Section 183. The King has the prerogative to remove a Minister from his or her office upon the advice of the Prime Minister.

Section 184. For the purpose of maintaining national or public safety or national economic security, or averting 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 the case of emergency and necessary urgency 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 its consideration without delay. If it is out of session and it would be a delay to wait for the opening of an



ordinary session, the Council of Ministers must proceed to convoke an extraordinary session of the National Assembly in order to consider whether to approve or disapprove the Emergency Decree without delay. 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 the existing members of the House, the Emergency Decree shall lapse; provided that it shall not affect any act done during the enforcement of such Emergency Decree.

If the Emergency Decree under paragraph one has the effect of amending or repealing any provisions of any Act and such Emergency Decree has lapsed in accordance with paragraph three, the provisions of the Act in force before the amendment or repeal shall continue to be in force as from the day the disapproval of such Emergency Decree is effective.

If the House of Representatives and the Senate 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 the existing members of the House, 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 House of Representatives and the Senate in case of reaffirmation of the Emergency Decree must take place at the first opportunity when such Houses hold their sittings.



Section 185. Before the House of Representatives or the Senate approves an Emergency Decree under section 184 paragraph three, members of the House of Representatives or senators of not less than one-fifth of the total number of the existing members of each House have the right to submit an opinion to the President of the House of which they are members that the Emergency Decree is not in accordance with section 184 paragraph one or paragraph two, and the President of that House shall then, within three days as from the receipt thereof, refer it to the Constitutional Court for decision. After the Constitutional Court has given a decision thereon, it shall notify its decision to the President of the House referring such opinion.

When the President of the House of Representatives or the President of the Senate has received the opinion from members of the House of Representatives or senators under paragraph one, the consideration of such Emergency Decree shall be deferred until the decision of the Constitutional Court under paragraph one has been notified.

In the case where the Constitutional Court decides that any Emergency Decree is not in accordance with section 184 paragraph one or paragraph two, such Emergency Decree shall not have the force of law *ab initio*.

The decision of the Constitutional Court that an Emergency Decree is not in accordance with section 184 paragraph one or paragraph two must be given by votes of not less than two-thirds of the total number of members of the Constitutional Court.

Section 186. 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 as from the day following the date of its publication in the Government Gazette, and the provisions of 184 shall apply *mutatis mutandis*.

Section 187. The King has the prerogative to issue a Royal Decree which is not contrary to the law.

Section 188. The King has the prerogative to declare and lift the martial law in accordance with the conditions and manner under the Martial Law.

In the case where it is necessary to declare the martial law in a certain locality as a matter of urgency, the military authority may do so under the Martial Law.

Section 189. The King has the prerogative to declare war with the approval of the National Assembly.

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

During the expiration of the term or the dissolution of the House of Representatives, the Senate shall perform the function of the National Assembly in giving the approval under paragraph one, and the resolution shall be passed by votes of not less than two-thirds of the total number of the existing senators.

Section 190. The King has the prerogative to conclude a peace treaty, armistice and other treaties with other countries or international organisations.



A treaty which provides for a change in the Thai territories or extraterritorial areas over which Thailand has sovereign rights or has jurisdiction in accordance therewith or in accordance with international law or requires the enactment of an Act for the implementation thereof or has extensive impacts on national economic or social security or generates material commitments in trade, investment or budgets of the country, must be approved by the National Assembly. For this purpose, the National Assembly shall complete its consideration within sixty days as from the receipt of such matter.

Prior to taking steps in concluding a treaty with other countries or international organisations under paragraph two, the Council of Ministers shall provide information and cause to be conducted public hearings and shall give the National Assembly explanations on such treaty. For this purpose, the Council of Ministers shall submit to the National Assembly a framework for negotiations for approval.

When the treaty under paragraph two has been signed, the Council of Ministers shall, prior to the declaration of intention to be bound thereby, make details thereof publicly accessible and, in the case where the implementation of such treaty has impacts on the public or operators of small- or medium-sized enterprises, the Council of Ministers shall take steps in rectifying or remedying the impacts suffered by aggrieved persons in an expeditious, appropriate and fair manner.

There shall be the law on the determination of procedures and methods for the conclusion of treaties having extensive impacts on national economic or social security or generating material commitments in trade or investment and the rectification and remedying of impacts suffered by persons in consequence of the implementation of such treaties, having regard to justice to persons



benefited and persons aggrieved by the implementation thereof as well as to general members of the public.

In the case where there arises a problematic issue under paragraph two, the power to make the determination thereon shall be vested in the Constitutional Court and, for this purpose, the provisions of section 154 (1) shall apply *mutatis mutandis* to the referral of the matter to the Constitutional Court.

Section 191. The King has the prerogative to grant a pardon.

Section 192. The King has the prerogative to remove titles and recall decorations.

Section 193. The King appoints and removes officials in the military service and civil service who hold the positions of Permanent Secretary of State, Director-General and their equivalents except in the case where they vacate office upon death.

Section 194. A Government official and a State official holding a permanent position or receiving a permanent salary and not being a political official shall not be a political official or hold other political position.

Section 195. All laws, Royal Rescripts and Royal Commands relating to the State affairs must be countersigned by a Minister unless otherwise provided in this Constitution.

All laws which have been signed or deemed to have been signed by the King shall forthwith be published in the Government Gazette.



Section 196. Emoluments and other remuneration of Privy Councillors, the President and Vice-Presidents of the House of Representatives, the President and Vice-Presidents of the Senate, Leader of the Opposition in the House of Representatives, members of the House of Representatives and senators shall be prescribed by the Royal Decree, wherein no payment shall be made before the date of taking office.

Gratuities, pensions or other remuneration of Privy Councillors who vacate their office shall be prescribed by the Royal Decree.

CHAPTER X

The Courts

Part 1

General Provisions

Section 197. The trial and adjudication of cases are the powers of the Courts, which must be proceeded in a manner serving justice in accordance with the Constitution and the law and in the name of the King.

Judges are independent in the trial and adjudication of cases in a correct, expeditious and fair manner in accordance with the Constitution and the law.

The transfer of a judge without his or her prior consent shall not be permitted except in the case of termly transfer as provided by law, promotion to a higher position, being under a disciplinary action or becoming a defendant in a criminal case, negative impacts on the administration of justice in the trial and adjudication, or a *force majeure* event or any other inevitable cause of necessity, as provided by law.



Judges shall not be political officials or hold political positions.

Section 198. All Courts may be established only by Acts.

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.

A law having an effect of changing or amending the law on the organisation of Courts or on judicial procedure for the purpose of its application to a particular case shall not be enacted.

Section 199. In the case where there is a dispute on the competent jurisdiction amongst the Court of Justice, the Administrative Court, the Military Court or any other Court, it shall be decided by a committee consisting of the President of the Supreme Court of Justice as Chairman, the President of the Supreme Administrative Court, the President of such other Court and not more than four qualified persons as provided by law as members.

The rules for the submission of the dispute under paragraph one shall be as provided by law.

Section 200. The King appoints and removes judges except in the case of removal from office upon death.

The appointment and removal from office of a judge of any Court other than the Constitutional Court, the Court of Justice, the Administrative Court and the Military Court as well as the adjudicative jurisdiction and procedure of such Courts shall be in accordance with the law on the establishment of such Courts.



Section 201. Before taking office, a judge shall 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 His Majesty the King and will faithfully perform my duties in the name of the King without any partiality in the interest of justice, of the people and of the public order of the Kingdom. I will also uphold and observe the democratic regime of government with the King as Head of the State, the Constitution of the Kingdom of Thailand and the law in every respect.”

Section 202. Salaries, emoluments and other benefits of judges shall be as provided by law; provided that the system of salary-scale or emoluments applicable to civil servants shall not be applied.

The provisions of paragraph one shall apply to Election Commissioners, Ombudsmen, members of the National Counter Corruption Commission and members of the State Audit Commission *mutatis mutandis*.

Section 203. No person may simultaneously become a member, whether an *ex officio* member or a qualified member, of the Judicial Commission of the Courts of Justice, of the Administrative Court or of any other Court under the law on a particular matter.

Part 2

Constitutional Court

Section 204. The Constitutional Court consists of the President and eight other judges of the Constitutional Court to be appointed by the King upon advice of the Senate from the following persons:



(1) three judges in the Supreme Court of Justice holding a position of not lower than Judge of the Supreme Court of Justice and elected at the general assembly of the Supreme Court of Justice by secret ballot;

(2) two judges in the Supreme Administrative Court elected at the general assembly of judges of the Supreme Administrative Court by secret ballot;

(3) two qualified persons in the field of law, who really possesses knowledge and expertise in law and are elected under section 206;

(4) two qualified persons in the field of political science, public administration or other social science, who really possesses knowledge and expertise in the administration of the State affairs and are elected under section 206.

In the case where no judges in the Supreme Court of Justice or no judges in the Supreme Administrative Court are elected under (1) or (2), the general assembly of the Supreme Court of Justice or the general assembly of judges of the Supreme Administrative Court, as the case may be, shall elect other persons who have the qualifications and are not under any prohibitions under section 205 and possess such knowledge and expertise in law as are suitable for the performance of duties as judges of the Constitutional Court, as judges of the Constitutional Court under (1) or (2), as the case may be.

The elected persons under paragraph one shall hold a meeting and elect one amongst themselves to be the President of the Constitutional Court and notify the result to the President of the Senate accordingly.

The President of the Senate shall countersign the Royal Command appointing the President and judges of the Constitutional Court.



Section 205. The qualified person under section 204 (3) and (4) shall possess the qualifications and shall not be under any of the prohibitions as follows:

(1) being of Thai nationality by birth;

(2) being not less than forty five years of age;

(3) having been a Minister, a judge of the Supreme Military Court, an Election Commissioner, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member of the National Human Rights Commission, or having served in a position of not lower than Deputy Prosecutor General, Director-General, or an executive in a Government agency with executive powers equivalent to those possessed by Director-General, or holding a position of not lower than Professor, or having been a lawyer with regular and continued practice for the period of not less than thirty years up to the date of nomination;

(4) not being under any of the prohibitions under section 100 or section 102 (1), (2), (4), (5), (6), (7), (13) or (14);

(5) not being a member of the House of Representatives, senator, political official, member of a local assembly or local administrator;

(6) not being or having been, in the past, a member or holder of other position of a political party over the period of three years preceding the taking of office;

(7) not being an Election Commissioner, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member of the National Human Rights Commission.

Section 206. The selection and election of judges of the Constitutional Court under section 204 (3) and (4), shall be proceeded as follows:



(1) there shall be a Selection Committee for Judges of the Constitutional Court consisting of the President of the Supreme Court of Justice, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives and the President of a constitutional independent organ elected amongst Presidents of such independent organs, as members, to be in charge of selecting and short-listing qualified persons under section 204 (3) and (4), which must be completed within thirty days as from the date on which there occurs a ground for the selection of persons for such office and thereafter submitting the names of the persons selected with their consent to the President of the Senate. The resolution making such selection must be passed on the basis of open voting and supported by votes of not less than two-thirds of the total number of the existing members of the Committee. In the case where there is no member in any office or a member in any office exists but becomes unable to perform the duty, the Selection Committee shall, if there remain not less than one-half of its members, consist of the remaining members, provided that the provisions of section 113 paragraph two shall apply *mutatis mutandis*.

(2) the President of the Senate shall convoke the Senate for a sitting for the purpose of passing a resolution approving persons selected under (1) within thirty days as from the date of receipt of the names submitted. The resolution shall be by secret ballot. In the case where the Senate passes a resolution giving approval thereto, the President of the Senate shall present the matter to the King for appointment. In the case where the Senate does not give approval to any names, whether in whole or in part, the Senate shall, together with reasons for disapproval, refer such names back to the Selection Committee for Judges of the



Constitutional Court for re-selection. If the Selection Committee for Judges of the Constitutional Court disagrees with the Senate and passes a unanimous resolution affirming its original resolution, it shall refer such names to the President of the Senate for presenting the matter to the King for further appointment. But, if the resolution affirming the original resolution is not unanimous, the selection process shall be re-conducted and shall be completed within thirty days as from the date on which there occurs a ground for taking such action.

In the case where the selection of the qualified persons under (1) may not, for any reason, be completed within the time prescribed, the general assembly of the Supreme Court of Justice shall appoint three judges in the Supreme Court of Justice holding the position not lower than Judge of the Supreme Court of Justice and the general assembly of judges of the Supreme Administrative Court shall appoint two judges in the Supreme Administrative Court, as selection members for taking action under (1) in place of the Selection Committee.

Section 207. The President and judges of the Constitutional Court shall not:

(1) be a Government official holding a permanent position or receiving a permanent salary;

(2) be an official or an employee of a State agency, a State enterprise or a local government organisation or a director or an adviser of a State enterprise or a State agency;

(3) hold any position in a partnership, a company or an organisation carrying out business with a view to sharing profits or incomes, or be an employee of any person;

(4) engage in any independent profession.

In the case where the general assembly of the Supreme Court of Justice or the general assembly of judges of the Supreme



Administrative Court has elected, or the Senate has approved, the person under (1), (2), (3) or (4) with the consent of that person, the elected person can commence the performance of duties only when he or she has resigned from the position under (1), (2) or (3) or has satisfied that his or her engagement in such independent profession has ceased to exist. This must be done within fifteen days as from the date of the election or the approval. If such person has not resigned or has not ceased to engage in the independent profession within the specified time, it shall be deemed that that person has never been elected to be a judge of the Constitutional Court and the provisions of section 204 and section 206, as the case may be, shall apply.

Section 208. The President and judges of the Constitutional Court shall hold office for nine years as from the date of their appointment by the King and shall hold office for only one term.

The outgoing President and judges of the Constitutional Court shall remain in office to perform duties until the newly appointed President and judges of the Constitutional Court take office.

The President and judges of the Constitutional Court shall be judicial officials under the law.

Section 209. In addition to the vacation of office upon the expiration of term, the President and judges of the Constitutional Court vacate office upon:

- (1) death;
- (2) being of seventy years of age;
- (3) resignation;
- (4) being disqualified or being under any of the prohibitions under section 205;



(5) having done an act in violation of section 207;

(6) the Senate passing a resolution under section 274 for the removal from office;

(7) having been sentenced by a judgment to a term of imprisonment irrespective of the finality of the case or a suspension of the punishment, except for a non-final case or a suspension of the punishment in an offence committed through negligence or a petty offence or an offence of defamation

When a case under paragraph one occurs, the remaining judges shall continue to perform their duties subject to section 216.

Section 210. In the case where the President and judges of the Constitutional Court vacate office *en masse* at the expiration of term, the proceedings under section 204 and section 206 shall be taken within thirty days as from the date of the vacation of office.

In the case where the President and judges of the Constitutional Court vacate office otherwise than in the case under paragraph one, the following proceedings shall be taken:

(1) in the case of the judge of the Constitutional Court who was elected at the general assembly of the Supreme Court of Justice, the proceedings under section 204 shall be taken and completed within thirty days as from the date of the vacation of office;

(2) in the case of the judge of the Constitutional Court who was elected at the general assembly of judges of the Supreme Administrative Court, the proceedings under section 204 shall be taken and completed within thirty days as from the date of the vacation of office;

(3) in the case of the judges of the Constitutional Court under section 204 (3) or (4), the proceedings under section 206



shall be taken and completed within thirty days as from the date of the vacation of office.

In the case where some or all judges of the Constitutional Court vacate office out of a session of the National Assembly, the proceedings under section 206 shall be taken within thirty days as from the date of the opening of a session of the National Assembly.

In the case where the President of the Constitutional Court vacates office, the provisions of section 204 paragraph three shall apply *mutatis mutandis*.

Section 211. In the application of the provisions of any law to any case, if the Court by itself is of the opinion that, or a party to the case raises a reasoned objection that, the provisions of such law fall within the provisions of section 6 and there has not yet been a decision of the Constitutional Court on such provisions, the Court shall submit such opinion, in the course of official service, to the Constitutional Court for consideration and decision. In the meantime, the Court may proceed with the trial but shall stay its adjudication for the time being until a decision of the Constitutional Court has been delivered.

In the case where the Constitutional Court is of the opinion that the objection of a party under paragraph one is not so essential as to warrant a decision, the Constitutional Court may refuse to accept the case for consideration.

The decision of the Constitutional Court shall apply to all cases but shall have no prejudice to final judgments of the Courts.

Section 212. A person whose rights or liberties recognised by this Constitution are violated has the right to file a motion to the Court for a decision that a provision of law is contrary to or inconsistent with the Constitution.



The right under paragraph one shall be exercisable in the case where all other means for the exercise thereof are exhausted, as provided in the Organic Act on the Procedure of the Constitutional Court.

Section 213. In the performance of duties, the Constitutional Court shall have the power to demand documents or relevant evidence from any person or summon any person to give statements of fact as well as request the inquiry officials, a Government agency, a State agency, a State enterprise or a local government organisation to carry out any act for the purpose of its consideration.

The Constitutional Court shall have the power to appoint a person or a group of persons to carry out duties as entrusted.

Section 214. In the case where there occurs a conflict as to the powers and duties between at least two organs, being the National Assembly, the Council of Ministers or constitutional organs that are not Courts, the President of the National Assembly, the Prime Minister or such organ shall submit a matter together with the opinion thereon to the Constitutional Court for a decision.

Section 215. In the case where the Constitutional Court is of the opinion that any matter or any issue as referred to it is the matter or issue already decided by the Constitutional Court, the Constitutional Court may refuse to accept such matter or issue for consideration.

Section 216. The quorum of judges of the Constitutional Court for hearing and giving a decision shall be constituted by not less than five judges. The decision of the Constitutional Court



shall be made by a majority of votes, unless otherwise provided in this Constitution.

Every judge of the Constitutional Court who constitutes a quorum shall prepare an opinion in delivering a decision on his or her own part and make an oral statement to the meeting before passing a resolution.

The decisions of the Constitutional Court and opinions given in the delivery of decisions of all judges of the Constitutional Court shall be published in the Government Gazette.

The decision of the Constitutional Court must at least consist of the background or the allegation concerned, a summary of facts obtained from hearings, reasons for the decision on questions of fact and questions of law and the provisions of the Constitution and the law invoked and resorted to.

The decision of the Constitutional Court shall be deemed final and binding on the National Assembly, Council of Ministers, Courts and other State organs.

The procedure of the Constitutional Court shall be prescribed by the Organic Act on the Procedure of the Constitutional Court.

Section 217. The Constitutional Court shall have its independent secretariat, with the Secretary-General of the Office of the Constitutional Court as the superior responsible directly to the President of the Constitutional Court.

The appointment of the Secretary-General of the Office of the Constitutional Court must be made upon nomination by the President of the Constitutional Court and approval by judges of the Constitutional Court as provided by law.

The Office of the Constitutional Court shall have autonomy in personnel administration, budgeting and other activities as provided by law.



Part 3

Courts of Justice

Section 218. The Courts of Justice have the jurisdiction to try and adjudicate all cases except those specified by this Constitution or the law to be within the jurisdiction of other courts.

Section 219. There shall be three levels of Courts of Justice, *viz.*, Courts of First Instance, Court of Appeal and the Supreme Court of Justice, except otherwise provided by this Constitution or other laws.

The Supreme Court of Justice has the jurisdiction to try and adjudicate cases prescribed by the Constitution or the law to be directly brought before the Supreme Court of Justice and cases where an appeal is made against decisions or orders of Courts of First Instance or the Court of Appeal as provided by law, save that the Supreme Court of Justice may, in the case where it considers that the question of law or the question of fact in respect of which the appeal is made is not so essential as to warrant its consideration, refuse to accept the case for adjudication, in accordance with the Rule prescribed by the general assembly of the Supreme Court of Justice.

The Supreme Court of Justice has the jurisdiction to hear and decide cases in connection with the election and revocation of the right to vote at an election of members of the House of Representatives and the acquisition of senators, and the Court of Appeal has the jurisdiction to hear and decide cases in connection with the election and revocation of the right to vote at an election of members of local assemblies and local administrators, provided that the procedure for hearing and decision shall be in accordance with the Rule prescribed by the general assembly of the Supreme



Court of Justice on the basis of the inquisitorial system and in an expeditious manner.

There shall be in the Supreme Court of Justice a Criminal Division for Persons Holding Political Positions the quorum of which consists of nine judges in the Supreme Court of Justice holding a position of not lower than Judge of the Supreme Court of Justice or senior judges having held a position of not lower than Judge of the Supreme Court of Justice and elected at the general assembly of the Supreme Court of Justice by secret ballot and on a case-by-case basis.

The jurisdiction of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions and the criminal procedure for such persons shall be as provided by this Constitution and the Organic Act on Criminal Procedure for Persons Holding Political Positions.

Section 220. The appointment and removal from office of a judge of a Court of Justice must be approved by the Judicial Commission of the Courts of Justice before they are tendered to the King.

The promotion, increase of salaries and punishment of judges of the Courts of Justice must be approved by the Judicial Commission of the Courts of Justice. For this purpose, the Judicial Commission of the Courts of Justice shall appoint a sub-committee in each level of Courts for preparing and presenting its opinion on such matter for consideration.

In giving approval by the Judicial Commission of the Courts of Justice under paragraph one and paragraph two, prime regard shall also be had to the knowledge, capability and ethical conduct of the persons concerned.



Section 221. The Judicial Commission of the Courts of Justice consists of the following persons:

(1) the President of the Supreme Court of Justice as Chairman;

(2) qualified members from each level of Courts, *viz*, six members from the Supreme Court of Justice, four members from the Court of Appeal and two members from the Courts of First Instance, who are judicial officials of each level of Courts and elected by judicial officials of each level of Courts;

(3) two qualified members who are not judicial officials and who are elected by the Senate.

The qualifications, prohibitions and procedures for the election of the qualified members shall be in accordance with the provisions of the law.

In the case where there are no qualified members under paragraph one (3) or there is such member without being two in number, then, if not less than seven members of the Judicial Commission of the Courts of Justice consider that there exists an urgent matter for approval, such number of members of the Judicial Commission of the Courts of Justice shall constitute the Commission as well as its due quorum for the purpose of considering that urgent matter.

Section 222. The Courts of Justice shall have an independent secretariat, with the Secretary-General of the Office of the Courts of Justice as the superior responsible directly to the President of the Supreme Court of Justice.

The appointment of the Secretary-General of the Office of the Courts of Justice must be made upon nomination by the President of the Supreme Court of Justice and approval by the Judicial Commission of the Courts of Justice as provided by law.



The Office of the Courts of Justice shall have autonomy in personnel administration, budgeting and other activities as provided by law.

Part 4

Administrative Courts

Section 223. Administrative Courts have the jurisdiction to try and adjudicate cases of dispute between a Government agency, a State agency, a State enterprise, a local government organisation, a constitutional organ, or a State official on one part and a private individual on the other part, or between a Government agency, a State agency, a State enterprise, a local government organisation, a constitutional organ or State official on one part and another such agency, enterprise, organisation, organ or official on the other part, as a consequence of the exercise of an administrative power under the law or as a consequence of a pursuit of an administrative act by a Government agency, a State agency, a State enterprise, a local government organisation, a constitutional organ or a State official, as provided by law, and also have the jurisdiction to try and adjudicate matters prescribed by the Constitution or law to be within the jurisdiction to the Administrative Courts.

The jurisdiction of the Administrative Courts under paragraph one does not include the determination by a constitutional organ, which is its direct exercise of power under the Constitution.

There shall be the Supreme Administrative Court and Administrative Courts of First Instance, and there may also be the Appellate Administrative Court.

Section 224. The appointment and removal from office of an administrative judge must be approved by the Judicial



Commission of the Administrative Courts as provided by law before they are tendered to the King.

Qualified persons in the field of law or the administration of the State affairs may be appointed as judges of the Supreme Administrative Court. Such appointment shall be made in the number of not less than one-third of the total number of judges of the Supreme Administrative Court and must be approved by the Judicial Commission of the Administrative Courts as provided by law and by the Senate before it is tendered to the King.

The promotion, increase of salaries, and punishment of administrative judges must be approved by the Judicial Commission of the Administrative Courts as provided by law.

The number of judges of the Administrative Courts in each level shall be determined by the the Judicial Commission of the Administrative Courts.

Section 225. The appointment of an administrative judge as President of the Supreme Administrative Court, shall, when already approved by the Judicial Commission of the Administrative Courts and the Senate, be tendered by the Prime Minister to the King for appointment.

Section 226. The Judicial Commission of the Administrative Courts consists of the following persons:

(1) the President of the Supreme Administrative Court as Chairman;

(2) nine qualified members who are administrative judges and elected by administrative judges amongst themselves;

(3) two qualified members elected by the Senate and one qualified member elected by the Council of Ministers.



The qualifications, prohibitions and procedures for the election of the qualified members shall be in accordance with the provisions of the law.

In the case where there are no qualified members under paragraph one (3) or there are such members without being three in number, then, if not less than six members of the Judicial Commission of the Administrative Courts consider that there exists an urgent matter for approval, such number of members of the Judicial Commission of the Administrative Courts shall constitute the Commission as well as its due quorum for the purpose of considering that urgent matter.

Section 227. The Administrative Courts shall have an independent secretariat, with the Secretary-General of the Office of the Administrative Courts as the superior responsible directly to the President of the Supreme Administrative Court.

The appointment of the Secretary-General of the Office of the Administrative Courts must be made upon nomination by the President of the Supreme Administrative Court and approval by the Judicial Commission of Administrative Courts as provided by law.

The Office of the Administrative Courts shall have autonomy in personnel administration, budgeting and other activities as provided by law.

Part 5

Military Courts

Section 228. Military Courts have the jurisdiction to try and adjudicate criminal cases committed by persons who are subjected to the jurisdiction of the Military Courts and other cases as provided by law.



The appointment and removal from office of military judges shall be as provided by law.

CHAPTER XI

Constitutional Organs

Part 1

Constitutional Independent Organs

1. Election Commission

Section 229. The Election Commission consists of a Chairman and four other Commissioners appointed, by the King with the advice of the Senate, from persons of apparent political impartiality and integrity.

The President of the Senate shall countersign the Royal Command appointing the Chairman and Commissioners under paragraph one.

Section 230. An Election Commissioner shall have the qualifications and shall not be under any prohibition as follows:

- (1) being of not less than forty years of age;
- (2) having graduated with not lower than a Bachelor's degree or its equivalent;
- (3) having the qualifications and not being under any of the prohibitions under section 205 (1), (4), (5) and (6);
- (4) not being a judge of the Constitutional Court, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission or a member



of the National Human Rights Commission.

The provisions of section 207 shall apply to Election Commissioners *mutatis mutandis*.

Section 231. The selection and election of Chairman and Election Commissioners shall be proceeded as follows.

(1) There shall be a Selection Committee of seven members consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, Leader of the Opposition in the House of Representatives, one person elected by the general assembly of the Supreme Court of Justice and one person elected by the general assembly of judges of the Supreme administrative Court, as members, to be in charge of selecting three persons who have the qualifications under section 230 and who are suitable to be Election Commissioners, for making nomination to the President of the Senate upon consent of the nominated persons. The resolution making such selection must be passed by votes of not less than two-thirds of the number of all existing members of the Selection Committee. In the case where there is no member in any office or a member in any office exists but becomes unable to perform the duty, the Selection Committee shall, if there remain not less than one-half of its members, consist of the remaining members, provided that the provisions of section 113 paragraph two shall apply *mutatis mutandis*.

The persons elected by the general assembly of the Supreme Court of Justice and the general assembly of judges of the Supreme Administrative Court under paragraph one must not be judges and must not be members of selection committees for holders of office in any other constitutional organs simultaneously.

(2) The general assembly of the Supreme Court of Justice



shall select two persons, who have the qualifications under section 230 and who are suitable to be Election Commissioners, for making nomination to the President of the Senate upon consent of the nominated persons.

(3) The selection under (1) and (2) shall be made within ninety days as from the date on which there occurs a ground for the selection of persons for such office. In the case where there exists any cause preventing the selection within the time specified or preventing the acquisition of the complete number of selected persons within the time specified under (1), the general assembly of the Supreme Court of Justice shall conduct the replacement selection in order to achieve the complete number within fifteen days as from the expiration of the time specified in (1).

(4) The President of the Senate shall convoke the Senate for passing, by secret ballot, a resolution approving the selected persons under (1), (2) or (3).

(5) In the case where the Senate gives approval thereto, action shall be further taken in accordance with (6); but, if the Senate does not give approval to any names, whether in whole or in part, the Senate shall refer such names back to the Selection Committee for Election Commissioners or to the general assembly of the Supreme Court of Justice, as the case may be, for re-selection. If the Selection Committee for Election Commissioners or the general assembly of the Supreme Court of Justice disagrees with the Senate and passes a resolution affirming its original resolution with unanimous votes or votes of not less than two-thirds of the general assembly of the Supreme Court of Justice, as the case may be, action shall be further taken in accordance with (6). But, if the resolution affirming the original resolution is not unanimous or fails to be supported by the specified votes, the selection process shall be re-conducted and shall be completed within thirty days as from the date on which there occurs a ground



for taking such action.

(6) The persons approved under (4) or (5) shall meet and elect one amongst themselves as Chairman of the Election Commission and, then, notify the President of the Senate of the result, and the President of the Senate shall present the matter to the King for further appointment.

Section 232. Election Commissioners shall hold office for a term of seven years as from the date of their appointment by the King and shall serve for only one term.

The Election Commissioners who vacate office upon the expiration of the term shall remain in office to continue to perform their duties until the newly appointed Election Commissioners take office.

The provisions of section 209 (1), (2), (3), (5), (6) and (7) and the provisions on the disqualifications and prohibitions under section 230 shall apply *mutatis mutandis* to the vacation of office of Election Commissioners.

Section 233. Members of the House of Representatives, senators, or members of both Houses of not less than one-tenth of the total number of the existing members of both Houses have the right to lodge with the President of the National Assembly a complaint that any Election Commissioner is disqualified, or is under any of the prohibitions or has acted in contravention of any of the prohibitions under section 230 and the President of the National Assembly shall refer that complaint to the Constitutional Court within three days of receipt thereof for its decision.

When the Constitutional Court has passed a decision, it shall notify the President of the National Assembly and the



Chairman of the Election Commission of such decision.

The provisions of section 92 shall also apply *mutatis mutandis* to the vacation of office of Election Commissioners.

Section 234. In the case where the Election Commissioners have vacated office *in toto*, action for the selection under section 231 shall be taken within ninety days as from the date of the vacation.

In the case where Election Commissioners vacate office on any ground other than the expiration of term, action for the selection under section 231 shall be taken and completed within sixty days as from the date on which such ground occurs, and the approved persons shall serve only for the remainder of the term of the replaced Commissioners.

Section 235. The Election Commission shall control and hold, or cause to be held, an election or selection of members of the House of Representatives, senators, members of a local assembly and local administrators, as the case may be, including the voting in a referendum, for the purpose of rendering it to proceed in an honest and fair manner.

The Chairman of the Election Commission shall have charge and control of the execution of the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, the Organic Act on Political Parties, the Organic Act on the Election Commission, the Organic Act on Referendum and the law on the election of members of local assemblies or local administrators and shall be the political-party registrar.

There shall be the Office of the Election Commission as an independent agency, with autonomy in personnel administration, budgeting and other activities, as provided by law.



Section 236. The Election Commission shall have the following powers and duties:

(1) to issue notifications or lay down rules prescribing all activities necessary for the execution of the laws referred to in section 235 paragraph two, and also lay down rules related to election campaigns and any activities of political parties, candidates in an election and voters with a view to ensuring their honesty and fairness, and prescribe rules in connection with activities to be carried out by the State in support of elections with a view to ensuring equality and equal opportunities in launching campaigns;

(2) to lay down rules related to prohibitions in the performance of duties of the Council of Ministers and Ministers while remaining in office for performing duties under section 181, having regard to the maintenance of interests of the State and also to honesty, fairness, equality and equal opportunities in an election;

(3) to prescribe measures and controls in connection with donations to political parties, financial support by the State, expenditure of political parties and candidates in an election, including the auditing of accounts of political parties in an open manner and controls of disbursement and receipt of money for the purpose of voting at an election;

(4) to give orders instructing Government officials, officials or employees of a Government agency, a State agency, a State enterprise or a local government organisation or other State officials to perform all necessary acts under the laws referred to in section 235 paragraph two;

(5) to conduct investigations and inquiries for fact-finding and decision on problems or disputes under the laws referred to in section 235 paragraph two;

(6) to order a new election or a new voting at a referendum to be held in any or all polling stations when there



occurs convincing evidence that the election or the voting at a referendum in that or those polling stations has not proceeded in an honest and fair manner;

(7) to announce the result of an election and the voting in a referendum;

(8) to provide promotion and encouragement to, or co-ordination with, a Government agency, a State agency, a State enterprise or a local administration, or to provide encouragement to private organisations in educating the public on the democratic regime of government with the King as Head of the State, and promote public participation in politics;

(9) to perform other acts as provided by law.

In the performance of duties, the Election Commission has the power to summon any relevant document or evidence from any person, or summon any person to give statements as well as to request the Courts, public prosecutors, inquiry officials, Government agencies, State agencies, State enterprises or local government organisations to take action for the purpose of performing duties, investigating, conducting inquiries and passing decisions.

The Election Commission has the power to appoint persons, a group of persons or representatives of private organisations to perform such duties as entrusted.

Section 237. In the case where any candidate in an election commits any act or instigates or aids and abets the commission of any act which violates the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators or the Rule or Notification of the Election Commission and thereby results in an election not proceeding in an honest and fair manner, such person shall have his or her right to vote revoked under the Organic Act on the Election of Members



of the House of Representatives and the Acquisition of Senators.

If, in the commission of the act by the person under paragraph one, there has appeared convincing evidence that any Leader of a political party or any member of the executive committee of a political party has connived at or allowed the commission thereof or, having known of the commission thereof, failed to prevent or take remedial action in order to render the election to proceed in an honest and fair manner, it shall be deemed that such political party has committed an act with a view to acquiring the power to rule the country by any means which is not in accordance with the modes provided in this Constitution under section 68, and in the case where the Constitutional Court has delivered an order dissolving that political party, there shall be revoked the right to vote of the Leader of such political party and members of its executive committee for the period of five years as from the date of the dissolution order.

Section 238. The Election Commission shall forthwith conduct an investigation and an inquiry for finding facts in any of the following cases;

(1) an objection by a voter, a candidate in an election or a political party a member of which stood for the election in any of the constituencies has been raised that the election in that constituency has proceeded improperly or unlawfully;

(2) a candidate for a selection or a member of the organ under section 114 paragraph one raises an objection that the selection of senators has proceeded improperly or unlawfully;

(3) there has appeared convincing evidence that any member of the House of Representatives, senator, member of a local assembly or local administrator, before being elected or selected, had committed any dishonest act to enable him or her to be elected or selected, or has dishonestly been elected or selected



as a result of an act committed by any person or political party in violation of rules under the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators, the Organic Act on Political Parties or the law on the election of members of local assemblies and local administrators;

(4) there has appeared convincing evidence that the voting in a referendum did not proceed lawfully or an objection has been raised by a voter that the voting in a referendum in any polling station proceeded improperly or unlawfully;

Upon completion of actions under paragraph one, the Election Commission shall pass a decision forthwith.

Section 239. In the case where the Election Commission passes a decision requiring a new election or revoking the right to vote prior to an announcement of the result of an election of members of the House of Representatives or senators, such decision of the Election Commission shall be deemed final.

In the case where the result of an election has been announced, if the Election Commission deems it appropriate to require a new election or to revoke the right to vote of any member of the House of Representatives or senator, a motion shall be submitted to the Supreme Court of Justice for a decision thereon. Upon receipt of the motion submitted by the Election Commission, that member of the House of Representatives or that senator may not continue his or her performance of duties until the Supreme Court of Justice has delivered an order dismissing the motion. In the case where the Supreme Court of Justice has delivered an order instructing a new election in any constituency or revoking the right to vote of any member of the House of Representatives or senator, membership of that member of the House of Representatives or senator in such constituency shall terminate.

In the case where the person under paragraph two may



not continue his or her performance of duties, such person shall not be included in the total number of existing members of the House of Representatives or the Senate, as the case may be.

The provisions of paragraph one, paragraph two and paragraph three shall apply to an election of members of a local assembly and local administrators *mutatis mutandis*, provided that the motion to be submitted to the Court under paragraph two shall be submitted to the Court of Appeal and an order of the Court of Appeal shall be final.

Section 240. In the case where there is an objection that the selection of any senator has proceeded improperly or unlawfully or there has appeared convincing evidence that any senator has, prior to the selection, committed an act under section 238, the Election Commission shall conduct an investigation and an inquiry forthwith.

Upon the decision delivered by the Election Commission, it shall forthwith be submitted to the Supreme Court of Justice for a decision thereon and the provisions of section 239 paragraph two and paragraph three shall apply *mutatis mutandis* to the discontinuance of performance of duties of such senator.

In the case where the Supreme Court of Justice has delivered an order revoking the selection or revoking the right to vote of any senator, membership of such senator shall terminate as from the date of the order of the Supreme Court of Justice, and there shall be conducted a new selection of a senator to fill the vacancy.

In pursuing activities under paragraph one or paragraph two, the Chairman of the Election Commission may not participate in the action or decision and the Election Commission shall be constituted by existing members.

The objection and the consideration of the Election



Commission shall be as prescribed in the Organic Act on the Election of Members of Representatives and the Acquisition of Senators.

Section 241. During the period in which a Royal Decree calling for an election of members of the House of Representatives or senators, or a Notification calling for a selection of senators, or a Notification calling for the voting in a referendum is effective, no Election Commissioner shall be arrested, detained or summoned by a warrant for inquiry except in the case where permission of the Election Commission is obtained or where the arrest is made *in flagrante delicto*.

In the case where an Election Commissioner has been arrested *in flagrante delicto*, or where an Election Commissioner is arrested or detained in any other cases, it shall be forthwith reported to the Chairman of the Election Commission and the Chairman may order a release of the person so arrested. But, if the Chairman of the Election Commission is arrested or detained, the power to take such action shall be vested in the Election Commission as constituted by existing members.

2. Ombudsmen

Section 242. There shall be three Ombudsmen appointed, by the King with the advice of the Senate, from the persons recognised and respected by the public, with knowledge and experience in the administration of the State affairs, enterprises or activities of common interest of the public and with apparent integrity.

The persons appointed as Ombudsmen shall meet and elect one amongst themselves to be Chairman of Ombudsmen



and notify it to the President of the Senate.

The President of the Senate shall countersign the Royal Command appointing the Chairman of Ombudsmen and Ombudsmen.

The qualifications and prohibitions of Ombudsmen shall be in accordance with the Organic Act on Ombudsmen.

Ombudsmen shall hold office for a term of six years as from the date of their appointment by the King and shall serve for only one term.

There shall be the Office of Ombudsmen as an independent agency, with autonomy in personnel administration, budgeting and other activities, as provided by law.

Section 243. The provision of section 206 and section 207 shall apply *mutatis mutandis* to the selection and election of Ombudsmen; for this purpose, there shall be a Selection Committee of seven members consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, Leader of the Opposition in the House of Representatives, one person elected by the general assembly of the Supreme Court of Justice and one person elected by the general assembly of judges of the Supreme Administrative Court, and the provisions of section 231 (1) paragraph two shall also apply *mutatis mutandis*.

Section 244. Ombudsmen have the powers and duties as follows:

(1) to consider and inquire into the complaint for fact-findings in the following cases:

(a) failure to perform in compliance with the law or performance beyond powers and duties as provided by the law



of a Government official, an official or employee of a Government agency, a State agency, a State enterprise or a local government organisation;

(b) performance of or omission to perform duties of a Government official, an official or employee of a Government agency, a State agency, a State enterprise or a local government organisation, which unjustly causes injury to the complainant or the public, whether such act is lawful or not;

(c) scrutiny of a neglect of the performance of duties or the unlawful performance of duties by constitutional organs and organs in the administration of justice, to the exclusion of trial and adjudication of Courts;

(d) other cases as provided by law;

(2) to take action in connection with ethics of holders of political positions and State officials under section 279 paragraph three and section 280;

(3) to monitor, evaluate and prepare recommendations on the compliance with the Constitution, including considerations as to amendment of the Constitution, where it is deemed necessary;

(4) to report annually results of audits and results of the performance of duties, together with pertinent remarks, to the Council of Ministers, the House of Representatives and the Senate, provided that such reports shall also be published in the Government Gazette and made open to the public.

The powers and duties under (1) (a), (b) and (c) shall be exercisable or taken by Ombudsmen upon a complaint, except that, in the case where Ombudsmen consider that such act threatens to cause injury to the public at large or there arises a need to safeguard public interests, Ombudsmen may consider the matter and conduct inquiries without prior complaint.

Section 245. An Ombudsman may refer the matter to



the Constitutional Court or the Administrative Court when the Ombudsman considers that any of the following circumstances occurs:

(1) any provisions of law begs the question of constitutionality, in which case the matter shall be referred, together with the opinion of the Ombudsman, to the Constitutional Court and the Constitutional Court shall consider and decide it without delay, in accordance with the Organic Act on Procedure of the Constitutional Court;

(2) any by-law, order or any other act of any persons under section 244 (1) (a) begs the question of constitutionality or compliance with the law, in which case the matter shall be referred, together with the opinion of the Ombudsman, to the Administrative Court and the Administrative Court shall consider and decide it without delay, in accordance with the Act on Establishment of Administrative Courts and Administrative Court Procedure.

3. National Counter Corruption Commission

Section 246. The National Counter Corruption Commission consists of the President and eight other members appointed by the King with the advice of the Senate.

Members of the National Counter Corruption Commission shall be persons of apparent integrity, with qualifications and without any of the prohibitions under section 205; for this purpose, members must have been Ministers, Election Commissioners, Ombudsmen, members of the National Human Rights Commission or members of the State Audit Commission, or must have served the government service in the position of not lower than Director-General or Executive in a Government agency with executive powers equivalent to those possessed by Director-



General, or hold a position of not lower than Professor, or become representatives of non-governmental organisations or persons engaging in professions that are subjected to professional organisations under the law for a period of not less than three years with endorsement and nomination by such non-governmental organisations or professional organisations into the selection process.

The provisions of section 204 paragraph three and paragraph four, section 206 and section 207 shall apply to the selection and election of members of the National Counter Corruption Commission *mutatis mutandis*. For this purpose, there shall be a Selection Committee of five members, consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives and the Leader of the Opposition in the House of Representatives.

The President of the Senate shall countersign the Royal Command appointing the President and members of the National Counter Corruption Commission.

There shall be members of the Provincial Counter Corruption Committee. The qualifications, selection process and powers and duties of the members shall be as prescribed by the Organic Act on Counter Corruption.

Section 247. Members of the National Counter Corruption Commission shall hold office for a term of nine years as from the date of their appointment by the King and shall serve for only one term.

Members of the National Counter Corruption Commission who vacate office at the expiration of term shall remain in office to continue to perform their duties until the newly appointed



members take office.

Section 209 and section 210 shall apply to the vacation, selection and election of members of the National Counter Corruption Commission *mutatis mutandis*.

Section 248. Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House or persons having the right to vote of not less than twenty thousand in number have the right to lodge with the President of the Senate a complaint that any member of the National Counter Corruption Commission has acted unjustly, intentionally violated the Constitution or laws or has been under any circumstance which is seriously detrimental to the dignity of the holding of office, in order to request the Senate to pass a resolution removing him or her from office.

The resolution of the Senate removing the member of the National Counter Corruption Commission from office under paragraph one shall be passed by votes of not less than three-fourths of the total number of the existing members of the Senate.

Section 249. Members of the House of Representatives, senators or members of both Houses of not less than one-fifth of the total number of the existing members of both Houses have the right to lodge with the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions an allegation that any member of the National Counter Corruption Commission has become unusually wealthy or has committed an offence of corruption or malfeasance in office.

The request under paragraph one shall clearly, itemise the circumstance in which such person has allegedly committed the act under paragraph one and shall be submitted to the President of the Senate. When the President of the Senate has received the



said request, the President shall refer it to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for trial and adjudication.

The alleged member of the National Counter Corruption Commission shall not perform his or her duty until the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions has delivered a decision dismissing the said request.

In the case where members of the National Counter Corruption Commission may not perform duties under paragraph three and there remain members of the National Counter Corruption Commission in the number of less than one-half of its total number, the President of the Supreme Court of Justice and the President of the Supreme Administrative Court shall jointly appoint persons with the same qualifications and without any of the same prohibitions as those applicable to members of the National Counter Corruption Commission as members of the National Counter Corruption Commission for the time being and the appointed persons shall be in office until the original members of the National Counter Corruption Commission may perform duties or until the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions delivers a decision that such original members have committed the alleged act.

Section 250. The National Counter Corruption Commission shall have the following powers and duties:

(1) to inquire into facts, provide a summary of the case and prepare opinions in connection with a removal from office, for submission to the Senate in accordance with section 272 and section 279 paragraph three;

(2) to inquire into facts, provide a summary of the case and prepare opinions in connection with criminal proceedings



against persons holding political positions, for submission to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions in accordance with section 275;

(3) to inquire and decide whether State officials, from high-ranking executives or Government officials holding positions of Director or its equivalent upwards, have become unusually wealthy or have committed an offence of corruption, malfeasance in office or malfeasance in judicial office, and take action against State officials or Government officials holding lower positions, who have committed offences in conspiracy with the aforesaid holders of positions or with persons holding political positions or who have committed offences of such description considered by the National Counter Corruption Commission as warranting its inquisitive action, in accordance with the Organic Act on Counter Corruption;

(4) to inspect the accuracy, actual existence as well as change of assets and liabilities of the persons holding positions under section 259 and section 264 as stated in the account and supporting documents submitted, in accordance with the rules and procedures prescribed by the National Counter Corruption Commission;

(5) to exercise oversight of virtue and ethics of persons holding political positions;

(6) to submit an audit report and a report on the performance of duties together with remarks to the Council of Ministers, the House of Representatives and the Senate annually and publish such reports in the Government Gazette and make them open to the public;

(7) to carry on other acts as provided by law.

Section 213 shall apply to the performance of duties of the National Counter Corruption Commission *mutatis mutandis*.

The President of the National Counter Corruption Commission and members of the National Counter Corruption Commission are officials in judicial service under the law.



Section 251. The National Counter Corruption Commission shall have its independent secretariat, with the Secretary-General of the National Counter Corruption Commission as the superior responsible directly to the President of the National Counter Corruption Commission.

The appointment of the Secretary-General of the National Counter Corruption Commission shall be approved by the National Counter Corruption Commission and the Senate.

There shall be Office of the National Counter Corruption Commission, with autonomy in personnel administration, budgeting and other activities as provided by law.

4. State Audit Commission

Section 252. The State audit shall be carried out by the State Audit Commission which is independent and impartial.

The State Audit Commission consists of the Chairman and six other members appointed by the King from persons with expertise and experience in state audit, accounting, internal audit, finance and other fields.

The provisions of section 204 paragraph three and paragraph four, section 206 and section 207 shall apply *mutatis mutandis* to the selection and election of members of the State Audit Commission and the Auditor-General, save that the composition of the Selection Committee shall be in accordance with section 243.

The President of the Senate shall countersign the Royal Command appointing the Chairman and members of the State



Audit Commission and the Auditor-General.

Members of the State Audit Commission shall hold office for a term of six years from the date of their appointment by the King and shall serve for only one term.

The qualifications, prohibitions and vacation of office of members of the State Audit Commission and the Auditor-General as well as powers and duties of the State Audit Commission, the Auditor-General and the Office of the State Audit Commission shall be in accordance with the Organic Act on State Audit.

The determination of qualifications and procedures for the election of persons to be appointed as members of the State Audit Commission and the Auditor-General shall be made in the manner which can secure persons of appropriate qualifications and apparent integrity and which can provide for the guarantee of the independence in the performance of duties of such persons.

Section 253. The State Audit Commission has the powers and duties to prescribe standard rules in connection with the State audit, give advice and suggestions and recommend rectification of shortcomings in connection with the State audit and has the power to appoint an independent fiscal and financial disciplinary committee to be in charge of making the determination of action in connection with disciplines in fiscal affairs, finance and budgeting, and disputed cases in connection with decisions given by the fiscal and financial disciplinary committee in such matters shall be under the jurisdiction of the Administrative Court.

The Auditor-General has the powers and duties in connection with the State audit on the basis of independence and impartiality.

Section 254. The State Audit Commission shall have its independent secretariat, with the Auditor-General as the superior



responsible directly to the Chairman of the State Audit Commission.

There shall be Office of the State Audit, with autonomy in personnel administration, budgeting and other activities as provided by law.

Part 2

Other Constitutional Organs

1. Public Prosecutors

Section 255. Public Prosecutors have the powers and duties as provided in this Constitution and under the law on powers and duties of public prosecutors and other laws.

Public Prosecutors enjoy independence in making the determination as to prosecution and the performance of duties in the interest of justice.

The appointment and removal from office of Prosecutor-General shall be upon resolution of the Public Prosecutors Commission and upon approval by the Senate.

The President of the Senate shall countersign the Royal Command appointing the Prosecutor-General.

Public Prosecutors shall have an independent secretariat, with autonomy in personnel administration, budgeting and other activities, and with the Prosecutor-General as the superior, as provided by law.

Public Prosecutor shall not be directors in State enterprises or State undertakings of the similar nature, unless upon approval by the Public Prosecutors Commission and shall not engage in an occupation or profession or any act prejudicial to the performance of duties or detrimental to the esteem of the official office, and shall not be directors, managers or legal counsellors or



hold any other positions of the similar nature in a corporate body.

The provisions of section 202 shall apply *mutatis mutandis*.

2. National Human Rights Commission

Section 256. The National Human Rights Commission consists of the President and six other members appointed, by the King with the advice of the Senate, from the persons having apparent knowledge and experiences in the protection of rights and liberties of the people, having regard also to the participation of representatives from private organisations in the field of human rights.

The President of the Senate shall countersign the Royal Command appointing the President and members of the National Human Rights Commission.

The qualifications, prohibitions, removal from office and determination of the remuneration of members of the National Human Rights Commission shall be as provided by law.

The members of the National Human Rights Commission shall hold office for a term of six years as from the date of their appointment by the King and shall serve for only one term.

The provisions of section 204 paragraph three, section 206, section 207 and section 209 (2) shall apply *mutatis mutandis*, save that the composition of the Selection Committee shall be in accordance with section 243.

There shall be Office of the National Human Rights Commission, with autonomy in personnel administration, budgeting and other activities as provided by law.

Section 257. The National Human Rights Commission



has the powers and duties as follows:

(1) to examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to persons or agencies committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report it to the National Assembly for further proceeding;

(2) to refer the matter, together with an opinion, to the Constitutional Court in the case where it agrees with a complaint addressed by a complainant that any provision of law affects human rights and begs a question of constitutionality, in accordance with the Organic Act on Procedure of the Constitutional Court;

(3) to refer the matter, together with an opinion, to the Administrative Court in the case where it agrees with a complaint addressed by a complainant that a by-law, order or any other administrative act affects human rights and begs a question of constitutionality or compliance with the law, in accordance with the Act on Establishment of Administrative Courts and Administrative Court Procedure;

(4) to file a lawsuit to the Court of Justice on behalf of the injured person when a request is made by the injured person and it is deemed appropriate to find a solution to violation of human rights *vis- -vis* the public at large, as provided by law;

(5) to propose to the National Assembly or the Council of Ministers policies and recommendations with regard to the revision of laws and by-laws for the purpose of promoting and protecting human rights;

(6) to promote education, research and the dissemination



of knowledge on human rights;

(7) to promote co-operation and co-ordination amongst Government agencies, private organisations, and other organisations in the sphere of human rights;

(8) to prepare an annual report for the purpose of evaluating situations in the sphere of human rights in the country and submit it to the National Assembly;

(9) other powers and duties as provided by law.

In the performance of duties, the National Human Rights Commission shall also have regard to the interests of the country and the public.

The National Human Rights Commission has the power to demand relevant documents or evidence from any person or summon any person to give statements of fact including other powers for the purpose of performing its duties, as provided by law.

3. National Economic and Social Council

Section 258. The National Economic and Social Council has the duty to give advice and recommendations to the Council of Ministers on economic and social problems, including legislation concerned.

A national economic and social development plan and other plans as provided by law shall obtain opinions of the National Economic and Social Council before their adoption and publication.

The composition, source, powers and duties and the operation of the National Economic and Social Council shall be as provided by law.

There shall be Office of the National Economic and Social Council, with autonomy in personnel administration, budgeting and other activities as provided by law.



CHAPTER XII

Scrutiny of the Exercise of State Powers

Part 1

Proprietary Scrutiny

Section 259. Persons holding the following political positions shall submit an account showing particulars of assets and liabilities of themselves, their spouses and children who have not yet become *sui juris* to the National Counter Corruption Commission on each occasion of taking or vacating office:

- (1) Prime Minister;
- (2) Ministers;
- (3) members of the House of Representatives;
- (4) senators;
- (5) other political officials;
- (6) local administrators and members of a local assembly as provided by law.

The account under paragraph one shall be submitted together with the supporting documents evidencing the actual existence of such assets and liabilities as well as a copy of the personal income tax return of the previous fiscal year.

The submission of an account showing particulars of assets and liabilities under paragraph one and paragraph two shall also include assets of persons holding political positions placed under possession or care of third persons, whether directly or indirectly.

Section 260. The account showing particulars of assets and liabilities under section 259 shall disclose the particulars of



assets and liabilities actually in existence as of the date of taking office or the date of vacation of office, as the case may be, and shall be submitted within such time as follows:

(1) in the case of the taking of office, within thirty days as from the date of taking office;

(2) in the case of the vacation of office, within thirty days as from the date of the vacation of office;

(3) in the case where the person under section 259, who has already submitted the account, is deceased while being in office or before submitting the same after the vacation of office, an heir or an administrator of an estate of such person shall submit an account showing the particulars of assets and liabilities existing on the date of such person's death within ninety days as from the date of the death.

In addition to the submission of the account under (2), the person holding a position of Prime Minister, Minister, local administrator, member of a local assembly or the person holding a political position, who has vacated office, shall also re-submit an account showing particulars of assets and liabilities, actually in existence at the expiration of one year as from the vacation of office, within thirty days as from the date of the expiration of such one-year period.

Section 261. The account showing particulars of assets and liabilities and supporting documents submitted by the Prime Minister, a Minister, a member of the House of Representatives and a senator shall be disclosed to public without delay but not later than thirty days as from the date of the expiration of the time limit for the submission of such account. The account of the person holding any other position may be disclosed only where the disclosure will be useful for the trial and adjudication of cases or for the making of a decision and is requested by the courts,



interested persons or the State Audit Commission.

The President of the National Counter Corruption Commission shall convene a meeting of the Commission to examine the accuracy and the actual existence of assets and liabilities without delay.

Section 262. In the case where the submission of the account is made by reason of the vacation of office or death of any person holding a political position, the National Counter Corruption Commission shall examine the change of assets and liabilities of such person and prepare a report of the examination. Such report shall be published in the Government Gazette.

In the case where it appears that the assets of the person holding the position under paragraph one have unusually increased, the President of the National Counter Corruption Commission shall furnish all documents together with the examination report to the Prosecutor-General to institute an action in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions so that the unusually increasing assets shall vest in the State and the provisions of section 272 paragraph five shall apply *mutatis mutandis*.

Section 263. In the case where any person holding a political position intentionally fails to submit the account showing assets and liabilities and the supporting documents as provided in this Constitution or intentionally submits the same with false statements or conceals the facts which should be revealed, the National Counter Corruption Commission shall refer the matter to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for further decision.

If the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions gives a decision that any person



holding a political position has committed an offence under paragraph one, such person shall vacate office on the date of the decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions and, for this purpose, the provisions of section 92 shall apply *mutatis mutandis* and such person shall also be prohibited from holding any political position or holding any position in a political party for five years as from the date of the decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Section 264. The provisions of section 259, section 260, section 261 paragraph two and section 263 paragraph one shall apply *mutatis mutandis* to State officials as determined by the National Counter Corruption Commission.

The National Counter Corruption Commission may disclose to interested persons the account showing assets and liabilities and supporting documents submitted if it is beneficial to the pursuit of legal proceedings or the giving of decision on the offence concerned, in accordance with the Organic Act on Counter Corruption.

Part 2

Action Amounting to a Conflict of Interests

Section 265. A member of the House of Representatives and a senator shall not:

(1) hold any position or assume any duty in any Government agency, State agency or State enterprise, or hold a position of member of a local assembly, local administrator or local government official;

(2) receive, interfere with or intervene in any concession from the State, a Government agency, a State agency or a State



enterprise, or become a party to a contract of a monopolistic nature with the State, a Government agency, a State agency or a State enterprise, or a become partner or a shareholder in a partnership or a company receiving such concession or becoming a party to the contract of that nature, whether directly or indirectly;

(3) receive any special money or benefit from any Government agency, State agency or State enterprise apart from that given by the Government agency, the State agency or the State enterprise to other persons in the ordinary course of business.

(4) perform any act prohibited under section 48.

The provisions of this section shall not apply in the case where a member of the House of Representatives or a senator receives military pensions, gratuities, pensions, annuities or any other form of payment of the same nature, and shall not apply in the case where a member of the House of Representatives or a senator accepts or holds a position of committee member of the National Assembly, the House of Representatives or the Senate, or committee member appointed in the course of the administration of the State affairs.

The provisions of (2), (3) and (4) shall also apply to spouses and children of members of the House of Representatives or senators and to other persons who, not being spouses or children of members of the House of Representatives or senators, have acted as instructed, as accomplices or as entrusted by members of the House of Representatives or senators in relation to the acts under this section.

Section 266. A member of the House of Representatives and a senator shall not, through the status or position of member of the House of Representatives or senator, interfere with or intervene in the following matters for personal benefits or for the



benefits of others or of a political party, whether directly or indirectly:

(1) the performance of official service or the performance of regular duties of Government officials, officials or employees of a Government agency, a State agency, a State enterprise or an undertaking, of which the majority of shares are owned by the State, or a local Government organisation;

(2) the recruitment, appointment, reshuffle, transfer, promotion and elevation of a salary scale of a Government official holding a permanent position or receiving a permanent salary and not being a political official, or an official or employee of a Government agency, a State agency, a State enterprise, an undertaking of which the majority of shares are owned by the State, or a local Government organisation; or

(3) any action causing a removal from office of a Government official holding a permanent position or receiving a permanent salary and not being a political official, or an official or employee of a Government agency, a State agency, a State enterprise, an undertaking of which the majority of shares are owned by the State, or a local Government organisation.

Section 267. The provisions of section 265 shall also apply to the Prime Minister and Ministers, save in the case of holding office or taking action by operation of law, and such persons shall not hold any position in a partnership, a company or an organisation carrying out business with a view to sharing profits or incomes or be an employee of any person.

Section 268. The Prime Minister and a Minister shall not perform any act provided in section 266, unless it is the performance within the powers and duties in the course of the administration of the State affairs in accordance with the policies declared to the National Assembly or as provided by law.



Section 269. The Prime Minister and a Minister shall not be a partner or shareholder of a partnership or a company or retain his or her status as a partner or shareholder of a partnership or a company up to the limit as provided by law. In the case where the Prime Minister or any Minister intends to continue to receive benefits in such cases, the Prime Minister or such Minister shall inform the President of the National Counter Corruption Commission within thirty days as from the date of the appointment and shall transfer his or her shares in the partnership or company to a juristic person which manages assets for the benefit of other persons, as provided by law.

The Prime Minister and Minister shall not do any act which, by nature, amounts to the administration or management of shares or affairs of such partnership or company under paragraph one.

The provisions of this section shall also apply to the spouse and children who are not *sui juris* of the Prime Minister and a Minister and the provisions of section 259 paragraph three shall apply *mutatis mutandis*.

Part 3

Removal from Office

Section 270. A person holding a position of Prime Minister, Minister, member of the House of Representatives, senator, the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court or Prosecutor General, who is under the circumstance of unusual wealthiness, or purports to commit corruption, malfeasance in office, malfeasance in judicial office or



an intentional exercise of power contrary to the provisions of the Constitution or law, or gravely violates or fails to observe ethical standards may be removed from office by the Senate.

The provisions of paragraph one shall also apply to the persons holding the following positions:

(1) judge of the Constitutional Court, Election Commissioner, Ombudsman and member of the State Audit Commission;

(2) judge, public prosecutor or high-ranking official in accordance with the Organic Act on Counter Corruption.

Section 271. Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under section 274 removing the persons under section 270 from office. The said request shall clearly itemise circumstances in which such persons have allegedly committed the act.

Senators of not less than one-fourth of the total number of the existing members of the Senate have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under section 274 removing a senator from office.

The persons having the right to vote of not less than twenty thousand in number have the right to lodge a complaint in order to request for a removal of persons under section 270 from office in accordance with section 164.

Section 272. Upon receipt of the request under section 271, the President of the Senate shall refer the matter to the National Counter Corruption Commission for conducting and completing



an investigation without delay.

When the investigation is complete, the National Counter Corruption Commission shall prepare a report thereon for submission to the Senate. The said report shall clearly state whether, and to what extent, the accusation put in the request has a *prima facie* case and is supported by convincing evidence and shall state the reasons therefor.

In the case where the National Counter Corruption Commission is of the opinion that the accusation put in the request is an important matter, the National Counter Corruption Commission may make a separate report specifically on the said accusation and refer it to the President of the Senate in accordance with paragraph one for consideration in advance.

If the National Counter Corruption Commission passes a resolution, with votes of not less than one-half of the total number of existing members, that the accusation has a *prima facie* case, the holder of the position against whom the accusation has been made shall not, as from the date of such resolution, perform his or her duties until the Senate has passed its resolution. The President of the National Counter Corruption Commission shall submit the report, existing documents and its opinion to the President of the Senate for proceeding in accordance with section 273 and to the Prosecutor General for further instituting prosecution in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. If the National Counter Corruption Commission is of the opinion that the accusation has no *prima facie* case, such accusation shall lapse.

In the case where the Prosecutor General is of the opinion that the report, documents and opinion submitted by the National Counter Corruption Commission under paragraph four are not so complete as to institute prosecution, the Prosecutor General shall notify the National Counter Corruption Commission for further



proceedings and, for this purpose, the incomplete items shall be specified on the same occasion. In such case, the National Counter Corruption Commission and the Prosecutor General shall appoint a working committee, consisting of their representatives in an equal number, for collecting complete evidence and submit it to the Prosecutor General for further prosecution. In the case where the working committee is unable to reach a decision as to the prosecution, the National Counter Corruption Commission shall have the power to prosecute by itself or appoint a lawyer to prosecute on its behalf.

Section 273. Upon receipt of the report under section 272, the President of the Senate shall convoke a sitting of the Senate for considering the said matter without delay.

In the case where the National Counter Corruption Commission submits the report out of session of the Senate, the President of the Senate shall inform the President of the National Assembly in order to tender a petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly. The President of the Senate shall countersign the Royal Command.

Section 274. A senator shall have autonomy in casting a vote, which must be by secret ballot. A resolution for the removal of any person from office shall be passed by votes of not less than three-fifths of the total number of the existing members of the Senate.

A person who is removed from office shall vacate office or be released from government service as from the date of the resolution of the Senate. Such person shall be deprived of the right to hold any political position or to serve in the government



service for five years.

The resolution of the Senate under this section shall be final and no request for the removal of such person from office shall be made on the same ground, without, however, prejudice to the trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Part 4

Criminal Proceedings Against Persons Holding Political Positions

Section 275. In the case where the Prime Minister, a minister, member of the House of Representatives, senator or other political official has been accused of becoming unusually wealthy, or of the commission of malfeasance in office under the Penal Code or a dishonest act in the performance of duties or corruption under other laws, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall have the competent jurisdiction to try and adjudicate the case.

The provisions of paragraph one shall also apply to the case where the said person or other person is a principal, an instigator or an aider and abettor or to the person who gives, promises to give or agrees to give property or any other benefit to the person under paragraph one for the purpose of inducing an act, an omission or a procrastination of an act under duty improperly.

The submission to a motion to the National Counter Corruption Commission for taking action under section 250 (2) shall be in accordance with the Organic Act on Counter Corruption.

In the case where the person against whom an accusation is made under paragraph one holds office of Prime Minister,



Minister, President of the House or Representatives or President of the Senate, the person injured by such act may submit a motion to the National Counter Corruption Commission for taking action under section 250 (2) or may submit a motion to the general assembly of the Supreme Court of Justice for an appointment of an independent investigator under section 276. But, if the injured person has submitted a motion to the National Counter Corruption Commission, the injured person may submit a motion to the general assembly of the Supreme Court of Justice only when the National Counter Corruption Commission has refused to conduct an investigation, taken action with unreasonable delay or conducted an investigation and found no *prima facie* case for the offence to which the accusation relates.

In the case where the National Counter Corruption Commission is of the opinion that there is a reasonable ground to suspect that a circumstance under paragraph four has occurred and the Commission passes a resolution, with votes of not less than one-half of the total number of its existing members, for taking action under section 250 (2), the National Counter Corruption Commission shall take action under section 250 (2) expeditiously. In this case, the injured person may not submit a motion to the general assembly of the Supreme Court of Justice under paragraph four.

The provisions of section 272 paragraph one, paragraph four and paragraph five shall apply *mutatis mutandis*.

Section 276. In the case where the general assembly of the Supreme Court of Justice considers it appropriate to pursue action in accordance with the motion submitted under section 275 paragraph four, the general assembly of the Supreme Court of Justice shall, at its discretion, appoint an independent investigator from persons of apparent political impartiality and integrity or may



refer the matter to the National Counter Corruption Commission for conducting an investigation under section 250 (2) in lieu of an appointment of an independent investigator.

The qualifications, powers and duties, investigation procedures and other necessary proceedings of the independent investigator shall be as prescribed by law.

When the independent investigator has conducted the investigation for fact-finding and prepared a summary of the case as well as an opinion, if the independent investigator is of the opinion that the accusation has a *prima facie* case, the independent investigator shall refer the report, existing documents and the opinion to the President of the Senate for taking action under section 273 and refer the file as well as the opinion to the Prosecutor General for further instituting an action before the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions and the provisions of section 272 paragraph five shall apply *mutatis mutandis*.

Section 277. In a trial, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall rely on the file of the National Counter Corruption Commission or of the independent investigator, as the case may be, and may conduct an investigation in order to obtain additional facts or evidence as it thinks fit.

The procedure of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be as prescribed by the Organic Act on Criminal Procedure for Persons Holding Political Positions and the provisions of section 213 shall apply to the performance of duties of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions *mutatis mutandis*.

The provisions on the immunity of members of the House



of Representatives and senators under section 131 shall not apply to a trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Section 278. An adjudication of a case shall be made by a majority of votes; provided that every judge constituting the quorum shall prepare his or her written opinion and make oral statements to the meeting prior to the passing of a resolution.

An order and a decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be disclosed and be final, except it is the case under paragraph three.

In the case where the person on whom a decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions has been given has found fresh evidence likely to result in a material alteration of facts, such person may appeal to the general assembly of the Supreme Court of Justice within thirty days as from the date of the decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

The submission of an appeal and the hearing as well as the adjudication of the general assembly of the Supreme Court of Justice shall be in accordance with the Rule prescribed by the general assembly of the Supreme Court of Justice.

CHAPTER XIII

Ethics of Holders of Political Positions and State Officials

Section 279. Ethical standards of persons holding political positions, Government officials or State officials in each



type shall be in accordance with the ethical standards prescribed.

The ethical standards under paragraph one shall feature mechanisms and operability in the interest of efficient execution and prescribe steps for imposing punitive sanctions in accordance with the gravity of the act in question.

Violation or non-observance of the ethical standards under paragraph one shall be deemed a disciplinary breach. In the case of violation or non-observance by a person holding a political position, the Ombudsmen shall report it to the National Assembly, the Council of Ministers or the local assembly concerned, as the case may be, and in the case of a gravely wrongful act, the matter shall be referred to the National Counter Corruption Commission for consideration and further action on the basis that such act shall be deemed a ground for a removal from office under section 270.

The consideration, selection, reconsideration or appointment of any person for taking office which involves the exercise of the State powers, and the transfer, the promotion, the elevation of a salary scale and the imposition of punitive sanction *vis-a-vis* such person shall be in accordance with the merit system and regard shall also be had to his or her ethical conduct.

Section 280. For the purpose of this Chapter, the Ombudsmen shall have the powers and duties to make recommendations or advice in connection with the preparation or revision of the ethical standards under section 279 paragraph one, promote ethical awareness of persons holding political positions, Government officials and State officials and report acts in violation of ethical standards in order that those in charge of the execution of the ethical standards may pursue the execution thereof under section 279 paragraph three.

In the case were the violation or non-observance of the



ethical standard is of particular gravity or there is a reasonable cause to believe that action to be taken by the person in charge will not be in a fair manner, the Ombudsmen may conduct an inquiry and disclose a result of the inquiry to the public.

CHAPTER XIV

Local Government

Section 281. Subject to section 1, the State shall give autonomy to local government organisations in accordance with the principle of self-government based upon the will of the people in the locality and promote the role of a local government organisation as a principal provider of public services and encourage it to participate in the decision-making for solving problems in the locality.

Any locality which meets the conditions of self-government shall have the right to be formed as a local government organisation, as provided by law.

Section 282. The supervision of a local government organisation shall be exercised in so far as it is necessary and founded upon clear rules, procedures and conditions corresponding to and suitable for the form of the local government organisation, as provided by law; provided that it shall be for the purpose of protecting the interests of local residents or the interests of the country as a whole and shall not substantially affect the principle of self-government based upon the will of the people in the locality otherwise than as provided by law.

In exercising the supervision under paragraph one, there shall be determined a uniform standard as guidance to be observed by a local government organisation, having regard to suitability



and disparity in the level of development and administration efficiency of each type of local government organisations, without prejudice to the local government organisation's capability in making decisions in accordance with its need, and there shall be mechanisms for its operation to be scrutinised principally by the public.

Section 283. A local government organisation shall have general powers and duties to oversee and provide public services for the benefits of local residents and enjoy autonomy in laying down policies and carrying out administration, public service provision, personnel administration, and finance, and shall have powers and duties particularly on its own part, provided that regard shall also be had to the consistency with the development of a province and of the country as a whole.

A local government organisation shall be given promotion and support with a view to achieving such strength as to be able to administer its operation autonomously and in a manner efficiently meeting the need of local residents, develop the local finance system to the extent of providing full public services in accordance with its powers and duties and establish or jointly establish an organisation for the provision of public services in accordance with its powers and duties, in the interest of value for money and comprehensiveness of public services.

There shall be the law determining plans and process of decentralisation for the purpose of delineating powers and duties and allocating revenues between the Central Administration and Provincial Administration, on one part, and local government organisations, on the other part, or amongst local government organisations themselves, having regard to the expansion of decentralisation commensurate with the level of capability of local



government organisations of each type, and also determining systems for the scrutiny and evaluation to be performed by a Committee consisting of representatives of Government agencies concerned, representatives of local government organisations and qualified members, in an equal number, in accordance with the law.

There shall be a law on local revenues for the purpose of determining powers and duties in connection with the collection of taxes and other revenues of local government organisations, with suitable rules in accordance with the nature of each type of tax, the allocation of resources in the public sector, the adequacy of revenues for expenditure within the powers and duties of local government organisations, having regard to the achievement of economic development of the locality, the financial status of local government organisations and financial sustainability of the State.

In the case where the delineation of powers and duties and the allocation of revenues have been made for local government organisations, the Committee under paragraph three shall review the matters at every interval of not more than five years in order to consider suitability of the delineation of powers and duties and the allocation of revenues previously made, having prime regard to the expansion of decentralisation to local government organisations.

The act performed under paragraph five shall be effective upon approval by the Council of Ministers and being reported to the National Assembly.

Section 284. A local government organisation shall have a local assembly and local administrative committee or local administrators.

Members of a local assembly shall be elected.

A local administrative committee or local administrators shall be directly elected by the people or shall be from the approval



of a local assembly.

An election of members of a local assembly and local administrative committee or local administrators who must be directly elected by the people shall be made by direct suffrage and secret ballot.

Members of a local assembly or of a local administrative committee or local administrators shall hold office for the period of four years.

A member of a local administrative committee or a local administrator shall not be a Government official holding a permanent position or receiving a permanent salary or an official or employee of a Government agency, a State agency, a State enterprise or a local government organisation, and shall not have a conflict of interests in respect of the holding of office as provided by law.

The qualifications of the person having the right to vote and the person having the right to apply for candidacy in an election of members of a local assembly, members of a local administrative committee and local administrators and rules and procedures therefor shall be as provided by law.

In the case where members of a local administrative committee have vacated office *en masse* or where a local administrator has vacated office and it is necessary to appoint members of a local administrative committee or a local administrator temporarily, the provisions of paragraph three and paragraph six shall not apply, as provided by law.

The establishment of a local government organisation of a special form, with a different administrative structure from that provided in this section, shall be permitted as provided by law, provided that its local administrative committee or local administrators shall be elected.

The provisions of section 265, section 266, section 267



and section 268 shall apply *mutatis mutandis* to members of a local assembly, a local administrative committee or local administrators, as the case may be.

Section 285. If persons having the right to vote in an election in any local government organisation consider that any member of the local assembly, any member of a local administrative committee or any local administrator of that local government organisation is not suitable to remain in office, such voters shall have the right to cast votes removing such member of the local assembly, such member of a local administrative committee or such local administrator from office and, in this connection, the number of persons eligible for lodging a petition for this purpose and the rules and procedures for the lodging of the petition, the examination of listed names and the vote-casting shall be as provided by law.

Section 286. Persons having the right to vote in any local government organisation shall have the right to lodge with the President of the local assembly a request for the issuance by the local assembly of local ordinances.

The number of persons eligible for lodging the request and the rules and procedures for the lodging of the request and the examination of listed names shall be as provided by law.

Section 287. Local residents have the right to participate in the administration of a local government organisation. For this purpose, a local government organisation shall also make available means for such public participation.

In the case where any act to be performed by a local government organisation may have material impacts on the



livelihood of local residents, the local government organisation may inform the public of details thereof for a reasonable period of time prior to such act and shall, in the case where it deems appropriate or receives a request by persons having the right to vote in an election in the local government organisation, cause to be conducted a public hearing prior to such act or may cause to be conducted a referendum for deciding on the matter, as provided by law.

A local government organisation shall report its operation to the public in matters concerning the preparation of budgets, expenditure and results of work performance for the year, in order to enable public participation in the scrutiny and supervision of the administration of the local government organisation.

The provisions of section 168 paragraph six shall apply *mutatis mutandis* to the preparation of budgets of a local government organisation under paragraph three.

Section 288. The appointment, and removal from office, of officials and employees of a local government organisation shall be in accordance with the suitability to and the need of each locality and the personnel administration of local government organisations shall be subject to a uniform standard, with possibilities of joint development or reshuffles of personnel amongst local government organisations, and shall also be made upon prior approval by the Local Officials Committee as a central body in charge of local personnel administration, as provided by law.

There shall be, in the personnel administration of a local government organisation, Merit System Watchdog Agency for Local Officials, for the purpose of building up systems for the protection of virtue and ethics pertinent thereto, as provided by law.

The Local Officials Committee under paragraph one shall



consist, in an equal number, of representatives of relevant Government agencies, representatives of local government organisations, representatives of local officials and qualified persons, as provided by law.

The transfer, promotion, increase of salaries and the punishment of the officials and employees of a local government organisation shall be as provided by law.

Section 289. A local government organisation has the power and duty to conserve arts, custom, local knowledge and good culture of the locality.

A local government organisation has the right to provide education and professional training in accordance with the suitability to and the need of that locality and participate in the provision of education and training by the State, having regard to the consistency with the national educational standard and system.

In providing education and training in the locality under paragraph two, the local government organisation shall also have regard to the conservation of arts, custom, local knowledge and good culture of the locality.

Section 290. A local government organisation has powers and duties in connection with the promotion and maintenance of the quality of the environment as provided by law.

The law under paragraph one shall at least contain the following matters as its substance:

(1) the management, preservation and exploitation of the natural resources and environment in the area of the locality;

(2) the participation in the preservation of natural resources and environment outside the area of the locality only in the case where the livelihood of the inhabitants in the area may be



affected;

(3) the participation in considering the initiation of any project or activity outside the area of the locality which may affect the quality of the environment, health or sanitary conditions of the inhabitant in the area;

(4) the participation by local communities.

CHAPTER XV

Amendment of the Constitution

Section 291. An amendment of the Constitution may be made under the rules and procedures as follows:

(1) a motion for amendment must be proposed by the Council of Ministers, members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House of Representatives or members of both Houses of not less than one-fifth of the total number of the existing members thereof or persons having the right to vote of not less than fifty thousand in number under the law on lodging a petition for introducing the law;

A motion for amendment which has the effect of changing the democratic regime of government with the King as Head of the State or changing the form of the State shall be prohibited;

(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 open voting, and the amendment must be approved by votes of not less than one-half of the total



number of the existing members of both Houses;

(4) the consideration in the second reading section by section shall also be subject to a public hearing participated by persons having the right to vote, who have proposed the draft Constitution Amendment;

The voting in the second reading for consideration section by section shall be decided by a simple majority of votes

(5) at the conclusion of the second reading, there shall be an interval 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 open voting, and its promulgation as the Constitution must be approved by votes of more than one-half of the total number of the existing members of both Houses;

(7) after the resolution has been passed in accordance with the rules and procedures hitherto specified, the draft Constitution Amendment shall be presented to the King, and the provisions of section 150 and section 151 shall apply *mutatis mutandis*.

Transitory Provisions

Section 292. The Privy Council holding office on the date of the promulgation of this Constitution shall be the Privy Council under the provisions of this Constitution.

Section 293. The National Legislative Assembly under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) shall act as the National Assembly, the House of Representatives and the Senate under the provisions of this Constitution until there shall be the first sitting of the National



Assembly under section 127.

During the time under paragraph one, if any provisions of this Constitution or any other law require a counter-signature by the President of the National Assembly, the President of the House of Representatives or the President of the Senate, then the President of the National Legislative Assembly shall be a counter-signatory.

At the initial stage, if it is apparent that the Senate has not yet been constituted at the time when the first sitting is required under section 127, the National Legislative Assembly shall, with the exception of the consideration of persons for taking office or removing from office in accordance with the provisions of this Constitution, continue to act as the Senate until the Senate is duly constituted under this Constitution and any act performed by the National Legislative Assembly during such time shall be regarded as the act performed by the Senate, and in the case where any provisions of this Constitution or any other law require a counter-signature by the President of the National Assembly, the President of the National Legislative Assembly shall be a counter-signatory.

The provisions of section section 93, section 94, section 101, section 102, section 106, section 109, section 111, section 113, section 114, section 115, section 119, section 120, section 197 paragraph four, section 261 and the provisions of any law that prohibit persons from holding political positions shall not apply to the holding of office of a member of the National Legislative Assembly.

The provision of section 153 shall apply to the termination of the National Legislative Assembly *mutatis mutandis*.

Section 294. The Constituent Assembly and the Constitution Drafting Commission under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) shall cease to



exist on the date of the promulgation of this Constitution.

For the purpose of avoidance of a conflict of interests, a member of the Constitution Drafting Commission shall not be a candidate for an election of members of the House of Representatives or hold office of senator within two years as from the date of the vacation of office under paragraph one.

Section 295. The National Legislative Assembly shall complete the consideration of the Organic Bill on the Election of Members of the House of Representatives and the Acquisition of Senators, the Organic Bill on Political Parties and the Organic Bill on the Election Commission as received from the Constitution Drafting Commission within the time specified in the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006).

In the case where, upon the lapse of the time under paragraph one, the National Legislative Assembly has not yet completed the consideration of such Organic Bills, the President of the National Legislative Assembly shall present the Organic Bills as prepared by the Constitution Drafting Commission to the King within seven days for His signature as if the National Legislative Assembly had approved such Organic Bills.

While the Organic Act on Political Parties and the Organic Act on the Election Commission under paragraph one have not yet come into force, the Organic Act on Political Parties, B.E. 2541 (1998) and the Organic Act on the Election Commission, B.E. 2541 (1998) shall continue to be in force until such Organic Acts shall come into force.

Section 296. An election of members of the House of Representatives under this Constitution shall be held and completed within ninety days and action shall be taken for acquiring senators under this Constitution within one hundred and fifty days, as from



the day the Organic Acts under section 295 come into force.

In the first general election of members of the House of Representatives after the promulgation of this Constitution, a person eligible for candidacy in the election shall be a member of any single political party for a period of not less than thirty days up to the election day. For this purpose, the required period under section 101 (4)(a) shall be replaced by the period of one year whilst the required period under section 101 (4)(c) and (d) shall be replaced by the period of two years.

At the initial stage, any person who was a senator elected for the first time under the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) shall not hold office of senator to be acquired for the first time under this Constitution and the provisions of section 115 (9) and section 116 paragraph two shall not apply to persons who were senators last elected under the Constitution of the Kingdom of Thailand, B.E. 2540 (1997).

Section 297. At the initial stage, selected senators shall hold office for a period of three years as from the date of the commencement of membership and the provisions prohibiting the holding of office for a period longer than one consecutive term shall not apply to such persons in the next selection subsequent to the termination of membership.

Section 298. The Council of Ministers assuming the administration of the State affairs on the date of the promulgation of this Constitution continues to be the Council of Ministers under the provisions of this Constitution and shall vacate office *en masse* when the Council of Ministers newly appointed under this Constitution takes office.

The National Security Council under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) shall also



vacate office *en masse* at the same time as the Council of Ministers assuming the administration of the State affairs on the date of the promulgation of this Constitution.

The provisions of section 171 paragraph two, section 172, section 174 and section 182 (4), (7) and (8) shall apply to the holding of office of the Prime Minister and Minister assuming the administration of the State affairs on the date of the promulgation of this Constitution.

Section 299. The Ombudsmen who are in office on the date of the promulgation of this Constitution shall be Ombudsmen under the provisions of this Constitution and shall continue to be in office until the expiration of the term and, for this purpose, the term shall be taken to commence as from the date of the appointment by the King and such Ombudsmen shall completely elect one amongst themselves to be Chairman of Ombudsmen within sixty days as from the date of the promulgation of this Constitution, and the provisions of section 242 paragraph two and paragraph three shall apply *mutatis mutandis*.

The Election Commissioners, members of the National Counter Corruption Commission and members of the National Economic and Social Council who are in office on the date of the promulgation of this Constitution shall continue to be in office until the expiration of the term and, for this purpose, the term shall be taken to commence as from the date of the appointment.

The members of the National Human Rights Commission who are in office on the date of the promulgation of this Constitution shall continue to be in office until the appointment of the National Human Rights Commission has been made under the provisions of this Constitution. But, if such persons, upon appointment, have been in office for a period of not more than one year up to the



date of the promulgation of this Constitution, the provisions prohibiting the holding of office for a period longer than one consecutive term shall not apply to such persons in respect of the first appointment of members of the National Human Rights Commission under this Constitution.

The persons under this section shall continue to perform duties under Organic Acts or relevant laws as in force on the date of the promulgation of this Constitution until Organic Acts or other laws have been enacted in the implementation of this Constitution, save that any provisions which are contrary to or inconsistent with provisions of this Constitution shall be replaced by the provisions of this Constitution.

Section 300. The Constitutional Tribunal under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) shall be the Constitutional Court under the provisions of this Constitution and, for this purpose, the holder of the office of the President of the Supreme Court of Justice shall be the President of the Constitutional Court and the holder of the office of the President of the Supreme Administrative Court shall be the Vice President of the Constitutional Court; but, judges in the Supreme Court of Justice or judges in the Supreme Administrative Court elected under section 35 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) shall continue to be in office of judges of the Constitutional Court until there occurs an appointment of new judges of the Constitutional Court under the provisions of this Constitution, which must be made no longer than one hundred and fifty days as from the date of the appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives subsequent to the first general election of members of the House of



Representatives under the provisions of this Constitution.

The provisions of section 205 (3), section 207 (1) and (2) and section 209 (5) shall not apply to the holding of office of judge of the Constitutional Court under paragraph one.

The provisions of section 35 paragraph two, paragraph three and paragraph four of the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) shall continue to be in force until the enactment of the Organic Act on Procedure of the Constitutional Court.

All cases or acts being dealt with by the Constitutional Tribunal under paragraph one shall be dealt with by the Constitutional Court under this section and when judges of the Constitutional Court have been appointed under this Constitution, such cases or acts pending the required determination shall be transferred to the Constitutional Court newly appointed.

During the pendency of the Organic Act on Procedure of the Constitutional Court, the Constitutional Court shall have the power to issue rules governing procedure and delivery of decisions, provided that the enactment of such Organic Act shall be completed within one year as from the date of the promulgation of this Constitution.

Section 301. Action shall be taken for the selection of the State Audit Commission and the Auditor-General within one hundred and twenty days as from the date of the appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives subsequent to the first general election of members of the House of Representatives under the provisions of this Constitution, and if the office of President of the Constitutional Court selected under this Constitution remains vacant, the Selection Committee shall consist of its existing



members.

While there is no State Audit Commission, the Auditor-General shall exercise the powers and perform the duties of the Chairman of the State Audit Commission and of the State Audit Commission.

Section 302. The following Organic Acts shall continue to be in force on the conditions set forth under this section:

(1) Organic Act on Ombudsmen, B.E. 2542 (1999), provided that the Chairman of the Ombudsmen shall have charge and control of the execution of this Organic Act;

(2) Organic Act on Counter Corruption, B.E. 2542 (1999), provided that the President of the National Counter Corruption Commission shall have charge and control of the execution of this Organic Act;

(3) Organic Act on State Audit, B.E. 2542 (1999), provided that the Chairman of the State Audit Commission shall have charge and control of the execution of this Organic Act;

(4) Organic Act on Criminal Procedure for Persons Holding Political Positions, B.E. 2542 (1999), provided that the President of the Supreme Court of Justice shall have charge and control of the execution of this Organic Act.

Amendment to Organic Acts by Acts promulgated while the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) remains in force shall be deemed the amendment by the Organic Acts under this Constitution.

The persons having charge and control of the execution of the Organic Acts under paragraph one shall take action in revising the respective Organic Acts to be in compliance with this Constitution within one year as from the date of the promulgation of this Constitution. In the case where the office the holder of



which is required to have charge and control of the execution of such Organic Act is vacant, the period of one year shall commence as from the date of the appointment of the holder of such office.

The House of Representatives shall complete the consideration of the Organic Acts under this section within one hundred and twenty days as from its receipt thereof.

A resolution approving amendment to, or disapproving, the Organic Bills under paragraph one shall be passed with votes of not less than one-half of members of each House.

The Election Commission shall prepare the Organic Bill on Referendum in compliance with this Constitution and, for this purpose, the provisions of paragraph three, paragraph four and paragraph five shall apply *mutatis mutandis*.

Section 303. At the initial stage, the Council of Ministers assuming the administration of the State affairs subsequent to the first general election under this Constitution shall complete the preparation or revision of the laws on the following matters within the time specified:

(1) the law setting out of details in connection with the promotion and protection of the exercise of rights and liberties under section 40, section 44, Part 7, Liberties in Expression of Persons and Mass Media, Part 8, Rights and Liberties in Education, Part 9, Rights to Public Health Services and Welfare from the State, Part 10, Rights in connection with Information and Complaints, and the law on personal data under section 56, Part 12, Community Rights, the law on establishment of an independent organisation for the protection of consumers under section 61 paragraph two, the law on the Political Reform Council under section 78 (7), the law establishing the justice-administration reform organisation under section 81 (4), the law on establishment of farmers' councils under section 84 (8), the law on establishment



of a civic fund for political development under section 87 (4) and the law on National Human Rights Commission under section 256, within one year as from the date of the declaration of policies to the National Assembly under section 176;

(2) the law aimed at the development of national education under section 80 along the line of promoting formal education, informal education, personalised education, self-learning, life-time learning, community colleges or other forms of education; provided that the Council of Ministers shall also revise laws for the purpose of determining agencies to be in charge of the administration of education suitable to and consistent with educational systems at all levels of basic education, within one year as from the date of the declaration of policies to the National Assembly under section 176;

(3) the law under section 190 paragraph five, which shall at least set out details in connection with procedures and methods for the conclusion of treaties, with checks and balances between the Council of Ministers and the National Assembly, transparency efficiency and actual public participation and also details in connection with independent research to be conducted prior to the negotiations of treaties without any conflict between interests of the State and interests of researchers at any time during the execution of the treaties, within one year as from the date of the declaration of policies to the National Assembly under section 176;

(4) the laws under section 86 (1) and section 167 paragraph three, within two years as from the date of the declaration of policies to the National Assembly under section 176;

(5) the law determining plans and the process of decentralisation, the law on local revenues, the law establishing local government organisations, the law on local officials and other laws under Chapter 14 Local Government in compliance with the



provisions of this Constitution, within two years as from the date of the declaration of policies to the National Assembly under section 176 and, for this purpose, these laws may be integrated into a Code of Local Law.

In the case where it is apparent that any law enacted prior to the date of the promulgation of this Constitution has the substance already in compliance with the provisions of this Constitution, action under this section shall be deemed to be exempted.

Section 304. A code of ethics for the purpose of section 279 shall be prepared and completed within one year as from the date of the promulgation of this Constitution.

Section 305. At the initial stage, the following provisions shall not apply to the following events under the conditions herebelow:

(1) the provisions of section 47 paragraph two shall not apply until there shall be enacted the law under section 47 for the establishment of the agency in charge of the allocation of frequencies and the supervision over the operation of radio or television broadcasting businesses and telecommunication businesses, which must be completed within one hundred and eighty days as from the date of the declaration of policies to the National Assembly; in this connection, such law shall at least, in its substance, make the provision for the establishment of specific commissions as internal bodies within such agency independent from one another to be in charge of supervising radio and television broadcasting businesses and supervising telecommunication businesses and contain details with regard to the supervision and protection of the operation of businesses, the provision of funds for the development of communication resources and the promotion of public participation



in the operation of public mass media, provided, however, that such law shall have no prejudice to lawful permissions, concessions or contracts made prior to the date of the promulgation of this Constitution until the expiration of such permissions, concessions or contracts;

(2) subject to section 296 paragraph three, the provisions of section 102 (10) only insofar as they deal with the previous holding of office of senator, section 115 (9) and section 116 paragraph two shall not apply to the first general election of members of the House of Representatives and the holding of political positions on the initial occasion under this Constitution;

(3) the provisions of section 141 shall not apply to the enactment of the Organic Acts under section 295;

(4) the provisions of section 167 paragraph one and paragraph two, section 168 paragraph nine, section 169 only insofar as they deal with the determination of sources of incomes for the reimbursement of expenditure previously made out of the treasury balance, and section 170 shall not apply within one year as from the date of the promulgation of this Constitution;

(5) any act, in connection with the conclusion or the implementation of a treaty, which has been done prior to the date of the promulgation of this Constitution shall be valid and the provisions of section 190 paragraph three shall not apply but the provisions of section 190 paragraph three shall apply to acts which remain incomplete and require further action;

(6) the provisions of section 209 (2) shall not apply to members of the National Human Rights Commission who are in office on the date of the promulgation of this Constitution;

(7) the provisions of section 255 paragraph five and section 288 paragraph three shall not apply within one year as from the date of the promulgation of this Constitution.



Section 306. At the initial stage, a judge in the Supreme Court of Justice having held office of not lower than judge of the Supreme Court of Justice and completely attained the age of sixty in the fiscal year 2007 may perform the duty as senior judge in the Supreme Court under section 219 until the law prescribing rules on the performance of duties of senior judges has been revised.

Within one year as from the date of the promulgation of this Constitution, there shall be enacted the law prescribing the rule to the effect that judges of the Court of Justice may be in judicial service until the age of seventy and judges of the Court of Justice who have completely attained the age of sixty upwards in any fiscal year and have served for a period of not less than twenty years may, upon passing the evaluation of professional proficiency, make a request for a transfer to the office of senior judges in a Court of a rank not higher than that at the time of their current office.

The law to be enacted under paragraph one and paragraph two shall have provisions to the effect that those who shall have completely attained the age of sixty upwards in any fiscal year within the first ten years as from the day this law comes into force shall gradually vacate office year by year consecutively and may make a request for a transfer to the office of senior judges.

The provisions of paragraph two and paragraph three shall also apply to public prosecutors *mutatis mutandis*.

Section 307. The qualified members of the Judicial Commission of the Courts of Justice who hold office on the date of the promulgation of this Constitution shall, with the exception of the qualified members who shall have attained the age of sixty in the fiscal year 2007 and the qualified members in any level of Court who have transferred from that level of Court, continue to



hold office of members of the Judicial Commission of the Courts of Justice, provided that the continued holding of office shall not be longer than one hundred and eighty days as from the date of the promulgation of this Constitution.

Section 308. The Council of Ministers assuming the administration of the State affairs on the date of the promulgation of this Constitution shall, within ninety days as from the date of the promulgation of this Constitution, appoint an independent law reform commission to be in charge of studying and recommending the preparation of laws necessary to be enacted in the implementation of the provisions of the Constitution and such commission shall complete the preparation of a law establishing an agency responsible for law reform under section 81 (3) within one year as from the date of the promulgation of this Constitution and, for this purpose, such law shall at least contain also provisions imposing on such law reform agency the duty to support the law drafting by persons having the right to vote.

The performance of action under paragraph one shall not preclude powers and duties of other agencies charged with the duty to prepare laws under their responsibility.

Section 309. All acts recognised in the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006) as lawful and constitutional, including acts incidental thereto whether performed prior to or subsequent to the date of the promulgation of this Constitution, shall be deemed constitutional under this Constitution.

Countersigned by

Meechai Ruchupan

President of the National Legislative Assembly



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