

Draft Constitution of the Kingdom of Thailand

2016

Unofficial English Translation

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Office of the United Nations Resident
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Draft

Constitution of the Kingdom of Thailand

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Enacted on B.E.
Being theYear of the Present Reign

May there be virtue. Today is (Lunar calendar and Solar calendar are to be specified later), in the 2559th year of the Buddhist Era.

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayammintharathirat Borommanatthabophit is graciously pleased to proclaim that; whereas the Prime Minister has informed the King that since His Majesty King Prajadhipok Phra Pokklao graciously granted the Constitution of the Kingdom of Siam, B.E. 2475, Thailand has continually upheld its intent to adhere to the principle of democratic regime of government with the King as Head of the State. Despite annulment, amendment, and promulgation of Constitutions on several occasions for the purpose of more appropriate administrative organization, the administration has not become stable or orderly owing to various problems and conflicts. Sometimes there have been constitutional crises with no solutions and partial causes thereof were attributed to the people who ignored or disobeyed administrative rules, corrupted or distorted power or did not recognize their responsibility to the nation and the public resulting in ineffective law enforcement. It is therefore of necessity to prevent and resolve these problems by means of educational reform and law enforcement and to strengthen a moral and ethical system. Another reason concerned the consequences of political and administrative rules that were not appropriate for the situation of the country and the time period, and attached importance to the format and procedure rather than the fundamental principles of

democracy; or were unable to enforce the existing rules to various individual behaviors and crises whose format and procedure were different from the past.

Accordingly, the Constitution of the Kingdom of Thailand (Interim) B.E.2 5 5 7, Amendment (No. 1) B.E. 2 5 5 8 has provided for the establishment of the Constitution Drafting Committee with the duty to draft a constitution to serve as the principle of government and guideline for the drafting of organic laws and other laws, by prescribing new mechanisms for organizing and strengthening the administration of the country based on: the restructuring of the duties and powers of various Constitutional Organizations; the relationship between the legislative and the executive branches, as appropriate; the opportunity for the judicial institutions and other independent organizations responsible for the scrutiny of the exercise of State power to perform their duties in an efficient, honest and fair fashion and to participate in the prevention or crisis resolution of the country as necessary and appropriate; the more explicit and comprehensive recognition and protection of the rights and liberties of Thai people by holding the rights and liberties as the principle and the restriction of rights as the exception, however provided that the exercise of these rights and liberties must be within the rules to protect the general public. The provisions that the State shall be responsible to the people, and vice versa, and the placement of mechanisms to strictly prevent, monitor and eradicate corruption and misconduct - all are for the purpose of preventing leaders or officials of no morals, ethics and good governance from taking power in the administration of the country or exercising their power arbitrarily. Stipulation of more effective measures to prevent and manage national crisis are also provided, including the establishment of other mechanisms pursuant to the provisions of the Constitution of the Kingdom of Thailand (Interim), B.E.2557, with a view to serving as a framework for national development under the policy of the State and the national strategy thereafter any ruler of the country may further formulate appropriate policies and procedures. The Constitution also creates mechanisms for united national reform in various important and necessary aspects as well as reduction of the conditions that lead to conflict in order to build peace in the country on the basis of unity and reconciliation. To achieve this goal requires co-operation from people in all sectors with the State agencies according to the people-state concept under the rules pertaining to the principle of democratic

government and traditional governance suitable for the situation and the characteristics of Thai society, the integrity, the human rights and good governance principles which will drive the development of the country in a strategic way towards political, economic and social stability, prosperity and sustainability in compliance with the democratic regime of government with the King as Head of the State.

In the implementation thereof, the Constitution Drafting Committee has built public awareness and understanding of the principles and justifications of all provisions on a periodic basis so as to provide the opportunities for the public to widely access the Draft Constitution and its explanations through a variety of media and to allow public participation in the development of the content of the Draft by providing recommendations on the revision it so requires. Upon completion, the Draft Constitution has been disseminated to the public with the summary of explanations on its essence in a manner which enables the public to easily and generally understand it, and has organized a referendum to approve the entire Draft Constitution. The result of the referendum is (pending the terms that match the referendum result) As such, the Prime Minister has presented the Draft Constitution to the King for His signature thereafter it shall be promulgated as the Constitution of the Kingdom of Thailand, and in this respect the King is of the opinion that.....

The King therefore has issued a Royal Command for enactment of this Constitution of the Kingdom of Thailand to replace the Constitution of the Kingdom of Thailand (Interim), B.E.2557, enacted on 22nd July 2014, from the date of this promulgation onwards.

May the people of Thailand be unanimously united in observing and protecting this Constitution of the Kingdom of Thailand for the purpose of upholding the democratic regime and sovereignty of the people of Thailand and brings peace, happiness, prosperity and dignity to all citizens throughout the Kingdom in every respect in accordance with the wish of His Majesty.

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 the Constitution.

The National Assembly, the Council of Ministers, the Courts, the Constitutional Organizations, and State organs shall perform duties in accordance with the Constitution, laws, and the rule of law for the common interests of the country and the well-being of the people as a whole.

Section 4 The human dignity, right, liberty and equality of the people shall be protected.

The Thai people shall enjoy equal protection under the Constitution.

Section 5 The Constitution is the supreme law of the State. The provisions of any law, rule, or regulation, or any action which are contrary to or inconsistent with the Constitution shall be unenforceable.

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

In the event where the circumstance under Paragraph Two arises, the President of the Constitutional Court shall convene a joint meeting of the President of the House of Representatives, the Opposition Leader in the House of Representatives, the President of the Senate, the Prime Minister, the President of the Supreme Court, the President of the

Supreme Administrative Court, the President of the Constitutional Court, and the Presidents of Constitutional Organizations to make decision thereon.

The joint meeting under Paragraph Three shall elect one among themselves to preside over each session. In case of the absence of any position holder, the joint meeting shall be composed of the existing holders of the positions.

A decision of the joint meeting shall be made by the majority of votes. In case of an equality of votes, the presiding member shall have an additional vote as a casting vote.

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

CHAPTER II

The King

Section 6 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 7 The King is a Buddhist and Upholder of religions.

Section 8 The King holds the position of Head of the Thai Armed Forces.

Section 9 The King has the prerogative to create and remove titles and to confer and recall decorations.

Section 10 The King selects and appoints qualified persons to be the President of the Privy Council and not more than eighteen Privy Councilors to constitute the Privy Council.

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

Section 11 The selection and appointment or the removal of a Privy Councilor shall be at 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 Councilors.

Section 12 A Privy Councilor shall not be a member of the House of Representatives, a member of the Senate or a holder of any other political position, a judge of the Constitutional Court, a position holder in a Constitutional Organization, a government official, an official of a State enterprise, any other State official, or a member or an official of a political party, and shall not manifest loyalty to any political party.

Section 13 Before taking office, a Privy Councilor 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 further uphold and observe the Constitution of the Kingdom of Thailand in every respect.”

Section 14 A Privy Councilor vacates office upon death, resignation, or removal by a Royal Command.

Section 15 The appointment and removal of officials of the Royal Household and of the Royal Chief Aide-de-Camp shall be at the King’s pleasure.

Bureaucracy organization and personnel administration in the service of the Royal Household shall be at the King’s pleasure, as provided in the Royal Decree.

Section 16 Whenever the King is absent from the Kingdom or unable to perform His functions for any reason whatsoever, the King will appoint a person as the Regent and the President of the National Assembly shall countersign the Royal Command.

Section 17 In the case where the King does not appoint the Regent under Section 16, or the King is unable to appoint the 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 the Regent to the National Assembly for approval. Upon approval by the National Assembly, the President of the National Assembly shall make an announcement, in the name of the King, to appoint such person as the Regent.

Section 18 While there is no Regent under Section 16 or Section 17, the President of the Privy Council shall be Regent *pro tempore*.

In the case where the Regent appointed under Section 16 or Section 17 is unable to perform his duties, the President of the Privy Council shall act as Regent *pro tempore*.

While being the Regent under Paragraph One or acting as the Regent under Paragraph Two, the President of the Privy Council shall not perform his duties as President

of the Privy Council. In such case, the Privy Council shall select a Privy Councilor to act as President of the Privy Council *pro tempore*.

Section 19 Before taking office, the Regent appointed under Section 16 or Section 17 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 further uphold and observe the Constitution of the Kingdom of Thailand in every respect.”

Section 20 Subject to Section 21, the succession to the Throne shall be in accordance with the Palace Law on Succession, B.E. 2467.

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 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 come into force upon its publication in the Government Gazette.

Section 21 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 shall invite such Heir to ascend the Throne and proclaim such Heir the King. Afterwards, the President of the National Assembly shall declare to keep the people informed.

Under the circumstance 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 20 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 the King.

Section 22 While pending the proclamation of the name of the Heir or the Successor to the Throne under Section 21, the President of the Privy Council shall be Regent *pro tempore*. In the event where the Throne becomes vacant while the Regent has been appointed under Section 16 or Section 17 or while the President of the Privy Council is acting as the Regent under Section 18 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 the 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 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 18 Paragraph Three shall apply.

Section 23 In the event where the Privy Council will have to perform its duties under Section 17 or Section 21 Paragraph Two, or the President of the Privy Council will have to be or perform duties of the Regent pursuant to Section 18 Paragraph One or Paragraph Two or Section 22 Paragraph Two, and during that period there is no President of the Privy Council or the President of the Privy Council is unable to perform his duties, the remaining Privy Councilors shall elect one among themselves to act as President of the Privy Council or to be or perform duties of the Regent according to Section 18 Paragraph One or Paragraph Two or Section 22 Paragraph Two, as the case may be.

Section 24 In taking an oath of allegiance before the King pursuant to the Constitution or law, the King may endorse that it be carried out before His *sui juris* Heir or His representative.

While the oath of allegiance under Paragraph One is not yet taken, His Majesty

may endorse the person having to take the oath of allegiance to perform duties *pro tempore*.

CHAPTER III

Rights and Liberties of the Thai People

Section 25 Where provisions of the Constitution are specifically enacted to protect the rights and liberties of the Thai people and no act is prohibited or restricted by the Constitution or other laws, a person shall have right and liberty to commit such act and be protected under the Constitution in so far as the exercise of such right or liberty does not affect or harm to the security of the State, public order or good morals of people , and is not in violation of the rights and liberties of other persons.

Where the Constitution provides that the exercise of any right or liberty shall be undertaken by virtue of law or in accordance with the rule and procedure prescribed by law, despite that such law has not been enacted, a person or a community shall exercise such right or liberty in compliance with the intent of the Constitution.

A person whose rights and liberties recognized by the Constitution are violated may invoke the provisions of the Constitution to exercise his or her judicial right or to defend himself or herself in court.

A person injured by violation of his or her rights or liberties or by a criminal offence committed by another person shall be entitled to remedy or assistance from the State in accordance with the law.

Section 26 Enactment of any law that results in the restriction on rights or liberties of a person shall be in conformity with the conditions stipulated in the Constitution. In the event where no condition is provided in the Constitution, such law shall not be contrary to the rule of law or unreasonably increase burden or restrict the rights or liberties of a person, shall not affect human dignity of a person, and shall specify therein the purpose and necessity for imposing such restriction on 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.

Section 27 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 political view that does not violate the provisions of this constitution, or any other ground shall be prohibited.

Measures determined by the State for the purpose of eliminating an obstacle or promoting ability of a person to exercise his or her rights or liberties as other persons, or for the purpose of protecting or facilitating children, women, elderly persons, persons with disabilities, or disadvantaged persons shall not be deemed as unjust discrimination under Paragraph Three.

Members of the armed forces and the police force, government officials, other State officials, and officials or employees of State organizations shall enjoy the same rights and liberties as other persons, unless such enjoyment is restricted by the law specifically enacted in regard to politics, efficiency, disciplines or ethics.

Section 28 A person shall enjoy the right and liberty in life and body.

Arrest and detention of a person shall not be permitted, except by a court order or warrant or any other ground as specified by law.

Search of a person or any act affecting the right and liberty in life or body shall not be permitted, unless there is a ground specified by law.

A torture, brutal act or punishment by cruel or inhumane means shall be prohibited.

Section 29 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 the commission provides to be an offence and specifies a penalty thereof, and the punishment to be inflicted on such person shall not be heavier than that prescribed by the law in force at the time of the commission of the offence.

In a criminal case, the alleged offender or the defendant shall be presumed innocent. Before the passing of a final judgment convicting any person of having committed an offence, such person shall not be treated as a convict.

Custody or detention of an alleged offender or a defendant shall be undertaken merely to the extent of necessity to prevent escape.

In a criminal case, a person shall not be forced to make a statement incriminating himself or herself.

In a criminal case, an application for a bail of the alleged offender or the defendant shall be accepted for consideration and an unreasonably excessive bail shall not be permitted. The refusal of a bail shall be based on provisions of the law.

Section 30 Forced labor shall be prohibited, except by virtue of the provisions of law enacted for the purpose of averting imminent public calamity or during the declaration of state of emergency or the imposition of the martial law or during the time when the country is in a state of war or armed conflict.

Section 31 A person shall enjoy full liberty to profess a religion, and shall enjoy the liberty to observe or perform rites according to own religion, provided that it shall not be prejudicial to the duties of Thai people, be harmful to the security of the State, and be contrary to the public order or good morals of people.

Section 32 A person shall enjoy the rights of privacy, dignity, reputation, and family.

An act violating or affecting the rights of a person under Paragraph One, or the use of personal information for benefit by any means shall not be permitted, except by virtue of the provisions of the law specifically enacted as deemed necessary for the public interests.

Section 33 A person shall enjoy the liberty of dwelling.

The entry into a dwelling without consent of its possessor, or the search of a dwelling or a private place shall not be permitted, except by a court order or warrant or any other ground as specified by law.

Section 34 A person shall enjoy the liberty to express his opinion, make speech, write, print, publicize, and make expression by other means. Restriction on such liberty shall not be permitted, except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the State, protecting the rights or liberties of other persons, maintaining public order or good morals of people, or safeguarding the health of the people.

Academic freedom shall be protected, provided that the exercise of such freedom shall not be contrary to the duties of Thai people or good morals of people and shall respect and not impede differing opinions of other persons.

Section 35 A person of mass media profession shall enjoy the liberty to report news or express opinion in compliance with professional ethics.

The closure of newspaper or other mass media business in deprivation of the liberty under Paragraph One shall not be permitted.

The direction to forward news or statements written by mass media professionals for censorship by a competent official prior to their publication in a newspaper or any form of media shall not be permitted, except during the time when the country is in a state of war.

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

No money or property shall be granted by the State as subsidy to a private newspaper or other forms of mass media. Any State agency granting money or property to mass media, regardless of the purpose of advertisement or public relation or of any other purpose of the same nature, shall disclose detailed information to the State Audit Commission within the specified period and announce to the public thereof.

State officials performing mass media duties shall enjoy the liberty under Paragraph One, with due regard given to the objectives and the tasks of their agencies.

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

The censorship, detention or disclosure of communication between persons including any other act, with a view to being aware of or obtaining information therein, shall not be permitted, except by a court order or warrant or any other ground as specified by law.

Section 37 A person shall enjoy the right in property and inheritance.

Scope of the right and the restriction thereof shall be in compliance with the provisions of law.

Expropriation of immovable property shall not be permitted, except by virtue of the provisions of the law specifically enacted for the purpose of public utilities, national defense, or acquisition of national resources, or other public benefits, and fair compensation shall be paid within a reasonable period to the owner including all right holders of the property who are damaged by such expropriation, with due regard given to public interests, impact on the damaged person, and possible benefits for the damaged person.

The expropriation of immovable property shall be carried out merely to the extent of necessity for the purposes specified in Paragraph Three, unless the expropriation is intended for fair compensation to the owner of the immovable property expropriated according to the law.

The law on expropriation of immovable property shall explicitly specify the purpose of the expropriation and the period of time to fulfill such purpose. If the immovable property is not used to fulfill such purpose within the specified period or there is immovable property remained from usage, and the original owner or his or her heir recalls it, the immovable property shall be returned to the original owner or the heir.

The period of time for the recall and the return of the expropriated immovable property which is unused or remained from usage to the original owner or his or her heir and the recall of paid compensation shall be in accordance with the provisions of the law.

Enactment of the law on expropriation of immovable property with specification of the immovable property or of the owner of the immovable property which is expropriated on account of necessity shall not be deemed contrary to Section 26 Paragraph

Two.

Section 38 A person shall enjoy the liberty of travelling and the liberty of making the choice of his or her residence.

Restriction on such liberties under Paragraph One shall not be permitted, except by virtue of the provisions of the law enacted for the purpose of maintaining the security of the State, public order or public welfare of people, town and country planning, or for securing family status or for welfare of the youth.

Section 39 No person of Thai nationality shall be deported or prohibited from entering the Kingdom.

Revocation of Thai nationality acquired by birth of a person shall not be permitted.

Section 40 A person shall enjoy the liberty to engage in an occupation.

Restriction on the liberty under Paragraph One shall not be permitted, except by virtue of the provisions of the law enacted for the purpose of maintaining the security and economy of the State, fair competition, preventing or eliminating barrier or monopoly, consumer protection, or regulating the engagement in an occupation to the extent of necessity, or for the purpose of other public interests.

Enactment of a law to regulate the engagement in an occupation as provided in Paragraph Two shall not be of discriminatory nature or an intervention in the educational management of educational institutions.

Section 41 A person and a community shall enjoy the right;

(1) to be informed of and have access to public information or news in possession of State agencies as provided by law,

(2) to submit a petition to a State agency and be informed of the result of its consideration without delay,

(3) to bring an action against a State agency holding it liable for an act or omission of an act as committed by its government official, official and employee.

Section 42 A person shall enjoy the liberty to unite and form an association, a co-operative, a union, an organization, a community, or any other group.

Restriction on the liberty under Paragraph One shall not be permitted, except by virtue of the provisions of the law enacted for the purpose of protecting public interest, maintaining public order or good morals of people, or preventing or eliminating barrier or monopoly.

Section 43 A person and a community shall enjoy the right;

(1) to conserve, restore, or promote wisdom, art, culture, tradition and custom of good value in the locality and the nation,

(2) to manage, maintain and utilize natural resources, environment, and biodiversity in a balanced and sustainable manner according to the procedure prescribed by law.

(3) to sign and submit a petition with recommendations to a State agency to undertake any act which will be beneficial to the people or the community or to omit any act which will affect peaceful livelihood of the people or the community, and to be informed of the result of its consideration without delay. In this regard, such State agency shall, with participation of the concerned people, consider the recommendations according to the procedure prescribed by law.

(4) to arrange for a community welfare system.

The rights of the person and the community under Paragraph One shall include the right to engage with local administration organizations or the State in the undertaking of the actions.

Section 44 A person shall enjoy the liberty to assemble peacefully and without arms.

Restriction on the liberty under Paragraph One shall be prohibited, except by virtue of the provisions of the law enacted for the purpose of maintaining the security of the State, public safety, public order or good morals of people, or protecting the rights or liberties of other persons.

Section 45 A person shall enjoy the liberty to unite and establish a political

party in conformity with democratic regime of government with the King as Head of the State, as required by law.

The law under Paragraph One shall at least contain therein the provisions requiring management of a political party to be transparent and accountable, to provide an opportunity for its members to broadly participate in policy formulation and nomination of electoral candidates, and to prescribe measures enabling independence without domination or direction given by any person who is not a member of such political party, and measures governing its members not to commit an act violating or failing to observe the law on election.

Section 46 The right of a consumer shall be protected.

A person shall have the right to unite and establish a consumer organization with a view to protecting the rights of consumers.

The consumer organization under Paragraph Two shall have the right to unite and establish an independent organization in order to, with support rendered by the State, become powerful in the protection and safeguard of the rights of consumers. In this respect, the rule and procedure for the establishment, the authority to represent consumers, and the financial support from the State shall be as prescribed by law.

Section 47 A person shall enjoy the right to access public health service of the State.

An impoverished person shall be entitled to access public health service of the State, without charge, in compliance with the law.

A person shall be entitled to prevention and eradication of harmful contagious diseases by the State without charge.

Section 48 The rights of a mother during the period before and after delivery shall be protected and assisted in accordance with the law.

A person who is over sixty years of age with insufficient income for living and an impoverished person shall be entitled to appropriate assistance from the State in accordance with the law.

Section 49 No person shall exercise his or her rights or liberties to overthrow the democratic regime of government with the King as Head of the State.

Whoever detects the act under Paragraph One shall have the right to request the Attorney General to submit a motion to the Constitutional Court to consider ordering cessation of such act.

In the event where the Attorney General issues an order rejecting the request or fails to act as requested within fifteen days from the date of receipt of the request, the person requesting thereto may directly submit a petition to the Constitutional Court.

The proceeding under this Section shall be without prejudice to the institution of criminal proceedings against the person who has committed the act as aforementioned in Paragraph One.

CHAPTER IV

Duties of the Thai People

Section 50 A person shall have the following duties:

(1) to uphold the Nation, religions, the King, and the democratic regime of government with the King as Head of the State;

(2) to defend the country and uphold the prestige and interest of the nation and public property of the Kingdom, including cooperate in prevention and mitigation of disasters;

(3) to strictly abide by law;

(4) to attend compulsory education and training;

(5) to serve in armed force as required by the law;

(6) to respect and refrain from violation of the rights and liberties of other persons and not commit any act that may cause disharmony or hatred in the society;

(7) to freely exercise the right to vote at an election or a public referendum, importantly bearing in mind the common interests of the country;

(8) to cooperate and support the conservation and protection of environment, natural resources, biodiversity, and cultural heritage;

(9) to pay tax as required by the law; and

(10) to refuse to cooperate with or provide support to all forms of corruption and wrongful conduct.

CHAPTER V

Duties of the State

Section 51 Where any act is stipulated in the Constitution as the duty of the State under this Chapter and such act is for the direct benefit of public interest, the people and the communities shall have the right to follow up and accelerate the performance of the State, as well as filing a complaint against the relevant State agency so as to ensure such benefit for the people or the communities, in conformity with the rules and procedure prescribed by law.

Section 52 The State shall protect and uphold the Royal Institution, the independence, the sovereignty, the territorial integrity and the territory under sovereignty of Thailand, the national prestige and interests, the security of the State, and the public order of people. For the purpose herein, the State shall arrange for the efficacy of armed forces, diplomacy and intelligence.

The armed forces shall also serve in the national development.

Section 53 The State shall ensure strict compliance with and enforcement of the laws.

Section 54 The State shall ensure the availability of compulsory education of good quality and with no charge for a period of twelve years for all children, beginning from the pre-school level.

The State shall ensure the provision of care and development for pre-school children prior to the education under Paragraph One for the purpose of physical, mental, disciplinary, emotional, social and intellectual development appropriate to their ages. For such purpose, the State shall promote and enhance the participation of local administration organizations and private sector therein.

The State shall ensure the availability of different educational systems according to the needs of people, including the promotion of life time learning. The State shall facilitate the cooperation among the State, local administration

organizations and private sector in the provision of education at all levels thereof the State has the duty to operate, supervise, promote, and support such education to be of good quality and meet international standard. In this respect, the law on national education requires that at least there shall be provisions related to development of a national education plan including implementation and monitoring to ascertain compliance with the plan.

Education of all forms shall aim at developing learners to become good people, well-disciplined, proud of the nation, capable with own skills, and responsible for family, community, society and the country.

To ensure that young children are cared for and developed as provided in Paragraph Two or that people are educated as stipulated in Paragraph Three, the State shall make available the fund to support educational expenses of the impoverished in relation to their skills.

There shall be established a Fund to assist the impoverished in order to reduce the educational disparity and to strengthen and improve the quality and efficiency of teachers. The State shall allocate budget to the Fund or apply tax measures or mechanisms and allow the contributors to the Fund to benefit from tax deduction, as provided by law. The law herein shall minimally require independent management of the Fund and utilization of the Fund for achieving the purpose thereof.

Section 55 The State shall ensure the availability of efficient public health service for all people, increase the basic knowledge of health promotion and disease prevention, and promote and support the development of wisdom on Thai traditional medicine for realization of maximum benefits.

The public health service under Paragraph One shall be inclusive of health promotion, disease control and prevention, medical treatment, and health rehabilitation.

The State shall continually develop the public health service for the purpose of good quality and higher standard.

Section 56 The State shall provide or arrange for basic public utilities

essential for the livelihood of all people, in consistent with the principle of sustainable development.

Concerning fundamental structure or network of the basic public utility enterprise of the State essential for the livelihood of people or for the security of the State, the State shall refrain from undertaking any act to give rise to the private sector the ownership thereof or to reduce its ownership shares to lower than fifty one percent.

Where the State provides or arranges for the public utilities under Paragraph One or Paragraph Two, the State shall ensure that the fees are not so high as to create unreasonable burden on the people.

The transfer in any respect of the public utilities of the State to the private sector for business purpose, the State shall attain fair benefits in return, taking into consideration the investment by the State, the possible benefits for the State and the private sector, and the fees to be collected from people.

Section 57 The State shall;

(1) conserve, restore and promote local wisdom, art, culture, tradition and custom of good value in the locality and the nation, and provide public space for the activities related thereto, and promote and support people, communities and local administration organizations to exercise their rights and participate in the implementation described herein,

(2) conserve, protect, maintain, restore, manage, and utilize or arrange for utilization of natural resources, environment, and biodiversity to attain benefits in a balanced and sustainable manner and shall allow the people and communities in the concerned localities to participate in and benefit from the implementation herein described as required by the law.

Section 58 In the case where any activity to be implemented by the State or with permission of the State may seriously constitute impact on natural resources, environmental quality, health, hygiene, quality of life or any other substantial interest of people or community or environment, the State shall manage for the undertaking of a study and an evaluation of impact on environmental quality and

health of the people or community, and for the consultation with the concerned stakeholders, the people and the community beforehand with a view to supporting the consideration to implement or to grant permission according to the law.

A person and a community shall have the right to obtain information, explanation and justification from State agencies prior to the implementation or the permission under Paragraph One.

For the implementation or the permission under Paragraph One, the State shall take cautions to minimize the impact on people, community, environment and biodiversity to the least extent, and shall fairly and promptly arrange for the provision of remedy for the suffering or the damage to the people or community affected thereby.

Section 59 The State shall disclose public information or news in possession of State agencies which are not in respect of security of the State or official secrets as specified by law, and shall facilitate public access to such information or news.

Section 60 The State shall maintain transmission frequencies and the right to access and utilize the satellite orbits, which are properties of the nation, in the interests of the country and the people.

The utilization of the transmission frequencies under Paragraph One, irrespective of the purpose of radio and television broadcasting and telecommunication or any other purpose, shall give regard to the utmost benefit of the people, the security of the State, and the public interest, and shall allow people to take part in the utilization thereof, as provided by law.

The State shall provide for establishment of an independent State organization entrusted with the duty to govern the operation pertaining to transmission frequencies in a manner specified under Paragraph Two. In this regard, such organization shall develop measures to prevent unfair exploitation of or excessively unnecessary burden for consumers, interference of frequencies, the acts that result in obstructing the freedom of knowing or hindering the receipt of true

information or news of the public, and prevent a person or a group of persons from utilizing frequencies with no regard to the rights of the general public. The organization shall further determine the minimal proportion to be undertaken by the users of frequencies in the interest of the public, as provided by law.

Section 61 The State shall provide effective measures or mechanisms to protect and uphold the rights of consumers in various aspects, inclusive of their knowledge of true information, safety, fair contracting, or any other aspect beneficial to consumers.

Section 62 The State shall strictly maintain the fiscal discipline with a view to stabilizing and securing the finance of the State in a sustainable manner pursuant to the law on fiscal discipline of the State, and shall organize the tax system for the purpose of fairness in the society.

The law on fiscal discipline of the State shall minimally contain the provisions with respect to operational framework of public finance and budget of the State, determination of income and expenditures, both budgetary and non-budgetary, management of properties of the State and treasury reserves, and public debt management.

Section 63 The State shall promote, support and educate the public in regard to the harm caused by corruption and misconduct in public and private sectors, and arrange for effective measures and mechanisms to rigorously prevent and eradicate corruption and misconduct as well as mechanisms to enhance people to jointly participate in the campaigns for awareness raising, combating or clue pointing thereof, under protection by the State as provided by law.

CHAPTER VI

Policies of the State

Section 64 The provisions under this Chapter shall serve as directive principles of legislation and determination of policies for the administration of State affairs.

Section 65 The State shall develop a national strategy as the goal for sustainable development of the country based on the principle of good governance with a view to serving as a framework for coherent and integrated planning of all kinds that give rise to a mutual force towards such goal.

Development, determination of the goal, period of time required to achieve the goal, and due essences of the national strategy shall be in accordance with the rules and procedure prescribed by law. In this regard, such law shall contain the provisions concerning participation of and consultation with people in all sectors throughout.

The national strategy shall enter into force upon its publication in the Government Gazette.

Section 66 The State shall promote friendly relations with other countries on the basis of equality and non-interference in domestic affairs, cooperate with international organizations, and protect the interests of the country and of Thai nationals residing overseas.

Section 67 The State shall patronize and protect Buddhism and other religions.

With a view to patronizing and protecting the Buddhism, which has long been professed by the Thai people, the State shall promote and support education and propagation of principles thereof for the purpose of mind and intellectual development, and shall establish measures and mechanisms to prevent the

desecration of Buddhism in any form and encourage the participation of all Buddhists in the application of such measures and mechanisms.

Section 68 The State shall manage the administration of justice in all aspects in an efficient, fair and non-discriminatory manner, and shall facilitate public access to convenient, speedy, and low cost justice process.

The State shall provide protective measures for State officials in the administration of justice in order to enable them to strictly perform their duties without interference or domination in any way.

The State shall provide necessary and appropriate legal assistance, including the provision of lawyers, to the impoverished or the underprivileged to enable their access to the justice process.

Section 69 The State shall provide and promote research and development of science and technology as well as various disciplines of arts in order to constitute knowledge, development and innovation for strengthening the society and enhancing competence of people in the nation.

Section 70 The State shall promote and protect the rights of Thai people of different ethnic groups to live voluntarily and peacefully without disturbances in the society according to their culture, custom and traditional ways of life, in so far as such livelihood is not contrary to public order or good morals of people, or does not harm the security of the State or health.

Section 71 The State shall empower the family institution which is an essentially fundamental element of the society, provide appropriate habitation for people, promote and enhance development of public health for the good health and strong mind of people, and promote and develop sports to the level of excellence and in the best interest of the public.

The State shall promote and develop human resources to become good citizens of better quality and higher competence.

The State shall provide assistance to children, youth, women, the elderly, persons with disabilities, the impoverished and the underprivileged to enable them to

live in good quality conditions, and shall protect them from violence or unfair treatment, as well as providing the injured therefrom with treatment, rehabilitation, and remedy.

When allocating the budget, the State shall take into consideration of the different necessities and needs on the basis of sex, age and individual condition, for the purpose of fairness.

Section 72 The State shall undertake the proceedings with respect to land, water resources and energy as follows:

(1) plan for the use of lands in the country in a manner complying with their conditions and potentials under the principle of sustainable development;

(2) make available the town planning at all levels and enforce effective implementation of the plans, and develop towns in conformity with the needs of local people;

(3) adopt the measure to fairly distribute the possession of lands in order for people to thoroughly and fairly access lands for making their livings;

(4) provide the quality water resources adequately for the consumption by people and for use in agriculture, industry, and other sectors;

(5) promote the conservation and worthy utilization of energy, and develop and promote the production and use of alternative energy with the aim to sustainably securing energy.

Section 73 The State shall provide measures or mechanisms to assist farmers in carrying out efficient agriculture that yields production of high quantity and quality, low cost safety, and marketing competitive ability, and shall assist poor farmers in accessing farming lands either by means of land reform or any other means.

Section 74 The State shall enhance people to be capable of carrying out the work suitable to their capacities and ages and of obtaining employment. The State shall ensure the protection of work safety and hygiene for workers and the receipt of income, welfare, social security and other benefits appropriate for their livelihoods, and shall provide or promote the savings for their retirement.

The State shall arrange for a system of labor relations thereof all concerned

parties participate in the process.

Section 75 The State shall organize the economic system that allows people to comprehensively, fairly and sustainably benefit from economic growth and to become self-reliant according to the philosophy of sufficiency economy, eradicates unfair economic monopoly, and that develops capacity of the people and the country to respond to the economic competition.

The State shall refrain from any engagement in an enterprise in a manner of competition with the private sector, unless it is of necessity for the maintenance of security of the State, the maintenance of public interest, the provision of public utilities, or the provision of public services.

The State shall promote, support, protect and stabilize cooperatives system of all types, and small and medium enterprises of the people and the communities.

With respect to the national development, the State shall give due regard to the balance between objective development and development of mind and well-being of the people.

Section 76 The State shall develop a system for the administration of State affairs at the central, regional, local levels and for other affairs of the State in compliance with the principle of good governance, and State agencies shall mutually cooperate and support the performance of duties with a view to enhancing maximum efficacy of the State administration, the public services and the spending of budget in the interest of people. The State shall develop honesty and attitude of State officials to serve the public in a convenient, speedy, and non-discriminatory fashion with efficient performance.

The State shall make available a law on human resources management of State agencies to comply with the ethical standards. Such law shall minimally prescribe measures to prevent any person from abusing power or committing misconduct in a manner to intervene or interfere in the performance of duties, the appointment process, or the consideration of laurels of State officials.

The State shall establish ethical standards for use by State agencies as the basis for formulating the code of ethics of the agencies that shall not be lower than the standards established herein.

Section 77 The State shall enact laws merely to the extent of necessity and promptly repeal or improve the laws which are unnecessary or incompatible with the current context, or are obstacles to the livelihood or occupation so as to avoid burdens on the people. The State shall facilitate public access to and public understanding of the laws in order for people to properly act in compliance therewith.

Prior to the enactment of any law, the State shall conduct consultation with the stakeholders, thoroughly and systematically assess possible impact of the law, and disclose results of the consultation and the assessment to the public as well as taking such results into consideration at every stage of the legislation process. While the law comes into force, the State shall undertake an evaluation of the achievement of the law on a specified periodic basis, including the feedbacks from all stakeholders thereof, with a view to developing all laws in a manner corresponding with and appropriate for the changing contexts.

The State shall apply permit and committee systems in the legislation specifically only in case of necessity, shall explicitly prescribe rules for the exercise of discretion by State officials and the period of time required for implementation of each stage as provided by the law, and shall impose criminal penalty specifically only for serious offences.

Section 78 The State shall promote accurate knowledge and understanding of people and communities in relation to the democratic regime of government with the King as Head of the State, and their participation in various aspects of the national development, in public services at the national and the local levels, in examination of the exercise of State power, in combating the corruption and misconduct, in political decision making, and in all matters that may affect the people or the communities.

CHAPTER VII

National Assembly

Part 1

General Provisions

Section 79 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 the Constitution.

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

Section 80 The President of the House of Representatives shall be President of the National Assembly. The President of the Senate shall be 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 duty as President of the National Assembly, the President of the Senate shall act as President of the National Assembly in his or her place.

When the President of the Senate must act as President of the National Assembly under Paragraph Two and there is no such person, and the case arises when there is no House of Representatives, the Vice-President of the Senate shall act as President of the National Assembly. In the event where there is no Vice-President of the Senate, the existing oldest member of the Senate shall act as President of the National Assembly, and election of the President of the Senate shall proceed promptly.

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

The President of the National Assembly and the person acting 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 by the Constitution and as entrusted by the President of the National Assembly.

Section 81 An organic law bill or a bill may be enacted only by advice and with consent of the National Assembly.

Subject to Section 145, upon approval of an organic law bill and a bill by the National Assembly, the Prime Minister shall submit it to the King for His signature, and such bill shall come into force upon its publication in the Government Gazette.

Section 82 Members of the House of Representatives or members of the Senate of not less than one-tenth of the total number of the existing members of each House shall have the right to lodge a complaint with the President of the House they are members thereof asserting that the membership of any member of such House has terminated pursuant to Section 101 (3), (5), (6), (7), (8), (9), (10), or (12) or Section 111 (3), (4), (5), or (7), as the case may be, and the President of the House therewith the complaint is lodged shall forward the complaint to the Constitutional Court for adjudication as to whether or not the membership of such person has terminated.

Upon receipt of the complaint by the Constitutional Court, and there appears a reasonable ground to suspect the member in question as complained, the Constitutional Court shall order such member to cease to perform duties until the Constitutional Court issues a decision. As soon as the Constitutional Court has issued its decision, it shall notify the President of the House therewith the complaint is lodged under Paragraph One of such decision. In case that the membership of the member is terminated by the decision of the Constitutional Court, such member shall vacate office as from the date of cessation of duties without prejudice to any act undertaken in his or her capacity prior to the vacation of office.

The member of the House of Representatives or the Senate who has ceased to perform duties under Paragraph Two shall not be included in the total number of the existing members of each House.

Under the circumstance where the Election Commission is of opinion that the membership of any member of the House of Representatives or a senator has terminated under Paragraph One, it shall refer the matter to the Constitutional Court for adjudication pursuant to Paragraph One.

Part 2

The House of Representatives

Section 83 The House of Representatives consists of five hundred members including;

- (1) three hundred and fifty members from the election on a constituency basis,
- (2) one hundred and fifty members from the election on a party list basis.

In the event where the office of a member of the House of Representatives becomes vacant for any reason and an election or announcement 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.

Where for any reason the party list members of the House of Representatives remain less than one hundred and fifty, the party list members shall consist of the existing members.

Section 84 In the case where a general election results in ninety five percent of the total number of members of the House of Representatives and it is necessary to convene a sitting of the National Assembly, the sitting shall proceed and the existing members shall constitute the House of Representatives. The acquisition for the shortfall of the number of members of the House of Representatives pursuant to Section 83 shall be fulfilled without delay and such acquired members shall hold office only for the remaining term of the House of Representatives.

Section 85 Election of members of the House of Representatives on a constituency basis shall be by direct suffrage and secret ballot, and there shall be one member of the House of Representatives in each constituency. An eligible voter shall have the right to cast ballot for one candidate or not to cast ballot for any candidate in his or her constituency.

The candidate who has received the highest votes and such votes are higher than the votes not cast for any candidate in a constituency shall be elected.

The rules, procedure and conditions in respect of application for candidacy, ballot-casting, vote-counting, calculation of the total votes, announcement of the result of the election, and other related matters shall be in accordance with the Organic Law on Election of Members of the House of Representatives therein every candidate is also required to submit the proof of tax income return in support of the application.

The Election Commission shall announce the result of the election following the preliminary examination wherefrom the findings reveal a reasonable ground to believe that the election is of honest and fair manner, and where such result represents up to ninety five percent of all constituencies. For this purpose, the Election Commission shall conduct a preliminary examination and announce the result of the election without delay and not later than sixty days as from the date of election. The announcement of the result shall not preclude the powers and duties of the Election Commission from pursuing investigation, inquiry or adjudication should there be a reasonable ground to suspect that an act of dishonesty has been committed at the election or the election is not honest or fair, regardless of whether or not the result has been announced.

Section 86 In determining the number of members of the House of Representatives in each province and the division of constituencies, the following procedure shall be carried out:

(1) divide the number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election by the number of three hundred and fifty members of the House of Representatives and the result thereof shall be the number of inhabitants per one member;

(2) any province with the number of inhabitants below the number of inhabitants per one member under (1) shall have one member of the House of Representative and the province is regarded a constituency;

(3) any province with the number of inhabitants above the number of inhabitants per one member shall have an additional member of the House of Representatives for every such number of inhabitants entitled to have one member;

(4) upon the number of members of the House of Representatives of each province being obtained under (2) and (3), and the number of members of the House of Representatives is still less than three hundred and fifty, any province with the largest fraction remained from the calculation under (3) 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 applied to the province in respective order of fractions remained from the calculation until the total number of three hundred and fifty is obtained;

(5) in a province where the number of members of the House of Representatives is more than one, such province shall be divided into constituencies in the number equal to the number of members of the House of Representatives as may be elected therein and, for this purpose, the boundary of each constituency shall be adjacent and the number of inhabitants in each constituency shall be closely apportioned.

Section 87 A candidate in an election of members of the House of Representatives on a constituency basis shall be nominated to stand for election by the party he or she is a member thereof, and may not stand for election in more than one constituency.

Following application of candidacy, a candidate or a political party may withdraw the application for election or change the candidate only under the exceptional circumstance where the original candidate dies or is disqualified or falls under any prohibition, and such either act shall be undertaken prior to the closing date of application.

Section 88 Each political party nominating candidates in a general election shall present, to the Election Commission before the closing date of application, a list of not more than three persons nominated by such party to be considered by the House of

Representatives for appointment as the Prime Minister, and the Election Commission shall announce the names therein to the public and the provisions of Section 87 Paragraph Two shall apply *mutatis mutandis*.

A political party may or may not nominate a list under Paragraph One.

Section 89 The nomination of persons pursuant to Section 88 shall be in accordance with the rules as prescribed hereunder:

(1) there must be a written consent from every person nominated which contains the details as required by the Election Commission;

(2) the nominated person must have the qualifications and not fall under the prohibitions of being a minister under Section 160, and must never give the written consent according to (1) to any other political party in that election.

Failure to comply with Paragraph One in regard to the nomination of any person shall be regarded as absent nomination.

Section 90 Any political party nominates candidates for an election on a constituency basis shall be entitled to nominate party list candidates.

In nominating candidates for an election on a party list basis, each political party shall prepare one list of the names of candidates and such names shall not be repeated in the lists prepared by other parties and not duplicate with candidates in the election on a constituency basis. The party shall submit the list to the Election Commission prior to the closing date of application for candidacy in the election on a constituency basis.

The process for preparation of the list by a political party under Paragraph Two shall engage members of the party, with regard given to candidates from equitably various regions and gender equality.

Section 91 Calculation of the number of party list members of the House of Representatives from each political party shall follow the following procedure:

(1) combine the total number of votes from the election on a constituency basis throughout the country as obtained by all political parties that nominate party list candidates, and divide it by five hundred which represents the total number of members of the House of Representatives;

(2) divide the total number of votes from the election on a constituency basis throughout the country as obtained by each political party by the result from (1), and the quotient shall be the number of seats in the House of Representatives of that party;

(3) less the number of members of the House of Representatives a political party shall have under (2) by the total number of constituency members of the House of Representatives of that party, and the result shall be the number of party list members of the House of Representatives of that party;

(4) in the case where any political party has the number of constituency members of the House of Representatives equal to or higher than the total number of seats the party shall have under (2), such party shall have members of the House of Representatives in the number as elected on a constituency basis and shall not be entitled to the apportionment of party list seats, and the total number of party list seats shall be apportioned, on a pro rata basis, among the political parties thereof the numbers of constituency members of the House of Representatives are lower than their determined numbers of seats in the House of Representatives under (2), but shall not result in the numbers of members of the House of Representatives excessive of the numbers they are entitled to under (2);

(5) upon conclusion of the number of the party list seats for each political party, candidates in respective numerical order in the list of such party shall be elected as members of the House of Representatives;

In the event that any candidate dies after the closing date of application for election but before the closing hour of ballot-casting on the day of election, the votes cast for the deceased candidate shall be reckoned in under (1) and (2).

Vote counting, the rules and method of calculation, the determination of ratio, and the announcement of the result of the election shall be in accordance with the Organic Law on Election of Members of the House of Representatives.

Section 92 A re-election shall be conducted in the constituency where no candidate has received votes higher than the votes not cast for any candidate, and the votes of each candidate shall not be counted in the calculation under Section 91. In such case, the Election Commission shall reopen an application for candidacy thereto all

previous candidates shall not be entitled.

Section 93 In a general election, if a new election on a constituency basis is required for some constituencies or polling stations prior to the announcement of the result, or the election has not completed, or the announcement of result has not completed for every constituency for whatever reason, the calculation of the total number of members of the House of Representatives and the number of party list members of the House of Representatives respectively entitled by each political party shall be in accordance with the rules, procedure, and conditions as prescribed in the Organic Law on Election of Members of the House of Representatives.

In the case where the calculation under Paragraph One results in the decrease in number of party list seats of any political party in the House of Representatives, the party list members at the bottom of the list of such party shall vacate office.

Section 94 Within one year as from the date of a general election, if a by-election of member of the House of Representatives on a constituency basis is of necessity for any constituency owing to the ground of dishonesty or unfairness, the provisions of Section 93 shall apply *mutatis mutandis*.

An election of a member of the House of Representative to fill a vacancy, irrespective of any reason whatsoever, after one year from the date of the general election shall not prejudice the calculation of the number of seats of each political party in the House of Representatives as provided in Section 91.

Section 95 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 naturalization must hold the Thai nationality for not less than five years;
- (2) being not less than eighteen years of age on the date of election; and
- (3) having his or her name in the household registration in the constituency for not less than ninety days up to the date of election.

An eligible voter residing outside the constituency where his or her name appears in the household registration, or having his or her name in the household

registration in the constituency for a period of less than ninety days up to the date of election, or having a residence outside the Kingdom of Thailand may request to register for vote-casting outside the constituency at the venue and in accordance with the date and time, procedure and conditions prescribed by the Organic Law on Election of Members of the House of Representatives.

An eligible voter failing to exercise the right to vote without reasonable notification as provided in the Organic Law on Election of Members of the House of Representatives may be subject to restriction of certain rights specified by law.

Section 96 A person falling under any of the following prohibitions on the date of election shall be disfranchised:

- (1) being a Buddhist priest, novice, monk or clergy;
- (2) being under suspension of the right to vote by judgment, regardless of whether or not the case is final;
- (3) being detained by a court warrant or by a lawful order;
- (4) being of unsound mind or mental infirmity.

Section 97 A person having the following qualifications shall have 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 date of election;
- (3) being a member of only one political party for a consecutive period of not less than ninety days up to the date of election, unless when the general election is a result of the dissolution of the House of Representatives the period of ninety days shall be reduced to thirty days;

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

(a) having his or her name in the household registration in the province where he or she stands for election for a consecutive period of not less than five years up to the date of application for election;

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

(c) having studied in an educational institution situated in the province

where he or she stands for the election for a consecutive period of not less than five academic years;

(d) having served in the official service or performing duties in a State agency, or having had his or her name in the household registration in the province where he or she stands for the election, as the case may be, for a consecutive period of not less than five years.

Section 98 A person falling 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 narcotics;
(2) being bankrupt or having been dishonestly bankrupt;
(3) being the owner or a shareholder in newspaper business or any mass media;
(4) being disfranchised from exercising the right to vote pursuant to Section 96 (1), (2) or (4);

(5) being under temporary suspension of applying for candidacy in an election or having been revoked of the right to apply for candidacy in an election;

(6) having been sentenced to imprisonment by a court and being detained by a court warrant;

(7) having been imprisoned and having been discharged for a period of less than ten years up to the date of election, except in case of an offence committed with negligence or an offence of misdemeanor;

(8) having been expelled from the official service, a State agency or a State enterprise on the ground of malfeasance or be regarded as corruption in the official service;

(9) having been sentenced by a final judgment or order of a court to have his or her assets vested in the State on the ground of unusual wealth, or having been sentenced to imprisonment by a final judgment on the ground of committing an offence under the law on prevention and suppression of corruption;

(10) having been convicted by a final judgment of a court for committing wrongful conduct in official duties or justice affairs, or committing an offence under the law on the wrongful acts of officials in State organizations or State agencies, or an offence against property in bad faith according the Criminal Code, or an offence under the law on

fraudulent acts related to loans of the people, or an offence of being producer, importer or exporter or trader under the narcotics law, an offence of being the owner or keeper of a gambling house under the law on gambling, or an offence of money laundering under the law on prevention and suppression of human trafficking or the law on prevention and suppression of money laundering;

(11) having been convicted by a final judgment of a court for committing a fraudulent act in an election;

(12) being a government official holding a permanent position or receiving salary, except for a political official;

(13) being a member of a local council or being a local administrator;

(14) being a senator or having been a senator who has vacated office for a period of less than two years;

(15) being an official or employee of a government agency, State agency or State enterprise or being other State official;

(16) being a judge of the Constitutional Court or holding a position in an independent organization;

(17) being under the prohibition of holding a political position;

(18) having vacated office based on the ground under Section 144 or Section 235 Paragraph Three.

Section 99 The term of the House of Representatives shall be four years from the date of election.

During the term of the House of Representatives, merger of political parties having members in the House of Representatives shall not be permitted.

Section 100 Membership of the House of Representatives shall commence on the date of election.

Section 101 Membership of the House of Representatives shall terminate upon:

- (1) expiration of the term or dissolution of the House of Representatives;
- (2) death;
- (3) resignation;

- (4) vacation of office according to Section 93;
- (5) being disqualified pursuant to Section 97;
- (6) falling under any prohibition in Section 98;
- (7) acting in a manner of any prohibition under Section 184 or Section 185;
- (8) resignation from his or her membership of a political party;

(9) being terminated of his or her membership of a political party by a resolution decided with the votes of not less than three-fourths of the joint meeting of the Executive Committee of the party and members of the House of Representatives affiliated to such party. In this case, if that member of the House of Representatives does not become a member of another political party within thirty days as from the date of the resolution, his or her membership of the House of Representatives shall be deemed to have terminated as from the day following the date on which such period of thirty days has elapsed;

(10) the loss of his or her membership of a political party in the case where that political party is dissolved by an order and he or she is unable to become a member of another political party within sixty days as from the date of issuance of the order. In this 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;

(11) vacation of office according to Section 144 or Section 235 Paragraph Three

(12) 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 House of Representatives;

(13) being sentenced to imprisonment by a final judgment of a court, notwithstanding the suspension of punishment, unless such suspension is of an offence committed with negligence, a misdemeanor or an offence of defamation;

Section 102 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 to be conducted within forty five days as from the date of the expiration of the term of the House of Representatives.

The date of election under Paragraph One shall be the same throughout the Kingdom as published by the Election Commission in the Government Gazette.

Section 103 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 by a Royal Decree and shall be made only one time under the same circumstance.

Within five days from the date the Royal Decree under Paragraph One comes into force, the Election Commission shall announce and publish the date of a general election in the Government Gazette which must not be less than forty-five days and more than sixty days from the date the Royal Decree enters into force, and such date shall be the same throughout the Kingdom.

Section 104 Under the unavoidably necessary circumstance which results in the inability to hold an election as announced by the Election Commission in Section 102 or Section 103, the Election Commission may determine a new date of election, provided that the election must be conducted within thirty days from the date such circumstance comes to an end. For the purpose of counting the days pursuant to Section 95 (2) and Section 97 (2), the counting shall be up to the date of election as determined under Section 102 or Section 103, as the case may be.

Section 105 When the office of a 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 on a constituency basis, a Royal Decree shall be issued for the conduct of an election of a member of the House of Representatives to fill the vacancy, unless the remaining term of the House of Representatives is less than one hundred and eighty days. The provisions in Section 102 shall apply *mutatis mutandis*.

(2) In the case where the vacancy is that of the office of a member of the House of Representatives elected on a party list basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of vacancy, elevate the person placed in the next order in the list of that political

party to be a replacing member of the House of Representatives. Where there is no remaining name in the list to be elevated to fill the vacancy, the party list members of the House of Representatives shall be composed of the existing members.

Membership of the replacing member of the House of Representatives under (1) shall commence from the date 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 from the day following the date of publication of the name of the replacing member in the Government Gazette. The replacing member of the House of Representatives shall hold office only for the remaining term of the House.

When the election to fill the vacancy is held, the calculation of proportional votes of political parties in relation to the number of members of the House of Representatives on a party list basis shall be in conformity with Section 94.

Section 106 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 the majority of members in the House, and having no member holding a ministerial position, the position of President of the House of Representatives or the position of Vice-President of the House of Representatives.

In case of an equality of members of political parties in the House under Paragraph One, 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 under the circumstance as prescribed in Section 118 (1), (2), (3), or (4). 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 107 The Senate shall consist of two hundred members selected among themselves of persons who possess knowledge, expertise, experience, profession, or common characteristic or interest, or who work or have worked in diverse fields of the society. Division into groups shall be carried out in a manner that enables every eligible person to be included in any group.

The division into groups, number of groups and qualifications of individuals in each group, submission and acceptance of applications, rules and procedure for selection among themselves, number of senators to be acquired from each group, listing of reserves, elevation of persons in the reserve list to fill a vacancy, and any other necessary measure to ensure honest and fair selection shall be in accordance with the Organic Law on the Acquisition of Senators. For the benefit of honest and fair selection, a rule may be established that applicants in each group shall not select any person from the same group or that the recruitment of applicants shall be made by any other means therein the applicants are engaged.

The procedure in Paragraph Two shall proceed from the district level, to the provincial level, and to the national level so as to ensure that members of the Senate represent all Thai people nationwide.

Where the number of members of the Senate under Paragraph One is not fulfilled, irrespective of a vacancy or whatever reason other than the expiration of the term of the Senate and there exists no remaining reserve, the Senate shall consist of the existing members. Under the circumstance where the existing members of the Senate are in the number less than one-half of the total number of members of the Senate and the remaining term of the Senate is more than one year, the selection of replacing members of the Senate shall be undertaken within sixty days as from the day the number of existing members is less than one-half. In such case, the selected replacing members shall hold office for the remaining term of the Senate.

Selection of members of the Senate shall be made by a Royal Decree, and within five days from the day the Royal Decree comes into force the Election Commission shall determine the date for commencing the selection process not later than thirty days from the effective date of the Royal Decree. Such determination shall be published in the Government Gazette and the provisions of Section 104 shall apply *mutatis mutandis*.

Section 108 Members of the Senate shall have the qualifications and shall not fall under the prohibitions as described hereunder:

a. qualifications:

(1) being of Thai nationality by birth;

(2) being of not less than forty years of age on the date of application;

(3) having knowledge, expertise, and experience or working in the field applied for not less than ten years, or having the characteristics as prescribed in the rules and conditions provided in the Organic Law on Acquisition of Senators;

(4) being born and having the name in the household registration, or having connections with the locality of application as prescribed in the rules and conditions as provided in the Organic Law on Acquisition of Senators.

b. prohibitions:

(1) being disfranchised from application for candidacy in an election pursuant to Section 98 (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (15) (16) (17) or (18);

(2) being a government official;

(3) being or having been a member of the House of Representatives, unless his or her membership has terminated for not less than five years up to the date of application;

(4) being a member of a political party;

(5) holding or having held any position in a political party, unless he or she has vacated office in the political party for not less than five years up to the date of application;

(6) being or having been a Minister, unless he or she has vacated office for not less than five years up to the date of application;

(7) being or having been a member of a local council or being or having been a local administrator, unless he or she has vacated office for not less than five years up to

the date of application;

(8) being an ascendant, a spouse or a child of a member of the House of Representatives, a member of the Senate, a political official, a member of local council or a local administrator, a person concurrently standing for selection of a senator, or a position holding a position in the Constitutional Court or a Constitutional organization;

(9) having been a member of the Senate under this Constitution.

Section 109 The term of the Senate shall be five years as from the date of the announcement of the result of selection.

Membership of the Senate shall commence on the date of announcement of the result by the Election Commission.

Upon expiration of the term of the Senate, its members shall continue to perform their duties until new members are selected.

Section 110 Upon expiration of the term of the Senate, there shall be a new selection of members of the Senate pursuant to Section 107 Paragraph Five.

Section 111 Membership of the Senate shall terminate upon:

- (1) expiration of the term of the Senate;
- (2) death;
- (3) resignation;
- (4) being disqualified or falling under any prohibition pursuant to Section 108;
- (5) 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;

(6) being sentenced to imprisonment by a final judgment of a court, notwithstanding the suspension of punishment, unless such suspension is of an offence committed with negligence, a misdemeanor or an offence of defamation;

(7) acting in a manner violating Section 113 or in a manner of prohibitions under Section 184 or Section 185;

(8) having vacated office based on the ground under Section 144 or Section 235 Paragraph Three.

Section 112 A person having been a member of the Senate, and such

membership has terminated for not more than two years, shall not be a minister or a holder of a political position, except for being a member of a local council or a local administrator.

Section 113 A member of the Senate shall not be sided with or yielded to the mandate of any political party.

Part 4

Provisions Applicable to Both Houses

Section 114 Members of the House of Representatives and the Senate shall be representatives of the Thai people and free from any mandate or domination, and shall honestly perform the duties for the common interests of the country and the well-being of the people without conflict of interest.

Section 115 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 shall perform my duties in accordance with the honest dictates of my conscience for the common interests of the Thai people. I shall also uphold and observe the Constitution of the Kingdom of Thailand in every respect.”

Section 116 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.

While being in office, the President and the Vice-Presidents of the House of Representatives shall not simultaneously be members of the Executive Committee of any political party or holding any position in a political party.

Section 117 The President and the Vice-Presidents of the House of Representatives shall hold office until the expiration of the term or the dissolution of the House.

The President and the Vice-Presidents of the Senate shall hold office until expiration of the term, except during the period as specified in Section 109 Paragraph Three that the President and the Vice-Presidents of the Senate shall continue to hold office to perform the duties.

Section 118 The President and the Vice-Presidents of the House of Representatives and the President and the Vice-Presidents of the Senate shall vacate office before the expiration of the term as provided in Section 117 upon:

- (1) loss of membership of the House of which he is a member;
- (2) resignation;
- (3) holding a position of Prime Minister, Minister or other political official;
- (4) being sentenced to imprisonment by a judgment of a court, notwithstanding the case is not final or there is a suspension of punishment, unless such case or suspension is of an offence committed with negligence, a misdemeanor or an offence of defamation.

Section 119 The President of the House of Representatives and the President of the Senate shall have the duties and powers to carry out the business of each House in accordance with its rules of procedure. The Vice-presidents shall have the duties and powers 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 among themselves to preside over such sitting.

Section 120 At a sitting of the House of Representatives and 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 interpellation, the House of Representatives or 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 the Constitution.

In casting a vote, each member shall have one vote. In case of an equality of votes, the presiding member shall have an additional vote as a casting vote.

Minutes of a sitting and record of the voting of each member shall be disclosed to the general public, except for the case of closed door sitting or of the voting by secret ballot.

The casting of votes to elect or give approval to a person for holding office shall be secret, unless otherwise provided in the Constitution.

Section 121 The National Assembly shall, within fifteen days as from the announcement date of the result of the general election of members of the House of Representatives, be summoned for the first sitting.

Each year, the National Assembly shall convene two ordinary sessions for a period of one hundred and twenty days for each session but the King may graciously 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.

The day on which the first sitting under Paragraph One is held shall be considered as the commencement date of the 1st general ordinary session while the commencement date of the 2nd general ordinary session shall be as determined by the House of Representatives. However in the case where the first sitting under Paragraph One has less time up to the end of a calendar year to convene the 2nd general ordinary session, it may be omitted in that year.

Section 122 The King convokes the National Assembly, opens and prorogues its session.

The King may be present to perform the opening ceremony of the general ordinary session or may graciously 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 123 and Section 126, the convocation, the prolongation of session and the prorogation of the National Assembly shall be made by a Royal Decree.

Section 123 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 shall have the right to lodge their petition with the President of the National Assembly to present to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly.

The President of the National Assembly shall thereafter present the petition to the King and countersign the Royal Command.

Section 124 At a sitting of the House of Representatives, 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 shall not extend to a member who expresses words at a sitting which is broadcast through radio or television or any other means 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 another 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 such period of time as prescribed in the rules of procedure of that House, without prejudice to the right of such person to bring the case before the Court.

The privilege provided in this Section shall extend 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 or any other means with the permission of the President of such House *mutatis mutandis*.

Section 125 No member of the House of Representatives or a senator shall, during a session, be arrested, detained or summoned by a warrant for inquiry as the alleged offender 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, for the purpose of the sitting of the House, such President may order the release of the person so arrested.

If a member of the House of Representatives or a senator is detained during the inquiry or the 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. In such case, the Court may or may not order a placement of bail or bail with securities.

In the case where a criminal charge is brought against a member of the House of Representatives or a senator, irrespective of whether the House is in session or not, the Court may try the case during a session, provided that the trial of the Court shall not hinder such member from attending the sitting of the House.

Section 126 During the absence of the House of Representatives, either due to the expiration of the term or the dissolution of the House of Representatives, or due to any reason, the Senate shall not hold its sitting except in the following cases:

(1) a sitting at which the Senate shall undertake actions pursuant to Section 17, Section 19, Section 20, Section 21 or Section 177;

(2) a sitting at which the Senate shall consider a person for holding any office according to the provisions of the Constitution.

Where there is a case under Paragraph One, the Senate shall conduct a sitting whereby the President of the Senate shall inform the King for issuance of a Royal Command to convoke an extraordinary session of the National Assembly and the President of the Senate shall countersign the Royal Command.

Under the circumstance in (1), the Senate shall perform the duties of the National Assembly, except that the votes of not less than two-thirds of the total number of the existing members of the Senate are required for the consent under Section 177.

Section 127 A sitting of the House of Representatives and of the Senate and a joint sitting of the National Assembly shall be in public under the conditions stipulated in the rules of procedure of each House. Nevertheless, a sitting *in camera* shall be held in secret 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 128 The House of Representatives and the Senate shall have the power to formulate the rules of procedure governing election and performance of duties of the President, the Vice-Presidents, matters or activities within the scope of powers and duties of each standing committee, performance and quorum of committees, sittings, submission and consideration of organic law bills and bills, submission of motions, consultation, debate, the passing of a resolution, the recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and order, and other related affairs, and shall have the power to formulate the codes of ethics of members and committee members, and other matters for the execution of the Constitution.

The provision in the rules of procedure under Paragraph One related to the appointment of an *ad hoc* committee to consider a bill, the substance thereof is decided by the President of the House of Representatives to be concerned with children, youth, women, elderly or persons with disabilities or handicapped, shall require that not less than one-third of the total number of members of the committee must be persons of such any category or representatives of non-governmental organizations working directly with persons of such category. In respect of the provision related to the consideration of

a bill introduced by eligible voters, it shall require that not less than one-third of the total number of members of an *ad hoc* committee must be representatives of the voters such bill has been introduced thereby.

Section 129 The House of Representatives and the Senate shall have the power to select and appoint members of each House to constitute a standing committee and shall have the power to select and appoint persons, being or not being its members, to constitute an *ad hoc* committee or a joint committee in accordance with Section 137 in order to perform any act, inquire into fact or study any matter and report its findings to the House.

The performance of an act, the inquiry into fact or the study under Paragraph One shall be within the scope of duties and powers of such House, and the duties and powers of the committee as specified in the resolution of appointment or for the performance of the committee shall be without duplication. In the case where the performance of any act, the inquiry into fact or the study in any matter of the committees are inter-related, the President of the each House shall ensure that all concerned committees jointly undertake the activity so related.

The committee shall not authorize or entrust any person or any group of persons to inquire into fact on its behalf.

The committee under Paragraph One shall have the power to demand documents from any person or summon any person to give statements of fact or opinions on the act being performed or the matter under its inquiry or study. Such power shall not apply to a judge or a tribunal performing duties or exercising powers in the trial of a case or to the personnel management of each Court, and shall not apply to a position holder in a Constitutional Organization in regard to the execution of direct duties and powers of each Organization according to the Constitution or respective organic law, as the case may be.

The Minister in charge of the matter under inquiry or study by a committee shall have the duty to instruct government officials under affiliation or supervision to provide statements of fact, submit documents or give opinions as summoned by the committee.

The House of Representatives and the Senate shall disclose to the public minutes of the meeting, operational report, fact-finding report or report of the study, as the case may be, of the committee, unless there is a resolution of the House of Representatives or the Senate, as the case may be, prohibiting such disclosure.

The privileges provided in Section 124 shall also extend to the persons performing their duties and observing summon 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 in the House of Representatives.

In the absence of the rules of procedure of the House of Representatives under Section 128, the President of the House of Representatives shall determine the proportion under Paragraph Eight.

Section 130 The following organic laws shall be enacted:

- (1) the Organic Act on Election of Members of the House of Representatives;
- (2) the Organic Act on Acquisition of Members of the Senate;
- (3) the Organic Act on the Election Commission;
- (4) the Organic Act on Political Parties;
- (5) the Organic Act on the Ombudsman;
- (6) the Organic Act on Prevention and Suppression of corruption;
- (7) the Organic Act on the State Audit;
- (8) the Organic Act on Procedure of the Constitutional Court;
- (9) the Organic Act on Criminal Procedure for Persons Holding political positions;
- (10) the Organic Act on the National Human Rights Commission.

Section 131 An organic bill shall be introduced only by:

- (1) the Council of Ministers with the advice of the Supreme Court, the Constitutional Court, or a concerned Constitutional Organization;
- (2) members of the House of Representatives in the number of not less than

one-tenth of the total number of existing members of the House.

Section 132 Other than what provided hereunder, an organic bill shall be subject to the same procedure as that of an act:

(1) an organic law bill shall be submitted to the National Assembly thereof a joint sitting shall be convened to complete its consideration within one hundred and eighty days. Approval of the bill shall be made, in the third reading, by the votes of more than one-half of the total number of the existing members of the National Assembly. In the case where the joint sitting of the National Assembly has not completed the consideration within the period as specified, it shall be deemed that the National Assembly has approved the organic bill in accordance with Section 131;

(2) within fifteen days from the date of approval by the National Assembly of the organic bill, the National Assembly shall forward the organic bill to the Supreme Court, the Constitutional Court, or a concerned Constitutional Organization for comments. In the case where the Supreme Court, the Constitutional Court, or the concerned Constitutional Organization has not expressed its disagreement within ten days from the date of receipt of the bill, the National Assembly shall proceed further;

(3) where the Supreme Court, the Constitutional Court, or the concerned Constitutional Organization is of the opinion that any provision of the organic bill as approved by the National Assembly is contrary to or inconsistent with the Constitution, or in a manner to incapacitate proper performance of duties in accordance with the Constitution, such opinion shall be presented to the National Assembly for consideration by a joint sitting thereof within thirty days from the date of receipt of the opinion. In this case, the National Assembly shall have the power to amend the bill according to the recommendation of the Supreme Court, the Constitutional Court, or the concerned Constitutional Organization as deemed appropriate, and when the amendment has been made the National Assembly shall proceed further.

Section 133 A bill shall be first submitted to the House of Representatives and only by:

- (1) the Council of Ministers;
- (2) members of the House of Representatives of not less than twenty in

number;

(3) eligible voters of not less than ten thousands in number jointly introducing a bill pursuant to Chapter III, regarding rights and liberties of the Thai people, or Chapter V, regarding the duties of the State, as provided in the law on introduction of bills;

In the case that a bill introduced under (2) and (3) is a money-related bill, it shall be introduced only with the endorsement of the Prime Minister.

Section 134 A money-related bill shall mean 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, or guarantee or redemption of loans, or any action binding properties of the State; and

(4) currency.

In case of doubt as to whether a bill is a money-related bill, 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 135 For any bill introduced by members of the House of Representatives or eligible voters which, at the stage of the adoption of its principle, was not a money-related bill but was then amended by the House of Representatives and, in the opinion of the President of the House or due to the admonition of members of the House that such amendment has rendered it to exhibit the characteristic of a money-related bill, the President of the House of Representatives shall suspend the

consideration of such bill and proceed pursuant to Section 134 Paragraph Two, Paragraph Three and Paragraph Four.

If the joint sitting under Paragraph One decides that the amendment has resulted in such bill exhibiting the characteristic of a money-related bill, the President of the House of Representatives 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-related bill.

Section 136 When the House of Representatives has considered a bill and resolved to approve it, the House of Representatives shall submit such bill to the Senate thereby the consideration of such bill must be completed within sixty days. If the bill is a money-related bill, the consideration thereof must be completed within thirty days, unless the Senate, as a special case, resolves to extend 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 date 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 139.

In case the Senate has not completed 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-related bill to the Senate, the President of the House of Representatives shall also notify the Senate. Such notification shall be deemed final. In the event that the President of the House of Representatives does not notify, such bill shall not be deemed as a money-related bill.

Section 137 After the Senate has completed the consideration of a bill;

- (1) if it agrees with the House of Representatives, further proceedings under Section 81 shall be undertaken;
- (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 shall be returned to the House of Representatives. If the House of Representatives approves such amendment, further

proceedings under Section 81 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 determined 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 81 shall be taken. If either House disapproves it, regardless of whether or not the other House has considered it, the bill shall be withheld.

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 existing members is required to constitute a quorum and the provisions of Section 157 shall apply *mutatis mutandis*.

If the Senate does not return the bill to the House of Representatives within the period specified under Section 136, it shall be deemed that the Senate has approved such bill and further proceeding under Section 81 shall be taken.

Section 138 A bill withheld under Section 137 may be reconsidered by the House of Representatives only after the lapse of one hundred and eighty days as from:

(1) the date the bill is returned to the House of Representatives by the Senate in case of withholding under Section 137 (2);

(2) the date either House disapproves it in case of withholding under Section 137 (3)

In such cases under Paragraph One, if the House of Representatives resolves to reaffirm the original bill considered by the House or 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 81 shall be taken.

Subject to Section 143 Paragraph Four, the period of one hundred and eighty

days under Paragraph One shall be reduced to ten days in the case where the bill withheld is a money-related bill.

Section 139 While a bill is being withheld pursuant to Section 137, 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 forward 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 140 The payment of State funds shall be made specifically when it has been authorized by the law on appropriations, the law on budgetary procedure or the law on transfer of appropriations, the law on treasury balance, or the law on fiscal discipline, except that it may be prepaid in the case of urgent necessity under the rules and procedure provided by law. In such case, the expenditure estimates for reimbursement must be set aside in the Transfer of Appropriations Act or the Supplementary Appropriations Act, or the Annual Appropriations Act for the following fiscal year.

Section 141 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 *pro tempore*.

The State shall allocate budgets adequate for the independent administration of the National Assembly, the Courts, the Constitutional Organizations, and the State Attorney Organization, according to the rules prescribed in the law on State fiscal discipline. In the case where it deems that the allocated budget may be inadequate for its administration, the National Assembly, the Courts, the Constitutional Organizations, or the State Attorney Organization may directly submit a motion to the concerned committee.

Section 142 The introduction of an annual appropriations bill shall also demonstrate sources of income and revenue estimates, expected outcomes or benefits from the spending of State funds, and consistency with the national strategy and various development plans, according to the rules prescribed in the law on State fiscal discipline.

Section 143 The House of Representatives shall complete the consideration of an annual appropriations bill, a supplementary appropriations bill and a transfer of appropriations bill within one hundred and fifty days as from the date the bills reach the House of Representatives.

If the House of Representatives has not completed the consideration of the bills within the period referred to in Paragraph One, such bills shall be deemed to have been approved by the House of Representatives and shall be submitted to the Senate for consideration.

In the consideration by the Senate, the Senate shall approve or disapprove the bills, without any amendment, within twenty days as from the date the bills reach the Senate. Upon the lapse of such period, the bills shall be deemed to have been approved by the Senate. In such case and in the case where the Senate approves the bills, further proceedings under Section 81 shall be taken.

If the Senate disapproves the bills, the provisions of Section 138 Paragraph Two shall apply *mutatis mutandis* and the House of Representatives shall immediately reconsider the bills.

The periods under Paragraph One and Paragraph Three respectively shall not include the period of consideration by the Constitutional Court pursuant to Section 144 Paragraph Three.

Section 144 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 altering or amending any item or amount in the bills, 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 an act, which results in direct or indirect involvement in the use of the appropriations by members of the House of Representatives, senators or members of the committee, 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 there has been a violation of the provisions under Paragraph Two, they shall refer it to the Constitutional Court for decision thereupon the Constitutional Court shall decide within fifteen days as from the date of receipt of such opinion. In the event that the Constitutional Court decides that the violation of the provisions under Paragraph Two has occurred, such proposal, submission of the motion, or commission of the act shall be ineffective. If the violation has been committed by a member of the House of Representatives or a senator, the membership of such person shall terminate from the date of the decision issued by the Constitutional Court and his or her right to apply for candidacy in an election shall be revoked. In the case where the Council of Ministers has committed such violation or approved its commission or been aware of the violation but fails to order its suspension, the Council of Minister shall vacate office *en masse* from the date of the decision issued by the Constitutional Court and the right to apply for candidacy in an election of each vacated Minister shall be revoked, unless his or her absence at the passing of the concerned resolution has been proved, and the person committing the violation shall be liable for the reimbursement of such amount of money with interest.

Any State official developing a project or approving or allocating budget with the knowledge of an act violating the provisions under Paragraph One or Paragraph Two shall be exempted from liability if such person has a written record of disagreement or has informed the National Counter Corruption Commission in writing.

The reimbursement under Paragraph Three or Paragraph Four shall be made

within twenty years from the date of such budget allocation.

Upon being informed under Paragraph Four, the National Counter Corruption Commission shall conduct an investigation without delay and in secrecy. In the event where the Commission is of the opinion that it is a *prima facie* case, it shall submit its opinion to the Constitutional Court for further proceedings according to Paragraph Three and, irrespective of whatever circumstance, the National Counter Corruption Commission and the Constitution or any person shall not disclose information about the informant.

Section 145 Upon approval of a bill by the National Assembly, the Prime Minister shall wait for five days as from the date of receipt of that bill from the National Assembly and, in case of no act required pursuant to Section 148, the Prime Minister shall present it to the King within twenty days after the lapse of such waiting period.

Section 146 In the event where the King refuses His assent to a bill and returns it to the National Assembly or does not return it within ninety days, the National Assembly shall deliberate 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 again present such bill to the King for signature. If the King does not sign and return the bill within thirty days, the Prime Minister shall cause the bill to be published in the Government Gazette as if it were an Act signed by the King.

Section 147 In case of the expiration of the term of the House of Representatives or the dissolution of the House of Representatives, the draft Constitution Amendment or the bill pending approval of the National Assembly, or having been approved by the National Assembly but the King has refused His assent thereto or has not returned it within ninety days, such draft or bill shall lapse.

Concerning all draft Constitution Amendments or bills pending approval of the National Assembly and have lapsed under Paragraph One, if the Council of Ministers newly appointed after the general election requests to the National Assembly that the National Assembly, the House of Representatives or the Senate, as the case may be, continue its consideration. If the National Assembly approves such request, the National

Assembly, the House of Representatives or the Senate, as the case may be, shall proceed; provided that the Council of Ministers must request within sixty days as from the date convoking the first sitting of the National Assembly following the general election.

Section 148 Before the Prime Minister presents any bill to the King for His signature pursuant to Section 81:

(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 provisions of such bill are contrary to or inconsistent with the Constitution, or the bill is enacted contrary to the provisions of the Constitution, they shall submit the 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 such opinion has been submitted thereto shall 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 provisions of the bill are contrary to or inconsistent with the Constitution, or the bill is enacted contrary to the provisions of the 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 not present such bill to the King for His signature.

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

If the Constitutional Court decides that the provisions of the bill are contrary to or inconsistent with the Constitution otherwise than in the case specified in Paragraph Three, such contradictory or inconsistent provisions shall lapse and the Prime Minister shall proceed further in accordance with Section 81.

Section 149 The provisions in Section 148 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 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.

Section 150 Every member of the House of Representatives or senator shall have the right to conduct an interpellation of a Minister, in writing or verbally, on any matter within the scope of his or her authority, in accordance with the rules of procedure of such House which must to the least provide for verbal interpellation without notice.

A Minister shall have the right to refuse to answer 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 151 Members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House shall 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 or the Council of Ministers.

When the motion has been submitted according to Paragraph One, the dissolution of the House of Representatives shall not be permitted, except that the motion is withdrawn or the resolution is passed without being supported by the vote in accordance with Paragraph Four.

If the general debate is concluded with a resolution not to pass 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.

Any Minister has vacated the original office but remains to hold another ministerial position after the date of submission of the motion by members of the House

of Representatives under Paragraph One, or has vacated the original office not more than ninety days before the date of submission of the motion by members of the House of Representatives under Paragraph One but remains to hold another ministerial position, such Minister shall continue to be subject to a general debate for the purpose of passing a vote of no-confidence.

Section 152 Members of the House of Representatives of not less than one-tenth of the total number of the existing members of the House of Representatives shall have the right to submit a motion for a general debate for the purpose of inquiring into fact or presenting problems to the Council of Ministers without a resolution to be passed.

Section 153 Senators of not less than one-third of the total number of the existing members of the Senate shall 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 State affairs without a resolution to be passed.

Section 154 The submission of the motion for the general debate under Section 151, Section 152 or Section 153, as the case may be, shall be permitted once in a year.

The provision in Paragraph One shall not be applied to the general debate provided in Section 151 which has been concluded with the resolution to pass over the agenda of such debate.

Section 155 In the case where there is an important problem in respect of the safety and security or the economy of the country, and it is deemed expedient to convene a joint consultation between the National Assembly and the Council of Ministers, the Leader of the Opposition in the House of Representatives 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, the President of the National Assembly shall convene a sitting within fifteen days from the date of receipt of the notice, and no resolution shall be passed by the National Assembly on the issue put in the debate.

The sitting under Paragraph One shall be secret and the Council of Ministers has the duty to attend the sitting.

Part 5

Joint Sittings of the National Assembly

Section 156 The National Assembly shall hold a joint sitting in the following cases:

- (1) the approval of the appointment of the Regent under Section 17;
- (2) the making of a solemn declaration by the Regent before the National Assembly under Section 19;
- (3) the acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467, under Section 20;
- (4) the acknowledgment or approval of the succession to the Throne under Section 21;
- (5) the approval of the prorogation of a session under Section 121;
- (6) the opening of the session of the National Assembly under Section 122;
- (7) the consideration of an organic bill under Section 132;
- (8) the deliberation of an organic bill or a new bill under Section 146;
- (9) the approval under Section 147;
- (10) the general debate under Section 155 and Section 165;
- (11) the making of the rules of procedure of the National Assembly under Section 157;
- (12) the announcement of policies under Section 162;
- (13) the approval of the declaration of war under Section 177;
- (14) the hearing of explanation and the approval of a treaty under Section 178;
- (15) the amendment of the Constitution under Section 256;
- (16) other cases as provided in the Constitution.

Section 157 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 are not yet in place, 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 shall be in proportion to or in close proportion to the number of members of each House.

CHAPTER VIII

Council of Ministers

Section 158 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 to the principle of collective responsibility

The Prime Minister must be appointed from the person approved by the House of Representatives pursuant to Section 159.

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 total period of more than eight years, notwithstanding consecutively or not, and such period shall not count the period he or she continues to perform the duties after vacating office.

Section 159The House of Representatives shall complete its consideration and approval of a person suitable to be appointed as Prime Minister as selected from the nominees having the qualifications and not falling under the prohibitions under Section 160 including who appear in the lists presented according to Section 88 specifically by the political parties having members in the House of Representatives not less than five percent of the total number of the existing members of the House.

The nomination of a person under Paragraph One shall be endorsed by members of the House of Representatives of not less than one-tenth 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 open votes of more than one-half of the total number of the existing members of the House.

Section 160 A Minister shall:

- (1) be of Thai nationality by birth;
- (2) be not less than thirty five years of age;
- (3) have graduated with not lower than a Bachelor Degree or its equivalent;
- (4) be of apparent honesty;
- (5) not possess behavior seriously violating or failing to comply with the ethical standard;
- (6) not be under any of the prohibitions in Section 98;
- (7) not be sentenced to imprisonment by a judgment of a court, notwithstanding the case is not final or there is a suspension of punishment, unless it is on account of an offence committed with negligence, a misdemeanor or an offence of defamation;
- (8) not vacate office, on the ground of committing an act prohibited under Section 186 or Section 187, for less than two years up to the date of appointment.

Section 161 Before taking office, a Minister 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.”

In the case where the King has permitted the Council of Ministers to perform duties prior to the making of a solemn declaration, the Council of Ministers shall proceed according to Section 162 Paragraph Two. In such case, the Council of Ministers under Section 168 (1) shall vacate office from the date of His permission.

Section 162 The Council of Ministers which will assume the administration of the State affairs shall, within fifteen days as from the date it takes office, state its policies to the National Assembly in compliance with the Duties of the State, Directive Policies of the State and the National Strategy, and shall demonstrate the sources of revenue for spending on the implementation thereof, with no passing of a resolution on the vote of confidence.

Prior to the statement of policies to the National Assembly under Paragraph One, if there occurs a matter of importance and exigency which, once left delayed, will affect

substantial benefits of the State, the Council of Ministers which has taken office may, for the time being, carry out an act in so far as it is necessary.

Section 163 A Minister shall have the right to attend and give statements of fact or opinions at a sitting of the House with no right to vote, unless it is a voting in the House of Representatives thereof such Minister is a member, and the privilege provided in Section 124 shall apply *mutatis mutandis*.

Section 164 The Council of Ministers shall carry out the administration of the State affairs in accordance with the provisions of the Constitution, laws and the policies stated to the National Assembly, and shall observe the following rules:

(1) performing the duties and exercise the powers with honesty, good faith, sacrifice, transparency, and undertaking affairs with prudence and caution in the best interests of the country and general public;

(2) strictly maintaining discipline in the affairs relating to the State funds according to the law on fiscal discipline of the State;

(3) adhering to and observing the principle of good governance;

(4) enhancing all sections of the society to together live in a just, peaceful and harmonious manner.

A Minister shall be responsible to the House of Representatives for the matters under own duties and powers, and shall be responsible collectively to the National Assembly for the determination and the implementation of the policies of the Council of Ministers.

Section 165 In the case where there is an important problem in the administration of State affairs in regard to which the Council of Ministers deems it advisable to take opinions 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 166 In case of a reasonable cause, the Council of Ministers may request to have a public referendum conducted in respect of a matter which is not contrary

to or inconsistent with the Constitution, or a matter which is not concerned with a person or a group of persons, as provided by law.

Section 162 Ministers shall vacate office *en masse* upon:

(1) the termination of the ministerial status of the Prime Minister under Section 170;

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

(3) the resignation of the Council of Ministers;

(4) the vacation of office based on the grounds in Section 144

Upon the vacation of office of the Council of Ministers according to (1), (3) or (4), a new Council of Ministers shall be appointed pursuant to Section 158 and Section 159.

Section 168 The vacating Council of Ministers shall remain in office to continue the duties in compliance with the following conditions:

(1) in case of vacation of office under Section 167 (1), (2) or (3), the Council of Ministers shall remain in office to continue the duties until the newly appointed Council of Ministers takes office, except in the case where the Prime Minister vacates office according to Section 167 (1) on the ground of being disqualified or falling under any of the prohibitions in Section 98 or Section 160 (4) or (5), the Prime Minister shall not remain in office to continue the duties.

(2) in case of vacation of office under Section 167 (4), the vacating Council of Ministers shall not remain in office to continue the duties.

In the event where the Council of Ministers shall not remain in office to continue the duties as provided in (2), or the Council of Ministers having remained to continue the duties resigns and Section 158 and Section 159 may not apply, due to any reason whatsoever, or the proceedings under Section 158 and Section 159 have not completed, the Permanent Secretaries shall, for the time being, act in place of respective Ministers specifically to the extent of necessity and the Permanent Secretaries shall elect one among themselves to act in place of the Prime Minister.

Section 169 In the case where the Council of Ministers vacating office according to Section 167 (2) shall remain in office to continue the duties according to

Section 168, the Council of Ministers shall perform the duties in compliance with the following conditions:

(1) refraining from committing an act which results in the approval of a task or project or which binds the forthcoming Council of Ministers, except for that already specified in the annual appropriations;

(2) refraining from appointing or transferring any government official who holds a permanent position or receives a salary, or any employee of a State agency, State enterprise or any enterprise thereof the State is a major shareholder, or from causing such person to be discharged from duties or removed from office or be replaced by another person, except by prior approval of the Election Commission;

(3) refraining from committing an act which results in the approval of the spending of budget reserved for emergency or necessary circumstance, except by prior approval of the Election Commission;

(4) refraining from using resources or personnel of the State to commit any act which may affect result of an election, and from committing an act in violation of any prohibition under the regulation prescribed by the Election Commission.

Section 170 The ministerial status of an individual Minister shall terminate upon:

- (1) death;
- (2) resignation;
- (3) the passing of a vote of no-confidence by the House of Representatives;
- (4) being disqualified or being under any of the prohibitions under Section 160;
- (5) committing an act of prohibition under Section 186 or Section 187;
- (6) the issuance of a Royal Command removing a Minister from office according to Section 171.

In addition to the grounds for the termination of the ministerial status of an individual minister under Paragraph One, the ministerial status of the Prime Minister shall terminate upon the expiration of the period under Section 158 Paragraph Four.

The provisions of Section 82 shall apply *mutatis mutandis* to the termination of the ministerial status under (2), (4), or (5) or Paragraph Two, and for this purpose the

Election Commission shall also have the power to refer the matter to the Constitutional Court for decision thereon.

Section 171 The King has the prerogative to remove a Minister from office upon the advice of the Prime Minister.

Section 172 For the purpose of maintaining national or public safety, 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 merely when the Council of Ministers is of the opinion that it is the circumstance of unavoidable exigency.

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 shall proceed to convoke an extraordinary session of the National Assembly in order to promptly consider whether to approve or disapprove the Emergency Decree. In the case where 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 of Representatives, the Emergency Decree shall lapse. In this case, it shall not affect any act undertaken during the enforcement of such Emergency Decree.

If the Emergency Decree under Paragraph One has the effect of amending or repealing 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 the repeal shall continue to be in force as from the date 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 Senate and the House of Representatives and the reaffirmation of the Emergency Decree shall be undertaken at the first opportunity when each House holds its sitting.

Section 173 Before the House of Representatives or the Senate approves an Emergency Decree, 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 shall 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 172 Paragraph One, and to request the President of such House to refer the opinion to the Constitutional Court for decision within three days from the date of receipt of the opinion. The consideration of the Emergency Decree shall be suspended until the decision of the Constitutional Court is notified.

The Constitutional Court shall render its decision within sixty days from the date of the receipt of the matter, and shall notify its decision to the President of the House wherefrom such opinion has been referred.

In the case where the Constitutional Court decides that any Emergency Decree is not in compliance with Section 172 Paragraph One, such Emergency Decree shall not have the force of law *ab initio*.

The decision of the Constitutional Court that any Emergency Decree is not in compliance with Section 172 Paragraph One shall be on account of the votes of not less than two-thirds of the total number of the existing Constitutional Judges.

Section 174 Where it is of necessity to have a law on taxes or currency which, in the interest 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 provisions of Section 172 Paragraph Three, Paragraph Four, Paragraph Five, Paragraph Six, and Paragraph Seven shall apply to the Emergency Decree enacted under

Paragraph One *mutatis mutandis*. In case of the enactment during a session, the Emergency Decree shall be submitted to the House of Representatives within three days as from the day following the date of its publication in the Government Gazette.

Section 175 The King has the prerogative to issue a Royal Decree which is not contrary to the law.

Section 176 The King has the prerogative to declare and lift 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 shall do so under the Martial Law.

Section 177 The King has the prerogative to declare war with the approval of the National Assembly.

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

Section 178 The King has the prerogative to conclude a peace treaty, armistice and other treaties with other countries or international organizations.

A treaty, which provides for a change in the Thai territories or the external territory under the sovereignty or jurisdiction of Thailand according to a treaty or an international law, or requires the enactment of an Act for the implementation of the treaty and other treaties which may constitute immense impact on the economic or social security or the trade or investment of the country, shall be approved by the National Assembly. In such case, the National Assembly must complete its consideration within sixty days as from the date of receipt of such treaty. If the National Assembly fails to complete within the specified period, it shall be deemed that the National Assembly has approved such treaty.

Other treaties which may constitute immense impact on the economic or social security or the trade or investment of the country under Paragraph Two include the treaties relating to free trade, joint customs area, or permitting the utilization of natural resources or resulting in the loss of rights of the State in natural resources, wholly or partly, or other treaties as provided by law.

There shall be a law prescribing the procedure for people to participate by expressing their opinions and to be provided with necessary remedy for the impact of the conclusion the treaties under Paragraph Three.

When a question arises whether or not any treaty falls under Paragraph Two or Paragraph Three, the Council of Ministers may request the Constitutional Court to decide thereon. In such case, the Constitutional Court shall conclude its decision within thirty days as from the date of receipt of the request.

Section 179 The King has the prerogative to grant a pardon.

Section 180 The King appoints and removes officials in the military service and civil service who hold the positions of Permanent Secretary, Director-General and their equivalents, except in case of the vacation of office upon death, retirement or punishment.

Section 181 A government official and a State official holding a permanent position or receiving a salary and not being a political official shall not be a political official or hold any other political position.

Section 182 All laws, Royal Rescripts and Royal Commands relating to the State affairs must be countersigned by a Minister, unless otherwise provided in the Constitution.

The person countersigning the Royal Command shall take charge of all affairs under the Royal Command.

Section 183 Emoluments and other remuneration of Privy Councilors, President and Vice-Presidents of the House of Representatives, 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.

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

CHAPTER IX

Conflict of Interests

Section 184 Members of the House of Representatives and senators shall not:

(1) hold any position or have any duty in a government agency, a State agency or a State enterprise, or hold a position of a member of a local assembly or a local administrator;

(2) receive or interfere 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 the nature of monopoly with the State, a government agency, a State agency or a State enterprise, or be a partner or a shareholder in a partnership or a company being granted such concession or becoming a party to the contract of such nature, whether directly or indirectly;

(3) receive any special money or benefit from a government agency, a State agency or a State enterprise other than that given by the government agency, the State agency or the State enterprise to other persons in the ordinary course of business;

(4) act, directly or indirectly, in a manner of wrongfully hindering or intervening in the exercise of rights or liberties of newspapers or mass media;

The provisions of this Section shall not apply in the case where a member of the House of Representatives or a senator receives a military pension, a gratuity, a pension, an annuity of a member of the royal family or any other money 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 in a committee of the National Assembly, the House of Representatives or the Senate, or in a committee appointed for the administration of the State affairs concerned with the activities of the Houses, or in a committee as specifically provided by law.

The provisions in (2) and (3) shall apply to spouses and children of members of

the House of Representatives or senators and to other persons than spouses and children of such members of the House of Representatives or senators who act in a manner of server, participant, or being entrusted by members of the House of Representatives or senators to commit the acts under this Section.

Section 185 Members of the House of Representatives or senators shall not, through the status or the position of members of the House of Representatives or senators, commit an act of intervention or interference in the following matters, directly or indirectly, in the interest of oneself, another person or a political party,

(1) the performance of official duties or the undertaking of regular duties of a government official, official or employee of a government agency, a State agency, a State enterprise, or an enterprise therein the State holds the majority of the shares, or a local government organization;

(2) the facilitation of self- involvement in the spending of budget or in the approval of any project of a State agency, unless it falls under the activities of the National Assembly;

(3) the recruitment, appointment, reshuffle, transfer, promotion, salary increase, or removal from office of a government official holding a permanent position or receiving a salary and not being a political official, an official or employee of a government agency, a State agency, a State enterprise, an enterprise therein the State holds the majority of the shares, or a local government organization.

Section 186 The provisions of Section 184 shall apply to Ministers *mutatis mutandis*, except for:

(1) the holding of a position or the undertaking required by the provisions of the law to be the duties or powers of the Ministers;

(2) the commission of an act in accordance with the duties and powers in the administration of the State affairs or the policies stated to the National Assembly or the provisions of law.

In addition to the acts enumerated under Paragraph One, the Ministers shall not abuse their status or position to commit any act, directly or indirectly, which wrongfully intervenes in or interferes with the performance of duties of a State official in the interest of

oneself, another person or any political party as provided in the ethical standard.

Section 187 A Minister shall not be a partner or shareholder of a partnership or a company or retain his being a partner or shareholder of a partnership or a company up to the limit specified by law, and shall not be an employee of any person.

In the case where any Minister intends to continue to receive benefits in such cases under Paragraph One, 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 shares in the partnership or company to a juristic person which manages assets for the benefit of other persons, as provided by law.

The Minister shall not, in any way, be involved in the management of shares or affairs of the partnership or company under Paragraph Two.

The provisions in this Section which are specifically concerned with being a partner or shareholder shall apply to the spouse and minor children of a Minister and the holding of shares of a minister under possession or care of other persons in any way.

CHAPTER X

The Courts

Part 1

General Provisions

Section 188 The trial and adjudication of cases are the powers of the Courts, which shall proceed in accordance with the law and in the name of the King.

Judges and tribunals shall be independent in the trial and adjudication of cases in an expeditious, fair and without prejudice manner according to the Constitution and law.

Section 189 All Courts shall be established by Acts.

An establishment of a new Court or the prescription of a procedure for the trial and adjudication of any particular case or a case of any particular charge in lieu of the Court existing under the law and having jurisdiction over such case shall be prohibited.

Section 190 The King appoints and removes judges and tribunals. In case of vacating office upon death, retirement or expiration of term, or being discharged from official service as a result of punishment, the King shall be informed accordingly.

Section 191 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 192 In the case where there is a dispute over the competent jurisdiction among the Courts of Justice, the Administrative Court, or the Military Court, it shall be decided by a committee consisting of the President of the Supreme Court as the

Chairperson, and the President of the Supreme Administrative Court, the Chief of Military Judicial Office, and not more than four experts as the members, as provided by law.

The rules and procedure for adjudging the dispute over the competent jurisdiction under Paragraph One shall be as provided by law.

Section 193 Each Court shall, except for the Military Court, have an office in charge of administration being independent in personnel administration, budgeting, and other affairs with one superior under supervision of the President of each Court, as provided by law.

The Court of Justice and the Administrative Court shall have specific system of salary and remuneration, as appropriate, as provided by law.

Part 2

Courts of Justice

Section 194 The Courts of Justice have the powers to try and adjudicate all cases, except those specified by the Constitution or the law to be within the jurisdiction of other courts.

The establishment, procedure, and operations of the Courts of Justice shall be according to the law governing such matter.

Section 195 There shall be in the Supreme Court a Criminal Division for Persons Holding Political Positions, the quorum of which consists of not less than five and up to nine judges of the Supreme Court holding a position of not lower than Judge of the Supreme Court or senior judges having held a position of not lower than Judge of the Supreme Court, and elected, on a case-by-case basis, at the general meeting of the Supreme Court in accordance with the organic Act on criminal procedure for persons holding political positions.

The competent jurisdiction of the Supreme Court Criminal Division for Persons Holding Political Positions shall be as provided by the Constitution.

The criminal procedure for persons holding political positions shall be in accordance with the organic law on criminal procedure for persons holding political positions.

An appeal against a judgment of the Supreme Court Criminal Division for Persons Holding Political Positions shall be submitted to the general meeting of the Supreme Court within thirty days from the date of issuance of such judgment.

Adjudication of the appeal by the general meeting of the Supreme Court under Paragraph Four shall be proceeded by a quorum of the Supreme Court elected on a case-by-case basis by the general meeting of the Supreme Court, which consists of nine judges of the Supreme Court who hold a position of not lower than the Chief Judge of the Supreme Court or senior judges having held a position of not lower than the Chief Judge of the Supreme Court and who have not previously adjudicate such case. The judgment rendered by the quorum of the Supreme Court shall be considered the appeal judgment of the general meeting of the Supreme Court.

In the case where the Supreme Court Criminal Division for Persons Holding Political Positions has rendered a judgment to remove any person from office, or its judgment has resulted in the removal of any person from office, regardless of whether or not the appeal has been filed under Paragraph Four, such person shall vacate office as from the date of the judgment rendered by Supreme Court Criminal Division for Persons Holding Political Positions.

The rules and procedure for filing the appeal under Paragraph Four and the adjudication of the appeal under Paragraph Five shall be according to the Organic Act on Criminal Procedure for Persons Holding Political Positions.

Section 196 Personnel administration relating to judges of the Courts of Justice shall be independent and executed by the Judicial Commission of the Courts of Justice, which consists of the President of the Supreme Court as the Chairperson and qualified members who are judicial officials from each level of the Courts and not more than two qualified members who are not or were not judicial officials and are elected by judicial officials, as provided by law.

Part 3
Administrative Courts

Section 197 Administrative Courts have the power to try and adjudicate administrative cases as a consequence of the exercise of an administrative power according to the law or of the undertaking of an administrative affair, as provided by law.

There shall be the Supreme Administrative Court and the Administrative Court of First Instance.

The jurisdiction of the Administrative Courts under Paragraph One shall not include the adjudication made by Constitutional Organizations as the direct exercise of their powers under the Constitution.

The establishment, procedure, and operations of the Administrative Courts shall be according to the law governing such matter.

Section 198 Personnel administration relating to judges of the Administrative Courts shall be independent and executed by the Judicial Commission of the Administrative Courts, which consists of the President of the Supreme Administrative Court as the Chairperson and qualified members who are judges in the Administrative Courts and not more than two qualified members who are not or have never been judges in the Administrative Courts and are elected by judicial officials of the Administrative Courts, as provided by law.

Part 4
Military Courts

Section 199 Military Courts have the power to try and adjudicate criminal cases therein the offenders are subject to the jurisdiction of the Military Courts and other cases, as provided by law.

The establishment, procedure, and operations of the Military Courts, and the appointment and removal from office of military judges shall be according to the law governing such matter.

CHAPTER XI

The Constitutional Court

Section 200 The Constitutional Court consists of nine Constitutional Judges as appointed by the King as follows:

(1) three judges of the Supreme Court having held a position of not lower than the Chief Judge of the Supreme Court for not less than three years who are elected at the general meeting of the Supreme Court;

(2) two judges of the Supreme Administrative Court having held a position of not lower than the Chief Judge of the Administrative Court for not less than five years who are elected at the general meeting of the Supreme Administrative Court;

(3) one qualified person in law who is selected from persons holding a position of professor or having in the past held a position of professor in the universities in Thailand for not less than five years with outstanding academic work;

(4) one qualified person in political science or public administration who is selected from persons holding a position of n professor or having in the past held a position of professor in the universities in Thailand for not less than five years with outstanding academic work;

(5) two qualified persons who are selected from officials or former officials holding a position of not lower than the Director-General or its equivalent or a position of not lower than the Deputy Attorney General for not less than five year.

In the case where no Chief Judge of the Supreme Court under (1) is elected, the general meeting of the Supreme Court shall may elect persons having in the past held a position of not lower than a Judge of the Supreme Court for not less than three years.

The periods under Paragraph One shall count up to the date of being elected or the date of application for the selection, as the case may be. Under an unavoidable necessary circumstance, the Selection Committee may announce the reduction of the periods under Paragraph One or Paragraph Two, but shall not reduce to less than two years.

Section 201 A Judge of the Constitutional Court shall possess the following qualifications:

- (1) being of Thai nationality by birth;
- (2) being not less than forty five and not over sixty eight years of age, on the date of being selected or the date of application
- (3) having graduated with not lower than a bachelor degree or its equivalent;
- (4) being a person with apparent honesty;
- (5) having a good health condition to perform duties effectively.

Section 202 A Judge of the Constitutional Court shall not be under any of the following prohibitions:

- (1) being or having in the past been a Judge of the Constitutional Court or holding a position in any Constitutional Organization;
- (2) being under the prohibitions in Section 98 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (17) or (18);
- (3) having been sentenced to imprisonment by a final judgment of a court, unless it is on account of an offence committed with negligence or a misdemeanor;
- (4) being or having in the past been a member of the House of Representatives, a senator, a political official, or a member of a local assembly or a local administrator over the period of ten years preceding the election or selection;
- (5) being or having in the past been a member or a holder of another position in a political party over the period of ten years preceding the election or selection;
- (6) being a government official holding a permanent position or receiving a salary;
- (7) being an official or employee of a State agency, a state enterprise, or a local government organization, or being a board member or an advisor of a State agency or state enterprise;
- (8) holding a position in a partnership of a company, or an organization carrying out business with a view to sharing profit or income or being an employee of any person;
- (9) engaging in an independent profession;
- (10) possessing a behavior seriously violating or disobeying the ethical standard.

Section 203 The selection of persons suitable to be appointed as Judges of the Constitutional Court shall be the duty and power of the Selection Committee which comprises:

- (1) President of the Supreme Court, as the Chairperson;
- (2) President of the House of Representatives and Leader of the Opposition in the House of Representatives, as committees;
- (3) President of the Supreme Administrative Court, as a committee member;
- (4) a person appointed by each Constitutional Organization under Section 201 and not being under any of the prohibitions in Section 202, and not having in the past performed any duty in the Constitutional Court or a Constitutional Organization, as committee members.

In case of none members of the Selection Committee as specified under (2) or incomplete members of the Selection Committee under (4), for any reason whatsoever, the Selection Committee shall be composed of the existing members.

The Secretariat of the Senate shall act as the administrative office of the Selection Committee.

The Selection Committee shall select persons suitable to be appointed as Judges of the Constitutional Court in accordance with the rules, procedure and conditions as prescribed in the Organic Act on the Procedure of the Constitutional Court.

Where there is a problem relating to the qualifications of a candidate, or the person who has been elected or selected, the Selection Committee shall have the duty and power to decide thereon and the decision of the Selection Committee shall be final.

In the selection process, the Selection Committee shall hold consultation for the purpose of achieving persons with high responsibility, courage in performing duties, and ethical behavior as a role model for the society. For such purpose, the Selection Committee may, in addition to the application advertisement, select qualified persons from the general public, provided that the consent must be obtained from such persons.

Section 204 A person elected or selected for appointment as a Judge of the Constitutional Court shall be approved by the Senate with the votes of not less than one-half of the existing members of the Senate.

In the event that the Senate has not approved any selected or elected person, a replacing person shall be selected or elected and nominated to the Senate for approval.

Upon approval of the selected or elected persons by the Senate, such persons shall elect one among themselves to be the President of the Constitutional Court and inform the President of the Senate in this respect.

The President of the Senate shall tender their names to the King for appointment as the President and the Judges of the Constitutional Court, and shall countersign the Royal Command.

Section 205 The person approved by the Senate to be a Judge of the Constitutional Court while having not resigned from the position under Section 202 (6), (7) or (8) or having not ceased to engage in the independent profession under (9) shall present to the President of the Senate the proof of resignation or cessation according to Section 202 (6), (7), (8) or (9) within the period specified by the President of the Senate which must be before the tendering of their names to the King according to Section 204 Paragraph Four. In the case where the proof has not been presented within such specified period, it shall be deemed that the person has renounced his or her right and a new election or selection shall proceed.

Section 206 Following the consideration for approval under Section 204, if not less than seven persons have been approved by the Senate, they shall elect one among themselves to be the President of the Constitutional Court and inform the result thereof to the President of the Senate without having to wait until the approval of nine persons is complete. Upon the Royal appointment, the Constitutional Court shall perform according to its duties and powers *pro tempore* and the Constitutional Court shall be deemed to comprise the existing Judges of the Constitutional Court.

Section 207 The Judges of the Constitutional Court shall hold office for a term of seven years as from the date of their appointment by the King and shall hold office for only one term.

Section 208 In addition to the vacation of office upon the expiration of the term, the Judges of the Constitutional Court shall vacate office upon:

(1) being disqualified under Section 201 or being under any of the prohibitions in Section 202;

(2) death;

(3) resignation;

(4) being of seventy five years of age;

(5) being removed from office by a resolution of the Constitutional Court as passed by the votes of not less than three-fourths of the existing Judges on the ground of violating or disobeying the ethical standard of the Judges of the Constitutional Court;

(6) vacation of office on the ground prescribed in Section 235 Paragraph Three;

When the President of the Constitutional Court resigns from the position, he or she shall vacate the position of a Judge of the Constitutional Court as well.

In the case where a Judge of the Constitutional Court vacates office upon the expiration of the term, the outgoing Judge shall continue to perform duties until the appointment of a new Judge of the Constitutional Court.

Where a question arises whether or not any Judge of the Constitutional Court vacates office according to (1) or (3), the Selection Committee shall have the duty and power to decide pursuant to Section 203, and the decision of the Selection Committee shall be final.

A petition, a petitioner, the consideration, and the decision under Paragraph Four shall be in accordance with the rules and procedure as prescribed in the Organic Act on the Procedure of the Constitutional Court.

Section 209 In the event that a Judge of the Constitutional Court vacates office before expiration of the term and a new Judge has not been appointed to fill in the vacancy, the remaining Judges of the Constitutional Court shall continue to perform duties.

The provision under Paragraph One shall not apply in case of less than seven remaining Judges.

Section 210 The Constitutional Court shall have the following duties and powers:

- (1) adjudicate the constitutionality of a law or bill;
- (2) adjudicate the problems concerned with the duties and powers of the House of Representatives, the Senate, the Council of Ministers, or the Constitutional Organizations;
- (3) other duties and powers as provided in the Constitution.

The submission of a petition and the conditions thereof, the adjudication, the preparation of adjudication, and the operations of the Constitutional Court, other than those provided in the Constitution, shall be in accordance with the Organic Act on the Procedure of the Constitutional Court.

The provisions under Section 188, Section 190, Section 191 and Section 193 shall apply to the Constitutional Court *mutatis mutandis*.

Section 211 The quorum of Judges of the Constitutional Court for hearing and giving a decision shall consist of not less than seven judges.

The decision of the Constitutional Court shall be made by a majority of votes, unless otherwise provided in the Constitution.

In the case where the Constitutional Court accepts any case for consideration, any Judge of the Constitutional Court may not refuse to consider it with the reason that such case does not fall under the jurisdiction of the Constitutional Court.

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

Section 212 In the application of the provisions of law to any case, if the Court by itself is of the opinion that, or a party to the case argues with justifications that, the provisions of such law fall within the Section 5 and there has not yet been a decision of the Constitutional Court on such provisions, the Court shall stay its trial and adjudication of the case and meanwhile submit its opinion to the Constitutional Court for consideration and

decision. Under such circumstance, the Court shall suspend its judgment until the Constitutional Court has rendered its decision.

In the case where the Constitutional Court is of the opinion that the argument of the party under Paragraph One is not reasonably essential to decide upon, the Constitutional Court may refuse to accept the case for consideration.

The decision of the Constitutional Court shall apply to all cases with no effect on final judgments of the Courts. Except in criminal cases, it shall be deemed that the persons convicted by the Court for committing the offences under the provisions of law decided by the Constitutional Court to violate Section 5 have never committed such offences, and if the persons are under imprisonment they shall be released. In this case, no right to any compensation or damage shall be instituted.

Section 213 A person whose rights or liberties recognized by the Constitution are violated shall be entitled to file a complaint with the Constitutional Court for its decision if such act of violation is contrary to or inconsistent with the Constitution, according to the rules, procedure and conditions as provided in the Organic Act on the Procedure of the Constitutional Court.

Section 214 Under the circumstance where a Judge of the Constitutional Court must cease to perform duties pursuant to Section 235 Paragraph Three, and there are less than seven remaining Judges, the President of the Supreme Court and the President of the Supreme Administrative Court shall jointly appoint a person possessing the qualifications and not being under the prohibitions, as applied to Judges of the Constitutional Court, to temporarily act as a Constitutional Judge to complete the total number of nine Judges. In this case, the person appointed shall act as a Judge of the Constitutional Court until the replaced Judge returns to office or the replacing Judge has been appointed.

CHAPTER XII

Constitutional Organizations

Part 1

General Provisions

Section 215 The Constitutional Organizations are the organizations established with the aim to independently perform duties in accordance with the Constitution and laws.

The performance of duties and the exercise of powers of the Constitutional Organizations shall be in good faith, with fairness and courage, and without bias in the exercise of their discretion.

Section 216 Other than the qualifications and prohibition as prescribed specifically in the part concerning each Constitutional Organization, a holder of a position in a Constitutional Organization shall generally have the qualifications and not be under the prohibitions as provided hereunder:

- (1) being not less than forty-five years and not more than seventy years of age;
- (2) having the qualifications under Section 201 (1), (3), (4) and (5);
- (3) not being under any of the prohibitions in Section 202.

Section 217 The selection of a person suitable to be appointed as a position holder in a Constitutional Organization, except for the National Human Rights Commission, shall be the duty and power of the Selection Committee under Section 203 to undertake the acquisition, except that the Selection Committee as provided in Section 203 (4) shall consist of persons appointed by the Constitutional Court and Constitutional Organizations whose members are not selected by a selection committee.

Section 203, Section 204, Section 205 and Section 206 shall apply *mutatis mutandis* to the selection under Paragraph One.

Section 218 Other than vacating office upon expiration of the term, a position holder in a Constitutional Organization shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) not having the qualifications or being under the general prohibitions in Section 216, or not having the qualifications or being under the specific prohibitions in Section 222, Section 228, Section 232, Section 238 or Section 246 Paragraph Two and as provided in the laws enacted under Section 246 Paragraph Four, as the case may be.

The provisions of Section 208 Paragraph Two, Paragraph Three, Paragraph Four and Paragraph Five and Section 208 shall apply *mutatis mutandis* to the vacation from office of position holders in the Constitutional Organizations.

In the case where a position holder in a Constitutional Organization must cease to perform duties pursuant to Section 235 Paragraph Three, if the remaining members are less than one-half of the total number, the provisions of Section 214 shall apply *mutatis mutandis*.

Section 219 The Constitutional Court and the Constitutional Organizations shall jointly develop the ethical standard for application with the Judges of the Constitutional Court and the position holders in the Constitutional Organizations including the Ombudsman and heads of administration in the Constitutional Court and the Constitutional Organizations. Upon their publication in the Government Gazette, the ethical standard shall enter into force. Such standard shall cover the upholding of national prestige and interest, and shall explicitly specify what type of violation or disobedience of the ethical standard is deemed to be of serious nature.

In the development of the ethical standard under Paragraph One, opinions of the House of Representatives, the Senate and the Council of Ministers shall be taken into consideration and, upon their promulgation, it shall apply to members of the House of Representatives, the Senate and the Council of Ministers, but this does not prohibit the House of Representatives, the Senate and the Council of Ministers to add their own set of

ethical rules specifically appropriate to their performance of duties, provided that they are not contrary to or inconsistent with the ethical standard under Paragraph One and must be published in the Government Gazette.

Section 220 Each Constitutional Organization, excluding the State Audit Commission, shall have an office responsible for administrative affairs, operations and facilities so as to ensure that the Organization will achieve its mission and duties as provided in the Constitution and the law and perform according to the resolution or direction it so has determined. The office shall have one head, appointed upon approval of the Organization, taking charge of the administration and responsible directly to such Constitutional Organization, as provided by law.

Section 221 In performing duties, the Constitutional Organizations shall cooperate and assist each other with a view to achieving their goals. If any Constitutional Organization is of the opinion that a person has committed a wrongful act under the duties and powers of another Constitutional Organization, it shall notify such Organization for further proceeding according to the duties and powers thereof.

Part 2

The Election Commission

Section 222 The Election Commission shall consist of seven members appointed by the King, with the advice of the Senate, as follows:

(1) five persons possessing knowledge and expertise in various academic fields beneficial to the conduct of honest and fair elections, and having apparent honesty, who have been selected by the Selection Committee;

(2) two persons possessing knowledge, expertise and experience in laws and having apparent honesty, and having in the past held a position of not lower than the Chief Judge or Chief Prosecutor for not less than five years, who have been selected by the general meeting of the Supreme Court;

A person to be selected as an Election Commissioner under (1) shall have the qualifications as prescribed in Sections 232 (2), (3), (4), (5), (6) or (7), or work or have in the past worked in the civil society sector for not less than twenty years, as specified by the Selection Committee.

Section 223 The Election Commissioners shall hold office for a term of seven years as from the date of their appointment by the King, and shall hold office for one term.

In the event that an Election Commissioner vacates office before the expiration of the term and a new Commissioner has not been appointed to fill in the vacancy, the remaining Commissioners shall continue to perform duties, except in case of less than four remaining Commissioners they shall perform specifically to the extent of necessity for unavoidable affairs.

Section 224 The Election Commission shall have the duties and powers as follows:

(1) organize or arrange for the conduct of election of members of the House of Representatives, selection of senators and election of members of the local councils and local executives, and the conduct of public referendum;

(2) govern the election and the selection under (1) to be in an honest and fair manner, and govern the voting in a referendum to conform with the law. For this purpose, it shall have investigation or inquiry power as deemed necessary or expedient.

(3) where the result of the investigation or inquiry under (2) reveals that or there is an apparent act that reasonably leads to doubt that the election or selection under (1) has not been conducted with honesty or fairness, or the voting in a referendum has been unlawfully conducted, it shall have the power to suspend, restrain, alter or cancel the election or selection or the voting in a referendum and order a new proceeding of election, selection or the voting in referendum in some polling stations or all.

(4) order temporary suspension of the right to apply for candidacy of a candidate in the election or selection under (1) for a period of not more than one year if there is reasonable evidence to believe that such person has committed an act or known of the act committed by another person in a dishonest fashion or causing the election or selection to be dishonest or unfair;

(5) govern the operations of political parties to conform to the law;

(6) other duties and powers as provided by the Constitution or the law.

In the investigation or inquiry under (2), the Election Commission may entrust each Commissioner to carry out such duty thereof or entrust a group of persons to undertake it under the supervision of an Election Commissioner according to the rules and procedure as prescribed by the Election Commission.

Each Election Commissioner who has witnessed a wrongful act shall exercise the power under (3) at a polling station or in a constituency where such act has been committed, in accordance with the rules, procedure and conditions as prescribed by the Election Commission.

Section 225 Before an announcement of the result of the election or selection is made, if there is reasonable evidence to believe that the election or selection is not honest or fair, the Election Commission shall have the power to order a new election or selection in the concerned polling station or constituency. If the person having committed the dishonest or unfair act is a candidate in the election or selection, as the case may be, or having known of the dishonest or unfair act committed by another person, the Election Commission shall order temporary suspension of his or her right to candidacy in accordance with Section 224 (4).

The order under Paragraph One shall be final.

Section 226 During the proceeding under Section 225 or after the announcement of the result of the election or selection, if there is reasonable evidence to believe that any candidate in the election or selection has committed a dishonest act in the election or selection or known of the dishonest act of another person, the Election Commission shall submit a petition to the Supreme Court requesting revocation of the right to candidacy or the right to vote of such person.

In the consideration under Paragraph One, the Supreme Court shall base on the findings of the investigation or inquiry of the Election Commission and, in the interest of justice, the Court shall have the power to order further inquiry into fact and evidence.

In the case where the Supreme Court has decided that the person in Paragraph One has committed an offence as petitioned, the Supreme Court shall order revocation of

his or her candidacy or voting right for a period of ten years, in accordance with the Organic Law on the Election of Members of the House of Representatives or the Organic Law on the Acquisition of Senators, as the case may be.

Upon the order of the Supreme Court to accept the petition for consideration, if the alleged person is a member of the House of Representatives or a senator, such person shall cease to perform duties until the Supreme Court has rendered its decision of innocence. If the Supreme Court has decided that the person is guilty, the membership of such member of the House of Representatives or senator shall terminate as from the date of cessation of duties.

The member of the House of Representatives or the senator who has ceased to perform duties under Paragraph Four shall not be included in the total number of existing members of the House of Representatives or the Senate, as the case may be.

This Section shall apply to the election of members of the local councils or local administrators *mutatis mutandis*, except that, in such case, the Court of Appeal shall have the power of the Supreme Court and its order or decision shall be final.

The consideration and the decision of the Supreme Court or the Court of Appeal pursuant to this Section shall be in accordance with the Regulations of the general meeting of the Supreme Court which must apply the inquiry system and be undertaken with no delay.

Section 227 While a Royal Decree calling for an election of members of the House of Representatives or a selection of senators or a Notification calling for voting in a referendum is effective, no Election Commissioner shall be arrested, detained or summoned by a warrant for inquiry, unless permitted by the Election Commission or the arrest is made *in flagrante delicto*.

In the case where an Election Commissioner is arrested *in flagrante delicto*, or where an Election Commissioner is arrested or detained under other circumstances, the Chairperson of the Election Commission shall be forthwith reported thereto, and the Chairperson may order a release of the person so arrested, except in the case where the

Chairperson of the Election Commission is arrested or detained, the existing Election Commissioners shall have the power to order a release.

Part 3

The Ombudsmen

Section 228 There shall be three Ombudsmen appointed by the King, with the advice of the Senate, from the persons selected by the Selection Committee.

The selected persons shall consist of two persons who are of apparent honesty with knowledge, expertise and experience in the administration of State affairs not lower than the position of Director-General or equivalent head of government service or head of a State agency not lower than a department as required by the Selection Committee and have been in such position for a period of not less than five years; and one person with experience in the administration of public enterprises for a period of not less than twenty years.

Section 229 The Ombudsmen shall hold office for a term of seven years as from the date of appointment by the King, and shall hold office for only one term.

Section 230 The Ombudsmen shall have the duties and powers as follows:

(1) advise relevant State agencies to revise any law, rule, regulation or order or procedure which causes trouble or unfairness for people or unnecessary or unreasonable burdens on people;

(2) inquire into fact upon the awareness of any person who is in trouble or not fairly treated as a result of the failure to comply with the law or the performance excessive of duties and powers of a State agency or State official, with a view to advising the concerned agency to eliminate or restrain such trouble or unfairness.

(3) inform the Council of Ministers in respect of the State agencies that have not fully and properly complied with Chapter 5, Duties of the State.

In the event that the relevant State agencies fail to act in compliance with the advice of the Ombudsmen under (1) or (2) without a reasonable cause, the Ombudsmen shall inform the Council of the Ministers to further consider ordering the proceeding under (1) or (2) as deemed appropriate.

In taking actions pursuant to Paragraph One and Paragraph Two, where the matter is related to the violation of human rights, the Ombudsman shall refer it to the National Human Rights Commission for further proceeding.

Section 231 In the performance of duties pursuant to Section 230, the Ombudsmen may refer a case to the Constitutional Court or the Administrative Court under the following circumstances:

(1) where a question arises in respect of the constitutionality of provisions of any law, the Ombudsmen shall refer the case, with its opinions attached, to the Constitutional Court thereon the Court shall consider and decide without delay, in accordance with the Organic Act on the Procedure of the Constitutional Court;

(2) where a question arises in relation to the constitutionality or the legitimacy of any rule, order or other act of a State agency or State official, the Ombudsmen shall refer the case, with its opinions attached, to the Administrative Court thereon the Court shall consider and decide without delay, in accordance with the Organic Law on the Establishment and Procedure of the Administrative Court;

Part 4

The National Counter Corruption Commission

Section 232 The National Counter Corruption Commission consists of nine members appointed by the King, with the advice of the Senate, from the persons selected by the Selection Committee.

The persons selected must be of apparent honesty with knowledge, expertise and experience in law, accounting, economics, public administration or any other field

beneficial to the prevention and suppression of corruption, and must possess any of the following qualifications:

(1) being or having in the past been in government service holding the position of not lower than Chief Judge, Chief Administrative Judge of First Instance, Chief Judge of the Military Court of Appeals, or Director-General for Public Prosecution for not less than five years;

(2) being or having in the past been in government service holding the position of not lower than the Director-General or equivalent head of government service for not less than five years;

(3) holding or having in the past held the highest executive position in a State enterprise or another State agency which is not a government service or a State enterprise for not less than five years;

(4) holding or having in the past held a professor position of a university in Thailand for not less than five years with apparent academic performance;

(5) being or having in the past been a professional practitioner certified by law who has continuously practiced for not less than twenty years up to the date of nomination and has been verified by such professional organization;

(6) having knowledge, expertise and experience in the areas of management, budgeting, finance, accounting or entrepreneurship management in a position of not lower than senior executive of a public company for not less than ten years;

(7) having in the past held the positions under (1), (2), (3), (4) or (6) for a total period of not less than ten years.

The period in Paragraph Two shall be counted up to the date of the nomination or the application for selection, as the case may be.

Section 233 The National Commissioners on Counter Corruption shall hold office for a term of seven years as from the date of their appointment by the King and shall hold office for only one term.

In the case when a National Commissioner on Counter Corruption vacates office before the expiration of the term and no new Commissioner has yet been appointed to fill in

the vacancy, the remaining Commissioners shall continue to perform their duties, unless the number thereof is less than five Commissioners.

Section 234 The National Counter Corruption Commission shall have the following duties and powers:

(1) inquire and provide opinions for further proceeding according to the Constitution or the Organic Act on Prevention and Suppression of Corruption in the case related to the allegation that a person holding a political position, a Judge of the Constitution Court, a person holding office in a Constitutional Organization or the Auditor General is of unusual wealth, has committed an offence of corruption, or has deliberately performed the duties or exercised the power in a manner contrary to the provisions of the Constitution or laws, or has seriously violated or failed to comply with the ethical standard;

(2) inquire and decide whether or not a State official is of unusual wealth, has committed an offence of corruption or malfeasance in office or malfeasance in judicial office, for the purpose of further proceeding according to the Organic Act on Prevention and Suppression of Corruption;

(3) require a person holding a political position, a Judge of the Constitution Court, a person holding office in a Constitutional Organization, the Auditor General or a State official to present his or her list of assets and liabilities including those of the spouse and minor children, and inspect their assets and liabilities and disclose the result thereof, according to the Organic Act on Prevention and Suppression of Corruption;

(4) other duties and powers as provided by the Constitution or the law.

In performing the duties under (1), (2) and (3), it shall be the duty of the National Counter Corruption Commission to provide for measures or approaches that ensure effective, speedy, honest and fair performance. Where it is of necessity, the Commission may entrust a State agency, thereof the duties and powers are related to the prevention and suppression of corruption, to proceed on its behalf in the case of non-serious offence or of the commission of offences by State officials at some levels, or may assign an official of administrative office of the Commission to undertake a preliminary investigation or inquiry in accordance with the rules, procedure and conditions as prescribed in the Organic Act on Prevention and Suppression of Corruption.

Section 235 Subject to Section 236, where there is a reasonable ground to suspect or there is an allegation that a person holding a political position as specifically provided in the Organic Act on Prevention and Suppression of Corruption, a Judge of the Constitution Court, a person holding office in a Constitutional Organization or the Auditor General has a behavior pursuant to Section 234 (1), the National Counter Corruption Commission shall inquire into fact. If it has passed a resolution by the votes of not less than one-half of the total number of existing Commissioners that such person has a behavior or has committed the offence as inquired, the Commission shall proceed as follows:

(1) in case of serious violation or failure to comply with the ethical standard, it shall refer the case to the Supreme Court for decision thereon, and the provisions of Section 226 Paragraph Seven shall apply *mutatis mutandis* to the trial and adjudication of the Supreme Court;

(2) in other cases than (1), it shall present the inquiry file to the Attorney General to institute a prosecution before the Supreme Court's Criminal Division for Holders of Political Positions or undertaken other proceedings according to the Organic Act on Prevention and Suppression of Corruption.

The National Counter Corruption Commission shall complete the inquiry and pass the resolution under Paragraph One within the period specified in the Organic Act on Prevention and Suppression of Corruption.

Upon acceptance of the case by the Supreme Court or the Supreme Court's Criminal Division for Holders of Political Positions, the alleged person shall cease to perform duties until a judgment has been rendered, unless otherwise ordered by the Supreme Court or the Supreme Court's Criminal Division for Holders of Political Positions. In the event where the Supreme Court or the Supreme Court's Criminal Division for Holders of Political Positions has decided that the alleged person has a behavior or has committed the alleged offence, as the case may be, such person shall vacate office as from the date of cessation of duties and his or her right for candidacy in an election shall be revoked while the revocation of his or her voting right for a period of not more than ten years may or may not be imposed thereupon.

Any person whose right for candidacy in an election has been revoked on whatever ground, such person shall not permanently be entitled to apply as a candidate in an election or a selection of members of the House of Representatives, senators, members of the local councils or local administrators, and shall not be entitled to hold any political position.

In the case where the Supreme Court's Criminal Division for Holders of Political Positions has decided that the alleged person is guilty of the charge of unusual wealth or corruption, his or her assets as obtained from the commission of the offence including other assets or benefits in lieu of such assets shall vest in the State.

In considering the case, the Supreme Court or the Supreme Court's Criminal Division for Holders of Political Positions shall base on the inquiry file of the National Counter Corruption Commission and, in the interest of justice, the Court shall have the power to order further inquiry into fact and evidence.

This Section shall apply *mutatis mutandis* to the person under Section 234 (3) who deliberately has not presented a list of assets and liabilities, or has deliberately presented a false list of assets or liabilities or withheld the facts subjected to be informed thereof, and possesses a behavior which reasonably leads to believe that such person intends to not disclose the sources of his or her assets or liabilities.

Section 236 Members of the House of Representatives or senators or members of both Houses in the number of not less than one-fifth of the total number of existing members of both Houses or persons having the right to vote of not less than twenty-thousand in number have a right to lodge with the President of the National Assembly a complaint, accompanied by reasonable evidence, that any National Commissioner on Counter Corruption has acted pursuant to Section 234 (1). If the President of the National Assembly is of the opinion that there is a reasonable ground to suspect that such act has been committed as alleged, the President of the National Assembly shall refer the case to the President of the Supreme Court for the purpose of appointing a group of independent inquisitors from the persons of apparent political impartiality and honesty to inquire into facts.

The qualifications, prohibitions, duties and powers, procedure for inquiry, period of inquiry and other necessary undertakings of the group of independent inquisitors shall be as provided by the law.

Section 237 Upon completion of the inquiry, the group of independent inquisitors shall proceed as follows;

(1) If it is of the opinion that the allegation has no merit, it shall order termination of the case and such order shall be final.

(2) If it is of the opinion that the alleged person has seriously violated or failed to comply with the ethical standard, it shall refer the case to the Supreme Court for decision thereon. In such case, the provisions of Section 235, Paragraph Three, Paragraph Four and Paragraph Six shall apply *mutatis mutandis*.

(3) If it is of the opinion that the alleged person has the behavior as alleged and it is not the case under (2), it shall refer the inquiry file to the Attorney General to institute a prosecution before the Supreme Court's Criminal Division for Holders of Political Positions and the provisions of Section 235, Paragraph Three, Paragraph Four and Paragraph Five shall apply *mutatis mutandis*.

Part 5

The State Audit Commission

Section 238 The State Audit Commission shall consist of seven members appointed by the King, with the advice of the Senate, from the persons selected by the Selection Committee.

The selected persons must be of apparent honesty with knowledge, expertise and not less than ten years of experience in the State audit, law, accounting, internal audit, budget and finance and other fields beneficial to the State audit.

Section 239 The State Audit Commissioners shall hold office for a term of seven years as from the date of their appointment by the King and shall hold office for only one term.

Section 240 The State Audit Commission shall have the following duties and powers:

(1) lay down the State audit policy;

(2) prescribe standard procedure in respect of the State audit;

(3) govern the State audit to be in compliance with (1) and (2) and the law on fiscal discipline of the State;

(4) advise, suggest or recommend in relation to the spending of State funds in accordance with the law on fiscal discipline of the State, and advise State agencies in the alteration of errors in the spending of State funds;

(5) order administrative punishment in case of violation of the law on fiscal discipline of the State;

The proceeding under Paragraph One shall be as provided by the Organic Act on State Audit.

The person punished by the order under (5) may appeal to the Supreme Administrative Court within ninety days as from the date of the receipt of the order. The consideration by the Supreme Administrative Court shall take into account the policy on the State Audit and the standard procedure as provided in (1) and (2).

Section 241 There shall be one Auditor General appointed by the King, with the advice of the Senate, from the nomination by the State Audit Commission.

The qualifications and the prohibitions applicable to the Auditor General shall be the same as those applied to the State Audit Commissioners.

The person nominated for appointment as the Auditor General shall be approved by the Senate with the votes of not less than one-half of the total number of its existing members, and the provisions of Section 204, Paragraph One, Paragraph Two and Paragraph Four shall apply *mutatis mutandis* to the appointment of the Auditor General.

The recruitment, selection and nomination of the Auditor General shall be in accordance with the Organic Act on State Audit.

Section 242 The Auditor General shall perform the duties fairly, impartially, and without prejudice in its discretion, and shall have the duties and powers as follows:

(1) audit the State funds in accordance with the policy on State audit and its standard procedure for the State audit as prescribed by the State Audit Commission and the law on fiscal discipline of the State;

(2) assess the results and efficacies in the spending of money by State agencies;

(3) entrust officials to undertake the proceedings under (1) and (2);

(4) govern and be responsible for the performance of duties of the officials under (3);

Section 243 The Auditor General shall be independent in performing the duties, responsible to the State Audit Commission and be the superintendent of the administrative office of the State Audit Commission.

The term of holding office, the vacation from office, and the performance of duties of the Auditor General shall be in accordance with the Organic Act on State Audit.

Section 244 Where there is reasonable evidence to believe that the spending of State funds is in a manner of corruption, deliberate performance of duties or exercise of powers contrary to the Constitution or laws, or may cause an election to be dishonest or unfair, and where in such cases the Auditor General has no power to proceed in any way, the Auditor General shall inform the National Counter Corruption Commission, the Election Commission or other concerned agencies, as the case may be, for acknowledgement and further proceed according to the respective duties and powers thereof.

In the proceeding of the National Counter Corruption Commission, the Election Commission or other concerned agencies as so informed under Paragraph One, the documents and evidence inspected or prepared by the Auditor General shall be considered as part of the investigation file of the National Counter Corruption Commission, the Election Commission or other concerned agencies, as the case may be.

Section 245 With a view to suspending or restraining damage on the State finance that may arise, the Auditor General shall present the result of the inspection of an act, which has not complied with the law on fiscal discipline of the State and may cause serious damage to the State finance, to the State Audit Commission for consideration.

In the case where the State Audit Commission is in agreement with such inspection result, it shall hold a consultation meeting with the Election Commission and the National Counter Corruption Commission. If the joint meeting agrees with such result, it shall inform, in writing, the House of Representatives, the Senate and the Council of Ministers without delay and shall also disclose the result of the inspection to the public.

Part 6

The National Human Rights Commission

Section 246 The National Human Rights Commission shall consist of seven members appointed by the King, with the advice of the Senate, from the persons selected.

The persons selected must have knowledge and experience in the protection of rights and liberties of the people, be politically impartial, and have apparent honesty.

The National Human Rights Commissioners shall hold office for a term of seven years as from the date of their appointment by the King and shall hold office for only one term.

The qualifications, prohibitions, selection, and vacation from office of the National Human Rights Commission shall be as provided by the Organic Act on National Human Rights Commission. The provisions in respect of the selection must require the participation of representatives of human rights non-governmental organizations in the selection.

Section 247 The National Human Rights Commission shall have the powers and duties as follows:

(1) examine and report accurate facts in relation to the violation of human rights in every aspect and without delay, and recommend appropriate measures or approaches to prevent or resolve the human rights violations and to provide remedy for the person injured by the violation of human rights to the concerned State or private agencies;

(2) prepare an assessment report of the situation of human rights in the country for submission to the National Assembly and the Council of Ministers and dissemination to the public;

(3) recommend measures or approaches to the National Assembly, the Council of Ministers and relevant agencies in regard to the promotion and protection of human rights, and the revision of laws, rules or regulations for the purpose of complying with the human rights principle;

(4) clarify and report accurate facts without delay in the case where there is an incorrect or unfair report on the human rights situation in Thailand;

(5) encourage all sections of the society to recognize the importance of human rights;

(6) other duties and powers as provided by the law.

Upon receipt of the reports under (1) and (2) or recommendation under (3), the Council of Ministers shall make improvements and revisions as may be appropriate and without delay. In any case that the proceeding may not be undertaken or may consume time, the Council of Ministers shall promptly provide the reason to the National Human Rights Commission.

In performing its duties, the National Human Rights Commission shall give due regard to the well-beings of the Thai people and the common interests of the country.

CHAPTER XIII

Public Prosecution Organization

Section 248 The Public Prosecution Organization shall have the duties and powers as provided by the Constitution and the law.

Public prosecutors shall be independent in the consideration of ordering cases and in the performance of duties in a speedy and fair manner and without any prejudice, and their orders shall not be deemed administrative orders.

Personnel administration, budgeting and other proceedings of the Public Prosecution Organization shall be independent with a specific system of salary and remuneration as may be appropriate. The personnel administration in relation to the public prosecutors shall be carried out by the Public Prosecution Commission, which shall minimally consist of the Chairperson who must not be a public prosecutor and qualified persons selected by public prosecutors of whom not less than two persons must not be or have not been public prosecutors, as provided by law.

The law under Paragraph Three shall prescribe measures preventing public prosecutors from committing an act or holding any position that may cause the ordering of cases or the performance of duties to be contrary to Paragraph Two or may constitute a conflict of interests. In this regard, such measures shall be explicitly specified and generally applied with no power rendered for consideration of any case in particular.

CHAPTER XIV

Local Administration

Section 249 Subject to Section 1, the State shall give autonomy to a locality in compliance with the principle of self-government according to the will of people in the locality, and on the basis of procedure and form of the local government organization as provided by law.

Establishment of a local government organization of any form shall give regard to the will of people in the locality and their capacity of self-government in reference to the revenue, number and density of the population, and vicinity under responsibility.

Section 250 A local government organization shall have the duties and powers to govern and provide public services and activities for the benefit of people in the locality according to the principle of sustainable development, and to enhance and support availability of education for people in the locality, as provided by law.

The provision of any public service or activity, which is viewed as appropriate to be a particular duty and power of each form of local government organization, or to make a local government organization the principal agency in the operation of such, shall be according to the law and consistent with the revenue of the local government organization as stipulated in Paragraph Four. Such law shall minimally contain the provisions in respect of mechanisms and procedures for decentralizing duties and powers, budget, and personnel involved with such official duties and powers to the local government organization.

In providing any public service or activity falling under the duties and powers of a local government organization, if a joint operation with a private agency or a State agency or an entrustment of a private agency or a State agency for the operation thereof will better benefit people in the locality than its own operation, the local government organization may join or entrust a private agency or a State agency for such purpose.

The State shall ensure that a local government organization has revenue of its own by organizing an appropriate tax system or tax collection system, and encouraging and developing the earnings on its part. With a view to sufficing the operation under Paragraph One, the State shall for the time being allocate budget in support of the local government organization.

The law as aforementioned in Paragraph One and the law on local administration shall provide for independence of a local government organization in management, provision of public services, enhancement and support of education, budget and finance, and the governing of local government organization, in so far as necessary to protect the interest of people in the locality and of the country as a whole, prevent corruption, and efficiently spend budget, with regard given to the appropriateness and the difference varied by each form of local government organization. Such laws shall further provide for prevention of conflict of interests and of intervention in the performance of duties of local officials.

Section 251 Personnel administration of a local government organization shall be according to the provisions of the law, along with the application of moral principle and the consideration of appropriateness and necessity of each locality and each form of local government organization, and the common standard set for the purpose of mutual development or reshuffle of personnel among local government organizations.

Section 252 Members of a local assembly shall come from election.

A local administrator shall be elected by the people or be approved by a local assembly, or shall be acquired by other means in case of the special form of local government organization, provided that regard shall be had to the participation of people, as provided by law.

Qualifications of the person having the right to vote and the person having the right to apply for candidacy in an election and the rules and procedure for election of members of a local assembly and a local administrator shall be in accordance with the provisions of the law, with due regard given to the intent on countering corruption as guided by the Constitution.

Section 253 A local government organization, a local assembly, and a local administrator shall disclose to the public the information regarding the performance of duties and the result thereof, and shall provide mechanisms enabling the participation of people, as provided by law.

Section 254 Persons having the right to vote in the election in a local government organization shall have the right to propose a local legislation or submit a motion, with their names therein, to remove a member of a local assembly or a local administrator in accordance with the rules, procedure and conditions as provided by law.

CHAPTER XV

Amendment of the Constitution

Section 255 Any amendment of the Constitution 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.

Section 256 Subject to Section 255, an amendment of the Constitution shall be permitted under the rules and procedure as follows:

(1) a motion for amendment must be proposed either by the Council of Ministers or 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 the House of Representatives and the Senate 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 in accordance with the law on the public initiative of a bill;

(2) a motion for amendment must be proposed to the National Assembly in the form of a draft Constitution Amendment thereafter 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 the votes of not less than one-half of the total number of the existing members of both Houses, therein must include the number of members of the Senate of not less than one-third of the existing members of the Senate;

(4) the voting in the second reading for consideration on a section by section basis shall be decided by a simple majority of votes, but in case of the amendment proposal made by citizens, the representatives thereof shall be permitted to give opinions;

(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 the votes of more than one-half of the total number of the existing members of both Houses, therein must include the number of members of the House of Representatives from the political parties which have no members holding the position of Minister, the President or the Vice-Presidents of the House of Representatives of not less than twenty percents of the total number of members of all such political parties, and must include the number of members of the Senate of not less than one-third of the existing members of the Senate;

(7) after the resolution has been passed under (6), there shall be an interval of fifteen days after which the draft Constitution Amendment shall be presented to the King, and the provisions of Section 81 shall apply *mutatis mutandis*.

(8) in case the draft Constitution Amendment has the effect of amending Chapter I:General Provisions, Chapter II: The King, or Chapter XV:Amendment of the Constitution, or the matter concerning the qualifications or the prohibitions of holders of the positions under the Constitution, or the matter concerning the duties or power of the Courts or the Constitutional Organizations, or the matter which may hinder the Courts or the Constitutional Organizations from performing their duties or exercising their powers, a public referendum shall be held in accordance with the law on public referendum prior to the proceeding under (7). If the draft Constitution Amendment has been passed by the public referendum, the proceeding under (7) shall continue.

(9) before the Prime Minister presents the draft Constitution Amendment to the King for His signature according to (7), members of the House of Representatives or members of the Senate or members of both Houses in the number of not less than one-tenth of the total number of the existing members of each House or both Houses, as the case may be, shall have the right to present, with their names attached, their opinion to the President of the House they are members or the President of the National Assembly, as the case may be, that the draft Constitution Amendment under (7) is contrary to Section 255 or is of the nature under (8), thereafter the President of the House receiving such opinion shall refer the case to the Constitutional Court and the Constitutional Court shall complete its adjudication within thirty days as from the date of receipt. While the case is under adjudication of the Constitutional Court, the Prime Minister shall not be permitted to present the draft Constitution Amendment to the King for His signature.

CHAPTER XVI

National Reform

Section 257 The national reform under this Chapter shall be undertaken to achieve the following goals:

(1) Peace and order, unity and reconciliation, sustainable development on the basis of the philosophy of sufficiency economy, and balanced material and spiritual development ;

(2) Peaceful and fair society with equal opportunity to eliminate disparity;

(3) People's happiness, good quality of life and participation in the development of the country and democratic regime of government with the King as Head of the State.

Section 258 There shall be a national reform in various fields carried out with a view to achieving the following results:

A. Politics

(1) Ensure that people have an accurate knowledge and understanding of the democratic regime of government with the King as Head of the State, participate in political activities including the monitoring of the exercise of State power, accept different *bona fide* political opinions, and exercise their voting right in an election and a public referendum freely without influence by any means.

(2) Ensure that activities undertaken by political parties are transparent and accountable so that political parties evolve into political institutions of people holding common political ideas, develop clear and concrete processes ensuring that political party members truly participate and take responsibility in the implementation of political activities and that competent, honest and ethical persons are recruited to hold political positions.

(3) Have a mechanism making political parties accountable for their advertisement of the policies, thereof the impact, worthiness and risk have not been thoroughly assessed.

(4) Have a mechanism requiring holders of political positions to perform their duties with honesty and accountability to the public.

(5) Have a mechanism for resolving political conflicts by peaceful means under the democratic regime of government with the King as Head of the State.

B. Administration of State Affairs

(1) Use appropriate technologies in the administration of State affairs and the development of public services in the interest of State administration and for the convenience of people.

(2) Develop an integrated database of all State agencies to serve as a data system for the administration of State affairs and the delivery of public services.

(3) Improve and develop the structure and system of the State administration and a State manpower plan to timely respond to the emerging changes and challenges in a manner appropriate to different missions of State agencies.

(4) Improve and develop State personnel administration for the purpose of motivating genuine competent persons to work with State agencies and be able to advance their career on the basis of their capabilities and performance outcomes, being honest persons with the courage to decide and act rightfully by giving regard to the public interest rather than self-interest, being creative persons able to develop new innovations for effective official service and administration of State affairs, and for the purpose of establishing measures to protect public sector personnel from the abuse of power by their superiors.

(5) Improve the procurement system in the public sector to make it speedy, transparent and verifiable, equipped with a mechanism to prevent corruption in every stage.

C. Legislation

(1) Have a mechanism for improving the laws, rules, regulations or by-laws in force prior to the promulgation of the Constitution with a view to ensuring their compliance with the principle in Section 77 and the international standards by applying the permit and

committee systems, to the extent of necessity, for the benefit of speedy performance with clear responsible persons and without creating unnecessary burdens on the people, of increased capacity of the country in any competition, and of prevention of corruption and misconduct.

(2) Reform the system of legal education and training with a view to developing legal practitioners to be proficient, hold legal standpoint, and adhere to morals and ethics of lawyers.

(3) Develop a database of State laws using technologies that enable people to conveniently access legal information and understand the essence thereof.

(4) Set up a mechanism to assist people to propose legislation.

D. Judicial Process

(1) Have a clearly specified timeframe for every stage of the judicial process so as to ensure justice for the people with no delay, as well as a mechanism to assist the impoverished to access the justice process, and a mechanism to strictly enforce the laws in order to reduce disparity and unfairness within the society.

(2) Improve the criminal inquiry system by providing for a proper check and balance between inquiry officials and public prosecutors and a clearly specified timeframe for the performance of duties of every concerned party in order to avoid the lapse of prescription and to build confidence of inquiry officials and public prosecutors in the criminal inquiry, by applying forensic science in the inquiry, with provision of forensic science service by more than one agency independent of each other so as to offer alternatives for the public in relation to the proving of fact.

(3) Enhance and improve the organizational culture of all agencies involved with the judicial process with the aim to facilitate convenient and speedy justice for the people.

(4) Enforce law efficiently by revising the laws pertaining to duties, powers, and missions of the police to be more appropriate and the laws concerned with personnel administration of police officials to be more efficient, and clear guarantees for all police officials of proper remuneration and fairness in the appointment, transfer, and consideration of merit allowance according to the moral system, with due attention given to seniority and competence in the appointment and transfer to enable police officials to

perform their duties in a free, independent of any person, and effective manner and with pride of performing duties.

E. Education

(1) Ensure care and development of young children prior to their schooling pursuant to Section 54 Paragraph Two so that their physical, mental, disciplinary, emotional, social and intellectual aspects can be developed, at no costs, in correspondence with their respective ages.

(2) Enact a law to establish a fund according to Section 54 Paragraph Six within one year as from the date of promulgation of the Constitution.

(3) Have a mechanism and a system for producing, recruiting and developing teachers and trainers who are of teaching spirit and genuine competence and for providing remuneration appropriate to their teaching proficiency and effectiveness, and a mechanism for building a moral system in the personnel administration of teaching professionals.

(4) Improve the quality of teaching and learning at all levels so as to enable the learners to make educational choices according to their skills, and improved structures of the concerned agencies for the purpose of coherently achieving such goal at the national and the local levels.

F. Economy

(1) Eliminate obstacles to and enhance competitiveness of the country in order for the nation and the people to sustainably benefit, with strong resilience, from the participation in various economic groups.

(2) Establish a mechanism to promote and support the use of creative ideas and modern technologies in the national economic development.

(3) Improve the tax system to make it fair, effectively reduce inequality and increase revenue of the State in various aspects, and improve budget preparation and spending to make it efficient and result-oriented.

(4) Establish a mechanism to promote competitiveness of cooperatives and enterprises of all sizes, promote social entrepreneurship and environment-friendly entrepreneurship, and establish a mechanism aiming at increasing people's employment opportunities.

G. Other Aspects

(1) Have an effective, fair, and sustainable management of water resources, taking into consideration the need for water supply in every dimension, including the environmental and climate changes.

(2) Set a fair distribution of land occupation, including checks on land ownership and possession throughout the country for the purpose of resolving the problems of land ownership and possession in a systematic fashion.

(3) Create an effective and environment-friendly system for management and disposal of waste that can be used for other benefits.

(4) Improve the health security system so that people are entitled to and can benefit from its management and equal access to quality and convenient services.

(5) Set up a primary health care system equipped with family physicians to care for people in an appropriate ratio.

Section 259 Subject to Section 260 and Section 261, the national reform under this Chapter shall be in accordance with the law on National Reform Plan and Strategy which prescribes at least for a process of planning, participation of people and relevant agencies, the procedure for the implementation of national reform, the evaluation, and the timeframe of implementation of all aspects of national reform by specifying that the reform in each field must be commenced within one year as from the date of promulgation of the Constitution, inclusive of the expected results thereof within a period of five years.

There shall be an enactment of the law as provided in Paragraph One which shall come into force within one hundred and twenty days as from the date of promulgation of the Constitution.

Where the law under Paragraph One is not yet in effect, State agencies shall, for the time being, carry out the reform on the basis of their existing duties and powers.

Section 260 For the purpose of revising laws according to Section 258, D., Justice Process (4), there shall be a committee appointed by the Council of Ministers and consisting of:

(1) one qualified person with apparent knowledge, honesty and fairness, and who has never served as a police official, as the Chairperson;

(2) persons, in the number as specified by the Council of Ministers, who are or have in the past served as police officials, which must include at least the Commissioner General of the Royal Thai Police, as the members;

(3) qualified persons, in the number equal to (2), with apparent knowledge, honesty and fairness, and who have never served as police official, as the members;

(4) Finance Permanent Secretary, Interior Permanent Secretary, Justice Permanent Secretary, Secretary-General of the Office of the Courts of Justice and Attorney General, as the members.

The Committee under Paragraph One shall complete the revision of laws within one year as from the date of promulgation of the Constitution.

Upon expiration of the period required under Paragraph Two, if the revision of laws has not completed, the reshuffle of police officials shall be based upon the seniority in accordance with the Rules as prescribed by the Council of Ministers and published in the Government Gazette.

Section 261 For the purpose of reform under Section 258, E. Education, there shall be an independent committee appointed by the Council of Ministers to undertake studies, develop recommendations and draft the laws relevant to the proceeding towards achieving the goals, and present to the Council of Ministers for further proceeding.

The Council of Ministers shall appoint the committee as provided under Paragraph One within sixty days as from the date of promulgation of the Constitution, and the committee shall complete its studies, recommendations and draft laws and present to the Council of Ministers within two years as from the date of its appointment.

Transitory Provisions

Section 262 The Privy Council holding office prior to the promulgation of this Constitution shall be the Privy Council under the provisions of the Constitution.

Section 263 While the House of Representatives and the Senate under this Constitution are not yet formed, the National Legislative Assembly as established under the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 shall continue to act as the National Assembly, the House of Representatives, and the Senate. The members of the National Legislative Assembly holding office before the promulgation of this Constitution shall act as members of the House of Representatives or senators respectively in accordance with the provisions of this Constitution, and the National Legislative Assembly and its members shall terminate on the day before the convocation of the first sitting of the National Assembly following the general election conducted under this Constitution.

Members of the National Legislative Assembly shall, other than having the qualifications and not being under the prohibitions pursuant to the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, possess the qualifications and not be under any of the prohibitions, including the grounds for termination of the membership as prescribed in this Constitution for members of the House of Representatives and senators, as follows:

- (1) Section 98, except for (3), (12), (13), (14) and (15);
- (2) Section 201, except for
 - (a) the case under (6) on the part particularly concerning Section 98, except for (3), (12), (13), (14) and (15),
 - (b) the case under (7) on the part particularly concerning the circumstance where a member of the National Legislative Assembly is a State official performing in compliance with the duties and powers under the law or a lawful order, and the part relating to Section 184 (1);

(3) Section 108, except for A. Qualifications as prescribed under (3) and (4), and B. Prohibitions as prescribed under (1), (2) and (7) and excluding the part relating to Section 98 (3) and (15) from the case under (1)

The provisions of Section 112 shall not apply to members of the National Legislative Assembly in the holding of the position of Minister.

Provisions of any law prohibiting a person from holding a political position shall not apply to the holding of the position of Minister under Section 264, a position of political official appointed for the benefit of performing the duties of the Council of Ministers under Section 264 or for benefits in performing duties of the National Council for Peace and Order under Section 265, or a member of the National Legislative Assembly under this Section.

During the period when the National Legislative Assembly acts as the National Assembly, the House of Representatives, and the Senate under Paragraph One, the President of the National Legislative Assembly shall have the powers, as provided by this Constitution or the law, of the President of the National Assembly, the President of the House of Representatives, or the President of the Senate.

While the National Legislative Assembly performs the duties according to Paragraph One, if a position is vacant, the Head of the National Council for Peace and Order may inform the King to appoint a person having the qualifications and not being under any of the prohibitions pursuant to Paragraph Two to fill in the vacancy in the National Legislative Assembly.

In the first general election following the promulgation of this Constitution, a member of the National Legislative Assembly may not apply for candidacy in such election, unless he or she has vacated office of the National Legislative Assembly within ninety days as from the date of the promulgation of the Constitution.

Section 264 The Council of Ministers carrying out the administration of the State affairs before the promulgation of this Constitution shall be the Council of Ministers under the Constitution until the Council of Ministers newly appointed following the first general election according to the Constitution takes office. In this case, the provisions of Section 263 Paragraph Three shall apply *mutatis mutandis* to the holding of the position of Minister.

The Ministers under Paragraph One shall, other than having the qualifications and not being under the prohibitions pursuant to the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, not be under any of the prohibitions as required for the position of Minister in Section 160 except on the part particularly concerning Section 98 (12), (13), (14) and (15), and shall vacate office according to Section 170 except for (3) and (4) thereof on the part particularly concerning Section 98 (12), (13), (14) and (15) and except for Section 170 (5) on the part particularly concerning the proceeding under Section 184 (1).

Appointment of a Minister during the period stated in Paragraph One shall proceed in accordance with the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, amended by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 1) B.E. 2558 and the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 2) B.E. 2559. In such case, there shall be no prohibitions as prescribed in Paragraph Two.

The provisions of Section 263 Paragraph Seven shall apply *mutatis mutandis* to the application of a Minister for candidacy in an election of members of the House of Representatives under Paragraph One and Paragraph Three.

Section 265 The National Council for Peace and Order holding office prior to the promulgation of this Constitution shall continue to perform duties until the Council of Ministers newly appointed following the first general election according to the Constitution takes office.

During the performance of the duties pursuant to Paragraph One, the Head of the National Council for Peace and Order shall continue to have the duties and powers as provided in the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, amended by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 1) B.E. 2558 and the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 2) B.E. 2559. The provisions of the aforementioned Constitution specifically in respect of the powers of the Head of the National Council for Peace and Order and the National Council for Peace and Order shall remain in force.

The provisions of Section 263 Paragraph Seven shall apply *mutatis mutandis* to the application for candidacy in an election of members of the House of Representatives of a holder of position in the National Council for Peace and Order.

Section 266 The National Reform Steering Council shall continue to perform duties *pro tempore* for the purpose of formulating recommendations in regard to the national reform steering until a law on the plan and strategy for national reform has been enacted in accordance with Section 259.

For the benefit of steering the national reform, the Head of the National Council for Peace and Order may adjust the structure or the procedure of the National Reform Steering Council so as to achieve more effectiveness in the national reform under Chapter 16 on National Reform.

The provisions of Section 263 Paragraph Seven shall apply *mutatis mutandis* to the application for candidacy in an election of members of the House of Representatives of a member of the National Reform Steering Council.

Section 267 The Constitution Drafting Committee appointed under the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, amended by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 1) B.E. 2558 and the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 2) B.E. 2559, shall continue to perform duties for the purpose of completing the following Organic Bills for submission to the National Legislative Assembly for consideration and approval:

- (11) the Organic Act on Election of Members of the House of Representatives;
- (12) the Organic Act on Acquisition of Members of the Senate;
- (13) the Organic Act on the Election Commission;
- (14) the Organic Act on Political Parties;
- (15) the Organic Act on the Procedure of the Constitutional Court;
- (16) the Organic Act on the Criminal Procedure for Persons Holding Political Positions;
- (17) the Organic Act on the Ombudsman;
- (18) the Organic Act on Prevention and Suppression of Corruption;
- (19) the Organic Law on the State Audit;

(20) the Organic Law on the National Human Rights Commission.

For the proceeding under Paragraph One, the Constitution Drafting Committee may enact new Organic bills or amend the existing laws in compliance with the provisions and the intent of this Constitution and with the aim to eliminate all forms of corruption and misconduct, and shall complete within two hundred and forty days as from the date of promulgation of the Constitution. Upon consideration of the Organic bills by the National Legislative Assembly, the Constitution Drafting Committee shall vacate office but must not be later than the date the members of the National Legislative Assembly vacate office according to Section 263.

With a view to proceeding in conformity with Paragraph One and Paragraph Two in an effective and speedy manner, the Constitution Drafting Committee may request the Head of the National Council for Peace and Order to appoint additional members of the Committee according to Paragraph One but in total the number of members shall not be more than thirty.

In the consideration of the Organic Bills as specified in Paragraph One, upon receipt of the Organic Bills from the Constitution Drafting Committee, the National Legislative Assembly shall complete the consideration of each Organic Bill within sixty days as from the date of its receipt. In the event where the National Legislative Assembly is unable to complete the consideration of any Organic Bill within the required period, it shall be deemed that the National Legislative Assembly has approved such draft as presented by the Constitution Drafting Committee.

Upon completion of the consideration of an Organic Bill, the National Legislative Assembly shall refer such Organic Bill to the Constitutional Court or the concerned Constitutional Organization and the Constitution Drafting Committee for review. In the case where the Constitutional Court or the concerned Constitutional Organization or the Constitution Drafting Committee is of the opinion that such Organic Bill does not observe the intent of the Constitution, it shall inform the President of the National Legislative Assembly within ten days as from the date of receipt of the Organic Bill, thereafter the National Legislative Assembly shall appoint an *ad hoc* committee, consisting of eleven members as the President of the Constitutional Court or the President of the concerned

Constitutional Organization and five members each from the members of the National Legislative Assembly and the designated members of the Constitution Drafting Committee, to review such draft in question and present to the National Legislative Assembly for approval within fifteen days as from the date of being appointed. In the event that the National Legislative Assembly has passed a resolution of disapproval by the votes of more than two-thirds of the total number of the existing members of the National Legislative Assembly, such Organic Bill shall lapse. In case of the passing of such resolution by the votes of less than two-thirds, it shall be deemed that the National Legislative Assembly has approved the Organic Bill as presented by the *ad hoc* committee, and further proceeding pursuant to Section 81 shall be carried out.

For the purpose of eliminating conflict of interests, no member of the Constitution Drafting Committee may hold a political position within two years as from the date of vacating office according to Paragraph Two.

Section 268 Election of members of the House of Representatives under this Constitution shall be held within one hundred and fifty days as from the date the organic laws under Section 267 (1), (2), (3) and (4) have come into force.

Section 269 At the initial period, the Senate shall consist of two hundred and fifty members appointed by the King upon the advice of the National Council for Peace and Order. The selection and the appointment shall be in accordance with the following rules and procedure:

(1) there shall be a Selection Committee of Senator of not less than nine and not more than twelve members appointed by the National Council for Peace and Order from qualified persons, who possess knowledge and experience in different fields and are politically impartial, to undertake the selection of persons suitable to be senators according to the rules and procedure as follows:

(A) The Election Commission shall complete the selection of two hundred senators pursuant to Section 107 and in accordance with the Organic Act on the Acquisition of Senators not less than fifteen days before the date of election of members of the House of Representatives under Section 268, and shall present the name list s to the National Council for Peace and Order;

(B) The Selection Committee of Senators shall select not more than four hundred persons who possess appropriate knowledge and competence that will benefit the performance of duties of the Senate and the national reform, according to the procedure prescribed by the Selection Committee, and shall present the name list to the National Council for Peace and Order. The selection shall not be completed later than the period specified under (A).

(C) The National Council for Peace and Order shall select fifty persons and fifty reserve persons from the persons on the name list received from the Election Commission under (A), with regard thoroughly given to persons from diverse groups, shall select one hundred and ninety four persons from the persons on the name list under (B) added by the persons holding the positions of the Permanent Secretary of the Defense, the Supreme Commander in Chief, the Commander in Chief of the Royal Thai Army, the Commander in Chief of the Royal Thai Navy, the Commander in Chief of the Royal Thai Air Force, and the Commissioner General of the Royal Thai Police, totaling two hundred and fifty persons, and shall select fifty reserve persons from the name list under (B). The selection of all categories shall be completed within three days as from the announcement date of the result of the election of members of the House of Representatives according to Section 268.

(2) The provisions of Section 108, B. Prohibitions (6) on the part particularly concerning the past holding of the position of Minister shall not apply to the senators selected under (1) (B), and the provisions of Section 108, B. Prohibitions (2), Section 184 (1) and Section 185 shall not apply to the persons appointed as *ex officio* senators.

(3) The National Council for Peace and Order shall present the list of two hundred and fifty persons selected under (1) (C) to the King for His appointment and the Head of the National Council for Peace and Order shall countersign the Royal Command.

(4) The term of the Senate under this Section shall be five years as from the date of appointment by the King and the membership of senators shall commence on the date of appointment. In case of a vacancy, the President of the Senate shall elevate the person placed in order in the reserve list according to (1) (C) to fill in the vacancy and shall countersign the Royal Command. An *ex officio* senator who vacates the position holding at the time of being appointed to be a senator shall vacate office of the Senate thereafter a proceeding shall be undertaken to appoint such person as a replacing senator. The senator

appointed to fill in a vacancy shall hold office for the remaining term of the Senate.

(5) Where there is not yet a Royal Command appointing the person in the reserve list to fill in a vacancy as prescribed in (4), or where there is no person left in the reserve list, or where there is no *ex officio* senator, for any reason whatsoever, the Senate shall consist of the existing members.

(6) Upon expiration of the term of the Senate under (4), the selection of senators according to Section 107 shall proceed further and the provisions of Section 109 Paragraph Three shall apply *mutatis mutandis*.

Section 270 Other than the duties and powers as provided in the Constitution, the senators acquired pursuant to Section 269 shall have the duties and powers to follow up, recommend, and accelerate the national reform for the purpose of achieving the goals as prescribed in Chapter 16 in respect of the National Reform and the formulation and implementation of a national strategy. In this regard, the Council of Ministers shall inform the progress of the implementation of the national reform plan to the National Assembly in every three months.

A bill to be enacted for the implementation under Chapter 16 concerning the National Reform shall be presented and considered by the joint sitting of the National Assembly.

Any bill viewed by the Council of Ministers as the bill to be enacted for the implementation under Chapter 16 concerning the National Reform, the Council of Ministers shall inform the President of the National Assembly accompanied by the submission of such bill. In the case where the Council of Ministers has not informed that it is the bill to be enacted for the implementation under Chapter 16 concerning the National Reform, if members of the House of Representatives or senators deem such bill to be enacted for the implementation under Chapter 16 concerning the National Reform, the members of the House of Representatives or senators of not less than one-fifth of the members of each respective House may submit their signed motion to the President of the National Assembly to consider in this respect. Submission of the motion shall take place prior to the completion of consideration of such law bill by the House of Representatives or the Senate, as the case may be.

Upon the receipt of the motion by the President of the National Assembly pursuant to Paragraph Three, the President of the National Assembly shall present the matter to a joint committee which consists of the President of the Senate as the Chairperson, and one Vice-President of the House of Representatives, the Leader of the Opposition in the House of Representatives, one representative of the Council of Ministers, and one Chairperson of a standing committee, elected among the Chairpersons of all standing committees, as the members, for its decision thereon.

The decision of the joint committee under Paragraph Four shall be made by the majority of votes and shall be final, and the President of the National Assembly shall proceed according to the decision.

Section 271 At the initial period of the term of the Senate as provided in Section 269, the consideration of any bill suspended by the Senate or the House of Representatives according to Section 137 (2) or (3) shall be undertaken by the joint sitting of the National Assembly in case of:

(1) the amendment of penalty or elements of the offence against a position in the official service or in the justice affairs, or of the offence committed by an official of a State organization or agency, specifically if such amendment results in the effect that the person having committed the offence will be acquitted or unpunished;

(2) the bill which has been passed by a resolution of the Senate by the votes of not less than two-thirds of the number of existing members of the Senate, reasoning such bill seriously affects the justice process.

The resolution of the joint sitting of the National Assembly to approve the bill as provided in Paragraph One shall be made by the votes of not less than two-thirds of the number of existing members of the National Assembly.

Section 272 At the initial period, following the election of members of the House of Representatives pursuant to Section 268, if a circumstance arises that the appointment of the Prime Minister from the nomination lists submitted by political parties under Section 88 may not be carried out, irrespective of whatever reason, and not less than one-half of the number of existing members of the House of Representatives submit their signed motion to the President of the National Assembly to pass a resolution exempting the

nomination of the Prime Minister from the lists submitted by political parties under Section 88, in such case the President of the National Assembly shall convene a joint meeting of the National Assembly without delay. Where the National Assembly has passed a resolution of exemption by the votes of not less than two-thirds of the number of existing members of both Houses, the House of Representatives shall proceed in accordance with Section 159 and may or may not nominate the persons on the lists submitted by political parties under Section 88.

Section 273 The Judges of the Constitutional Court, the position holders in the Constitutional Organizations and the Auditor-General holding office before the promulgation of this Constitution shall continue to perform duties and, when the concerned Organic Acts enacted according to Section 267 come into force, the continual holding of such positions shall be as provided by such Organic Acts. During the period where the Organic Acts have not been enacted according to Section 267, the vacation from office of the Judges of the Constitutional Court, the position holders in the Constitutional Organizations and the Auditor-General shall be in accordance with the provisions of the Constitution of the Kingdom of Thailand B.E. 2550 and the concerned Organic Acts or laws.

The procedures of the Constitutional Court or the Constitutional Organizations and the Auditor-General shall be according to the laws in force preceding the date of promulgation of this Constitution, in so far as it is not contrary to or inconsistent with the provisions of the Constitution.

While the Organic Act on the Procedure of the Constitutional Court is not yet in place, the trial and adjudication by the Constitutional Court shall be in compliance with the Rules of the Constitutional Court applicable on the date before this Constitution is promulgated, in so far as they are not contrary to or inconsistent with the provisions of the Constitution.

Section 274 The National Broadcasting and Telecommunications Commission, as established by the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553, shall be an organization under Section 60 Paragraph Three. The Council of Ministers shall amend the Act in accordance with the provisions of this Constitution and present to the National Legislative

Assembly for consideration within one hundred and eighty days as from the date of promulgation of the Constitution.

Section 275 The Council of Ministers shall complete the enactment of the law as specified in Section 65 Paragraph Two within one hundred and twenty days as from the date of promulgation of this Constitution, and the formulation of a national strategy within one year as from the date such law has entered into force.

Section 276 The Constitutional Court and the Constitutional Organizations shall provide for the ethical standard under Section 219 within one year as from the date of promulgation of this Constitution and, if it has not been completed within the specified period, the Judges of the Constitutional Court and the position holders in the Constitutional Organizations shall vacate office.

In case of the vacation from office of the Judges of the Constitutional Court and the position holders in the Constitutional Organizations under Paragraph One, the period of one year under such Paragraph shall count from the date the newly appointed Judges of the Constitutional Court and the position holders in the Constitutional Organizations take office, and the provisions in Paragraph One shall apply to the newly appointed Judges of the Constitutional Court and the position holders in the Constitutional Organizations *mutatis mutandis*.

Section 277 Other than what are specifically provided in this Constitution, the Council of Ministers shall propose the laws in accordance with Section 196, Section 198 and Section 248 Paragraph Three to the National Legislative Assembly within one year as from the date of promulgation of this Constitution.

During the period where no improvement or amendment of laws is made to accord Section 196, Section 198 and Section 248 Paragraph Three, the Judicial Commission of the Courts of Justice, the Judicial Commission of the Administrative Courts and the Public Prosecutor Commission existing prior to the date of promulgation of this Constitution shall *pro tempore* act as the Judicial Commission of the Courts of Justice, the Judicial Commission of the Administrative Courts and the Public Prosecutor Commission pursuant to Section 196, Section 198 and Section 248 Paragraph Three, as the case may be.

During the period where no improvement or amendment of laws is made to accord Section 248 Paragraph Four, no public prosecutor shall hold a position of executive member in a State enterprise or another State entrepreneur of the same nature, or any position in a partnership or company or any other business that aims at sharing profit or income, or be an advisor to a holder of political position or any other position of the same characteristics.

Section 278 The Council of Ministers shall manage for the State agency it so specifies to complete the enactment of necessary draft laws in accordance with Section 58, Section 62 and Section 63 and present to the National Legislative Assembly within two hundred and forty days as from the date of promulgation of this Constitution, thereafter the National Legislative Assembly shall complete its consideration within sixty days as from the date of receipt of such bills.

In the case where there are several agencies involved, the Council of Ministers shall determine a period for each agency to complete its undertaking according to its necessity but, in total, the period shall not exceed two hundred and forty days as required in Paragraph One.

If the State agency under Paragraph One has not completed such enactment within the period specified in Paragraph Two, the Council of Ministers shall order the removal from office of the head thereof.

Section 279 All announcements, orders and acts, including the performance of the National Council for Peace and Order or of the Head of the National Council for Peace and Order already in force prior to the date of promulgation of this Constitution or will come into force in accordance with Section 265 Paragraph Two, irrespective of their constitutional, legislative, executive or judicial force, shall be considered constitutional and lawful and shall continue to be in force under this Constitution. Repeal or amendment of such any announcement or order shall be made by an Act, except in case of the announcements or orders of the exercise of executive power in nature, the repeal or amendment shall be made by an order of the Prime Minister or a resolution of the Council of Ministers, as the case may be.

All affairs, including the acts related thereto, as recognized by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, amended by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 1) B.E. 2558 and the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, Amendment (No. 2) B.E. 2559, to be constitutional and lawful shall be considered constitutional and lawful.

The Countersigned,

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Prime Minister