

**CONSTITUTION
OF THE KINGDOM OF THAILAND,**

B.E. 2550 (2007)

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**CONSTITUTION OF THE KINGDOM OF
THAILAND**

SOMDET PHRA PARAMINTHARAMAHA
BHUMIBOL ADULYADEJ
SAYAMMINTHARATHIRAT
BOROMMANATTHABOPHIT

Enacted on the 24th Day of August B.E. 2550

Being the 62th Year of the Present Reign

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

Prabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayammintharathirat Borommanatthabophit is graciously pleased to proclaim that President of the National Assembly informed the King that Thailand has been under the rule of democratic government with the King as Head of the State for more than 75 years, during which several Constitutions were promulgated amended and repealed. To ensure suitability with the situation in the country and change of time and by virtue of the provisions of the Constitution of the Kingdom of Thailand (Interim Edition) of B.E. 2549 on the establishment of the Constitutional Drafting Assembly and Constitution Drafting Committee in charge of drafting a new Constitution to be the

guidance for the government of the country in the future, people have been allowed to extensively express their views and opinions in every procedure and those views and opinions are given continually special consideration in drafting and submitting a motion for change in second reading.

The essential substances of the Draft Constitution is to achieve the common objectives of Thai people to maintain independence and security of the State, to support all religions to last long, to uphold the King as Head of the State and benevolence of the State, to adhere democratic regime of government with the King as Head of the State, to protect people's rights and liberties to encourage people's participation in the government of the country and the actual check on the use of the State power, to provide the mechanisms of the political institutions in legislative and executive branches to keep fruitfulness under the parliamentary government and also to support honest and impartial functions of courts and other independent organizations.

After the completion of the Draft Constitution, the Constitution Drafting Assembly presented the draft charter to the people and held a referendum. The referendum showed that the majority of the casted vote approved the new Constitution. The President of National Assembly presented the Draft Constitution to the King for His Royal signature to promulgate it as the Constitution of the Kingdom of Thailand. Having thoroughly examined the Constitution, the King deemed it expedient to grant His Royal

assent in accordance with the resolution of the public.

Be it, therefore, commanded by the King that the Constitution of the Kingdom of Thailand be promulgated to replace, as from the date of its promulgation, the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) promulgated on 1st October B.E. 2549.

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

CHAPTER I

General Provisions

Article 1. Thailand is one and indivisible Kingdom.

Article 2. Thailand adopts a democratic form of government with the King as Head of the State.

Article 3. The Sovereign power belongs to the Thai people. The King as Head of the State shall

exercise such power through the National Assembly, Council of Ministers and the Courts in accordance with the Provision of this Constitution.

The National Assembly, the Council of Ministers, the Courts, other Constitutional organizations and State agencies shall perform duties of office by the rule of law.

Article 4. Human dignity, rights, liberty, and equality of the people shall be protected.

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

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

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

CHAPTER II

The King

Article 8. The King shall be enthroned in a position of revered worship and shall not be violated.

No person shall expose the King to any sort of accusation or action.

Article 9. The King is a Buddhist and Upholder of religions.

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

Article 11. The King has the prerogative power to create titles of State and confer decorations.

Article 12. 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 such advice to the King on all matters pertaining to His functions as He may consult, and has other duties as provided in this Constitution.

Article 13. The selection and appointment or the removal of a Privy Councilor shall depend entirely upon the King's pleasure.

The President of the National Assembly shall countersign the Royal Command appointing or removing the President of the Privy Council.

The President of the Privy Council shall countersign the Royal Command appointing or removing other Privy Councilors.

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

Article 15. 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 shall be loyal to His Majesty the King and shall faithfully perform my duties in the interests of the country and of the people. I shall also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

Article 16. A Privy Councilor vacates office upon death, resignation or removal by a Royal Command.

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

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

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

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

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

In the case where the Regent appointed under Article 18 or Article 19 is unable to perform his or her duties, the President of the Privy Council shall act as Regent *pro tempore*. While being Regent under paragraph one or acting as Regent under paragraph two, the President of the Privy Council shall not perform his or her duty 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*.

Article 21. Before taking office, the Regent appointed under Article 18 or Article 19 shall make a solemn declaration before the National Assembly in the following words:

"I, (name of the declarer), do solemnly declare that I shall be loyal to His Majesty the King (name of the King) and shall faithfully perform my duties in the interests of the country and of the people. I shall also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

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

Article 22. Subject to Article 23, 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 already approved the draft Palace Law Amendment and put his signature thereon, the President of the Privy Council shall notify the President of the National Assembly for informing the National Assembly. The President of the National Assembly shall countersign the Royal Command, and the Palace Law Amendment shall have the force of law upon its publication in the Government Gazette.

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

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

In the case where the Throne becomes vacant and the King has not appointed His Heir under paragraph one; the Privy Council shall submit the name of the Successor to the Throne under Article 22 to the Council of Ministers for further submission to the National Assembly for approval. For this purpose, the name of a princess may be submitted. Upon the approval of the National Assembly, the President of the National Assembly shall invite such Successor to ascend the Throne and proclaim such Successor King.

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

Article 24. Pending the proclamation of the name of the Heir or the Successor to the Throne under Article 23, the President of the Privy Council shall be Regent *pro tempore*. In the case where the Throne becomes vacant while the Regent has been appointed under Article 18 or Article 19 or while the President of the Privy Council is acting as Regent under Article 20 paragraph one, such Regent, as the case may be, shall continue to be Regent until the proclamation of the name of the Heir or the Successor to ascend the Throne as King.

In the case where the Regent, who has been appointed and continues to be the Regent under paragraph one, is unable to perform his or her duties,

the president of the Privy Council shall act as Regent *pro tempore*.

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

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

CHAPTER III

Rights and Liberties of Thai People

Part 1

General Provisions

Article 26. In exercising power of each and every State authority, regard shall be given to human dignity, rights, and liberties in accordance with the provisions of this Constitution.

Article 27. Rights and liberties recognized by this Constitution expressly, impliedly, or through decisions of the Constitutional Court shall be protected and directly binding on the National Assembly, the Council of Ministers, Courts, and other State organs in legislating, applying, and interpreting laws.

Article 28. A person can invoke human dignity or exercise his or her rights and liberties in so far as it is not in violation of rights and liberties of other persons or contrary to this Constitution or good morals.

A person whose rights and liberties recognized by this Constitution are violated can invoke the provisions of this Constitution to bring lawsuit or to defend himself or herself in the court.

A person can invoke his or her judicial right to directly compel the State to comply with the provisions of this chapter. In exercising his or her rights and liberties recognized by this Constitution as long as the details of such exercise of rights and liberties are governed by any law, such a law shall be applied.

A person has the right to acquire assistance and support from the State in exercise his or her rights stipulated under this chapter.

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

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

The provisions of paragraph one and paragraph two shall apply *mutatis mutandis* to rules or regulations issued by virtue of the provisions of the law.

Part 2

Equality

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

Men and women shall enjoy equal rights.

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

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

Article 31. A person who is a member of the armed forces or police force, a Government official, a State official of other type and an officer or employee of a State agency shall enjoy the same rights and liberties under the Constitution like other persons, unless such enjoyment is restricted by law or regulation in regard to politics, efficiency, discipline or ethics issued by virtue of the law.

Part 3

Individual Rights and Liberties

Article 32. A person shall enjoy the right and liberty in his or her life and person.

A torture, brutal act, or punishment by cruel or inhumane means shall not be permitted; provided, however, that punishment by death penalty as provided by law shall not be deemed the punishment by cruel or inhumane means under this paragraph.

The arrest and detention shall not be made without Court order, Court writ or other causes as prescribed by law.

The search of person or act affecting the rights and liberty under paragraph one shall not be made except by the necessities as prescribed by law.

In the case of the act affecting the right and liberty under paragraph one, an affected person, a public prosecutor, or another person acting on behalf of the affected person has the right to seek court action to stop or withdrawal such an action including to determine proper measure or remedy for the accrued damage.

Article 33. A person shall enjoy the liberty of dwelling.

A person is protected for his or her peaceful habitation and for possession of his or her dwelling place.

The entry into a dwelling place without consent of its possessor or the search of a dwelling or private place shall not be made without Court order, writ or other causes as prescribed by law.

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

The restriction on such liberties under paragraph one shall not be imposed except by virtue of the law specifically enacted for maintaining the security of the State, public order, public welfare, town and country planning, or welfare of the youth.

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

Article 35. A person's family rights, dignity, reputation, or the right of privacy shall be protected.

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

A person shall have the right to be protected from illegal exploitation of his or her personal information as provided by law.

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

The censorship, detention or disclosure of communication between persons including any other

act disclosing a Statement in the communication between persons shall not be made except by virtue of the provisions of the law specifically enacted for security of the State or maintaining public order or good morals.

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

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

Article 38. Forced labor shall not be imposed except by virtue of the law specifically enacted for the purpose of averting imminent public calamity or by virtue of the law which provides for its imposition during the time when the country is in a State of war or armed conflict, or when a State of emergency or martial law is declared.

Part 4

Rights in Judicial Process

Article 39. No person shall be inflicted with a criminal punishment unless he or she has committed an act which the law in force at the time of commission provides to be an offense and imposes a punishment, and the punishment to be inflicted on such a person shall not be heavier than that provided by the law in force at the time of committing the offense.

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

Before the passing of a final judgment convicting a person for committing an offence, such a person shall not be treated as a convict.

Article 40. A person shall have the rights in judicial process as follows:

(1) Right to an uncomplicated, convenient, speedy, thorough access to judicial process.

(2) Basic rights in judicial procedure in which there must be at least basic guarantees in an open court hearing; right to factual information and sufficient examination of documents; right to present his or her facts, witness or evidence, and express challenge against judges or arbitrators; right to require full chamber of judges or arbitrators in the hearing of his or her case; and right to hear the ratio decidendi of court decision, judgment, or order.

(3) A person shall have the right to accurate, swift and impartial trial of his or her case.

(4) An injured person, accused person, plaintiff, defendant, parties to a case, concerned party, and witness in a case have the right to be treated properly during the judicial process which includes the right to fast and expeditious interrogation and the right not to testify against oneself.

(5) An injured person, defendant, and witness in criminal case have the right to protection, necessary and proper assistance from the State. Emolument, compensation and essential expenditure shall be governed by the provision of law.

(6) Children, youths, women, and disabled or handicapped persons have the right to proper protection during the judicial process and proper treatment in the case related sexual violence.

(7) In a criminal case, an injured person or defendant has the right to accurate, swift and impartial investigation, or trial, sufficient opportunity to present his or her case, reasonable inspection or access of evidences, legal assistance in the judicial process given by a lawyer and provisional release.

(8) In a civil case, a person shall have the right to proper legal assistance from the State.

Part 5

Rights in Property

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

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

Article 42. The expropriation of immovable property shall not be made except by virtue of the law enacted for the purpose of public utilities, necessary national defense, exploitation of natural resources, town and country planning, promotion and preservation of quality of the environment, agricultural or industrial development, land reform conservation of archaeological places or historical site, or other public interests; and fair compensation shall be paid in due time to the owner thereof as well as to all persons having the rights thereof, who suffer loss by such expropriation, as provided by law.

The amount of compensation under paragraph one shall be fairly assessed with due regard to the normal purchase prices, mode of acquisition, nature and site of the immovable property, loss of the person whose property or rights thereto is expropriated, and benefits from the use of expropriated immovable property which State and

the person whose property or right thereto is expropriated shall receive.

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

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

Part 6

Right and Liberty of Engagement in Occupation

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

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

or the environment, public welfare, preventing monopoly, or eliminating unfair competition.

Article 44. A person shall have the right to receive the guarantee of personal safety and security at his or her work, including the guarantee of life security both during and after his or her working period, as provided by law.

Part 7

Liberty of Expression of Individuals and Media

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

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

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

The prohibition of newspaper or other mass media to present news or express their entire or

partial opinions or by other intervening methods in deprivation of the liberty under this Article shall not be made except by virtue of the law enacted under the provisions of paragraph two.

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

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

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

Article 46. Officials or employees of a private sector undertaking newspaper or radio or television broadcasting business or other mass media shall enjoy their liberties to present news and express their opinions under the Constitutional restrictions without mandate of any State agency, State enterprise or the owner of such business; provided that it is not contrary to their professional ethics and have the right to establish an organization for the protection, right, liberty and fairness and a self-regulation mechanism in the professional organization.

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

mass media enjoy the same liberties as those enjoyed by officials or employees under paragraph one.

Any act, by a person holding a political position, official of the State or State agencies to obstruct or interfere, directly or indirectly, with the presentation of news or opinions on public interests by persons under paragraph one and paragraph two, shall be regarded as an intentional act of abuse of authority and have no effect except in compliance with the law or professional ethics.

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

There shall be an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication business as provided by law.

In carrying out the act under paragraph two, there shall be regard to the utmost public benefit at national and local levels in education, culture, State security, other public interests and fair and free competition including having to encourage the public to participate in management of public mass communication.

In the supervision of mass media business under paragraph two, there shall be measures to prevent acquisition, cross media acquisition of right or domination of the media by media operators or other persons which shall result in obstruction of

liberty to receive information or barring people from receiving diverse information.

Article 48. Person holding a political position is not permitted to be an owner or holding shares in newspaper, radio or television broadcasting, and telecommunication businesses, no matter under his or her own name, letting others hold its ownership or share or by other methods, directly or indirectly, give him or her the control of the operations as the owner or shareholder of that business.

Part 8

Rights and Liberties in Education

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

Indigent, disabled, and handicapped persons shall have the right under paragraph one and are eligible for support from the State to enjoy equal education opportunities as others.

The provision of education or training by professional or private organizations, educational alternatives, self-education, and lifelong education

shall be protected and properly promoted by the State.

Article 50. A person shall enjoy academic freedom.

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

Part 9

Right to Receive Public Health and Welfare Services from the State

Article 51. A person shall enjoy an equal right to receive proper and standard public health service, and the indigent shall have the right to receive free medical treatment from public health centers of the State.

A person shall have the right to receive public health service which provided by the State thoroughly and efficiently.

A person shall have the right to receive proper prevention and eradication of harmful contagious diseases without charge in a timely manner.

Article 52. Children and youth shall have the right to survive and receive physical, mental, and intellectual development according to their potentials in a suitable environment which shall be considered a participation of children and youth as prior.

Children, youth, woman and family members shall have the right to be protected by the State against violence and unfair treatment and the right to receive remedy in such case.

Interference or restrictions on the rights of children, youths, and family members are prohibited except in compliance with the provisions of the law specifically enacted to preserve family status and maximum benefit of a person or persons involved.

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

Article 53. A person who is over sixty years of age and has insufficient income shall have the right to receive dignifiedly public welfare, public facilities, and proper aids from the State.

Article 54. The disabled or handicapped shall have the right to get access and utilize public welfare, public facilities and other proper aids from the State.

Unsound mind person shall receive proper aids from the State.

Article 55. A person, homeless and with insufficient income to support living, shall have the right to receive proper aids from the State.

Part 10

Right to Information and Complaints

Article 56. A person shall have the right to get access to public information in possession of a State agency, State enterprise or local government organization, unless the disclosure of such information shall affect the security of the State, public safety, interests of other persons which shall be protected or private information as provided by law.

Article 57. A person shall have the right to receive information, explanation, and reason from a State agency, State enterprise or local government organization before permission is given for operation of any project or activity which may affect the quality of environment, health, and sanitary conditions, the quality of life or any other material interest concerning him or her or a local community and shall have the right to express his or her opinion on such matters to agencies concerned for consideration in that matters.

In undertaking any social, economic, political, and cultural development planning, appropriation of

immovable property, city planning, land use zoning, and issuance of regulations which may affect the interests of the people, the State shall thoroughly hold public hearings procedure prior to implementation.

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

Article 59. A person shall have the right to present a petition and to be informed about the result of its consideration within a short time.

Article 60. A person shall have the right to sue a State agency, State enterprise, local government organization, or other State authority which is a juristic person to be liable for an act or omission done by its Government official, officer or employee.

Article 61. The right of a person as consumer to get access to factual information and demand remedial treatment including the right to unite in protecting consumer protection shall be protected.

There shall be a consumer protection organization which is independent from State agencies comprising of a consumer's representatives to be in charge of giving advice to State agencies in the making and enforcement of laws and regulations on consumer protection and giving advice to the

formation of various measures for consumer protection including inspection and report on action, and omission of action regarding consumer protection which the State shall also financially support the operation of the said independent organization.

Article 62. A person shall have the right to follow up the performance of duties of a person holding a political position, the State agency and a State official and to request for the inspection on such a performance.

A person who, acting in good faith, provides information to the State inspection organization in inspecting the use of State power related to the performance of duties by a person holding a political position, State agencies or the State officials, shall be protected.

Part 11

Liberty to Assemblage and Association

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

The restriction on such liberty under paragraph one shall not be imposed, except by virtue of the provision of law in the case of public assembling and for securing public convenience in the use of public places or for maintaining public

order during the time when the country is in a State of war, or when a State of emergency or martial law is declared.

Article 64. A person shall enjoy the liberty to unite and form an association, union, league, cooperative, farmers group, private organization, private development organization or any other group.

State officials and employees, like other citizens, have the right to join groups but it shall have no impact on the administration of the country and consistency in the provision of public services as provided by law.

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

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

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

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

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

Part 12

Community Right

Article 66. Persons so assembling as to be a community, local community or traditional community shall have the right to conserve or restore their customs, local traditional knowledge, arts or good culture of their community and of the nation

and participate in the management, maintenance, preservation and exploitation of natural resources and environment including the biological diversity in a balanced sustainable manner.

Article 67. The right of a person to participate, in conjunction with the State and communities, in the conservation, preservation and exploitation of natural resources and biological diversity and in the protection, promotion and preservation of the quality of environment for normal and sustained survival in the environment which causes no harm to his or her health, well-being or quality of life, shall be protected as the case may require.

Any project or activity which may seriously affect the community in the quality of environment, natural resource, and health shall not be permitted, unless its impact on the quality of environment and people's health in the community have been studied and evaluated and the public hearing process to obtain the opinion of people and interested parties has been held, including to allow independent organization, consisting of representatives from private environmental and health organizations and representatives from higher education institutions providing education in environmental, natural resource or health to express their contributory opinions prior to the operation of such a project or activity.

The right of a community to sue a State agency, State enterprise, local government organization or

other State authority which has a legal entity to require the performance under those duties as provided by this provision shall be protected.

Part 13

Right to Protection of Constitution

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

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

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

In case where the Constitutional Court ordered the dissolution of the political party under

paragraph three, the leader and members of executive committee of the dissolved political party shall be deprived of their electoral right for having committed *flagrante delicto* under paragraph one for five years as from date the Constitutional Court has given such orders.

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

CHAPTER IV

Duties of the Thai People

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

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

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

The person who votes or fails to participate in an election for voting without notifying the

appropriate cause for such failure shall receive or lose his or her right as provided by law.

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

Article 73. Every person shall have a duty to serve in the armed forces, render assistance to defend the country and relieve public calamity, pay taxes, render assistance to the State affairs, receive education and training, conserve the national arts and culture and local traditional knowledge and conserve natural resources and the environment, as provided by law.

Article 74. A Government official, officer or employee of a State agency, State enterprise or other State officials shall have a duty to act in compliance with the law in order to protect public interests, and provide convenience and service to the public by the principle of good governance in State affairs.

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

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

CHAPTER V

Directive Principles of Fundamental State Policies

Part 1

General Provisions

Article 75. The provisions of this chapter are intended to serve as directive principles for legislating and determining policies for the administration of State affairs.

In stating its policies to the National Assembly, the Council of Ministers which will assume the administration of the State affairs shall clearly State to the National Assembly the activities intended to be carried out and the duration for the administration of the State affairs in implementation of the directive principles of fundamental State policies and shall annually prepare and submit to the National Assembly a report on the result of the implementation, including problems and obstacles encountered.

Article 76. The Council of Ministers shall make an annual plan for the administration of the State affairs to illustrate the measures and details of the tendency of the administration of State affairs which shall be in conformity with the directive principles of fundamental State policies.

In the administration of the State affairs, the Council of Ministers shall have a plan for enacting laws which are necessary for the implementation of the administrative policies and plans.

Part 2

Directive Principles of State Security Policies

Article 77. The State shall protect and uphold the institution of kingship and the independence and integrity of its territories. The State shall arrange for the maintenance of the armed forces, weapons, and high technologies which are necessary and sufficient for the protection and upholding of its independence, security of the State, institution of kingship, national interests, and the democratic regime of government with the King as Head of the State, and for national development.

Part 3

Directive Principles of National Administrative Policies

Article 78. The State shall implement the national administrative policy as follows:

(1) To administrate the State affairs to secure social and economic development and national security in a sustainable manner, to promote the implementation of the Volksgeist of Sufficiency Economy and to consider principally national interests as a whole;

(2) To arrange the administration at the central, regional, and local levels and clearly stipulate their areas of authority and responsibility to become conducive for the development of the country, and to support the provincial governments to have plan and budget in developing provinces for the benefit of the people in their areas;

(3) To decentralize powers to local government for the purpose of independence and self-determination of local affairs, to encourage the local governments to participate in implementation of fundamental State policies, to develop local public utilities, facilities and economic, as well as fundamental technology infrastructure thoroughly and equally in all area of the country, including to develop provincial governments to be ready to become large-scale administrative organizations by minding aspirations of the people in such provinces;

(4) To develop the State affair systems which emphasize quality, virtue, and ethics of State officials together with the improvement of their working pattern and methods to ensure effectiveness of the administration in State affairs and to encourage State agencies to apply the principle of good governance in their work;

(5) To arrange State affair systems and other works of State agency to ensure expeditious, effective, transparent, and accountable public services by keeping in mind the participation of people;

(6) To implement a plan for legal agencies, which have the duty to give advice on legality of State affairs and enactment, to function independently to ensure that the administration of country shall follow the rule of law;

(7) To arrange a political development plan and establish an independent council for political development in charge of monitoring and supervising to ensure strict implementation of the said plans; and

(8) To implement a plan for giving appropriate fringe benefits to Government officials and State officials.

Part 4

Directive Principles of Religious, Social, Public Health, Education, and Cultural Policies

Article 79. The State shall patronize and protect Buddhism which the majority of Thais have followed for a long time and other religions. It shall also promote good understanding and harmony among followers of all religions as well as encourage the application of religious principles to enhance virtues and develop quality of life.

Article 80. The State shall implement social, public health, education, and cultural policies as follows:

(1) To protect and develop children and youths, to support their bringing up them and provide fundamental education, to promote equality between men and women, to enhance and develop integrity of families and communities, including to provide assistance and welfare to the elderly, indigent, disabled or handicapped, and those in difficulties to ensure better quality of life and ability to depend on themselves;

(2) To promote, support, and develop health system which emphasis the sustainable good health of the people, thoroughly provide standard and efficient health service, to encourage the private sector and community to participate in health system development, to provide public health service by providers who work according to professional standard and ethics and they shall be protected by law;

(3) To develop the quality and standard of all levels of education and all forms of education in conformity with social and economic changes, to provide a national education plan, and a law for national education development, to provide the development of quality of career teachers and personnel in education to be able to follow the global changes, and also to instill Thai awareness, discipline, public interests concerns and to believe firmly in a democratic form of government with the King as Head of the State;

(4) To encourage and support decentralization of power to local administrative bodies, communities, religious organizations, and the private sector to enable them to participate in provision of education to develop the quality of education to allow equality and to conform with the directive principles of fundamental State policies;

(5) To promote and encourage research in various sciences, propagate the results of those researches which are financially supported by the State; and

(6) To promote and encourage the unity and learning, to instill and propagate arts, culture and national customs and traditions including good values and local traditional knowledge.

Part 5

Directive Principles of Policies for Law and Justice

Article 81. The State shall implement the policies for law and justice as follows:

(1) To ensure the correct compliance and enforcement of law in an expeditious, equitable and thorough manner, to support legal assistance and dissemination of legal knowledge to people and to arrange the operations of government service and other State affairs in the judicial system to become efficient by providing the participation of people and

professional organization in the judicial process and legal assistance;

(2) To protect people's rights and liberties from being violated by either State officials or other persons and administer justice to every people equally;

(3) To provide a law for the establishment of an independent law reform body to improve and develop the law of the country including to improve the law to comply with the Constitution by taking into the opinions of those who shall be affected by that law;

(4) To provide a law for the establishment of an independent organization to reform the judicial system and to improve and develop the operations of agencies involved in the judicial system; and

(5) To support the operation of private organizations which give legal assistance to the people, particularly those one who are affected by violence in the family.

Part 6

Directive Principles of Foreign Policies

Article 82. The State shall promote friendly relations and cooperation with other countries, adopts the principle of non-discrimination, and complies with treaties on human rights which Thailand is a

party. It shall also follow the obligation committed to other countries and international organizations.

The State shall, with other countries, promote trade, investment, and tourism and protect and look after the interests of the Thai in foreign countries.

Part 7

Directive Principles of Economic Policies

Article 83. The State shall promote and support the implementation of the Volksgeist in Sufficiency Economy.

Article 84. The State shall implement the economic policy as follows:

(1) To promote a free and equitable economy through market forces and sustainable development of economy by repealing and refraining from enacting business control laws and regulations which do not correspond with the economic necessity, and shall not engage in business activities in competition with the private sector unless it is necessary for maintaining the security of the State, public interests, or the provision of public facilities;

(2) To promote the principles of virtues, ethics, and good governance in doing business;

(3) To control the financial discipline to maintain the country's economic and social stability

and security, to improve taxation system to ensure fairness in conformity with socio-economic changes;

(4) To arrange thoroughly savings of people and government official to live on in old age;

(5) To supervise the conduct of business to ensure free and fair competition in business, to prevent direct and indirect monopolies, and to protect consumers;

(6) To implement fair distribution of income, to protect, promote and expand the opportunities for people to engage in occupations for economic development, to promote and support the development of local traditional knowledge and Thai folk wisdom for use in production of goods and services and the conduct of occupations;

(7) To promote job opportunities for people in working age, protect women and child labor, to promote labor relations and the tripartite system under which workers have the right to elect their own representatives, to arrange for social welfare system and to protect the equal work equal pay, benefits and social welfare for workers without discrimination;

(8) To protect and maintain the interests of farmers in production and marketing, to secure maximum prices for agricultural products, and to encourage formation of farmer groups in term of the assembly for making agricultural plans and to protect the common interests of farmers;

(9) To promote, support, and protect independent cooperative system, formation of an occupational or professional organization, and formation of people to engage in business activities;

(10) To provide basic public facilities necessary for the people to live for the purposes of maintaining the economic security of the State and shall not allow private sector to monopolize the basic public facilities necessary for people to live which cause damages to the State;

(11) To commit no act which causes the structures or networks of basic public facilities necessary for the people to live or the security of the State to be under private ownership or makes the State to own less than fifty one percent;

(12) To promote and support the maritime business, rail transportation, including the operation in domestic and international logistic system;

(13) To promote and support the private sector to be stable in both national and local level; and

(14) To promote the agri-product processing industry to gain a value added for the economy.

Part 8

Directive Principles of Land, Natural Resources, and Environment Policies

Article 85. The State shall implement the land, natural resources, and environment policy as follows:

(1) To set the principles of land use nationwide and to keep in mind the conformity to the

natural environment be it land, water, ways of life of local community and the effective preservation and maintenance of natural resources, and to set standards on sustainable land use which allow people in the area affected by the implementation of that land use principles to participate in decision making process;

(2) To distribute the ownership of land equitably and take action to allow farmers have ownership or right on agricultural land throughout by land reform or other methods and to provide water sources to the farmer for their sufficient and proper use to suit their agriculture;

(3) To provide effective town planning develop, and carry out the town planning with efficiency and effectiveness for the sake of the sustainable preservation of natural resources;

(4) To provide the plan to manage water resources and other natural resources systematically for public interest, including to allow people to participate in preservation, maintenance and exploitation of natural resources and biological diversity in a well balanced manner; and

(5) To support, maintain and protect the equality of environment under a sustainable development, as well as to control and eliminate pollution which affect to people's health, well-being, and quality of life of the people by allowing the people, local communities, and administrative organization to participate in formulating of the operation plan.

Part 9

**Directive Principles of Science, Intellectual
Property, and Energy Policies**

Article 86. The State shall implement the Science, Intellectual Property and Energy Policies as follows:

(1) To promote the development of sciences, technologies, and innovation in various fields by providing particular supportive laws and to allocate budgets to support education, studies, research, and institute for research and development and to arrange for the utilization of the result of research and development, effective transfer technologies and proper manpower development, to disseminate knowledge on modern sciences and technologies and to encourage the people to apply sciences in making their living;

(2) To promote invention or innovation for the new knowledge, to preserve and develop local traditional knowledge and Thai folk wisdom, including to protect intellectual properties; and

(3) To consistently and systematically promote and support research, development, and utilization of natural alternative energies which are friendly to environment.

Part 10

**Directive Principles of Public Participation
Policies**

Article 87. The State shall implement the Public Participation Policy as follows:

(1) To encourage people to participate in forming socioeconomic development policies and plans at both local and national levels;

(2) To promote and support public participation in the process of making political decision, formulation of plan for socioeconomic development and provision of public services;

(3) To promote and support public participation in examining the use of State power at all levels either in the form of various professional or occupational organization or other forms;

(4) To promote people's political strength, and to provide law on fund for people's political development to provide assistance to community public activities and to support the activities of people's groups in all forms of networking to allow them to express their views and needs of communities in each area; and

(5) To promote and give education to the people on political development and the democratic form of government with the King as Head of the State and to encourage the people to exercise their voting right with honesty and fairness.

The participation of people under this Article shall consider the approximate proportion in number between man and woman.

CHAPTER VI

National Assembly

Part 1

General Provisions

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

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

No person can be a member of the House of Representatives and a Senator at the same time.

Article 89. The President of the House of Representatives is President of the National Assembly. The President of the Senate is Vice President of the National Assembly.

In the case where there is no President of the House of Representatives, or the President of the House of Representatives is not present or is unable to perform his or her duties, the President of the

Senate shall act as President of the National Assembly in his or her place.

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

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

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

Article 90. A bill or an organic law bill may be enacted as law only by and with the advice and consent of the National Assembly and when the King signed or it is taken the King had signed it as provided in this Constitution, it shall be publicized in the Government Gazette to become in force.

Article 91. Members of the House of Representatives or Senators of not less than one-tenth of the total number of existing members of each House have the right to lodge with the president of the House of which they are members a complaint asserting that membership of any member of such House has terminated under Article 106 (3) (4) (5) (6) (7) (8) (9) (10) or (11) or Article 119 (3) (4) (5) (6) (7) or (8), as the case may be, and the President

of the House with whom the complaint is lodged shall refer it to the Constitutional Court for decision as to whether the membership of such person should be terminated.

When the Constitutional Court has taken a decision, it shall notify the President of the House with which the complaint has been lodged under paragraph one for such decision.

In case where the Election Commission is of the opinion that membership of any member of the House of Representatives or Senate has terminated in accordance with the provisions of paragraph one, it shall refer the matter to the President of the House of which the person is member, and that the President shall refer it to the Constitutional Court for decision in accordance with the provisions of paragraph one and paragraph two.

Article 92. Vacation of the office of a member of the House of Representatives or Senator after the day on which his or her membership terminates or the day on which the Constitutional Court decides that membership of any member has terminated does not affect any act done by such member in his capacity as member including the receipt of emolument or other remuneration by such member before he or she vacates office or the President of the House of which such person is member has been notified of the decision of the Constitutional Court, as the case may be, except that in the case of vacation of office on the ground of his or her being elected in violation of the organic law

on election of members of the House of Representatives and Senators, emolument and other remuneration received while in office shall be returned.

Part 2

The House of Representatives

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

The election of a member of the House of Representatives shall be by direct suffrage and secret ballot, and it is required to cast a ballot card for each type of member of the House of Representatives.

Rules and procedure for an election of members of the House of Representatives shall be in accordance with the organic law on the election of members of the House of Representatives and the source of senators.

In the case where the office of a member of the House of Representatives becomes vacant for any reason and an election of a member of the House of Representatives has not been held to fill the vacancy, the House of Representatives shall consist of the existing members of the House.

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

In the case where there occurs any cause resulting in the number of members of the House of Representatives following a general election is less than four hundred and eighty but not less than ninety-five percent of the total number of members of the House of Representatives, the House of Representatives shall consist of existing members of the House and there shall be solution to have members of the House of Representatives up to the number prescribed by this Constitution within one hundred and eighty days and such members may serve only for the remainder of the term of the House of Representatives.

Article 94. In an election of a member of the House of Representatives on a constituency basis, a voter in any constituency shall have the right to cast ballot for candidates in the election in the number equal to the number of members of the House of Representatives as may be elected therein.

The determination of the number of members of the House of Representatives which each constituency may have and the determination of constituency shall be made as follows:

(1) the determination of the ratio of the number of inhabitants to one member shall be made

by reference to the division of such number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election by the number of four hundred members of the House of Representatives;

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

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

(4) the determination of constituency shall be that in a *Province* where the number of members of the House of Representatives to be elected is not more than three, the area of that *Province* shall be regarded as the constituency but in a *Province* where

the number of members of the House of Representatives is more than three, such *Province* shall be divided into constituencies and, for this purpose, each constituency shall have three members of the House of Representatives.

(5) in the case where the constituencies in a *Province* cannot be provided with three members of the House of Representatives, the constituencies with three members of the House of Representatives shall be first divided but each remaining constituency shall have no less than two members of the House of Representatives. If any *Province* where the number of members of the House of Representatives is four, there shall be two constituencies and there shall be two members of the House of Representatives in each constituency;

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

The counting of votes shall be conducted at polling station and the result of the vote-counting of such polling station shall be delivered to the constituency for the vote-counting in total. The result of the vote-counting shall be announced publicly at any single place in that constituency as designated by the Election Commission, except that in the case where necessity arises in a particular locality, the Election Commission may provide otherwise for the counting of votes, the calculating of votes and the announcement of the result of the vote-counting in

accordance with the organic law on the election of members of the House of Representatives and the source of senators.

Article 95. In an election of members of the House of Representatives on a proportional basis, there shall be an election of members of the House of Representatives in accordance with the lists of candidates prepared by political parties; provided that a voter in any constituency shall have the right to cast ballot for political parties preparing the lists of candidates in that constituency and only one vote may be voted.

A political party may send candidates on a proportional basis to every constituency or may send candidates to some constituencies.

Upon the party-lists of candidates in the election on a proportional basis of any political parties submitted, in the case where there occurs, before or on the election day, and cause resulting in the number of candidates in the election on a proportional basis on the party-lists of such political party to fall short of the number submitted by such political party, such party-lists shall have the existing number of candidates in the election on a proportional basis as what is existing. In such case, the House of Representatives shall consist of the members of the House of Representatives as existed.

Article 96. The determination of constituencies for an election of members of the House of

Representatives on a proportional basis shall be conducted as follows:

(1) the boundary of country shall be divided into eight groups of *Provinces* and each group of *Provinces* shall be regarded as one constituency and for this purpose, each constituency shall have ten members of the House of Representatives;

(2) in the grouping of *Provinces*, adjoining *Province* shall be in the same group. Every group of *Province* shall have the number of inhabitants in total as evidenced in the census announced in the year preceding the year of election closely apportioned, for this purpose, a *Province* shall be in only one constituency.

Article 97. The preparation of the party-lists of candidates in the election made by political parties for an election of members of the House of Representatives on a proportional basis shall be conducted as follows:

(1) the party-lists of candidates in each constituency shall have a list of candidates in the election in accordance with the number of members of the House of Representatives on a proportion basis in the constituency and shall be placed in numerical order before being submitted to the Election Commission prior to the date for candidacy in an election on the constituency basis commences;

(2) the names of candidates under (1) shall not be repeated by the names of candidates of any political parties in the election both on the constituency basis and on the proportional basis and

shall consider opportunity, suitable proportion and sexual equality.

Article 98. In the calculation of the proportion by which the candidates whose names are in the list of each political party shall be elected in each constituency, votes received by each political party in such constituency shall be counted in total. The number of candidates of each political party to be elected shall be in the proportion directly related to such total votes, and the votes received by each political party and the number of members of the House of Representatives on a proportional basis being obtained in such constituency. The candidates whose names are in the list of each political party shall be elected in accordance with vote as calculated and in respective order of the allocated numbers in the list in accordance with rules and procedure provided by the organic law on the election of members of the House of Representatives and the source of senators.

The provision of Article 94 paragraph three shall apply *mutatis mutandis* to the vote-counting of an election of members of the House of Representatives on a proportional basis; provided that the election commission may provide for the making of initial sum of the result of the vote-counting at the *Province*.

Article 99. A person having the following qualifications has the right to vote at an election:

(1) being of Thai nationality; provided that a person who has acquired Thai nationality by naturalization must hold the Thai nationality for not less than five years;

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

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

A voter who has a residence outside the constituency within which his or her name appear in the house register, or who has his or her name appear in the house register in the constituency for the period of less than ninety days up to the date of the election, or who has a residence outside the Kingdom of Thailand shall have the right to cast ballot in an election in accordance with rules, procedure and conditions provided by the organic law on the election of members of the House of Representatives and the source of senators.

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

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

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

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

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

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

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

(3) being a member of any and only one political party, for a consecutive period of not less than ninety days up to the date of the election except that in the case of the general election caused by dissolution, he or she shall be a member of any and only one political party for a consecutive period of not less than thirty days up to the date of the election;

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

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

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

(c) having studied in an education institution situated in the *Province* where he or she stands for election for a consecutive period of not less than five academic years before;

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

(5) a candidate in an election on a proportional basis shall have any of the qualifications under (4), but any qualifications addressed *Province* shall mean a group of *Provinces*;

(6) other qualifications provided by the organic law on the election of members of the House of Representatives and the source of senators.

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

(1) being addicted to drug;

(2) being a bankrupt or having been a dishonest bankrupt;

(3) being disfranchised under Article 100 (1), (2) or (4);

(4) having been sentenced by a judgment to imprisonment and being detained by a warrant of the Court;

(5) having been sentenced by a judgment to imprisonment and being discharged for a period of less than five years on the election day except for an offense committed through negligence or a petty offense;

(6) having been expelled, dismissed or removed from the official service, a State agency or a State enterprise on the ground of dishonest performance of duties or corruption;

(7) having been ordered by a judgment or an order of the Court that his or her assets shall dissolve

on the State on the ground of unusual wealthiness on an unusual increase of his or her asset;

(8) being a Government official holding a permanent position or receiving salary except a political official;

(9) being a member of a local assembly or a local administrator;

(10) being a senator or having been a senator and the termination of his membership had occurred not more than two years;

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

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

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

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

Article 103. A political party sending member to stand for election in any constituencies shall send member to stand for election until the number of members of the House of Representatives being obtained in such constituency is obtained and shall not send them exceeding such number.

Upon the number of members standing for election sent by any political party being obtained under paragraph one, if, for any reason, the number

of members reduces until the number under paragraph one is not obtained, it shall be deemed that such political party has already sent members to stand for election up to the required number.

Upon members being sent to stand for election by any political party, such political party or candidates in an election of such political party may not withdraw from the candidacy and neither it may change candidates in the election.

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

During the term of the House of Representatives, there shall not be any merger of political parties which have members holding membership of the House of Representatives.

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

Article 106. Membership of the House of Representatives terminates upon:

- (1) expiration of the term or dissolution of the House of Representatives;
- (2) death;
- (3) resignation;
- (4) being disqualified under Article 101;
- (5) being under any prohibition provided in Article 102;
- (6) acting in contravention of any prohibition under Article 265 or Article 266;

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

(8) loss of membership of the political party in the case where the political party of which he or she is a member is dissolved by an order of the Constitutional Court and he or she is unable to become a member of another political party within sixty days as from the date on which the

Constitutional Court issues its order. In such case, his or her membership shall be deemed to have terminated as from the day following the date on which such period of sixty days has elapsed;

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

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

(11) having been imprisoned by a final judgment to a term of imprisonment even though there shall be suspension of punishment except for an offense committed through negligence, or a petty offense or a defamatory offense.

Article 107. Upon the expiration of the term of the House of Representatives, the King will issue a Royal Decree calling for a general election of members of the House of Representatives in which the election day must be fixed within forty five days as from the date of the expiration of the term of the

House of Representatives and the election day must be the same throughout the Kingdom.

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

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

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

Article 109. When the office of member of the House of Representatives becomes vacant for any reason other than the expiration of the term or the dissolution of the House of Representatives, the following actions shall be taken:

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

(2) in the case where the vacancy is that of the office of a member of the House of Representatives elected from the election on a proportional basis, the

President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, elevate the person whose name in the list of that political party in that constituency is placed in the next order to be a replacing member of the House of Representatives unless there is no other name on the list, members of the House of Representatives on a proportional basis shall consist of the existing members.

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

Article 110. After the Council of Ministers has assumed the administration of the State affairs, the King will appoint as Leader of the Opposition in the House of Representatives a member of the House who is the leader of the political party having its members holding no ministerial positions and having the largest number of members among the political parties having their members holding no ministerial positions, provided that such number must not be less than one-fifth of the total number of members of the House of Representatives at the time of the appointment.

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

The President of the House of Representatives shall countersign the Royal Command appointing the Leader of the Opposition in the House of Representatives.

The Leader of the Opposition in the House of Representatives shall vacate office upon being disqualified as specified in paragraph one or paragraph two, and Article 124 paragraph four shall apply *mutatis mutandis*, and in such case, the King will appoint a new Leader of the Opposition in the House of Representatives to fill the vacancy.

Part 3

The Senate

Article 111. The Senate shall consist of one hundred and fifty members to be from the election in each *Province* which shall have one Senator and to be from the selection in the number equal to such

total number minus the number of senators from the election.

In the case where a *Province* is added or reduced during the term of senators from the election, the Senate shall consist of the remaining senators.

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

In the case where the number of senators is less than the number under paragraph one but not less than ninety five percent of the total number of senators, the Senate shall consist of the existing senators. However, the election or selection of senators must be completed within one hundred and eighty days as from the date of such circumstance. The replacing senator may serve only for the remainder of the term of the Senate.

Article 112. In an election of senators in each *Province*, the area of *Province* shall be regarded as one constituency. Each *Province* can have one senator. The person having the right to vote at an election of candidates may cast ballot for one candidate and the election shall be by direct suffrage and secret ballot.

For the purpose of the election of senators, candidates in the election can launch election campaign only relating to the performance of official duty of senators.

Rules, procedure and conditions in an election and an election campaign of senators shall be in accordance with the organic law on the election of members of the House of Representatives and the source of senators.

Article 113. There shall be a Senator Selection Committee consisting of the President of the Constitutional Court, President of the Election Commission, President of Ombudsmen, President of the National Counter Corruption Commission, President of the State Audit Commission, a Judge of the Supreme Court of Justice holding office not lower than Judge of the Supreme Court entrusted by a General Meeting of the Supreme Court and a Judge of the Supreme Administrative Court entrusted by the General Assembly of Judges of the Supreme Administrative Court as member to be in charge of the selection of persons under Article 114 to be completed within thirty days as from the date of receiving the name list from the Election Commission and then, notify the result of such selection for announcing the list of nominated persons as senators to the Election Commission.

Members of the Committee under paragraph one shall elect among themselves Chairman.

In the case where member in any position does not exist or exists but is unable to perform his or her duty, if the remainder of the Committee is not less than half of the total number, Senator Selection Committee shall consist of the remaining members.

Article 114. Senator Selection Committee shall elect a person who is suitable to be senator from the nominated persons from various organizations in academic sector, public sector, private sector, professional sector and other sectors which are beneficial for the performance of official duty of Senate in the number equal to the number to be obtained provided by Article 111 paragraph one.

In the selection of persons under paragraph one, regards shall be given to knowledge, expertise or experience which can be of benefit for the functioning of the Senate and shall be considered factors from a person with knowledge in different fields, gender opportunity and equality, adjoining proportion of persons in each sector under paragraph one as well as opportunity for the socially underprivileged.

The rules, procedure and conditions in a selection of senators shall be in accordance with the organic law on the election of members of the House of Representatives and the source of senators.

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

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

(4) a candidate in an election of senators to be from the election shall also possess any of the following qualifications:

(a) having his or her name appear in the house register 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 applying for the candidacy;

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

(c) having studied in an education institution situated in the *Province* where he or she stands for election for a consecutive period of not less than five academic years before;

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

(5) not being an ascendants, spouse or child of holder of members of the House of Representatives or holder of political position;

(6) not being a member of or holder of other position of a political party or having been a member or having been a holder and his or her membership or holder of other position of a political party has terminated for not yet more than five years up to the date of applying for the candidacy or the date of nomination;

(7) not being a member of the House of Representatives or having been a member of the House of Representatives and his or her membership

has terminated for not yet more than five years up to the date of applying for the candidacy or the date of nomination;

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

(9) not being a minister or holder of other political position who is not a member of a local assembly or a local administrator or having been but his or her position has terminated for not yet more than five years.

Article 116. A senator shall not be a Minister, holder of other political position or holder of position in an independent agency under Constitution.

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

Article 117. Membership of senators being from the election shall commence as from the date of the election of senators and membership of senators being from the selection shall commence as from the date which the Election Commission announces the result of the selection.

Membership of senators is the term of six years as from the election day or the date which the Election Commission announces the result of the selection, as the case may be; provided that senator

shall not hold office consecutively for more than a term.

Members of the Senate whose membership terminate upon the term of the Senate shall continue to perform their duties until newly elected senators assume their duties.

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

Upon expiration of the term of senators from the selection, Election Commission shall announce the date of the commencement of selection and a period of selection of senators in which such selection shall be completed within sixty days as from the date of the expiration of the term of senators from the selection.

Article 119. Membership of the Senate terminates upon:

- (1) expiration of the term of the Senate;
- (2) death;
- (3) resignation;
- (4) being disqualified or being under any of the prohibitions under Article 115;
- (5) acting in contravention of any of the prohibitions under Article 116, Article 265 or Article 266;

(6) the Senate passing a resolution under Article 274 removing him or her from office or the Constitutional Court having a decision terminating his or her membership under Article 91 or the Supreme Court having an order under Article 239 paragraph two or Article 240 paragraph three; in such case, his or her membership shall be deemed to have terminated as from the date of the resolution of the Senate or the decision or the order of the Court, as the case may be;

(7) having been absent for more than one-fourth of the number of days in a session with the length of not less than one hundred and twenty days without permission of the President of the Senate;

(8) having been imprisoned by a final judgment to a term of imprisonment even though there shall be suspension of punishment except for an offense committed through negligence, a petty offense or a defamatory offense.

Article 120. When the office of senator becomes vacant for a reason under Article 119, the provisions of Article 112, Article 113, Article 114 and Article 118 shall apply to the election or the selection of senators in such a case. The replacing senator may serve only for the remainder of the term of the replaced person; provided that the remainder of the term of the senators becoming vacant is less than one hundred and eighty days, the election or the selection may be waived.

Article 121. In considering a person to hold any position under the provisions of this Constitution, the Senate shall appoint a committee for examining past records, behaviors and ethical behaviors of the person nominated for holding such a position as well as gathering necessary facts and evidence to be reported to the Senate for its further consideration.

The proceeding by the committee under paragraph one shall be in accordance with the Rules of Procedure of the Senate.

Part 4

Provisions Applicable to Both Houses

Article 122. Members of the House of Representatives and senators are representatives of the Thai people, free from any form of authority, assignment or domination, and shall honestly perform the duties for the common interest of the Thai people without conflict of interest.

Article 123. Before taking office, a member of the House of Representatives and a senator shall, at a sitting of the House of which he or she is a member, make a solemn declaration 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 in the interest of the country and of the Thai people. I shall also, in every respect, uphold and observe the Constitution of the Kingdom of Thailand.”

Article 124. The House of Representatives and the Senate shall each have one President and one or two Vice-Presidents who are appointed by the King from the members of such House in accordance with its resolution.

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

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

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

- (1) loss of membership of the House which he or she is a member;
- (2) resignation;
- (3) holding a position of Prime Minister, Minister or other political official;
- (4) having been imprisoned by a judgment even though the case is not yet finalized or pending punishment, unless the case is one of finalized or pending punishment in an offense committed through negligence, a petty offense or a defamatory offense.

The President and Vice-President of the House of Representatives, during holding office, shall not be an executive committee or holder of any position in a political party simultaneously.

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

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

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 that particular House shall elect one among themselves to preside over such sitting.

Article 126. At a sitting of the House of Representatives or the Senate, the presence of not less than one-half of the total number of the existing members of House is required to constitute a chamber, except that in the case of considering the agenda on interpellation under Article 156 and Article 157, the House of Representatives and the

Senate may prescribe a chamber in the rules of procedure otherwise.

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

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

The President of the National Assembly, the President of the House of Representatives and the President of the Senate shall cause the voting of each member to be recorded and disclose such record in a place where the public entry for its inspection is possible, except for the case of the voting by secret ballot.

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

Article 127. The National Assembly shall, within thirty days as from the date of the election of members of the House of Representatives, be summoned for the first sitting.

Each year, there shall be a general ordinary session and a legislative ordinary session.

The day on which the first sitting under paragraph one is held shall be considered as the first day of the general ordinary session, and the first day of the legislative ordinary session shall be fixed by

the House of Representatives. In the case where the first sitting under paragraph one has less than one hundred and fifty days up to the end of a calendar year, the legislative ordinary session may be omitted in that year.

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

An ordinary session of the National Assembly shall last one hundred and twenty days but the King may grant its prolongation.

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

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

The King may be present to perform the opening ceremony of the first general ordinary session under Article 127 paragraph one or may command the Heir to the Throne who is *sui juris* or

any person to perform the ceremony as His Representative.

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

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

Article 129. Members of both Houses or members of the House of Representatives of not less than one-third of the total number of the existing members of both Houses have the right to present their petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly.

The petition referred to in paragraph one shall be lodged with the President of the National Assembly.

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

Article 130. At a sitting of the House of Representatives or the Senate or at a joint sitting of the National Assembly, words expressed in giving statements of fact or opinions or in casting the vote by any member are absolutely privileged. No change or action in any manner whatsoever shall be brought against such member.

The privilege under paragraph one does not extend to a member who expresses words at a sitting

which is broadcast through radio or television if such words appear out of the precinct of the National Assembly and the expression of such words constitutes a criminal offense 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 may cause damage to other person who is not a Minister or member of that House, the President of that House shall cause explanations to be published as requested by that person in accordance with procedure and within such period of time as prescribed in the rules of the procedure of that House, without prejudice to the person's right to bring the case before the Court.

The privilege provided in this section extends, *mutatis mutandis*, 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 broadcast the sitting through radio or television with the permission of the President of such House.

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

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

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

In the case where a criminal charge is brought against a member of the House of Representatives or a senator, whether the House is in session or not, the Court shall not try the case during a session, unless permission of the House of which he or she is a member is obtained or it is a case concerning the organic law on the election of members of the House of Representatives and the source of senators, the organic law on Election Commission or the organic law on political parties; provided that the trial of the Court shall not hinder such member from attending the sitting of the House.

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

If a member of the House of Representatives or a senator is detained during the inquiry or trial before the beginning of a session, when the session begins, the inquiry official or the Court, as the case may be, must order his or her release as soon as the President of the House of which he or she is a member has so requested.

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

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

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

(2) a sitting at which the Senator shall consider a person for holding any office under the provisions of this Constitution;

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

Article 133. A Sitting of the House of Representatives and of the Senate and a joint sitting of the National Assembly are public under the conditions stipulated in the rules of procedure of each House. A sitting *in camera* shall be held at the request of the Council of Ministers or members of not less than one-fourth of the total number of the existing members of each House or of both Houses, as the case may be.

Article 134. The House of Representatives and the Senate have the power to make the rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matter or

activities which are within the powers and duties of each standing committee, performance and chamber of committees, sittings, submission and consideration of organic law bills and bills, submission of motions, consultation, debate, passing of a resolution, recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and orders, codes of ethics of members and committee members, and other matters for the execution of this Constitution.

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

The committee under paragraph one has the power to demand documents from any person or summon any person to give statements of fact or opinions on the act or the matter under its inquiry or study. Such demand shall come into force as provided by law but such demand shall not apply to judges performing their duties required by legal proceedings or personnel management of each court. It shall also not apply to Ombudsman or committee

of independent agency under Constitution performing their duties directly required by each agency under Constitution under the provisions of Constitution or organic law, as the case may be.

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

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

The number of members of a standing committee appointed solely from members of the House of Representatives shall be in proportion to or in close proportion to the number of members of the House of Representatives of each political party or group of political parties in the House of Representatives.

In the absence of the rules of procedure of the House of Representatives under Article 134, the President of the House of Representatives shall determine the proportion under paragraph five.

Part 5

Joint Sitzings of the National Assembly

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

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

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

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

(4) the acknowledgement or approval of the succession to the Throne under Article 23;

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

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

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

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

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

(10) the consultation of an organic law bill or a bill under Article 151;

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

(12) the announcement of policies under Article 176;

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

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

(15) hearing of explanation and the approval of a treaty under Article 190;

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

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

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

Part 6

The Enactment of Organic Laws

Article 138. There shall be the following organic laws.

(1) the organic law on the election of members of the House of Representatives and the source of senators;

(2) the organic law on the Election Commission;

(3) the organic law on political parties;

(4) the organic law on referendum;

(5) the organic law on procedure of Constitutional Court;

(6) the organic law on criminal procedure for persons holding political positions;

(7) the organic law on Ombudsmen;

(8) the organic law on Counter Corruption;

(9) the organic law on State audit.

Article 139. A bill of the organic law may be introduced only by

(1) the Council of Ministers;

(2) members of the House of Representatives of not less than one-tenth of the total number of the existing members of the House of Representatives or members of the House of Representatives and senators of not less than one-tenth of the total number of the existing members of both Houses or;

(3) the Constitutional Court, Supreme Court or independent agency under the Constitution which are in charge of President of such court and President of such organ under such organic law.

Article 140. The consideration of a bill of the organic law by the House of Representatives and the Senate shall be made in three readings as follows:

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

(2) the voting in the third reading in order to approve the promulgation of the organic law must be done by votes of more than one-half of the total number of the existing members of each House.

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

Article 141. After a bill of the organic law has been approved by the National Assembly, and prior to present it to the King for signature, the National Assembly shall refer it to the Constitutional Court for consideration of its constitutionality which shall be completed within thirty days as from the date of receiving such bill.

If the Constitutional Court decides that the provisions of any bill of the organic law are in conflict with or in contradiction to the Constitution, such conflicting or contradictory provisions shall lapse. In the case where such provisions form the

essential element or a bill of the organic law is enacted in such a manner which is inconsistent with the provisions of this Constitution, such bill of the organic law shall lapse.

In the case where the decision of the Constitutional Court results that the provisions being in conflict with or in contradiction to the Constitution lapse under paragraph two, the National Assembly shall return such bill of the organic law to the House of Representatives and the Senate for consideration respectively. In such case, the House of Representatives or the Senate can amend to be not in conflict with or in contradiction to the Constitution; provided that resolution for amendment shall be done by votes of more than one-half of the total number of the existing members of each House and then the Prime Minister shall proceed in accordance with Article 90 and Article 150 or Article 151, as the case may be.

Part 7

Enactment of Acts

Article 142. Subject to Article 139, a bill may be introduced only by

- (1) the Council of Ministers;
- (2) not less than twenty members of the House of Representatives;
- (3) court or independent agency under Constitution, only law on organization and law in

charge of President of such court and President of such organ or;

(4) the persons having the right to vote of not less than ten thousand in number shall submit law under Article 163.

In the case where a bill submitted under (2), (3) or (4) is a money bill, it may be introduced only with the endorsement of the Prime Minister.

After people submit any bill under (4), if persons under (1) or (2) submit a bill having the same principle as that of such bill, the provisions of Article 163 paragraph four shall apply to the consideration of such bill.

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

In the submission of such bill under paragraph one, an analyzed and summarized note of such bill must be attached to such bill.

A bill submitted to the National Assembly must be disclosed to people and people can have access to the information and details of such a bill with convenience.

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

(1) the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxed 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, guarantee, redemption of loans or proceeding binding State assets;

(4) currency.

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

Article 144. For any bill introduced by members of the House of Representatives which, at the stage of the adoption of its principle, was not a money bill but was then amended by the House of Representatives and, in the opinion of the President of the House, such amendment has rendered it to exhibit the characteristic of a money bill, the President of the House shall suspend the consideration of such bill and, within fifteen days as from the day on which such case occurs, shall refer it to a joint sitting of the President of the House of

Representatives and Presidents of all its standing committees to make a decision thereon.

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

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

Article 146. Subject to Article 168, when the House of Representatives has considered a bill submitted under Article 142 and resolved to approve it, the House of Representatives shall submit such bill to the Senate. The Senate must finish the consideration of such bill within sixty days; but if it is a money bill, the consideration thereof must be finished within thirty days; provided that the Senate may, as a special case, resolve 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 day on which such bill reaches the Senate.

The period referred to in paragraph one shall not include the period during which the bill is under the consideration of the Constitutional Court under Article 149.

If the Senate has not finished the consideration of the bill within the period referred to in paragraph one, it shall be deemed that the Senate has approved it.

In the case where the House of Representatives submits a money bill to the Senate, the President of the House of Representatives shall also advise the Senate that the bill so submitted is a money bill. The advice of the President of the House of Representatives shall be deemed final.

In the case where the President of the House of Representatives does not advise the Senate that the bill is a money bill, such bill shall not be deemed a money bill.

Article 147. Subject to Article 168, after the Senate has finished the consideration of a bill,

(1) if it agrees with the House of Representatives, further proceedings under Article 150 shall be taken;

(2) if it disagrees with the House of Representatives, such bill shall be withheld and returned to the House of Representatives;

(3) if there is an amendment, the amended bill shall be returned to the House of Representatives. If the House of Representatives approves such amendment, further proceedings under Article 150 shall be taken. In other cases, each House shall appoint persons, being or not being its members, in such an equal number as may be fixed by the House of Representatives, to constitute a joint committee for considering the bill and the joint committee shall prepare a report thereon and submit the bill which it has already considered to both Houses. If both Houses approve the bill already considered by the joint committee, further proceedings under Article 150 shall be taken. If either House disapproves it, the bill shall be withheld.

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

At a meeting of the joint committee, the presence of the members of the joint committee

appointed by both Houses of not less than one-half of the total number of its members is required to constitute a chamber and the provisions of Article 137 shall apply *mutatis mutandis*.

If a bill is not returned by the Senate to the House of Representatives within the period specified under 146, such bill shall be deemed to have been approved by the National Assembly and further proceedings under Article 150 shall be taken.

Article 148. A bill withheld under Article 147 may be reconsidered by the House of Representatives only after the lapse of one hundred and eighty days as from the date the bill is returned to the House of Representatives by the Senate in case of withholding under Article 147 (2) and as from the date either House disapproves it in case of withholding under Article 147 (3). In such cases, if the House of Representatives resolves to reaffirm the original bill 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 Article 150 shall be taken.

If the bill withheld is a money bill, the House of Representatives may forthwith proceed to reconsider it. In such case, if the House of Representatives resolves to reaffirm the original bill 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 Article 150 shall be taken.

Article 149. While a bill is being withheld under Article 147, the Council of Ministers or members of the House of Representatives may not introduce a bill having the same or similar principle as that of the bill so withheld.

In the case where the House of Representatives or the Senate is of the opinion that the bill so introduced or referred to for consideration has the same or similar principle as that of the bill being withheld, the President of the House of Representatives or the President of the Senate shall refer the said bill to the Constitutional Court for decision. If the Constitutional Court decides that it is a bill having the same or similar principle as that of the bill so withheld, such bill shall lapse.

Article 150. After a bill has already been approved by the National Assembly, the Prime Minister shall present it to the King for signature within twenty days as from the date of the receipt of such bill from the National Assembly, and it shall come into force after publication in the Government Gazette has been carried out.

Article 151. If the King refuses His assent to a bill and either returns it to the National Assembly or does not return it within ninety days, the National Assembly must redeliberate such bill. If the National

Assembly resolves to reaffirm the bill with the votes of not less than two-thirds of the total number of existing members of both Houses, the Prime Minister shall present such bill to the King for signature once again. 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 and it shall have the force of law as if the King has signed it.

Article 152. In considering a bill the substance of which is decided by the President of the House of Representatives to be concerned with children, women, the elderly, the disabled or handicapped, if the House of Representatives does not consider it by its full committee, the House of Representatives shall appoint an *ad hoc* committee consisting of representatives, from private organizations concerned with the respective types of persons, of not less than one-third of the total number of members of the committee; provided that the number of men and women must be closely apportioned.

Article 153. In the case where the term of the House of Representatives expires or the House of Representatives is dissolved, the draft Constitution Amendment, or all bills to which the King has refused His assent or which have not been returned by the King within ninety days, shall lapse.

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

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

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

Part 8

The Control of Enactment of Law Conflicting with or Contradictory to the Constitution

Article 154. Any bill has been approved by the National Assembly but before the Prime Minister presents it to the King for signature under Article 150 or any bill has been reaffirmed by the National

Assembly but before the Prime Minister presents it to the King for another time under Article 151:

(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 provisions of the said bill are in conflict with or in contradiction to this Constitution or such bill is enacted in a manner which is inconsistent with the provisions of this Constitution, they shall submit their opinion to the President of the House of Representatives, the President of the Senate or the President of the National Assembly, as the case may be, and the President of the House receiving such opinion shall then refer it to the Constitutional Court for decision and, without delay, inform the Prime Minister thereof;

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

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

If the Constitutional Court decides that the provisions of such bill are in conflict with or in contradiction to this Constitution or it is enacted in such a manner which is inconsistent with the provisions of this Constitution and that such provisions of the bill form the essential element, such bill shall lapse.

If the Constitutional Court decides that the provisions of such bill are in conflict with or in contradiction to this Constitution in any manner other than the case specified in paragraph three, such conflicting or contradictory provisions shall lapse and the Prime Minister shall proceed further under Article 150 or Article 151, as the case may be.

Article 155. The provisions of Article 154 shall apply *mutatis mutandis* to draft rules of procedure of the House of Representatives, draft rules of procedure of the Senate and draft rules of procedure of the National Assembly which have already been approved by the House of Representatives, the Senate or the National Assembly, as the case may be, but remain unpublished in the Government Gazette.

Part 9

The Control of Administration of State Affairs

Article 156. Every member of the House of Representatives or senator has the right to interpellate a Minister on any matter within the scope of his or her authority, but the Minister has the right to refuse to answer it if the Council of Ministers is of the opinion that the matter should not yet be disclosed on the ground of safety or vital interest of the State.

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

The interpellation and the answer to the interpellation under paragraph one may be made once a week, and a verbal interpellation by a member of the House of Representatives on a matter involving the administration of the State affairs may

be made not exceeding three times on each matter in accordance with the rules of procedure of the House of Representatives.

Article 158. Members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House have the right to enlist the submission of a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister. Such motion must nominate the suitable next Prime Minister who is also a person under Article 171 paragraph two and, when the motion has been submitted, the dissolution of the House or 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 three.

In the submission of the motion for a general debate under paragraph one, if it is concerned with the behavior of the Prime Minister, which involves circumstances of unusual wealthiness, exhibits a sign of malfeasance in office or intentionally violates the provisions of the constitution or law, it shall not be submitted without the petition under Article 271 having been presented. Upon the submission of the petition under Article 271, it may be proceeded without awaiting the outcome of the proceedings under Article 272.

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.

In the case where a vote of no-confidence is passed by not more than one-half of the total number of the existing members of the House of Representatives, the members of the House of Representatives who submit the motion for the general debate shall no longer have the right to submit another motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Ministers throughout the session.

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

Article 159. Members of the House of Representatives of not less than one-sixth of the total number of the existing members of the House of Representatives have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister and the provisions of Article 158 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

Any Minister vacates office but remains in office in other position after the day of the submission under paragraph one of members of the House of Representatives, such Minister shall continue to be debated for the purpose of passing a vote of no-confidence under paragraph one.

The provisions under paragraph two shall apply *mutatis mutandis* to Minister vacating office not exceeding ninety days before the day of the submission under paragraph one of members of the House of Representatives but remaining in office in other position.

Article 160. In the case where the number of members of the House of Representatives are not members of political parties to which ministers belong is insufficient to submit a motion for a general debate under Article 158 or Article 159, members of the House of Representatives of more than one-half of the total number of the existing members shall have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or an individual minister under Article 158 or Article 159 after the Council of Ministers has been in office for more than two years.

Article 161. Senators of not less than one-third of the total number of the existing members of the Senate have the right to submit a motion for a general debate in the Senate for the purpose of requesting the Council of Ministers to give

statements of fact or explain important problems in connection with the administration of the State affairs without a resolution to be passed.

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

Article 162. In the case where there shall be a sitting of the House of Representatives or Senate for interpellating any Prime Minister or Minister on any matter within the scope of his or her authority or a general debate of no-confidence in any Prime Minister or Minister, such Prime Minister or Minister shall attend the sitting of the House of Representatives or the Senate to explain or answer such an interpellation in person, except if he or she is unavoidably prevented from attending for explaining or answering such an interpellation, for which he or she must notify the President of the House of Representatives or the President of the Senate in advance or on the day of such sitting.

Members of the House of Representatives are free from resolutions adopted by political parties in an interpellation, debate and the passing of a resolution of no-confidence.

CHAPTER VII

Direct Political Participation of People

Article 163. People having the right to vote of not less than ten thousand in number shall have a right to submit a petition to the President of the National Assembly to consider such bill as prescribed in Chapter III and Chapter V of this Constitution.

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

The rules and procedure for the petition and the examination thereof shall be in accordance with the provisions of the law.

In the consideration of the bill under paragraph one, the House of Representatives and the Senate must provide representatives of people having the right to vote in a submission of such bill an opportunity for explaining principle of the bill and an *ad hoc* committee for the consideration of such bill shall consist of representatives of people having the right to vote in a submission of such bill of not less than one-third of the total number of committee.

Article 164. People having the right to vote of not less than twenty thousand in number shall have a right to submit a petition to the President of the Senate to pass a resolution under Article 274 removing persons under Article 270 from office.

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

The rules, procedure and conditions for the petition under paragraph one shall be in accordance with the organic law on counter corruption.

Article 165. People having the right to vote shall have the right to vote in a referendum.

A referendum shall be held under the following conditions:

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

(2) in the case where a referendum is held in compliance with the provisions of law.

A referendum under (1) or (2) may be held for a resolution by the majority of the persons having the right to vote in a referendum on an issue held for such referendum or a referendum for giving an advice to the Council of Ministers except when there is a law provides otherwise.

A referendum shall be as to whether the affairs held for such referendum will be approved or not and a referendum shall not be held on affairs conflicting with or contradictory to the Constitution

or affairs specifically relating to any individual or group of persons.

Before a referendum, the State shall take action to ensure that there shall be adequate information and persons who agree or disagree with such affairs shall have an opportunity to express their opinions equally.

The rules and procedure for voting in a referendum shall be in accordance with the organic law on referendum which must at least spell out the details of the procedure for voting in a referendum, the period of proceeding and the number of votes required to resolve the affairs.

CHAPTER VIII

Money, Finance, and Budget

Article 166. The expenditure estimates of the State shall be made in the form of an Act. If the Annual Appropriations Act for the following fiscal year is not enacted in time, the law on annual appropriations for the preceding fiscal year shall apply for the time being.

Article 167. The submission of annual appropriations bill for the fiscal year shall, for the sake of consideration, clearly contain accompanying documents which shall include the details of the estimated revenues, objectives, activities, plans,

projects of each item of expenditure as well as shall demonstrate the monetary and financial status of the country relating to the overall of economic circumstance resulting from expenditure and the provisions of income, interest and missing income out of individual exclusion of various taxes, the necessity of the submission of binding budget for the next fiscal year, debt burden and debt incurred by State and financial status of State enterprise in the year such budget is to be approved and the last fiscal year.

If any expenditure cannot be directly allocated to a government agency, State enterprise or any State agency, such expenditure shall be itemized in the central expenditure list with reason and necessity in determining such central expenditure.

There shall be law on money and finance of the State for determining framework for monetary and financial discipline which shall include rules on financial planning in a middle term, the provisions of income, the establishment of guidelines for preparing State expenditure budget, the administration of money and asset, accounting of public fund, the debt incurring or action binding upon asset or financial burden of the State, the rules on the determination of an advanced budget in cases of emergency or necessity and other related matters which shall be applied as a framework for providing income, supervising expenditure in accordance with the principles of maintenance of stability, sustainable economic development and equity in society.

Article 168. The House of Representatives must finish the consideration of an annual appropriations bill, a supplementary appropriations bill and a transfer of appropriations bill within one hundred and five days as from the date the bill reaches the House of Representatives.

If the House of Representatives has not finished the consideration of the bill within the period referred to in paragraph one, such bill shall be deemed to have been approved by the House of Representatives and shall be submitted to the Senate.

In the consideration by the Senate, the Senate must approve or disapprove it without any amendment within twenty days as from the date the bill reaches the Senate. Upon the lapse of such period, such bill shall be deemed to have been approved; in such case and in the case where the Senate approves it, further proceedings under Article 150 shall be taken.

If the Senate disapproves the bill, the provisions of Article 148 paragraph two shall apply *mutatis mutandis*.

In the consideration of the annual appropriations bill, the supplementary appropriations bill and the transfer of appropriations bill, a member of the House of Representatives shall not submit a motion adding any item or amount to the bill, but may submit a motion reducing or abridging the expenditures which are not expenditures according to any of the following obligations:

(1) money for payment of the principal of a loan;

- (2) interest on a loan;
- (3) money payable in accordance with the law.

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

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

The State shall allocate adequate budget for the independent administration of the National Assembly, the Constitutional Court, the Courts of Justice, the Administrative Courts, and organs under the Constitution.

In the consideration of the appropriations, the National Assembly, courts, and organs under paragraph eight may submit a motion directly to the commission if they are of opinion that their appropriations are insufficient.

Article 169. The payment of State funds shall be made only when it has been authorized by the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations or the law on treasury balance, except that it may be prepaid in the case of urgent necessity under the rules and procedure provided by the law. In such case, the expenditure estimates for reimbursing the treasury balance must be set aside in the Transfer of Appropriations Act, the Supplementary Appropriations Act, or the Annual Appropriations Act for the following fiscal year. The revenue sources for reimbursement of the prepaid expenditure shall be specified.

During the period when the country is under a state of warfare or fighting, the Council of Ministers has the power to transfer or use the appropriations allocated for other State agencies or State enterprises to finance any other activities which is not stipulated in the Annual Appropriations Act and shall report the matter to the National Assembly without delay.

In the case where the allocated appropriations are transferred or used for other activity of any State agency or State enterprise, the Government shall report the matter to the National Assembly every six months.

Article 170. A State agency whose income is not required to be sent to become public revenue, that particular State agency shall prepare its own balance sheet of income and expenditure and submit it to the Council of Ministers at the end of every fiscal year. The Council of Ministers shall then

prepare and submit a report to the House of Representatives and the Senate.

The disbursement of the revenue under paragraph one shall be under the framework for monetary and financial discipline under this chapter.

CHAPTER IX

Council of Ministers

Article 171. The King appoints the Prime Minister and not more than thirty-five other Ministers to constitute the Council of Ministers having the duties to carry out the administration of the State affairs on the principles of collective responsibility.

The Prime Minister must be a member of the House of Representatives, being elected under the provisions of Article 172.

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

The appointed Prime Minister shall not continue to take office more than eight years.

Article 172. The House of Representatives shall complete its consideration and approval of the person suitable to be appointed as Prime Minister within thirty days as from the date the National

Assembly is convoked for the first sitting under Article 127.

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

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

Article 173. In the case where the period of thirty days as from the date the National Assembly is convoked for the first sitting of its members has elapsed and no one has been approved for appointment as Prime Minister under Article 172 paragraph three, the President of the House of Representatives shall, within fifteen days as from the lapse of such period, present to the King for the issuance of a Royal Command appointing the person who has received the highest votes as the Prime Minister.

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

- (1) being of Thai nationality by birth;
- (2) being not less than thirty five years of age;

(3) having graduated with not lower than a Bachelor's degree or its equivalent;

(4) not being under any of the prohibitions under Article 102 (1), (2), (3), (4), (6), (7), (8), (9), (11), (12), (13) or (14);

(5) having been discharged for a period of less than five years before the appointment after being sentenced by a judgment to imprisonment, except for an offense committed through negligence or a petty offense;

(6) not being a senator or having been a senator whose membership has terminated for not more than two years up to the date of the appointment as Minister.

Article 175. Before taking office, a Minister must make a solemn declaration before the King in the following words:

"I, (name of the declarer), do solemnly declare that I shall be loyal to the King and shall faithfully perform my duties in the interests of the country and of the people. I shall also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

Article 176. The Council of Ministers which will assume the administration of the State affairs must, within fifteen days as from the date it takes office, state its policies to the National Assembly and clarify the implementation in compliance with the directive principles of the basic State policies under Article 75; provided that no vote of confidence shall

be passed. Afterward, it shall prepare a plan for administration of State affairs to prescribe annual guidelines for administrative practice under Article 76.

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

Article 177. A Minister has the right to attend and give statements of fact or opinions at a sitting of the House. In the case where the House of Representatives or the Senate has passed a resolution requiring a Minister to attend a sitting for any matter, he shall attend the sitting and the provisions of Article 130 governing privileges shall apply *mutatis mutandis*.

In the sitting of the House of Representatives, if any Minister simultaneously holds a position as a member of the House of Representatives, he or she is prohibited to vote for any matter concerning his or her being in office, his or her performance of duties, or his or her being an interested party in that matter.

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

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

Article 179. In the case where there is an important problem in the administration of the State affairs in regard to which the Council of Ministers deems it advisable to take opinion of members of the House of Representatives and senators, the Prime Minister may give a notice to the President of the National Assembly requesting that a general debate be held at a joint sitting of the National Assembly. In such case, no resolution shall be passed by the National Assembly on the issue put in the debate.

Article 180. Ministers vacate office *en masse* upon:

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

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

Article 181. The outgoing Council of Ministers shall remain in office for carrying out duties until the newly appointed Council of Ministers takes office but, in the case of the vacation of office under Article 180 (2), the Council of Ministers and

its Ministers are allowed to perform their duties as far as it is necessary under the following conditions:

(1) they shall not exercise its power to appoint or transfer a Government official holding a permanent position or receiving a regular salary or an official of a State agency, State enterprise or any enterprise which the State is the major shareholder, or remove him or her from duties or vacate his or her office, or replace his or her office with the replacing person, except with the prior approval of the Election Commission;

(2) they shall not take any action with an effect of giving approval to the disbursement of a reserved budget in case of an emergency or other necessity, except with the prior approval of the Election Commission;

(3) they shall not take any action with an effect of giving approval to any work or project or may cause the next Council of Ministers binding obligations;

(4) they shall not use the State's resources or manpower to carry out an act which has impacts on the results of the election and shall not carry out an action which is contrary to the rules and regulations prescribed by the Election Commission.

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

(1) death;

(2) resignation;

(3) being sentenced by a judgment to imprisonment, even though the case has not been

finalized, or there is suspension of the jail term, unless the offense is committed through negligence, a petty offense, or a defamatory offense;

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

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

(6) the issuance of a Royal Command terminating the ministership under Article 183;

(7) having committed an act prohibited by Article 267, Article 268, or Article 269;

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

In addition to the termination of the ministership of an individual Minister under paragraph one, the ministership of the Prime Minister shall also terminate upon the expiration of terms under Article 171 paragraph four.

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

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

Article 184. For the purpose of maintaining national or public safety or national economic security, or averting public calamity, the King may

issue an Emergency Decree which shall have the force as an Act.

The issuance of an Emergency Decree under paragraph one shall be made only when the Council of Ministers is of the opinion that it is the case of emergency and urgent necessity which is unavoidable.

In the next succeeding sitting of the National Assembly, the Council of Ministers shall submit the Emergency Decree to the National Assembly for its consideration without delay. If it is out of session and it would be a delay to wait for the opening of an ordinary session, the Council of Ministers must proceed to convoke an extraordinary session of the National Assembly in order to consider whether to approve or disapprove the Emergency Decree expeditiously. If the House of Representatives disapproves it or approves it but the Senate disapproves it and the House of Representatives reaffirms its approval by the votes of not more than one-half of the total number of the existing members of the House, the Emergency Decree shall lapse; provided that it shall not affect any act done during such Emergency Decree is in force.

If the Emergency Decree under paragraph one has the effect of amending or repealing any provisions of any Act and such Emergency Decree has lapsed in accordance with paragraph three, the provisions of the Act in force before the amendment or repeal shall continue to be in force as from the 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 be in 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 in case of reaffirmation of the Emergency Decree must take place at the first opportunity when such Houses hold their sittings.

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

shall notify its decision to the President of the House referring such opinion.

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

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

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

Article 186. If, during a session, it is necessary to have a law on taxes, duties or currency, which, in the interests of the State, requires an urgent and confidential consideration, the King may issue an Emergency Decree which shall have the force as an Act.

The Emergency Decree issued under paragraph one must be submitted to the House of Representatives within three days as from the day following the date of its publication in the Government Gazette, and the provisions of Article 184 shall apply *mutatis mutandis*.

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

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

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

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

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

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

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

Any treaty, which provides for a change in the Thai territories or extraterritorial areas in which

the Kingdom has the sovereign rights or any jurisdiction through treaty or international law, or the Kingdom is required to enact an Act for implementation of the treaty or has a vast impact on the country's economic and social stability, or has a significant binding effect upon the trade, investment or budget of the country, it shall be approved by the National Assembly. The National Assembly shall finish the consideration thereof within sixty days as from the date it receives the matter.

Prior to action taken for the conclusion of a treaty to be made with other countries or international organizations under paragraph two, the Council of Ministers shall publicize relevant information, make arrangement for a public hearing on the matter, and provide for a clarification of such a treaty to the National Assembly. In this regard, the Council of Ministers shall also propose the scope of negotiation to the National Assembly for approval.

After the signing of a treaty under paragraph two and before an expression of intention to bring the binding effect is made, the Council of Ministers shall provide the public with an access to the details of the treaty. In the case where the implementation of such a treaty will affect the people or the small and the medium entrepreneurs, the Council of Ministers shall take actions to provide corrections or remedies to the affected individuals in an expeditious, suitable, and fair manner.

There shall be a law governing the setting of the stages and procedure for making a treaty which has a vast impact on the economic and social stability

of the country or has a significant binding effect upon the trade or investment of the country, and the corrections or remedies given to the individuals affected by the implementation of such a treaty, keeping in mind the impartiality between the benefited individuals and the affected individuals from such an implementation as well as the public.

In the case where there is a problem under paragraph two, it shall be under the jurisdiction of the Constitutional Court for its decision and the provisions of Article 154 (1) shall apply to the referring of the matter to the Constitutional Court *mutatis mutandis*.

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

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

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

Article 194. 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 other political position.

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

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

Article 196. 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 to be payable not before the date of taking office.

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

CHAPTER X

The Courts

Part 1

General Provisions

Article 197. The trial and adjudication of cases are the powers of the Courts, which must proceed justly in accordance with the Constitution and the law, and in the name of the King.

Justices or judges are independent in the trial and adjudication of cases in correct, expeditious, and just manner, as well as in accordance with the Constitution and the law.

The transfer of a justice or judge without his or her prior consent shall not be permitted except in the case of termly transfer as provided by law, promotion to a higher position, being under a disciplinary action, becoming a defendant in a criminal case, in the case where justice in the trial and adjudication of cases might be affected, or *force majeure* or any other unavoidable necessity, as provided by law.

Justices or judges shall not be political officials or hold political positions.

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

A new Court for the trial and adjudication of any particular case or a case of any particular charge in place of an ordinary Court existing under the law and having jurisdiction over such case shall not be established.

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

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

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

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

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

Article 201. Before taking office, a justice or judge shall make a solemn declaration before the King in the following words:

“I, (name of the declarer) do solemnly declare that I shall be loyal to His Majesty the King and shall 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 shall 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.”

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

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

Article 203. No person may simultaneously become a member, whether an *ex officio* member or a qualified member, of the Judicial Commission of the Courts of Justice, the Administrative Court or any other Courts as provided by law.

Part 2

Constitutional Court

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

(1) three justices of the Supreme Court of Justice holding a position of not lower than justice of the Supreme Court of Justice and elected at a General Meeting of the Supreme Court of Justice by secret ballot;

(2) two judges of the Supreme Administrative Court elected at a General Assembly of Judges of the Supreme Administrative Court by secret ballot;

(3) two qualified persons in law with thorough knowledge and expertise of law, to be elected under Article 206;

(4) two qualified persons in political science, public administration, or other social sciences with thorough knowledge and expertise in administration of State affairs, to be elected under Article 206.

In the case where no justice of the Supreme Court of Justice or judge of the Supreme Administrative Court is elected under (1) or (2), the General Meeting of the Supreme Court of Justice and the General Assembly of Judges of the Supreme Administrative Court, as the case may be, shall elect other qualified persons who are not under any of the

prohibitions under Article 205 and possess thorough knowledge and expertise of law for functioning as the judge of the Constitutional Court under (1) or (2), as the case may be.

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

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

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

- (1) being of Thai nationality by birth;
- (2) being not less than forty five years of age;
- (3) having been, in the past, a Minister, a judge of the Supreme Military Court, an Election Commissioner, an Ombudsman, a member of the National Counter Corruption Commission, a member of the State Audit Commission, or a member of the National Human Rights Commission, or having served, in the past, in a position of not lower than Deputy Prosecutor General, Director-General or its equivalent in a State agency, or holding a position of not lower than Professor, or a lawyer of at least thirty years of continuous practice up to the date of nomination;

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

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

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

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

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

(1) there shall be a Judge Selection Committee of the Constitutional Court consisting of the President of the Supreme Court of Justice, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, and the Chairpersons of the independent organs under the Constitution, being elected among themselves to be one in number, as members. The Committee shall have the duties to select and choose qualified persons under Article 204 (3) and (4) within thirty days as from the date when the ground for the selection of persons to be in such

office occurs and submit the list of names of the selected persons to the President of the Senate with the consent of the selected persons. The resolution making such selection must be passed by open votes of not less than two-thirds of the total number of the existing members of the Committee. In the case where there are some vacancies in the Committee or if there are members who cannot perform duties, the remaining members, of not less than one-half of the total number, shall constitute the Selection Committee. The provisions of Article 113 paragraph two shall be applied to the matter *mutatis mutandis*.

(2) the President of the Senate shall convoke the Senate for a sitting for the purpose of passing, by secret ballot, a resolution of approval of the selected persons under (1) within thirty days as from the date of receiving the name list. If the Senate approves, the President of the Senate shall refer the name(s) to the King for appointment. If the Senate disapproves all or some of the nominees in the list, the name list and the reasons for the rejections shall be referred back to the Judge Selection Committee of the Constitutional Court to begin the selection process anew. If the Judge Selection Committee of the Constitutional Court disagrees with the Senate and resolves to reaffirm the original resolution with unanimous votes, the President of the Senate shall refer the name list to the King for further appointment. If the resolution reaffirming the original resolution is not passed unanimously, the selection process shall begin anew and be completed within thirty days as from the date when the ground for such a process occurs.

In the case where no qualified person, for any reasons, is selected within the time limit under (1), the General Meeting of the Supreme Court of Justice shall appoint three justices in the Supreme Court with positions of not lower than justice of the Supreme Court and the General Assembly of Judges of the Supreme Administrative Court shall appoint two judges of the Supreme Administrative Court for constituting the Selection Committee to perform the functions subject to (1).

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

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

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

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

(4) engage in any independent profession.

In the case where the General Meeting of the Supreme Court of Justice or the General Assembly of Judges of the Supreme Administrative Court has elected the persons, or the Senate has approved a person in (1), (2), (3) or (4) with the consent of that person, the elected person can commence the performance of duties only when he or she has resigned from the position in (1), (2) or (3) or has

satisfied with evidence that he or she has ceased to engage in such independent profession. This shall be done within fifteen days as from the date of the election or approval. If such person has not resigned or has not ceased to engage in the independent profession within the specified time, it shall be deemed that the person has never been elected or approved to be a judge of the Constitutional Court and the provisions of Article 204 or Article 206, as the case may be, shall apply.

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

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

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

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

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

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

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

(7) being sentenced by a judgment to imprisonment, even though the case has not been finalized, or in the case of the suspension of a jail term, except for an offense committed through negligence, a petty offense, or a defamatory offense.

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

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

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

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

(2) in the case of the judge of the Constitutional Court who was elected at the General Assembly of Judges of the Supreme Administrative

Court, the proceedings under Article 204 shall be taken within thirty days as from the date of the vacation of office;

(3) in the case of the judges of the Constitutional Court under Article 204 (3) or (4), the proceedings under Article 206 shall be taken within thirty days as from the date of the vacation of office.

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

In the case where the President of the Constitutional Court vacates office, the provisions of Article 204 paragraph three shall apply.

Article 211. In the application of the provisions of any law to any case, if the Court by itself is of the opinion that, or a party to the case raises an objection that, the provisions of such law fall within the provisions of Article 6 and there has not yet been a decision of the Constitutional Court on such provisions, the Court shall submit, in the course of official service, its opinion to the Constitutional Court for consideration and decision. During that period of time, the Court can continue the trial, but stay its adjudication pending the decision from the Constitutional Court.

In the case where the Constitutional Court is of the opinion that the objection of a party under paragraph one is not essential for decision, the

Constitutional Court may refuse to accept the case for consideration.

The decision of the Constitutional Court shall apply to all cases but shall not affect final judgments of the Courts.

Article 212. A person whose rights or liberties as guaranteed by this Constitution are violated has right to submit a petition to the Constitutional Court for its decision over whether the provision of a particular law is inconsistent with or in contradiction to the Constitution.

The right under paragraph one must be exercised in the case where such a person can not exercise his or her right through any other means as provided by the organic law on procedure of Constitutional Court.

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

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

Article 214. In the case where a conflict arises as to the powers and duties between or among

the National Assembly, the Council of Ministers, or non-judiciary organs under the Constitution, involving two or more organs, the President of the National Assembly, the Prime Minister, or such organs shall submit the matter together with opinions to the Constitutional Court for decision.

Article 215. In the case where the Constitutional Court is of opinion that any petition submitted to the Constitutional Court for consideration is a matter or issue decided, in the past, by the Constitutional Court, the Constitutional Court can refuse to accept that petition for decision.

Article 216. The chamber of judges of the Constitutional Court for hearing and giving a decision shall consist of not less than five judges. The decision of the Constitutional Court shall be made by a majority of votes, unless otherwise provided in this Constitution.

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

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

The decision of the Constitutional Court must at least consist of the background or allegation, summary of facts obtained from hearings, reasons for the decision on questions of fact and questions of law

and the provisions of the Constitution and the law invoked and resorted to.

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

The procedure of the Constitutional Court shall be prescribed by the organic law on procedure of Constitutional Court.

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

The appointment of the Secretary-General of the Office of the Constitutional Court must be done through the nomination of the President of the Constitutional Court and shall be approved by judges of the Constitutional Court, as provided by law.

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

Part 3

Courts of Justice

Article 218. The Courts of Justice have the powers to try and adjudicate all cases except those

specified by this Constitution or the law to be within the jurisdiction of other courts.

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

The Supreme Court of Justice has the power to try and adjudicate cases as prescribed by the Constitution or a law to be filed with it directly, and appeal cases, or petition against judgments or orders of the Courts of First Instance or the Courts of Appeal in accordance with the provisions of the law, except in the case where the Supreme Court of Justice has the opinion that the questions of fact and questions of law appearing in that appeal or petition are deemed not essential enough for its consideration, the Supreme Court of Justice has the power to refuse to accept such a case for trial and adjudication subject to the rules of the General Meeting of the Supreme Court of Justice.

The Supreme Court of Justice shall have the power to try and adjudicate cases pertaining to the election and disfranchisement in the election of members of the House of Representatives and the source of senators. The Courts of Appeal shall have the power to try and adjudicate cases pertaining to the election and disfranchisement in the election of members of local assemblies and local administrators. The procedures for the trial and adjudication shall be subject to the rules set by the

General Meeting of the Supreme Court of Justice. And the inquisitorial system of procedure shall be applied and carried out in an expeditious manner.

There shall be in the Supreme Court of Justice a Criminal Division for Persons Holding Political Positions and the chamber of which consists of nine justices of the Supreme Court of Justice holding a position of not lower than Justice of the Supreme Court of Justice or senior justice who, in the past, held a position of not lower than Justice of the Supreme Court of Justice and elected at a General Meeting of the Supreme Court of Justice by secret ballot and on a case-by-case basis.

The competence of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions and the criminal procedure for such persons shall be as provided by this Constitution and the organic law on criminal procedure for persons holding political positions.

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

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

The approval, under paragraph one and paragraph two, by the Judicial Commission of the Courts of Justice must also be, in substance, done by taking the capacities and moral behaviors of such a person into consideration.

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

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

(2) qualified members of each level of Courts: six of whom are from the Supreme Court, four of whom are from the Courts of Appeal, and two of whom are from the Courts of First Instance, being judicial officials of each level of Courts and elected by judicial officials of each level of Courts;

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

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

In the case where no qualified members under paragraph one (3) is elected or the incomplete number of two members under paragraph one (3) is elected, if at least seven members of the Judicial Commission of the Courts of Justice have the opinion that there is an urgent matter required an approval, the Judicial Commission of the Courts of Justice, in the number as above stated, shall constitute a chamber to review such an urgent matter.

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

The appointment of the Secretary-General of the Office of the Courts of Justice must be done through the nomination of the President of the Supreme Court of Justice and shall be approved by the Judicial Commission of the Courts of Justice, as provided by law.

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

Part 4

Administrative Courts

Article 223. Administrative Courts have the powers to try and adjudicate cases of dispute between a State agency, State enterprise, local government organization, organ under the Constitution or State official on one part and a private individual on the other part, or between a State agency, State enterprise, local government organization, organ under the Constitution or State official on one part and another such agency, enterprise, organization or official on the other part, which is the dispute as a consequence of the exercise

of administrative power under the law or as a consequence of the administrative activities of a State agency, State enterprise, local government organization, organ under the Constitution or State official, as provided by law, as well as other cases as prescribed by the Constitution and law to be under the jurisdiction of the Administrative Courts.

The powers under paragraph one of the Administrative Courts shall not include the final decision of the organs under the Constitution, which is deemed the direct exercise of power as prescribed by the Constitution of such a particular organ.

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

Article 224. The appointment and removal from office of an administrative judge must be approved by the Judicial Commission of the Administrative Court as provided by law before they are tendered to the King.

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

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

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

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

Article 226. The Judicial Commission of the Administrative Court consists of the following persons:

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

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

(3) three qualified members, two of whom are elected by the Senate and the other by the Council of Ministers.

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

In the case where no qualified members under paragraph one (3) is elected or the incomplete number of three members under paragraph one (3) is

elected, if at least six members of the Judicial Commission of the Administrative Court have the opinion that there is an urgent matter required an approval, the Judicial Commission of the Administrative Court, in the number as above stated, shall constitute a chamber to review such an urgent matter.

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

The appointment of the Secretary-General of the Administrative Court must be done through the nomination by the President of the Supreme Administrative Court and shall be approved by the Judicial Commission of the Administrative Court as provided by law.

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

Part 5

Military Courts

Article 228. Military Courts have the power to try and adjudicate military criminal cases, in

which an offender is under the jurisdiction of the Military Courts, and other cases as provided by the law.

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

CHAPTER XI

Organs under the Constitution

Part 1

Independent Organs under the Constitution

1. Election Commission

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

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

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

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

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

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

- (1) there shall be a Selection Committee for the Election Commissioners of seven members consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, one person selected at a General Meeting of the Supreme Court of Justice and one person selected at a General Assembly of Judges of the Supreme Administrative Court, as members, to be in charge of the selection of three persons, who have the qualifications under Article 230 and who are suitable to be Election Commissioners, for making nomination to the President of the Senate

upon consent of the nominated persons. The resolution making such nomination must be passed by votes of not less than two-thirds of the number of all existing members of the Selection Committee. In the case where a position of members of the committee is vacant or any of the commissioners is unable to perform their duties, if the number of the remaining members of committee is not less than one-half of the total number, the Selection Committee shall comprise the remaining members. For this purpose, the provisions of Article 113 paragraph two shall apply *mutatis mutandis*.

The selected persons at a General Meeting of the Supreme Court of Justice and a General Assembly of Judges of the Supreme Administrative Court under paragraph one must not be a justice or judge and a member of Selection Committee for the positions in other organs under the Constitution simultaneously;

(2) the Supreme Court of Justice shall, at its General Meeting, consider and select two persons who have the qualifications under Article 230 and who are suitable to be Election Commissioners for making nomination to the President of the Senate upon consent of the nominated persons;

(3) the selection under (1) and (2) shall be made within thirty days as from the date when the ground for the selection of persons to be in such office occurs. In the case where it is unable to make the selection or unable to make the selection in the complete number, within the prescribed time under (1), the Supreme Court of Justice shall, at its General

Meeting, complete the consideration and selection to obtain the complete number within fifteen days as from the date of the expiration of the selection time under (1);

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

(5) In the case of giving approval by the Senate, the procedure under (6) shall be taken. If the Senate rejects all or some of the nominees, the name list shall be referred back to the Selection Committee for the Election Commissioners or the General Meeting of the Supreme Court of Justice, as the case may be, to begin the selection process anew. If the Selection Committee for the Election Commissioners or the General Meeting of the Supreme Court of Justice disagrees with the rejection by the Senate and resolves to reaffirm the original resolution with unanimous votes or the votes of not less than two-thirds of the General Meeting of the Supreme Court of Justice, as the case may be, the procedure under (6) shall be taken. Otherwise the resolution reaffirming the original resolution is not passed by the unanimous votes or the votes of less than the prescribed number, the selection process shall begin anew and be completed within thirty days as from the date when the ground for such a process occurs;

(6) the approved persons under (4) or (5) shall meet and elect one among themselves to be the Chairman of the Election Commission and, then, notify the President of the Senate of the result. And

the President of the Senate shall tender it to the King for further appointment.

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

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

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

Article 233. Members of the House of Representatives, senators, or members of both Houses of not less than one-tenth of the total number of the existing members of the two Houses have the right to lodge with the President of the National Assembly a petition that any Election Commissioner is disqualified or is under any of the prohibitions under Article 230 and the President shall refer that petition to the Constitutional Court for its decision within three days as from the date that petition is received.

When the Constitutional Court has passed a decision, it shall notify the President of the National Assembly and the Chairman of the Election Commission of such decision.

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

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

In the case where an Election Commissioner vacates office for any reason other than the expiration of term, the selection process under Article 231 shall be taken and completed within sixty days as from the date when the ground for such process occurs and the approved person shall serve only for the remainder of the term of the replaced Commissioner.

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

The Chairman of the Election Commission shall have the charge and control of the execution of the organic law on the election of members of the House of Representatives and the source of senators, the organic law on political parties, the organic law on the Election Commission, the organic law on referendum, and the law on the election of members

of local assemblies or local administrators and shall be the political-party registrar.

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

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

(1) to issue Notifications and set Rules prescribing all activities necessary for the execution of the laws referred to in Article 235 paragraph two, including rules governing the election campaign and other activities of political parties, election candidates, and eligible voters to uphold honesty and fairness, as well as the criteria for the action of the State to promote an impartial election and equal opportunities in the election campaign;

(2) to set rules governing the prohibitions of the Council of Ministers and Ministers while taking offices to perform duties under Article 181 by having a regard to the protection of the State's interests and a regard to honesty, impartiality, equity and equal opportunities in the election campaign;

(3) to prescribe measures and to control the financial contributions to the political parties, subsidies given by the State, the expenditures of the political parties and electoral candidates, including to openly audit the financial accounts of political parties as well as to monitor the disbursement and receiving of money for affecting the voting;

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

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

(6) to order a new election or a new voting at a referendum to be held in any or all polling stations when there is convincing evidence that the election or the voting at a referendum in that or those polling stations did not proceed in an honest and fair manner;

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

(8) to promote and support or coordinate with State agencies, State enterprises, or local government organizations, or to support private organizations in providing the public with education on the democratic regime of government with the King as Head of the State as well as to promote the public participation in politics;

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

In the performance of its duties, the Election Commission has the power to summon any relevant document or evidence from any person, or summon any person to give statements as well as to request the public prosecutors, inquiry officials, State agencies, State enterprises or local government organizations to take action for the purpose of its

performance of duties, investigator, inquiry and passing decisions.

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

Article 237. Any election candidate who acts or causes or supports others to act in violation of organic law on the election of members of the House of Representatives and the source of senators, or Rules or Notifications of the Election Commission, which results in the elections to be in dishonest and unfair manner, the electoral right of such a candidate shall be revoked under the organic law on the election of members of the House of Representatives and the source of senators.

Pertaining to the act of such a person under paragraph one, if convincing evidence has appeared that any leader or member of executive committee of a political party connived at the act, or knew it but did not thwart or corrected the incident to ensure the honest and fair election, it shall be deemed that such political party acted to acquire the ruling power over the country through means not in accordance with the way prescribed in this Constitution under Article 68. In the case where the Constitutional Court orders to dissolve that political party, the leader and members of executive committee of such political party shall be revoked their electoral right for a period of five years as from the date the order dissolving the party is effective.

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

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

(2) an objection by a candidate for senator or member of an agency under Article 114 paragraph one that the selection of senators has proceeded inappropriately or unlawfully;

(3) convincing evidence has appeared that any member of the House of Representatives, senator, member of a local assembly or local administrator, before being elected, had committed any dishonest act to enable him or her to be elected or selected, or has dishonestly been elected or selected as a result of an act committed by any person or political party in violation of organic law on the election of members of the House of Representatives and the source of senators, organic law on political parties or the law on the election of members of local assemblies and local administrators;

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

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

Article 239. In the case where the Election Commission decides to have a new election or to revoke the electoral right, before the announcement of the results of election, of members of the House of Representatives and senators, the decision of the Election Commission shall be final.

In the case where the Election Commission is of opinion, after the announcement of the results of the election, that there should be a new election or the electoral rights of any member of the House of Representatives or senator should be revoked, it shall submit a motion to the Supreme Court of Justice for its decision. After the Supreme Court of Justice receives a motion thereof, that member of the House of Representatives or senator shall not be able to perform duties until the Supreme Court of Justice have an order dismissing such motion. In the case where the Supreme Court of Justice orders to have a new election in any constituency or revoke an electoral right of any member of the House of Representatives or senator, his or her membership in that constituency shall terminate.

In the case where the person under paragraph two can not continue to perform duties, that person shall not be counted in the total number of the existing members of the House of Representatives or Senate, as the case may be.

The provisions of paragraph one, paragraph two and paragraph three shall apply *mutatis mutandis* to the election of local assemblies and local administrators and the motion stated in paragraph two shall be submitted to the Courts of Appeal and its order shall be deemed final.

Article 240. In the case where an objection has been raised that the selection of a senator has proceeded incorrectly or unlawfully or convincing evidence has appeared that, before being selected, any senator acted under Article 238, the Election Commission shall forthwith conduct an investigation over the matter.

When the Election Commission has decided and made its ruling, it shall forthwith refer the matter to the Supreme Court of Justice for its decision and the provisions of Article 239 paragraph two and paragraph three shall apply *mutatis mutandis* to the discontinuance of performance of duties of that senator.

In the case where the Supreme Court of Justice has an order canceling the selection or revoking an electoral right of any senator, the membership of senator of that person shall terminate as from the date of such an order and the selection process of a new senator shall begin to replace the vacancy.

The Chairman of the Election Commission shall not participate in or has a decision-making over the process under paragraph one or paragraph two

and the Election Commission comprises the existing chamber to proceed thereof.

The objection and the consideration by the Election Commission shall be proceeded in accordance with organic law on the election of members of the House of Representatives and the source of senators.

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

In the case where an Election Commissioner has been arrested in *flagrante delicto*, or where an Election Commissioner has been arrested or detained in other cases, it shall be forthwith reported to the Chairman of the Election Commission and the Chairman may order a release of the person so arrested. Nevertheless, in the case where the Chairman of the Election Commission has been arrested or detained, it shall be the authority of the remaining Election Commissioners to proceed an action thereof.

2. Ombudsmen

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

The persons elected as the ombudsmen shall meet and select one among themselves to be the Chairperson of the Ombudsmen and shall notify the result to the President of the Senate.

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

The qualifications and prohibitions of the Ombudsmen shall be in accordance with the organic law on Ombudsman.

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

There shall be the Office of the Ombudsman, a body with autonomy in personnel administration, budgeting and other activities as provided by law.

Article 243. The provisions of Article 206 and Article 207 shall apply *mutatis mutandis* to the selection and election of the Ombudsmen. There shall be a Selection Committee of seven members consisting of the President of the Supreme Court of

Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, one person elected at a General Meeting of the Supreme Court of Justice and one person elected at a General Assembly of Judges of the Supreme Administrative Court. And the provisions of Article 231 (1) paragraph two shall also apply *mutatis mutandis*.

Article 244. The Ombudsmen have the powers and duties as follows:

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

(a) failure to perform in compliance with the law or performance beyond powers and duties as provided by the law of a Government official, an official or employee of a State agency, State enterprise or local government organization;

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

(c) the monitoring on the unlawful omission or performance of duties of organs under the Constitution and organizations working in the judicial process, excluding the trial and adjudication of cases by courts;

(d) other cases as provided by law;

(2) to take action concerning the ethics of holders of political positions and State officials under Article 279 paragraph three and Article 280:

(3) to follow-up, assess and prepare proposals on the implementation under the Constitution including the issues for the amendment of the Constitution in case of a notice of necessity:

(4) to report on the results of monitoring and implementation of their duties together with remarks to the Council of Ministers, the House of Representatives and the Senate every year; and to publish such report in the Government Gazette and to release it to the public.

Concerning the exercise of powers and duties under (1) (a), (b), and (c), the Ombudsmen shall take action if a complaint is lodged. However, in cases where the Ombudsmen think that the said act or acts will vastly affect the public, or to protect public interests, they may consider and interrogate without a complaint being lodged.

Article 245. The Ombudsmen may submit a case to the Constitutional Court or the Administrative Court when they see that there is any of the following cases;

(1) the provisions of the law beg the question of the constitutionality, the Ombudsmen shall submit the matter together with its opinion to the Constitutional Court. And the Constitutional Court shall, without delay, decide the case in accordance with the organic law on procedure of Constitutional Court.

(2) the rules, orders or an act of any person under Article 244 (1) (a) beg the question of the constitutionality, the Ombudsmen shall submit the matter together with its opinion to the Administrative Court. The Administrative Court shall decide the case in accordance with the Act on Establishment of the Administrative Court and Administrative Court Procedure without delay.

3. The National Counter Corruption Commission

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

Members of the National Counter Corruption Commission shall be persons of apparent integrity, with qualifications and without any of the prohibitions under Article 205, also having been, in the past, a Minister, an Election Commissioner, an Ombudsman, a member of the National Human Rights Commission, a member of the State Audit Commission, or having served, in the past, in a position of not lower than Director-General or its equivalent in a State agency, or holding a position of not lower than Professor, a representative from Non Government Organizations (NGOs) or a professional of at least of not less than thirty years of practice with a lawful professional organization, certified and nominated by the Non Government Organizations

(NGOs) and the professional organizations concerned to enter into the selection process.

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

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

There shall be Provincial Counter Corruption Commission. In this regard, the qualifications, the selection process, and its powers and duties shall be as provided by the organic law on Counter Corruption.

Article 247. Members of the National Counter Corruption Commission shall hold office for a term of nine years as from the date of their appointment by the King and shall serve for only one term.

Members of the National Counter Corruption Commission who vacate office at the expiration of term shall remain in office to continue to perform their duties until the newly appointed members take office.

Article 209 and Article 210 shall apply to the vacation, selection and election replacing the vacancy of members of the National Counter Corruption Commission *mutatis mutandis*.

Article 248. Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House, or the people with electoral right of not less than twenty thousands in number have a right to lodge with the President of the Senate a petition that any member of the National Counter Corruption Commission has acted unjustly, intentionally violated the Constitution or laws or has been under any circumstance which is seriously detrimental to the dignity of the holding of office, in order to request the Senate to pass a resolution removing him or her from office.

The resolution of the Senate removing the member of the National Counter Corruption Commission from office under paragraph one shall be passed by votes of not less than three-fourths of the total number of the existing members of the Senate.

Article 249. Members of the House of Representatives, senators or members of both Houses of not less than one-fifth of the total number of the existing members of both Houses have a right to lodge with the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions a complaint that any member of the National Counter

Corruption Commission has become unusually wealthy or has committed an offense of corruption or malfeasance in office.

The complaint under paragraph one shall clearly, itemize the circumstance in which such position holder has allegedly committed the act under paragraph one and shall be submitted to the President of the Senate. When the President of the Senate has received the said complaint, the President shall refer it to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for trial and adjudication.

The alleged member of the National Counter Corruption Commission shall not perform his or her duty until the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions has dismissed the said complaint.

In the case where the member of the National Counter Corruption Commission can not perform his or her duty under paragraph three and where there is a remaining number of the members of the National Counter Corruption Commission of less than one-half of the total number of the members of the National Counter Corruption Commission, the President of the Supreme Court of Justice and the President of the Supreme Administrative Court shall appoint a person with qualifications but none of the prohibited characteristics similar to such member of the National Counter Corruption Commission to act as member of the National Counter Corruption Commission for a temporary term. The appointed member shall remain in office until the replaced

member of the National Counter Corruption Commission has returned to carry on his or her duties or the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions has decided that the said member committed an offense.

Article 250. The National Counter Corruption Commission shall have the following powers and duties:

(1) to inquire into facts, summarize the case and prepare opinion on removal from office to be submitted to the Senate subject to Article 272 and Article 279 paragraph three;

(2) to inquire into facts, summarize the case and prepare opinion on the criminal proceedings against the holders of the political position to be submitted to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions subject to Article 275;

(3) to inquire and decide whether a State official from the top administrative or a civil servant holding the position of Director of a Division or its equivalent upwards, who has become unusually wealthy or has committed an offense of corruption, malfeasance in office or malfeasance in judicial office, including taking action against State officials of lower ranks who collaborated with the said position holder, or holder of political position, or committed an offense in the manner regarded by the National Counter Corruption Commission that an action should also be taken against and in accordance with the organic law on Counter Corruption;

(4) to inspect the accuracy, actual existence as well as change of assets and liabilities of the persons holding positions under Article 259 and Article 264 as stated in the account and supporting documents submitted in accordance with the rules and the processes prescribed by the National Counter Corruption Commission;

(5) to control morals and ethics of the persons holding political positions;

(6) to submit a report on the result of inspection and performance of duties together with remarks to the Council of Ministers, the House of Representatives and the Senate every year and publish that report in the Government Gazette and release it to public;

(7) to carry out other acts as provided by law.

Article 213 shall apply to the performance of duties of the National Counter Corruption Commission *mutatis mutandis*.

The President and members of the National Counter Corruption Commission shall become the judicial officials as provided by law.

Article 251. The National Counter Corruption Commission shall have an independent secretariat, with the Secretary-General of the National Counter Corruption Commission as the superior responsible directly to the President of the National Counter Corruption Commission.

The appointment of the Secretary-General of the National Counter Corruption Commission shall be approved by the National Counter Corruption Commission and the Senate.

The Office of the National Counter Corruption Commission shall have autonomy in personnel administration, budgeting and other activities as provided by law.

4. State Audit Commission

Article 252. The State audit shall be carried out by the State Audit Commission, which shall be independent and impartial.

The State Audit Commission consists of the Chairman and six other members appointed by the King from persons with expertise and experience in state audit, accounting, internal audit, fiscal affairs, finance and other fields.

The selection and election of members and Auditor-General shall be in accordance with the provisions of Article 204 paragraph three and paragraph four, Article 206 and Article 207 *mutatis mutandis*, except the composition of the State Audit Selection Committee shall be in accordance with Article 243.

The President of the Senate shall countersign the Royal Command appointing the Chairman and members of the State Audit Commission and the Auditor-General.

Members of the State Audit Commission shall hold office for a term of six years from the date of their appointment by the King and shall serve for only one term.

Qualifications, prohibitions, and vacation of office of members of the State Audit Commission and the Auditor-General as well as powers and duties of the State Audit Commission, the Auditor-General and the Office of the State Audit Commission shall be in accordance with the organic law on State audit.

The determination of qualifications and procedure for the election of persons to be appointed as members of the State Audit Commission and the Auditor-General shall be made in order to acquire the persons with appropriate qualifications and apparent honesty and providing the guarantee of the independence in the performance of duties of such persons.

Article 253. The State Audit Commission has the powers and duties to prescribe the standards and rules for state audit, advise, recommend and propose the remedial measures on State audit. It also has the powers to appoint the Independent Financial and Fiscal Disciplines Committee responsible for deciding on matters relating to financial, fiscal and budgetary disciplines and referring cases involving a dispute in relation to its decisions to the jurisdiction of the Administrative Court.

The Auditor-General shall have the independent and impartial powers and duties relating state audit.

Article 254. The State Audit Commission shall have an independent secretariat, with the

Auditor-General as the superior responsible directly to the Chairman of the State Audit Commission.

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

Part 2
Other Statutory Agencies

1. The Office of Public Prosecutors

Article 255. Public prosecutors shall have the powers and duties as provided by this Constitution and the act on powers and duties of public prosecutors as well as other acts.

Public prosecutors shall have independence to decide whether to prosecute or not to prosecute and perform their functions justly.

The appointment and dismissal of the Supreme Public Prosecutor shall be in accordance with the resolution of the Committee of Public Prosecutors and subject to the Senate's approval.

The President of the Senate shall countersign the Royal Command appointing the Supreme Public Prosecutor.

The Office of Public Prosecutors has an independent secretariat for personnel administration, budgeting and other activities under the supervision

of the Supreme Public Prosecutor as provided by law.

Public prosecutors are prohibited to hold a position of committee in State enterprise or other State affairs of similar nature except having the approval of the Committee of Public Prosecutors. They shall not engage in any activities or carry out any functions affecting their performance or degrading the dignity of official authority and shall not be a director, manager or legal adviser, or shall not hold other positions of the same nature in partnerships or company.

The provisions of Article 202 shall apply *mutatis mutandis*.

2. The National Human Rights Commission

Article 256. The National Human Rights Commission consists of a President and six other members appointed, by the King with the advice of the Senate, from the persons having apparent knowledge and experiences in the protection of rights and liberties of the people, having regard also to the participation of representatives from private organizations in the field of human rights.

The President of the Senate shall countersign the Royal Command appointing the President and members of the National Human Rights Commission.

The qualifications, prohibitions, removal and determination of the remuneration of members of the

National Human Rights Commission shall be as provided by law.

The members of the National Human Rights Commission shall hold office for a term of six years from the date of their appointment by the King and shall serve for only one term.

The provisions of Article 204 paragraph three, Article 206, Article 207 and Article 209 (2) shall apply *mutatis mutandis*. The composition of the Selection Committee shall be in accordance with Article 243.

The Office of the National Human Rights Commission shall have autonomy in personnel administration, budgeting and other activities as provided by law.

Article 257. The National Human Rights Commission has the powers and duties as follows:

(1) to examine and report on the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report to the National Assembly for further action;

(2) to present the matter together with opinion to the Constitutional Court as provided by the organic law on procedure of Constitutional Court in the case where the Commission agrees with the

complainant that the provisions of certain law affect human rights and are constitutionality of which is at question;

(3) to present the matter together with opinion to the Administrative Court as provided by Act on Establishment of Administrative Court and Administrative Court Procedure in the case where the Commission agrees with the complainant that the regulations, orders, or other administrative acts affect human rights and the constitutionality or illegality of which is at question;

(4) to submit a case to the Courts of Justice, on behalf of the aggrieved person after receiving a request and having considered it appropriate to submit the case for correcting the problem of violation of human rights in general as provided by law;

(5) to propose to the National Assembly and the Council of Ministers policies and recommendations for the revision of laws, rules or regulations for the purpose of promoting and protecting human rights;

(6) to promote education, researches and the dissemination of knowledge on human rights;

(7) to promote co-operation and co-ordination among Government agencies, private organizations, and other organizations in the field of human rights;

(8) to prepare an annual report for the appraisal of situations in the sphere of human rights in the country and submit it to the National Assembly;

(9) other powers and duties as provided by law.

In the performance of duties, the National Human Rights Commission shall also have regard to the general interests of the country and the public.

The National Human Rights Commission has the power to demand relevant documents or evidence from any person or summon any person to give statements of fact including other powers for the purpose of performing its duties as provided by law.

3. The National Economic and Social Advisory Council

Article 258. The National Economic and Social Advisory Council has duties to advise and make recommendations to the Council of Ministers on economic and social issues as well as on related laws.

A national economic and social development plan and other plans as provided by law shall be subject to the review of the National Economic and Social Advisory Council before it is being considered in order to be announced and put into force.

The composition, origin, powers and duties and the operations of the National Economic and Social Advisory Council shall be as provided by law.

The Office of the National Economic and Social Advisory Council shall have autonomy in

personnel administration, budgeting and other activities as provided by law.

CHAPTER XII

Inspection of the Exercise of State Power

Part 1

Inspection of Assets

Article 259. Persons holding the following political positions shall submit an account showing particulars of assets and liabilities of themselves, their spouses and children who have not yet become *sui juris* to the National Counter Corruption Commission on each occasion of taking or vacating office:

- (1) Prime Minister;
- (2) Ministers;
- (3) members of the House of Representatives;
- (4) senators;
- (5) other political officials;
- (6) local administrators and members of a local assembly as provided by law.

The account under paragraph one shall be submitted together with the supporting documents evidencing the actual existence of such assets and

liabilities as well as a copy of the personal income tax return of the previous fiscal year.

The submission of the account showing particulars of assets and liabilities under paragraph one and paragraph two shall include the assets of the persons holding political positions that are assigned to be under the possession and the protection of other persons either directly or indirectly.

Article 260. The account showing particulars of assets and liabilities under Article 259 shall disclose the particulars of assets and liabilities actually existing as of the date of taking office or the date of vacating office as the case may be and shall be submitted within such time as follows:

(1) in the case of the taking of office, within thirty days as from the date of taking office;

(2) in the case of the vacation of office, within thirty days as from the date of vacating office;

(3) in the case where the person under Article 259, who has already submitted the account, dies while being in office or before the submission of the account after vacating office, an heir or an administrator of an estate of such person shall submit an account showing particulars of assets and liabilities existing on the date of such person's death within ninety days as from the date of the death.

In addition to the submission of the account under (2), the person holding a position of Prime Minister, Minister, local administrator, member of a local assembly or the person holding a political position but having vacated office shall also re-

submit an account showing particulars of assets and liabilities existing on the date of the expiration of one year within thirty days as from the date of the expiration of one year after the vacation of office.

Article 261. The account showing particulars of assets and liabilities and supporting documents submitted by the Prime Minister, Ministers, members of the House of Representatives, and senators shall be disclosed to public without delay but not later than thirty days as from the date of the expiration of the time limit for the submission of such account. The account of the persons holding other positions shall not be disclosed to any person unless the disclosure will be beneficial for the trial and adjudication of cases or for making decision and be requested by the courts or the interested party or the State Audit Commission.

The President of the National Counter Corruption Commission shall convoke a sitting of the Commission to inspect the accuracy and the actual existence of assets and liabilities without delay.

Article 262. In the case where the submission of the account is made on the ground of the vacation of office or death of any person holding a political position, the National Counter Corruption Commission shall inspect the change of assets and liabilities of such person and prepare a report of the inspection. Such report shall be published in the Government Gazette.

In the case where it appears that the assets of the person under paragraph one have unusually increased, the President of the National Counter Corruption Commission shall refer all documents together with the inspection report to the Supreme Public Prosecutor for proceeding against the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions so that the unusually increasing assets shall vest in the State. And the provisions of Article 272 paragraph five shall apply *mutatis mutandis*.

Article 263. Any person holding a political position intentionally fails to submit the account showing particulars of assets and liabilities and the supporting documents as provided in this Constitution or intentionally submits the account showing particulars of assets and liabilities with false statement or conceals the facts which should be revealed, the National Counter Corruption Commission shall submit the matter to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for decision.

If the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions decides that any person holding a political position committed an offense under paragraph one, such person shall vacate office as from the date of the decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. The provisions of Article 92 shall apply *mutatis mutandis* and such person shall be prohibited from holding any

political position for five years as from the date of the decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Article 264. The provisions of Article 259, Article 260, Article 261 paragraph two and Article 263 paragraph one shall apply *mutatis mutandis* to State officials as prescribed by the National Counter Corruption Commission.

The National Counter Corruption Commission may disclose the account showing particulars of assets and liabilities and the supporting documents submitted to an interested party if such disclosure is beneficial for the trial and adjudication of cases or for the final decision as provided in the organic law on Counter Corruption.

Part 2

Acts of Conflicting Interest

Article 265. A member of the House of Representatives and a member of the Senate shall not:

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

(2) receive, interfere, or intervene any concession from the State, a Government agency,

State agency or State enterprise; or become a party to a contract of the nature of economic monopoly with the State, a State agency or State enterprise; or be a partner or shareholder in a partnership or company receiving such concession or be a party to the contract of such nature, either directly or indirectly;

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

(4) carry on other acts under the prohibitions under Article 48.

The provisions of this Article shall not apply in the case where a member of the House of Representatives or a member of the Senate receives military pensions, retirement compensation, pensions, annuities of members of the Grand Royal Families or any other form of payment of the same nature and shall not apply in the case where a member of the House of Representatives or a member of the Senate accepts or holds a position of committee member of the National Assembly, the House of Representatives or the Senate, or committee member appointed in the course of the administration of State affairs.

The provisions in (2), (3), and (4) shall apply to the spouse and offspring of a member of the House of Representatives or a member of the Senate or to other persons who are not the spouse or offspring of such member of the House of Representatives or such member of the Senate, who

act as employee, collaborator, or assignee of the House of Representatives or the member of the Senate.

Article 266. A member of the House of Representatives or a member of the Senate shall not, directly or indirectly, through the status or position of member of the House of Representatives or member of the Senate, to interfere or intervene for his or her personal benefits or those of others or a political party, in the following matters:

(1) performance of civil service, or performance of regular duties of a civil servant, officer or employee of a Government agency, State agency, State enterprise, any business in which the State holds a majority share, or local government organization;

(2) recruitment, appointment, reshuffle, transfer, promotion, and elevation on the salary scale of a Government official holding a permanent position, receiving salary and not being a political official, an official or employee of a Government agency, State agency, State enterprise, any business in which the State holds a majority share, or local government organization; or

(3) removal from office of a Government official holding a permanent position, receiving salary and not being a political official, an official or employee of a Government agency, State agency, State enterprise, any business in which the State holds a majority share, or local government organization.

Article 267. The provisions of Article 265 shall apply to the Prime Minister and Ministers except for holding a position or performing duties in accordance with the provisions of the law. The Prime Minister or Ministers are prohibited to hold a position in a partnership, company, or business enterprise pursuing profits or income to be shared, or be an employee of any person.

Article 268. The Prime Minister or Ministers shall not carry on other acts provided by Article 266, except in the exercise of powers and duties in relation to the administration of State affairs in accordance with a policy stated to the National Assembly or as provided by law.

Article 269. The Prime Minister or a Minister shall not be a partner in a partnership or shareholder in a company, or retain his or her being a partner or shareholder of a partnership or a company up to the limit permitted by law. In the case where the Prime Minister or a Minister wishes to continue receiving the benefits from the said incidents, the Prime Minister or a Minister must inform the President of the National Counter Corruption Commission within thirty days as from the date of the appointment, and the Prime Minister or that Minister shall transfer his or her shares in the partnership or company to a juristic person which manages assets for benefits of others as provided by law.

The Prime Minister and that Minister shall not carry on any act which is an involvement in any

administration or management related to the share or activities of the said partnership or company.

The provisions of this Article shall also apply to the spouse and offspring *alieni juris* of the Prime Minister and the Minister and the provisions of Article 259 paragraph three shall apply *mutatis mutandis*.

Part 3

The Removal from Office

Article 270. A person holding a position of Prime Minister, Minister, member of the House of Representatives, senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court or Supreme Public Prosecutor, who is under the circumstance of unusual wealthiness indicative of the commission of corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law, or a serious violation or non-compliance with the ethical standard may be removed from office by the Senate.

The provisions of paragraph one shall also apply to the persons holding the following positions:

(1) judge of the Constitutional Court, Election Commissioner, Ombudsman, and member of the State Audit Commission;

(2) justice, judge, public prosecutor or high ranking official in accordance with the organic law on Counter Corruption.

Article 271. Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House have the right to lodge with the President of the Senate a petition to request the Senate to pass a resolution under Article 274 removing the persons under Article 270 from office. The said petition shall clearly itemize circumstances in which such holder of the position has allegedly committed the act.

Senators of not less than one-fourth of the total number of the existing members of the Senate have the right to lodge with the President of the Senate a petition to request the Senate to pass a resolution under Article 274 removing a senator from office.

The eligible voters of not less than twenty thousand in number have the right to lodge a petition to request for removal of the persons under Article 270 from office as provided in Article 164.

Article 272. Upon receipt of the request under Article 271, the President of the Senate shall refer the matter to the National Counter Corruption Commission for investigation without delay.

When the investigation is complete, the National Counter Corruption Commission shall prepare a report thereon for submission to the Senate. The said report shall clearly state whether, and to

what extent, the allegation put in the request is *prima facie* case and how reliable the evidence and witnesses are, along with a conclusion and recommendations of how to process a further action.

In the case where the National Counter Corruption Commission is of the opinion that the allegation put in the allegation under any item on the petition is an important matter, the National Counter Corruption Commission may conduct a separate report specifically on the said allegation and refer it to the Senate in accordance with paragraph one in advance.

If the National Counter Corruption Commission passes a resolution with a vote of not less than one-half of the total number of the existing members that any allegation has a *prima facie* case, the holder of the position against whom the allegation has been made shall not, as from the date of such resolution, perform his or her duties until the Senate has passed its resolution. The President of the National Counter Corruption Commission shall refer the report and existing documents together with opinion to the President of the Senate for proceeding in accordance with Article 273 and to the Supreme Public Prosecutor for instituting prosecution in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. If the National Counter Corruption Commission is of the opinion that any allegation has no *prima facie* case, such allegation shall lapse.

In the case where the Supreme Public Prosecutor is of the opinion that the report,

documents and opinion submitted by the National Counter Corruption Commission under paragraph four are not so complete as to institute prosecution, the Supreme Public Prosecutor shall notify the National Counter Corruption Commission for further proceedings and, for this purpose, the incomplete items shall be specified on the same occasion. In such case, the National Counter Corruption Commission and the Supreme Public Prosecutor shall appoint a working committee, consisting of their representatives in an equal number, for collecting complete evidence and submit it to the Supreme Public Prosecutor for further prosecution. In the case where the working committee is unable to reach a decision as to the prosecution, the National Counter Corruption Commission shall have the power to prosecute by itself or appoint a lawyer to prosecute on its behalf.

Article 273. Upon receipt of the report under Article 272, the President of the Senate shall convoke a sitting of the Senate for considering the said matter without delay.

In the case where the National Counter Corruption Commission submits the report out of session of the Senate, the President of the Senate shall inform the President of the National Assembly in order to tender a petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly. The President of the National Assembly shall countersign the Royal Command.

Article 274. A senator shall have autonomy in casting a vote, which must be by secret ballot. A resolution for the removal of any person from office shall be passed by votes of not less than three-fifths of the total number of the existing members of the Senate.

A person who is removed from office shall vacate office or be released from government service as from the date of the resolution of the Senate. Such person shall be deprived of the right to hold any political position or to serve in the government service for five years.

The resolution of the Senate under this Article shall be final and no request for the removal of such person from office shall be made on the same ground, without, however, prejudice to the trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Part 4

Criminal Proceedings against Persons Holding Political Positions

Article 275. In the case where the Prime Minister, a Minister, member of the House of Representatives, senator or other political official has been accused of becoming unusually wealthy, or of the commission of malfeasance in office according to the Penal Code or a dishonest act in the performance

of duties or corruption according to other laws, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall have the competent jurisdiction to try and adjudicate the case.

The provisions of paragraph one shall also apply to the case where the said person or other person is a principal, an instigator or a supporter, giver, pledgor or promisor of assets or other benefits, offered as an incentive to act or omit the act or to delay the act contrary to his or her duties, to the person in paragraph one.

Lodging of a petition with the National Counter Corruption Commission for proceeding according to Article 250 (2) shall be in accordance with the organic law on Counter Corruption.

In the case where the accused persons under paragraph one are the persons holding a position of Prime Minister, Minister, President of the House of Representatives or President of the Senate, the injured person by such act shall have the right to lodge with the National Counter Corruption Commission the petition for action to be taken under Article 250 (2) or with the General Meeting of the Supreme Court of Justice to request for appointing an independent investigator under Article 276. Upon the lodging of a petition with the National Counter Corruption Commission, the aggrieved person shall have the right to lodge with the General Meeting of the Supreme Court of Justice if the National Counter Corruption Commission refuses to conduct an investigation or carries out a proceeding with undue

delay or is of the opinion that the allegation has no *prima facie* case.

In the case where the National Counter Corruption Commission is of the opinion that the case under paragraph four has a *prima facie* case and passes a resolution for proceeding under Article 250 (2) with a vote of not less than one-half of the total number of the existing members, the National Counter Corruption Commission shall take an action under Article 250 (2) without delay. In such case, the aggrieved person shall not have the right to lodge with the General Meeting of the Supreme Court of Justice.

The provisions of Article 272 paragraph one, paragraph four and paragraph five shall apply *mutatis mutandis*.

Article 276. In the case where the petition submitted under Article 275 paragraph four is approved for action, the General Meeting of the Supreme Court of Justice shall appoint an independent inquirer from the persons having apparently political neutrality and honesty or refer the issue to the National Counter Corruption Commission for inquiry under Article 250 (2).

The qualifications, powers and duties, inquiry processes and other necessary operations of the independent inquirer shall be as provided by law.

When the independent inquirer carries out an inquiry and prepares a conclusion along with an opinion, and is of the opinion that the allegation has *prima facie* case, the independent inquirer shall

submit the report, existing documents and its opinion to the President of the Senate to proceed in accordance with Article 273 and to the Supreme Public Prosecutor for instituting prosecution in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. The provisions of Article 272 paragraph five shall apply *mutatis mutandis*.

Article 277. In a trial, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall rely on the file of the National Counter Corruption Commission or of the independent inquirer as the case may be and may conduct an inquiry in order to obtain additional facts or evidence as it thinks fit.

The procedure of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be as provided by the organic law on criminal procedure for persons holding political positions. The provisions of Article 213 shall apply to the performance of duties of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions *mutatis mutandis*.

The provisions on the immunity of members of the House of Representatives and senators under Article 131 shall not apply to a trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Article 278. An adjudication of a case shall be made by a majority of votes; provided that every judge constituting the chamber shall prepare his or her written opinion and make oral statements to the meeting prior to the passing of a resolution.

Orders and decisions of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be disclosed and considered final except in cases under paragraph three.

In the case where the sentenced person of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions produces additional evidence, which may substantially alter the facts of the case, such person shall appeal to the General Meeting of the Supreme Court of Justice within thirty days as from the date of the judgment of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

The principles for appeal and judicial procedure of the General Meeting shall be in accordance with the rules of the General Meeting of the Supreme Court of Justice.

CHAPTER XIII

Ethics for Holders of Political Positions and State Officials

Article 279. The ethical standard of holders of political positions, civil servants, and State

officials of different categories shall be in accordance with the prescription under the Code of Ethics.

The ethical standard under paragraph one shall include a mechanism and system for taking action so that the execution can be efficient, and shall include the process of punishment in accordance with the gravity of acts.

Violation or non-compliance with the ethical standard under paragraph one shall be considered a lapse of discipline. In the case where a holder of a political position violates and fails to comply, the Ombudsmen shall report to the National Assembly, the Council of Ministers, or the concerned local assembly as the case may be. In case of a serious offense, the matter shall be referred to the National Counter Corruption Commission to consider for further actions. It shall be a ground for removal from office under Article 270.

The consideration, selection, and screening or appointment of a person to a position relevant to the exercise of State powers, including reshuffle, promotion, elevation or the salary scale, and punishment of such person, shall be in accordance with the morality and the consideration on the ethical conduct of such person.

Article 280. For the benefits of action under this Chapter, the Ombudsmen shall have the powers and duties to advise or make recommendations on the preparation or improvement of the Code of Ethics under Article 279 paragraph one and to promote the awareness of ethics among holders of political

positions, civil servants, and State officials and to report any acts that violate the Code of Ethics so that the person responsible for the execution of the code may proceed to ensure the compliance with the Code of Ethics under Article 279 paragraph three.

In case of a serious violation or non-compliance of the ethical standard, or when there occurs convincing ground that the act of the responsible person is unlikely to be just, an Ombudsman shall inquire and disclose the results of the inquiry to the public.

CHAPTER XIV

Local Government

Article 281. Subject to Article 1, the State shall give autonomy to the locality in accordance with the principle of self-government according to the will of the people in the locality and shall promote the role of a local administration to be the key agency in the provision of public service and the participative role in making decisions to solve local problems.

Any locality which meets the conditions of self- government shall have the right to be formed as a local government organization as provided by law.

Article 282. As long as it follows the provisions of law, the supervision of a local

government organization must be exercised in so far as it is necessary and include the clear rules, procedure and conditions consistent and suitable to form of local government but must be done for protecting the interests of local people or the interests of the country as a whole. And it shall not affect the substance of the principle of self-government according to the will of the people in the locality or it cannot transgress what is provided by law.

In the supervision under paragraph one, a neutral standard shall be set to be a guideline so that a local government organization can choose and put into practice independently, having regard to the suitability, difference in levels of development, and management efficiency of each form of local government organization. The said determination shall not affect the ability of making decision on the operation according to the needs of the local people. A people-based scrutinizing mechanism shall also be provided.

Article 283. All local government organizations shall have powers and duties to oversee and to provide the public services for the benefit of local people and shall enjoy autonomy in laying down policies for administration and provision of public services, personnel administration, fiscal and financial matter. They shall also have powers and duties, and particularly they shall consider that they are also consistent with the development of the province and of the country as a whole.

Local government organizations shall be given promotion and support so that they can be strong and able to administer independently and efficiently responsive to the needs of the local people. They can also develop the local financial system to provide a complete range of public services according to their powers and duties. Local government organizations shall jointly set up public-service organization so that there shall be a cost-effectiveness and the people can be served in a well distributed manner.

There shall be the law determining plans and stages of decentralization to provide the allotment of powers and duties, to allocate income between the State and the local government organization, and among the local government organizations themselves. There shall be regard to increasing decentralization according to the capability levels of local government organizations of different forms including the monitoring and evaluation system which shall include a committee consisting of representatives of relevant governmental agencies, representatives of local government organizations and qualified persons in an equal number to carry out matters as provided by law.

There shall be the law on local revenue to determine the powers and duties in taxation and other revenue of local government organizations. There shall also be the appropriate rules for each category of tax, allocation of resources in government sector and availability of sufficient revenue for expenses of local government organizations, having regard to the

level of development local economy, financial status of local government organizations and the financial sustainability of the State.

In the case where the allotment of powers and duties and the allocation of revenue have been made for any local government organizations, the committee under paragraph three shall review them every five years in order to consider the suitability of the allotment of powers and duties and the allocation of revenue previously made, having particular regard to the promotion of decentralization.

The action under paragraph five shall come into force when the approval of the Council of Ministers has been obtained and the National Assembly has been notified thereof.

Article 284. A local government organization shall have a local assembly and local administrative committee or local administrators.

Members of a local assembly shall be elected.

A local administrative committee or local administrators shall be directly elected by the people or shall be from the approval of a local assembly.

An election of members of a local assembly and local administrative committee or local administrators who must be directly elected by the people shall be made by direct suffrage and secret ballot.

Members of a local assembly, local administrative committee or local administrators shall hold office for the period of four years.

A member of a local administrative committee or local administrator shall not be a Government official holding a permanent position or receiving a salary or an officer or employee of a State agency, State enterprise or local government organization. As provided by law, it is also prohibited to have an interest which is in conflict with the holding of a position.

The qualifications of the person having the right to vote and the person having the right to apply for candidacy in an election of members of a local assembly, members of a local administrative committee and local administrators and rules and procedure therefore shall be in accordance with the provisions of the law.

In the case where there is dissolution of a local assembly or where members of a local assembly have vacated office *en masse* and a local administrative committee or local administrators must be temporarily appointed, the provisions of paragraph three and paragraph six shall not apply, as provided by law.

The establishment of any local government organization of which the administration structure is different from what is provided in this Article, shall be made as provided by law. However, a local administrative committee or local administrators shall be elected.

The provisions of Article 265, Article 266, Article 267 and Article 268 shall apply, *mutatis mutandis*, to members of local assembly, local

administrative committee or local administrators as the case may be.

Article 285. The people, having the right to vote in an election in any local government organization, consider that any member of the local assembly, any local administrative committee or any administrator of that local government organization is not suitable to remain in office, they may remove such member, local administrative committee, or administrator from office by voting. The number of eligible persons for enlisting, the rule and procedure for the enlisting, the examination of name list and the voting shall be as provided by law.

Article 286. The people, having the right to vote in any local government organization shall have the right to enlist the President of the local assembly a request for the issuance of local ordinances by the local assembly.

The number of eligible persons, the rules and procedure for the enlisting and the examination thereof shall be as provided by law.

Article 287. The people in the local area shall have the right to participate in administration of the activities of the local government organizations. The local government organization shall provide the method so that the people can participate in such activities.

In the case where action of the local government organization will affect substantially the

life and living conditions of the local people, the local government organization shall give the detailed information to the people for an ample period of time before undertaking the action and in the case it sees it fit; or upon the request of the people having right to vote in any local government organization, there shall be a hearing of opinion prior to such action or a referendum as provided by law.

A local government organization shall report to the people the work progress in the preparation of budgets, expenditure, and the results of the performance during the year so that the people can participate in the review and overseeing of the management of the local government organization.

In preparation of the budget under paragraph three, the provisions in Article 168 paragraph six shall apply *mutatis mutandis*.

Article 288. The appointment and removal of officials and employees of a local government organization shall be in accordance with the need of and suitability to each locality. The personnel administration of local government organizations shall have coherent standards, and can acquire co-development or personnel rotation between local government organizations themselves and shall obtain prior approval from the Local Officials Committee which is the central local personnel administration, as provided by law.

In personnel administration of a local government organization, there shall be an organization to uphold a merit system of officials of

a local government organization in order to lay down a system to protect merit and ethics in personnel administration as provided by law.

The Local Officials Committee under paragraph one shall consist, in an equal number, of representatives of relevant Government agencies, representatives of local government organizations, representatives of local civil servants and qualified persons as provided by law.

The transfer, promotion, elevation on the salary scale and the punishment of the officials and employees of a local government organization shall be as provided by law.

Article 289. A local government organization has the duty to conserve local arts, custom, knowledge and good culture.

A local government organization has the right to provide education and professional training in accordance with the suitability and the need of that locality and participate in the provision of education and training by the State; with due regard to the standard and the educational system of the country.

In providing education and training in the locality under paragraph two, the local government organization shall also have regard to the conservation of local arts, custom, knowledge and good culture.

Article 290. For the purpose of promoting and maintaining the quality of the environment, a

local government organization has powers and duties as provided by law.

The law under paragraph one shall at least contain the following matters as its substance:

(1) the management, preservation and exploitation of the natural resources and environment in the area of the locality;

(2) the participation in the preservation of natural resources and environment outside the area of the locality only in the case where the living of the inhabitants in the area may be affected;

(3) the participation in considering the initiation of any project or activity outside the area of the locality which may affect the quality of the environment, health or sanitary conditions of the inhabitant in the area;

(4) the participation of local community.

CHAPTER XV

Amendment of the Constitution

Article 291. An amendment of the Constitution may be made only 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 both Houses of not less than one-fifth of the total number of the existing members thereof, or eligible voters of not less than fifty thousands as provided by law on the lodge of proposal on law.

A motion for amendment which has the effect of changing the democratic regime of government with the King as Head of the State or changing the form of the State shall be prohibited;

(2) a motion for amendment must be proposed in the form of a draft Constitution Amendment and the National Assembly shall consider it in three readings;

(3) the voting in the first reading for acceptance in principle shall be by roll call and open voting, and the amendment must be approved by votes of not less than one-half of the total number of the existing members of both Houses;

(4) the consideration in the second reading to read Article by Article shall include hearing opinions of eligible voters who lodge the draft Constitution Amendment.

The voting in the second reading for reading Article by Article shall be decided by a simple majority of votes;

(5) at the conclusion of the second reading, there shall be an interval of fifteen days after which the National Assembly shall proceed with its third reading;

(6) the voting in the third and final reading shall be by roll call and open voting, and its promulgation as the Constitution must be approved

by votes of more than one-half of the total number of the existing members of both Houses;

(7) after the resolution has been passed in accordance with the above mentioned, the draft Constitution Amendment shall be presented to the King, and the provisions of Article 150 and Article 151 shall apply *mutatis mutandis*.

Transitory Provisions

Article 292. The Privy Council holding office on the date of the promulgation of this Constitution shall be the Privy Council under the provisions of this Constitution.

Article 293. The National Legislative Assembly provided by the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) shall perform the duties of the National Assembly, the House of Representatives and the Senate in accordance with the provisions of this Constitution until the first sitting of the National Assembly under Article 127 occurs.

During the period under paragraph one, if any provision of this Constitution or other laws provides that the President of the National Assembly, the President of the House of Representatives or the President of the Senate countersign the Royal Command, the President of the National Legislative Assembly shall countersign the Royal Command.

In the initial period, at the first sitting of the National Assembly under Article 127, in the case where there is no presence of the Senate, the National Legislative Assembly shall continue to act as the Senate, except in the matter of consideration on the appointment of a person to a position and the removal from office according to the provisions of this Constitution, until the newly appointed Senate under the Constitution has taken office. All activities carried out by the National Legislative Assembly during that period shall be considered the results of performance of the Senate. If any provision of the Constitution or other laws provides that the President of the Senate countersign the Royal Command, the President of the National Legislative Assembly shall countersign the Royal Command.

The provisions of Article 93, Article 94, Article 101, Article 102, Article 106, Article 109, Article 111, Article 113, Article 114, Article 115, Article 119, Article 120, Article 197 paragraph four, Article 261 and the provisions of any law providing the prohibitions of persons holding office in political position shall not apply to the holding office of members of the National Legislative Assembly.

The provisions of Article 153 shall apply to the termination of membership of the National Legislative Assembly *mutatis mutandis*.

Article 294. The Constitution Drafting Council and the Constitution Drafting Committee under the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) shall terminate

as from the date of the promulgation of this Constitution.

For the purpose of the abatement of interest, the Constitution Drafting Committee shall not be candidate in an election to act as member of the House of Representatives or hold office in the position of senator within two years as from the date of the vacation of office under paragraph one.

Article 295. The National Legislative Assembly shall complete the consideration and approval of the bill of the organic law on the election of members of the House of Representatives and source of senators, the bill of the organic law on political parties, the bill of the organic law on the Election Commission proposed by the Constitution Drafting Committee within the period of time provided by the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006).

In the case where such period of time under paragraph one has lapsed but the consideration of all bills of the organic laws has not yet been completed, the President of the National Legislative Assembly shall present all bills of the organic laws drafted by the Constitution Drafting Committee to the King for signing his signature within seven days. It is deemed that the National Legislative Assembly has approved the said bills of the organic laws.

While the organic law on political parties and the organic law on the Election Commission have not yet come into force, the organic law on political parties, B.E. 2541 (2006) and the organic law on the

Election Commission, B.E. 2541 (2006) shall be in force until the said bills of the organic laws come into force.

Article 296. The election of members of the House of Representatives under this Constitution shall be held within ninety days and action to source senators under this Constitution shall be held within one hundred and fifty days as from the date of coming into force of the organic laws under Article 295.

In the first general election of members of the House of Representatives after the promulgation date of this Constitution, an election candidate must be a member of only a political party not less than thirty days prior to the election date. The period of time under Article 101 (4) (a) is fixed at a year and the period of time under Article 101 (4) (c) and (d) is fixed at two years.

In the initial period, a past member of the Senate, who was elected for the first time under the Constitution of the Kingdom of Thailand, B.E. 2540 (2006), shall not take office as a member of the Senate, which shall be sourced for the first time under this Constitution and the provisions of Article 115 (9) and Article 116 paragraph two shall not apply to a past member of the Senate, who was elected in the latest election under the Constitution of the Kingdom of Thailand, B.E. 2540 (2006).

Article 297. In the initial period, a selected senator shall hold office for a term of three years as

from the date which the membership begins. The provisions on the prohibition of consecutive holding of office for more than a term shall not apply to such person in case of the next selection after the termination of membership.

Article 298. The Council of Ministers carrying out the administration of the State affairs on the date of the promulgation of this Constitution shall be the Council of Ministers under this Constitution and shall vacate office when the newly appointed Council of Ministers under this Constitution has taken office.

The Council of National Security under the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) shall vacate office *en masse* at the same time of the vacation of office of the Council of Ministers carrying out the administration of the State affairs on the date of the promulgation of this Constitution.

The provisions of Article 171 paragraph two, Article 172, Article 174, and Article 182 (4) (7) and (8) shall not apply to the holding of office of the Prime Minister and Ministers carrying out the administration of the State affairs on the date of the promulgation of this Constitution.

Article 299. The Ombudsmen, who hold office on the date of the promulgation of his Constitution, shall be the Ombudsmen under this Constitution and remain in office until the expiration of term as from the date of the appointment by the

King. The Ombudsmen shall elect a person among themselves to be the Chairman of the Ombudsmen within sixty days as from the date of the promulgation of this Constitution and the provisions of Article 242, paragraph two and paragraph three shall apply *mutatis mutandis*.

The members of the Election Commission, the members of the National Counter Corruption Commission and the members of the National Economic and Social Advisory Council, who hold office on the date of the promulgation of this Constitution, shall remain in office until the expiration of term as from the date of the appointment.

The members of the National Human Rights Commission, who hold office on the date of the promulgation of this Constitution, shall remain in office until the newly National Human Rights Commission under this Constitution has been appointed. If such person has been appointed to take office less than a year as from the date of the promulgation of this Constitution, the provisions on the prohibition of consecutive holding office of more than a term shall not apply to such person in case of the first appointment of the National Human Rights Commission under this Constitution.

The persons under this Article shall perform the duties in accordance with the organic laws of this Constitution or other relevant laws as in force on the date of the promulgation of this Constitution until the organic laws of this Constitution or other laws in accordance with this Constitution have been

promulgated. If any provisions are in conflict with or in contradiction to the provisions of this Constitution, the provisions of this Constitution shall prevail.

Article 300. The Constitutional Tribunal under the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) shall be the Constitutional Court under this Constitution. The person holding the position of President of the Supreme Court of Justice shall act as President of the Constitutional Court, the person holding a position of President of the Supreme Administrative Court shall act as Vice-President of the Constitutional Court. The justices of the Supreme Court of Justice and the judges of the Supreme Administrative Court elected under Article 35 of the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) shall continue to hold a position of Judge of the Constitutional Court until the judges of the Constitutional Court have been elected under this Constitution within not more than one hundred and fifty days as from the date of the appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives after the first general election of members of the House of Representatives under this Constitution.

The provisions of Article 205 (3), Article 207 (1), (2) and Article 209 (5) shall not apply to the holding of a position of judge of Constitutional Court under paragraph one.

The provisions of Article 35 paragraph two, paragraph three and paragraph four of the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) shall continue to be in force until the organic law on procedure of Constitutional Court shall come into force.

Any case or matter pending in the proceeding of the judges of the Constitutional Court under paragraph one shall continue to be proceeded by the Constitutional Court under this Article. When the appointment of the judges of the Constitutional Court under this Constitution has been held, such case or matter shall be transferred to the powers and duties of the newly appointed Constitutional Court.

While the organic law on procedure of Constitutional Court has not yet been enacted, the Constitutional Court shall have the powers to issue the rules on the procedure and to issue decisions. The enactment of the organic law shall be completed within a year as from the date of the promulgation of this Constitution.

Article 301. The selection of members of the State Audit Commission and the Auditor-General shall be held within one hundred and twenty days as from the date of the appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives after the first general election of members of the House of Representatives under this Constitution. If there is no President of the Constitutional Court selected under

this Constitution, the Selection Committee shall consist of the existing members.

While there is no State Audit Commission, the Auditor-General of the State Audit shall exercise the powers and duties in place of the Chairman of the State Audit Commission and the State Audit Commission.

Article 302. Under the conditions prescribed under this Article, the following organic laws shall continue to be in force:

(1) the organic law on Ombudsmen, B.E. 2542 (1999), providing that the Chairman shall be the person in charge under this organic law;

(2) the organic law on Counter Corruption, B.E. 2542 (1999), providing that the President of the National Counter Corruption Commission shall be the person in charge under this organic law;

(3) the organic law on the State audit, providing that the President of the State Audit Commission shall be the person in charge under this organic law;

(4) the organic law on criminal procedure for persons holding political positions, B.E. 2542 (1999), providing that the President of the Supreme Court of Justice shall be the person in charge under this organic law.

The amendment of organic laws promulgated during the days the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (1999) was in force shall be the amendment of organic laws under this Constitution.

The persons in charge under the organic laws under paragraph one shall carry out the amendment of the organic laws in accordance with the provisions under this Constitution within one year as from the date of the promulgation of this Constitution. In the case where there is no person holding a position of the person in charge under such organic laws, the period of a year shall begin as from the date of the appointment of person holding such position.

The House of Representatives shall complete the consideration of the bills of organic laws under this Article within one hundred and twenty days as from the date of receiving such bill. The Senate shall complete the consideration of such bills within ninety days as from the date of receiving each of the bills of the organic laws.

The resolution for the amendment or the disapproval of the bills of the organic laws under paragraph one shall consist of the vote of not less than one-half of the total members of both Houses.

The Election Commission shall prepare the bills of the organic laws on referendum in accordance with the provisions of this Constitution and the provisions under paragraph three, paragraph four and paragraph five shall apply *mutantis mutandis*.

Article 303. In the initial period, the Council of Ministers carrying out the administration of the State affairs after the first general election under this Constitution shall complete the preparation and the

amendment of the following laws within the period of time prescribed:

(1) the law on determination of details to promote and protect the exercise of rights and liberties under Article 40 and Article 44, the provisions of part 7-Liberty of Expression of Individuals and Media, Part 8- Rights and Liberties in Education, Part 9- Right to Receive Public Health and Welfare Services from the State, Part 10-Right to Information and Complaint, including law on personal information under Article 56, Part 12-Community Right, law on establishment of Independent Organization for Consumer Protection under Article 61 paragraph two, law on the Council for Political Development under Article 78 (7), law on establishment of Organization for Judicial Reform under Article 81 (4), law on establishment of the Council of Farmer under Article 84 (8), law on establishment of Fund for Political Development in Citizen Sector under Article 87 (4) and law on the National Human Rights Commission under Article 256 within a year as from the date of stating the policies to the National Assembly under Article 176;

(2) the law on development of national education under Article 80 by promoting formal education, non-formal education, informal education, self-learning, life-long learning, community colleges or other forms and including the law reform to determine the responsible agency for providing the education which is appropriate and consistent with the basic education at all levels within a year as from

the date of stating the policies to the National Assembly under Article 176;

(3) the law under Article 190 paragraph five containing at least the stages and procedure for making a treaty which shall include the review of the balance of powers between the Council of Ministers and the National Assembly to provide transparency, efficiency and actual participation of people, including the independent research prior to the negotiation for making a treaty without the conflict between the interest of the State and the interest of the persons engaged in any period of time of the application of treaty as from the date of stating the policies to the National Assembly under Article 176;

(4) the law under Article 86 (1) and Article 167 paragraph three within two years as from the date of stating the policies to the National Assembly under Article 176;

(5) the law determining plans and stages of decentralization, the law on local revenue, law on establishment of local government organizations, law on local government officials and other laws under Chapter XIV - Local Administration in accordance with this Constitution within two years as from the date of stating the policies to the National Assembly under Article 176, in such case, there shall be the preparation of Local Code.

In the case where the provisions of any law enacted prior to the date of the promulgation of this Constitution are consistent with the provisions of the Constitution, such provisions shall be exempted from being implemented under this Article.

Article 304. The implementation of the Code of Ethics under Article 279 shall be complete within a year as from the date of the promulgation of this Constitution.

Article 305. In the initial period, the following provisions shall not apply to the cases under the following conditions:

(1) The provisions of Article 47 paragraph two shall not apply until there has been the enactment of law under Article 47 concerning the establishment of Organization for allocating the frequencies and regulating and supervising the enterprise relating to radio and television transmission and telecommunication within not more than one hundred and eighty days as from the date of stating the policies to the National Assembly, such law shall contain at least matters in substance: the provision of the particular commissions to be separate subordinate units within such organization, to regulate the conduction of the activities relating to radio and television transmission and to regulate the conduction of the telecommunication. There shall be the provisions on regulating and protection of the operation of activities, the establishment of Fund for development of communication media and Promotion of people participation in the operation of mass communication. Such operation shall not affect the permission, the concession or the legal contract signed prior to the date of the promulgation of this Constitution, until such permission, concession or contract shall come to an end.

(2) Subject to Article 296 paragraph three, the provisions of Article 102 (10), in particular the part relating to the past membership of the Senate under Article 115 (9) and Article 116 paragraph two, shall not apply to the election of members of the House of Representatives and the first holding of a political position under this Constitution.

(3) The provisions of Article 141 shall not apply to the enactment of the organic laws under Article 295.

(4) The provisions of Article 167 paragraph one and paragraph two, Article 168 paragraph nine, Article 169 in particular the case of determining the sources of revenue to compensate the expenses advanced from the Treasury Account and Article 170 shall not apply within a year as from the date of the promulgation of this Constitution.

(5) Any acts relating to preparation or implementation according to the treaty concluded prior to the date of the promulgation of this Constitution shall be valid and the provisions of Article 190 paragraph three shall not apply but the provisions of Article 190 paragraph three shall apply to the pending operation which continues to be implemented.

(6) The provisions of Article 209 (2) shall not apply to the National Human Rights Commission holding office on the date of the promulgation of this Constitution.

(7) The provisions of Article 255 paragraph five and Article 288 paragraph three shall not apply

within a year as from the date of the promulgation of this Constitution.

Article 306. In the initial period, a justice in the Supreme Court of Justice who has held position of not below a Justice of the Supreme Court of Justice and becomes sixty years of age in the fiscal year 2007 shall continue to perform the duties as Senior Justice in the Supreme Court of Justice under Article 219 until there has been the amendment of the law on prescription of rules of performance of duty of Senior Justice.

Within a year as from the date of the promulgation of this Constitution, there shall be the enactment of the law on prescribing rules for a justice of the Court of Justice shall continue to hold office until his or her age reaches seventy years and any justice of judicial court who becomes more than sixty years of age in any fiscal year and has performed his or her duties for not less than twenty years and passed the performance efficiency evaluation shall submit a request to hold a position of Senior Justice of a court not higher than his or her present position.

The laws enacted under paragraph one and paragraph two shall contain the provisions providing that the person who shall become sixty years of age in any fiscal year during first ten years as from the date of coming into force of such laws shall gradually vacate from office in each year and be able to request for holding a position of Senior justice thereafter.

The provisions of paragraph two and paragraph three shall apply to the public prosecutor officer *mutantis mutandis*.

Article 307. The qualified members of Judicial Commission of the Courts of Justice who is holding office as from the promulgation date of this Constitution shall remain in office to continue to perform the duties except the qualified members who are transferred become sixty years of age in the fiscal year 2007 and the qualified members of each level of court who are transferred from such court. Remaining in office shall not be in excess of one hundred and eighty days as from the promulgation date of this Constitution.

Article 308. The Council of Ministers carrying out the administration of State affairs on the promulgation date of this Constitution must, within ninety days as from the promulgation date of this Constitution, nominate the Commission for Legal Reform. This Commission shall have the charge of studying and introducing laws that are required to be enacted in accordance with the provisions of the Constitution as well as preparing the law on establishment of the organization for legal reform as provided in Article 81 (5) within a year as from the promulgation date of this constitution. In the said act, there shall be at least the provisions determining the duties to support the drafting of law of the people who have the right to vote.

The action under paragraph one shall not exclude the powers and duties of other agencies which have duties to prepare laws under its responsibility.

Article 309. All matters guaranteed by the Constitution of the Kingdom of Thailand (Interim Edition), B.E. 2549 (2006) to be lawful and constitutional, including all acts related to such matters whether before or after the promulgation date of this Constitution, shall be considered constitutional.

Countersigned by:

Meechai Ruchupan

President of the National Legislative Assembly

Certified correct translation

(Prof. Dr. Ackaratorn Chularat)

President of the Supreme Administrative Court