

**CONSTITUTION  
OF  
THE KINGDOM OF THAILAND**

**THE SECRETARIAT OF THE SENATE**

**Remark** : On 14 September 1996, amendment of the 1991 Constitution of the Kingdom of Thailand setting up with 99 members in order to alter and reform the political constitution of Thailand.

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Translation**CONSTITUTION OF THE KINGDOM OF THAILAND \***

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**SOMDET PHRA PARAMINTHARAMAHA BHUMIBOL ADULYADEJ  
SAYAMMINTHARATHIRAT BOROMMANATTHABOPHIT**

**Enacted on the 9th Day of December B.E. 2534;  
Being the 46th Year of the Present Reign.**

May there be virtue. Today is the third day of the waxing moon in the first month of the year of Monkey under the lunar calendar, being Monday, the ninth day of December under the solar calendar, in the 2534th year of the Buddhist Era.

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayammintharathirat Borommanatthabophit is graciously pleased to proclaim that He was advised by the National Legislative Assembly that since the grant of the Constitution of the Kingdom of Thailand, B.E. 2475 by His Majesty King Prajadhipok Phra Pok Klao Chao Yu Hua, His Majesty's Uncle, there had been amendment to the Constitution and promulgation of new Constitutions and Interim Constitutions on

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\* Published in the Government Gazette Vol.108, Part 216, Special issue, dated 9 th December B.E. 2534 (1991), as last amended by the Constitution of the Kingdom of Thailand Amendment (No.5), B.E. 2538 (1995) and published in the Government Gazette Vol. 112, Part 7a., dated 10th February B.E. 2538 (1995)

several occasions depending upon the changes of situation in the country. All Constitutions and Interim Constitutions that had been promulgated were in unity with one another in adhering to the democratic regime of government with the King as Head of the State who should exercise the legislative power through the National Assembly, the executive power through the Council of Ministers, and the judicial power through the Courts. The essential differences between them lied in the forms of the National Assembly and in the relationship between the legislative and the executive powers, depending upon the changing situation of the country for the time being. This revealed the faithful adherence of the Thai people to the democratic regime of government with the King as Head of the State, which was in accordance with the will of His Majesty's Uncle, King Prajadhipok Phra Pok Kiao Chao Yu Hua, in granting the power to administer the State affairs to the Thai people. The adherence to the democratic regime of government with the King as Head of the State had been inherited until the present time. Even the Constitution for the Administration of the Kingdom, B.E. 2534 had demonstrated such will and entrusted the task of drafting the Constitution to the National Legislative Assembly.

The National Legislative Assembly had appointed a Committee charged with the duty of drafting the Constitution. When the Constitution had been completely drafted, the National Legislative Assembly considered the Draft Constitution in three readings in accordance with the provisions of the Constitution for the Administration of the Kingdom, B.E. 2534. In the first reading, the National Legislative Assembly had passed a resolution accepting the Draft Constitution for consideration, and appointing the Committee for considering the Draft Constitution and submitting the Draft Constitution which had already been considered to the National Legislative Assembly for further consideration in the second and third readings.

In every step of the consideration, the will of His Majesty's Uncle in granting the power to admimister the State affairs to the Thai people and the

common will and the faithful adherence of the Thai people in democratic regime of government were the upholding principles, the opinions of the public and various groups were also heard, and the provisions of the previous Constitutions were studied and their suitable provisions were selected for the arrangement of the provisions of this Constitution for the attainment of the common will of the Thai people in upholding the independence and security of the Nation, protecting and upholding the religions to become everlasting, enthroning the King as Head of the State and in the hearts of the Thai people, adhering to the democratic regime of government with the King as Head of the State as the means of administering the State affairs, recognizing, protecting and upholding the rights and liberties of the Thai people, and uniting to secure justice, prosperity, happiness and peace for all Thai people.

Having carefully considered the Draft Constitution in the light of the situation of the country, the National Legislative Assembly passed a resolution approving the presentation of 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 Draft Constitution, the King deemed it expedient to grant His Royal Assent in accordance with the resolution of the National Legislative Assembly.

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 for the Administration of the Kingdom, B.E. 2534 promulgated on 1st March B.E. 2534.

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

**CHAPTER I**  
**General Provisions**

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**Section 1.** Thailand is a unified and indivisible Kingdom.

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

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

**Section 4.** The Thai people, irrespective of their birth or religions, shall enjoy equal protection under this Constitution.

**Section 5.** The provisions of any law, which are contrary to or inconsistent with this Constitution, shall be unenforceable.

**CHAPTER II**  
**The King**

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**Section 6.** The King shall be enthroned in a position of revered worship and shall not be violated.

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

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

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

**Section 9.** The King has the prerogative power to create titles and confer decorations.

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

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

**Section 11.** The selection and appointment as well as the removal of a Privy Councillor shall depend entirely upon the King's pleasure.

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

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

**Section 12.** A Privy Councillor shall not be a member of the Constitutional Tribunal, senator, member of the House of Representatives, Government official holding a permanent position or receiving a salary, official of a State enterprise, or member or officer of a political party, and must not

manifest loyalty to any political party.

**Section 13.** Before taking office, a Privy Councillor shall make a solemn declaration before the King in the following words:

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

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

**Section 15.** The appointment and the removal of officials of the Royal Household and of the Royal Chief Aide-de-Camp shall depend entirely upon the King's pleasure.

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

**Section 17.** In the case where the King does not appoint a Regent under section 16, or the King is unable to appoint a Regent owing to His not being *sui juris* or to 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, of the appointment of such person as Regent.

During the expiration of the term of the House of Representatives

or the dissolution thereof, the Senate shall act as the National Assembly in making an approval under paragraph one.

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

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

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

**Section 19.** Before taking office, the Regent appointed under section 16 or section 17 shall make a solemn declaration before the National Assembly in the following words:

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

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

The amendment of the Palace Law on Succession, B.E. 2467 shall be the prerogative power of the King. At the initiation of the King, the Privy Council shall draft the Palace Law Amendment and shall present it to the King for His consideration. When He 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.

**Section 21.** In the case where the Throne becomes vacant and the King has already appointed His Heir to the Throne under the Palace Law on Succession, B.E. 2467, the Council of Ministers shall notify the President of the National Assembly. The President of the National Assembly shall convoke the National Assembly for acknowledgment thereof, and the President of the National Assembly shall invite such Heir to ascend the Throne and proclaim such Heir King.

In the case where the Throne becomes vacant and the King has not appointed His Heir under paragraph one, the Privy Council shall submit the name of the Successor to the Throne under section 20 to the Council of Ministers for further submission to the National Assembly for approval. For this purpose, the name of a Princess may be submitted. Upon the approval of the National Assembly, the President of the National Assembly shall invite such Successor to ascend the Throne and proclaim such Successor 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 making an approval under paragraph two.

**Section 22.** Pending the proclamation of the name of the Heir or the Successor to the Throne under section 21, the President of the Privy Council shall be Regent *pro tempore*. In the case where the Throne becomes vacant while the Regent has been appointed under section 16 or section 17 or while the President of the Privy Council is acting as Regent under section 18 paragraph one, such Regent, as the case may be, shall continue to be the Regent until the

proclamation of the name of the Heir or the Successor to ascend the Throne as King.

In the case where the Regent who has been appointed and continues to be Regent under paragraph one is unable to perform his duties, the President of the Privy Council shall temporarily act as Regent.

In the case where the President of the Privy Council is the Regent under paragraph one or temporarily acts as Regent under paragraph two, the provisions of section 18 paragraph three shall apply.

**Section 23.** In the case where the Privy Council will have to perform its duties under section 17 or section 21 paragraph two, or the President of the Privy Council will have to perform his duties under section 18 paragraph one or paragraph two or section 22 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 duties, the remaining Privy Councillors shall elect one among themselves to act as President of the Privy Council or to perform the duties under section 18 paragraph one or paragraph two or section 22 paragraph three, as the case may be.

### CHAPTER III \*\*

#### Rights and Liberties of the Thai People

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**Section 24.** All persons shall enjoy rights and liberties subject to the provisions of the Constitution.

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\*\* Chapter III to Chapter XI, section 24 to section 211, were amended by section 3 of the Constitution of the Kingdom of Thailand Amendment (No. 5) B.E. 2538 (1995).

Men and women shall enjoy equal rights.

The restriction on such rights and liberties in violation of the spirit of the provisions of the Constitution shall not be imposed.

**Section 25.** All persons are equal before the law and shall enjoy equal protection under the law.

**Section 26.** All persons shall enjoy political rights.

The exercise of political rights shall be in accordance with the provisions of law.

**Section 27.** Every person shall enjoy full liberty to profess a religion, a religious sect or creed, and to exercise a form of worship in accordance with his belief; provided that it is not contrary to his civic duties and to public order or good morals.

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

**Section 28.** No person shall be inflicted with a criminal punishment unless he has committed an act which the law in force at the time of commission provides it to be an offence and imposes a punishment therefor, and the punishment to be inflicted on such person shall not be heavier than that provided by the law in force at the time of commission.

**Section 29.** An alleged offender or an accused in a criminal case shall be presumed innocent.

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

An application for bail of the alleged offender or the accused in a criminal case must be accepted for consideration without delay, and excessive bail shall not be demanded. The refusal of a bail must be based upon the grounds specifically provided by law, and the alleged offender or the accused must be informed of such grounds without delay.

The right to appeal against a refusal of a bail is protected in accordance with the law.

A person being detained or imprisoned has the right to receive a visit as may be appropriate.

**Section 30.** Every person shall enjoy the liberty of his person.

No arrest, detention or search of person, under any circumstance, may be made except by virtue of the law; provided that the person so arrested or searched shall be notified without delay of the charge or cause together with reasonable particulars in respect of such arrest or search, and the detainee has the right to see and consult his advocate in privacy.

In making a charge against a person, there must be an evidence sufficient to prove that such person is likely to have committed the offence in accordance with such charge.

In the case of detention of a person, the detainee, the Public Prosecutor or other person acting in the interest of the detainee has the right to lodge with the Court having criminal jurisdiction a plaint alleging that the detention is unlawful. Upon receipt of such plaint, the Court shall forthwith proceed with an *ex parte* examination. If, in the opinion of the Court, the plaint presents a *prima facie* case, the Court shall have the power to order the person responsible for the detention to produce the detainee promptly before the Court, and if the person responsible for the detention cannot satisfy the Court that the

detention is lawful, the Court shall order the immediate release of the detainee.

**Section 31.** In a criminal case, an alleged offender or an accused has the right to a speedy and fair inquiry or trial.

**Section 32.** In a criminal case, an alleged offender or an accused has the right to receive an aid from the State by providing an advocate in accordance with the provisions of the law.

In a civil case, every person has the right to receive legal aid from the State in accordance with the provisions of the law.

**Section 33.** Every person has the right not to make a statement incriminating himself which may result in criminal prosecution being taken against him.

Any statement of a person obtained from torture, threat, coercion, or any act which causes such statement to be made involuntarily shall be inadmissible evidence.

**Section 34.** In the case where any person was inflicted with a criminal punishment by a final judgment, if it appears in the judgment of the Court reviewing the case thereafter that he did not commit the alleged offence, he shall be entitled to compensation and to recover any right he had lost by virtue of the results of the judgment upon the conditions and in the manner provided by law.

**Section 35.** Forced labour shall not be imposed except by virtue of the law specifically enacted for the purpose of averting imminent public calamity or by virtue of the law which provides for its imposition during the time when the country is in a state of armed conflict or war, or when a state of

emergency or martial law is declared.

**Section 36.** Every person shall enjoy the liberty of dwelling.

Every person is protected for his peaceful habitation in and for possession of his dwelling place. The entry into a dwelling place without the consent of its possessor or the search thereof shall not be made except by virtue of the law.

**Section 37.** The property right of a person is protected. The extent and the restriction of such right shall be in accordance with the provisions of the law.

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

**Section 38.** The expropriation of immovable property shall not be made except by virtue of the law specifically enacted for the purpose of public utility, national defence, exploitation of national resources, town and country planning, agricultural or industrial development, land reform, or other public interests, and fair compensation shall be paid in due time to the owner thereof as well as to all the persons having the rights thereto, who suffer loss by such expropriation, as provided by law.

The amount of compensation under paragraph one shall be fairly assessed with due regard to the normal price, mode of acquisition, nature and situation of the immovable property, and loss of the person whose property or right thereto is expropriated.

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

is used for other purposes under paragraph one and by virtue of the law.

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

**Section 39.** Every person shall enjoy the liberty to express and disseminate his opinion by speech, writing, printing, publication and other means of expression.

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

The closure of a press or the prohibition of printing so as to restrict the liberty under this section without a judgment or order of the Court shall not be made.

The censorship of news or articles, published in the newspaper or broadcasted through radio or television, by a competent official shall not be made except during the time when the country is in a state of armed conflict or war, or when a state of emergency or martial law is declared; provided that it must be made by virtue of the law enacted under the provisions of paragraph two.

The owner of a newspaper business or other mass media shall be a Thai national as provided by law.

No grant of money or other properties shall be made by the State as subsidy to a private newspaper or other mass media.

**Section 40.** Every person shall enjoy an equal right to receive the

fundamental education under the law on compulsory education.

Every person shall enjoy the liberty of education; provided that it is not contrary to his civic duties under the Constitution and not contrary to the law on compulsory education and the law on establishment of educational institutions.

Academic freedom is protected; provided that it is not contrary to civic duties.

**Section 41.** Every person shall have a right to receive a standardized public health service, and the indigent shall have a right to receive a free medical treatment as provided by law.

**Section 42.** Every person shall enjoy the liberty to assemble peacefully and without arms.

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

**Section 43.** Every person shall enjoy the liberty to form an association, union, league, co-operative or any other group.

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

**Section 44.** Every person shall enjoy the liberty to form a political party for the purpose of carrying out political activities through the democratic

regime of government with the King as Head of the State as provided in this Constitution.

The formation, incorporation, management and dissolution of a political party shall be in accordance with the provisions of the law on political parties.

A political party shall prepare an account showing its assets and liabilities and shall publicly declare its sources of income and expenditure as provided by law.

**Section 45.** Every 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 law specifically enacted for maintaining public order or good morals or security of the State.

**Section 46.** Every person shall enjoy the liberty of travelling and the liberty of making the choice of his 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.

**Section 47.** Family rights, dignity, reputation or the right of privacy shall be protected.

The assertion or circulation of a statement or picture as a fact in any manner whatsoever to the public, which affects the family rights, dignity,

reputation, and the right of privacy, shall not be made except for the case which is beneficial to the public.

**Section 48.** Every person shall have a right to present a petition as provided by law.

**Section 48 bis.** Every person shall have a right to get access to the information of a Government agency or State agency or State enterprise for monitoring the performance of duties of a Government official or State official in so far as such performance affects or may affect his livelihood as provided by law.

**Section 48 ter.** The right of a person to sue a Government agency which is a juristic person to be liable for an act done by its official is protected.

**Section 48 quarter.** Members of the armed forces or the police force, other Government officials, local government officials, and officials of State organizations shall enjoy the same rights and liberties under the Constitution as other persons, unless such enjoyment is restricted by law, by-law or regulation issued by virtue of the law specifically enacted in regard to politics, efficiency or discipline.

**Section 48 quinque.** The rights of a person to engage in an enterprise or an occupation and to a fair and free competition are protected.

The restriction on such rights under paragraph one may be imposed only by virtue of the law specifically enacted for maintaining the security and safety of the State or economy of the country, protecting the public in regard to the public utilities, maintaining public order and good morals, regulating the engagement in an occupation, consumer protection, town and country

planning, conserving the natural resources or environment, public welfare, preventing monopoly, or eliminating unfair competition.

**Section 48 sex.** No person shall exercise the rights and liberties as prescribed in this Constitution against the Nation, religions, the King and the Constitution.

#### CHAPTER IV Duties of the Thai People

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**Section 49.** 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.

**Section 50.** Every person shall have a duty to exercise his right to vote at an election in good faith.

**Section 51.** Every person shall have a duty to defend the country.

**Section 52.** Every person shall have a duty to serve in the armed forces as provided by law.

**Section 53.** Every person shall have a duty to comply with the law.

**Section 54.** Every person shall have a duty to pay taxes and duties imposed by law.

**Section 55.** Every person shall have a duty to render assistance to the official service as provided by law.

**Section 56.** Every person shall have a duty to receive education and training as provided by law.

**Section 57.** Every person shall have a duty to protect the national arts and culture.

**Section 57 bis.** Every person shall have a duty to conserve natural resources and environment as provided by law.

## CHAPTER V

### Directive Principles of State Policies

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**Section 58.** The provisions of this Chapter are intended to be used as directive principles for legislating and determining policies for the administration of the State affairs, and shall not give rise to any cause of action against the State.

**Section 59.** The State shall protect and uphold the institution of kingship, the independence and integrity of its territories.

**Section 60.** The State shall arrange for the maintenance of the armed forces for safeguarding its independence, security of the State and national interest.

The armed forces shall be employed in an armed conflict or a war, and for deterring the waging of war, protecting the institution of kingship and the democratic regime of government with the King as Head of the State, suppressing or deterring a rebellion and a riot, maintaining the security of the State, and national development.

**Section 61.** The State shall enforce the law and maintain order so that the people may be assured of the safety in their lives, person and property as well as in their peaceful existence.

**Section 62.** The State should promote friendly relations with other countries and adopt the principle of reciprocity.

**Section 63.** The State should organize an efficient system of official service and other State affairs, deregulate unnecessary steps, define the scope for the exercise of discretion by a State official, and take every measure to prevent and suppress discrimination and corruption.

**Section 64.** The State should organize an efficient system of judicial process so as to ensure justice to the people equally and thoroughly and to meet the requirement of expediency.

**Section 65.** The State should promote and support education and vocational training according to the suitability and to the demand of the country, and should promote the private sector to take part in providing for education at all levels as provided by law.

The organization of educational system is an exclusive duty of the State. All educational establishments shall be under the supervision of the State.

Compulsory education in the educational establishments of the

State is to be provided, thoroughly and efficiently, without charge.

As for higher education, the State should allow educational establishments to enjoy an autonomy in managing their own affairs within the limits as provided by law.

The State should provide the indigent and the underprivileged with grants and requisites in their education and vocational training.

**Section 66.** The State should encourage researches in arts and sciences, and should promote and expedite the development in sciences and technology for national development.

**Section 67.** The State should uphold, promote and develop the equality of men and women.

**Section 68.** The State should encourage and promote the national human resources development, especially children and youth, so that they may be physically, mentally, intellectually, virtuously and ethically sound.

**Section 69.** The State should promote public understanding and public belief in the democratic regime of government with the King as Head of the State.

The State should promote public understanding in the local government as well as encourage the locality to have a right of self-government as provided by law.

**Section 70.** The State should prepare a political development plan consistent with the directive principles of State policies and the democratic regime of government with the King as Head of the State.

**Section 71.** The State shall take measures to ensure and encourage the election of members of the House of Representatives and members of a local assembly as well as the selection of senators to be in good faith and just in accordance with the will of the democratic regime of government with the King as Head of the State.

**Section 72.** The State should promote the decentralization of fiscal power to localities so as to enable the localities to collect and administer the revenues for the purpose of providing an effective public service.

**Section 73.** The State should extend infrastructural activities to the rural areas thoroughly, seriously, continuously and fairly.

**Section 74.** The State shall distribute incomes to the rural areas thoroughly.

**Section 75.** The State shall reserve the occupation of some important categories for Thai people.

**Section 76.** The State should conserve and promote the national arts and culture.

**Section 77.** The State should promote sports, tourism and recreation.

**Section 78.** The State should conserve the environment and the balance of natural resources and their substitutes, prevent and eliminate pollution, and devise a suitable plan for utilizing soil and water.

**Section 79.** The State should proceed to raise the living quality and standard of individuals.

**Section 80.** The State should promote, encourage and protect the co-operative system.

**Section 81.** The State should organize the system of land ownership and possessory rights in land for inhabitation, promotion of agriculture, industry or commerce, or other purposes, and should impose obligations on land owners or holders of possessory rights in land to utilize the land suitably to the nature thereof.

**Section 82.** The State should, by means of land reform, land consolidation or any other methods, proceed efficiently to secure land ownership or rights in land to all farmers for engaging in agriculture.

The State should provide for water supply and supervise the use of water so as to be adequate and suitable for agriculture.

**Section 83.** The State should promote, protect and preserve the interests of the farmers in the production, storage and disposition of their produce in order that they receive fair consideration, and should promote the assembling of farmers in the form of co-operatives or other forms for protecting such interests.

**Section 84.** The State should encourage the private sector to play economic role.

**Section 85.** The State should not engage in an activity in the nature of business or in competition with the private sector, unless it is necessary

for the purpose of maintaining the security of the State, preserving the common interest, or providing public utilities.

**Section 86.** The State should impose measures to prevent direct or indirect economic monopoly by individuals, which is not created by virtue of the law.

**Section 87.** The State should have a demographic policy suitable to the national resources, economic and social conditions, and technological progress for the purposes of economic and social development and the security of the State.

**Section 88.** The State should give aids to persons suffering from performing duties for the Nation, or rendering assistance to the official service, or performing humanitarian duties, or from public calamities.

**Section 89.** The State should arrange for social works, and should promote and encourage the private sector to participate therein.

**Section 89 bis.** The State should give assistance and aids to the elderly persons and the handicapped to ensure their health, encouragement and hope so that they can subsist in their appropriate livelihood.

**Section 89 ter.** The State should promote the people of working age to obtain employments, and should ensure the protection of labour especially child and woman labour, and provide for the system of labour relations including the settlement of fair wages.

**Section 89 quarter.** The State should promote a standardized

public health thoroughly, provide the indigent with free medical treatment, and promote the private sector to participate therein as much as possible.

The State shall prevent and eradicate harmful contagious diseases for the public without charge and in due time.

**CHAPTER VI**  
**The National Assembly**

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**Part 1**  
**General Provisions**

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**Section 90.** The National Assembly consists of the Senate and the House of Representatives.

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

**Section 91.** The Speaker 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 Speaker of the House of Representatives, or the Speaker of the House of Representatives is not present or is unable to perform his duties, the President of the Senate shall act as President of the National Assembly in his 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 the joint sittings in accordance with the rules of procedure.

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

**Section 92.** A bill may be enacted as law only by and with the advice and consent of the National Assembly.

**Section 93.** After a bill has already been approved by the National Assembly, the Prime Minister shall present it to the King for signature within thirty days as from the date of receiving such bill from the National Assembly, and it shall come into force upon its publication in the Government Gazette.

**Section 94.** 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 re-deliberate such bill. If the National Assembly resolves to reaffirm the bill with the votes of not less than two-thirds of the total number of the existing members of both Houses, the Prime Minister shall present such bill to the King for His 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 promulgated as an Act in the Government Gazette as if the King had signed it.

**Section 95.** Senators and members of the House of Representatives shall submit an account showing their assets and liabilities to the President of the House of which they are members as provided by law.

**Section 96.** No person shall be a senator and member of the House of Representatives simultaneously.

**Section 97.** Senators or members of the House of Representatives of not less than one-tenth of the total number of the existing members of each House have a right to lodge with the President of the House of which they are members a complaint asserting that the membership of any member of such House has terminated under section 103 (3), (4), (5), (6), (7), (8), (10) or (11), or section 120 (3), (4), (5), (6), (7), (9), (10) or (11), as the case may be, and the President of the House with whom the complaint is lodged shall refer it to the Constitutional Tribunal for decision as to whether the membership of such person has terminated.

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

The resolution of the Constitutional Tribunal under paragraph two shall be passed by votes of not less than three-fourths of the total number of the members of the Constitutional Tribunal.

**Section 98.** In the case where any senator or member of the House of Representatives does an act or is being under any circumstance which constitutes an offence of malfeasance in office or an offence against official relating to member of the State Legislative Assembly or which is detrimental to the dignity of membership of the Senate or of the House of Representatives, senators or members of the House of Representatives, as the case may be, of not less than one-fourth of the total number of the existing members of each House have a right to lodge with the President of the House of which they are members a complaint in order to have the Senate or the House of Representatives decide to terminate the membership of that member.

The resolution of the Senate or the House of Representatives under paragraph one shall be passed by votes of not less than three-fourths of the total number of the existing members of each House.

**Section 99.** The vacation of the office of a senator or a member of the House of Representatives after the day on which his membership terminates or after the decision of the Constitutional Tribunal that the membership of any person terminates does not affect any act done by such person in the capacity of a member including the receipt of emoluments or other considerations by such member before he vacates his office or the President of the House of which such person is a member has been notified of the decision of the Constitutional Tribunal, as the case may be.

## Part 2 The Senate

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**Section 100.** The Senate consists of members to be appointed by the King from qualified persons possessing knowledge and experience in various branches of learning or affairs which will be useful to the administration of the State affairs in the democratic regime of government with the King as Head of the State, being of Thai nationality by birth, being not less than thirty-five years of age, not being a member, officer or adviser of any political party, not being a member of a local assembly or an elected local administrator, and whose membership has never been terminated by the resolution of the Constitutional Tribunal in accordance with section 97 on the ground under section 103 (7) owing to a cause specified in section 113 (7), (8) or (12).

The number of senators is two-thirds of the total number of the members of the House of Representatives. If there is a fraction, the fraction shall be disregarded.

In the case where the office of senator becomes vacant for any reason whatsoever, the Senate shall consist of the remaining senators.

The Prime Minister shall countersign the Royal Command appointing a senator.

**Section 101.** Membership of a senator is four years as from the date of appointment by the King.

A senator who vacates office at the end of term shall remain in office to perform the duties until the newly appointed senator takes office.

The King has the prerogative power to re-appoint a senator whose term expires.

**Section 102.** A senator shall not:

(1) receive any concession from the State, Government agency, State agency or State enterprise, or continue to hold such concession, or become a party to the contract of the nature of economic monopoly with the State, Government agency, State agency or State enterprise, whether directly or indirectly;

(2) receive any special money or benefit from any Government agency, State agency or State enterprise apart from what the Government agency, State agency or State enterprise gives to other persons in the ordinary course of business.

Section 114 paragraph two shall apply *mutatis mutandis*.

**Section 103.** Membership of a senator terminates upon:

- (1) the expiration of the term of office;
- (2) death;
- (3) resignation;
- (4) loss of Thai nationality;
- (5) becoming a member, officer or adviser of any political party;
- (6) becoming a member of a local assembly or an elected local

administrator;

(7) disfranchisement under section 113 (1), (2), (3), (4), (7), (8) or (12);

(8) acting in contravention of the prohibition under section 102;

(9) the Senate passing a resolution terminating the membership in accordance with section 98 or the Constitutional Tribunal passing a resolution terminating the membership in accordance with section 97. In such cases, the membership shall be deemed to have terminated on the date of the resolution thereof;

(10) having been absent throughout a session which is not less than ninety days without the permission of the President of the Senate;

(11) having been imprisoned by a final judgment to a term of imprisonment except for an offence committed through negligence or a petty offence.

**Section 104.** If the office of a senator becomes vacant for any reason other than the expiration of the term of office, the King will appoint a person properly qualified under section 100 to fill the vacancy. The senator so appointed may serve only for the remainder of his predecessor's term of office.

### Part 3

#### The House of Representatives

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**Section 105.** The House of Representatives consists of members to be elected by the people for the number determined on the basis provided in section 106.

**Section 106.** The number of members of the House of Representatives to be elected shall be determined by the number of inhabitants in each Changwat as evidenced in the census announced in the year preceding the year of election at the ratio of one member of the House of Representatives to one hundred and fifty thousand inhabitants. A Changwat with less than one hundred and fifty thousand inhabitants shall elect one member, while a Changwat with more than one hundred and fifty thousand inhabitants shall elect an additional member for every one hundred and fifty thousand inhabitants; any fraction thereof, if amounting to seventy-five thousand or more, shall be counted as one hundred and fifty thousand.

In a Changwat where the number of members of the House of Representatives to be elected is not more than three, the area of that Changwat shall be regarded as one constituency; however, if the number is more than three, such Changwat shall be divided into constituencies each having three members of the House of Representatives.

In the case where the division into constituencies of a Changwat does not result in each constituency having three members of the House of Representatives, such Changwat shall be primarily divided into constituencies each having three members of the House of Representatives, but the remaining constituencies must not have less than two members of the House of Representatives for each constituency.

In the case where the number of members of the House of Representatives to be elected in a Changwat is four, such Changwat shall be divided into two constituencies each having two members of the House of Representatives.

**Section 107.** In the case where a Changwat is divided into more than one constituencies, the boundary of each constituency shall be adjoining and the ratio of the number of inhabitants to the number of members of the

House of Representatives to be elected in one constituency must be proportionate to that in another constituency.

**Section 108.** In each constituency, a voter shall have the right to cast ballot at an election of members of the House of Representatives equal to the number of members of the House of Representatives to be elected in that constituency.

The election shall be by direct suffrage and secret ballot.

**Section 109.** 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 ten years;

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

(3) having his name appear on the house register in the constituency.

**Section 110.** A person under any of the following prohibitions on the election day is disfranchised:

(1) being of unsound mind or of mental infirmity;

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

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

(4) being disfranchised by a judgment.

**Section 111.** A person having the following qualifications has the right to be a candidate in an election:

(1) being of Thai nationality by birth; provided that a Thai national

having alien father must also possess the qualifications stipulated by the law on election of members of the House of Representatives;

(2) being not less than twenty five years of age on the election day;

(3) being a member either of the political party sending members to stand for election under section 112 or the political party under section 121 paragraph two;

(4) possessing any one of the following qualifications:

(a) having his name appear on the house register in Changwat where he stands for election for a consecutive period of not less than one year up to the date of applying for candidacy;

(b) having been a member of the House of Representatives for Changwat where he stands for election, a member of a local assembly or a local administrator of such Changwat;

(c) being born in Changwat where he stands for election;

(d) having studied in an educational institution situated in Changwat where he stands for election for a consecutive period of not less than two academic years;

(e) having served in the official service or having had his name appear on the house register in Changwat where he stands for election for a consecutive period of not less than two years.

**Section 112.** In the general election, the political party, the members of which shall have a right to be candidates in an election under section 111 (3), must be the party sending members to stand for election of not less than one-fourth of the total number of members of the House of Representatives as allowed in that election. In each constituency where the said political party sends its members to stand for election, the members sent to stand for election shall be equal in number to that of the members of the House of

Representatives as allowed for that constituency, and each political party shall send only one group of candidates in each constituency.

When any political party has sent the candidates to stand for election, such political party or its candidates cannot withdraw the candidatures.

When any political party has sent the candidates in the required number according to paragraph one, and thereafter the number of the candidates of such political party has reduced below the required number for any reason whatsoever, such political party shall be regarded as having sent the candidates for the required number according to paragraph one.

**Section 113.** A person under any of the following prohibitions shall have no right to be a candidate in an election:

- (1) being addicted to harmful habit forming drugs;
- (2) being an undischarged bankrupt;
- (3) being disfranchised under section 110 (1), (2) or (4);
- (4) being deaf and dumb;
- (5) having been sentenced by a judgment to imprisonment and being detained by a warrant of the Court;
- (6) having been discharged for a period of less than five years on the election day after being sentenced by a judgment to imprisonment for a term of two years or more except for an offence committed through negligence;
- (7) having been expelled, dismissed or removed from the official service, State agency or State enterprise on the ground of dishonest exercise of duty or corruption.
- (8) having been ordered by a judgment or an injunction of the Court that his assets shall devolve on the State on the ground of unusual wealthiness or unusual increase of his assets;
- (9) being a Government official holding a permanent position or

receiving a salary except a political official;

(10) being a member of a local assembly, a local administrator, or a member of a local administrative committee;

(11) being official or employee of State agency or State enterprise or local administration;

(12) his membership having been terminated by the resolution of the Senate or the House of Representatives under section 98, but the period of four years as from the date of the resolution has not yet expired on the election day.

**Section 114.** A member of the House of Representatives 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 official except a position of Minister or of other political official;

(2) receive any concession from the State or a Government agency, State agency or State enterprise, or continue to hold such concession, or become a party to the contract of the nature of economic monopoly with the State, a Government agency, State agency or State enterprise, whether directly or indirectly;

(3) receive any special money or benefit from any Government agency, State agency or State enterprise apart from what the Government agency, State agency or State enterprise gives to other persons in the ordinary course of business.

The provisions of this section shall not apply in the case where a member of the House of Representatives receives military pensions, gratuities, pensions, or annuities or any other form of payment of the same nature, and shall not apply in the case where a member of the House of Representatives accepts or holds the position of committee member of the National Assembly

or the House of Representatives, or committee member appointed as a qualified person under the provisions of the law or committee member appointed in the course of the administration of the State affairs in case he holds a position of political official.

**Section 115.** Subject to the provisions of this Constitution, the rules and procedure of election shall be in accordance with the law on election of members of the House of Representatives.

There shall be the Election Commission which has the powers and duties as provided by law to supervise the election of the members of the House of Representatives to be clean and just.

The qualifications, the rules and procedure for the appointment and the vacation of office of the Election Commissioners shall be provided by law.

**Section 116.** The term of the House of Representatives is four years from the election day.

**Section 117.** Upon expiration of the term of the House of Representatives, the King will issue a Royal Decree calling for a general election of members of the House of Representatives in which the election day must be fixed within forty five days as from the date of the expiration of the term of the House of Representatives and the election day must be the same throughout the Kingdom.

**Section 118.** The King has the prerogative power to dissolve the House of Representatives for a new election of members of the House of Representatives.

The dissolution of the House of Representatives shall be made in

the form of a Royal Decree in which the election day for the general election must be fixed within sixty days and such election day must be the same throughout the Kingdom.

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

**Section 119.** Membership of the House of Representatives commences on the election day.

**Section 120.** Membership of the House of Representatives terminates upon:

- (1) the expiration of the term or dissolution of the House of Representatives;
- (2) death;
- (3) resignation;
- (4) being disqualified under section 111 (1), (2), or (4);
- (5) being under any prohibition provided in section 113 (1), (2), (3), (4), (7), (8), (9), (10), (11) or (12);
- (6) acting in contravention of the prohibitions under section 114;
- (7) resignation from membership of his political party or his political party passing a resolution of not less than three- fourths of the joint meeting of the executive committee of the political party and members of the House of Representatives belonging to that political party terminating his membership of the political party. In such cases, his membership shall be deemed to have terminated as from the date of resignation or of the resolution of the political party;
- (8) the House of Representatives passing a resolution terminating the membership under section 98 or the Constitutional Tribunal passing a resolution terminating the membership under section 97. In such cases, the membership shall be deemed to have terminated as from the date of resolution;

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

(10) having been absent throughout a session 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 except for an offence committed through negligence or a petty offence.

**Section 121.** If 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, an election of a member of the House of Representatives to fill the vacancy shall be held within forty five days unless the remainder of the term of the House of Representatives is less than one hundred and eighty days.

In the election under paragraph one, the candidate for an election shall be member of the political party having a member being member of the House of Representatives elected at the general election, and section 112 shall apply *mutatis mutandis*.

The replacing member of the House of Representatives may serve only for the remainder of the term of the House of Representatives.

**Section 122.** 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 leader of the political party having its members of the House holding no ministerial position, and

having the largest number of members of the House among the political parties having their members of the House holding no ministerial position, and such number must not be less than one-fifth of the total number of members of the House at the time of appointment.

In the case where no political party in the House of Representatives meet 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 belonging to the political parties having members of the House holding no ministerial position, 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 Speaker 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 referred to in paragraph one or paragraph two, and section 126 shall apply *mutatis mutandis*, and in such cases, the King will appoint new Leader of the Opposition in the House of Representatives to fill the vacancy.

#### Part 4

#### Provisions Applicable to Both Houses

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**Section 123.** Senators and members of the House of Representatives are representatives of the Thai people, and shall perform the duties for the common interest of the Thai people.

**Section 124.** Before taking office, a senator and a member of the House of Representatives shall make a solemn declaration at a sitting of the House of which he is a member in the following words:

"I, (name of the declarer), do solemnly declare that I will perform my duties in accordance with the honest dictates of my conscience for the common interest of the Thai people. I will also uphold and observe the Constitution of the Kingdom of Thailand In every respect".

**Section 125.** The Senate and the House of Representatives 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.

**Section 126.** 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, which must be held every two years.

The Speaker and the Deputy Speaker of the House of Representatives hold office until the expiration of the term or the dissolution of the House.

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

- (1) loss of membership of the House of which he is a member;
- (2) resignation from office;
- (3) holding a position of Minister or of other political official;
- (4) being sentenced by a judgment to imprisonment.

**Section 127.** The President of the Senate and the Speaker of the House of Representatives shall have the powers and duties to carry out the

business of the Houses in accordance with their 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 duties.

**Section 128.** When the President and the Vice-Presidents of the Senate or the Speaker and the Deputy Speaker of the House of Representatives are not present at any sitting, the members of each House shall elect one among themselves to preside over such sitting.

**Section 129.** At a sitting of the Senate or of the House of Representatives, the presence of not less than one-half of the total number of the existing members of each House is required to constitute a quorum, except for the case of considering the agenda on interpellation under section 155, the House of Representatives may otherwise prescribe in the rules of procedure.

**Section 130.** A resolution on any issue shall be made by a majority of votes, unless it is otherwise provided in this Constitution.

In casting the 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.

**Section 131.** At a sitting of the Senate or of the House of Representatives or at a joint sitting of the National Assembly, words expressed in giving a statement of fact or opinion or in casting the vote by any member are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such member.

The privilege under paragraph one does not extend to a member who expresses words at a sitting which is broadcasted through radio or television,

if such words appear out of the precinct of the National Assembly and the expression of such words constitutes a criminal offence or a wrongful act against any other person.

**Section 132.** The privilege provided in section 131 extends to printers and publishers of the minutes of sittings in accordance with the rules of procedure of the National Assembly, the Senate or the House of Representatives, as the case may be, and to persons permitted by the presiding member to give a statement of fact or opinion at such sittings as well as to persons who broadcast the sitting through radio or television with the permission of the President of such House *mutatis mutandis*.

**Section 133.** The National Assembly shall, within thirty days from the date of the election of members of the House of Representatives, be summoned for the first sitting.

Each year, there shall be two ordinary sessions of the National Assembly.

The day on which the first sitting referred to in paragraph one is held shall be considered as the first day of the first annual ordinary session, and the first day of the second annual ordinary session shall be fixed by the House of Representatives.

**Section 134.** An ordinary session of the National Assembly shall last ninety days but the King may prolong it.

An ordinary session may be prorogued before the end of ninety days only with the approval of the National Assembly.

**Section 135.** The King convokes the National Assembly. He opens and prorogues its session.

The King may be present to perform the opening ceremony of the first annual ordinary session under section 133 paragraph one or may command the Heir to the Throne who is *sui Juris* or any person to perform the ceremony as His Representative.

**Section 136.** When it is necessary for the interests of the State, the King may convoke an extraordinary session of the National Assembly.

**Section 137.** Members of both Houses or members of the House of Representatives of not less than one-third of the total number of the existing members of both Houses have the right to present their petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly.

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

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

**Section 138.** Subject to section 137; the convocation, the prolongation of session and the prorogation of the National Assembly shall be made by a Royal Decree.

**Section 139.** No senator or member of the House of Representatives shall, during a session, be arrested or detained or summoned by a warrant for inquiry as an alleged offender in a criminal case unless permission of the House of which he is a member is obtained or he is arrested in *flagrante delicto*.

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

may order the release of the person so arrested.

**Section 140.** In the case where a criminal charge is brought against a senator or a member of the House of Representatives, 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 is a member is obtained or it is a case concerning the law on election of members of the House of Representatives; provided that the proceedings of the Court shall not hinder such member from attending the sitting of the House.

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

**Section 141.** If a senator or member of the House of Representatives 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 release as soon as the President of the House of which he is a member has so requested.

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

**Section 142.** The Senate shall not hold its sitting during the expiration of the term or the dissolution of the House of Representatives; unless it is a sitting which the Senate shall act as the National Assembly under section 17, section 21 and section 180, and the votes taken shall be based on the number of senators.

**Section 143.** Bills may be introduced only by the Council of Ministers or members of the House of Representatives, but money bills may be introduced by members of the House of Representatives only with the endorse-

ment of the Prime Minister.

A member of the House of Representatives may introduce a bill only if the political party of which he is a member has passed a resolution approving the introduction thereof, and the bill is endorsed by not less than twenty members of the House of Representatives who are members of that political party.

A money bill means a bill with provisions dealing with any one of the following matters:

- (1) imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) allocation, receipt, custody, or payment of the State funds or transfer of expenditure estimates of the State;
- (3) establishment of an agency which will increase the expenditure estimates of the State;
- (4) raising of loans, or guarantee or redemption of loans;
- (5) currency.

In case of doubt as to whether a bill is a money bill which requires the endorsement of the Prime Minister, it shall be the power of the Speaker of the House of Representatives to make a decision thereon.

**Section 144.** For any bill introduced by a member of the House of Representatives, which in the stage of accepting the principle is not a money bill, but which the House of Representatives has amended it and the Speaker of the House of Representatives is of the opinion that such amendment makes it to be a money bill, the Speaker of the House of Representatives shall suspend the consideration of such bill and refer it to the Prime Minister for endorsement. If the Prime Minister does not endorse it, the House shall amend it so as not to be a money bill.

**Section 145.** A bill shall be first submitted to the House of Representatives.

**Section 146.** Subject to section 152, when the House of Representatives has considered a bill submitted under section 145 and resolves to approve it, the House of Representatives shall submit such bill to the Senate. The Senate must finish the consideration of the bill within sixty days; if it is a money bill, the consideration thereof must be finished within thirty days; provided that the Senate may resolve to extend the period as a special case which shall not exceed 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 Tribunal under section 149.

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

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

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

**Section 147.** Subject to section 152, after the Senate has finished the consideration of a bill:

(1) if it agrees with the House of Representatives, further proceedings under section 93 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 is of the opinion that it is not an essential amendment and approves such amendment, further proceedings under section 93 shall be taken. In other cases, each House shall appoint its members or other persons in equal number as may be fixed by the House of Representatives to constitute a joint committee for consideration of the bill; 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 considered by the joint committee, further proceedings under section 93 shall be taken; if either House disapproves the bill, such bill shall be withheld.

The joint committee has the power to demand documents from any person or summon any person to give a statement of fact or opinion in respect of the consideration of the bill and the privileges provided in section 131 and section 132 shall also extend to the person performing his duties under this section.

At a meeting of the joint committee, the members of the joint committee appointed by both Houses of not less than one-half of the total number of its members is required to constitute a quorum and the provisions of section 161 shall apply *mutatis mutandis*.

**Section 148.** A bill withheld under section 147 may be reconsidered by the House of Representatives only after the lapse of one hundred and eighty days as from the date the bill is returned to the House of Representatives by the Senate in case of withholding under section 147 (2) and as from the date either House disapproves the bill in case of withholding under section 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 section 93 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 section 93 shall be taken.

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

In the case where the Senate or the House of Representatives 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 Senate or the Speaker of the House of Representatives shall refer the said bill to the Constitutional Tribunal for decision. If the Constitutional Tribunal decides that it is a bill having the same or similar principle as that of the bill so withheld, such bill shall lapse.

**Section 150.** 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 which have not yet been approved by the National Assembly or the King has refused assent or have not been returned by the King within ninety days, shall lapse.

**Section 151.** The expenditure estimates of State shall be made

in the form of an Act. If the Annual Appropriations Act for the following fiscal year is not enacted in time, the law on annual appropriations for the preceding fiscal year shall apply for the time being.

**Section 152.** The House of Representatives must finish the consideration of the annual appropriations bill, the supplementary appropriations bill and the transfer of appropriations bill within one hundred and five days as from the date the bills reaches the House of Representatives.

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

In the consideration of the Senate, the Senate must approve or disapprove it without any amendment within twenty days as from the date the bill reaches the Senate. After such period, such bill shall be deemed to have been approved; in this case and in the case where the Senate approves it, further proceedings under section 93 shall be taken.

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

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

**Section 153.** 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 reimbursement must be set aside in the Transfer of Appropriations Act, the Supplementary Appropriations Act, or the Annual Appropriations Act for the following fiscal year.

**Section 154.** The Senate and the House of Representatives are, by virtue of this Constitution, vested with the power to control the administration of the State affairs.

**Section 155.** Every senator or member of the House of Representatives has the right to interpellate a Minister on any matter within the scope of his authority, but the Minister has the right to decline to answer if the Council of Ministers is of the opinion that the matter should not yet be disclosed on the ground of safety or vital interest of the State.

The interpellation of a senator under paragraph one shall be answered in the Government Gazette.

**Section 156.** 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 have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister or in the Council of Ministers.

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 the general debate for the purpose of passing a vote of no-confidence in an individual Minister or in the Council of Ministers throughout the session.

**Section 157.** The sittings of the Senate and of the House of Representatives and of the joint sittings of the National Assembly are public under the conditions stipulated in the rules of procedure of each House. A sitting *in camera* shall be held at the request of the Council of Ministers or members of not less than one-fourth of the total number of the existing members of each House or of both Houses, as the case may be.

**Section 158.** The Senate and the House of Representatives have the power to select and appoint members of each House to constitute a standing committee and have the power to select and appoint members or other persons 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 said committee shall have the power to demand documents from any person or summon any person to give a statement of fact or opinion on the act or the matter under its inquiry or study.

The privileges provided in section 131 and section 132 shall also extend to the persons performing their duties under this section.

The number of members of a standing committee appointed solely from members of the House of Representatives shall be in proportion to or

in close proportion to the number of members of the House of Representatives of each political party or group of political parties in the House of Representatives.

In the absence of the rules of procedure of the House of Representatives under section 159, the Speaker of the House of Representatives shall determine the proportion under paragraph three.

**Section 159.** The Senate and the House of Representatives have the power to make the rules of procedure governing the selection and performance of duties of the Presidents, Vice-Presidents and committee members, quorum of committees, sittings, introduction and consideration of bills, presentation of motions, consultation, debate, passing of resolution, interpellation, general debate, observation of the rules and order as well as other matters for the execution of this Constitution.

**Section 159 bis.** If the senators or members of the House of Representatives of not less than one-tenth of the total number of the existing members of each House are of the opinion that the rules of procedure of the House of which they are members or the rules of procedure of the National Assembly in any matter is contrary to or inconsistent with the Constitution, they shall submit their opinion to the Constitutional Tribunal for consideration. After the Constitutional Tribunal has made a decision, the President of the House issuing the rules of procedure shall be notified of the decision accordingly.

## Part 5

### Joint Sittings of the National Assembly

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**Section 160.** The National Assembly shall hold a joint sitting in the

following cases:

- (1) approval of the appointment of the Regent under section 17;
- (2) making of a solemn declaration by the Regent before the National Assembly under section 19;
- (3) acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467 under section 20;
- (4) acknowledgment or approval of the succession to the Throne under section 21;
- (5) reconsideration of a bill under section 94;
- (6) approval of the prorogation of session under section 134;
- (7) opening of the session of the National Assembly under section 135;
- (8) drafting of the rules of procedure under section 161;
- (9) consideration and recommendation of persons to the King for appointing as Ombudsmen under section 162 bis;
- (10) announcement of policies under section 169;
- (11) general debate under section 171;
- (12) approval of the declaration of war under section 180;
- (13) approval of a treaty under section 181;
- (14) amendment of the Constitution under section 211.

**Section 161.** At a joint sitting of the National Assembly, the rules of procedure of the National Assembly shall apply. While the rules of procedure of the National Assembly has not yet been issued, the rules of procedure of the House of Representatives shall apply *mutatis mutandis*.

**Section 162.** The provisions applicable to both Houses shall apply *mutatis mutandis* to the joint sitting of the National Assembly, except 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.

**Section 162 bis.** The King appoints the Ombudsmen of not more than five persons in accordance with the resolution of the National Assembly, and the President of the National Assembly shall countersign the Royal Command appointing the Ombudsmen.

The qualifications, rules, procedure of appointment, removal, and the powers and duties of the Ombudsmen shall be as provided by law.

## CHAPTER VII

### The Council of Ministers

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**Section 163.** The King appoints the Prime Minister and not more than forty-eight other Ministers to constitute the Council of Ministers having the duties to carry out the administration of the State affairs.

The Prime Minister must be a member of the House of Representatives. The Speaker of the House of Representatives shall countersign the Royal Command appointing the Prime Minister.

**Section 164.** Before taking office, a Minister must make a solemn declaration before the King in the following words:

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

**Section 165.** A Minister must possess the qualifications and must not be under any prohibition as follows:

(1) the qualification of the person who has the right to be a candidate in an election under section 111 (1);

(2) being not less than thirty years of age;

(3) the prohibition under section 113 (1), (2), (3), (4), (7), (8) or (12);

(4) having been discharged for a period of less than five years before the appointment after being sentenced by a judgment to imprisonment for a term of two years or more, except for an offence committed through negligence.

**Section 166.** A Minister shall not be Government official holding a permanent position or receiving a salary except political official.

**Section 167.** A Minister shall not hold a position or perform an act, which a member of the House of Representatives is prohibited to hold or perform under section 114, except the position required to be held by law, and shall neither be manager, director, adviser, agent, nor employee of any person, partnership, company or organization, which engages in a business for profit.

**Section 168.** A Minister has the right to attend and give a statement of fact or opinion at a sitting of the House of which he is not a member.

but has no right to vote.

The provisions of section 131 and section 132 governing privileges shall apply *mutatis mutandis*.

**Section 169.** The Council of Ministers which will assume the administration of the State affairs must state its policy to the National Assembly, but no vote of confidence is required.

**Section 170.** Ministers shall carry out the administration of the State affairs in accordance with the provisions of the Constitution, law and policy as stated under section 169, and shall be responsible individually to the House of Representatives for the performance of their duties and shall be responsible collectively to the National Assembly for the general policy of the Council of Ministers.

A Minister shall submit an account showing his assets and liabilities as provided by law.

**Section 171.** If there is a problem in the administration of the State affairs, on which the Council of Ministers deems it advisable to take opinion of the senators and the members of the House of Representatives, the Prime Minister may give a notice to the President of the National Assembly requesting that a general debate be held at a sitting of the National Assembly. In such case, no resolution shall be passed by the National Assembly on the issue put in the debate.

**Section 172.** Ministers vacate office *en masse* upon:

(1) the passing of a vote of no-confidence by the House of Representatives under section 156;

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

Representatives;

(3) the resignation of the Council of Ministers;

(4) the termination of ministership of the Prime Minister under section 173.

The outgoing Council of Ministers shall remain in office and carry on the administration until the newly appointed Council of Ministers takes office.

**Section 173.** The ministership of an individual Minister terminates upon:

(1) death;

(2) resignation;

(3) being disqualified or being under any prohibition provided in section 165;

(4) being sentenced by a judgment to imprisonment;

(5) the passing of a vote of no-confidence by the House of Representatives under section 156;

(6) having done an act prohibited by section 167;

(7) a Royal Command issued under section 174.

The provisions of section 97, section 98 and section 99 shall apply to the termination of the ministership under (2), (3), (4) or (6).

**Section 174.** The King has the prerogative power to relieve a Minister of his office upon the advice of the Prime Minister.

**Section 175.** 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 an

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

If the Emergency Decree under paragraph one has the effect to amend or repeal 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 Senate and the House of Representatives 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 of Representatives, such Emergency Decree shall continue to have the force as an Act.

The Prime Minister shall cause the approval or disapproval of the Emergency Decree to be published in the Government Gazette. In case of disapproval, it shall be effective as from the day following the date of its publication in the Government Gazette.

The consideration of an Emergency Decree by the Senate and by the House of Representatives in case of reaffirmation of approval of the

Emergency Decree must take place at the first opportunity when such Houses hold their sittings.

**Section 176.** Before the Senate or the House of Representatives approves an Emergency Decree under section 175 paragraph three, senators or members of the House of Representatives of not less than one-fifth of the total number of the existing members of each House have the right to submit an opinion to the President of the House of which they are members that the Emergency Decree is not in accordance with section 175 paragraph one, and the President of the House who receives such opinion shall then refer it to the Constitutional Tribunal for decision. After the Constitutional Tribunal has given a decision thereon, it shall notify the President of the House referring such opinion of its decision.

After the President of the Senate or the Speaker of the House of Representatives has received an opinion from senators or members of the House of Representatives under paragraph one, he shall defer the consideration of such Emergency Decree until he is notified of the decision of the Constitutional Tribunal under paragraph one.

In the case where the Constitutional Tribunal has decided that an Emergency Decree is not in accordance with section 175 paragraph one, such Emergency Decree shall not have the force of law *ab initio*.

The decision of the Constitutional Tribunal to the effect that an Emergency Decree is not in accordance with section 175 paragraph one must be passed by votes of not less than two-thirds of the total number of members of the Constitutional Tribunal.

**Section 177.** 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 section 175 shall apply *mutatis mutandis*.

**Section 178.** The King has the prerogative power to issue a Royal Decree which is not contrary to the law.

**Section 179.** The King has the prerogative power 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 without delay, the military authority may do so under the Martial Law.

**Section 180.** The King has the prerogative power to declare war with the approval of the National Assembly.

The resolution of approval 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 of the House of Representatives or the dissolution thereof, the Senate shall perform the function of the National assembly in making the approval under paragraph one, and a resolution shall be passed by votes of not less than two-thirds of the total number of the existing senators.

**Section 181.** The King has the prerogative power to conclude a peace treaty, armistice and other treaties with other countries or international

organizations.

A treaty which provides for a change in the Thai territories or the jurisdiction of the State or requires the enactment of an Act for its implementation must be approved by the National Assembly.

**Section 182.** The King has the prerogative power to grant pardon.

**Section 183.** The King has the prerogative power to remove titles and recall decorations.

**Section 184.** The King appoints and removes officials in the military service and in the civil service holding the positions of Permanent Secretary of State, Director-General and their equivalent.

**Section 185.** Subject to section 184, the requirement of qualifications, recruitment, appointment, promotion, increase of salaries, punishment and retirement of Government officials shall be as provided by law.

**Section 185 bis.** A Government official holding a permanent position or receiving a salary, except political official, shall not be a political official.

**Section 185 ter.** Emoluments and other remunerations of Privy Councillors, President and Vice-Presidents of the Senate, Speaker and Deputy Speaker of the House of Representatives, Leader of the Opposition in the House of Representatives, senators, members of the House of Representatives, Election Commissioners, Ombudsmen and members of the Constitutional Tribunal shall be prescribed by the Royal Decree.

**Section 185 quarter.** All laws, Royal Rescripts and Royal Commands relating to the State affairs must be countersigned by a Minister unless otherwise provided in this Constitution.

## CHAPTER VIII

### The Courts

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**Section 186.** The trial and adjudication of cases are the powers of the Court, which must proceed in accordance with the law and in the name of the King.

**Section 187.** All Courts may be established only by Acts.

**Section 188.** 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.

**Section 189.** A law having an effect of changing or amending the law on organization of courts or law on judicial procedure for the purpose of applying it to a particular case shall not be enacted.

**Section 190.** Judges are independent in the trial and adjudication of cases in accordance with the law.

**Section 191.** Judges shall not be political officials.

**Section 192.** The King appoints and removes judges.

Before taking office for the first time, a judge is required to make a solemn declaration before the King in the words prescribed by the Judicial Commission under the law on judicial service.

**Section 193.** The appointment and removal from office of a judge of a Court of Justice must be approved by the Judicial Commission under the law on judicial service before they are tendered to the King.

The promotion, increase of salaries and punishment of judges of the Court of Justice must be approved by the Judicial Commission under the law on judicial service.

**Section 194.** Military Courts have the powers to try and adjudicate cases as provided by law.

The appointment and removal of a military judge shall be as provided by law.

**Section 195.** Administrative Courts have the powers to try and adjudicate cases as provided by law.

**Section 195 bis.** The King appoints and removes administrative judges.

Before taking office for the first time, an administrative judge is required to make a solemn declaration before the King in the words as provided by law.

**Section 195 ter.** The appointment and removal from office of an administrative judge must be approved by the Judicial Commission of

Administrative Court as provided by law before they are tendered to the King.

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

**Section 195 quarter.** The appointment and removal from office of a judge of a Court other than the Court of Justice, Administrative Court and Military Court as well as the jurisdiction and procedure of such Court shall be in accordance with the law on the establishment of such Court.

**Section 195 quinqe.** In the case where there is a dispute on the jurisdiction between the Court of Justice and any other Court or between other Courts, the Constitutional Tribunal shall decide it.

## CHAPTER IX

### Local Government

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**Section 196.** The local administration established as the local administrative organization shall be in accordance with the principle of self-government according to the will of the people in the locality as provided by law.

The local administrative organization under paragraph one shall enjoy an autonomy to lay down the policy for local self-government and shall have the autonomy in local taxation and finance as provided by law.

The supervision of the local administrative organization must be exercised as necessary for protecting the local interest or the interest of the

country as a whole.

**Section 197.** Any locality which meets the conditions of self-government as provided by law shall have the right of self-government.

**Section 198.** Members of a local assembly shall be basically elected. Members shall be appointed only in case of necessity in accordance with the provisions of the law, and whose number must be less than the number of elected members.

The election of members of a local assembly shall be by direct suffrage and secret ballot.

A candidate for an election of members of a local assembly must at least possess the qualifications in accordance with section 111 (1) and (2).

The rules and procedure of election under this section shall be in accordance with the law on such purpose.

**Section 199.** A member of local administrative committee or local administrator shall be basically elected. A member of local administrative committee or local administrator shall be appointed only in case of necessity as provided by law.

The rules and procedure of election under this section shall be in accordance with the law on such purpose.

## CHAPTER X

### The Constitutional Tribunal

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**Section 200.** The Constitutional Tribunal consists of the President

of the National Assembly, the President of the Senate, the President of the Supreme Court, the Attorney-General, and six qualified persons in law or political science, three of whom are appointed by the Senate and the others by the House of Representatives.

The President of the National Assembly shall be President of the Constitutional Tribunal.

During the expiration of the term of the House of Representatives or the dissolution thereof, the *ex officio* members of the Constitutional Tribunal under paragraph one shall consist of the President of the Senate, the President of the Supreme Court and the Attorney-General. In such case, the President of the Senate is President of the Constitutional Tribunal.

**Section 201.** A member of the Constitutional Tribunal appointed by the Senate or the House of Representatives shall not be a senator, member of the House of Representatives, member of a local assembly, local administrator, Government official holding a permanent position or receiving a salary, official of a State enterprise, or local government official.

**Section 202.** A member of the Constitutional Tribunal appointed by the Senate or the House of Representatives shall hold the office for four years, but may be re-appointed.

The outgoing member of the Constitutional Tribunal shall continue to perform his duties until a new appointment of a member of the Constitutional Tribunal is made.

**Section 203.** In addition to the expiration of the term of office, a member of the Constitutional Tribunal appointed by the Senate or the House of Representatives vacates office upon:

- (1) death;

- (2) resignation;
- (3) being under any prohibition under section 201;
- (4) being sentenced by a judgment to imprisonment.

**Section 204.** If the office of a member of the Constitutional Tribunal appointed by the Senate or the House of Representatives becomes vacant upon any reason other than the expiration of the term of office, the Senate or the House of Representatives, as the case may be, shall appoint a new member of the Constitutional Tribunal to fill the vacancy within thirty days.

The period referred to in paragraph one means the period during the session.

Before the appointment of a new member of the Constitutional Tribunal under paragraph one, the remaining members shall continue to perform their duties.

**Section 205.** After a bill has been approved by the National Assembly and before the Prime Minister presents it to the King for signature under section 93:

(1) if senators or 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 of both Houses are of the opinion that the provisions of the said bill are contrary to or inconsistent with the Constitution or such bill is enacted in contrary to the provisions of the Constitution, they shall submit their opinion to the President of the National Assembly, the President of the Senate, or the Speaker of the House of Representatives, as the case may be, and the President of the House who receives the said opinion shall then refer it to the Constitutional Tribunal for decision and inform the Prime Minister thereof;

(2) if the Prime Minister is of the opinion that the provisions of the said bill are contrary to or inconsistent with the Constitution or such bill is

enacted in contrary to the provisions of the Constitution, he shall refer such opinion to the Constitutional Tribunal for decision and then inform the President of the Senate and the Speaker of the House of Representatives thereof.

During the consideration of the Constitutional Tribunal, the Prime Minister shall suspend the proceedings in respect of the promulgation of the bill referred to in paragraph one until the Constitutional Tribunal makes a decision thereon. If the Constitutional Tribunal decides that the provisions of such bill are contrary to or inconsistent with the Constitution or such bill is enacted in contrary to the provisions of the Constitution, such bill shall lapse.

**Section 206.** In applying 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 and the Court thinks there is a justifiable reason to believe that, the provisions of such law fall within the provisions of section 5 and there has not yet been a decision of the Constitutional Tribunal on the provisions of such law, the Court shall stay its trial and adjudication of the case and submit its opinion through proper channel to the Constitutional Tribunal for consideration and decision.

The decision of the Constitutional Tribunal shall apply to all cases but shall not affect the judgments of the Courts which have been final.

**Section 207.** In the case where the Council of Ministers, the National Assembly, the Senate or the House of Representatives resolves that there is a problem which requires an interpretation of the Constitution, the Prime Minister, the President of the National Assembly, the President of the Senate or the Speaker of the House of Representatives, as the case may be, shall refer such problem to the Constitutional Tribunal for decision.

**Section 208.** At a sitting of the Constitutional Tribunal, the presence of not less than six members shall constitute a quorum.

The resolutions of the sitting shall be passed by the majority of votes, unless otherwise provided in this Constitution.

**Section 209.** The decision of the Constitutional Tribunal shall be deemed final and shall be published in the Government Gazette.

**Section 210.** The procedure of the Constitutional Tribunal shall be in accordance with the law.

## CHAPTER XI

### Amendment of the Constitution

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**Section 211.** 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-third of the total number of the existing members of the House of Representatives, or members of both Houses of not less than one-third of the total number of the existing members thereof. The members of the House of Representatives may propose or jointly propose such motion only in accordance with the resolutions of the political parties to which they belong;

(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 voting in the second reading for consideration section by section shall be decided by simple majority of votes;

(5) at the conclusion of the second reading, there shall be an intervening period 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 rules and procedure, the draft Constitution Amendment shall be presented to the King, and the provisions of section 93 and section 94 shall apply *mutatis mutandis*.

### Transitory Provisions \*\*\*

**Section 212.** As from the date of the promulgation of this Constitution until the date of the election of members of the House of Representatives under section 218, the National Legislative Assembly under the Constitution for the Administration of the Kingdom B.E. 2534 shall act as the National Assembly in accordance with this Constitution, but the members of the National Legislative Assembly shall not introduce a bill under section 137, draft Constitution Amendment under section 211, exercise the right of interpellation

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\*\*\* Transitory Provisions are the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534

under section 149 or submit motion for a general debate under section 150 or section 151.

The provision of section 96 and section 108 shall not apply to the holding of office of the members of the National Legislative Assembly under paragraph one.

**Section 213.** section 125, section 126, section 133, section 134 and section 135 shall apply *mutatis mutandis* to members of the National Legislative Assembly under section 212.

**Section 214.** The Privy Council holding office before the promulgation of this Constitution shall be the Privy Council under this Constitution.

**Section 215.** The Council of Ministers administering the State affairs before the date of the promulgation of this Constitution shall be the Council of Ministers under this Constitution, and section 162 and section 163 shall not apply to the holding of office of the Ministers under this section. After the election of members of the House of Representatives under section 218, the Council of Ministers referred to in paragraph one shall vacate office; provided that it shall remain in office and perform the duties until the new Council of Ministers takes office.

Section 183 and section 191 shall not apply to the officials holding the positions of political officials before the date the new Council of Ministers takes office.

**Section 216.** Since the date of the promulgation of this Constitution, the provision of section 7 of the Constitution for the Administration of the Kingdom B.E. 2534 shall continue to be in force until the appointment of senators under section 217, and the provision of section 18, section 19, section 20, section 21,

section 22 and section 23 of the Constitution for the Administration of the Kingdom B.E. 2534 shall also continue to be in force until the date the new Council of Ministers takes office.

**Section 217.** As for the initial stage, the King shall appoint a person possessing qualifications under section 94 paragraph one in the number as provided in section 94 paragraph two to be senators on the date of the election under section 218. The President of the National Peacekeeping Council shall countersign the Royal Command under paragraph one.

Membership of the Senate is four years and, during this time, section 98 shall apply *mutatis mutandis*.

**Section 218.** The election of members of the House of Representatives under the provisions of this Constitution shall be carried out within one hundred and twenty days as from the date of the promulgation of this Constitution.

**Section 219. \*\*\*\***

**Section 220.** As for the initial stage, the Senate and the House of Representatives shall appoint the members of the Constitutional Tribunal under section 200 within thirty days as from the day opening the first ordinary session of the National Assembly after the election of the House of Representatives under section 218.

**Section 221. \*\*\*\*\***

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\*\*\*\* As repealed by section 3 of the Constitution of the Kingdom of Thailand Amendment (No.3), B.E. 2535 (1992)

\*\*\*\*\* As repealed by section 3, *ibid.*

**Section 222.** All announcements or orders of the National Peacekeeping Command or of the Chairman of the National Peacekeeping Command or other laws amending or adding an announcement or order of the National Peacekeeping Command or of the Chairman of the National Peacekeeping Command issued to be in force before the day on which this Constitution is promulgated, or orders of the Prime Minister or of the Chairman of the National Peacekeeping Council issued by virtue of section 27 of the Constitution for the Administration of the Kingdom B.E. 2534, regardless of their legislative, executive or judicial force, which are in force before the date of the promulgation of this Constitution, shall continue to be in force. And if the said announcements or orders are in the legislative or judicial force, the repeal or modification of the said announcements or orders shall be made by an Act. An Act enacted in accordance with this section shall have no effect to an act performed by any person or group of persons in compliance with such announcement or order, and no person shall expose such person or group of persons to any sort of execution or action.

**Section 223.** In the case where the law prescribes that any act requires the consent or approval of the National Assembly, the Senate or the House of Representatives, after the act has been consented or approved by the National Legislative Assembly under the Constitution for the Administration of the Kingdom B.E. 2534 or under section 216 of this Constitution, it shall be deemed that the National Assembly, the Senate or the House of Representatives, as the case may be, consents approves it.

Countersigned by :

Ukrit Mongkolnavin

President of the National Legislative Assembly

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CONSTITUTION OF THE KINGDOM OF THAILAND  
Amendment (No. 5) B.E. 2538 (1995)

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BHUMIBOL ADULYADEJ REX..

Enacted on the 10th Day February B.E. 2538;  
Being the 50th Year of the Present Reign.

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej has the Royal Command to proclaim that whereas it is expedient to amend the Constitution of the Kingdom of Thailand.

Be it, therefore, enacted by the King, the Constitution of the Kingdom of Thailand Amendment, as follows :

**Section 1.** This Constitution shall be called the Constitution of the Kingdom of Thailand (The fifth Amendment) B.E. 2538.

**Section 2.** This constitution shall be in force from the day following the promulgation in the Government Gazette.

**Section 3.** Chapter 3 to Chapter 11 Section 24 to Section 211 of the Constitution of the Kingdom of Thailand B.E. 2534 which is amended by the Constitution of the Kingdom of Thailand (1st Amendment) B.E. 2535, Constitution of the Kingdom of Thailand (2nd Amendment) B.E. 2535, Constitution of the Kingdom of Thailand (3rd Amendment) B.E. 2535 and Constitution of the Kingdom of Thailand (4th Amendment) B.E. 2535 shall be abolished and replaced by the followings.

**(The whole amendment is inserted in the Constitution of the Kingdom of Thailand B.E. 2534)**

### Transitory Provisions

**Section 4.** Senators holding office on the date of the promulgation of this Constitution shall be the senators under the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution until the expiration of the term of four years from the date of the election of members of the House of Representatives under section 218 of the Constitution of the Kingdom of Thailand, B.E. 2534.

**Section 5.** A senator or member of the House of Representatives who has received any concession from the State or a Government agency or State agency or State enterprise or has become a party to the contract of the nature of economic monopoly with the State or a Government agency or State agency or State enterprise, whether directly or indirectly, on the date of the promulgation of this Constitution shall continue to hold the concession or to be a party to the contract until the expiration of the term of the concession or the term of the contract or the termination of his membership.

**Section 6.** Members of the House of Representatives holding office on the date of the promulgation of this Constitution shall be the members of the House of Representatives under the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution.

The provisions of section 105, section 106 and section 109 (2) shall apply to the first general election to be held after the date of the promulgation of this Constitution.

An election of a member of the House of Representatives to fill the vacancy before the first general election under paragraph two shall be held in accordance with the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534.

**Section 7.** Before the amendment of the provisions of the law or

the enactment of new law to establish the Election Commission, the provisions of section 115 paragraph two and paragraph three of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution shall not apply, which shall not be beyond two years as from the date of the promulgation of this Constitution.

**Section 8.** The Leader of the Opposition in the House of Representatives holding office on the date of the promulgation of this Constitution shall be the Leader of the Opposition in the House of Representatives under the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution.

**Section 9.** The President and the Vice-Presidents of the Senate holding office on the date of the promulgation of this Constitution shall be the President and the Vice-Presidents of the Senate until the expiration of the term of the Senate under section 4 of this Constitution or the vacation of office before the expiration of the term of office under section 126 of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution.

The Speaker and the Deputy Speakers of the House of Representatives holding office on the date of the promulgation of this Constitution shall be the Speaker and the Deputy Speakers of the House of Representatives under the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution.

**Section 10.** The committees under section 141, section 153 and section 158, the rules of procedure of the Senate and the rules of procedure of the House of Representatives under section 154, and the rules of procedure of the National Assembly under section 157 of the Constitution of the Kingdom of Thailand, B.E. 2534 shall be the committees under section 147, section 158 and section 162, and the rules of procedure of the Senate and the rules of procedure of the House of Representatives under section 159, and the rules of procedure

of the National Assembly under section 161 of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution.

**Section 11.** The Council of Ministers carrying out the administration of the State affairs on the date of the promulgation of this Constitution shall remain the Council of Ministers under the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution.

**Section 12.** Before the amendment of the provisions of the law to establish the local administrative organization in accordance with the provisions of section 196 of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution, the law on local government as in force on the date of the promulgation of this Constitution shall apply until the enactment of the law to implement the provisions of section 196 of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution; provided that the enactment of the implementation law shall not be beyond four years as from the date of the promulgation of this Constitution.

**Section 13.** The Constitutional Tribunal holding office on the date of the promulgation of this Constitution shall be the Constitutional Tribunal under the provisions of the Constitution of the Kingdom of Thailand, B.E. 2534 as amended by this Constitution.

Countersigned by:

Chuan Leekpai\*\*\*\*\*

Prime Minister

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\*\*\*\*\* The Constitution of the Kingdom of Thailand, B.E.2534 was countersigned by Professor Dr.Ukrit Mongkolkeha, the then President of the National Legislative Assembly. However, the Constitution of the Kingdom of Thailand Amendment (No.5), B.E.2538 was countersigned by Mr.Chuan Leekpai, the Prime Minister.

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