

Translation

CONSTITUTION OF THE KINGDOM OF THAILAND

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

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

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayammintharathirat Borommanatthabophit is graciously pleased to proclaim that the President of the National Legislative Assembly has respectfully informed that the democratic regime of government with the King as Head of State in Thailand has undergone developments for more than seventy-five years, and throughout this period of time Constitutions have been promulgated, repealed and amended on several occasions as appropriate for the changing society and times, and whereas the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 has provided for the establishment of a Constituent Assembly and Constitution Drafting Commission entrusted with the function of drafting a new Constitution in its entirety as a basis for the administration of the State whereby extensive public's participation in expressing opinions has been provided at all stages and such opinions have been continually applied as special considerations in the drafting process and debates on motions.

The key principles embedded in this newly prepared draft Constitution is to achieve the common goal of the Thai people in maintaining independence and national security, upholding the continued existence of all religions, revering the King as Head of State and as a national inspiration, upholding the democratic regime of government with the King as Head of State as a guiding principle for the administration of the State, the protection of people's rights and liberties, providing for the people's substantive roles and participation in the administration and scrutiny over the exercise of State powers, prescribing political mechanisms, whether the legislature or the executive, so as to secure balances and efficiencies pursuant to the traditions of the parliamentary model, as

well as strengthening court institutions and other independent bodies to enable the fair and honest performance of duties.

At the completion of drafting process, the Constituent Assembly disseminated the draft Constitution to the public for acknowledgement and held a referendum for public approval of the entire draft Constitution. The referendum result has shown that the majority of eligible voters voted in favour of the adoption of the new draft Constitution. The President of the National Legislative Assembly thereby presents the draft Constitution to the King for His Royal signature to promulgate it as the Constitution of the Kingdom of Thailand and is graciously pleased in so doing to comply with the public opinion.

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

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

CHAPTER I

General Provisions

Section 1. Thailand is one and indivisible Kingdom.

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

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

The performance of duties of the National Assembly, the Council of Ministers, the Courts, Constitutional organisations and State agencies shall be in accordance with rules of law.

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

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

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

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

CHAPTER II

The King

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

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

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

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

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

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

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

Section 13. The selection and appointment or removal of a Privy Councilor shall be at the King's pleasure.

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

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

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

Section 15. Before taking office, a Privy Councilor shall make a solemn declaration before the King in the following words:

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

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

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

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

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

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

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

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

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

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

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

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

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

The Amendment of the Palace Law on Succession, B.E. 2467 shall be the prerogative of the King. At the initiative of the King, the Privy Council shall draft the Palace Law Amendment which shall be presented to the King for His consideration. When the King has already approved the draft Palace Law Amendment and put His signature thereto, 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. The Palace Law Amendment shall come into force upon its publication in the Government Gazette.

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

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

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

Assembly, the President of the National Assembly shall invite such Successor to ascend the Throne and proclaim such Successor as King.

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

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

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

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

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

CHAPTER III

Rights and Liberties of Thai People

Part 1

General Provisions

Section 26. The exercise of powers by all State authorities shall pay due regard to human dignity, rights and liberties in accordance with the provisions of this Constitution.

Section 27. Rights and liberties recognised by this Constitution explicitly, by implication or by decisions of the Constitutional Court shall be protected and directly binding on the National Assembly, the Council of Ministers, the Courts, Constitutional organisations and State agencies with respect to the enactment, application and interpretation of all laws.

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

A person whose rights and liberties recognised by this Constitution is violated can invoke the provisions of this Constitution to exercise rights in Courts or to defend himself in Courts.

A person can directly exercise rights in Courts to enforce the State's compliance with the provisions in this Chapter. If there is a law providing details on the exercise of any right and liberty recognised by this Constitution, the exercise of that right and liberty shall be in accordance with such law.

A person shall have the right to be promoted, supported and assisted by the State in the exercise of rights under this Chapter.

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

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

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

Part 2

Equality

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

Men and women shall enjoy equal rights.

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

Measures determined by the State in order to eliminate an obstacle to or to promote a person's ability to exercise rights and liberties on the same basis as other persons shall not be deemed as unjust discrimination under paragraph three.

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

Part 3

Rights and Liberties of an Individual

Section 32. A person shall enjoy the right and liberty in his life and person.

Torture, brutal acts or punishment by cruel or inhumane means shall not be inflicted; but a punishment imposed pursuant to a Court judgment or by virtue of law shall not be deemed as punishment by cruel or inhumane means under this paragraph.

Arrest and detention of person shall not be made except by order or warrant issued by the Courts or on other grounds as provided by law.

Search of person or any act affecting the right and liberty under paragraph one shall not be made except by virtue of law.

In the case where there is an act affecting the right and liberty under paragraph one, the injured person, public prosecutor or any person acting for the benefit of the injured person shall have the right to file a motion to the Courts to restrain or withdraw such act, which may also include the imposition of an appropriate measure, or a remedy for losses occurred therefrom.

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

A person is protected for his peaceful habitation in and for possession of a dwelling.

Entry into a dwelling without the consent of its possessor or search of a dwelling or private place shall not be made except by order or warrant issued by the Courts or on other grounds as provided by law.

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

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

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

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

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

A person shall be protected from the unlawful exploitation of personal information in relation to oneself as provided by law.

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

Censorship, detention or disclosure of communication between persons including any other act which discloses the content of a communication between persons shall not be made except by virtue of law specifically enacted for security of the State or maintaining public order or good morals.

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

In exercising the liberty referred to in paragraph one, a person shall be 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 denomination or creed or observing religious precepts or commandments or exercising a form of worship in accordance with his different belief from that of others.

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

Part 4

Rights in Judicial Process

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

imposed on such person shall not be of greater severity than that provided by law in force at the time of the commission of the offence.

A suspect or defendant in a criminal case shall be presumed innocent.

Before a final judgement convicting a person for an offence, such person shall not be treated as a convict.

Section 40. A person shall have the following rights in the judicial process:

(1) right of easy, convenient, expedient and comprehensive access to the judicial process;

(2) fundamental rights in the judicial process which shall consist at least of the right to public trial; right to be adequately informed of the facts and to inspect documents, right to present one's facts, defences and evidence, right to object to judges, right to be considered by the full bench of judges, and right to be informed of the reasons for a ruling, judgement or order;

(3) right to a proper, swift and fair trial;

(4) an injured person, suspect, plaintiff, defendant, interested party, interested person or witness in a case shall have the right to appropriate treatment in the judicial process, which includes the right to proper, swift and fair investigations and to withhold self-incriminating testimony;

(5) an injured person, suspect, defendant and witness in a criminal case shall have the right to necessary and appropriate assistance from the State. Remuneration, compensation and necessary expenses shall be as provided by law;

(6) a child, youth, woman, senior person or disabled or handicapped person shall have the right to appropriate protection in judicial process and shall have the right to appropriate treatment in cases relating to sexual violence;

(7) a suspect or defendant in a criminal case shall have the right to proper, swift and fair investigations or trial with an adequate opportunity to defend his case, the right to examine or to be informed of evidence as appropriate, right to be assisted counsel in legal proceedings and the right to bail;

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

Part 5

Property Rights

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

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

Section 42. Expropriation of immovable property shall not be made except by virtue of law specifically for the purpose of a State activity with respect to public utilities, essential elements of national defence, procurement of national resources, town and country planning, promotion and preservation of environmental quality, agricultural or industrial development, land reform, conservation of ancient monuments and historical sites, or other public interests, and fair compensation shall be paid in due time to the owner thereof as well as to all persons having rights thereto, who suffer loss as a result of such expropriation, as provided by law.

The amount of compensation under paragraph one shall be fairly determined with due regard to the normal market price, mode of acquisition, condition and location of the immovable property, loss of the person whose property or right thereto is expropriated, and benefits that the State and the person whose property or right thereto is expropriated may receive from the use of the expropriated property.

An immovable property expropriation law shall specify the purpose of the expropriation and expressly prescribe a period of time for use of the immovable property. 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.

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

Part 6

Rights and Liberties in Occupation

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

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

Section 44. A person shall enjoy the right to work safety and welfare and to living security irrespective of whether he is employed or unemployed in accordance with the provisions of law.

Part 7

Freedom of Expression of Individuals and the Press

Section 45. A person shall enjoy the liberty to express opinions, speech, writing, printing, publication, and expressions by other means.

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

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

The prevention of a newspaper or other mass media from presenting news or expressing their opinions, wholly or partly, or interference in any manner whatsoever in deprivation of the liberty under this section shall not be made except by virtue of law enacted in accordance with the provisions of paragraph two.

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

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

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

Section 46. Officials or employees in a private sector undertaking newspaper, radio or television broadcasting businesses or other mass media business shall enjoy the liberties to present news and express their opinions under the constitutional restrictions without mandate of any government agency, State agency, State enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics, and shall enjoy the right to form an organisation to protect rights, liberties and fairness as well as a self-regulating mechanism for the professional organisation.

Government officials, officials or employees of a government agency, State agency or State enterprise engaging in the radio or television broadcasting business or other mass media business shall enjoy the same liberties as those enjoyed by officials or employees in the private sector under paragraph one.

Any act committed by a person holding political position, State official or the owner of business with a view to obstruct or interfere with the presentation of news or expression of opinions on a public issue of a person under

paragraph one or paragraph two, irrespective of whether such act has been done directly or indirectly, shall be deemed as a wilful misuse of power and take no effect except where such act has been done to secure compliance with the law or professional ethics.

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

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

Undertakings under paragraph two shall have regard to the greatest benefit of the public at national and local levels with respect to education, culture, State security, other public interests and fair and free competition, including public participation in providing public mass media.

The supervision of the businesses under paragraph two shall also contain measures for the prevention of merger, cross-control or domination among the mass media or by other persons which may interfere with the public's liberty to access information or hinder the public from access to a variety of information.

Section 48. No person holding a political position shall be the owner of or hold shares in a newspaper, radio or television broadcasting or telecommunication business, whether in one's own name, or through the business ownership or shareholding of others on one's behalf, or by other direct or indirect means which enable the administration of such business in the same manner as an owner or shareholder of such business.

Part 8

Rights and Liberties in Education

Section 49. Every person shall enjoy equal rights to receive at least twelve years of comprehensive and quality education as provided by the State free of charge.

The indigent, disabled or handicapped, or destitute person shall enjoy equal rights under paragraph one and shall be supported by the State to receive education on an equal basis as other persons.

Education and training provided by professional or private organisations, alternative education of the public, self-learning and lifelong learning shall receive appropriate protection and promotion from the State.

Section 50. A person shall enjoy academic freedom.

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

Part 9

Rights to Public Health Services and Welfare

Section 51. Every person shall enjoy equal rights to receive appropriate and standard public health service, and the indigent shall have the right to receive free medical treatment from a State infirmary.

A person shall have the right to receive comprehensive and efficient public health services from the State.

A person shall have the right to enjoy the prompt prevention and eradication of harmful contagious diseases from the State free of charge.

Section 52. Children and youth shall enjoy the right to survive and to receive physical, mental and intellectual development according to their potentials in a suitable environment with due regard to their participation.

Children, youth, women and family members shall have the right to receive protection against violence and unfair treatment from the State and shall have the right to medical treatment or rehabilitation upon the occurrence thereof.

Interferences with and imposition of restrictions on the rights of children, youth and family members shall not be made except by virtue of law specifically enacted for the maintenance of family institution or the greatest benefit of such person.

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

Section 53. A person who is over sixty years of age and has insufficient income for living shall have the right to welfare, public facilities as fitting for such person's status and appropriate aid from the State.

Section 54. The disabled or handicapped shall have the right of access to and utilise welfare services, public facilities and appropriate aid from the State.

A person of unsound mind shall have the right to appropriate aid from the State.

Section 55. A person who is homeless and has insufficient income for living shall have the right to appropriate aid from the State.

Part 10

Rights to Information and Complaints

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

Section 57. A person shall have the right to receive information, explanation and reasons from a government agency, State agency, State enterprise or local government organisation before granting a license or undertaking a project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interests concerning him or a local community and shall have the right to express his opinions on such matters to the concerned agencies for their consideration.

The State shall arrange for a comprehensive public consultation process prior to the implementation of a social, economic, politic and cultural development plan, the expropriation of immovable property, the determination of town and country plan, the determination of land use, and the enactment of a rule which may affect the material interests of the public.

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

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

Section 60. A person shall have the right to take legal action against a government agency, State agency, State enterprise, local government organisation or other State authority which is a juristic person to assert liability for an act or omission of government officials, officials or employees of such agencies.

Section 61. The right of a person who is a consumer to receive truthful information shall be protected and a consumer shall have the right to make a complaint for remedy of damage and to unite with others so as to protect consumers' rights.

There shall be a consumer protection organisation which is independent from a State agency consisting of representatives of consumers to perform the functions of giving opinions to a State agency for consideration on the

enactment and application of laws, rules and regulations and on the determination of various measures for consumer protection, and for examining and making a report on any act or omission related to consumer protection. The State shall provide financial support for an operation of such independent organisation.

Section 62. A person shall have the right to follow up and to request for examination of the performance of duties of a person holding political position, State agency and State officials.

A person who in good faith provides information related to the performance of duties of a person holding political position, State agency and State officials to the organisation examining the exercise of State power or State agency shall be protected.

Part 11

Liberties to Assembly and Association

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

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

Section 64. A person shall enjoy the liberty to unite and form an association, union, federation, co-operative, farmers' group, private organisation, non-governmental organisation or any other group.

Government officials and State officials shall enjoy the same liberty to association as other persons generally provided that the efficiency of State administration and the continuation of public services are not affect, as provided by law.

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

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

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

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

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

Part 12

Community Rights

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

Section 67. The rights of a person to participate with the State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be appropriately protected.

Any project or activity which may seriously affect communities with respect to the quality of the environment, natural resources and biological diversity shall not be undertaken, unless its impacts on the quality of the environment and health of the people in the communities have been studied and evaluated and consultation with the public and interested parties have been organised, and opinions of an independent organisation, consisting of representatives from private environmental and health organisations and from higher education institutions providing studies in the field of environment, natural resources or health, have been obtained prior to the operation of such project or activity.

The right of a community to take legal action against a government agency, State agency, State enterprise, local government organisation or other State authority which is a juristic person to enforce the performance of duties under these provisions shall be protected.

Part 13

Rights to Protect the Constitution

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

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

In the case where the Constitutional Court passes a ruling which compels the political party to cease the act under paragraph two, the Constitutional Court may order the dissolution of such political party.

In the case where the Constitutional Court issues a dissolution order under paragraph three, the right to vote in an election of the President and the executive committee of the dissolved political party at the time the act under paragraph one has been committed shall be suspended for a period of five years as from the date of such Constitutional Court order.

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

CHAPTER IV

Duties of the Thai People

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

Section 71. Every person is under a duty to defend the country, to protect national interests and to obey the law.

Section 72. Every person is under a duty to exercise the right to vote at an election.

A person who exercises the right to vote at an election or fails to exercise such right without notifying a reasonable justification for such failure shall be entitled to or lose rights as provided by law.

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

Section 73. Every person is under a duty to serve in the armed forces, render assistance in providing public calamity prevention and rehabilitation, pay taxes, render assistance to the official service, receive education and training, protect, preserve and pass on national arts and culture and local wisdom and conserve natural resources and the environment as provided by law.

Section 74. A Government official, official or employee of a government agency, State agency, State enterprise or local government organisation and other State officials shall have a duty to act in compliance with the law in order to protect common interests, and provide conveniences and services to the public according to good public governance principles.

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

In the case where a person under paragraph one neglects or fails to perform duties under paragraph one or paragraph two, an interested person shall have the right to request the person under paragraph one or his superior to give an explanation, show reasons and request them to act in compliance with the provisions of paragraph one or paragraph two.

CHAPTER V

Directive Principles of Fundamental State Policies

Part 1

General Provisions

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

In stating its policies to the National Assembly, the Council of Ministers which will assume the administration of State affairs shall clearly state to the National Assembly the activities and their implementation period intended to be carried out for the administration of State affairs in pursuance of the directive

principles of fundamental State policies provided in this Chapter and shall prepare and submit to the National Assembly an annual report on the result of the implementation, including problems and obstacles encountered.

Section 76. The Council of Ministers shall prepare a State administration plan stating the measures and details of guidelines for the discharge of official functions in each year of the administration of the State, which must be consistent with the directive principles of fundamental State policies.

For the purpose of State administration, the Council of Ministers shall prepare a plan for the enactment of legislation necessary for the implementation of policies and the State administration plan.

Part 2

National Security Policy

Section 77. The State shall protect and uphold the institution of kingship and the independence, sovereignty and integrity of its jurisdictions and shall arrange for the maintenance of necessary and adequate armed forces and ordnances as well as up-to-date technology for the protection and upholding of its independence, sovereignty, security of State, institution of kingship, national interests and the democratic regime of government with the King as Head of State, and for national development.

Part 3

State Administration Policies

Section 78. The State shall act in compliance with the following State administration policies:

(1) to carry out the administration of State affairs with a view to establishing the sustainable development of society, the economy and national security by promoting the implementation of the sufficiency economy philosophy with significant regard to overall benefits of the nation;

(2) to organise a system for the central administration, provincial administration and local administration with clear limits, powers, duties and responsibilities suitable for national development, and to support the *Changwat's* formulation of a development plan and provincial development budget for the benefit of the public within that area;

(3) to decentralize powers to local government organisations in order to promote self-dependency and self-determination of local affairs, to promote local government organisation participation in the implementation of directive principles of fundamental State policies, to develop local economies,

public utilities and assistances as well as a comprehensive and nationally uniform information infrastructure in the localities, including to develop a competent *Changwat* into a large-sized local government organisation after having due regard to the will of the people in that *Changwat*;

(4) to develop a State sector working system by placing emphasis on the development of quality, merits and ethics of State officials along with the improvement of forms and methods of operations so as to enable the efficient administration of the State and to promote a State agency's adoption of good public governance principles as a guideline for the discharge of official functions;

(5) to organise a working system for official tasks and other tasks of the State in order to enable the swift, efficient, transparent and accountable formulation and provision of public services with due regard to public participation;

(6) to undertake that a legal agency providing legal opinions relating to State activities under the laws and examining draft laws for the State shall perform its duties independently so as to ensure that the administration of State affairs is in accordance with the rule of law;

(7) to prepare a political development plan as well as to establish an independent political development council to monitor the strict compliance of such plan;

(8) to ensure that government officials and State officials receive appropriate rights and benefits.

Part 4

Religions, Social, Public Health, Education and Culture Policies

Section 79. The State shall patronise and protect Buddhism as the religion observed by most Thais for a long period of time and other religions, and shall also promote a good understanding and harmony among the followers of all religions as well as encourage the application of religious principles to create virtue and develop the quality of life.

Section 80. The State shall act in compliance with the following social, public health, education and culture policies:

(1) to protect and develop children and youths, to promote childhood nourishment and education, to promote equality between women and men, to reinforce and develop family integrity and the strength of communities, as well as to provide aid and welfare to the elderly, the indigent, the disabled or handicapped and the destitute person for their better quality of life and ability to become self-reliant;

(2) to promote, support and develop a health system with emphasis on health promotion for sustainable health conditions of the public, including the

provision and promotion of people's access to comprehensive and efficient standard public health services and encouraging private sector and the communities in participating in health promotion and providing public health service, and the person having duty to provide such service whose act meets the requirements of professional and ethical standards shall be protected as provided by law;

(3) to develop the quality and standard of education at all levels and forms in line with economic and social changes, to prepare a national education plan and a law for national education development, to provide development of the quality of teachers and educational personnel to meet the current changes in the present day world, and to instil awareness of being Thai, disciplines, common interests and a devotion to the democratic regime of government with the King as Head of the State to learners;

(4) to promote and support the decentralization of powers to the local government organisations, communities, religious organisations and the private sector in the provision of and participation in educational management for the development of a uniform educational quality standard in line with the fundamental State policies;

(5) to encourage and support researches in various disciplines of arts and sciences and disseminating all research results funded by the State;

(6) to encourage and instil a sense of national unity and love of learning, to create an appreciation of and publicize arts, tradition and culture of the nation as well as good value and local wisdom.

Part 5

Law and Justice Policies

Section 81. The State shall act in compliance with the following law and justice policies:

(1) to ensure compliance with and enforcement of laws in a proper, swift, fair and comprehensive manner, to promote the provision of legal aid and knowledge to the public, and to organise systems for carrying out official tasks and other tasks of the State in the administration of justice by enabling the participation of the public and profession organisations in the administration of justice, and to provide legal aid to the public;

(2) to protect the rights and liberties of an individual from violation whether by a State official or other persons, and to deliver justice to the public on an equal basis;

(3) to provide a law establishing an independent law reform organ for the purpose of reforming and developing laws of the nation, including the revision of existing laws for the compliance with the Constitution, whereby due regard must also be given to the opinions of persons affected by such laws;

(4) to provide a law establishing an independent organ for the purpose of reforming the judicial process in order to improve and develop the performance of all agencies concerned with the judicial process;

(5) to provide support for the operation of private organs rendering legal assistance to the public, especially for persons affected by domestic violence.

Part 6

Foreign Policies

Section 82. The State shall promote friendly relations with other countries and adopt the principle of non-discrimination and shall comply with human rights conventions in which Thailand is a party thereto as well as international obligations concluded with other countries and international organisations.

The State shall promote trade, investment and tourism with other countries and shall render protection and guardian to benefits of Thais living abroad.

Part 7

Economic Policies

Section 83. The State shall encourage and support the implementation of the sufficient economy philosophy.

Section 84. The State shall act in compliance with the following economic policies:

(1) to support a free and fair economic system through market mechanism and to promote the sustainable development of economies by repealing and refraining from the enactment of laws and rules with respect to the regulation of businesses which do not correspond with economic necessity, and refraining from engagement in an enterprise in competition with the private sector, except where necessary for the purpose of maintaining the security of State, preserving common interests, or providing public utilities;

(2) to encourage entrepreneurs to apply merits, ethics and good corporate governance principles in carrying out of their businesses;

(3) to preserve monetary and financial disciplines in order to strengthen the economic and social stability and security of the nation, to improve the tax collection system to ensure fairness and compatibility with changing economic and social conditions;

(4) to provide a comprehensive savings system for old age living to the public and State officials;

(5) to regulate business activities to ensure free and fair competition, prevent monopolies, whether direct or indirect, and protect consumers;

(6) to undertake the fair distribution of incomes, and to protect, enhance and extend occupational opportunities to the public for the benefit of economic developments, including the promotion and support of the development of local wisdom and Thai wisdom for application to the manufacture of goods, provision of services and engagement in occupations;

(7) to promote people of working age to obtain employment, to protect child and woman labour, to provide a tripartite labour relations system which entitles workers to elect their representatives, to provide social security and to provide safeguards for workers working at equal value to obtain wages, benefits and welfares on a fair and indiscriminate basis;

(8) to protect and maintain the manufacturing and marketing interests of farmers, to promote the maximization of yields from farm products, including the promotion of farmers associations in the form of a farmers council in order to carry out agricultural planning and the protection of their mutual interests;

(9) to promote, support and protect the independent cooperatives system and associations of occupational or professional bodies as well as associations of the public for the purpose of carrying out economic activities;

(10) to provide basic utility services which are essential for the people's subsistence in the interest of maintaining the economic security of the State and to prevent the private sector from monopolising basic utility services which are essential for the people's subsistence that may be harmful to the State;

(11) to refrain from doing any act which may give rise to the transfer of ownership of the infrastructure or fundamental network of basic utility services which are essential for the people's subsistence or for national security to the private sector or which results in the State holding less than a fifty-one percent share of ownership;

(12) to promote and support merchant marine, rail transportation, including the operation of domestic and international logistics management systems;

(13) to promote and strengthen private sector economic organisations at national and local levels;

(14) to promote the agricultural product processing industry in order to create economic added value.

Part 8

Land Use, Natural Resources and Environmental Policies

Section 85. The State shall act in compliance with the following land use, natural resources and environmental policies:

(1) to prescribe rules on land use applicable to the entire country with due regard to compatibility with environmental conditions, including land and water and the way of life of local communities, the efficient measures for preservation of natural resources, the sustainable standard for land use and opinion of the people in the area who may be affected by the rule on the use of land;

(2) to undertake a fair distribution of landholdings and to carry out a comprehensive conferment of titles or rights in land for agricultural use to farmers by means of land reform or by other means, including the procurement of water sources for the adequate and appropriate use of water by farmers in agriculture;

(3) to provide town and country planning and to implement the town and country plans effectively and efficiently for the benefit of sustainable preservation of natural resources;

(4) to provide a systematic management plan for water and other natural resources for the common interests, which shall also enable the public to participate in the preservation, maintenance and balanced utilization of natural resources and biological diversity;

(5) to promote, conserve and protect the quality of the environment under sustainable development principles, and to control and eliminate pollution which may affect health and sanitation, welfare and quality of life of the public by encouraging the public, the local communities and the local government organisations to participate in the determination of measures.

Part 9

Science, Intellectual Properties and Energy Policies

Section 86. The State shall act in compliance with the following science, intellectual properties and energy policies:

(1) to promote the development of science, technology and innovation in all aspects by enacting specific laws for such purpose, allocating budgets for studies and researches, establishing institutions for research and development, providing for the utilization of products derived from research and development, the efficient transfer of technology and the appropriate development of personnel, including the dissemination of science and modern technology knowledge to the public and encouraging the public to apply science into their subsistence;

(2) to promote the invention or discovery of new knowledge, preserve and develop local wisdom and Thai wisdom, and protecting intellectual properties;

(3) to promote and support the continuous and systematic research, development and use of alternative energy that is derived from nature and beneficial to the environment.

Part 10

Public Participation Policy

Section 87. The State shall act in compliance with the following public participation policies:

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

(2) to encourage and support public participation in the decision-making process with respect to politics, economic and social development planning and the provision of public services;

(3) to encourage and support public participation in the scrutiny of the exercise of State power at all levels in the form of a professional body or diverse occupational body or in other forms;

(4) to strengthening the political power of the people, and to prepare a law establishing a civil politics development fund for supporting the activities of people's groups in communities and for supporting the activities of groups of people that have united into networks of all forms so as to enable their expression of opinions and suggestions of communities' requirements in the localities;

(5) to support and provide education to the people in relation to the development of politics and public administration under the democratic regime of government with the King as Head of State, and to encourage the people to exercise their rights to vote honestly and uprightly.

Public participation under this section shall pay due regard to the proximate proportion between women and men.

CHAPTER VI

The National Assembly

Part 1

General Provisions

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

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

No person shall be a member of the House of Representatives and a Senator simultaneously.

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

In the case where there is no President of the House of Representatives, or the President of the House of Representatives is not present or is unable to perform his 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 joint sittings in accordance with the rules of procedure.

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

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

Section 90. An organic law bill and a bill may be enacted as law only by and with the advice and consent of the National Assembly and when the King's signature has been given or deemed to be given thereto, it shall come into force upon its publication in the Government Gazette.

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

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

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

Section 92. The vacation of the office of a member of the House of Representatives or a senator after the day on which his membership terminates or

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

Part 2

The House of Representatives

Section 93. The House of Representatives consists of four hundred and eighty members, comprising four hundred members from elections on a constituency basis and eighty members from elections on a proportional basis.

The election of members of the House of Representatives shall be by direct suffrage and secret ballot, and the forms of ballot paper used shall be exclusive to each election basis.

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

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

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

In the case where there occurs, during the general election, any cause resulting in the members of the House of Representatives elected from the election being less than four hundred and eighty in number but not less than ninety-five per cent of the total number of members of the House of Representatives, such members is deemed to constitute the House of Representatives. In this case, the acquisition for the fulfillment of the total number of members of the House of Representatives shall be completed within one hundred and eighty days and the new coming members shall hold office for the remaining term of the House of Representatives.

Section 94. In the election of members of the House of Representatives on a constituency basis, an eligible voter shall have the right to

cast votes for election candidates equal to the number of possible members of the House in such constituency.

The determination of the number of members of the House of Representatives in each constituency and the designation of constituencies shall be carried out as follows:

(1) a benchmark number inhabitants to one member shall be calculated by averaging the number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election by the number of four hundred members of the House of Representatives;

(2) any *Changwat* with inhabitants below the benchmark number of inhabitants per member under (1) shall have one member of the House of Representatives; any *Changwat* with more inhabitants than the benchmark number of inhabitants per member shall have an additional member of the House of Representatives for every such number of inhabitants attaining the benchmark number of inhabitants per member;

(3) upon obtaining the number of members of the House of Representatives of each *Changwat* under (2), if the number of members of the House of Representatives is still less than four hundred, a *Changwat* with the largest fraction remaining from the determination under (2) shall have an additional member of the House of Representatives, and the addition of the members of the House of Representatives in accordance with such procedure shall be made to other *Changwat*'s in descending order of fractions remaining from the determination under (2) until the number of four hundred is obtained;

(4) 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 a constituency and in a *Changwat* where the number of members of the House of Representatives is more than three, the area of such *Changwat* shall be divided into constituencies and, for this purpose, each constituency shall have three members of the House of Representatives;

(5) in a *Changwat* which is divided into several constituencies, if three members of the House of Representatives cannot be assigned to all constituencies, the area of such *Changwat* shall be first divided into constituencies with three members of the House of Representatives while the remaining constituencies shall have not less than two members of the House of Representatives; if a *Changwat* has four members of the House of Representatives that can be elected, the area of such *Changwat* shall be divided into two constituencies with each constituency having two members of the House of Representatives;

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

Vote-counting shall be conducted at the polling station and the result of the vote-count shall be reported to the constituency for calculation of total

number of votes in that constituency and the results of the vote-count shall be announced publicly at any single place in that constituency as designated by the Election Commission, except in a case necessity arising in a particular locality, the Election Commission may prescribe the counting of votes, the calculation of total votes and the announcement of the result of the total vote-count otherwise in accordance with the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

Section 95. An election of members of the House of Representatives on a proportional basis shall be carried out by the election of members of the House of Representatives from the lists of candidates prepared by political parties whereby the person having the right to vote in each constituency shall cast one vote for a political party that has prepared a list of candidates for such constituency.

A political party may submit a list of candidates for election on a proportional basis for some or all constituencies.

If it appears that a submitted list of candidates for election on a proportional basis of a political party, whether before or on the election day, is subject to any cause which results in the list of candidates of such political party having fewer candidates than the number of candidates submitted by such political party, the remaining candidates shall be deemed to be candidates of such political party and, in this case, it shall be deemed that the House of Representatives consists of the remaining members.

Section 96. The designation of constituencies for an election of members of the House of Representatives on a proportional basis shall be carried out as follows:

(1) the country area shall be divided into eight *Changwat* clusters and each *Changwat* cluster shall be regarded as one constituency having ten members of the House of Representatives;

(2) in grouping *Changwat*'s, *Changwat*'s having adjoining areas shall be grouped into one *Changwat* cluster, and the number of inhabitants in each cluster must be closely apportioned by reference to the division of such number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election; in any case, the whole area of a *Changwat* shall in the same constituency.

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

(1) the list of candidates for each constituency shall consist of candidates equal to the number of members of the House of Representatives on a proportional basis that may be elected in each constituency and placed in

numerical order, and shall be submitted to the Election Commission before the opening date for applications of candidacy in the election on a constituency basis;

(2) the list of candidates under (1) shall not replicate the list of candidates, either for an election on a constituency basis or on proportional basis, of any other political party, and in preparing the list of candidates, regard shall be had to opportunity and approximate proportion between women and men.

Section 98. The calculation of the proportion of candidates in the list of candidates of each political party that is elected in each constituency shall be conducted by aggregating the votes received by each political party in such constituency as basis for calculating the apportionment of candidates to be elected from each political party, which shall be directly proportional to the aforesaid aggregate votes, the votes received by each political party and the numbers of members of the House of Representatives to be elected on a proportional basis in such constituency. The candidates named in the list of candidates of each political party shall be regarded as being elected in accordance with the result in the numerical order specified in the list of candidates of each political party under the rules and procedures as prescribed in the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

The provisions of section 94 paragraph three shall apply *mutatis mutandis* to the counting of votes for the election of members of the House of Representatives on a proportional basis, provided that the Election Commission may prescribe that a preliminary aggregation of vote-counting results be conducted at the *Changwat*.

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

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

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

(3) having his name listed in the housing register in the constituency for not less than ninety days up to the election day.

A voter residing outside the constituency in which he is listed in the housing register, or whose name has been listed in the housing register in the constituency for a period of less than ninety days up to the election date, or who resides outside the Kingdom of Thailand shall have the right to cast a vote in an election in accordance with the rules, procedure and conditions provided by the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

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

- (1) being a Buddhist priest, novice, monk or clergy;
- (2) being under suspension of the right to vote;
- (3) being detained by a warrant of the Court or by a lawful order;
- (4) being of unsound mind or of mental infirmity.

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

- (1) being of Thai nationality by birth;
- (2) being not less than twenty-five years of age on the election day;
- (3) being a member of any and only one political party for a consecutive period of not less than ninety days up to the date of applying for candidacy in an election, or being a member of any and only one political party for a consecutive period of not less than thirty days up to the date of applying for candidacy in an election in the case where the general election is conducted on account of the dissolution of the House of Representatives;

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

(a) having his name listed in the housing register in the *Changwat* where he stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;

(b) being born in the *Changwat* where he stands for election;

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

(d) having served in the official service or having had his name listed in the housing register in *Changwat* where he stands for election for a consecutive period of not less than five years;

(5) a candidate in an election on a proportional basis shall also possess any one of the qualifications under (4), but the reference to *Changwat* therein shall mean a *Changwat* cluster;

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

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

- (1) being addicted to narcotics;
- (2) being bankrupt or having been dishonestly bankrupt;
- (3) being disfranchised under section 100 (1), (2) or (4);
- (4) having been sentenced by a judgement to imprisonment and being detained by a warrant of the Court;

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

(6) having been expelled, dismissed or removed from the official service, a State agency or a State enterprise on the grounds of dishonest performance of duties or deemed as having committed dishonest acts and malfeasance in the official service;

(7) having been ordered by a judgement or an order of the Court that his assets shall vest in the State on the grounds of unusual wealth or an unusual increase of assets;

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

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

(10) being a senator or having been a senator who vacates office for a period of less than two years;

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

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

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

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

Section 103. A political party which fields members as candidates in an election in any constituency shall field its members as candidates in the number of members of the House of Representatives that is available in such constituency.

After a political party has fielded members by the complete number of candidates, even if the number is subsequently reduced for any cause, it shall be deemed that such political party has fielded members by the complete number of candidates.

After fielding its members as candidates in the election, neither a political party nor a candidate shall revoke the candidacy application or alter the candidates.

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

During the term of the House of Representatives, there shall be no mergers of political parties having members as members of the House of Representatives.

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

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

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

(2) death;

(3) resignation;

(4) being disqualified under section 101;

(5) being under any prohibition under section 102;

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

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

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

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

(10) having been absent for more than one-fourth of the number of days in a session that is scheduled for not less than one hundred and twenty days without permission of the President of the House of Representatives;

(11) being sentenced by a judgment to imprisonment notwithstanding the suspension of sentence, except for an offence committed through negligence, a petty offence or a defamation offence.

Section 107. Upon the expiration of the term of the House of Representatives, the King will issue a Royal Decree calling for a general election of members of the House of Representatives which must fix an election date within forty five days as from the date of the expiration of the term of the House of Representatives and the election date must be the same throughout the Kingdom.

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

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

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

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

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

(2) in the case where the vacancy is that of the office of a member of the House of Representatives elected from an election on a proportional basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, elevate the person whose name in the list of that political party is placed in the next order to become member of the House of Representatives, except where there is no person to be elevated and, in which case the House of Representatives shall consist of the remaining members;

Membership of the replacing member of the House of Representatives under (1) shall commence as from the day on which the election to fill the vacancy is held, while membership of the replacing member of the House of Representatives under (2) shall commence as from the day following the

date of the publication of the name of the replacing member in the Government Gazette. The replacing member of the House of Representatives may serve only for the remainder of the term of the House.

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

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

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

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

Part 3 **The Senate**

Section 111. The Senate consists of one hundred and fifty members obtained from elections in each *Changwat*, one senator for each *Changwat*, and from selection equal to the total number of senators deducted by the number of elected senators from the election.

In the case where the number of *Changwat* is increased or decreased during the term of office of the elected senators, the Senate shall consist of the existing senators.

Upon the vacancy of a senator by whatever reasons and the election or selection for the fulfilment of the vacancy has not yet conducted, as the case may be, the Senate shall be regarded as consisting of the remaining senators.

Upon the occurrence of any event which causes the number of senators to be deficient of the total number of the senators under paragraph one but

not less than ninety-five per cent of the total number of senators, the Senate shall be deemed to consist of such number of senators. However, an election or selection for the fulfillment of the total number of senators under paragraph one shall be completed within one hundred and eighty days as from the date of the aforesaid event and the incoming senator shall hold office for the remaining term of the Senate.

Section 112. In an election of senators, the area of *Changwat* shall be regarded as one constituency and the number of senator for each *Changwat* is one. The person having the right to vote at an election of senators may cast a vote for one candidate and the election shall be by direct suffrage and secret ballot.

For the purpose of the election of senators, the campaign to be launched by the candidates in the election is limited to the matters related to the performance of duties of the Senate.

The rules, procedures and conditions for the election of, and the launching of election campaign of senators shall be in accordance with the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

Section 113. There shall be a Senators Selection Committee consisting of the President of the Constitutional Court, Chairperson of the Election Commission, President of the Ombudsmen, Chairperson of the National Counter Corruption Commission, Chairperson of the State Audit Commission, a judge of the Supreme Court of Justice holding the position of not lower than judge of the Supreme Court of Justice as entrusted by the general meeting of the Supreme Court of Justice and a judge of the Supreme Administrative Court as entrusted by the general meeting of the Supreme Administrative Court, to exercise the duty of selecting persons under section 114 within thirty days as from the date of receiving the name list from the Election Commission and to notify the selection result to the Election Commission for publication of the persons selected as senators.

Members of the committee under paragraph one shall select one among themselves to be the chairperson of the committee.

In the absence of any member or a member is unable to perform his duty, if remaining members are not less than one-half of the total number of members, the Senators Selective Committee shall consist of the remaining members.

Section 114. The Senators Selection Committee shall carry out the selection of suitable persons from those nominated by academic institutions, the public sector, the private sector, professional organisations and other sectors

which are beneficial to the performance of Senate functions to be senators in the number prescribed in section 111 paragraph one.

In the selection of persons under paragraph one, regard shall be had to knowledge, skills or experience which will be beneficial to the performance of Senate functions, and regard shall also be had to the composition of persons possessing interdisciplinary knowledge and experiences, gender opportunity and equality, the close apportionment of persons from each sector under paragraph one, including the conferment of opportunities to the socially underprivileged.

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

Section 115. A person having the qualifications and not having any of the prohibitions as mentioned below has the right to be a candidate in an election or selection of senators:

- (1) being of Thai nationality by birth;
- (2) being of not less than forty years of age on the election day or the date of nomination;
- (3) having graduated with not lower than a Bachelor's degree or its equivalent;
- (4) a candidate in an election of senators shall also possess any one of the following qualifications:
 - (a) having his name listed on the housing register in the *Changwat* where he stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;
 - (b) being born in *Changwat* where he stands for election;
 - (c) having studied in an educational institution situated in the *Changwat* where he stands for election for a consecutive period of not less than five academic years;
 - (d) having served in the official service or having had his name listed in the housing register in the *Changwat* where he stands for election for a consecutive period of not less than five years;
- (5) not being an ascendant, spouse or child of a member of the House of Representatives or a person holding a political position;
- (6) not being a member or a person holding any position in a political party, or having been a member or having held a position in a political party and his membership has terminated or he vacates office in the political party for a period of not more than five years up to the date of applying for candidacy or the date of nomination;
- (7) being disfranchised under section 102 (1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13) or (14);

(8) not being a Minister or a person holding a political position other than a member of a local assembly or a local administrator or having vacated office for a period of not more than five years.

Section 116. A senator shall not be a Minister or a person holding any political position or a person holding position in an independent constitutional organisation.

A former senator whose membership has terminated for not more than two years shall not be a Minister or a person holding any political position.

Section 117. Membership of elected senators commences on the election date and membership of the senators obtained from selection commences on the day the Election Commission publishes the result of the selection.

The term of membership of senators is six years as from the election date or the date the Election Commission publishes the result of the selection, as the case may be, and no senator shall hold office more than one term.

Senators retiring at the expiration of term shall remain in office to perform their duties until new senators are obtained.

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

Upon the expiration of term of the senators obtained from selection, the Senators Selection Committee shall announce the commencement date and period for selection of senators, which shall complete within sixty days as from the date of the expiration of term of the senators obtained from selection.

Section 119. Membership of the Senate terminates upon:

- (1) expiration of term;
- (2) death;
- (3) resignation;
- (4) being disqualified under section 115;
- (5) acting in contravention of any of the prohibitions under section 116, section 265 or section 266;
- (6) the Senate passing a resolution under section 274 removing him from office or the Constitutional Court having a decision terminating his membership under section 91 or the Supreme Court having a decision under section 239 paragraph two or section 240 paragraph three; in such cases, membership shall be deemed to have terminated as from the date of the resolution of the Senate or the decision of the Court, as the case may be;

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

(8) being sentenced by a judgment to imprisonment notwithstanding the suspension of the sentence, except for an offence committed through negligence, a petty offence or a defamation offence.

Section 120. When the office of a senator becomes vacant under section 119, the provisions of section 112, section 113, section 114 and section 118 shall apply *mutatis mutandis* to the election or selection of a senator, as the case may be, and the replacing senator shall remain in office for the unexpired term of office of the member he replaces. In the case where the term of office of a senator who vacates office is less than one hundred and eighty days, the election or selection may be omitted.

Section 121. In considering the selection of a person to hold any position under this Constitution, the Senate shall appoint a committee for examining past records, behaviours and ethics of the person nominated for holding such position as well as for gathering necessary facts and evidences to be reported to the Senate for its further consideration.

The proceeding of the committee under paragraph one shall be in accordance with the rules of procedure of the Senate.

Part 4

Provisions Applicable to both Houses

Section 122. Members of the House of Representatives and senators are representatives of the Thai people and free from any mandate, commitment or control, and shall honestly perform the duties for the common interests of the Thai people without conflicts of interests.

Section 123. Before taking office, a member of the House of Representatives and a senator shall make a solemn declaration at a sitting of the House of which he is a member in the following words:

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

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

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

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

The President and the Vice-Presidents of the House of Representatives and the President and the Vice-Presidents of the Senate vacate office before the expiration of the term of office under paragraph 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;
- (3) holding a position of Prime Minister, Minister or other political official;
- (4) being sentenced by a judgment to imprisonment notwithstanding the non-finality of the case or the suspension of sentence has been granted, except for an offence committed through negligence, a petty offence or a defamation offence.

While in office, the President and the Vice-Presidents of the House of Representatives shall not be members of the executive committee of a political party or members of a political party simultaneously.

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

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

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

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

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

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

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

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

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

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

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

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

An ordinary session of the National Assembly shall last one hundred and twenty days but may be extended by the King.

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

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

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

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

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

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

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

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

Section 130. At a sitting of the House of Representatives or the Senate or at a joint sitting of the National Assembly, words expressed in giving statements of fact or opinions or the casting of votes 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, who is not a Minister or member of that House.

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

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

Section 131. No member of the House of Representatives or senator shall, during a session, be arrested, detained or summoned by a warrant for inquiry as the suspect 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 member of the House of Representatives or a senator has been arrested in *flagrante delicto*, it shall be forthwith reported to the President of the House of which he is a member and such President may order the release of the person so arrested.

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

Proceedings of the Court conducted before it is invoked that the defendant is a member of either House are valid.

If a member of the House of Representatives or a senator is detained pending investigation or trial before the beginning of a session, when the session begins, the investigation officer 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 132. During the expiration of term or dissolution of the House of Representatives, the Senate shall not hold sittings except in the following cases:

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

(2) a sitting at which the Senate considers the appointment of a person to an office under the provision of this Constitution;

(3) a sitting at which the Senate considers and passes a resolution to remove a person from office.

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

Section 134. The House of Representatives and the Senate have the power to enact rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matters or activities which are within the

powers and duties of each standing committee, performance and quorum of committees, sittings, submission and consideration of bills and organic law bills, submission of motions, consultation, debate, passing of a resolution, recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and orders and other relevant matters and the power to enact a code of ethics of members and committee members and other matters for the implementation of this Constitution.

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

The committee under paragraph one has the power to demand documents from any person or summon any person to give statements of fact or opinions on the act or the matter under its inquiry or study and such demand or summoning is enforceable as provided by law but it is not applicable to a judge performing his powers and duties in trial of the case or to the personnel management of each Court and to the Ombudsman or members of an independent constitutional organisation in the performance of their powers and duties under the Constitution or the organic acts, as the case may be.

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

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

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

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

Part 5

Joint Sitzings of the National Assembly

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

- (1) the approval of the appointment of a Regent under section 19;
- (2) the making of a solemn declaration by the Regent before the National Assembly under section 21;
- (3) the acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467 under section 22;
- (4) the acknowledgment or approval of the succession to the Throne under section 23;
- (5) the passing of a resolution for the consideration by the National Assembly of other matters during a legislative ordinary session under section 127;
- (6) the approval of the prorogation of a session under section 127;
- (7) the opening of the session of the National Assembly under section 128;
- (8) the enactment of rules of procedure of the National Assembly under section 137;
- (9) the approval of the further consideration of a bill or an organic law bill under section 145;
- (10) the reconsideration of a bill or an organic law bill under section 151;
- (11) the approval of the further consideration of a Constitution Amendment, a bill or an organic law bill under section 153 paragraph two;
- (12) the announcement of policies under section 176;
- (13) the holding of a general debate under section 179;
- (14) the approval of the declaration of war under section 189;
- (15) the hearing and approval of a treaty under section 190;
- (16) the amendment of the Constitution under section 291;

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

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

Part 6

The Enactment of Organic Acts

Section 138. There shall be the following organic acts:

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

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

- (1) Council of Ministers;
- (2) members of the House of Representatives of not less than one-tenth of the total number of the existing members of the House of Representatives or members of the House of Representatives and senators of not less than one-tenth of members of the both Houses; or
- (3) the Constitutional Court, the Supreme Court or other independent constitutional organisations whereby the President of such Court or of such organisation has charge and control of the execution of the organic act.

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

- (1) voting for adoption of a bill's principle in the first reading and section by section scrutiny of a bill in the second reading shall be made by majority of votes of each House;
- (2) voting in the third reading shall be supported by the votes of more than one-half the existing members in each House approving the enactment of the organic act.

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

Section 141. Upon the National Assembly's approval of an organic law bill, before presentation to the King for Royal Signature, the organic

law bill shall be referred to the Constitutional Court for a determination of constitutionality, which shall be completed within thirty days as from the receipt date of the matter.

If the Constitutional Court decides that the provisions of an organic law bill are contrary to or inconsistent with the Constitution, such provisions shall lapse and if the Constitutional Court decides that such provisions are the essential element thereof or the organic law bill has not been duly enacted under the provisions of the Constitution, such organic law bill shall lapse.

In the case where a decision of the Constitutional Court results in the lapse of a provision contrary to or inconsistent with the Constitution under paragraph two, such organic law bill shall be returned to the House of Representatives and the Senate respectively for their reconsideration. In such case, the House of Representatives or the Senate shall amend the organic law bill to remove the inconsistency or contrariness with the Constitution whereby a resolution on the amendment shall be adopted according to the votes of more than one-half of the total number of the existing members of each House and the Prime Minister shall then proceed further under section 90 and section 150 or section 151, as the case may be.

Part 7

The Enactment of an Act

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

- (1) Council of Ministers;
- (2) members of the House of Representatives of not less than twenty in number;
- (3) the Constitutional Court, the Supreme Court or other independent constitutional organisations whereby the President of such Court or of such organisation has charge and control of the execution of the organic act;
- (4) not less than ten thousand eligible voters entering their names for the introduction of a bill under section 163.

If the bill under (2), (3) or (4) is a money bill, it shall be introduced only with the endorsement of the Prime Minister.

In the case where a bill has been introduced by the people under (4) and if a person under (1) or (2) introduces another bill having the same principle thereto, the provisions of section 163 paragraph four shall apply to the consideration of such bill.

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

In an introduction of a bill under paragraph one, a bill shall be submitted together with an explanatory memorandum.

A bill introduced to the National Assembly shall be opened to public and the public shall have convenient access to the details of such bill.

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

- (1) the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) the allocation, receipt, custody, payment of the State funds, or transfer of expenditure estimates of the State;
- (3) the raising of loans, or guarantee or redemption of loans, or any binding of State's properties;
- (4) 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 a joint sitting of the President of the House of Representatives and Presidents of all its standing committees to make a decision thereon.

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

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

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

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

Section 145. When a bill which has been specified by the Council of Ministers, in its policies stated to the National Assembly under section 176, as necessary for the administration of State affairs, if it is not approved by a resolution of the House of Representatives and the votes disapproving it are less than one-half of the total number of the existing members of the House, the

Council of Ministers may request the National Assembly to hold a joint sitting for passing a resolution on another occasion. If it is approved, the National Assembly shall appoint the persons, being or not being its members, in such an equal number as proposed by the Council of Ministers, to constitute a joint committee of the National Assembly for considering such bill, and the joint committee of the National Assembly shall prepare a report thereon and submit the bill which it has already considered to the National Assembly. If such bill is approved by the National Assembly, further proceedings under section 150 shall be taken. If it is not approved, such bill shall lapse.

Section 146. Subject to section 168, when the House of Representatives has considered a bill submitted under section 142 and passed a resolution of approval, the House of Representatives shall submit such bill to the Senate. The Senate must finish the consideration of such bill within sixty days; but if it is a money bill, the consideration thereof must be completed within thirty days; provided that the Senate may, as a special case, pass a resolution to extend the period for not more than thirty days. The said period shall mean the period during a session and shall be counted as from the day on which such bill reaches the Senate.

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

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

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

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

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

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

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

(3) if there is an amendment, the amended bill shall be returned to the House of Representatives. If the House of Representatives approves such amendment, further proceedings under section 150 shall be taken. In other cases, each House shall appoint persons, being or not being its members, in such equal

number as may be fixed by the House of Representatives, to constitute a joint committee for considering the bill and the joint committee shall prepare a report thereon and submit the bill which it has already considered to both Houses. If both Houses approve the bill already considered by the joint committee, further proceedings under section 150 shall be taken. If either House disapproves it, the bill shall be withheld.

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

At a meeting of the joint committee, the presence of the members of the joint committee appointed by both Houses of not less than one-half of the total number of its members is required to constitute a quorum and the provisions of section 137 shall apply *mutatis mutandis*.

If the Senate fails to return the bill to the House of Representatives within the period under section 146, it shall be deemed that the Senate approves such bill and further proceeding under section 150 shall be taken.

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

If the bill withheld is a money bill, the House of Representatives may forthwith proceed to reconsider it. In such case, if the House of Representatives resolves to reaffirm the original bill or the bill considered by the joint committee by the votes of more than one-half of the total number of the existing members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under section 150 shall be taken.

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

In the case where the House of Representatives or the Senate is of the opinion that the bill so introduced or referred to for consideration has the same or similar principle as that of the bill being withheld, the President of the House of Representatives or the President of the Senate shall refer the said bill to the

Constitutional Court for decision. If the Constitutional Court decides that it is a bill having the same or similar principle as that of the bill so withheld, such bill shall lapse.

Section 150. The Prime Minister shall present the bill approved by the National Assembly to the King for His signature within twenty days as from the date of receiving such bill from the National Assembly and the bill shall come into force as an Act upon its publication in the Government Gazette.

Section 151. If the King refuses His assent to a bill and either returns it to the National Assembly or does not return it within ninety days, the National Assembly must reconsider such bill. If the National Assembly resolves to reaffirm the bill with the votes of not less than two-thirds of the total number of existing members of both Houses, the Prime Minister shall present such bill to the King for signature once again. If the King does not sign and return the bill within thirty days, the Prime Minister shall cause the bill to be promulgated as an Act in the Government Gazette as if the King had signed it.

Section 152. In considering of a bill which has been determined by the President of the House of Representatives to contain essential substances relating to children, the youth, women, the elderly, the disabled or handicapped, if the House of Representatives does not consider it by its full committee, the House of Representatives shall appoint a non-standing committee consisting of representatives from private organisations concerned with the corresponding types of persons, of not less than one-third of the total number of members of the committee and the members thereof shall consist of women and men in close proportions.

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

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

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

Part 8

Constitutionality Controls on the Enactment of Laws

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

(1) if members of the House of Representatives, senators or members of both Houses of not less than one-tenth of the total number of the existing members of both Houses are of the opinion that provisions of the said bill are contrary to or inconsistent with this Constitution or such bill is enacted contrary to the provisions of this Constitution, they shall submit their opinion to the President of the House of Representatives, the President of the Senate or the President of the National Assembly, as the case may be, and the President of the House receiving such opinion shall then refer it to the Constitutional Court for decision and, without delay, inform the Prime Minister thereof;

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

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

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

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

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

the National Assembly, as the case may be, but not yet published in the Government Gazette.

Part 9

Control of the Administration of State Affairs

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

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

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

Section 158. Members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister. Such motion must nominate a suitable successor to the Prime Minister who is also a person under section 171 paragraph two and, when the motion has been submitted, the dissolution of the House of Representatives shall not be permitted, except that the motion is withdrawn or the resolution is not supported by the votes in accordance with paragraph three.

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

If the general debate is concluded with a resolution not to pass over the agenda of the general debate, the House of Representatives shall pass a vote of confidence or no-confidence. Voting in such case shall not take place on the date of the conclusion of the debate. A 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 general debate shall no longer have the right to submit another motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Ministers throughout the session.

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

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

In the case where a Minister vacates his portfolio but remains as Minister in another portfolio after the submission of a motion under paragraph one, such Minister shall continue to be subject to the general debate for the purpose of passing a vote of no-confidence under paragraph one.

The provisions of paragraph two shall apply *mutatis mutandis* to the Minister who vacates his portfolio for a period not exceeding ninety days before the submission of a motion under paragraph one but remains a Minister in another portfolio.

Section 160. In the case where the number of members of the House of Representatives who are not members of political parties having members holding ministerial positions is less than the number of members of the House required for the making of submission of a motion for a general debate under section 158 or section 159, more than one-half of the existing number of such 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 the Prime Minister or in an individual Minister under section 158 or section 159 if the Council of Ministers has already carried out the administration of State affairs for more than two years.

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

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

Section 162. In a sitting of the House of Representatives or the Senate for consideration of an interpellation on any matter within the scope of the authority of Minister or for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or in an individual Minister, the Prime Minister or such Minister shall attend the sitting of the House of Representatives or the Senate for giving statements or answers thereon in person, unless there is an unavoidable necessity which hinder him from so doing but he shall notify the President of the House of Representatives or the President of the Senate on or before the sitting date.

A member of the House of Representatives is not bound by the resolution of his political party in submitting an interpellation, debating and casting a vote in no-confidence debate.

CHAPTER VII

Direct Political Participation of the Public

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

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

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

In considering the bill under paragraph one, the House of Representatives and the Senate shall allow representatives of the persons submitting the petition to state the principles of the bill and the non-standing committee for considering such bill shall consist of representatives of the persons submitting the petition in a number not less than one-third of the total number of its members.

Section 164. The persons having the right to vote of not less than twenty thousand in number shall have a right to lodge with the President of the

Senate a complaint in order to request the Senate to pass a resolution under section 274 removing the persons under section 270 from office.

The petition under paragraph one shall clearly itemise the circumstances in which such persons have allegedly committed the wrongful acts.

The rules, procedure and conditions for the lodging of a complaint by the people under paragraph one shall be in accordance with the organic law on counter corruption.

Section 165. A person having the right to vote in an election shall have the right to vote in a referendum.

A referendum may be held for the following causes:

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

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

A referendum under (1) or (2) may be held for the purpose of finding a resolution by the majority votes of eligible voters in the referendum on the issue posed by the referendum or for the purpose of advising the Council of Ministers, unless specifically provided by law.

A vote in a referendum shall be either a vote of approval or disapproval in the subject matter of the referendum. A referendum shall not be held on an issue specifically relating to any individual or group of persons.

Before the referendum, the State shall provide sufficient information to the public and provide equal opportunities to the people in favour of and against the subject matter of the referendum to state their opinions.

The rules and procedures for voting in a referendum shall be in accordance with the Organic Act on Referendum which shall at least consist of details of procedure for voting, referendum period and the number of votes required for final decision.

CHAPTER VIII

Monetary, Public Finance and Budget

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

Section 167. In an introduction of the annual appropriations bill, the bill shall be annexed with documents clearly stating estimated incomes,

objectives, activities, plans or projects of each item of expenditures, including the monetary and financial status of the country through the overview of economic condition arising from spending and gathering of incomes, benefits and deficiencies resulting from any specific tax exemption, justification for appropriating budgets for rollover obligations, debt obligations and incurrence of State debts and the financial status of State enterprises of that year and the previous year.

If, for an expenditure, a budgetary appropriation cannot be made directly to a government agency, State enterprise or other State agencies, an appropriation shall be made to the item of reserved expenditure whereby the justifications and necessities of such allocation shall also be stated.

There shall be a law on State monetary and finance laying down monetary and financial disciplines as well as rules relating to medium-term financial planning, the procurement of revenues, a determination of guidelines for preparing expenditure estimates of State, financial and property management, accounting, public funds, the incurrence of debts or any act which creates an obligation on properties or finances of State, rules for determination of the amount of reserves to be paid for an emergency or exigency and other relevant acts, which must be applied as a framework for the procurement of revenues, the supervision of spending in accordance with the principles of stability maintenance, the sustainable development of the economy and social justice.

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

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

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

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

In the consideration of an annual appropriations bill, supplementary appropriations bill and transfer of appropriations bill, a member of the House of Representatives shall not submit a motion to add any item or amount to the bill, but may submit a motion to reduce or abridge the expenditures which are not expenditures under 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.

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

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

The State shall allocate adequate budgets for the autonomous administration of the National Assembly, the Constitutional Court, the Courts of Justice, the Administrative Courts and other Constitutional organisations.

In the consideration of expenditure estimates for the National Assembly, the Courts and the organisations under paragraph eight, if such organisation is of the opinion that the allocated budget is insufficient, it shall submit a motion to the committee directly.

Section 169. The payment of State funds shall be made only when it has been authorised by the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations or the law on treasury balance, except that it may be prepaid in the case of urgent necessity under the rules and procedures provided by 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, and the sources of incomes for reimbursement of expenditures paid-up from the treasury balance must be stated.

During the time when the country is in a state of war or armed conflict, the Council of Ministers has the power to make an immediate transfer or shift a budget allocated for any government agency or State enterprise to be used for other items different from the provisions of the Annual Appropriation Act and a report shall be made to the National Assembly without delay.

In the case of a transfer or shift of budget allocated for any item to be used for other items of any government agency or State enterprise, the Government shall report the National Assembly for acknowledgement every six months.

Section 170. A State agency having incomes which are not required to be remitted as State revenue shall report the receipt and expenditure of such money to the Council of Ministers at the end of every fiscal year and the Council of Ministers shall report further to the House of Representatives and the Senate.

The expenditure of income under paragraph one shall be in accordance with the monetary and financial disciplines under this Chapter.

CHAPTER IX

The Council of Ministers

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

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

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

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

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

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

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

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

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

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

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

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

Section 176. The Council of Ministers which will assume the administration of State affairs must, within fifteen days as from the date it takes office, state its policies and explanation for implementation of the directive principles of fundamental State policies under section 75; provided that no vote of confidence shall be passed, and must, after giving such statement, prepare a plan for the administration of State affairs as a guideline for the administration of State affairs for each year under section 76.

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

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

In the case where a Minister is a member of the House of Representatives simultaneously, he must, in the sitting of the House of Representatives, abstain from voting in relation to the matter concerning with the

holding of his position or the performance of his duty or the matter he has interests therewith.

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

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

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

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

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

Section 181. The outgoing Council of Ministers shall remain in office for carrying out duties until the newly appointed Council of Ministers takes office, but in case of vacation of office under section 180 (2), the Council of Ministers and a Minister is able to carry out any duty as necessary subject to the following conditions:

- (1) refraining from acts which constitute an exercise of power to appoint or transfer government officials holding permanent positions or salaries or officials of State agency, State enterprise or any enterprise in which the State is a major shareholder, or to discharge such person from the performance of their duties or removal from office, or to appoint others to perform duties in lieu of such persons, except by prior approval of the Election Commission;
- (2) refraining from acts which result in giving approval to the expenditure of budget reserved for an emergency or exigency except by prior approval of the Election Commission;

(3) refraining acts which result in giving approval to works or projects or which creates an obligation on the subsequent Council of Ministers;

(4) refraining from the application of resources or personnel of State for carrying out acts which may affect the result of a general election, and refraining from the violation of any prohibitions under the rules prescribed by the Election Commission.

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

- (1) death;
- (2) resignation;
- (3) being sentenced by a judgment to imprisonment notwithstanding the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or a defamation offence;
- (4) the passing of a vote of no-confidence by the House of Representatives under section 158 or section 159;
- (5) being disqualified or being under any of the prohibitions under section 174;
- (6) the issuance of a Royal Command to remove a Minister from office under section 183;
- (7) having done an act prohibited by section 267, section 268 or section 269;
- (8) being removed from office by a resolution of the Senate under section 274.

Apart from the termination of ministership of individual Minister under paragraph one, the ministership of the Prime Minister terminates upon the lapse of the period under section 171 paragraph four.

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

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

Section 184. For the purpose of maintaining national or public safety or national economic security, or averting public calamity, the King may issue an Emergency Decree which shall have the force as an Act.

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

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

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

If the House of Representatives and the Senate approve the Emergency Decree, or if the Senate disapproves it but the House of Representatives reaffirms its approval by the votes of more than one-half of the total number of the existing members of the House, such Emergency Decree shall continue to have the force as an Act.

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

The consideration of an Emergency Decree by the House of Representatives and the Senate in case of reaffirmation of an Emergency Decree must take place at the first opportunity when such Houses hold their sittings.

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

When the President of the House of Representatives or the President of the Senate has received the opinion from members of the House of Representatives or senators under paragraph one, the consideration of such

Emergency Decree shall be deferred until the decision of the Constitutional Court under paragraph one has been notified.

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

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

Section 186. If, during a session, it is necessary to have a law on taxes, duties or currency, which, in the interests of 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 184 shall apply *mutatis mutandis*.

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

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

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

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

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

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

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

A treaty which provides for a change in the Thai territories or the Thai external territories that Thailand has sovereign right or jurisdiction over such territories under any treaty or an international law or requires the enactment of an Act for its implementation or has wide scale effects on the economic or social security of the country or results in a significant obligation on trade, investment or budget of the country must be approved by the National Assembly. In such case, the National Assembly must complete its consideration within sixty days as from the date of receipt of such matter.

Before the conclusion of a treaty with other countries or international organisations under paragraph two, the Council of Ministers must provide information thereon to the public, conduct public consultation and declare the details of such treaty to the National Assembly. In such case, the Council of Ministers must submit a negotiation framework to the National Assembly for approval.

Upon giving signature to the treaty under paragraph two, the Council of Ministers shall, prior to expressing consent to be bound, grant public access to the details of such treaty. In the case where the implementation of such treaty affects the public or small and medium entrepreneurs, the Council of Ministers must make swift, appropriate and fair revisions or remedies with respect to such effects.

There shall be a law on the prescription of stages and procedures for the conclusion of a treaty that has a wide scale effect on the economic or social security of the country or resulting in significant obligations on trade or investment, including the revision or provision of remedy for effects of such treaty with due regard to the fairness as between the beneficiaries and persons affected by the implementation of such treaty and the general public.

A matter arising from the provisions of paragraph two falls within the jurisdiction of the Constitutional Court and the provisions of section 154 (1) shall apply *mutatis mutandis* to the referring of the matter to the Constitutional Court.

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

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

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

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

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

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

Section 196. Emoluments and other remuneration of Privy Councillors, President and Vice-Presidents of the House of Representatives, President and Vice-Presidents of the Senate, Leader of the Opposition in the House of Representatives, members of the House of Representatives and senators shall be prescribed by the Royal Decree whereby the provisions thereof must not allow payment prior to the date such persons taking offices.

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

CHAPTER X

The Courts

Part 1

General Provisions

Section 197. The trial and adjudication of cases are the powers of the Courts, which must be carried out with due regard to justice in accordance with the Constitution, laws and in the name of the King.

Judges are independent in the proper, swift and fair trial and adjudication of cases in accordance with the Constitution and laws.

The transfer of a judge without his prior consent shall not be permitted except in the case of a periodic transfer as provided by law, promotion to a higher position, being subject to a disciplinary action or becoming a defendant in a criminal case, being a case which prejudices justices in the trial and adjudication of cases or in case of *force majeure* or any other unavoidable necessity as provided by law.

Judges shall not be political officials or hold political positions.

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

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

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

Section 199. In the case of a dispute on the competent jurisdictions of the Court of Justice, the Administrative Court, the Military Court or any other Court, a ruling shall be made by a committee consisting of the President of the Supreme Court of Justice as Chairperson, the President of the Supreme Administrative Court, the President of other Courts and not more than four qualified persons as provided by law as members.

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

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

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

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

“I, (name of the declarer) do solemnly declare that I will be loyal to His Majesty the King and will faithfully perform my duties in the name of the King without any partiality in the interest of justice, of the people and of the public order of the Kingdom. I will also uphold and observe the democratic regime of government with the King as Head of the State, the Constitution of the Kingdom of Thailand and the law in every respect.”

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

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

Section 203. No person may simultaneously become a member, whether an *ex officio* member or a qualified member, of the Judicial Commission

of the Courts of Justice, the Administrative Court or any other Court as provided by law.

Part 2

Constitutional Court

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

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

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

(3) two qualified persons in law having genuine knowledge and expertise in this field and having been elected under section 206;

(4) two qualified persons in political science, public administration or other social sciences having genuine knowledge and expertise in the administration of State affairs and having been elected under section 206.

In the case where no judge of the Supreme Court of Justice or judge of the Supreme Administrative Court has been elected under (1) or (2), the Supreme Court of Justice or the Supreme Administrative Court, as the case may be, shall elect, at its general meeting, other persons having the qualifications and not being under the prohibitions provided in section 205, and having genuine knowledge and expertise in law and suitable for the performance of the duty as judges of the Constitutional Court to be judges of the Constitutional Court under (1) or (2), as the case may be.

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

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

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

(1) being of Thai nationality by birth;

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

(3) having been a Minister, a judge of the Supreme Military Court, an Election Commissioner, an Ombudsman, a National Counter Corruption Commissioner, a State Audit Commissioner or a National Human Rights Commissioner, or having served in a position of not lower than Deputy Prosecutor

General, Director-General or a person holding an administrative position in a government agency having administrative powers equivalent to a Director-General, or holding a position of not lower than Professor or having been a lawyer practicing legal profession regularly and continuously for not less than thirty years up to the date of nomination;

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

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

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

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

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

(1) there shall be a Selective Committee for judges of the Constitutional Court consisting of the President of the Supreme Court of Justice, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives and the Presidents of the Constitutional independent organs being elected among themselves to be one in number, as members. The Selective Committee must complete the selection and election of qualified persons under section 204 (3) and (4) within thirty days as from the date a ground for the election occurs and then nominates the selected persons, with their consents, to the President of the Senate. Such selection resolution shall be by open votes and passed by the votes of not less than two-thirds of the total number of the existing members of the Selective Committee. In the case where there is no member in any position or a member is unable to perform his duty and the number of the remaining members is not less than one-half thereof, the Selective Committee shall consist of the remaining members; provided that the provisions of section 113 paragraph two shall apply *mutatis mutandis*;

(2) the President of the Senate shall convoke a sitting of the Senate for the passing of approval resolution of the elected persons under (1) within thirty days as from the date of receipt of the nomination. A resolution shall be made by secret ballot. In case where the Senate passes an approval resolution, the President of the Senate shall tender the names of the nominated persons to the King for His appointment. In the case where the Senate disapproves the nomination, whether wholly or partly, it shall be returned, together with reasons, to the Selection Committee for reselection. In such case, if the Selection Committee disagrees with the Senate and reaffirms its resolution unanimously, the names of the submitted person shall be submitted to the President of the Senate for further

presentation to the King for His appointment, but if the reaffirmation is not passed by unanimous resolution, the selection shall recommence and completed within thirty days as from the date a grounds for the reselection occurs.

In the case where selection under (1) cannot be completed within the specified period by any cause, the Supreme Court of Justice shall, at its general meeting, appoint three judges of the Supreme Court of Justice holding a position of not lower than a judge of the Supreme Court of Justice and the Supreme Administrative Court shall, at its general meeting, appoint two judges of the Supreme Administrative Court to be members of the Selection Committee for the carrying out the duty under (1).

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

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

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

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

(4) engage in any other independent profession.

In the case where the general meeting of the Supreme Court of Justice or of the Supreme Administrative Court selects a person, or the Senate approved a person under (1), (2), (3) or (4) with the consent of such person, the selected person can commence the performance of duty only when he has resigned from the position in (1), (2) or (3) or has produced credible evidence that his engagement in such independent profession has ceased to exist, which must be done within fifteen days as from the date of the selection or approval. If such person has not resigned or has not ceased to engage in the independent profession within the specified period, it shall be deemed that that person has never been selected or approved to be a judge of the Constitutional Court and the provisions of section 204 and section 206, as the case may be, shall apply.

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

The President and judges of the Constitutional Court retiring at the end of term shall remain in office to perform duty until the newly appointed President and judges of the Constitutional Court take office.

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

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

- (1) death;
- (2) being of seventy years of age;
- (3) resignation;
- (4) being disqualified or being under any of the prohibitions under section 205;
- (5) having done an act in violation of section 207;
- (6) the Senate passing a resolution under section 274 for the removal from office;
- (7) being sentenced by a judgment to imprisonment notwithstanding the case not being final or the suspension of sentence, except for the case of an offence committed through negligence, a petty offence or a defamation offence that is not final.

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

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

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

- (1) in the case of a judge of the Constitutional Court who was elected at the general meeting of the Supreme Court of Justice, the proceedings under section 204 shall be completed within thirty days as from the date of the vacation of office;
- (2) in the case of the judge of the Constitutional Court who was elected at the general meeting of judges of the Supreme Administrative Court, the proceedings under section 204 shall be completed within thirty days as from the date of the vacation of office;
- (3) in the case of the judges of the Constitutional Court under section 204 (3) or (4), the proceedings under section 206 shall be completed within thirty days as from the date of the vacation of office.

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

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

Section 211. In the application of the provisions of any law to any case, if the Court by itself is of the opinion that, or a party to the case raises an objection with reasons that, the provisions of such law fall within the provisions of section 6 and there has not yet been a decision of the Constitutional Court on such provisions, the Court shall submit, in the course of official service, its opinion to the Constitutional Court for consideration and decision. During such period, the Court may continue the trial, but the adjudication to the case shall be suspended until the Constitutional Court has made its decision.

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

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

Section 212. A person whose rights and liberties recognised by this Constitution are violated, has the right to submit a motion to the Constitutional Court for its decision as to whether the provisions of the law are contrary to or inconsistent with the Constitution.

The exercise of rights under paragraph one must be a case of an inability to exercise the right by other means as provided in the Organic Act on Procedures of the Constitutional Court;

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

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

Section 214. In the case where a dispute arises as to the power and duty among the National Assembly, the Council of Ministers or the Constitutional organisation other than the Courts and such dispute arises between two or more of such organisations, the President of the National Assembly, the Prime Minister, or such organisation shall submit a matter together with its opinion to the Constitutional Court for decision.

Section 215. In the case where the Constitutional Court is of the opinion that a matter or issue submitted for its consideration concerns a matter which has already been decided by the Constitutional Court, the Constitutional Court may refuse to accept such matter or issue for consideration.

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

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

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

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

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

The procedures of the Constitutional Court shall be in accordance with the Organic Act on Procedures of the Constitutional Court.

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

A person to be appointed as the Secretary-General of the Office of the Constitutional Court must be nominated by the President of the Constitutional Court with the approval of judges of the Constitutional Court as provided by law.

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

Part 3 **Courts of Justice**

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

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

The Supreme Court of Justice has the power to try and adjudicate cases provided by the Constitution or the law to submit directly to the Supreme Court of Justice and appeals against judgments or orders of Courts of First

Instance or Courts of Appeal as provided by law, except where the Supreme Court of Justice is of the opinion that the question of law or the question of fact of the such appeals is not essential for decision, the Supreme Court of Justice has the power to refuse to accept such cases for consideration in accordance with the rule provided by its general meeting.

The Supreme Court of Justice has the power to try and adjudicate cases relating to an election and the suspension of the right to vote at an election of members of the House of Representatives and the obtaining of senators, and the Court of Appeal has the power to try and adjudicate cases relating to an election and the suspension of the right to vote at an election of members of a local assembly or local administrators; provided that, the procedures for trial and adjudication of such cases shall be on the basis of an inquisitorial system in accordance with the rules provided by a general meeting of the Supreme Court of Justice and shall be conducted without delay.

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

The competence of the Supreme Court of Justices Criminal Division for Persons Holding Political Positions and the criminal procedure for such persons shall be as provided by this Constitution and the Organic Act on Criminal Procedures for Persons Holding Political Positions.

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

The promotion, increase salaries and punishment of judges of the Courts of Justice must be approved by the Judicial Commission of the Courts of Justice. In such case, the Judicial Commission of the Courts of Justice shall appoint a sub-committee in each level of Courts for rendering opinion thereon for its consideration.

In giving approval of the Judicial Commission of the Courts of Justice under paragraph one and paragraph two, regard shall be had to knowledge, competency and moral behaviour of such person.

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

- (1) President of the Supreme Court of Justice as Chairperson;
- (2) qualified members of all levels of Courts, *viz*, six members from the Supreme Court of Justice, four members from the Courts of Appeal, and two

members from the Courts of First Instance, who are judges of each level of Courts and elected by judicial officials of each level of Courts;

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

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

In the case where there is no qualified member under paragraph one (3) or the number of such members is less than two and if not less than seven members of the Judicial Commission of the Courts of Justice are of the opinion that there is an urgent matter to be approved, the said number of the members of the Judicial Commission of the Courts of Justice shall constitute a quorum to consider such urgent matter.

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

A person to be appointed as the Secretary-General of the Office of the Courts of Justice must be nominated by the President of the Supreme Court of Justice with approval of the Judicial Commission of the Courts of Justice as provided by law.

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

Part 4 **Administrative Courts**

Section 223. Administrative Courts have the powers to try and adjudicate cases of disputes between a government agency, State agency, State enterprise, local government organisation or Constitutional organ, or between State officials and a private individual, or between a government agency, State agency, State enterprise, local government organisation or Constitutional organ, or among State officials themselves, as a consequence of the exercise of an administrative powers provided by law, or of the carrying out of an administrative act of a government agency, State agency, State enterprise, local government organisation, Constitutional organ or State officials, as provided by law, as well as to try and adjudicate matters prescribed by the Constitution or the law to be under the jurisdiction of the Administrative Courts.

The jurisdiction of the Administrative Courts under paragraph one does not include the adjudication of rulings made by Constitutional organs pursuant to the direct exercise of their powers under the Constitution.

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

Section 224. The appointment and removal from office of an administrative judge must be approved by the Judicial Commission of the Administrative Courts as provided by law before making a tender to the King.

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

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

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

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

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

- (1) President of the Supreme Administrative Court as Chairperson;
- (2) nine qualified members who are administrative judges and elected by administrative judges among themselves;
- (3) three qualified members, two of whom are elected by the Senate and the other by the Council of Ministers.

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

In the case where there is no qualified member under paragraph one (3) or the number of such members is less than three, if not less than six members of the Judicial Commission of the Administrative Courts are of the opinion that there is an urgent matter to be approved, the said number of the members of the Judicial Commission of the Administrative Courts shall constitute a quorum to consider such urgent matter.

Section 227. The Administrative Courts shall have an independent secretariat, with the Secretary-General of the Office of the

Administrative Courts as the superior official responsible directly to the President of the Supreme Administrative Courts.

A person to be appointed as the Secretary-General of the Office of the Administrative Courts must be nominated by the President of the Supreme Administrative Courts with approval of the Judicial Commission of Administrative Courts as provided by law.

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

Part 5 Military Courts

Section 228. Military Courts have the powers to try and adjudicate cases involving offenders are subject to the jurisdiction of the Military Courts and other cases, as provided by law.

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

CHAPTER XI Constitutional Organs

Part 1 Independent Organs

1. Election Commission

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

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

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

- (1) being of not less than forty years of age;
- (2) having graduated with not lower than a Bachelor's degree or its equivalent;
- (3) having qualifications and not being under any of the prohibitions under section 205 or section 205 (1), (4), (5) and (6);

(4) not being a judge of the Constitutional Court, an Ombudsman, a National Counter Corruption Commissioner, a State Audit Commissioner or a National Human Rights Commissioner.

The provisions of section 207 shall also apply *mutatis mutandis* to the Election Commissioner.

Section 231. The selection and election of Chairperson and Election Commissioners shall be carried out as follows:

(1) there shall be a Selection Committee of seven members consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, a person selected at a general meeting of the Supreme Court of Justice and a person elected at a general meeting of judges of the Supreme Administrative Court as members to be in charge of the selection and nomination of three persons, who have the qualifications under section 230 and suitable to be Election Commissioners, to the President of the Senate upon their consents. The selection resolution shall be passed by the votes of not less than two-thirds of the total number of the existing members of the Selection Committee. In the case where there is no member in any position or a member is unable to perform his duty and the number of the remaining members is not less than one-half thereof, the Selection Committee shall consist of the remaining members; provided that the provisions of section 113 paragraph two shall apply *mutatis mutandis*;

Persons selected by the general meeting of the Supreme Court of Justice and the general meeting of the Supreme Administrative Court under paragraph one shall not be judges and shall not be members of the Selective Committee for other Constitutional organs simultaneously.

(2) the Supreme Court of Justice shall, at its general meeting, consider and select two persons having the qualifications under section 230 who are suitable to be Election Commissioners for submission to the President of the Senate upon their consents;

(3) the selection under (1) and (2) shall be made within thirty days as from the date when a ground for the selection of persons to be in such office occurs. In the case where nomination cannot be carried out within the specified period, or an inability to make a selection in the complete number within the period specified under (1), the Supreme Court of Justice shall, at its general meeting, consider and select the complete number within fifteen days as from the date of the expiration of period under (1);

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

(5) in the case where the Senate approves the selection, the proceedings under (6) shall be taken, but in the case where the Senate disapproves

any name of the selected persons, whether wholly or partly, it shall be returned to the Selection Committee or to the general meeting of the Supreme Court of Justice, as the case may be, for reselection. If the Selective Committee or the general meeting of the Supreme Court of Justice disagrees with the Senate and reaffirms its resolution unanimously or by the votes of not less than two-thirds of the general meeting of the Supreme Court of Justice, as the case may be, the proceedings under (6) shall be undertaken, but in the case where the reaffirmation is not passed unanimously or by the votes of less than the required number, the reselection shall be commenced and completed within thirty days as from the date when a ground for the selection occurs.

(6) the person approved under (4) or (5) shall meet and elect among themselves to be Chairperson of the Election Commission and, then, notify the President of the Senate of the result. The President of the Senate shall make a tender to the King for appointment.

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

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

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

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

When the Constitutional Court passes a decision, the Constitutional Court shall notify the President of the National Assembly and the Chairperson of the Election Commission of such decision.

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

Section 234. In the case where the Election Commissioners vacates office *en masse* at the expiration of term, the selection process under section 231 shall be undertaken within ninety days as from the date of the vacation.

In the case where Election Commissioners vacate office for any reason other than the expiration of term, the selection process under section 231 shall be completed within sixty days as from the date when such grounds occur, and the approved persons shall serve only for the remainder of the term of the replaced Commissioners.

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

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

There shall be an Office of the Election Commission being an agency having independence in personnel administration, budget and other activities as provided by law.

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

(1) to issue notifications or regulations determining all acts necessary for the implementation of the laws referred to in section 235 paragraph two including regulations relating to the launching of election campaigns and any act of political parties, candidates and persons having the right to vote to proceed in an honest and fair manner and determining rules to be complied by State in giving support of fair election and equal opportunity in campaigning;

(2) to lay down regulations determining prohibitions in the performance of duties of the Council of Ministers and portfolio Minister under section 181 with due regard to the maintenance of interest of State and to honesty, fairness, equality and equal opportunity in an election;

(3) to determine measures and controls on the donation of money to political parties, the provision of financial support by the State, expenditures of political parties and election candidates, public audits of accounts of political parties, and controls on disbursements and receipt of money for the benefit of voting at an election;

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

(5) to conduct investigations and inquiries for finding facts or giving decisions on problems or disputes arising under the laws referred to in section 235 paragraph two;

(6) to order a new election or a new voting at a referendum to be held in any or all polling stations when there is reasonable evidence to believe that the election or the voting at a referendum in that or those polling stations has not proceeded in an honest and fair manner;

(7) to announce the result of an election, selection and referendum;

(8) to promote and support or co-ordinate with a government agency, State agency, State enterprise or local government organisation or to support private organisations in giving education to the public on the democratic regime of government with the King as Head of State and to promote the people's participation in politics;

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

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

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

Section 237. A candidate in an election who commits an act or causes or supports another person to act in violation of the Organic Act on Election of Members of the House of Representatives and Obtaining Senators or regulations or notifications of the Election Commission which results in an election not being carried out in an honest and fair manner, the right to vote of such person shall be suspended under the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

If there appears evidence to reasonably believe, through an act of the person under paragraph one, that the chairman of the executive committee of a political party conspired with or neglects at such commission or such commission is known to him but he fails to restrain or amend such act for the maintenance of honest and fair election, it shall be deemed that such political party has committed an act to acquire powers to rule the country by a means which is not in accordance with the provisions of this Constitution under section 68. In such case, if the Constitutional Court orders to dissolve such political party, the right to vote of the chairman of the executive committee of a political party shall be suspended for the period of five years as from the date such order is made.

Section 238. The Election Commission shall forthwith conduct an investigation and inquiry upon the occurrence of any of the following cases;

(1) an objection is made by a voter, a candidate at an election or a political party having its members stand for at an election in any constituency that an election in that constituency has been carried out improperly or unlawfully;

(2) an objection is made by a candidate in the selection or a member of the organisation referred to in section 114 paragraph one that the selection of senators has been carried out improperly or unlawfully;

(3) there appears evidence to reasonably believe that, prior to being elected or selected, a member of the House of Representatives, senator, member of a local assembly or local administrator has committed any dishonest act to enable him to be elected or selected or he has been elected or selected dishonestly as a result of any act committed by any person or political party in violation of the Organic Act on Election of Members of the House of Representatives and Obtaining Senators, the Organic Act on Political Parties or the Organic Act on Election of Members of Local Assemblies and Local Administrators;

(4) there appears evidence to reasonably believe that voting in a referendum is in violation of the law or an objection is made by a person having the right to vote that voting in a referendum in any polling station has been carried out improperly or unlawfully.

The Election Commission shall, at the completion of proceedings under paragraph one, pass forthwith a decision thereon.

Section 239. In the case where the Election Commission passes a decision to hold a re-election or suspend the right to vote before the announcement of the result of the election of members of the House of Representatives and senators, such decision shall be final.

If the Election Commission is of the opinion, after the announcement of the result of election, that a re-election must be held or the right to vote of a member of the House of Representatives or a senator must be suspended, a complaint shall be submitted to the Supreme Court of Justice for decision. When the Supreme Court of Justice receives the complaint of the Election Commission, such member of the House of Representatives or senator shall be suspended from his duties until the complaint is dismissed by the Supreme Court of Justice. In the case where the Supreme Court of Justice has an order for a re-election in any constituency or for the suspension of the right to vote of any member of the House of Representatives or senator, the membership of the House of Representatives or the membership of the Senate in such constituency shall terminate.

In the case where the person under paragraph two is unable to perform his duty, he shall not be regarded as one of the existing members of the House of Representatives or the Senate, as the case may be.

The provisions of paragraph one, paragraph two and paragraph three shall apply *mutatis mutandis* to the election of members of local assemblies and

local administrators and, in such case, a submission of a complaint under paragraph two shall be made to the Courts of Appeal and the order of the Courts of Appeal shall be final.

Section 240. If there is an objection that the selection of a senator has been carried out improperly or unlawfully or there is evidence to reasonably believe that a senator committed an act under section 238 prior to the selection, the Election Commission shall conduct an investigation and inquiry forthwith.

Upon reaching any decision, the Election Commission shall forthwith submit its decision to the Supreme Court of Justice for decision and the provisions of section 239 paragraph two and paragraph three shall apply *mutatis mutandis* to the suspension of duties of such senator.

In the case where the Supreme Court of Justice issues an order to revoke the selection or suspend the right to vote at an election of a senator, the membership of the Senate of such senator shall terminate as from the date such order is made, and the selection to fulfil the vacancy shall be taken.

The Chairperson of the Election Commission shall not participate in the proceeding or the giving of decision under paragraph one or paragraph two and, in this case, it shall be deemed that the Election Commission consists of the remaining Commissioners.

The objection and consideration of the Election Commission shall be in accordance with the Organic Act on Election of Members of the House of Representatives and Obtaining Senators.

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

In the case where an Election Commissioner has been arrested in *flagrante delicto*, or where an Election Commissioner is arrested or detained in other cases, it shall be forthwith reported to the Chairperson of the Election Commission and the Chairperson may order the release of the person so arrested, but in the case where the Chairperson of the Election Commission is arrested or detained, the remaining Election Commissioners shall have the power to order a release.

2. The Ombudsmen

Section 242. There shall be three Ombudsmen who shall be appointed by the King with the advice of the Senate from the persons recognised

and respected by the public, with knowledge and experience in the administration of State affairs, enterprises or activities of common interests of the public and with apparent integrity.

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

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

The qualifications and prohibitions of the Ombudsmen shall be in accordance with the organic law on Ombudsmen.

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

There shall be the Office of the Ombudsmen being an agency having autonomy in its personnel administration, budget and other activities as provided by law.

Section 243. The provisions of section 206 and 207 shall apply *mutatis mutandis* to the selection and election of the Ombudsmen. In such case, there shall be a Selective Committee of seven members consisting of the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, a person selected at a general meeting of the Supreme Court of Justice and a person selected at a general meeting of the judges of the Supreme Administrative Court and the provisions of section 231 (1) paragraph two shall apply *mutatis mutandis*.

Section 244. The Ombudsmen have the powers and duties:

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

(a) failure to perform in compliance with the law or performance beyond powers and duties as provided by law of a government official, an official or employee of a government agency, State agency, State enterprise or local government organisation;

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

(c) investigation any omission to perform duties or unlawful performance of duties of the Constitutional organisation or agencies in the administration of justice, except the trial and adjudication of the Courts;

(d) other cases as provided by law;

(2) to conduct the proceeding in relation to ethics of persons holding political positions and State officials under section 279 paragraph three and section 280;

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

(4) to report the result of its investigation and performance together with comments to the Council of Ministers, the House of Representatives and the Senate annually. Such report shall be published in the Government Gazette and disclosed to the public.

In exercising of powers and duties under (1) (a), (b) and (c), the Ombudsmen shall proceed where there is a complaint thereon, provided that the Ombudsmen is of the opinion that such act causes injuries to the public or it is necessary to protect public interests and, in such case, the Ombudsmen may consider and conduct investigation irrespective of a complaint.

Section 245. The Ombudsmen may submit a case to the Constitutional Court or Administrative Court in the following cases:

(1) if the provisions of any law begs the question of the constitutionality, the Ombudsmen shall submit the case and the opinion to the Constitutional Court and the Constitutional Court shall decide without delay in accordance with the Organic Act on rules and procedures of the Constitutional Court;

(2) if rules, orders or actions of any person under section 244 (1) (a) begs the question of the constitutionality or legality, the Ombudsmen shall submit the case and the opinion to the Administrative Court and the Administrative Court shall decide without delay in accordance with the Act on Establishment of the Administrative Courts and Administrative Courts Procedure.

3. The National Counter Corruption Commission

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

National Counter Corruption Commissioners shall be persons of apparent integrity, with qualifications and without any of the prohibitions under section 205, and having been a Minister, an Election Commissioner, an Ombudsman, a National Human Rights Commissioner or a State Audit Commissioner, or having served in a position of not lower than a Director-General or a person holding an administrative position in a government agency having administrative powers equivalent to a Director-General or a person holding an academic position of not lower than Professor, a representative of a private

development organisation or a professional practitioner of a professional organisation established under the law who has practised such profession for not less than thirty years whom certified and nominated to the selection by such private development organisation or professional organisation.

The provisions of section 204 paragraph three and paragraph four, section 206 and section 207 shall apply *mutatis mutandis* to the selection and election of National Counter Corruption Commissioners and, in such case, the Selective Committee shall consist of five members, *viz*, the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives and the Leader of the Opposition in the House of Representatives.

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

There shall be a Counter Corruption Commissioner for each *Changwat* whereby the qualifications, selection and powers and duties shall be in accordance with the Organic Act on Counter Corruption.

Section 247. National Counter Corruption Commissioners shall hold office for a term of nine years as from the date of their appointment by the King and shall serve for only one term.

National Counter Corruption Commissioners who vacate office at the expiration of term shall remain in office to continue to perform their duties until the newly appointed members take office.

The provisions of section 209 and section 210 shall apply *mutatis mutandis* to the vacation of office, the selection and an election to fill the vacancy of National Counter Corruption Commissioners.

Section 248. Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House or voters of not less than twenty-thousand in number have a right to lodge with the President of the Senate a complaint that any National Counter Corruption Commissioner has acted unjustly, intentionally violated the Constitution or laws or there has been a circumstance which is seriously detrimental to the dignity of the holding of office, in order to request the Senate to pass a resolution removing him from office.

The resolution of the Senate removing a National Counter Corruption Commissioner from office under paragraph one shall be passed by the votes of not less than three-fourths of the total number of the existing members of the Senate.

Section 249. Members of the House of Representatives, senators or members of both Houses of not less than one-fifth of the total number of the

existing members of both Houses have a right to lodge with the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions an allegation that any National Counter Corruption Commissioner has become unusually wealthy or has committed an offence of corruption or malfeasance in office.

The request under paragraph one shall clearly itemise the circumstances in which such person has allegedly committed the act under paragraph one and shall be submitted to the President of the Senate. When the President of the Senate has received the said request, the President shall refer it to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for trial and adjudication.

The alleged National Counter Corruption Commissioner shall not perform his duty until the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions has dismissed the said complaint.

In the case where a National Counter Corruption Commissioner is unable to perform his duty under paragraph three and the remaining National Counter Corruption Commissioners are less than one-half of the total number thereof, the President of the Supreme Court of Justice and the President of the Supreme Administrative Court shall jointly appoint a person having qualifications and is not under the same prohibitions of National Counter Corruption Commissions acting as National Counter Corruption Commissioner *pro tempore*. The appointed person shall act as a National Counter Corruption Commissioner until the National Counter Corruption Commissioner he acting for is able to perform his duty or until there is a decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions that such person has committed an offence.

Section 250. The National Counter Corruption Commission has the following powers and duties:

(1) to inquire into facts, summarise the case and prepare opinions in relation to the removal from office to be submitted to the Senate according to section 272 and section 279 paragraph three;

(2) to inquire into facts, summarise the case and prepare opinions in relation to the criminal proceedings of a person holding political positions to be submitted to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions in accordance with section 275;

(3) to inquire and decide whether a State official of high administration level or a government official holding a position of a Divisional Director or its equivalent or higher level has become unusually wealthy or has committed an offence of corruption, malfeasance in office or malfeasance in judicial office, and to take such actions against a State official or a government official of lower level who participates in the commission of such offence with the person holding the said position or the person holding political position or who commits an offence in the manner deemed appropriate by the National Counter

Corruption Commission in accordance with the Organic Act on Counter Corruption;

(4) to inspect the accuracy, actual existence as well as change of assets and liabilities of the persons holding positions under section 259 and section 264 as stated in the account and supporting documents submitted in accordance with the rules and procedures prescribed by the National Counter Corruption Commission;

(5) to supervise and monitor moral and ethics of persons holding political positions;

(6) to submit an inspection report and a report on the performance of duties together with observations to the Council of Ministers, the House of Representatives and the Senate annually. The report shall be published in the Government Gazette and disclosed to the public;

(7) to carry on other acts as provided by law.

The provisions of section 213 shall apply *mutatis mutandis* to the performance of duties of the National Counter Corruption Commission.

The President of the National Counter Corruption Commission and National Counter Corruption Commissioners shall be judicial officials under the law.

Section 251. The National Counter Corruption Commission shall have an independent secretariat, with the Secretary-General of the National Counter Corruption Commission as the superior official responsible directly to the President of the National Counter Corruption Commission.

The appointment of the Secretary-General of the National Counter Corruption Commission shall be approved by the National Counter Corruption Commission and the Senate.

There shall be an Office of the National Counter Corruption Commission having independence in personnel administration, budget and other activities as provided by law.

4. The State Audit Commission

Section 252. The State audit shall be carried out by the State Audit Commission that is independent and impartial.

The State Audit Commission consists of the Chairperson and six other members appointed by the King from persons with expertise and experience in state audit, accounting, internal audit, finance and other fields.

The provisions of section 204 paragraph three and paragraph four, section 206 and section 207 shall apply *mutatis mutandis* to the selection and election of State Audit Commissioners and the Auditor-General, except that the composition of the Selection Committee shall be in accordance with section 243.

The President of the Senate shall countersign the Royal Command appointing the Chairperson and State Audit Commissioners and the Auditor-General.

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

Qualifications, prohibitions and vacation of office of State Audit Commissioners and the Auditor-General as well as powers and duties of the State Audit Commission, the Auditor-General and the Office of the State Audit Commission shall be in accordance with the Organic Act on State Audit.

The determination of qualifications and procedure for the selection of persons to be appointed as State Audit Commissioners and the Auditor-General shall be carried out so as to obtain persons of appropriate qualifications, apparent integrity and to secure a guarantee of independence in the performance of duties of such persons.

Section 253. The State Audit Commission has the powers and duties to determine standards relating to State audit, to provide advice, suggestions and recommendations for the correction of defects in relation to State audit and to appoint an independent Financial Disciplinary Committee to render decisions on actions relating to financial discipline, finance and budget, and cases of dispute in relation to the decisions of the Financial Disciplinary Committee on such matters shall be under the jurisdiction of the Administrative Courts.

The Auditor-General shall have independent and impartial powers and duties in relation to State Audit.

Section 254. The State Audit Commission shall have an independent secretariat, with the Auditor-General as the superior official responsible directly to the Chairperson of the State Audit Commission.

There shall be an Office of the State Audit Commission being an agency having independence in personnel administration, budget and other activities as provided by law.

Part 2

Other Constitutional Organs

1. The State Attorney

Section 255. State Attorneys shall have the powers and duties as provided in this Constitution and the law on powers and duties of State attorneys and other laws.

State attorneys are independent in considering and making orders in cases and in the performance of duties for fairness.

The appointment and removal from office of the Attorney-General shall be by the resolution of the State Attorney Committee upon the approval of the Senate.

The President of the Senate shall countersign the Royal Command appointing the Attorney-General.

The State attorney organ shall have an independent secretariat having independence in personnel administration, budget and other activities, with the Attorney-General as the superior official as provided by law.

A State attorney shall neither being a member of the board of directors of a State enterprise or other enterprises of State having similar nature; provided that an approval is given by the State Attorney Committee, nor engaging in any occupation or profession or in any enterprise that may affect the performance of his duties or may detriment the dignity of his office and shall not be a member of the board of directors, manager, legal advisor or holding any other position having similar nature in any partnership or company.

The provisions of section 202 shall apply *mutatis mutandis*.

2. The National Human Rights Commission

Section 256. The National Human Rights Commission consists of a President and six other members appointed by the King with the advice of the Senate from the persons having apparent knowledge and experiences in the protection of rights and liberties of the people with due regard to the participation of representatives from private organisations in the field of human rights.

The President of the Senate shall countersign the Royal Command appointing the President and National Human Rights Commissioners.

The qualifications, prohibitions, removal and determination of the remuneration of National Human Rights Commissioners shall be as provided by law.

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

The provisions of section 204 paragraph three, section 206, section 207 and section 209 (2) shall apply *mutatis mutandis*, except that the composition of the Selection Committee shall be in accordance with section 243.

There shall be an Office of the National Human Rights Commission being an agency having independence in personnel administration, budget and other activities as provided by law.

Section 257. The National Human Rights Commission has the following powers and duties:

(1) to examine and report the commission or omission of acts which violate human rights or which do not comply with human rights obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report to the National Assembly for further proceeding;

(2) to submit the case together with opinions to the Constitutional Court in the case where the Commission agrees with the complainant that the provisions of any law are detrimental to human rights and beg the question of the constitutionality as provided by the Organic Act on Rules and Procedures of the Constitutional Court;

(3) to submit the case together with opinions to the Administrative Courts in the case where the Commission agrees with the complainant that any rule, order or administrative act is detrimental to human rights and begs the question of the constitutionality and legality as provided by the Act on Establishment of Administrative Courts and Administrative Court Procedure;

(4) to bring the case to the Courts of Justice on behalf of the injured person upon the request of such person if it deems appropriate for the common resolution of human rights violation problem as provided by law;

(5) to propose policies and recommend revision of laws and rules to the National Assembly or the Council of Ministers for the promotion and protection of human rights;

(6) to promote education, research and the dissemination of knowledge on human rights;

(7) to promote co-operation and co-ordination among government agencies, private organisations and other organisations in the field of human rights;

(8) to prepare an annual report for the appraisal of human rights situation in the country which shall be submitted to the National Assembly;

(9) other powers and duties as provided by law.

In the performance of duties of the National Human Rights Commission, regard shall be had to the common interests of the country and the people.

The National Human Rights Commission has the power to demand relevant documents or evidence from any person or summon any person to give statements of fact, including other powers for the purpose of performing its duties as provided by law.

3. The National Economic and Social Council

Section 258. The National Economic and Social Council shall have the duties of giving advice and recommendations to the Council of Ministers on economic and social problems as well as related laws.

A national economic and social development plan and other plans as provided by law shall obtain opinions of the National Economic and Social Council before they can be adopted and published.

The composition, sources, powers and duties and operation of the National Economic and Social Council shall be in accordance with the provisions of law.

There shall be an Office of the National Economic and Social Council being an agency having independence in personnel administration, budget and other activities as provided by law.

CHAPTER XII Inspection of the Exercise of State Power

Part 1 Inspection of Assets

Section 259. Persons holding the following political positions are under a duty to submit an account showing particulars of assets and liabilities of themselves, their spouses and children who have not yet become *sui juris* to the National Counter Corruption Commission on each occasion of taking or vacating office:

- (1) Prime Minister;
- (2) Ministers;
- (3) members of the House of Representatives;
- (4) senators;
- (5) other political officials;
- (6) local administrators and members of a local assembly as provided by law.

The account under paragraph one shall be submitted together with supporting documents evidencing the actual existence of such assets and liabilities as well as a copy of the personal income tax return of the previous fiscal year.

The account showing particulars of assets and liabilities submitted under paragraph one and paragraph two shall include assets of the persons holding political positions under direct or indirect possession or care of other persons.

Section 260. The account showing particulars of assets and liabilities under section 259 shall disclose the particulars of assets and liabilities actually existing as of the date of taking or vacating office, as the case may be, and shall be submitted within the following period:

(1) in the case of the taking of office, within thirty days as from the date of taking office;

(2) in the case of the vacation of office, within thirty days as from the date of the vacation;

(3) in the case where the person under section 259, who has already submitted an account, dies while being in office or before submitting the same after the vacation of office, an heir or an administrator of an estate of such person shall submit an account showing the particulars of assets and liabilities existing on the date of such person's death within ninety days as from the date of the death.

In addition to the submission of the account under (2), a person holding a position of Prime Minister, Minister, local administrator, member of a local assembly or person holding a political position who has vacated office shall also submit another account showing particulars of assets and liabilities actually existing on the date of the expiration of one year as from the date of such vacation of office. The submission shall be made within thirty days as from the date of the expiration of one year after the vacation of office.

Section 261. The account showing particulars of assets and liabilities and supporting documents submitted by the Prime Minister, Ministers, members of the House of Representatives and senators shall be disclosed to public without delay but not later than thirty days as from the date of expiration of the period for the submission of such account. The account of persons holding other positions shall be disclosed in the case where the disclosure thereof may be beneficial to the trial and adjudication of case or for the making of decision and a request is made by the Courts, an interested person or the State Audit Commission.

The President of the National Counter Corruption Commission shall convene a meeting of the Commission to inspect the accuracy and the actual existence of assets and liabilities without delay.

Section 262. In the case where the submission of the account is made by reason of the vacation of office or death of any person holding a political position, the National Counter Corruption Commission shall inspect the change of assets and liabilities of such person and prepare a report of the inspection. Such report shall be published in the Government Gazette.

In the case where it appears that the assets of a person under paragraph one have unusually increased, the President of the National Counter Corruption Commission shall send all documents together with the inspection

report to the Attorney-General to institute an action in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions so that the unusual increase in assets shall vest in the State and the provisions of section 272 paragraph five shall apply *mutatis mutandis*.

Section 263. Any person holding a political position who intentionally fails to submit an account showing assets and liabilities and supporting documents as provided in this Constitution, or intentionally submits the same with false statements or conceals facts which should be disclosed, the National Counter Corruption Commission shall refer the matter to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions for further decision.

If the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions decides that any person holding a political position committed an offence under paragraph one, such person shall vacate office on the date such decision is made and the provisions of section 92 shall apply *mutatis mutandis*. In this case, such person is prohibited from holding any political position or any position of a political party for a period of five years as from the date the decision of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions is made.

Section 264. The provisions of section 259, section 260, section 261 paragraph two and section 263 paragraph one shall apply *mutatis mutandis* to State officials as determined by the National Counter Corruption Commission.

The National Counter Corruption Commission may disclose the account showing particulars of assets and liabilities and supporting documents as submitted to interested parties if such disclosure is beneficial to the trial or decision of offences as provided by the Organic Act on Counter Corruption.

Part 2 Conflict of Interests

Section 265. A member of the House of Representatives and senator shall not:

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

(2) receive or interfere or intervene in, whether directly or indirectly, any concession from the State, a government agency, State agency or State enterprise, or become a party to a contract of the nature of an economic monopoly with State, a government agency, State agency or State enterprise, or

become a partner or shareholder in a partnership or company receiving such concession or becoming a party to a contract of such nature;

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

(4) act in violation of the prohibitions under section 48.

The provisions of this section shall not apply in the case where a member of the House of Representatives or a senator receives military pensions, gratuities, pensions, annuities for royalty or any other form of payment of the same nature, and shall not apply in the case where a member of the House of Representatives or a senator accepts or holds a position of committee member of the National Assembly, the House of Representatives or the Senate, or committee member appointed in the course of the administration of State affairs.

The provisions in (2), (3) and (4) shall apply to spouses and children of members of the House of Representatives or senators and to other persons other than spouses and children of such members of the House of Representatives or senators who act as agents or partners of, or who are entrusted by members of the House of Representatives or senators to act under this section.

Section 266. A member of the House of Representatives and a senator shall not, through the status or position of member of the House of Representatives or senator, interfere or intervene with the following matters, directly or indirectly, for the benefit of his own or other persons or of political party:

(1) the performance of official duties or routine works of a government official, official or employee of a government agency, State agency, State enterprise, an enterprise in which the State is a major shareholders or a local government organisation;

(2) the recruitment, appointment, reshuffle, transfer, promotion and elevation of the salary scale of a government official holding a permanent position or receiving salary and not being a political official, an official or employee of a government agency, State agency, State enterprise, an enterprise in which the State is a major shareholders or local government organisation; or

(3) the removal from office of a government official holding a permanent position or receiving salary and not being a political official, an official or employee of a government agency, State agency, State enterprise, an enterprise in which the State is a major shareholders or local government organisation.

Section 267. The provisions of section 265 shall apply to the Prime Minister and Ministers, except for the positions or an act carried out under the provisions of law. The Prime Minister and Ministers shall neither hold any

position in a partnership, a company or an organisation carrying out business with a view to sharing profits or incomes nor be an employee of any person.

Section 268. The Prime Minister and a Minister shall not perform any act provided in section 266, except for the performance of powers and duties pursuant to the administration of State affairs as stated to the National Assembly or as provided by law.

Section 269. The Prime Minister and a Minister shall not be a partner or shareholder of a partnership or a company or retain his being a partner or shareholder of a partnership or a company up to the limit as provided by law. In the case where the Prime Minister or any Minister intends to continue to receive benefits in such cases, the Prime Minister or such Minister shall inform the President of the National Counter Corruption Commission within thirty days as from the date of the appointment and shall transfer his shares in the partnership or company to a juristic person which manages assets for the benefit of other persons as provided by law.

The Prime Minister and a Minister shall not carry out any act which, by nature, amounts to the administration or management of shares or affairs of such partnership or company as stated in paragraph one.

This section applies to the spouses and children who have not yet become *sui juris* of the Prime Minister and Ministers, and section 259 paragraph three shall apply *mutatis mutandis*.

Part 3 **Removal from Offices**

Section 270. A person holding the position of Prime Minister, Minister, member of the House of Representatives, senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court or Attorney-General who is under exhibits circumstances of unusual wealthiness indicative of the commission of corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law or serious violation or failure to comply with ethical standard, may be removed from office by the Senate.

The provisions of paragraph one shall also apply to the persons holding the following positions:

- (1) judge of the Constitutional Court, Election Commissioner, Ombudsman and State Audit Commissioner;
- (2) judge, state attorney or high ranking official in accordance with the Organic Act on Counter Corruption.

Section 271. Members of the House of Representatives of not less than one-fourth of the total number of the existing members of the House of Representatives have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under section 274 to remove the persons under section 270 from office. The said complaint shall clearly itemise the circumstances in which such persons have allegedly committed the act.

Senators of not less than one-fourth of the total number of the existing members of the Senate have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under section 274 to remove a senator from office.

Voters of not less than twenty-thousand in number have the right to lodge a complaint in order to request the Senate to pass a resolution under section 164 to remove the persons under section 270 from office.

Section 272. Upon receipt of a complaint under section 271, the President of the Senate shall refer the matter to the National Counter Corruption Commission for inquisition without delay.

When the inquisition is completed, the National Counter Corruption Commission shall prepare a report for submission to the Senate. The said report shall clearly state whether, and to what extent, the accusation stated in the complaint contains a *prima facie* case together with convincing evidences and shall state the resolutions therefor.

In the case where the National Counter Corruption Commission is of the opinion that an accusation stated in the complaint is an important matter, the National Counter Corruption Commission may make a separate report specifically on the said accusation and refer it to the President of the Senate for consideration in advance.

If the National Counter Corruption Commission passes a resolution by the votes of not less than one-half of the total number of the existing members that the accusation contains a *prima facie* case, the holder of the position against whom the accusation has been made shall not, as from the date of such resolution, perform his duties until the Senate has passed its resolution. The President of the National Counter Corruption Commission shall submit the report, existing documents and opinion to the President of the Senate for proceedings in accordance with section 273 to the Attorney-General for instituting legal proceedings in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. If the National Counter Corruption Commission is of the opinion that the accusation has no *prima facie* case, such accusation shall lapse.

In the case where the Attorney-General is of the opinion that the report, documents and opinion submitted by the National Counter Corruption

Commission under paragraph four are not so complete as to institute prosecution, the Attorney-General shall notify the National Counter Corruption Commission for further proceedings and, for this purpose, the incomplete items shall be specified on the same occasion. In such case, the National Counter Corruption Commission and the Attorney-General shall appoint a working committee, consisting of the representatives of each party in an equal number, for compiling complete evidence which shall be submitted to the Attorney-General for further prosecution. In the case where the working committee is unable to reach a decision as to the prosecution, the National Counter Corruption Commission shall have the power to institute legal proceedings by itself or appoint a lawyer to institute legal proceedings on its behalf.

Section 273. Upon receipt of the report under section 272, the President of the Senate shall convoke a sitting of the Senate for considering the said matter without delay.

In the case where the National Counter Corruption Commission submits the report out of session of the Senate, the President of the Senate shall inform the President of the National Assembly in order to tender a petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly. The President of the National Assembly shall countersign the Royal Command.

Section 274. A senator shall have independence in casting a vote, which must be by secret ballot. A resolution for the removal of any person from office shall be passed by the votes of not less than three-fifths of the total number of the existing members of the Senate.

A person who is removed from office shall vacate office or be discharged from government service as from the date of the resolution of the Senate. Such person shall be deprived of the right to hold any political position or to serve in the government service for five years.

The resolution of the Senate under this section shall be final and no request for the removal of such person from office shall be made on the same grounds, without, however, prejudice to the trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Part 4

Criminal Proceedings Against Persons Holding Political Positions

Section 275. In the case where the Prime Minister, a Minister, member of the House of Representatives, senator or other political official has been accused of becoming unusually wealthy, or of the commission of malfeasance in office according to the Penal Code or a dishonest act in the

performance of duties or corruption according to other laws, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall have the competent jurisdiction to try and adjudicate the case.

The provisions of paragraph one shall also apply to the case where the said person or other person is a principal, an instigator or a supporter, including a person who gives, asks to give or promises to give property or other benefits to the person under paragraph one with a view to inducing him to act or omit or delay an act resulting in a dishonest act in the performance of duties.

The submission of an accusation requesting the National Counter Corruption Commission to conduct proceedings under section 250 (2) shall be in accordance with the Organic Act on Counter Corruption.

In the case where the accused under paragraph one is a person holding the position of Prime Minister, Minister, President of the House of Representatives or President of the Senate, the person injured by such act may submit a petition to the National Counter Corruption Commission to conduct proceedings under section 250 (2) or to the general meeting of the Supreme Court of Justice to appoint an independent inquisitor under section 276. However, if the injured person has already submitted petition to the National Counter Corruption Commission, he may submit a petition to the Supreme Court of Justice only when the National Counter Corruption Commission has dismissed the petition for inquisition, the inquisition has been unduly delayed, or the inquisition has concluded that there is no *prima facie* case in the accusation.

If the National Counter Corruption Commission is of the opinion that there are grounds for suspicion of a case under paragraph four, and the National Counter Corruption Commission passes a resolution to conduct proceedings under section 250 (2) by the votes of not less than one-half of the total number of existing member, the National Counter Corruption Commission shall forthwith conduct proceedings under section 250 (2) and, in such case, the injured person shall not submit a petition to the Supreme Court of Justice under paragraph four.

The provisions of section 272 paragraph one, paragraph four and paragraph five shall apply *mutatis mutandis*.

Section 276. In the case where the general meeting of the Supreme Court of Justice is of the opinion proceedings should be taken pursuant to the petition submitted under section 275 paragraph four, the general meeting of the Supreme Court of Justice shall appoint an independent inquisitor from a person of apparent political impartiality and integrity, or refer the matter to the National Counter Corruption Commission to undertake the inquisition under section 250 (2) in lieu of the appointment of an independent inquisitor.

Qualifications, powers and duties, inquisition procedures and other necessary acts of an independent inquisitor shall be provided by law.

Once the independent inquisitor has carried out inquiries of the facts and summarized the case as well as prepared an opinion, if he is of the opinion that accusation has a *prima facie* case, he shall submit a report and existing documents together with an opinion to the President of the Senate for further proceedings under section 273 and shall submit the inquisition file and opinion to the Attorney-General for instituting legal proceedings in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. The provisions of section 272 paragraph five shall apply *mutatis mutandis*.

Section 277. In a trial, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall rely on the file of the National Counter Corruption Commission or of the independent inquisitor, as the case may be, and may conduct an inquisition in order to obtain additional facts or evidence as it thinks fit.

The procedures of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be as provided in the Organic Act on Criminal Proceedings against Persons Holding Political Positions, and the provisions of section 213 shall apply *mutatis mutandis* to the performance of duties of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

The provisions on the immunities of members of the House of Representatives and senators under section 131 shall not apply to the trial of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Section 278. An adjudication of a case shall be made by a majority of votes; provided that every judge constituting the quorum shall prepare a written opinion and make an oral statement to the meeting prior to the passing of a resolution.

Orders and decisions of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall be disclosed and final, except in the case of paragraph three.

In the case where a person sentenced by a judgement of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions finds newly-discovered evidence which may materially alter the facts of the case, he may appeal to the general meeting of the Supreme Court of Justice within thirty days as from the date of judgement of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Rules on appeals and consideration and adjudication of the general meeting of the Supreme Court of Justice shall in accordance with the regulations laid down by the general meeting of the Supreme Court of Justice.

CHAPTER XIII

Ethics of Persons Holding Political Positions and State Officials

Section 279. The ethical standard of each kind of person holding political position, government official or of each type of State official shall be in accordance with the established Code of Ethics.

Ethical standards under paragraph one shall consist of mechanisms and systems for ensuring its effective enforcement, including the prescription of punishment procedures for each degree of violation.

Any violation or failure to comply with the ethical standards under paragraph one shall be deemed as a breach of discipline. In the case where a person holding political position violates or fails to comply therewith, the Ombudsmen shall report to the National Assembly, the Council of Ministers or relevant local assemblies, as the case may be, and in the case of a serious violation or failure, shall refer to the National Counter Corruption Commission for further proceedings, whereby it shall be deemed as cause for removal from office under section 270.

The consideration, selection, scrutiny or appointment of any person to hold a position relating to the exercise of power of State power, including the transfer, promotion and elevation of the salary scale and punishment of such person shall be in accordance with merit system with due regard to ethical behaviour of such person.

Section 280. For the purpose of this Chapter, the Ombudsmen have the powers and duties in giving suggestions or recommendations in the making of or improving the Code of Ethics under section 279 paragraph one and to promote the ethical conscience of persons holding political positions, government officials and State officials, including the duty to report any violation of the Code of Ethics to the responsible person for the enforcement of the Code under section 279 paragraph three.

In the case where the violation or failure to comply with the ethical standard is of a serious nature or there are reasonable grounds to believe that the responsible person may act unfairly, the Ombudsmen may conduct an inquiry and disclose the result thereof to the public.

CHAPTER XIV

Local Administration

Section 281. Subject to section 1, the State shall give independence to local government organisations under the principle of self-government according to the will of the people in a locality and shall encourage

local government organisations to become the principal public services provider and to participate in rendering solutions to any problem occurs within its area.

Any locality exhibiting a competence to self-govern shall have the right to be formed as a local government organisation as provided by law.

Section 282. The supervision of local government organisations shall be exercised in so far as is necessary under the rules, procedures and conditions which are clear, consistent and appropriate for each type of local government organisation as provided by law with a view to protecting local interest or the interests of the country as a whole, provided that it shall not substantially affect the principle of self-government according to the will of the people in the locality or otherwise than as provided by law.

In the conduct of supervision under paragraph one, there shall be a supervision standard as a guideline which shall be applied by the local government organisations, upon their own selection, with regard to the appropriateness and difference of level of development and efficiency in the administration of each type of local government organisation without prejudice to the capability of making decisions for the performance with regard to the needs of local government organisations and there shall be a mechanism for the examination of performance thereof which is executed mainly by the people.

Section 283. Local government organisations have the powers and duties to maintain and provide, in general, public services for the benefit of the people in localities and shall enjoy autonomy in laying down policies, administration, provision of public services, personnel administration, finance and shall have powers and duties particularly on their own part with regard to the compliance with the development of *Changwat* and the country as a whole.

Local government organisations shall be promoted and encouraged to strengthen their independent administration and their capability to meet the demands of the people in the localities efficiently, the ability to develop local financial systems so as to provide all public services under their powers and duties and to establish or jointly establish organisations to provide public services under their powers and duties with a view to comprehensively provide good value and beneficial services to public.

There shall be a law determining plans and processes for decentralization prescribing the delineation of powers and duties and the allocation of revenues between central and provincial administrations and local government organisation and between local government organisations themselves with due regard to the increased decentralization of powers pursuant to the capability levels of each form of local government organisation, including an examination and evaluation system. There shall be a committee consisting of representatives of the relevant government agencies, representatives of local government organisations

and qualified persons in an equal number responsible for carrying out acts as provided by law.

There shall be a law on local revenues prescribing powers and duties for the collection of taxes and other revenues of local government organisations, wherein there shall be rules which are suitable to the nature of each type of taxes, the allocation of resources in public sector and the balance of revenues and expenditures according to the functions of local government organisations. In such case, regard shall be had to level of economic development of localities, financial status of local government organisations and financial sustainability of the State.

In the case where the delineation of powers and duties and the distribution of revenue to local government organisations has already been made, the committee under paragraph three shall review such matter every five years in order to consider the suitability of the delineation of powers and duties and the allocation of revenues previously made, having particular regard to the promotion of decentralization.

The proceeding under paragraph five shall be effective when the approval of the Council of Ministers has been obtained and the National Assembly has been notified thereof.

Section 284. A local government organisation shall have a local assembly and local administrative committee or local administrators.

Members of a local assembly shall be elected.

A local administrative committee or local administrators shall be directly elected by the people or shall be from the approval of a local assembly.

An election of members of a local assembly and local administrative committee or local administrators who must be directly elected by the people shall be made by direct suffrage and secret ballot.

Members of a local assembly, local administrative committee or local administrators shall hold office for the period of four years.

A member of a local administrative committee or local administrator shall not be a government official holding a permanent position or receiving a salary or an official or employee of a government agency, State agency, State enterprise or local government organisation and shall not have any conflict of interest in the holding of position as provided by law.

The qualifications of the person having the right to vote and the person having the right to apply for candidacy in an election, rules and procedures for the election of members of a local assembly, members of a local administrative committee and local administrators shall be in accordance with the provisions of the law.

In the case where a local administrative committee has vacated office *en masse* or local administrators vacate office and a local administrative

committee or local administrators must be provisionally appointed, the provisions of paragraph three and paragraph six shall not apply, as provided by law.

The establishment of a special local government organisation having a different organisational structure from the provisions in this section shall be as provided by law; provided that a local administrative committee or local administrators thereof shall be elected.

The provisions of section 265, section 266, section 267 and section 268 shall apply *mutatis mutandis* to members of local assembly and local administrative committee or local administrators, as the case may be.

Section 285. If persons having the right to vote in any local government organisation are of the opinion that any member of the local assembly, any local administrative committee or any administrator of that local government organisation is not suitable to remain in office, such persons shall have the right to vote for removal of such member of the local assembly, local administrative committee or administrator from office. The number of persons having the right to lodge such petition, rules and procedures for lodging a petition, the examination of petition and voting shall be provided by law.

Section 286. Persons having the right to vote in any local government organisation shall have the right to lodge with the President of the local assembly a petition for the issuance by the local assembly of local ordinances.

The number of persons having the right to lodge such petition, rules and procedures for lodging a petition, including the examination of petition shall be provided by law.

Section 287. People in a locality have the right to participate in the administration of local government organisation whereby the local government organisation shall facilitate the people to have participation thereto.

In the case where any act of a local government organisation may be detrimental to way of life of the people within its locality materially, the local government organisation shall provide information thereof to the people prior to the commencement of such act within a reasonable period. If it deems appropriate or upon the request of people having the rights to vote at an election in such locality, the local government organisation shall conduct a public consultation on such matter before the commencement of such act or conduct the referendum for decision thereon as provided by law.

The local government organisation shall report to the public of its preparation of appropriation, expenditures and the result of its annual performance with a view to enable the people's participation in the scrutiny and supervision of local government organisations.

The provisions of section 168 paragraph six shall apply *mutatis mutandis* to the preparation of a budget of a local government organisation under paragraph three.

Section 288. The appointment and discharge of government officials and employees of a local government organisation shall be in accordance with the suitability and need of each locality whereby the personnel administration of local government organisations shall be based on consistent standards which may be jointly developed or undertaken by personnel exchanges between local government organisations, and prior approval shall be obtained from the Local Officials Committee, which is a central personnel administration of local government organisations, as provided by law.

There shall be a Local Officials Merit Protection Organisation, in personnel administration of local government organisations, so as to establish and maintain merit and ethics protection system in personnel administration as provided by law.

The Local Officials Committee under paragraph one shall consist, in an equal number, of representatives of relevant government agencies, representatives of local government organisations, representatives of local government officials and qualified persons possessing the qualifications as provided by law.

The transfer, promotion, increase of salaries and the punishment of government officials and employees of a local government organisation shall be in accordance with the provisions of law.

Section 289. A local government organisation has the duty to conserve local arts, custom, wisdom and good culture of locality.

A local government organisation has the right to provide education and professional training in accordance with the suitability and needs of that locality and participate in the provision of education and training by the State with regard to compliance with the national education standard and system.

In providing local education and training under paragraph two, the local government organisation shall also have regard to the conservation of local arts, custom, wisdom and good culture.

Section 290. A local government organisation has the powers and duties to promote and conserve the quality of the environment as provided by law.

The law under paragraph one shall at least contain the following matters as its substance:

(1) management, preservation and exploitation of the natural resources and environment in the area of the locality;

(2) participation in the preservation of natural resources and environment outside the area of the locality only in the case where the subsistence of inhabitants in the area may be affected;

(3) participation in considerations for initiating any project or activity outside the area of the locality which may affect the quality of the environment, health or sanitary conditions of the inhabitant in the area;

(4) participation of local community.

CHAPTER XV

Amendment of the Constitution

Section 291. An amendment of the Constitution may be made under the following rules and procedures:

(1) a motion for amendment must be proposed either by the Council of Ministers or members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House of Representatives or members of both Houses of not less than one-fifth of the total number of the existing members thereof or persons having the right to votes of not less than fifty thousand in number under the law on the public submission of a bill;

A motion for amendment which has the effect of changing the democratic regime of government with the King as Head of State or changing the form of State is prohibited;

(2) a motion for amendment must be proposed in the form of a draft Constitution Amendment and the National Assembly shall consider it in three readings;

(3) voting in the first reading for adoption 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) section by section deliberations in the second reading shall be made in consultation with the people having the right to vote who submit a draft Constitution Amendment;

Voting in the second reading for section by section deliberations shall be decided by a simple majority of votes;

(5) at the conclusion of the second reading, there shall be an interval of fifteen days after which the National Assembly shall proceed with its third reading;

(6) 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 a resolution has been passed in accordance with the above rules and procedures, the draft Constitution Amendment shall be presented to the

King, and the provisions of section 150 and section 151 shall apply *mutatis mutandis*.

Transitory Provisions

Section 292. The Privy Council holding office on the date of the promulgation of this Constitution shall be the Privy Council under the provisions of this Constitution.

Section 293. The National Legislative Assembly under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall act as the National Assembly, the House of Representatives and the Senate under the provisions of this Constitution until the first meeting of the National Assembly under section 127.

During the period under paragraph one, if the provisions of this Constitution or other laws prescribes that the President of the National Assembly, the President of the House of Representatives or the President of the Senate shall countersign a Royal Command, the President of the National Legislative Assembly shall countersign the Royal Command in lieu thereof.

At the initial period, if there must be a first meeting of the National Assembly under section 127 but a Senate is not yet formed, the National Legislative Assembly shall continue to act as the Senate; except for the consideration for appointment or removal of any person from office under the provisions of this Constitution, until there is a Senate under this Constitution, and any act done by the National Legislative Assembly during such period is deemed to be an act of the Senate and in the case where this Constitution or other laws prescribes that the President of the Senate shall countersign the Royal Command, the President of the National Legislative Assembly shall countersign the Royal Command in lieu thereof.

The provisions of section 93, section 94, section 101, section 102, section 106, section 109, section 111, section 113, section 114, section 115, section 119, section 120, section 197 paragraph four and section 261 and the provisions of other laws which prohibit persons from holding political positions shall not apply to the holding of positions of members of the National Legislative Assembly.

The provisions of section 153 shall apply *mutatis mutandis* to the lapse of the National Legislative Assembly.

Section 294. The Constituent Assembly and the Constitution Drafting Commission under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall lapse on the date of the promulgation of this Constitution.

For the purpose of eliminating conflict of interests, no member of the Constitution Drafting Commission shall apply for candidacy in an election of members of the House of Representatives or hold a position of senator within two years as from the date of vacation from office under paragraph one.

Section 295. The National Legislative Assembly shall complete the consideration of the organic law bill on election of members of the House of Representatives and obtaining senators, the organic law bill on political parties and the organic law bill on Election Commission as submitted by the Constitution Drafting Commission within the period prescribed in the Constitution of the Kingdom of Thailand (Interim), B.E. 2549.

In the case where the National Legislative Assembly is unable to finish the consideration of such organic law bills within the period under paragraph one, the President of the National Legislative Assembly shall present the organic law bills submitted by the Constitution Drafting Commission to the King for His signature within seven days as if the approval of the National Legislative Assembly is given thereto.

While the Organic Act on Political Parties and the Organic Act on Election Commission under paragraph one has not yet come into force, the Organic Law on Political Parties, B.E. 2541 and the Organic Law on Election Commission, B.E. 2541 shall remain in force until the said organic acts come into force.

Section 296. The election of members of the House of Representatives under this Constitution shall be held within ninety days and the obtaining of senators under this Constitution shall be held within one hundred and fifty days as from the date the organic act under section 295 comes into force.

At the first general election of members of the House of Representatives after the promulgation of this Constitution, a person who is eligible to be a candidate in an election shall be a member of only one political party for not less than thirty days up to the election day and, in such case, the period under section 101 (4) (a) shall be one year and the period under section 101 (4) (c) and (d) shall be two years.

At the initial period, the persons who have been senators elected for the first time under the Constitution of the Kingdom of Thailand, B.E. 2540 shall not hold positions of senators obtained for the first time under this Constitution, and the provisions of section 115 (9) and section 116 paragraph two shall not apply to the persons whom elected for the last time under the Constitution of the Kingdom of Thailand, B.E. 2540.

Section 297. At the initial period, senators obtained from the selection basis shall hold office for a term of three years as from the commencement of membership and the provisions prohibiting senators form

holding office for more than one term shall not apply to such persons in the subsequence selection.

Section 298. The Council of Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution shall be the Council of Ministers under this Constitution and shall vacate office *en masse* when the Council of Ministers appointed under this Constitution takes office.

The National Security Council under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall vacate office *en masse* at the time when the Council of Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution vacate office.

The provisions of section 171 paragraph two, section 172, section 174 and section 182 (4), (7) and (8) shall not apply to the holding of office of the Prime Minister and Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution.

Section 299. The Ombudsmen holding positions on the date of promulgation of this Constitution shall be the Ombudsmen under this Constitution and shall remain office until the expiration of the term of office. In such case, the term of office shall commence as from the date the appointment is made by the King and the Ombudsmen shall elect one among themselves to be the President of the Ombudsmen within sixty days as from the date of promulgation of this Constitution and the provisions of section 242 paragraph two and paragraph three shall apply *mutatis mutandis*.

Election Commissioners, National Counter Corruption Commissioners and members of the National Economic and Social Council holding positions on the date of promulgation of this Constitution shall remain in office until the expiration of the term of office and, in such case, the term of office shall commence as from the date of appointment.

National Human Rights Commissioners holding positions on the date of promulgation of this Constitution remain in office until the appointment of the National Human Rights Commission under this Constitution. In the case where such persons hold office for not more than one year as from the date of promulgation of this Constitution, the provisions prohibiting members of the National Human Rights Commission from holding office for more than one term shall not apply to such persons in the first appointment of National Human Rights Commissioners under this Constitution.

The persons under this section shall continue the performance of duties under organic acts or other relevant laws which are in force on the date of promulgation of this Constitution until the enactment of the organic acts or other laws for the compliance with this Constitution, unless the provisions thereof are

contrary to or inconsistent with the provisions of this Constitution in which case the provisions of this Constitution shall prevail.

Section 300. The Constitutional Tribunal under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall be the Constitutional Court under this Constitution and the person holding the position of President of the Supreme Court of Justice shall be the President of the Constitutional Court, the person holding the position of President of the Supreme Administrative Court shall be the Vice-President of the Constitutional Court and the judges of the Supreme Court of Justice and of the Supreme Administrative Court selected under section 35 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall be judges of the Constitutional Court until the appointment of the Constitutional Court under this Constitution which shall be completed within one hundred and fifty days as from the date of appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives after the first general election of members of the House of Representatives under this Constitution.

The provisions of section 205 (3), section 207 (1) and (2) and section 209 (5) shall not apply to the holding of position of judges of the Constitutional Court under paragraph one.

The provisions of section 35 paragraph two, paragraph three and paragraph four of the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 shall remain in force until the enactment of the Organic Act on Rules and Procedures of the Constitutional Court.

All cases or acts under the consideration of the Constitutional Tribunal under paragraph one shall be considered by the Constitutional Court under this section and when the Constitutional Court under this Constitution is appointed, all such pending cases or acts shall be transferred to the jurisdiction of the newly appointed Constitutional Court.

While the Organic Act on Rules and Procedures of the Constitutional Court has not yet been enacted, the Constitutional Court has the powers to prescribe rules on procedure and rendering of decisions but such organic law shall be enacted within one year as from the date of promulgation of this Constitution.

Section 301. The selection for the State Audit Commission and the Auditor-General shall be completed within one hundred and twenty days as from the date of appointment of the President of the House of Representatives and the Leader of the Opposition in the House of Representatives after the first general election of members of the House of Representatives under this Constitution, and if the President of the Constitutional Court from the selection proceedings under this Constitution has not yet been selected, the Selection Committee shall consist of the remaining members.

In the absence of the State Audit Commission, the Auditor-General shall act as the President of the State Audit Commission and the State Audit Commission.

Section 302. The following organic laws shall continue in force subject to the conditions prescribed under this section:

(1) Organic Act on Ombudsmen, B.E. 2542 whereby the President of the Ombudsmen shall have charge and control of the execution of this organic act;

(2) Organic Act on Counter Corruption, B.E. 2542 whereby the Chairperson of the National Counter Corruption Commission shall have charge and control of the execution of this organic act;

(3) Organic Act on State Audit, B.E. 2542 whereby the Chairperson of the State Audit Commission shall have charge and control of the execution of this organic act;

(4) Organic Act on Criminal Proceeding Against Persons Holding Political Positions, B.E. 2542 whereby the President of the Supreme Court of Justice shall have charge and control of the execution of this organic act.

Amendment to organic acts by Acts promulgated while the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 was force is deemed to be made by organic acts under this Constitution.

Persons having charge and control of the execution of the organic acts under paragraph one shall cause the revision of the organic laws for compliance with this Constitution within one year as from the date of promulgation of this Constitution. In the case where the person having charge and control of the execution of such organic act does not exist, the period of one year shall commence as from the date of appointment of such person.

The House of Representatives shall complete the consideration of the organic law bills under this section within one hundred and twenty days as from the date of receipt of such organic law bills and the Senate shall finish its consideration thereon within ninety days as from the date of receipt of such organic law bills.

A resolution approving such amendment or disapproving the organic law bills under paragraph one shall be made by the votes of not less than one-half of the total members of each House.

The Election Commission shall prepare the organic law bill on referendum for compliance with this Constitution and the provisions in paragraph three, paragraph four and paragraph five shall apply *mutatis mutandis*.

Section 303. At the initial period, the Council of Ministers taking office after the first general election under this Constitution shall cause a preparation or amendment to laws in the matters and within the specified period as follows:

(1) laws related to the determination of measures for supporting and protecting rights and liberties under section 40, section 44, freedom of expression of individuals and the press in Part 7, rights and liberties in education in Part 8, rights to public health services and welfare in Part 9 and rights to information and petition in Part 10 as well as laws on personal data under section 56, community rights in Part 12, law establishing an independent consumer protection organisation under section 61 paragraph two, law on political development council under section 78 (7), law establishing organisation for reforming the judicial process under section 81 (4), law establishing farmer council under section 84 (8), law establishing civil politics development fund under section 87 (4) and law on National Human Rights Commission under section 256; within one year as from the date policies are stated to the National Assembly under section 176;

(2) law for the development of national education under section 80 by promoting formal education, non-formal education, education-at-will, self-learning, life-long learning, community college or other forms of education and proposing the revision of law for determining agencies to be responsible for the appropriate provision of education in conformity with all levels of all education systems of basic education; within one year as from the date policies are stated to the National Assembly under section 176;

(3) law under section 190 paragraph five which at least consists of details on procedures and measures for the conclusion of a treaty embodying a system for the balancing of powers between the Council of Ministers and the National Assembly and embodying transparency, efficiency and actual public participation, and details of studies or researches conducted independently before the commencement of negotiation in which there is no conflict of interests between interests of the State and researchers throughout the binding period of the treaty; within one year as from the date policies are stated to the National Assembly under section 176;

(4) laws under section 86 (1) and section 167 paragraph three; within two years as from the date policies are stated to the National Assembly under section 176;

(5) law determining plans and process for decentralization, law on local revenue, law on establishment of local government organisation, law on local government officials and other laws as referred to in Chapter XIV Local Administration for the compliance with this Constitution; within two years as from the date policies are stated to the National Assembly under section 176. Such law may be complied in form of Local Administration Code.

In the case where laws enacted before the date of promulgation of this Constitution contain provisions which are in accordance with this Constitution, the execution of this section to such laws is exempted.

Section 304. The Code of Ethics under section 279 shall finish within one year as from the date of promulgation of the Constitution.

Section 305. At the initial period, the some provisions of this Constitution shall not apply to cases under the following conditions:

(1) the provisions of section 47 paragraph two shall not apply until the enactment of the law under section 47 to establish the regulatory body having duty to distribute the frequencies and supervise radio and television broadcasting and telecommunication businesses which shall not more than one hundred and eighty days as from the date the government policies are stated to the National Assembly. Such law shall at least essentially provide for the establishment of specialised committees within such regulatory body operating independently of each other in order to undertake the supervision of radio or television broadcasting and the supervision of telecommunication businesses, and shall have details on the supervision and protection of business, the establishment of telecommunication resources development fund and the promotion of public participation in operating a public mass media, but the aforesaid shall not affect the permissions, concessions or legal contracts concluded before the date of promulgation of this Constitution until the termination of such permissions, concessions or contracts;

(2) subject to section 296 paragraph three, the provisions of section 102 (10), only with respect to the requirement on having been senator, section 115 (9) and section 116 paragraph two shall not apply to the first election of members of the House of Representatives and the holding of political positions at the first time under this Constitution;

(3) the provisions of section 141 shall not apply to the enactment of the organic act under section 295;

(4) the provisions of section 167 paragraph one and paragraph two, section 168 paragraph nine, section 169 only with respect to the determination of sources of income for reimbursement of expenditures paid-up from the treasury balance, and section 170 shall not apply within one year as from the date of promulgation of this Constitution;

(5) any act in relation to the conclusion or implementation of a treaty which have been done prior to the date of promulgation of this Constitution shall be valid and the provisions of section 190 paragraph three shall not apply; provided, at any rate, that the provisions of section 190 paragraph three shall apply to the pending procedure that must be continued;

(6) the provisions of section 209 (2) shall not apply to National Human Rights Commissioners holding office on the date of promulgation of this Constitution;

(7) the provisions of section 255 paragraph five and section 288 paragraph three shall not apply within one year as from the date of promulgation of this Constitution.

Section 306. At the initial period, judges of the Supreme Court of Justice having held positions of not lower than judges of the Supreme Court of Justice who have attained the age of sixty years in the fiscal year 2550 shall perform the duties of senior judges in the Supreme Court of Justice under section 219 until the amendment of the law prescribing rules for the performance of duties of senior judges.

Within one year as from the date of promulgation of this Constitution, a law extending term of office of judges of the Courts of Justice to seventy years of age shall be enacted and a judge of the Courts of Justice who has attained the age of sixty years or more in any fiscal year, who has performed duties for not less than twenty years and passes the performance capability test may request to hold the office of senior judge in the Courts of not higher than the Court he held his last office.

The law to be enacted under paragraph one and paragraph two shall contain provisions to the effect that persons who have attained the age of sixty years or more in any fiscal year, within the first ten years as from the date such law comes into force, shall gradually and continually vacate their offices and enable such persons to make a request for holding the office of senior judge.

The provisions of paragraph two and paragraph three shall apply *mutatis mutandis* to State attorneys.

Section 307. Qualified members of the Judicial Commission of the Courts of Justice holding office on the date of promulgation of this Constitution shall remain in office; except for a qualified member who has attained the age of years in the fiscal year 2550 and a qualified member in any level of the Courts transferred from such level of the Court, but not more than one hundred and eighty days as from the date of promulgation of this Constitution.

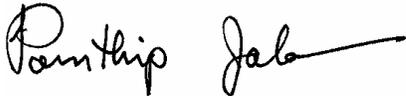
Section 308. The Council of Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution shall appoint an independent Law Reform Committee within ninety days as from the date of promulgation of this Constitution having duties to study and give recommendations on the preparation of laws to be enacted for the implementation of this Constitution and such committee shall prepare a law establishing the law reform organisation under section 81 (3) within one year as from the date of promulgation of this Constitution whereby such law shall at least contain provisions entrusting such organisation with a duty to support the preparation of bills proposed by persons having the right to vote in an election.

The execution under paragraph one is not prejudice to the powers and duties of other organisations in the preparation of bills under their responsibilities.

Section 309. Any act, the legality and constitutionality of which has been recognised by the Constitution of the Kingdom of Thailand (Interim), B.E. 2549, including all acts related therewith committed whether before or after the date of promulgation of this Constitution, shall be deemed as constitutional under this Constitution.

Countersigned by:
Meechai Ruchuphan
President of the National Legislative Assembly

Certified Translation

A handwritten signature in black ink, appearing to read 'Pornthip Jala', with a long horizontal stroke extending to the right.

(Khun Pornthip Jala)
Secretary-General of the Council of State