



CONSTITUTION OF THE KINGDOM OF THAILAND
(INTERIM EDITION)
B.E. 2549 (2006)

(UNOFFICIAL TRANSLATION)

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SOMDET PHRA PARAMINTHARAMAHA
BHUMIBOL ADULYADEJ
SAYAMMINTHARATHIRAT BOROMMANATTHABOPHIT

Enacted on the 1st Day of October B.E. 2549;
Being the 61st Year of the Present Reign.

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayammintharathirat Borommanatthabophit is graciously pleased to proclaim that:

Whereas the Chairman of the Council for Democratic Reform who successfully seized and took control of the State administrative power on 19th of September B.E. 2549, has advised the King that the reason of seized power and abrogated the Constitution of the Kingdom of Thailand with an intention to solve

* Complied by Phicheth Kitisin, Advisor on Foreign Affairs,
Secretariat of the Senate

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the problems of the people's losing confidence in the administration of the State affairs, the lack of efficiency in the control on the administration of the State affairs and the inspection of the exercise of the State power which led to massive corruption and malfeasance with no one being brought to the punishment which has been a serious crisis in politic and administration, and caused rifts among the people who were incited to take sides and causing the decline of the national unity which is a serious social crisis. Although several sectors have tried to solve the crisis but their attempts have failed. It, in turn, seem to be increased violence leading to the use of force which causes the lost of life and bloodshed. The situation was severely detrimental to the administrative system, economic system and peacekeeping of the nation that needs to provide an interim appropriate administrative mechanism which is suitable to the situation by taking into consideration to the legal principles according to the administrative tradition of the Kingdom of Thailand under a democratic form of government with the King as Head of State, to restore the spirit of unity, the economic system and peacekeeping of the nation, to implement the strong system of inspection of the corruption and the magnificent ethical system, to promote and to protect right and liberty of the people, to pursue the UN Charters, International Treaties and Agreements,

to promote the relationship with other countries and to promote the ways of life by the doctrine of self-sufficiency economy. In the meantime, to encourage the drafting of the new Constitution with broadly participating from the people in every step. To attain the goals as the Council for Democratic Reform has informed. Be it, therefore, commanded by the King that these following provisions are promulgated as the Constitution of the Kingdom of Thailand (Interim Edition) until the promulgation of the Constitution which has been drafting and being submitted to the King.

Section 1. Thailand is a Kingdom, one and indivisible.

The King is Head of State and holds the position of Head of the Thai Armed Forces.

The person of the King is in a sacred position and shall not be violated, accused or sued in any manner whatever.

Section 2. The sovereign power emanates from the Thai people. The King who is Head of State exercises such power through the National Legislative Assembly, the Council of Ministers and the Courts in conformity with the provisions of this Constitution.

Section 3. Upon the provisions of this Constitution, the human dignity, right, liberty and equality of the Thai people protected by the democratic tradition of Thailand with the King as Head of State and by the existing international commitments of Thailand shall be protected by this Constitution.

Section 4. The King selects and appoints the President of the Privy Council and not more than eighteen Privy Councillors to constitute the Privy Council.

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

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

Section 5. The National Legislative Assembly consists of not more than two hundred and fifty members, who shall be appointed by the King from the Thai nationality by birth and being of not less

than thirty five years of age.

The National Legislative Assembly shall perform its duties as the House of Representatives, the Senate and the Parliament.

In selection of persons to be appointed as members of the National Legislative Assembly shall be considered from various groups in the government sector, private sector, social sector and academic sector from appropriate regions.

In the case where the laws on disqualifications of the holders of political positions are in used, the laws must not be enforced for persons who have been appointed as members of the National Legislative Assembly.

Section 6. Membership of the National Legislative Assembly terminates upon:

- (1) death;
- (2) resignation;
- (3) being disqualified under section 5;
- (4) being appointed minister;
- (5) the National Legislative Assembly passing a resolution under section 8 terminating his or her membership.

Section 7. The King shall appoint members of the National Legislative Assembly to be a President and a Vice-President or Vice-Presidents upon the resolutions of the National Legislative Assembly.

Section 6 shall be applied for the termination in office of the President and Vice President or Vice-Presidents of the National Legislative Assembly.

The President of Council for the National Security shall countersign the Royal Command appointing members of the National Legislative Assembly, the President and Vice-President(s) of the National Legislative Assembly.

Section 8. In the case where members of the National Legislative Assembly who committed a deed deemed damaging the reputation of the National Legislative Assembly or having any behavior deemed obstructing the performance of members of the National Legislative Assembly, members of the National Legislative Assembly of not less than twenty members have the right to lodge with the President of the National Legislative Assembly to terminate his or her membership

A resolution of the National Legislative Assembly terminating membership under paragraph one

shall be passed by votes of not less than two-thirds of the total number of the existing members of the National Legislative Assembly on the date of vote.

Section 9. At a sitting of the National Legislative Assembly, the presence of not less than one-half of the total number of the members of the National Legislative Assembly is required to constitute a quorum.

The National Legislative Assembly has the power to make its Rules of Procedures governing the election and performance of duties of the President, Vice-President(s) and members of the committees, the sittings, submission and consideration of bills, submission of motions, debate, passing of a resolution, interpellation, observation of the rules and orders, and other matters for the execution of its duties.

Section 10. The King shall enact laws by and with the advice and consent of the National Legislative Assembly.

Subject to paragraph one of section 30, bill shall be submitted by not less than twenty five members of the National Legislative Assembly or by the Council of Ministers but a money bill shall be submitted only by the Council of Ministers.

A money bill under paragraph two means a bill with provision dealing with all or any of the following matters: the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties; the allocation, receipt, custody, payment of the State funds, or transfer or creation of expenditure estimates of the State; reduction of the State revenue; the raising of loans, or guarantee or redemption of loans and currency bills.

In the case where it is doubted whether a bill proposed by members of the National Legislative Assembly is a money bill or not, it shall be the power of the President of the National Legislative Assembly to make a decision thereon.

Section 11. At the sittings of the National Legislative Assembly, every member of the National Legislative Assembly has the right to interpellate a Minister on any matter within the scope of his or her authority, but the Minister has the right to refuse to answer it when it is of the opinion that matter should not yet be disclosed on the ground of safety or vital interest of the State or it deems as the prohibited interpellation by the Rules of Procedures

Whereas the important problems in connection with the administration of the State affairs, members of

the National Legislative Assembly of not less than one hundred members have the right to submit a motion for a general debate in the National Legislative Assembly for the purpose of requesting the Council of Ministers to give statement of fact with or without vote of confidence or vote of no-confidence.

Section 12. In the case where there is very important problem in the administration of the State affairs in regard to which the Council of Ministers deem it shall have to listen the opinion of members of the National Legislative Assembly, the Prime Minister may give a notice to the President of the National Legislative Assembly requesting that a general debate be held in the National Legislative Assembly. In such case, no resolution shall be passed by the National Legislative Assembly on the issue put in the debate.

Section 13. At the sittings of the National Legislative Assembly, words expressed in giving statement of fact or opinion or in casting the vote by anyone are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such person.

The privilege under paragraph one extended to members of committees of the National Legislative Assembly, to printers and publishers of the minutes of

sittings by ordering of the National Legislative Assembly or the committees, to persons permitted by the presiding member to give statement of fact or opinion at the sitting of the National Legislative Assembly as well as to persons who broadcast the sitting of the National Legislative Assembly through radio or television with the permission of the President of the National Legislative Assembly but does not extend to any member of the National Legislative Assembly who expresses words at the sitting which is broadcast through radio or television if such words appear out of the precinct of the National Legislative 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 the National Legislative Assembly.

In the case where a member of the National Legislative Assembly is in custody or detained, must order his or her release as soon as the President of the National Legislative Assembly has so requested, or in the case where a criminal charge is brought against any member of the National Legislative Assembly, the Court shall try the case except the President of the National Legislative Assembly requests to halt the trial.

Section 14. The King appoints the Prime Minister and number of not more than thirty-five other

Ministers advised by the Prime Minister to constitute the Council of Ministers having the duty to carry out the administration of the State affairs.

The King has the prerogative to remove the Prime Minister from office as advised by the President of the Council for National Security and to remove Ministers from office as advised by the Prime Minister.

The President of the Council for the National Security shall countersign the Royal Command appointing and removing the Prime Minister.

The Prime Minister and Ministers shall not be members of the National Legislative Assembly, members of the Constitution Drafting Assembly or members of the Committee on Drafting Constitution simultaneously.

The Prime Minister and Ministers have the right to attend and give opinion at the sittings of the National Legislative Assembly but have no right to vote.

Section 15. For the purpose of maintaining security of the Kingdom, public safety or national economic security, or averting public calamity or when it is necessary to urgently enact or confidentially deliberate a money bill related to taxes or currency, the

King may issue an Emergency Decree which shall be in force as an Act.

When an Emergency Decree was promulgated, the Council of Ministers shall submit the Emergency Decree to the National Legislative Assembly for its consideration without delay. If the National Legislative Assembly approves it, such Emergency Decree shall continue to be in force as an Act. If the National Legislative Assembly disapproves it, the Emergency Decree shall lapse, but it shall not affect any act done during the enforcement of such Emergency Decree except the Emergency Decree has its effect of amending or repealing any provisions of any Act, the provisions of the Act are in force before the amendment or repeal shall continue being in force as from the disapproved date of such Emergency Decree is effective.

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

Section 16. The King has the prerogative to issue a Royal Decree which is not contrary to the laws.

Section 17. All laws, Royal Rescripts and Royal Commands relating to the administration of the State affairs must be countersigned by the Prime Minister or a Minister except otherwise provided in this Constitution.

Section 18. Judges are independent in the trial and adjudication of cases in the name of the King with fairness upon the laws and this Constitution.

Section 19. There shall be the Constitution Drafting Assembly prepares the draft Constitution consisting of one hundred members to be appointed by the King in accordance with the provisions of this Constitution.

The King shall appoint members of the Constitution Drafting Assembly to be a President and not more than two Vice-Presidents of the Constitution Drafting Assembly upon the resolutions of the Constitution Drafting Assembly.

The President of the Council for National Security shall countersign the Royal Command appointing the President and Vice- President(s) of the Constitution Drafting Assembly.

Members of the Constitution Drafting Assembly

shall not being or having been members of a political party or holding any position in the political party within two years before the date of selection to be members of the Constitution Drafting Assembly and shall have not to be members of the National Legislative Assembly simultaneously.

Members of the Constitution Drafting Assembly, members of committees of the Constitution Drafting Assembly, publishers of the minutes of sittings by the orders of the Constitution Drafting Assembly or the committees, persons permitted by the presiding member to give statement of fact or opinion at the sittings of the Constitution Drafting Assembly as well as persons who broadcast the sittings of the Constitution Drafting Assembly through radio or television with the permission of the President of the Constitution Drafting Assembly shall have their privileges as extend to members of the National Legislative Assembly under the provisions of section 13.

Paragraph one of Section 9 shall be applied to constitute a quorum of the Constitution Drafting Assembly and Rules of Procedures of the National Legislative Assembly shall be applied to the sittings of the Constitution Drafting Assembly *mutatis mutandis*.

Section 20. There shall be the National Convention consisting of not more than two thousand members whom the King shall appoint from persons who being Thai nationality by birth and being of not less than eighteen years of age.

The President of the Council for National Security shall countersign the Royal Command appointing members of the National Convention under paragraph one.

Paragraph three and four of section 5 shall be applied for the selection and appointment of members of the National Convention *mutatis mutandis*.

Section 21. At the sittings of the National Convention, the President of the National Assembly shall perform duty as the President of the National Convention and the Vice-President(s) of the National Assembly shall perform duty as the Vice President(s) of the National Convention.

Sittings of the National Convention and selection of members of the Constitution Drafting Assembly shall be prescribed by the presiding member of the National Convention.

Section 22. The National Convention shall

select among its members within seven days after the day of the first sitting of the National Convention for preparing the name-list of two hundred persons who shall be appointed by the Royal Command as members of the Constitution Drafting Assembly and when members of the Constitution Drafting Assembly had been already selected or the selection did not completed, the National Convention shall then be terminated.

In the selection under paragraph one, each member of the National Convention shall select for not more than three names and the persons receiving the highest number of votes in respective order up to two hundred shall be deemed to be selected. In the case where there are persons receiving equal votes in any order which result in having more than two hundred persons, draw lots shall be applied.

Section 23. When receiving the name-list of selected persons from the National Convention, the Council for National Security shall select from such name-list for one hundred persons and submission their names for the Royal Command appointing as members of the Constitution Drafting Assembly.

In the case where the National Convention did not finished its duty within the schedule as stipulated in

paragraph one of section 22, the Council for National Security shall select one hundred persons from such name-list and submission their names for the Royal Command appointing as members of the Constitution Drafting Assembly.

The President of the Council for National Security shall countersign the Royal Command appointing members of the Constitution Drafting Assembly.

Paragraph four of section 5 shall be applied to the appointment of members of the Constitution Drafting Assembly and the committees under section 25 *mutatis mutandis*.

Section 24. Whereas the Constitution Drafting Assembly did not completed its duty as stipulated by the Constitution, if there are members of the Constitution Drafting Assembly have to be leaved their positions with any reason, the President of the Council for National Security shall select persons from the existing name-list under section 22 or from persons having been members of the National Convention, as the case may be for the Royal Command appointing as members of the Constitution Drafting Assembly to fill in the vacant seats. It shall have to be done within thirty days from the date of vacancy.

While there are not filled in vacant seats, the Constitution Drafting Assembly shall consist of its existing members.

Section 25. In drafting the Constitution, the Constitution Drafting Assembly shall set up the Committee on Drafting Constitution consisting of twenty-five experts being or not being members of the Constitution Drafting Assembly who shall be selected upon the resolution of the Assembly and other ten experts being or not being members of the Constitution Drafting Assembly upon the advice of the President of the Council for National Security in accordance with the provisions stipulated in the Royal Decree.

Section 26. When the Committee on Drafting Constitution finished in preparing the draft Constitution, it shall have to prepare the explanation of such new draft Constitution in what any amended matter with any reason that is differ from the Constitution of the Kingdom of Thailand, B.E. 2540 and submitting for consideration and give opinion to members of the Constitution Drafting Assembly, organization and the following persons:

- (1) the Council for National Security;
- (2) the National Legislative Assembly;
- (3) the Council of Ministers;

- (4) the Supreme Court;
- (5) the Supreme Administrative Court;
- (6) the Election Commission;
- (7) the National Counter Corruption Commission;
- (8) the Auditor-General;
- (9) the Ombudsmen;
- (10) the National Human Rights Commission;
- (11) the National Economic and Social Council;
- (12) the Higher Education Institutes.

The Committee on Drafting Constitution shall publicize the draft Constitution and documents of explanation upon paragraph one to the public as well as promoting and holding public hearing to receiving opinion from the people.

Section 27. When members of the Constitution Drafting Assembly receive the draft Constitution and the documents upon section 26, if it needs to be amended, it shall do so whenever members of the Constitution Drafting Assembly of not less than one-tenth of the total existing members of the Constitution Drafting Assembly give endorsement and have to submit the motion of amendment with reason before the appointed date of the sitting of the Constitution Drafting Assembly upon section 28.

Member who has already submitted a motion of amendment or giving endorsement to a motion of amendment of other members shall have no right to submit any more motion of amendment or giving endorsement to a motion of amendment of any other members.

Section 28. After the expired period of the thirty days as the date from the delivered date of documents upon section 26, the Committee on Drafting Constitution shall consider the received opinion upon section 26 and the motion of amendment upon section 27 including to prepare the report of amending or not amending with reason for the general publicity and submitting the draft Constitution to the Constitution Drafting Assembly for consideration.

The consideration of the Constitution Drafting Assembly upon paragraph one shall consider to approve or disapprove the entire draft Constitution and only the sections amended by members of the Constitution Drafting Assembly upon section 27 or others proposed by the Committee on Drafting Constitution. Members of the Constitution Drafting Assembly have no right to submit any additional amendment beyond the provisions as stipulated in section 27 except the Committee on Drafting Constitution shall agree with or members of the

Constitution Drafting Assembly of not less than three-fifths in number agree with such amendment.

Section 29. The Constitution Drafting Assembly shall prepare the draft Constitution and shall have to complete its consideration upon section 28 within one hundred and eighty days from the date of the first sitting of the Constitution Drafting Assembly.

Whereas the completion of the draft Constitution, it shall be publicized to the people and shall conduct a public referendum whether agree or disagree with the entire draft Constitution which being held no sooner than fifteen days and not later than thirty days as from the publicized date of such Constitution in accordance with the provisions set up by the Constitution Drafting Assembly.

The public referendum shall be conducted in the same day throughout the Kingdom.

Section 30. When the draft Constitution has been completed upon paragraph one of section 29, the Committee on Drafting Constitution shall complete to draft necessary organic laws for the benefit of holding the election within forty-five days as from the date of completion of the draft Constitution submitting to the National Legislative Assembly for further

procedures which have to finish within forty-five days as from the received date of the bills from the Committee on Drafting Constitution.

To avoid the benefit of advantage and disadvantage, it is prohibited to any member of the Committee on Drafting Constitution being candidate at the election of members of the House of Representatives or being in the position of senator within two years as from the expired date of member of the Committee on Drafting Constitution.

Section 31. In the public referendum, if the people who have right to vote by the majority of them voting in favor to bring the new draft Constitution to come into force, the President of the National Legislative Assembly shall present it to the King for His signature and publishing in the Government Gazette to come into force.

When the Constitution is promulgated and the Constitution Drafting Assembly has already prepared the organic laws as stipulated by section 30 or the period of time upon section 30 expired upon which case comes earlier, the Constitution Drafting Assembly shall be terminated.

Section 32. In the case where the Constitution

Drafting Assembly did not finished to prepare the draft Constitution within the period of time set up by paragraph one of section 29, or the Constitution Drafting Assembly did not approved the draft Constitution upon paragraph two of section 28, or at the public referendum upon section 31 where the majority of voters disagreed with the promulgation of the new draft Constitution, the Constitution Drafting Assembly shall be terminated and the Council for National Security shall have its joint sitting with the Council of Ministers for considering any of the previous promulgated Constitutions to amend within thirty days as from the date of referendum on voting to disagree and presents it to the King for His signature for promulgation of the Constitution.

At the joint sitting upon paragraph one, the President of the Council for National Security shall preside over the sitting.

In the promulgation of the Constitution upon this section, the Prime Minister shall countersign the Royal Command.

Section 33. Emoluments and other remuneration of President and Vice-Presidents of the National Legislative Assembly and the Constitution Drafting Assembly, persons holding position in the Council for

National Security, members of the National Legislative Assembly, members of the Constitution Drafting Assembly, members of the Committee on Drafting Constitution and persons holding positions in the Constitutional Tribunal shall be prescribed in the Royal Decree.

Section 34. For the benefit of peacekeeping and national security, there shall be a Council for National Security consisting of the persons under the announcement of the Council for Democratic Reform No. 24 dated 29th September B.E. 2549.

The President of the Council for National Security may make additional appointment of not more than fifteen other persons to be members of the Council for National Security.

The Chairman, Vice-Chairmen, Members, Secretary-General and Assistant Secretaries-General of the Council for Democratic Reform shall be the President, Vice-Presidents, Members, Secretary-General and Assistant Secretaries-General of the Council for National Security, respectively.

In the case where the President of the Council for National Security is not present or is unable to perform the duty, the Vice-President of the Council for

National Security who is assigned in priority order by the President of the Council for National Security to perform the duty of the President of the Council for National Security and in the case where the President and Vice-Presidents of the Council for National Security are not present or are unable to perform the duty, the members of the Council for National Security shall elect a member to perform the duty of the President of the Council for National Security

In the case where it is considered expedient, the President of the Council for National Security or the Prime Minister may ask for a joint sitting of the Council for National Security and the Council of Ministers for consideration and resolution any problem relating to the peacekeeping and national security as well as consultation at intervals of any matter.

Section 35. Any act stipulate by laws being the power of the Constitutional Court or when there should be a question as to whether any law being not in compliance with the provisions of the Constitution, or not; it shall be the power of the Constitutional Tribunal consisting of the President of the Supreme Court who shall be President, the President of the Supreme Administrative Court who shall be

Vice-President, judges of the Supreme Court who holding position not lesser than judge of the Supreme Court who shall be selected by the secret ballots at the general meeting of the Supreme Court for five persons shall be judges of the Constitutional Tribunal and judges of the Supreme Administrative Court who shall be selected by the secret ballot at the general meeting of the Supreme Administrative Court for two persons shall be judges of the Constitutional Tribunal.

Office of the Constitutional Court under the law on office of the Constitutional Court shall perform as its secretariat and performing any other duties assigned by the President of the Supreme Court.

The quorum of trying and adjudicating the cases, procedures of trying and statements of decisions shall be prescribed by the Constitutional Tribunal and shall be published in the Government Gazette.

All cases or others under circumstance of the Constitutional Court prior to 19th September B.E. 2549 shall be transfer to be under power and being responsible of the Constitutional Tribunal

Section 36. All announcements or orders of the Council for Democratic Reform or the orders of the Chairman of the Council for Democratic Reform which

announced or ordered during 19th September B.E. 2549 until the promulgated date of this Constitution whether done in any form and any announcement or commanded for the enforcement in legislative, executive or judicial force shall continue to be enforced and shall consider that announcements or orders as well as acts done upon such announcements or orders whether the acts of such announcements or orders done by prior or after the promulgated date of this Constitution shall be announcements or orders which being considered lawful and constitutional.

Section 37. All acts done by the Chairman of the Council for Democratic Reform which related to the seizure and control of the State administrative power on 19th September B.E. 2549 as well as any act done by persons involved in such seizure or of persons being assigned by the Chairman of the Council for Democratic Reform or of persons being commanded by the Chairman of the Council for Democratic Reform which done for such above act. All these acts, whether done for the enforcement in legislative, executive or judicial force as well as the punishment and other acts on administration of the State affairs whether done as principals, supporters, instigators or persons being commanded to do so and whether done on such date or prior to such date or after such date

which if such acts may be unlawful, the actors shall be absolutely exempted from any wrongdoing, responsibility and liabilities.

Section 38. Whenever no provision of the Constitution is applicable in any case, it shall be decided in accordance with the traditional practices in administration of Thailand under the democratic form of government with the King as Head of State.

Section 39. Before the Council of Ministers taking office, the President of the Council for National Security shall perform the duties of the Prime Minister and the Council of Ministers.

Countersigned by
General Sonthi Boonyaratglin
Chairman of the Council for Democratic Reform

