

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

Section 40. A person shall enjoy the liberty to express opinions by speech, writing, printing, publication and other means of expression.

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

The closure of Press or a radio or television broadcasting station shall not be made.

The prohibition of printing or broadcasting news through radio or television may be made only by virtue of a judgment or an order of the Court deciding the case within its jurisdiction and in accordance with the provisions of law enacted under paragraph two.

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

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

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

Section 41. An official or employee of a private newspaper business, radio-broadcasting business or television-broadcasting business shall enjoy the liberty to present news and express opinions subject to the restriction imposed under section 40 but free from mandate of such business owner.

Subject to section 68, a Government official, official or employee of a State-owned radio-broadcasting business or television-broadcasting business shall enjoy the liberty to present news or express opinions subject to the restriction imposed under section 43 but free from mandate or order of the State.

Section 42. The undertaking of a private newspaper business, radio-broadcasting business or television-broadcasting business shall not be

contrary to such ethics as provided by law. In establishing an ethics supervisory agency, regard shall be had to tripartite representation to be composed of representatives of officials or employees of such business, representatives of the people receiving the information and representatives of the State, as provided by law.

Section 43. A State organisation supervising radio-broadcasting business and television-broadcasting business shall be independent and shall not be a Government agency, as provided by law.

Section 44. A person shall enjoy the liberty of education; provided that it is not contrary to his or her civic duties under the Constitution and not contrary to the law on compulsory education and the law on establishment of educational institutions.

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

Section 45. A person shall have the right to receive standardized public health service and the indigent shall have the right to receive free medical treatment as provided by law.

Section 46. A person shall enjoy the liberty to assemble peacefully and without arms.

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

Section 47. A person shall enjoy the liberty to form an association, union, league, co-operative or any other group.

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

Section 48. The right of a person to form a local community for the purpose of conserving local arts, tradition, customs, or good culture, or for the purpose of participating in the preservation and exploitation of natural resources and environment in a balanced fashion and persistently shall be protected.

The restriction on such right under paragraph one shall not be imposed except by virtue of the law specifically enacted for protecting the

common interest of the public, maintaining public order or good morals or facilitating the maximal efficiency in the exploitation of natural resources.

Government agencies, State agencies or State enterprises shall respect and refrain from any act which may affect local arts, customs, tradition, or good culture.

Section 49. A person shall enjoy the liberty to form a political party for the purpose of carrying out political activities through the democratic regime of government with the King as Head of the State as provided in this Constitution.

Section 50. A political party shall contribute to the creation of solidarity of the political will of the Thai people. The management and internal organisation of a political party shall be consistent with fundamental principles of the democratic regime of government.

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

Section 51. Members of the House of Representatives who are members of a political party, members of the Executive Committee of a political party, or five hundred members of a political party shall, if of the opinion that their political party's resolution or regulation on any matter will affect the status and performance of duties of a member of the House of Representatives under this Constitution or is contrary to or inconsistent with fundamental principles of the democratic regime of government with the King as Head of the State, have the right to refer it to the Constitutional Court for consideration. In the case where the Constitutional Court decides that such resolution or regulation is contrary to or inconsistent with fundamental principles of the democratic regime, such resolution or regulation shall lapse.

Section 52. The grant of financial support or other benefits by the State or any person to a political or a member of a political party, the limitation of expenditure for an election, the control of a person's donation, the grant of money or other benefits by the State to subsidise a political party or a candidate who stands for election in the name of a political party and the inspection of the financial status of a political party shall be in accordance with the organic law on political parties.

Section 53. A political party shall prepare a report on the conduct of activities and an account indicating assets and liabilities and shall disclose its sources of income and annual expenditure within the thirty first day of December of every year.

The report under paragraph one, when certified by the Leader and Secretary-General of the political party with their signatures thereon, shall be

sent to the Election Commission within the thirty first day of December of the following year and may be disclosed to the public upon the consideration of the Election Commission.

Section 54. A person shall enjoy the liberty of communication by lawful means.

The censorship, withholding, or disclosure of communication between persons including an act done in any manner for the purpose of knowing a statement in the communication between persons shall not be made except by virtue of the law specifically enacted for maintaining public order, good morals or security of the State.

Section 55. A person shall enjoy the liberty of travelling and the liberty of making the choice of his or her residence within the Kingdom.

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

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

Section 56. Family rights, dignity, reputation or privacy shall be protected.

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

Section 57. A person shall have the right to present a petition as provided by law.

Section 58. A person shall have the right to get access to the information of a Government agency, State agency or State enterprise for examining the performance of duties of a Government official or State official insofar as such performance affects or may affect his or her livelihood, provided that it does not infringe the rights of a person under section 56 or is not contrary to section 62 or section 63, as provided by law.

Persons who form a local community being affected or may be affected from the act of State which affect the local arts, moral or good culture or the maintenance and exploitation of local natural resources and environment shall have a right to get access to the information of a Government agency,

State agency or State enterprise for examining the performance of duties of a Government official or State official as provided by law.

Section 59. Members of the armed forces or the police force, other State officials, local officials, and officials of State organizations shall enjoy the same rights and liberties under the Constitution as other persons, unless such enjoyment is restricted by law, by-laws or regulations issued by virtue of the law specifically enacted with regard to politics, efficiency or discipline.

Section 60. The rights of a person to engage in an enterprise or an occupation and to fair and free competition are protected.

The restriction on such rights under paragraph one may be imposed only by virtue of the law specifically enacted for maintaining the security and safety of the State or economy of the country, protecting the public in regard to the public utilities, maintaining public order and good morals, regulating the engagement in an occupation, consumer protection, town and country planning, natural resources or environment conservation, public welfare, preventing monopoly or eliminating unfair competition.

Section 61. The right of a person to sue a Government agency which is a juristic person to be liable for an act done by its officials shall be protected.

In the case where such right and liberty of a person as recognised by this Constitution are infringed by an act or omission by a State organisation, such person shall have the right to bring the case to the court which has competent jurisdiction for trial and adjudication. In the case where such case is not in the jurisdiction of any court, it shall be brought to the Court of Justice.

The right of a person to protect his or her rights or benefits in the court proceedings shall be protected.

Section 62. No person or political party shall exercise the rights and liberties prescribed in this Constitution against the nation, religions, the King and the Constitution.

In the case where a person or a political party has exercised the rights and liberties prescribed by the Constitution against the nation, religions, the King or with a view to overthrowing the democratic regime of government with the King as Head of the State under this Constitution, the Attorney-General shall submit a motion to the Constitutional Court for giving a decision compelling that person or political party to cease such act.

In the case where the Constitutional Court gives a decision compelling the political party to cease to do the act under paragraph two, the Constitutional Court shall also order the dissolution of such political party.

CHAPTER IV

Duties of the Thai People

Section 63. A person shall have the duty to uphold the nation, religions, the King and the democratic regime of government with the King as Head of the State under this Constitution.

Section 64. A person shall have the duty to vote at an election.

A person who fails to vote at an election without notifying, prior to the election day, the cause of the inability to attend the election shall be liable to a fine.

The notification of the cause of the inability to attend the election, a fine and the method of inflicting a fine, reward for leading to a fine and the application of a fine to subsidise an election and political parties shall be in accordance with the provisions of organic law on the election of members of the House of Representatives.

Section 65. A person shall have the duty to defend the country and to serve in the armed forces as provided by law.

Section 66. A person shall have a duty to comply with the law.

Section 67. A person shall have duties to pay taxes, render assistance to the official service, receive education and training, safeguard and protect national arts and culture, and conserve natural resources and environment as provided by law.

Section 68. A person who is a Government official, an official or employee of a Government agency, State agency, State enterprise, or local administration, *Kam-nan* or *Poo Yai Ban* shall have the duty to perform such acts as implementing the law in order to maintain public interest and render facilities and services to people, and shall have the duty to observe political impartiality in the performance of duties and in carrying out other acts concerning the people.

CHAPTER V

Directive Principles of State Policies

Section 69. The State shall protect and uphold the institution of Kingship as well as the independence and integrity of its territories.

Section 70. The State shall arrange for the maintenance of the armed forces for safeguarding its independence and security, the institution of Kingship and the democratic regime of government with the King as Head of the State and for the national development.

Section 71. The State shall ensure the compliance with the law, protect rights and liberties of a person, create equality in the people's opportunity and promote a person's participation in politics and governance.

The State shall organise an efficient system of official service, other State affairs and justice process so as to respond to the performance of the acts under paragraph one.

Section 72. In laying down economic and social development plans and carrying out the administration of the State affairs, the State should act for the well-being of all Thai people.

The State should provide assistance to the indigent and the underprivileged in order for them to have good quality of life, education and social and economic status and to achieve self-dependence.

Section 73. The State shall provide education side by side with morality, encourage researches, develop science and technology for the sake of national development, and promote national arts and culture.

Section 74. The State should protect and develop children and youth, promote the equality of men and women, provide welfare to the handicapped and the elderly, and develop family integrity and the strength of communities.

Section 75. The State should promote and encourage a local community's participation in the conservation and exploitation of natural resources and environment in a balanced and persistent fashion.

Section 76. The State should promote public health service and social working.

Section 77. The State should prepare a plan for political reform, establish the standard of morality and ethics of persons holding political positions, Government officials and other State officials in order to prevent corruption and enhance efficiency.

Section 78. The State should promote the decentralisation of power to localities for the purpose of their independence and self-determination in local affairs and should develop local economy as well as a public utilities and facilities system in the locality thoroughly and equally throughout the country.

Section 79. The State should ensure fair distribution of incomes, organise rights in land thoroughly, provide water resources to farmers for agriculture, and protect farmers' interests in the production and marketing of agricultural products for the achievement of maximised benefits.

Section 80. The State should encourage a free market economic system, deregulate laws and regulations controlling businesses which are not consistent with economic necessity, and should not engage in an enterprise in competition with the private sector, unless it is necessary for the purpose of maintaining the security of the State, preserving the common interest, or providing public utilities.

The State should impose measures to ensure fair competition and prevent direct or indirect economic monopoly.

CHAPTER VI

The National Assembly

Part I

General Provisions

Section 81. The National Assembly consists of the Senate and the House of Representatives.

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

Section 82. The President of the House of Representatives is President of the National Assembly. The President of the Senate is Vice-President of the National Assembly.

In the case where there is no President of the House of Representatives, or the President of the House of Representatives is not present or is unable to perform his or her duties, the President of the Senate shall act as President of the National Assembly in his or her place.

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

The President of the National Assembly and the person who acts on his or her behalf shall be politically impartial. A resolution of a political party shall not be binding on the President of the National Assembly and the person who acts on his or her behalf.

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

Section 84. Subject to section 171, after a bill has already been approved by the National Assembly, the Prime Minister shall present it to the King for signature within thirty days as from the date of receiving such bill from the National Assembly, and it shall come into force upon its publication in the Government Gazette.

Section 85. 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 may re-deliberate such bill. If the national Assembly resolves to reaffirm the bill with the votes of not less than two-thirds of the total number of the existing members of both Houses, the Prime Minister shall present such bill to the King for His signature once again. If the King does not sign and return the bill within thirty days, the Prime minister shall cause the bill to be promulgated as an Act in the Government Gazette as if the King had signed it.

Section 86. No person shall be a senator and member of the House of Representatives simultaneously.

Section 87. Senators or members of the House of Representatives of not less than one-tenth of the total number of existing members of each House have a right to lodge with the President of the House of which they are members a complaint asserting that the membership of any

member of such House has terminated under section 95 (3), (4), (5), (6), (7), (8), (10) or (11), or section 116 (3), (4), (5), (6), (7), (8), (10) (11), or (12) 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 membership of such person has terminated.

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

Section 88. The vacation of office of a senator or a member of the House of Representatives after the day on which his or her membership terminates or after the decision of the Constitutional Court that membership of any member terminates shall not affect any act done by such person in the capacity as a member including the receipt of emoluments or other remuneration by such member before he vacates his or her 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, provided that in the case of the vacation of office on the ground of his or her being elected in contravention of good faith, the emoluments or other remuneration received by such person by reason of holding office shall be returned.

Part 2

The Senate

Section 89. The Senate consists of members to be appointed by the King from qualified persons elected under section 91 in the number of two hundred and from persons holding the positions in the administration of the State affairs in the same number as that of the positions specified in section 98.

In the case where the office of senator in any category becomes vacant for any reason whatsoever and no additional appointment has been made under section 96, the Senate shall consist of the remaining senators.

Section 90. A qualified senator shall possess qualifications and shall not be under prohibitions as follows:

- (1) being of Thai nationality by birth;
- (2) being not less than thirty-five years of age;
- (3) not being a member, official or advisor of any political party;
- (4) not being a member of a local assembly or a local administrator;

(5) not having had membership terminated by a resolution of the Constitutional Court in accordance with section 87 on the ground under section 95 (8) owing to a cause specified in section 109 (7), (8) or (12).

Section 91. There shall be an assembly of qualified persons, consisting of members possessing qualifications and being under no prohibitions under section 90 in the number specified in paragraph two, which shall convene for the purpose of electing among themselves such number of qualified senators as specified in section 89 paragraph one.

The number and nominations of members of the assembly of qualified persons under paragraph one shall be as follows:

- (1) two hundred members nominated by the Prime Minister;
- (2) one hundred members nominated by the Leader of the Opposition in the House Representatives;
- (3) members nominated by a joint meeting of members of all existing local assemblies in a province, provided that each province shall nominate twenty members;
- (4) twenty members nominated by a joint meeting of members of Bangkok Metropolis Assembly and of members of all district assemblies in Bangkok Metropolis;
- (5) members nominated by juristic persons, being juristic persons established by law but not being Government agencies, State agencies, State enterprises or religious organisations, as determined by the President of the National Assembly, provided that each of such juristic persons shall nominate twenty members.

The rules and procedure for the preparation of name-lists and particulars of the nominated persons shall be as prescribed by the President of the National Assembly.

The President of the National Assembly shall arrange for a meeting of the assembly of qualified persons within fifteen days as from the date of the receipt of full name-lists for the purpose of electing, by members of qualified persons, qualified senators.

Section 92. Each member of the assembly of qualified persons shall have the right to vote for not more than three persons among themselves.

Two hundred members of the assembly of qualified persons who received the highest number of votes in respective order shall be elected qualified senators.

In the case where an equality of votes received by members results in more than two hundred finalists, the President of the National Assembly shall arrange for new voting only for the persons receiving equal votes in order to have two hundred members of qualified senators. If the votes are still equal, the President of the National Assembly shall draw lots to determine the finally elected persons.

The rules and procedure for the election of qualified senators shall be as prescribed by the President of the National Assembly.

The President of the National Assembly shall countersign the Royal Command appointing qualified senators and publish it in the Government Gazette.

Section 93. Membership of a qualified senator is six years as from the date of the election.

Section 94. A senator shall not:

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

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

Section 95. Membership of a senator terminates upon:

- (1) the expiration of term of office;
- (2) death;
- (3) resignation;
- (4) loss of Thai nationality;
- (5) becoming a member, official or advisor of any political party;
- (6) becoming a member of a local assembly or a local administrator;
- (7) acting in contravention of the prohibition under section 94;
- (8) being under the prohibition under section 109 (1), (2), (3), (4), (7), (8) or (12);

(9) the Senate passing a resolution terminating the membership in accordance with section 258; in this case, membership shall be deemed to have terminated on the date of the resolution thereof;

(10) having been absent throughout a session the length of which is not less than one hundred and twenty days without permission of the President of the Senate;

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

Section 96. Within three years as from the date of the election of qualified senators under section 92, if the office of a qualified senator becomes vacant for any reason other than the expiration of his or her term of office, the member of the assembly of qualified persons who received the highest votes in the next order shall be a qualified senator to fill the vacancy. In the case where the persons receiving the highest votes in the next order had equal votes, the provisions of section 92 paragraph three shall apply *mutatis mutandis*.

The qualified senator who fills the vacancy shall serve only for the remainder of his or her predecessor's term of office.

Section 97. At the initial stage, at the expiration of three years as from the date of the first appointment of qualified senators by the King, one-half of the total number of the qualified senators shall vacate office by lots and such vacation of office shall be deemed the vacation at the end of the term.

When the qualified senators have vacated office under paragraph one, an assembly of qualified persons shall be established under section 91 for the purpose of the election under section 92 in order to have new qualified senators to fill the vacancies. A qualified senator who has vacated office at the end of the term may be re-elected as qualified senator.

Section 98. Senators who hold positions in the administration of the State affairs consist of the persons holding the following positions;

(1) Permanent Secretaries for the Office of the Prime Minister, Ministries and Sub-Ministries;

(2) Supreme Commander, Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai Navy and Commander-in-Chief of the Royal Thai Air Force.

Membership of senators who hold positions in the administration of the State affairs commences upon their appointment to the positions in the administration of the State affairs under paragraph one and terminates upon the vacation of such office.

Part 3

The House of Representatives

Section 99. The House of Representatives consists of four hundred members, two hundred of whom are from the election on a basis of candidate name-lists prepared by political parties under section 100 and two hundred of whom are from the election on a constituency basis under section 103.

In the case where there occurs any cause resulting in the number of members of House of Representatives from any general election being less than four hundred, the House shall be deemed to consist of such number of members, provided that an election shall be held so that the number of four hundred members is fully achieved within ninety days as from the day the number of four hundred members remains deficient, and the members of the House so elected may serve only for the remainder of the term of the House.

Section 100. In an election of members of the House of Representatives on a party-list basis, a voter shall have the right to cast ballot from the lists of candidates prepared by political parties; provided that only one party-list may be voted for and the territory of Thailand shall be regarded as the whole constituency.

The party-lists under paragraph one shall be prepared by each political party. Each political party shall prepare one list containing not more than two hundred persons. The names of the persons in such list shall be the names of the persons possessing qualifications and not being under any prohibition under section 108 and shall not be repeated by the names in the lists prepared by other political parties and those of candidates in the election on the constituency basis under section 103 and be placed in numerical order. The list shall be submitted to the Election Commission before the closing date of the application for candidacy in an election on the constituency basis.

In the case where the name of a person in the list under paragraph one is repeated by the name in the list prepared by other political party or that of a candidate in the election on the constituency basis, such person shall, within three days as from the closing date of the application for candidacy in the election, inform the Election Commission of his or her decision as to for which basis of the election or for which list his or her candidacy is surrendered or retained. In the case where such act has not been carried out within the prescribed time, the name of such person shall be withdrawn from the candidacy in all types of election and from all lists.

Section 101. The list of any political party receiving votes of less than five percent of the number of the persons who voted shall be regarded as one for which no person listed therein is elected. If the list of any political party received votes of at least five percent thereof, the persons whose names are contained in the list of that political party shall be deemed to have been elected in accordance with the rule set forth in paragraph two.

As among those whose names are listed in the list of a political party, the determination of the number of the persons who shall be deemed to have been elected from an election on a party-list basis shall be made by reference to the proportion of votes received by the name-list of that political party. For this purpose, it shall be deemed that the persons whose names are contained in the list of that political party are elected in respective order of the allocated numbers in the list in accordance with the resultant proportion so determined for that list.

In the case where there occurs, during the term of the House of Representatives, any cause resulting in the number of members elected from the election on a party-list basis being less than two hundred, such members shall consist of the existing members.

Section 102. The preparation of name-lists of candidates in an election on a party-list basis, the publication of the names of the persons listed in the list, the determination and working out of the vote-proportion and the fraction thereof, the announcement of names of the persons elected from an election on a party-list basis and the elevation of the person whose name is listed in the next order to replace the person elected from the election on a party-list basis who vacates office shall be in accordance with the organic law on the election of members of the House of Representatives.

Section 103. In the election of members on a constituency basis, one candidate may be elected for each constituency.

The number of members which each *Changwat* may have shall be determined by reference to the ratio of the number of inhabitants to one member. Such ratio shall be figured out by reference to the division of such number of inhabitants throughout the country as evidenced in the census announced in the year preceding the year of election by the number of two hundred members of the House of Representatives.

Any *Changwat* with inhabitants below the number of inhabitants per one member under paragraph two shall have one member of the House of Representative. Any *Changwat* with more inhabitants than the number of inhabitants per one member shall have an additional member of the House of Representatives for every such number of inhabitants as representing the number inhabitants per one member.

Upon the number of members of the House of Representatives of each *Changwat* being obtained under paragraph three, if the number of members of the House of Representatives is still less than two hundred, any *Changwat* with the largest fraction remaining from the determination under paragraph three 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 *Changwats* in respective order of fractions remaining from the determination under paragraph three until the number of two hundred is obtained.

Section 104. In a *Changwat* where the number of members of the House of Representatives to be elected is not more than one, the area of that *Changwat* shall be regarded as the constituency; and in a *Changwat* where the number of members of the House of Representatives is more than one, such *Changwat* shall be divided into constituencies, provided that each constituency shall have one member of the House of Representatives.

In a *Changwat* which is divided into more constituencies than one, the boundary of each constituency shall be adjoining and the ratio of the number of inhabitants to the number of the member of the House of Representatives in each constituency must be closely apportioned.

Section 105. In a general election, a person having the right to vote at an election of members of the House of Representatives shall have the right to cast ballot for only one list of candidates prepared by each political party and for one candidate in that constituency.

In an election of a member of the House of Representatives to replace the member of the House elected on a constituency basis whose office becomes vacant under section 116, a voter shall have the right to cast ballot for one candidate in that constituency.

The election shall be by direct suffrage and secret ballot.

Section 106. 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 ten years;
- (2) being not less than eighteen years of age on 1st January of the year of the election; and
- (3) having his or her name appear on the house register in the constituency.

A voter who is a Government official, an official of a State agency or public enterprise, a pupil, student, or person engaging in other occupation and who has a residence outside the constituency shall have the right to cast ballot for a party-list of a political party in the constituency within which he or she has a residence in accordance with the rules and procedure as provided by the organic law on the election of members of the House of Representatives.

Section 107. A person under any of the following prohibitions on the election day is disfranchised:

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

Section 108. 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; provided that a Thai national whose father is an alien shall also possess such qualifications as provided in the organic law on the election of members of the House of Representatives;

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

(3) in respect of a candidate having his or her name listed in the name-list of candidates prepared by a political party under section 100, being a member of any single political party in whose party-list his or her name is listed;

When any political party has sent a member to stand for election, such political party or its candidate cannot withdraw the candidacy therefor.

(4) possessing any of the following qualifications:

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

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

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

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

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

Section 109. A person under any of the following prohibitions shall have no right to be a candidate in an election:

- (1) being addicted to drugs;
- (2) being an undischarged bankrupt;
- (3) being disfranchised under section 107(1), (2) or (4);
- (4) being deaf and dumb;
- (5) having been sentenced by a judgement to imprisonment and being detained by a warrant of the Court;
- (6) having been discharged for a period of less than five years on the election day after being sentenced by a judgement to imprisonment for a term of two years or more except for an offence committed through negligence;
- (7) having been expelled, dismissed or removed from the official service, a State agency or a State enterprise on the ground of a dishonest exercise of duty or corruption;
- (8) having been ordered by a judgement or an order of the Court that his or her assets shall dissolve on the State on the ground of unusual wealthiness or an unusual increase of his or her assets;
- (9) being a Government official holding a permanent position or receiving salary except a political official;
- (10) being a member of a local assembly, local administrator or member of a local administrative committee;
- (11) being an official or employee of a State agency, State enterprise or local administration, or being *Kamnan* or *Poo Yai Ban*;
- (12) having been removed from office by the resolution of the Senate under section 258; provided that, from the date of the resolution to the election day, the period of five years has not yet elapsed.

Section 110. For an election of members of the House of Representatives to be in good faith and just, the State shall provide support for the election in the following matters:

- (1) printing and posting notices and posters relating to the election;

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

Section 115. Membership of the House of Representatives commences on the election day.

Section 116. Membership of the House of Representatives terminates upon:

- (1) expiration of the term or dissolution of the House of Representatives;
- (2) death;
- (3) resignation;
- (4) being disqualified under section 108(1), (2) or (4);
- (5) being under any prohibition provided in section 109(1), (2), (3), (4), (7), (8), (9), (10), (11) or (12);
- (6) acting in contravention of any prohibition under section 111;
- (7) being appointed Prime Minister or Minister;
- (8) resignation from membership of his or her political party or his or her political party passing a resolution, by the votes of not less than three-fourths of the joint meeting of the executive committee of that political party and members of the House of Representatives belonging to that political party, terminating his or her membership of the political party. In such cases, his or her membership shall be deemed to have terminated as from the date of the resignation or the resolution of the political party;
- (9) the National Assembly passing a resolution removing from office under section 258 or the Constitutional Court passing a resolution terminating membership under section 87. In such cases, membership shall be deemed to have terminated as from the date of the resolution of the National Assembly or the Constitutional Court;
- (10) loss of membership of the political party in the case where the political party of which he or she is a member is dissolved by an order of the Constitutional Court and he or she is unable to become a member of another political party having a member who is a member of the House of Representatives within sixty days as from the date on which the Constitutional Court issues its order. In such case, his or her membership shall be deemed to have terminated as from the day following the date on which such period of sixty days has elapsed;
- (11) having been absent throughout a session the length of which is not less than one hundred and twenty days without permission of the President of the House of Representatives;

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

Section 117. When the office of member of the House of Representatives becomes vacant for any reason other than the expiration of the term or the dissolution of the House of Representatives, the following actions shall be taken:

(1) in the case where the vacancy is that of the office of a member of the House of Representatives listed in the list prepared by a political party under section 100, the President of the House of Representatives shall, by publication in the Government Gazette, elevate the person whose name in the list of that political party is placed in the next order to be a replacing member of the House of Representatives;

(2) in the case where the vacancy is that of the office of a member of the House of Representatives elected from the election on a constituency basis under section 103, an election of a member of the House of Representatives to fill the vacancy shall be held within thirty 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.

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

Section 118. After the Council of Ministers has assumed the administration of the State affairs, the King will appoint as Leader of the Opposition in the House of Representatives a member of the House who is the leader of the political party which has its members of the House holding no ministerial positions and which has the largest number of members of the House among the political parties having their members of the House holding no ministerial positions, provided that such number must not be less than one-fifth of the total number of members of the House of Representatives at the time of the appointment.

In the case where no political party in the House of Representatives meets the conditions prescribed under paragraph one, the member of the House of Representatives who is the leader of the political party and receives a majority of supporting votes from the members of the House belonging to the political parties having members of the House holding no ministerial 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 135 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.

Section 119. Subject to the provisions of this Constitution, the rules and procedure for an election shall be in accordance with the organic law on the election of members of the House of Representatives.

Part 4

Election Commission

Section 120. The Election Commission consists of a Chairman and other eight Commissioners appointed by the King with the advice of the National Assembly.

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

Section 121. The Chairman of the Election Commission and the Election Commissioner shall have the qualifications and shall not be under any prohibition as follows:

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

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

(3) not being under any of the prohibitions under section 107 or section 109 (1), (2), (4), (5), (6), (7) or (8);

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

(5) not being or having been a member of or holder of other position in a political party throughout the period of ten years preceding the taking of office;

(6) not being a member of the National Counter Corruption Commission, judge of the Judicial Committee for Political Crimes, member of the State Audit Commission or the Ombudsman,

Section 122. The nomination and election of the Chairman of the Election Commission and Election Commissioners shall be proceeded as follows:

(1) the Selective Committee of Election Commissioners, consisting of representatives of all political parties having a member who is a member of the House of Representatives, provided that each party shall have one representative, shall consider and nominate twelve persons who are suitable to be Election Commissioners. Such nomination shall be made to the President of the National Assembly upon consent of the nominated persons. The resolution making such nomination must be passed by votes of not less than three-fourths of the total number of existing members of the Selective Committee;

(2) the Senate shall consider and nominate six persons who are suitable to be Election Commissioners. Such nomination shall be made to the President of the National Assembly upon consent of the nominated persons;

(3) the nominations under (1) and (2) shall be made within thirty days as from the day a ground for the selection of persons to be in such office occurs. In the case where the Selective Committee under (1) is unable to make nomination, or unable to make nomination in the complete number, within the prescribed time, the Senate shall instead consider and make nomination to obtain the complete number within fifteen days as from the due date of the nomination under (1);

(4) the President of the National Assembly shall convoke the National Assembly for passing, by secret ballot, a resolution electing the nominated persons under (1), (2) and (3). In the case where any person receives votes of more than one-half of the total number of the existing members of the National Assembly who cast their votes, such person shall be deemed to be elected as Election Commissioners; but if the number of the said elected persons is less than nine, the name-list of those not elected on that first occasion shall be submitted to the National Assembly so that its members shall vote on another occasion and consecutively. In such case, the persons receiving the highest number of votes in respective order up to nine shall be deemed to be elected as Election Commissioners. In the case of an equality of votes, the President of the National Assembly shall draw lots to determine who are elected persons;

In casting votes, a member of the National Assembly shall have an independent judgment and shall not be bound by a resolution or any other mandate of a political party;

(5) the elected persons under (4) shall meet and elect among themselves Chairman of the Election Commission and, then, notify the President of the National Assembly of the result. The President of the National Assembly shall present it to the King for further appointment.

Section 123. The Chairman and Election Commissioner shall not hold the following positions simultaneously:

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

(2) an official or employee of a State agency, State enterprise or local administration;

(3) a chairman, managing director, director or holder of any other position with the authority to carry out a transaction binding a partnership, company or any organisation carrying out business with a view to earning profits, or an employee of any person;

In the case where the National Assembly has elected a person in (1), (2), or (3) with the consent of that person, the elected person can commence the performance of duties only when he or she has resigned from the position in (1), (2) or (3) within fifteen days as from the date of election. If that person has not resigned within the specified time, it shall be deemed that that person has never been elected as Chairman of the Election Commission or as Election Commissioner and the provisions of section 126 shall apply.

Section 124. The Chairman of the Election Commission and the Election Commissioner shall hold office for a term of six years as from the date of the appointment by the King and they shall serve for only one term.

The Chairman of the Election Commission or the Election Commissioner who vacates office upon the expiration of the term shall remain in office to continue to perform duties until the newly appointed Election Commissioners take office.

Section 125. In addition to the vacation of office upon the termination of the term, the Chairman of the Election Commission and the Election Commissioner vacates office upon:

(1) death;

(2) resignation;

(3) being disqualified or being under any of the prohibitions under section 121;

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

(5) being removed from office by a resolution of the National Assembly under section 258.

When a case under paragraph one occurs, the remaining Election Commissioners may continue to perform their duties.

Section 126. In the case where the Chairman of the Election Commission and Election Commissioners have vacated office *in toto*, actions under section 122 shall be taken within thirty days as from the date of the vacation.

In the case where the Chairman of the Election Commission or the Election Commissioner vacates office for any reason other than the expiration of the term, section 122 shall apply *mutatis mutandis* to the nomination and election of the Chairman and an Election Commissioner to fill the vacancy. In this case, persons who are suitable to be Election Commissioners shall be nominated, in the double number of the outgoing persons, by the Selective Committee to the President of the National Assembly for the purpose of an election by a resolution of the National Assembly within thirty days as from the date of the vacation. The elected persons shall serve only for the remainder of the term of the replaced Commissioners.

In the case where Election Commissioners vacate office *in toto* or in part during the expiration of the term or dissolution of the House of Representatives or out of the session of the National Assembly, actions under section 122 shall be taken within thirty days as from the day the National Assembly is convoked for the first sitting after the general election or as from the date of the opening of the National Assembly's session, as the case may be.

Section 127. The Election Commission shall control an election of members of the House of Representatives and a referendum to make it proceed in good faith and justly and shall be the political-party registrar.

The Chairman of the Election Commission shall have the charge and control of the execution of the organic law on the election of members of the House of Representatives, the organic law on a referendum and the organic law on political parties.

Section 128. The Election Commission shall have the following powers and duties:

(1) to issue Notifications determining all activities necessary for the execution of the laws referred to in section 127 paragraph two;

(2) to give orders instructing Government officials, employees of a State agency, State enterprise or local administration, or *Kamnan* or *Poo Yai Ban* to perform all necessary acts under the laws referred to in section 127 paragraph two;

(3) to conduct investigations and inquiries for fact-finding and giving decisions on problems or disputes arising under the laws referred to in section 127 paragraph two;

(4) 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 the Courts, Public Prosecutors, inquiry officials or other State agencies to take action for the purpose of conducting investigations and inquiries or giving decisions under (3).

The Election Commission has the power to appoint a person or a group of person to perform such duties as entrusted.

Section 129. Government officials, officials or employees of a State agency, State enterprise or local administration, or *Kamnan* or *Poo Yai Ban* shall have the duty to comply with orders of the Election Commission given under section 128(2).

Section 130. The Election Commission shall forthwith conduct an investigation and inquiry for finding facts in any of the following cases:

(1) convincing evidence has been found that any member of the House of Representatives, before being elected, had committed any act in contravention of good faith to enable him or her to be elected, or has been elected in contravention of good faith as a result of an act committed by any person or political party in violation of the organic law on the election of members of the House of Representatives and the organic law on political parties;

(2) an objection has been raised by a voter, a candidate in an election or a political party a member of which stood for election in any constituency that the election in that constituency has proceeded inappropriately or unlawfully.

Upon completion of the acts under paragraph one, the Election Commission shall give a decision forthwith. Such decision may be appealed to the Constitutional Court and the decision of the Constitutional Court shall be final.

Section 131. There shall be enacted the organic law on the Election Commission which shall at least contain the following matters in its substance:

(1) the activities to be carried out by the Election Commission;

(2) the investigation, inquiry and decision process of the Election Commission;

(3) the co-operation to be given to the Election Commission by Courts, Public Prosecutors, inquiry officials, or other State agencies;

(4) the establishment of an independent agency to carry out activities in connection with personnel administration, budget and other activities, with the Chairman of the Election Commission as its highest superior.

Part 5

Provisions Applicable to Both House

Section 132. Senators and members of the House of Representatives are representatives of the Thai people, and shall form the duties for the common interest of the Thai people.

Section 133. Before taking office, a senator and a member of the House of Representatives shall make a solemn declaration at a sitting of the House of which he or she is a member in the following words:

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

Section 134. The Senate and the House of Representatives shall each have one President and one or two Vice-Presidents who are appointed by the King from the members of such House in accordance with its resolution.

Section 135. The President and the Vice-Presidents of the Senate hold office until the day preceding the date of election of the new President and Vice-Presidents, which must be held every two years.

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

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

Section 136. The President of the Senate and the President of the House of Representatives shall have the powers and duties to carry out the business of the Houses in accordance with their rules of procedure. The Vice-Presidents have the powers and duties as entrusted by the President and act on behalf of the President when the President is absent or unable to perform his or her duties.

The President of House of Representatives and the person acting on behalf of the President must be political impartial. A resolution of a political party shall not bind the President of House of Representatives and the person acting on behalf of the President.

Section 137. When the President and the Vice-Presidents of the Senate or the President and the Vice-Presidents of the House of Representatives are absent from any sitting, the members of that House shall elect one among themselves to preside over such sitting.

Section 138. At a sitting of the Senate or of the House of Representatives, the presence of not less than one-half of the total number of the existing members of each House is required to constitute a quorum, except that in the case of considering the agenda on interpellation under section 164 and section 165, the House of Representatives may otherwise prescribe its quorum in the rules of procedure.

Section 139. A resolution on any issue shall be made by a majority of votes unless it is otherwise provided in this Constitution.

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

In a resolution to appoint any person to hold any position or to approve any person holding any position, the members must be free and not bound by their political parties or other mandates.

Section 140. At a sitting of the Senate or of the House of Representatives or at a joint sitting of the National Assembly, words expressed in the course of giving a statement of fact or opinion or casting the vote by any

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

Section 136. The President of the Senate and the President of the House of Representatives shall have the powers and duties to carry out the business of the Houses in accordance with their rules of procedure. The Vice-Presidents have the powers and duties as entrusted by the President and act on behalf of the President when the President is absent or unable to perform his or her duties.

The President of House of Representatives and the person acting on behalf of the President must be political impartial. A resolution of a political party shall not bind the President of House of Representatives and the person acting on behalf of the President.

Section 137. When the President and the Vice-Presidents of the Senate or the President and the Vice-Presidents of the House of Representatives are absent from any sitting, the members of that House shall elect one among themselves to preside over such sitting.

Section 138. At a sitting of the Senate or of the House of Representatives, the presence of not less than one-half of the total number of the existing members of each House is required to constitute a quorum, except that in the case of considering the agenda on interpellation under section 164 and section 165, the House of Representatives may otherwise prescribe its quorum in the rules of procedure.

Section 139. A resolution on any issue shall be made by a majority of votes unless it is otherwise provided in this Constitution.

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

In a resolution to appoint any person to hold any position or to approve any person holding any position, the members must be free and not bound by their political parties or other mandates.

Section 140. At a sitting of the Senate or of the House of Representatives or at a joint sitting of the National Assembly, words expressed in the course of giving a statement of fact or opinion or casting the vote by any

member are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such member.

The privilege under paragraph one does not extend to a member who expresses words at a sitting which is broadcast through radio or television, if such words appear out of the precinct of the National Assembly and the expression of such words constitutes a criminal offence or a wrongful act against any other person.

In the case where the member expresses words which are injurious to other person who is not Prime Minister, a Minister or member of that House, the President of such House shall arrange for publication of explanations at the request of such person in accordance with the procedure and within the period of time as provided by rules of procedure of such House; without prejudice to any personal right to bring an action before the Court.

Section 141. The privilege provided in section 140 extends to printers and publishers of minutes of a sitting in accordance with the rules of procedure of the National Assembly, the Senate or the House of Representatives, as the case may be, and to persons permitted by the presiding member to give a statement of fact or opinion at such sitting as well as to persons who broadcast the sitting through radio or television with the permission of the President of such House *mutatis mutandis*.

Section 142. The National Assembly shall, within thirty days from the date of the election of members of the House of Representatives, be summoned for the first sitting.

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

The day on which the first sitting referred to in 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 less than one hundred and fifty days remain as from the first day of the general ordinary session to the end of the calendar year, the legislative ordinary session may be omitted for such year.

In the legislative ordinary session, the National Assembly shall meet only in such case as provided in Chapter 2 or for considering a bill, approving an Emergency Decree, giving an approval to a declaration of war, approving a Treaty, removing persons from office, interpellating and amending the Constitution, except the National Assembly passes a resolution by the votes of more than one-half of the number of the existing members of the National Assembly for considering any other matter.

Section 143. An ordinary session of the National Assembly shall last one hundred and twenty days but the King may prolong it.

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

Section 144. The King convokes the National Assembly and opens and prorogues its session.

The King may be present to perform the opening ceremony of the first annual ordinary session under section 142 paragraph one or may command the Heir to the Throne who is *sui juris* or any person to perform the ceremony as His representative.

Section 145. When it is necessary for the interests of the State, the King may convoke an extraordinary session of the National Assembly.

Section 146. Members of both Houses or members of the House or 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 147. Subject to section 146, the convocation, the prolongation of session and the prorogation of the National Assembly shall be made by a Royal Decree.

Section 148. No senator or member of the House of Representatives shall, during a session, be arrested or detained or summoned by a warrant for inquiry as an alleged offender in a criminal case unless permission of the House of which he or she is a member is obtained or he is arrested in *flagrante delicto*.

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

Section 149. In the case where a criminal charge is brought against a senator or a member of the House of Representatives, whether the House is in session or not, the Court shall not try the case during a session.

unless permission of the House of which he or she is a member is obtained or it is a case concerning the organic law on election of members of the House of Representatives; provided that the proceedings of the Court shall not hinder such member from attending the sitting of the House.

The proceedings of the Court before the invocation of membership of either House of the accused are valid.

Section 150. If a senator or member of the House of Representatives is detained during an inquiry or a trial before the beginning of a session, when the session begins, the inquiry official or the Court, as the case may be, must order his or her release as soon as the President of the House of which he or she is a member has so requested.

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

Section 151. The Senate shall not hold its sitting during the expiration of the term or the dissolution of the House of Representatives; unless it is a sitting at which the Senate shall act as the National Assembly under section 17, section 21 and section 192, and the votes taken shall be based on the number of senators.

Section 152. Bills may be introduced only by the Council of Ministers or members of the House of Representatives, but money bills may be introduced by members of the House of Representatives only with the endorsement of the Prime Minister.

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

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

- (1) the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) the allocation, receipt, custody, or payment of the State funds or transfer of expenditure estimates of the State;
- (3) the establishment of an agency which results in an increase of the expenditure estimates of the State;

- (4) the raising of loans, or guarantee or redemption of loans;
- (5) currency.

In case of doubt as to whether a bill is a money bill which requires the endorsement of the Prime Minister, it shall be the power of a joint sitting of the President of the House of Representatives and Presidents of all standing committees of the House of Representatives to make a decision thereon.

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

The resolution of the joint sitting under paragraph four 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 153. For any bill introduced by members of the House of Representatives which, at the stage of the adoption of its principle, was not a money bill but was then amended by the House of Representatives and, in the opinion of the President of the House, such amendment has rendered it to exhibit the characteristic of a money bill, the President of the House shall suspend the consideration of such bill and, within fifteen days as from the day on which such case occurs, shall refer it to a joint sitting of the President of the House of Representatives and Presidents of all of its committees to make a decision thereon. If the joint sitting decides that the amendment has 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 Representative shall amend it so as to prevent it from being a money bill.

Section 154. A bill shall be first submitted to the House of Representatives,

If a bill which has been specified by the Council of Ministers, in its policies stated to the National Assembly under section 181, as necessary for the administration of the State affairs is not approved by a resolution of the House of Representatives and the votes disapproving it are less than one-half of the total number of the existing members of the House, the Council of Ministers may request the National Assembly to hold a joint sitting for passing a resolution on another occasion. If it is approved, the National Assembly shall appoint the persons, being or not being 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 84 shall be taken. If it is not approved, such bill shall lapse.

Section 155. Subject to section 161, when the House of Representatives has considered a bill submitted under section 154 paragraph one and passed a resolution approving it, the House of Representatives shall submit such bill to the Senate. The Senate must finish the consideration of such bill within sixty days; but if it is a money bill, the consideration thereof must be finished within thirty days; provided that the Senate may, as a special case, resolve to extend the period for not more than thirty days. The said period shall mean the period during a session and shall be counted as from the day on which such bill reaches the Senate.

The period referred to in paragraph one shall not include the period during which the bill is under the consideration of the Constitutional Court under section 158.

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

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

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

Section 156. Subject to section 161, after the Senate has finished the consideration of a bill:

(1) if it agrees with the House of Representatives, further proceedings under section 84 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 84 shall be taken. In other cases, each House shall appoint persons, being or not being its members, in such an equal number as may be determined by the House of Representatives, to constitute a joint committee for considering the bill; and the joint committee shall prepare a report thereon and submit that 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 84 shall be taken. If either House disapproves it, the bill shall be withheld.

In considering the bill, the joint committee has the power to summon documents from any person or summon any person to give statements or opinions and the privileges provided in section 140 and section 141 shall also extend to the person performing his or her duties under this section.

At a meeting of the joint committee, the presence of the members of the 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 173 shall apply *mutatis mutandis*.

Section 157. A bill withheld under section 156 may be reconsidered by the House of Representatives only after the lapse of one hundred and eighty days as from the date the bill is returned to the House of Representatives by the Senate in case of the withholding under section 156(2) and as from the date either House disapproves it in case of the withholding under section 156(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 84 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 84 shall be taken.

Section 158. While a bill is being withheld under section 156, the Council of Ministers or members of the House of Representatives may not introduce a bill having the same or similar principle as that of the bill so withheld.

In the case where the Senate or the House of Representatives is of the opinion that the bill so introduced or referred to for consideration has the same or similar principle as that of the bill being withheld, the President of the Senate or the President of the House of Representatives 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 159. In the case where the term of the House of Representatives expires or the House of Representatives is dissolved, the draft Constitution Amendment, or all bills which have not yet been approved by the National Assembly or to which the King has refused His assent or which have not been returned by the King within ninety days, shall lapse.

Section 160. 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 161. The House of Representatives must finish the consideration of an annual appropriations bill, a supplementary appropriations bill and a transfer of appropriations bill within one hundred and five days as from the date the bill reaches the House of Representatives.

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

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

If the Senate disapproves the bill, the provisions of section 176 paragraph two shall apply *mutatis mutandis*.

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

- (1) money for payment of the principal of a loan;
- (2) interest on a loan;
- (3) money payable in accordance with the law.

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

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

Section 162. 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 in accordance with the rules and procedure provided by the law. In such case, the expenditure estimates for reimbursement must be set aside in the Transfer of Appropriations Act, the Supplementary Appropriations Act or the Annual Appropriations Act for the following fiscal year.

Section 163. The Senate and the House of Representatives are, by virtue of this Constitution, vested with the power to control the administration of the State affairs.

Section 164. Every senator or member of the House of Representatives has the right to interpellate a Minister on any matter within the scope of his or her authority, but the Minister has the right to refuse to answer it if the Council of Ministers is of the opinion that the matter should not yet be disclosed on the ground of safety or vital interest of the State.

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

Section 165. In the administration of the State affairs on any matter which involves an important problem of public concern, affects national or public interest, or requires urgency, a member of the House of Representatives may notify the President of the House of Representatives prior to the commencement of the sitting of the day that the Prime Minister or the Minister responsible for that matter will be interpellated, and the President of the House of Representatives shall place such matter on the agenda of the meeting of that day. A verbal interpellation by a member of the House of Representatives on such matter may be made not more three times. The interpellation and the answer to the interpellation under this section may not take more than one hour each day.

Section 166. Members of the House of Representatives of not less than one-half 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 on the ground of the policy or the administration of the State affairs in implementation of the policy which is faulty, ineffective or threatens to cause injury to the nation or the public. Such motion must nominate the suitable next Prime Minister and, when the motion has been submitted, the dissolution of the House of Representatives shall not be permitted, except when the motion is withdrawn or the resolution is passed without being supported by such vote as specified in paragraph three.

The submission of a motion for a general debate on the behaviour of the Prime Minister, which involves circumstances of unusual wealthiness or exhibits a sign of malfeasance in office or the commission of an offence against internal or external security of the Kingdom, deliberate exercise of authority to commit an offence or violation of the provisions of the Constitution or law shall not be made without the proceedings under Chapter 11 having been first taken.

If the general debate is concluded with a resolution not to pass over the agenda of the general debate, the House of Representatives shall pass a vote of confidence or no-confidence. Voting in such case shall not take place on the date of the conclusion of the debate. The vote of no-confidence must be passed by more than one-half of the total number of the existing members of the House of Representatives.

In the case where a vote of no-confidence is passed by not more than one-half of the total number of the existing members of the House of Representatives, the members of the House of Representatives who submit the motion for the 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.

Section 167. Members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House of Representatives have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister on the ground of the administration of the State affairs in implementation of a policy which is faulty, ineffective or threatens to cause injury to the nation or the public.

The provisions of section 166 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

Section 168. A sitting of the Senate, a sitting of the House of Representatives and a joint sitting of the National Assembly are public under the conditions stipulated in the rules of procedure of each House. A sitting *in camera* shall be held at the request of the Council of Ministers or members of not less than one-fourth of the total number of the existing members of each House or of both Houses, as the case may be.

Section 169. The Senate and the House of Representatives have the power to select and appoint members of each House to constitute a standing committee and have the power to select and appoint persons, being or not being its members, to constitute an *ad hoc* committee in order to perform any act, inquire into or study any matter within the powers and duties of the House and report its findings to the House. The said committees have the power to summon documents from any person or summon any person to give statements, opinions on the act or the matter under its inquiry or study.

The privileges provided in section 140 and section 141 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 170, the President of the House of Representatives shall determine the proportion under paragraph three.

Section 170. The Senate and the House of Representatives have the power to make the rules of procedure governing the election and performance of duties of the President, Vice-Presidents, and members of committees, quorum of committees, sittings, submission and consideration of bills, submission of motions, consultation, debate, passing of a resolution, interpellation, general debate, observation of the rules and orders, and other matters for the execution of this Constitution.

Section 171. Organic law bills already approved by the National Assembly or 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 already approved by the House of Representatives, the Senate or the National Assembly shall be submitted to the Constitutional Court for consideration of their constitutionality before their presentation to the King for signature or their publication in the Government Gazette, as the case may be.

The decision of the Constitutional Court shall be made within thirty days as from the date of its receipt of the matter and the provisions of section 214 paragraph two shall apply *mutatis mutandis* to the provisions which are contrary to or inconsistent with or not in accordance with the Constitution.

Part 6

Joint Sitzings of the National Assembly

Section 172. The National Assembly shall hold a joint sitting in the following cases:

- (1) the approval of the appointment of the Regent under section 17;
- (2) the making of a solemn declaration by the Regent before the National Assembly under section 19;
- (3) the acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467 under section 20;
- (4) the acknowledgment or approval of the succession to the Throne under section 21;
- (5) the reconsideration of a bill under section 85;
- (6) the election of Election Commissioners under section 122 and section 126;
- (7) the approval of the prorogation of a session under section 143;
- (8) the opening of the session of the National Assembly under section 144;
- (9) the approval of a bill stated by the Council of Ministers as necessary for the administration of the State affairs under section 154 paragraph two;
- (10) the making of the rules of procedure of the National Assembly under section 173;
- (11) the announcement of policies under section 180;
- (12) the holding of a general debate under section 185;
- (13) the approval of the declaration of war under section 195;
- (14) the approval of a Treaty under section 196;
- (15) the selection of judges of the Constitutional Court under section 207 and section 213 and the approval of the appointment of Secretary-General of the Office of the Constitutional Court under section 222;
- (16) the selection of members of the National Counter Corruption Commission under section 252 and section 253 and the approval of the appointment of Secretary-General of the National Counter Corruption Commission under section 256;

(17) the election of members of the State Audit Commission under section 276 and section 277 and the approval of the appointment of the Auditor-General under section 279;

(18) the selection of the Ombudsman under section 281;

(19) the amendment of the Constitution under section 291;

Section 173. At a joint sitting of the National Assembly, the rules of procedure of the National Assembly shall apply. While the rules of procedure of the National Assembly has not yet been issued, the rules of procedure of the House of Representatives shall apply *mutatis mutandis*.

Section 174. The provisions applicable to both Houses shall apply *mutatis mutandis* to a 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.

CHAPTER VII

The Council of Ministers

Section 175. The King appoints the Prime Minister and not more than forty-eight other Ministers to constitute the Council of Ministers having the duties to carry out the administration of the State affairs.

The President of the House of Representatives shall present to the King the nomination of the person suitable to be appointed as Prime Minister in accordance with the resolution of the House of Representatives and shall countersign the Royal Command appointing the Prime Minister.

Section 176. The Prime Minister shall be appointed from members of the House of Representatives elected from the party-lists under section 103 paragraph two and shall, upon the appointment by the Royal Command, vacate the office of member of the House of the Representatives as from the date of the appointment.

The selection of the person suitable to be appointed as Prime Minister shall be made by the nomination of a person who is suitable to be appointed as Prime Minister to the House of Representatives for consideration. The nomination 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 nomination of a person to be appointed 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 such resolution shall be by open votes.

Section 177. In the first selection, in the case where it appears within thirty days as from the date of the general election that no person has been approved to be appointed as Prime Minister with the votes of 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 present to the King the name of the suitable person for appointment by the King.

If the President of the House of Representatives fails to present to the King the name of the person for appointment by the King within ten days as from the expiration of the period under paragraph one, the term of the House shall expire.

Section 178. The Prime Minister or Minister shall not be a Government official holding a permanent position or receiving a salary other than a political official or shall not be a member of the House of Representatives or senator simultaneously.

A member of the House of Representatives or a senator who has been appointed as Prime Minister or Minister shall vacate office as from the date of appointment.

In the case where the person who is appointed as Prime Minister or Minister is a member of the House of Representatives elected from party-lists under section 100, the President of the National Assembly shall publish in the Government Gazette elevating the person whose name is listed in the party list of that party in the next order to be a member of House of Representatives in replacement of such outgoing person. The replacing member of the House of Representatives may serve only for the remainder of the term of the House.

In the case where the person who is appointed as Minister is a member of the House of Representatives elected from the election on a constituency basis under section 103, a by-election of a member of the House of Representatives shall be held within thirty days as from the date such person is appointed. The replacing member of the House of Representatives may serve only for the remainder of the term of the House.

Section 179. 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 180. The Council of Ministers which shall assume the administration of the State affairs shall state its policies to the National Assembly provided that no vote of no-confidence shall be passed.

Section 181. A Minister must possess the qualifications and must not be under any of the prohibitions as follows:

(1) possessing the qualifications for the person having the right to be a candidate in an election under section 108(1);

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

(3) not being under any of the prohibitions under section 109 (1), (2), (3), (4), (7), (8) or (14);

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

Section 182. A Minister shall not hold a position or perform any act which is prohibited to be held or performed by a member of the House of Representatives under section 111 except the position required to be held by the operation of law, and shall not be a manager, director, advisor, agent or employee of any person, partnership, company or organisation which engages in a business with a view to earning profits.

Section 183. A Minister has the right to attend and give statements of fact or opinions at a sitting of the House but has no right to vote.

The privileges provided in section 140 and section 141 shall apply *mutatis mutandis*.

Section 184. Ministers shall carry out the administration of the State affairs in accordance with the provisions of the Constitution, laws and the policies stated under section 180, and shall be responsible individually to the House of Representatives for the performance of their duties and shall also be responsible collectively to the National Assembly for the general policies of the Council of Ministers.

Section 185. In the case where there is a problem in connection with the administration of the State affairs in respect of which the Council of Ministers deems it advisable to take opinion of senators and members of the House of Representatives, the Prime Minister may give a notice to the President

of the National Assembly requesting that a general debate be held at a 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 186. Ministers vacate office *en masse* upon:

- (1) the passing of a vote of no-confidence by the House of Representatives under section 166;
- (2) the expiration of the term or the dissolution of the House of Representatives;
- (3) the resignation of the Council of Ministers;
- (4) the termination of Ministership of the Prime Minister under section 216;

The outgoing Council of Ministers shall remain in office for carrying out duties until the newly appointed Council of Ministers takes office.

Section 187. The ministership of an individual Minister terminates upon:

- (1) death;
- (2) resignation;
- (3) being disqualified or being under any of the prohibitions provided in section 181;
- (4) being sentenced by a judgment to imprisonment;
- (5) the passing of a vote of no-confidence by the House of Representatives under section 166;
- (6) having done an act prohibited by section 182;
- (7) the issuance a Royal Command under section 188.

The provisions of section 88 and section 258 shall apply to the termination of the ministership under (2), (3), (4) or (6).

Section 188. The King has the prerogative power to remove a Minister from his or her office upon the advice of the Prime Minister.

Section 189. 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 same 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 next succeeding sitting of the National Assembly, the Council of Ministers shall submit the Emergency Decree to the National Assembly for its consideration without delay. If it is out of session and it would be a delay to wait for the opening of an ordinary session, the Council of Ministers must proceed to convoke an extraordinary session of the National Assembly in order to consider whether to approve or disapprove the Emergency Decree 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 law and such Emergency Decree has lapsed in accordance with paragraph three, the provisions of the law in force before the amendment or repeal shall continue to be in force as from the date of the issuance of such Emergency Decree.

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

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

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

Section 190. Before the House of Representatives or the Senate approves an Emergency Decree under section 189 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 189 paragraph one, and the President of the House who receives such opinion shall then refer it to the Constitutional Court for decision. After the Constitutional Court has given a decision thereon, it shall notify its decision to the President of the House referring such opinion.

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

The decision of the Constitutional Court that an Emergency Decree is not in accordance with section 189 paragraph one must be given by votes of not less than two-thirds of the total number of judges of the Constitutional Court.

Section 191. If, during a session, it is necessary to have a law on taxes, duties or currency, which, in the interests of the State, requires an urgent and confidential consideration, the King may issue an Emergency Decree which shall have the same 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 189 shall apply *mutatis mutandis*.

Section 192. The King has the prerogative power to issue a Royal Decree which is not contrary to the law.

Section 193. In the case where the Council of Ministers is of the opinion that any bill or matter may affect national or public interests, the Council of Minister may present its request to the King for an issuance of a Royal Decree calling for a referendum.

The persons having the right to vote in an election of members of the House of Representatives shall have the right to vote in a referendum and the date of the referendum shall be the same throughout the Kingdom.

A referendum shall be for the purpose of public consultation as to whether the bill or matter in respect of which the referendum is held will be approved or not. A referendum shall not be held on a matter specifically relating to any individual person.

Subject to the provisions of this Constitution, the rules and procedure for voting in a referendum shall be in accordance with the organic law on referendum.

Section 194. The King has the prerogative power to declare and lift the martial law in accordance with the conditions and manner under the Martial Law.

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

Section 195. The King has the prerogative power to declare war with the approval of the National Assembly.

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

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

Section 196. The King has the prerogative power 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 jurisdiction of the State or requires the enactment of an Act for its implementation must be approved by the National Assembly.

Section 197. The King has the prerogative power to grant a pardon.

Section 198. The King has the prerogative power to remove titles and recall decorations.

Section 199. 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.

Section 200. Subject to section 199, the determination of qualification, recruitment, appointment, promotion, increase of salaries, punishment and removal from Government service of Government officials shall be in accordance with the law.

Section 201. A Government official holding a permanent position or receiving a salary, except a political official, shall not be a political official.

Section 202. Emoluments and other remuneration of Privy Councillors, President and Vice-Presidents of the Senate, President and Vice-Presidents of the House of the Representatives, Leader of the Opposition in the

House of Representatives, senators, members of the House of Representatives, judges of the Constitutional Court, Election Commissioners, members of the National Counter Corruption Commission, judges of the Judicial Committee for Political Crimes, members of the State Audit Commission or the Ombudsman shall be prescribed by the Royal Decree.

Section 203. All laws, Royal Rescripts and Royal Commands relating to the State affairs must be countersigned by a Minister unless otherwise provided in this Constitution.

Section 204. All laws which have been signed or deemed to have been signed by the King shall forthwith be published in the Government Gazette not later than seven days as from the date he has signed them or the date they are deemed to have been signed.

CHAPTER VIII

Constitutional Court

Section 205. The Constitutional Court consists of the President and eight judges of the Constitutional Court to be appointed by the King upon advice of the National Assembly.

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

Section 206. The President and judge of the Constitution Court shall possess the qualifications and shall not be under any of the prohibitions as follows:

(1) being of Thai nationality by birth and being not less than forty years of age

(2) having graduated with not lower than a Bachelor's degree in law or political science

(3) having, in the past, held a political position or served in a position of not lower than Deputy Director-General or its equivalent;

(4) not being under any of the prohibitions under section 107 or section 109 (1), (2), (4), (5), (7) or (8);

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

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

(7) not being an Election Commissioner, member of the National Counter Corruption Commission, judge of the Judicial Committee for Political Crimes, member of the State Audit Commission or the Ombudsman.

Section 207. The nomination and election of the President and judges of the Constitutional Court shall be proceeded as follows.

(1) the Selective Committee for judges of the Constitutional Court, consisting of representatives of all political parties having a member who is a member of the House of Representatives provided that each party shall have one representative, shall nominate twelve persons suitable to be judges of the Constitution Court to the President of the National Assembly with the consent of the nominated persons; the resolution making such nomination must be passed by votes of not less than three-fourths of the total number of the existing members of the Committee;

(2) the Senate shall nominate to the President of the National Assembly, with the consent of the nominated persons, six persons suitable to be judges of the Constitution Court;

(3) the nominations under (1) and (2) shall be made within thirty days as from the date when a ground for the election of persons to be in such office occurs; in the case where the Committee under (1) is unable to make the nomination or, in nominating, fails to achieve the complete number within the specified time, the Senate shall instead make the nomination to fulfil the complete number within fifteen days as from the date the nomination under (1) is due to be made;

(4) the President of the National Assembly shall convene the Senate for a sitting for the purpose of passing a resolution, by secret ballot, electing the nominated persons under (1), (2) and (3). In the case where the persons received voted of more than one-half of the number of the members of the National Assembly, such persons shall be deemed to have been elected as judges of the Constitution Court, but if the number of the persons elected is less than nine, the name-list of those not elected on the first occasion shall be submitted to members of the National Assembly for voting on another occasion consecutively. In such case, nine persons receiving the highest number of votes in respective order in the specified number shall be elected as judges of the Constitutional Court. In the case of an equality of votes, the President of the National Assembly shall draw lots to determine who are elected persons;

In casting votes, members of the National Assembly shall be free and shall not be bound by any resolution of their political parties or other mandates.

(5) the elected persons under (4) shall meet and elect one among themselves to be President of the Constitutional Court. The result thereof shall be notified to the President of the National Assembly and be presented to the King for further appointment.

Section 208. No person shall be the President or a judge of the Constitutional Court and a holder of any of the following positions simultaneously:

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

(2) an official or employee of a State agency, State enterprise or local administration;

(3) a chairman, managing director, director or holder of any other position with the authority to do a transaction binding a partnership, company or any organisation carrying out business with a view to gaining profits, or an employee of any person.

In the case where the National Assembly has elected the person referred to in (1), (2) or (3) with the consent of that person, the elected person can commence the performance of duties only when he or she has resigned from the position in (1), (2) or (3), which must be done within fifteen days as from the date of the election. If such person has not resigned within the specified time, it shall be deemed that that person has never been elected as President or judge of the Constitutional Court and the provisions of section 213 shall apply.

Section 209. The President and judges of Constitutional Court shall hold office for nine years as from the date of their appointment by the King and they shall hold office for only one term.

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

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

Section 210. Before taking office, the President and judges of the Constitutional Court 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 perform my duties in accordance with the honest dictates of my conscience for the protection of rights and liberties of the people. I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

Section 211. In addition to the vacation of office upon the expiration of term, the President and judge of the Constitutional Court vacate office upon:

- (1) death;
- (2) resignation being declared to the National Assembly;
- (3) being disqualified or being under any of the prohibitions provided in section 206;
- (4) the Constitutional Court passing a resolution removing or expelling him or her from office under section 212;
- (5) being sentenced by a judgement to imprisonment.

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

Section 212. If the President and the any judge of the Constitutional Court behaves or performs, whether in discharge of official duty or outside the course of official duty, inconsistently with legal principles in the Constitution or rules and patterns therein, the Constitutional Court shall make a decision thereon when members of the House of Representatives, senators or members of both Houses of not less than one-fifth of the number of existing members of both Houses have submitted their opinion to the Constitutional Court. In the case where the act in contravention of the Constitution has been committed deliberately, the wrongdoer shall be expelled.

Section 213. 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 207 shall be taken within thirty days as from the date of the vacation of office.

In the case where the President or judges of the Constitutional Court vacate office otherwise than at the expiration of the term, section 207 shall apply *mutatis mutandis* to the nomination and election of the President and judges of the Constitutional Court to fill the vacancies. In such case, the nomination of suitable persons to be judges of the Constitutional Court shall be presented by the Committee under section 207 to the President of the National Assembly by nominating persons in the double number of the outgoing judges and the National Assembly shall pass a resolution for the election within thirty days as from the date of the vacation office.

In the case where the President and some or all judges of the Constitutional Court vacate office during the expiration of the term or dissolution of the House of Representatives or while the National Assembly is out of a session, the proceedings under section 206 shall be taken within thirty days as from the date of first sitting of the National Assembly after the general

election or as from the date of the opening of a session of the National Assembly, as the case may be.

Section 214. After any bill has been approved by the National Assembly, before the Prime Minister presents it to the King for signature under section 84:

(1) if senators, members of the House of Representatives or members of both Houses of not less than one-fifth of the total number of the existing members of both Houses are of the opinion that provisions of the said bill are contrary to or inconsistent with this Constitution or the bill is enacted contrary to the provisions of this Constitution, they shall submit their opinion to the President of the National Assembly, President of the Senate or President of the House of Representatives, 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 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 the bill is enacted contrary to the provisions of this Constitution, the Prime Minister shall refer such opinion to the Constitutional Court for decision and inform the President of the Senate and the President of the House of Representatives thereof.

During the consideration of the Constitutional Court, the Prime Minister shall suspend the proceedings in respect of the promulgation of the bill under paragraph one 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 the bill is enacted contrary to the provisions of this Constitution, such bill shall lapse.

Section 215. 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 which is considered by the Court as reasonable that, the provisions of such law fall within the provisions of section 5 and there has not yet been a decision of the Constitutional Court on such provisions, the Court shall stay its trial and adjudication of the case for the time being and submit, in the course of official service, its opinion to the Constitutional Court for consideration and decision.

In the case where the Court does not submit its opinion to the Constitutional Court for consideration and decision, whether by reason of its disagreement with the objection of the party under paragraph one or by any other reason whatsoever, the party who has raised the objection may, when the case is final, submit a motion to the Constitutional Court for consideration and decision. The exercise of such right shall be in accordance with the Procedure of the Constitutional Court.

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

Section 216. In the case where the Council of Ministers, the National Assembly, the Senate or the House of Representatives resolves that a problem arises and needs the interpretation of the Constitution, the Prime Minister, the President of the National Assembly, the President of the Senate or the President of the House of Representatives, as the case may be, shall refer the matter to the Constitutional Court for consideration and giving opinion in connection therewith.

Section 217. The Constitutional Court has the powers and duties to consider and decide the following matters:

- (1) a motion in connection with the commission of any act by a State organisation which amounts to unlawful restriction of a person's rights and liberties under section 25;
- (2) implications of the resolution or regulations of a political party on the status and the performance of duties of a member of the House of Representatives under section 51;
- (3) the matter in respect of which the Attorney-General submits a motion for compelling a person or a political party that has exercised the rights and liberties prescribed by the Constitution against the nation, religions, the King and the Constitution to cease such act or for dissolving the political party under section 62;
- (4) membership of a member of the House of Representatives and senator under section 87;
- (5) the matter in respect of which a member of the House of Representatives who is a member of any political party submits a motion for decision that a resolution of the political party terminating his or her membership is not in accordance with the law under section 116(8);
- (6) an appeal against a decision of the Election Commission under section 130;
- (7) the approval of the draft Constitution Amendment, an organic law bill, draft rules of procedure of the House of Representatives, the Senate and the National Assembly under section 171 and the bill which has been approved by the National Assembly under section 214;
- (8) the passing of a resolution removing a judge of the Constitutional Court, a member of the National Counter Corruption Commission, a judge of the Judicial Committee for Political Crimes or the Ombudsman, under section 212, section 253, section 269 or section 285 as the case may be;

(9) the consideration of the constitutionality of the provisions of law at the request of the Court or the party under section 215;

(10) the matter referred to it by the Council of Ministers, the President of the National Assembly, the President of the House of Representatives or the President of the Senate for the interpretation of the Constitution under section 216;

(11) a dispute with regard to duplication of powers and duties of organisations under the Constitution

(12) a conflict in connection with jurisdiction to try and adjudicate cases under section 242;

(13) other acts as provided by law.

In the case any matter is not specified in this Constitution as falling within the authority of any organisation to give opinion or make decision thereon, it shall be resolved by reference to the tradition of governance in the democratic regime of government with the King as head of the State. For this purpose, the Constitutional Court shall give opinions and decision.

In the performance of its duties, the Constitutional Court shall have the power to demand documents or relevant evidence from any person or summon any person to give statements of fact as well as request the Courts, inquiry officials, other Government agency 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 218. In the case where a dispute arises as to duplication of powers and duties of organisations under the Constitution, the interested organisation or the President of the National Assembly on his or her own motion or at the request of members of the National Assembly, shall submit an opinion to the Constitutional Court for consideration and decision in accordance with the rules on procedure of the Constitutional Court.

Section 219. In the performance of duties, the President and judges of the Constitutional Court shall enjoy privileges in expressing words in the course of giving a statement of fact or opinion or casting the vote. No charge or action in any manner whatsoever shall be brought against such member.

Section 220. The President and judges of the Constitutional Court shall not be arrested or detained unless permission of the Constitutional Court is obtained or the arrest is made *in flagrante delicto*.

The quorum of judges of the Constitutional Court for hearing and giving a decision shall consist of not less than six 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 a decision on his or her own part and make an oral statement to the meeting before passing a resolution.

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

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

Section 221. The decision of the Constitutional Court shall be deemed final and binding on the National Assembly, Council of Ministers, Courts and other State organisations.

When the Constitutional Court has decided that provisions of any bill are contrary to or inconsistent with the Constitution or the bill is enacted contrary to the provisions of the Constitution, such bill shall lapse.

The decision of the Constitutional Court that provisions of any law are contrary to or inconsistent with the Constitution or that the law is enacted contrary to the provisions of the Constitution shall apply to all cases but shall not affect final judgments of the Courts.

When the Constitutional Court has decided that the act of any person or group of person is against the Constitution or against institutions established thereunder, the Constitutional Court has the power to order such person or group of person to refrain from the act immediately.

When the Constitutional Court has decided that the resolution of a political party expelling its member is unlawful, that political party shall accept that member to be its member as before and, if such person previously served in any position, to serve in the same position.

When the Constitutional Court has decided that the election in any constituency was unlawful, a new election shall be held in that constituency.

Section 222. There shall be the Office of the Constitutional Court for serving as an administrative unit of the Constitutional Court, with the

Secretary-General of the Office of the Constitutional Court as its superior responsible directly to the President of the Constitutional Court.

The appointment of the Secretary-General of the Office of the Constitutional Court must be approved by the Constitutional Court.

The Office of the Constitutional Court shall have autonomy in personnel administration, budgetary affairs and other activities in accordance with the organic law on the Office of the Constitutional Court.

Section 223. The procedure of the Constitutional Court shall be prescribed by the Constitutional Court, which must be by a unanimous resolution.

The procedure of the Constitutional Court under paragraph one must also be founded at least upon fundamental guarantees with regard to the openness of hearing, the opportunity to the parties to express their opinions before the decision of the case, the right of the parties to inspect documents relating to them and the reasoning of the decision or order of the Constitutional Court.

CHAPTER VIII

The Courts

Part I

General Provisions

Section 224. The trial and adjudication of cases are the powers of the Courts, which must proceed in accordance with the law and in the name of the King.

The hearing of a case requires the full quorum of judges. In a criminal case, any judge not sitting at the hearing of a case shall not give judgment for such case.

Section 225. All Courts may be established only by Acts.

Section 226. A new Court for the trial and adjudication of any particular case or a case of any particular charge in place of an ordinary Court existing under the law for the trial and adjudication of such case shall not be established.

Section 227. A law having an effect of changing or amending the law on the organisation of Courts or on judicial procedure for the purpose of its application to a particular case shall not be enacted.

Section 228. Judges are independent in the trial and adjudication of cases in accordance with the law.

Section 229. Judges shall not be political officials.

Section 230. The King appoints and removes judges.

Before taking office for the first time, a judge shall make a solemn declaration before the King in the words prescribed by the Judicial Commission under the law on Judicial Service.

Section 231. The appointment and removal of a judge of a Court of Justice shall be approved by the Judicial Commission under the law on Judicial Service before the matters are tendered to the King.

The promotion, increase of salaries and punishment of a judge of a Court of Justice shall be approved by the Judicial Commission under the law on Judicial Service.

Section 232. The Judicial Commission of the Courts of Justice consist of the following persons:

- (1) President of the Supreme Court as President;
- (2) three judicial officials under the law on Judicial Service, as members *ex officio*;
- (3) eight qualified members elected by judicial officials, four from judicial officials and the other four from retired judicial officials who are not holders of political positions, senators, members of the House of Representatives or lawyers; and
- (4) three qualified members, one of whom is appointed by the House of Representatives, one of whom by the Senate and the other by the Councils of Ministers.

Section 233. Military Courts have the power to try and adjudicate cases as provided by law.

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

Section 234. Courts of Justice have the power to try and adjudicate all cases except the cases provided by this Constitution or the law to fall within the jurisdiction of other courts.

Section 235. Administrative Courts have the powers to try and adjudicate cases of dispute between a State agency or a State official under the superintendence or supervision of the State on one part and a private individual on the other part, or between a State agency or a State official under the superintendence or supervision of the State on one part and another such agency or official on the other part, which is the dispute as a consequence of the act or omission of the act that must be, according to the law, performed by such State agency or State official, or as a consequence of the act or omission of the act under the responsibility of such State agency or State official in the performance of duties under the law, and other cases as provided by law.

There shall be the Supreme Administrative Court and Administrative Tribunals, and there may also be the Appellate Administrative Court.

Section 236. The King appoints and removes Administrative judges.

Before taking office for the first time, an administrative judge shall make a solemn declaration before the King in the words as prescribed by the law.

Section 237. 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 they are tendered to the King.

The reshuffle and promotion of an administrative judge shall obtain the consent of such person and the approval of the Judicial Commission of the Administrative Courts as provided by law.

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

Section 238. 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, the Council of Ministers and the House of Representatives and the Senate, be tendered by the Prime Minister to the King for appointment.

The appointment of an administrative judge as Vice-President of the Supreme Administrative Court, Director-General of the Administrative Tribunals, Deputy Director-General of the Administrative Tribunals and Chief Justices of Administrative Tribunals shall, when already approved by the Judicial Commission of the Administrative Courts, be tendered by the Prime Minister to the King for appointment.

In the case where there is the Appellate Administrative Court, paragraph one shall apply to the appointment of an administrative judge as Director-General of the Appellate Administrative Court and paragraph two shall apply to the appointment of administrative judges as Deputy Director-General of the Appellate Administrative Court and Chief Justices of the Appellate Administrative Court *mutatis mutandis*.

Section 239. The Judicial Commission of the Administrative Courts consists of the following persons:

- (1) President of the Supreme Administrative Court as Chairman;
- (2) ten qualified members who are administrative judges and elected by administrative judges among themselves;
- (3) three qualified members, one of whom is appointed by the House of Representatives, one of whom by the Senate and the other by the Councils of Ministers.

The eligibility of an administrative judge for being elected as a member of the Judicial Commission of the Administrative Courts and the procedure for the election of members of the Judicial Commission of the Administrative Courts shall be as provided by law.

The person who can be elected as a qualified member of the Judicial Commission of the Administrative Courts shall possess the qualifications and shall not be under the prohibition as provided by law.

Section 240. No person may simultaneously become a member, whether an *ex officio* member or a qualified member, of the Judicial Commission under the law on judicial service and of the Judicial Commission of the Administrative Courts under the law on that matter.

Section 241. The appointment and removal of judges of Courts other than Courts of Justice, Administrative Courts and Military Courts as well as the jurisdiction of adjudication of cases and the procedure of the said Court shall be in accordance with the law on the establishment of such Court.

Section 242. In the case where there is a dispute on the same issue with regard to competent jurisdiction between the Court of Justice and other Court, or as between other Courts themselves, or where there is a dispute on the same issue between a final order or judgment of the Court of Justice and a final order, judgment or decision of other Court, or as between final orders, judgments or decisions of other Courts themselves, it shall be decided by the Constitutional Court.

CHAPTER X

Local Government

Section 243. The local administration established as a local administrative organisation shall be in accordance with the principle of self-government according to the will of the people in the locality as provided by law.

The local administrative organisation under paragraph one shall enjoy autonomy in the determination of its local government policies and shall have autonomy in local taxation and finance as provided by law.

The supervision of a local administrative organisation must be exercised as necessary for protecting local interests or interests of the country as a whole.

Section 244. Any locality which meets the conditions of self-government as provided by law shall have the right of self-government.

Section 245. Members of a local assembly shall be basically elected. Members may be appointed only in case of necessity in accordance with the provisions of the law and shall be less than the number of elected members.

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

A candidate for an election of members of a local assembly must also possess at least the qualifications under section 108(1) and (2).

The rules and procedure for the election under this section shall be in accordance with the law on that matter.

Section 246. Members of a local administrative committee or local administrators shall be basically elected. Member of a local administrative committee or local administrators may be appointed only in case of necessity as provided by law.

The rules and procedure for the election under this section shall be in accordance with the law on that matter.

CHAPTER XI

Political Inspection

Part 1

Declaration of Accounts Showing Particulars of Assets and Liabilities

Section 247. Persons holding the following political positions shall submit an account showing particulars of assets and liabilities to the National Counter Corruption Commission on each occasion of taking or vacating office:

- (1) Prime Minister;
- (2) Ministers;
- (3) senators;
- (4) members of the House of Representatives;
- (5) other political officials;
- (6) members of a local administrative committee as provided by law;

The account under paragraph one shall be submitted together with copies of supporting documents evidencing the actual existence of such assets and liabilities and the declarer shall certify the accuracy of the account and copies of the submitted documents by affixing his or her signature at the end of every page thereof.

Section 248. The account showing particulars of assets and liabilities under section 247 shall disclose the particulars of assets and liabilities actually existing as of the date of the submission thereof and shall be submitted within such time as follows:

- (1) in the case of the taking of office, within thirty days as from the date of taking office;
- (2) in the case of the vacation of office, within thirty days as from the date of the vacation;
- (3) in the case of the vacation of office before the expiration of the term, within fifteen days as from the date of the vacation of office;
- (4) in the case of death of the person holding a political position, his or her heir or administrator of the estate shall submit an account showing

the particulars of assets and liabilities existing on the date of such person's death within sixty days as from the death.

In addition to the submission of the account under (2) and (3), the person holding a position of Prime Minister, Minister, or political official shall also re-submit an account showing particulars of assets and liabilities within thirty days as from the date of the expiration of one year after the vacation of the said office.

Section 249. When the account showing the particulars of assets and liabilities and copies of supporting documents have been received, the President of the National Counter Corruption Commission shall affix his or her signature at the end of every page thereof and shall convene a meeting of the Commission to inspect the accuracy and the actual existence of such assets and liabilities without delay.

The account and supporting documents under paragraph one shall be kept confidential and shall not be disclosed to any person unless the disclosure will be useful for the trial and adjudication of cases or for the making of a decision and is requested by any of the following organisations:

- (1) the Constitutional Court;
- (2) a Court of Justice
- (3) an administrative Court;
- (4) the State Audit Commission.

Section 250. 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 the person holding a political position unusually increased while being in office, all documents together with the inspection report shall be sent to the Judicial Committee for Political Crimes for taking further action.

Section 251. Any person holding a political position who fails to submit the account showing assets and liabilities and the supporting documents as provided in this Constitution or submits the same with false statements or conceals the facts which should be revealed shall vacate office as from the date the submission is due under section 248 and such person shall be prohibited from holding any political position for five years.

When the case under paragraph one occurs, the National Counter Corruption Commission shall refer the matter to the Judicial Committee for Political Crimes for further decision.

Part 2

The National Counter Corruption Commission

Section 252. The National Counter Corruption Commission consists of the President, the Attorney-General and seven qualified members appointed by the King from persons of apparent integrity who have been elected by the National Assembly.

The President and members of the National Counter Corruption Commission shall possess the qualifications and shall not be under any of the prohibitions under section 206. The provisions of section 207 and section 208 shall apply to the nomination and election of the President and members of the National Counter Corruption Commission *mutatis mutandis*.

The President of the National Assembly shall countersign the Royal Command appointing the President and members of the National Counter Corruption Commission.

Section 253. The President and members of the National Counter Corruption Commission elected by the National Assembly shall hold office for a term of nine years and shall serve for only one term.

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

Section 211, section 212 and section 213 shall apply *mutatis mutandis* to the vacation, the nomination and the election to fill the vacancies.

Section 254. Senators, members of the House of Representatives or members of both Houses of not less than one-fifth of the total number of the existing members of both Houses have a right to lodge with the Judicial Committee for Political Crimes a motion for removing the President or a member of the National Counter Corruption Commission from office by reason of an unjust act, unusual wealthiness, commission of an offence of corruption, malfeasance in office or malfeasance in judicial office, or disqualification or prohibition under section 206.

The motion under paragraph one shall clearly itemise the circumstance in which such person has allegedly committed the act under paragraph one and shall be submitted to the President of the National Assembly. When the President of the National Assembly has received the motion, it shall be sent to the Attorney-General.

The Attorney-General shall lead the inquiry officials* and supervise the inquiry in accordance with the Criminal Procedure Code. In the case where the Attorney-General is the subject of the allegation, the Director-General of the Royal Thai Police Department shall lead the inquiry. When the inquiry is completed, the case shall be summarised and the preliminary opinion shall be prepared for submission to the Judicial Committee for Political Crimes for decision thereon.

Section 255. The National Counter Corruption Commission shall have the following powers and duties:

(1) to inquire into facts, summarise the case and prepare the opinion to be submitted to the National Assembly in accordance with section 260;

(2) to inquire into facts, summarise the case and prepare the opinion to be submitted to the Judicial Committee for Political Crimes in accordance with section 265;

(3) to inquire and decide whether a State official has become unusually wealthy or has committed an offence of corruption, malfeasance in office or malfeasance in judicial office in order to take further action in accordance with the organic law on counter corruption;

(4) to inspect the accuracy, actual existence as well as change of assets and liabilities of the persons holding political positions as stated in the account and supporting documents submitted;

(5) to submit an inspection report and a report on the performance of duties together with remarks to the Council of Ministers, the Senate and the House of Representatives annually and publish such reports for dissemination;

(6) to carry out other acts as provided by law;

Section 217 paragraph three and paragraph four and section 219 shall apply to the performance of duties of the National Counter Corruption Commission *mutatis mutandis*.

Section 256. There shall be the Office of the National Counter Corruption Commission for serving as an administrative unit of the National Counter Corruption Commission, with the Secretary-General of the National Counter Corruption Commission as the superior responsible directly to the President of the National Counter Corruption Commission.

The appointment of the Secretary-General of the National Counter Corruption Commission shall be approved by the National Counter Corruption Commission and the National Assembly.

The Office of the National Counter Corruption Commission shall have autonomy in personnel administration, budgetary affairs and other activities as provided by the organic law on counter corruption.

Section 257. There shall be enacted the organic law on counter corruption with the following essential matters in its substance:

(1) the prescription of acts amounting to unusual wealthiness, corruption, malfeasance in office or malfeasance in judicial office;

(2) provision for the declaration by holders of political positions and State officials of assets and liabilities, rules for the consideration and inspection of such assets and liabilities every certain period of time, and rules for the disclosure of the account of assets and liabilities;

(3) procedure for making an accusation that a holder of a political position or State official has been unusually wealthy or committed corruption, malfeasance in office, malfeasance in judicial office or an act indicative of such circumstances; provided that the circumstances, evidence or traces shall reasonably be stated;

(4) the procedure for the investigation of facts and preparation of a file in the case where a holder of a political position is accused, having regard to the status of the position by virtue of which a high degree of favour-or-disfavour powers can be exercised and to reasonable protection of the person accused;

(5) the procedure for investigating and giving decision in the case where a State official has been unusually wealthy or committed corruption, malfeasance in office or malfeasance in judicial office; provided that the procedure to be prescribed shall be suitable to the rank of the position and reasonable protection of the accused person;

(6) the co-operation to be given to the National Counter Corruption Commission by Courts, inquiry officials or Government agencies;

(7) penalties to be inflicted on the President or a member of the National Counter Corruption Commission in the case of the commission of an unjust act, corruption or malfeasance in office, which must not be less than twice heavier penalties than those provided in the law prescribing such offences.

Part 3

The Removal from Office

Section 258. A person holding a position of Prime Minister, Minister, senator, member of the House of Representatives, judge or high-ranking official who is under the circumstance of unusual wealthiness indicative of the commission of corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law, may be removed from office by the National Assembly.

The provisions of paragraph one shall also apply to an Election Commissioner and the Ombudsman who is under the circumstance of dishonest or unjust behaviour.

Section 259. Members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House, or senators of not less than one-fifth of the total number of the existing senators, or voters of not less than fifty-thousand in number have the right to lodge with the President of the National Assembly a complaint in order to request the Senate to pass a resolution removing the persons under section 258 from office. The said request shall clearly itemise circumstances in which such persons have allegedly committed the act.

Section 260. Upon receipt of the request under section 259, the President of the National Assembly shall refer the matter to the National Counter Corruption Commission for investigation without delay.

When the investigation is complete, the National Counter Corruption Commission shall prepare a report thereon for submission to the National Assembly. The said report shall clearly state whether, and to what extent, the accusation put in the request is *prima facie* case and shall state the reasons therefor.

In the case where the National Counter Corruption Commission is of the opinion that the accusation put in the request is an important matter, the National Counter Corruption Commission may make a separate report specifically on the said accusation and refer it to the National Assembly in advance.

If the National Counter Corruption Commission passes a resolution that the accusation has 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 or her duties until the National Assembly has passed its

resolution. If the National Counter Corruption Commission is of the opinion that the accusation has no *prima facie case*, such accusation shall lapse.

Section 261. Upon receipt of the report under section 260, the President of the National Assembly shall convoke a sitting of the National Assembly for considering the said matter without delay.

In the case where the National Counter Corruption Commission submits the report out of session of the National Assembly, the President of the National Assembly shall 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 262. A member of the National Assembly shall have autonomy in casting a vote, which must be by secret ballot. A resolution for the removal of any person from office shall be passed by votes of more than one-half of the total number of the existing members of the National Assembly.

A person who is removed from office 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 National Assembly under this section shall be final and no request for the removal of such person from office shall be made on the same ground.

Section 263. In the case where the National Assembly passes a resolution removing any person from office by reason of the circumstance indicative of unusual wealthiness, corruption, malfeasance in office or malfeasance in judicial office, the President of the National Assembly shall send all existing documents and the result of the passing of the resolution of the National Assembly to the Attorney-General for submission to the Judicial Committee for Political Crimes for taking further action.

Section 264. There shall be enacted the organic law prescribing, in its substance, the following rules:

(1) classes of judges or and ranks of high-ranking officials from which removal may be made under this Constitution;

(2) rules and procedure for the submission of a complaint under section 259 and section 271;

(3) the procedure of the National Assembly for the removal of a person from office, which shall be open except where it is necessary for the protection of public interests.

Part 4

Criminal Liabilities of Persons Holding Political Positions

Section 265. In the case where the Prime Minister, a Minister, senator, member of the House of Representatives, or other political official has been accused of unusual wealthiness, corruption, malfeasance in office or malfeasance in judicial office, the Judicial Committee for Political Crimes shall try and adjudicate the case.

The provisions of paragraph one shall also apply to the case where the said person is a principal, an instigator or a supporter.

Section 266. The Judicial Committee for Political Crimes consists of the President, nine permanent judges appointed by the King and five *ad hoc* judges appointed by the President from judges elected by the House of Representatives or the Senate, as provided by this Constitution.

The President, permanent judges and *ad hoc* judges shall possess qualifications and shall not be under any prohibition under section 206.

Section 267. The election of the President and permanent judges shall be proceeded as follows:

(1) the general meeting of the Supreme Court shall elect ten judges of the Supreme Court other than the President of the Supreme Court to be permanent judges;

(2) the permanent judges under (1) shall meet and elect one among themselves to be the President.

Section 268. The election and appointment of the *ad hoc* judges shall be proceeded as follows:

(1) at the first sitting after every general election, the House of Representatives and the Senate shall each elect five persons suitable to be appointed as *ad hoc* judges and put their names in the list;

(2) when there arises a case which must be tried by judges of the Judicial Committee for Political Crimes, the President shall appoint five *ad hoc* judges from the list of the *ad hoc* judges under (1) for the trial of the case in which no member of the Houses electing them under (1) is tried.

Section 269. The President and permanent judges shall hold office until the vacation of office of judicial officials under the law on judicial service. *Ad hoc* judges hold office for the term equal to the term of the House of Representatives or until the dissolution of the House, as the case may be.

During the expiration of the term or dissolution of the House of Representatives, the Judicial Committee for Political Crimes shall consist of the President and the remaining permanent judges.

The provisions of section 210 and section 211 shall apply *mutatis mutandis*.

Section 270. If the office of the President, permanent judge or *ad hoc* judge becomes vacant for any reason other than the expiration of the term, action under section 267 or section 268, as the case may be, shall be taken for the purpose of appointing the President, a permanent judge or an *ad hoc* judge to fill the vacancy within thirty days as from the date of the vacation. Such period shall mean the period during the session.

While the President, permanent judge or *ad hoc* judge has not yet been appointed to fill the vacancy, the remaining judges may perform duties for the time being.

Section 271. A person injured by the act under section 265 shall have the right to lodge with the National Counter Corruption Commission the petition for action to be taken under section 255(2) in accordance with the organic law on counter corruption.

The Attorney-General shall be the plaintiff in the proceedings.

Section 272. The Judicial Committee for Political Crimes shall enjoy independence in the course of inquiry, trial and adjudication.

Ad hoc judges appointed from the persons elected by either House shall not try a case in which a member of such House is tried except for the trial under section 254. In a case in which the Prime Minister, a Minister or other political official is accused, all *ad hoc* judges shall participate in the trial and adjudication.

Section 273. In a trial, the Judicial Committee for Political Crimes shall rely on the file of the National Counter Corruption Commission and may conduct an investigation in order to obtain additional facts or evidence as it thinks fit.

The provisions of section 217 paragraph three and paragraph four and section 219 shall apply to the performance of duties of the Judicial Committee for Political Crimes *mutatis mutandis*.

Section 274. There shall be at least ten judges of the Judicial Committee for Political Crimes to constitute a quorum for the purpose of hearing. An adjudication of a case shall be made by a majority of votes.

In deciding a case, the President and every judge shall prepare an opinion in writing containing at least the following particulars:

- (1) name of the accused person;
- (2) the matter on which the accusation is made;
- (3) accusation and a summary of facts derived from trials;
- (4) reasons given for the decision of both questions of fact and questions of law;
- (5) provisions of law invoked and relied on;
- (6) decision and actions to be taken in connection with the assets concerned, if any.

Every judge of the Judicial Committee for Political Crimes constituting the quorum shall prepare a written opinion on his or her own part and make oral statements to the meeting prior to giving the decision.

The decision of the Judicial Committee for Political Crimes and the decisions of all judges thereof shall be published in the Government Gazette. The orders and decision of the Judicial Committee for Political Crimes shall be final.

Section 275. There shall be enacted the organic law prescribing, in its substance, the following rules:

(1) criminal procedure for political cases, which shall be founded upon the inquisitorial system as to which the file-brief prepared by the National Counter Corruption Commission shall principally be relied on and the principles of equal hearing and right of defence of the accused persons shall be observed;

(2) open trials except where it is necessary for the protection of public interests;

(3) the giving of the benefit of the meagre doubt to the accused person and the prohibition of repetitious or duplicate institution of actions for the same offence;

(4) execution of orders or judgments of the Judicial Committee for Political Crimes;

(5) other matters necessary for the expeditious and fair trial and adjudication of cases; in particular, the co-operation to be given to the Judicial Committee for Political Crimes by other Courts, inquiry officials or State agencies.

CHAPTER XII

State Audit

Section 276. The State Audit Commission consists of the Permanent Secretary for Finance as Chairman *ex officio* and ten other members with expertise and experience in a variety of fields, two from each field, as follows:

(1) receiving gratuities or pensions under the law on gratuities and pensions of Government officials and having served in an audit office or the Office of the Auditor-General of Thailand in the position of not lower than level 10 or its equivalent;

(2) having been a senator or member of the House of Representatives who served as such for an aggregate period of not less than four years before;

(3) being specialised in accounting, internal audit or finance;

(4) being specialised in engineering, law, social science, political science or business administration;

(5) holding or having held an executive position of Chairman, director, managing director or an equivalent position called otherwise of an enterprise which is a company listed in the Securities Exchange of Thailand for the period of not less than five years.

The person referred to in (3), (4) and (5) shall also possess any of the following qualifications:

(1) being an auditor under the law on auditors;

(2) serving or having served in the Government service in the position of not lower than level 10 or its equivalent; or

(3) being or having been a lecturer in a Governmental educational institution of a university level, with an academic title of not lower than Associate Professor.

The Auditor-General shall be a member and secretary.

Section 207 and section 208 shall apply *mutatis mutandis* to the nomination and election of qualified members.

Section 277. The qualified members shall hold office for a term of six years and shall serve for only one term.

Section 211, section 212 and section 213 shall apply *mutatis mutandis* to the vacation, the nomination and the election to fill the vacancies.

Section 278. The State Audit Commission has the power and duty to lay down policies with regard to the state audit, the improvement of auditing by groups of persons, the formulation of a standard of budget management system as well as the exercise of control and inspection thereof, including the scrutiny of disciplinary actions in budget and finance, and shall have the power to appoint a budget and finance disciplinary committee.

Section 279. There shall be the Auditor-General as the superior who shall be responsible for the general management of the state audit, with autonomy in personnel administration, budgetary affairs and other activities as provided by the organic law on state audit.

Section 280. There shall be enacted the organic law on state audit with the following essential matters in its substance:

(1) the procedure and matters in connection with the performance of duties of the State Audit Commission and the budget and finance disciplinary committee;

(2) the qualifications of the Auditor-General, provided that he or she shall at least be an expert in accountancy, economics or finance or shall be a high-ranking official;

(3) the term of office and the vacation of office of the Auditor-General;

(4) powers and duties of the Office of the Auditor-General.

CHAPTER XIII

Ombudsman

Section 281. There shall be the Ombudsman appointed by the King with the advice of the National Assembly.

The President of the National Assembly shall countersign the Royal Command appointing the Ombudsman.

Section 282. The Ombudsman may have assistant Ombudsmen as is necessary.

The appointment, removal and allocation of work to assistant Ombudsmen shall be as determined by the Notification of the Ombudsman.

Section 283. The Ombudsman and assistant Ombudsmen shall possess the qualifications and shall not be under the prohibition under section 206.

Section 284. Section 207 shall apply *mutatis mutandis* to the nomination and election of the Ombudsman by the National Assembly. For this purpose, at least three persons suitable to be the Ombudsman shall be nominated to the National Assembly for passing a resolution electing one of such nominated persons to be appointed by the King upon presentation by the President of the National Assembly, and section 208 paragraph two shall apply *mutatis mutandis*.

Section 285. The Ombudsman shall hold office for five years as from the date of their appointment by the King and shall not be re-appointed after the vacation of office by any reason whatsoever.

The outgoing Ombudsman shall continue to perform duties until the new Ombudsman is appointed.

Section 211, section 212, section 213 and section 254 shall apply *mutatis mutandis* to the Ombudsman with regard to the vacation of office, nomination and election to fill the vacancy.

Assistant Ombudsmen vacate office upon the vacation of office of the Ombudsman.

Section 286. Within thirty days as from the date of the vacation of office of the Ombudsman, the President of the National Assembly shall proceed in accordance with section 284 for the purpose of electing a new Ombudsman. Such period of time shall mean the time within the session.

Section 287. The Ombudsman has the powers and duties to consider and inquire into the complaint for fact-findings in the following cases:

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

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

(3) other cases as provided by law.

Section 288. When the Ombudsman has investigated the case under section 287 and is of the opinion that the complaint or the case under consideration has a *prima facie* case, the Ombudsman shall prepare his or her opinions together with recommendations for revision or correction and deliver

the same to the Ministry, Sub-Ministry or Department concerned for considering and taking further action.

After the investigation by the Ombudsman, even though it appears that the act by a State official, local official or official of a State enterprise has been in accordance with the laws, by-laws, rules, regulations or resolutions of the Council of Ministers but such law, by-laws, rules, regulations or resolutions of the Council of Ministers result in injustice, inequality before the law or discrimination, the Ombudsman may submit recommendations to the Ministry, Sub-Ministry or Department concerned for considering the revision or amendment thereof.

In performing duties, the Ombudsman has the power to issue Regulations prescribing rules relating to the admissibility of a complaint for consideration and the performance of duties of assistant Ombudsmen and officials as he or she thinks appropriate and has the power to issue a written summon of a person or evidence or documents from relevant persons to be supporting materials for consideration.

The Regulation of the Ombudsman under paragraph three shall published in the Government Gazette.

Section 289. The Ombudsman shall prepare a report for submission to the National Assembly within March of each year.

The report under paragraph one shall state the result of the work for the previous calendar year and shall contain a detailed facts with regard to failure by the Ministry, Sub-Ministry, Department or agency concerned to take action in accordance with the recommendations under section 288 without reason or explanation.

In the case where it is appropriate to inform the National Assembly as a matter of special case by reason of urgency or the benefit to the administration of the State affairs, the Ombudsman may take such action.

The annual report under paragraph one shall be disclosed for public awareness.

CHAPTER XIV

Amendment of the Constitution

Section 290. Amendment to the Constitution which has the effect of changing the democratic regime of government with the King as Head of the State or changing the form of the State shall be prohibited.

Section 291. Subject to section 292, amendment of the Constitution may be made only under the rules and procedure as follows:

(1) a motion for amendment must be proposed either by the Council of Ministers or members of the House of Representatives of not less than one-third of the total number of the existing members of the House of Representatives or members of both Houses of not less than one-third of the total number of the existing members thereof;

(2) a motion for amendment must be proposed in the form of a draft Constitution Amendment and the National Assembly shall consider it in three readings;

(3) the voting in the first reading for acceptance in principle shall be by roll call and open voting, and the amendment must be approved by votes of not less than one-half of the total number of the existing members of both Houses;

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

(5) at the conclusion of the second reading, there shall be an interval of fifteen days after which the National Assembly shall proceed with its third reading;

(6) the voting in the third and final reading shall be by roll call and open voting, and its promulgation as the Constitution must be approved by votes of more than one-half of the total number of the existing members of both Houses;

(7) after the resolution has been passed in accordance with the above rules and procedure, the draft Constitution Amendment shall be presented to the King, and the provisions of section 84 and section 85 shall apply *mutatis mutandis*.

Section 292. The amendment of the Constitution which has the effect of changing, depriving or restricting rights and liberties of the Thai people or the jurisdiction of the Constitutional Court or Election Commission or political inspection or the state audit shall be made only upon the approval of the National Assembly in the third reading, with the votes of not less than two-thirds of the total number of the existing members of both Houses.

Transitory Provisions

Section 293. 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 294. The Council of Ministers carrying out the administration of the State affairs on the date of the promulgation of this Constitution shall be the Council of Ministers under this Constitution; and section 176 and section 178 shall not apply to the holding of office of the Ministers under this section.

When the election of members the House of Representatives has been held under section 296, the Council of Ministers under paragraph one shall vacate office; provided that such Council of Ministers shall continue to perform its duties until the newly appointed Council of Ministers has taken office.

Section 295. There shall be an election and appointment of senators in accordance with the provisions of this Constitution within one hundred and twenty days as from the date of the promulgation thereof.

Section 296. There shall be an election of members of the House of Representatives in accordance with the provisions of this Constitution within one hundred and twenty days as from the date of the promulgation thereof.

Section 297. In the initial period, there shall be an election and appointment of Election Commissioners under section 120 and judges of the Constitutional Court under section 205 within thirty days as from the date of the promulgation of this Constitution.

In proceeding under paragraph one, the Selective Committee under section 122(1) shall consist of representatives of all political parties having a member who is a member of the House of Representatives on the date of the promulgation of this Constitution, provided that each party shall have one representative. For this purpose, the Senate existing on the date of the promulgation thereof shall make the nomination and the National Assembly as existing on such date shall consider and elect the nominated persons in accordance with section 122 or section 207, as the case may be.

Section 298. While the organic law on political parties has not yet been enacted, political parties subsisting on the date of the promulgation of this Constitution may continue their operation and section 51, section 52 and section 53 shall not apply.

Section 299. As from the date of the promulgation of this Constitution until the date of the election of members of Representatives under section 296, the Senate subsisting on the date of the promulgation thereof shall perform the function of the National Assembly under this Constitution, provided that senators shall not introduce a bill under section 146 or a draft Constitution Amendment under section 291, submit an interpellation under section 164 or section 165 or submit a motion for a general debate under section 166 or section 167.

