

CONSTITUTION OF THE KINGDOM OF THAILAND*

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN

Enacted on the 6th Day of April B.E. 2560;

Being the 2nd Year of the Present Reign.

May there be virtue. Today is the tenth day of the waxing moon in the fifth month of the year of the Rooster under the lunar calendar, being Thursday, the sixth day of April under the solar calendar, in the 2560th year of the Buddhist Era.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that the Prime Minister has respectfully informed that since Phrabat Somdet Phra Paramintharamaha Prajadhipok Phra Pokklao Chaoyuhua graciously granted the Constitution of the Kingdom of Siam, B.E. 2475 (1932), Thailand has continuously and always maintained the intention to adhere to a democratic regime of government with the King as Head of State. Even though Constitutions have been annulled, amended and promulgated on several occasions to suitably reorganise governance, there was still no stability or order due to various problems and conflicts. At times, those events degenerated into Constitutional crises which cannot be resolved. This was partially caused by there being persons ignoring or disobeying governance rules of the country, being corrupt and fraudulent, abusing power, and lacking a sense of responsibility towards the nation and the people, resulting in the ineffective enforcement of law. It is, therefore, necessary to prevent and rectify these matters by reforming education and law enforcement, and strengthening the system of merits and ethics. Other causes are governance rules which are inappropriate to the situation of the country and the times, the prioritisation of forms and procedures over basic principles of democracy, or the failure to effectively apply, during the crises, existing rules to individuals' behaviours and situations, the forms and procedures of which differ from those of the past.

The Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) Amendment (No. 1), B.E. 2558 (2015) accordingly provides that there shall be a Constitution Drafting Committee to draft a Constitution to be used as the principle of governance and as a guide for preparing organic laws and other laws by prescribing new mechanisms to reform

* Published in the Government Gazette, Vol. 134, Part 40 a, Page 1, dated 6th April B.E. 2560.

and strengthen the governance of the country. This is to be carried out by: appropriately restructuring the duties and powers of organs under the Constitution and the relationship between the legislative and executive branches; enabling Court institutions and other Independent Organs that have duties to scrutinise the exercise of State powers to perform their duties efficiently, honestly and equitably, and to participate in preventing or solving national crises, as necessary and appropriate; guaranteeing, safeguarding and protecting Thai people's rights and liberties more clearly and inclusively by holding that the Thai people's rights and liberties are the principle, while the restriction and limitation thereon are exceptions, provided that the exercise of such rights and liberties must be subject to the rules for protecting the public; prescribing the duties of the State towards people, as well as requiring the people to have duties towards the State; establishing strict and absolute mechanisms to prevent, examine and eliminate dishonest act and wrongful conduct to prevent executives who lack moral virtue, ethics and good governance from ruling the country or using power arbitrarily; prescribing measures to prevent and manage crises in the country more efficiently; and, prescribing other mechanisms in accordance with the direction specified by the Constitution of Thailand (Interim), B.E. 2557 (2014). These are to be used as a framework for developing the country, in line with the directive principles of State policies and the National Strategy, from which each Administration shall prescribe the appropriate policies and implementation. Additionally, this establishes mechanisms to work together to reform the country in various aspects that are important and necessary, as well as to reduce the causes of conflict, so that the country can be at peace on the basis of unity and solidarity. The successful implementation of these matters demands cooperation among the people from all parts and all agencies of the State, in accordance with the direction of the Civil State, pursuant to the rules under the principles of a democratic regime of government and constitutional conventions that are suited to the situation and the nature of Thai society, the principles of good faith, human rights and good governance. This will in turn drive the country to progressively develop to become stable, prosperous and sustainable, politically, economically and socially, under the democratic regime of government with the King as Head of State.

Pursuant to the foregoing undertakings, the Constitution Drafting Committee has periodically imparted knowledge and understanding to the people of the principles and rationale of provisions of the Draft Constitution, has provided the people opportunities to widely access to the Draft Constitution and its meaning through different media, and has involved the people in the development of the essence of the Draft Constitution through receiving recommendations on possible revisions. Once the preparation of the Draft

***Disclaimer:** This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.*

Constitution was complete, copies of the Draft Constitution and a brief primer were disseminated in a way which allowed the people to easily and generally understand the main provisions of the Draft Constitution, and a referendum was arranged to approve the entire Draft Constitution. In this regard, the National Legislative Assembly also passed a resolution introducing one additional issue to be put to vote in referendum on the same occasion. The outcome of the referendum was such that people having the right to vote, by a majority of votes of the people voting in the referendum, approved such Draft Constitution and additional issue. The Constitution Drafting Committee accordingly revised the relevant parts of the Draft Constitution to be in accordance with the outcome pertaining to the additional issue of the referendum, and referred the revision to the Constitutional Court for consideration as to whether it is in conformity with the outcome of the referendum. The Constitutional Court thereafter rendered a decision for the Constitution Drafting Committee to partially revise the texts. The Constitution Drafting Committee has made a revision according to the decision of the Constitutional Court. Accordingly, the Prime Minister respectfully presented the Draft Constitution to the King. Thereafter, the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 4), B.E. 2560 (2017) provides that the Prime Minister may respectfully ask for the return of that Draft Constitution from the King to make an amendment thereto on certain issues. After the amendment is complete, the Prime Minister thereby respectfully presented the Draft Constitution to the King for signature and subsequent promulgation as the Constitution of the Kingdom of Thailand, and the King deemed it expedient to grant His Royal assent.

Be it, therefore, commanded by the King that the Constitution of the Kingdom of Thailand be promulgated to replace, as from the date of its promulgation, the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) promulgated on the 22nd July B.E. 2557.

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

CHAPTER I GENERAL PROVISIONS

Section 1. Thailand is one and indivisible Kingdom.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

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

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

The National Assembly, the Council of Ministers, Courts, Independent Organs and State agencies shall perform duties in accordance with the Constitution, laws and the rule of law for the common good of the nation and the happiness of the public at large.

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

The Thai people shall enjoy equal protection under this Constitution.

Section 5. The Constitution is the supreme law of the State. The provisions of any law, rule or regulation or any acts, which are contrary to or inconsistent with the Constitution, shall be unenforceable.

Whenever no provision under this Constitution is applicable to any case, an act shall be performed or a decision shall be made in accordance with the constitutional conventions of Thailand under the democratic regime of government with the King as Head of State.

CHAPTER II THE KING

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

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

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

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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Section 9. The King has the Royal Prerogative to create and remove titles, and confer and revoke decorations.

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

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

Section 11. The selection and appointment or the removal of a Privy Councillor shall be at the King's pleasure.

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

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

Section 12. A Privy Councillor shall not be a Member of the House of Representatives, a Senator, a person holding any other political position, a judge of the Constitutional Court, a person holding a position in an Independent Organ, an official of a State enterprise, another State official or a member or official of a political party or a government official other than an official of the Royal Household holding a position of Privy Councillor, and shall not manifest loyalty to any political party.

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

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

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

Section 15. The appointment and removal of officials of the Royal Household shall be at the King's pleasure.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

The organisation and personnel administration of the Royal Household shall be at the King's pleasure, as provided by Royal Decree.

Section 16. Whenever the King is absent from the Kingdom or unable to perform His functions for any reason whatsoever, the King may appoint one person or several persons forming a council as Regent. In the case where a Regent is appointed, the President of the National Assembly shall countersign the Royal Command therefor.

Section 17. In the case where the King does not appoint a Regent under section 16 or is unable to appoint a Regent owing to His not being *sui juris* or any other reason whatsoever, but the Privy Council is of the opinion that it is necessary to appoint a Regent and is unable to inform the King to make an appointment in due course, the Privy Council shall propose the name of one person or several persons forming a council sequentially from those determined in advance by the King to be Regent and notify the President of the National Assembly to make an announcement, in the name of the King, to appoint such person as Regent.

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

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

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

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

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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

A Regent who has previously been appointed and made the solemn declaration need not make the solemn declaration again.

Section 20. Subject to section 21, the succession to the Throne shall be in accordance with the Palace Law on Succession, B.E. 2467 (1924).

The Amendment to the Palace Law on Succession, B.E. 2467 (1924) shall specifically be the Royal Prerogative of the King. At the initiative of the King, the Privy Council shall prepare the draft Palace Law Amendment to the existing Palace Law and shall present it to the King for His consideration. When the King has already approved the draft Palace Law Amendment and bestowed His signature thereon, the President of the Privy Council shall notify the President of the National Assembly who shall inform the National Assembly. The President of the National Assembly shall countersign the Royal Command. The Palace Law Amendment shall have force of law upon its publication in the Government Gazette.

Section 21. In the case where the Throne becomes vacant and the King has already appointed an Heir to the Throne under the Palace Law on Succession, B.E. 2467 (1924), the Council of Ministers shall notify the President of the National Assembly. The President of the National Assembly shall convoke the National Assembly for acknowledgement thereof, and shall invite such Heir to ascend the Throne and proclaim such Heir as King.

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

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

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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

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

Section 23. In the case where the Privy Council has to perform its duties under section 17 or section 21 paragraph two, or the President of the Privy Council has to be or act as Regent under section 18 paragraph one or paragraph two or section 22 paragraph two, and there is, during that period, no President of the Privy Council or the President of the Privy Council is unable to perform duties, the remaining Privy Councillors shall elect one among themselves to act as the President of the Privy Council or to be or to act as Regent under section 18 paragraph one or paragraph two or section 22 paragraph two, as the case may be.

Section 24. The making of a solemn declaration before the King under the Constitution or law may, by the King's assent, be made before the Heir to the Throne who is *sui juris* or before a representative of the King.

While a solemn declaration has not yet been made under paragraph one, the King may allow the person who has to make such solemn declaration to perform duties for the time being.

CHAPTER III RIGHTS AND LIBERTIES OF THE THAI PEOPLE

Section 25. As regards the rights and liberties of the Thai people, in addition to the rights and liberties as guaranteed specifically by the provisions of the Constitution, a person shall enjoy the rights and liberties to perform any act which is not prohibited or restricted by the Constitution or other laws, and shall be protected by the Constitution, insofar as the exercise of such rights or liberties does not affect or endanger the security of the State or public order or good morals, and does not violate the rights or liberties of other persons.

Any right or liberty stipulated by the Constitution to be as provided by law, or to be in accordance with the rules and procedures prescribed by law, can be exercised by a person or community, despite the absence of such law, in accordance with the intent of the Constitution.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Any person whose rights or liberties protected under the Constitution are violated, can invoke the provisions of the Constitution to exercise his or her right to bring a lawsuit or to defend himself or herself in the Court.

Any person injured from the violation of his or her rights or liberties or from the commission of a criminal offence by another person, shall have the right to remedy or assistance from the State, as prescribed by law.

Section 26. The enactment of a law resulting in the restriction of rights or liberties of a person shall be in accordance with the conditions provided by the Constitution. In the case where the Constitution does not provide the conditions thereon, such law shall not be contrary to the rule of law, shall not unreasonably impose burden on or restrict the rights or liberties of a person and shall not affect the human dignity of a person, and the justification and necessity for the restriction of the rights or liberties shall also be specified.

The law under paragraph one shall be of general application, and shall not be intended to apply to any particular case or person.

Section 27. All persons are equal before the law, and shall have rights and liberties and be protected equally under the law.

Men and women shall enjoy equal rights.

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

Measures determined by the State in order to eliminate an obstacle to or to promote persons' ability to exercise their rights or liberties on the same basis as other person or to protect or facilitate children, women, the elderly, persons with disabilities or underprivileged persons shall not be deemed as unjust discrimination under paragraph three.

Members of the armed forces, police force, government officials, other officials of the State, officers or employees of State organisations shall enjoy the same rights and liberties as those enjoyed by other persons, except those restricted by law specifically in relation to politics, capacities, disciplines or ethics.

Section 28. A person shall enjoy the right and liberty in his or her life and person.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Arrest and detention of person shall not be permitted, except by an order or a warrant issued by the Court or on other grounds as provided by law.

Search of person or any act affecting the right or liberty in life or person shall not be permitted except on the grounds as provided by law.

Torture, brutal acts or punishment by cruel or inhumane means shall not be permitted.

Section 29. No person shall be subject to a criminal punishment unless he or she has committed an act which the law in force at the time of commission provides to be an offence and prescribe a punishment therefor, and the punishment to be imposed on such person shall not be of greater severity than that provided by law in force at the time of the commission of the offence.

A suspect or defendant in a criminal case shall be presumed innocent, and before the passing of a final judgment convicting a person of having committed an offence, such person shall not be treated as a convict.

Custody or detention of a suspect or a defendant shall only be undertaken as necessary to prevent such person from escaping.

In a criminal case, a person shall not be forced to make a statement incriminating himself or herself.

An application for a bail of a suspect or defendant in a criminal case shall be accepted for consideration, and excessive bail shall not be demanded. The refusal of a bail must be as provided by law.

Section 30. Forced labour shall not be imposed, except by virtue of a provision of law enacted for the purpose of averting public calamity, or when a state of emergency or martial law is declared, or during the time when the country is in a state of war or armed conflict.

Section 31. A person shall enjoy full liberty to profess a religion, and shall enjoy the liberty to exercise or practice a form of worship in accordance with his or her religious principles, provided that it shall not be adverse to the duties of all Thai people, neither shall it endanger the safety of the State, nor shall it be contrary to public order or good morals.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Section 32. A person shall enjoy the rights of privacy, dignity, reputation and family.

Any act violating or affecting the right of a person under paragraph one, or exploitation of personal information in any manner whatsoever shall not be permitted, except by virtue of a provision of law enacted only to the extent of necessity of public interest.

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

Entry into a dwelling without the consent of its possessor or a search of a dwelling or private place shall not be permitted, except by an order or a warrant issued by the Court or where there are other grounds as provided by law.

Section 34. A person shall enjoy the liberty to express opinions, make speeches, write, print, publicise and express by other means. The restriction of such liberty shall not be imposed, except by virtue of the provisions of law specifically enacted for the purpose of maintaining the security of the State, protecting the rights or liberties of other persons, maintaining public order or good morals, or protecting the health of the people.

Academic freedom shall be protected. However, the exercise of such freedom shall not be contrary to the duties of the Thai people or good morals, and shall respect and not obstruct the different views of another person.

Section 35. A media professional shall have liberty in presenting news or expressing opinions in accordance with professional ethics.

The closure of a newspaper or other mass media in deprivation of the liberty under paragraph one shall not be permitted.

Censorship by a competent official of any news or statements made by a media professional before the publication in a newspaper or any media shall not be permitted, except during the time when the country is in a state of war.

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

No grant of money or other properties shall be made by the State as subsidies to private newspapers or other private mass media. A State agency which pays money or gives properties to mass media, regardless of whether it is for the purpose of advertisement or public relations, or for any other similar purpose, shall disclose the details to the State Audit Commission within the prescribed period of time and shall also announce them to the public.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

A State official who performs mass media duties shall enjoy the liberties under paragraph one, provided that the purposes and missions of the agency to which he or she is attached shall also be taken into consideration.

Section 36. A person shall enjoy the liberty of communication by any means. Censorship, detention or disclosure of information communicated between persons, including any commission of an act carried out to know or obtain information communicated between persons, shall not be permitted, except by an order or a warrant issued by the Court or where there are other grounds as prescribed by law.

Section 37. A person shall enjoy the right to property and succession. The extent and restriction of such right shall be as provided by law. The expropriation of immovable property shall not be permitted except by virtue of the provisions of law enacted for the purpose of public utilities, national defence or acquisition of national resources, or for other public interests, and fair compensation shall be paid in due time to the owner thereof, as well as to all persons having rights thereto, who suffer loss from such expropriation by taking into consideration the public interest and impact on the person whose property has been expropriated, including any benefit which such person may obtain from such expropriation.

The expropriation of immovable property shall be made only insofar as it is necessary for the purposes provided in paragraph three, except for an expropriation to use the expropriated immovable property to compensate in order to restore fairness to the owner of property expropriated as provided by law.

An immovable property expropriation law shall specify the purpose of the expropriation and expressly prescribe a period of time for use of the immovable property. If the immovable property is not used to fulfill such purpose within such period of time or there is immovable property remaining from the use, and the original owner or his or her heir wishes to have such immovable property returned, it shall be returned to the original owner or heir.

The time period for requesting return of expropriated immovable property which has not been used, or of the remaining immovable property, to the original owner or his or her heir, as well as the return thereof and the reclaiming of the compensation paid, shall be as provided by law.

The enactment of an immovable property expropriation law which specifically set out immovable properties or owners of immovable property subject to the expropriation as necessary, shall not be deemed contrary to section 26 paragraph two.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Section 38. A person shall enjoy the liberty of travelling and the liberty of making the choice of his or her residence.

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

Section 39. No person of Thai nationality shall be deported or prohibited from entering the Kingdom.

The revocation of Thai nationality acquired by birth shall not be permitted.

Section 40. A person shall enjoy the liberty to engage in an occupation.

The restriction of such liberty under paragraph one shall not be imposed except by virtue of a provision of law enacted for the purpose of maintaining the security or economy of the country, protecting fair competition, preventing or eliminating barriers or monopoly, protecting consumers, regulating the engagement of occupation only to the extent of necessity, or for other public interests.

Enactment of the law to regulate the engagement of occupation under paragraph two shall not be in a manner of discrimination or interference with the provision of education from educational institutions.

Section 41. A person and community shall have the right to:

- (1) be informed and have access to public data or information in possession of a State agency as provided by law;
- (2) present a petition to a State agency and be informed of the result of its consideration in due time;
- (3) take legal action against a State agency as a result of an act or omission of a government official, official or employee of the State agency.

Section 42. A person shall enjoy the liberty to unite and form an association, co-operative, union, organisation, community, or any other group.

The restriction of such liberty under paragraph one shall not be imposed except by virtue of a provision of law enacted for the purpose of protecting public interest, for maintaining public order or good morals, or for preventing or eliminating barriers or monopoly.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Section 43. A person and community shall have the right to:

(1) conserve, revive or promote wisdom, arts, culture, tradition and good customs at both local and national levels;

(2) manage, maintain and utilise natural resources, environment and biodiversity in a balanced and sustainable manner, in accordance with the procedures as provided by law;

(3) sign a joint petition to propose recommendations to a State agency to carry out any act which will benefit the people and community, or refrain from any act which will affect the peaceful living of the people or community, and be notified expeditiously of the result of the consideration thereof, provided that the State agency, in considering such recommendations, shall also permit the people relevant thereto to participate in the consideration process in accordance with the procedures as provided by law;

(4) establish community welfare system.

The rights of a person and community under paragraph one shall also include the right to collaborate with a local administrative organisation or the State to carry out such act.

Section 44. A person shall enjoy the liberty to assemble peacefully and without arms.

The restriction of such liberty under paragraph one shall not be imposed except by virtue of a provision of law enacted for the purpose of maintaining security of the State, public safety, public order or good morals, or for protecting the rights or liberties of other persons.

Section 45. A person shall enjoy the liberty to unite and form a political party under the democratic regime of government with the King as Head of State, as provided by law.

The law under paragraph one shall at least contain provisions relating to the administration of a political party which must be transparent and accountable, provide party members opportunities to widely participate in defining policies and nominating candidates for election, and prescribe measures to ensure that the administration be carried out independently and free from manipulation or inducement of any person who is not a member of such party, as well as oversight measures to prevent members of a political party from committing any act which violates or contravenes laws relating to election.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Section 46. The rights of a consumer shall be protected.

A person shall have the right to unite and form a consumer organisation to protect and safeguard the rights of consumers.

The consumer organisations under paragraph two have the right to unite and form an independent organisation to strengthen the protection and safeguarding of the rights of consumers with support from the State. In this regard, the rules and procedures for the formation thereof, the power to represent consumers and financial support from the State shall be as provided by law.

Section 47. A person shall have the right to receive public health services provided by the State.

An indigent person shall have the right to receive public health services provided by the State free of charge as provided by law.

A person shall have the right to the protection and eradication of harmful contagious diseases by the State free of charge as provided by law.

Section 48. The rights of a mother during the period prior to and after giving birth shall be protected and assisted as provided by law.

A person who is over sixty years of age and has insufficient income for subsistence and an indigent person shall have the right to receive appropriate aids from the State as provided by law.

Section 49. No person shall exercise the rights or liberties to overthrow the democratic regime of government with the King as Head of State.

Any person who has knowledge of an act under paragraph one shall have the right to petition to the Attorney-General to request the Constitutional Court for ordering the cessation of such act.

In the case where the Attorney-General orders a refusal to proceed as petitioned or fails to proceed within fifteen days as from the date of receiving the petition, the person making the petition may submit the petition directly to the Constitutional Court.

The action under this section shall not prejudice the criminal prosecution against the person committing an act under paragraph one.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

CHAPTER IV
DUTIES OF THE THAI PEOPLE

Section 50. A person shall have the following duties:

- (1) to protect and uphold the Nation, religions, the King and the democratic regime of government with the King as Head of State;
- (2) to defend the country, to protect and uphold honour and interests of the Nation, and public domain of State, as well as to cooperate in preventing and mitigating disasters;
- (3) to strictly observe the law;
- (4) to enroll in compulsory education;
- (5) to serve in armed forces as provided by law;
- (6) to respect and not to violate the rights and liberties of other people and not to commit any act which may cause disharmony or hatred in society;
- (7) to freely exercise his or her right to vote in an election or referendum, taking into account the common interests of the country as prime concerns;
- (8) to cooperate and support the conservation and protection of the environment, natural resources, biodiversity, and cultural heritage;
- (9) to pay taxes and duties as prescribed by law;
- (10) not to participate in or support all forms of dishonest act and wrongful conduct.

CHAPTER V
DUTIES OF THE STATE

Section 51. As regards any act provided by the Constitution to be the duty of the State under this Chapter, if the act is for the direct benefit of the people, the people and the community shall have the right to follow up and urge the State to perform such act, as well as to take legal proceedings against a relevant State agency to have it provide the people or community such benefit in accordance with the rules and procedures provided by law.

Section 52. The State shall protect and uphold the institution of kingship, independence, sovereignty, integrity of the territories and the areas over which Thailand has

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

the sovereignty rights, honour and interests of the Nation, security of the State, and public order. For these purposes, the State shall provide efficient military, diplomatic, and intelligence services.

Armed forces shall also be deployed for the purpose of developing the country.

Section 53. The State shall ensure that the law is strictly observed and enforced.

Section 54. The State shall ensure that every child receives quality education for twelve years from pre-school to the completion of compulsory education free of charge.

The State shall ensure that young children receive care and development prior to education under paragraph one to develop their physical body, mind, discipline, emotion, society and intelligence in accordance with their age, by also promoting and supporting local administrative organisations and the private sector to participate in such undertaking.

The State shall undertake to provide the people education as needed in various systems including promoting a life-long learning, and to enable the cooperation among the State, local administrative organisations and private sector in providing every level of education which the State has the duty to carry out, supervise, promote and support the provision of education to be of quality and to meet international standards as provided by law on national education which shall, at least, contain provisions relating to national education plan, and implementation and inspection to ensure the compliance with the national education plan.

All education shall aim to develop learners to be good, disciplined, proud in the Nation, skillful in their own aptitudes and responsible for family, community, society and the country.

In undertaking to provide young children to receive care and development under paragraph two or to provide people the education under paragraph three, the State shall undertake to provide persons with insufficient means with financial support for educational expenses in accordance with their aptitudes.

A fund shall be established for the purpose of assisting persons with insufficient means, reducing the educational disparity and promoting and improving the quality and efficiency of teachers for which the State shall allocate budget to such fund or use taxation measures or mechanisms, including providing a tax reduction to persons who donate properties into the fund, as provided by the law; such law shall, at least, prescribe that the

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

management of the fund shall be independent and the fund shall be disbursed to implement such purpose.

Section 55. The State shall ensure that the people receive efficient public health services universally, ensure that the public has the basic knowledge in relation to health promotion and disease prevention, and shall promote and support the development of wisdom on Thai traditional medicine to maximise its benefits.

The public health services under paragraph one shall cover health promotion, control and prevention of diseases, medical treatment and rehabilitation.

The State shall continuously improve the standard and quality of public health services.

Section 56. The State shall undertake or ensure that the basic utility services which are essential for the subsistence of the people be provided in a comprehensive manner in accordance with sustainable development.

In respect of the basic structure or network of basic public utility services of the State which are essential for the people's subsistence or for security of the State, the State shall not conduct any act which renders the ownership to be under the private sector or the ownership of the State to be less than fifty one percent.

In undertaking or ensuring the provision of the public utility services under paragraph one or paragraph two, the State shall ensure that the service fee shall not be collected to the extent that it imposes an unreasonable burden on the people.

Where the State allows the private sector to operate the business of public utility services in any manner, the State shall receive fair returns by taking into account the State investment, benefits which the State and private sector will gain, including service fee which will be collected from the people.

Section 57. The State shall:

(1) conserve, revive and promote local wisdom, arts, culture, traditions and good customs at both local and national levels, and provide a public area for the relevant activities including promoting and supporting the people, community and a local administrative organisation to exercise the rights and to participate in the undertaking;

(2) conserve, protect, maintain, restore, manage and use or arrange for utilisation of natural resources, environment and biodiversity in a balanced and sustainable

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

manner, provided that the relevant local people and local community shall be allowed to participate in and obtain the benefit from such undertaking as provided by law.

Section 58. In regard to any undertaking by the State or that the State will permit any person to carry out, if such undertaking may severely affect the natural resources, environmental quality, health, sanitation, quality of life or any other essential interests of the people or community or environment, the State shall undertake to study and assess the impact on environmental quality and health of the people or community and shall arrange a public hearing of relevant stakeholders, people and communities in advance in order to take them into consideration for the implementation or granting of permission as provided by the law.

A person and community shall have the rights to receive information, explanation and reasons from a State agency prior to the implementation or granting of permission under paragraph one.

In the implementation or granting of permission under paragraph one, the State shall take precautions to minimise the impact on people, community, environment, and biodiversity and shall undertake to remedy the grievance or damage for the affected people or community in a fair manner without delay.

Section 59. The State shall disclose any public data or information in the possession of a State agency, which is not related to the security of the State or government confidentiality as provided by law, and shall ensure that the public can conveniently access such data or information.

Section 60. The State shall maintain the transmission frequencies and the right to access a satellite orbit, which are national treasures, in order to utilize them for the benefit of the country and the people.

The arrangement for utilisation of the transmission frequencies under paragraph one, regardless of whether it is for radio broadcasting, television broadcasting and telecommunications or for any other purposes, shall be for the greatest benefit of the people, security of the State, public interest as well as the participation of the people in the utilisation of transmission frequency, as provided by law.

The State shall establish a State organisation which is independent in performing duties to be responsible and supervise the undertakings in relation to transmission frequencies under paragraph two. In this regard, such organisation shall ensure that there are

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

measures to prevent against unfair consumer exploitation or imposition of unnecessary burden on consumers, to prevent the interference of transmission frequencies, as well as to prevent an act which results in obstructing the liberty of the people to know or preventing the people from knowing true and accurate data or information, and to prevent any person or any group of person from utilising the transmission frequencies without considering the rights of general public. This shall include the prescription of a minimum proportion to be undertaken, for public interest, by a person utilising the transmission frequencies as provided by law.

Section 61. The State shall provide efficient measures or mechanisms to protect and safeguard the rights of consumers in various aspects, which include, *inter alia*, knowledge of true information, safety, fair conclusion of contracts, or any other aspects which benefit consumers.

Section 62. The State shall strictly maintain its financial and fiscal discipline in order to ensure that the financial and fiscal status of the State is sustainably stable and secure in accordance with the law on financial and fiscal discipline of the State and shall establish a taxation system to ensure fairness in the society.

The law on financial and fiscal discipline of the State shall, at least, contain, provisions relating to the framework of undertaking of public finance and budget of the State, formulation of fiscal discipline in respect of both budgetary and extra-budgetary income and expenditures, management of State properties and treasury reserves and public debt management.

Section 63. The State shall promote, support and provide knowledge to the people on the dangers resulting from dishonest acts and wrongful conducts in both public and private sectors, and shall provide efficient measures and mechanisms to rigorously prevent and eliminate such dishonest acts and wrongful conducts, including a mechanism to promote collective participation of the people in a campaign to provide knowledge, to counter corruption or to provide leads under the protection of the State as provided by law.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

CHAPTER VI
DIRECTIVE PRINCIPLES OF STATE POLICIES

Section 64. The provisions in this Chapter are directive principles for State legislation or determination of policy for the administration of State affairs.

Section 65. The State should set out a national strategy as a goal for sustainable development of the country under the principle of good governance to be used as a framework for formulating consistent and integrated plans in a congruous drive to achieve such goal.

The formulation, determination of goals, prescription of time for achieving such goals and contents that should be in the national strategy shall be in accordance with the rules and procedures as provided by law. Such law shall also contain provisions relating to people's participation and public consultation throughout every sector.

The national strategy shall come into force upon its publication in the Government Gazette.

Section 66. The State should promote an amicable relation with other countries by adopting the principle of equality in its treatment towards one another and not interfering in internal affairs of one another. The State should cooperate with international organisations and protect national interests and interests of the Thai people in foreign countries.

Section 67. The State should support and protect Buddhism and other religions.

In supporting and protecting Buddhism, which is the religion observed by the majority of Thai people for a long period of time, the State should promote and support education and dissemination of dharmic principles of Theravada Buddhism for the development of mind and wisdom development, and shall have measures and mechanisms to prevent Buddhism from being undermined in any form. The State should also encourage Buddhists to participate in implementing such measures or mechanisms.

Section 68. The State should organise a management system of justice process in every aspect to ensure efficiency, fairness and non-discrimination and shall ensure that the

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

people have access to justice process in a convenient and swift manner without delay and does not have to bear excessive expenses.

The State should provide protective measures for State officials in justice process to enable them to strictly perform duties without any interference or manipulation.

The State should provide necessary and appropriate legal aid to indigent persons or underprivileged persons to access justice process, including providing a lawyer thereto.

Section 69. The State should provide and promote research and development of various branches of science, technology and disciplines of arts to create knowledge, development and innovation to strengthen the society and to enhance the competence of people in the Nation.

Section 70. The State should promote and provide protection for different ethnic groups to have the right to live in the society according to the traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference, insofar as it is not contrary to public order or good morals or does not endanger the security of the security, health or sanitation.

Section 71. The State should strengthen the family unit which is an important basic element of society, provide an appropriate accommodation, promote and develop the enhancement of health in order to enable people to have good health and strong mind, as well as promote and develop excellence in sports and to maximise the benefit for the people.

The State should promote and develop human resources to be good citizens with higher quality and abilities.

The State should provide assistance to children, youth, women, the elderly, persons with disabilities, indigent persons and underprivileged persons to be able to have a quality living, and shall protect such persons from violence or unfair treatment, as well as provide treatment, rehabilitation and remedies to such injured persons.

In allocating the budget, the State shall take into account the different necessities and needs with respect to genders, ages and conditions of persons to ensure fairness.

Section 72. The State should take actions relating to land, water resources and energy as follows:

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

(1) to plan the country's land use to be appropriate to the area conditions and potentials of the land in accordance with the principles of sustainable development;

(2) to undertake town planning at every level and to enforce such town planning efficiently, as well as to develop towns to prosper and meet the needs of the people in the area;

(3) to provide measures for distribution of landholding in order to thoroughly and fairly allow people to have land for making a living;

(4) to provide quality water resources which are sufficient for consumption by the people, including for agriculture, industry and other activities;

(5) to promote energy conservation and cost-effective use of energy, as well as to develop and support the production and use of alternative energy to enhance sustainable energy security.

Section 73. The State should provide measures or mechanisms to enable farmers to efficiently carry out agriculture which yields produce of high quantity and quality that is safe, low cost and competitive in the market, and should assist indigent farmers to have land for making a living through land reform or any other means.

Section 74. The State should promote abilities of the people to engage in work which is appropriate to their potentials and ages, and ensure that they have work to engage in. The State should protect labour to ensure safety and vocational hygiene, and receive income, welfare, social security and other benefits which are suitable for their living, and should provide for or promote savings for living after their working age.

The State should provide a system of labour relations for all relevant parties to participate in.

Section 75. The State should organise an economic system which provides opportunities for the people to all together benefit from the economic growth in a comprehensive, fair and sustainable manner and to be self-reliant in accordance with the philosophy of sufficiency economy, should eliminate unfair economic monopoly, and should develop economic competitiveness of the people and the country.

The State shall refrain from engagement in an enterprise in competition with the private sector, except in cases of necessity for the purpose of maintaining the security of the State, preserving common interests, providing public utilities or providing public services.

The State shall promote, support, protect and stabilise the system of various types of co-operatives, and small and medium enterprises of the people and communities.

In developing the country, the State should have due regard to the balance between the development of material and development of mind, as well as the well-being of the people.

Section 76. The State should develop a system of administration of State affairs of central, regional and local administrations, as well as other State affairs in accordance with the principles of good public governance, provided that State agencies shall cooperate with and assist each other in performing duties, with a view to maximising, for the benefit of the people, the efficiency of the administration of State affairs, provision of public services and expenditure of budget. The State should also develop State officials to have integrity and to have an attitude of serving the public in an expedient, expeditious and non-discriminatory manner as well as performing duties efficiently.

The State should undertake to enact a law relating to personnel management of State agencies in accordance with the merit system, provided that such law must at least contain measures to prevent any person from exercising powers or acting wrongfully to intervene or interfere with the performance of duties or the procedure for appointment or consideration of the merits of State officials.

The State should formulate ethical standards for State agencies to use as the basis for prescribing a code of ethics for State officials in that particular agency, which must not be lower than such ethical standards.

Section 77. The State should introduce laws only to the extent of necessity, and repeal or revise laws that are no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, without delay, so as to abstain from the imposition of burdens upon the public. The State should also undertake to ensure that the public has convenient access to the laws and are able to understand them easily in order to correctly comply with the laws.

Prior to the enactment of every law, the State should conduct consultation with stakeholders, analyse any impacts that may occur from the law thoroughly and systematically, and should also disclose the results of the consultation and analysis to the public, and take them into consideration at every stage of the legislative process. When the law has come into force, the State should undertake an evaluation of the outcomes of the law at every specified period of time, for which consultation with stakeholders shall be

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

conducted, with a view to developing all laws to be suitable to and appropriate for the changing contexts.

The State should employ a permit system and a committee system in a law only in cases of necessity, should prescribe rules for the exercise of discretion by State officials and a period of time for carrying out each step provided by the law in a clear manner, and should prescribe criminal penalties only for serious offences.

Section 78. The State should promote the correct knowledge and understanding of the public and communities regarding the democratic regime of government with the King as Head of State, and their participation in various aspects of the development of the country, in the provision of public services at both national and local levels, in the scrutiny of the exercise of State power, in combating against dishonest acts and wrongful conducts, as well as in decision making in politics and in all other matters that may affect the public or communities.

CHAPTER VII THE NATIONAL ASSEMBLY.

Part 1 General Provisions

Section 79. The National Assembly consists of the House of Representatives and the Senate.

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

No person shall concurrently be a Member of the House of Representatives and a Senator.

Section 80. 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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

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

In the period where the President of the Senate has to act as the President of the National Assembly under paragraph two but there is no President of the Senate, and where such a case occurs when there is no House of Representatives, the Vice-President of the Senate shall act as the President of the National Assembly. If there is no Vice-President of the Senate, the Senator who is the oldest at the time shall act as the President of the National Assembly, and the President of the Senate shall expeditiously be elected.

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

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

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

Section 81. An organic law bill and a bill may be enacted as law only by and with the advice and consent of the National Assembly.

Subject to section 145, after an organic law bill and a bill have been approved by the National Assembly, the Prime Minister shall present it to the King for signature, and it shall come into force upon publication in the Government Gazette.

Section 82. Members of the House of Representatives or Senators comprising not less than one-tenth of the total number of the existing members of each House have the right to lodge with the President of the House of which they are members a complaint asserting that the membership of any member of such House has terminated under section 101 (3), (5), (6), (7), (8), (9), (10) or (12) or section 111 (3), (4), (5) or (7), as the case may be, and the President of the House with whom the complaint is lodged shall refer it to the Constitutional Court for decision as to whether the membership of such member has terminated.

Upon receipt of the matter for consideration, if it appears that there are reasonable grounds to suspect that the case of the member against whom the complaint is lodged is founded, the Constitutional Court shall order such member to cease the performance of his or her duties until the Constitutional Court makes a decision. When the

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Constitutional Court has made a decision, it shall notify the President of the House to which the complaint is lodged under paragraph one of such decision. In the case where the Constitutional Court decides that the membership of the member against whom a complaint has been lodged is terminated, such person shall vacate office as from the date of cessation of the performance of duties, but this shall not affect any act done by such person prior to the vacation of his or her office.

A Member of the House of Representatives or a Senator who has ceased the performance of his or her duties under paragraph two shall not be counted as one of the total number of the existing members of the House of Representatives or the Senate.

In the case where the Election Commission is of the opinion that the membership of any Member of the House of Representatives or any Senator has terminated under paragraph one, it may also refer the matter to the Constitutional Court for decision under paragraph one.

Part 2 The House of Representatives

Section 83. The House of Representatives consists of five hundred members, as follows:

- (1) three hundred and fifty members elected on a constituency basis;
- (2) one hundred and fifty members from party lists of political parties.

In the case where the office of a Member of the House of Representatives becomes vacant for any reason, and an election of a Member of the House of Representatives has not been held to fill the vacancy, or no declaration of name of a Member of the House of Representatives has been made to fill the vacancy, the House of Representatives shall consist of the existing members of the House.

In the case where there is any reason for the number of the Members of the House of Representatives by party list basis to be fewer than one hundred and fifty persons, the Members of the House of Representatives by party list basis shall consist of the existing members.

Section 84. In a general election where ninety-five per cent of the total number of Members of the House of Representatives have been elected, if it is necessary to convoke a sitting of the National Assembly, it may be convoked, in which case it shall be

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

deemed that the House of Representatives consists of the existing members. However, actions shall be expeditiously taken to ensure that the number of Members of the House of Representatives under section 83 is met. In this case, such Members of the House of Representatives shall hold office only for the remaining term of the House of Representatives.

Section 85. Members of the House of Representatives who are elected on a constituency basis shall be elected by direct suffrage and secret ballot. Each constituency shall elect one member, and each person having a right to vote has the right to cast one vote in an election, where a vote may be cast in favour of any candidate for election, or no candidate at all.

The candidate for election who receives the highest number of votes and has more votes than votes to elect no candidate shall be the elected member.

The rules, procedures and conditions for the application to stand for election, the casting of votes, the counting of votes, the calculation of total votes, the announcement of the results of the election and other related matters shall be in accordance with the Organic Act on Election of Members of the House of Representatives. Such law may also require a candidate for election to submit evidence of payment of income tax for the application to stand for election.

The Election Commission shall announce the results of the election after a preliminary examination has been made and there are reasonable grounds to believe that the result of the election is honest and just, and amounts to not less than ninety-five percent of all constituencies. The Election Commission shall make a preliminary examination and shall announce the result of the election expeditiously; the announcement shall be not later than sixty days from the date of election. Such announcement of the result shall not prejudice the duties and powers of the Election Commission to investigate, deliberate or decide on a case where there are reasonable grounds to believe that wrongdoing has been committed in the election, or that the election was not honestly and justly conducted, whether or not the results of the election have been announced.

Section 86. The prescription of the number of Members of the House of Representatives which each *Changwat* shall have, and the division of constituency shall be in accordance with the following procedure:

(1) the total number of inhabitants throughout the country as evidenced in the census last announced in the year prior to the year of election, averaged by the number of

three hundred and fifty Members of the House of Representatives shall be deemed the number of inhabitants per one member;

(2) any *Changwat* with inhabitants below the number of inhabitants per one member under (1) shall have one Member of the House of Representatives, and the area of that *Changwat* shall be regarded as the constituency;

(3) any *Changwat* with more inhabitants than the number of inhabitants per one member shall have one additional Member of the House of Representatives for every such number of inhabitants which represents the number of inhabitants per one member;

(4) upon obtaining the number of Members of the House of Representatives of each *Changwat* under (2) and (3), if the number of Members of the House of Representatives is still fewer than three hundred and fifty, any *Changwat* which has the largest fraction remaining from the calculation under (3) shall have one additional Member of the House of Representatives, and the addition of the Members of the House of Representatives in accordance with such procedure shall be made to other *Changwats* in descending order of fractions remaining from the calculation under (3) until the number of three hundred and fifty is obtained;

(5) in a *Changwat* where the number of Members of the House of Representatives is more than one, such *Changwat* shall be divided into constituencies in the number equal to the number of Members of the House of Representatives as may be elected therein; in the division of constituencies, the boundary of each constituency shall be adjoining, and the number of inhabitants in each constituency must be closely apportioned.

Section 87. A candidate in an election of a Member of the House of Representatives on a constituency basis, must be a person nominated by a political party of which he or she is a member, and shall not stand for election in more than one constituency.

Once an application for candidacy has been submitted, a candidate for election or a political party may revoke the application for candidacy or change a candidate for election only in the case where the candidate for election dies or lacks the qualifications or is under the prohibitions. The revocation or change must be made prior to the end of the period for application for candidacy.

Section 88. In a general election, a political party sending a candidate for election shall notify the Election Commission of not more than three names of persons endorsed by resolution of the political party that would be proposed to the House of Representatives for consideration and approval for appointment as Prime Minister prior to the

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

end of the period for application for candidacy. The Election Commission shall announce the names of such persons to the public, and the provisions of section 87 paragraph two shall apply, *mutatis mutandis*.

A political party may decide not to propose a list of names of persons under paragraph one.

Section 89. The proposal of the names of persons under section 88 shall be in accordance with the following rules:

(1) there shall be a letter of consent from the person whose name is proposed, having the details as prescribed by the Election Commission;

(2) the person whose name is proposed shall have the qualifications and not be under any of the prohibitions of being a Minister under section 160, and has never issued a letter of consent under (1) to another political party in that election.

Where a proposal of the name of any person is not in accordance with paragraph one, it shall be deemed that no proposal of the name of that person has been made.

Section 90. Any political party which sends a candidate for election on a constituency basis shall have the right to send a candidate for election on a party list basis.

In sending a candidate for election on a party list basis, each political party shall prepare one list of candidates, in which candidates for election of each political party shall not be the same as others' and not be the same as the names of candidates for election on a constituency basis. Such list of candidates shall be submitted to the Election Commission prior to the end of the period for application for candidacy for election of Members of the House of Representatives on a constituency basis.

In the preparation of a list of candidates under paragraph two, the members of the political party shall be allowed to participate in the deliberations, and regard shall be had to the candidates for election from different regions and equality between men and women.

Section 91. The calculation of the number of Members of the House of Representatives on a party list basis for each political party shall be made in accordance with the following rules:

(1) the total number of votes received throughout the country by all political parties sending candidates for election on party list basis from the election on a constituency

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

basis shall be divided by the number of five hundred, which is the total number of Members of the House of Representatives;

(2) the result under (1) shall be used to divide the number of votes received throughout the country by each political party from all constituencies in the election on a constituency basis; the quotient shall be deemed the number of Members of the House of Representatives distributed to that political party;

(3) the number of Members of the House of Representatives distributed to the political party under (2) shall be subtracted by the total number of members of House of Representatives attained by such political party on a constituency basis in all constituencies, the result of which shall be the number of Members of the House of Representatives on a party list basis allocated to the political party;

(4) if any political party has Members of the House of Representatives who have been elected on a constituency basis equal to or more than the number of Members of the House of Representatives distributed to that political party under (2), that political party shall have Members of the House of Representatives in accordance with the number of Members of the House of Representatives which have been elected on a constituency basis, and shall not be entitled to allocation of Members of the House of Representatives on a party list basis; the total number of Members of the House of Representatives on a party list basis shall be allocated proportionally among political parties having a number of Members of the House of Representatives on a constituency basis that is lower than the number of Members of the House of Representatives distributed to that political party under (2), provided that this shall not result in any political party having more Members of the House of Representatives than the number distributed to that political party under (2);

(5) when the number of Members of the House of Representatives on a party list basis of each political party is determined, the candidates for election named in the list of candidates in the numerical order specified in the list of candidates of that political party shall be elected as Members of the House of Representatives.

In the case where any candidate for election dies after the date on which the application for election is closed, but prior to the time the poll is closed on the election date, the number of votes received shall also be used in the calculation under (1) and (2).

The counting of votes, the rules and procedures for calculation, the calculation of proportion and the announcement of the results of the election shall be in accordance with the Organic Act on Election of Members of the House of Representatives.

Section 92. In a constituency which does not have any candidate for election who has received more votes than the number of votes cast in favour of no candidate in that constituency, a new election shall be held, and the votes which each candidate for election has received shall not be used in the calculation under section 91. In this case, the Election Commission shall proceed to accept applications for candidacy for the new election, and all former candidates for election shall not have a right to reapply for candidacy in the new election which will be held.

Section 93. In a general election, if a new election on a constituency basis is required to be held for certain constituencies or polling stations prior to the announcement of the results of the election, or the election is not completed or the announcement of the results of the election is not completed in every constituency for any reason, the calculation of the number of Members of the House of Representatives distributed to each political party and the number of Members of the House of Representatives on a party list basis allocated to each political party shall be in accordance with the rules, procedures and conditions prescribed in the Organic Act on Election of Members of the House of Representatives.

In the case where the result of the calculation under paragraph one decreases the number of Members of the House of Representatives on a party list basis of any political party, the Members of the House of Representatives named last on a party list of such political party shall vacate office in ascending order.

Section 94. Within one year after the date of the election that is a general election, if there must be a new election for a Member of the House of Representatives on a constituency basis due to the election in that constituency not having proceeded in an honest and just manner, the provisions of section 93 shall apply *mutatis mutandis*.

The election of a Member of the House of Representatives to fill the vacancy for any reason after one year has lapsed as from the date of the general election shall not prejudice the calculation of the number of the Members of the House of Representatives distributed to each political party under section 91.

Section 95. A person having the following qualifications has the right to vote at an election:

- (1) being of Thai nationality, provided that a person who has acquired Thai nationality by naturalisation must hold the Thai nationality for not less than five years;
- (2) being not less than eighteen years of age on the election day;

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

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

A voter who resides outside the constituency in which his or her name appears in the household register, or whose name appears in the household register in the constituency for a period of less than ninety days up to the date of the election, or who has a residence outside of the Kingdom may register to vote outside the constituency at the place, and according to the date, time, procedures and conditions prescribed by the Organic Act on the Election of the Members of the House of Representatives.

A voter who fails to vote without notification of a reasonable cause under the Organic Act on the Election of Members of the House of Representatives may be subject to a restriction of certain rights as provided by law.

Section 96. A person under any of the following prohibitions on the election day shall be the person who is prohibited from exercising the right to vote:

- (1) being a Buddhist monk, Buddhist novice, ascetic or priest;
- (2) being under revocation of the right to vote, whether or not such case is final;
- (3) being detained by a warrant of the Court or by a lawful order;
- (4) being of unsound mind or of mental infirmity.

Section 97. A person having the following qualifications has the right to stand for an election of Members of the House of Representatives:

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

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

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

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

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

(d) having served in the official service or performed duties in a State agency, or having had his or her name appear in the household register in the *Changwat* where he or she stands for election, as the case may be, for a consecutive period of not less than five years.

Section 98. A person under any of the following prohibitions shall be the person who is prohibited from exercising the right to stand for election in an election of Members of the House of Representatives:

- (1) being addicted to narcotics;
- (2) being bankrupt or having been dishonestly bankrupt;
- (3) being the owner of, or a shareholder in any newspaper or mass media business;
- (4) being a person under the prohibitions from exercising his or her right to vote under section 96 (1), (2) or (4);
- (5) being under temporary suspension of the right to stand for election, or being a person whose right to stand for election has been revoked;
- (6) being sentenced by a judgement to imprisonment and imprisoned by a warrant of the Court;
- (7) having been discharged for a period of less than ten years up to the date of election after being imprisoned except for an offence committed through negligence or a petty offence;
- (8) having been dismissed from official service, a State agency or a State enterprise on the grounds of dishonest performance of duties or being deemed as having committed dishonest acts or wrongful conducts in the official service;
- (9) having been ordered by a final judgement or order of the Court that his or her assets shall vest in the State on the grounds of unusual wealth, or having been sentenced by a final judgement to imprisonment on the grounds of committing an offence under the law on prevention and suppression of corruption;
- (10) having been convicted by a final judgement for committing: a malfeasance in public office or in judicial office; an offence under the law on wrongdoings of officials in a State organisation or agency; an offence against property committed in bad faith under the Penal Code; an offence under the law on the borrowing of money amounting to public fraud;

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

an offence of being a producer, importer, exporter or seller under the law on narcotics; an offence of being a banker or a proprietor under the law on gambling; an offence under the law on the prevention and suppression of human trafficking; or an offence of money laundering the law on the prevention and suppression of money laundering;

(11) having been sentenced by a final judgement for committing a dishonest act in an election;

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

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

(14) being a Senator or having been a Senator whose membership has terminated for less than two years;

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

(16) being a judge of the Constitutional Court, or holding a position in an Independent Organ;

(17) being currently under the prohibition from holding a political position;

(18) having been removed from office on the grounds under section 144 or section 235 paragraph three.

Section 99. The term of the House of Representatives is four years from the election day.

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

Section 100. Membership of the House of Representatives commences on the election day.

Section 101. 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) vacation of office under section 93;

(5) being disqualified under section 97;

(6) being under any prohibition under section 98;

(7) acting in contravention of any prohibition under section 184 or section 185;

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

(8) resignation from membership of his or her political party;

(9) having his or her membership of a political party terminated by a resolution of such political party with votes of not less than three-fourths of the joint meeting of the Executive Committee of that political party and Members of the House of Representatives affiliated with such political party; in this case, if such Member of the House of Representatives does not become a member of another political party within thirty days as of the day the resolution is passed by the political party, it shall be deemed that membership is terminated as from the date on which such period of thirty days has lapsed;

(10) loss of membership of the political party; however, in the case where the loss of membership of a political party is caused by an order to dissolve the political party to which such a Member of the House of Representatives is a member, and such Member of the House of Representatives is unable to become a member of another political party within sixty days as from the date the order to dissolve to political party is passed, it shall be deemed that his or her membership is terminated as from the day following the date on which such period of sixty days has lapsed;

(11) being vacated from office on the grounds under section 144 or section 235 paragraph three;

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

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

Section 102. Upon the expiration of the term of the House of Representatives, the King will issue a Royal Decree calling for a general election of the Members of the House of Representatives within forty-five days as from the date of expiration of the term of the House of Representatives.

The election under paragraph one shall be on the same day throughout the Kingdom as specified by notification of the Election Commission in the Government Gazette.

Section 103. The King has the Royal Prerogative to dissolve the House of Representatives for a new general election of Members of the House of Representatives.

The dissolution of the House of Representatives shall be made in the form of a Royal Decree and shall be made only once under the same event.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Within five days from the date the Royal Decree under paragraph one comes into force, the Election Commission shall specify, by notification, the date of a general election in the Government Gazette, which must be no earlier than forty-five days but no later than sixty days from the date such Royal Decree comes into force. Such election date shall be the same throughout the Kingdom.

Section 104. In the case where there is an unavoidable necessity constituting a cause for an inability to hold an election from taking place on the date specified by notification by the Election Commission under section 102 or section 103, the Election Commission may specify a new date for election, provided that the election must be held within thirty days as from the date such necessity ends. However, for the purpose of the calculation of the term under section 95 (2) and section 97 (2), the date shall be counted up to the election date prescribed by section 102 or section 103, as the case may be.

Section 105. When an office of a Member of the House of Representatives becomes vacant for any reason other than the expiration of term or the dissolution of the House of Representatives, the following proceedings shall be taken:

(1) in the case where the vacancy is that of an office of a Member of the House of Representatives elected from an election on a constituency basis, a Royal Decree shall be issued for holding an election of a Member of the House of Representatives to fill the vacancy, unless the remainder of the term of the House of Representatives is less than one hundred and eighty days, and the provisions of section 102 shall apply *mutatis mutandis*;

(2) in the case where the vacancy is that of the office of a Member of the House of Representatives on a party list basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, elevate the person whose name in the list of that political party is placed in the next order to become Member of the House of Representatives; if there is no person remaining in the list to be elevated to fill the vacancy, the Members of the House of Representatives on a party list basis shall consist of the existing members.

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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

The calculation of the proportion of votes of a political party for a Member of the House of Representatives on a party list basis when an election to fill a vacancy is held shall be in accordance with section 94.

Section 106. After the Council of Ministers has assumed the administration of State affairs, the King will appoint as the Leader of the Opposition in the House of Representatives the Member of the House of Representatives who is the leader of a political party in the House of Representatives with the largest number of members with no members holding the office of Minister, President of the House of Representatives, or the Vice-President of the House of Representatives.

In the case where political parties under paragraph one have an equal number of members, the matter shall be decided by drawing lots.

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 under paragraph one, or where a case under section 118 (1), (2), (3) or (4) arises. In such case, the King will appoint a new Leader of the Opposition in the House of Representatives to fill the vacancy.

Part 3 The Senate

Section 107. The Senate consists of two hundred members installed from a selection by and among persons having the knowledge, expertise, experience, profession, or characteristics or common interests or working or having worked in varied areas of the society. The division of groups shall be made in a way which enables every person having the right to apply for selection to belong to any one group.

The division of groups, number of groups, and qualifications of a person in each group, the application and acceptance of application, the rules and procedures for selection among themselves, the acceptance of the selection, the number of Senators selected from each group, the listing of reserve candidates, the elevation of persons from the reserve list to fill the vacancy, and any other measures necessary to enable the selection among themselves to proceed honestly and justly, shall be in accordance with the Organic Act on Installation of Senators. For the purpose of enabling such selection to proceed honestly and justly, it may

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

be prescribed that a candidate from each group shall be prohibited from selecting another candidate from the same group, or that candidates for selection are screened by any other mean in which the candidates may participate.

The undertakings under paragraph two shall be carried out from the level of an *Amphoe*, and the level of a *Changwat*, to the national level, so that a Senator is a representative of the Thai people at the national level.

In the case where the number of Senators under paragraph one is not met, whether this results from a vacancy of office or any other cause other than the expiration of term of the Senate, and where no list of reserves remains, the Senate shall consist of the remaining Senators. However, in the case where the number of Senators remaining is less than one-half of the total number of Senators and the remaining term of the Senate is more than one year, a selection of Senators to fill the vacancy shall be carried out within sixty days as from the date the number of Senators remaining is less than one-half. In this case, such selected person shall hold office only for the remaining term of the Senate.

The selection of Senators shall be made in the form of a Royal Decree, and within five days from the date the Royal Decree comes into force, the Election Commission shall prescribe the date of commencement of the selection which shall be no later than thirty days as from the date such Royal Decree comes into force. Such prescription shall be published in the Government Gazette, and the provisions of section 104 shall apply *mutatis mutandis*.

Section 108. A Senator shall have the qualifications and not be under any of the prohibitions as follows:

a. qualifications:

- (1) being of Thai nationality by birth;
- (2) being not less than forty years of age on the date of application for selection;
- (3) having knowledge, expertise and experience, or having worked for not less than ten years in the field for which he or she applies, or having the qualifications under the rules and conditions prescribed in the Organic Act on Installation of Senators;
- (4) being born, having his or her name listed in the household register, having worked or having a connection to the area in which he or she applies for selection in accordance with the rules and conditions prescribed in the Organic Act on Installation of Senators;

b. prohibitions:

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

(1) being a person prohibited from exercising the right to stand for election under section 98 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (15), (16), (17) or (18);

(2) being a government official;

(3) being or having been a Member of the House of Representatives, except for a person who has vacated office as a Member of the House of Representatives for a period of not less than five years up to the date of application for selection;

(4) being a member of a political party;

(5) being or having been a person holding any position in a political party, except for a person who has vacated the position in a political party for a period of not less than five years up to the date of application for selection;

(6) being or having been a Minister, except for a person who has vacated office for a period of not less than five years up to the date of application for selection;

(7) being or having been a member of a local assembly or a local administrator, except for a person who has vacated office as a member of a local assembly or a local administrator for a period of not less than five years up to the date of application for selection;

(8) being an ascendant, spouse or child of a Member of the House of Representatives, a Senator, a political official, a member of a local assembly or a local administrator, a candidate for selection to become a Senator for the same session, or a person holding office in the Constitutional Court or in an Independent Organ;

(9) having held office as a Senator under this Constitution.

Section 109. The term of the Senate is five years from the date the result of the selection is announced.

Membership of the Senate commences on the date on which the Election Commission announces the result of the selection.

Upon expiration of the term of the Senate, the Senators shall remain in office to perform duties until there are new Senators.

Section 110. Upon expiration of the term of the Senate, there shall be a selection of new Senators under section 107 paragraph five.

Section 111. Membership of the Senate terminates upon:

(1) expiration of the term of the Senate;

(2) death;

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

- (3) resignation;
- (4) being disqualified or being under any of the prohibitions under section 108;
- (5) having been absent for more than one-fourth of the number of days in a session the length of which is not less than one hundred and twenty days without permission of the President of the Senate;
- (6) being sentenced by a final judgment to imprisonment, notwithstanding the suspension of the sentence, except for an offence committed through negligence, a petty offence or a defamation offence;
- (7) committing an act which is in contravention with section 113, or an act which is prohibited under section 184 or section 185;
- (8) vacating office on the grounds under section 144 or section 235 paragraph three.

Section 112. A person who has held office as a Senator and whose membership has terminated for a period of not more than two years shall not be a Minister or a person holding a political position, except for being a member of a local assembly or a local administrator.

Section 113. A Senator shall not align with or yield to the mandate of any political party.

Part 4

Provisions Applicable to Both Houses

Section 114. Members of the House of Representatives and Senators are representatives of the Thai people and free from any mandate, commitment, or control. They shall perform duties honestly for the common interest of the Nation and the happiness of Thai people as a whole, without conflict of interest.

Section 115. Before taking office, a Member of the House of Representatives and a Senator shall make a solemn declaration at a sitting of the House of which he 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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

people. I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect.”

Section 116. The House of Representatives and the Senate shall each have one President and one or two Vice-Presidents who are appointed by the King from members of such House in accordance with its resolution.

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

Section 117. The President and the Vice-Presidents of the House of Representatives hold office until the expiration of their term or the dissolution of the House of Representatives.

The President and the Vice-Presidents of the Senate hold office until the date of expiration of the term of the Senate, except for the period under section 109 paragraph three where the President and the Vice-Presidents of the Senate shall remain in office to perform duties.

Section 118. The President and the Vice-Presidents of the House of Representatives and the President and the Vice-Presidents of the Senate vacate office before the expiration of the term of office under section 117 upon:

- (1) loss of membership of the House of which he or she is a member;
- (2) resignation;
- (3) holding the position of Prime Minister, Minister or other political official;
- (4) being sentenced by a judgment to imprisonment, notwithstanding the non-finality or the suspension of sentence, except for an offence committed through negligence, a petty offence or a defamation offence.

Section 119. The President of the House of Representatives and the President of the Senate have the duties and powers to carry out the business of each House in accordance with its rules of procedure. The Vice-Presidents have the duties and powers as entrusted by the President, and perform duties on behalf of the President when the President is not present or unable to perform his or her duties.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

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

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

Section 120. At a sitting of the House of Representatives or the Senate, the presence of not less than one-half of the total number of existing members of each House is required to constitute a quorum, except in cases of considering the agenda on interpellation, where the House of Representatives or the Senate may otherwise prescribe a quorum in the rules of procedure.

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

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

The minutes of sittings and records of each member's voting shall be disclosed to the general public, except for the case of a sitting *in camera* or voting by secret ballot.

The casting of votes to elect or give approval to a person for holding office shall be made by secret ballot, unless it is otherwise provided in this Constitution.

Section 121. Within fifteen days as from the announcement date of the result of the election of Members of the House of Representatives which is a general election, the National Assembly shall be convoked for the first sitting of its members.

Each year, there shall be two ordinary sessions of the National Assembly. Each of them shall last one hundred and twenty days but the King may prolong this time period.

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

The day on which the first sitting under paragraph one is held shall be considered as the commencement date of the first annual ordinary session, and the commencement date of the second annual ordinary session shall be fixed by the House of Representatives. However, in the case where the period of time from the first sitting under paragraph one to the end of the calendar year is insufficient to hold the second annual ordinary session, the second annual ordinary session may be omitted in that year.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Section 122. The King convokes the National Assembly, opens and prorogues its session.

The King may be present to perform the opening State ceremony of the first annual ordinary session or may command the Heir to the Throne who is *sui juris* or any person to perform the ceremony as His Representative.

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

Subject to section 123 and section 126, the convocation, the prolongation and the prorogation of the session of the National Assembly shall be made by a Royal Decree.

Section 123. Members of both Houses or Members of the House of Representatives comprising not less than one-third of the total number of existing members of both Houses have the right to lodge with the President of the National Assembly their petition to report 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 report to the King and countersign the Royal Command.

Section 124. At a sitting of the House of Representatives or the Senate or at a joint sitting of the National Assembly, words expressed in giving statements of fact or opinions or in casting the votes by any member are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such member.

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

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

The privilege provided in this section extends to printers and publishers of the minutes of sittings in accordance with the rules of procedure of the House of Representatives,

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

the Senate or the National Assembly, as the case may be, and to persons permitted by the presiding member to give statements of fact or opinions at such sitting as well as to persons who broadcasts the sitting through radio or television or any other mean with the permission of the President of the such House *mutatis mutandis*.

Section 125. During a session, no Member of the House of Representatives or Senator shall be arrested, detained or summoned by a warrant for inquiry as a suspect in a criminal case unless permission of the House of which he or she is a member is obtained or he or she is arrested in *flagrante delicto*.

In the case where a Member of the House of Representatives or a Senator has been arrested in *flagrante delicto*, a report shall forthwith be submitted to the President of the House of which he or she is a member, and, for the benefit of a sitting, such President may order the release of the person so arrested in order to attend the sitting.

If a Member of the House of Representatives or a Senator is detained during inquiry or trial before the beginning of a session, when the session begins, the inquiry officer 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. In this regard, the Court may order their release on bail or on bail and bond.

In the case where a criminal charge is brought against a Member of the House or Representatives or a Senator, whether the House is in session or not, the Court may try the case during the session, provided that the trial shall not hinder such member from attending the sitting of the House.

Section 126. In the absence of the House of Representatives whether due to the expiration of its term, its dissolution, or on any other grounds, the Senate shall not hold its sitting except in the following cases:

(1) where the National Assembly shall act under section 17, section 19, section 20, section 21, or section 177;

(2) where the Senate shall hold a sitting to consider the appointment of a person to hold any office under the provisions of this Constitution.

Where a case under paragraph one occurs, the Senate is permitted to hold a sitting. The President of the Senate shall report to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly, and the President of the Senate shall countersign the Royal Command.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

In the case of (1), the Senate shall act as the National Assembly, provided that the votes for the approval under section 177 shall be of not less than two-thirds of the total number of existing Senators.

Section 127. A sitting of the House of Representatives and of the Senate and a joint sitting of the National Assembly shall be public as prescribed by the rules of procedure of each House. However, the Council of Ministers or members comprising not less than one-fourth of the total number of existing members of each House or of both houses, as the case may be, may request for a meeting *in camera*.

Section 128. The House of Representatives and the Senate have the power to enact rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matters or activities which are within the duties and powers of each standing committee, performance and quorum of committees, sittings, submission and consideration of organic law bills and bills, submission of motions, consultation, debate, passing of a resolution, recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and orders and other relevant matters, as well as the power to enact rules of procedure regarding the code of ethics of members and committee members and other matters for the implementation of the Constitution.

The rules of procedure under paragraph one in the part concerning the appointment of an *ad hoc* committee for the consideration of bills the substance of which is decided by the President of the House of Representatives to concern with children, youths, women, the elderly, the disabled or handicapped, shall stipulate that such *ad hoc* committee consists of the said types of persons or representatives from private organisations concerned directly with the respective types of persons, of at least one-third of the total number of the *ad hoc* committee members.

Section 129. The House of Representatives and the Senate have the power to select and appoint members of each House to constitute a standing committee and have the power to select and appoint persons, being or not being its members, to constitute an *ad hoc* committee or a joint committee under section 137 in order to perform any act, inquire into facts or study any matter and report its findings to the House in the period of time as prescribed by the House.

The performance of any act, the inquiry into facts or study of any matter under paragraph one shall be within the duties and powers of the House. The duties and powers

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

specified upon the appointment of the committees and the acts of the committees shall not be in repetition or duplication. In the case where the performance of acts, inquiries into facts or studies of any matter are connected, it shall be the duty of the President of the House to direct all relevant committees to perform such tasks together.

No committee may authorise or entrust a person or a group of persons to inquire into facts on its behalf.

The committee under paragraph one has the power to demand documents from any person or summon any person to give statements of fact or opinions on the act or the matter under its inquiry or study. Such demand or summons is not applicable to a judge performing duties or exercising powers in the trial of a case or to the personnel management of each Court or to a person holding an office in an Independent Organ in the direct performance of duties and powers for each organ under the Constitution or the organic acts, as the case may be.

The Minister who is responsible for the matter of inquiry or study of the committee shall have duty to instruct a State official under his or her supervision or control to provide facts, submit documents or give opinions as summoned by the committee.

The House of Representatives and the Senate shall disclose to the public its minutes of sittings, or committees' reports on the act, findings or study, as the case may be, except in the case where the House of Representatives or the Senate, as the case may be, passes a resolution prohibiting disclosure.

The privileges provided in section 124 shall also extend to persons performing duties and complying with the summons 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 existing political party in the House of Representatives.

In the absence of the rules of procedure of the House of Representatives under section 128, the President of the House of Representatives shall determine the proportion under paragraph eight.

Section 130. There shall be the following organic acts:

- (1) Organic Act on Election of Members of the House of Representatives;
- (2) Organic Act on Installation of Senators;
- (3) Organic Act on Election Commission;
- (4) Organic Act on Political Parties;

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

- (5) Organic Act on Ombudsmen;
- (6) Organic Act on Prevention and Suppression of Corruption;
- (7) Organic Act on State Audit;
- (8) Organic Act on Procedures of the Constitutional Court;
- (9) Organic Act on Criminal Procedure for Persons Holding Political Positions;
- (10) Organic Act on Human Rights Commission.

Section 131. An organic law bill may be introduced only by:

- (1) the Council of Ministers upon the recommendation of the Supreme Court, the Constitutional Court or a relevant Independent Organ;
- (2) Members of the House of Representatives comprising not less than one-tenth of the total number of existing Members of the House of Representatives.

Section 132. Unless stipulated as follows, an organic law bill shall be enacted in the same manner as an Act:

(1) An organic law bill shall be introduced to the National Assembly, and the National Assembly shall hold a joint sitting for consideration of such organic law bill, which shall be completed within one hundred and eighty days. In voting in the third reading, votes for approval of the organic law bill shall be more than one-half of the total number of existing members of the National Assembly. If the joint sitting of the National Assembly has not completed its consideration within the prescribed period of time, it shall be deemed that the National Assembly approves the organic law bill as introduced under section 131;

(2) Within fifteen days as from the date of its approval of the organic law bill, the National Assembly shall refer such organic law bill to the Supreme Court, the Constitutional Court, or relevant Independent Organ for opinions. In the case where the Supreme Court, the Constitutional Court, or the relevant Independent Organ has no objection within ten days as from the date of receipt of such bill, the National Assembly shall take further proceedings;

(3) In the case where the Supreme Court, the Constitutional Court or the relevant Independent Organ is of the opinion that provisions of the organic law bill approved by the National Assembly are contrary to or inconsistent with the Constitution or result in an inability to duly comply with the provisions of the Constitution, such opinion shall be referred to the National Assembly, and a joint sitting of the National Assembly shall be held for consideration of such opinion, which shall be completed within thirty days as from the date of receipt of such opinion. In this regard, the National Assembly shall have the power to

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

amend the said organic law bill according to the recommendation of the Supreme Court, the Constitutional Court or the relevant Independent Organ as it deems appropriate. Upon completion, the National Assembly shall take further proceedings.

Section 133. A bill shall be first submitted to the House of Representatives and may be introduced only by the followings:

- (1) Council of Ministers;
- (2) Members of the House of Representatives of not fewer than twenty in number;
- (3) persons having the right to vote of not less than ten thousand in number who submit a petition to introduce a bill under Chapter III Rights and Liberties of the Thai People or Chapter V Duties of the State and in accordance with the law on the public submission of a bill.

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

Section 134. A money bill means a bill with provisions dealing with any of the following matters:

- (1) the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) the allocation, receipt, custody, or payment of State funds, or transfer of expenditure estimates of the State;
- (3) the raising of loans, guarantee, redemption of loans, or any act binding State properties;
- (4) currency.

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

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

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

Section 135. For any bill introduced by Members of the House of Representatives or persons having the right to vote which, at the stage of the adoption of its

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

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 or at the objection of the Members of the House of Representatives made to him or her, such amendment has rendered it to exhibit the characteristic of a money bill, the President of the House of Representatives shall order the suspension of its consideration for further proceedings under section 134 paragraph two, paragraph three and paragraph four.

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

Section 136. When the House of Representatives has considered a bill and resolved to approve it, the House of Representatives shall submit such bill to the Senate. The Senate must complete the consideration of such bill within sixty days. If it is a money bill, the consideration thereof must be completed 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 time period referred to in paragraph one shall not include the time period during which the bill is under the consideration of the Constitutional Court under section 139.

If the Senate has not completed its consideration of the bill within the time 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 137. After the Senate has completed the consideration of a bill,
 (1) if it agrees with the House of Representatives, further proceedings under section 81 shall be taken;
 (2) if it disagrees with the House of Representatives, such bill shall be withheld and returned to the House of Representatives;

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

(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 81 shall be taken. In other cases, each House shall appoint persons, being or not being its members, in such an equal number as may be fixed by the House of Representatives, to constitute a joint committee for considering the bill, and the joint committee shall prepare a report thereon and submit 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 81 shall be taken. If either House disapproves it, whether or not the other House has considered it, the bill shall be withheld.

At a meeting of the joint committee, the presence of the Members of the joint committee appointed by both Houses of not less than one-half of the total number of its members is required to constitute a quorum, and the provisions of section 157 shall apply *mutatis mutandis*.

If the Senate does not return the bill to the House of Representatives within the period under section 136, it shall be deemed that the Senate approves such bill and further proceedings under section 81 shall be taken.

Section 138. A bill withheld under section 137 may be reconsidered by the House of Representatives only after the lapse of one hundred and eighty days as from the following dates:

(1) the date the bill is returned to the House of Representatives by the Senate in case of withholding under section 137 (2);

(2) the date either House disapproves the bill in case of withholding under section 137 (3).

In cases under paragraph one, if the House of Representatives resolves to reaffirm the bill considered by the House of Representatives 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 81 shall be taken.

Subject to section 143 paragraph four, if the bill withheld is a money bill, the period of one hundred and eighty days under paragraph one shall be decreased to ten days.

Section 139. While a bill is being withheld under section 137, the Council of Ministers or Members of the House of Representatives may not introduce a bill having the same or similar principle as that of the bill so withheld.

In the case where the House of Representatives or the Senate is of the opinion that the bill so introduced or referred to for consideration has the same or similar principle as that of the bill being withheld, the President of the House of Representatives or the President of the Senate shall refer such 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 140. The payment of State funds shall be made only by the authority of the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations, the law on treasury reserves or the law on financial and fiscal discipline of the State, except that it may be advanced in the case of urgent necessity under the rules and procedure prescribed by law. In such case, the expenditure estimates for reimbursement must be set aside in the Transfer of Appropriations Act, the Supplementary Appropriations Act, or the Annual Appropriations Act for the following fiscal year.

Section 141. 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.

The State shall allocate adequate budgets for the independent performance of duties of the National Assembly, the Courts, the Independent Organs and the State Attorney Organ in accordance with the rules prescribed by the law on financial and fiscal discipline of the State. In the case where the National Assembly, the Court, the Independent Organ or the State Attorney Organ is of the opinion that the allocated budgets may not be adequate for the performance of its duties, it may directly submit a motion to the committee.

Section 142. The introduction of an annual appropriations bill must show the sources of revenues and estimated revenues, expected outcome or output from payments, and conformity with the National Strategy and development plans, in accordance with rules prescribed in the law on financial and fiscal discipline of the State.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

Section 143. The House of Representatives must complete the consideration of an annual appropriations bill, supplementary appropriations bill and transfer of appropriation bill within one hundred and five days as from the date the bill reaches the House of Representatives.

If the House of Representatives does not complete the consideration of the bill within the time 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 for consideration.

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 time period, such bill shall be deemed to have been approved by the Senate; in such case and in the case where the Senate approves it, further proceedings under section 81 shall be taken.

If the Senate disapproves the bill, the provisions of section 138 paragraph two shall apply *mutatis mutandis*. In this regard, the House of Representatives shall forthwith reconsider the bill.

The time period referred to in paragraph one and paragraph three shall not include the time period for consideration by the Constitutional Court under section 144 paragraph three.

Section 144. In the consideration of an annual appropriations bill, supplementary appropriations bill, and transfer of appropriations bill, a Member of the House of Representatives shall not submit a motion altering or adding any item or amount in an item 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 consideration by the House of Representatives, the Senate or a committee, any proposal, submission of a motion or commission of any act, which results in direct or indirect involvement by Members of the House of Representatives, Senators or members of a committee in the use of the appropriations, shall not be permitted.

In the case where Members of the House of Representatives or Senators comprising not less than one-tenth of the total number of existing members of each House are of the opinion that a violation of the provisions of paragraph two has occurred, they shall

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

refer the opinion to the Constitutional Court for decision, and the Constitutional Court shall complete the decision within fifteen days as from the date of receipt of such opinion. In the case where the Constitutional Court decides that a violation of the provisions of paragraph two has occurred, such proposal, submission of motion, or commission of the act shall be ineffective. If the person who commits such violation is a Member of the House of Representatives or a Senator, his or her membership shall be terminated as from the date the Constitutional Court renders the decision. The right of such person to stand for election shall also be revoked. In the case where the Council of Ministers commits or approves the commission of such action, or is aware of the action but fails to order its cessation, the Council of Ministers shall vacate office *en masse* as from the date the Constitutional Court renders the decision, and the right to stand for election of the ministers whose offices are vacated shall also be revoked unless he or she can prove that he or she was not present in the meeting at the time of passing the resolution. The person who commits the violation shall be liable for restitution with interest.

In regard to any State official who operates a project or authorises or allocates budget with the knowledge that a violation of the provisions of paragraph one or paragraph two is committed, if he or she has recorded his or her objection in writing or has informed the National Anti-Corruption Commission in writing, he or she shall be exempted from any liability.

A claim for restitution under paragraph three and paragraph four may be made within twenty years as from the date the budget is allocated.

In the case where the National Anti-Corruption Commission is informed according to paragraph four, it shall forthwith conduct a secret investigation. If it is of the opinion that there is a *prima facie* case, an opinion shall be submitted to the Constitutional Court for further proceedings under paragraph three. In any case whatsoever, the National Anti-Corruption Commission, the Constitutional Court or any other person shall not disclose information about the informant.

Section 145. The Prime Minister shall hold a bill already approved by the National Assembly for five days as from the date of its receipt from the National Assembly. If there is no need for proceedings under section 148, the Prime Minister shall present the bill to the King within twenty days as from the date such period lapses.

Section 146. If the King refuses His assent to a bill and either returns it to the National Assembly or does not return it within ninety days, the National Assembly must re-deliberate such bill. If the National Assembly resolves to reaffirm the bill with the votes of

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

not less than two-thirds of the total number of existing members of both Houses, the Prime Minister shall present such bill to the King for signature once again. If the King does not sign and return the bill within thirty days, the Prime Minister shall cause the bill to be promulgated as an Act in the Government Gazette as if the King had signed it.

Section 147. In the case where the term of the House of Representatives expires or the House of Representatives is dissolved, the draft Constitution Amendments or bills which have not yet been approved by the National Assembly or which have been approved by the National Assembly but the King has refused His assent or have not returned within ninety days, shall lapse.

With regard to all draft Constitution Amendments or bills which have not yet been approved by the National Assembly and lapsed under paragraph one, if the Council of Ministers which is newly appointed after the general election makes a request to the National Assembly for the National Assembly, the House of Representatives or the Senate, as the case may be, to further consider such amendments or bills, and the National Assembly so agrees, the National Assembly, the House of Representatives or the Senate, as the case may be, shall further consider such amendments or bills, provided that the Council of Ministers makes such requests within sixty days as from the date of convocation of the first sitting of the National Assembly after the general election.

Section 148. Before the Prime Minister presents any bill to the King for signature under section 81,

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

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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

During the consideration of the Constitutional Court, the Prime Minister shall not present the bill to the King for signature.

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

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with the Constitution otherwise than in the case specified in paragraph three, such conflicting or inconsistent provisions shall lapse and the Prime Minister shall take further proceedings under section 81.

Section 149. The provisions of section 148 shall apply *mutatis mutandis* to draft rules of procedure of the House of Representatives, draft rules of procedure of the Senate and draft rules of procedure of the National Assembly which have already been approved by the House of Representatives, the Senate or the National Assembly, as the case may be, before their publication in the Government Gazette.

Section 150. Every Member of the House of Representatives or Senator has the right to interpellate verbally or in writing a Minister on any matter within the scope of his or her authority in accordance with the rules of procedure of that House which shall at least stipulate to allow verbal interpellation without prior notice.

The Minister has the right to refuse to answer an interpellation if the Council of Ministers is of the opinion that the matter should not yet be disclosed on the ground of safety or vital interest of the State.

Section 151. Members of the House of Representatives comprising not less than one-fifth of the total number of the existing Members of the House have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister or the Council of Ministers *en masse*.

When the motion under paragraph one has been submitted, the dissolution of the House of Representatives shall not be permitted, except where the motion is withdrawn or the resolution is passed without being supported by votes in accordance with paragraph four.

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

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.

or no-confidence. Voting in such case shall not take place on the same date as of the conclusion of the debate.

The vote of no-confidence must be adopted by more than one-half of the total number of the existing Members of the House of Representatives.

The Minister who has vacated the previous office but remains in other office after the date the Members of the House of Representatives submit the motion under paragraph one or who has vacated the previous office for not more than ninety days prior to the date of such submission of the motion but remains in other office, shall still be subject to the debate for the purpose of passing a vote of no-confidence.

Section 152. Members of the House of Representatives comprising not less than one-tenth of the total number of the existing Members of the House of Representatives have the right to submit a motion for a general debate to inquire about facts or recommend issues without a resolution to be passed.

Section 153. Senators comprising not less than one-third of the total number of the existing Members of the Senate have the right to submit a motion for a general debate in the Senate for the purpose of requesting the Council of Ministers to give statements of fact or explain important problems in connection with the administration of the State affairs without a resolution to be passed.

Section 154. The submission of a motion for a general debate under section 151, section 152 or section 153, as the case may be, may be made once a year.

The provision of paragraph one shall not apply to the general debate under section 151 which is concluded with a resolution to pass over the agenda of the general debate.

Section 155. In the case where there is an important issue concerned with the security, safety or economy of the country in regards to which there should be a joint consultation between the National Assembly and the Council of Ministers, the Leader of the Opposition in the House of Representatives may give a notice to the President of the National Assembly requesting that a general debate be held at a sitting of the National Assembly. In such case, the President of the National Assembly must hold the sitting within fifteen days as from the date the notice is received but no resolution shall be passed by the National Assembly on the issue put in the debate.

Disclaimer: This translation has been prepared by Legal Opinion and Translation Section, Foreign Law Division under the legal duty of the Office of the Council of State for information purpose only. The original Thai text as formally adopted and published shall in all events be the sole authoritative text having legal force. The Office of the Council of State shall assume no responsibility for any liabilities arising from the use and/or reference of this text.