

The sitting under paragraph one shall be *in camera* and it shall be the duty of the Council of Ministers to attend such sitting.

**Part 5**  
**Joint Sitzings of the National Assembly**

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**Section 156.** The National Assembly shall hold a joint sitting in the following cases:

- (1) the approval of the appointment of the Regent under section 17;
- (2) the making of a solemn declaration by the Regent before the National Assembly under section 19;
- (3) the acknowledgement of an amendment to the Palace Law on Succession, B.E. 2467 (1924) under section 20;
- (4) the acknowledgement or approval of the succession to the Throne under section 21;
- (5) the approval of the prorogation of a session under section 121;
- (6) the opening of the session of the National Assembly under section 122;
- (7) the consideration of an organic law bill under section 132;
- (8) the reconsideration of an organic law bill or a bill under section 146;
- (9) the consideration for approval under section 147;
- (10) the holding of a general debate under section 155 and section 165;
- (11) the making of the rules of procedure of the National Assembly under section 157;
- (12) the announcement of policies under section 162;
- (13) the approval of the declaration of war under section 177;
- (14) the hearing and approval of a treaty under section 178;
- (15) the amendment to the Constitution under section 256;
- (16) other cases as provided in the Constitution.

**Section 157.** At a joint sitting of the National Assembly, the rules of procedure of the National Assembly shall apply. While the rules of procedure of the National Assembly have not yet been issued, the rules of procedure of the House of Representatives shall apply *mutatis mutandis* for the time being.

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

## CHAPTER VIII THE COUNCIL OF MINISTERS

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**Section 158.** The King appoints the Prime Minister and not more than thirty-five other Ministers to constitute the Council of Ministers having the duties to carry out the administration of the State affairs in accordance with the principle of collective responsibility.

The Prime Minister must be appointed from a person who is approved by the House of Representatives under section 159.

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

The Prime Minister shall not hold office for more than eight years in total, whether or not holding consecutive term. However, it shall not include the period during which the Prime Minister carries out duties after vacating office.

**Section 159.** The House of Representatives shall complete its consideration for approval of the person suitable to be appointed as Prime Minister from a person who has the qualifications and is not under any of the prohibitions under section 160, and is a person listed by a political party under section 88, only with respect to the list of names of political parties whose members have been elected as Members of the House of Representatives constituting not less than five per cent of the total number of existing Members of the House of Representatives.

The nomination under paragraph one shall be endorsed by members comprising not less than one-tenth of the total number of the existing Members of the House of Representatives.

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

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**Section 160.** A Minister must:

- (1) be of Thai nationality by birth;
- (2) be not less than thirty-five years of age;
- (3) have graduated with not lower than a Bachelor's degree or its equivalent;
- (4) be of evident integrity;
- (5) not have behaviour which is a serious violation of or failure to comply with ethical standards;
- (6) not be under any of the prohibitions under section 98
- (7) not be a person sentenced by a judgment to imprisonment, irrespective of the finality of the case or a suspension of the punishment, except for an offence committed through negligence, a petty offence or a defamation offence;
- (8) not be a person whose office has been vacated on the grounds of committing any prohibited act under section 186 or section 187, for a period of less than two years up to the date of appointment.

**Section 161.** Before taking office, a Minister must make a solemn declaration before the King in the following words:

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

In the case where the King has commanded the Council of Ministers to perform duties before making a solemn declaration, such Council of Ministers may proceed in accordance with section 162 paragraph two. In this case, the Council of Ministers under section 168 (1) shall be discharged from the performance of duties from the date of such command.

**Section 162.** The Council of Ministers which will assume the administration of the State affairs must, within fifteen days as from the date it takes office, states its policies to the National Assembly, which must be consistent with the duties of the State, directive principles of State policies and National Strategy, and declares the sources of incomes which will be expended in the implementation of the policies, with respect to which no vote of confidence shall be passed.

Before stating policies to the National Assembly under paragraph one, if there occurs a case of importance and necessary urgency which, if left delayed, will affect vital

interests of the State, the Council of Ministers which has taken office may, for the time being, perform such acts in so far as it is necessary.

**Section 163.** A Minister has the right to attend and give statements of fact or opinions at a sitting of the House but has no right to vote, except in the case of voting in the House of Representatives where such Minister is also a Member of the House of Representatives. The privileges provided in section 124 shall apply *mutatis mutandis*.

**Section 164.** The Council of Ministers shall administer State affairs in accordance with the provisions of the Constitution, laws and the policies stated to the National Assembly, and shall also act in accordance with the following rules:

(1) to perform duties and exercise powers with honesty, in good faith, with dedication, openness and thoroughness and cautiousness in carrying out various acts for the greatest benefit of the country and the public in common;

(2) to strictly observe disciplines of the activities pertaining to State funds under the law on financial and fiscal disciplines of the State;

(3) to uphold and comply with good public governance principles;

(4) to encourage all sectors of society to co-exist with fairness, happiness, unity and solidarity;

Ministers shall be individually responsible to the House of Representatives for matters under their duties and powers, and shall also be collectively responsible to the National Assembly for the determination of policies and implementation of policies of the Council of Ministers

**Section 165.** In the case where there is an important problem in the administration of the State affairs in regard to which the Council of Ministers deems it advisable to take the opinions of Members of the House of Representatives and Senators, the Prime Minister may submit a notice to the President of the National Assembly requesting that a general debate be held at a joint sitting of the National Assembly. In such case, no resolution shall be passed by the National Assembly on the issue put in the debate.

**Section 166.** In the case where there are reasonable grounds, the Council of Ministers may call for a referendum on any matter which is not an issue contrary to or inconsistent with the Constitution or an issue relating to any individual or group of persons as provided by law.

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**Section 167.** Ministers vacate office *en masse* upon:

- (1) the termination of ministership of the Prime Minister under section 170;
- (2) the expiration of the term or the dissolution of the House of Representatives;
- (3) the resignation of the Council of Ministers;
- (4) the vacation of office on the grounds of section 144

When Ministers vacate office *en masse* under (1), (3) or (4), proceedings for a new Council of Ministers under section 158 and section 159 shall be taken.

**Section 168.** The outgoing Council of Ministers shall continue to perform duties subject to the following conditions:

(1) in the case of the vacation of office under section 167 (1), (2) or (3), the outgoing Council of Ministers shall continue to perform duties until the newly appointed Council of Ministers takes office, except in the case where the Prime Minister vacates office under section 167 (1) on the grounds of being disqualified or being under any of the prohibitions under section 98 or section 160 (4) or (5), the Prime Minister shall not continue to perform duties;

(2) in the case of the vacation of office under section 167 (4), the outgoing Council of Ministers shall not continue to perform duties.

In the case where the Council of Ministers cannot continue to perform duties under (2) or the Council of Ministers continuing to perform duties resigns *en masse*, and the proceedings under section 158 and section 159 cannot be taken due to any reason or the proceedings under section 158 and section 159 have not been completed, the Permanent Secretaries shall perform duties as the Ministers of such Ministries only in so far as it is necessary for the time being, and the Permanent Secretaries shall elect one person among themselves to perform duties as Prime Minister.

**Section 169.** The outgoing Council of Ministers under section 167 (2) having to continue to perform duties under section 168 shall perform duties subject to the following conditions:

(1) refraining from acts which result in giving approval to works or projects or which creates an obligation on the subsequent Council of Ministers, except as already determined in the annual appropriation;

(2) refraining from the appointment or transfer of government officials holding permanent positions or receiving permanent salaries, or officials of State agency, State

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enterprise, or undertaking in which the State is a major shareholder, or discharging such person from the performance of duties or removal of such person from office, or instructing another person to perform duties in lieu of such person, except by prior approval of the Election Commission;

(3) refraining from acts which result in giving approval to the expenditure of budget reserved for an emergency or exigency, except by prior approval of the Election Commission;

(4) refraining from the utilisation of State resources or State personnel for performing acts which may have an effect on an election, and refraining from the violation of any prohibitions under the rules prescribed by the Election Commission.

**Section 170.** The ministership of an individual Minister terminates upon:

- (1) death;
- (2) resignation;
- (3) the passing of a vote of no-confidence by the House of Representatives;
- (4) being disqualified or being under any of the prohibitions under section 160;
- (5) having done an act prohibited by section 186 or section 187;
- (6) the issuance of a Royal Command to remove a Minister from office under section 171;

Apart from the grounds for termination of ministership of an individual Minister under paragraph one, the ministership of the Prime Minister also terminates upon the lapse of the period of time under section 158 paragraph four.

The provisions of section 82 shall apply *mutatis mutandis* to the termination of ministership under (2), (4) or (5) or paragraph two. For this purpose, the Election Commission shall also have the power to refer the matter to the Constitutional Court for decision.

**Section 171.** The King has the Royal Prerogative to remove a Minister from his or her office upon the advice of the Prime Minister.

**Section 172.** For the purpose of maintaining national or public safety or national economic security, or averting public calamity, the King may issue an Emergency Decree which shall have force as an Act.

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

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

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

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

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

The consideration of an Emergency Decree by the House of Representatives and the Senate and reaffirmation of an approval of an Emergency Decree must take place at the first opportunity in the sittings of the respective Houses.

**Section 173.** Before the House of Representatives or the Senate approves any Emergency Decree, Members of the House of Representatives or Senators comprising not less than one-fifth of the total number of the existing members of each House have the right to submit an opinion to the President of the House of which they are members that the Emergency Decree is not in accordance with section 172 paragraph one, and the President of such House shall, within three days as from the date of receipt of such opinion, refer it to the Constitutional Court for decision. The consideration of such Emergency Decree shall be deferred until the decision of the Constitutional Court has been notified.

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The Constitutional Court shall have the decision within sixty days as from the date of receipt of such matter, and the Constitutional Court shall notify such decision to the President of the House referring such opinion.

In the case where the Constitutional Court decides that any Emergency Decree is not in accordance with section 172 paragraph one, such Emergency Decree shall not have the force of law *ab initio*.

The decision of the Constitutional Court that any Emergency Decree is not in accordance with section 172 paragraph one, must be made by the votes of not less than two-thirds of the total number of the existing members of judges of the Constitutional Court.

**Section 174.** In the case where it is necessary to have a law on taxes, duties or currency, which, in the interests of the State, requires urgent and confidential consideration, the King may issue an Emergency Decree which shall have force as an Act.

The provisions of section 172 paragraph three, paragraph four, paragraph five, paragraph six and paragraph seven shall apply *mutatis mutandis* to an Emergency Decree issued in accordance with the provisions of paragraph one. However, if the Emergency Decree is issued during a session, it shall be submitted to the House of Representatives within three days as from the day following the date of its publication in the Government Gazette.

**Section 175.** The King has the Royal Prerogative to issue a Royal Decree which is not contrary to the law.

**Section 176.** The King has the Royal Prerogative to declare and lift martial law. In the case where it is necessary to declare martial law in a certain locality as a matter of urgency, the military authority may do so under the law on martial law.

**Section 177.** The King has the Royal Prerogative to declare war with the approval of the National Assembly.

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

**Section 178.** The King has the Royal Prerogative to conclude a peace treaty, armistice, and other treaties with other countries or international organisations.

Any treaty which provides for a change in Thai territories or external territories over which Thailand has sovereign right or jurisdiction under a treaty or international law, or

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which requires the enactment of an Act for implementation, and other treaties which may have wide scale effects on the security of economy, society, or trade or investment of the country must be approved by the National Assembly. In this regard, the National Assembly shall complete its consideration within sixty days as from the date of receipt of such matter. If the National Assembly does not complete the consideration within such period of time, it shall be deemed that the National Assembly has given approval.

Other treaties which may have wide scale effects on the security of economy, society, or trade or investment of the country under paragraph two are treaties pertaining to free trade, common customs union, or the authorization of natural resources utilisation, or which cause the country to lose rights over natural resources, in whole or in part, or on any other treaties provided by law.

There shall also be a law prescribing procedures for the public to participate in the expression of opinions and to obtain necessary remedy from the effects of conclusion of a treaty under paragraph three.

Where a question arises as to whether any treaty constitutes a case under paragraph two or paragraph three, the Council of Ministers may request the Constitutional Court to render a decision thereon. The Constitutional Court shall complete its decision within thirty days as from the date of receipt of such request.

**Section 179.** The King has the Royal Prerogative to grant a pardon.

**Section 180.** The King appoints and removes officials in the military service and civil service who hold the positions of Permanent Secretary, Director-General and their equivalents, except in the case of vacation of office upon death, retirement or removal from government service due to a punishment.

**Section 181.** A government official and a State official holding a permanent position or receiving a permanent salary and not being a political official shall not be a political official or hold other political positions.

**Section 182.** All laws, Royal Rescripts and Royal Commands relating to the State affairs must be countersigned by a Minister unless otherwise provided in the Constitution.

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**Section 183.** Emoluments and other remuneration of Privy Councillors, President and Vice-Presidents of the House of Representatives, President and Vice-Presidents of the Senate, Leader of the Opposition in the House of Representatives, Members of the House of Representatives and Senators shall be prescribed by Royal Decree.

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

## CHAPTER IX CONFLICT OF INTEREST

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**Section 184.** A Member of the House of Representatives and Senator shall not:

(1) hold any position or have any duty in a government agency, State agency or State enterprise, or hold a position of a member of a local assembly or a local administrator;

(2) receive or interfere or intervene in the acquisition of any concession from the State, a government agency, State agency or State enterprise, or become a party to a contract of the nature of monopoly or exclusivity with the State, a government agency, State agency or State enterprise, or become a partner or shareholder in a partnership or company receiving such concession or becoming a party to a contract of such nature, whether directly or indirectly;

(3) receive any special money or benefit from a government agency, State agency or State enterprise apart from that given by the government agency, State agency or State enterprise to other persons in the ordinary course of business;

(4) directly or indirectly perform any act which amounts to a wrongful obstruction of or interference with the exercise of rights or liberties of newspapers or mass media.

This section shall not apply in the case where a Member of the House of Representatives or a Senator receives military pensions, gratuities, pensions, annuities for royalty or any other form of payment of the same nature, and shall not apply in the case where a Member of the House of Representatives or a Senator accepts or holds a position of a committee Member of the National Assembly, the House of Representatives or the Senate, or a committee member appointed in the course of the administration of State affairs related to parliamentary affairs, or a committee member specifically provided by law.

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The provisions in (2) and (3) shall apply to spouses and children of Members of the House of Representatives or Senators and also to persons other than spouses and children of such members of the House of Representatives or Senators who act as agents or partners of, or who are entrusted by Members of the House of Representatives or Senators to act under this section.

**Section 185.** A Member of the House of Representatives and a Senator shall not, through the status or position of Member of the House of Representatives or Senator, carry out any act which, by nature, amounts to an intervention of or interference with the following matters, whether directly or indirectly, for his or her own benefit, the benefit of another person or of a political party:

(1) the performance of official functions or carrying out of work within the usual duties of a government official, official or employee of a government agency, State agency, State enterprise, an enterprise in which the State is a major shareholder or a local government organisation;

(2) the carrying out of an act which, by nature, enables him or her to participate in the spending of budget or granting of approval of any project of a State agency, except an act within the affairs of the National Assembly;

(3) the recruitment, appointment, transfer, reshuffle, promotion, salary increase, or removal from office of a government official who holds a permanent position or receives salary and is not a political official, an official or employee of a government agency, State agency, State enterprise, an enterprise in which the State is a major shareholder or local government organisation.

**Section 186.** The provisions in section 184 shall also apply to Ministers *mutatis mutandis*, except for the following cases:

(1) holding positions or carrying out acts provided by the law to be the duties or powers of the Minister;

(2) carrying out acts pursuant to the duties and powers in the administration of State affairs, or pursuant to the policies stated to the National Assembly, or as provided by law.

Apart from the cases under paragraph one, a Minister shall not, through his or her status or position, carry out any act, whether directly or indirectly, which amounts to a wrongful intervention of or interference with the performance of duties of a State official for

his or her own benefit, the benefit of another person or of a political party, as stipulated in the ethical standards.

**Section 187.** A Minister shall neither be a partner or shareholder of a partnership or a company, nor retain partner or shareholder status of a partnership or a company up to the limit as provided by law, and shall not be an employee of any person.

In the case where any Minister intends to continue to receive benefits in the cases under paragraph one, such Minister shall inform the President of the National Anti-Corruption Commission within thirty days from the date of the appointment, and shall transfer his or her shares in such partnership or company to a juristic person which manages assets for the benefit of other persons, as provided by law.

The Minister shall not be involved in the administration or management of shares or affairs of the partnership or company under paragraph two in any way.

The part of this section which relates to partner or shareholder status shall also apply to the spouse and children of a Minister who have not yet become *sui juris*, and to the holding of shares of a Minister which are in possession or under supervision of another person in any way.

## CHAPTER X THE COURTS

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### Part 1 General Provisions

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**Section 188.** The trial and adjudication of cases are the powers of the Courts which must be carried out in accordance with the laws and in the name of the King.

Judges and justices are independent in trial and adjudication of cases, in accordance with the Constitution and laws in the swift and fair manner, and without any partiality.

**Section 189.** All Courts may be established only by Acts.

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Any establishment of a new Court or prescription of a procedure for the trial and adjudication of any particular case, or a case of any particular charge in place of a Court existing under the law for trying such case shall not be done.

**Section 190.** The King appoints and removes judges and justices. In the case where an office is vacated due to death, retirement, expiration of term, or being removed from office, the matter shall be reported to the King for information.

**Section 191.** Before taking office, a judge and justice shall make a solemn declaration before the King in the following words:

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

**Section 192.** In the case of a dispute on the competent jurisdictions between the Court of Justice, the Administrative Court, or the Military Court, a ruling shall be made by a committee consisting of the President of the Supreme Court as Chairperson, the President of the Supreme Administrative Court, the Chief of Military Judicial Office and not more than four qualified persons as provided by law as members.

The rules and procedures for ruling on a dispute on the competent jurisdictions between the Courts under paragraph one shall be as provided by law.

**Section 193.** Each Court shall, except the Military Court, have a secretariat which is independent in personnel administration, budget and other activities, with the Head of the Office as the superior official directly responsible to the President of each Court, as provided by law.

The Court of Justice and the Administrative Court shall have its particular and appropriate salaries and remuneration system as provided by law.

**Part 2**  
**Courts of Justice**

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**Section 194.** The Courts of Justice have the powers to try and adjudicate all cases except those specified, by the Constitution or the law, to be within the jurisdiction of other Courts.

The establishment, procedures, and operations of the Courts of Justice shall be in accordance with the law thereon.

**Section 195.** There shall be a Criminal Division for Persons Holding Political Positions in the Supreme Court, the panel of which shall consist of at least five but not more than nine judges in the Supreme Court holding a position not lower than Justice of the Supreme Court or senior judges having held a position not lower than Justice of the Supreme Court who are elected, on a case-by-case basis, at a plenary meeting of the Supreme Court, in accordance with the Organic Act on Criminal Procedure for Persons Holding Political Positions.

The Supreme Court's Criminal Division for Persons Holding Political Positions has the powers to try and adjudicates all cases as provided by the Constitution.

The criminal procedure for persons holding political positions shall be in accordance with the Organic Act on Criminal Procedure for Persons Holding Political Positions.

An appeal against a judgment of the Supreme Court's Criminal Division for Persons Holding Political Positions may be submitted to the plenary meeting of the Supreme Court within thirty days as from the date of judgment of the Supreme Court's Criminal Division for Persons Holding Political Positions.

The consideration of an appeal of the plenary meeting of Supreme Court under paragraph four, shall be undertaken by a panel of judges of the Supreme Court consisting of nine judges of the Supreme Court holding a position not lower than the Presiding Justice of the Supreme Court or senior judges having held a position not lower than the Presiding Justice of the Supreme Court who have never considered the case, and have been selected at the plenary meeting of the Supreme Court on a case-by-case basis, and when such panel of judges has made a decision, this decision shall be deemed as appellate decision of the plenary meeting of the Supreme Court.

In the case where the Supreme Court's Criminal Division for Persons Holding Political Positions has delivered a judgment to remove any person from office or such

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judgment has the effect of removing any person from office, regardless of whether or not there is an appeal under paragraph four, such person shall vacate office as from the date of the judgment of Supreme Court's Criminal Division for Persons Holding Political Positions.

Rules and procedures on appeal under paragraph four, and consideration of appeal under paragraph five, shall be in accordance with the Organic Act on Criminal Procedure for Persons Holding Political Positions.

**Section 196.** Personnel administration relating to judges of the Courts of Justice shall be independent, and shall be undertaken by the Judicial Commission of the Courts of Justice consisting of the President of the Supreme Court as Chairperson, and qualified members who are judicial officers of each level of the Court, and not more than two qualified persons who are not or have never been a judicial officer selected by judicial officer, as provided by law.

### Part 3 Administrative Courts

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**Section 197.** Administrative Courts have the powers to try and adjudicate administrative cases arising from the exercise of administrative power provided by law or from the carrying out of an administrative act, as provided by law.

There shall be a Supreme Administrative Court and Administrative Courts of First Instance.

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

The establishment, procedures, and operations of the Administrative Courts shall be in accordance with the law thereon.

**Section 198.** Personnel administration relating to judges of Administrative Courts shall be independent, and shall be undertaken by the Judicial Commission of the Administrative Courts consisting of the President of the Supreme Administrative Court as Chairperson, and qualified members, who are judges of the Administrative Courts, and not more than two qualified persons who are not or have never been judges of Administrative Courts elected by judicial officers of the Administrative Courts, as provided by law.

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**Part 4**  
**Military Courts**

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**Section 199.** Military Courts have the powers to try and adjudicate cases involving offenders who are subject to the jurisdiction of the Military Courts and other cases, as provided by law.

The establishment, procedures, and operations of the Military Courts as well as the appointment and removal of judges of Military Courts shall be as provided by law.

**CHAPTER XI**  
**CONSTITUTIONAL COURT**

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**Section 200.** The Constitutional Court consists of nine judges of the Constitutional Court appointed by the King from the following persons:

(1) three judges in the Supreme Court holding a position not lower than Presiding Justice of the Supreme Court for not less than three years elected by a plenary meeting of the Supreme Court;

(2) two judges of the Supreme Administrative Court holding a position not lower than judge of the Supreme Administrative Court for not less than five years elected by a plenary meeting of the Supreme Administrative Court;

(3) one qualified person in law obtained by selection from persons holding or having held a position of Professor of a university in Thailand for not less than five years, and currently having renowned academic work;

(4) one qualified person in political science or public administration obtained by selection from persons holding or having held a position of Professor of a university in Thailand for not less than five years, and currently having renowned academic work;

(5) two qualified persons obtained by selection from persons holding or having held a position not lower than Director-General or a position equivalent to a head of government agency, or a position not lower than Deputy Attorney-General, for not less than five years.

In the case where the Presiding Justice of the Supreme Court cannot be selected under (1), the plenary meeting of the Supreme Court may select a person from those

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who have held a position not lower than Judge in the Supreme Court for not less than three years.

The period under paragraph one shall be counted to the date of election or the date of application for selection, as the case may be. In a case of unavoidable necessity, the Selection Committee may announce a decrease of the period of time under paragraph one or paragraph two, but the decrease shall not result in a period of less than two years.

**Section 201.** A judge of the Constitutional Court shall also possess the qualifications as follows:

- (1) being of Thai nationality by birth;
- (2) being not less than forty-five years and not reaching sixty-eight years of age as from the date of election or the date of application for selection;
- (3) having graduated with not lower than a Bachelor's degree or its equivalent;
- (4) being of evident integrity;
- (5) being sufficiently in good health to perform duties efficiently.

**Section 202.** A judge of the Constitutional Court shall not be under any of the prohibitions as follows:

- (1) being or having been a judge of the Constitutional Court or holding a position in any Independent Organ;
- (2) any of the prohibitions under section 98 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (17) or (18);
- (3) having been sentenced by a final judgment to imprisonment, except for the case of an offence committed through negligence or a petty offence;
- (4) being or having been a Member of the House of Representatives, a Senator, a political official, or a member of a local assembly or local administrator at any time during the period of ten years before election or application for selection;
- (5) being or having been a member or holder of other position in a political party at any time during the period of ten years before election or application for selection;
- (6) being a government official holding a permanent position or receiving salary;
- (7) being an official or employee of a State agency, State enterprise or local government organisation or a director or adviser of a State agency or State enterprise;

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(8) holding any position in a partnership, a company or an organisation carrying out business with a view to making and sharing profit or income, or being an employee of any person;

(9) engaging in an independent profession;

(10) being involved in circumstances which constitute a serious violation or failure to comply with ethical standards.

**Section 203.** In the case where a person suitable for appointment as a judge of the Constitutional Court must be selected, it shall be the duty and power of the Selection Committee which shall consists of:

(1) President of the Supreme Court as Chairperson;

(2) President of the House of Representatives and Leader of the Opposition in the House of Representatives as members;

(3) President of the Supreme Administrative Court as member;

(4) persons appointed by the Independent Organs, from persons who have the qualifications under section 201, are not under any of the prohibitions under section 202, and have never performed any duty in the Constitutional Court or Independent organs comprising one person from each organ, as members.

In the case where there is no person holding a position of member of selection committee under (2) or the number of members under (4) is incomplete by any cause, the selection committee shall consist of its remaining members.

The Secretariat of the Senate shall perform duties as the administrative unit of the selection committee.

The Selection Committee shall carry out the selection of persons who are suitable for appointment as judges of the Constitutional Court according to rules, procedures and conditions prescribed in the Organic Act on the Procedures of the Constitutional Court.

In case where there is a question pertaining to the qualifications of an applicant, a person who has been elected or selected, it shall be the duty and power of the Selection Committee to consider the matter, and its decision shall be final.

In the selection process, the Selection Committee shall deliberate with a view to selecting a person having high responsibility, courage in performing duties, and ethical behaviour that can be a good role model of the society. In addition to the process of announcement for application for the position, the Selection Committee may select persons who are generally suitable, provided that consent from such person must be obtained.

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**Section 204.** A person who is elected or selected to hold the position of judge of the Constitutional Court must obtain the approval of the Senate with the votes of not less than one-half of the total number of the existing members of the Senate.

In the case where the Senate disapproves any selected or elected person, a new person shall be selected or elected and thereafter submitted to the Senate for approval.

After the selected or elected persons are approved by the Senate, they shall elect one amongst themselves to be the President of the Constitutional Court and inform the result to the President of the Senate.

The President of the Senate shall report to the King for appointment of the President and judges of the Constitutional Court and countersign the Royal Command.

**Section 205.** A person approved by the Senate to be a judge of the Constitutional Court who has not yet vacated office under section 202 (6), (7) or (8) or is still engaged in a profession under (9), shall present evidence of resignation or termination from engaging in such profession under section 202 (6), (7), (8) or (9) to the President of the Senate within the period as provided by the President of the Senate, which shall be the period before the President of the Senate reports to the King under section 204 paragraph four. In case of failure to present evidence within such period, it shall be deemed that such person has waived his or her rights and a new person shall be selected or elected.

**Section 206.** In considering an approval under section 204, if the number of persons approved by the Senate is not fewer than seven persons, the approved persons shall elect one amongst themselves to be the President of the Constitutional Court and inform the President of the Senate of the result without awaiting the complete number of nine approved persons, and upon receiving Royal appointments, the Constitutional Court shall perform its duty and power for the time being. During that period, the Constitutional Court shall be deemed to consist of number of the existing judges of the Constitutional Court.

**Section 207.** A judge of the Constitutional Court shall hold office for a term of seven years as from the date of appointment by the King and shall hold office for only one term.

**Section 208.** In addition to the vacation of office upon the expiration of term, a judge of the Constitutional Court vacates office upon:

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(1) being disqualified under section 201 or being under any of the prohibitions under section 202;

(2) death;

(3) resignation;

(4) being seventy-five years of age;

(5) a resolution of the Constitutional Court by the votes of not less than three-fourths of the total number of the existing judges of the Constitutional Court to remove such person from office on the ground of violation or failure to comply with ethical standards of the Constitutional Court;

(6) removal from office due to a cause under section 235 paragraph three.

The President of the Constitutional Court who resigns shall also vacate the office of judge of Constitutional Court.

In the case where a judge of the Constitutional Court vacates office at the expiration of term, such judge of the Constitutional Court who vacates office shall remain in office to perform duties until a newly appointed judge of the Constitutional Court takes office.

In case where there is a question as to whether a judge of the Constitutional Court has vacated office under (1) or (3), it shall be duty and power of the Selection Committee under section 203 to make a decision. A decision of the Selection Committee shall be final.

A petition, petitioner, consideration, and decision under paragraph four shall be in accordance with rules and procedures prescribed in the Organic Act on the Procedures of the Constitutional Court.

**Section 209.** In the period during which a judge of the Constitutional Court has vacated office before the expiration of the term, and a judge of the Constitutional Court has not yet been appointed to fill the vacancy, the remaining judges of the Constitutional Court may continue to perform duties.

The provisions under paragraph one shall not apply when the remaining number of judges of the Constitutional Court is fewer than seven persons.

**Section 210.** The Constitutional Court has duties and powers as follows:

(1) to consider and adjudicate on the constitutionality of a law or bill;

(2) to consider and adjudicate on a question regarding duties and powers of the House of Representative, the Senate, the National Assembly, the Council of Ministers or Independent Organs;

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(3) others duties and powers prescribed in the Constitution.

The submission of a petition and the conditions for submitting a petition, the consideration and adjudication, the rendering of a decision, and the operation of the Court, except as prescribed by the Constitution, shall be in accordance with the Organic Act on the Procedures of the Constitutional Court.

The provisions of section 188, section 190, section 191, and section 193 shall also apply to the Constitutional Court *mutatis mutandis*.

**Section 211.** A panel of judges of the Constitutional Court for hearing and rendering a decision shall consist of not fewer than seven judges.

A decision of the Constitutional Court shall be made by a majority of votes, unless otherwise prescribed by the Constitution.

In the case where the Constitutional Court accepts any case for consideration, any judge of the Constitutional Court may not refuse to adjudicate on the ground that the case does not fall under the jurisdiction of the Constitutional Court.

The decision of the Constitutional Court shall be final and binding on the National Assembly, the Council of Ministers, Courts, Independent Organs, and State agencies.

**Section 212.** In the application of a provision of law to any case, if a court by itself is of the opinion that, or a party to the case raises an objection with reasons that, such provision of law falls within the provisions of section 5 and there has not yet been a decision of the Constitutional Court pertaining to such provision, the court shall submit its opinion to the Constitutional Court for decision. During that time, the Court shall proceed with the trial, but shall temporarily stay its decision until a decision is made by the Constitutional Court.

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

The decision of the Constitutional Court shall apply to all cases, but shall not affect final judgments of the Court, except in a criminal case where it shall be deemed that a person who has been convicted of a crime under a provision of law decided by the Constitutional Court as being unconstitutional under section 5 has never committed such offence, or where such person is still serving the sentence, he or she shall be released. However, this does not entitle such a person to claim for any compensation or damages.

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**Section 213.** A person whose rights or liberties guaranteed by the Constitution are violated, has the right to submit a petition to the Constitutional Court for a decision on whether such act is contrary to or inconsistent with the Constitution, according to the rules, procedures and conditions prescribed by the Organic Act on Procedures of the Constitutional Court.

**Section 214.** In the case where a judge of the Constitutional Court must cease performing duties according to section 235 paragraph three, and there are fewer than seven judges remaining, the President of the Supreme Court and the President of the Supreme Administrative Court shall jointly appoint persons who possess the same qualifications and are not under any of the same prohibitions applicable to judges of the Constitutional Court to temporarily perform duties as judges of the Constitutional Court to complete the seat of nine judges. The appointed person shall perform duties as a judge of the Constitutional Court until the judge of the Constitutional Court who has been provisionally replaced is able to perform duties, or until a new judge is appointed to fill the vacancy.

## CHAPTER XII INDEPENDENT ORGANS

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### Part 1 General Provisions

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**Section 215.** An Independent Organ is an organ established for the independent performance of duties in accordance with the Constitution and the laws.

The performance of duties and exercise of powers by an Independent Organ shall be honest, just, courageous, and without any partiality in exercising its discretion.

**Section 216.** In addition to the qualifications and the prohibitions specifically provided in the Part on each Independent Organ, a person holding a position in an Independent Organ shall have the general qualifications and not be under any of the general prohibitions as follows:

- (1) being not less than forty-five years but not more than seventy years of age;
- (2) having the qualifications under section 201 (1), (3), (4) and (5);

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(3) not being under any of the prohibitions under section 202.

**Section 217.** In the case whereas suitable person is to be selected for appointment to a position in an Independent Organ, with the exception of the National Human Rights Commission, it shall be the duties and powers of the selection committee under section 203 to undertake the selection; however, the members of the Selection Committee under section 203 (4) shall consist of persons appointed by the Constitutional Court and Independent Organs not being an Independent Organ requiring selection.

The provisions of section 203, section 204, section 205 and section 206 shall apply *mutatis mutandis* to the selection under paragraph one.

**Section 218.** In addition to the vacation of office upon the expiration of term, a person holding a position in an Independent Organ shall vacate office upon:

(1) death;

(2) resignation;

(3) lacking the general qualifications or being under any of the general prohibitions under section 216, or lacking the specific qualifications or being under any of the specific prohibitions under section 222, section 228, section 232, section 238 or section 246 paragraph two and under the laws enacted under section 246 paragraph four, as the case may be.

The provisions of section 208 paragraph two, paragraph three, paragraph four and paragraph five and section 209 shall apply *mutatis mutandis* to the vacation of office of a person holding a position in an Independent Organ.

In the case where a person holding a position in an Independent Organ has to cease performing duties under section 235 paragraph three, if the remaining members are less than one-half of total numbers, the provisions of section 214 shall apply *mutatis mutandis*.

**Section 219.** The Constitutional Court and Independent Organs shall jointly prescribe ethical standards applicable to the judges of the Constitutional Court and persons holding positions in the Independent Organs, including the Auditor-General and heads of the secretariat of the Constitutional Court and the Independent Organs, and the ethical standards shall come into force upon their publication in the Government Gazette. Such ethical standards shall include the upholding of honour and interests of the Nation, and shall also explicitly specify the type of violation or non-compliance of ethical standards which is of a serious nature.

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In preparing the ethical standards under paragraph one, opinions of the House of Representatives, the Senate, and the Council of Ministers shall also be taken into consideration. Upon their promulgation, they shall apply to Members of the House of Representatives, Senators and the Council of Ministers. However, this does not preclude the House of Representatives, the Senate or the Council of Ministers from prescribing additional ethics suitable to its performance of duties and not contrary to or inconsistent with the ethical standards under paragraph one, and shall be published in the Government Gazette.

**Section 220.** Each Independent Organ, except the State Audit Commission, shall have an agency in charge of its administrative work, operational work and facilitating work, in order for the Independent Organ to accomplish the missions and duties prescribed in the Constitution and laws and in accordance with the resolution or direction stipulated by the Independent Organ. There shall be one head of agency appointed by the approval of the respective Independent Organ who is in charge of the administration of work of such agency and is directly accountable to the Independent Organ, as prescribed by law.

**Section 221.** In performing duties, the Independent Organs shall extend mutual cooperation and assistance with a view to achieving the goals in performance of the duties of each respective organ. If any Independent Organ is of the opinion that there is a person who commits an unlawful act which falls in the scope of duties and powers of another Independent Organ, the former Independent Organ shall notify the latter Independent Organ to take further action in accordance with its duties and powers.

## Part 2 Election Commission

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**Section 222.** The Election Commission consists of seven commissioners appointed by the King upon the advice of the Senate from persons as follows:

- (1) five persons selected by the selection committee from persons who have knowledge and expertise in various academic fields that will be useful for administration and management of election in honest and just manner, and are of evident integrity;
- (2) two persons selected by the plenary meeting of the Supreme Court from persons who have knowledge, expertise and experience in the field of law, are of evident

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integrity, and had held a position not lower than Chief Justice or a position not lower than Director-General of a State Attorney Department for a period of not less than five years.

The person who will be selected as an Election Commissioner under (1) shall have qualifications under section 232 (2), (3), (4), (5), (6) or (7) or shall be a person who works or had worked in the civil society sector for a period of not less than twenty years, as prescribed by notification of the selection committee.

**Section 223.** The Election Commissioners shall hold office for a term of seven years as from the date of appointment by the King, and shall serve for only one term.

During the period in which an Election Commissioner vacates office prior to the expiration of the term and an Election Commissioner has not yet been appointed to fill the vacancy, the remaining Election Commission may continue to perform duties. However, if there are fewer than four Election Commissioners remaining, the Election Commission may carry out only an act which is necessary and unavoidable.

**Section 224.** The Election Commission shall have the duties and powers as follows:

(1) to hold or arrange for the holding of an election of Members of the House of Representatives, a selection of Senators, an election of members of the local assembly and local administrators and a referendum;

(2) to control and supervise elections and selections under (1) to proceed in an honest and just manner, and control and supervise the holding of a referendum to proceed in a lawful manner; for this purpose, it shall have the power to conduct an investigation or inquiry as necessary or as deemed appropriate;

(3) where the result of an investigation or inquiry under (2) indicates, or an act is found with reasonable grounds for suspicion that an election or selection under (1) has not proceeded in an honest or just manner, or a referendum has proceeded in an unlawful manner, it shall have the power to suspend, withhold, rectify or cancel the election or selection or referendum, and to order the holding of a new election, selection or referendum in certain polling stations or every polling station;

(4) to temporarily suspend the right to stand for election of a candidate for an election or selection under (1) for a period of not more than one year where there is evidence to reasonably believe that such person has committed or has connived at the act committed by other persons which is dishonest or which causes the election or selection to not proceed in an honest or just manner;

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(5) to supervise the operation of political parties to be in accordance with the law;

(6) other duties and powers under the Constitution or laws.

In conducting an investigation or inquiry under (2), the Election Commission may entrust an individual Election Commissioner with the execution thereof or entrust a group of persons with the execution thereof under the supervision of an Election Commissioner in accordance with the rules, procedures and conditions prescribed by the Election Commission.

Each Election Commissioner who witnesses a commission of an offence shall have the power to exercise the power under (3) in respect of the polling station or the constituency in which the commission of the offence is witnessed, in accordance with the rules, procedures and conditions prescribed by the Election Commission.

**Section 225.** Prior to the announcement of the result of an election or a selection, if there is evidence to reasonably believe that such election or selection has not proceeded in an honest or just manner, the Election Commission shall have the power to order a new election or selection to be held in such polling station or constituency. If the person who committed such act is a candidate for the election or selection, as the case may be, or such person connives at the act of other persons, the Election Commission shall temporarily suspend the right of such person to stand for an election in accordance with the section 224 (4).

The order under paragraph one shall be final.

**Section 226.** When proceedings under section 225 are undertaken, or after announcing the result of an election or selection, if there appears evidence to reasonably believe that a candidate of the election or selection has committed a dishonest act in the election or selection or has connived at such act of other persons, the Election Commission shall submit a petition to the Supreme Court for an order to revoke the right to stand for election or the right to vote of such person.

The consideration of the Supreme Court under paragraph one shall be based upon the file of the investigation or inquiry of the Election Commission, and in the interest of justice, the Court shall have the power to order an inquiry for additional facts or evidence.

In the case where the Supreme Court has rendered a judgment deciding that the person under paragraph one has committed an offence as petitioned, the Supreme Court shall order the revocation of the right to stand for election or the right to vote of such person for a period of ten years, in accordance with the Organic Act on the Election of Members of

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the House of Representatives, or the Organic Act on Installation of Senators, as the case may be.

When the Supreme Court has ordered to accept the petition for consideration, if the accused is a Member of the House of Representatives or a Senator, that person shall cease performing duties until the Supreme Court renders a judgment deciding that he or she has not committed an offence. Upon conviction by a judgment of the Supreme Court, membership of the House of Representatives or the Senate of such person shall terminate as from the date of cessation of performance of duties.

A Member of the House of Representatives or Senator who ceases performing duties under paragraph four shall not be included in the total number of existing members of the House of Representatives or the Senate, as the case may be.

This section shall also apply *mutatis mutandis* to an election of members of the local assembly or a local administrator. However, the power of the Supreme Court shall vest in the Court of Appeal, and the order or judgment of the Court of Appeal shall be final.

The trial and adjudication of the Supreme Court or the Court of Appeal under this section shall be in accordance with the rules of the plenary meeting of the Supreme Court, which shall adopt the inquisitorial system, and shall be done in an expeditious manner.

**Section 227.** During the period in which a Royal Decree calling an election of Members of the House of Representatives or a selection of Senators or a Notification calling for a referendum is in force, no Election Commissioner shall be arrested, detained or summoned by a warrant for inquiry, except where permission of the Election Commission is obtained or where the arrest is made *in flagrante delicto*.

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

**Part 3**  
**Ombudsmen**

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**Section 228.** There shall be three Ombudsmen appointed by the King upon the advice of the Senate from persons selected by the selection committee.

The selected persons must be persons with evident integrity and with knowledge and expertise, two of whom shall have experience related to the administration of State affairs in the position not lower than a Director-General or an equivalent head of government agency or a head of a State agency at least comparable to a department as prescribed by the selection committee, provided that they must hold such position for a period of not less than five years, and one of whom shall have experience in the operation of a public undertaking for a period of not less than twenty years.

**Section 229.** An Ombudsman shall hold office for a term of seven years as from the date of appointment by the King, and shall serve for only one term.

**Section 230.** The Ombudsmen have the duties and powers as follows:

(1) to recommend the relevant State agencies to revise any law, rule, regulations, rules or order or any operative procedure that causes grievance or unfairness or imposes an unnecessary or undue burden on the people;

(2) to conduct fact-finding when it is found that there is a person affected by grievance or unfairness arisen from non-compliance with the law or *ultra vires* acts of a State agency or State officials in order to recommend the relevant State agencies to eliminate or deter such grievance or unfairness;

(3) to submit to the Council of Ministers for acknowledgement that a State agency has not yet correctly and completely complied with Chapter V Duties of the State.

In the case where a relevant State agency has not implemented the recommendation of an Ombudsman under (1) or (2) without reasonable justification, the Ombudsman shall notify the Council of the Ministers to further consider the issuance of an order as deemed appropriate.

In proceeding under (1) or (2), if it is the case related to the human rights violation, the Ombudsmen shall refer the matter to the National Human Rights Commission for further action.

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**Section 231.** In the performance of duties under section 230, an Ombudsman may refer a matter to the Constitutional Court or the Administrative Court upon making a finding as follows:

(1) where any provision of law begs the question of the constitutionality, the matter shall be referred together with an opinion to the Constitutional Court; the Constitutional Court shall consider and render a decision without delay in accordance with the Organic Act on Procedures of the Constitutional Court;

(2) where a rule, order or any other act of a State agency or a State official begs the question of the constitutionality or legality, the matter shall be referred to the Administrative Court; the Administrative Court shall consider and render a decision without delay in accordance with the law on establishment of Administrative Court and Administrative Court procedures.

#### Part 4

#### National Anti-Corruption Commission

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**Section 232.** The National Anti-Corruption Commission shall consist of nine commissioners appointed by the King upon the advice of the Senate from persons selected by the selection committee.

The selected persons must be persons with evident integrity who have knowledge, expertise and experience in the field of law, accounting, economy, administration of State affairs or in any other field which is beneficial to the prevention and suppression of corruption, and shall have any of the qualifications as follows:

(1) serving or having served in the official service in a position not lower than Chief Justice, Chief Justice of the Administrative Court of First Instance, Chief Justice of the Central Military Court, or Director-General of a State Attorney Department for a period of not less than five years;

(2) serving or having served in the official service in a position not lower than a Director-General or an equivalent head of the government agency for a period of not less than five years;

(3) being or having been in a position of the chief executive of a State enterprise or other State agency which is not a government agency or a State enterprise for a period of not less than five years;

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(4) holding or having held a position of professor in a university in Thailand for a period of not less than five years, and currently having renowned academic work;

(5) being or having been a practitioner of a profession certified by law who has regularly and continuously practiced the profession for a period of not less than twenty years up to the date of nomination, and having been certified by the professional organisation of such profession;

(6) being a person with knowledge, expertise and experience in the field of management, public finance, accounting or enterprise management at the level of not lower than a chief executive of a public company limited for a period of not less than ten years;

(7) having been in the position under (1), (2), (3), (4) or (6) for a total period of not less than ten years.

The counting of the period of time under paragraph two shall be made up to the date of nomination or the date of the application for selection, as the case may be.

**Section 233.** The National Anti-Corruption Commissioners shall hold office for a term of seven years as from the date of appointment by the King, and shall serve for only one term.

During the period in which the National Anti-Corruption Commissioner vacates office prior to the expiration of term and a National Anti-Corruption Commissioner has not yet been appointed to fill the vacancy, the remaining Commissioners may continue to perform duties, unless the number of the remaining Commissioners is fewer than five persons.

**Section 234.** The National Anti-Corruption Commission has the powers and duties as follows:

(1) to conduct an inquiry and prepare opinion in case where there is an accusation that a person holding a political position, a judge of the Constitutional Court, a person holding a position in an Independent Organ or the Auditor-General is involved in circumstances of unusual wealth, commits an act of corruption, or deliberately performs duties or exercises powers in contrary to the provisions of the Constitution or the law, or seriously contravenes or fails to comply with the ethical standards, for further proceeding in accordance with the Constitution or the Organic Act on Anti-Corruption;

(2) to conduct an inquiry and decide whether a government official is unusually wealthy, has committed an offence of corruption, or malfeasance in public office or malfeasance in judicial office, for further proceeding in accordance with the Organic Act on Anti-Corruption;

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(3) to require persons holding political positions, judges of the Constitutional Court, persons holding positions in the Independent Organs, the Auditor-General and State officials to submit an account showing particulars of assets and liabilities of themselves, spouse and children who have not yet become *sui juris*, and to inspect and disclose the results of the inspection of such accounts, in accordance with the Organic Act on Anti-Corruption;

(4) other duties and powers provided by the Constitution or the laws.

In the performance of duties under (1), (2) and (3), it shall be the duty of the National Anti-Corruption Commission to provide a measure or guideline that will enable efficient, prompt, honest and just performance of duties. In case of necessity, the National Anti-Corruption Commission may entrust the State agency whose duties and powers are related to the prevention and suppression of corruption to act on its behalf for the matter other than that of a serious offence or an act of a government official in certain level, or require competent officials of the secretariat of the National Anti-Corruption Commission to conduct preliminary investigation or inquiry in accordance with the rules, procedures and conditions prescribed in the Organic Act on Anti-Corruption.

**Section 235.** Subject to section 236, in the case where there is reasonable ground to suspect or there is an accusation that any person holding certain political positions as provided in the Organic Act on Anti-Corruption, judge of the Constitutional Court, person holding a position in an Independent Organ or the Auditor-General is involved in the circumstances under section 234 (1), the National Anti-Corruption Commission shall inquire into facts; if a resolution that such person has been involved in the circumstances or has committed the offence as submitted by the inquiry is passed by votes of not less than one-half of the total number of the existing Commissioners that there are grounds in the accusation, the following proceedings shall be taken:

(1) in the case of serious contravention or non-compliance with the ethical standards, the matter shall be submitted to the Supreme Court for decision, and the provisions of section 226 paragraph seven shall apply *mutatis mutandis* to the trial and adjudication of the Supreme Court;

(2) in the case other than (1), the inquiry file shall be sent to the Attorney-General for instituting prosecution in the Supreme Court's Criminal Division for Persons Holding Political Positions or to proceed otherwise in accordance with the Organic Act on Anti-Corruption.

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In the conduct of an inquiry and passing of a resolution under paragraph one, the National Anti-Corruption Commission shall complete the proceedings within the period of time prescribed by the Organic Act on Anti-Corruption.

When the Supreme Court or the Supreme Court's Criminal Division for Persons Holding Political Positions has accepted the case, the accused shall cease performing duties until a judgment is rendered, unless the Supreme Court or the Supreme Court's Criminal Division for Persons Holding Political Positions has ordered otherwise. In the case where the Supreme Court or the Supreme Court's Criminal Division for Persons Holding the Political Positions has rendered a judgment deciding that the accused is involved in the circumstances or has committed the offence as accused, as the case may be, the convicted person shall vacate office from the date the person ceases performing duties, and the Court shall revoke the right to apply for candidacy in an election of such person and may or may not revoke his or her right to vote for a period of not more than ten years.

Any person whose right to apply for candidacy in an election has been revoked in any case shall permanently have no right to apply for candidacy in an election or selection of Members of the House of Representatives, Senators, members of a local assembly or a local administrator, and shall have no right to hold any political position.

In the case where the Supreme Court's Criminal Division for Persons Holding Political Positions has rendered a judgment convicting the person of an offence of unusual wealth or corruption, it shall forfeit assets of such person which are acquired from a commission of the offence, including all assets and any other benefits acquired in place of those assets, to be vested in the State.

The consideration of the Supreme Court and the Supreme Court's Criminal Division for Persons Holding Political Positions shall be based upon the inquiry file of the National Anti-Corruption Commission, and in the interest of justice, the Court shall have the powers to conduct an inquiry to obtain additional facts and evidence.

This section shall apply *mutatis mutandis* to the persons under section 234 (3) who intentionally fails to submit an account showing assets and liabilities or intentionally submit the same with false statements or conceals facts which should be disclosed, and is involved in circumstances where it could be reasonably believed that the person has intentionally not disclosed the source of the assets or liabilities *mutatis mutandis*.

**Section 236.** Members of the House of Representatives, Senators, or members of both Houses of Representatives and Senate comprising not less than one-fifth of the total number of the existing members of both Houses or persons having the right to vote comprising

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not fewer than twenty thousand persons shall have the rights to lodge with the President of the National Assembly a petition with reasonable evidence that any of the National Anti-Corruption Commissioners has committed an act under section 234 (1). In case the President of the National Assembly is of the opinion that there are reasonable grounds to suspect that there has been an act as accused, the President of the National Assembly shall refer the matter to the President of the Supreme Court to appoint a panel of independent inquisitors from persons with political impartiality and evident integrity for conducting a fact-finding inquiry.

The qualifications, prohibitions, duties and powers, procedure of the inquiry, period of time for the inquiry and other necessary proceeding of the panel of independent inquisitors shall be as provided by law.

**Section 237.** When the inquiry is completed, the panel of independent inquisitors shall proceed as follows:

(1) if it is of the opinion that the accusation has no *prima facie* case, the accusation shall be lapsed, and such order shall be final;

(2) if it is of the opinion that the accused has seriously contravened or failed to comply with the ethical standards, the matter shall be referred to the Supreme Court for decision and the provisions of section 235 paragraph three, paragraph four and paragraph six shall apply *mutatis mutandis*;

(3) if it is of the opinion that the accused is involved in the circumstances as accused and it is not the case under (2), the inquiry file shall be sent to the Attorney-General for instituting prosecution in the Supreme Court's Criminal Division for Persons Holding Political Positions, and the provisions of section 235 paragraph three, paragraph four and paragraph five shall apply *mutatis mutandis*.

## Part 5 State Audit Commission

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**Section 238.** The State Audit Commission consists of seven commissioners appointed by the King upon the advice of the Senate from the persons selected by the selection committee.

The selected persons must be persons with evident integrity who have knowledge, expertise and experience related to the state audit, law, accounting, internal audit,

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public finance and other fields which are beneficial to the state audit, for not less than ten years.

**Section 239.** The State Audit Commissioners shall hold office for a term of seven years as from the date of appointment by the King, and shall serve for only one term.

**Section 240.** The State Audit Commission shall have the duties and powers as follows:

- (1) to set State audit policy;
- (2) to prescribe standard rules relating to State audit;
- (3) to oversee the State audit compliance with (1) and (2) and the law on financial and fiscal discipline of the State;
- (4) to render advice, suggestion or recommendation on the spending of State funds to be in accordance with the law on financial and fiscal discipline of the State, including suggestion to the State agencies to correct defects in the spending of State funds;
- (5) to order an administrative penalty in the case of a violation of the law on financial and fiscal discipline of the State.

The proceedings under paragraph one shall be in accordance with the Organic Act on State Audit.

A person punished by an order under (5) may appeal to the Supreme Administrative Court within ninety days as from the date of receipt of the order. The Supreme Administrative Court shall, in its consideration, take into account the State audit policy and standard rules relating to the State audit under (1) and (2).

**Section 241.** There shall be one Auditor-General appointed by the King upon the advice of the Senate and nominated by the State Audit Commission.

The Auditor-General shall have the same qualifications and shall not be under any of the same prohibitions applicable to the State Audit Commissioner.

A person nominated for appointment as Auditor-General shall be approved by the Senate with the votes of not less than one-half of the total number of existing members of the Senate, and the provisions of section 204 paragraph one, paragraph two and paragraph four and section 205 shall also apply *mutatis mutandis* to the appointment of the Auditor-General.

The selection, election and nomination of the Auditor-General shall be in accordance with the Organic Act on State Audit.

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**Section 242.** The Auditor-General shall perform duties in a just and neutral manner, without any partiality in exercising discretion, and shall have duties and powers as follows:

(1) to audit State funds in accordance with the State audit policy and the standard rules related to State audit prescribed by the State Audit Commission, and in accordance with the law on financial and fiscal discipline of the State;

(2) to assess the outcomes and efficiency of the spending of funds by State agencies;

(3) to entrust officials to proceed under (1) and (2);

(4) to supervise and be responsible for the performance of duties of officials under (3).

**Section 243.** The Auditor-General shall be independent in performing duties, be accountable to the State Audit Commission, and be the highest superior official of the secretariat of the State Audit Commission.

The term of office, the vacation of office, and the performance of duties of the Auditor-General shall be in accordance with the Organic Act on State Audit.

**Section 244.** In the case where there is evidence to reasonably believe that the spending of State funds involves circumstances of corruption, or intentional performance of duties or exercise of powers which is contrary to the Constitution or laws, or may cause the election to not proceed in honest or just manner, and it is the case where the Auditor-General does not have the power to carry out any act, the Auditor-General shall notify the National Anti-Corruption Commission, the Election Commission or other relevant agencies, as the case may be, for information and to further proceed in accordance with its duties and powers.

In the proceedings of the National Anti-Corruption Commission, the Election Commission or other relevant agencies notified under paragraph one, it shall be deemed that the documents and evidence that have been examined or produced by the Auditor-General are an integral part of the inquiry file of the National Anti-Corruption Commission, the Election Commission or other agencies, as the case may be.

**Section 245.** For the purpose of ceasing or preventing the damage which may occur to State finance, the Auditor-General shall submit to the to the State Audit Commission to consider the result of the inspection of the act that is not in accordance with the law on financial and fiscal discipline of the State and may cause serious damage to State finance.

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In the case where the State Audit Commission agrees with the result of the inspection, it shall consult with the Election Commission and the National Anti-Corruption Commission. If the joint meeting agrees with the result of the inspection, they shall jointly serve a notice in writing to the House of Representatives, the Senate and the Council of Ministers without delay, and the result of such inspection shall be disclosed to the public.

## Part 6

### National Human Rights Commission

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**Section 246.** The National Human Rights Commission consists of seven commissioners appointed by the King upon the advice of the Senate from selected persons.

The selected persons must have knowledge and experience in the protection of rights and liberties of the people, and must be politically impartial with evident integrity.

The National Human Rights Commissioners shall hold office for a term of seven years as from the date of appointment by the King, and shall serve for only one term.

The qualifications, prohibitions, selection, and vacation of office of the National Human Rights Commission shall be in accordance with the Organic Act on National Human Rights Commission. However, the provisions on the selection shall also prescribe for the participation of representatives of private organisations relating to the human rights in the selection.

**Section 247.** The National Human Rights Commission shall have the duties and powers as follows:

(1) to examine and report the correct facts on violation of human rights in all cases without delay, and to suggest suitable measures or guidelines in order to prevent or redress human rights violation including the provision of remedy to the person affected by the violation of human rights to the relevant State agencies or private sector;

(2) to prepare a report on the result of evaluation of human rights situation of the country to submit to the National Assembly and the Council of Ministers, and to disseminate it to public;

(3) to render recommendation on measures or guideline for the promotion and protection of the human rights to the National Assembly, the Council of Ministers and relevant agencies, including the revision of any law, rule, regulation or order to conform to the principles of human rights;

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(4) to explain and report the correct facts without delay when there is a report on human rights situation in Thailand which is incorrect or unfair;

(5) to promote awareness of the importance of human rights in every sector of the society;

(6) other duties and powers as provided by law.

Upon being informed of the report under (1) and (2) or the recommendation under (3), the Council of Ministers shall expeditiously make improvement and rectification as appropriate. If it is not possible or would take a certain period of time to proceed so, the Council of Ministers shall inform the reasons to the National Human Rights Commission without delay.

In the performance of duties, the National Human Rights Commission shall also take the happiness of Thai people and common interest of the country into consideration as important factor.

### CHAPTER XIII STATE ATTORNEY ORGAN

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**Section 248.** The State Attorney Organ has the duties and powers as provided in the Constitution and laws.

State attorneys are independent in considering and making orders in cases and in performing duties expeditiously and justly and without any prejudice, and such act shall not be deemed an administrative order.

The personnel management, budgetary affairs and other acts of the State Attorney Organ shall be independent, with a specific system of salary and remuneration as may be appropriate. The personnel management in relation with State attorneys shall be carried out by the State Attorney Committee, which shall at least consist of the Chairperson who is not a State attorney and qualified members selected by State attorneys; at least two of such qualified members shall not be or have been State attorneys, as provided by law.

The law under paragraph three shall contain measures to prevent State attorneys from carrying out any act or holding any position which may cause the making of orders in cases or the performance of duties to be not in accordance with paragraph two, or may cause conflict of interest. In this regard, such measures shall be prescribed explicitly and be of general application without any delegation of power to consider the matters on case-by-case basis.

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CHAPTER XIV  
LOCAL ADMINISTRATION

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**Section 249.** Subject to section 1, local administration shall be organised in accordance with the principle of self-government according to the will of the people in the locality, as per the procedure and form of local administrative organisations as provided by law.

In establishing a local administrative organisation in any form, due regard shall be had to the will of the people in the locality together with the capacity for self-government in respect of revenues, number and density of the population, as well as areas under its responsibility.

**Section 250.** A local administrative organisation has the duties and powers to regulate and provide public services and public activities for the benefits of the people in the locality, in accordance with the principle of sustainable development, and to promote and support the provision of education for the people in the locality, as provided by law.

Provision of any public services and public activities that should be the specific duty and power of each form of local administrative organisation or should be carried out mainly by a local administrative organisation, shall be as provided by law. The law shall be consistent with the revenues of the local administrative organisation under paragraph four. Such law shall at least contain provisions relating to mechanisms and processes for decentralisation of duties and powers as well as budget and personnel related thereto of the government sector to the local administrative organisation.

In providing any public service, or carrying out any public activity, which is within the duties and powers of a local administrative organisation, if joint operation with a private organisation or a State agency, or delegation of operation to a private organisation or a State agency will be more beneficial to the people in the locality than operation by that local administrative organisation, the local administrative organisation may operate jointly with or delegate the operation to a private organisation or a State agency.

The State shall undertake to ensure that local administrative organisations have revenues of their own by establishing an appropriate system of taxation and allocation of taxes, as well as promoting and developing means for earning revenues of local administrative organisations. In order to ensure the sufficient implementation of paragraph one, during the

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period in which the undertaking has not yet been possible, the State shall allocate budget to support local administrative organisations for the time being.

The law under paragraph one and the law relating to local administration shall provide for independence of local administrative organisations in respect of management, provision of public services, promotion and support of education, public finance, and for the supervision and monitoring of local administrative organisations which may be done only insofar as is necessary to protect the interests of the people in the locality or the interests of the country as a whole to prevent corruption and for the efficient spending of funds, while having regard to the suitability and difference of each form of local administrative organisations. Such laws shall also contain provisions on prevention of conflict of interest and prevention of interference to the performance of duties of local officials.

**Section 251.** The personnel management of local administrative organisations shall be as provided by law, provided that a merit system shall be adopted and due regard shall be had to suitability to and necessity of each locality and each form of local administrative organisation, and conformity of standards, with a view to enabling mutual development and personnel reassignment among local administrative organisations.

**Section 252.** Members of a local assembly shall be elected.

Local administrators shall be elected or shall be installed by the approval of a local assembly, or in the case of special form of local administrative organisation, may be by any other means, provided that due regard shall also be had to public participation, as provided by law.

The qualifications of persons having the right to vote and persons having the right to stand as a candidate in an election and rules and procedures on election of members of local assemblies and local administrators shall be as provided by law, provided that due regard shall also be had to the intent to prevent and suppress corruption in accordance with the directive principles provided in the Constitution.

**Section 253.** In the performance of work, local administrative organisations, local assemblies and local administrators shall disclose information and report the result of performance to the public, and shall also establish mechanisms to enable the participation of people in the locality, in accordance with the rules and procedures prescribed by law.

**Section 254.** Persons having the right to vote in a local administrative organisation have the right to sign a joint petition for introducing an ordinance or for removing

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a member of a local assembly or a local administrator in accordance with the rules, procedures and conditions prescribed by law.

**CHAPTER XV**  
**AMENDMENT TO THE CONSTITUTION**

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**Section 255.** An amendment to the Constitution which amounts to changing the democratic regime of government with the King as Head of State or changing the form of the State shall be prohibited.

**Section 256.** Subject to section 255, amendment to the Constitution may be made under the rules and procedures as follows:

(1) a motion for amendment must be proposed either by the Council of Ministers, or by Members of the House of Representatives comprising not less than one-fifth of the total numbers of existing Members of the House of Representatives, or by members of both Houses comprising not less than one-fifth of the total number of existing members thereof, or by not less than fifty thousand persons who have the right to vote as per the law on the public submission of a bill;

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

(3) voting in the first reading for adoption of principle shall be by roll call and open voting, and the amendment must be approved by the votes of not less than one-half of the total number of existing members of both Houses, provided that in this number, Senators comprising not less than one-third of the total number of existing members of the Senate must vote for approval;

(4) in the second reading for section-by-section deliberation, voting in the second reading shall be decided by a majority of votes, but in the case where the draft Constitution Amendment is proposed by the people, the persons signing the petition shall also be given opportunities to express their opinions;

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

(6) voting in the third and final reading shall be by roll call and open voting, and promulgation of the Constitution must be approved by the votes of more than one-half

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of the total number of the existing members of both Houses, provided that in this number, Members of the House of Representatives from political parties whose members do not hold the positions of Minister, President or Vice-President of the House of Representatives must vote for approval in the number of not less than twenty per cent of the total number of members of all such political parties combined, and Senators comprising not less than one-third of the total number of existing members of the Senate must vote for approval;

(7) after resolution of approval has been passed under (6), there shall be an interval of fifteen days after which the draft Constitution Amendment shall be presented to the King, and the provisions of section 81 shall apply *mutatis mutandis*;

(8) in the case where the draft Constitution Amendment is an amendment to Chapter I General Provisions, Chapter II The King or Chapter XV Amendment to the Constitution, or a matter relating to qualifications and prohibitions of persons holding the positions under this Constitution, or a matter relating to duties or powers of the Court or an Independent Organ, or a matter which renders the Court or an Independent Organ unable to act in accordance with its duties or powers, before proceeding in accordance with (7), a referendum shall be held in accordance with the law on referendum, and if the referendum result is to approve the draft Constitution Amendment, further proceedings shall then be taken in accordance with (7);

(9) before the Prime Minister reports to the King for signature pursuant to (7), Members of the House of Representatives, Senators or members of both Houses comprising not less than one-tenth of the total number of existing members of each House or of both Houses, as the case may be, have the right to sign a joint petition submitting their opinions to the President of the House in which they are members or the President of the National Assembly, as the case may be, that the draft Constitution Amendment under (7) is contrary to section 255 or is of the characteristic under (8). The President of the House who receives such petition shall submit the opinions to the Constitutional Court. The Constitutional Court shall render a decision within thirty days from the date the petition is received. While the petition is under consideration for decision by the Constitutional Court, the Prime Minister may not present such a draft Constitution Amendment to the King for signature.

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CHAPTER XVI  
NATIONAL REFORM

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**Section 257.** National reform under this Chapter must be carried out to achieve the following objectives:

(1) the nation enjoys peace and order, unity and solidarity, sustainable development in accordance with the philosophy of sufficiency economy, and a balance between material and spiritual development;

(2) the society is peaceful and fair, and provides comparable opportunities to eliminate disparity;

(3) the people are happy, have good quality of life, and participate in development of the country and democratic regime of government with the King as Head of State.

**Section 258.** National reform in various areas shall be carried out to at least achieve the following results:

a. Politics:

(1) ensuring that people have correct knowledge and understanding on the democratic regime of government with the King as Head of State, that people participate in the organisation of political activities as well as the scrutiny of exercise of State powers, that they are able to tolerate different *bona fide* political views, and that the people exercise the right to vote in an election and in a referendum independently and free from influence by any mean;

(2) ensuring that activities of political parties are organised in an open and transparent manner to enable political parties to develop into political institutions of the people who share a common political ideology, and have clear and concrete processes to ensure that members of the political party truly participate and are accountable for political activities and the selection of persons with knowledge, competence, integrity and good morality and ethics to be persons holding political positions;

(3) having a mechanism to determine accountability of a political party for promoting policies that have not been subjected to a thorough assessment of impact, cost-effectiveness and risk;

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(4) having a mechanism that requires persons holding political positions to perform duties with integrity and to be held accountable to the public in the performance of their duties;

(5) having a mechanism to resolve political conflicts by peaceful means in accordance with the democratic regime of government with the King as Head of State;

b. Administration of State Affairs:

(1) ensuring that suitable technology is applied to the administration of State affairs and provision of public services for the benefit of the administration of State affairs and for the convenience of the people;

(2) integrating databases of all State agencies to provide a data system for the administration of State affairs and the provision of services to the people;

(3) improving and developing the structure and system for the management of State operations and manpower planning for the public sector to promptly respond to changes and new challenges, provided that the undertakings must be carried out in a manner compatible with the different missions of each State agency;

(4) improving and developing personnel management of the public sector with a view to incentivising persons genuinely having knowledge and competence to work in State agencies and to be able to attain career advancement in accordance with each person's competence and achievements, be persons of integrity with courage to make decisions and act righteously while having more regard to public interest than to personal interest, and be creative persons capable of developing new innovations for the purpose of efficiency in the discharge of official functions and administration of State affairs, and having measures to protect personnel in the public sector from abuse of power by their superior officials;

(5) improving the procurement system of the public sector so as to be flexible, open and transparent with a mechanism to prevent corruption at every stage;

c. Law:

(1) having a mechanism for revising laws, regulations, rules or bylaws in force prior to the date of the promulgation of this Constitution so as to be consistent with the principles under section 77, and to develop them to be in conformity with universal standards, by providing for the application of permit systems and committee systems only insofar as is necessary for flexibility in the performance of functions, with a clear responsible authority and without imposing undue burden on the people, to increase competitiveness of the country and to prevent dishonest acts and wrongful conducts;

(2) reforming the system of legal learning, instruction and education with a view to developing legal practitioners into well-informed persons who have a legal mindset and who adhere to the morality and ethics of lawyers;

(3) developing a legal database system of the State by using various technologies with a view to enabling the public to conveniently access legal information and to easily understand the substances of the laws;

(4) establishing a mechanism to give assistance to the people in the preparation and proposal of draft laws;

d. Justice Process:

(1) ensuring that time limits for justice process at every stage are clearly specified so that justice is delivered to the people without delay, and that there is a mechanism to aid persons with insufficient means in having access to justice process, as well as the establishment of a mechanism for strict enforcement of law with a view to reducing disparity and injustice in society;

(2) improving the system of criminal inquiry by providing a proper check and balance between inquiry officials and State attorneys, by clearly specifying time limits for the performance of duties of all relevant officials so as to avoid the preclusion of action by prescription and to promote public trust in the performance of duties of inquiry officials and State attorneys in the course of criminal inquiry, as well as by requiring the use of forensic science in an inquiry and providing forensic science service through more than one agency which are independent of each other to ensure that the public has alternatives to such services for the proving of facts;

(3) promoting and developing the organisational culture of relevant organisations in the justice process with a view to facilitating convenient and expeditious justice for the people;

(4) enforcing laws efficiently by making appropriate amendments and revisions to the law relating to duties, powers and missions of police, and amending and revising the law relating to personnel management of police officials to secure efficiency, to guarantee that police officials receive appropriate remuneration, that appointment and transfer thereof are handled with fairness, and that the consideration of allowances and merits is done clearly in accordance with a merit system; in the consideration for appointment and transfer, regard must be had to seniority in combination with knowledge and competence in order that police officials can perform the duties independently, without being under the mandate of any person, efficiently, and with pride in the performance of their duties;

e. Education:

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(1) ensuring the commencement of care and development of young children prior to education under section 54 paragraph two with a view to developing their physical body, mind, discipline, emotion, society and intelligence in accordance with their age free of charge;

(2) completing the enactment of a law for the establishment of a fund under section 54 paragraph six within one year from the date of the promulgation of this Constitution;

(3) having a mechanism and a system for producing, screening and developing teaching professionals and instructors to engender a spiritual mindset of being a teacher, to possess genuine knowledge and competence, and to receive remunerations appropriate to their teaching competence and efficiency, as well as having a mechanism to promote a merit system in the personnel management of teaching professionals;

(4) improving learning and instruction at every level so that students are able to study according to their aptitudes, and improving the structure of relevant agencies with a view to uniformly achieving such a goal at both national level and local level;

f. Economy:

(1) eliminating obstacles and promoting the competitiveness of the country in order that the nation and the people benefit from participation in various economic groups in a sustainable and resilient manner;

(2) establishing a mechanism to promote and support the application of creative ideas and modern technology in the economic development of the country;

(3) improving the taxation system with a view to promoting fairness, reducing disparity, increasing State revenues from various sources in an efficient manner, and improving the system for preparing and expending budgets to be efficient and effective;

(4) establishing a mechanism to promote cooperatives and business operators of all sizes to ensure their appropriate competitiveness and to promote social enterprises and environment-friendly enterprises, as well as establishing a mechanism to increase opportunities for employment and occupation of the people;

g. Other Areas:

(1) having a water resource management system which is efficient, fair and sustainable, with due regard given to every dimension of water demand in combination with environmental and climate change;

(2) ensuring a fair distribution of land holding, as well as an examination of ownership and holding of land throughout the country with a view to systemically solving the problems of land ownership and possessory rights;

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(3) establishing a system for managing and disposing solid waste in an efficient and environment-friendly manner, and for recovering such waste for use for other purposes;

(4) adjusting the health security system in order that the people are granted comparable rights and benefits from the management thereof and from access to quality and convenient service;

(5) establishing a primary health care system in which there are family physicians to care for the people in an appropriate proportion.

**Section 259.** Subject to section 260 and section 261, national reform under this Chapter shall be in accordance with the law on plans and processes for implementation of national reform, which must at least contain procedures for the preparation of plans, participation by the public and relevant agencies, processes for implementing national reform, the evaluation of results of implementation, and a time period for implementing every area of the national reform. Such law shall stipulate that the implementation of each area of reform shall commence within one year from the date of the promulgation of this Constitution, as well as stipulate the outcomes expected to be achieved within a period of five years.

The enactment of the law under paragraph one and the promulgation thereof shall be executed within one hundred and twenty days from the date of the promulgation of this Constitution.

While the law under paragraph one has not yet come into force, State agencies shall implement the reforms based upon their existing duties and powers for the time being.

**Section 260.** In the amendment to and revision of laws under section 258 d. justice process (4), there shall be one committee appointed by the Council of Ministers consisting of:

(1) a qualified member with evident knowledge, integrity and equity who has never been a police official, as the Chairperson;

(2) persons who are or were police officials, which must at least include the Commissioner-General of the Royal Thai Police, in the number prescribed by the Council of Ministers, as members;

(3) qualified members with evident knowledge, integrity and equity, and who have not been police officials, in the same number as the members under (2), as members;

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(4) Permanent Secretary of the Ministry of Finance, Permanent Secretary of the Ministry of Interior, Permanent Secretary of the Ministry of Justice, Secretary-General of the Court of Justice and Attorney-General, as members.

The Committee under paragraph one shall complete its undertaking within one year from the date of the promulgation of this Constitution.

Upon the expiration of the time limit under paragraph two, if the amendment to and revision of such laws have not been completed, the appointment and transfer of police officials shall be carried out on the basis of seniority in accordance with the rules prescribed by the Council of Ministers and published in the Government Gazette.

**Section 261.** In respect of the reform under section 258 e. education, there shall be one independent committee appointed by the Council of Ministers to carry out studies and prepare relevant recommendations and draft laws for achieving the goal, and to present them to the Council of Ministers for implementation.

The Council of Ministers shall complete the appointment of the committee under paragraph one within sixty days from the date of the promulgation of this Constitution, and the Committee shall complete the studies and preparation of the recommendations and draft laws and present them to the Council of Ministers within two years from the date of appointment.

## TRANSITORY PROVISIONS

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**Section 262.** The Privy Council holding office on the date of the promulgation of this Constitution shall be the Privy Council under the provisions of this Constitution.

**Section 263.** Pending the formation of the House of Representatives and the Senate under this Constitution, the National Legislative Assembly established under the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) shall continue to act as the National Assembly, the House of Representatives and the Senate, and the Members of the National Legislative Assembly holding office on the day prior to the date of promulgation of this Constitution shall act as Members of the House of Representatives or Senators, respectively, under the provisions of this Constitution. The National Legislative Assembly and membership thereof shall terminate on the day prior to the date of convocation of the first sitting of the National Assembly after the general election held under this Constitution.

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Apart from having the qualifications and not being under any of the prohibitions under the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), members of the National Legislative Assembly must also have the qualifications, and must neither be under any of the prohibitions nor be subject to the grounds for termination of membership as provided for Members of the House of Representatives and Senators under this Constitution, as follows:

(1) section 98, except (3), (12), (13), (14) and (15);

(2) section 101, except:

(a) the case under (6) only in the part relevant to section 98, except (3), (12), (13), (14) and (15);

(b) the case under (7) only in the case where the member of the National Legislative Assembly is a State official acting in accordance with the duties and powers under the law or lawful order, and in the part relevant to section 184 (1);

(3) section 108, except a. qualifications (3) and (4) and b. prohibitions (1), (2) and (7); however, the case under (1) does not include the part relevant to section 98 (3) and (15).

Section 112 shall not apply to the holding of the position of Minister by a Member of the National Legislative Assembly.

The provisions of any law which prohibit a person from holding a political position shall not apply to the holding of a ministerial position under section 264, the position of a political official appointed for the purpose of the performance of duties of the Council of Ministers under section 264 or for the purpose of the performance of duties of the National Council for Peace and Order under section 265, or a member of the National Legislative Assembly under this section.

While the National Legislative Assembly is acting as the National Assembly, the House of Representatives and the Senate under paragraph one, the powers of the President of the National Assembly, President of the House of Representatives and President of the Senate under this Constitution or the law shall be the powers of the President of the National Assembly.

While the National Legislative Assembly is performing duties under paragraph one, if a position becomes vacant, the Head of the National Council for Peace and Order may report to the King for appointing a person who has the qualifications and is not under any of the prohibitions under paragraph two as a Member of the National Legislative Assembly.

In the first general election subsequent to the date of the promulgation of this Constitution, a Member of the National Legislative Assembly may not stand as a candidate for

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a Member of the House of Representatives, except by vacating office of the Member of the National Legislative Assembly within ninety days from the date of promulgation of this Constitution.

**Section 264.** The Council of Ministers administering State affairs on the day prior to the date of promulgation of this Constitution shall be the Council of Ministers under the provisions of this Constitution until the new Council of Ministers appointed subsequent to the first general election under this Constitution assumes its duties. The provisions in section 263 paragraph three shall apply to the holding of position of Minister *mutatis mutandis*.

Apart from having the qualifications and not being under any of the prohibitions under the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), the Minister under paragraph one must not be under any of the prohibitions provided for a Minister under section 160, except (6) only in the part relevant to section 98 (12), (13), (14) and (15), and must vacate office pursuant to section 170, except for (3) and (4); however, in the case under (4), only in the part relating to section 98 (12), (13), (14) and (15), and except for section 170 (5) only in the part relating to the undertaking under section 184 (1).

An appointment of a Minister during the time period under paragraph one shall be carried out in accordance with the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) as amended by the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 1), B.E. 2558 (2015) and the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 2), B.E. 2559 (2016). However, the Minister must not be under any of the prohibitions under paragraph two.

The provisions in section 263 paragraph seven shall also apply to an application to stand as a candidate in an election of a Member of the House of Representatives of the Minister under paragraph one and paragraph three *mutatis mutandis*.

**Section 265.** The National Council for Peace and Order holding office on the day prior to the date of promulgation of this Constitution shall remain in office to perform duties until the new Council of Ministers appointed subsequent to the first general election under this Constitution takes office.

While performing the duties under paragraph one, the Head of the National Council for Peace and Order and the National Council for Peace and Order shall continue to have the duties and powers as provided in the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) as amended by the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 1), B.E. 2558 (2015) and the Constitution of the Kingdom

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of Thailand (Interim), B.E. 2557 Amendment (No. 2), B.E. 2559 (2016); the provisions of the Constitution of the Kingdom of Thailand that pertain to the powers of the Head of the National Council for Peace and Order and the National Council for Peace and Order shall be deemed to remain in force.

The provisions in section 263 paragraph seven shall also apply to an application to stand as a candidate in an election of a Member of the House of Representatives of a person holding office in the National Council for Peace and Order *mutatis mutandis*.

**Section 266.** The National Reform Steering Assembly shall continue to perform duties for the time being to prepare recommendations relating to the steering of national reform until there is a law on plans and processes for the implementation of national reform enacted in accordance with section 259.

For the purpose of steering national reform, the Head of the National Council for Peace and Order may restructure or adjust work methods of the National Reform Steering Assembly so as to enhance the efficiency of national reform pursuant to Chapter XVI National Reform.

The provisions in section 263 paragraph seven shall also apply to an application to stand as a candidate in an election of a Member of the House of Representatives of a Member of the National Reform Steering Assembly *mutatis mutandis*.

**Section 267.** The Constitution Drafting Committee established under the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) as amended by the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 1), B.E. 2558 (2015) and the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 2), B.E. 2559 (2016) shall continue to perform duties in completing the preparation of the following organic law bills for submission to the National Legislative Assembly for further consideration and approval:

- (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;
- (5) Organic Act on Procedures of the Constitutional Court;
- (6) Organic Act on Criminal Procedure for Persons Holding Political Positions;
- (7) Organic Act on Ombudsmen;
- (8) Organic Act on Anti-Corruption;

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(9) Organic Act on State Audit;

(10) Organic Act on National Human Rights Commission.

In the undertaking under paragraph one, the Constitution Drafting Committee may prepare new drafts of such organic acts or amendments in order to be consistent with the provisions and intent of the Constitution with the aim of elimination of all forms of dishonest acts and wrongful conducts, and must complete the undertaking within two hundred and forty days from the date of promulgation of this Constitution. When the National Legislative Assembly has completed the consideration of the organic law bills under paragraph one, the Constitution Drafting Committee shall vacate office, but such vacation must not be later than the vacation of office of Members of the National Legislative Assembly under section 263.

For the purposes of performing the undertakings under paragraph one and paragraph two in an efficient and expeditious manner, the Constitution Drafting Committee may request the Head of the National Council for Peace and Order to appoint additional Members of the Constitution Drafting Committee. However, the total number of the members must not exceed thirty persons.

In considering the organic law bills under paragraph one, upon receiving an organic law bill from the Constitution Drafting Committee, the National Legislative Assembly must complete the consideration thereof within sixty days from the date on which each organic law bill is received. In the case where the National Legislative Assembly fails to complete the consideration of an organic law bill within such time period, it shall be deemed that the National Legislative Assembly approves the organic law bill as submitted by the Constitution Drafting Committee.

When the National Legislative Assembly has completed the consideration of an organic law bill, it shall submit that organic law bill to the Constitutional Court or the relevant Independent Organ and the Constitution Drafting Committee for consideration. If the Constitutional Court, or the relevant Independent Organ or the Constitution Drafting Committee is of the opinion that such organic law bill does not conform to the intent of the Constitution, it shall notify the President of the National Legislative Assembly within ten days from the date of receipt of that organic law bill. The National Legislative Assembly shall appoint one *ad hoc* committee consisting of eleven members, *viz.* the President of the Constitutional Court or the President of the relevant Independent Organ, five Members of the National Legislative Assembly and five Members of the Constitution Drafting Committee entrusted by the Constitution Drafting Committee. The committee shall consider the organic law bill and thereafter propose it to the National Legislative Assembly for approval within

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fifteen days from the date of appointment. If the National Legislative Assembly passes a resolution of disapproval by the votes of more than two-thirds of the total number of the existing Members of the National Legislative Assembly, that organic law bill shall lapse. In the case where the National Legislative Assembly passes a resolution with the votes not exceeding two-thirds thereof, it shall be deemed that the National Legislative Assembly has approved the draft as proposed by the *ad hoc* committee, and further proceedings under section 81 shall be taken.

For the purpose of eliminating conflicts of interest, Members of the Constitution Drafting Committee shall be prohibited from holding any political position for two years from the date of vacation of office under paragraph two.

**Section 268.** An election of Members of the House of Representatives under this Constitution shall be held and completed within one hundred and fifty days from the date the Organic Acts under section 267 (1), (2), (3) and (4) come into force.

**Section 269.** During the initial period, the Senate shall consist of two hundred and fifty members appointed by the King upon the advice of the National Council for Peace and Order. Selection and appointment shall conform to the following rules and procedures:

(1) There shall be one Senator Selection Committee consisting of not fewer than nine but not exceeding twelve persons, appointed by the National Council for Peace and Order from persons with knowledge and experience in various areas who are politically impartial, having the duties of nominating suitable persons for appointment as Senators. The nomination shall be in accordance with the following rules and procedures:

(a) The Election Commission shall select two hundred Senators pursuant to section 107 in accordance with the Organic Act on Installation of Senators. This shall be completed not less than fifteen days prior to the date of election of members of the House of Representatives under section 268. The Election Commission shall thereafter present the list of names to the National Council for Peace and Order.

(b) The Senator Selection Committee shall select no more than four hundred persons who have appropriate knowledge and competence deemed beneficial to the performance of duties of the Senate and national reform in accordance with the procedure prescribed by the Senator Selection Committee, and shall thereafter present the list of names to the National Council for Peace and Order. This shall be completed no later than the time period prescribed by (a).

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(c) The National Council for Peace and Order shall select fifty persons selected under (a) from the list of names received from the Election Commission and select fifty alternates therefrom, with due and thorough consideration given to persons from different groups. The National Council for Peace and Order shall also select one hundred and ninety-four persons from the list of names received from the selection under (b) to be combined with the Permanent Secretary of the Ministry of Defence, the Supreme Commander, the Commander-in-Chief of the Royal Thai Army, the Commander-in-Chief of the Royal Thai Navy, the Commander-in-Chief of the Royal Thai Air Force and the Commissioner-General of the Royal Thai Police, totaling two hundred and fifty persons. In addition, the National Council for Peace and Order shall select fifty alternates from the list of names received from the selection under (b). These undertakings shall be completed within three days from the date on which the result of the election for members of the House of Representatives under section 268 is announced.

(2) The provisions of section 108 b. prohibitions (6) in the part relevant to the past holding of the position of Minister shall not apply to the persons holding the positions of Senator selected under (1) (b); and, section 108 b. prohibitions (2), section 184 (1) and section 185 shall not apply to the persons appointed to be *ex officio* Senators.

(3) The National Council for Peace and Order shall respectfully present the list of names of such two hundred and fifty persons selected under (1) (c) to the King for appointment, and the Head of the National Council for Peace and Order shall countersign the Royal Command.

(4) The term of the Senate under this section shall be five years from the date of appointment by the Royal Command. Membership of the Senate commences on the date of appointment by the Royal Command. If a position becomes vacant, the next person in sequential order in the alternate list under (1) (c) shall be elevated to be a Senator to fill the vacancy. The President of the Senate shall take action and countersign the Royal Command. An *ex officio* Senator shall also vacate office of Senator upon vacating from the position held at the time of appointment as a Senator, and proceedings shall be taken to appoint the person holding the position to be the *ex officio* Senator. A Senator appointed to fill the vacancy shall hold office for the remaining term of the Senate;

(5) While the Royal Command appointing a person from the alternate list as a Senator to fill the vacancy under (4) has not yet been issued, or in the case where there is no person left in the alternate list or there is no person holding office of *ex officio* Senator due to any reason, the Senate shall consist of the existing Senators.

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(6) Upon expiration of the term of the Senate in accordance with (4), the proceedings for selection of Senators under section 107 shall be taken. The provisions in section 109 paragraph three shall apply *mutatis mutandis*.

**Section 270.** Apart from the duties and powers provided in the Constitution, the Senate under section 269 shall have the duty and power to monitor, recommend and accelerate national reform in order to achieve the objectives under Chapter XVI National Reform, and the preparation and implementation of the National Strategy. In this regard, the Council of Ministers shall report the progress of implementing the national reform plan to the National Assembly every three months.

The bill to be enacted for the implementation of Chapter XVI National Reform shall be submitted to and considered by the joint sitting of the National Assembly.

When the Council of Ministers deems any bill as a bill to be enacted for the implementation of Chapter XVI National Reform, it shall notify the President of the National Assembly and submit such bill thereto. In the case where the Council of Ministers does not notify that the bill is to be enacted for the implementation of Chapter XVI National Reform, if Members of the House of Representatives or Senators deem that such bill is a bill to be enacted for the implementation of Chapter XVI National Reform, the Members of the House of Representatives or Senators comprising not less than one-fifth of the members of each House may sign a joint petition to request the President of the National Assembly to make a decision thereon. Such petition must be submitted prior to the completion of consideration of that bill by the House of Representatives or the Senate, as the case may be.

Upon receiving the request under paragraph three, the President of the National Assembly shall present the matter to a joint committee consisting of the President of the Senate, as the Chairperson, and one Vice-President of the House of Representatives, the Leader of the Opposition in the House of Representatives, one representative from the Council of Ministers and one Chairperson of a standing committee elected by and from Chairpersons of all standing committees of the Senate, as members, to make a ruling thereon.

The ruling of the joint committee under paragraph four shall be made by a majority of votes, and shall be final. The President of the National Assembly shall proceed in accordance therewith.

**Section 271.** During the initial period within the term of the Senate under section 269, the consideration of a bill withheld by the Senate or the House of Representatives

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under section 137 (2) or (3) shall be done by a joint sitting of the National Assembly, if such bill relates to:

(1) amendment to penalties or elements of malfeasances in public office or in judicial office, or offences of officials in an organisation or agency of the State, if such amendment causes the offender to be exonerated from the offence or be excused from the penalty;

(2) a bill that the Senate has resolved, with a vote of not less than two-thirds of the total number of existing members, that such bill seriously affects the administration of justice.

The resolution of the joint sitting of the National Assembly for approval of the bill under paragraph one must be made by the votes of not less than two-thirds of the total number of existing members of the National Assembly.

**Section 272.** In the period of five years from the date of installation of the first National Assembly under this Constitution, an approval of a person suitable to be appointed as the Prime Minister shall be done in accordance with section 159, except for the consideration and approval under section 159 paragraph one, which shall be done by a joint sitting of the National Assembly, and the resolution approving the appointment of any person as the Prime Minister under section 159 paragraph three must be made by votes of more than one-half of the total number of existing members of both Houses.

During the time under paragraph one, if a Prime Minister cannot be appointed from the persons in the lists submitted by political parties under section 88 due to any reason, and members of both Houses comprising not less than one-half of the total number of existing members of both Houses submit a joint signed petition to the President of the National Assembly requesting the National Assembly to pass a resolution exempting the nomination of the Prime Minister from the persons in the lists submitted by political parties under section 88, in such case, the President of the National Assembly shall promptly convene a joint sitting of the National Assembly. In the case where the National Assembly passes a resolution approving the exemption with votes of not less than two-third of the total number of existing members of both Houses, the procedure under paragraph one shall be undertaken further, in respect of which the persons in the list submitted by political parties under section 88 may or may not be nominated.

**Section 273.** The judges of the Constitutional Court, the persons holding positions in Independent Organs and the Auditor-General who hold office on the day prior to

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the date of promulgation of this Constitution shall remain in office to perform duties. When the relevant Organic Acts prepared under section 267 have come into force, the continued holding of office shall be in accordance with such Organic Acts. In the absence of the Organic Acts prepared under section 267, the vacation of office of the judges of the Constitutional Court, the persons holding positions in Independent Organs and the Auditor-General shall be in accordance with the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) and the relevant Organic Acts or laws.

The acts of the Constitutional Court or Independent Organs and the Auditor-General shall be in accordance with the laws in force on the day prior to the date of promulgation of this Constitution, insofar as they are not contrary to or inconsistent with the provisions of this Constitution.

Pending the Organic Act on the Procedures of the Constitutional Court, the hearings and rendering of decisions of the Constitutional Court shall be in accordance with the Rules of the Constitutional Court in force on the day prior to the date of promulgation of this Constitution, insofar as they are not contrary to or inconsistent with the provisions of this Constitution.

**Section 274.** The National Broadcasting and Telecommunications Commission under the Act on the Organisation for Frequency Allocations and Regulation of Radio Broadcasting, Television Broadcasting and Telecommunications Businesses, B.E. 2553 (2010) shall be the organisation under section 60 paragraph three. The Council of Ministers shall undertake to amend such Act to be in accordance with the provisions of this Constitution and propose such amendment to the National Legislative Assembly for consideration within one hundred and eighty days from the date of promulgation of this Constitution.

**Section 275.** The Council of Ministers shall undertake to complete the enactment of the law under section 65 paragraph two within one hundred and twenty days from the date of promulgation of this Constitution, and complete the preparation of the National Strategy within one year from the date on which such law comes into force.

**Section 276.** The Constitutional Court and Independent Organs shall undertake to formulate the ethical standards under section 219 within one year from the date of promulgation of this Constitution. If the undertaking has not been completed within such period of time, the judges of the Constitutional Court and the persons holding positions in Independent Organs shall vacate their office.

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In the case where the judges of the Constitutional Court and the persons holding positions in Independent Organs vacate office under paragraph one, the period of one year under paragraph one shall commence from the date on which the newly appointed judges of the Constitutional Court and persons holding positions in Independent Organs assume office. The provisions in paragraph one shall apply to the newly appointed judges of the Constitutional Court and persons holding positions in Independent Organs *mutatis mutandis*.

**Section 277.** Apart from those specifically provided in this Constitution, the Council of Ministers shall propose the laws for implementing section 196, section 198 and section 248 paragraph three to the National Legislative Assembly within one year from the date of promulgation of this Constitution.

Pending the revision of or amendment to the laws for implementing section 196, section 198 and section 248 paragraph three, the Judicial Committee of the Courts of Justice, the Judicial Committee of the Administrative Courts and the State Attorney Committee existing on the day prior to the date of the promulgation of this Constitution shall act as the Judicial Committee of the Courts of Justice, the Judicial Committee of the Administrative Courts and the State Attorney Committee under section 196, section 198 and section 248 paragraph three, as the case may be, for the time being.

Pending the revision of or amendment to the laws for implementing section 248 paragraph four, a State Attorney shall be prohibited from holding a position of director in a State enterprise or other undertakings of the State of similar nature, or from holding any position in a partnership, a company or any other undertaking with objects for sharing profits or income, or being an advisor of a person holding a political position, or holding any other position of the same nature.

**Section 278.** The Council of Ministers shall undertake to ensure that the State agencies specified by the Council of Ministers complete the preparation of necessary draft laws under section 58, section 62 and section 63, and present them to the National Legislative Assembly within two hundred and forty days from the date of promulgation of this Constitution, and the National Legislative Assembly shall complete its consideration within sixty days from the date of receipt of such bill.

In the case where several agencies are involved, the Council of Ministers shall specify the period of time within which each agency must complete its undertaking in

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accordance with the necessity of each agency, provided that such period, in total, must not exceed the period of two hundred and forty days under paragraph one.

In the case where a State agency under paragraph one fails to complete its undertaking within the period of time under paragraph two, the Council of Ministers shall order the head of such State agency to vacate office.

**Section 279.** All announcements, orders and acts of the National Council for Peace and Order or of the Head of the National Council for Peace and Order which are in force on the day prior to the date of promulgation of this Constitution or will be issued under section 265 paragraph two, irrespective of their constitutional, legislative, executive or judicial force, as well as the performance of acts in compliance therewith shall be considered constitutional, lawful and effective under this Constitution. Repeal of or amendment to such announcements or orders shall be made in the form of an Act, except in the case of announcements or orders that, in nature, are the exercise of executive power, a repeal or amendment shall be made in the form of an order of the Prime Minister or a resolution of the Council of Ministers, as the case may be.

All matters recognised as constitutional and lawful by the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) as amended by the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 1), B.E. 2558 (2015) and the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 Amendment (No. 2), B.E. 2559 (2016), including acts incidental thereto, shall be deemed constitutional and lawful.

Countersigned by

General Prayut Chan-o-cha  
Prime Minister

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