

CONSTITUTION OF THE KINGDOM OF THAILAND

..... <Preamble>

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GENERAL PROVISIONS

Section 1. Thailand is one and indivisible Kingdom.

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

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

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

Section 4. The human dignity, right, liberty and equality of the people shall be protected.

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

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

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

In the case where the question concerning any act or decision under paragraph one arises in the affairs of the House of Representatives, the Senate, the National Assembly, the Council of Ministers, the Supreme Court, the Supreme Administrative Court or any Constitutional organization, it may request the Constitutional Court to make decision thereon, but the request of the Supreme Court and the Supreme Administrative Court shall be approved by the plenary session of the Supreme Court or the Supreme Administrative Court and on the matter related to the trial and adjudication of the case.

BOOK I

THE KING AND THE PEOPLE

CHAPTER 1

The King

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Amendment of the Palace Law on Succession, B.E. 2467 shall be the prerogative of the King. At the initiative of the King, the Privy Council shall draft the Palace Law Amendment and shall present it to the King for His consideration. When the King has already approved the draft Palace Law amendment and sign thereon, the President of the Privy Council shall notify the President of the National Assembly for informing the National Assembly. The President of the National Assembly shall countersign the Royal Command. The Palace Law Amendment shall come into force upon its publication in the Government Gazette.

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

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

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

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

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

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

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

Section 25. In the case where the Privy Council has to perform its duties under section 19 or section 23 paragraph two, or the President of the Privy Council has to perform his duties under section 20 paragraph one or paragraph two or section 24 paragraph two, and there is, during that period, no President of the

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Privy Council or the President of the Privy Council is unable to perform his duties, the remaining Privy Councilors shall elect one among themselves to act as the President of the Privy Council or to perform the duties under section 20 paragraph one or paragraph two or section 24 paragraph three, as the case may be.

CHAPTER 2

The People

Part 1

Citizenship and Citizens' Duties

Section 26. The Thai people shall be citizen.

A citizen shall pay respect to and act in compliance with the Constitution and the laws, preserve rights and liberties of others and the principle of equality, uphold righteousness as well as good value and discipline, be responsible for citizen's duties, be accountable to social and the public, and be in harmony, pertinacity and self-reliance.

No citizen shall act in advocacy of national or religious hatred or constitute any incitement to discrimination, hostility or violence.

The State shall implant citizen to uphold a regime of government with the King as Head of State and democratic value and shall prepare any education and training to citizen at all levels, groups and ages so as to institute the citizenship under this section.

Section 27. A citizen shall have the following duties:

- (1) to uphold the nation, religions, the King and the democratic regime of government with the King as Head of State under this Constitution;
- (2) to defend the country, serve in armed forces and protect national benefits and to act in compliance with law;
- (3) to pay tax in good faith;
- (4) to exercise political right in good faith and for the benefit of the public;

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(5) to render assistance to official service, to render assistance in prevention and rehabilitation of public calamity and in prevention and suppression of corruption, to receive education and training, to carry out occupation or profession in good faith, to protect, preserve, conserve and retain national and local convention and tradition, wisdom, art and culture and to preserve and conserve natural resources and environment.

Section 28. A citizen who serves service in the National Moral Assembly, Citizen Assembly, Public Scrutiny Organization, and other organizations established by this Constitution shall perform his honor duties vigorously in an impartial and sacrificial manner. In this regards, such citizen is entitled to necessary expense for the benefit of the performance of his duties as provided by law.

Part 2

Rights and Liberties of the People

Section 1

General Provisions

Section 29. Human dignity, rights and liberties recognised by this Constitution explicitly, by implication or by decisions of the Constitutional Court shall be protected and directly binding on the National Assembly, the Council of Ministers, the Courts, Constitutional organisations and all State organs in enacting, applying and interpreting laws.

In exercising powers of all State authorities, human dignity, rights and liberties in accordance with the provisions of this Constitution shall be respected.

Section 30. The rights of person recognized by this Constitution imply corresponding duties resting on the State and all State agencies to ensure the effectiveness of the exercise of such rights. To fulfill such duties, regard shall also be had to financial capacity of the State.

Section 31. No person shall exercise rights or liberties in a manner which may overthrow the democratic regime of government with the King as Head of State under this Constitution or to acquire the power to rule the country by any means which is not in accordance with the provisions provided by this Constitution.

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In the case where a person or group of person has committed the act under paragraph one, the person detecting such act shall have the right to request the Constitutional Court for ordering cessation of such act or any other appropriate order without prejudice to the institution of a criminal action against whom doing such act.

Section 32. A person can invoke human dignity, exercise his right to freedom and exercise his rights and liberties in so far as it is not violation of rights and liberties of other persons or contrary to this Constitution or public order or good morals.

A person whose rights or liberties recognised by this Constitution are violated can invoke the provisions of this Constitution to bring a lawsuit to, or to defend himself in, the Courts.

A person may bring a lawsuit against the State directly so as to act in compliance with the provisions of this Chapter. If there is a law enforcing the exercise of any right or liberty as recognised by this Constitution, the exercising of that right or liberty shall be in accordance with such law. If the Constitution provides that the exercise of any recognized right or liberty shall be made by virtue of law and that law has not been enacted yet, a person shall be entitled to bring a lawsuit against the State directly.

The law to be enacted under paragraph three shall, upon the principle of proportion, not oppose to the scope of, or cause impediment to, rights and liberties and the exercise thereof.

The State shall provide protection, enhancement and assistance to the people for the exercise of rights and liberties appropriately.

Section 33. The restriction of rights and liberties recognised by this Constitution shall not be imposed on a person except by virtue of law specifically enacted for the purpose prescribed herein and only to the extent of necessity; provided that, it shall not affect the essential substances of such rights and liberties.

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

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

Section 2

Human Rights

Section 34. All persons are equal before the law and shall enjoy equal protection under the law.

Men and women shall enjoy equal rights and liberties.

Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, gender, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or training, or constitutionally political view shall not be made.

Measures determined by the State in order to eliminate obstacle to or to promote persons' ability to exercise their rights and liberties as other persons shall not be deemed as unjust discrimination under paragraph three.

Section 35. Members of the armed forces, police force and government officials holding permanent position or receiving a salary and other officials of the State shall enjoy the same rights and liberties under the Constitution as those enjoyed by other persons, unless such enjoyment is restricted by law or rule specifically enacted or issued in regard to politics, efficiency, disciplines or ethics.

Section 36 A person shall enjoy the right and liberty in his life and person.

A torture, brutal act or punishment by a cruel or inhumane means shall not be made; provided that punishment under judgments of the Courts or by virtue of law shall not be deemed the punishment by a cruel or inhumane means.

Arrest and detention of person shall not be made except by order or warrant issued by the Courts or there is a ground as provided by law.

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

Section 37. No person shall be inflicted with a criminal punishment unless he has committed an act which the law in force at the time of commission provides to be an offence and imposes a punishment therefor, and the punishment to be inflicted on such person shall not be heavier than that provided by law in force at the time of the commission of the offence.

The suspect or the accused in a criminal case shall be presumed innocent. Before the passing of a final judgement convicting a person of having committed an offence, such person shall not be treated as a convict.

No one shall, in criminal case, be compelled to testify against himself or to confess guilt.

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Section 38. The right of a person to marry and in family shall be protected.

The right of a person in dignity, reputation, personal information and privacy shall be protected. The restriction of such right shall not be imposed except by virtue of the specifically enacted for public benefit or public figure.

Personal information of a person shall be protected from the seeking of unlawful benefit as provided by law. The seeking of benefit through any means of personal information connectivity shall be provided by virtue of law.

Section 39. A person shall enjoy the liberty of dwelling, and the peaceful habitation in and the possession of dwelling shall be protected.

The entry into a dwelling without consent of the possessor thereof or the search of a dwelling or private place shall not be made except by order or warrant issued by the Courts or there is a ground as provided by virtue of law.

Section 40. A person shall enjoy the liberty of communication by lawful means.

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

Section 41. A person shall enjoy full liberty to profess a religion, a religious denomination or creed, and observe religious precepts or commandments or exercise a form of worship in accordance with his belief; provided that it is not contrary to his citizens' duties, public order or good morals.

In exercising the liberty referred to in paragraph one, a person shall be protected from any act of the State which is derogatory to his rights or detrimental to his due benefits on the grounds of professing a religion, a religious denomination or creed or observing religious precepts or commandments or exercising a form of worship in accordance with his different belief from that of others.

Section 42. A person shall enjoy the liberty to express opinion, make speech, write, print, publicise, and make expression by any other means.

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

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Section 43. The property right of a person shall be protected. In using of any property, public benefit shall also be taken into consideration. The extent and the restriction of such right shall be imposed by virtue of law.

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

An expropriation of immovable property shall not be made except by virtue of law specifically enacted for using in State affair and for the provision of public service or other public benefits. In this regards, the purpose of expropriation and period of time for use of immovable property shall be specified in an immovable property expropriation law, and fair compensation shall be paid in due course to the owner thereof as well as to all persons having the rights thereto, who suffer loss by such expropriation. The amount of compensation shall be fairly assessed with due regard to the normal market price, mode of acquisition, condition and location of the immovable property, loss of the person whose property or right thereto is expropriated, and benefits that the State and the person whose property or right thereto is expropriated may receive from the use of the expropriated property and the remnant from expropriation. If the immovable property is not used to fulfil such purpose within such period of time, it shall be returned to the original owner or his heir in accordance with the provisions of the law.

Section 44. A person shall have the rights in judicial process as follows:

(1) right of easy, convenient, expedient, comprehensive and equal access to judicial process with fair cost;

(2) right to correct, prompt, fair and standard trial. Every child, youth, woman or aging or disabled person shall have the right to appropriate protection in judicial process;

(3) fundamental rights in judicial process composing of, at least, right to public trial, right to defend the case, right to object the partial judges, right to be considered by the full bench of judges and right to transcribe or copy decisive decision, judgment or order;

(4) an injured person, alleged offender, plaintiff, defendant or the accused, interested parties, interested person or witness to the case shall, irrespective of his race, sex, age, physical or health condition or status, have the right to appropriate treatment;

(5) an injured person, alleged offender, the accused and witness to a criminal case shall have the right to necessary and appropriate protection and assistance from the State and shall be investigated correctly, expediently and fairly upon apparent standard. The alleged offender and the accused shall have the right to legal assistance from experienced legal practitioner, the right to temporarily release on bail except where otherwise imposed by virtue of law, and the right to know the justification of State attorney on prosecution or non-prosecution order;

(6) right to obtain remedy for the violation of rights or liberties recognized by the Constitution.

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Section 45. Any person other than a person of Thai nationality residing within the Kingdom shall enjoy economic, social and cultural rights as provided by virtue of law or as rendered by the State.

Section 3

Civil Rights

Section 46. The family shall have the right to protection and assistance by the State in order to live altogether solidly and comfortably with appropriate living conditions including food, cloth and habitation as provided by virtue of law.

Every mother shall enjoy special protection and welfare as appropriate from the State and employer during a reasonable period before and after childbirth as provided by virtue of law.

Every child and youth shall enjoy the right to survive and to receive physical, mental and intellectual development in compliance with their personalities and in suitable surroundings, and shall, with regard to their active participation, be protected from the seeking of any benefit which may be risky to their mental or health or may impede their natural development.

Every child, youth, woman and member of family shall be protected by the State from violence and unfair treatment in all forms and shall have the right to rehabilitation upon an occurrence thereof.

The restriction of any right of child, youth and member of family shall not be imposed except by virtue of law specifically enacted for preservation and maintenance of condition or unity of family or for protection of child or youth welfare or for their greatest benefit.

Every child, youth, woman, person over sixty years of age with insufficient income and the disabled or handicapped shall have the right to welfare, public facilities and appropriate assistance for the State as provided by virtue of law.

Section 47. A citizen shall enjoy the liberty of travelling and the liberty of making the choice of his residence within the Kingdom.

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

Expatriation of Thai nationality by birth is prohibited. Citizenship may be expired only as provided by virtue of law and against the will of the affected citizen only if he does not become stateless as a result.

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

Section 48. Liberty of mass media to practice in accordance with professional ethics for the benefit of the public in knowing information and news correctly, thoroughly and holistically upon public accountability shall be protected.

The closure of mass media business in deprivation of the liberty under this section is prohibited.

The prevention of mass media from printing news or expressing opinion, wholly or partly, or interference in any manner whatsoever in deprivation of the liberty under this section, shall not be imposed except by virtue of law specifically enacted for the purpose of maintaining the security of State, protecting the rights, liberties, dignity, reputation, private data, family or privacy rights of other persons, maintaining public order or good morals or preventing or halting the deterioration of mental or health of the public.

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

The owner of mass media business shall be citizen. No citizen shall own or hold shares in many mass media business, directly or indirectly, in a manner that may control or monopolize the presentation of information, news or opinion to the public or obstruct an access to information or news of the public or hinder the public from obtaining information or news from various sources as prescribed by law.

No person holding political position shall be owner or shareholder in mass media business whether in his own name or through his nominee, and no such person shall act in any manner whatsoever so as to control such business as if he is the owner or shareholder thereof.

No grant of money, property or any other benefit shall be made by State as subsidies to private mass media. The advertisement in, or buying of any other service from, private mass media by State shall be made by virtue of law specifically enacted for that purpose.

Section 49. An official or employee in a private sector undertaking mass media business shall enjoy liberty to present news and express their opinions under the constitutional restrictions without mandate of State or the owner of such businesses; provided that, it is not contrary to their professional ethics.

A government official holding permanent position or receiving a salary and other officials of the State who performs duty as mass media shall enjoy the same liberties as those enjoyed by the official or employee under paragraph one.

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Any act done by a person holding political position, State official or the owner of business with a view to obstruct or interfere the presentation of news or an expression of opinions in public issue of the person under paragraph one or paragraph two, irrespective of whether such act has been done directly or indirectly, shall be deemed as wilfully misuse of power and take no effect except where such act has been done through the enforcement of law or professional ethics.

There shall be the law establishing mass media profession organization so as to provide welfare for the persons under paragraph one and paragraph two, to protect mass media liberty and independence under section 48, to strengthen professional ethics and standard and to consider petition of whom affected from the enjoyment of liberty under section 48.

Section 50. Transmission frequencies for radio or television broadcasting and telecommunication are national communication resources for public interest.

There shall be an independent regulatory body having the duty to allocate the frequencies under paragraph one and supervise radio, television, telecommunication and information technology businesses as provided by the law. In this regards, regard shall be had to State security, the greatest public benefit at national and local levels with respect to the underprivileged in terms of education, culture and other public interests, including the participation of private sector and local community in accessing to and providing of public mass media as determined by national strategic and development plan and as provided by virtue of law.

In an execution under paragraph two, regards shall be had to free and fair competition. The collection of any fee or charge for doing such businesses shall have regard to the extension, standard, quality and transparency of service at the possible lowest cost of the public rather than income of State or of that organization.

The owner of business under this section shall be citizen and shall not act in any manner which may produce the outcome under section 48 as imposed by virtue of law.

Section 51. Academic freedom shall be protected.

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

An analysis and criticize of judgment, decision or order of the Court and publication thereof in good faith and in accordance with academic principles shall be protected.

Section 52. A citizen shall enjoy equal right to obtain quality and variety education comprehensively for self-development in compliance with local culture and his skill and proficiency from primary level through secondary level, both general and vocational educations, without pay as provided by virtue of law.

The indigent, disabled or handicapped, or destitute person shall enjoy an equal right under paragraph one and shall be supported by State to receive equal education with others.

State shall provide and promote the provision of education and training of professional or private organisation for, lifelong learning, self-directed learning, alternative education and other varieties means of education of, the people so as to promote morality, concentration and wisdom of the public.

Section 53. A citizen shall enjoy the liberty to assemble peacefully and without arms.

The restriction on such liberty under paragraph one shall not be imposed except by virtue of law specifically enacted for the purpose of public assembling and for securing State security, public safety, public order or good moral of the people, protection of public health or the protection of rights or liberties of others.

Section 54. A citizen shall enjoy the liberty to unite and form an association, union, federation, a co-operative, farmers' group, private organisation, a non-governmental organisation or any other group.

A government official holding permanent position or receiving a salary and other officials of the State shall enjoy the same liberty to association so long as the efficiency of State administration and the continuation in providing public services are not affected as provided by law.

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

Section 55. A citizen shall have political right under this Constitution and shall enjoy the liberty to unite and form a political party or political group in order to manifest political view of people and to carry out political activity for the fulfilment of such will through the democratic regime of government with the King as Head of State as provided by this Constitution.

Section 56. A citizen shall enjoy the liberty to engage in an enterprise or an occupation or profession.

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

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

Section 57. A citizen shall have the right to fair wage and the right to appropriate and fair work safety, occupational health, security and welfare and to living security irrespective of whether he is employed or unemployed in accordance with the provisions of law.

Section 58. A citizen shall have the right to public health as provided by virtue of law as follows:

- (1) to live in environment and surrounding which are suitable for healthy;
- (2) to obtain appropriate, quality and standard health service as well as other basic benefits comprehensively;
- (3) to obtain correct and up-to-date health-related information from the State.

Citizen whom injured from public health service and public health service provider whom damaged from practicing in accordance with professional standard and ethics shall be protected by the State appropriately as provided by virtue of law.

Section 59. A citizen shall have the right to access and utilize public service provided by the State continually, comprehensively and equally and State shall regularly modernize such public service.

Section 60. Right of consumer shall be protected.

There shall be a consumer protection organisation which acts independently and not being State agency consisting of representatives of consumers to perform the function of giving opinions to a State agency on the enactment and application of laws, rules and regulations and on the determination

of various measures for consumer protection, and for examining and making a report on any act or omission related to consumer protection as well as enhancing and promoting necessary consumer protection knowledge and skill to consumer. The State shall provide financial support for an operation of such organisation.

Section 61. A citizen shall have the right to obtain and access to public information in possession of the State, unless the disclosure of such information shall affect the security of State, public safety, interests of other persons which shall be protected, or personal information of other persons as provided by law.

Section 62. A citizen shall have the right to petition and to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties and shall have the right to be informed of the result thereof without delay.

A citizen shall have the right to obtain information, explanation and justification from the State before granting of any sort of permission or undertaking any project or activity which may affect the quality of environment, health, quality of life or any other substantial interest in concerning with him or his community and shall have the right to express his opinions on such matters to the concerned agencies for their consideration.

The State shall arrange comprehensive public consultation prior to the making of national strategy, economic and social development plan and any other plan, the expropriation of immovable property, the making of town and country planning, the determination of land use, and the enactment of rule which may affect material interest of the public, and the result of public consultation shall be taken into State's consideration. In this regards, the historic and cultural sites shall also be taken into consideration.

Section 63. A community shall have the right to protect, rehabilitate, conserve, retain and develop community, local or national tradition and custom, art and culture and old good wisdom and shall have the right to participate in management, maintenance and exploitation of natural resources, environment and biological diversity in a balanced and sustainable manner.

Citizen shall have the right to participate with community or State in an implementation under paragraph one and in any other matter which may be beneficial to community.

Section 64. Rights of citizen to participate with State and community in an exploitation of natural resources and biological diversity fairly and in conservation, promotion and maintenance of quality of environment for usual and consistent survival in the environment which is not hazardous to his health, welfare or quality of life shall be protected.

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Any project or activity which may be seriously detrimental to community in respect of environmental quality, natural resources and biological diversity shall not be undertaken, unless its impacts on quality of environment and health of the people in community have been studied and evaluated by an impartial person. In the case where strategic environment assessment is required, regards shall also be had to the compatible output thereto. Additionally, consultation with the public and interested parties shall be organized prior to the commencement thereof, and opinions of an independent organisation, consisting of representatives from private environmental and health organisations and from higher education institutions providing studies in the field of environment, natural resources or health, have been obtained prior to the undertaking of such project or activity.

The right of citizen and a community which may be affected from the undertaking under this section to take legal action against State or State agency to enforce the performance of duties under this section shall be protected.

Part 3

Political Participation

Section 65. A citizen shall have the right to obtain information related to, and to express opinion on, the developing and the making of decision on public policy whether at national, regional or local level, including in the consideration of bill or draft rule and any undertaking of the project or activity which may affect his way of life or normal livelihood, environmental quality, natural resources and health and other matter as provided by virtue of law.

State agency which is accountable for the developing of each public policy shall have the duty to enable citizen to enjoy the participation under paragraph one.

The citizen participation procedure under this section shall be provided by law.

Section 66. Citizens having the right to vote of not less than ten thousand in number shall have the right to submit the bill under BOOK I, Chapter 2, Part 2 Rights and Liberties of People and Book II, Chapter 2 Directive Principles of Fundamental State Policies under this Constitution to the National Assembly as provided by virtue of law.

State organization having duties in preparing and examining the bill shall have the duties in supporting citizen in preparing and submitting the bill as provided by virtue of law.

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In an examination of the bill under paragraph one, the House of Representatives and the Senate shall invite the representatives of the citizens who submit the bill to introduce the bill and at least one-thirds of the total number of the members of the extraordinary committee to be established for the examination of such bill shall compose of the representatives of the citizens who submit that bill.

Section 67. Citizens having the right to vote shall cast votes in referendum on an amendment of the Constitution or on the matter which may affect national or public interest as notified by the Royal Proclamation or on the matter provided by law. The referendum shall be held in accordance with the rules and procedure as provided by the Organic Law on Referendum.

The referendum under paragraph one may be held for the purpose of finding solution by the majority votes of eligible voters in the referendum on the issued posed by referendum or for the purpose of advising the Council of Ministers, unless specifically provided by law.

A vote in a referendum shall only be held in the subject matter of referendum. A referendum shall not be held on an issue specifically relating to any individual or group of persons, except as prescribed by this Constitution.

Section 68. A citizen shall have the right to peacefully resist an act committed for the acquisition of the power to rule the country by means which is not in accordance with the modes provided by this Constitution.

Part 4

Public Examination

Section 69. State agency, private agency, non-governmental organization or any other organization which undertake its activity by State funds shall have the duty to disclose information relating to such activity to the public for monitoring and examination as imposed by law; provided that, such information concerning with security of the State or the disclosure thereof is prohibited by law.

Section 70. For the benefit of prevention and suppression of corruption, citizen shall have the right to request information on, and to monitor, the followings matters as provided by law:

- (1) the undertaking or the performance of duties of a person holding political position, State agency and State official;
- (2) the spending of State funds and procurement of State agency;

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(3) the acceptance of donation of, and the spending of money of, political party or political group and a candidate in an election at all levels;

(4) the spending of money of any natural person or juristic person having transaction with State agency or State official if there is a reasonable ground to believe that such person involving in corruption by requesting any organization relating to examination of State affairs or State agency having duties to control, supervise or filing or registering such juristic person to conduct examination as provided by law.

The disclosure of information under paragraph one is prohibited if it may detrimental to national security, public safety or recognized interests of others as provided by law.

Citizen and mass media providing, in good faith, information to organization relating to examination of State affairs, State agency or the public concerning with the performance of duties of a person holding political position, State agency and State official shall be protected.

Any person exercising the right under paragraph one dishonestly shall be liable to an offence as provided by law.

Section 71. To empower the people in each *Changwat*¹ to participate directly in examination of the exercise of State power, there shall establish the Public Scrutiny Council in each *Changwat* consisting of not more than fifty members who domicile in such *Changwat*. In this regards, not more than one-fourth of the members shall be representatives of the Citizen Assembly and not more than one-fourth of the members shall be representatives of the civil society and the remainder shall be eligible voters.

The qualifications, prohibitions, acquisition, background, behavior and ethics examination, term of office and vacation from office of the members, rule and procedure for the exercise of powers and duties, secretariat unit of the Public Scrutiny Council as well as other necessary matters shall be provided by law.

The Public Scrutiny Council shall, within the precinct of each *Changwat*, have the powers and duties to examine any act of the candidates in an election, local administrators, members of local assembly, State officials and State agencies particularly to the following matters:

(1) the trustworthiness and fairness of an election of the members of the House of Representatives, the members of the Senate, local administrators and members of local assembly;

(2) legality of an act of local administrators, members of local assembly, State officials and State agencies in that *Changwat*;

(3) corruption in public procurement and the spending of State funds of State agencies;

(4) violation of rights or liberties of the people;

(5) conflict of interests and ethics violation.

¹Thai for Province

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Section 72. Citizens having the right to vote of not less than twenty thousand in number shall have the right to lodge with the President of the National Assembly a complaint in order to request the National Assembly to pass a resolution removing a person holding political position or other positions from office or deprive his right to hold any political position or other positions under section 253. Such complaint shall clearly express the circumstances in which such person allegedly committed the wrongful act.

The rules, procedure and conditions for the lodging of the complaint under paragraph one shall be provided by law.

BOOK II

GOOD LEADERSHIPS AND DESIRABLE POLITICAL SYSTEM

CHAPTER 1

Good Leadership and Desirable Political System

Section 73. A political leader, both national and local levels, who dedicates himself to perform public duties shall be good citizen, sacrificed, honest, accountable to the performance of duties, the Country and the people, being role model of the people, adhering to ethics and governance, pledging his loyalty to the nation, religious and the King, and serving the public to the utmost degree. Such political leaders are, *viz.*

- (1) a candidate in an election at all levels;
- (2) a person holding any political position both in national and local levels.

Other leaders in public sector are required to behave as if the political leader under paragraph one as imposed by virtue of law.

Section 74. The ethical standard of political leader and each kind of State official shall be in accordance with the Code of Ethics prepared or approved by the National Moral Assembly and there shall establish the efficient mechanism and system for enforcement of the Code of Ethics as well as procedure for punishment according to gravity of violation.

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Any act of a State official in contrary to, or violation of, the ethical standard under paragraph one is deemed to be a breach of discipline and his superior shall proceed with disciplinary procedure against him. If the person holding political position violates or fails to comply therewith, the National Moral Assembly or the entrusted person shall conduct an investigation on such matter without delay and the National Moral Assembly shall report the result thereof to the House of Representatives, the Senate, the Council of Ministers or related local assembly as well as the Citizen Assembly for information. In the case where the National Moral Assembly is of opinion that the disclosure of such report to public may prevent the emergence of similar violation, such report may be published.

After receiving the report of the National Moral Assembly, the organization under paragraph two shall proceed further with procedure under its powers and duties without re-investigation and inform the result thereof to the National Moral Assembly within the period as determined by the National Moral Assembly. In this case, the National Moral Assembly shall make such report known to public.

The serious violation of, or failure to comply with, the ethical standard of the Prime Minister, Minister, member of the House of Representatives or senator shall be the ground for removal such person from office or deprivation of the right of such person to hold any political office under section 253. In this case, the National Moral Assembly shall forward such matter to the Election Commission for further proceeding without delay. If the person who violates or fails to comply with the ethical standard holds any other political position, the National Moral Assembly shall forward such matter to the National Assembly for removal under section 253. The proceedings under this paragraph shall be in accordance with the law on National Moral Assembly.

The Election Commission shall organize the vote for the purpose of paragraph four in the next general election of the members of the House of Representatives. In case of the person holding the position of Prime Minister or Minister, the vote shall be casted in all constituencies throughout the country, but in case of the person holding the position of member of the House of Representatives or senator, the vote shall be casted in the region where such person was elected or having domicile, as the case may be. After the vote:

(1) If the majority of votes cast for removal of any person, such person shall be removed from office and the right of such person to hold political position or any other position shall be deprived for five years as from the voting date;

(2) In the case where the casting of votes has done when such person vacated office, if the majority of votes cast for removal of any person, the right of such person to hold political position or any other position shall be deprived for five years as from the voting date.

The casting of votes under this section shall be final. The request for removal of such person from office or deprivation of the right of such person to hold political position or any other position upon the same ground shall not be made, but this is not prejudice to the proceedings of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

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In an application for a candidate in an election and in an election, selection or nomination of, or consideration on, or appointment of, any person to hold any position charged with the power to exercise State powers as well as the rotation, promotion, raising of salary or punishment of any person, the ethical behavior of such person shall seriously be taken into deliberation.

The National Moral Assembly shall have the powers and duties in implanting and enhancing ethics of the people as well as the person holding public position and having any other power and duty.

Composition, acquisition, powers and duties, inquisitional method and proceedings of the National Moral Assembly as well as any other necessary matter shall be in accordance with the law on National Moral Assembly.

Section 75. The person holding political position and other leaders in public sector shall at least behave as follows:

(1) leaving his personal interests while exercising powers and duties and adhering to national and public interest without regard to personal benefit or interest of his political party or group;

(2) hearing public opinion, supporting public participation in politics, administration of State's affairs and examination at all levels and taking public consultation result into consideration;

(3) giving sufficient, correct and undistorted opinion, statement or information to public;

(4) showing up political accountability if he or any person under his responsibility commits any wrongful act or causes any damage to the country or public;

(5) opposing any act done in contrary to the Constitution, laws or Code of Ethics if such act is known to him and informing the Constitutional Organizations with duties to examine the exercise of State power for information and execution under their powers and duties.

The person holding political position and other leaders in public sector shall not at least behave as follows:

(1) committing malfeasance in office for personal interest or for the interest of his political party or political group or doing any act of conflict of interest irrespective of whether such act is prohibited by this Constitution or any other law;

(2) violating the essential element of moral, religion or custom;

(3) using impolite language or causing national or religious hatred;

(4) being under illegally dominant or control power of any person or group of persons or acting in a manner that contrary to the code of ethics for the performance of any duty or activity;

(5) exercising of powers and duties to establish political popularity which may detrimental to national economic or the public in the long run;

(6) avoiding or guiding any person to avoid the compliance with this Constitution or laws or expressing similar opinion to public.

Section 76. The internal organization, management and regulation of a political party shall be consistent with the fundamental principles of the democratic regime of government with the King as Head of State and shall not contrary to the status and the performance of duties of the member of the House of Representatives as representative of the Thai people and shall protect national and public interest.

The board of directors of a political party shall carry out any business of a political party in accordance with the Constitution, laws and regulations of a political party deliberately, carefully and faithfully for national and public interest and shall enhance democratic value within political party. The provisions of section 75 shall apply to behavior of a member of the board of directors of a political party *mutatis mutandis*.

In any nomination of candidate for an election of a member of the House of Representatives both on constituency and party list basis, polling of the people or members of a political party in each constituency or region on the candidate to be nominated shall be taken into consideration. If the list of candidates of a political party consisting of candidates of one gender more than another gender, the difference proportion of the genders shall not exceed one-thirds. The rules and procedure related the aforesaid shall be prescribed by the Organic Law on Political Party.

Receiving of donation and spending of money for political activity of a political party, a candidate in an election for a member of the House of Representatives and a member of the House of Representatives whom being member of a political party shall be supervised and under responsibility of the board of directors of a political party and shall be made in accordance with the laws and upon transparency and accountability basis as prescribed by the Organic Law on Political Party and the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

A political party may request its members who are members of the House of Representatives to vote on any matter in the House of Representatives only by resolution of its members who are members of the House of Representatives.

If members of the House of Representatives of any political party in an amount of not less than one-fourth, or any director of the board of directors of a political party, or not less than five thousand individuals are of opinion that an internal organization, management, regulation or resolution of a political party is inconsistent with this section, such persons shall have the right to request the board of directors of a political party to correct that inconsistency for the compliance with this section. If the board of directors of a political party fails to comply with that request or doing others, such persons shall have the right to bring the case to the Constitutional Court.

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In the case where an internal organization, management, regulation or resolution of a political party is decided by the Constitutional Court that it is inconsistent with this section, it shall come to an end and the board of directors of a political party shall act in compliance with the decision of the Constitutional Court as soon as possible.

The provisions of this section shall apply with a political group established by a group of persons associated altogether with political purpose and registered with the Election Commission as appropriate. In this regards, the Election Commission shall establish the applicable rule by consulting with the political groups under the Organic Law on Political Party.

Section 77. The National Moral Assembly shall evaluate behavior of political leader and public sector leader and the National Assessment Commission shall evaluate an act of political party and political group. An evaluation report shall be made known to such person, political party, political group and public as prescribed by law.

Composition, acquisition and powers and duties of the National Assessment Commission shall be prescribed by law.

CHAPTER 2

Directive Principles of Fundamental State Policies

Section 78. The provisions in this Chapter are intended to be used as directive principles of legislation and determination of policies.

Section 79. The State shall protect and uphold the Monarchy, State independence, sovereignty and integrity of territory and jurisdiction, State security, democratic regime of government with the King as Head of State and national benefits and shall arrange for the maintenance of necessary and adequate armed forces and modern military ordnances and technology for the aforesaid purpose and for national development.

Section 80. The State shall patronize and protect Buddhism as religion observed by most Thais for a long period of time and other religions and shall promote good understanding and harmony among the followers of all religions as well as encourage the application of religious principles to promote morality, concentration and wisdom of the public.

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Section 81. The State shall provide amicable relationship and collaboration with other States and international organizations and act in compliance with all adopted international treaties and obligations for the benefits of the State and the public on the matters of human rights, politics, national security, economics and socials, natural resources, environment, culture and development upon the ground of receptiveness of territorial integrity, equality, mutual benefits and international laws, and shall allocate appropriate resources for progressive implementation of all adopted international obligations.

Section 82. The State shall act in compliance with the directive principles of fundamental State policies and shall organize working system of official tasks and other tasks of the State as follows:

(1) to organize working system of official tasks and other tasks of the State in accordance with the principle of good governance;

(2) to provide any develop and occasion to eradicate inequitableness and establish sustainable fairness;

(3) to strengthen decentralization, to make clear of missions, powers and duties and accountabilities among central, provincial and local administrations, and to develop any available *Changwat* to be a local government organization with due regard to the common will of the people of that *Changwat*;

(4) to provide efficient measures for prevention and suppression of corruption in both public and private sectors;

(5) to provide measure for supervision and control of the exercise of State powers for the benefit of the nation and the public;

(6) to provide lives and properties safety protection to the people and to render comprehensive, convenient and efficient services to the people;

(7) to promote State officials to perform their duties in ethical manner and to provide protection thereto.

If any local government organization, community or person is capable to provide any public service better than the State, the State may commit such local government organization, community or person to do that mission under appropriate supervision of the State.

Section 83. The State shall strengthen local community in the following matters:

(1) participation with government agency and local government organization for the development and determination of any policy, plan and budget related to local development;

(2) preservation, maintenance and exploitation of natural resources in the community sustainably;

(3) protection and maintenance of environment and health and promotion of better living, both economic and social perspective, and harmonization of people in the community and between communities;

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(4) promotion and conservation of traditional convention, arts and culture and local and national wisdom;

(5) protection of indigenous and ethnic groups to maintain their identities with dignity.

The State shall promote and support intensified public participation with the State, community and locality for the execution of this section.

Section 84. The State shall provide, foster and support education at all levels and forms as follows:

(1) supporting the provision of learner-centered education and training so as to develop knowledge, moral, mentality, intellectual and life skill of person which is suitable for and compliant with national requirement and the changing of national and global economic and social changes;

(2) preparing continual education policy;

(3) providing sufficient basic budget for education;

(4) improving education curriculum at both national and local levels for the compliance with geosocial and global development;

(5) developing teacher, education personnel and local intellectuals and systemizing payment and benefits of teachers and education personnel of State and private personnel with a view to eradicate inequality;

(6) promoting and supporting education, research and development in science, technology and innovation and disseminating information thereof and providing protection to intellectual property and any other related benefit incurred therefrom.

Section 85. The State shall protect and develop physical, mental, intellectual, and moral and ethics of child and youth, strengthen and develop unity of family institution, provide assistance and welfare to indigent, disabled or handicapped and destitute person, develop income security and other welfares system for old aged persons for their better livings upon self-reliance basis, and promote and support participation of community, local government organization and private sector in so doing.

Section 86. The State shall provide and promote the public to enjoy quality and standard public health service and fundamental and necessary benefits comprehensively and equally, promote the use of local and Thai wisdom in the provision of medical service, develop health and environment system emphasizing on health promotion towards sustainable health conditions of the public, and promote contribution of the community, local government organization and private entity in the provision and development of public health system.

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Section 87. The State shall conduct law development to be in compliance with the existing conditions and to eradicate economic and social inequality and unfairness, to repeal or revise the provisions of the existing legislations which cause unnecessary burden or procedure, to enable State organ to provide public service comprehensively, equally, conveniently, efficiently and fairly, and shall provide impact assessment of all proposed bills and shall conduct public consultation of the people affected by the enactment of laws and rules.

The State shall supervise the application and enforcement of laws accurately, efficiently and fairly and shall protect rights and liberties of people from violation by State official or any other person.

The State shall organize a working system for official tasks and judicial process so as to provide justice to the public efficiently, comprehensively, and equally at low cost, to prevent the seeking of illegal benefits from the public, to enhance the provision of legal knowledge and legal assistance to the people, to provide such dispute settlement mechanism as community justice and alternative dispute resolutions, and to promote participation of the people and professional organizations in judicial process and in the provision of legal assistance.

Section 88. The State shall promote and support the application of the philosophy of sufficient economy for the balance, stable and sustainable development at all levels.

The State shall encourage fair and free economic system, eradicate economic and social inequality and unfairness, immerse sustainable development, promote the application of good governance in all business and promote and support private organization to participate in both national and local economic development in order to strengthen national economy, and shall protect, promote and extend jobs' opportunities of the people and shall prevent both direct and indirect monopoly.

The State shall refrain from any engagement in an enterprise in competition with the private; provided that, it is necessary for the maintenance of State security, preservation of public benefit or provision of public utilities.

The State shall support the carrying out of small and medium enterprise, community enterprise and social enterprise, promote and support goods and services related to local and Thais wisdom, promote co-operatives system, and develop quality and sustainable national tourism.

Section 89. The State shall, in relation to determining of public monetary and fiscal policies and spending of State's Fund, uphold the principle of fiscal disciplinary and sustainability and worthiness spending of State's Fund, provide monetary and fiscal system for society, provide fair and efficient tax system for the greatest benefit of the public in response of the changing of economic and social conditions, allocate budget with due regard to the equality of sex and other

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aspects of equality, provide the mechanism to prevent populism in the administration of State's affair which may cause national and individual economic damage in the long run, and shall provide efficient mechanism for examination and disclosure of State's Fund.

Section 90. The State shall promote people at working age to work and provide aging people to have appropriate work, provide protection to labor who is a child, woman, the disabled or the handicapped, sick labor and any other labor with similar problem, provide labor relation and social security system, and shall ensure worker to obtain fair wages, benefits and welfares upon indiscrimination basis.

Section 91. The State shall ensure the people to have access to public services comprehensively and equally.

The State shall provide fundamental public utilities which are necessary for livelihood of the people and shall prevent such public utilities from monopolization of private sector which may be harmful to the State or may cause excessive cost to the people or may obstruct the opportunity of the people to get access to such public utilities.

Section 92. Natural resources are national resources for public interest. The State shall manage natural resources for the greatest benefit of the State, the public and community at both national and local levels and shall conduct environmental management in accordance with the principle of environmental governance and sustainable development for the balancing of economic, social, environmental and cultural development.

The State shall promote, maintain and protect environmental quality and control and removal of pollution through effective measure, and shall provide equipment and mechanism in order to support, promote and protect the living of people in sound and safe environmental conditions and to provide environmental justice.

The State shall provide management plans for water, forest, marine and biological diversity resources as well as other resources and shall implement those plans systematically and sustainably for public benefit in accordance with the principles of fair access to natural resources, economic and social conditions, natural environment and way of life of local community.

The State shall provide urban and rural planning and development integrally, the national land use system with sustainable standard of land use and appropriate and fair distribution of landholdings and land use.

The State shall promote and support participation of the people, local community and local government organization for an implementation of this section.

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Section 93. The State shall assure energy security, regulate the business related to, and the consumption of, energy and alternative energy standardly, efficiently, fairly and worthily with regard to the effect to the health of the people, community and environment, support the production and consumption of renewable energy at the greatest capacity and promote and support research and development related to all sorts of energy continually and systematically, and shall enhance the people, community, local government organization and private sector to take part in energy conservation and production for self-consumption and for sale.

Section 94. The State shall, with regard to participation of the public, community and local government organization, promote arts and culture to be the fundamental identity of the nation and community, conduct culture management in order to develop economic value-added and provide public space for arts and culture activities. In this regards, the State shall promote and support public, community and local administration participation in so doing.

Section 95. The State shall promote sports' development to develop health and quality of lives of the people and for the excellent at all levels, and shall provide systematic, modern and standard sports management comprehensively and fairly.

CHAPTER 3

National Assembly

Part 1

General Provisions

Section 96. The National Assembly consists of the House of Representatives and the Senate.

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

No citizen shall be a member of the House of Representatives or the Senate simultaneously.

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Section 97. The President of the House of Representative is President of the National Assembly. The President of the Senate is Vice-President of the National Assembly.

If there is no President of the House of Representatives or he is absent or unable to perform his duties, the President of the Senate shall act as President of the National Assembly. In the case where there is no both President of the House of Representatives and the President of the Senate or neither of them are absent or unable to perform their duties, the Vice-President of the House of Representatives or the Vice-President of the Senate shall act as President of the National Assembly respectively.

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

The President of the National Assembly and the person acting as President of the national Assembly shall be impartial in the performance of duties.

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

Section 98. An Organic Law bill and a bill may be enacted as law only by and with the advice and consent of the National Assembly and when the King's signature has been given or deemed to be given thereto under this Constitution; it shall come into force upon its publication in the Government Gazette.

Section 99. Members of the House of Representatives or senators of not less than one-tenth of the total number of the existing number of each House shall have the right to lodge with the President of the House of which they are members a complaint asserting that the membership of any member of such House has terminated under section 116 (3), (4), (5), (6), (7), (8), (9), (10), (11) or (12) or section 128 (3), (4), (5), (6), (7), (8) or (9), as the case may be, and the President of the House with whom the complaint is lodged shall refer to the Constitutional Court for decision as to whether the membership of such person has terminated.

When the decision is made, the Constitutional Court shall notify that decision to the President of the House of which the complaint was lodged under paragraph one.

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

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Section 100. Members of the House of Representatives or senators of not less than one-fourth of the total number of the existing number of each House shall, if they are of opinion that an act or behavior of any member of the House they are members is detrimental to the dignity of the membership of the House of Representatives or senator, have the right to lodge with the President of the House of which they are members a complaint requesting the House of Representatives or the Senate to pass a resolution removing such member from office.

The resolution of the House of Representatives or the Senate under paragraph one shall be made by the votes of not less than three-fourths of the total number of the existing members of each House.

Section 101. If a member of the House of Representatives or senator vacates office when his membership has terminated or after the date the Constitutional Court has decided that his membership has terminated, such vacation from office shall not prejudice to any act done by such member while he was in office, including the receiving of salary or other benefits he received prior to the vacation from office or prior to the date the President of the House he is member receiving the decision of the Constitutional Court, as the case may be; provided that, he vacates office on the ground that he was election or selected illegally under the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators. In this case, such person shall redeem all salaries and benefits he received while being in office to the State.

Section 102. In the case where this Constitution requires an enactment of any Organic Law, Act or Rule or an implementation of any act for the compliance with this Constitution, but the person having duty to propose or consider such law or rule or to conduct such act fails to do so within the period imposed by this Constitution or within a reasonable period if that period has not been imposed by this Constitution and such failure causes the application of this Constitution ineffectively, it shall be deemed that the Council of Ministers, the head of the responsible government agency, a member of the House of Representatives or a senator having duty to propose or consider such law or rule or to conduct such act omits the performance of his duty. If such omission causes any damage, the injured person shall have the right to bring the case against the State for compensation.

Part 2

House of Representatives

Section 103. The House of Representatives consists of not less than four hundred and fifty members but not more than four hundred and seventy members, comprising two hundred and fifty members from election on constituency basis and not less than two hundred but not more than two hundred and twenty members from election on party list basis.

An election of the members of the House of Representatives shall be made by direct suffrage and secret ballot via electronic or any other means, and voting for the members of the House on each basis shall be separated.

The rules and procedure for an election of the members of the House of Representatives in order to acquire the proportional mixed-members between the members elected on constituency and party list basis shall be in accordance with the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

In the case where there is, in a general election, any circumstance resulting the number of the members of the House of Representatives elected in that election being less than four hundred and fifty but not less than ninety percent of the number of four hundred and fifty,² the number of such members is deemed to constitute the House of Representatives. In this case, the acquisition for the shortfall of the number of the members of the House of Representatives as prescribed by paragraph one shall be completed within one hundred and eighty days as from the date such circumstance has occurred and the members acquired under this condition shall hold office for the remaining term of the House of Representatives.

In the case where the office of a member of the House of Representatives becomes vacant for any reason resulting the number of the members of the House of Representatives elected on constituency basis being less than the number as prescribed by paragraph one and an election of a member of the House of Representatives has not been held to fulfill the vacancy, the House of Representatives shall consist of the existing numbers of members of the House.

If the number of the members of the House of Representatives elected on party list basis is less than two hundred in number during the term of the House of Representatives by any reason, it shall be deemed that the members of the House elected on party list basis consist of the existing members.

²or not less than four hundred and five (405) members – Translators.

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Section 104. In an election of the members of the House of Representatives on constituency basis, each eligible voter in each constituency shall have the right to cast votes for one candidate.

The number of inhabitants to one member of the House shall be calculated by averaging the number of inhabitants throughout the country as evidenced in a census announced in the year preceding the year of election by the number of two hundred and fifty members of the House of Representatives.

In determining the number of the members of the House of Representatives of each *Changwat*, the average number calculated under paragraph two shall be benchmark. Any *Changwat* with lower inhabitants than the benchmark under paragraph two shall have one member of the House; any *Changwat* with more inhabitants than the benchmark shall have an additional member of the House for every such number of inhabitants attaining the benchmark number of inhabitants per member.

If the total number of the members of the House of Representatives of each *Changwat* calculated under paragraph three is less than two hundred and fifty, a *Changwat* with the largest fraction remaining from the calculation under paragraph two shall have additional member of the House, and the addition of the members of the House in accordance with such procedure shall apply to other *Changwat* in descending order of fractions remaining from the calculation under paragraph three until the number of two hundred and fifty is fulfilled.

In a *Changwat* with not more than one member of the House of Representatives, the whole area of such *Changwat* shall be regarded as a constituency. In a *Changwat* with more than one member of the House of Representatives, the whole area of such *Changwat* shall be divided into constituencies and each constituency shall have one member of the House of Representatives. In dividing constituencies in a *Changwat* with more than one constituency, each constituency shall consist of connected areas and the number of inhabitants of each constituency shall be approximated.

Section 105. In an election of the members of the House of Representatives on party list basis, an eligible voter shall vote for a list of candidates proposed by political parties or political groups and may spell out a candidate named in the list whom he wants to cast his vote for in particular.

If any list of candidates of any political party or political group is voted over the benchmark for allocation of members of the House of Representatives, such political party or political group shall have the number of the members of the House of Representatives as prescribed by the benchmark. In this case, the candidate of each list whom voted by the eligible voters in order shall be deemed to be elected and the Election Commission shall publish the name of the elected, in order, of such political party or political group.

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Section 106. For the purpose of an election on party list basis, the whole area of the country is deemed to be six regions and each region is deemed to be a constituency.

Each region composes of a group of *Changwat* with adjacent physical boundaries and the number of inhabitants of each region as evidenced in a census announced in the year preceding the year of election shall not be approximate with others.

The preparation of party list, the number of candidates to be in the list, the submission of party list and other related matters shall be provided by the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

Section 107. The calculation for the number of the members of the House of Representatives in which each political party or political group shall obtain in an election shall be as follows:

(1) the total number of votes which all political parties or political groups obtained from all regions in an election on party list basis shall be counted altogether for the calculation of the proportion of the number of the members of the House of Representatives in which each political party or political group shall have at the national level;

(2) the number of the members of the House of Representatives which each political party or political group obtained in an election on constituency basis shall be compared with the number of the total members of the House of Representatives in which each political party or political group shall have under (1) so as to calculate the number of the members of the House of Representatives on party list basis in which each political party or political group shall have under (3) or (4), as the case may be;

(3) if the number of the members of the House of Representatives which each political party or political group shall have under (1) is more than the total number of the members of the House of Representatives which that political party or political group obtained from an election on constituency basis from all constituencies, that political party or political group shall obtain additional number of the members of the House of Representatives to reach the number of the members of the House of Representatives as calculated under (1);

(4) if the number of the members of the House of Representatives which each political party or political group shall have under (1) is equal to or less than the total number of the members of the House of Representatives which that political party or political group obtained from an election on constituency basis from all constituencies, that political party or political group shall have the members of the House of Representatives only whom elected on constituency basis;

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(5) if the total members of the House of Representatives calculated under (3) is more than two hundred and twenty in number, the number of the members of the House of Representatives of each political party or political group on party list basis shall be deducted proportionally to two hundred and twenty in number.

The calculation of the number of the members of the House of Representatives under (3) to a political party or political group in each region shall be made by averaging the proportion of votes in which that political party or political group obtained in that region and the total number of votes of that political party or political group obtained throughout the country under (1).

The rules and procedure for calculation under paragraph one and paragraph two and the calculation by other means in the case of re-election or other cases shall be provided by the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

Section 108. A person having the following qualifications has the right to vote at an election:

(1) being of Thai nationality; provided that a person acquiring Thai nationality by naturalization must hold Thai nationality for not less than five years;

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

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

A voter residing outside the constituency in which he is registered in the house register or whose name has been registered in the house register in the constituency less than ninety days up to the election day or residing outside the Kingdom and enrolling for vote shall have the right to cast vote in an election in accordance with the rules, procedure and conditions provided by the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

Section 109. A person under any of the following prohibitions on the election day is disfranchised:

(1) being a Buddhist priest, novice, monk or clergy;

(2) being under suspension of the right to vote by judgment;

(3) being detained by a warrant of the Court or by a lawful order;

(4) being of unsound mind or mental infirmity.

Section 110. A person having the following qualifications has the right to be a candidate in an election of members of the House of Representatives:

- (1) being of Thai nationality by birth;
- (2) being not less than twenty-five years of age on the election day;
- (3) having any of the following qualifications in case of a candidate in an election on constituency basis;
 - (a) having his name registered in the house register in *Changwat* which is a constituency for not less than five consecutive years up to the election day;
 - (b) having a place of birth in *Changwat* which is a constituency;
 - (c) having been studied in an education institution located in *Changwat* which is a constituency for at least four consecutive academic years;
 - (d) having been served official service in, or having his name registered in the house register in, *Changwat* which is a constituency for at least five consecutive years;
- (4) having any of the qualifications under (3) in case of a candidate in an election on party list. In this case, *Changwat* means any *Changwat* within the same region;
- (5) presenting copies of tax filing forms three years backward to the Election Commission; provided that he is a person with no income and exempted to file tax under the provisions of law;
- (6) other qualifications as provided by the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

Section 111. A person under any of the following prohibitions shall have no right to be a candidate in an election of members of the House of Representatives:

- (1) being addicted to narcotics;
- (2) being bankrupt or having been dishonestly bankrupt;
- (3) being disfranchised under section 109 (1), (2) or (4);
- (4) having been sentenced by a judgment to imprisonment and being detained by a warrant of the Court;
- (5) having been discharged for a period of less than five years on the election day after being sentenced by a judgment to imprisonment except for an offence through negligence or a pretty offence;
- (6) having been expelled, dismissed or removed from the official service, a State agency or a State enterprise on the grounds of dishonest performance of duties or deemed as having committed dishonest acts and malfeasance in official service;
- (7) having been ordered by a judgment or an order of the Court that his assets shall vest in the State on the grounds of unusual wealth or unusual increase of assets;
- (8) having been ordered by a judgment or lawful order that he committed dishonest acts and malfeasance in official service or commit any act resulting in corruptible or unfair election;

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- (9) being a government official holding permanent position or receiving salary or a political official;
- (10) being a member of a local assembly or a local administrator;
- (11) being a senator or having been senator who vacates office for a period of less than two years;
- (12) being an official or employee of a government agency, State agency or State enterprise or any other State official;
- (13) being a judge, an Election Commissioner, a State Audit Commissioner, a National Counter Corruption Commissioner or a Human Rights Ombudsman;
- (14) being under the prohibition from holding a political position under section 254;
- (15) having been removed from office or having been deprived of the right to hold political position or any other position;
- (16) other prohibitions provided by the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

Section 112. A candidate in an election of the members of the House of Representatives shall be a member of political party or political group.

A political party or political group which nominates candidates in an election of the members of the House of Representatives on party list basis in any region shall also nominates candidates in an election on constituency basis in such region and the number of these candidates shall not less than the number of the nominated candidates in an election on party list basis.

At the expiration of the nomination period, a candidate himself or a political party or political group which nominates a candidate shall not revoke a nomination or change the nominated candidates.

Section 113. A candidate in an election of the members of the House of Representatives on constituency basis and the candidates list in an election on party list basis shall be elected candidate or list if the number of the votes for such candidate or list is not less than the number of the abstention vote of all candidates or lists.

Section 114. The term of the House of Representatives is four years as from the election day.

During the term of the House of Representatives, no merger of political parties or political groups having members as members of the House of Representatives shall be made.

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

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

- (1) expiration of term or dissolution of the House of Representatives;
- (2) death;
- (3) resignation;
- (4) resolution of the House of Representatives under section 100;
- (5) being disqualified under section 110;
- (6) being under the prohibitions under section 111;
- (7) acting in contravention of section 252;
- (8) resignation from membership of political party or political group of which he is a member;
- (9) loss of membership of political party or political group in the case where the political party or political group of which he is a member is dissolved by an order of the Constitutional Court and he is unable to become a member of another political party or political group within sixty days as from the date the order of the Constitutional Court is given. In this case, his membership shall be deemed to have terminated as from the day following the date on which such period of sixty days has elapsed;
- (10) being under the judgment of the Constitutional Court under section 99 or being removed from office under section 253 or the Court has an order to re-election or to deprive his voting right. In this case, his membership shall be deemed to have terminated as from the date he removed or the date the Court has such judgment or order, as the case may be;
- (11) having been absent from the meeting more than one-fourth of the total number of days in each session without permission of the President of the House of Representatives or failing to present himself for voting at the meeting more than the times as provided by the rule of the meeting;
- (12) being sentenced by a final judgment to imprisonment notwithstanding the suspension of sentence, except for an offence committed through negligence, a petty offence or a defamation offence.

Section 117. The King shall, upon the expiration of the term of the House of Representatives or the House is dissolved, issue a Royal Decree calling for a general election of the members of the House of Representatives. In this regards, the Election Commission shall fix the election day within forty-five days as from the expiration date of the term of the House and the election day must be the same day throughout the Kingdom.

If an election at any polling station is unable to be made on the election day under paragraph one by whatever reasons, the Election Commission shall fix a new voting day for that polling station or act in any manner whatsoever in order to finish an election of that polling station. In this case, the election result of the constituency where such polling station is located shall be disclosed when voting at all polling stations is finished under the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

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Section 118. The King has the prerogative to dissolve the House of Representatives for a new election of members of the House.

The dissolution of the House of Representatives shall be made by a Royal Decree. In this regards, the Election Commission shall fix the election day during forty-five to sixty days as from the day the House of Representatives has been dissolved. The election day shall be the same day throughout the Kingdom and the provisions of section 117 paragraph two shall apply *mutatis mutandis*.

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

Section 119. If a member of the House of Representatives vacates office by any reason other than vacation from office at the expiration of the term of office or the House of Representative is dissolved;

(1) in case of a member elected on constituency basis, an election to fulfil the vacancy shall be held within forty-five days as from the vacancy date; provided that, the remaining term of the House of Representatives is less than one hundred and eighty days. In this case the provisions of section 107 shall not apply;

(2) in case of a member elected on party list basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, nominate the candidate whom voted by the eligible voters in the next order as published by the Election Commission under section 105 paragraph two to fulfil the vacancy. If no such candidate to be nominated, the House of Representatives shall consist of the existing members.

Membership of the member of the House of Representatives under (1) shall commence as from the day on which the election day and membership of the member under (2) shall commence as from the day following the date of the publication of the name of the replacing member in the Government Gazette. The replacing member shall remain in office for the remaining term of the House of Representatives.

Section 120. After the Council of Ministers has assumed the administration of State affairs, the King may appoint a member of the House of Representatives who is the leader of the political party or political group having its members holding no ministerial positions and having the largest number of members among the political parties or political groups having their members holding no ministerial positions, but of not less than one-fifth of the total number of the members of the House of Representatives at the time of the appointment, to be the Leader of the Opposition in the House of Representatives.

If there is no such political party or political group under paragraph one, the leader of the political party or political group having support from the members of the House of Representatives of the political parties or political group having their members holding no ministerial positions shall be the Leader of the Opposition in the House of Representatives. In case of an equality of support, The decision shall be made by drawing lots.

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

The Leader of the Opposition in the House of Representatives shall vacate office upon being disqualified under paragraph one or paragraph two, as the case may be, and section 133 paragraph four shall apply *mutatis mutandis*. In this case, the King may appoint the new Leader of the Opposition in the House of Representatives to fulfill the vacancy.

Part 3

Senate

Section 121. The Senate consists of not more than two hundred members in which each *Changwat* shall have one elected member while the remaining number of the members shall be elected by representatives and selected under the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators as follows:

(1) members who having been civil services holding position of Permanent Secretary or equivalent which is an administrative position, military officials who having been Permanent Secretary of the Ministry of Defense, Commander in Chief or Commander of the Armies. Each peer shall elect ten representatives among themselves to be members;

(2) not more than fifteen members whom the representatives of the professional council or organizations or professions established by law elected among themselves;

(3) not more than thirty members whom the representatives of the agriculture, labor, academic, community and local organizations elected among themselves;

(4) fifty-eight members selected from qualified persons with morals in the fields of politics, security, administration of State Affairs, law and justice, local administration, education, economics, public health, environment, town planning, natural resources, energy, science and technology, social, ethnics, religions, art, culture, consumer protection, child and youths, women, person with disability, person with disadvantage, local intellectuals, self-employed and others fields;

(5) members elected from each *Changwat* on the basis of one *Changwat* per one member. In this case, each *Changwat* shall have not more than ten qualified and moral candidates to be elected. If the number of *Changwat* increases, the number of the members under (4) shall be deducted and that number shall be added as the member under (5).

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There shall be the Selective Committee under (4) to find out the qualified persons to be nominated as senators in the number as prescribed by paragraph one. The qualified persons under (4) shall have the right to be a candidate in an election under (5).

There shall be the Candidates Screening Committee to find out and screen not more than ten qualified and moral persons in each *Changwat* so as to be candidates to be voted by eligible voters in each *Changwat* under (5). This election shall be made by direct suffrage and secret ballot and the whole area of each *Changwat* is deemed to be one constituency.

Subjected to section 141, if the number of senators is less than eighty-five percent of the total number of senators as notified by the notification on obtaining of senators by whatever reasons, no meeting of the senators shall be held. In this regards, the procedure under paragraph one shall complete so as to fulfill the shortfall senators within ninety days as from the occurrence day of such circumstance. The newcomer senator shall be in office for the remaining term of office of the senator he replaces.

The number of the qualified persons and representatives as well as the rules, procedure and conditions for the election under (1), (2) and (3) including the selection under (4) and the find out and screening and campaigning of candidates and the election under (5) shall be provided by the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

Section 122. Upon the vacancy of a senator by whatever reasons and the election or selection for the fulfilment of the vacancy has not yet completed, the Senate shall consist of the remaining senators.

Section 123. A candidate or nominee to be a senator shall have the following qualifications:

- (1) being of Thai nationality by birth;
- (2) being of not less than forty years of age on the date the notification for obtaining of senators is published;
- (3) having qualifications under section 121;
- (4) having graduated with not lower than a Bachelor's degree or its equivalent for the Senators under section 121 (1), (2), (4) and (5);
- (5) other qualifications as provided by the Organic Law on Election of Members of the House of Representatives and Obtaining of Senators.

Section 124. A candidate or nominee to be a senator shall not have any of the following prohibitions:

- (1) being an ascendant, a spouse or a child of a member of the House of Representatives or a person holding political position;

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(2) holding or having held any position in a political part or political group or position of member of the House of Representatives within the period of five years before taking office;

(3) holding or having held position in any Constitutional Organization having duty to examine the exercise of State power within the period of two years before taking office;

(4) being prohibited to be a candidate in an election under section 111 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), (15) or (16);

(5) being a Minister or a person holding any political position other than a member of a local assembly or local administrator or having held that position but vacates office for not more than five years.

Section 125. A senator shall not be a Minister or holding any political position or holding position in any Constitutional Organization having duty to examine the exercise of State power.

A senator whom his senatorship terminated for not more than two years shall not be a Minister or holding any political position or holding position in any Constitutional Organization having duty to examine the exercise of State power.

Section 126. Membership of a senator elected from *Changwat* election basis commences on the election day and membership of a senator from election of representatives and selection basis commences on the day the notification on obtaining of senators is published.

Membership of a senator is six years as from the election day or the day the notification on obtaining of senators is published under paragraph one, and no one shall be a senator for two consecutive terms.

At the expiration of the term of office, the senators vacating office shall remain in office to continue their duties until the acquisition of the new senators. In this case, the President or Vice-President of the Senate who vacates office upon the expiration of the term continues to perform the duties as the President or Vice-President of the Senate until the day the notification on obtaining of senators is published by the Election Commission. In this regards, the eldest senators in order shall be acting President and Vice-President of the Senate respectively until an election of the President or Vice-President of the Senate.

Section 127. The King shall, upon the expiration of the term of office of the senators elected from *Changwat* election basis, issue a Royal Decree calling for a general election of the members of this kind of senators. In this regards, the election day shall be fixed within sixty days as from the expiration date of the term of office of the senators of that kind and the election day must be the same day throughout the Kingdom.

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Upon the expiration of the term of office of the senators from election of representatives and selection basis, the acquisition for the senators of those kinds shall be finished within ninety days as from the expiration date of the term of office of the senators of those kinds. In this regards, the acquisition of each kind of senator under section 121 shall begin on the same day.

Section 128. Senatorship terminates upon:

- (1) expiration of the term of office;
- (2) death;
- (3) resignation;
- (4) being dismissed by the resolution of the Senate under section 100;
- (5) being disqualified under section 123;
- (6) being under the prohibitions under section 124;
- (7) acting in contravention of section 125 or section 252;
- (8) being removed from office by the decision of the Constitutional Court to terminate his senatorship under section 99, being removed from office under section 254 or the Court has an order to reorganize the acquisition procedure for obtaining of senators or to revoke the election. In such cases, senatorship is deemed to be terminated as from the date of removal or the date the decision or order of the Court, as the case may be, has been made;
- (9) having been absent from the meeting more than one-fourth of the total number of days in each session without permission of the President of the Senate or failing to present himself for voting at the meeting more than the times as provided by the rule of the meeting;
- (10) being sentenced by a final judgment to imprisonment notwithstanding the suspension of sentence, except for an offence committed through negligence, a petty offence or a defamation offence.

Section 129. When the office of a senator becomes vacant under section 128, the acquisition for the new senator to fulfill the vacancy shall finish within ninety days as from the day the office becomes vacant. In this regards, the new senator shall remain in office for the remaining term of office of the senator he replaces. In the case where the term of office of a senator who vacates office is less than one hundred and eighty days, the acquisition for the new senator may be omitted.

Section 130. In the case where the provisions of this Constitution require the Senate to consider any person to hold any position, the Senate shall appoint a committee having the duty to probe background, general behavior and ethical behavior of the nominee and to gather necessary fact and evidences so as to report to the Senate for further consideration in accordance with the rules of the meeting of the Senate.

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In the case where the Senate has to provide recommendation on the person whom nominated by the Prime Minister to constitute the Council of Ministers or to be a Minister, it shall proceed with the procedure under paragraph one, but no resolution on approval or disapproval shall be made. The recommendation shall be informed to the Prime Minister and shall be published for public acknowledgement. This procedure shall finish within fifteen days as from the date the Senate receiving the name of such person from the Prime Minister.

Part 4

Provisions Applicable to Both Houses

Section 131. Members of the House of Representatives and senators are representatives of the Thai people and free from any mandate, commitment or control and shall honestly perform their duties for the common interests of the Thai people without conflict of interest.

Section 132. Before taking office, a member of the House of Representatives and a senator shall make a solemn declaration at a sitting of the House of which he is a member in the following words:

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

Section 133. The House of Representatives and the Senate shall each have one President and two Vice-Presidents as appointed by the King from the members of such House in accordance with its resolution.

At the first instance, the President of the House of Representatives shall be elected to chair the meeting. The member of the House of Representatives whom elected by the majority of votes shall be President of the House of Representatives. After the appointment of the Council of Ministers, two Vice-Presidents of the House of Representatives shall be elected whereby the first Vice-President shall be the member of the political party or a political group having seat in the House of Representatives under section 120.

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

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The President and Vice-Presidents of the Senate hold offices until the day before the election day for the new President and Vice-Presidents of the Senate which shall be carried out every three years.

The President and Vice-Presidents of the House of Representatives and the Senate vacate office before the expiration of the term of office under paragraph three upon:

- (1) termination of membership of the House of which he is a member;
- (2) resignation;
- (3) being the Prime Minister, Minister or holding any political official position;

- (4) being sentenced by a judgment to imprisonment notwithstanding the case is not come to an end or the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or a defamation offense.

While being in the office, the President and Vice-Presidents of the House of Representatives shall not be members of the Executive Committee or holding any position in a political party or political group simultaneously, and shall not attend the meeting of a political party or political group.

Section 134. The President of the House of Representatives and the President of the Senate shall have the powers and duties to carry out the business of each House in accordance with its rules of procedure. The Vice-presidents shall have the powers and duties as entrusted by the President and shall act on behalf of the President when the President is absent or unable to perform his duties.

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

In the case where the President and Vice-Presidents of the House of Representatives or the President and Vice-Presidents of the Senate are absent, the members of each House shall elect one among themselves to preside over that sitting.

Section 135. At a sitting of the House of Representatives or the Senate, the presence of not less than one-half of the total number of the existing members of each House is required to constitute a quorum; provided that, the consideration of interpellation under section 165, the House of Representatives and the Senate may otherwise prescribe a quorum in the rules of procedure.

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

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

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The President of the National Assembly, the President of the House of Representatives and the President of the Senate shall cause the voting of each member to be recorded and shall disclose such record at the place where public entry for inspection is allowed, except for voting by secret ballot.

The casting of votes to elect or give approval to a person for holding office shall be *in camera*, unless otherwise provided in this Constitution. Each member is independent and shall not be bound by the resolution of political parties, political group, person or any other mandate.

Section 136. Subject to section 103 paragraph four, the National Assembly shall, within thirty days as from the date of the election of the members of the House of Representatives, be summoned for the first sitting.

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

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

Subject to section 181 and section 182, during the legislative ordinary session, the National Assembly shall hold a sitting only in such cases as prescribed in Book I Chapter 1 The King or in cases of the consideration of bills or organic law bills, the approval of an Emergency Decree, the approval of the declaration of war, the hearing and approval of a treaty, the election or approval of a person for holding office, the removal of a person from office, the interpellation and the amendment of the Constitution, except where the National Assembly has passed a resolution, by the votes of more than one-half of the total number of the existing members of both Houses, to consider other matters.

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

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

Section 137. The King convokes the National Assembly, opens and prorogues its session.

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

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

Subject to section 138, the convocation, the prolongation of session and the prorogation of the National Assembly shall be made by a Royal Decree.

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Section 138. Members of both Houses or members of the House of Representatives of not less than one-third of the total number of the existing members of both Houses have the right to present their petition to the King for the issuance of the Royal Command convoking an extraordinary session of the National Assembly.

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

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

Section 139. Subject to section 31 and section 299, words expressed in giving statements of fact or opinions or in casting the vote by any member at a sitting of the House of Representatives or the Senate or at a joint sitting of the National Assembly are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such member.

The privilege under paragraph one does not extend to a member who expresses words at a sitting without permission of the member presiding the sitting or the member presiding the sitting orders such member cease that expression or the words broadcasted through radio, television or any medium if such words appear out of the precinct of the National Assembly and the expression of such words constitutes a criminal offence or a wrongful act against any other person who is not a Minister or member of that House.

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

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

Section 140. No member of the House of Representatives or Senator shall, during a session, be arrested, detained or summoned by a warrant for inquiry as the suspect in a criminal case unless permission of the House of which he is a member is obtained or he is arrested in *flagrante delicto* or in an offence of malfeasance in office.

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

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

The trial and adjudication of the Court conducted before it is invoked that the accused is a member of either House are valid.

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

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

Section 141. During the expiration of the term or the dissolution of the House of Representatives, the Senate shall not hold its sitting except in the following cases:

(1) a sitting of the Senate under section 7 paragraph two or a sitting at which the Senate shall act as the National Assembly under section 19, section 21, section 22, section 23 and section 192;

(2) a sitting at which the Senate shall consider of a person for holding office under the provisions of this Constitution or express an opinion under section 130 paragraph two or paragraph three;

(3) other utmost necessary and important case which is unavoidable to get the work of the Senate or legislation work going while the House of Representative is absent.

The President of the Senate shall present the petition to the King for the issuance of a Royal Command convoking a sitting of the Senate and countersign the Royal Command.

In the case under (3), members of not less than one-tenth of the total number of the existing senators may request the Constitutional Court to make a decision thereon.

Section 142. A sitting of the House of Representatives and of the Senate and a joint sitting of the National Assembly shall be in public under the conditions stipulated in the rules of procedure of each House. A sitting *in camera* shall be held at the request of the Council of Ministers or members of not less than one-fourth of the total number of the existing members of each House or of both Houses, as the case may be.

Section 143. The House of Representatives and the Senate have the power to lay down the rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matters or activities which are within the powers and duties of each standing committee, performance and quorum of committees, sittings, submission and consideration of bills and organic law bills, submission of motions, consultation, debate, passing of a resolution, recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and orders and other relevant matters and the power to make the codes of ethics of members and committee members and other matters for the execution under this Constitution.

The rules of procedure of the House of Representatives under paragraph one shall, at least, have the provisions requiring a member of the House of Representatives who is not a member of a political party or political group which its member holds the position of Minister to be the chairperson of the standing committee having the duty relating to anti-corruption or regulating and monitoring of State expenditure.

The rules of procedure as approved by the House of Representatives or the Senate shall, prior to its application, be submitted to the Constitutional Court for consideration of its constitutionality. In this case the Constitutional Court shall finish its consideration within thirty days from the date of receiving of such matter.

If the Constitutional Court decides that any provision of the rules of procedure is unconstitutional, such provision shall lapse. In the case where Constitutional Court decides that such provision is an essential matter or the rules of procedure as a whole is made in contravention of the provisions of this Constitution, such rules of procedure shall lapse.

Section 144. The House of Representatives, the Senate and the National Assembly shall have the power to select and appoint its members to constitute a standing committee and the power to select and appoint any person, whether he is a member of the House, to constitute *ad hoc* committee in order to perform any act, consider or investigation or study any matter within the scope of powers and duties of the House and to report the findings to the House. The resolution appointing *ad hoc* committee shall identify scope of works clearly and the scope of work of each *ad hoc* committee shall not be redundant.

The privilege provided by section 139 shall extend to the person performing duties under this section.

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The members of a standing committee shall be in conform with or approximate to the ratio of the number of members of the House of Representatives of each political party or political group having seat in the House of Representatives.

While there is no such rules of procedure of the House of Representatives under section 145, the President of the House of Representatives shall determine the ratio under paragraph three.

The committee under paragraph one shall have the power to make an order calling for document from any person or summon any person to give statement of fact or opinion on the matter under investigation or study. Such order shall be applicable legally as provided by law, but it shall not be applicable to a judge performing his powers and duties in trial of the case or to the personnel management of each Court and to members of the Constitutional Organization having direct duty to examine the exercise of State power under this Constitution or law.

In the case where the person under paragraph five is a government official, official or employee of State agency, the Chairperson of the committee shall inform the Minister who supervises and controls the agency to which such person is attached for information and to order such person to proceed with the provisions under paragraph five, but in the case of national security or for the important benefit of the State, such person shall have the right to refuse the giving of such statement or opinion.

Part 5

Joint Sitzings

Section 145. The National Assembly shall hold a joint sitting in the following cases:

- (1) the approval of the appointment of the Regent under section 19;
- (2) the making of a solemn declaration by the Regent before the National Assembly under section 21;
- (3) the acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467 (1924) under section 22;
- (4) the acknowledgment or approval of the succession to the Throne under section 23;
- (5) the passing of a resolution for the consideration by the National Assembly of other matters during a legislative ordinary session under section 136 paragraph four;
- (6) the approval of the prorogation of a session under section 136;
- (7) the opening of the session of the National Assembly under section 137;

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- (8) the laying down of the rules of procedure of the National Assembly under section 146;
- (9) the approval of the further consideration of an organic law bill or a bill under section 151 and section 161 paragraph two;
- (10) the reconsideration of an organic law bill or a bill under section 157;
- (11) the give approval to draft Constitution Amendment, an organic law bill or a bill under section 162 paragraph two;
- (12) the announcement of policy under section 177 paragraph one;
- (13) the holding of a general debate under section 180;
- (14) the approval of national strategy or national economic and social development plan under section 179;
- (15) the approval of the declaration of war under section 192;
- (16) the hearing and approval of a treaty under section 193;
- (17) the amendment of the Constitution under section 301 and section 302.

Section 146. 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 laid down, the rules of procedure of the House of Representatives shall apply *mutatis mutandis*.

The provisions of section 143 paragraph three and paragraph four shall apply *mutatis mutandis* to the laying down of the rules of procedure of the National Assembly.

The provisions applicable to both Houses shall apply *mutatis mutandis* to the joint sitting of the National Assembly, except for the appointment of a committee. The members of a standing committee appointed from each House shall be in conform with or approximate to the ratio of the number of members of each House.

Part 6

Enactment of an Act and an Organic Act

Section 147. A bill may be introduced only by the followings:

- (1) the Council of Ministers;
- (2) members of the House of Representatives of not less than twenty in number;

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(3) senators of not less than forty in number;

(4) the Court or the Constitutional Organization having duty to examine the exercise of State power, particularly to the bill relating to organization administration and the bill in which the President of such Court or organization having charge and control of the execution of such bill; or

(5) citizen who are eligible voters of not less than ten thousand in number whom jointly introduce a bill under section 66 paragraph one.

If the bill under (2), (3), (4), or (5) is a money bill, it shall be introduced with the endorsement of the Prime Minister.

In case of the bill introduced by citizen under (5), the House to which such bill is introduced shall begin consideration thereon within one hundred and eighty days as from the date of receiving of such bill or the date of receiving the endorsement of the Prime Minister. In the case where the person under (1), (2) or (3) introduces the bill having the same principle therewith, the provisions of section 66 paragraph three shall apply to the consideration of such bill.

For the purpose of the compliance with the provisions of Book IV Reform and Reconciliation, the National Reform Assembly and the National Reform Strategy Committee under section 279 shall have the power to introduce a bill under Book IV, but the consideration thereof shall be in accordance with section 280.

Section 148. A bill shall be submitted either to the House of Representatives or the Senate, as the case may be. A bill under section 147 (1), (2), (4) and (5) shall be submitted to the House of Representatives, but a bill under section 147 (3) shall be submitted to the Senate.

The bill under paragraph one shall be submitted altogether with its explanatory memorandum.

The bill submitted to the House of Representatives or the Senate shall be disclosed to public and public access thereto shall be convenient.

Section 149. A money bill means a bill with provisions dealing with any of the following matters:

(1) the imposition, repeal, reduction, alteration, modification, remission or regulation of taxes or duties;

(2) the allocation, receipt, custody, payment of the State funds or the transfer of expenditure estimates of the State;

(3) the raising of, or guarantee or redemption of, loans or any binding of State's properties;

(4) currency.

In case of doubt as to whether a bill is a money bill which requires the endorsement of the Prime Minister or not, it shall be the power of the joint sitting of the President of the House of Representatives, the Vice-Presidents of the House of Representatives and the chairpersons of all standing committees of the House of Representatives to make a decision thereon.

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

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

Section 150. A bill which, at the first reading for adoption of its principle was not a money bill, had been amended by the House of Representatives or the Senate and the President of the House of Representative or the President of the Senate is of opinion that such amendment causing such bill to be a money bill, the President of the House of Representative or the President of the Senate shall suspend further consideration of such bill and shall, within fifteen days as from the day on which such case occurs, refer it to the joint sitting of the President of the House of Representatives, the Vice-Presidents of the House of Representatives and the chairpersons of all standing committees of the House of Representatives to make a decision thereon.

If the joint sitting under paragraph one decides that such amendment causing such bill to be a money bill, the President of the House of Representative or the President of the Senate shall refer it to the Prime Minister for endorsement. If the endorsement is not given, the House of Representatives or the Senate shall amend it from being a money bill.

Section 151. In case of a bill identified by the Council of Ministers in its policy statement presented to the National Assembly under section 177 that it is necessary for the administration of State affairs, if that bill is not approved by the House of Representatives but the votes for disapproval are less than one-half of the total number of the existing members of the House, the Council of Ministers may request the National Assembly to hold a joint sitting for consideration. If the National Assembly approves that bill, each House shall then jointly appoint the committee of the National Assembly consisting of the persons, irrespective of whether they are members of the House, nominated by each House in an equal number as proposed by the Council of Ministers to consider such bill and submit the considered bill to the National Assembly for consideration. If the National Assembly approves that bill, it shall be proceed with section 156. In the case where the National Assembly disapproves that bill, it shall lapse.

Section 152. Subject to section 202, if the House of Representatives or the Senate approves the bill submitted under section 148, that bill shall be submitted to another House for further consideration. In this case, the latter House shall finish its consideration on such bill within sixty days, or thirty days in case of a money bill; unless that House has a resolution to extend the consideration period of that bill which shall not exceeding thirty days. The period for consideration in this case means the period during a session and shall be counted as from the day on which that House receives such bill.

The period under paragraph one shall not include the period in which the bill is under the consideration of the Constitutional Court under section 155.

If the latter House is unable to finish its consideration of the receiving bill within the period under paragraph one, it shall be deemed that the latter House approves that bill.

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

If the notification of the President of the House of Representatives on a money bill is not made, such bill shall not be deemed to be a money bill.

Section 153. Subject to section 202, if the House receiving a bill from another House finishes its consideration:

(1) if it totally agrees with sending House, it shall proceed with section 156;

(2) if it disagrees with the sending House, it shall return such bill to the sending House;

(3) if it make amendment to a bill, it shall return the amended bill to the sending House. If the sending House totally agrees with such amendment, it shall proceed with section 156. In other cases, the joint committee of the both Houses consisting of the persons, irrespective of whether they are members of the Houses, nominated by each House in an equal number as proposed by the House of Representatives to consider such bill and submit the considered bill to each House. If the both Houses approve that bill, it shall be proceed with section 156. In the case where either House disapproves that bill, that bill shall be suspended.

The joint committee may demand documents from any person or summon any person to give statements of fact or opinion for consideration of the bill and the privileges provided by section 130 shall be extended to the person performing his duties under this section.

At a meeting of the joint committee, the presence of the members of the joint committee appointed by both Houses of not less than one-half of the total number of its members is required to constitute a quorum and the provisions of section 146 shall apply *mutatis mutandis*.

If the House receiving a bill from another House does not return the bill to the sending House within the period under section 152, it shall be deemed that the House receiving a bill from another approves such bill and it shall proceed with section 156.

Section 154. In case of the bill suspended under section 153:

(1) if the House of Representatives suspends the bill submitted by the Senate under section 153 (2), the Senate may reconsider that bill after the expiration of one hundred and eighty days as from the date that bill was suspended by the House of Representatives. If the Senate reaffirms the original bill by the votes of more than one-half of its existing members, it shall proceed with section 153 paragraph one (3), paragraph two, paragraph three and paragraph four. In the case where either House disagrees with the bill approved by the jointly committee, such bill shall lapse. If the Senate fails to reaffirm the original bill within the aforesaid period or reaffirms the original bill with not exceeding one-half of its existing members, that bill is deemed to be lapsed;

(2) if the Senate suspends the bill submitted by the House of Representatives under section 153 (2), the House of Representatives may reconsider that bill after the expiration of one hundred and eighty days as from the date that bill was suspended by the Senate. If the House of Representatives reaffirms the original bill by the votes of more than one-half of its existing members, it shall be deemed that such bill has been approved by the National Assembly and it shall proceed with section 156. If the House of Representatives reaffirms the original bill with not exceeding one-half of its existing members, that bill is deemed to be lapsed;

(3) if the bill is suspended under section 153 (3), the House of Representatives may reconsider that bill after the expiration of one hundred and eighty days as from the date either House disagreed therewith. In the case where the House of Representatives reaffirms the original bill of the House of Representatives or of the Senate or the bill agrees upon by the joint committee by the votes of more than one-half of its existing members, it shall be deemed that such bill has been approved by the National Assembly and it shall proceed with section 156;

(4) if the suspended bill is a money bill, the House of Representatives may reconsider that bill forthwith irrespective of whether the Senate reaffirms that bill or not. In such case, if the House of Representatives reaffirms the original bill or the bill agrees upon by the joint committee by the votes of more than one-half of its existing members, it shall be deemed that such bill has been approved by the National Assembly and it shall proceed with section 156;

(5) in case of a bill introduced by the citizen under section 147 (5), if that bill is lapse, members of the House of Representatives, senators or members of the both Houses in an amount of not less than one-tenth of the existing number of the both Houses may request for referendum under the Organic Law on Referendum for finding solution.

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Section 155. During suspension of any bill under section 153, the Council of Ministers, members of the House of Representatives, senators, the Courts or Constitutional Organization having duty to examine the exercise of State power, the National Reform Assembly and the National Reform Strategy Committee as well as citizen who are eligible voters shall not introduce a bill with the same or similar principle as the bill so suspended.

In the case where the House of Representatives or the Senate is of opinion that the bill introduced or submitted thereto having the same or similar principle as the suspended bill, the President of the House of Representatives or the President of the Senate shall refer that bill to the Constitutional Court for decision. If the Constitutional Court decides that such bill having the same or similar principle as the suspended bill, such bill shall lapse.

Section 156. The Prime Minister shall present the bill approved by the National Assembly to the King for His signature within twenty days as from the date of receiving such bill from the National Assembly, and the bill shall come into force as an Act upon its publication in the Government Gazette.

Section 157. If the King refuses His assent to a bill and either returns it to the National Assembly or does not return it within ninety days, the National Assembly shall reconsider such bill. If the National Assembly resolves to reaffirm the bill with the votes of not less than two-thirds of the total number of the existing members of the both Houses, the Prime Minister shall present such bill to the King for signature once again. If the King does not sign or return the bill within thirty days, the Prime Minister shall cause the bill to be promulgated as an Act in the Government Gazette as if the King had signed it.

Section 158. In considering of a bill decided by the President of the House of Representatives or the President of the Senate that the essential matter of that bill relating to children, youth, women, elderly, disabled or handicapped, if the House of Representatives or the Senate does not consider it by committee of the whole, the House of Representatives or the Senate shall appoint an *ad hoc* committee which consists of members who are representatives of private organizations working in relation to such persons in an amount of not less than one-third of the total number of members of the committee and the total members of the committee shall compose of women and men in approximate number.

Section 159. There shall be the following Organic Laws:

- (1) Organic Law on Election of Members of the House of Representatives and Obtaining of Senators;
- (2) Organic Law on Council of Ministers

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- (3) Organic Law on Election Commission;
- (4) Organic Law on Political Party and Political Group;
- (5) Organic Law on Referendum;
- (6) Organic Law on Constitutional Court and Rules and Procedure of the Constitutional Court;
- (7) Organic Law on Criminal Proceedings Against Persons Holding Political Positions;
- (8) Organic Law on State Audit;
- (9) Organic Law on Counter Corruption;
- (10) Organic Law on Human Rights Ombudsmen;
- (11) Organic Law on Public Finance and State Budgeting;
- (12) Organic Law on National Reform.

Section 160. An organic law bill may be introduced by the following:

- (1) the Council of Ministers;
- (2) members of the House of Representatives of not less than one-tenth of the total number of the existing members of the House of Representatives or members of the House of Representatives and senators of not less than one-tenth of members of the both Houses;
- (3) senators of not less than one-fourth of the existing members of the Senate; or,
- (4) the Constitutional Court, the Supreme Court or the Constitutional Organization having duty to examine the exercise of State power whereby the President of such Court or of such organization having charge and control of the execution of such bill.

Section 161. The consideration of an organic law bill in the House of Representatives and the Senate shall be made in three readings as follows:

- (1) voting for adoption of the principle of the bill in the first reading and considering section by section of a bill in the second reading. The decision shall be made by the majority of votes of each House;
- (2) voting for approval in the third reading shall be made by the votes of more than one-half the existing members in each House.

The provisions in relation to the enactment of an act shall apply *mutatis mutandis* to the enactment of an organic law bill.

Section 162. If the term of the House of Representatives expires or the House of Representatives is dissolved, the draft Constitution Amendment or the organic law bill and the bill to which the King has refused His assent or which have not been returned by the King within ninety days shall lapse.

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In the case where the term of the House of Representatives expires or the House of Representatives is dissolved, the National Assembly, the House of Representatives or the Senate, as the case may be, may, after a general election of members of the House of Representatives, continue consideration of the draft Constitution Amendment or the organic law bill and the bill which has not yet been approved by the National Assembly if the Council of Ministers which is newly appointed after the general election so requests within sixty days as from the first sitting day of the National Assembly after the general election and the National Assembly approves it. If the Council of Ministers fails to make that request within the aforesaid period, such draft Constitution Amendment or the organic law bill and the bill shall lapse. In case of a bill introduced by citizen who are eligible voters under section 147 (5) which the National Assembly has not yet approved, the newly-elected National Assembly shall continue the consideration of such bill regardless of the resolution under this section.

Part 7

Constitutionality of Laws

Section 163. Upon the National Assembly's approval of an organic law bill, the organic law bill shall be, before presentation to the King for Royal Signature, referred to the Constitutional Court for a determination of constitutionality which shall be completed within thirty days as from the receipt date of the matter.

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

In the case where a decision of the Constitutional Court results in the lapse of a provision contrary to or inconsistent with the Constitution under paragraph two, such organic law bill shall be returned to the House of Representatives and the Senate respectively for their reconsideration. In such case, the House of Representatives or the Senate shall amend the organic law bill to remove the inconsistency or contrariness with the Constitution whereby a resolution on the amendment shall be adopted according to the votes of more than one-half of the total number of the existing members of each House and the Prime Minister shall then proceed further under section 98 and section 156 or section 157, as the case may be.

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Section 164. After any bill has been approved by the National Assembly under section 156 or has been reaffirmed by the National Assembly under section 157, before the Prime Minister presents it to the King for signature:

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

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

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

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

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with this Constitution on any ground other than the ground under paragraph three, such conflicting or inconsistent provisions shall lapse and the Prime Minister shall proceed further in accordance with section 98 and section 156 or section 157, as the case may be.

Part 8

Control of the Administration of State Affairs

Section 165. Every member of the House of Representatives or senator has the right to interpellate a Minister on any matter within the scope of his authority, but the Prime Minister or Minister has the right to refuse a reply if the Council of Ministers is of the opinion that the matter should not yet be disclosed on the ground of safety or vital interest of the State.

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A member of the House of Representatives may interpellate the Prime Minister or a Minister as prescribed in the rules of procedure of the House of Representatives. The Prime Minister and the Minister shall answer such interpellation in person except where there is an unavoidably necessary circumstance.

Section 166. Members of the House of Representatives of not less than one-fifth of the total number of the existing members of the House have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister. Such motion shall also include a name of person who is suitable to be appointed as Prime Minister. When the motion has been submitted, the dissolution of the House of Representatives shall not be permitted, except that the motion is withdrawn or the resolution is not supported by the votes in accordance with paragraph three.

In the submission of a motion for general debate under paragraph one, if it is concerned with the behaviour of the Prime Minister that he becomes unusual wealth, exhibits a sign of malfeasance in office or intentionally violates the provisions of the Constitution or law, it shall not be submitted without a lodging of the petition under section 254, or if it is concerned with the Administration of State Affairs which is foreseeable that it may cause damage to State funds, it shall not be submitted without a legal action under section 244. Upon the lodging of petition under section 254 or the bringing of legal action under section 244, as the case may be, this proceeding shall be continued.

If the general debate is concluded with a resolution not to pass over the agenda of the general debate, the House of Representatives shall cast the vote of confidence. Voting in such case shall not take place on the date of the conclusion of the debate. In counting of votes, only votes of no-confident shall be counted. The vote of no-confidence shall be made by more than one-half of the total number of the existing members of the House of Representatives; provided that, the Council of Ministers terminates *en masse* prior to the casting of such vote.

In the case where the vote of no-confidence is not more than one-half of the total number of the existing members of the House of Representatives, the members of the House of Representatives who submit the motion for that general debate shall have no right to submit another motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Ministers throughout that session.

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

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Section 167. Members of the House of Representatives of not less than one-sixth of the total number of the existing members of the House of Representatives shall have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister, and the provisions of section 166 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

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

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

Section 168. In the case where the number of members of the House of Representatives who are not members of political party or political group having members holding ministerial positions is less than the number of members of the House required for the making of submission of a motion for a general debate under section 166 or section 167, more than one-half of the existing number of such members of the House of Representatives shall have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or in an individual Minister under section 166 or section 167 if the Council of Ministers has carried out the administration of State affairs for more than two years.

Section 169. Senators of not less than one-third of the total number of the existing members of the Senate shall have the right to submit a motion for a general debate in the Senate for the purpose of requesting the Council of Ministers to give statements of fact or explain important problems in connection with the administration of State affairs without passing a resolution.

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

Section 170. A member of the House of Representatives is not bound by the resolution of his political party or political group in submitting an interpellation, debating and casting of vote in no-confidence debate.

CHAPTER 4

Council of Ministers

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

The 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 two consecutive terms.

Section 172. The House of Representatives shall complete its consideration and approval of the person suitable to be appointed as Prime Minister within thirty days as from the day the National Assembly is convoked for the first sitting under section 136.

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

The resolution of the House of Representatives approving the appointment of a person as Prime Minister shall be made by the votes of more than one-half of the total number of the existing members of the House of Representatives, but if such person is not a member of the House of Representatives, such resolution shall be made by the votes of more than two-thirds of the total number of the existing members of the House of Representatives. Voting for this purpose shall be made openly.

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

Section 174. The Prime Minister shall, before submission the names of the nominees to be appointed as Ministers to the King for appointment, submit the names of the nominees to the President of the Senate. The President of the Senate shall then convoke a meeting of the Senate to proceed with section 130 paragraph two.

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Section 175. A Minister shall possess the qualifications and shall not be under any of the prohibitions as follows:

- (1) being of Thai nationality by birth;
- (2) being not less than thirty five years of age;
- (3) having graduated with not lower than a Bachelor's degree or its equivalent;
- (4) not being under any of the prohibitions under section 111 (1), (2), (3), (4), (6), (7), (8), (9), (10), (12), (13), (14), (15) or (16);
- (5) having been discharged for a period of less than five years before the appointment after being sentenced by a judgment to imprisonment, except for an offence committed through negligence, a petty offence or defamation;
- (6) failing to submit copies of tax filing records of the past three years to the President of the Senate or concealing such evidence or submitting false evidence thereof; provided that, he is a person who is exempted from tax filing under the law;
- (7) not being a member of the House of Representatives or a senator or having been a senator but his senatorship as terminated for not more than two years up to the date of the appointment as Minister.

The Prime Minister and a Minister shall not be a member of the House of Representatives or senator simultaneously.

A member of the House of Representatives who appointed as the Prime Minister or a Minister vacates office on the date the Royal Proclamation has been issued.

Section 176. Before taking office, a Minister shall make a solemn declaration before the King in the following words:

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

The King may command the Ministers to make a declaration under paragraph one before the Heir to the Throne or His Representative.

Section 177. The Council of Ministers which will assume the administration of State affairs shall, within fifteen days as from the date it assumes the duties, manifestly state its policies and explanation of the matter to be undertaken and the duration of such undertaking in order to conduct the administration of State affairs according to the directive principles of fundamental State policies. In this case, no vote of confidence shall be made.

Before stating policies to the National Assembly under paragraph one, if there is an importance, necessary and urgency circumstance to do something and delaying in so doing may affect material benefits of the State, the Council of Ministers which will assume the duty may doing something as necessary.

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Section 178. The Prime Minister and Ministers shall pay attention to and attending the sitting of the House of Representatives, the Senate and the National Assembly, and shall have the right to give their statement or opinion at a sitting of the Houses. In this regards, the privileges under section 141 shall apply to the Prime Minister and Ministers *mutatis mutandis*.

Section 179. A Minister shall, in the administration of State affairs, comply with the provisions of the Constitution, laws and the policies as stated, including national strategy which covers the national security policy and the national economic and social development plan as approved by the National Assembly. Additionally a Minister shall be accountable individually to the House of Representatives for the performance of his duties and shall also be accountable collectively to the National Assembly for the general policies of the Council of Ministers.

Section 180. In the case where there is an important problem in the administration of State affairs in regard to which the Council of Ministers deems it advisable to take opinions from members of the House of Representatives and senators, the Prime Minister may give a notice to the President of the National Assembly requesting that a general debate be held at a joint sitting of the National Assembly. In such case, no resolution shall be made by the National Assembly on the issue put in the debate.

Section 181. The Prime Minister may propose to submit a vote of confidence for the purpose of the administration of State affairs from the House of Representatives. The President of House of Representatives shall, upon receiving of such matter, convoke a meeting for the House of Representatives for consideration and passing a resolution thereon within seven days as from the date the Prime Minister has submitted such matter. The Prime Minister shall not propose to submit a vote of confidence under this section after motion for a general debate for the purpose of passing a vote of no-confidence under section 166 is submitted.

If the Prime Minister proposes to submit a vote of confidence under this section, members of the House of Representatives shall not submit a motion for a general debate for the purpose of passing a vote of no-confidence under section 166 in the same time.

In the case where the vote of confidence is less than one-half of the existing number of the members of the House of Representatives, the Prime Minister may inform the King and request for dissolution of the House of Representatives under section 118.

If the vote of confidence is equal to or more than one-half of the existing number of the members of the House of Representatives, members of the House of Representatives shall not submit a motion for a general debate for the passing a vote of no-confidence under section 166 in that session.

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Section 182. In the case where the Prime Minister states to the House of Representatives that the submission of any bill or any part of any bill showing of confidence in the administration of State affairs of the Prime Minister, if members of the House of Representatives fail to submit a motion for a general debate for the passing a vote of no-confidence of the Prime Minister within forty-eight hours as from the date the statement of the Prime Minister is given to support the introduction of such bill to the House of Representatives, it shall be deemed that such bill or any part of such bill has been approved by the House of Representatives.

In the case where members of the House of Representatives submit a motion for a general debate for the passing a vote of no-confidence of the Prime Minister within forty-eight hours as from the date the statement of the Prime Minister is given to support the introduction of such bill to the House of Representatives under paragraph one, such bill shall be suspended. In this regards, the President of the House of Representatives shall convoke a meeting for a motion of general debate in order to pass a resolution of no-confidence of the Prime Minister and section 166 shall apply *mutatis mutandis*. If the vote of no-confidence is not exceeds one-half of the existing number of members of the House of Representatives, it shall be deemed that such bill or any part of such bill has been approved by the House of Representatives.

The execution under this section shall be made once in one session.

Section 183. The Council of Ministers vacates office *en masse* upon:
 (1) the termination of ministership of the Prime Minister under section 185;
 (2) the expiration of the term of, or the dissolution of, the House of Representatives;
 (3) the resignation of the Council of Ministers.

In the case where the ministership of the Prime Minister terminates under section 185 (1), (2), (3), (4), (5), (7) or (8), the provisions of section 172 and section 173 shall apply *mutatis mutandis*.

Section 184. The Council of Ministers vacating offices shall remain in offices to continue their duties until the new Council of Ministers assumes duties. If the Council of Ministers vacating offices *en masse* under section 183 (2), the Permanent Secretary of each Ministry shall be Acting Minister, and all Acting Ministers shall collectively perform the duties of the Council of Ministers until the new Council of Ministers assume duties; provided that, they are able to carry out only necessary duties under the following conditions:

(1) providing cooperation to and complying with the request of the Election Commission so as to arrange an election to be in order, honest and just manner;

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(2) refraining from exercising the power to appoint or transfer any government official holding permanent position or salary or official of State agency, State enterprise or any enterprise in which the State is a major shareholder, or to discharge such person from the performance of their duties or removal from office, or to appoint others to perform duties in lieu of such persons without approval of the Election Commission;

(3) refraining from doing any act resulting in giving approval to the spending of budget reserved for emergency or necessity circumstance without approval of the Election Commission;

(4) refraining from doing any act resulting in giving approval to activity or project or binding the new Council of Ministers;

(5) refraining from using or allowing to use resources or personnel of State which may affect the result of a general election, and refraining from the violation of any prohibitions under the rules determined by the Election Commission.

The Permanent Secretaries acting as the Ministers shall elect one among themselves to be acting Prime Minister and two among themselves to be Acting Deputies Prime Minister.

The performance of duties of all Acting Ministers under this section shall be expired when the King appoints the new Council of Ministers.

Section 185. The ministership of an individual Minister terminates upon:

- (1) death;
- (2) resignation;
- (3) being sentenced by a judgment to imprisonment notwithstanding the suspension of the execution of imprisonment has been granted, except for an offence committed through negligence, a petty offence or defamation;
- (4) the passing of the vote of no-confidence by the House of Representatives under section 166 or section 167;
- (5) being disqualified or being under any of the prohibitions under section 175;
- (6) the issuance of the Royal Command removing a Minister from office under section 186;
- (7) having done an act prohibited by section 249, section 250 or section 251;
- (8) being removed from office under section 253.

The provisions of section 99 and section 101 shall apply to the termination of ministership under (2), (3), (5) or (7) or paragraph two and in such case the Election Commission may also refer the matter thereof to the Constitutional Court for decision.

Section 186. The King has the prerogative to remove a Minister from his office upon the advice of the Prime Minister.

Section 187. For the purpose of maintaining national security, public safety, national economic security or averting public calamity, the King may issue an Emergency Decree which shall have the force as an Act.

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

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

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

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

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

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

Section 188. Before the House of Representatives or the Senate approves an Emergency Decree under section 187 paragraph three, members of the House of Representatives or senators of not less than one-fifth of the total number of the existing members of each House have the right to submit an opinion to the

President of the House of which they are members that the Emergency Decree is not in accordance with section 187 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. After the Constitutional Court has given a decision thereon, it shall notify such decision to the President of the House referring such opinion.

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

In the case where the Constitutional Court decides that an Emergency Decree is not in accordance with section 187 paragraph one, such Emergency Decree shall not have the force of law *ab initio*.

The decision of the Constitutional Court that an Emergency Decree is not in accordance with section 187 paragraph one must be given by the votes of not less than two-thirds of the total number of judges of the Constitutional Court.

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

The Emergency Decree issued under paragraph one must be submitted to the House of Representatives within three days as from the day following the date of its publication in the Government Gazette, and the provisions of section 187 shall apply *mutatis mutandis*.

Section 190. The King has the prerogative to issue a Royal Decree which is not contrary to the law.

Section 191. The King has the prerogative to declare and lift a martial law in accordance with the conditions and procedure under the Martial Law.

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

Section 192. The King has the prerogative to declare war with approval of the National Assembly.

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

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

Section 193. The King has the prerogative to conclude a peace treaty, armistice and other treaties with other countries or international organizations.

A treaty which provides for a change in the Thai territories or the Thai external territories that Thailand has sovereign right or jurisdiction over such territories under any treaty or an international law or requires the enactment of an Act for its implementation or has wide scale effects on the economic or social security of the country or results in a significant obligation on trade, investment or budget of the country shall be approved by the National Assembly.

A treaty having wide scale effects on the economic or social security of the country or results in a significant obligation on trade, investment or budget of the country under paragraph two means a treaty relating to free trade area, joint custom area, protection of intellectual property or concession of natural resources or having effect in losing the right in natural resources either partly or wholly or any other matters as provided by law.

Before the conclusion of a treaty with other countries or international organizations under paragraph two, the Council of Ministers shall provide information thereon to the public, conduct public consultation and clarify the details of such treaty to the National Assembly. In this regards, the Council of Ministers shall submit a negotiation framework composing of the subject matters for negotiation which may be the conclusion of that treaty to the standing committee on foreign affairs of the National Assembly for approval. Such standing committee shall consist of qualified members who are not members of the National Assembly, and it shall finish deliberation thereon within thirty days as from the date of receiving of such matter.

Upon giving signature to the treaty or preparing to be obliged by the treaty under paragraph two, the Council of Ministers shall, prior to expressing consent to be bound, grant public access to the details of such treaty and the approval of the National Assembly on such matter shall be given. In this case, the National Assembly shall have resolution thereon within sixty days as from the date of receiving of such matter. In the case where the implementation of such treaty produces adverse effect to the public, the Council of Ministers shall make swift, appropriate and fair revisions or remedies to the person affected thereby.

There shall be a law on the making of treaty which provides categories of treaties, negotiation framework and stages and procedure for the conclusion of a treaty under paragraph two, including the revision or provision of remedy for effects of such treaty with due regard to the fairness as between the beneficiaries and persons affected by the implementation of such treaty and the general public.

A matter arising from the provisions of paragraph two falls within the jurisdiction of the Constitutional Court and the provisions of section 164 shall apply *mutatis mutandis* to the referring of the matter to the Constitutional Court.

Section 194. The King has the prerogative to grant a pardon.

Section 195. The King has the prerogative to remove titles and recall decorations.

Section 196. The King appoints and removes official in the military service and civil service who hold the positions of Permanent Secretary of State, Director-General and their equivalents and transfers from one position to another, but if such official vacates office by the provisions of law or upon his death, the King shall be reported for His acknowledgement.

Section 197. Emolument and other remunerations of Privy Councillors, President and Vice-Presidents of the House of Representatives, President and Vice-Presidents of the Senate, Leader of the Opposition in the House of Representatives, members of the House of Representatives and senators shall be prescribed by the Royal Decree whereby the provisions thereof shall not allow payment prior to the date such persons taking offices.

Gratuity, pension or other remunerations of Privy Councillors who vacate their office shall be prescribed by the Royal Decree.

Section 198. All laws, Royal Rescripts and Royal Commands relating to State affairs must be countersigned by a Minister unless otherwise provided in this Constitution. The person who countersigns the Royal Command shall be liable, legally and politically, as such countersigner.

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

CHAPTER 5

Public Finance and Budgeting

Section 199. The determination and application of fiscal policy and budget of State shall be in accordance with the principle of good governance, efficiency and worthiness, fiscal discipline and fair distribution.

Section 200. State funds include:

(1) State revenue, loan, treasury reserves and all incomes arising from properties and other benefits entitled to or possessed by the government or State organizations for the benefits of the administration of State affairs;

(2) all incomes arising from the operation of, or from properties and other benefits entitled to, possessed by or spent by, State agencies under the provisions of law irrespective of whether it is required to be remitted as State revenue.

The spending State funds under (1) by any means other than the enactment of the Annual Appropriations Act or the Supplementary Appropriations Act shall not be made.

The imposition that any revenue shall not be remitted as State revenue shall be made only by virtue of law, and the law to impose the exemption under (2) shall clarify the scope and ceiling of such imposition as far as it is not affect the fiscal discipline and, in this case, regards shall be had to the efficiency and worthiness of the spending of State funds as well as necessity of State agency.

Section 201. The expenditure estimates of State shall be made in the form of an Act. If the Annual Appropriation Act for the following fiscal year is not enacted in time, the law on annual appropriations for the preceeding fiscal year shall apply for the time being.

The annual appropriations bill or the supplementary appropriations bill shall compose of annual estimated incomes and expenditures and allocation of budget upon functional and area basis as provided by law.

All spending and incurring of debts and fiscal burdens which obliges State funds under section 200 (1) shall be made only if they are prescribed by the Annual Appropriations Act, the Supplementary Appropriations Act, the Transfer of Appropriations Act and the Organic Law on Public Finance and State Budgeting, except for the case under section 203.

All spending and incurring of debts and fiscal burdens which obliges State funds under section 200 (2) are subjected to the principle of worthiness, transparency and fiscal discipline under this Chapter and in accordance with the Organic Law on Public Finance and State Budgeting.

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Section 202. The House of Representatives shall complete the consideration of an annual appropriations bill, supplementary appropriations bill and transfer of appropriations bill within one hundred and five days as from the date the bill reaches the House of Representatives.

If the House of Representatives is unable to complete the consideration of the bill within the period referred to in paragraph one, such bill shall be deemed to have been approved by the House of Representatives and shall be submitted to the Senate.

The Senate shall approve or disapprove the bill without any amendment within twenty days as from the date the bill reaches the Senate. Upon the lapse of such period, such bill shall be deemed to have been approved; in such case and in the case where the Senate approves it, further proceedings under section 156 shall be taken. If the Senate disapproves the bill, the provisions of section 154 paragraph two shall apply *mutatis mutandis*.

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

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

If any item or amount of the bill has been reduced or abridged, the reduced or abridged amount shall not be allocated to any existing or new item, activity, work plan or project.

The State shall allocate adequate budgets for the autonomous administration of the National Assembly, the Courts and Constitutional Organization having duty to examine the exercise of State power.

If the National Assembly, the Courts or Constitutional Organization having duty to examine the exercise of State power is of opinion that the allocated budget may be inadequate, it shall submit a motion to the fiscal committee directly together with the status of the off-budget and all other money thereof. The committee shall allow the organization which submits the motion to give statement for its consideration, and shall extend the amount of budget thereto as necessary and appropriate.

Section 203. The payment of State funds shall be made only when it has been authorised by the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations or the law on treasury balance, except that it may be prepaid in the case of urgent necessity under the rules and procedure prescribed in the Organic Law on Public Finance and State Budgeting.

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In case of payment of State funds in advance under paragraph one, the expenditure estimates for reimbursement shall be set aside in the Transfer of Appropriation Act, the Supplementary Appropriations Act or the Annual Appropriations Act for the following fiscal year, and the sources of incomes for reimbursement of expenditures paid-up from the treasury balance shall be stated.

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

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

Section 204. A State agency having incomes which are not required to be remitted as State revenue, off-budget and all other money shall report the receipt and expenditure of such money to the Council of Ministers at the end of every fiscal year and the Council of Ministers shall report further to the House of Representatives and the Senate.

Section 205. In the case where there is a reasonable evidence to belief that any person holding political position or State official causes spending of State funds in a manner that be detrimental to the State and a reasonable person should believe so, the Auditor General with approval of the State Audit Commission or the Counter Corruption Commission may conduct investigation and bring the case against such person to the Public Finance and Budgeting Division of the Administrative Court without delay in accordance with the Organic Law thereon.

CHAPTER 6

Relationship among Government Official, Politicians and the People

Section 206. A government official and official of a State agency holding a permanent position or receiving salary and who is not a political official shall not be a political official or a person holding a political position.

Section 207. An appointment of a government official shall be in accordance with merit system.

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There shall be a Government Official Appointment Committee consisting of seven members whom the King, with advice of the Senate, appoints by selecting from persons having integrity and political impartiality, as follows:

(1) two qualified members of the Civil Service Commission whom elected by the Civil Service Commission;

(2) three members who are persons having held position of Permanent Secretary of a Minister or head of a State agency equivalent to Permanent Secretary of a Minister, and out of official service whom elected by the persons holding position of Permanent Secretary or head of a State Agency equivalent to Permanent Secretary of a Minister in accordance with the rules and procedure as provided by law;

(3) two members whom the chairpersons of ethical committee of all Ministries elected among themselves in accordance with the rules and procedure as provided by law.

The Senate shall consider background, behavior and ethical behavior of the persons under paragraph two. In the case where the Senate is of an opinion that any person is not deserve for the position under paragraph two, the President of the Senate shall return such name list to be re-elected.

The members under paragraph three shall elect one among themselves as the Chairperson, and shall then notify the President of the Senate.

The President of the Senate shall countersign the Royal Command appointing the Chairperson and members under paragraph two and paragraph three.

The Chairperson and members under this section shall hold office for a term of two years as from the date of the appointment by the King, and shall hold office for only one term.

The Committee under paragraph two shall have the powers and duties to consider the rotation, transferal or promotion of government official by nominating an appropriate person to the Prime Minister to present to the King for appointment as Permanent Secretary of Ministry and head of State agency equivalent to Permanent Secretary of Ministry, and shall have other powers and duties as prescribed by law.

Section 208. A government official and State official shall have the duty to act in accordance with the Constitution, law and the policies the Council of Minister states to the National Assembly so as to protect public interest, to perform the duties in accordance with good public governance principle, to facilitate and provide service to public swiftly and efficiently, as well as to be politically impartial in the performance of duties and in any other relevant matter.

There shall be an assessment of satisfaction of people to the provision of public service of State agencies, government officials and State officials as provided by law.

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Section 209. Any order in the administration of State affairs shall be made in writing. In the case of emergency or necessary urgency, such order may be made in verbal, but the person under such order shall make it in written form and submit then it to his superintendent for signature thereafter. A government official or State official who acts without evidence of the aforesaid order shall be liable personally as provided by law.

A government official and State official who refuse to comply with any unconstitutional or unlawful order shall be protected as provided by law.

Section 210. A citizen shall participate in the administration of State affairs as follows:

(1) providing information and opinion regarding the administration of State affairs to a person holding political position, government official and State official;

(2) participating in the administration of State affair as provided by law;

(3) monitoring and examining the performance of duties of government official and State official under section 208. If it appears that there is a negligence or failure to comply with section 208, a citizen shall have the right to request such government official, State official or his superintendent to clarify and explain reason thereof and to request for the act to be carried out in accordance with the Constitution and law, lodging a complaint or take a legal action, as prescribed by the Constitution and law.

CHAPTER 7

Decentralization and Local Administration

Section 211. Subject to section 1, the State shall, under the local autonomy principle and the needs of local people, provide autonomy to local administrative organization and the form of local administrative organization shall be varies depending on socio-geography of each locality. The powers, duties and accountabilities shall be decentralized to local administrative organization, and the local administrative organization shall be principal provider of public services within its area, and public participation shall be promoted in decision making for solution of problems thoroughly and effectively as provided by law.

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If any community or person is capable to provide any public service with better standard, quality and efficiency than that provided by local administrative organization, State or local administrative organization shall allow such community or person to provide that public service under appropriate regulation as provided by law.

Section 212. A local administrative organization composes of a local administrative committee, local administrator or local assembly, and the members thereof shall be elected; provided that, the member of special local administrative organization shall be approved by the people by other means. A member of local administrative committee, local administrator or local assembly shall do any act without conflict of interest as provided by law.

A local administrative organization which is principal provider of public services and in strengthening of security, economic and social of the local people shall have such specific powers and duties as, at least, the powers and duties in relation to the development of quality of life of local people, provision of public utilities and public assistance, natural resources management, promotion and preservation of environmental quality, development of fundamental economy, education and training and promotion of local art and culture.

The management of a local administrative organization shall be in accordance with the principles of good governance, and shall be autonomous in the making of its policy, management, provision of public services, human resource management and finance. In so doing, regards shall be had to balance of autonomy and standard as well as the development of *Changwat*, region and country as a whole.

The size and capacity of each local administrative organization shall be appropriate in order to provide services which are required by the local people effectively and to the greatest extent, and shall provide varieties of public services and shall, for the worthiness, benefit and thoroughness of services, work in collaboration with public sector, private sector and private organization as provided by law.

The State, regional administration and local administrative organization shall do work in concert manner for the efficient spending of budget as each has been allocated for the development of the same area and for the accomplishment of any other entrusted mission for the greatest benefit of the people as provided by law.

Section 213. For the purpose of this Chapter, there shall be a local administration law and that law shall increase decentralization of powers, establish organization responsible particularly to decentralization for the accomplishment of decentralization, allocate tax and revenue between State and local administrative organization depending on the powers and duties of each type of local administrative organization and shall have the provisions related to audit and assessment of decentralization.

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Section 214. The supervision of local administrative organization shall be conducted legally and necessarily for the protection of benefit of the local people or the country as a whole, and it shall be security of the people from the misuse of powers of local administrative organization, suitable for each form of local administrative organization and inviolable of the local autonomy principle as provided by law.

To conduct supervision under paragraph one, the State may:

- (1) prescribe a common standard to be complied with by local administrative organization and monitor the compliance therewith;
- (2) conclude contractual plan among the State, regional administration, and local administrative organization;
- (3) refer a matter to the Administrative Court to decide whether any rule, order, resolution or any other act of local administrator, local assembly or member of local assembly is inconsistent with the Constitution or law;
- (4) perform any other act as provided by law.

Section 215. The people and community shall have the right to participate with local administrative organization in determining the appropriate form of local administrative organization, changing area of local administration, administrating of locality, conducting referendum at local level, examining the administration, removing of local administrative committee, local administrator or a member of local assembly, or introducing local ordinances as provided by law.

Local administrative organization shall have the duty to enhance public participation by, at least, disclosing information, operation and financial budget report and local fiscal condition to public; promoting the Citizen Assembly, organizing public participation in decision making on any undertaking which affects the people as provided by law.

For the benefit of public participation under this section, citizen may establish a Citizen Assembly consisting of members with various backgrounds which appropriate to the socio-geography of each area and residing in that locality, and the Citizen Assembly shall participate with local administrative organization in the execution under this section.

Composition, qualifications and prohibitions, sources, term of office, mission of Citizen Assembly and other necessary matters shall be provided by law.

Section 216. Personnel resources management of local administrative organization shall be suitable and necessary for each type of local administrative organization. In this regards, the following shall be proceeded:

- (1) the officer of local administrative organization shall be local government official or local employee and shall be able to transfer or exchange between various types of local administrative organization;

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(2) the central organization for personnel resources management of various types of local administration organization shall be established at both national and *Changwat* level, and it shall consist of four parties with equal number, *viz.* representatives of relevant agencies, representatives of local administrative organization, representatives of local government official and qualified persons as provided by law; provided that, the special local administrative organization may have its own central personnel administrative organization as provided by law;

(3) there shall be a committee for appointment of local government officials in accordance with merit system in each *Changwat* as provided by law.

BOOK III

RULE OF LAW, COURTS AND EXAMINATION ORGANIZATIONS

CHAPTER 1

Courts and Judicial Process

Part 1

General Provisions

Section 217. The rule of law which is the fundamental basis of democratic Constitution shall consist, at least, of the followings principles:

- (1) supremacy of Constitution and law over individual will and the Constitution and law are revered by the State and the people;
- (2) protection of human dignity, rights, liberties and equality;
- (3) separation of powers, examination of the exercise of State power and protection of conflict between individual interest and public interest;

(4) judicial process which at least requires that the Constitution and law shall not be applied to constitute criminal penalties on a person retrospectively, a person shall have the right to protect himself when his rights or liberties have been affected, no person shall be forced to render statement that may result in him being criminally prosecuted, no person shall be criminally prosecuted for the same offence more than one time, and a person is presumed innocent until receiving judgment of conviction;

(5) independent of Courts and honesty and impartiality of judicial process.

Section 218. The judicial process shall be constitutionality and legally, fair, standard, transparent and accountable, and the procedure shall be appropriate with each type of cases, efficient, without delay except for reasonable ground and at minimal expenses.

The trial proceeding of the Courts shall be at fixed period as a security of trial and adjudication of the case and it shall be disclosed to public.

Parties to cases, interested parties and attorneys shall have the duty to get together with the Court so as to prevent the trial from delay without reasonable ground. Whoever exercises his right in bad faith shall be punished as provided by law.

Judgment, decision and order shall contain the rationale thereof, shall be read in public and shall be accessed easily by the interested person. If it relates to public interests, the general public shall also be able to access easily.

Section 219. The Courts shall have the power to trial a case and it shall conduct the trial with due regard to justice under the rule of law, the Constitution and law and in the name of the King.

Judge is independent in a trial and he shall trial without bias and shall have knowledge, expertise and experience that are suitable for the case under his trial.

Judge shall not be political official or hold political position.

Salary, emolument and other remunerations of judge shall be provided by law, and the payroll system of civil service shall not be applied. Whenever salary or emolument of civil service increases, salary and emolument of judge shall also be increased in proportion.

The appointment, transfer, increase of salary and promotion of judge shall guarantee an independence of judge as provided by law.

Disciplinary and disciplinary punishment of judge by personnel administration organization of the Courts shall guarantee for direct appeal to the highest Court of which the judge belongs to as provided by law.

Section 220. The performance of duties of the State official in judicial process shall be impartiality without bias in accordance with the rule of law, the Constitution and law.

If it appears to the Courts or State agency having duty to enforce the law that any law or rule produce injustice effect to the public or in consistent with section 87, such Courts or State agency shall refer recommendation to the Council of Ministers and the national Assembly for amendment.

Section 221. All Courts may be established only by Acts. The Courts shall be adequately established so that the public shall easily, conveniently and swiftly access with minimal incurring expenses.

The establishment of a new Court to trial and adjudication any particular case or a case of any particular charge in place of the Court existing under the law and having jurisdiction over such case is prohibited.

A law having an effect of amending or revising the law on organization of the Courts or on judicial procedure for the purpose of its application to a particular case is prohibited.

Section 222. In the case of a dispute on the competent jurisdictions of the Court of Justice, the Administrative Court, the Military Court or any other Courts, a ruling shall be made by the committee consisting of the Presidents of the Courts relating to the dispute and at least three but not exceeding five qualified persons in the legal field as members and the administrative function of the committee shall be served by the administrative organization of the Court of Justice and the Administrative Court for one year each as provided by law.

The committee under paragraph one shall select the qualified persons under paragraph one to act as chairperson in each disputed case.

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

Section 223. The King appoints and removes judge and transfers from one position to another, but if the judge vacates office by the provisions of law or upon his death, the King shall be reported for His acknowledgement.

Section 224. Before taking office, a judge shall make a solemn declaration before the King in the following words:

"I, (name of the declarer) do solemnly declare that I shall 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 shall also uphold and observe the democratic regime of government with the King as Head of State, the Constitution of the Kingdom of Thailand and the law in every respect."

The King may command the judge to make a declaration under paragraph one before the Heir to the Throne or His Representative.

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Section 225. The Committee which is the personal administrative body of judge of any Court shall consist of the President of such Court as the chairperson, appropriate proportion of representatives who have been elected by judges in such Court and qualified persons who are not or have never been a judge or are holding a political position in the number that is not less than one third of the committee members who are judges as provided by law.

Members who are the elected representatives under paragraph one and qualified persons may hold the position for only one term, except in the case of the judge in such Court that has ever been elected to hold the position, such person shall hold the position for another term.

In the case where there are no qualified person under paragraph one or not fully appointed and the committee members in the number that is not less than six persons are of the opinion that a matter is urgent for approval, the committee may consider such matter.

The person who is holding a position in a personnel administration body of one court shall not be a member of a personnel administration body or an administrative member of any other court at the same time.

Section 226. The President of the Supreme Court of Justice, the President of the Supreme Administrative Court and President of other Courts other than the Constitutional Court and the Military Court shall hold the position for four years as from the date of their appointment by the King and shall hold the office for only one term. In the case where the person vacates office by any ground other than retirement, he shall be appointed to other position as prescribed by the personal administration body of the Court.

Judge of the Court of Justice, the Administrative Court and other Courts except the Military Court who reaches sixty five years of age shall be retired at the end of the fiscal year in which such person reaches sixty five years of age. The judge who is retired on the aforesaid ground may continue to be senior judge until reaching the seventy years of age as provided by law.

Section 227. The Constitutional Court, the Court of Justice, the Administrative Court and the other Courts other than the Military Court shall have independent secretariat, with the Secretary-General of the Office of the Court as the superior official directly responsible to the President of such Court.

The appointment, removal, efficiency evaluation and disciplinary proceeding of the Secretary-General shall be approved by the personnel administrative body of such Court as provided by law.

Office of the Court shall have independent in personnel administration, budgeting and other matters as provided by law.

Section 228. State Attorney Organization shall be independent in the execution of its duties for justice under the rule of law, Constitution and law.

State attorney shall have the powers and duties as provided by this Constitution, the law on State Attorney Organization and State Attorney and other laws.

State Attorney shall, in significant criminal case, have power to conduct an investigate with investigating official as provided by law.

The decisive order for prosecution, not to prosecute, revoking of prosecution, appeal, not to appeal or revoking of appeal of the Attorney-General under the law shall contain rationale for such order and shall arrange for interested parties to easily access except when it is a matter relating to public interests in which the general public may also access as provided by law.

Appointment, transfer, promotion of salary and position and disciplinary of State Attorney shall have security for its independence as provided by law, and the provisions of section 219 paragraph four and section 226 paragraph two shall apply to State Attorney *mutatis mutandis*.

The personnel administration body of State Attorney shall be independent and consist of the chairperson who is a qualified person that is not and has not been a State Attorney or holding a political position, the Attorney-General, representatives of State Attorney who are elected by each level of State Attorney in appropriate number and qualified persons who are not or have not been a State Attorney or holding a political position in the number of not less than one third of members who are State Attorneys as provided by law.

The members who have been elected and the members who are qualified persons under paragraph six shall hold office for only one term.

State Attorney shall neither hold any position or perform any duty for a State enterprise or other enterprises of State having similar nature or in any partnership or company and shall not be an advisor of a person holding political position or other positions having similar nature, nor engage in any occupation or profession that may affect the performance of his duties or may detriment the dignity of his office.

The Office of the Attorney-General shall be independent in personnel administration, budgeting and other matters as provided by law.

Part 2

Constitutional Court

Section 229. The Constitutional Court consists of nine judges of the Constitutional Court appointed by the King upon advice of the Senate from the following persons:

(1) two judges of the Supreme Court of Justice holding a position not lower than judge of the Supreme Court of Justice and elected at a plenary meeting of the Supreme Court of Justice;

(2) two judges of the Supreme Administrative Court elected at a plenary meeting of the Supreme Administrative Court;

(3) three qualified persons in law and at least one person shall have knowledge and expertise in public law;

(4) two qualified persons in political science or persons who have expertise in the field of public administration or expertise from an organisation which is not the public organisation.

Rules and procedure for the selection of persons under paragraph one shall be in accordance with the Organic Law on the Constitutional Court and Procedure of the Constitutional Court.

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

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

Section 230. There shall be a Selective Committee for judges of the Constitutional Court under section 229 (3) and (4) consisting of different kinds of members as follows:

(1) four qualified persons: two of which are elected at a plenary meeting of the Supreme Court and two of which are elected at a plenary meeting of the Supreme Administrative Court;

(2) two qualified persons: one of which is elected by the Government political parties and political groups and the other is elected from the opposition political parties and political groups;

(3) two qualified persons elected by the Dean of the Faculty of Law from the higher education institutions;

(4) two qualified persons elected by the Dean of the Faculty of Political Science from the higher education institutions;

(5) one qualified person elected by the National Moral Assembly.

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Rules and procedure for the selection of persons under paragraph one shall be in accordance with the Organic Law on the Constitutional Court and Procedure of the Constitutional Court but the qualified persons under paragraph one shall not be a judge or Dean.

Members of the Selective Committee under paragraph one shall not be in the selection of judges of the Constitutional Court and such Selective Committee shall hold a meeting and elect one among themselves to be the Chairperson of the Committee.

In the case where it is not possible to complete the selection of members of the Selective Committee as provided in paragraph one for whatever reason it is, if the selected members of the Selective Committee are not less than two third of the total members of the Selective Committee and its members are from no less than four different types and the Selective Committee shall consist of the remaining members. However, if the amount of members of the Selective Committee is less than what is provided, a plenary session of the Supreme Court of Justice shall elect three qualified members and a plenary session of the Supreme Administrative Court shall elect three qualified members to be the Selective Committee. Such Selective Committee shall elect one qualified member to be the Chairperson of the Selective Committee and such person shall be a member of the Selective Committee.

Section 231. The Selective Committee for judges of the Constitutional Court must complete the selection of qualified persons to be appointed as the judges of the Constitutional Court under section 229 (3) and (4) within thirty days as from the date of occurrence of the grounds for election and then nominates the selected persons, with their consents, to the President of the Senate. Such selection resolution shall be by open votes and passed by the votes of not less than two-thirds of the total number of the existing members of the Selective Committee.

In the case where the members in office are unable to perform his duty and the number of the remaining members is not less than one-half thereof, the Selective Committee shall consist of the remaining members.

The President of the Senate shall convoke a sitting of the Senate for the passing of the approval resolution of the elected persons under paragraph one within thirty days as from the date of receipt of the nomination. A resolution shall be made in secret ballot. In case where the Senate passes an approval resolution, the President of the Senate shall tender the names of the nominated persons to the King for His appointment. In the case where the Senate disapproves any person in the nomination, such nomination shall be returned to the Selective Committee for judges of the Constitutional Court for a new selection which shall be complete within thirty days as from the date of occurrence of the ground for such execution.

Section 232. The President and judges of the Constitutional Court shall hold office for nine years as from the date of their appointment by the King and shall hold office for only one term.

The President of the Constitutional Court who has been in office for three years shall vacate the office but shall remain a judge in the Constitutional Court. The judges of the Constitutional Court shall select one judge of the Constitutional Court to be the President of the Constitutional Court to replace the person thereof.

The President and judges of the Constitutional Court who vacate office at the end of term shall perform his duty until the newly appointed President and judges of the Constitutional Court take office.

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

Section 233. Qualifications, prohibitions, vacating office prior to the end of term and any conduct which are prohibited during the term of office as the President and judges of the Constitutional Court shall be in accordance with the Organic Law on the Constitutional Court and Procedure of the Constitutional Court. Such laws shall at least contain the prohibitions stating that the person who used to hold office in an agency under the Constitution examining the use of powers of the State shall not be in the selection process and the vacating of office shall be upon being of seventy years of age.

Section 234. In the application of the provisions of any law to any case, if the Court by itself is of the opinion that, or a party to the case raises an objection with reasons that, the provisions of such law fall within the provisions of section 6 and there has not yet been a decision of the Constitutional Court on such provisions, the Court shall submit, in the course of official service, its opinion to the Constitutional Court for consideration and decision. During such period, the Court may continue the trial, but the adjudication to the case shall be suspended until the Constitutional Court has made its decision.

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

Section 235. A person whose rights and liberties recognised by this Constitution are violated, has the right to submit a motion to the Constitution Court for its decision as to whether the provisions of the law are contrary to or inconsistent with the Constitution.

The exercise of rights under paragraph one must be a case of an inability to exercise the right by other means as provided in the Organic Law on the Constitutional Court and Procedure of the Constitutional Court.

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Section 236. In the case where a dispute arises as to the power and duty among the House of Representatives, the Senate, the National Assembly, the Council of Ministers or Constitutional Organization which has the powers to inspect the exercise of State powers or the Selective Committees under this Constitution, the President of the House of Representatives, the President of the Senate, the President of the National Assembly, the Prime Minister, the leader of the opposition party in the House of Representatives or such organization shall submit the matter together with its opinion to the Constitutional Court for consideration.

Section 237. The quorum of judges of the Constitutional Court for hearing and rendering a decision shall consist of not less than five judges.

The decision of the Constitutional Court shall be made by a majority of votes unless otherwise provided in this Constitution. Every judge of the Constitutional Court who constitutes a quorum shall give an opinion of his own part and make an oral statement to the meeting before passing a resolution.

The procedure of the Constitutional Court shall be in accordance with the Organic Law on Procedure of the Constitutional Court.

The decision of the Constitutional Court shall be final and binding upon the National Assembly, Council of Ministers, Courts and other State organs and shall apply to all cases, but it shall not affect the rulings of cases which are already final. In this regard, the decision of the Constitutional Court and opinions on the consideration of the case of every judges of the Constitutional Court shall be published in the Government Gazette.

Part 3

Courts of Justice

Section 238. The Courts of Justice have the powers to try and adjudicate all cases except those specified by this Constitution or the law to be within the jurisdiction of other Courts.

Section 239. There shall be three levels of Courts of Justice, *viz.*, Courts of First Instance, Courts of Appeal and the Supreme Court of Justice, except otherwise provided by this Constitution or other laws.

Section 240. There shall be in the Supreme Court of Justice a Criminal Division for Persons Holding Political Positions, the quorum of which consists of nine judges of the Supreme Court of Justice holding a position not lower than judge of the Supreme Court of Justice or senior judges having held a position of not lower than judge of the Supreme Court of Justice who are elected at a plenary meeting of the Supreme Court of Justice by secret ballot on a case-by-case basis.

The competence of the Supreme Court of Justices Criminal Division for Persons Holding Political Positions and the appeal to the judgment and the Criminal Procedure for such person shall be as provided by this Constitution and the Organic Law on Criminal Procedure for Persons Holding Political Positions.

Section 241. Appeal Courts, Regional Appeal Courts and Specialized Courts shall have the following powers and adjudication of cases:

(1) cases relating to an election, suspension of the right to vote at an election for members of the House of Representatives and the obtaining of senators shall be within the jurisdiction of the Appeal Court. Cases relating to the election and suspension of the right to vote at an election for local administrator and election for members of local assembly occurred within the jurisdiction of a court shall be within the jurisdiction of the Appeal Court or regional Appeal Court as the case may be;

(2) cases relating to an intention not to submit an account showing assets and liabilities and supporting documents or an intention to submit such account with false statements or conceal facts which should be disclosed as provided by this Constitution shall fall within the jurisdiction of the Appeal Court or the Regional Appeal Court as provided by law;

(3) specialized cases shall be appealed to the Specialized Appeal Court as provided by law.

The procedure and trial under (1) and (2) shall be in accordance with the Rules prescribed at a plenary session of the Supreme Court. It shall use the inquisitional procedure and such procedure shall be expedient.

Part 4

Administrative Courts

Section 242. Administrative Courts have the power to try and adjudicate administrative cases as a consequence of the exercise of an administrative power as provided by law or as a consequence of the carrying out of an administrative act including cases resulting from an administration and personnel administration of a Constitutional Organ which has powers and duties to inspect the exercise of State powers as provided by law, as well as to try and adjudicate matters prescribed by the Constitution or law to be under jurisdiction of the Administrative Court.

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The jurisdiction of the Administrative Courts under paragraph one does not include the use of powers by Constitutional Organs pursuant to the direct exercise of their powers under the Constitution, whereby such Constitutional Organ duties to inspect the exercise of State powers.

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

Section 243. Qualified persons in the field of law and the administration of State affairs may be appointed as judges of the Supreme Administrative Court. Such appointment shall be made in the number of not less than one-fourth of the total number of judges in the Supreme Administrative Court and shall be approved by the Judicial Commission of the Administrative Court as provided by law and by the Senate before it is tendered to the King.

The selection of judges in Administrative Courts of First Instance to be judges in the Supreme Administrative Court shall be in accordance with the Rules and Procedure as provided by the law on Establishment of the Administrative Courts and Administrative Court Procedure. This shall be approved by the Judicial Commission of the Administrative Court and the Senate before it is tendered to the King. In this regard, such appointment shall be made in the number of not less than one-fourth of the total number of judges in the Supreme Administrative Court.

Section 244. There shall be a division on public finance disciplinary and budget within the Central Administrative Court and the Supreme Administrative Court.

Quorum of judges, powers and duties, prosecution and procedure of the Court Division on public finance disciplinary and budget shall be in accordance with the law on Establishment of the Administrative Courts and Administrative Court Procedure.

Part 5

Military Court

Section 245. Military Court has the power to try and adjudicate cases involving offenders are subject to the jurisdiction of the Military Courts and other cases as provided by law.

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

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CHAPTER 2

Examination of the Exercise of State Powers

Part 1

General Provisions

Section 246. The examination of the exercise of State powers shall be conducted in accordance with laws, with honesty and without conflict of interests. Such scrutiny shall be conducted in a transparent and accountable process.

The examination of the exercise of State powers under paragraph one shall be protected.

Section 247. Persons holding the following positions are under duty to submit an account showing particulars of assets and liabilities and a copy of the income tax form of themselves including other related documents to the National Counter Corruption Commission or other organization having duty to examine the exercise of State power as provided by law:

- (1) Prime Minister;
- (2) Ministers;
- (3) Members of the Committee in the Constitutional Organs which have duties to inspect the exercise of State powers;
- (4) Members of the House of Representatives;
- (5) Members of the Senate;
- (6) Other political officials and persons holding other political positions;
- (7) Local administrators and members of a local assembly as provided by law;
- (8) Other government officials as provided by law.

The documents to be submitted under paragraph one shall consist of the account showing particulars of assets and liabilities and a copy of the income tax form including related documents of spouses and children who have not yet become *sui juris* of the persons under paragraph one including a person who has been assigned by the person under paragraph one to possess or take care of the assets whether directly or indirectly, as provided by law.

The account showing particulars of assets and liabilities and supporting documents of: the Prime Minister; Ministers; Members of the Committee in the Constitutional Organs which have duties to inspect the exercise of State powers; members of the House of Representatives; and members of the Senates shall be disclosed to the public without delay but not later than thirty days as from the date of expiration of the period for the submission of such account. The account of persons holding other positions shall only be disclosed in the case where the disclosure thereof is beneficial to the trial or adjudication and is requested by the Courts, an interested person or the State Audit Commission or as provided by law.

Part 2

Conflict of Interests

Section 248. Persons holding political positions and government officials shall not act with conflict of personal and public interests and shall not, at least, perform the following acts:

- (1) to submit a policy or law or rule which would benefits the business, which they, their spouses, children or parents have interest in;
- (2) to take personal relationship with other persons into account when making decision in the performance of duty which would benefit or damage such persons;
- (3) to spend official or organizational time, money, properties, personnel, services, facilities or internal data for their own benefit or others except where it is legitimately permitted by law or rule;
- (4) to act, to hold a position or to perform any act in personal capacity which may cause doubtfulness whether it would contradict with the public interest within the responsibility of duty or is detrimental to the position.

Section 249. The Prime Minister and Ministers shall:

- (1) not hold a position in partnership, company or an organization which seeks profits or income to share or is an employee of any person;
- (2) not hold a position or duty in a government agency, state agency or a state enterprise or hold a position of a member of a local assembly, local administrator or local government official;
- (3) not receive or interfere or intervene in, whether directly or indirectly, any concession from the State, a government agency, State agency or State enterprise, or become a party to contract of the nature of an economic monopoly 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;
- (4) not receive any special money or benefit from a government agency, State agency or State enterprise apart from that given by a government

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agency, State agency or State enterprise to the persons in the ordinary course of business;

(5) not act in violation of the prohibitions under section 48 paragraph seven.

The provisions of this section shall not apply in the case where the Prime Minister or Ministers receives military pensions, gratuities, pensions, annuities for royalty or any other form of money of the same nature, and shall not apply in the case where the Prime Minister or Ministers accepts or holds a position of committee member of the National Assembly, the House of Representatives, or the Senate or committee members appointed in the course of the administration of State affairs or is in the position or act in accordance with the provisions of law.

The provisions in (3), (4) and (5) shall apply to spouses and children of the Prime Minister or of Ministers and other persons who acts as agent, partner of, or who are entrusted by the Prime Minister or Ministers to act under this section.

Section 250. The Prime Minister and Ministers shall not be a partner or shareholder of a partnership or a company or not retain his being a partner or shareholder of a partnership or a company up to the limit as provided by law. In the case where the Prime Minister or any Minister intends to continue to receive benefits in such cases, the Prime Minister or such Minister shall inform the President of National Counter Corruption Commission within thirty days as from the date of appointment and shall transfer his shares in the partnership or company to a juristic person which manages assets for the benefit of other persons as provided by law.

The Prime Minister and Ministers shall not carry out any act which, by nature, amounts to the administration or management of shares or affairs of such partnership or company as stated in paragraph one.

This provision shall apply to spouses and children who have not yet become *sui juris* of the Prime Minister and Ministers including the person entrusted by the Prime Minister or Ministers to be a partnership or to hold shares on behalf of him, whether directly or indirectly.

Section 251. The Prime Minister and Ministers shall not, through a political status or position, interfere or intervene with the following matters, directly or indirectly, for the benefit of his own or other persons or of political party or political group:

(1) the performance of official duties or routine works of a government official or official of a State agency;

(2) the recruitment, appointment, reshuffle, transfer, promotion and elevation of the salary scale of a government official or official of a State agency;

(3) the removal from office of a government official or official of a state agency;

(4) the appointment and removal of a committee in the state enterprise or public organization or other state agencies.

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In this regard, except if otherwise is the act under powers and duties in the administration of state affairs, which is in accordance with the policies announced to the Assembly or as provided by law and shall prevent or supervise his spouses and children, including any person in the political party or political group he is affiliated with, from performing such acts thereof.

Section 252. Members of the House of Representatives or a senator shall not perform the act under section 249 (3), (4) and (5) and section 251.

The provision in this section shall not apply to the case where a member of House of Representatives and a senator is appointed to be a committee of the National Assembly, House of Representatives, or Senate or members of the Committee officially appointed of the Legislative branch.

Part 3

Removal from Offices and Deprivation of Political Right or the Right to Hold any Position

Section 253. Subject to section 74 paragraph four, paragraph five and paragraph six, any person who is holding a position of Prime Minister, Ministers, Members of the House of Representatives, senators, President of the Supreme Court, President of the Constitutional Court, President of the Supreme Administrative Court or Attorney-General and has a circumstance of unusual wealth or exhibits a sign of malfeasance in office, wrongful conduct in official duties, intentionally violates the provision of the Constitution or law, or violates or grossly fails to perform in accordance moral principles, the National Assembly shall have the power to remove such person from office.

The provision in paragraph one shall apply to persons holding the following positions:

(1) judges of the Constitutional Court, members of the Election Commission, Ombudsman and Human Right Commission, State Audit Commissioner and Chairperson of the State Audit Commission;

(2) judges, Attorney- General official, or any person holding a high level position as provided by the Organic Law on Prevention and Suppression of Corruption.

Section 254. Members of the House of Representatives of not less than one-fourth of the total member of the existing members of the House of Representatives have the right to lodge to President of the National Assembly a complaint in order to request the National Assembly to pass a resolution to remove the person under section 253 from office. The said complaint shall clearly itemize the circumstances in which such persons have allegedly committed that act.

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Members of the Senate of not less than one-fourth of the total number of the existing members of the Senate shall have the right to lodge to President of the National Assembly a complaint in order to request the National Assembly to pass a resolution to remove a member of the Senate from office.

Citizen having the right to vote of no less than twenty-thousand have the right to lodge a complaint in order to remove persons under section 253 from office in accordance with section 72.

Upon receiving the complaint under paragraph two or three, President of the National Assembly shall submit the matter to the National Counter Corruption Commission to hold an inquiry.

Once the inquiry is complete, the National Counter Corruption Commission shall submit a report to President of the National Assembly and, in such report, it shall state clearly whether and the extent to which the allegation stated in the complaint contains a *prima facie* case and the extent to which the convincing evidences contain.

If the National Counter Corruption Commission passes a resolution with the vote of no less than one half of the total existing members that the accusation contains a *prima facie* case, it shall proceed under the Organic Law on Prevention and Suppression of Corruption. If the National Counter Corruption Commission is of the opinion that the accusation has no *prima facie* case, such accusation shall lapse.

Upon receiving the report under paragraph five, President of the National Assembly shall convoke for a sitting of the National Assembly to consider such matter. In the case where the National Counter Corruption Commission submits the report outside the session, President of the National Assembly shall present the petition to the King to convoke the National Assembly to open an ordinary session and countersigns the Royal Command.

Members of the National Assembly shall be independent n casting vote with shall be done with secret ballot. The resolution removing any person from office shall be done with the vote of no less than three-fifths of the remaining member of the National Assembly. The provision relating to casting of vote, number of votes and result of voting under section 74 paragraph five and six shall apply *mutatis mutandis*.

Section 255. The complaint, the consideration and inquiry of the complaint and decision of the National Counter Corruption Commission that the complaint is a *prima facie* case including the result of the votes and the resolution of the National Assembly shall be in accordance with the Organic Law on Prevention and Suppression of Corruption. It shall, at least, contain the followings:

- (1) the period of time which the National Counter Corruption Commission and the National Assembly requires to consider and pass a resolution;
- (2) withholding the persons under section 253 from their duties during the time the National Counter Corruption Commission passes the resolution stating that it is a *prime facie* case until the time the National Assembly passes the resolution;

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(3) the establishment of tripartite, which consists of equal number of representatives from the National Counter Corruption Commission, representatives from the Attorney-General and other qualified persons from the field of law, in order to find a resolution concerning the legal proceeding to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

The making and the delivery of the list of name to persons having the right to vote under section 253 and section 74 paragraph four, paragraph five and paragraph six, rules and procedure on casting of votes including the coordination between the National Counter Corruption Commission and agencies which arrange the casting of votes shall be in accordance with the Organic Law on the Election Commission.

Part 4

Criminal Proceedings Against Persons Holding Political Positions

Section 256. In the case where the Prime Minister, a Minister, a member of the House of Representatives, member of the Senate, or other political official has been accused of becoming unusually wealthy, or of the commission of malfeasance in office according to the Penal Code or a dishonest act in the performance of duties or corruption according to other laws, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall have the competent jurisdiction to try and adjudicate the case.

The provisions of paragraph one shall apply to the case where the said person or other person who is a principal, instigator or a supporter including a person who gives, asks to give or promises to give property or other benefits to the person under paragraph one.

Section 257. In the case where a person holding the position of Prime Minister, Minister, President of the House of Representatives, or President of the Senate has been accused of becoming unusually wealthy or of the commission of malfeasance in office according to the Penal Code or a dishonest act in the performance of duties or corruption according to other laws and the National Counter Corruption Commission does not proceed the inquiry, such proceeding is too delayed or the inquiry proceeding results in no establishment of *prima facie* case, members of the House of Representatives, members of the Senate or members of the two Houses of no less than one tenth of the total existing members of the two Houses or victims of such conduct may submit a complaint to the President of the Supreme Court of Justice to ask for a plenary meeting of the Supreme Court of Justice to consider appointing an independent inquisitor from a person of apparent political impartial and integrity to undertake the inquisition procedure to find facts concerning the conduct of such person.

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In the case where the independent inquisitor is of the opinion that the accusation has a *prima facie* case, the independent inquisitor shall submit a report and existing documents including the opinion to the President of the Senate to proceed under section 253 and shall initiate the legal proceedings in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Qualifications, prohibitions and appointment of the independent inquisitor including the submission of the compliant, inquisition procedure, initiation of the legal proceeding and other related process shall be in accordance with the Organic Law on Criminal Procedure for Persons Holding Political Positions.

Section 258. In a trial, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall rely on the file of the National Counter Corruption Commission or of the independent inquisitor, as the case may be, and may conduct further inquisition in order to obtain additional facts or evidence as it sees fit.

Part 5

Constitutional Organization to Examine the Exercise of State Power

Section 1

Election Commission

Section 259. The Election Commission consisting of five Commissioners appointed by the King with the advice of the Senate from the persons of apparent political impartiality and integrity.

The persons advised by the Senate under paragraph one shall elect one among themselves to be the Chairperson of the Election Commission and notify the President of the Senate.

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

There shall be the Office of the Election Commission to be a secretariat unit of the Election Commission. As provided by law, the Office shall be an agency having independence in personnel administration, budget and other activities, and the Secretary-General of the Office shall be the superintendent of the Office and shall be accountable directly to the Chairperson of the Election Commission.

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Section 260. The selection of the Election Commissioners shall be as follows:

(1) the Plenary session of the Supreme Court shall select and nominate two qualified persons;

(2) the Selection Committee for Election Commission shall select and nominate three qualified persons.

Rules and procedure for the selection of the Election Commissioners under paragraph one shall be provided by the Organic Law on the Election Commission.

The Resolution under (2) shall be voted in public and shall pass with the votes of no less than two-thirds of the existing members.

Section 261. The Selective Committee for the Election Commission under section 260 (2) shall consist of the following members:

(1) four qualified persons, two of which are selected by the Plenary meeting of the Supreme Court of Justice and two of which are selected by the Plenary meeting of the Supreme Administrative Court;

(2) three qualified persons, one of which is selected by political parties and political groups from the Government;

(3) one qualified persons selected by the Council of Ministers;

(4) two qualified persons selected by the Deans of the higher education institutes;

(5) two qualified persons selected by the National Moral Assembly.

Rules and Procedure for selection of the Selection Committee under paragraph one shall be in accordance with the Organic Law on the Election Commission.

The Selective Committee under paragraph one shall not be in the selection for members of the Election Commission.

In the case where selection under paragraph one cannot be completed, for whatever reason, if the appointed members are not less than one half of the total members of the Committee and the Committee are from no less than four different types, the Selective Committee shall consist of the remaining members. In the case where there is no member in any position or a member is unable to perform his duty and the number is not less than one half thereof, the Selective Committee shall consist of the remaining members.

Section 262. The process of selection persons to be appointed as members of the Election Commission under section 260 shall be completed within thirty days from the date when a ground for such selection occurs. The list of candidates with the approval of such persons shall be submitted to the President of the Senate.

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In the case where there is no member in any type of position or members are unable to perform his duties, if the remaining members are no less than one-half thereof, the Selection Committee shall consist of the remaining members.

In the case where the process of selection cannot be complete within the specified period, or members cannot be completely selected within the specified period, the plenary meeting of the Supreme Court of Justice shall continue to complete the selection within fifteen days as from the date that the specified period has lapsed.

The President of the Senate shall convoke a sitting of the Senate for the passing of an approval resolution of the selected persons under 260 and it shall be conducted by secret voting.

In the case where the Senate approves the nomination, the process under section 259 paragraph two and paragraph three shall be conducted. If the Senate does not approve of any name in the nomination, whether it is the whole list of nomination or part of the list, it shall be returned to the Selective Committee for the Election Commission or the plenary meeting of the Supreme Court of Justice, as the case may be, in order to carry out a new selection process.

Section 263. The Election Commission shall hold office for a term of six years as from the date of their appointment by the King and serve for only one term.

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

Qualifications, prohibitions, vacating of office prior to the expiration of the term and other necessary matters shall be in accordance with the Organic Law on Election Commission which, at least, shall provide that the selection of persons who are not judges and prohibitions of persons who used to be members of the committees of other organs inspecting the exercise of State Powers.

Section 264. Members of the House of Representatives, members of the Senate or members of the two Houses together for no less than one-tenth of the total existing members of the two Houses have the right to complain the President of the National Assembly if any Election Commissioner lacks qualifications or is under any prohibitions or has acted in contravention of any of the prohibitions under section 250 and the President shall refer the complaint to the Constitutional Court within three days as from the date of receipt of the complaint for a decision.

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

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The provision of section 101 shall apply, *mutatis mutandis*, to the vacating of office of the Election Commissions.

Section 265. In the case where the Election Commission vacate office *en masses*, it shall carry out the selection procedure under section 260 within ninety days as from the date of vacating the office.

In the case where Election Commissioner vacates office upon other reasons in addition to the end of term, the selection procedure under section 260 shall be completed within sixty days from the date when grounds for such selection occur and the approved persons shall be in office for the remaining time period of the replaced Commissioner.

Section 266. The Election Commission shall control elections of the members of the House of Representatives, undertake the execution to obtain members of the Senate, control elections of the members of the local councils and local administrators and control of the voting of the resolution to be honest and fair.

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

Section 267. The Election Commission shall have the following powers and duties:

(1) to issue notifications or regulations determining all acts necessary for the implementation of the laws referred to in section 266 paragraph two including regulations relating to the launching of election campaigns and any act of political parties, candidates and persons having the right to vote to proceed in an honest and fair manner and determining rules to be complied by State in giving support of fair election and equal opportunity in campaigning;

(2) to lay down regulations determining prohibitions in the performance of duties of the Council of Ministers and Ministers under section 184 with due regard to the maintenance of interest of State and to honesty, fairness, equality and equal opportunity in an election;

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

(4) to give orders instructing government officials, officials of the State to perform all necessary acts under the laws for the execution of powers and duties of the Election Commission;

(5) to order the Commission to arrange elections, government officials and officials of the State who has the duties to arrange election to perform

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duties in accordance with the law or related rules or suspend the duty including reassign government officials or State officials to temporarily out of the area for the honest and fair election;

(6) to conduct investigations and inquiries for finding facts and giving decisions on problems or disputes arising under section 266 paragraph two or when there is a case of opposition or a reasonable ground to believe that the election or the process to obtain members of the Senate is incorrect or illegitimate;

(7) to order a new election at any polling station or every polling station or order for a new process in order to obtain members of the Senate when there is a reasonable ground to believe that the election in such polling station or the process to obtain was not in an honest or fair manner;

(8) to announce the result of an election of Members of the House of Representatives, members of the local Councils and local administrator and results of selection of Members of the Senate and referendum;

(9) to submit a request to the Appeal Court or Regional Appeal Court, as the case may be, for the order of suspension of the right to vote of candidates for elections who conducts, use, or supports other to act in contravention with the Organic Law on Election of Members of the House of Representatives and Obtaining Senators or other laws which renders the election dishonest and unfair;

(10) to control the arrangement for referendum or to order a new arrangement for referendum at any polling station or every polling station when there is a reasonable ground to believe that casting in the referendum in such polling station was not in an honest or fair manner;

(11) to promote and support or coordinate with State agency or support private organization in providing civic study and education to the public in relation to democratic regime of government with the King as Head of State to promote citizenship and political participation of the citizen;

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

There shall be an annual assessment of the work of the Election Commission by the National Impact Assessment Committee and the result shall be notified to the election Commission and announced to the public as provided by law.

Section 268. The Committee to arrange elections shall be established and shall consist of: qualified persons appointed by the Permanent Secretary of the Ministry of Defense, Permanent Secretary of the Ministry of Agriculture and Cooperatives, Permanent Secretary of the Ministry of Transportations, Permanent Secretary of the Ministry of Interior, Permanent Secretary of the Ministry of Education, Permanent Secretary of the Ministry of Public Health and Commissioner General of the Royal Thai Police, from government officials of each agency and one from each agency. The Committee shall undertake the arrangement for election of Members of the House of Representatives, Members of local Councils and local administrators including carrying out referendums.

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Qualifications, prohibitions, appointment, vacating of office, powers and duties of the Commission to arrange elections and other necessary matters shall be in accordance with the Organic Law on Election Commission. In respect of powers and duties, they shall, at least, include powers to appoint Committee in the regional level which shall consist of qualified persons who are not personnel of the State.

In the case where there is a reasonable ground to believe that a person under paragraph one or any State official carry out an election or voting in referendum in a dishonest or unfair manner, the Election Commission may conduct a disciplinary investigation on such person. If the result of the investigation appears that there is a *prima facie* case on the disciplinary investigation, the Chairperson of the Election Commission shall submit a report and related documents including the opinion to the Commander of such person in order to consider the disciplinary penalty in accordance with the offence in accordance with the resolution of the Election Commission. There shall be no appointment of disciplinary committee. In considering the disciplinary penalty, it shall be deemed that the report, document and opinion of the Election Commission is the disciplinary file of the disciplinary Committee in accordance with the law, rule or regulation on management of the personnel of an agency or organisation which such person is under, as the case may be. In this regard, it shall not affect the criminal legal proceeding against such person.

Section 269. During the period where the Royal Decree on election of Members of the House of Representatives, selection of members of the Senate or casting of vote in referendums is enforced. No Election Commissioner shall be arrested, detained, or summoned by a warrant for inquiry unless otherwise is permitted by the Election Commission or he is arrested in *flagrante delicto*.

In the case where a member of the Election Commission is arrested in *flagrante delicto*, arrested or detained of the Election Commissioner in other matters, the report shall be submitted to the Chairperson of the Election Commission without delay and the Chairperson of the Election Commission may order for a release of the arrested person. However, if the Chairperson of the Election Commission is arrested or detained, it shall be powers of the remaining Election Commissioners to execute.

Part 2

The State Audit Commission and the Auditor-General

Section 270. The State audit shall be carried out by the State Audit Commission and Auditor-General those are independent and impartial.

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The State Audit Commission consists of the Chairperson and six other members appointed by the King, upon the recommendation of the Senate, from persons with apparent honest, expertise and experience in state audit, accounting, internal audit, finance or other fields.

The King shall appoint the Auditor General, upon the recommendation of the Senate, from persons with apparent honest, expertise and experience in state audit, accounting, internal audit, finance or other fields.

The rules on appointment under section 259 paragraph two and paragraph three on the administration under section 259 paragraph four, the Selective Committee including means of selection under section 260 (2) and paragraph two, section 261 and section 262, term of office and performance of duties under section 263 paragraph one and paragraph two and selection of persons to replace the positions under section 265 shall apply, *mutatis mutandis*, to the State Audit Commission, Auditor General and Office of the Auditor General as provided by the Organic Law on State Audit.

Qualifications, prohibitions and vacating of office of the State Audit Commissioners and Auditor General including the powers and duties of the State Audit Commission, Auditor General and Office of the Auditor General and other necessary matters shall be in accordance with the Organic Law on State Audit which shall at least contain prohibition of persons who used to be a member of the Committee in a Constitutional organ that has duty to inspect the exercise of power of the State to be in the selection process.

The Chairperson of the State Audit shall have charge and control over the Organic Law on State Audit.

There shall be an annual assessment of the work of the State Audit Commission by the National Impact Assessment Committee and the result shall be notified to the State Audit Commission and announced to the public as provided by law.

Part 3

National Counter Corruption Commission

Section 271. The National Counter Corruption Commission shall consist of nine members appointed by the King upon the recommendation of the Senate from persons with apparent honesty with the term of office of nine years as from the date of being appointed by the King and shall only be in office for one term.

The rules on appointment under section 259 paragraph two and paragraph three on the administration under section 259 paragraph four, the Selective Committee including means of selection under section 260 (2) and

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paragraph two, section 261 and section 262, term of office and performance of duties under section 263 paragraph one and paragraph two and selection of persons to replace the positions under section 265 shall apply, *mutatis mutandis*, to the National Counter Corruption Commission and Office of the National Counter Corruption Commission as provided by the Organic Law on Prevention and Suppression of Corruption.

Qualifications, prohibitions and vacating of office of the National Counter Corruption Commissioners including the powers and duties of the National Counter Corruption Commission and Office of the National Counter Corruption Commission and other necessary matters shall be in accordance with the Organic Law on Prevention and Suppression of Corruption which shall at least contain prohibition of persons who used to be a member of the Committee in a Constitutional organ that has duty to inspect the exercise of power of the State to be in the selection process.

The Chairperson of the National Counter Corruption Commission shall have charge and control over the Organic Law on prevention and suppression of corruption.

There shall be an annual assessment of the work of the State Audit Commission by the National Impact Assessment Committee and the result shall be notified to the National Counter Corruption Commission and announced to the public as provided by law.

Section 272. Members of the House of Representatives of no less than one-fourth of the total number of the existing members of the House of Representatives or citizens with the rights to vote of no less than twenty thousand in number shall have the right to lodge to the President of the Senate a complaint that any National Counter Corruption Commissioner has acted unjustly, intentionally violated the Constitution or laws or there has been a circumstance which is seriously detrimental to the dignity of the holding of office, in order to request the Senate to pass a resolution removing him from office.

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

Section 273. Members of the House of Representatives, members of the Senate or members of both Houses of not less than one-fifth of the total number of the existing members of both House have the right to lodge to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions an allegation that any National Counter Corruption Commissioner has become unusually wealthy or has committed an offence of corruption or malfeasance in office.

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The accused National Counter Corruption Commissioner shall not perform his duties during the time the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions has ordered for the consideration of such allegation until an acquitted decision has been reached.

In the case where National Counter Corruption Commissioners are unable to perform their duties under paragraph two and the remaining Commissioners are less than one-half of all the Commissioners, the President of the Constitutional Court, the President of the Supreme Court of Justice, the President of the Supreme Administrative Court shall hold a meeting to consider appointing persons having qualification and not be under any of the prohibitions under section 271 to act *pro tempore* as National Counter Corruption Commissioners until the person who has been appointed is able to perform his duty or until a decision has been granted the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

Section 274. The National Counter Corruption Commission shall have the following powers and duties:

(1) to inquire into facts, summarize the case and prepare opinions in relation to the removal from office to be submitted to the Senate in accordance with section 254;

(2) to inquire into facts and to summarize the case including to prepare opinions in relation to the criminal proceedings of a person holding political positions to be submitted to the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions in accordance with section 256;

(3) to inquire and decide whether a State official, members of the committees in the Constitutional Organ with powers and duties to inspect the exercise of State powers, Auditor General, judges, attorney general officials, official or high administration level has become unusually wealthy, has committed an offence of corruption in duties, malfeasance in office or malfeasance in judicial office, and to inquire and make a ruling to who the principal, instigator or supporter of the commission of such offence. In this regard, it shall be in accordance with the Organic Law on Prevention and Suppression of Corruption;

(4) to inspect the accuracy, actual existence and change of assets and liabilities of the persons holding positions as provided in the Organic Law on Prevention and Suppression of Corruption;

(5) to initiate legal proceedings to the Administrative Court in accordance with the Organic Law on Prevention and Suppression of Corruption;

(6) to report the result of the inspection and the performance together with the observations to the Council of Ministers, House of Representatives and the Senate and publish such report to the public;

(7) to perform other acts as provided by law

Section 4

The Human Rights Ombudsmen

Section 275. The Human Rights Ombudsmen consisting of eleven members appointed by the King, upon the recommendation of the Senate, from persons having apparent integrity and knowledge and experience in the protection of rights and liberties of the people, the administration of State's affairs or activities of common interests of the public with due regard to the representation from private organizations.

The rules on appointment under section 259 paragraph two and paragraph three, on the administration under section 259 paragraph four, term of office and performance of duties under section 263 paragraph one and paragraph two, and on selection of persons to replace the positions under section 265 shall apply, *mutatis mutandis*, to the Human Rights Ombudsman and Office of the Human Rights Ombudsman. The selected person shall hold the term of office under section 263 paragraph one as provided by the Organic Law on Human Rights Ombudsman.

Qualifications, prohibitions and vacating of office of the National Counter Corruption Commissioners including the powers and duties of the Human Rights Ombudsman and other necessary matters shall be in accordance with the Organic Law on Human Rights Ombudsmen which shall at least contain prohibition of persons who used to be a member of the Committee in a Constitutional organ that has duty to inspect the exercise of power of the State to be in the selection process.

The Chairperson of the Human Rights Ombudsmen shall have charge and control of the execution of the Organic Law on Human Rights Ombudsmen.

The performance audit of the Human Rights Ombudsmen shall be made annually by the National Performance Audit Commission. The performance audit report shall be sent to the Human Rights Ombudsmen for information and shall also be made known to public in accordance with the provisions of the law.

Section 276. The Human Rights Ombudsmen shall have general powers and duties in providing protection to human dignity, rights, liberties and equality of the people and shall have specific powers and duties as follows:

(1) to examine and report the commission or omission of acts which violate human rights obligations or which do not comply with human rights obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action;

(2) to consider and inquire into fact upon the receipt of complaints in the following cases;

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(a) failure to act in compliance with the law or performance beyond the powers and duties as provided by law of any State official;

(b) performance of or omission to perform of duties of any State official which unjustly causes damages to the complainant or the public whether such act is lawful or not;

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

(3) to submit cases together with opinions to the Constitutional Court on the question of the constitutionality of the provisions of any law as prescribed by the Organic Law on the Constitutional Court and the Rules and Procedure of the Constitutional Court;

(4) to submit cases together with opinions to the Administrative Court on the question that any rule, order or act is detrimental to human rights or on the question of the constitutionality or legality of the provisions of any rule, order or act made or done by the person under (2) in accordance with the Act on the Administrative Court and the Rules and Procedure of the Administrative Court;

(5) to bring the case to the Courts of Justice on behalf of the aggrieved upon his requests if it deems appropriate for the common resolution of human rights violation problem or for public benefit in accordance with the Organic Law on Human Rights Ombudsmen;

(6) to propose policies and recommendations for the revision of any law or rule to the National Assembly or the Council of Ministers for the promotion and protection of the rights and liberties of the people;

(7) to promote education and research on, and the dissemination of knowledge on, rights and liberties of the people;

(8) to promote collaboration and coordination among State agencies, private organizations and any other organizations related to human rights;

(9) to report to the National Assembly if it appears that a State agency or State official fails to comply with the proposal of the Human Rights Ombudsmen and to make such report known to the public. In this regard, the National Assembly shall consider the report without delay;

(10) to submit an annual report together with observations to the Council of Ministers, the House of Representatives and the Senate and to publish such report to the public;

(11) other powers and duties as prescribed by law.

The Human Rights Ombudsmen shall allocate the duties and responsibilities under this section amongst themselves clearly and distinctly. The matter that requires the joint resolution of the Human Rights Ombudsmen shall be in accordance with the Organic Law on Human Rights Ombudsmen.

BOOK IV

REFORM AND RECONCILIATION

CHAPTER 1

General Provisions

Section 277. The provisions in this book create duties to the National Assembly, Council of Ministers, Courts of Justice, every government organization and citizen to reform and reconcile in accordance with the principle and time period as provided in this Constitution.

Section 278. The provisions in this Book shall cease to be in force as from the date that this Constitution has been in force for five except if the citizen with the rights to vote for no less than fifty thousand in number, the National Assembly, or the Council of Ministers arranges for referendum to have the provisions in this Book to continue to be in force. However, it shall not exceed five years as from the date that the majority of the citizen with the rights to vote approves the referendum as provided by the Organic Law on Referendum.

CHAPTER 2

Reform to Reduce the Disparity and to Create Fairness

Part 1

National Reform Assembly and the National Reform Strategy Committee

Section 279. For the benefit of the continuous reform of the country, there shall be the National Reform Assembly and the National Reform Strategy Committee which shall consist of the following persons and origins:

(1) the National Reform Assembly shall consist of members not exceeding one hundred and twenty persons, whom are appointed by the King from the following persons;

- (a) sixty members of the National Reform Assembly under the Constitution of the Kingdom of Thailand (Interim) B.E. 2557;
- (b) thirty members of the National Legislative Assembly under the Constitution of the Kingdom of Thailand (Interim) B.E. 2557;
- (c) expertise who have skills in different kinds of reforms;

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(2) the National Reform Strategy Committee shall consist of full time members of the committees and come from qualified persons who are experts in different types of reforms for not exceeding fifteen persons appointed by the King, upon the resolution of the National Reform Assembly.

The Prime Minister shall countersign the appointment of the members of the National Reform Assembly and the National Reform Strategy Committee.

Qualifications, prohibitions, rules and obtaining of members under paragraph (1) and committee under (2), other powers and duties, execution of work including other necessary matters shall be in accordance with the Organic Law on National Reform.

The National Reform Assembly and the National Reform Strategy Committee shall have the following powers and duties:

(1) to propel the reform by proposing policies and recommendation for reform to the National Assembly, Council of Ministers or relevant agencies in order to reduce the disparity and create fairness as provided in this Chapter. In respect of other reforms which are not provided in this Chapter shall be executed in accordance with recommendations of the National Reform Strategy Committee, with the approval of the National Reform Assembly of a vote of no less than three-fourth of the total number of the existing members of the Council;

(2) to present plans and procedure in the enactment of laws and the performance in order to create the reform of the National Reform Assembly and plans and strategic reform of every part to integrate to actually and continuously reduce the disparity and create fairness;

(3) to promote education, research, and publication of knowledge concerning reform;

(4) to create and develop potentials of the public to be good citizens including to promote the social movement with the reform assembly procedure;

(5) to follow up and evaluate the work of related agencies in order to create harmonised reform in accordance with the provisions in this Constitution;

(6) to perform other acts as provided by the Constitution or laws.

When the Council of Ministers receives the proposal under (1), it shall consider carrying out such proposal and supporting with sufficient budget. In the case where the Council of Ministers is unable to carry out the proposal, it shall inform its reasons to the National Assembly and the National Reform Assembly for acknowledgement. In the case where the National Reform Assembly passes a resolution with the votes of no less than three-fourths of the total number of the existing members of the National Reform Assembly that the reform, which the Council of Ministers does not carry out, is highly important and that the referendum, on whether or not such execution shall be carried out, shall be held. The result of such referendum shall have the binding effect on the Council of Ministers and the National Reform Assembly.

There shall be a secretariat office of the National Reform Assembly which shall be independent in management of personnel, budget, and other matters as provided by the Organic Law on National Reform.

There shall be an annual assessment of the performance of work of the National Reform Assembly and the National Reform Strategy Committee by the National Assessment Committee. It shall inform the National Reform Assembly and the National Reform Strategy Committee and publish the result of assessment to the public as provided by the Organic Law on National Reform.

Section 280. In carrying out section 279 paragraph four (1), if it sees that it is necessary to enact an Act, the National Reform Assembly and the National Reform Strategy Committee shall draft a bill concerning such case and submit it to the National Assembly. Such draft shall be submitted to the Senate first. If the Senate considers the proposed draft bill and passes the resolution of disapproval, such draft bill shall lapse. If the Senate considers the draft bill and passes a resolution of approval, the Senate shall submit such draft bill to the House of Parliament. The provisions in part 6 on the enactment of an Act and Organic Law and Part 7 on the control of enactment of an Act which is contradictory or inconsistent to the Constitution shall apply *mutatis mutandis*. A Senate committee considering such draft bill shall consist, at least, one-half of the members of National Reform Assembly and the National Reform Strategy Committee.

The Senate and the House of Representative shall appoint a non-standing committee to consider such bill and such committee shall consist no less than half of its member of the member of National Reform Assembly and the National Reform Strategy Committee

When the House of Representatives have completed its consideration of the draft bill in paragraph one:

(1) if it agrees with the Senate, it shall continue to carry out under section 156;

(2) if it disagrees with the Senate, such draft bill shall be returned to the Senate. If the Senate passes a resolution to reaffirm the original bill by the votes of more than two-thirds of the total number of the existing members of the Senate, such bill shall be deemed to be approved by the National Assembly and shall be carried out under section 156.

In the case where the proposed draft bill under paragraph one is a money bill it can only be submitted to the Senate upon the endorsement of the Prime Minister. In this regard, the Prime Minister shall consider for endorsement within thirty days as from the date of receiving the bill. In the case where the Prime Minister fails to notify the result of consideration within the specified period, the Prime Minister shall be deemed to endorse such bill.

Part 2

Various Fields of Reforms

Section 281. The plans and procedure in the reforms, enactment of acts and carrying out to result in different fields approved by the National Reform Assembly especially the carrying out of different fields of reforms as provided in this part.

Section 282. There shall be legal reforms and judicial procedure as follows:

(1) to allow the public to easily access the laws and rules, an Act on the legal Code to gather and amend the laws and rules on different matters shall be enacted in a complete and modern manner to publicize to the public;

(2) to allow the citizen with low income to receive legal and case assistance, an Act on legal and cases assistance shall be enacted. There shall be an agency to widely provide necessary legal recommendations to the public, to provide lawyers with actual capacities on cases to precede penal, criminal and administrative cases to citizen with low income. A fund providing legal and cases assistance shall be established for such matter by which the public and professional organizations shall jointly carry out such performance;

(3) the Law Reform Commission shall have duties and powers to submit to the National Reform Assembly to consider a repeal or amendment of laws or rules, as the case may be, which unnecessary restricts freedom of the citizen or creates unnecessary burden or procedure;

(4) to amend the laws on the license issuance in the monopoly manner, concession, or providing rights to carry out an operation, by publicly tendering as the principle, except otherwise is necessary. The Council of Ministers may pass a resolution to carry out by any other means but it shall be notified to the public. Any license which is not preceded as permitted without a reasonable ground, such license shall be deemed to cease. The government agency with the authority to issue the license shall prove the necessity of having such license to the National Assembly every five year;

(5) to reform the law on alternative judicial procedure, judicial procedure for the harmony including dispute settlement between the citizens by the community judicial procedure or community dispute conciliation for the integration on mechanism and procedure in such matters;

(6) there shall be a mechanism for enforcement of civil cases and administrative cases under the Courts of Justice to enforce the Court rulings and orders of the Courts of Justice and Administrative Court as provided by law;

(7) to arrange the study and training to cultivate the public to obey the laws, honor the persons who strictly and honestly obey the laws and to punish state officials who fail to effectively enforce the laws;

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(8) to reform structure and powers and duties of Office of the Royal Thai Police by transferring the non-core mission of the Royal Thai Police to other relating agencies, prescribe measures to prevent inference with juridical process by political group, prescribe standard criteria for appointment or transfer of polices to be in accordance with the moral standard, decentralized administrative power of polices to *Changwat* level, establish public participation process in police businesses, improve investigative works in order to be independent from the Office of the Royal Thai Police, allow attorney-general official, Governors, Chief District Officer to have power to join investigation with investigative agency where requested by the public, improve forensic works in the Office of the Royal Thai Police to be independent and efficient and having personal administrative system that adhere to the principle of specialized knowledge, and adequately allocate and decentralize the power to manage budget to area areal units for efficient execution.

Section 283. There shall be reforms on finance, public finance and taxes under the following means:

(1) to arrange for two levels of taxes which are the national level and the local level and to allow local administrative organizations to have income as necessary for the local expenses. There shall also be the effective system to inspect the use of public budget. In this regard, it shall be as provided by law;

(2) to establish the law providing the personnel to their organization to the related government agency so that every citizen with income is in the system completely. This is to receive the data which the state can use for consideration when providing assistance to persons with insufficient income and for the persons who pay taxes to receive the benefits as provided by law;

(3) to adjust the tax system to be efficient, impartial, fair and reduce the economic disparity by considering an abolishment of tax reduction or exemption to the least possible ways;

(4) to arrange the national pension system in order to cover the citizens which are not in the pension system so that they can live sufficiently and sustainably.

There shall be the Committee on Reform of finance and taxes which is independent within the period of one year as from the date that this Constitution is promulgated. It shall consist of representatives from public sector, private sector and academic sector in appropriate proportion and shall have duties and powers to study, analyze and recommend amendments on laws on finance and taxes to create efficiency, impartiality, fairness and economic and social disparity appropriately. This is also to increase the basis of tax in different fields and other powers and duties as provided by law.

Section 284. There shall be a reform in administration of state affairs as follows:

(1) the administration of state affairs and allocation of budget shall be in accordance with long term national strategies and national economic and social development plans;

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(2) to clearly specify the scope of the duties and powers of state agencies in administration of state affairs in the manner of task force, regional public administration and other areas and coordinate with integration by holding the principle of participation and happiness of the public;

(3) to create the system and mechanism in the administration of state affairs by highlighting the providing of services via information technology;

(4) to revise the work and services to the public provided by state agencies in order to reduce and abolish an overlapping work. Any public service which may be provided by the private sector, civil society or local administrative organizations with quality and standard of no less than the level provided by the government agency. Moreover, the price is not too high. Government agency shall terminate its performance and transfer such duties and services to the private sector, civil society or local administrative organizations to carry out such tasks;

(5) to establish regional administration and development agency which supports development of provinces located in the region and supervise government agencies in the area. Such agency is to make plans and administer the area budget in order to develop the regions in accordance with the country development plan and its work shall not overlap with the work of the province and local administrative organizations. It shall coordinate the development administration between the central administration, regional administration and local administration. This is to ensure the integration and sustainability of the develop in provincial areas as provided by law;

(6) the independent Committee on remuneration of state personnel shall be established to study, analyze, compare remuneration including salary, welfare and other benefits of the state official in every type and level and remuneration in the private sector. This shall be notified to the National Assembly and the Council of Ministers and published to the public every period as provided by law.

Section 285. There shall be reforms in local administration as follows:

(1) to enact legislation and establish a mechanism which is necessary for the establishment of local administrative organization fully in the provincial areas and shall complete it within one year as from the date that this Constitution is promulgated. The establishment of local administrative organizations shall be promptly carried out in the areas where they are ready and appropriate;

(2) to establish the national decentralization of powers Committee which shall consist of representatives from the public sector, local administrator, local officials and qualified persons and one half of the members of the committee shall, at least, consist of the qualified persons and representatives from the citizen assembly. The committee shall specify policies, central standard and propel the decentralization of powers with unity and successfully decentralize the powers. There shall be Office of the National Decentralization of Powers Committee

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responsible as the secretariat and is responsible for secretariat work and other duties as necessary as provided by law.

Section 286. There shall be educational reform for development of persons to be good citizens with knowledge and potentials by holding the following principles:

(1) to decentralize the powers in educational management by reducing the roles of the State from the education provider to provider of education, promotion, support and supervising policies, plans, standard and following up the assessment of providing of service and promoting the educational institutes to be able to administer education independently, efficiently and responsibly to the result of the educational management. In this regard, the private sector, communities and local administrative organizations shall jointly participate in such matter in an appropriate manner;

(2) to directly allocate expenses per head to every student sufficiently in accordance with necessity and appropriateness for the education in primary level through the secondary level in both general and vocational education;

(3) to improve the system of development children in the primary years from the moment a child *en vatre sa mere*. This shall be done by improving the knowledge to the one who takes care of such child to ensure appropriate capability and relationship in looking after small child in the pre-school age to have complete development and readiness to learn in every aspect including the physical, psychological, intelligence, mood and society;

(4) to improve the vocational education to the production system and development of personnel in the production line to be skillful and capacity in professional performance in accordance with needs and fields in which expertise is in short supply;

(5) to improve the higher educational system to be under knowledge management and building of knowledge in an effective manner and to be able to compete with foreign countries and promote academic potentials to serve the society;

(6) to develop the knowledge management by highlighting the thinking process, use of reasons and learning by doing. This shall include promoting of knowledge environment and public advertisement in education, promotion of education in science and technology together with education in the fields of arts, culture, language, and religion and population study. This is in order to instill conscious of good citizenship with morality, ethics, and good governance of Thai people in every level and this includes knowledge which is penetrative to changes of the world society and able to create the society of intellectual;

(7) to improve the production system, development and assessment of teachers and educational personnel by using the educational achievement of students. In this regard, the production shall emphasize on the characteristics and capacities as appropriate to different level of education;

(8) to develop the system of good governance in the educational circle in order to solve corruption and malfeasance and to establish the system of

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transparency inspection of the administration and educational management of every level;

(9) to adjust the systems of test and evaluation of the educational result to be the test for learning, skills and the qualifications of learners to spread in every aspect in order to develop such learners. In respect of the evaluation of educational institutes, it shall be the evaluation for development and quality certification;

(10) to improve the structure of national, regional and local educational administration in order to enhance the level of quality and efficiency of education and human development and to facilitate the educational reform and develop human to reach successfulness.

(11) to improve the professional councils to have specific powers to certify the curriculum under their responsibilities without affecting academic freedom of higher educational institutes;

(12) to establish the educational law code and this shall be by amending the law on national education, the law on official administration of the Ministry of Education, the law on teachers and educational personnel and the law on Teachers' Council including the law on standard and educational quality certification, allocation of educational resources and on actual participation of the public, communities, private sector and civil society in the educational administration. In this regard, it shall be as provided in the provision in this part.

In order to execute the educational reform under this section promptly and continuously, the Committee on national educational policies and human development shall be established under the supervision of the Prime Minister within one year as from the date that this Constitution is promulgated. It shall have the duties to reform the education and develop human in all aspects of life, to prescribe policies, strategic plans, to scrutinize the allocation of budget on education and human development including conducting and improving all laws necessary to resolve any obstacles to educational reform of every agency which administers education.

Composition, sources, powers and duties and operation of the Committee on national educational policies and human development shall be as provided by law.

Section 287. There shall be reforms in management and administration of national resources, environment and urban planning. Such reforms shall consider the philosophy of sufficient economy, good governance on environment, fair and sustainable access to natural resources and sustainable development as follows:

(1) reforms in the system and structure, organization and laws on management and administration of natural resources and environment. This shall be by conducting environmental law Code, natural resources law Code, an enactment of law relating to water management, protected sea area management, hazardous waste and sewage management and law on community right and decentralization. This shall include amendment of laws on promotion and

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conservation of environmental quality, the law on urban planning and urban development and other related laws;

(2) to improve the mechanism for management and administration of natural resources and environment by developing the system and structure of the Environmental Impact Assessment Report, Impact Assessment on health, Environment Fund, urban planning, use of land management, the system of the use of sea area management. The environment assessment shall be included in the strategy when specifying policies, plans and area development, establishment of national income account which include the calculation of cost on natural resources and environment, the system of environmental tax, expansion of responsibilities of producers in relation to impacts from products and the use of other economic tools in environment as necessary;

(3) to develop the judicial procedure on environment, to improve the system of calculation of environmental damage cost, to amend the law on proceeding and rehabilitation of damage, organization and institutes concerning environmental fairness and enforcement of environmental cases;

(4) to improve the mechanism and procedure in management and administration of natural resources and environment to allow the public and communities to truly participate.

Section 288. There shall be an energy reform as follows:

(1) to manage and administer the energy with good governance and sustainability. Petrol and other natural fuel which are the national resources and are for the maximum benefit of the country and the public truly. There shall be an enactment or amendment of the law on petroleum and other relevant laws on petroleum in accordance with the earlier principle;

(2) to improve the exploration, production and the use of petroleum or other energies. It shall consider the impact on natural resources, environmental quality including the way of lives and health of the public and communities;

(3) to undertake to ensure that the public acknowledges, accesses and understands the data on energy and participate in the prescription of policies and plans on energy in both national and local levels. This shall include the follow-up and inspection of the carrying out of policies and plans.

Section 289. There shall be the labor reform in accordance with the following means:

(1) to enact a law and to specify the mechanism for the freedom of labor in association, unification and negotiation in accordance with the international standard;

(2) to support the establishment of Labor Bank to be the financial fund for laborer to promote saving and self-development which would lead to better quality of life.

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Section 290. There shall be a reform in culture under the principle of participation in planning and management and administration by the public and the principle of balances between the government sector, private sector and the public in accordance with the following means:

(1) to promote the establishment of arts and culture assembly in the local and national levels which shall consist of the civil society in accordance with the readiness in each area. This is to protect, rehabilitate, inherit, promote and develop the arts and culture work in accordance with the diversity in each area. Such assembly shall be independent and coordinate with the National Reform Assembly and the National Reform Strategy Committee;

(2) to establish the fund on national culture as the fund for civil society to create arts and culture;

(3) local administrative organizations shall support the budget and undertake whatever is necessary for the promotion of arts and culture.

Section 291. There shall be a reform on science and technology in accordance with the following means:

(1) there shall be a measure in promotion and development of knowledge on basic science, improvement of teaching and learning of science so that the learners have reasons and are able to think scientifically. This shall include personnel development on science and technology to obtain knowledge and expertise. There shall be attractive measure for Thai scientists who resides in the country and in foreign countries to use their knowledge and expertise to develop science and technology of the country;

(2) to sufficiently invest in education, research, innovation, and infrastructure in science and technology of the country and there shall be tax incentives and other means to attract the private sector to undertake such acts or join the public sector. This shall include assistance measure in technology transfer and to allow such transfer to truly occur in order to use it as the mechanism in propelling the country to sustainable development and responsive to globalization;

(3) to establish the data on invention in science and technology and shall widely publicize such data including to promote the use of the research result and invention in the production process and services;

(4) to establish and develop the mechanism in protecting, sharing and using of the invention, thinking, and creativity in science and technology efficiently;

(5) to support or invest in local administrative organizations, communities and small entrepreneurs in the sectors of agriculture, production process and services to use the technology and innovation to increase the value of products and services. Local administrative organizations, communities and small entrepreneurs shall participate appropriately to build local and community capacity to be able to stand by themselves

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In order to execute the reform on science and technology under this section promptly and continuously, the Committee on national reform of science and technology shall be established within one year as from the date that this Constitution is promulgated. It shall have duties to reform the education and develop human in all aspects of life, to prescribe policies, strategic plans, to scrutinize the allocation of budget on education and human development including conducting and improving all laws necessary to resolve any obstacles to the development of science and technology of the country.

Composition, sources, powers and duties and operation of the Committee on national educational policies and human development shall be as provided by law.

Section 292. There shall be the reform on macro economy in accordance with the following means:

(1) to amend the law in order to systematically and effectively prevent, reduce, restrict or destroy monopoly and restriction to competition. The law shall promote free and fair competition between businesses, amongst the private sector, and between the state enterprises and private sector. This shall include a prevention of large business operators to abuse their dominant powers. In the case where it is necessary for the state to monopolize in a business which is beneficial to the majority of the public, the state shall supervise in order to ensure fairness to the consumers;

(2) to manage and administer the state enterprises systematically, effectively and transparently. This shall include a revise of necessity in maintain each state enterprise and their efficiency. Operational goals of each state enterprise shall be established clearly and good governance of state enterprise shall be improved to the international level.

Roles and duties of the governmental organizations relating to state enterprise shall be prescribed clearly by dividing the difference between the agencies which supervise the businesses in sectorial economy and agencies which are the owner of the state enterprise on behalf of the state. The principle of good governance and prevention of political interference shall be used. There shall be a reform of state enterprise which are making a loss or inefficient by establishing an independent organization to take responsibility in restoring such state enterprises;

(3) to undertake acts which allow the public and community organization to be equal in opportunity, to have basic knowledge on finance, and to access basic financial services in the forms of community saving fund, community cooperatives, banking system, capital market or other forms including access to important public utility;

(4) to continuously allocate additional budgets for extra development in accordance with appropriateness in order to develop poor areas and groups of low income to allow community to be strong and to reduce economic disparity;

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(5) to support the private sector and the public to participate in resolving the problems of economic and social disparity by using appropriate tax legal measure;

(6) to adjust the structure of supervision and promotion of the cooperatives by improving the standard of performance of the cooperatives to be for saving and to be a secured financial institute with good governance. This is also to improve of other cooperatives in order to promote unification and strength of members under the philosophy of sufficiency economy.

For the benefits in resolving the issue of poverty and disparity of income and social opportunity, a central organization shall be established to have powers and duties in prescribing strategies, scope of policy, goal in poverty elimination, and reduction in clear disparity amongst the public. It shall also be responsible for coordination and evaluation of performance of work and other duties and powers as provided by law.

Section 293. The State shall reform micro-economy in accordance with the following means:

(1) there shall be a strategy plan and execution plan on development of the agricultural sector and agriculturalists, defining the agricultural area including development of standard of agricultural products, the system of product process and agricultural innovation by integrating local knowledge and research study and development. This is to ensure that the agriculturalists have knowledge and income security and to establish Thailand as the base for food security and central future agricultural products and food trading in Asia;

(2) to dissipate the possession of land fairly, to provide, to reform and to manage the State and private lands which are not economically used so that such lands can facilitate the agriculturists and communities to gain access to the land for making a living. This shall include preserving the land under the conditions as provided by law. The measure used shall be: the establishment of the Land Bank, granting the privilege to the communities to manage the land and resources, land and building tax collection or other appropriate measures. This shall be systematically coordinated and shall lead to the maximum benefit use of land;

(3) to protect the agriculturalists to receive fairness from agricultural monopoly, contract farming and unfair contract by amending the law on unfair contract terms and enact a law in order to organize contract farming to render it fair for agriculturalists;

(4) to promote the risk security system for agriculturalists in the case where the risk of production or marketing occurs;

(5) to promote the development and expansion of area for sustainable agriculture to ensure that it covers, at least, one fourth of the agricultural area. This is to create safety and food security and to increase competitiveness in Thai agricultural sector. There shall also be the law on development and promotion of sustainable agriculture and the agriculturalist organizations and communities shall play an important role in promoting the system of sustainable agriculture together with the public sector. There shall be a

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control on advertisement on agricultural chemical and promoting its appropriate use in accordance with the academic principle. This is to reduce unnecessary use of agricultural chemicals, to reduce impacts on environment, health of the agriculturalists and consumers;

(6) to promote tourism sector to be quality tourist places. They shall not be hazardous to the environment and are in accordance with the identity and culture in order to increase income to the country and to distribute such income to the public widely. Participation of such acts shall come from the public sector, private sector and communities and harmonize the work including plans and budgets;

(7) to reform in order to improve the infrastructure and logistics, to reform the transportation system and to connect every kind of transportation in the domestic and international levels. This is to promote the management of supply chain, to increase the competitiveness and to increase the quality of life including to build a mechanism in cooperation between the public sector and the private sector in such reform;

(8) to build and develop a society of entrepreneurs by supporting an systematic establishment of small and medium enterprise, supporting the investment, creating the capability to access capital, using innovation to produce commercial products including promoting the creative economy;

(9) to systematically promote and support investment of Thai private sector in foreign countries in creating opportunities, providing information, establishing the tax measure and other protection measures, investment banks and other related matters.

Section 294. There shall be a reform on public health in accordance with the following means:

(1) to speed up the development of public health system which highlight the service providing of primary health emphasizing the area as base and the public as the center. This shall include health promotion and protection of threatening diseases and dangers. All these are to result in the communities and local administrative organizations being able to operate such matters together;

(2) to reform the management and administration of the health security including finance of the health fund to have similar characteristics and standard and to contain equality and fairness, sufficiency and sustainability. This shall emphasis on the participation of all stakeholders in looking after the system. This shall consider wide accessibility, effectiveness and efficiency. These are to oversee the overall picture and sustainability of finance and to establish the execution policies which are fair, reduce disparity, efficient in management and administration and reach the standard and accepted in public health service providing;

(3) to control expenditure on health by promoting to the public the basic information on looking after their health;

(4) to establish a mechanism which supervises healthcare system and provision of healthcare service in the fair market economy system, to supervise

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price of drugs and medical fee to be at the appropriate level and fair to service recipients;

(5) to reform the production system and decentralize personnel to the countryside by promoting the building of medical personnel via state and private educational institutes;

Section 295. There shall be a social reform in accordance with the following means:

(1) to reform the laws, rules, and regulations which would help to promote communities to be strong, have the right to take care and manage natural resources and community fund. This is to provide public services and welfare for people in the communities by cooperating with local administrative organizations, private sector and civil society;

(2) to reform the social welfare system including the social service providing, social security of all groups of citizens, social assistance, and support for social partnership to have wide coverage, sufficient, sustainable, with quality, accessible, and partner with different sectors. This shall highlight the families and communities as the base to establish the strength promotion for civil society and volunteers to execute such work. These are also to improve the assistance system to be continuous to the underprivileged people, disabled people and people near the borders. These shall include the architecture and the housing system which are appropriate to eliminate the disparity and to establish the fairness and good quality of life of the public;

(3) the state, state organizations, local administrative organizations, and religious places shall arrange for public space to allow people in the communities to jointly use for the activities to create social relationship, entertaining activities and sports;

(4) to establish a long term plan and execute such plan in order to be ready for the society of old citizen of Thailand especially to establish the saving system for living as the elderly and to be ready for the appropriate elderly age of the public. It shall improve the appropriate retirement system. There shall also be the reform of elderly welfare for those who have insufficient income to survive and to allow them to live appropriately. There shall be a long term care and the use of intelligence capital of the elderly including promoting strong unification and network. A system, mechanism and procedure in management and administration of assets ensuring the long-term care of elderly shall be established;

(5) the safety security of products and services especially on food safety and a system or mechanism to protect consumers in accordance with advance protection shall be established. These are to prescribe the protection measure to prevent damages or to reduce the impact from cases where they are predictable and a fund for primary compensation and damages for consumers who receive damage from unsafe products or services shall be established.

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There shall be a Committee on social and community reform within one year as from the date that this Constitution is promulgated. Such Committee shall study and establish plans, recommendations and other laws to push forward the social and community reform. It shall also have duties to follow up, supervise, and promote the social reform to be solid and continuous. In this regard, composition, sources and powers and duties are as provided by law.

Section 296. There shall be a reform in media and information technology for the benefit of receiving information of the public. This shall reach the standard with high quality and receive credibility in the country level and at the international level. The reform shall be in accordance with the following means;

(1) to establish a mechanism to promote the media professions to have freedom together with responsibility, to push forward the development of mechanism which would secure the freedom from domination and interference by the state powers and capital. This is to ensure that the information gained is correct, complete and covers every aspect. This shall include the promotion of welfare and welfare in the performance of media professions;

(2) to push forward the development of measures and mechanisms in supervising the media to be more efficient and to be able to supervise themselves on the ethic matter, to supervise the public sector, to establish the measure to promote the public, users and consumers to be aware of the media and to be aware of rights and freedom and responsibilities. These are to avoid hatred between people in the nation, religion and violence between one another;

(3) to establish a mechanism for distribution and sharing of national communication resources in order to provide opportunities to the public to gain access and to jointly use the benefits. These shall include the promotion of alternative media, community media, peace media and the promotion and support of creativity and production and content which are the public interest and there shall be an agency with legal authority to supervise such matters.

CHAPTER 3

Reconciliation

Section 297. For the purpose of establishing the harmony, unity and reconciliation among the people of the nation to peacefully live together in the democratic society with differences and measure which will lead the country to sustainable stability and peace, there shall be an independent National Reconciliation Promotion Committee consisting of members of no less than fifteen people appointed by the King from qualified persons who are politically impartial or are not sided with any side of the conflicts or a leader of the conflict.

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Sources, term of office, powers and duties and operation of the independent National Reconciliation Promotion Committee including the secretariat and other necessary matters shall be in accordance with the Organic Law on the Thailand Reform Committee and promotion of reconciliation.

Section 298. The Independent National Reconciliation Promotion Committee shall have the following duties and powers:

(1) to study and analyze in order to find grounds for conflicts in the country, damages occurred and recommend means to resolve such matters to the Council of Ministers or National Assembly. In this regard, it shall consider the report or study result produced by other organizations, whether it is domestic or foreign one;

(2) to establish, execute, and coordinate to create the environment which facilitates the living in harmony and reconciliation of the people in the country. It shall promote the knowledge learning and the use of resolution process to jointly resolve the conflict, to build the network in order to establish the reconciliation in different sectors and to establish the process of reconciliation;

(3) to be a mediator in coordinating between leaders of the conflict in order to reduce or cease the conflict between one another;

(4) to gather facts and to conduct reports concerning the conflict, violation of law, violation of human rights and related persons who are offenders. In this regard, the names of related persons or other data which may reveal the identify shall be prohibited except otherwise is a reveal in accordance with the rules, procedure and time as provided by law;

(5) to rehabilitate people who are victims and their families including to restore human dignity and mind of the affected persons;

(6) to submit an enactment of a Royal Decree offering Pardon to person who provides facts which are highly useful to the execution of work and to offenders who illustrate their awareness in the offence to the independent National Reconciliation Promotion Committee;

(7) to study and publicize to the public so that they are aware of the impact of violence, hatred including necessity and benefits of resolving the conflict by peaceful means. This shall include an establishment of reminder for the society to consider the harmful effect and damage occurred to jointly prevent such incidents from reoccurring;

(8) to promote and recommend the reform to create the fairness in the society especially the judicial proceeding. Such proceeding shall take into consideration the diversity in the society and culture. The Committee shall submit a bill for such act to the Thailand Reform Committee to further submit it to the National Assembly;

(9) to execute any other matter as provided by Organic Law on the Thailand Reform Committee and promotion of reconciliation.

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The Council of Ministers, the National Assembly, and state organization shall coordinate with the independent National Reconciliation Promotion Committee including the allocation of sufficient budget for the execution of the independent National Reconciliation Promotion Committee.

FINAL PROVISIONS

Amendment of the Constitution

Section 299. The Motion to amend the Constitution which results in a change of the democratic regime of government with the King as Head of State or a change of the form of the State shall be prohibited.

Section 300. The amendment of the provisions in the Constitution in the General Chapter Book I the King and the citizen and the amendment of the important basic principle as provided in this Constitution shall be executed in accordance with the rules and procedure in section 302.

The important basic principle under paragraph one means:

- (1) security to protect rights and freedom and political participation of the citizen;
- (2) the structure of the political institute namely the establishment of the two assemblies, composition of each assembly, checks and balances between the executive branch and the legislative branch;
- (3) the mechanism to maintain the discipline on finance, public finance and budget;
- (4) the substance of the provisions in Book III Rule of Law, Court and Organization Inspecting the Exercise of Powers of the State;
- (5) the substance of the provisions in Book IV on Reform and Reconciliation;
- (6) the rules to amend the Constitution as provided in this final provision.

The amendment to extend or to increase the right and freedom or political participation of the citizen or to increase the efficiency of the performance of the Court or Constitutional Organs which have duties to inspect the exercise of State powers shall not be deemed an amendment of the important basic principle under this section.

Section 301. An amendment of the Constitution shall be in accordance with the rules and procedure as follows:

- (1) a motion for amendment must be proposed either by the Council of Ministers, Members of the House of Representatives of no less than one-fourth of the total existing members of the House of Representatives or members of the House of Representatives and the Senate of no less one-fourth of the total existing

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members of both Houses or persons having the rights to votes of no less than fifty thousand in number under 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 and the National Assembly shall consider it in three readings;

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

(4) section by section deliberations in the second reading shall be made in consultation with citizens having the right to vote who submit a draft Constitution Amendment;

Voting in the second reading for section by section deliberations shall be decided by a simple majority of votes;

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

(6) voting in the third and final reading shall be by roll call and open voting, and its promulgation as the Constitution shall be approved by votes of no less than two-third of the total existing member of both Houses;

(7) after a resolution has been passed in accordance with the above rules and procedure, prior to presenting the draft to the King for his Royal Signature, the draft Constitution Amendment, approved by the National Assembly, shall be submitted to the Constitutional Court to consider whether such draft Constitution Amendment has been enacted in accordance with the provisions in the Constitution or whether there is any statement which is contradictory or inconsistent with section 299. Such act shall be complete within thirty days as from the date of receipt. In the case where the Constitutional Court rules that the draft Constitution Amendment has been enacted in contradictory with the provisions of this Constitution or contained any statement which is contradictory or inconsistent with section 299, such draft constitution amendment shall lapse. However, in the case where the Constitutional Court sees that the amendment is the amendment to the important basic principle, the National Assembly shall further proceed under section 302;

(8) the draft Constitution Amendment ruled by the Constitutional Court that it is not contradictory or inconsistent with this Constitution shall be presented to the King, within twenty days as from the date that the Constitution has its ruling, for His Royal Signature. When it is promulgated in the Government Gazette, it shall come into force. The provisions in section 156 and section 157 shall apply mutatis mutandis but a resolution shall be voted with the majority of no less than two-thirds of the total existing members in both Houses.

Section 302. The Constitution Amendment under section 300 shall be executed in accordance with the rules and procedure under section 301 (1) (2) (3) (4) (5) (6) and (7). President of the National Assembly shall submit the draft Constitutional Amendment to the Election Commission to arrange for a referendum by citizens having the right to vote prior to presenting the draft to the King as provided by the Organic Law on Referendum.

In the case where the majority of people with the rights to vote disapprove of the promulgation of the draft Constitution, such draft shall lapse. However, in the case where the majority people with the rights to vote approve of the promulgation of the draft Constitution, such draft shall be presented to the King for his Royal Signature and come into force upon its publication in the Government Gazette.

Section 303. Every five year as from the date that this Constitution is promulgated, the Secretariat of the House of Representatives shall notify the House of Representatives, the Senate, the Council of Ministers, the Supreme Court of Justice, the Constitutional Court, the Supreme Administrative Court and Constitutional Organs which have duties to inspect the exercise of the State powers to appoint qualified person from each of the mentioned organization to be an independent group of qualified persons to assess the enforcement of the Constitution.

In the case where the group of qualified persons under paragraph one sees that it is appropriate to amend the Constitution, it shall submit a draft Constitution Amendment to the House of Representatives, the Senate, the Council of Ministers in order to consider the execution of their powers and duties and public to the public for information.

TRANSITORY PROVISIONS

Section 304. The Privy Council holding office on the date of the promulgation of this Constitution shall be Privy Council under the provisions of this Constitution.

Section 305. The National Legislative Assembly under the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 shall act as the National Assembly, the House of Representatives, and the Senate under the provisions of this Constitution until the first meeting of the National Assembly under section 136.

During the period under paragraph one, if the provisions of this Constitution or other laws prescribes that the President of the National Assembly, the President of the House of Representatives, or the President of the Senate shall countersign a Royal Command, the President of the National Assembly shall countersign the Royal Command in lieu thereof.

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At the initial period, if there must be a first meeting of the National Assembly under section 136 but a Senate is not yet formed, the National Legislative Assembly shall continue to act as the Senate; except for the consideration for appointment or removal of any person from office under the provisions of this Constitution. This shall continue until there is a Senate under this Constitution and any act performed by the National Legislative Assembly during such period is deemed to be an act of the Senate. In the case where this Constitution or other laws prescribes that the President of the Senate shall countersign the Royal Command, the President of the National Legislative Assembly shall countersign the Royal Command in lieu thereof.

The provisions of section 103, section 104, section 105, section 110, section 111, section 112, section 115, section 116, section 119, section 121, section 123, section 124, section 219 paragraph three, section 247 and the provisions of any laws which prohibits persons from holding political positions shall not apply to the holding of positions of members of the National Legislative Assembly.

The provisions of section 162 shall apply *mutatis mutandis* to the lapse of the National Legislative Assembly.

Section 306. For the purpose of the establishment of the Organic Law and other necessary laws, the National Reform Assembly and the Constitution Drafting Commission under the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 shall lapse on the first day of the session of the National Assembly.

For the purpose of eliminating conflict of interests, no member of the Constitution Drafting Commission shall apply for candidacy in an election of members of the House of Representatives or hold a position of senator, political position, members of the local council, local administration executives or a local administrator, official or any person holding political position in a political party or a political group within two years as from the date of vacation from office under paragraph one.

Section 307. The Constitution Drafting Commission shall draft the following Organic Laws and Acts and submit them to the National Legislative Assembly for consideration. The National Legislative Assembly shall consider such draft Organic Laws and Acts within the specified time as follows:

(1) draft Organic Law on Election of Members of the House of Representatives and Obtaining of Members of the Senate, the draft Organic Law on Political Party, and draft Organic Law on Election Commission shall be complete within sixty days as from the date of receiving the draft laws from the Constitution Drafting Commission;

(2) draft Organic Laws under section 159 (2) (5) (6) (7) (8) (9) (10) (11) and (12) shall be complete within one hundred and twenty day as from the date of receiving the draft laws from the Constitution Drafting Commission;

(3) draft Organic Law which the Constitution Drafting Commission sees that it is necessary to achieve the purpose of this Constitution and shall be drafted and submitted to the National Legislative Assembly within one hundred and

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twenty day as from the date of receiving the draft law from the Constitution Drafting Commission;

In consideration of the Organic Laws and Acts under paragraph one, the national Legislative Assembly shall appoint no less than two members of the Constitution Drafting Commission to be members of the Committee in consideration of such e Organic Laws and Acts.

When the National Legislative Assembly approves the draft Organic Law in (1) or (2), prior to presenting the draft to the King for his Royal Signature, such draft shall be submitted to the Constitutional Court for considering the legitimacy under the Constitution in accordance with section 163.

In the case where the time period in paragraph one lapses but the National Legislative Assembly has not yet finished its consideration on the draft Organic Laws or Acts in paragraph one, it shall be deemed that such draft Organic Laws or Acts has been approved by the National Legislative Assembly. The followings shall be executed:

(1) the President of the National Legislative shall submit the draft Organic Laws, proposed by the Constitution Drafting Commission, to the Constitutional Court within seven days for its consideration and section 163 shall *mutatis mutandis* apply. The Prime Minister shall subsequently execute section 156 promptly;

(2) the Prime Minister shall promptly submit the draft Acts, conducted by the Constitution Drafting Commission, to the King for his Royal Signature.

During the period where the Organic Law on Election of Members of the House of Representatives and Obtaining of Members of the Senate, the Organic Law on Political Party, and the Organic Law on Election Commission in paragraph one (1) has not yet come into force, the Organic Law on Election of Members of the House of Representatives and Obtaining Members of the Senate B.E. 2550, the Organic Law on Political Party B.E. 2550, and Organic Law on Election Commission B.E. 2550 shall continue to be in force so far as they are not contradictory or inconsistent with this Constitution and until such Organic Laws have come into force.

In the case where the National Reform Assembly approves any bill, such bill shall be submitted to the National Assembly for further consideration. In the case of a money bill, it shall be submitted to the Council of Ministers for further proceeding. In considering the bill that is proposed by the National Reform Assembly, the National Assembly shall appoint non-standing committee, consisting at least for one-third of its member of members of the National Reform Assembly, to consider such bill.

Section 308. During the initial period from the date of the promulgation of this Constitution:

(1) election for members of the House of Representatives under this Constitution shall be held within ninety days and the obtaining of senators under this Constitution shall be held within one hundred and fifty days as from the date the Organic Law under section 307 (1) has come into force. The Election Commission shall execute the election of members of the House of Representative under this Constitution instead of the Committee to execute elections under section 268.

At the first general election of member of the House of Representatives after the date of promulgation of this Constitution, a person who is eligible to be a candidate in an election shall be a member of only one political party or political group for not less than thirty days up to the election day except if he is a member of the political association which is a political group established from the date of the promulgation of this Constitution;

(2) a group of persons which intent to be a political group under this Constitution shall notify its purpose to the Election Commission. And upon such notification, such group shall be eligible to submit a person who is a member of such political group for election under the Organic Law on election of members of the House of Representatives and obtaining members of the Senate;

(3) the provisions in section 124 (5) and section 125 paragraph two shall not apply to person who used to be members of the Senate elected or selected under the Constitution of the Kingdom of Thailand B.E. 2550;

(4) upon a completion of three years as from the beginning day of the membership, one-half of the members of the Senate in section 121, in each type and field, shall vacate office by drawing lots. Section 124 (5) section 125 paragraph two and section 126 paragraph two on the prohibition of position for more than one executive term shall not apply to such person in the obtaining of members of the Senate. The rules, procedure and conditions in obtaining of members of the Senate whereby the positions become available under paragraph one shall be in accordance with the Organic Law on Election of Members of the House of Representatives and Obtaining Members of the Senate and the procedure shall be complete within ninety days as from the day the position becomes available in paragraph one.

Section 309. The Council of Ministers carrying out the administration of State Affairs on the date of promulgation of this Constitution shall be the Council of Ministers under this Constitution and shall vacate the office *en masse* when the Council of Ministers appointed under this Constitution takes office.

The National Council for Peace and Order under the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 shall vacate office *en masse* at the time when the Council of Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution vacate office.

The provisions of section 172, section 175, and section 185 (4) (7) and (8) shall not apply to the holding of office of the Prime Minister and Ministers carrying out the administration of State affairs on the date of promulgation of this Constitution vacate office.

During the initial period, the provisions of section 174 shall not apply to the Ministers appointed by the King, for the first time, under this Constitution.

Section 310. Judges of the Constitutional Court holding positions on the date of promulgation of this Constitution shall be judges of the Constitutional Court under this Constitution and shall remain in office until the expiration of the term of office. In such case, the term of office shall commence as from the date the appointment is made by the King and the selection process for the judges of the Constitutional Court to the available positions shall be preceded under section 229 and shall be complete within sixty days as from the date of promulgation of this Constitution. In this regard, it shall be in accordance with the rules and procedure as provided by section 230 and section 231.

All cases or matters under the consideration of the Constitutional Court under paragraph one shall be considered by the Constitutional Court under this section. During the period where there is no enactment of the Organic Law on Constitutional Court and Procedure, the provisions in Procedure and Rendering of Decision of the Constitutional Court shall apply, *pro tempore*, until the Organic has is enacted under section 307 (2).

Members of the Election Commission holding positions on the date of promulgation of this Constitution shall be members of the Election Commission under this Constitution and shall remain in office until the expiration of the term of office. In such case, the term of office shall commence as from the date the appointment is made by the King.

Members of the National Counter Corruption Commission holding positions on the date of promulgation of this Constitution shall be members of National Counter Corruption Commission under this Constitution and shall remain in office until the expiration of the term of office. In such case, the term of office shall commence as from the date the appointment is made by the King. The selection process for the members of National Counter Corruption Commission to the available positions shall be preceded and complete, in accordance with section 271, within sixty days as from the date there are grounds for such selection of the persons in office under this Constitution. In this regard, it shall be in accordance with the rules and procedure as provided by section 271.

Audit Commissioners and the Audit-General holding positions on the date of promulgation of this Constitution shall be Audit Commissioners and the Audit-General under this Constitution and shall remain in office until the expiration of the term of office, prior to the date of promulgation of this Constitution. In such case, the term of office shall commence as from the date of appointment. The provision on holding of office for one term under section 270 paragraph four shall not apply to such persons in the new appointment of Audit Commissioners and the Audit-General, for the first time, under this Constitution.

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Persons under this section shall continue to perform their duties under the Organic Law or related laws which are in force on the date of promulgation of this Constitution until Organic Laws or laws in accordance with this Constitution are enacted, except if the provisions are contradictory or inconsistent with the provisions in this Constitution, the provisions in this Constitution prevails.

Persons who hold the positions or used to be members or hold the positions in any Constitutional Organs as provided in the Constitution of the Kingdom of Thailand B.E. 2550 shall be prohibited from the selection of members or persons holding positions in Constitutional Organs which have duties to inspect the exercise of State powers under this Constitution.

Section 311. The Ombudsman and the National Human Rights Commission shall be merged to be Human Rights Ombudsman and shall execute the followings:

(1) the Ombudsman holding the position prior to the date of promulgation of this Constitution shall be the Human Rights Ombudsman under this Constitution and shall remain in office until the expiration of the term of office. In such case, the term of office shall commence as from the date the appointment is made by the King;

(2) members of the National Human Rights Commission performing their duties as the National Human Rights Commission on the date of promulgation of this Constitution shall perform their duties as the Human Rights Ombudsmen under this Constitution and shall continue to perform their duties until the Human Rights Ombudsmen under this Constitution are appointed under this Constitution. Such procedure shall be complete within sixty as from the date of promulgation of this Constitution;

(3) there shall be a selection of the remaining Human Rights Ombudsmen for the number as provided in section 275 which shall be proceeded together with the selection in (2) and shall complete within sixty days as from the date of promulgation of this Constitution;

(4) Office of the Human Rights Ombudsman shall be established by integrating the Office of Ombudsman and Office of the National Human Rights Commission. The personnel of both agencies shall remain in office and receive benefits, *pro tempore*, until Organic Law on Human Rights Ombudsman comes into force;

Persons who, prior to the date of promulgation of this Constitution, used to hold the positions of ombudsman or National Human Rights Commissioner shall be prohibited from the selection of Human Right Ombudsmen under this Constitution.

Section 312. In the initial period, the following provisions shall not apply to cases under the following conditions:

(1) the provisions of section 207 shall not apply to the consideration for appointment or reassignment of civil servants or removal of such persons from office until the enactment of the law under section 207 and the establishment of the

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Commission under such laws. This shall not exceed one year as from the date of promulgation of this Constitution;

(2) the provisions of section 201 paragraph two on the annual revenue and expenditure shall not apply to annual revenue following the budgetary year from the date of promulgation of this Constitution;

Section 313. In the initial period, the following execution shall be complete within the specified period:

(1) there shall be an enactment of law on the Committees which are the secretariat of the personnel of judges under section 225 including the appeal right of the disciplinary punishment under section 219 paragraph five. Such process shall be complete within one year as from the date of promulgation of this Constitution;

(2) rules on the Procedure shall be enacted at the plenary session of the Supreme Court of Justice under section 241 (1) and (2) and shall be complete within sixty days as from the day the Organic Law on Election of Members of the House of Representatives and Obtaining of Members of the Senate in section 307 comes into force;

(3) there shall be an enactment of law on decisive jurisdiction of the Court under section 222 and it shall be complete within one hundred and twenty days as from the date of promulgation of this Constitution.

Section 314. All provisions in the laws which are contradictory or inconsistent with this Constitution, the person having charge and control of such law and the Council of Ministers shall enact or amend such law within two years as from the date of promulgation of this Constitution.

Section 315. Any act, the legality and constitutionality of which has been recognized by the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, including all acts related therewith committed whether before or after the date of promulgation of this Constitution, shall be deemed as constitutional under this Constitution.

Countersigned by:

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