

Constitution of the Kingdom of Thailand (Interim Edition) of B.E. 2549

(An unofficial translation from Bangkok English-language daily, *The Nation*, as of October 2, 2006.
http://nationmultimedia.com/2006/10/02/headlines/headlines_30015101.php)

Somdet Phra Paramintharamaha Bhumibol Adulyadej Sayammintharathirat Bormmanatthabophit graciously grants the interim constitution on October 1 B.E. 2549, which is the 61st year of the present reign.

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

The leader of the Council for Democratic Reform successfully staged the coup on September 19 B. E. 2549 and presented a report to His Majesty.

The CDR leader informed His Majesty that he seized power and abolished the constitution of the Kingdom of Thailand with an intention to solve the problems of the people's losing confidence in the country's administration, the lack of efficiency in the supervision of the administration, and the monitoring of the state power. The problems led to massive corruption and malfeasance with no one being brought to justice, which has become a political crisis and caused rifts among members of the society, who were incited to take sides, causing the decline in the national unity and social crisis.

Although several sectors have tried to solve the crises, their attempts failed and the situation worsened to the point that there could be violence and clashes which could cause bloodshed.

The situation was severely detrimental to the ruling system, economy and the law and order of the country. So, there must be an appropriate and interim ruling mechanism for the country, which is invented in line with traditional and customs of the Constitutional Monarchy system.

The interim mechanism is also aimed to restore love and unity, the economy, the law and order, to create strong system to check and investigate corruption, to establish good ethical system, to promote and protect the rights and liberty of the people, to have the country respect the UN treaties and treaties and agreements with other countries, to promote the country's ties with international communities and to promote Thais to adopt the self-sufficiency economy.

At the same time, the interim constitution will ensure sped-up attempts to draft and enact a new Constitution with broad public participation in every step.

To attain the goals as the CDR has informed His Majesty, the King commanded that the Constitution of the Kingdom of Thailand (Interim Edition) be promulgated with the following articles until the next Constitution is drafted and submitted for a royal command.

Article 1. Thailand is one and indivisible Kingdom.

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

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.

Article 2. The sovereign power belongs to the Thai people. The King as Head of the State shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of this Constitution.

Article 3. With the provisions of this Constitution, the human dignity, right, liberty and equality of Thais, which have been protected in accordance with Thailand's ruling practice in the democratic regime of government with the King as Head of State, shall be protected by this Constitution.

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

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

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

Article 5. The National Assembly consists of no more than 250 members, who will be appointed by the King from Thai nationals by birth and who are at least 35 years old.

The National Assembly shall function as the House of Representatives, the Senate and Parliament.

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

In case there are laws on qualifications of political office holders, the laws must not be enforced for the appointments of members of the National Assembly.

Article 6. Membership of the National Assembly terminates upon:

- (1) death;
- (2) resignation;
- (3) being disqualified as stipulated in Article 5
- (4) being appointed minister

(5) the National Assembly passing a resolution under Article 8 removing him or her from office.

Article 7. The King appoints a member of the National Assembly as its president and appoints one or more members of the National Assembly as a vice president or several vice presidents in line with a resolution of the National Assembly.

Article 6 shall be applied *mutatis mutandis* for the termination of office of the president and vice president or vice presidents of the National Assembly.

The Chairman of the Council of National Security will countersign the royal command to appoint members of the National Assembly, president and vice president(s) of the National Assembly.

Articled 8. In case a member of the National Assembly has committed a deed deemed damaging the reputation of the National Assembly or has behaviours deemed obstructing the works of the National Assembly, at least 20 members of National Assembly can file a motion to the president of the National Assembly to impeach him or her.

The impeachment of a member of the National Assembly as stated in the first paragraph requires at least two thirds of existing members of the National Assembly on the day the vote is cast.

Article 9. It requires at least half of members of the National Assembly to make a meeting quorum.

The National Assembly has the authority to issue directives to specify selection and working process of the president, vice president(s), and committees of the National Assembly as well as processes for holding meetings, submitting and deliberation of bills, submitting motions, holding debates and voting, filing interpolations, maintaining regulations and order and for carrying other activities in line with duties of members of the National Assembly.

Article 10. The King issues acts as advised and agreed upon by the National Assembly.

Subject to Article 10's first paragraph, a bill may be introduced only by at least 25 members of the National Assembly or the Council of Ministers, but a money bill may be introduced by the Council of Ministers.

Subject to Article 10's second paragraph, a money bill means a bill with any or all of the following wordings : the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties; the allocation, receipt, custody, payment of the State funds, or transfer or creation of expenditure estimates of the State; reduction of state revenue; the raising of loans, or guarantee or redemption of loans; and currency bills.

In the case of doubt as to whether a bill proposed by members of the National Assembly is a money bill, it shall be the power of the President of the National Assembly to make a decision thereon.

Article 11. During a meeting of the National Assembly, any member of the National Assembly has the right to submit a motion to request the Council of Ministers to give statements of fact or explain important problems in connection with the administration of the State affairs. But the Ministers have the right not to give information when considering that the matter should be treated with confidentiality for the sake of security and interest of the country or when seeing that the motion is not in line with meeting regulations.

When there are important problems, at least 100 members of the National Assembly have the right to submit a motion for a general debate in the National Assembly for the purpose of requesting the Council of Ministers to provide facts and explanations regarding the problems but the members of the National Assembly cannot make a vote of confidence or vote of no-confidence against the Ministers.

Article 12. When there are important problems in connection with the administration of the State affairs which the Council of Ministers see the need to hear opinions of the members of the National Assembly, the Prime Minister will request the President of the National Assembly to hold a general debate in the National Assembly without a resolution to be passed.

Article 13. During a meeting of the National Assembly, anyone shall receive absolute immunity for his or her speech made to provide facts or express opinions or to cast votes and shall not be liable to legal action because of the expression.

The immunity mentioned in Paragraph 1 of this article shall be extended to members of committees of the National Assembly and publishers of meeting reports as ordered by the National Assembly or members of the National Assembly. The immunity shall also be extended to persons allowed by the chair of the meeting of the National Assembly to provide facts or express opinions to the meeting and extended to the TVs and radio stations allowed by the chair of the meeting to broadcast the meeting. But the immunity will not be applied to the speaker in the case of the meeting is broadcast live on radios and TVs and the wordings are republished and the wordings are deemed violating the Criminal Code or violating the civil right of other people who are not Ministers or members of the National Assembly.

If a member of the National Assembly is detained, he or she must be released as soon as the President of the National Assembly has so requested. Or when a member of the National Assembly is prosecuted, the trial can be continued unless the President of the National Assembly requests the court to halt the trial.

Article 14. The King appoints the Prime Minister and not more than thirty-five other Ministers as advised by the Prime Minister to constitute the Council of Ministers having the duties to carry out the administration of the State affairs.

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

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

The Prime Minister and Ministers cannot currently be members of the National Assembly, members of the Constitution Drafting Assembly or members of the Constitution Drafting Committee.

The Prime Minister and Ministers have the right to attend, provide explanations or express opinions during meeting of the National Assembly but cannot vote.

Article 15. For the purpose of maintaining national security, public safety or national economic security, or averting public calamity or when it is necessary to urgently enact or confidentially deliberate a money bill related to taxes or currency , the King may issue an Emergency Decree which shall have the force as an Act.

After the issuance of the Emergency Decree, the Council of Ministers shall submit the Emergency Decree to the National Assembly for its consideration without delay. If the National Assembly approves the Emergency Decree, the decree shall remain effective as an Act. If the National Assembly rejects decree, 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, which has the effect of amending or repealing any provisions of any Act and such Emergency Decree ,has lapsed, 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.

The approval or disapproval of an Emergency Decree must be published in the Royal Gazette. In the case of the disapproval, the disapproval will be effective on the day that it is announced in the Royal Gazette.

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

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

Article 18. Judges and justices are free try cases in accordance with the Constitution and the law and in the name of the King.

Article 19. There shall be the Constitution Drafting Assembly to draft a new constitution. The Constitution Drafting Assembly will have 100 members, who will be appointed by the King in accordance to the provisions of this Constituton.

The King appoints a member of the Constitution Drafting Assembly as the President of the Constitution Drafting Assembly and appoints no more than two vice presidents in line with the resolution of the Constitution Drafting Assembly.

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

Members of the Constitution Drafting Assembly must not be or used to be members of any political party or used to hold any position in a political party within two years before his or her appointment as a member of the Constitution Drafting Assembly. And members of the Constitution Drafting Assembly must not concurrently be members of the National Assembly.

Members of the Constitution Drafting Assembly, members of committees of the Constitution Drafting Assembly, publishers of meeting reports as ordered by the Constitution Drafting Assembly and its committees, persons authorized by the chair of the meeting of Constitution Drafting Assembly to make statements of facts or express opinions during a meeting, TVs and radio stations authorized by the President of the Constitution Drafting Assembly shall receive immunity under the provision of Article 13 the same way with members of the National Assembly.

Paragraph one of Article 9 shall be applied to the quorum of the Constitution Drafting Assembly and regulations of the National Assembly shall be mutatis mutandis applied for the meetings of the Constitution Drafting Assembly.

Article 20. There shall be the National Confederation consisting of no more than 2,000 members who will be appointed by the King from Thai nationals by birth and who will be at least 18 years old.

The Chairman of the Council for National Security will countersign the Royal Command appointing members of the National Confederation in paragraph one.

Paragraph three and four of Article 5 shall be mutatis mutandis applied for the selection and appointments of members of the National Confederation.

Article 21. In holding meetings of the National Confederation, the President of the National Assembly shall act as the President of the National Confederation and Vice President(s) of the National Assembly shall act as Vice President(s) of the National Confederation.

Meetings of the National Confederation and the selection of the Constitution Drafting Assembly shall proceed as stipulated by the President of the National Confederation.

Article 22. The National Confederation will select 200 of them for compiling the list of persons deserved to be appointed by the Royal Command as members of the Constitution Drafting Assembly. The selection must be completed within seven days after the first meeting of the National Confederation. When the 200 members of the Constitution Drafting Assembly are selected or when the deadline has passed but not all members can be selected, the National Confederation shall be defunct.

In the selection as stated in paragraph one, each member of the National Confederation can vote for no more than three names. The first 200 members of the National Confederation who receive the most votes will be selected as members of the

Constitution Drafting Assembly. In the case of tied votes, which result in more than 200 winners, the winners will be decided by lot drawing.

Article 23. After receiving the list of 200 candidates for members of the Constitution Drafting Assembly, the Council for National Security shall select 100 persons from the list and nominate them for a Royal Command appointing them as members of the Constitution Drafting Assembly.

In the case that the National Confederation fails to select 200 candidates within the timeframe as stipulated in paragraph one of Article 22, the Council for National Security shall select 100 members of the Constitution Drafting Assembly and forward them for a Royal Command.

The Chairman of the Council for National Security will countersigns the Royal Command appointing members of the Constitution Drafting Assembly.

Paragraph four of Article 5 shall be mutatis mutandis applied to the appointments of members of the Constitution Drafting Assembly and its committees as stated in Article 25.

Article 24. If a member of the Constitution Drafting Assembly is out of office by no matter what reason while the assembly has not finished drafting the constitution yet, the Chairman of the Council for National Security will select from remaining members on the list stated in Article 22 or from former members of the National Confederation - as the case may be - and forward the name for a Royal Command appointing him or her to fill the vacancy within 30 days of the vacancy.

While the vacancy is not filled, the Constitution Drafting Assembly shall consist of remaining members.

Article 25. For drafting the constitution, the Constitution Drafting Assembly shall set up the Constitution Drafting Committee consisting of 25 experts who are not members of the Constitution Drafting Assembly, and 10 other experts, who are or are not members of the Constitution Drafting Assembly, as advised by the Chairman of the Council for National Security. The selection and appointments shall proceed with regulations and procedures stipulated in a Royal Decree.

Article 26. After the Constitution Drafting Committee has finished drafting the constitution, it must provide an explanation how the draft is different with the 1997 constitution. The explanation must be accompanied with reasons behind the differences between the draft and the 1997 constitution. The explanation must be sent to members of the Constitution Drafting Assembly and the following persons or organizations for considerations and opinions:

- (1) The Council for National Security
- (2) The National Assembly
- (3) The Council of Ministers

- (4) The Supreme Court
- (5) The Supreme Administrative Court
- (6) The Election Commission
- (7) The Auditor-General
- (9) The Parliament Ombudsmen
- (10) The National Human Rights Commission
- (11) The National Economic and Social Development Board
- (12) Universities

The Constitution Drafting Committee must make public the draft constitution and document as per paragraph one and promote and hold public hearings.

Article 27. After members of the Constitution Drafting Assembly receives the draft constitution as stated in Article 26 and if they want to amend the draft, the amendment can be done by having half of existing members of the Constitution Drafting Assembly submitting a motion together with reasons for the amendment before the meeting day of the Constitution Drafting Assembly as stated in Article 28.

The members who have already submitted the motion or who have already endorsed the motion seeking to amend the draft constitution, cannot submit or endorse another motion of other members.

Article 28. After the expiration of the 30-day period counting from the day of document filing as per the provision of Article 26, the Constitution Drafting Committee must consider opinions it receives in line with Article 26 together with amendment motions it receives under the provision of Article 27 and compile a report of amendments together with reasons or a report of its decision together with reasons not to amend the draft. The report must be made public and the draft constitution must be presented to the Constitution Drafting Assembly for deliberation.

The deliberation by the Constitution Drafting Assembly as stated in paragraph one shall be the deliberation to approve or not approve the entire draft constitution or specific articles which members of the Constitution Drafting Assembly submit a motion to seek amendment as stated in Article 27 or specific articles proposed for amendment by members of the Constitution Drafting Committee. Members of the Constitution Drafting Assembly cannot make amendments to the draft beyond what stipulated in Article 27 unless agreed upon by the Constitution Drafting Committee or unless at least three fifths of members of the Constitution Drafting Assembly agree with the further amendment.

Article 29. The Constitution Drafting Assembly shall complete the draft constitution and complete the deliberation as stated in Article 28 within 180 days after the first meeting of the Constitution Drafting Assembly.

After the draft constitution is complete, it must be made public and a public referendum must be held as to whether the entire draft is approved or disapproved. The public referendum must be held no sooner than 15 days and no later than 30 days after the draft constitution is made public. The public referendum shall proceed in line with regulations and process to be announced by the Constitution Drafting Assembly.

The public referendum must be carried out on the same day throughout the Kingdom of Thailand.

Article 30. When the constitution draft as in the Article 29 is complete, the Constitution Drafting Assembly shall draft acts attached to the constitution, which are necessary to holding the general election, within 45 days since the draft constitution is complete. The drafts shall be presented to the National Assembly, which shall deliberate them within 45 days since receiving the drafts from the Constitution Drafting Assembly.

To prevent any vested interest in the drafting process, members of the Constitution Drafting Assembly shall not be able to run for a post as members of the Parliament or senators during a period of two years after the expiration of their office in the Constitution Drafting Assembly.

Article 31. In a referendum, if voters by a majority vote agree that the new constitution draft should be enforced, the President of the National Assembly shall present it to His Majesty the King for royal endorsement. After His Majesty grants his royal endorsement, the new constitution shall be announced in the Royal Gazette and become enforceable.

When the Constitution takes effect, or when the Constitution Drafting Assembly already drafts the acts attached to the constitution draft as stated in Article 30, or when the deadline for the act drafting comes, whichever comes first, the Constitution Drafting Assembly shall expire.

Article 32. In events that the Constitution Drafting Assembly fails to complete constitution drafting by the deadline as mentioned in Clause 1 of the Article 29, or that the Constitution Drafting Assembly does not approve the constitution draft as in Clause 2 of the Article 28, or that a majority vote by people at a referendum disapproves the constitution draft, the Constitution Drafting Assembly shall expire. Upon such expiration of the Constitution Drafting Assembly, the National Assembly and the Council of Ministers shall convene meetings to select any previous constitution of the Kingdom of Thailand and revise it for use within 30 days since the referendum votes against the constitution draft by the Constitution Drafting Assembly. When the revised constitution is ready, it shall be presented to His Majesty the King for endorsement after which it shall take effect as the Constitution.

When the National Assembly and the Council of Ministers meet for the aforementioned purpose, the Chairman of the Council for National Security shall be the chair of the meetings.

If the Constitution is endorsed through such article, the Prime Minister shall countersign the royal endorsement of the constitution.

Article 33. Allowances and other fringe benefits of the President and Vice President(s) of the National Assembly and the Constitution Drafting Assembly, holders of office in the Council for National Security, members of the National Assembly, members of the Constitution Drafting Assembly, members of the Constitution Drafting Committee, and members of the Constitutional Tribunal shall be given as per stipulated by Royal Decrees.

Article 34. For the purpose of maintaining public order and national security, there shall be the Council for National Security consisting of members as stipulated by the 24th announcement of the Council for Democratic Reform dated September 29 B.E. 2549.

The Chairman of the Council for National Security appoints no more than 15 members of the Council for National Security.

The leader, deputy leaders, members, secretary-general, deputy secretary-generals of the Council for Democratic Reform shall be the Chairman, Deputy Chairmen, members, secretary-general, and deputy secretary-generals of the Council for National Security respectively.

In the case that the Chairman of the Council for National Security is absent or cannot perform his duty, a Deputy Chairman of the Council for National Security shall perform the duties of the Chairman of the Council for National Security in line with the order of the Deputy Chairmen. And in the case that the Chairman and Deputy Chairmen are absent and cannot perform duties, members of the Council for National Security shall select a member of the Council for National Security to perform the duty of Chairman of the Council for National Security.

When deemed necessary, the Chairman of the Council for National Security or the Prime Minister can request for a joint meeting of the Council for National Security and the Council of Ministers to jointly consider and solve any problem related to the keeping of law and order and maintaining of national security as well as to hold occasional consultations on any other matter.

Article 35. Whichever falls under the jurisdiction of the Constitution Court or whenever there are disputes over whether certain laws contradict the Constitution, the jurisdiction will belong to the Constitution Tribunal, which consists the Supreme Court President as chairman, the Supreme Administrative Court President as deputy chairman, five Supreme Court judges, who hold at least positions of Supreme Court judges and who are selected by a general assembly of the Supreme Court through a secret ballot.

The Office of the Constitution Court, which has been set up by the law on the Office of the Constitution Court, shall perform the administrative affairs and other affairs as assigned by the Chairman of the Constitution Tribunal.

The composition of presiding judges and trial procedures as well as preparations of ruling statements shall be proceeded as specified by the Constitution Tribunal, which will make an announcement in the Royal Gazette.

All cases or affairs pending the operations of the Constitution Court before September 18, B.E. 2549 shall be transferred to be under the jurisdiction of the Constitution Tribunal.

Article 36. All announcements and orders issued by the Council for Democratic Reform or orders of the leader of the Council for Democratic Reform dated from September 19, B.E. 2549 to the promulgation of this Constitution will remain in effect for the legislation, the government and the judiciary. Every enforcement of the said announcements and orders before or after the enactment of the Constitution are considered legitimate and in accordance with the Constitution.

Article 37. Every action taken by the leader of the Council for Democratic Reform or by individuals empowered by the leader of the Council for Democratic Reform to seize administrative power on September 19, B.E. 2549 and to perform duties for the legislation, the government and the judiciary, in the capacity of principal, supporter, procurer of duty and procuree of duty, happened before or after the enactment of the Constitution, are granted immunity from all responsibility and conviction should such action is found to be illegal.

Article 38. For cases not covered by constitutional provisions, the ruling should follow precedents of the the democratic regime of government with the King as Head of the State.

Article 39. Prior to the Cabinet assuming office, the chairman of the Council for National Security will act as caretaker for the prime minister and the Cabinet.

Counter-signed the Royal command
(General Sonthi Boonyaratglin)
Leader of the Council for Democratic Reform