

**Essential Elements  
of  
Constitution of the Kingdom of Thailand, B.E. 2550 (2007)**

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<b>Preamble</b>		<b>Part 10</b>	<b>Right to Receive Information and Lodge Complaints</b>
<b>Chapter I</b>	<b>General Provisions</b>	<b>Part 11</b>	<b>Liberty to Assemble and Associate</b>
<b>Chapter II</b>	<b>The King</b>	<b>Part 12</b>	<b>Community Right</b>
<b>Chapter III</b>	<b>Rights and Liberties of the Thai People</b>	<b>Part 13</b>	<b>Right to Protect Constitution</b>
	<b>Part 1</b>	<b>Chapter IV</b>	<b>Duties of the Thai People</b>
	<b>Part 2</b>	<b>Chapter V</b>	<b>Directive Principles of Fundamental State Policies</b>
	<b>Part 3</b>	<b>Part 1</b>	<b>General Provisions</b>
	<b>Part 4</b>	<b>Part 2</b>	<b>State Security Policy</b>
	<b>Part 5</b>	<b>Part 3</b>	<b>Administration of the State Affairs Policies</b>
	<b>Part 6</b>	<b>Part 4</b>	<b>Religious, Social, Education and Culture Policies</b>
	<b>Part 7</b>	<b>Part 5</b>	<b>Legal and Justice Policies</b>
	<b>Part 8</b>	<b>Part 6</b>	<b>Foreign Policy</b>
	<b>Part 9</b>	<b>Part 7</b>	<b>Economic Policy</b>
		<b>Part 8</b>	<b>Land, Natural Resources and Environment Policies</b>
		<b>Part 9</b>	<b>Science, Intellectual Property and Energy Policies</b>
		<b>Part 10</b>	<b>Public Participation Policy</b>

<b>Chapter VI</b>	<b>The National Assembly</b>
Part 1	General Provisions
Part 2	The House of Representatives
Part 3	The Senate
Part 4	Provisions Applicable to Both Houses
Part 5	Joint Sitzings of the National Assembly
Part 6	Enactment of Organic Law
Part 7	Enactment of Law
Part 8	Control of Enactment of Law Which Is Contrary to or Inconsistent with the Constitution
Part 9	Control of Administration of the State Affairs
<b>Chapter VII</b>	<b>People's Direct Political Participation</b>
<b>Chapter VIII</b>	<b>Money, Finance and Budget</b>
<b>Chapter IX</b>	<b>Council of Ministers</b>
<b>Chapter X</b>	<b>The Courts</b>
Part 1	General Provisions
Part 2	Constitutional Court

Part 3	Courts of Justice
Part 4	Administrative Courts
Part 5	Military Courts
<b>Chapter XI</b>	<b>Organs Under the Constitution</b>
Part 1	Independent Organs Under the Constitution
1.	Election Commission
2.	Ombudsmen
3.	The National Counter Corruption Commission
4.	State Audit Commission
Part 2	Other Organs Under the Constitution
1.	Prosecution Organ
2.	The National Human Rights Commission
3.	The National Economic and Social Advisory Council
<b>Chapter XII</b>	<b>Inspection of the Exercise of State Power</b>
Part 1	Examination of Assets
Part 2	Acts of Conflict of Interests
Part 3	The Removal from Office

**Part 4 Criminal Proceedings Against  
Persons Holding Political Positions**

- Chapter XIII Ethics of Persons Holding Political Position and  
Government Officials**
- Chapter XIV Local Government**
- Chapter XV Amendment of the Constitution**
- Transitory Provisions**

**Some of the Essential Elements**

**1. Organic Laws**

There are nine organic laws :

- (1) the organic law on the election of members of the House of Representatives and acquisition of senators;
- (2) the organic law on the Election Commission;
- (3) the organic law on political parties;
- (4) the organic law on referendum;
- (5) the organic law on the procedure of the Constitutional Court;
- (6) the organic law on criminal procedure for persons holding political positions;
- (7) the organic law on Ombudsmen;
- (8) the organic law on counter corruption;
- (9) the organic law on the State audit.

**2. Consideration of an organic bill**

An organic bill shall be introduced only by :

- (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 the total number of the existing members of both Houses;

(3) the Constitutional Court, the Supreme Court of Justice or the independent organs under the Constitution which its Presidents having charge and control of the execution of such organic law.

The consideration of an organic bill shall be made in three readings as follows :

(1) the voting, in the first reading for acceptance in principle and in the second reading for consideration section by section shall be decided by a majority of votes in each House.

(2) the voting in the third reading for approval for the promulgation as the organic law must be approved by votes of more than one-half of the total number of the existing members of both Houses

After an organic bill has been approved by the National Assembly and before the Prime Minister presents it to the King for signature, such organic bill shall be submitted to the Constitutional Court for consideration of its constitutionality.

### **3. Selective Committees for persons to hold positions in other organs have more powers.**

In the case where the Senate rejects all or some of the nominated persons, the name list and the reasons for the rejections shall be forwarded to the Selective Committees to begin the selection process anew. If the Selective Committee disagrees with the Senate and resolves to support such a list with a unanimous vote (in case of the selection of Election Commissioners, if the Selective Committee

or the general meeting of the Supreme Court of Justice disagrees with the Senate's and reaffirms the nominations with a unanimous vote or with the votes of not less than two-thirds of the general meeting of the Supreme Court of Justice, as the case may be) the name list of nominated persons shall be submitted to the President of the Senate for further Royal appointment.

### **4. Powers of the Election Commission have been changed.**

The order of a new election of members of the House of Representatives or senators or of the voting right deprivation of the Election Commission, if it is given before the announcement of the result of an election, such decision shall be deemed final. But if the order is given after the announcement of the result of an election, the Election Commission shall refer the said order to the Supreme Court of Justice for decision.

In the case where an objection has been raised that the acquisition of senators or the selected senators had committed any dishonest act to enable him or her to be selected, the Election Commission shall refer the said objection to the Supreme Court of Justice for decision.

### **5. The Prime Minister or Minister has duty to make a reply to the interpellation.**

In a sitting of the House of Representatives or the Senate during which an interpellation is raised or a general debate of no-confidence in the Prime Minister or and Minister is held, it shall be the

duty of the said person to attend the sitting for giving explanation or making a reply to such interpellation in person, except for the unavoidable necessity and he or she must notify the Speaker of the House of Representatives or the President of the Senate in advance or on the day of such sitting.

#### **6. People have more rights.**

(1) Persons have the right to vote of not less than 10,000 in number shall have a right to introduce a bill together with their representatives to explain the principle of the bill. And there shall be representatives of the said persons in the *ad hoc* committee numbering not less than one-third.

(2) Persons having the right to vote of not less than 20,000 in number shall have the right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution removing a person from office.

(3) Persons having the right to vote of not less than 50,000 in number shall submit a motion for an amendment of the Constitution and in the second reading for consideration section by section, public hearing shall be caused to be held.

#### **7. Committees have more powers.**

The demand for documents from any person or for issuing a summons on any person to give statements of fact or opinions on the act or the matter under the committee's inquiry or study shall be in force as provided by law. Such demand shall not apply to judges,

ombudsmen or members of independent organs under the Constitution who carries out their duties.

#### **8. Budget Allocation**

The State shall allocate adequate budgets for the independent administration of the National Assembly, the Constitutional Court, the Courts of Justice, the Administrative Courts and the independent organs under the Constitution.

The National Assembly, the said courts and organs may submit a motion directly to the committee if in their opinions their budgets are insufficient.

#### **9. Revenue is not required to be sent to the State coffers shall be reported the House.**

A State agency shall report, its own balance sheet of income and expenditure of revenue of which is not required to be sent to the State coffers, to the Council of Ministers at the end of every fiscal year for further reporting to the House of Representatives and the Senate.

#### **10. To be the Prime Minister for 8 years.**

The Prime Minister shall not serve more the eight years.

**11. State officials holding positions of not lower than Division**

**Director shall be inspected by the National Counter Corruption.**

The National Counter Corruption shall inspect, inquire and decide whether a State official holding a position of not lower than Division Director or its equivalent which has allegedly become unusually wealthy or committed an offence of corruption, malfeasance in office or malfeasance in judicial office, including take the proceeding against the State official holding a position of lower than Division Director who has supportly committed an offence.

**12. Account showing particulars of assets and liabilities shall be disclosed to the public.**

An account showing particulars of assets and liabilities of the Prime Minister, Ministers, members of the House of Representatives, senators, other political officials as well as local administrators and members of a local assembly as provided by law shall be disclosed to the public.

**13. Politicians shall be prohibited from official intervention.**

The Prime Minister, Ministers, members of the House of Representatives and senators shall not, through their status or positions, interfere or intervene in the recruitment, appointment, reshuffle, transfer, promotion and elevation of the salary scale, and cause the officials to be removed from office.

**14. Accusations of removal a person from office are increased.**

A person holding a position of Prime Minister, Minister, member of the House of Representatives, senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court or Prosecutor General who is under the circumstance of unusually wealthiness indicative of the commission of corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law, or severely violate or failure to observe the standard of ethics, may be removed from office by the Senate.

**15. Ethics**

(1) The standard of ethics for persons holding political positions, government officials and State officials at all levels shall be established.

(2) There shall be mechanisms and working system to ensure the effective enforcement of the standard of ethics, including penalties based on the severity of the case.

(3) Violation of or failure to observe the standard of ethics shall be regarded as a disciplinary infringement.

(4) In the case of a serious violation of or failure to observe the standard of ethics or convincing evidence has appeared the action taken by responsible authorities prove unfair, the ombudsmen shell conduct an investigation and disclose the results of the fact-finding to the public.

**Transitory Provisions relating senators**

(1) The National Legislative Assembly shall act as the National Legislative Assembly until the first sitting of the National Assembly has been held.

In the initial period, while the National Assembly shall, within thirty day as from the date of the election of members of the House of Representatives, be summoned for the first sitting but there is no the Senate, the National Legislative Assembly shall continue act as the Senate, except for the consideration of a person to hold any position and removal him or her from office.

(2) The Constituent Assembly and the Constitution Drafting Commission shall terminate on the date of the promulgation of the Constitution.

In order to eliminate conflict of interests, no member of the Constitution Drafting Commission shall be a candidate in an election of members of the House of Representative and senators within two years as from the date of the vacation.

(3) Within forty-five days as from the date of receiving the organic bill on the election of members of the House of Representatives and acquisition of senators, the organic bill on political parties and the organic bill on the Election Commission from the Constitution Drafting Commission, the National Legislative Commission shall complete the consideration the said organic bills.

In the case where the National Legislative Assembly is unable to complete the said organic bills within the period prescribed, it shall be deemed that the National Legislative Assembly has

approved them and the President of the National Legislative Assembly shall present the said organic bills prepared by the Constitution Drafting Commission to the King for signature within seven days.

(4) In the initial period, senators elected from the first election of senators under the 1997 Constitution shall not be senators under this Constitution.

(5) In the initial period, the term of selected senators shall be three years. (It shall not be deemed that the said senators has been in their positions for one term)

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