

CONSTITUTION of the kingdom of thailand



Preamble



On April 6th, 2017, HM King Maha Vajiralongkorn Bodindradebayavarangkun performed the ceremony of promulgation for the Constitution of the Kingdom of Thailand, B.E. 2560 (2017). Thailand has enacted 20 constitutions after the establishment of a constitutional monarchy with the King as Head of State.

The Constitution is the supreme law of the State. The provisions provided in any Constitution prescribe rights, duties and framework that cover all walks of life in Thai society with the objective to ensure the co-existence of all lives with happiness. Each Constitution contains the provisions appropriate to the current affair of the country at the particular time. Therefore, the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), was written with new and specific provisions, e.g. the government shall complete the preparation of the National Strategy as the goal to reach the sustainable development of the country, the protection of rights and liberties shall be enhanced, the form of election shall be amended.

The Secretariat of the House of Representatives, as the supporting organ on legislature of Thai National Assembly and as the supporter of knowledge and understanding to the people of Thai politics and administration, has provided the people opportunities to access to the primer of the Constitution of the Kingdom of Thailand, B.E. 2560 (2017). This provision will be beneficial to better understanding on rights and liberties and duties that must be responded. The dissemination of this synopsis is intended to collect the substances of the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), in a printing material which can be studied at any time and be disseminated for widely access.

Another objective of this publication includes the provision of the substances of the Constitution to the foreigners. As a result, Bureau of Foreign Languages translates the publication into Spanish, German, Arabic, Japanese and Korean. The English version was compiled from the unofficial translation of the Constitution of the Kingdom of Thailand, B.E. 2560 (2017) of the Office of the Council of State. The access to the translation versions can be found in http://www.parliament.go.th/interparliament/.

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Rights and liberties & of the Thai people



STITUTION

Change the implementation on guaranteeing and protecting of rights and liberties from "guaranteeing and protecting of rights and liberties as provided by the Constitution" to "in addition to the rights and liberties as guaranteed specifically by the provisions of the Constitution, a person shall enjoy the rights and liberties to perform any act which is not prohibited or restricted by the Constitution or other laws, and shall be protected by the Constitution".

Clearly prescribe standard rules of a person relating to the exercise of rights or liberties that insofar as the exercise of such rights or liberties

- does not affect or endanger the security of the State;
- (02) does not affect or endanger the public order of society and people, and

3 does not violate the rights or liberties of other persons – not to exercise the rights or liberties freely.





The restriction of rights or liberties of a person shall be in accordance with the conditions provided by the Constitution. In the case where the Constitution does not provide the conditions thereon, such law

shall not unreasonably impose burden on or restrict the rights or liberties of a person and

shall not affect the human dignity of a person.



the law shall be of general application, and shall not be intended to apply to any particular case or person and the justification and necessity for the restriction of the rights and liberties shall also be specified.



(0) the liberty of dwelling;

the liberty to express opinions, make speeches, write, print, publicise and express by other means and academic freedom;

- (04) the liberty of communication by any means;
- 65) the liberty of travelling and the liberty of making the choice of his or her residence;
 - 6 the liberty to engage in an occupation;

the liberty to unite and form an association, co-operative, union, organisation, community, or any other group;

108 the liberty to assemble peacefully and without arms;

the liberty to unite and form a political party under the democratic regime of government with the King as Head of State.

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A person shall have the following duties:





mitigating disasters;

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Duties of the State

"Duties of the State" as described by the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), consists of (1) basic duties and (2) duties to provide the people's rights "tangible". The people and the community shall have the right to follow up and urge the State to perform such act, as well as to take legal proceedings against a relevant State agency to have it provide the people or community such benefit in accordance with the rules and procedures provided by law.





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

The State shall protect and uphold the institution of kingship, independence, sovereignty, integrity of the territories and the areas over which Thailand has the sovereignty rights, security of the State, and public order.







Directive Principles of State Policies

persons from violence or unfair treatment;



Directive principles of State policies refer to directive principles for State legislation and determination of policy for the administration of State affairs which will be used as a framework to implement a policy and its coverage. Besides, it guarantees the continuity of such policy implementation under the new administration as prescribed by the Constitution as follows:



The State should take actions relating to land, water resources and energy as follows: (1) to plan the country's land use in appropriate manner;

- (2) to undertake town planning at every level;
- (3) to provide measures for distribution of landholding thoroughly and fairly;
- (4) to provide quality water resources which are sufficient for consumption, agriculture, industry and other activities;
- (5) to promote energy conservation and cost-effective use of energy, to develop and support the production and use of alternative energy;

The State should provide measures or mechanisms to enable farmers to efficiently carry out agriculture;



The State should promote abilities of the people to engage in work which is appropriate to their potentials and ages, and ensure that they have work to engage in, should protect labour and should promote savings;

The State should organise an economic system which provides opportunities for the people to all together benefit from the economic growth in a comprehensive and fair manner and shall refrain from engagement in an enterprise in competition with the private sector, except in cases of necessity for the purpose of maintaining the security of the State and preserving common interests;

The State should develop a system of administration of State affairs in accordance with the principles of good public governance;

13 The State should introduce laws only to the extent of necessity, and repeal or revise laws that are no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, so as to abstain from the imposition of burdens upon the public. Prior to the enactment of every law, the State should conduct consultation with stakeholders, analyse any impacts that may occur from the law thoroughly and systematically;

> (14) The State should promote the correct knowledge and understanding of the public regarding the democratic regime of government with the King as Head of State, and their participation of the development of the country, in the scrutiny of the exercise of State power, in combating against dishonest acts, as well as in decision making in politics.







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Prime Minister and the Council of Ministers



The Council of Ministers consists of Prime Minister and not more than thirty-five other Ministers having the duties to carry out the administration of the State affairs in accordance with the principle of collective responsibility. The King appoints the Council of Ministers. The President of the House of Representatives shall countersign the Royal Command appointing the Prime Minister. The Prime Minister shall not hold office for more than eight years in total, whether or not holding consecutive term. However, it shall not include the period during which the Prime Minister carries out duties after vacating office.

In order to run the political campaign, a political party shall notify the Election Commission of not more than three names of Prime Minister candidates and shall announce the names of such persons to the public.

• The political party shall select and present the **list of names of Prime Minister candidates** from either party's member or non-member or Member of the House of Representatives or non-Member. The political party has the privilege for the selection and shall be responsible for such act to its members and the public.



• The person whose name is proposed shall have the qualifications and not be under any of the prohibitions of being Prime Minister. There shall be a letter of consent from the person whose name is proposed by the political party. If the name is proposed by more than one political party, such letter of consent will automatically be void.



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The House of Representatives shall complete its consideration for approval of the person suitable to be appointed as Prime Minister with respect to the list of names of coalition parties whose members have been elected as Members of the House of Representatives constituting not less than five per cent



of the total number of existing Members of the House of Representatives.

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





Besides having qualification and not being under any of the prohibition as of the Members of the House of Representatives, Prime Minister shall have "additional" qualification and not be under of any of the prohibition as follows:







• be of Thai nationality by birth; • be not less than thirty-five years of age; • have graduated with not lower than a



be of evident integrity;





not have behaviour which is a serious violation of

ethical standards;



not be a person sentenced by a judgment to imprisonment, • not be a person whose office has been vacated on irrespective of the finality of the case or a suspension of the punishment, except for an offence committed through negligence, a petty offence or a defamation offence;

the grounds of committing any prohibited act which amounts to conflict of interests of a wrongful intervention of or interference with the performance of duties of a State official for a period of less than two years up to the date of appointment.

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The National Assembly

The National Assembly as described by the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), consists of the House of Representatives and the Senate.



Roles of Member of the House of Representatives

- 1. Introducing and considering bills
- 2. Approving or disapproving the Emergency
- 3. Submitting the motion for the Constitution amendment
- 4. Monitoring the State administration
- 5. Approving of the appointment of Prime Minister
- 6. Referring an opinion to the Constitutional Court for considering and adjudication upon the termination of membership of Members of the House of Representatives, Senators or Committees who propose, submit of a motion or Committees of any act which results in involvement in the use of the appropriations.

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Qualifications of

Member of the House of Representatives A person having the following qualifications has the right to stand for election of Members of the House of Representatives:

- 1. being of Thai nationality by birth;
- 2. being not less than twenty-five years of age up to the date of the election;
- 3. being a member of only one political party for a consecutive
- period of not less than ninety days up to the date of the election; 4. a candidate in an election on a constituency basis shall also have any one of the following qualifications:
 - having his or her name appear in the household register in the Changwat (Province) where he or she stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;
- being born in the Changwat where he or she stands for election;
- having studied in an educational institution situated in the Changwat where he or she stands for election for a consecutive
- period of not less than five academic years; - having served in the official service or performed duties in a State agency/or having had his or her name appear in the







Prohibitions



A person under any of the following prohibitions shall

be the person who is prohibited from exercising the right to stand for election in an election of Members

- of the House of Representatives:
- being addicted to narcotics/being bankrupt;
- being a shareholder in any newspaper or mass media business;
- being a person under the prohibitions from exercising his or her right to vote; - Being a person whose right to vote has been revoked;
- being under suspension of the right to stand for election, or being a person
- whose right to stand for election has been revoked; - having been discharged for a period of less than ten years up to the date of
- election after being imprisoned except for an offence committed through negligence or a petty offence; - having been dismissed from official service on the grounds of dishonest
- performance of duties;
- having been convicted on the grounds of unusual wealth/a malfeasance in public office/of committing a felony/a dishonest act in an election;
- being a government official holding a permanent position, an official or an employee of a State agency;
- being a member of a local assembly;
- being a Senator or having been a Senator whose membership has terminated for less than two years;
- being a judge of the Constitutional Court, or holding a position in an Independent Organ;
- being currently under the prohibition from holding a political position.



Senators Number of Senators: 200 Term: 5 years

Roles of Senators

- 1. Scrutinizing law
- 2. Monitoring the State administration
- 3. Approving of the appointment of a person to hold the position in Independent organ
- 4. Submitting the motion for the Constitution amendment (altogether with Member of the House of Representatives)
- 5. Referring an opinion to the Constitutional Court for considering and adjudication upon the termination of membership of Members of the House of Representatives, Senators or Committees who propose, submit of a motion or Committees of any act which results in involvement in the use of the appropriations.



Qualifications

- being of Thai nationality by birth;
- being not less than forty years of age on
- the date of application for selection;
- having knowledge, expertise and experience for not less than ten years in the field for which he or she applies, or having the qualifications prescribed in the Organic Act on Installation of Senators;
- having a connection to the area in which he or she applies for selection.

SENATORS

Prohibitions

- being a person prohibited from exercising the right to stand for election;
 being a government official;
 - ;

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- being a member of a political party;
- being or having been a Member of the House of Representatives, a person holding any position in a political party, a Minister, a member of a local assembly or a local administrator, except for a person who has vacated office for a period of not less than five years up to the date of application for selection;
- being an ascendant, child or spouse of a Member of the House of Representatives, a Senator, a political official, a candidate for selection to become a Senator for the same session, or a person holding office in the Constitutional Court or in an Independent Organ.

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The Senators are installed from a selection by and among persons having the knowledge, expertise, experience, profession, characteristics or common interests or working or having worked in varied areas of the society. The division of groups shall be made in a way which enables every person having the right to apply for selection to belong to any one group. The division of groups, the application and acceptance of application, the rules and procedures for selection among themselves, the number of Senators selected from each group shall be in accordance with the Organic Act on Installation of Senators carried out from the level of an Amphoe (District), and the level of Changwat, to the national level, so that a Senator is a representative of the Thai people at the national level.

SELECTION OF SENATORS

People can apply for selection - selection by and among themselves - free from politicians' involvement



(Transitory Provisions)

The Senate

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

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

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

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



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

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

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

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

Power and Duties of the National Assembly

The National Assembly shall perform duties in accordance with the Constitution, laws and the rule of law for the common good of the nation and the happiness of the public at large.

Joint Sitting of the National Assembly



The National Assembly consists of the House of Representatives and the Senate. **The joint sitting of the National Assembly** shall contain the provision in order to convene the joint sitting to consider the petition. Such petition shall be important issue to the nation. Therefore the power and duties of the National Assembly shall be different from the House of Representatives and the Senate as follows:

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

(2) The National Assembly shall hold a joint sitting in the following cases:

- (1) the making of a solemn declaration by the Regent before the National Assembly;
- (2) the acknowledgement of an amendment to the Palace Law on Succession, B.E. 2467 (1924);
- (3) the acknowledgement or approval of the succession to the Throne;
- (4) the approval of the prorogation of a session;
- (5) the opening of the session of the National Assembly;
- (6) the consideration of an organic law bill;
- (7) the reconsideration of an organic law bill or a bill;
- (8) the consideration for approval under section 147 (In the case where the term of the House of Representatives expires or the House of Representatives is dissolved and the bills have not yet been approved by the National Assembly, the Council of Ministers which is newly appointed can make a request to the National Assembly to further consider such bills;
- (9) the holding of a general debate;
- (10) the making of the rules of procedure of the National Assembly;
- (11) the announcement of policies of the Council of Ministers which will assume the administration of the State affairs;
- (12) the approval of the declaration of war;

(13) the hearing and approval of a treaty (for details, please check on Approval Process)(14) the amendment to the Constitution made under the rules and procedures;(15) other cases as provided in the Constitution.

Law enactment



- 1. Enacting an organic law bill and a bill;
- 2. Submitting and considering of organic law bills;
- 3. Re-deliberating a bill and reaffirming such bill;
- 4. Approving the draft Constitution Amendments or bills which have not yet been approved by the National Assembly and therefore lapsed, upon the request of the Council of Ministers;
- 5. Approving the Emergency Decree which shall be submitted by the Council of Ministers to the National Assembly for its consideration without delay;
- 6. Submitting the motion and considering the motion to amend the Constitution.

Check and balance on the Executive branch



- 1. In the case where there is an important issue concerned with the security, safety or economy of the country in regards to which there should be a joint consultation between the National Assembly and the Council of Ministers, the Leader of the Opposition in the House of Representatives may give a notice to the President of the National Assembly requesting that a general debate be held at a sitting of the National Assembly.
- 2. The Council of Ministers which will assume the administration of the State affairs must, within fifteen days as from the date it takes office, state its policies to the National Assembly, which must be consistent with the duties of the State, directive principles of State policies and National Strategy, with respect to which no vote of confidence shall be passed.
- 3. In the case where there is an important problem in the administration of the State affairs in regard to which the Council of Ministers deems it advisable to take the opinions of Members of the House of Representatives and Senators, the Prime Minister may submit a notice to the National Assembly requesting that a general debate be held at a joint sitting of the National Assembly.

Approval

- 1.to declare war;
- 2. on any treaty which provides for a change in Thai territories or external

territories over which Thailand has sovereign right or jurisdiction and other treaties which may have wide scale effects on the security of economy, society, or trade or investment of the country must be approved by the National Assembly. deside the little based

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