

CONSTITUTION OF THE KINGDOM OF THAILAND
(INTERIM),
B.E. 2557 (2014) *

SOMDET PHRA PARAMINTHARAMAHA BHUMIBOL ADULYADEJ
SAYAMMINTHARATHIRAT BOROMMANATTHABOPHIT

Given on the 22nd Day of July B.E. 2557;
Being the 69th Year of the Present Reign.

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

Whereas, the National Council for Peace and Order consisting of the Military and Police alliance respectfully informed the King that the prolonged political conflict in Bangkok Metropolitan and the vicinity, along with the consequential spread to almost every region of the country, had caused divisions in society, disharmony and animosity. Sporadic incidents of violence involving the use of force and weapons of war were responsible for a number of deaths and injuries, thus affecting public safety and livelihood as well as stagnating economic, political and administrative developments. The exercise of legislative, executive and judicial powers were also affected and law enforcement became ineffective. In the light of these circumstances, it became evident that the severity of this crisis had reached unprecedented proportions. Even though the Government attempted to ameliorate the situation through the use of various legal mechanisms and measures, such as the enforcement of laws for maintaining public order in various contingencies, the dissolution of the House of Representatives to pave the way for fresh general elections, together with efforts by third parties such as private business enterprises, Constitutional Organs, political parties, the Armed Forces and the Senate to facilitate reconciliation, all attempts remained unsuccessful. Instead, new conflicts in law and politics occurred

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repeatedly in an endless vicious circle. These conflicts continued to spread widely, with a tendency to escalate into greater violence to the point of lapsing into chaos with a potential threat not only to life and property, but also the wellbeing of innocent people. Such conflicts aggravated the livelihoods and indebtedness of farmers, particularly rice farmers, the economic development of the country, the prevention of problems from natural disasters, confidence in the power of the State, and creditability to foreign investors, thereby also lending opportunity to the commission of more criminal offences and other instances of unrest. These events would eventually undermine national security and public faith in a democratic regime of government with the King as Head of State. Ultimately, the National Council for Peace and Order had to seize control over the administration of the State on 22nd May B.E. 2557 and announced the annulment of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007), except for the provisions of Chapter II, The King. A three-phase plan was thereafter devised with a view to reaching a resolution to the crisis. The first immediate phase involved the exercise of powers to suppress the use of force and weapons against the public, to eradicate apprehensiveness, and to address economic, social, political and administrative concerns that had accumulated for more than six months. These actions laid the groundwork for the second phase, whereupon an interim Constitution would be promulgated. An Assembly shall then be subsequently established to perform legislative duties. Thence, a Government would be established to perform executive functions to resolve the state of crisis and return normalcy, to restore public order, solidarity and equity, to solve economic, social, political and administrative problems, to introduce urgently-needed laws, to establish the National Reform Council and organs to implement reforms in politics and other aspects, to draft a new Constitution to provide concise and suitable rules for politics, to prevent and suppress corruption, and to render efficient, expeditious and fair examination of the exercise of State's power, before handing over these tasks to representatives of the Thai people and to the Government which is expected to assume the public administration in the next phase. In this process, more importance shall be attributed to fundamental principles than merely the formal procedures of democracy. Therefore, it is necessary to take time to create an atmosphere of public order and reconciliation, in order to restore long lost happiness to the public and to revise certain rules which have been sources of conflict, are ambiguous, are unable to provide a solution in times of crises, and are inefficient or unfair, in response to the nature of the problems and the needs of the public. It should therefore take no longer than it

would if compared to the time that would be wasted if fate were allowed to take its own course. Be it, therefore, commanded by the King that the following provisions be applied as the Constitution of the Kingdom of Thailand (Interim) until the promulgation of a new Constitution which is to be subsequently prepared under the provisions of this Constitution:

Section 1. Thailand is one and indivisible Kingdom.

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

The provisions of Chapter II, The King, of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) which is still in force by the Announcement of the National Council for Peace and Order No. 11/2557 dated 22nd May B.E. 2557 (2014) shall continue to be in force as a part of this Constitution. Subject to section 43 paragraph one, wherever any of such provisions refers to the National Assembly or the President of the National Assembly, it shall mean the National Legislative Assembly or the President of the National Legislative Assembly under this Constitution, as the case may be.

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

Section 4. Subject to the provisions of this Constitution, human dignity, rights, liberties and equality previously enjoyed by the Thai people with the protection under Thailand's constitutional convention of the democratic regime of government with the King as Head of State and Thailand's existing international obligations shall be protected under this Constitution.

Section 5. Whenever no provision under this Constitution is applicable to any case, any action shall be taken or decision shall be rendered in accordance with Thailand's constitutional convention of the democratic regime of government with the King as Head of State, provided that such constitutional convention shall not be contrary to or inconsistent with this Constitution.

In the case where a question arises concerning a decision in any case under paragraph one within the scope of functions of the National Legislative Assembly, such question shall be decided by the National Legislative Assembly. In the case where a question arises outside the scope of functions of the National Legislative Assembly, the National Council for Peace and Order, the Council of Ministers, the Supreme Court of Justice or the Supreme Administrative Court may request the Constitutional Court to render a decision thereon; but in the case of the Supreme Court of Justice and the Supreme Administrative Court, such request may be made only upon the resolution of the plenary session of the Supreme Court or the Supreme Administrative Court and only with respect to the trial and adjudication of cases.

Section 6. There shall be a National Legislative Assembly consisting of not more than two hundred and twenty members appointed by the King, upon the advice of the National Council for Peace and Order, from persons of Thai nationality by birth and being not less than forty years of age.

The National Legislative Assembly shall act as the House of Representatives, the Senate and the National Assembly.

Section 7. In rendering advice to the King for the appointment of members of the National Legislative Assembly, regard shall be had to the knowledge, expertise and diversity of persons from various groups in the public, private, social, academic, professional sectors and other sectors beneficial to the performance of duties of the National Legislative Assembly.

Section 8. A member of the National Legislative Assembly shall not be under any of the following prohibitions:

(1) holding or having held any position in a political party within the period of three years prior to the date of appointment as member of the National Legislative Assembly;

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

(3) being bankrupt or having been dishonestly bankrupt;

(4) having been under suspension of the right to vote;

(5) 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 being deemed as having committed dishonest acts or malfeasance;

(6) having been ordered by a judgement that his or her assets shall vest in the State on the grounds of unusual wealth or an unusual increase of assets;

(7) being under the prohibition from holding a political position or having been removed from office;

(8) having been convicted by a final judgement of committing an offence in public office, or an offence in judicial office, or an offence under the law on narcotic drugs, or an offence of being a banker or a proprietor under the law on gambling;

(9) having been sentenced by a final judgement to imprisonment except for an offence committed through negligence or a petty offence.

A member of the National Legislative Assembly shall not simultaneously hold a position of a member of the National Reform Council or a Minister.

Section 9. Membership of the National Legislative Assembly terminates upon:

(1) death;

(2) resignation;

(3) lacking the qualification under section 6 paragraph one or being under any of the prohibitions under section 8;

(4) the National Legislative Assembly passing a resolution terminating his or her membership under section 12;

(5) failing to be present for casting vote in the sittings of the National Legislative Assembly for more than the number of times prescribed by the rules of procedure.

In the case where a question arises concerning termination of membership of the National Legislative Assembly under paragraph one, it shall be decided by the National Legislative Assembly.

Section 10. The King appoints one member of the National Legislative Assembly as the President of the National Legislative Assembly and not more than two members as Vice-Presidents of the National Legislative Assembly in accordance with the resolution of the National Legislative Assembly.

The Head of the National Council for Peace and Order shall countersign the Royal Command appointing members of the National Legislative Assembly, the President and Vice-Presidents of the National Legislative Assembly.

Section 11. Members of the National Legislative Assembly are representatives of the Thai people and must dedicate themselves to the honest performance of duties for the common interests of the Thai people.

Section 12. In case any member of the National Legislative Assembly commits an act which brings disgrace to the membership of the National Legislative Assembly or behaves in such a way to obstruct the performance of duties of a member of the National Legislative Assembly, not less than twenty five members of the National Legislative Assembly have the right to present their petition to the President of the National Legislative Assembly for the purpose that the National Legislative Assembly passes a resolution to terminate the membership of such member.

A resolution of the National Legislative Assembly under paragraph one shall be passed by votes of not less than two-thirds of the total number of members.

Section 13. At a sitting of the National Legislative Assembly, the presence of not less than one-half of the total number of members is required to constitute a quorum.

The National Legislative Assembly has the power to issue rules of procedure governing the election and performance of duties of the President of the Assembly, Vice-Presidents of the Assembly and members of the Committees, procedure for sittings, introduction and consideration of bills and organic law bills, introduction of motions, debates, passing of resolutions, interpellation, maintenance of order, and other activities for the execution of its powers and duties.

Section 14. The King enacts an Act by and with the advice and consent of the National Legislative Assembly.

A bill may be introduced only by no less than twenty five members of the National Legislative Assembly, or the Council of Ministers, or the National Reform Council under section 31 paragraph two, but a money bill may only be introduced by the Council of Ministers.

A money bill under paragraph two means a bill dealing with the imposition, repeal, reduction, alteration, modification, remission or regulation of taxes or duties, the allocation, receipt, custody, or payment of State funds, or the transfer of expenditure estimates of the State, the raising of loans, the guarantee or redemption of loans, or any binding of State's properties, or currency.

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

A bill introduced by the members of the National Legislative Assembly or the National Reform Council may be taken by the Council of Ministers for consideration prior to the adoption of the principle by the National Legislative Assembly.

An Organic Act may be enacted according to the procedure prescribed in this section, but the introduction of an organic law bill shall be made by the Council of Ministers or a person having charge and control of the execution of that Organic Act.

Section 15. Upon approval of a bill or an organic law bill by the National Legislative Assembly, the Prime Minister shall respectfully present it to the King for His Royal Signature within twenty days from the date the bill or organic law bill is received from the National Legislative Assembly, and the bill or organic law bill shall come into force as an Act or Organic Act upon its publication in the Government Gazette.

If the King withholds His Royal Assent to any bill or organic law bill and either return it to the National Legislative Assembly or does not return it within ninety days, the National Legislative Assembly must reconsider such bill or organic law bill. If the National Legislative Assembly resolves to reaffirm the bill or organic law bill with the votes of not less than two-thirds of the total number of existing members, the Prime Minister shall respectfully present such bill to the King for His Royal Signature once again. If the King does not sign and return the bill within thirty days, the Prime Minister shall cause the bill or organic law bill to be promulgated as an Act or Organic Act in the Government Gazette as if the King had signed it.

Section 16. At a sitting of the National Legislative Assembly, every member of the National Legislative Assembly has the right to interpellate a Minister on any matter within the scope of his or her duties, but the Minister has the right to

refuse to reply if he or she is of the opinion that the matter should not yet be disclosed on the grounds of security or vital interest of the State or of the opinion that such interpellation is prohibited under the rules of procedure, in this case the National Legislative Assembly may issue a rule of procedure to prescribe a quorum which differs from the prescription under section 13 paragraph one.

If there is an important problem, no less than one-third of the members of the National Legislative Assembly may introduce a motion to interrogate for the facts thereon from the Council of Ministers, but votes of confidence or no-confidence shall not be made.

Section 17. In the case where there is an important problem concerning the administration of State affairs, in respect of which the Council of Ministers deems it advisable to take the opinions of members of the National Legislative Assembly, the Prime Minister may give notice to the President of the National Legislative Assembly, requesting that a general debate be held at a sitting of the National Legislative Assembly, but the National Legislative Assembly shall not pass a resolution on the issue put to debate.

Section 18. At a sitting of the National Legislative Assembly, words expressed in giving statements of facts or opinions or casting of votes by any member are absolutely privileged, and shall not be used as grounds for bringing a charge or action against such person in any manner whatsoever.

The privilege under paragraph one shall extend to the members of the Committees of the National Legislative Assembly, persons who print or publish the minutes in accordance with the order of the National Legislative Assembly or the Committee, persons who are permitted by the presiding member to give statements of facts or opinions at such a sitting of the National Legislative Assembly, as well as persons who broadcast a sitting of the National Legislative Assembly on radio, television or any other mean permitted by the President of the National Legislative Assembly, but shall not extend to a member of the National Legislative Assembly who expresses words at a sitting broadcasted on radio, television or any other mean if such words appear outside the precinct of the National Legislative Assembly and such words constitute a criminal offence or a wrongful act against any other person who is not a Minister or a member of the National Legislative Assembly.

In the case where a member of the National Legislative Assembly is in custody or is subject to detention, his or her release shall be made upon a request by the President of the National Legislative Assembly. In the case where a criminal prosecution is made against such member of the National Legislative Assembly, the Court shall continue the proceedings unless the President of the National Legislative Assembly so makes a request for the stay of proceedings.

Section 19. The King appoints one Prime Minister according to the resolution of the National Legislative Assembly, and not more than thirty-five other Ministers upon the advice of the Prime Minister, to constitute the Council of Ministers, which has the duties to carry out the administration of State affairs and to ensure the implementation of reforms in various areas and to promote unity and harmony among the people of the Nation.

Before taking office, a Minister must make a solemn declaration of loyalty before the King in the following words: “I, (name of the declarer), do solemnly declare that I will be loyal to the King and will faithfully perform my duties in the interests of the country and of the people. I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect.”

The King has the Royal Prerogative of removing the Prime Minister from office upon the advice of the President of the National Legislative Assembly, according to the resolution of the National Legislative Assembly that has been proposed by the National Council for Peace and Order, and of removing a Minister from office, upon the advice of the Prime Minister.

The Royal Command appointing the Prime Minister or removing the Prime Minister from office shall be countersigned by the President of the National Legislative Assembly.

The Prime Minister and the Ministers have the right to be present at the sitting of the National Legislative Assembly or the National Reform Council, in order to express their statement of opinions, but do not have the right to cast a vote. The privilege prescribed in section 18 shall apply *mutatis mutandis* to the statement of opinions by the Prime Minister and Ministers under this section.

Section 20. The Prime Minister and Ministers shall have the qualifications and shall not be under the prohibitions as follows:

- (1) being of Thai nationality by birth;

- (2) being not less than forty years of age;
- (3) having attained an educational qualification of at least a Bachelors' degree, or its equivalent;
- (4) not being or not having been a member of a political party within the period of three years prior to the date of appointment into office, and not being under the prohibitions under section 8;
- (5) not being a member of the National Legislative Assembly, a member of the National Reform Council, a Constitution Drafting Commissioner, or a member of a local administrative council, or an executive of a local authority;
- (6) not being a judge of the Constitutional Court, a judge, a public prosecutor, an Election Commissioner, an Ombudsman, a National Counter Corruption Commissioner, a State Audit Commissioner, the Auditor-General, or a National Human Rights Commissioner.

Ministership of the Prime Minister or Ministers terminates upon lacking any of the qualifications or being under any of the prohibitions under paragraph one or upon the case under section 9 (1) or (2).

Section 21. Where there is an emergency with necessity and urgency to maintain security of the Kingdom, public safety, economic security of the country, or to avert public calamity, or where it is necessary to have a law on taxation or currency which requires urgent and confidential consideration, the King has the Royal Prerogative to enact an Emergency Decree to have force of an Act.

Upon the promulgation of an Emergency Decree, the Council of Ministers shall present such Emergency Decree to the National Legislative Assembly without delay. If the National Legislative Assembly approves the Emergency Decree, it shall continue to be in force as an Act. If the National Legislative Assembly disapproves the Emergency Decree, it shall lapse, provided that it shall not affect any act done during the time such Emergency Decree is in force. Where an Emergency Decree has the effect of amending or repealing any provision of law, the provisions of law in force before the amendment or repeal shall continue to be in force as from the date such Emergency Decree lapses.

An approval or disapproval of the Emergency Decree shall be published in the Government Gazette. In the case of disapproval, it shall be effective as from the date of its publication in the Government Gazette.

Section 22. The King has the Royal Prerogative to issue a Royal Decree which is not contrary to the law, the Royal Prerogative to grant a Royal Pardon, and Royal Prerogatives on other matters in accordance with Thailand's constitutional convention of the democratic regime of government with the King as Head of State.

Section 23. The King has the Royal Prerogative to conclude a peace treaty, armistice, and other treaties with other countries or international organisations.

Any treaty which provides for a change in the Thai territories or the external territories over which Thailand has sovereign right or jurisdiction under a treaty or international law, or which requires the enactment of an Act for its implementation, or which has wide scale effects on the economic or social security of the country must be approved by the National Legislative Assembly. In this regard, the National Legislative Assembly shall complete its consideration within sixty days as from the date of receipt of such matter.

A treaty which has wide scale effects on the economic or social security of the country under paragraph two means a treaty on free trade, on common customs union, or on the permission to utilise natural resources, or which causes the country the loss of rights over natural resources, in whole or in part, or on any other matters prescribed by law.

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

Section 24. The King appoints military officers, and civil officials of the positions of Permanent Secretaries, Director-Generals and their equivalents, judges, persons holding offices in Constitutional Organs under the Constitution of Thailand, B.E. 2550 (2007) and other State officials, insofar as prescribed by the law, and removes them from offices, except in case of vacation from office by death.

Section 25. All laws, Royal Prescripts and Royal Commands relating to State affairs shall be countersigned by a Minister, unless otherwise provided in this Constitution.

Section 26. Judges are independent in conducting the fair trial and adjudication of cases in the name of the King in accordance with the Constitution and the law.

Section 27. There shall be a National Reform Council having the duties to study and make recommendations to instigate reform in the following fields:

- (1) politics;
- (2) administration of State affairs;
- (3) law and judicial process;
- (4) local administration;
- (5) education;
- (6) economy;
- (7) energy;
- (8) public health and environment;
- (9) mass communication;
- (10) society;
- (11) other areas.

The purposes of which are to make the democratic regime of government with the King as Head of State suitable for Thai social conditions, to establish an honest and fair electoral system, to establish an efficient mechanism for the prevention and elimination of dishonest acts and malfeasance, to eliminate inequality and to foster economic and social fairness in order to attain sustainable development, to ensure that State mechanisms are able to render services to the public in a comprehensive, convenient and expedient manner, and to ensure the strict and fair enforcement of law.

Section 28. The National Reform Council shall consist of not more than two hundred and fifty members appointed by the King, upon the advice of the National Council for Peace and Order, from persons of Thai nationality by birth and being not less than thirty-five years of age.

The King appoints one member of the National Reform Council as the President of the National Reform Council and not more than two members as Vice-Presidents of the National Reform Council in accordance with the resolution of the National Reform Council.

The Head of the National Council for Peace and Order shall countersign the Royal Command appointing the members of the National Reform Council, and President and Vice-Presidents of the National Reform Council.

Section 29. Members of the National Reform Council shall not be under any of the prohibitions under section 8 (2), (3), (4), (5), (6), (7), (8) and (9); the provisions of section 9 shall apply *mutatis mutandis* to the termination of membership of the National Reform Council, but the decision under section 9 paragraph two shall be the power of the National Reform Council.

Section 30. The National Council for Peace and Order shall select persons suitable for appointment as members of the National Reform Council in accordance with the following rules:

(1) there shall be one Selection Committee for each of the field of reform provided in section 27 to nominate qualified persons in the relevant field, and there shall be a Selection Committee for each *Changwat* for selection of persons having domicile in that respective *Changwat*;

(2) the National Council for Peace and Order shall appoint the Selection Committee for each field from qualified persons having knowledge and experience who are recognised by people in that respective field;

(3) the Selection Committee shall carry out the selection of persons who have the qualifications under section 28, and are not under any of the prohibitions under section 29, and evidently possess knowledge and expertise within each field. The Selection Committee shall prepare a list of names for presentation to the National Council for Peace and Order. In this regard, the Selection Committee shall not nominate its own members;

(4) in selecting persons under (3), regard shall be had to the diversity of persons from various groups in public, private, social, academic, professional sectors, and other sectors beneficial to the performance of duties of the National Reform Council, the apportionment of members according to *Changwats*, opportunity and gender equality, including underprivileged persons;

(5) the *Changwat* Selection Committee shall consist of the persons as prescribed by Royal Decree;

(6) the National Council for Peace and Order shall select not more than two hundred and fifty persons deemed suitable to be appointed as members of

the National Reform Council from the lists of names presented by the Selection Committees under (1). Among this number, one person from each *Changwat* shall be selected from the persons nominated by each *Changwat* Selection Committee;

The number of members of each Selection Committee, the procedures for selection, the time limit for selection, the number of persons required for selection and other necessary matters shall be in accordance with those prescribed by Royal Decree.

Section 31. The National Reform Council has the powers and duties as follows:

(1) to study, analyse and prepare guidelines and recommendations for reform in the fields under section 27, to be presented to the National Legislative Assembly, the Council of Ministers, the National Council for Peace and Order, and relevant agencies;

(2) to present opinions or recommendations to the Constitution Drafting Commission for the purpose of preparing a Draft Constitution;

(3) to consider and approve the Draft Constitution prepared by the Constitution Drafting Commission;

In acting in accordance with (1), if it is deemed necessary to enact an Act or Organic Act in any case, the National Reform Council shall prepare a bill which shall be submitted to the National Legislative Assembly for further consideration. In the case of a money bill or an organic law bill, it shall be submitted to the Council of Ministers for further action.

The National Reform Council shall present the opinions or recommendations under (2) to the Constitution Drafting Commission within sixty days as from the date the National Reform Council convenes for the first sitting.

The provisions of section 13 and section 18 shall apply *mutatis mutandis* to the performance of duties of the National Reform Council.

Section 32. There shall be a Constitution Drafting Commission for the preparation of a Draft Constitution, consisting of thirty six commissioners appointed by the President of the National Reform Council from the following persons:

(1) Commission Chairperson, as nominated by the National Council for Peace and Order;

(2) twenty persons nominated by the National Reform Council;

(3) persons nominated by the National Legislative Assembly, the Council of Ministers and the National Council for Peace and Order, whereupon each nominates five persons;

Appointment of the Constitution Drafting Commission under paragraph one must be completed within fifteen days as from the date the National Reform Council is convoked for the first sitting.

In the case where a Constitution Drafting Commissioner vacates office for any reason, the remaining Constitution Drafting Commission shall continue to perform the duties whereby it shall be deemed to consist of the remaining Constitution Drafting Commissioners. However, the President of the National Reform Council shall appoint a Constitution Drafting Commissioner to fill the vacancy in accordance with the rules prescribed in paragraph one within fifteen days as from the date the Constitution Drafting Commissioner vacates office.

The provisions of section 18 shall apply *mutatis mutandis* to the performance of duties of the Constitution Drafting Commission.

Section 33. Constitution Drafting Commissioners must be of Thai nationality by birth, be not less than forty years of age, and not be under any of the prohibitions as follows:

(1) being a person holding a political position, except for a person holding an office in the National Council for Peace and Order, a member of the National Legislative Assembly or a member of the National Reform Council;

(2) being or having been a member of or holding any office in a political party within the period of three years prior to the date of appointment;

(3) being under any of the prohibitions under section 29;

(4) being a judge, or a person holding any office in a Constitutional Organ under the Constitution of the Kingdom of Thailand, B.E. 2550 (2007).

For the purpose of eliminating conflict of interests, no Constitution Drafting Commissioner may hold a political position within two years as from the date of vacating from the office of Constitution Drafting Commissioner.

Section 34. The Constitution Drafting Commission shall complete the preparation of the Draft Constitution within one hundred and twenty days as from the date the opinions and suggestions from the National Reform Council were received

under section 31 (2), and then present it to the National Reform Council for consideration.

In preparing the Draft Constitution, the Constitution Drafting Commission shall have regard to the opinions or recommendations of the National Reform Council under section 31 (2), the opinions of the National Legislative Assembly, the Council of Ministers and the National Council for Peace and Order, and the opinions of the public, including those of the relevant agencies, in its consideration.

Section 35. The Constitution Drafting Commission shall prepare the Draft Constitution which encompasses the following matters:

- (1) the recognition of the unity and indivisibility of the Kingdom;
- (2) the adoption of a democratic regime of government with the King as Head of State which is suitable for the Thai social conditions;
- (3) an efficient mechanism for preventing, scrutinising and eliminating dishonest acts and malfeasance in both public and private sectors, including a supervision and control mechanism which ensures that the State powers are executed in the common interests of the Nation and the public;
- (4) an efficient mechanism of prevention and scrutiny to absolutely exclude from holding a political position, a person who has been convicted of committing a dishonest act or a malfeasance by judgment or lawful order or has committed an act which causes an election not to proceed in an honest or fair manner;
- (5) an efficient mechanism for ensuring that State officials, especially those holding a political position and political parties, are able to perform duties or carry out activities independently without being illegally manipulated or directed by any person or group of persons;
- (6) an efficient mechanism for strengthening the rule of law and cultivating morality, ethics and good governance in all sectors and levels;
- (7) an efficient mechanism for restructuring and stimulating the system of economy and society for the purpose of attaining sustainable fairness and preventing administration of State affairs that is aimed at creating political popularity that may, in the long term, cause detriment to the economic system of the country and the public;
- (8) an efficient mechanism for ensuring that the expenditure of the State is worthwhile and able to respond to common interests of the public, while

being in accordance with the financial and fiscal status of the country, and an efficient mechanism for scrutiny and disclosure of expenditure of the State;

(9) an efficient mechanism to prevent the impairment of essential principles as to be enshrined by the Constitution;

(10) a mechanism to drive the completion of reform of significant matters.

The Constitution Drafting Commission shall consider the necessity and worthiness of having the Constitutional Organs or organs established by virtue of the Constitution. In the case where it is necessary to have such an organ, regard shall also be had to the measures to ensure that the operation of the organ is efficient and effective.

Section 36. The Constitution Drafting Commission shall present the completed Draft Constitution to the President of the National Reform Council. The President of the National Reform Council shall convene the National Reform Council to complete the consideration, recommendation, or rendering of opinions within ten days as from the date of receipt of the Draft Constitution.

A member of the National Reform Council may submit a motion to amend the Draft Constitution within thirty days as from the date the National Reform Council has completed the consideration under paragraph one. The motion for amendment of a member of the National Reform Council must be signed and endorsed by not less than one-tenth of the number of the members of the National Reform Council, and the member of the National Reform Council who has submitted or endorsed a motion of another member may not submit or endorse the motion of other members.

The Constitution Drafting Commission shall submit the Draft Constitution to the Council of Ministers and the National Council for Peace and Order. The Council of Ministers or National Council for Peace and Order may present their opinions or submit a motion for amendment within thirty days as from the date of receipt of the Draft Constitution.

A motion for amendment shall be submitted to the Chairperson of the Constitution Drafting Commission.

Section 37. The Constitution Drafting Commission shall complete the consideration of the motions for amendment within sixty days as from the date on

which the time limit for submitting a motion for amendment under section 36 paragraph two is expired. In this regard, the Constitution Drafting Commission may amend the Draft Constitution as it deems appropriate.

Where the Constitution Drafting Commission has amended the Draft Constitution under paragraph one, it shall submit the Draft Constitution to the National Reform Council for considering whether to approve or disapprove the entire Draft Constitution. The National Reform Council must pass a resolution within fifteen days as from the date the Draft Constitution is received from the Constitution Drafting Commission. The National Reform Council shall not amend the contents of the Draft Constitution, except for the correction of mistakes that are non-substantive in nature and the Constitution Drafting Commission consents to such amendment, or in the case where the Constitution Drafting Commission deems necessary to make amendment for the purpose of its completion.

When the National Reform Council has passed a resolution approving the Draft Constitution under paragraph two, the President of the National Reform Council shall respectfully present the Draft Constitution to the King within thirty days as from the date the National Reform Council passes the resolution, and when the King has put the Royal Signature thereto, it shall be published in the Government Gazette for promulgation. The President of the National Reform Council shall countersign the Royal Command.

In the case where the King withholds His Royal Assent to the Draft Constitution and either returns it or does not return it within ninety days, the Draft Constitution shall lapse.

Section 38. In the case where the National Reform Council does not complete the consideration of the Draft Constitution within the prescribed period of time or disapproves the Draft Constitution, or where the Draft Constitution lapses under section 37, the National Reform Council and the Constitution Drafting Commission shall be dissolved, and the appointment of a new National Reform Council and Constitution Drafting Commission shall be carried out to replace them in the exercise of powers and duties as provided in this Constitution.

In the case where the Constitution Drafting Commission does not complete the drafting of the Constitution within the prescribed period of time provided in section 34, the Constitution Drafting Commission shall be dissolved, and the

appointment of a new Constitution Drafting Commission shall be carried out within fifteen days as from the date of dissolution of the Constitution Drafting Commission.

The President of the National Reform Council, Vice-Presidents of the National Reform Council, members of the National Reform Council and Constitution Drafting Commissioners who vacate office under paragraph one or paragraph two shall not be appointed as the new President of the National Reform Council, Vice-President of the National Reform Council, and member of the National Reform Council or Constitution Drafting Commissioner, as the case may be.

Section 39. When the preparation of the Draft Constitution has been completed, the National Reform Council and the Constitution Drafting Commission shall remain in office to perform their duties for the purpose of preparing draft organic laws or other necessary laws. In this regard, the National Reform Council may establish a committee to consider such necessary laws, but when the new Constitution has been promulgated, the performance of duties of the National Reform Council and the Constitution Drafting Commission shall be in accordance with that promulgated Constitution.

Section 40. Salaries, emoluments and other remunerations of the President and Vice-Presidents of the National Legislative Assembly, the President and Vice-Presidents of the National Reform Council, persons holding positions in the National Council for Peace and Order, members of the National Legislative Assembly, members of the National Reform Council, and Constitution Drafting Commissioners, shall be as prescribed by Royal Decree.

Section 41. In the case where any provisions of law prescribe qualifications or prohibitions for holding political positions, those provisions of laws shall not apply to persons appointed to hold positions in the National Council for Peace and Order, members of the National Legislative Assembly, members of the National Reform Council, Constitution Drafting Commissioners, political officials under the law on political officials, and political parliamentary officials under the law on parliamentary officials.

Section 42. The National Council for Peace and Order under the Announcement of the National Council for Peace and Order No. 6/2557 dated 22nd

May B.E. 2557 (2014) shall continue to be the National Council for Peace and Order and shall have the power and duties to perform the acts as provided in this Constitution.

In the case of necessity for the benefit of duty performance, the Head of the National Council for Peace and Order may change or add any person holding a position in the National Council for Peace and Order, but in the case of addition, the total number of which shall not exceed fifteen persons. The Head of the National Council for Peace and Order may designate any agency to be the secretariat of the National Council for Peace and Order as necessary.

In the case where the National Council for Peace and Order is of the opinion that the Council of Ministers should perform any particular power or duty prescribed by section 19, it shall notify the Council of Ministers to perform such powers and duties.

In the case where it is deemed appropriate, the Head of the National Council for Peace and Order or the Prime Minister may request a joint meeting of the National Council for Peace and Order and the Council of Ministers to consider or resolve any problem pertaining to the maintenance of public order or national security, including occasional consultations on any other matter.

Section 43. In the absence of the National Legislative Assembly, in the case where the law provides that the performance of any act must be approved or acknowledged by the House of Representatives, the Senate, or the National Assembly, it shall be the power of the Head of the National Council for Peace and Order to approve or acknowledge it for and on behalf of the House of Representatives, the Senate or the National Assembly.

Before the Council of Ministers under this Constitution takes office, all powers and duties of the Prime Minister and the Council of Ministers shall vest in the Head of the National Council for Peace and Order.

Section 44. In the case where the Head of the National Council for Peace and Order deems necessary for the purpose of reforms in various fields, for the enhancement of unity and harmony among people in the country, or for the prevention, restraint, or suppression of any act which undermines public order or national security, the Monarchy, the national economy, or State affairs, irrespective of whether such act occurred inside or outside of the Kingdom, the Head of the National

Council for Peace and Order, with the approval of the National Council for Peace and Order, shall have power to order, restrain, or perform any act, whether such act has legislative, executive, or judicial force; the orders and the acts, including the performance in compliance with such orders, shall be deemed lawful and constitutional under this Constitution, and shall be final. When those have been carried out, a report shall be submitted to the President of the National Assembly and the Prime Minister for acknowledgement without delay.

Section 45. Subject to section 5 and section 44, the Constitutional Court shall have the power to determine whether or not a law is contrary to or inconsistent with this Constitution, and shall have the powers as prescribed by the organic law on ombudsman and the organic law on political parties; but in the case of the Ombudsman, the Ombudsman shall have the power to present a matter to the Constitutional Court for decision only in the case where it is considered that any provision of law contains a question of constitutionality.

The Constitutional Court shall consider and decide cases as provided by law, and where there is no such law, the cases shall be carried out in accordance with the Rules of the Constitutional Court on procedure and rendering of decisions applicable on the date before this Constitution comes into force, in so far as they are not contrary to or inconsistent with paragraph one or this Constitution.

Section 46. In case it is considered necessary and appropriate, the Council of Ministers and the National Council for Peace and Order may jointly vote to amend this Constitution. In doing so, a Draft Amendment of the Constitution shall be prepared and presented to the National Legislative Assembly for approval.

The National Legislative Council shall approve or disapprove the Draft Amendment of the Constitution within fifteen days as from the date of receipt of the Draft Amendment of the Constitution.

When deliberating on the approval of a Draft Amendment to the Constitution, the National Legislative Assembly shall not make further amendments to the Draft Amendment to the Constitution, unless the Council of Ministers and the National Council for Peace and Order so approve.

A resolution of approval shall consist of no less than half of the total number of existing members of the National Legislative Assembly.

Upon approval of the Draft Amendment of the Constitution by the National Legislative Assembly, the Prime Minister shall respectfully present the Draft Amendment of the Constitution to the King within fifteen days as from the date the National Legislative Assembly passes a resolution, for His Royal Signature, and the Constitution shall come into force upon its publication in the Government Gazette, whereupon the Prime Minister shall countersign the Royal Command, and the provision of section 37 paragraph four shall apply *mutatis mutandis*.

Section 47. All announcements and orders of the National Council for Peace and Order or orders of the Head of the National Council for Peace and Order which had been announced or made between 22nd May B.E. 2557 and until the date the Council of Ministers takes office under this Constitution, irrespective of their constitutional, legislative, executive or judicial force, including the performance in compliance therewith, irrespective of whether those acts have been performed before or after the date of entry into force of this Constitution, shall be considered lawful, constitutional and final. Those announcements and orders applicable on the date before the promulgation date of this Constitution shall continue to be in force until there are laws, rules, regulations, resolutions of the Council of Ministers, or orders, as the case may be, issued to amend or repeal them.

In the case where the National Council for Peace and Order issues an order appointing any person to assume office or removing from office of any position mentioned in section 24 before the date this Constitution comes into force, the Prime Minister shall respectfully present to the King for appointing such person to assume office or removing such person from office.

Section 48. In regard to all acts which are performed on account of the seizure and control of State governing power on 22nd May B.E. 2557 by the Head and the National Council for Peace and Order, including all acts of persons incidental to such performance or of persons entrusted by the Head or the National Council for Peace and Order or of persons ordered by persons entrusted by the Head or the National Council for Peace and Order, which have been done for the benefit of the abovementioned performances, irrespective of whether such acts were performed to have constitutional, legislative, executive, or judicial force, including punishments and other official administrative acts, and irrespective of whether the persons performed such acts as a principal, an accomplice, an instigator or a commission agent and

whether those acts have been done on, before or after the aforesaid date, if those acts constitute offences under the laws, the persons who commit those acts shall be entirely discharged from such offences and liabilities.

Countersigned by

General Prayuth Chan-o-cha

Head of the National Council for Peace and Order

Office of the Council of State

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