

FOREWORD

The Bureau of Foreign Languages (BFL) has initiated the Project to Disseminate Information about the House of Representatives of Thailand in English Language through the Parliament's website, aiming to provide knowledge about the House of Representatives in terms of powers and duties, functions, the process for passing Bills etc. for any interested parties.

The information about the House of Representatives was translated from the original Thai texts based on the Constitution of the Kingdom of Thailand B.E. 2550 (2007) assisted by the Bureau of Parliamentary Proceedings. We would like to thank a number of people who compiled the information and gave their valuable recommendations. We are grateful to Dr. Nunghatai Rangponsumrit and Dr. Tongtip Poonlarp, lecturers at the Chalermprakiat Center of Translation and Interpretation, Faculty of Arts, Chulalongkorn University as well as Ms. Jill Metcalfe, an English lecturer at the English Department, Faculty of Arts, Chulalongkorn University for helping us to revise and organize the English texts contained herein.

We hope that the English translation of the above-mentioned information will provide more knowledge and understanding of the House of Representatives.

**Bureau of Foreign Languages
The Secretariat of the House of
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1. Structure of the House of Representatives

1.1 Number of Members of the House of Representatives

In accordance with the Constitution of the Kingdom of Thailand B.E. 2550 the House of Representatives consists of 500 members, 375 of whom are elected on a constituency basis and 125 of whom are elected on a party-list basis. The election of members of the House of Representatives shall be by direct suffrage and secret ballot. A separate ballot card shall be used for each category of the members. In the case of a general election resulting in the number of members of the House of Representatives being less than 500, but not less than 95 percent of the total number of the members (or not less than 475 in number), such number shall constitute the House of Representatives. However, the number of 500 members shall be completed within 180 days and such members shall serve only for the remainder of the term of the House. The term of the House of Representatives is four years from the Election Day.

1.2 Sources of Members of the House of Representatives

In the election of members of the House of Representatives on a constituency basis, the persons having the right to vote shall cast a ballot for one candidate in each constituency. The determination of the ratio of the number of inhabitants to one member shall be made by reference to the division of such number of inhabitants throughout the country, as evidenced in the census announced in the year preceding the year of election, by the number of 375 members of the House of Representatives.

In the election of members of the House of Representatives on a party-list basis, each party shall prepare one list which contains not more than 125 candidates. A voter shall have the right to cast a ballot from the lists of candidates prepared by the political parties, provided that only one party-list may be voted for and the territory of Thailand shall be regarded as the whole constituency.

2. Powers and Authorities of the House of Representatives

Thailand adopts a democratic regime of government with the King as the Head of State. The King shall exercise sovereign power which belongs to the Thai people through the three principal bodies: the Legislative Branch through the National Assembly, the Executive Branch through the Council of Ministers and the Judiciary Branch through the Courts. Therefore, the National Assembly, which consists of the House of Representatives and the Senate, shall exercise the following legislative power as provided by the Constitution:

2.1 Powers to Enact Laws

The power to enact laws, which is the main duty of the National Assembly, includes the power to enact Bills, amend or repeal Acts, amend the Constitution, approve Emergency Decrees and to put them in effect as law. As the laws are necessary for the administration and government of the State, they shall be enacted in accordance with the will of the citizens. The Constitution provides power for the National Assembly to express opinions on and give consent to enactment of laws which regulate in relation to rights, liberties, equality and fairness in the society. Therefore, the enactment of laws shall be mainly for the public good.

2.2 Powers to Control the Administration of State Affairs

The power to control the administration of State affairs includes supervision and monitoring of the performance of duties of the Council of Ministers or the Executive Branch. The supervision of the administration of the State affairs is vital in a parliamentary regime. The Constitution provides a check-and-balance relationship between the Legislative and Executive branches through mechanisms which include interpellation, general debate for the Council of Ministers to give statements of facts or explain important problems encountered in the administration of State affairs without passing a vote, and general debate for passing a vote of no-confidence in the Prime Minister or an individual Minister which may result in the Prime Minister or the Minister vacating office.

Moreover, the Constitution provides that the Council of Ministers shall state its policies for the administration of the State affairs within 15 days from the date it takes office. In stating its policies, the Council of Ministers shall clearly state the activities intended to be carried out for the implementation of its policies as well as their time frame. In addition, it shall prepare and submit to the National Assembly an annual report on the result of the implementation as well as the problems and obstacles encountered. It shall also have a plan for enacting necessary laws for the implementation of administrative policies and plans, which will facilitate the supervision of the Executive Branch's performance in implementing its fundamental policies.

2.3 Powers to Give Approval

The Constitution provides that the National Assembly shall have the power to give approval of the following important matters:

- i. The approval of the appointment of the Regent;
- ii. The approval of the succession to the Throne:

- iii. The approval of the prorogation of an ordinary session of the National Assembly before its usual duration of 120 days;
- iv. The approval of the consideration of a Bill or Organic Law Bill stated by the Council of Ministers in the policies presented to the National Assembly as necessary for the administration of State affairs;
- v. The approval of the further consideration of a draft Constitution Amendment, Bills or Organic Law Bills not yet approved by the National Assembly in cases where the term of the House of Representatives has ended or House of Representatives has been dissolved;
- vi. The approval of the declaration of war;
- vii. The approval of the entering into a treaty which:
 - Provides for a change in the Thai territories or extraterritorial areas in which Thailand has the sovereign rights or jurisdiction under any treaty or international law;
 - Requires the enactment of an Act for its implementation;
 - Vastly affects the economic or social security of the country or has a significant binding effect on trade, investment or the budget of the country.

2.4 Powers to Give Approval of Persons for Assuming Office

The House of Representatives has the power to approve the suitability of the person to be appointed as Prime Minister within thirty days as from the day the National Assembly is convoked for the first sitting. The resolution of the House of Representatives approving the Prime Minister shall be passed by votes totaling more than half of the number of the existing members of the House. The passing of the resolution in such cases shall be by open votes.

3. Powers, Duties and Role of the Speaker of the House of Representatives

The Speaker and the Deputy Speaker of the House of Representatives shall be members of the House of Representatives selected by its members to assume such office. While being in office, the Speaker of the House of Representatives shall not be a member of the executive committee of a political party or hold any position in a political party. The Speaker of the House of Representatives shall have the powers and duties to supervise and carry out the orderly proceedings of the House as follows:

- i. To preside over the sitting of the House of Representatives;
- ii. To supervise internal activities of the House;
- iii. To maintain order of the sitting and its precincts;
- iv. To represent the House in respect of its external affairs;
- v. To appoint a committee to perform any activities which benefit the House affairs;
- vi. Other powers and duties as provided by law or as prescribed in the Rules of Procedures of the House of Representatives including:
 - To countersign the royal command appointing the Opposition Leader of the House of Representatives;
 - To determine whether a Bill is a Money Bill;
 - To cast the final vote;
 - To order the release of a member so arrested or detained during the House session;
 - To countersign the royal command appointing the Prime Minister;
 - To submit opinion to the Constitutional Court in relation to a Bill which is contradictory to or conflicting with the Constitution;
 - To submit petition to the Constitutional Court for its judgment on termination of membership of the members of the House of Representatives

3.1 Roles of the Speaker of the House of Representatives

The roles of the Speaker of the House of Representatives mainly include:

3.1.1 Controlling and Carrying out House Activities

The role of the House Speaker to preside over the sitting of the House is the most important role because the Speaker shall enforce the Rules of Procedures of the House of Representatives, determine the sequence and keep the debate of the members in order. Moreover, the House Speaker shall have precise knowledge of constitutional law and the Rules of Procedures of the House of Representatives, as well as being impartial in the performance of duties.

3.1.2 Involvement in Foreign Affairs

The House Speaker as Head of the Legislative Branch has an important role regarding foreign affairs as Thailand has relations with all countries and political regimes. The House Speaker will represent the country in the meetings of inter-parliamentary organizations, visits after invitation of the house speakers and dignitaries of other countries, and welcoming of foreign diplomats and dignitaries which will contribute to cordial relationship between Thailand and other countries.

3.1.3 Involvement in Political Affairs

The House Speaker has an important role in political affairs as prescribed in the Constitution. Moreover, the House Speaker plays an important role in liaising with various sectors to enhance cooperation and coordination in mutual work as well as giving political opinions to journalists, giving lectures upon invitation on various occasions to promote better knowledge and understanding of parliamentary democracy.

3.1.4 Involvement in Internal Administration

The House Speaker has powers and duties to manage the internal activities of the House including working places, personnel and working systems in order to facilitate the effective performance of duties of the House.

4. Relationship Between the Legislative Branch and the Executive Branch

In a parliamentary democracy, the government is divided into three branches: the Legislative, the Executive and the Judiciary. The three branches are not totally separated from each other but have checks and balances over each other. The Legislative Branch and the Executive Branch are particularly closely related as prescribed by the current Constitution as follows:

4.1 Appointment of the Speaker and Deputy Speakers of the House of Representatives

The Constitution prescribes that the King has prerogative to appoint members of the House of Representatives, according to the resolution of the House, to be the Speaker and Deputy Speakers of the House of Representatives. The Prime Minister shall countersign the royal command appointing such persons.

4.2 Appointment of the Prime Minister

The Legislative Branch shall select a suitable person among the House members to be appointed as Prime Minister and the House of Representatives shall complete its approval of the person suitable to be appointed as Prime Minister within thirty days as from the day the National Assembly is convoked for the first sitting. The nomination of the person suitable to be appointed as Prime Minister shall be endorsed by members of the House of Representatives, totaling not less than one-fifth of the number of the existing members of the House. The resolution approving the appointment of Prime Minister shall be passed by votes of not less than half of the total number of the existing members of the House of Representatives.

In cases where the thirty day period has elapsed and no one has been approved for appointment as Prime Minister, the Speaker of the House of Representatives shall, within fifteen days as from the lapse of such period, present to the King for the issuance of a Royal Command appointing the person who received the highest number of votes as Prime Minister.

4.3 Appointment of the Leader of the Opposition in the House of Representatives

After the Council of Ministers has assumed the administration of the State affairs, the King will appoint the Leader of the Opposition. The Leader of the Opposition will be a member of the House of Representatives who is the leader of the political party having the largest number of members of the House of Representatives among the political parties whose members hold no ministerial positions, provided that such members are not less than one-fifth of the total number of members of the House of Representatives at the time of the appointment.

In cases where no political party in the House of Representatives has the description as prescribed above, the leader of the political party who receives a majority of supporting votes from the members of the House who belong to the political parties holding no ministerial positions shall be the Leader of the Opposition in the House. In the case of an equality of supporting votes, it shall be decided by lot. The Speaker of the House of Representatives shall countersign the Royal Command appointing the Leader of the Opposition in the House of Representatives.

The key roles of the Leader of the Opposition in the House of Representatives are to scrutinize, criticize, and monitor the administration of the Government. The Leader of the Opposition in the House shall, if seeing the administration of the Government is inappropriate or misguided, submit interpellation or motion for general debate in passing a vote of no-confidence in the Government as provided by the Constitution.

4.4 Statement of Policies of the Administration to the National Assembly

The Council of Ministers which will assume the administration of State affairs shall state its policies to the National Assembly within fifteen days of its assuming of office. Such statement of policies is intended to inform members of the National Assembly of the Administration's policies and plans for the administration of State affairs. At the same time, the Administration can hear the opinions of the members of the National Assembly; however, no vote of approval needs to be passed.

After stating its policies to the National Assembly, the Administration shall implement the policies stated to the National Assembly. The provision of the current Constitution for the Administration to state its policies to National Assembly hereto represents relationship between the Legislative Branch and the Executive Branch because they must work together in various matters. The Legislative Branch has the power to scrutinize the Administration: Section 75 of the current Constitution prescribes that the Council of Ministers which will assume the administration of State affairs shall clearly state to the National Assembly the activities intended to be carried out and the time frame for the administration of State affairs in implementation of the directive principles of fundamental State policies. In addition, it shall also prepare and submit to the National Assembly an annual report on the result of the implementation, including problems and obstacles encountered.

4.5 Initiation of Bills

The Legislative Branch is the body which has direct duties in considering Bills and giving approval for their enactment. The Constitution prescribes that the Legislative Branch, namely members of the House of Representatives, and the Executive Branch, namely the Council of Ministers, shall be entitled to initiate Bills. Bill initiation by the members of the House of Representatives can be made without the resolution of their political parties, in accordance with the principle of liberties of the members of the House. In cases where the Bill is a Money Bill, the initiation by the members of the House shall be made with endorsement of the Prime Minister. A Bill proposal of the Council of Ministers shall be made without endorsement, as the proposal follows the resolution of the Council of Ministers. Therefore, under the Constitution, the fact that the members of the House of Representatives and the Council of Ministers are entitled to initiate Bills constitutes relations between the Legislative Branch and the Executive Branch because the introduction of any Bill shall be first proposed to the House of Representatives for its consideration.

Apart from powers and duties in the enactment of law and scrutiny of the Executive Branch, the National Assembly is also an important body for the administration of State affairs. Particularly, the scrutiny of the expenditures of the State budget, both before and after the disbursement of that budget by government agencies, is prescribed in the Constitution as follows:

i. Section 168 prescribes that the Council of Ministers shall submit to the National Assembly an annual appropriation Bill, a supplementary appropriation Bill, and a transfer of an annual appropriation Bill for its approval in order that the Legislative Branch can check whether the expenditure of the State complies with the law. This constitutes scrutiny prior to disbursement;

ii. Section 169 prescribes that the payment of State funds shall be made only when it has been authorized by the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations or the law on treasury balance. In cases where the allocated appropriations in one item are transferred or used for other items pertaining to any government agency or State enterprise, the Administration shall report it to the National Assembly every six month. In cases where the Council of Ministers transfers or uses allocated appropriations for Government agency or State enterprise for activities not stipulated in the Annual Appropriation Act during the time when the country is under the state of war, it shall be reported to the National Assembly without delay;

iii. Section 170 prescribes that a State agency having income which is not required to be remitted as State revenue shall report the receipt and spending of such money to the Council of Ministers at the end of every fiscal year and the Council of Ministers shall then submit a report to the National Assembly.

4.6 Submission of Motion for a General Debate for the Purpose of Passing a Vote of No–Confidence

The general debate for the purpose of passing a vote of no–confidence in the Prime Minister or an individual Minister is a measure for the control and inspection of the administration of State affairs of the Council of Ministers which is more effective than other measures such as interpellation, submission of motion and establishment of committees. The general debate for the purpose of passing a vote of no–confidence is the most severe measure applied by the Legislative Branch to control and inspect the Executive Branch as it may result in

the removal from office of the Council of Ministers or individual Ministers if the vote of no-confidence is passed as prescribed by the Constitution.

4.7 Interpellation of Members of the House of Representatives

Interpellation is a measure in the control and inspection of the Executive Branch by the Legislative Branch in which members the House of Representatives are entitled to interpellate the Council of Ministers with regards to their responsibilities [\(see Section 13\)](#). These checks and balances compel the Executive Branch to be cautious when carrying out any activities in the administration of State affairs.

4.8 Inquiry and Scrutiny of the Executive Administration

Under the Constitution, the House of Representatives has the power to select and appoint members of the House to constitute a standing committee and has the power to select and appoint persons, being or not being its members, to constitute an ad hoc committee in order to perform any act, inquire into or study any matter within the powers and duties of the House and report its findings to the House [\(see Section 10\)](#). The appointment of such committees is intended to create checks and balances between the Legislative Branch and Executive Branch as the committees have powers to demand documents and other items or summon persons which may benefit the inquiry. The committees may sometimes receive citizen's petitions to inquire into the Executive administration.

4.9 Approval of Important Issues

Under the Constitution, the Legislative Branch shall control the Executive Branch by giving approval on different issues, such as giving the approval for the declaration of war. The Executive Branch may exercise its power to declare war with other countries. Such declaration of war, however, shall be approved by the National Assembly and shall not be made by the Executive Branch acting on its own.

In the approval of the entering into treaties with other countries or international organizations under Section 190, the Constitution prescribes that the Executive Branch has the powers to enter into treaties provided that it shall be approved by the National Assembly both prior to and after the negotiation, or prior to the signing of such treaties. Treaties which require the Executive Branch to seek approval from the National Assembly include:

- i. A treaty which provides for a change in the State sovereignty;
- ii. A treaty which provides for a change in Thai territories or extraterritorial areas, in which Thailand has sovereign rights or jurisdiction over, under any treaty or international law;
- iii. A treaty which immensely affects the economic or social security of the country;
- iv. A treaty which has significant binding effect on trade, investment or budget of the country;
- v. A treaty which requires the enactment of an Act for its implementation.

5. Sitting of the National Assembly.

The sitting of the National Assembly is different from meetings in general in terms of its nature, participants, agenda, debate and resolution on the issues included in the sitting and shall be held only during session of the National Assembly. The sitting of the National Assembly shall be in public, except for some necessary cases, in which a sitting shall be held in camera at the request of the Council of Ministers or members totaling not less than one-fourth of the number of the existing members of each House or of both Houses, as the case may be.

A session of the National Assembly refers to a period in the year which provides for the National Assembly to convene a sitting for the consideration of legislative issues. There are two types of sessions:

5.1 Ordinary Session of the National Assembly

In each year, there shall be two ordinary sessions of the National Assembly:

5.1.1 General Ordinary Session

A General Ordinary Session is the session held after a general election. The day on which the first sitting is held shall be considered the first day of the general ordinary session. In this session, the National Assembly may consider any matter.

5.1.2 Legislative Ordinary Session

During the legislative ordinary session, the National Assembly shall hold a sitting only in such cases as prescribed in Chapter 2 of the Constitution or in cases of:

- i. The consideration of Bills or Organic Law Bills;
- ii. The approval of an Emergency Decree;

- iii. The approval of the declaration of war;
- iv. The hearing and approval of a treaty;
- v. The election or approval of a person for holding office;
- vi. The removal of a person from office;
- vii. Interpellation;
- viii. The amendment of the Constitution.

For consideration of other matters, the vote of more than one-half of the total number of the existing members of both Houses is required.

The commencement date of the legislative ordinary session shall be fixed by the House of Representatives. In case where the first sitting is less than 150 days prior to the end of a calendar year, the legislative ordinary session may be omitted in that year. An ordinary session of the National Assembly shall last 120 days but the King may issue a royal command to prolong it. An ordinary session may be prorogued before the end of 120 days only with the approval of National Assembly being made by a Royal Decree

5.2 Extraordinary Session

An extraordinary session refers to convoking a sitting beyond the period of an ordinary session of the National Assembly which shall be held in two cases:

- i. The King may convoke an extraordinary session of the National Assembly when it is necessary for the interests of State;
- ii. Members of both Houses or members of the House of Representatives, totaling not less than one-third of the number of the existing members of both Houses, have the right to present their petition to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly.

The day and time for sitting in each session shall be fixed by the National Assembly, first by the House of Representatives which generally agrees on two days of sitting in each week. After the House of Representatives has agreed on the days, the Senate shall specify which day of the week sittings will be held, which generally are not be held in the same day of the House of Representatives.

6. Motion

A motion refers to any proposal which is intended for the National Assembly to pass a vote on or decide what action is to be taken. Matters are introduced for the consideration of the National Assembly in the form of a motion. Therefore, a motion is a mechanism for the National Assembly to carry out its business. As every motion has a purpose in itself and brings about benefits or effects, it plays the following important roles in the performance of duties of the National Assembly:

i. Mechanism to enact laws: A law submitted to the National Assembly for its consideration, whether by the Executive Branch, the Legislative Branch, Courts, independent constitutional organizations or citizens shall be submitted as a Bill, which constitutes a motion for the enactment of such law;

ii. Mechanism to control the administration of State affairs: The Constitution provides certain mechanisms for the Legislative Branch to control the administration of State affairs which include the submission of motions for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or in an individual Minister, an effective scrutinizing measure which may result in the removal from office of the Minister or the Council of Ministers. Submission of such a motion is a vital mechanism for control of the administration of the State affairs;

iii. Mechanism for sitting of the National Assembly: The sitting of the National Assembly is held in order to reach an agreement in the performance of duties of the National Assembly. Members who participate in the sitting would expect effective and democratic processes during the sitting. A motion represents a mechanism for achieving the objectives of the sitting of the National Assembly. Motions related to regulations, the Rules of Procedure of the sitting of the National Assembly and customary practice shall bring about order for the benefit of the National Assembly.

6.1 Types of Motion

6.1.1 Verbal Motion

A motion may be verbally submitted in the cases permitted by the Rules of Procedure. Such cases generally involve motions regarding regulations or procedure in the sitting in order to facilitate the consideration of the main motion such as:

- i. A motion for consultation or urgent consideration;
- ii. A motion to change the agenda of a sitting;
- iii. A motion to pass a vote of not taking minutes of the whole or part of an in-camera sitting;
- iv. A motion to pass a vote of not making public a statement regarding security or important interests of the State made or mentioned in the sitting;
- v. A motion to amend only when it does not concern Bills or Organic Law Bills;
- vi. A motion to combine agenda items that are the same, similar, or related for consideration at the same time;
- vii. A motion to refer any problems to the committees for their consideration;
- viii. A motion to demand documents from persons or to summon persons to make a statement of facts or give their opinions;
- ix. A motion for combination or division of issues which are to be considered or on which a vote is to be passed;
- x. A motion to postpone consultation or consideration;
- xi. A motion to end a debate;
- xii. A motion to raise other issues for consultation or consideration;
- xiii. A motion to propose a voting method to be public or in-camera;
- xiv. A motion for the consideration of Bills by the committees appointed by the National Assembly or by the Committee of the Whole House;
- xv. A motion for suspension of any or all, in part or the whole, of the Rules of Procedure in a particular case;
- xvi. A motion permitted at the discretion of the Speaker or the President.

6.1.2 Written Motion

A motion, which is considered a main motion in character, in general, shall be submitted in writing to allow time for members of the House to review it in detail. This includes:

- i. A motion to propose a Bill;
- ii. A motion for an amendment of the Constitution;

- iii. A motion of no-confidence in the Prime Minister or in an individual Minister;
- iv. A motion for a general debate without passing a vote;
- v. A motion for a decision on whether a member should vacate membership;
- vi. A motion for the release of a detained member;
- vii. A motion for the termination of membership of a member;
- viii. A motion for a decision on whether a Bill is contradictory or inconsistent with the Constitution;
- ix. A motion for an in-camera sitting;
- x. A motion to request a committee to carry out any activities or to inquire into any issues under the powers and duties of the Houses or the National Assembly;
- xi. A motion for reconsideration of suspended Bills;
- xii. A motion for an interpretation of the Constitution;
- xiii. A motion for an interpretation of the Rules of Procedure;
- xiv. A motion for an amendment of the Rules of Procedure;
- xv. An urgent motion;
- xvi. A general motion or ordinary motion.

6.2 Eligibility to Submit a Motion

The persons who are eligible to submit a motion are as follows:

- i. Members of the House of Representatives;
- ii. Members of the Senate;
- iii. The Council of Ministers.

Outsiders, however good their proposal may be, may not submit a motion for consideration of the National Assembly since there are House members who act as their representatives. Nevertheless, not all the eligible persons may submit all type of motions. Submission of motions shall be made as prescribed by the Constitution and the Rules of Procedure.

In the consideration of a motion of the National Assembly, all members have the right to debate on the submitted motion, even if they are not the persons who have submitted or

seconded the motion. However, in general, the Rules of Procedure of the National Assembly prescribes that the persons who have submitted the motion shall have priority.

6.2.1 Numbers of Persons for Submission of a Motion

In the submission of any motion, the motion may be submitted by one person or more. However, some motions require a minimum number of eligible persons for submission of the motion. For instance, a motion for amendment of the Constitution requires members totaling not less than one-fifth of the number of existing members of the House of Representatives. There is no upper limit on the number of the eligible persons who may submit a motion, only a minimum number is prescribed. The persons who submit the motion shall enjoy equal status.

6.2.2 Persons to Second a Motion

In the submission of a motion for the consideration of the Houses of the National Assembly, generally, there shall be not less than five persons to second the motion. The seconding of the motion shows that other members are interested in it and wish for it to be considered. All members have the right to second a motion not submitted by themselves; however, the persons to second the motion shall be in accordance with the provisions of the Constitution or the Rules of Procedure of the National Assembly, or otherwise such motion shall lapse. For example, motions to constitute a committee, suspend the Rules of Procedure, or amend the Rules of Procedure each require no less than twenty persons to second the motion.

7. The Enactment of an Organic Act/ Act/ Emergency Decree

7.1 The Enactment of an Organic Act

An **Organic Act** refers to a law of special nature whose name and principle are specifically defined by the Constitution. It elaborates the fundamental pillars of the Constitution, making it more complete without adding more sections or unnecessary details in the Constitution. The two main reasons for enacting an Organic Act are as follows:

- i. To set forth details in relation to important rules added to the provisions of the Constitution and to make the provisions broadly made in some sections clearer, more specific and complete. With this mechanism, the text of the Constitution needs not to be too long and the amendment of such Organic Act is easier to make than to the Constitution;

ii. Organic Acts are enacted for exclusive application to the agencies stipulated by the Constitution since such agencies have the powers to carry out business or make rulings in accordance with the provisions of laws stipulated by the Constitution.

The Organic Laws, under the current Constitution, consist of the following nine acts:

- i. The Organic Act on Election of Members of the House of Representatives and Acquisition of Senators;
- ii. The Organic Act on Election Commission;
- iii. The Organic Act on Political Parties;
- iv. The Organic Act on Referendum;
- v. The Organic Act on Procedure of the Constitutional Court;
- vi. The Organic Act on Criminal Procedure Against Persons Holding Political Positions;
- vii. The Organic Act on Ombudsman;
- viii. The Organic Act on Counter Corruption;
- ix. The Organic Act on State Audit.

7.1.1 Persons to Initiate Organic Law Bills

An Organic Law Bill may be initiated only by the following:

- i. The Council of Ministers;
- ii. Members of the House of Representatives totaling not less than one-tenth of the number of the existing number of the House of Representatives or members of the House of Representatives and Senators totaling not less than one-tenth of both Houses;
- iii. The Constitutional Court, the Supreme Court of Justice or other independent constitutional organizations through the President of such Court or of such organizations who are in charge and have control of the execution of their respective Organic Acts.

Since the nature of Organic Acts is different from that of general laws, the procedure for their initiation is different from general laws which are initiated by the Council of Ministers and Members of the House of Representatives. The required number of members who shall initiate an Organic Law Bill is greater than that required for the introduction of general laws.

Moreover, the Courts or independent constitutional organizations have the power to initiate an Organic Law of which the President thereof is in charge in order to prevent external intervention in the business of the Courts or independent constitutional organizations.

7.1.2 Initiation of Organic Law Bills

An Organic Law Bill shall be drafted in sections and accompanied by an explanatory memorandum which includes:

- i. The principle of the Organic Law Bill;
- ii. Reasons for the initiation of the Organic Law Bill;
- iii. A summary of the Organic Law Bill.

The Organic Law Bill shall be first submitted to the House of Representatives and thereafter it shall be made easily accessible to the general public. After examining the Organic Law Bill, the Speaker of the House shall make the Bill an urgent agenda item of a sitting.

7.1.3 Procedures for Considering Organic Law Bills

The consideration of an Organic Law Bill by the House of Representatives and the Senate shall be made in three readings like in that of a general Bill but with the following differences:

- i. The approval of a general Bill and an Organic Law Bill in the first and second readings shall be passed by a simple majority, but resolution in the third reading of the Organic Law Bill shall be adopted by an absolute majority;
- ii. General Bills, once approved by the National Assembly, are not required by the Constitution to be referred to the Constitutional Court for decision if its provisions are contrary to or inconsistent with the Constitution. However, it may be referred to the Constitutional Court for decision in cases where the members of the House of Representatives, Senators or members of both Houses, totaling not less than one-tenth of the number of the existing members of both Houses, are of the opinion that provisions of said Bill are contrary to or inconsistent with the Constitution or such Bill is not enacted in compliance with the provisions of the Constitution. On the other hand, the Organic Law Bill is required to be referred to the Constitutional Court for decision. After any Organic Law Bill has been approved by the National Assembly, before presenting it to the King for signature, the President of the National Assembly shall refer it to the Constitutional Court, which shall determine its constitutionality within thirty days as from the date of receiving such Bill.

7.1.4 Organic Law Bills that are Contradictory to or Inconsistent with the Constitution.

If the Constitutional Court decides that the provisions of the Bill are contrary to or inconsistent with the Constitution, such conflicting or inconsistent provisions shall lapse and if it decides that such provisions of the Bill form the essential part thereof, or the Bill is not enacted in compliance with the provisions of the Constitution, such Bill shall lapse.

In cases where the decision of the Constitutional Court causes a lapse in provisions contrary to or inconsistent with the Constitution, the Bill shall be returned to the House of Representatives and the Senate for consideration respectively. The House of Representatives or the Senate may make amendments to ensure that the Bill is not contrary to or inconsistent with the Constitution. Such amendments shall be passed with a vote of more than half of the total number of the existing members of each House. The Prime Minister shall then present it to the King for signature, and after being promulgated in the Government Gazette, the Bill shall be effective as law.

7.2 The Enactment of an Act

The Enactment of an Act is the process or steps for submission and consideration of Bills until they are enacted and become law.

7.2.1 Persons to Initiate Bills

A Bill can be introduced by:

- i. The Council of Ministers ;
- ii. Members of the House of Representatives, totaling not less than twenty in number;
- iii. The Courts or an independent constitutional organization, in particular for laws relating to the administration of their organization and laws in which the President thereof have charge and control of the execution of the Act;
- iv. The persons having the rights to vote, totaling not less than 10,000 in number.

The persons having the rights to vote, totaling not less than 10,000 in number, shall have the right to submit a petition to the President of the National Assembly to consider

such Bill that is only concerned with rights and liberties of the Thai people, and directive principles of fundamental State policies.

7.2.2 Initiating Money Bills

If the Bill is a Money Bill, Members of the House of Representatives, the Court, an independent constitutional organization or the persons having the rights to vote, shall introduce such Bill only with the endorsement of the Prime Minister.

A Money Bill means a Bill with provisions dealing with any of the following issues:

- i. The imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- ii. The allocation, receipt, custody, payment of the State Funds, or transfer of expenditure estimates of the State;
- iii. The raising of loans, or guarantee or redemption of loans, or any binding of the State's properties
- iv. Currency.

In case of doubt as to whether a Bill is a Money Bill which requires the endorsement of the Prime Minister or not, it shall be the power of a joint sitting of the Speaker of the House of Representatives and Chairmen of all its standing committees to make a decision thereon.

7.2.3 Consideration of Bills in the House of Representatives

A Bill shall be first submitted to the House of Representatives which shall consider it in three readings as follows:

I. The First Reading

The first reading involves consideration of the general principles of the Bill to decide whether it should be accepted in principle.

For the benefit of the consideration of and voting on such Bill, the House of Representatives may refer the Bill to a committee for consideration prior to the acceptance in principle, provided that the committees shall consider it within 60 days as from the date of the resolution of the National Assembly.

In cases where any Bills introduced by members of the House of Representatives which, at the stage of the adoption of its principles, was not a Money Bill but was then amended by the House of Representatives and, in the opinion of the Speaker of the House, such amendment has rendered it to exhibit the characteristics of a Money Bill, the Speaker of the House shall suspend the consideration of such Bill. Within fifteen days as from the day on which such case occurs, the Speaker of the House shall refer it to a joint sitting of the House of Representatives and Chairpersons of all its standing committees to make a decision thereon. If the joint sitting decides that the amendment resulted in the Bill exhibiting the characteristics of a Money Bill, the Speaker of the House shall refer it to the Prime Minister for endorsement. In the cases where the Prime Minister does not endorse it, the House of Representatives shall amend it so as to prevent it from being a Money Bill.

In cases where the House of Representatives accepts the principles of the Bill, it will proceed to the second reading. If the House of Representatives does not accept the principles of any Bill, that Bill will be defeated.

II. The Second Reading

The second reading involves consideration of the Bill in more detail by a committee assigned by the House or the Committee of the Whole House.

Normally, a Bill shall be considered by a committee which is assigned by the House. It may be considered by the Committee of the Whole House only upon request of the Council of Ministers or as a result of a motion seconded by not less than twenty members of the House of Representatives and approved by the sitting. The process of consideration is as follows:

a) Consideration by a Committee Assigned by the House of Representatives

The House of Representatives may refer a Bill to a standing or ad-hoc committee for consideration. During the process of consideration by the committee assigned by the House of Representative, if any member deems that the Bill should be amended, the member shall submit the motion in writing in advance to the Chairman of the committee within seven days as from the date of the acceptance in principle of such Bill, unless the House indicates otherwise.

Amendments, normally, shall be made section by section and any amendments by adding new sections or deleting or modifying any original sections shall not be contrary to the principle of such Bill.

When the committee finishes consideration of the Bill, it shall return such Bill in its original form, and any amendments made, together with a report to the Speaker of the House. Such report must indicate the sections which have been or which have not been amended. If there have been motions for amendment, the report shall include the committee's resolution with regard to the proposed amendments as well as reservations made by the proposers of the amendments or by the committee members, where applicable.

When the committee has completed its consideration of the Bill, the Bill is passed to the House of Representatives, which shall consider it starting with the title of the Bill, preamble, then section by section. Debate can only be held on the amendments of the Bill, reservations by the proposers of amendments of the Bill or reservations by committee members unless the sitting decides otherwise.

b) Consideration by a Committee of the Whole House

In cases where the House of Representatives agrees that the Bill shall be considered by the Committee of the Whole House, all members present in the sitting form the committee and the Presiding Officer of the sitting is also the Chairman of the committee.

The consideration by the Committee of the Whole House constitutes the committee stage and the stage of second reading by section combined.

In the consideration of the Bill by the Committee of the Whole House, the House may assign a committee to consider any specific issues related to such Bill.

III. The Third Reading

There will be no debate during the third reading and the sitting is required to vote to approve or not to approve the Bill. In cases where the House does not approve it, such Bill shall lapse. In cases where the Bill is approved by the House, the Speaker of the House shall further submit such Bill to the Senate.

If the Bill which is not approved by the House of Representatives has been specified by the Council of Ministers in its policies stated to the National Assembly as necessary for the administration of State affairs and the votes disapproving it are less than half of the total number of the existing members of the House, the Council of Ministers may request the National Assembly to hold a joint sitting to pass a resolution on another occasion. If it is approved, the National Assembly shall appoint persons, being or not being its members, in such an equal number as proposed by the Council of Ministers, to constitute a joint committee of the National

Assembly for considering such Bill. The joint committee of the National Assembly shall prepare a report thereon and submit the Bill, which it has already considered, to the National Assembly. If such Bill is approved, the Prime Minister shall further present the Bill to the King for his royal signature. If such Bill is not approved, it shall lapse.

7.2.4 Consideration of Bills in the Senate

The Senate shall finish the consideration of a Bill submitted by the House of Representatives within 60 days. However, if it is a Money Bill, the consideration thereof must be finished within 30 days, unless the Senate, as a special case, resolves to extend the period for not more than an additional 30 days. The said period shall mean the period during a session and shall be counted as from the day on which such Bill reaches the Senate. Such period may not include the time taken for the consideration of the Constitutional Court.

If the Senate has not finished the consideration of the Bill within the indicated period, it shall be deemed that the Senate has approved it.

In relation to Budget Appropriations Bills, the Senate shall finish the consideration thereof within 20 days as counted from the day on which such Bill reaches the Senate. No amendments shall be made. If the twenty-day period has lapsed, it shall be deemed that the Senate has approved such Appropriation Bill.

Like the House of Representatives, the Senate will also consider the Bill in three readings.

7.2.5 Approval or Disapproval of Bills

I. In the case where the Senate agrees with the House of Representatives

If the Senate votes to adopt the Bill on its third reading, and there are no additional amendments, the Bill will be considered as passed by the National Assembly. The Prime Minister shall present the Bill to His Majesty the King for his royal signature within 20 days as from the date of receiving such Bill from the National Assembly and the Bill shall be enacted upon its publication in the Government Gazette.

II. In the case where the Senate disagrees with the House of Representatives

If the Senate, during the first or third readings, disagrees with the House of Representatives, such Bill shall be suspended and returned to the House of Representatives. A suspended Bill may be reconsidered by the House of Representatives only after the lapse of 180

days as from the date such Bill is returned to the House of Representatives by the Senate. If the suspended Bill is a Money Bill, the House of Representatives may forthwith proceed to reconsider it.

If the House of Representatives resolves to reaffirm the original Bill or the Bill is considered by a joint committee and approved by votes totaling more than one-half of the number of the existing members of the House of Representatives, such Bill shall be deemed to have been approved by the National Assembly. The Prime Minister shall present the Bill to His Majesty the King for his royal signature and the Bill shall be enacted upon its publication in the Government Gazette.

III. In the case where the Senate amends the Bill

If the Senate has some amendments to the Bill, the amended Bill shall be returned to the House of Representatives. If the House of Representatives approves such amendments, it shall be deemed that the National Assembly has approved the Bill. If the Senate disagrees with the House of Representatives on passing such Bill, each House shall appoint persons, being or not being its members, in such an equal number as may be fixed by the House of Representatives, to constitute a joint committee for considering the Bill. The joint committee shall prepare a report thereon and submit the Bill, which it has already considered, to both Houses. If both Houses approve the Bill already considered by the joint committee, it shall be deemed that the National Assembly has approved it. The Prime Minister shall present the Bill to His Majesty the King for his royal signature and the Bill shall be enacted upon its publication in the Government Gazette.

If either of the Houses disapproves the Bill already considered by the joint committee, the Bill shall be suspended. The suspended Bill shall be reconsidered by the House of Representatives only after the lapse of 180 days as from the date either House disapproves it. If the suspended Bill is a Money Bill, the House of Representatives may forthwith proceed to reconsider it. In such a case, if the House of Representatives resolves to reaffirm the original Bill or the Bill is considered by a joint committee and approved by the votes totaling more than one-half of the number of the existing members of the House of Representatives, such Bill shall be deemed to have been approved by the National Assembly. The Prime Minister shall present the Bill to His Majesty the King for his royal signature and the Bill shall be enacted upon its publication in the Government Gazette.

IV. In the case of Royal disagreement with a Bill

If the King refuses his assent to a Bill and either returns it to the National Assembly or does not return it within 90 days, the National Assembly shall reconsider the status of such Bill. If the National Assembly decides to reaffirm the Bill with votes totaling not less than two-thirds of the number of existing members of both Houses, the Prime Minister shall present such Bill to the King for signature once again. If the King does not sign and return the Bill within 30 days, the Prime Minister shall cause the Bill to be promulgated as an Act in the Government Gazette as if the King had signed it.

7.3 Enactment of an Emergency Decree

An Emergency Decree is a law enacted by the King, in the same manner as an Act, according to the suggestion of the Council of Ministers and then submitted to the National Assembly for approval.

Emergency Decrees are divided into 2 types as follows:

i. An Ordinary Emergency Decree is an Emergency Decree promulgated by the Council of Ministers in the event of an emergency for the benefits of national or public safety, national economic security or to avert public calamity. Upon the promulgation of the Emergency Decree, it shall be submitted to the National Assembly without delay. When the ordinary session of the National Assembly is closed and waiting for the ordinary meeting session would constitute too great a delay, the Council of Ministers shall proceed to call for an extraordinary session in order to urgently consider whether to approve such Emergency Decree or not.

ii. A Tax or Currency Emergency Decree is an Emergency Decree promulgated by the Council of Ministers during the meeting session. In cases where it is necessary to have tax or currency laws considered urgently and confidentially in order to protect the State benefit, such Emergency Decree shall be submitted to the House of Representatives within three days as from the day following the date of its publication in the Government Gazette.

7.3.1 The Approval or Disapproval of an Emergency Decree

The approval or disapproval of an emergency decree results in four cases as follows:

i. In cases where the House of Representatives and the Senate approve the Emergency Decree, such Emergency Decree shall continue to have force as an Act;

ii. In cases where the House of Representatives disapproves it, the Emergency Decree shall lapse, without prejudice to any acts done during the enforcement of such Emergency Decree;

iii. In cases where the House of Representatives approves it but the Senate disapproves it, the House of Representatives may vote to reaffirm its approval. If it receives votes totaling less than one-half of the number of the existing members of the House, the Emergency Decree shall lapse, without any prejudice to any act done during the enforcement of such Emergency Decree;

iv. In cases where the Senate disapproves the Emergency Decree but the House of Representatives reaffirms its approval by the votes of more than one-half of the total number of the existing members of the House, such Emergency Decree shall continue to be enforced as an Act.

Should an Emergency Decree which has the effect of amending or repealing provisions of any Act lapse, the provisions of the Act in force before the amendment or repeal shall continue to be in force as from the day such Emergency Decree shall lapse.

If members of the House of Representatives or Senators totaling not less than one-fifth of the number of the existing members of each House submit an opinion to the President of the House of which they are members that the Emergency Decree is not drafted for the benefits of national or public safety, national economic security, to avert public calamity or other emergency cases where urgent intervention is required, the President of such House shall, within three days as from the date of receipt of such opinion, refer it to the Constitutional Court for decision. If the Constitutional Court decides that such Emergency Decree is not drafted for the benefits of national or public safety, national economic security, to avert public calamity or other emergency cases where urgent intervention is required, such Emergency Decree shall not have effect ab initio. The aforementioned decision of the Constitutional Court must be given by votes of not less than two-thirds of the total number of judges of the Constitutional Court.

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

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

8. Amendment of the Constitution

8.1 Persons to Propose an Amendment to the Constitution

A motion for amendment may only be proposed by:

- i. The Council of Ministers;
- ii. Members of the House of Representatives, totaling not less than one-fifth of the number of the existing members of the House of Representatives;
- iii. Members of the House of Representatives and members of the Senate, totaling not less than one-fifth of the number of the existing members of both Houses;
- iv. Eligible voters, totaling not less than 50,000 in number under the law on the public submission of a Bill.

8.2 Procedures for the Proposal of an Amendment to the Constitution

An amendment of the Constitution must be made under the rules and procedure as follows:

- i. A motion for amendment which has the effect of changing the democratic regime of government with the King as Head of State or changing the form of the State shall be prohibited;
- ii. A motion for amendment must be proposed in the form of a draft Constitution amendment and the National Assembly shall consider it in three readings;
- iii. The voting in the first reading for acceptance in principle shall be by roll call and open voting and the amendment must be approved by votes of not less than one-half of the total number of the existing members of both Houses;
- iv. In the section by section consideration in the second reading, consultation with the people who submit a draft Constitution amendment shall be held;
- v. The voting in the second reading for section by section consideration shall be decided by a simple majority of votes;
- vi. At the conclusion of the second reading, there shall be an interval of fifteen days after which the National Assembly shall proceed with its third reading;

- vii. The voting in the final third reading shall be by roll call and open voting and its promulgation as the Constitution must be approved by votes of more than one-half of the total number of the existing members of both Houses;
- viii. After the resolution has been passed in accordance with the above rules and procedure, the Prime Minister shall present the amended Constitution to the King for his signature and the amended Constitution shall be promulgated upon its publication in the Government Gazette. If the King refuses his assent to the amended Constitution and either returns it to the National Assembly or does not return it within 90 days, the National Assembly must reconsider such amended Constitution. If the National Assembly resolves to reaffirm the amended Constitution with the votes of not less than two-thirds of the total number of existing members of both Houses, the Prime Minister shall present such amended Constitution to the King for signature once again. If the King does not sign and return the amended Constitution within 30 days, the Prime Minister shall cause the Bill to be promulgated as law in the Government Gazette as if the King had signed it.

9. General Debate

General debate is one of the measures for controlling the State administration and is deemed to be a very important measure. Therefore, general debate is necessary for a democratic parliamentary system because it is a tool for check and balance between the Legislative and Executive Branches. The current Constitution states that general debate can be divided into two types as follows: general debate for passing a vote and general debate without passing a vote.

9.1 General Debate for Passing a Vote

General debate for passing a vote involves general debate of no-confidence in the Prime Minister and individual Ministers

9.1.1 General Debate of No-Confidence in the Prime Minister

Members of the House of Representatives, totaling not less than one-fifth of the number of the existing members of the House, have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister. Such motion must nominate the next suitable Prime Minister. When the motion has been submitted, the dissolution of the House of Representatives shall not be permitted, except when the motion is withdrawn or the votes of no-confidence are less than one-half of the total number of the existing members of the House of Representatives.

9.1.2 General Debate of No-Confidence in Individual Ministers

Members of the House of Representatives, totaling not less than one-sixth of the number of the existing members of the House of Representatives, have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister. Individual Ministers who vacate their portfolio shall still be subjected to a general debate for the purpose of passing a vote of no-confidence in the following cases:

- i. The Minister vacates his portfolio for the period of not exceeding 90 days before the submission of such motion but still holds ministership of another portfolio;
- ii. The Minister vacates his portfolio but is appointed to hold another portfolio after the submission of such motion.

According to the Constitution, the number of opposition party members required to submit a motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or an individual Minister may be less than one-sixth of the total number of the House of Representatives under the following conditions:

- i. The Government has been carrying out the administration of State affairs for more than 2 years;
- ii. The motion is submitted by more than half of the total number of existing members of the House of Representatives from the political parties which are not in Government. Such a motion for a general debate may be submitted only once in each session and only during a general ordinary session.

In the submission of a motion for a general debate of no-confidence in the Prime Minister and individual Ministers, if it is concerned with the behavior of the Prime Minister, which involves circumstances of unusual wealth, signs of malfeasance in office or an intentional violation of the provisions of the Constitution or law, it shall be submitted only after lodging a complaint with the President of the Senate, requesting for the removal from office of such persons. Members of the House of Representatives, totaling of not less than one-fourth of the number of the existing members of the House, or eligible voters, totaling of not less than 20,000 in number, have the right to lodge a complaint with the President of the Senate, requesting the Senate to pass a resolution removing the Prime Minister and an individual Minister from their offices. After such a complaint is lodged, the motion for general debate of no-confidence may proceed, without waiting for the outcome of the proceedings of the National Anti-Corruption Commission under Section 272 of the Constitution.

If the general debate is concluded without a resolution to pass over the agenda of the general debate, the House of Representatives shall pass a vote of confidence or no-confidence. Voting in such cases shall not take place on the date of the conclusion of the debate. The vote of no-confidence must be passed by more than one-half of the total number of the existing members of the House of Representatives.

In cases where a vote of no-confidence receives less than one-half of the total number of the existing members of the House of Representatives, the members of the House of Representatives who submitted the motion for the general debate shall no longer have the right to submit another motion for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister throughout the remainder of the session.

In cases where a vote of no-confidence is passed by more than one-half of the total number of the existing members of the House of Representatives, the Speaker of the House of Representatives shall submit the name of the person nominated to be the next Prime Minister to the King for further appointment.

During the sitting of the House of Representatives for a general debate for the purpose of passing a vote of no-confidence in the Prime Minister or an individual Minister, the Prime Minister or such individual Minister shall attend the sitting to give explanation in person. If an inevitable cause hinders him in doing so, he shall notify the Speaker of the House of Representatives in writing before or on the date of the sitting. The Minister shall answer and give explanation to the debate statements of each debater one by one, or gather comments from many debaters and respond at the same time. A member of the House of Representatives is not bound by the resolution of his political party in debating and passing a vote of no-confidence.

9.2 General Debates without Passing a Vote

9.2.1 General Debate in the Senate

The Constitution states that Senators, totaling not less than one-third of the number of the existing members of the Senate, have the right to submit a motion for a general debate in the Senate. The purpose of such general debate shall be to request the Council of Ministers to give statements of fact or explain important problems in connection with the administration of State affairs without a resolution to be passed. A motion for the general debate in the Senate may be submitted only once in each session.

9.2.2 General Debate to Take Opinions

In cases where important problems arise in relation to the administration of State affairs, the Council of Ministers may decide that listening to the opinions of members of the House of Representatives and the Senate is advisable. In such cases, the Prime Minister shall make a request to the President of the National Assembly for a general debate in a joint sitting without passing a vote.

10. Committees of the House of Representatives

10.1 Committee Members

Committee members are the persons appointed by the Houses to a committee for the purposes of considering laws or performing any activities within the scope of the powers and duties of the Houses. After finishing their work, they shall report the performance or results of their consideration to the Houses.

10.2 Types of Committees

In accordance with the provisions of the Constitution of Thailand B.E. 2550 and the Rules of Procedure of the House of Representatives B.E. 2551, there are five types of committees:

10.2.1 Standing Committees

A standing committee consists of committee members selected and appointed by the House of Representatives from its members to form a committee throughout a single term of the House. The numbers of the committee members and the committees are in accordance with the necessity of parliamentary affairs.

The Rules of Procedure of the House of Representatives B.E.2551 (2008) states that there are 35 standing committees, each of which consists of 15 members as follows:

1. Committee on Legal Affairs, Justice and Human Rights;
2. Committee on the House of Representatives Affairs;
3. Committee on Constitutional Organizations, State Enterprises, Public Organizations and Funds;
4. Committee on Border Affairs;
5. Committee on Children, Youth, Women, Elderly and the Disabled;

6. Committee on National Debt Solution;
7. Committee on Agriculture and Co-Operatives;
8. Committee on Transport;
9. Committee on National Security;
10. Committee on Consumer Protection;
11. Committee on Monetary Affairs, Finance, Banking and Financial Institutions;
12. Committee on Foreign Affairs;
13. Committee on Police Affairs;
14. Committee on Budget Administration Follow-up;
15. Committee on Armed Forces;
16. Committee on Tourism and Sports;
17. Committee on Land, Natural Resources and Environment;
18. Committee on Administration;
19. Committee on Local Administration;
20. Committee on Money Laundering and Narcotics Prevention and Suppression;
21. Committee on Prevention and Mitigation of the Effects of Natural and Public Disaster;
22. Committee on Corruption Prevention and Suppression;
23. Committee on Energy;
24. Committee on Political Development, Mass Communications and Public Participation;
25. Committee on Economic Development;
26. Committee on Commerce and Intellectual Property;
27. Committee on Labor;
28. Committee on Science and Technology;
29. Committee on Agricultural Produce Price Promotion;
30. Committee on Religion, Arts and Culture;
31. Committee on Education;

32. Committee on Social Welfare;
33. Committee on Public Health;
34. Committee on Communications and Telecommunications;
35. Committee on Industry.

In case of necessity, additional standing committees may be established at any time. A member of the House of Representatives may hold the position of committee member on not more than two standing committees.

10.2.2 Ad-hoc Committee

An ad-hoc committee consists of committee members selected and appointed by the Houses from members or non-members of the Houses in the number fixed by the parliamentary sitting. The Houses will set up an ad-hoc committee in cases where they deem reasonable and necessary to address parliamentary affairs which are not under the scope of any particular standing committee or overlap with the powers and duties of other standing committees and, therefore, it is advisable to listen to the opinions of the experts and experienced specialists or related persons. After the ad-hoc committee finishes performing duties or considering any matters assigned by the Houses, they shall report the performance or results of their consideration to the Houses. After reporting, the status of such ad-hoc committee shall end.

In the election of ad-hoc committee members of the House of Representatives, not more than one-fourth of the total number of ad-hoc committee members shall be elected from the persons nominated by the Council of Ministers. The remaining ad-hoc committee members shall be elected from a list of those nominated by members of the House of Representatives. The number of members must be in accordance with, or close to, the proportion of the number of members of each political party or political group in the House.

Members of ad-hoc committees for considering a Bill containing essential substance relating to children, youth, women, the elderly, or the disabled shall be selected in accordance with the following proportions:

- Not less than one-third of the total numbers of the committee members shall be from representatives of non-government organizations related to such group of people and shall consist of men and women in similar proportion;
- Not more than one-sixth shall be selected from the persons who are nominated by the Council of Ministers;

- The remaining committee members shall be selected by the sitting from a list nominated by the members of the House of Representatives with the number that is in proportion, or close proportion, to the number of members in each political party or political group in the House.

Members of ad-hoc committees for considering a Bill introduced by eligible voters shall be selected in accordance with the following proportions:

- Not less than one-third shall be selected from representatives of the eligible voters submitting the petition to consider such Bill;
- Not more than one-sixth shall be selected from the persons who are nominated by the Council of Ministers;
- The numbers of the remaining committee members shall be selected by the sitting from a list nominated by members of the House of Representatives with the number that is in proportion, or close proportion, to the number of members in each political party or political group in the House.

Members of ad-hoc committees for considering a Bill containing essential substance relating to children, youth, women, the elderly, or the disabled, introduced by eligible voters shall be selected in accordance with the following proportions:

- Not less than one-third of the total number of committee members shall be representatives of the eligible voters submitting the petition;
- Not less than one-third of the total number of committee members shall be representatives from non-government organizations related to children, youth, women, the elderly, or the disabled, and shall consist of similar proportions of men and women;
- Not more than one-sixth shall be selected from persons nominated by the Council of Ministers;
- The remaining committee members shall be selected by the sitting from a list nominated by members of the House of Representatives, with the number that is in proportion, or close proportion, to the number of members in each political party or political group in the House.

The number of members of each ad-hoc committee is not specifically stated but the House shall determine it based on the agreement of the Government whip or the parliamentary sitting.

10.2.3 Joint Committee

A joint committee consists of committee members appointed by the House of Representatives and the Senate to jointly consider problems, who may or may not be members of the House of Representatives or the Senate, in such an equal number as may be fixed by the House of Representatives. The duties of a joint committee are to consider Bills or Organic Law Bills which already have been passed by the House of Representatives but are then amended by the Senate. Like ad-hoc committees, when a joint committee finishes its duties, its status shall end. After a joint committee finishes considering or studying any matters assigned by the National Assembly, it shall report the results of its consideration and propose the Bills or Organic Law Bills to both Houses. If both Houses approve the Bill or Organic Law Bill already considered by the joint committee, the Prime Minister shall present such Bill to the King for signature and the Bill is promulgated as an Act upon its publication in the Government Gazette. If either of the Houses does not approve, it shall be suspended.

10.2.4 Committee of the Whole House

A Committee of the Whole House refers to a committee that consists of all the members present in the sitting. The Presiding Officer of the sitting shall also be the Chairman of the committee. The Committee of the Whole House will be set up to consider the second reading of a Bill or Organic Law Bill in the procedure of committee consideration upon the request of the Council of Ministers or the submission of a motion by the members with endorsement by not less than twenty members of the House of Representatives and approval from the House sitting.

In the consideration of a Bill or Organic Law Bill by the Committee of the Whole House, the National Assembly shall set up the Committee to consider particular issues related to the Bill or Organic Law Bill and the House may vote for single stretch consideration in three reading by constituting the Committee with all members of the House to consider detail of the Bill or Organic Law Bill.

10.2.5 Joint Committee of the National Assembly

The Joint Committee of the National Assembly refers to the committee that is appointed solely in the joint sitting of the National Assembly. The committee members

appointed from the members of each House must be in proportion with, or in close proportion to, the members of each House.

The Joint Committee of the National Assembly has duties to consider of any issues assigned by the National Assembly, in accordance with section 136 of the Constitution as follows:

- i. The approval of the appointment of the Regent under section 19;
- ii. The making of a solemn declaration by the Regent before the National Assembly under section 21;
- iii. The acknowledgment of an amendment of the Palace Law on Succession, B.E. 2467 under section 22;
- iv. The acknowledgment or approval of the succession to the Throne under section 23;
- v. The passing of a resolution for the consideration by the National Assembly of other matters during a legislative ordinary session under section 127;
- vi. The approval of the prorogation of a session under section 127;
- vii. The opening of a session of the National Assembly under section 128;
- viii. The establishment of the Rules of Procedure of the National Assembly under section 137;
- ix. The approval of the further consideration of a Bill or an Organic Law Bill under section 145;
- x. The reconsideration of a Bill or an Organic Law Bill under section 145;
- xi. The approval of the further consideration of a Constitution Amendment, Bill or an Organic Law Bill under section 153 paragraph two;
- xii. The announcement of policies under section 176;
- xiii. The holding of a general debate under section 179;
- xiv. The approval of the declaration of war under section 189;
- xv. The hearing and approval of a treaty under section 190;
- xvi. The amendment of the Constitution under section 291.

In considering a Bill specified by the Council of Ministers, in its policies stated to the National Assembly under section 176, as necessary for the administration of State affairs, if the House of Representatives does not approve and the votes disapproving it are less than half of the total number of the existing members of the House, the Council of Ministers may request that the National Assembly hold another joint sitting to reconsider the proposal. If the request is approved, the National Assembly shall appoint persons, who may or may not be members, in such an equal number as proposed by the Council of Ministers, to constitute a Joint Committee of the National Assembly to consider the Bill., The Joint Committee of the National Assembly shall prepare a report and submit the Bill, which has been already considered by the committee, to the National Assembly.. If the Bill is approved by the National Assembly, the Prime Minister shall present it to the King for his signature and the Bill shall come into force as an Act upon its publication in the Government Gazette. If it is not approved, such Bill shall lapse.

10.3 Powers and Duties of Committees

The powers and duties of committees are as follows;

- i. Consider a Bill or an Organic Law Bill as assigned by the House of Representatives, including:
 - To consider the principle of the Bill or Organic Law Bill before the Houses pass a resolution in first reading;
 - To consider the detail of the Bill or Organic Law Bill on which the Houses have already passed a resolution. For this purpose the committee has the power to amend the details thereof, and during that time the other members can submit a motion for an amendment to the Bill or Organic Law Bill;
 - When the committee finishes its consideration on any issue, then the committee shall report to House in due time as determined by the National Assembly;
- ii. Perform any actions within the scope of duties of the House. This must be clearly specified in the resolution of the House on a case-by-case basis and must be reported to House in due time.

In performing its duties, the Constitution provides that a committee has the power to demand documents from any person or summon him/her to give statements of fact or opinion

on the act or the matter under its inquiry or study. Such demand or summoning is enforceable as provided by law but it not applicable to a judge performing his powers and duties in the trial of a case or in the personnel management of the Court and to an Ombudsman or member of an independent constitutional organization exercising their powers and duties under the Constitution or organic law.

In cases where the person is a Government official, official or employee of a Government agency, State agency, State enterprise or local government organization, the Chairperson of the committee shall notify the Minister who supervises and controls the agency to which the person is attached in order to instruct him to act in accordance with the committee's order, unless such action involves safety or vital interest of the State. In this case, it is deemed grounds for exemption regarding the committee's order, and the actions of the person are protected by the Constitution in a similar way to the members of the National Assembly.

10.4 Committee Meetings

The Rules of Procedure of the House of Representatives state the difference between the sitting of the House and the meeting of a committee. The Constitution states that the sitting of the House is to be held publicly, allowing the general public to observe the sitting. However, the observers of a committee meeting are restricted to the following:

- i. Members;
- ii. Ministers;
- iii. Persons who are permitted by the Presiding Officer.

Therefore, the general public does not have the right to observe the committee sitting. In cases where the meeting is confidential, the persons who may observe the meeting must be related to the meeting and must be given permission by the Presiding Officer of the meeting. The members present at the Committee meeting shall total no less than one-third of the existing members to constitute a quorum.

11. Interpellations in the House of Representatives

Interpellations are questions posed by members of the House of Representatives to a Minister on any issues related to his duties. Section 156 of the Constitution states that Members of the House of Representatives or Senators have the right to address an interpellation to a Minister on any matter under his or her responsibilities. However, the Minister has the right to

refuse to answer it if the Minister is of the opinion that the issue should not yet be disclosed on the ground of safety or vital interest of the State.

Interpellations to Ministers made by members of the House of Representatives may have two characteristics as follows:

- i. Interpellations regarding facts on official duties of the Minister which are mostly about any issues under the responsibilities of the Minister;
- ii. Interpellations regarding an executive policy of the Minister raised by members of the House of Representatives who are of the opinions that administration of State affairs of the Government is not in compliance with the policies stated to the National Assembly or fails to achieve the objectives of the policies.

There are two types of interpellations: verbal and ordinary interpellations.

11.1 Verbal Interpellations

Under Section 157 of the Constitution, interpellations may be made on any matter which involves an important problem of public concern, affects national or public interests, or requires urgent intervention. A member of the House of Representatives may notify the Speaker of the House of Representatives in writing prior to the commencement of the sitting of the day that he shall address an interpellation to the Prime Minister or the Minister responsible for the administration of State affairs on that matter, without specifying the actual question. The Speaker of the House of Representatives shall place such matter on the agenda of the sitting for that day.

Section 157, paragraph one states that the interpellation and the answer to the interpellation may be made once a week, and a verbal interpellation by a member of the House of Representatives on a matter involving the administration of State affairs may be made not exceeding three times on each matter in accordance with the Rules of Procedure of the House of Representatives.

The Speaker of the House of Representatives shall decide whether an interpellation is a verbal interpellation. In any week where more than three verbal interpellations are submitted, the Speaker shall draw lots to select only three of them. Among the three selected verbal questions, if they are similar to each other, the one drawn later shall lapse.

Verbal interpellations decided by the Speaker shall be placed on the agenda of verbal interpellations and the Prime Minister or individual Minister responsible for the issue shall be informed.

The period of questions and replies in each sitting shall not exceed sixty minutes and the verbal interpellant has the right to ask each interpellation not more than three times. The time taken for questions and replies in each interpellation shall not exceed twenty minutes. However, if there are less than three verbal interpellations, the period of the time may be extended proportionately within 60 minutes.

In cases where an interpellation of any Member of the House is called on the agenda, if the interpellant does not make a question or is not present in the sitting, then that interpellation shall lapse.

During the verbal interpellation, if any question is ruled by the Speaker to fall under the prohibitions under Article 143, the Speaker shall order the interpellant to change or modify the question.

11.1.1 Time for Submission of Verbal Interpellation

Under Article 4 of the Regulations of the House of Representatives on the Time for Submission of Verbal Interpellation B.E.2553 (2010), members who wish to make a verbal interpellation must submit a written petition to the Speaker on the day when consideration of verbal interpellation is on the agenda, prior to commencement of a sitting from 08.30 to 09.00 am.

11.2 Ordinary Interpellations

Section 156 of the Constitution states that ordinary interpellations shall be made in advance and submitted in writing to the Speaker and shall contain questions on facts or policy and specify whether the reply shall be made in the sitting of the House or in the Government Gazette (Rules of Procedure, Article 158). The submitted questions, having been approved as an interpellation by the Speaker, shall be delivered to the respective Minister. In cases where the reply to an interpellation is to be made in the sitting, the Speaker shall place it on the agenda within fifteen days from the date of delivery to the Minister. If the reply to the interpellation is to be made in the Government Gazette, the Speaker shall refer it to the respective Minister, who shall answer within 30 days from the date of delivery. When the Minister has replied to the interpellation, then it shall be delivered to the Government Gazette and the Speaker of the House shall inform the interpellant.

11.3 Characteristics of Interpellation

An interpellation is a question posed to the Prime Minister or a Minister entrusted to be responsible for administration of State affairs, or any other ministers to answer or give explanations. Therefore, the interpellation should be a statement which is clear, straightforward, easily comprehensible, not superfluous, long winded, repetitive or in the nature of a debate and shall not be of the following characteristics (Article 143 of the Rules of Procedure):

- i. Satirical, sarcastic or calumnious;
- ii. Obscure or difficult to understand;
- iii. Regarding matters about which a reply or refusal to reply has been made;
- iv. Regarding matters which are the same as the prior interpellation;
- v. Involving a request for an opinion;
- vi. Involving legal issues;
- vii. Insubstantial;
- viii. Regarding private matters, unless related to official duties.

Additionally, in accordance with Article 142 of the Rules of Procedure, in making an interpellation, the interpellant shall be free from the resolution of his or her political party. Each interpellation shall be made and questions asked by one person only.

11.4 Placing an Interpellation on the Agenda of the Sitting

Article 146 of the Rules of Procedure states that in each sitting not more than three verbal interpellations and three ordinary interpellations shall be placed on the agenda. However, in cases where there are many ordinary interpellations waiting to be placed on the agenda or there are ordinary interpellations postponed from the previous sitting, the Speaker may place more ordinary interpellations than the indicated number. Placement of interpellations in the agenda of the sitting shall be in the following order: verbal interpellations and ordinary interpellations.

11.5 Quorum for Considering Interpellations

Article 18 of the Rules of Procedure states that the presence of not less than one-fifth of the total number of the existing members of the House of Representatives is required to constitute a quorum for considering interpellations.

11.6 Proceeding When the Session Ends

Article 162, paragraph three of the Rules of Procedure states that if there are ordinary interpellations which are to be replied in the sitting, whether already placed on the agenda in each session or not, but have not yet been addressed upon the adjournment of each session the Speaker shall collect such interpellations and inform the respective Ministers to reply in the Government Gazette within thirty days.

11.7 Differences Between Verbal Interpellations and Ordinary Interpellations to be Replied in the Sitting

With regards verbal interpellations Article 155 of the Rules of Procedure prescribes that in each sitting, the period of questions and replies for verbal interpellations shall not exceed 60 minutes. Article 156 of the Rules of Procedure prescribes that each verbal interpellation shall be completed in not more than three rounds of oral questions within a twenty minute time period, including the reply time. However, if in any week, there are less than three verbal interpellations placed on the agenda, the period of the time shall be extended proportionately within 60 minutes. In contrast, in relation to ordinary interpellations to be replied in the sitting, there is no prescribed limit of time for questions and replies. However, Article 163 of the Rules of Procedure provides that in an ordinary interpellation to be replied in the sitting, after the Minister has replied, the interpellant has the right to ask one round of question, unless he or she is granted permission from the Presiding Officer to ask further questions because the reply leaves some issues unanswered.

11.8 Lapse and Withdrawal of Interpellation

An interpellation shall lapse in the following cases:

- i. The interpellant fails to make an interpellation or is not present at the sitting when the interpellation is called on the agenda;
- ii. Membership of the interpellant is terminated;
- iii. The Council of Ministers vacates office en masse ;
- iv. Expiration of the term or the dissolution of the House.

The interpellant has the right to withdraw his interpellation at any time.

12. Constitutional Organizations

Constitution organizations are divided into two types: independent constitutional organizations and other constitutional organizations.

12.1 Independent Constitutional Organization

12.1.1 The Election Commission

The Election Commission is an independent constitutional organization which is provided for in Chapter 11 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007). It has the duties of controlling and organizing elections, or ensuring that the election of members of the House of Representatives, Senators, members of the Local Councils and local administrators, and voting in a referendum is conducted in an honest and manner.

The Election Commission consists of five members: a Chairperson and other four Commissioners appointed by the King, with advice from the Senate, from persons of apparent political impartiality and integrity. The President of the Senate shall countersign the Royal Command appointing the Chairperson and Commissioners.

The Election Commission shall have the following powers and duties:

- i. To issue notifications or regulations necessary for the execution of the Organic Law Act on Election of Members of the House of Representatives and Acquisition of Senators, the Organic Law Act on Political Parties, the Organic Law Act on Election Commission, the Organic Law Act on Referendum and the Act on Election of Members of Local Assemblies or Local Administrators, launch Regulations relating to election campaigns and any undertakings by political parties, candidates and persons having the right to vote to ensure honesty and fairness. It also sets up the rules regarding the performance of State in giving support to ensure fairness and equality in the campaign process;
- ii. To lay down regulations regarding prohibitions in the performance of duties of the portfolio of the Council of Ministers and Ministers, ensuring Ministers continue to perform their appointed duties until the new cabinet takes office with regard to State benefits and honesty, fairness, and equal opportunity in the campaigning;
- iii. To set up measures to control the donation of money or financial support of the State to political parties, the spending of political parties and candidates, the public auditing of accounts of political parties, and the disbursement and receipt of money for the benefit of voting in an election;

iv. To give an order instructing Government officials, officials or employees of a State agency, State enterprise or local government organization or other State officials to perform all necessary acts related to (i)

v. To conduct investigations and inquiries to find facts and make decisions on arising problems or disputes under the laws as stated in (i);

vi. To order a new election or referendum to be held in any or all polling stations when there is convincing evidence that the election or the voting at a referendum at the polling stations has not proceeded in an honest and fair manner;

vii. To announce the result of an election or the voting in a referendum;

viii. To promote, support or co-ordinate with Government agencies, State agencies, State enterprises or local government organizations, or to support private organizations in educating the public on the democratic regime of government with the King as Head of State and the enhancement of public participation in politics;

ix. To perform other acts as provided by law.

Furthermore, the Election Commission has the power to appoint a person, a group of persons or representatives of private organizations to perform such duties as entrusted.

12.1.2 The Ombudsmen

There are three Ombudsmen, who are appointed by the King with the advice of the Senate. The Ombudsmen are selected from the persons recognized and respected by the public, with knowledge and experience in the administration of State affairs, enterprises or activities in the common interest of the public and with apparent integrity. They hold office for a term of six years starting from the date of their appointment by the King and will serve one term only. The President of the Senate shall countersign the Royal Command appointing the Ombudsman.

The powers and duties of the Ombudsman are as follows:

i. To launch fact-finding investigations into complaints in the following cases:

a) Failure to abide by the law or performance beyond powers and duties as provided by law of a Government official, an official or employee of a Government official,

an official or employee of a Government agency, State enterprise or local government organization;

b) Performance of or omission to perform duties of a Government official, an official or employee of a Government official, an official or employee of a Government agency, State enterprise or local government organization, which unjustly causes injuries to the complainant or the public whether such act is lawful or not;

c) Investigation into any omission to perform duties or unlawful performance of duties by a constitutional organization or an agency in the administration of justice, except the trial and adjudication of the Courts;

d) Other cases as stipulated by the law.

ii. To conduct the proceeding in relation to ethics of persons holding political positions and State officials under Section 280 of the Constitution.

iii. To monitor, evaluate and prepare recommendations on the compliance with the Constitution, including considerations for amendment of the Constitution as deemed necessary;

iv. To report the result of its investigation and performance together with comments to the Council of Ministers, the House of Representatives and the Senate on a yearly basis. The report will be published in the Government Gazette and disclosed to the public.

In exercising powers and duties as stated under (i), the Ombudsmen shall proceed with an investigation in response to a complaint being lodged. However, in cases where the Ombudsman is of the opinion that an act has caused injuries to the public interests, to protect the public interest, the Ombudsman may deem it necessary to consider the case and conduct an investigation even though no complaint has been lodged.

12.1.3 The National Anti-Corruption Commission

The National Anti-Corruption Commission consists of one President and eight others members appointed by the King, with advice from the Senate. Members of the National Anti-Corruption Commission shall be persons of apparent integrity, with the same qualifications and without any of the same prohibiting factors as those of judges of the Constitutional Court of the qualified expert category and must have experience in one of the following roles:

- Minister;
- Election Commissioner;
- Ombudsman;
- Member of the National Human Rights Commission;
- Member of the State Audit Commission,
- A Government position of not lower than Director–General (or an executive position in a Government agency with executive powers equivalent to those of Director–General);

In addition, persons currently holding the following positions may also be eligible:

- A position of not lower than professor;
- A representative of a non-government organization with endorsement and nomination by such non-government organization into the selection process;
- A person engaging in professions that are subjected to professional organizations under the law for a period of not less than 30 years with endorsement and nomination by such professional organization into the selection process.

Members of the National Anti-Corruption Commission shall hold office for a term of nine years as from the date of their appointment by the King and shall serve for only one term.

Members of the National Anti-Corruption Commission are selected by the Selection Committee for Members of the National Anti-Corruption Commission which consists of five members, namely the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the Speaker of the House of Representatives and the Leader of the Opposition in the House of Representatives. The President of the Senate shall countersign the Royal command appointing the President and members of the National Anti-Corruption Commission.

The powers and duties of the National Anti-Corruption Commission are as follows:

- i. To inquire into facts, summarize cases and prepare opinions in relation to the removal from office to be submitted to the Senate in accordance with Section 272 and paragraph three of Section 279 of the Constitution;
- ii. To inquire into facts, summarize the case and prepare opinions in relation to criminal proceedings against persons holding political positions to be submitted to the Supreme

Court of Justice's Criminal Division for Persons Holding Political Positions in accordance with Section 275 of the Constitution;

- iii. To inquire and decide whether a high ranking State official or a Government official holding a position of Divisional Director (or equivalent) or higher, has become unusually wealthy or has committed an offence of corruption, malfeasance in office or malfeasance in judicial office, and to take action against a State official or a Government official of lower level who has committed an offence in conspiracy with such persons or who has committed an offence of such description as deemed by the National Anti-Corruption Commission as warranting its inquisitive action in accordance with the organic law on counter corruption;
- iv. To inspect the accuracy and existence of, as well as changes in, the assets and liabilities of persons holding political positions and State officials, as prescribed by the National Anti-Corruption Commission and as stated in the account and supporting documents submitted;
- v. To supervise and monitor morals and ethics of persons holding political positions;
- vi. To submit an inspection report and a report on the performance of duties together with recommendations to the Council of Ministers, the House of Representatives and the Senate annually. Such reports shall be published in the Government Gazette and disclosed to the public;
- vii. To carry out other acts as provided by law.

12.1.4 The State Audit Commission

The State audit shall be carried out by the State Audit Commission and the Auditor-General, both of whom are independent and impartial.

The State Audit Commission consists of the Chairperson and six other members appointed by the King from persons with expertise and experience in state audit, accounting, internal audit, finance and other fields. The President of the Senate shall countersign the Royal Command appointing the Chairperson and members of the State Audit Commission and the Auditor-General.

Members of the State Audit Commission shall hold office for a term of six years from the date of their appointment by the King and shall serve for only one term.

Members of the State Audit Commission and the Auditor–General are selected and elected by the Selection Committee consisting of seven members namely the President of the Supreme Court of Justice, the President of the Constitutional Court, the President of the Supreme Administrative Court, the President of the House of Representatives, the Leader of the Opposition in the House of Representatives, a person selected at a general meeting of the Supreme Court of Justice and a person selected at a general meeting of the Supreme Administrative Court. The persons selected at a general meeting of the Supreme Court of Justice and at a general meeting of the Supreme Administrative Court shall not be a judge of the Supreme Court of Justice or judge of the Supreme Administrative Court and must not be a member of the Selection Committee or holders of positions in other constitutional organizations at the same time.

The powers and duties of the State Audit Commission are as follows:

- i. To prescribe standards relating to State audit;
- ii. To provide opinions, suggestions and recommendations for the correction of faults in State audit;
- iii. To appoint an independent Fiscal and Financial Disciplinary Committee to render decisions on actions relating to financial, fiscal and budgetary discipline. Disputes in relation to the decisions of the Fiscal and Financial Disciplinary Committee shall be under the jurisdiction of the Administrative Court.

12.2 Other Constitutional Organizations

12.2.1 Public Prosecutors

Public prosecutors are independent in prosecution decision making and in the performance of duties in the interest of justice.

The appointment and removal from office of the Prosecutor-General shall be by the resolution of the Public Prosecutor Commission upon the approval of the Senate. The President of the Senate shall countersign the Royal Command appointing the Prosecutor-General.

The Public Prosecutors shall have an autonomous secretariat having autonomy in its personnel administration, budgeting and other activities, with the Prosecutor-General as the superintendent as provided by law.

A public prosecutor must not be a member of the board of directors of a State enterprise or other enterprises of State of a similar nature; unless approval is given by the Public Prosecutor Commission. In addition, they must not engage in any occupation or profession or in any enterprise that may affect the performance of their duties or may detriment the dignity of their office and shall not be a member of the board of directors, director, legal advisor or hold any other position of a similar nature in any partnership or company.

12.2.2 The National Human Rights Commission

There are seven members of the National Human Rights Commission, consisting of a President and six other members appointed by the King, with advice from the Senate, from persons having apparent knowledge and experience in the protection of rights and liberties of the people, with due regard to the participation of representatives from non-government organizations in the field of human rights.

The President of the Senate shall countersign the Royal Command appointing the President and members of the National Human Rights Commission.

The members of the National Human Rights Commission shall hold office for a term of six years as from the date of their appointment by the King and shall serve for only one term.

The powers and duties of the National Human Rights Commission are as follows:

- i. To examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to the persons or agencies committing or omitting such acts for them to take action. In the case where it appears that no action has been taken as proposed, the Commission shall report it to the National Assembly for further proceeding;
- ii. To submit cases, together with opinions, to the Constitutional Court in cases where the Commission agrees with the complainant that the provisions of any law are detrimental to human rights or are questionable in terms of the constitutionality as provided by the organic law on procedure of the Constitutional Court;
- iii. To submit cases, together with opinions, to the Administrative Courts in cases where the Commission agrees with the complainant that any rule, order or administrative act is

- detrimental to human rights or is questionable in terms of the constitutionality and legality as provided by the law on establishment of Administrative Courts and Administrative Court procedure;
- iv. To bring cases to the Courts of Justice on behalf of injured persons upon request of such person where it is deemed appropriate in order to find a solution to human rights violations against the public at large, as provided by law;
 - v. To propose to the National Assembly and the Council of Ministers policies and recommendations with regard to the revision of laws, rules or regulations for the promotion and protection of human rights;
 - vi. To promote education, research and the dissemination of knowledge on human rights;
 - vii. To promote co-operation and co-ordination among Government agencies, non-government organizations and other organizations in the field of human rights;
 - viii. To prepare an annual report for the appraisal of situations regarding human rights in the country and submit it to the National Assembly;
 - ix. Other powers and duties as provided by law.

In the performance of duties, the National Human Rights Commission shall have regard for the interests of the country and the public. The National Human Rights Commission has the power to demand relevant documents or evidence from any person, summon any person to give statements of fact and has the power to instigate other actions for the purpose of performing its duties as provided by law.

12.2.3 The National Economic and Social Council

Although the Constitution provides that the National Economic and Social Council is one of the organizations falling under the category of other constitutional organizations, it does not empower the National Assembly or the Senate to take a role in approving and selecting persons to serve in the said organization.

The composition, source, powers and duties and operation of the National Economic and Social Council shall be in accordance with the provisions of the law. There shall be an Office of the National Economic and Social Council which has autonomy in its personnel administration, budgeting and other activities as provided by law.

The National Economic and Social Council is an important agency. Its duties are to give advice and recommendations to the Council of Ministers on any economic and social issues as well as on any other related legislation. National economic and social development plans and other plans as provided by law shall be considered by the National Economic and Social Council before they can be adopted.

13. Other Issues

13.1 Quorum

Quorum means the minimum number of the members in the meeting and committee sitting as provided in the Constitution and Rules of Procedure. Section 126 of the Constitution states that “At a sitting of the House of Representatives or the Senate, the presence of not less than one-half of the total number of the existing members of each House is required to constitute a quorum”. If the number of members present at the meeting is less than minimum requirement as provided in the Constitution, the attendees do not constitute a quorum. When the quorum is not constituted, the meeting cannot continue. The Rules of Procedure state that in general, if the quorum is not constituted after thirty minutes has elapsed from the time of the sitting, any member can object that the quorum is not constituted. The Presiding Officer shall command a scrutiny into whether the quorum is constituted. If it is constituted, the meeting will continue. However, if it is not constituted, the Presiding Officer will adjourn the meeting immediately because the meeting cannot be held.

13.2 Privilege

Privilege means a special right to certain exemptions from the performance of duties or acts. Parliamentary Privilege means a special right to certain exemptions from the performance of duties or parliamentary business, which is a prerogative to guarantee some rights for members of the National Assembly to perform their duties freely, both physically and mentally.

Privileges for the members of National Assembly are entrusted by the Constitution as follows:

13.2.1 Privilege for Immunity

Privilege for immunity refers to the privilege for members of the National Assembly to perform their duties freely without any civil or criminal liability under the Constitution as follows:

- i. Privilege to vote;
- ii. Privilege to give a statement of fact or opinion at House sittings and committee meetings.

These privileges are also extended to the following:

- Printers and publishers of the minutes of sittings in accordance with the Rules of Procedure of the House of Representatives;
- The Senate or the National Assembly;
- Persons permitted by the Presiding Officer to give statements of facts or opinions at such sitting;
 - Persons who broadcast the sitting through radio or television with the permission of the President of such House;
 - Persons performing their duties in the committee meeting.

However, in cases where there is a broadcast through radio or television, if the members give their statements of fact or opinion and the expression of such words constitutes a criminal offence or a wrongful act against a person who is not a Minister or member of that House and the statements appear outside the precinct of the National Assembly, the privilege is not extended to the member who expresses the words.

In this case, if the words expressed by the member cause damage to other person who is not a Minister or member of that House, the President of that House shall arrange for an explanation to be published at the request of the injured party. This shall be done in accordance with procedure and within the period of time as prescribed in the Rules of Procedure of that House, without prejudice to the right of such person to bring the case before the Court.

13.2.2 Privilege for Protection

Privilege for protection refers to the provision of privilege to members of the National Assembly to be protected from all legal actions during the session so that the member can join the sitting. The Constitution provides protection to the members of the National Assembly as follows:

- i. Privilege for the members of the House of Representatives not to be arrested, detained or summoned by a warrant for inquiry as the suspect in a criminal case during a session;
- ii. Privilege to not being tried in a case during a session;
- iii. Privilege to be released from detention when the session begins.

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