

# Thailand Constitution 1932

10 December 1932

## GENERAL PROVISIONS

- 1.—The Kingdom of Siam is one and indivisible. The Siamese people of whatever race or religion are all equally entitled to the protection of this constitution.
- 2.—The sovereign power emanates from the Siamese nation. The King, who is the head of the nation, exercises it in conformity with the provisions of this constitution.

## 1

### THE KING

- 3.—The person of the King is sacred and inviolable.
- 4.—The King shall profess the Buddhist faith and is the upholder of religion.
- 5.—The King is the head of the Siamese forces.
- 6.—The King exercises legislative power by and with the advice and consent of the Assembly of the People's Representatives.
- 7.—The King exercises executive power through the State Council.
- 8.—The King exercises judicial power through the courts duly established by law.
- 9.—Subject to the approval of the Assembly of the People's Representatives, succession to the Throne shall be in accordance with the Law of Succession, B.E. 2467.
- 10.—If the King intends to be absent from the Kingdom or for any reason whatsoever should be unable to carry out his

functions, he shall appoint a Regent or a Council of Regency with the approval of the Assembly of the People's Representatives. If the King does not make such appointment or is unable to do so, the Assembly shall itself proceed to make the appointment. Pending the appointment of a Regent or a Council of Regency by the Assembly, the State Council shall temporarily perform the duties of the Regent.

- 11.—Members of the Royal Family from the rank of *Mom Chao* upwards, whether so born or created, are above politics.

## 2

### RIGHTS AND DUTIES OF THE SIAMESE

- 12.—Subject to the provisions of this constitution, all persons are equal before the law. Titles acquired by birth, by bestowal or in any other way do not confer any privilege whatsoever.
- 13.—Every person is entirely free to profess any religion or creed and to exercise the form of worship in accordance with his own belief, provided that it is not contrary to the duties of a national or to public order or public morals.
- 14.—Subject to the provisions of the law, every person enjoys full liberty of person, abode, property, speech, writing, publication, education, public meeting, association and vocation.
- 15.—It is the duty of every person to respect the law, to defend the country and to assist the Government by the payment of taxes and in other ways, under the conditions and in the manner prescribed by law.

## 3

## THE ASSEMBLY OF THE PEOPLE'S REPRESENTATIVES

- 16.—The Assembly of the People's Representatives shall be composed of members who are elected by the people.
- 17.—The qualifications of the electors and of the candidates for election, the mode of election and the number of members of the Assembly of the People's Representatives shall be in accordance with the provisions of the electoral law.
- 18.—Members of the Assembly of the People's Representatives shall be elected for a period of 4 years. If a vacancy occurs among the members otherwise than by the expiration of the prescribed period, a new member shall be elected to fill the vacancy; but he shall hold office only for the remainder of the unexpired period.
- 19.—Members of the Assembly of the People's Representatives must, before assumption of office, make solemn declaration in the Assembly that they will uphold and observe this constitution.
- 20.—Members of the Assembly of the People's Representatives are representatives of the whole Siamese nation and not merely representatives of those who elected them.  
They must perform their duties in accordance with the honest dictates of their conscience and are not bound by any imperative mandate.
- 21.—Membership of the Assembly of the People's Representatives comes to an end:
- (i) by expiration of the prescribed period or by dissolution of the Assembly;
  - (ii) by death;
  - (iii) by resignation;

- (iv) by loss of any of the qualifications of the candidate for election in accordance with the electoral law; or
  - (v) by dismissal from office pronounced by the Assembly whenever the Assembly considers that the conduct of the member concerned is likely to be detrimental to its interests. Such a resolution requires a majority of two-thirds of the members present.
- 22.**—The King will appoint such members of the Assembly of the People’s Representatives as may be selected by the Assembly to be the President and Vice-Presidents of the Assembly.
- 23.**—It shall be the duty of the President of the Assembly of the People’s Representatives to conduct the proceedings of the Assembly in accordance with the rules of procedure. The Vice-President shall act in the place of the President when the President is absent or unable to perform his duty.
- 24.**—If both the President and the Vice-President or Vice-Presidents are absent from a meeting of the Assembly, the members present shall elect among themselves a temporary chairman to preside over that meeting.
- 25.**—At every meeting of the Assembly of the People’s Representatives the presence of one-third of the total number of its members shall constitute a quorum.
- 26.**—Unless otherwise specially provided in this constitution, all questions in the Assembly of the People’s Representatives shall be decided by majority vote.
- Each member shall have one vote. In case of a tie, the presiding officer of the meeting shall have a casting vote.
- 27.**—In the meeting of the Assembly of the People’s Representatives, words uttered by members, whether in making a statement of fact or in expressing an opinion or in

explaining a vote, are absolutely privileged. No legal proceedings whatsoever can be taken against them.

This privilege extends to the printing and publication of the minutes of the meeting by authority of the Assembly and also to statements of fact and opinions expressed in the Assembly by persons invited by the Assembly to do so.

**28.**—The Assembly of the People's Representatives shall hold one or more regular sessions in each year in accordance with the decision that will be taken. The first regular session must be called not later than 90 days after the election. The date of the regular sessions shall be fixed by the Assembly.

**29.**—A regular session of the Assembly of the People's Representatives shall last 90 days, but its duration may be prolonged by the King.

The King may, during the period of 90 days, prorogue the session.

**30.**—The King convokes the Assembly of the People's Representatives for its regular session, and opens and closes it.

The King may open the session in person or command the Heir to the Throne, if he is of age, or the President of the State Council to perform the ceremony in his place.

**31.**—Whenever the interests of the State so require, the King may call an extraordinary session of the Assembly.

**32.**—Members of the Assembly of the People's Representatives of not less than one-third of their total number may, whenever they deem it necessary in the interests of the State, submit a joint application to the President of the Assembly requesting him to petition the King to summon an extraordinary meeting of the Assembly. In such case the

President of the Assembly shall so petition the King and countersign the Royal command.

- 33.**—During the session of the Assembly of the People's Representatives, when a criminal action is brought against any one of its members, the court must obtain the prior permission of the Assembly before the case can be tried. The proceedings of the court must not interfere with the liberty of the member concerned to attend the meetings of the Assembly.

However, the proceedings of the court prior to the plea of membership remain valid.

- 34.**—During the session of the Assembly, none of its members shall be arrested or summoned for detention except when arrested while in the act of committing an offence, in which case the matter must be reported without delay to the President of the Assembly. The President may order the release of the prisoner.

- 35.**—It is the King's prerogative to dissolve the Assembly of the People's Representatives in order that new elections may be held.

The decree for such dissolution shall provide for the new elections to be held within a period of 90 days.

- 36.**—All laws can be promulgated only by and with the advice and consent of the Assembly of the People's Representatives.

- 37.**—The annual budget of the State must be made in the form of a law. If the budget is not passed in time for the new year, the Government may carry on temporarily with the budget of the preceding year.

- 38.**—After a bill has been passed by the Assembly of the People's Representatives, the President of the State Council shall

submit it to the King for signature, and it shall come into force after its publication in the *Government Gazette*.

- 39.—If the King disapproves of the bill, the Assembly shall, after the lapse of one month from the date when the bill was submitted to the King by the President of the State Council and irrespective of whether or not the bill was returned to the Assembly within the stated period, reconsider the bill by secret voting taken by roll call. If the Assembly reaffirms the bill, it shall once more be submitted to the King. If the King fails to append his signature to it within 15 days, it may forthwith be promulgated and published as law.
- 40.—The Assembly of the People's Representatives has the power of control over the affairs of the State.  
At a meeting of the Assembly every member of the Assembly has the right to interpellate the State Councillors on all matters within the scope of their duties. But the State Councillors may refuse to reply if they are of opinion that the matter should not yet be made public, for reasons of public safety or of vital State interests.
- 41.—The Assembly of the People's Representatives reserves the right to pass a vote of non-confidence in the State Councillors either individually or collectively.  
Such a motion shall not, however, be put to the vote on the day on which it is discussed.
- 42.—The meetings of the Assembly of the People's Representatives are public in accordance with the rules of procedure of the Assembly. But secret meetings may be held upon the request of the State Council or of not less than 15 members.
- 43.—The Assembly of the People's Representatives has power to appoint an ordinary commission composed of its members or

a special commission composed of members and non-members of the Assembly for the purpose of dealing with or enquiring into any matter within the scope of the work of the Assembly and then submitting their report to the Assembly. Such commissions are empowered to summon any person to explain or give his opinion on the matter being dealt with or enquired into.

The privilege of the Assembly as provided in article 27 of this constitution also extends to the persons who perform their duty in conformity with the provisions of this article;

**44.**—At the meetings of a commission referred to in article 43, the presence of one-half of the total number of its members shall constitute a quorum.

**45.**—The Assembly of the People's Representatives is empowered to establish rules concerning the conduct of its meetings and deliberations in pursuance of the provisions of this constitution.

#### 4

#### THE STATE COUNCIL

**46.**—The King appoints a State Council, composed of one President and from 14 to 24 other State Councillors.

The appointment of the President of the State Council shall be countersigned by the President of the Assembly.

The State Council is charged with the duty of conducting the government of the State.

**47.**—The President and 14 other State Councillors shall be selected from among the members of the Assembly of the People's Representatives. The remaining State Councillors may be selected from among persons who possess special



knowledge or experience. These persons need not be members of the Assembly, but they must be persons who are capable of holding a political position.

- 48.—State Councillors who are not members of the Assembly of the People's Representatives may attend and express their opinion in the meeting of the Assembly, but they have no right to vote.

The privileges referred to in article 27 shall apply *mutatis mutandis*.

- 49.—The appointment of a member of the Assembly of the People's Representatives as State Councillor does not oblige him to resign his membership of the Assembly.

- 50.—The State Council must possess the confidence of the Assembly of the People's Representatives in conducting the government of the State.

A State Councillor who has been appointed to take charge of any Department of State shall be constitutionally responsible to the Assembly of the People's Representatives for acts performed in the exercise of his functions. But every State Councillor, whether or not he has been appointed to take charge of any Department of State, shall be collectively responsible for the general policy of the Government.

- 51.—The State Council shall resign as a body when the Assembly of the People's Representatives has passed a vote of want of confidence in the Council or when the Assembly which gave it a vote of confidence has ceased to exist. In both cases the retiring State Council shall remain in office till the newly appointed Council assumes its functions.

Apart from this, membership of the State Council comes to an end individually:

- (i) by death;

- (ii) by resignation;
- (iii) by loss of the qualifications prescribed in article 21 (iv);
- or
- (iv) by a vote of want of confidence passed by the Assembly.

**52.**—In case of emergency when a meeting of the Assembly of the People's Representatives cannot be summoned in time, the King may issue emergency decrees which shall provisionally have the force of law.

Such decrees shall be submitted to the Assembly at its next meeting for its approval. If the Assembly gives its approval, they shall forthwith become laws, otherwise they shall cease to have force. But such a decision of the Assembly shall not affect the validity of any act done during the period the emergency decrees were in force.

The approval or disapproval of the Assembly shall be signified in the form of a law.

**53.**—The King proclaims martial law under the conditions and in the manner prescribed by the Martial Law Act.

**54.**—It is the King's prerogative to declare war, make peace and conclude treaties with foreign States.

A declaration of war will only be made when it is not contrary to the provisions of the Covenant of the League of Nations.

Treaties which provide for a change in the territories of Siam or which require the promulgation of a law to enforce their provisions must receive the approval of the Assembly of the People's Representatives.

**55.**—It is the King's prerogative to grant pardon.

**56.**—The King may issue Royal decrees not conflicting with the law.

**57.**—Subject to the provisions of articles 32 and 46, every law, Royal rescript and Royal command relating to the affairs of the State shall be countersigned by a member of the State Council who shall thereby assume the responsibility.

## 5

## THE COURTS

**58.**—The judicial power shall be exercised by the courts according to law in the name of the King.

**59.**—All courts can be established only by means of a law.

**60.**—Judges are independent in holding trials and giving judgments according to law.

## 6

## FINAL PROVISIONS

**61.**—The provisions of any law which are contrary to or in conflict with this constitution are null and void.

**62.**—Absolute right to interpret this constitution is vested in the Assembly of the People's Representatives.

**63.**—This constitution can be amended only under the following conditions:

- (i) A motion for an amendment can only be made either by the State Council or by members of the Assembly of the People's Representatives collectively of not less than one-quarter of their total number.
- (ii) When a motion has once been passed, it should be left in abeyance for a period of one month. On the expiration of this period the motion shall again be submitted to the Assembly.

- (iii) Voting shall be by roll call, and the number of votes in favour of the amendment must not be less than three-quarters of the total number of members of the Assembly.

When the voting on both occasions has been made in the manner above described, the matter shall be proceeded with in conformity with articles 38 and 39.

## 7

### THE OPERATION OF THE CONSTITUTION AND TRANSITORY PROVISIONS

**64.**—Subject to the provisions of this chapter, this constitution shall come into force from the date of its publication.

**65.**—Until the time when the people who are entitled to vote for the candidates of the Assembly of the People's Representatives under this constitution shall have passed their examination in primary education in excess of half of their total number, and at the latest not more than 10 years from the date on which the provisional constitution of Siam B.E. 2475 came into force, the Assembly of the People's Representatives shall be composed of two categories of members of equal number:

- (i) Members of the first category are those who are elected by the people under the conditions laid down in articles 16 and 17.
- (ii) Members of the second category are those who are appointed by the King in accordance with the Law on the Election of Members of the Assembly of the People's Representatives during the period when the

transitory provisions of the constitution of Siam B.E. 2475 are in force.

- 66.**—If during the period referred to in article 65 there should be a dissolution of the Assembly of the People's Representatives in accordance with the provisions of article 35, such dissolution shall apply only to the members of the first category.
- 67.**—Subject to the provisions of article 21 (ii), (iii), (iv), (v), members of the second category shall retain their seats throughout the period prescribed in article 65, but they may not meet as an Assembly when the latter is dissolved under article 35.
- 68.**—From the date when this constitution comes into force till the time when members as provided in article 65 shall have assumed their functions, the Assembly of the People's Representatives shall still be composed of the 70 members who were nominated under the provisional constitution of Siam B.E. 2475.