

# 8. PROVISIONAL CONSTITUTION OF THE KINGDOM OF SIAM, 1932

King Prajadhipok issues a royal command as follows. As the People's Party has called for him to be under the constitution of the kingdom of Siam so that the country may progress, and as he has welcomed the call of the People's Party, he graciously enacts a law with the following clauses.

## SECTION 1: GENERAL MATTERS

Clause 1. The supreme power in the country belongs to the people.

Clause 2. The persons and groups mentioned below will execute power on behalf of the people as specified in the constitution that follows:

1. The king (*kasat*)
2. The Assembly of Representatives of the People
3. The Committee of the People
4. The courts

## SECTION 2. THE KING

Clause 3. The king is the supreme head of state. Legislative acts, court decisions, and other matters as specified by law must be made in the name of the king.

Clause 4. The person who is king of the country is King Prajadhipok. The succession will proceed in accordance with the Royal Household Law on the Succession of 1924 and with the approval of the Assembly.

Clause 5. If there is any reason that the king is unable temporarily to carry out his duties, or is not in the capital, the Committee of the People will execute the right on his behalf.

Clause 6. The king cannot be charged in a criminal court. The responsibility for a judgement rests with the Assembly.

Clause 7. Any action of the king must have the signature of any one member of the Committee of the People that it has been approved by the Assembly, otherwise it is void.

### SECTION 3. THE ASSEMBLY OF THE REPRESENTATIVES OF THE PEOPLE

#### Part 1. Powers and duties.

Clause 8. The Assembly has the power to pass all legislation. Such legislation comes into force once promulgated by the king.

If the king does not promulgate within seven days counted from the day of passage in the Assembly and shows reason for not agreeing to affix his signature, he has the power to return the legislation to the Assembly for reconsideration. If the Assembly passes a resolution the same as before, and the king does not concur, the Assembly has the power to promulgate that legislation to have the force of law.

Clause 9. The Assembly has the power to take care of the affairs of the country, and has the power to call a meeting to dismiss a member of the Committee of the People or any official of the government.

#### Part 2. Representatives of the people

Clause 10. Members of the Assembly of Representatives of the People will be by time period as follows.

*Period 1.* From the time this constitution is enforced until the time when members of the second period take office, the People's Party which has a military force protecting the capital, has the power to appoint seventy persons as provisional members of the Assembly.

*Period 2.* Within six months, or when the country has been made normal and orderly, there will be two types of Members of the Assembly working jointly, namely:

Type 1. Persons elected by the people, one per province, or for provinces with over 100,000 persons, one member for every 100,000 inhabitants, and a further one if the remainder is more than half that number.

Type 2. Members from period 1 up to the same number as members of type 1. If the number is in excess, they shall choose among

themselves who shall remain members. If the number falls short, those remaining shall choose any persons to make up the number.

*Period 3.* When the number of people throughout the kingdom who have passed elementary education exceeds half the total, or at the latest within ten years of the implementation of the constitution, members of the Assembly must all be persons elected by the people. Type-2 members will no longer exist.

Clause 11. The qualifications for those standing for election as type-1 members are:

- i. passed a political course in accordance with a syllabus which the Assembly will establish;
- ii. aged twenty years and above;
- iii. not incapable or seemingly incapable;
- iv. not deprived of the right to vote by a court of law;
- v. of Thai nationality by law;
- vi. those standing for election as type-1 members in period 2 must be approved by members during period 1 that they are not people likely to cause disorder.

Clause 12. Election of type-1 members in period 2 shall take place as follows.

- i. inhabitants of a village elect a representative for electing a tambon representative;
- ii. the village representatives elect a tambon representative;
- iii. the tambon representatives elect the members of the Assembly.

For Assembly election in period 3, a law will be passed subsequently on the procedure for direct election of members of the Assembly.

Clause 13. Type-1 members will serve for terms of four years counted from the day of assuming office. But when period 3 is reached, members from period 2, even if they have not yet been in the position for four years, must relinquish the position from the day that the period-3 members assume office.

If a member's position falls vacant for reasons other than the end of the term, the members shall elect another to fill the vacancy, but the new member shall hold the post only for the remainder of the term of the member who is replaced.

Clause 14. Persons of whatever sex who meet the following qualifications have the right to cast their vote to choose village representatives:

- i. aged twenty years and above;
- ii. not incapable or seemingly incapable;
- iii. not deprived of the right to vote by a court of law;
- iv. of Thai nationality by law.

The qualifications for representatives of the village and of the tambon are the same as those laid down in clause 11.

Clause 15. The election of representatives shall be by simple majority. If votes are tied, a second election shall be held. If votes are tied on the second occasion, a neutral person shall be appointed to give a casting vote. The candidates shall appoint the neutral person.

Clause 16. Apart from relinquishment at end of term, members must relinquish office if they fail to meet the qualification in clause 11, if they pass away, or if the Assembly decides that the member has caused damage to the Assembly.

Clause 17. Criminal charges against a member of the Assembly must be sanctioned by the Assembly before the court may adopt the case.

### Part 3: Regulations for meetings.

Clause 18. Members of the Assembly shall select one person as chairman to conduct the affairs of the Assembly, and one vice-chairman to act on the chairman's behalf when the chairman has temporary reasons for not fulfilling his duty.

Clause 19. When the chairman is absent or unable to attend, the vice-chairman will maintain the orderliness of the Assembly on his behalf and will manage the deliberations according to regulations.

Clause 20. If both the chairman and vice-chairman are not in the meeting, the members attending shall elect a temporary chairman.

Clause 21. Arrangments for ordinary meetings are the responsibility of the Assembly. A special meeting may be held when requested by no fewer than fifteen members, or by the Committee of the People. The chairman or his substitute shall call the meeting.

Clause 22. Every meeting must be attended by no fewer than half of the total number of members to have a quorum.

Clause 23. Motions on any subject shall be decided by simple majority with each member casting one vote. If the vote is tied, the chairman shall have an additional casting vote.

Clause 24. Members shall not be held liable for any statement or opinion made, and shall not be sued for any matter arising from a vote cast in the meetings.

Clause 25. In every meeting, the chairman must command the Assembly's officials to keep a record; submit it for the members to check, amend, and approve; and the chairman of the meeting must affix his signature.

Clause 26. The Assembly has the power to appoint sub-committees to perform any task, or to examine and report on any matter to the Assembly for further decision. If the Assembly does not appoint the chairman of a sub-committee, the members of the sub-committee shall elect their own.

A sub-committee has the power to invite others to offer explanations and opinions. The sub-committee members and such invitees shall be covered by the provisions of clause 24.

Meetings of sub-committees must be attended by no fewer than three persons to achieve a quorum, except in the case of sub-committees which have only three members, in which case two persons shall constitute a quorum.

Clause 27. The Assembly has the power to establish rules of procedure in accordance with this constitution (at the initial stage, the rules of the Committee of the Privy Council may be adapted, but only those that are not in conflict with this constitution).

## SECTION 4: THE COMMITTEE OF THE PEOPLE

### Part 1: Powers and duties

Clause 28. The Committee of the People has the powers and duties to act in accordance with the wishes of the Assembly.

Clause 29. If there is any urgent matter over which the Committee cannot call a meeting of the Assembly in time, and if the Committee sees it fitting to issue a law appropriate to that urgent matter, it can do so but must quickly submit that law for the approval of the Assembly.

Clause 30. The Committee of the People has the power to grant pardon but must first seek royal approval.

Clause 31. The ministers of various ministries are responsible to the Committee of the People on all matters.

Anything which infringes an order or regulation of the Committee of the People or is done without the sanction of the constitution, shall be considered void.

## Part 2. Members of the Committee of the People and regular officials

Clause 32. Membership of the Committee of the People consists of one Chairman and fourteen other members, totalling fifteen.

Clause 33. The Assembly shall elect one of its members as the Chairman of the Committee, and that Chairman shall select fourteen other members of the Assembly to be members of the Committee. When this selection has been approved by the Assembly, it shall be held that those selected are committee members of the Assembly. If the Assembly considers that a committee member has not conducted affairs according to the policy of the Assembly, the Assembly has the power to invite that committee member to relinquish his duty and to select a new member as above.

Clause 34. If any Committee member for any reason lacks the qualifications laid down for members of the Assembly in clause 10, or has died, the Assembly shall select a replacement.

If the Assembly has selected Committee members, and if that Assembly comes to the end of its term, the Committee shall also be considered to have come to the end of its term.

Clause 35. The appointment and removal of ministers is in the power of the king. This power shall be used only on the advice of the Committee of the People.

Clause 36. Political negotiations with overseas countries are the duty of the Committee of the People and the Committee may appoint a representative for this.

The Committee must report negotiations on any point to the king.

Ratification of any international treaty is in the power of the king, but that power shall be used on the advice of the Committee of the People.

Clause 37. Declaration of war is in the power of the king, but that power shall be used on the advice of the Committee of the People.

Part 3. Regulations of meetings

Clause 38. Regulations of the meetings of the Committee of the People shall be adapted as in section 3.

SECTION 5: COURTS

Clause 39. The revocation of a judgement shall proceed according to the law in current use.

Promulgated on 27 June 1932 and in force henceforth.

(signed) Prajadhipok  
Ananta Samakhom Hall  
3 July 1932