



สำนักพิมพ์มหาวิทยาลัยรังสิต

# Constitutions of the Kingdom of Thailand

# I-XX

**Boonsong Chalethorn, Ph.D.**

Translated into English

By

Mano Laohavanich, M.D., Ph.D.

Director, Gandhi Institute & Lecturer, College of Social Innovation,  
Rangsit University

# **Constitutions of the Kingdom of Thailand**

**I - XX**

**Boonsong Chalethorn, Ph.D.**

**Translated**

**By**

**Mano Laohavanich, M.D., Ph.D.**

**Title of the book: Constitutions of the Kingdom of  
Thailand**

**I-XX**

**Author Dr. Boonsong Chalethorn**

**Edition 1, May 2021**

**Production Director, Anand Harnphanichphan**

**Number of pages: 130**

**Number of prints: 1000 copies**

**Cover: Jida Raklor**

**Distributed by: Rangsit University Book Center**

**52/347 Phaholyothin 87, Phahonyothin Road**

**Mueang District, Pathum Thani Province 12000**

**Published by: Rangsit University Press,**

**Address 52/347 Phaholyothin 87, Phahonyothin**

**Road**

**Mueang District, Pathum Thani Province 12000**

**Price: 500 baht**

**ISBN:**

## **Preface of the Translator**

I have been impressed by the content and analyses in the manuscript on the Constitution of the Kingdom of Thailand, composed by Dr. Boonsong Chalethorn who has been a political activist for most of his life. He belongs to the “October People” who bear witness to the historic events of 13-14 October 1973 and 6 October 1976. The two sad events have breathed life into politicians and activists in modern Thailand.

Dr. Boonsong has another advantage than most lecturers of political science in Thailand that he spent a long time in Sweden. With the experience, his comments and analyses are sharp, candid, and rather courageous vis-à-vis that of text books on modern history of Thailand or Thai politics.

As in the Preface, Dr. Boonsong says that the book was originally designed as a reading material for his teaching at the College of Social Innovation. The book is concise, critical and straightforwardly composed, analysed and presented with the “insight of the historical background that brought up the drafting of each version of the Constitution of Thailand”. Having read the manuscript, I feel that there is a great need for such book in the International Community as well as scholars and diplomats. So I asked him for his permission to translate it into English which he agreed with pleasure. It took me a week to finish the translation, the work which I am proud of.

Readers will find out that from the 24 June 1932 to 2021, politics in Thailand has been a roller-coaster of development with 13 coups d'état that successfully took over the government and another 11 aborted ones. Each time the Thai society learned something; some times more painful than the other. Each edition of the Constitution of Thailand reflects problems that the government or the junta or the government was facing. Most of which are shown, directly or indirectly, in the Preamble of the Constitution. Also, readers

of the book can be aware of the struggle between the conservative or royalist and the liberal or the progressive who have different opinions on the definition of “Constitutional Monarchy” which in every version of the Constitution says “Democracy with the King is the Head of State,” as well as the shifting of the ownership of the Sovereign Power whether it belongs to the People or from the People. This reveals a tug-of-war between the two polarities of thoughts in the Thai society. The author clearly analyses the difference of the two concepts in political science in the book. In the past two decades, Thailand has seen a clear development of “Participatory Democracy” in which the rights and liberties of each individual are protected by the Constitution. The latest versions of the Constitution clearly emphasize that the Sovereign Power belongs to the People, as quoted in the First Draft, and not from the People. However, the nature of Thai society is vertical and not horizontal like in many countries. Politics is still in the hands of the elite and not the commoners. Theravada Buddhism still has enormous power in society, mostly in creating conservative culture among the Thais. Corruption in Thailand is rife and exists in various forms such as bribery, tax evasion, racketeering, down to vote selling and vote buying. The latter has become a part of the political culture of Thailand, especially in the grass-root levels.

Constitution is a way to solve the problems of inequality, marginalization and discrimination in Thailand. But it is just a way! The country still needs continuous process of social reformation so that the People are empowered, equipped with the awareness of their own rights and freedom.

One major success of the Constitution is the mandate that the King is the Supreme Patron of all religions, and not only for Buddhism. Although, more than 90% of the Thais are Buddhists, not a single version of the Constitution mentions that Buddhism is Thailand’s National Religion. It is uniquely done and has created the atmosphere of harmony among the faithful of all regions in Thailand.

Currently, the popularity of the social media has empowered the People all over the world. The Internet, smart phones and social media applications have been great tools for the People to fight for their own rights and decrease the gap between the rich and the poor that never happened before. This social development has made the chance of coup d'état in Thailand is almost impossible. If it happens again, the military junta will face a fierce resistance from the Thais no less than that in Myanmar!

So far, Thailand still needs more innovations in social media that empowers new generations of leadership as well as creating a shared awareness of the society, without which “Participatory Democracy” that is the spirit of the First Constitution of the Kingdom of Thailand cannot take place.

I am sure that readers of this book will enjoy the content and the analysis given by the author as much as I do.

Best Wishes,

A handwritten signature in blue ink that reads "Mano Laohavanich". The signature is written in a cursive style and is centered on the page.

Mano Laohavanich, MD, PhD  
Director, Gandhi Institute; Lecturer, College of Social Innovation,  
Rangsit University,  
Thailand

## **Comments on Constitutions of the Kingdom of Thailand**

### **Associate Professor Pornchai Theppanya,**

I have read the manuscript of Dr. Boonsong Chalathorn, a lecturer of the College of Social Innovation, Rangsit University. As I have written books on the history and philosophy of each constitution from the 1932 constitution to the 1997 constitution, regarded by many scholars as a very democratic constitution, unfortunately, I feel that the 1997 constitution was sadly abolished by the coup d'état of General Sonthi Bunyaratklin in 2549 B.E. (2006) and a provisional constitution was then formed. The cycle of constitutional change has occurred throughout the history of Thai politics.

From the above introduction, I would like to show that the constitution should be perpetuated and supported that is coupled with Thai politics. If there is a change, it should be done in the era of change.

The book of Dr. Boonsong Chaletorn shows the change of Thai politics in different eras. By using each constitution to describe the running of the story that enabling the readers to understand the political context that has been involved in the coup since 1932 until the present day.

In addition, this book details the differences of each Thai constitution including the philosophy, concepts and origins of the constitution in each era which can lead to forecasting of Thai politics in the future.

Finally, I would like to congratulate Dr. Boonsong Chaletorn for making this book that provides historical and political values from the past to the present, suitable for learning by students and the general public who want to have knowledge of the constitution.

**Associate Professor Pornchai Theppanya**

**Ekaporn Rakkhwamsuk,**

Thailand's constitution is a difficult, complex and beyond the ability of ordinary people to access "The Core of the Constitution". Looking at the overview of the constitution will help us to understand the coexistence of Thai society, assuming that there is a central rule of all Thais that guarantees life and happiness from care of government agencies, but it appears that throughout the past Thailand has series of political crisis due to the content of the Constitution. By interpreting only one subject this causes our Thai society to have conflicts with each other by looking at a specific matter or choosing to use only certain words of the Constitution.

Dr. Boonsong Chalathorn's work on "The Constitution of the Kingdom of Thailand No. I-XX" is an overview of the Thai Constitution and lay the foundations of each Constitution so that people who want to learn the essence of the Constitution since understanding and accessing the spirit determining the content of each Constitution is difficult to make, and he summarizes the point so clearly. This is one suitable way of scholars to help Thai society understand the Thai Constitution.

I would like to thank for the opportunity to point out the above by writing this eulogy. Although we still do not have confidence in the designation. "The last Constitution of the Thai people" and there are conflicts from looking at the Constitution that different people look at. This book will help us to see the "true essence of the Constitution" and turn the conflict into an opportunity for Thais to transform Thailand into a world leading country.

**Ekaporn Rakkhawamsuk**

**April 7, 2021**

**Associate Professor Somchai Srisuthiyakon,**

Dr. Boonsong Chaletorn, a former student leader of the historical event of October 14, 1973, is now a lecturer at Rangsit University. He brought me a book to read. It is the masterpiece of the compositions of the book title. "Constitutions of the Kingdom of Thailand I-XX" in the foreword wrote that "It is an educational document for undergraduate students on the topic of the Constitution"

It didn't take me long to read the book carefully; the book details the differences of each Thai Constitution, from the Provisional Constitution of Siam on 27 June 1932 to the current version of the 20<sup>th</sup> which was promulgated on 6 April 2017, the book still contains political contexts in each, i.e., who did what. There are events that have been resulting from the collapse of each Constitution.

It is like reading the history of Thai politics since 1932 through the development of each Constitution.

The excitement that comes from the sort of story not only is the waste of the Thai Constitution that is only 89 years, 20 Constitutions were used, or an average of 4 years per version, but also in the content of each issue that has a description of different invention which is considered to require much wisdom and perseverance in its operation.

However, none of them was used for long.

The longest version is the 2<sup>nd</sup> edition promulgated on the Constitution Day 10 December 1932 that was used until 1946 last for 13 years and 9 months, followed by the 13<sup>th</sup> edition in 1978 that was used by General Kriangsak Chamanan, General Prem Tinnasulanon and General Chatchai Chunchawan for

13 years; apart from this there was no constitution that survived longer than 10 years.

Some editions, such as the 8<sup>th</sup> edition of the Constitution of the Kingdom of Thailand, 2511 B.E., were drafted for 9 years, in fragments from 1959 to 1968, but was used only for 3 years, the remnants of both the drafts and the use were torn off by the self-coup done by Field Marshal Thanom Kittikachorn on 17 November 1971.

The misfortune of the Thai Constitution therefore resembles the misfortune of the struggling country from democracy to dictatorship from election to another coup d'état -- the endless loop. But if we go through the deeds, we will see both the advancement and the reverse that are hidden in each constitution, a very interesting case study.

### **Constitution for Powers**

Building an advantage and justification of the exercise of legal power is evident in most constitutions, such as having elected senators in close proportion to members of the House of Representatives. The Prime Minister has exclusive power to implement any administrative authority without any consent from the Parliament or came later as the infamous Article 17 of Field Marshall Sarit Thanarat and Field Marshall Thanom Kittikachorn in Constitution for the Ruling of the Kingdom of 2502 B.E., Section 21 of the Constitution. The Kingdom of Thailand, 1976, during the time Mr. Thanin Kraivichien was the Prime Minister could use his absolute power to deal with dissidents in political ideology. Like Article 27 of the Constitution of the Government of the Kingdom of 1977 in the era of General Kriengsak Chamanan, which almost copied the text that gave the Prime Minister the same power in the same way.

As well as the Constitution of the Kingdom of Thailand (Interim) 2557 B.E., the Government of Thailand named General Prayut Chan-o-cha as the

prime minister, he has Article 44 as a versatile tool in arbitrarily dealing with restraints which has been passed down from one generation to the other.

### **A constitution that makes the military and civil servants superior**

The information read from Dr. Boonsong Chaletorn's book appears to be that only the fifth constitution of 1949 states the role of the military in the progressive state policy category. "The state should have a military force suitable for the need to maintain its independence. Soldiers of the country are under the command of the King. It is not supposed to be against private individuals, groups of persons or any political party.

But looking at many other editions, it turns out to raise the role of the military and the bureaucrat who have been involved in politics a lot, such as from the 4<sup>th</sup> Constitution of 1947 that occurred after the coup of Lieutenant General Pin Chuhawan changed the behavior of the Senate and ban civil servants to become a senator.

Like the constitution, 8<sup>th</sup> Edition 2511, through a long period of government Field Marshal Sarit Thanarat and Field Marshal Thanom Kittikachorn more than nine years, despite the prohibition of Ministers A or. At the same time but not forbid a civil servant to hold a political position "This equates to an opportunity for Field Marshal Thanom Kittikachorn to be Prime Minister and Commander-in-Chief at the same time, and able to appoint civil servants and civilians to become senators. "

General presence in the army sits in the senate with two-way payroll as a prop to support the throne for the government could be clearly seen from that period.

After the historical events of 14 October 1973, the Constitution of the Kingdom of Thailand, 2517 B.E., therefore, the roles between civil servants and the political parties were clearly separated. "By prohibiting civil servants from

engaging in politics will come to be a minister, senate members of the House of Representatives or government advisors at the same time cannot. "

Police soldiers are also in the regiment. The civil servants are in the right direction according to the principles they should be.

The Constitution of the Kingdom of Thailand 2540 B.E. and the 2007 edition continues to uphold the separation of political and civil servants from each other. Until the 19 September 2006 coup by General Sonthi Bunyaratklin and the 22 May 2014 coup by General Prayut Chan-o-cha, the Constitution of the Kingdom of Thailand (Provisional version) 2549 B.E. and 2557 B.E. (2014), both versions therefore have the National Legislative Assembly consisting of officers, high-ranking officials and academics came to work in politics while wearing the official uniform for more than half of the Parliament.

The Constitution of the Kingdom of Thailand 2560 B.E. in the Transitional Provisions still partially defected with the aforementioned mistakes by giving the leader of the 6 military positions, namely, the commander-in-chief, commanders of the three armies, commissioner of the national police and the permanent secretary of defense served as senators with two-way payroll. It is a special case, unlike the general government officials who are unable to engage in politics.

### **Whether the constitution of the people, it is not true**

In addition to the 1997 Constitution of the Kingdom of Thailand with a draft process, with 99 Constitutional Council, 76 of whom were indirectly elected by the people and 23 people nominated from various educational institutions, which can be regarded as the constitution, then can be called written by the people. We hardly see any other versions that can be called the constitution of the people.

More and more saw the process of prolonging amendments to the current constitution, an Extraordinary Commission was set up to study and study again for years, plus when the effort was nearing completion with guidelines for establishing a constitutional body that was directly elected by the people of the whole country, the Constitutional Court was sent to interpret that it would proceed whether to have it or not.

A constitution that the people have drafted by themselves and for the people themselves will continue to live only in my dreams.

**Somchai Srisuthiyakon**

Faculty of Political Science, Rangsit University

## Preface

This book started off simply as an idea to write as part of the textbook on the topic of "**The Constitution** " that I teach undergraduate students of the Bachelor of Arts in Social Leadership, Business and Politics of the College of Social Innovation, Rangsit University.

It is an attempt to summarize the history of each constitution. From the Preamble of the First Provisional Constitution of the Kingdom of Siam on 27 June 2475 B.E. (1932), just three days after the regime changed down to the 20<sup>th</sup> Constitution in 2017 which is the latest (but surely not the last), talking about the political circumstances surrounding the birth and death of each Constitution. Including some important contents to lay out the groundwork for the students to study further; all analyses are done by looking at the Constitutions with the eyes of political enthusiasts and not the eyes of a lawyer in any way.

In this regard, although each constitution has different names, such as No. 1 called the "Provisional Constitution Act", No. 2 called the "Constitution of the Kingdom of Siam" or No. 7, 9, 12 and 14 called "the Constitution of the Ruling of the Nation". But most of them use the name "The Constitution of the Kingdom of Thailand", the author has therefore used it as a collective term for the 20 editions of the Constitution on the cover of this book.

I would like to offer my heart-felt thanks to Associate Professor Pornchai Theppanya, Ekaporn Rakkhawamsuk and Associate Professor Somchai Srisutthiyakorn for their comments and suggestions for this book, making it so valuable which I have requested for additions and improvements for future publications.

Special thanks is passed to my dear colleague, Dr. Mano Laohavanich, who after reading my manuscript in Thai language was so inspired by the

content and offer to translated my work into English. I have known Dr. Mano for four years and we have been helping each other in various projects and activities. And I have read books and articles he wrote. His fluency in English is well known in Rangsit University, being an alumnus of Oxford and Harvard the two most famous academic institutions of the world. I am sure that the English version of my book will be accurately translated and the content will shed some light on the issue of the politics of Kingdom of Thailand.

**Dr. Boonsong Chalethorn,  
Lecturer, College of Social Innovation,  
Rangsit University**

## Table of Content

<b>Preface.....</b>	<b>13</b>
<b>Constitution I.....</b>	<b>23</b>
<b>Constitution II .....</b>	<b>34</b>
<b>Constitution III.....</b>	<b>44</b>
<b>Constitution IV.....</b>	<b>50</b>
<b>Constitution V .....</b>	<b>58</b>
<b>Constitution VI.....</b>	<b>64</b>
<b>Constitution VII .....</b>	<b>69</b>
<b>Constitution VIII.....</b>	<b>74</b>
<b>Constitution IX.....</b>	<b>80</b>
<b>Constitution X .....</b>	<b>84</b>
<b>Constitution XI.....</b>	<b>93</b>
<b>Constitution XII .....</b>	<b>99</b>
<b>Constitution XIII.....</b>	<b>104</b>
<b>Constitution XIV .....</b>	<b>112</b>
<b>Constitution XV.....</b>	<b>117</b>
<b>Constitution XVI.....</b>	<b>125</b>
<b>Constitution XVII .....</b>	<b>139</b>
<b>Constitution XVIII.....</b>	<b>144</b>
<b>Constitution XIX.....</b>	<b>155</b>
<b>Constitution XX.....</b>	<b>169</b>

## **Constitutions of the Kingdom of Thailand**

The Constitution of the Kingdom of Thailand is a written constitution that originated from Thai political events since the change of rule from an absolute monarchy to a constitutional monarchy. The People's Party took over the ruling power of King Prajadhipok Rama VII on 24 June 1932 and the constitution was announced as the highest law. Starting from the first issue is the Statute of the Administration of the Land of Siam (Interim), 2475 B.E. from then until the present. (Written at the beginning of 2021) that Thailand has the latest constitution, the Constitution of the Kingdom of Thailand, 2560 B.E., the 20<sup>th</sup> edition promulgated on 6 April 2017, after its repeal. Constitution of the Kingdom of Thailand (Provisional version) 2557 B.E. came from the 22 May 2014 coup d'état by the military junta who called themselves National Council for Peace and Order (NCPO).

The evolution of politics which has run from 1932 to the present (2021) for almost 90 years has been through a number of interesting political events. It should be studied to find lessons for the future. Each political change often brought about the abolition of the current Constitution and the constant drafting of a new one, until it is said that the Thai constitution has a very short life of approximately four years per copy. If compared with the foreign constitution like the United States It will be found that the Constitution of the United States (The Constitution of the United States) since its promulgation in 1789 until the present 2021 up to 232 years has never been abolished. There are only 27 amendments to reflect the changing times.

In addition, considering the content of the United States Constitution which is the first written constitution in the world one finds that there are only 7

large parts (Article), each part is divided into sub-parts (Section), but it is considered very short. When compared to most of the Thai Constitutions with hundreds of provisions and transitions from one Constitution to another in Thailand. It is an important historical event that should be studied and understood.

Statistics on the Constitution of the Kingdom of Thailand,

The Constitution of Thailand since 1932 has been in total 20 versions as follows:

No.	Name of the Constitution	Time of Application	Prime Minister in Charge
1	The Interim Charter of the Government of the Land of Siam, 2475 B.E.	27 June 1932 - 10 December 1932	- Phraya Manopakorn Nitithada
2	The Constitution of the Kingdom of Siam 2475 B.E.	10 December 1932 - 9 May 1946	- Phraya Manopakorn Nitithada - Phraya Phahon Phol Payuhasena - Field Marshal P. Pibulsongkram - Field Marshal P. Pibulsongkram - Mr. Khuang Aphaiwong