

**Summary of the meeting**  
**The Committee on Considering the Draft Constitution of the Kingdom of Thailand Amendment**  
**(No. ..) Buddhist Era ....**  
**5<sup>h</sup> meeting**  
**Thursday 15<sup>th</sup> March 2012**  
**At the Budget meeting room, 3<sup>rd</sup> floor, Parliament Building 3**

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The Committee considered the Draft Constitution of the Kingdom of Thailand Amendment (No. ..) Buddhist Era .... from article 3 onward, summarized as follow.

**Article 3**

**pending**

**Issue of consideration**

The Committee reconsidered article 3 in issues concerning appropriateness of formulating (17) and (18) and the opinions are in 2 ways as follow.

The 1<sup>st</sup> way: maintain article 3 as the cabinet's draft because wording in article 3 is about principle which is formulated in the content of article 3. Thus, if there is amendment in this article it equal modifying principle of the Draft Constitution of the Kingdom of Thailand Amendment (No. ..) Buddhist Era .... which cannot be done, because it may conflict with the Rules of Procedure of the Parliament B.E. 2553 section 96.

The 2<sup>nd</sup> way: article 3 should be adjusted in this matter, there're offers to amend in various forms such as;

1. To cut (17) out because the Constitution Drafting Assembly (CDA) should be constituted from direct election of the people in a whole country solely, for the purpose that this Constitution being truly democratic and to prevent scandal that the CDA members selected by the Parliament's meeting are already specified in advance by the Parliament's majority.
2. To cut (18) out because if it is remained, it will be possible to rewrite the new constitution at any time, which is not a valid principle. In case the referendum does not accept the new draft Constitution (which will be completed), and it cause the new draft constitution fall. Thus, no motion should be allowed to present to the Parliament in order to resolve to recreate a new constitution once again.
3. Origin of the CDA should be applied from the rule and procedure of acquiring the Senators under the Constitution of the Kingdom of Thailand Buddhist Era 2540.
4. To add principle concerning formulation of having referendum before recreating the new Constitution. In this regard, if the people approve (by the referendum) that the Constitution should be recreated entirely and then return to constitute the CDA to create the Constitution.

**Result of the consideration**

The meeting agreed to wait for further consideration in this article.

**Article 4**

**pending**

Issue of consideration

Naming chapter in article 4 as "Chapter 16 creating the new Constitution" is correct in wording or not?

The meeting discussed broadly and has 2 ways of opinion as follow.

The 1st way: To maintain article 4 especially the "Chapter" part, mentioned that "Chapter 16 creating the new Constitution" should be retained as the cabinet's draft because in this case, if there is any suspicion of being contradictory with the Constitution or not, the issue should be sent to the Constitution Court to make decision.

The 2<sup>nd</sup> way: Article 4 should be fixed at the title "Chapter 16 creating the new Constitution" because when considering the intention of the Constitution of the Kingdom of Thailand Buddhist Era 2550, stated that the Constitution can be amended only, not to be recreated entirely. Thus, the Committee should determine to modify wording in this part (article 4) in order not to conflict with the Constitution.

#### **Result of the consideration**

The meeting agreed to wait for further consideration in this article.

#### **Article 291/1**

**pending**

#### Issue of consideration

How should the CDA come from and how many members to be appropriate.

The meeting had broadly discussion in the matter and commented different ways as follow.

1. The Draft should state that the CDA members are from only one origin, being elected by the people.

2. The Draft should state that there are 2 types of CDA which are from direct election by the people and knowledgeable people from various fields. However, the CDA from knowledgeable type should not be selected by the Parliament meeting because it may cause unreliable among society. Consequently, they should be selected by themselves.

3. The Draft should state that the amount of the CDA members must be in appropriate proportion to each province's population; otherwise it may cause inequality among people in each province (in case every province no matter large or small can have 1 CDA member equally).

#### **Result of the consideration**

The meeting agreed that, pending this article.

In this regard, the chairman of the Committee recommended that since the consideration of each article has vast discussions and comments. Thus, in order that the consideration of the Committee can conclude more quickly, the Committee members who desire to amend which article should note their points in documentation for the deliberation of the Committee in the next meeting.

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Summarized

Mr. Anothai Rodmui  
Assistant Secretary of the Committee  
Reviewed  
Sundari/translated



(Mr. Samart Kumpiranon)

Director of the Bureau of Committee 2