

Summary of the meeting
The Committee on Considering the Draft Constitution of the Kingdom of Thailand
Amendment (No. ..) Buddhist Era
9th meeting
Thursday 29th March 2012
At the Budget meeting room, 3rd floor, Parliament Building 3

The Committee considered the Draft Constitution of the Kingdom of Thailand Amendment (No. ..) Buddhist Era continuing from the last meeting summarized as follow.

Due to the meeting on Wednesday 28th March 2010 the Committee considered the issue of article 291/1 the source of the Constitution Drafting Assembly (CDA). The Committee members proposed opinions in 9 approaches, which were different from the contents of the Cabinet's Draft, which was used as basis consideration of the Committee. Therefore, the Chairman of the Committee requested the members to vote for the resolution on that article. The resolution was that 12 members voted oppose the Cabinet's Draft, while 10 members voted for the Cabinet's Draft. Consequently, article 291/1 in the Cabinet's Draft was rejected. After that, some members submitted for raising article 291/1 of the other 2 Drafts of Constitution proposed by Mr. Sunai Chullapongsatorn and his team as well as Mr. Paradorn Prisnantakul and his team which espoused by the resolution of the Parliament forum along with the Cabinet's Draft, to be used as basis consideration in article 291/1 instead of the Cabinet's Draft which was rejected. The Committee discussed and commented in 2 approaches as follows.

The 1st approach: Using article 291/1 of another 2 Constitution Drafts to be basis consideration is not be able to do (even though the 2 Drafts were espoused by the Parliament's resolution together with the Cabinet's Draft). Because when it was requested to have resolution those 2 Constitution Drafts were not submitted for resolution along together. Therefore, if the Committee has to decide how to consider article 291/1 it must choose one in 9 approaches which were submitted only.

The 2nd approach: It is possible to embrace article 291/1 of another 2 Constitution Drafts to use as basis consideration of the Committee instead of the Cabinet's Drafts which were rejected because those 2 Drafts have passed espousal by the Parliament forum just like the Cabinet's Draft. Consequently, it is possible to embrace article 291/1 of the 2 Drafts for consideration and select one of them as the Committee's basis consideration along with the 9 approaches of thought because all the Drafts (which were submitted) can be considered differ from the Cabinet's Draft.

In this regard, some members of the Committee suggested that, since the past consideration of the Committee had opinions in various ways which were difficult to be concluded. Therefore, in order to make the consideration of the Committee running with right direction under the Parliamentary Rules of Procedure B.E. 2553, section 96, the Committee

has to reconsider the principle of the Draft Constitution that the Committee has decided to wait for further consideration until having a conclusion. Using principle in the Cabinet's Draft as basis consideration, and then proceeds to the consideration of the principles that have been settled. This approach will enable the Committee's consideration clear.

After that, the Chairman requested the meeting to vote on whether to approve the principle in Cabinet's Draft or not. The results of voting the majority agreed with the principles of the Cabinet's Draft.

In this regard, a member of the Committee suggested that since the principle has been resolved, the meeting should review the resolution of article 291/1 because its content is contrary to the principles of the Cabinet's Draft (which the meeting has approved). Furthermore, it is also contrary to section 96 of the Parliamentary Rules of Procedure B.E. 2553 as well. Then the member suggested using passages in article 291/1 of the Cabinet's Draft as a basis for consideration. Thus, the Chairman requested the meeting to resolve on that subject. Result of the resolution was that majority agreed with using wording in article 291/1 of the Cabinet's Draft as a basis consideration of the Committee.

However, some members of the Committee thought that the resolution in both cases is unlawful under the Parliamentary Rules of Procedure because they are overlap with the original decision which was not completed.

After that, the meeting considered the Draft Constitution from background and rationale, article 291/1 to article 291/4, summarized as follows.

Principle	no modification
Rationale	no modification
Article 291/1	no modification

Issues of consideration

Source, numbers and types of the CDA: what should they be like?

The meeting commented extensively and resolved to maintain the original draft, while some members of the Committee reserved the comments as seen below.

1. Mr. Jatn Sirathranont reserved his comment's principle as follows. (The wording details will be documented later.)

- The CDA members are from direct election of the people: 200 persons.
- The CDA members from the selection of the Parliamentary Assembly: 50 persons.
- The province is a constituency. Taking proportion of the population into account.

Each province must have at least one CDA member.

- Voters can vote for only one candidate.

2. Mr. Weng Tojirakan reserved his comments by the following principles.

- The CDA has only one type from direct election of the people: 100 persons.
- The province is a constituency. Taking the proportion of the population into account.

Each province must have CDA at least one person.

3. Mr. Niphon Bunyamanee reserved his comment's principle as follows. (The wording details will be documented later.)

- The CDA members are from direct election of the people: 200 persons.
- The province is a constituency. Taking the proportion of the population into account. Each province must have CDA at least one person. The election method of senators B.E. 2543 shall be implemented for the CDA election, mutatis mutandis.

4. Mr. Wiruch Romyen reserved his comment's principle as follows. (The wording details will be documented later.)

- The CDA members are from direct election, each province may have 2 CDA members.
- The CDA members from the selection of the Parliamentary assembly: 17 persons from following sources
 - a) Experts of public law: 5 persons.
 - b) Experts of Political Science or Public Administration: 5 persons.
 - c) The experienced persons of Politics, Public administration, Economics, Laws or the Constitution Drafting. According to the President of Parliament determination: 7 persons.

Article 291/2

no modification

Issues of consideration

The eligible CDA candidate under article 291/1 (1) should have what qualification.

The meeting commented extensively and resolved to maintain the original draft. The Committee reserves are as follows.

1. Mr. Wiruch Romyen reserved his comment's principle as follows. (The wording details will be documented later.)

- In paragraph (1) Thai Nationality
- In paragraph (3) Named in the registration of at least 3 consecutive years/ or who were born or studied in the electorate province for at least 3 consecutive years/ or who had worked for government sectors in the electorate province for at least 3 consecutive years.

2. Mr. Niphon Bunyamanee reserved his comment's principle as follows. (The wording details will be documented later.)

- In paragraph (1) Thai Nationality
- In paragraph (2) Age at least 25 years old on Election Day.
- In paragraph (3) Named in the registration of at least 1 consecutive year/ or who were born or studied in the electorate province for at least 1 consecutive year/ or who had worked for government sectors in the electorate province for at least 1 consecutive year.
- Increase passages in paragraph (3) or had paid local taxes for at least 1 consecutive year.

3. Mr. Weng Tojirakan reserved his comments by the following principles. (The wording details will be documented later.)

- In paragraph (2) Age at least 25 years old on Election Day.
- In paragraph (3) Named in the registration of at least 1 consecutive year/ or who were born or studied in the electorate province for at least 1 consecutive year/ or who had worked for government sectors in the electorate province for at least 1 consecutive year.

Article 291/3**has modification**Issues of consideration

Eligible candidates for election as a member of the CDA under Article 291/1 (1) should have what prohibition.

The meeting commented extensively and approved the increase passages in the article 291/3 as follows.

“(1) A person who is forbidden to candidate for a Member of Parliament election under article 102 (1) (2) (3) (4) (5) (6) (7) (9) (12) (13) or (14)”.

Article 291/4**no modification**Issues of consideration

Eligible candidates for election as a member of the CDA under Article 291/1 (2) should have what qualification.

The meeting commented extensively and resolved to remain the original draft. Some Committee members reserved their opinions as follows.

1. Mr. Nipon Bunyamanee reserved his comment. (The wording details will be documented later.)

2. Mr. Weng Tojirakan reserved his comments by deleting the passage in article 291/4 entirely.

In this regard, the Chairman of the Committee requested the Committee who (are in the meeting or not) desire to reserve their opinions be prepared documentation of reserved opinions and send to the secretariat to run the further process.

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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