

Constitutional Court Ruling No. 6/2559 (2016)

Constitutional Drafting Committee Applicant
 - Respondent

Constitution (Interim), B.E. 2557 (2014), as amended, section 37/1 in conjunction with section 39/1 paragraph twelve;

Draft Constitution, section 272, as amended by the Constitutional Drafting Committee in accordance with the Constitution (Interim), B.E. 2557 (2014), as amended.

The Constitutional Drafting Committee amended section 272 paragraph one of the Draft Constitution by stipulating that the persons having the right to nominate suitable candidates for appointment as the Prime Minister were duties of Members of the House of Representatives, and the approval for appointment of Prime Minister had to be done by a joint sitting of both Houses. Section 272 paragraph two of the Draft Constitution was also amended by stipulating that a resolution to approve the exempt the nomination of a Prime Minister candidate from the list submitted by political parties under section 88 had to be done by the votes of not less than two-thirds of the existing members of both Houses. It was found that both of these amendments were consistent and aligned with the result of the referendum.

As for the amendment of section 272 paragraph two of the Draft Constitution by the Constitutional Drafting Committee which provided that the persons having the right to propose the exemption of nomination were Members of the House of Representatives constituting not less than one-half of the existing Members of the House of Representatives, and the provision on timing and commencement under section 272 paragraph one and paragraph two of the Draft Constitution that “in the initial period upon an election of Members of the House of Representatives under section 268,” such amendments were inconsistent and not aligned with the referendum result. Hence, the Constitutional Drafting Committee should amend the relevant provisions of section 272 of the Draft Constitution, as follows: (1) persons having the right to propose an exemption of nomination of Prime Minister candidate from the list were Members of the National Assembly constituting not less than one-half of the existing members of both Houses; (2) the time period and commencement under section 272 paragraph one and paragraph two of the Draft Constitution was “in the first five-year period as from the establishment of the first National Assembly under this Constitution.”