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Name of Officer

TO : DEPARTMENT OF STATE

FROM : AmEmbassy BANGKOK

DATE: July 13, 1970

SUBJECT : Provision of House Rules Declared Unconstitutional

REF : Bangkok 2146 of February 20, 1970

FN 15 THAI
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A joint session of the National Assembly in its capacity as the final interpretor of the Constitution, has determined that one of the provisions of the House Rules was unconstitutional. The particular provision, permitting the House to pass "sense of the House" type resolutions, had been passed over Government opposition. Its being declared unconstitutional gives an indication of the attitude of the Government towards the House and illustrates one more method which the Government has available to keep MP initiatives under control.

The provision in question authorized the House, upon the motion of ten members, to consider resolutions on "important" matters. If the resolution were passed by a majority of the MPs it would then be sent directly to the Government, which would be expected, but not legally required, to act in accordance with it. The resolution would not have required Senate approval.

Proposed in committee as an amendment to Section 30 of the House Rules, the provision had been defeated. Its prime mover, Liberal MP Charnyoutha Chaikamming, then carried the fight to the House floor. when the Rules came up for second and third readings on February 19, the final day of the extraordinary session of Parliament. By a 95-90 secret ballot the amendment was accepted by the full House, with the opposition parties and the independents on the winning side, and the SPT voting en bloc as the losers. Later in the day the House then passed the Rules in their entirety.

GROUP 3

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On July 1 a joint session of the House and Senate was called to consider a motion by SPT MP Yard Waidee calling for a determination of the constitutionality of Section 30 as amended. Opponents of the section maintained that the House was arrogating powers to itself not granted by the Constitution. Proponents claimed the House was not exceeding its authority and that the House itself was the sole arbiter regarding its own rules. The debate continued throughout the morning, but after lunch insufficient numbers of SPT MPs and Senators were on hand to form a quorum and the meeting was adjourned until the following Wednesday.

The joint session resumed on July 8 following a brief meeting of the Senate. The debate continued until noon when the issue was determined by secret ballot. Article 30 was declared unconstitutional by a vote of 201 to 87 with four abstentions. The minority vote was undoubtedly composed almost entirely by opposition MPs, while the majority vote consisted of SPT MPs and the Government-appointed Senators. After losing lackadaisically in the House, the Government used its overwhelming combined House-Senate strength to rid itself of a relatively innocuous, but potentially embarrassing House action.

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interpellation was aimed at trying to publicly shame the military out of any persisting thoughts that the present document and system should be scrapped. Sombid later told an Embassy officer that he planned to have his interpellation and Praphat's reply printed and to have it distributed to all of the embassies in Bangkok.)

The subject of the scheduling of meetings of the House was by mutual consent moved from the final item of the agenda to the first following the interpellations. The Opposition proposed that two meetings be held per week while the Government replied that this would occupy too much time of the ministers and that all necessary business could be taken care of in an extended, single-day per week meeting. The Opposition speakers pointed out rather unkindly that the presence of the ministers the full time was unnecessary, but lost the vote on the issue 84-82. The meetings will continue to be held each Thursday starting at 9:00 a.m. It is probable, however, that they will be full rather than half-day sessions.

The House also disposed of the following items:

-- Heard "urgent" interpellations on the theft of fishing boats, damage to rice by insects, and the moving of a school in Ubon Province. (No regular interpellations were heard)

-- Passed in second and third readings six bills expropriating land for road construction

-- Passed in second and third reading a bill on tin control

-- Passed in second and third reading a bill on qualifications of graduates in military science

-- Passed in second and third reading a bill dealing with tax collection

-- Passed in first reading and sent to an extraordinary committee two bills dealing with the practice of second-class lawyers

-- Delayed action on three bills concerning transportation until the return from the United States of Transportation Minister Dawee Chullasapya

-- Referred to an extraordinary committee three forestry bills

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