

ร่างรัฐธรรมนูญฉบับพระบาทสมเด็จพระปกเกล้า,  
ความเห็นต่อร่างรัฐธรรมนูญของนาย Stevens, และความเห็นต่อร่างรัฐธรรมนูญของ  
พระยาตรีวิสารวาจา

๙ มี.ค. ๒๔๗๕

(คัดจาก : ก.จ.ข. ร.๗ ๒.๑.๓/๒๔๗๕ No. ๔๗

ส่วนพระองค์สมเด็จพระยาคำรงฯ แผนกอภิรัฐมนตรี เคาโครงแห่งระบบการปกครองที่จะ  
เปลี่ยนแปลง ๙ มี.ค. ๒๔๗๕)

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AN OUTLINE OF CHANGES IN THE FORM OF THE GOVERNMENT.

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There is submitted herewith, in accordance with the wish of His Majesty, and outline of a new constitution, together with a brief explanation.

In general the plan involves the beginning of a parliamentary form of government. In theory His Majesty still remains the Chief Executive and Law-giver. As Chief Executive, however, He acts through a Prime Minister who is responsible to His Majesty for the administration of the Government. The Prime Minister and Cabinet is under the plan also subject to certain supervisory powers of the Legislative Council.

His Majesty as Law-giver will act with the aid of the Legislative Council composed in a substantial part of elected representatives.

It is not assumed that the plan presented herewith is either complete or perfect. It is put forth as a basis for consideration and is limited to certain main principles. Obviously many details would have to be worked out later.

The Government under this proposal would be as follows:-

- (a) The Monarch.
- (b) Supreme Council.
- (c) Prime Minister and Cabinet.
- (d) Legislative Council.

SUPREME COUNCIL

The Supreme Council will be retained with certain modifications. It should be a small body of not more than 6, and shall be appointed by His Majesty. The term of office shall be as at present during His Majesty's pleasure and not for a fixed period.

The Supreme Council should act purely as an advisory body to His Majesty on matters of general policy.

No member of the Supreme Council shall at the same time serve as Prime Minister or member of the Cabinet. Furthermore the Council shall not sit with the Cabinet.

If members of the Cabinet may also serve as members of the Supreme Council the influence and position of the Prime Minister might be seriously weakened.

PRIME MINISTER AND CABINET

Appointment

The Prime Minister shall be selected by His Majesty and shall be responsible to His Majesty for the administration of the Government.

There should be no limitation upon the King's power of selection. He should be free to select the most capable man for the position without regard to any factors except his qualifications for the office.

If the Prime Minister is to be responsible for the administration of the Government he should have the right to choose his Cabinet Ministers. A complete delegation to the Prime Minister of the power of appointment would be however too drastic a change. It is therefore suggested that the choice of the Prime Minister should be subject to confirmation by His Majesty.

Term of Office.

The Prime Minister and Cabinet members shall be appointed for a fixed period and at the expiration thereof their resignations must be offered to His Majesty. They should however be eligible to re-appointment. The term of office should be the same as that for the Legislative Council, so that a new Council and a new Prime Minister and Cabinet or a re-appointed Prime Minister and Cabinet should come into office at the same time. This plan would permit

changes to be made as a matter of course and without compelling His Majesty to exercise his sovereign power of removal. His Majesty would also have the right at any time to request the resignation of the Prime Minister. Whenever the Prime Minister resigns, either voluntarily or on request, the members of his Cabinet shall also tender their resignations.

The Prime Minister shall preside over Cabinet meetings and will ordinarily be the sole means of communication between His Majesty and the Cabinet.

## LEGISLATIVE COUNCIL

### Composition

The Legislative Council should be large enough to be representative of the public. On the other hand it should not, at the beginning, be too large, since a numerous body is unwieldy and slow to act.

It is suggested that the Council should be not more than 75 or less than 50.

The Legislative Council may be composed entirely of appointed members or solely of elected members or of a combination of the two. A purely appointed Council would not have sufficient independence and would not be considered by the public as representative. On the

other hand a Council composed entirely of elected members might not have sufficient number of persons of experience and judgment in public affairs. It is therefore suggested that at the start the Legislative Council should be equally divided between appointed members and elected members.

Of the members appointed by His Majesty not more than half should be at the same time Government officials. With this limitation His Majesty should be free to select such members as he deems fit.

The Prime Minister and members of the Cabinet shall be members of the Legislative Council ex-officio.

If the Legislative Council is to exercise some power of supervision over the administration, together with the right to pass a vote of lack of confidence, it is essential that the Prime Minister and members of the Cabinet should have at least the right to sit and speak in the Council. Whether they should also have the right to vote is a debatable question. If the underlying purpose is eventually to establish a Parliamentary Government, then these executives should be full-fledged members of the Council.

#### Election and Qualifications of Voters.

The method of election shall be indirect, that is, the voters of each Amphur shall choose electors who will meet together and elect by ballot the representatives for the Monthon. Since the Amphur

districts vary in population from 70 thousand to as low as 3,4 and 5 thousand the number of electors must be based on population.

Voters must be nationals and reside in the Amphur or Amphurs where the voting takes place. They must also pay a certain amount of tax.

The Monthons, of which there are ten, also vary in population from Nakron Rajasrima with 2,800,000 to Puket with only 24,000. The number of representatives from the Monthons should also vary according to the population in order that the Legislative Council may approximate a truly representative body.

The election of the members of the Council shall be by majority vote. In case any Monthon fails to elect its representative or representatives His Majesty shall fill the vacancy by appointment.

#### Qualifications of members of the Council

They must be Siamese nationals and at least 30 years of age, able to read and write and must pay a certain amount of tax. No elected member shall at the same time hold any other Government position.

#### Term of Office and Meetings.

Members of the Legislative Council should be elected for a fixed period of either 4 or 5 years. This term should be the same

as that fixed for the period of office for the Prime Minister and Cabinet.

The Legislative Council should meet at least once each year. It may be called in a special session at any time by His Majesty and may also be dissolved by His Majesty.

### FUNCTIONS OF THE LEGISLATIVE COUNCIL

#### 1. Legislative

All laws proposed by the Prime Minister must be submitted to the Council for its approval. The Council may adopt amendments or alterations, Furthermore the Council may initiate legislation.

The Budget shall be submitted to the Council by the Prime Minister. In case of disagreement between the Council and the Prime Minister over the Budget the matter shall be referred to His Majesty.

Treaties and agreements or arrangements with Foreign Powers do not have to be submitted to the Council.

His Majesty has the power of veto on any legislation approved by the Council. Furthermore His Majesty may in any emergency or whenever in His opinion the public interest or security requires it, enact legislation without reference to the Legislative Council. In case of any veto His Majesty shall in a message to the Council set forth the reasons for His action.

## 2. Administrative

The Council may interpellate the Ministers on any matters affecting the Government. The Ministers are bound to give explanations unless incompatible with public interest.

The Council may, by 2/3 majority, pass a vote of lack of confidence in the Prime Minister. In such case the Prime Minister and Cabinet must tender their resignations to His Majesty. His Majesty may accept or refuse to accept as he deems proper in the public interest.

## 3. Organisation

The Council may select its own presiding officer and shall adopt rules for its deliberation and work.

Ordinarily all meetings of the Council shall be in public. The Council may however, by a majority vote, go into executive session which shall be secret.

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MEMORANDUMCONCERNING THE PROPOSED CHANGES IN THE FORM OF GOVERNMENT

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I have doubts whether it is advisable to adopt in its entirety the proposed plan for a new constitution. I express these views with some diffidence as I fully realise that my Knowledge of the Siamese people is limited. On the other hand I have had a long experience with popular government. I am not one of those who believe that unlimited monarchy should continue to exist indefinitely in Siam. The time will undoubtedly come when some distribution of power will have to be made. I do not believe however that that time has yet arrived.

There is one marked difference between the two important aspects of the proposed plan:- The creation of a Prime Minister and the creation of a Legislative Council with both legislative and administrative functions. While the creation of a Prime Minister would be an important change it cannot be deemed fundamental. At present His Majesty is His own Prime Minister and exercises His power as Chief Executive through responsible ministers. The experiment of a Prime Minister can be tried without serious consequences even if it should prove unsuccessful.

The creation of a Legislative Council with a substantial number of elected members exercising both legislative and executive functions

b62

is of quite a different category. It is extremely difficult to withdraw political power once granted to the people. As a rule such organisations when once created tend inevitably to acquire more power. Accordingly such experiments should not be made until it is clear that, in the words of Lord Bacon, "The necessity be urgent or the utility evident". I do not believe a Legislative Council would render the Government of Siam more efficient or wiser than the present Government. Also I do not believe a desire for some form of popular government is wide-spread among the people.

It is true that a period of depression such as now exists in Siam always creates some re-action against the Government in power. However, His Majesty's Government is not responsible for the economic depression. Since in large measure the present unrest is due to economic reasons and not because of dissatisfaction with the form of Government it is not advisable to attempt to allay that unrest through changes in the constitution.

In stating the opinion that the greater part of the Siamese people are not yet fit to take part in the national Government I would not be understood as casting reflections on the natural capacity of the Siamese race as compared with the Burmese or other Eastern races where elected Legislative Councils now exist. In fact the capacity of the Siamese for government has been amply shown by the achievements of members of the Royal Family and officials of the Government.

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The situation in Burma is fundamentally different from the situation in Siam. Burma for many generations has been ruled by an alien power. Naturally there exists in Burma a wide-spread feeling against English rule. Siam has been, on the other hand, always ruled by its own people and the Siamese people have been loyal to their rulers.

Furthermore in Burma the people have had political training through their participation in local Government for many years before the creation of the Legislative Council. In Siam so far there is no form of real local self government. The best method of training a people for self government is to give them first some control over and responsibility for their local interests with which they are in direct contact.

I would suggest as a safe course that the changes to be made in the immediate future in Siam should be restricted to the creation of a Prime Minister with a fixed term and the creation of municipal governments and that the question of the establishment of a Legislative Council should be deferred.

(Signed) Raymond B. Stevens

Office of the Adviser in Foreign Affairs

9th March, 1932

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