The aim of this research work is to analyze the principles and procedure for the public consultation under Article 59 of the Constitution of the Kingdom of Thailand, B.E. 2540 by way of a comparative study of the previous regulations, law, draft Bills relating to public consultation and the prevailing Rule of the Office of the Prime Minister on Public Consultation, B.E. 2548, as well as a study of the problems and impediments in the public consultations in the past experience. The precedents and positive repercussions of the public consultation in foreign countries are cited in support of the critical analysis of the author with a view to proposing pertinent guidelines for fructuous public consultation in Thailand.

Researches have discovered that the notion of public consultation existed long before the present constitution has upheld such right for the first time. However, as it is enshrined in only three specific Acts, the concept of public consultation has not been so prevalent. Besides, since the 3 Acts fail to prescribe the format and criteria for the public consultation, the Rule of the Office of the Prime Minister on Public Consultation by means of Public Hearing, B.E. 2539, has been enacted for the first time as the norm for public hearings. The organization of public hearings under that Rule of the Office of the Prime Minister has, nonetheless, encountered several complications and hurdles until the promulgation of the present constitution and the recognition of the right and freedom to organize public hearings at the Administration level. Such Rule of the Office of the Prime Minister has thus failed to meet the objectives and purposes of the Constitution in this area. Anyhow although subsequently the Rule of the Office of the Prime Minister on Public Consultation by means of Public Hearing, B.E. 2548 has been enacted in substitution to the one of B.E. 2539, the new Rule of the Office of the Prime Minister is still plagued with quite a few shortcomings, e.g., it only has the status of an Administrative Decree. Hence, its incapability to provide as efficacious a guarantee as a Parliamentary Act for the right and freedom of the people in this respect and its substantive provisions are prone to give rise to numerous practical problems, viz problems arising from the exercise of the discretion power of government agencies in prescribing the
frameworks and specification for an appropriate public hearing for each project, the problem of partiality of the public hearing organizing authority, the problem in the perception of the outcome of the public hearing for an integration in the deliberations of government agencies.

In light of the above, the author recommends an enactment of an act that implements Article 59 of the present Constitution and prescribes the regulations and procedure for the organization of the public hearings, from the initiative to organize a public hearing, publication of essential information on the project, prescription of the modality of the public hearing and the criteria for its perception expedient to each project, creation of a public hearing committee, publication of the summary record of the public hearing, disclosure of the consequential actions taken by the competent authorities in that project and rationale behind the decision to take that course of actions, for the organization of public hearings in Thailand.

Note: This research was funded by the University of Thai Chamber of Commerce in 2006