

Summary of the Constitutional Court Ruling No. 5/2546

Dated 18th March B.E. 2546 (2003)*

**Re : Political Party Registrar applied to the Constitutional Court for an
order to dissolve Sangkom Prachathippatai Party**

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1. Background and summarized facts

1.1 The political party registrar submitted an application and additional application to the Constitutional Court for an order to dissolve Sangkom Prachathippatai Party. The applications stated that;

1.1.1 Sangkom Prachathippatai Party notified that it held the extraordinary general meeting (No. 1/2544) on 29th July B.E. 2544 (2001) and requested the political party registrar to consider the acknowledgement of resolutions passed by the said extraordinary general meeting under section 33 of the Organic Act on Political Parties, B.E. 2541 (1998);

1.1.2 The Office of the Election Commission examined facts and found that persons attending the above-mentioned meeting were full members of Sangkom Prachathippatai Party but were less than 100 persons in number. This did not comply with article 69 and article 70 of the Bylaws of Sangkom Prachathippatai Party, B.E. 2543 (2000), which provided for the quorum of not less than 100 members of the Party;

1.1.3 The political party registrar did not acknowledge the resolutions passed by the extraordinary general meeting (No. 1/2544) of Sangkom Prachathippatai Party and was of the opinion that the Party failed to comply with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). The political party registrar thus submitted the application for the Constitutional Court's order to dissolve Sangkom Prachathippatai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). Thereafter, in response to the arguments of Sangkom Prachathippatai Party as mentioned below, the political party registrar additionally stated that the consideration whether to acknowledge the said resolutions or not was the case under section 33 of the Organic Act on Political Parties, B.E. 2541 (1998) which was different from the case of non-compliance with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). Moreover, retarding the acknowledgement did not cause any damage to the operation of Sangkom Prachathippatai Party;

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1.2 Sangkom Prachathippatai Party through Miss Aon-Uma Changyanta, acting leader of the Party, submitted the following statement in response to the allegations. Sangkom Prachathippatai Party held the extraordinary general meeting (No.1/2544) on 29th July B.E. 2544 (2001) resolving the election of additional members of executive committee and amending the policies and bylaws of the Party. The Party notified such resolutions to the political party registrar. However, the political party registrar ordered the retardation of acknowledging such changes and the examination of a meeting quorum. An examination of the relevant officials revealed that a quorum was not constituted in extraordinary general meeting (No. 1/2544), inconsistent with the Bylaws of Sangkom Prachathippatai Party, B.E. 2543 (2000). These actions of the political party registrar were deemed as causing delay without authority set forth by law and as causing damages and difficulties to Sangkom Prachathippatai Party.

2. The issue considered by the Constitutional Court

Did the case constitute a cause for the dissolution of Sangkom Prachathippatai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) according to the application of the political party registrar ?

The Constitutional Court held that the facts were sufficient for adjudication and no need to consider more evidences. The Court concluded that Sangkom Prachathippatai Party failed to comply with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998) on the reason that the extraordinary general meeting of the Party did not comply with article 69 and article 70 of the Bylaws of Sangkom Prachathippatai Party, B.E. 2543 (2000). The said articles required the extraordinary general meeting had to consist of members of the Party, and to achieve the quorum, the said meeting had to have attendance of not less than one hundred members. It was concluded from the facts that there were less than one hundred full members of the Party attending the meeting as to constitute the quorum. The case therefore constituted the cause for the dissolution of Sangkom Prachathippatai Party under section 65 paragraph one subparagraph (5) and section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). As regards other applications, they were outside the power of the Constitutional Court to give adjudication. The Court therefore dismissed such applications.

3. Ruling of the Constitutional Court

By reasons stated above, the Constitutional Court by a majority of 10 votes to 1 vote ordered the dissolution of Sangkom Prachathippatai Party.
