

Summary of the Constitutional Court Ruling No. 39/2546

Dated 14th October B.E. 2546 (2003)*

**Re : Political Party Registrar applied to the Constitutional Court for an
order to dissolve Thai Seree Party**

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1. Background and summarized facts

The political party registrar submitted an application dated 5th September B.E. 2546 (2003) to the Constitutional Court for an order to dissolve Thai Seree Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), because Thai Seree Party failed to comply with section 25 and section 26 of the Organic Act on Political Parties, B.E. 2541 (1998) which was a cause for the dissolution of a political party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998). The facts as stated in the application and documents attached thereto were the following summary. The ordinary general meeting (No. 2545/2546) of Thai Seree Party on 15th April B.E. 2546 (2003) passed the resolutions that: (1) Thai Seree Party's policies be changed, (2) Thai Seree Party Bylaws be revised, and (3) the term of the previous executive committee's office be extended to another term. The Office of the Election Commission requested the leader of Thai Seree Party to submit a statement and additional documents and then delivered them to the relevant Provincial Office of the Election Commission for examining facts. It was appeared after such an examination that 15 persons from the list whom Thai Seree Party notified as persons presenting in the said ordinary general meeting of the Party had not known about the meeting and did not attend it. Moreover, 10 persons from the list received the invitation letter after the meeting was already held and thus did not attend the meeting. Thai Seree Party had a duty to operate the Party's business in accordance with law and political party's bylaws. Thai Seree Party, however, failed to comply with its Bylaws. It was deemed that Thai Seree Party intended to violate of section 25 and section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). This therefore constituted the cause for the dissolution of the political party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

Thai Seree Party through its leader, Mr. Nit Sorasit, delivered the letter dated 30th September B.E. 2546 (2003) admitted all allegations.

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2. The issue considered by the Constitutional Court

The issue to be considered by the Constitutional Court was the application for an order to dissolve Thai Seree Party.

The Constitutional Court held that the ordinary general meeting (No. 2545/2546) of Thai Seree Party on 15th April B.E. 2546 (2003) was held to change the Party's policies, its Bylaws and to extend the term of office of its executive committee. The persons who attended the meeting was less than 100 in number, and this did not comply with article 69, article 70, article 72 and article 104 of the Bylaws of Thai Seree Party, B.E. 2545 (2002). Thai Seree Party did not comply with section 25 and section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted the cause for the dissolution of Thai Seree Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

3. Ruling of the Constitutional Court

By virtue of section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), the Constitutional Court ordered the dissolution of Thai Seree Party.
