

Summary of the Constitutional Court Ruling No. 59/2547 Dated 7th October B.E. 2547 (2004)*

Re: Political Party Registrar’s application for an order to dissolve Chao Thai Party

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1. Background and summarized facts

The political party registrar submitted an application dated 21st February B.E. 2546 (2003) to the Constitutional Court for an order to dissolve Chao Thai Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The facts as stated in the application and supporting documents could be summarized as follows. The political party registrar acknowledged the establishment of Chao Thai Party into the political party registry on 30th September B.E. 2542 (1999). Section 26 paragraph one of the Organic Act on Political Parties, B.E. 2541 (1998) provided that “The general meeting of a political party shall comprise the Executive Committee, the representatives of its branch and its members in accordance with the rules and procedure as prescribed in its bye-law.” and section 26 paragraph two provided that “During the establishment of any political party’s branches under section 29, the general meeting of such political party shall comprise the Executive Committee and its members in accordance with the rules and procedure as prescribed in its bye-law.” However, it appeared that Chao Thai Party failed to comply with the above-mentioned section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). The extraordinary general meeting of Chao Thai Party (No. 2/2545) on 29th June B.E. 2545 (2002) held for amending three articles of the Bye-Law of Chao Thai Party B.E. 2543 (2000) which are article 8, article 15 and article 71 and for electing new 12 members of the Executive Committee, had less than 100 attendees. The representatives of Chao Thai Party’s branches and the invited members of the Executive Committee had not attended the meeting. Thus, the said meeting was not in accordance with article 70, article 71 and article 106 of the Bye-Law of Chao Thai Party B.E. 2543 (2000). This constituted 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 political party registrar therefore submitted the application to the Constitutional Court for an order to dissolve Chao Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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2. Preliminary issue

Was there a cause for the dissolution of Chao Thai Party due to non-compliance with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998) according to the application of the political party registrar?

3. Ruling of the Constitutional Court

Office of the Election Commission had examined the extraordinary general meeting of Chao Thai Party (No. 2/2545) on 29th June B.E. 2545 (2002). The examination revealed that there were less than 100 members who attended the meeting and none of them were not any representative of its branches and any invited member of the Executive Committee. This was not in accordance with article 70 and article 71 of the Bye-Law of Chao Thai Party B.E. 2543 (2000). The case therefore constituted a cause for the dissolution of Chao Thai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 Chao Thai Party.
