

Summary of the Constitutional Court Ruling No. 61/2547

Dated 7th October B.E. 2547 (2004)*

Re: Political Party Registrar applied to the Constitutional Court for an order to dissolve Rang-ngan Thai Party

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1. Background and summarized facts

The political party registrar submitted an application dated 20th August B.E. 2547 (2004) to the Constitutional Court for an order to dissolve Rang-ngan Thai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998), because Rang-ngan Thai Party failed to comply with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998).

The facts in the application could be summarized as follows. The extraordinary general meeting of Rang-ngan Thai Party (No. 1/2546) on 6th October B.E. 2546 (2003) resolved to amend two articles of its bye-law which were article 4 the Party Mark and article 5 the explanation of the Party Mark. The number of members who attended the meeting was 104. The Office of the Election Commission entrusted its office in the relevant province to examine facts and to notify Rang-ngan Thai Party to give a response statement and deliver additional evidences. The examination revealed that there was no record in the daily book of the restaurant showing that the said extraordinary general meeting was held there. The office of the Election Commission in the relevant province reported the result of its examination that 9 persons whose signatures appeared in the list of attendees did not attend the general meeting at the above-mentioned time and place and such signatures were not theirs. Furthermore, 6 persons whose name appeared in the list of attendees and who went to work in Samut Prakan Province gave similar statements that they did not attend the said general meeting. One of them stated that he was used to be a member of Rang-ngan Thai Party but he did not know since when. He already resigned from its membership. He did not attend the meeting and sing in the list of attendees. The signature appeared therein was not his. Consequently, there were less than 100 members who attended the extraordinary general meeting of Rang-ngan Thai Party (No. 1/2546), which it was not in accordance with article 69 and article 70 of the Bye-Law of Rang-ngan Thai Party B.E. 2541 (1998). This represented the intention to violate 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).

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The political party registrar therefore submitted the application to the Constitutional Court for an order to dissolve Rang-ngan Thai Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

Rang-ngan Thai Party, through Chief Warrant Officer Chin Thubplee, its Leader, submitted the letter dated 14th September B.E. 2547 (2004) in response to the allegation. It stated that Rang-ngan Thai Party held the extraordinary general meeting on 6th October B.E. 2546 (2003) and truly that the number of members attending the meeting could not constitute the quorum. Accordingly, it requested the Constitutional Court to consider the case. The Constitutional Court held that the number of members attending the extraordinary general meeting of Rang-ngan Thai Party on 6th October B.E. 2546 (2003) for the amendment of its bye-law were insufficient to constitute the quorum. This was a cause for the dissolution of Rang-ngan Thai Party according to the application of the political party registrar.

2. The issue considered by the Constitutional Court

Did the case constitute a cause for an order to dissolve Rang-ngan 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?

The Constitutional Court held the following opinions. The extraordinary general meeting of Rang-ngan Thai Party (No. 1/2546) on 6th October B.E. 2546 (2003) contained less than 100 attendees. Such meeting was held not in accordance with article 69 and article 70 of the Bye-Law of Rang-ngan Thai Party B.E. 2541 (1998), which it was not in compliance with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). The case constituted a cause for the Constitutional Court to order the dissolution of Rang-ngan Thai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court therefore held that Rang-ngan Thai Party be dissolved pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

3. Ruling of the Constitutional Court

By the above reasons, the Constitutional Court ordered the dissolution of Rang-ngan Thai Party.
