

Summary of the Constitutional Court Ruling No. 24/2544

Dated 14th August B.E. 2544 (2001)*

**Re : Political Party Registrar's application for an order to dissolve Ram
Siam Party**

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1. Background and summarized facts

The political party registrar was notified by Ram Siam Party that in its first ordinary general meeting for the year B.E. 2544 (2001) (No. 1/2544) on 30th April B.E. 2544 (2001), the meeting passed the following resolutions: (1) amending the Bylaws of Ram Siam Party B.E. 2541 (1998) (as amended) by repealing article 67 and replacing it by the following: "Article 67 Ram Siam Party has strong intention to promote the solid and perpetual establishment of the democratic regime of government with the King as Head of the State. Therefore, members of the Party shall, with full effort, maintain the persistence of the Party for Thai people, except that the general meeting of the Party passes a resolution by not less than two third of votes dissolving the Party or amalgamating the Party with another political party;" and (2) by consensus, dissolving Ram Siam Party in order that the Party's political operations be changed into other forms. The political party registrar had already acknowledged the amendment to the Bylaws of Ram Siam Party as aforesaid under section 33 of the Organic Act on Political Parties, B.E. 2541 (1998). This thereby constituted a cause for the dissolution of a political party under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties, B.E. 2541 (1998). The political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Ram Siam Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. Preliminary issue

Could the Constitutional Court hear this application pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998)?

The Constitutional Court held that this case was in accordance with section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). The Court could therefore hear this application.

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3. The issue considered by the Constitutional Court

The issue which had to be considered was whether there was a cause for the dissolution of Ram Siam Party pursuant to the application made by the political party registrar.

The Constitutional Court held that the political party registrar submitted the application to the Constitutional Court for an order to dissolve Ram Siam Party, because the general meeting of Ram Siam Party, by consensus, passed the resolution dissolving Ram Siam Party under article 67 of the Bylaws of Ram Siam Party B.E. 2541 (1998) (as amended) (first amendment B.E. 2544 (2001)). Under section 65 paragraph one of the Organic Act on Political Parties, B.E. 2541 (1998) which provides that “A political party is dissolved upon any of the following grounds: (1) having a ground for dissolution under a political party’s bylaws” and section 65 paragraph two of the said Organic Act which provides that “If it appears to the registrar that any political party is under the circumstance specified in (1), (2), (3) or (5), the registrar shall submit an application to the Constitutional Court for the dissolution of such political party within fifteen days as from the date of the appearance of such circumstance. If the Constitutional Court considers that the political party is under such circumstance as applied by the registrar, the Constitutional Court shall issue an order dissolving such political party,” when it appeared that Ram Siam Party had to be dissolved under its bylaws, the case therefore constituted a cause for the dissolution of Ram Siam Party under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties, B.E. 2541 (1998).

4. 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 Ram Siam Party.
