

Summary of the Constitutional Court Ruling No. 30/2544

Dated 13th September B.E. 2544 (2001)*

Re: Political Party Registrar’s application for an order to dissolve Sattha Prachachon Party

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1. Background and summarized facts

The political party registrar was notified by Sattha Prachachon Party that in its second ordinary general meeting (No. 2/2544) on 15th July B.E. 2544 (2001), the meeting passed the following resolutions: (1) amending the Bylaws of Sattha Prachachon Party B.E. 2543 (2000) (as amended) by repealing article 109 and replacing it by the following: “Article 109 Sattha Prachachon 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 Party be dissolved or terminated by law or that the ordinary general meeting of the Party passes a resolution approving the dissolution or termination of the Party.”; and (2) approving the dissolution of Sattha Prachachon Party for the reason that the Party could no longer bear any burden due to lack of budget for the Party’s operations. The political party registrar had already acknowledged the amendment to the Bylaws of Sattha Prachachon 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 Sattha Prachachon 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.

* Published in the Government Gazette, Vol. 119, Part 46a, dated 21st May B.E. 2545 (2002).

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 Sattha Prachachon 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 Sattha Prachachon Party, because the general meeting of Sattha Prachachon Party, by consensus, passed the resolution dissolving Sattha Prachachon Party under article 109 of the Bylaws of Sattha Prachachon Party B.E. 2543 (2000) (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 Sattha Prachachon Party had to be dissolved under its bylaws, the case therefore constituted a cause for the dissolution of Sattha Prachachon 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 Sattha Prachachon Party.
