

# Summary of the Constitutional Court Ruling No. 50/2545

Dated 19<sup>th</sup> September B.E. 2545 (2002)\*

**Re : Political Party Registrar's application for an order to dissolve Saangsan Thai Party**

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## 1. Background and summarized facts

The political party registrar registered Saangsan Thai Party as a political party under the Organic Act on Political Parties, B.E. 2541 (1998) on 17<sup>th</sup> May 2545 (2002). Later, the Saangsan Thai Party held the third meeting of its Executive Committee (No. 3/2545) on 3<sup>rd</sup> July 2545 (2002). All member of the Executive Committee and all founders of the Party presented at the meeting and discussed about the operation of the Party. In the meeting, the members of the executive committee and the founders of the Party revealed the intention to leave the Party by the reason that they had not enough time to run political activities due to a large number of duties and works and some of the Executive Committee members intended to work in foreign country for the long period of time. As a result, in order to avoid practical problems concerning the operation of the Party and negative effect to the Party, the meeting passed the consensus resolution that the Saangsan Thai Party was dissolved pursuant to article 107 of Chapter 16: the Dissolution of the Party of its bylaws. This constituted a cause for the dissolution of a political party in the case provided by its bylaws 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 the Saangsan Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

## 2. Preliminary issue

The Constitutional Court ordered the acceptance of the application for hearing and delivered its copy to Saangsan Thai Party for acknowledgement and submission of response statement pursuant to the Rule of Constitutional Court on the Constitutional Court Procedure B.E. 2541 (1998).

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### **3. The issue considered by the Constitutional Court**

The political party registrar submitted the application to the Constitutional Court for an order to dissolve Saangsan Thai Party under section 65 paragraph one subparagraph (1) and section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court held that, in this case, pursuant to article 107 of Chapter 16: the dissolution of the Party of Saangsan Thai Party's bylaws which was included in the Notification of the Political Party Registrar acknowledging the establishment of Saangsan Thai Party, there was a ground for the dissolution or termination of Saangsan Thai Party. The said article 107 provided that the Party's Leader had a power to convene the meeting of the Executive Committee of the Party existing in present to make a resolution on any issue. The resolution should be reached by the majority of vote of the Executive Committee's members presenting at the meeting. Where the fact revealed that the Executive Committee of Saangsan Thai Party passed the resolution by consensus to dissolve its Party, and the Party's Leader made the statement to the Constitutional Court that there was no objection to the application of the political party registrar and requested for such dissolution, the case therefore constituted a cause for an order to dissolve Saangsan Thai Party in the case provided by its bylaws 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 Saangsan Thai Party.

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