

# **Summary of the Constitutional Court Ruling No. 54/2545**

**Dated 22<sup>nd</sup> October B.E. 2545 (2002)\***

**Re : Political Party Registrar's application for an order to dissolve Kasert  
Seree Party**

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## **1. Background and summarized facts**

The political party registrar submitted the application dated 25<sup>th</sup> October B.E.2544 (2001) to the Constitutional Court stating that the registrar acknowledged the establishment of Kasert Seree Party as a political party, and that the said Party intended not to comply with section 25 and section 26 of the Organic Act on Political Parties, B.E. 2541 (1998) in the way that the General Meeting of the Party, which was held for electing new Executive Committee of the Party, was not in compliance with article 73 of the Bylaws of Kasert Seree Party B.E. 2541 (1998). Article 73 provided that the Leader of the Party had to notify to its members a meeting schedule specifying date, time, place and agenda of the meeting not less than seven days in advance. The General Meeting of the Party shall be composed of members constituting a quorum under article 69 of its Bylaws. However, the fact revealed that most persons presenting at the meeting were not the members of Kasert Seree Party. Although some members were invited, the invitation was for the attendance of a seminar not the General Meeting of Kasert Seree Party. Kasert Seree Party also included the list of persons presenting at the seminar operated by each of its branches to be the quorum of the General Meeting of the Party. In addition, the General Meeting of the Party could not be held, because, on the same day as the meeting was invoked to be held, Mr. Narongsak Tonsuksa, the Leader of the Party, attended the workshop on accounting of a political party operated by the Office of the Election Commission at Asia Hotel, Bangkok. According to these facts, the political party registrar did not acknowledge the transformation of the Executive Committee of Kasert Seree Party under section 33 of the Organic Act on Political Parties, B.E. 2541 (1998).

When Kasert Seree Party intended not to comply with section 25 and section 26 of the Organic Act on Political Parties, B.E. 2541 (1998), the case thus constituted a cause for the dissolution of the political party under section 65 paragraph one subparagraph (5). The political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Kasert Seree Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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The Constitutional Court, in this connection, provided Kasert Seree Party with an opportunity to file a response statement. Kasert Seree Party requested for the extension of the period for filing such statement, and the extension was permitted by the Constitutional Court. Nevertheless, Kasert Seree Party had failed to file the said statement.

## **2. Preliminary issue**

The Constitutional Court made an order that the application could be heard and its copy be submitted to Kasert Seree Party for acknowledgement and filing a response statement pursuant to the Rule of the Constitutional Court on the Constitutional Court Procedure B.E. 2541 (1998).

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

The issue was the application for the Constitutional Court to hear the case and issue an order to dissolve Kasert Seree Party.

The Constitutional Court held that, after considering the fact stated in the application and additional relevant documents of the political party registrar, Kasert Seree Party did not comply with section 25 and section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). It was because the General Meeting was held against article 73 of the Bylaws of Kasert Seree Party B.E. 2541 (1998), which provided that the Leader of the Party shall notify a meeting schedule specifying, inter alia, date, time, place and agenda of the meeting to its members not less than seven days in advance. Most of persons presented at the meeting were not the members of Kasert Seree Party. The said meeting, in fact, was not the General Meeting of Kasert Seree Party but a seminar. Importantly, the fact that Kasert Seree Party included the list of persons who attended the seminars operated by each of its branch, which in fact they were not the meetings of political branch's members, in order to constitute a quorum of the General Meeting of the Party, made a final conclusion that Kasert Seree Party intended not to comply with section 25 and section 26 of the Organic Act on Political Parties, B.E. 2541 (1998) in pursuance of the application of the political party registrar. The case therefore 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).

## **4. Ruling of the Constitutional Court**

The Constitutional Court, by consensus, ordered the dissolution of Kasert Seree Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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