

Summary of the Constitutional Court Ruling No. 60/2545

Dated 12th December B.E. 2545 (2002)*

**Re : Political Party Registrar’s application for an order to dissolve Seree
Thai Party**

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1. Background and summarized facts

1.1 The political party registrar submitted the application to the Constitutional Court for an order to dissolve Seree Thai Party, since Seree Thai Party notified the registrar of the resolution passed by its annual extraordinary meeting as follows:

1.1.1 amending article 108 of Chapter 16 of the Bylaws of Seree Thai Party B.E. 2542 (1999) to be read as “Article 108 Seree Thai Party has strong intention to promote the firm and perpetual establishment of democratic regime with the King as Head of the State. Thus, the members of the Party shall uphold with full effort the Party to be existed for Thai people, or otherwise there shall be the resolution of the General Meeting of the Party passed by the vote of three-fourth of the quorum to dissolve the Party” ;

1.1.2 passing a consensus resolution dissolving Seree Thai Party and transferring all its assets to Sakul Suwan Chawee Charity Foundation.

1.2 The political party registrar acknowledged the amendment of the Bylaws of Seree Thai Party (No. 3) B.E. 2545 (2002) by the Notification dated 7th November 2545 (2002) under section 33 of the Organic Act on Political Parties, B.E. 2541 (1998).

1.3 The Leader of Seree Thai Party made a statement by the letter dated 22nd November 2545 (2002) to the Constitutional Court applying for the Constitutional Court’s order to dissolve SereeThai 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 the dissolution of Seree Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) pursuant to the application made by the political party registrar?

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The Constitutional Court held that the political party registrar acknowledged the amendment of the Bylaws of Seree Thai Party (No.3) B.E. 2545 (2002) by its Notification dated 7th November 2545 (2002) under section 33 of the Organic Act on Political Parties, B.E. 2541 (1998). Thus, the amendment was valid. Under article 108 of the Bylaws which provided that the Party had to be dissolved by the resolution of the General Meeting passed by the vote of three-fourth of the quorum, the fact revealed that the General Meeting passed the resolution by consensus dissolving Seree Thai Party. Moreover, the Leader of Seree Thai Party submitted to the Constitutional Court the statement not rebutting or objecting the application of the political party registrar and at the same time applying for an order to dissolve Seree Thai Party. The case therefore constituted a cause for an order to dissolve

Seree Thai Party on the ground stating in its Bylaws under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties, B.E. 2541 (1998).

3. 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, by consensus, ordered the dissolution of Seree Thai Party.
