

Summary of the Constitutional Court Ruling No. 64/2545

Dated 26th December B.E. 2545 (2002)*

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

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1. Background and summarized facts

Thai Thammathippatai Party was registered as a political party on 15th June B.E. 2542 (1999). Later, the said Party held its second ordinary general meeting (No. 2/2544) on 29th April B.E. 2544 (1999). The Meeting passed a resolution amending article 20, article 22 and article 24 of the Bylaws of Thai Thammathippatai Party. Having examined relevant documents, the political party registrar found that Thai Thammathippatai Party held such the meeting not in compliance with article 32 (3), article 33 and article 71 of its Bylaws and with the law. As a result, most of persons presenting at the meeting were not deemed the members of Thai Thammathippatai Party. In addition, the number of members who presented at the meeting was less than one hundred persons, which this did not comply with the provision of its Bylaws. All these facts were deemed as not complying with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). The case thus constituted a cause for the dissolution of Thai Thammathippatai Party under section 65 paragraph one subparagraph (5) 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 Thai Thammathippatai Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

Thai Thammathippatai Party submitted a response statement which, in summary, stated that the general meeting was held in compliance with its bylaws. The Party insisted that persons who presented at the meeting were the members of the Party and their number were more than 100 persons. As regards the place of the meeting, it was changed urgently from Bangkok to Suphan Buri Province. That the meeting place identified in the document submitted to the political party registrar was still "Bangkok" was the mistake of the Party's officer as he did not correct it before submission, and the said document was already prepared in advance.

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2. The issue considered by the Constitutional Court

Did the case constitute a cause for the dissolution of Thai Thammathippatai Party pursuant to the application made by the political party registrar?

The Constitutional Court held that article 32 of the Bylaws of Thai Thammathippatai Party provided that the general meeting had to consist of members of the Party who were members of the executive committee, members who at the time were members of the House of Representatives or ministers of the present government, members who were invited by the executive committee and representatives of the Party's branches, if any, and article 36 of the same provided that the Leader of the Party had to notify, in writing, its members of a general meeting schedule not less than fifty days in advance. The notification had to include date, time, place, and agenda of the meeting. However, after examining all relevant documents, it was appeared to the Constitutional Court that Thai Thammathippatai Party convened the meeting only by word as it was told by one member to another. Moreover, Thai Thammathippatai Party had no member list which was approved by its executive committee pursuant to article 32 subarticle (3) of its bylaws. As a result, most of persons presenting at the meeting were not deemed as its members, and at this meeting, a quorum of 100 members as provided by article 33 of its bylaws was not constituted.

Consequently, the non-compliance of Thai Thammathippatai Party with article 32 (3) and article 33 of its bylaws was deemed as not complying with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). This case therefore constituted a cause for the dissolution of Thai Thammathippatai Party pursuant to section 65 paragraph one subparagraph (5) of the said Organic Act.

3. Ruling of the Constitutional Court

The Constitutional Court, by the majority votes of 11 judges held that the case constituted a cause for the dissolution of Thai Thammathippatai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998), while the minority vote of 1 judge (Mr. Amorn Ruksasataya) held that the application was dismissed as the political party registrar had to fulfill section 145 subsection (3) of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) before the submission of such application.

By virtue of section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), the Constitutional Court therefore ordered the dissolution of Thai Thammathippatat Party.
