

Summary of Constitutional Court Ruling No. 3/2549

Dated 9th February B.E. 2549 (2006)*

**Re: The Political Party Registrar requested for a Constitutional Court order
to dissolve Ru Jaeng Hen Jing Party.**

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1. Summary of Background and Facts

The Political Party Registrar submitted an application dated 9th December B.E. 2548 (2005) in request of a Constitutional Court order to dissolve Ru Jaeng Hen Jing Party. The reasons stated was that Ru Jaeng Hen Jing Party held General Meeting No. 1/2548 on 29th March B.E. 2548 (2005) which was attended by fewer than one hundred persons, not in accordance with clause 69 and clause 70 of the Ru Jaeng Hen Jing Party Rules B.E. 2547 (2004) and section 26 of the Organic Act on Political Parties B.E. 2541 (1998), constituting a cause for political party dissolution under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties B.E. 2541 (1998).

2. Issue Considered by the Constitutional Court

After examining the application, documents supporting the application and the statement in reply to the allegations, the Constitutional Court determined that the issue which had to be considered was whether or not there was a cause for dissolution of Ru Jaeng Hen Jing Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties B.E. 2541 (1998) due to a failure to comply with section 26 of the Organic Act on Political Parties B.E. 2541 (1998).

The Constitutional Court held as follows. Section 26 of the Organic Act on Political Parties B.E. 2541 (1998) provided that the general meeting of a political party had to be comprised of the party executive committee, representatives of political party branches and members according to the rules and procedures prescribed in the political party rules. Clause 69 of the Ru Jaeng Hen Jing Party Rules B.E. 2547 (2004) provided that an ordinary general meeting had to be comprised of party members who were party executives, serving members of the House of Representatives, serving ministers, representatives of political party branches in the case of political party branches being established and members invited by the party executive committee, and clause 70 paragraph one provided that a general meeting had to be

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attended by no fewer than one hundred persons in order to constitute a meeting quorum. The facts according to the application of the Political Party Registrar and Ru Jaeng Hen Jing's statement in reply to the allegations stated that Ru Jaeng Hen Jing Party had notified the Political Party Registrar of the resignation of 16 members of the party executive committee and that Ru Jaeng Hen Jing Party General Meeting No. 1/2548 held on 29th March B.E. 2548 (2005) at house no. 9, Moo 4, Tambon Tam Panra, Tam Pamra District, Nakorn Sri Thammarat Province, resolved to amend 5 clauses of the Ru Jaeng Hen Jing Party Rules B.E. 2547 (2004) and elected a new party executive committee. The Office of the Election Commission had assigned the Nakorn Sri Thammarat Provincial Office of the Election Commission to investigate the facts relating to such general meeting of Ru Jaeng Hen Jing Party's and it was found that 25 persons whose names appeared on the list of meeting participants gave consistent statements that they had not attended the Ru Jaeng Hen Jing Party general meeting. Certain persons had never applied for membership of Ru Jaeng Hen Jing Party and had not received letters of invitation to attend the general meeting and had not signed their names in the list of participants. The general meeting of Ru Jaeng Hen Jing Party was therefore attended by not more than 89 persons, as opposed to the number of 114 persons in the notice received by the Political Party Registrar. In addition, Ru Jaeng Hen Jing Party submitted a statement in reply to the allegations to the Constitutional Court accepting the Political Party Registrar's resolution in requesting for a Constitutional Court order to dissolve Ru Jaeng Hen Jing Party without any objection to the allegations in the application of the Political Party Registrar. It was therefore found on the facts that Ru Jaeng Hen Jing Party General Meeting No. 1/2548, held on 29th March B.E. 2548 (2005), was attended by fewer than one hundred members, which was not in accordance with clause 70 paragraph one of the Ru Jaeng Hen Jing Party Rules B.E. 2547 (2004). It could be deemed that Ru Jaeng Hen Jing Party failed to comply with section 26 of the Organic Act on Political Parties B.E. 2541 (1998). The case thus contained a cause for the Constitutional Court to order the dissolution of Ru Jaeng Hen Jing Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties B.E. 2541 (1998).

3. Ruling of the Constitutional Court

The Constitutional Court therefore passed a unanimous resolution by virtue of section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998) to order the dissolution of Ru Jaeng Hen Jing Party.
