

Constitutional Court Ruling No. 3/2564 (2021)

Phitsanulok Administrative Court

Applicant

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Respondent

Constitution, section 25, section 26 paragraph one, section 27 paragraph one and paragraph three and section 101(13);

Municipality Act, B.E. 2496 (1953), section 15 paragraph two and section 19 paragraph one (4);

Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002), section 45(4).

Section 19 paragraph one (4) in conjunction with section 15 paragraph two of the Municipality Act, B.E. 2496 (1953), and section 45(4) of the Election of Members of Local Assemblies or Local Administrators Act, B.E. 2545 (2002), were provisions of law which stipulated the causes for termination of membership of the Municipality Council by applying the lack of qualifications or being under prohibitions provided by the law on election of members of local assemblies or local administrators, which prohibited a person from exercising the right to apply for election candidacy if such person was sentenced by a judgment to imprisonment and was imprisoned pursuant to a court warrant. This provision did not impose an unreasonable burden or restriction of rights and liberties. It did not prejudice human dignity. However, it was a law generally applicable to all Members of Municipality, without being intended to apply to any particular case or person, and was not an unfair discrimination against a person. As for such provision being contrary to or inconsistent with section 101(13) of the Constitution, which provided for termination of membership of the House of Representatives upon sentencing of imprisonment by final judgment... such facts were different and applied to different circumstances. The provision was neither contrary to nor inconsistent with section 25, section 26 paragraph one, section 27 paragraph one and paragraph three and section 101(13) of the Constitution.