

**Constitutional Court Ruling No. 17/2564 (2021)**

President of the House of Representatives	Applicant
Mr. Paiboon Nititawan, Member of the House of Representatives	Respondent

Constitution, section 90, section 91 paragraph one (5) and section 101(10);  
Organic Act on Political Parties, B.E. 2560 (2017), section 95.

The issue which had to be ruled upon in the case was whether or not the respondent's membership as a Member of the House of Representatives terminated under section 101(10) in conjunction with section 90 and section 91 paragraph one (5) of the Constitution.

Section 101(10) of the Constitution in conjunction with section 91 paragraph four of the Organic Act on Political Parties, B.E. 2560 (2017) was a provision which protected the membership of a Member of the House of Representatives in the event of being a member of a political party which terminated under section 91 of the Organic Act on Political Parties, B.E. 2560 (2017). Upon the dissolution of People Reform Party on 6<sup>th</sup> September B.E. 2562 (2019), the respondent's application for membership of Palang Pracharath Party on 9<sup>th</sup> September B.E. 2562 (2019) was therefore an entry to membership of another political party within sixty days as from the termination of People Reform Party.

Section 95 of the Organic Act on Political Parties, B.E. 2560 (2017) was a provision on the duties of the leader of a terminated political party or dissolved political party to continue performing duties until completion of winding up. Such political party leader was prohibited from engaging in a political activity under the name of the political party. The respondent's performance of winding up duties with respect to People Reform Party, which terminated, until completion without engaging in a political activity in the name of the terminated political party was therefore not a prohibited act under section 95 of the Organic Act on Political Parties, B.E. 2560 (2017).

Section 90 of the Constitution provided rules relating to the preparation of a political party list and section 91 paragraph one (5) provided rules relating to the installation of party list Members of the House of Representatives from a political party. These provisions were intended to apply to cases during administration of an election and prior to the declaration of election results. This was a different case to the entry to membership of another political party under section 101(10) of the Constitution in conjunction with section 91 paragraph one (7) and section 91 paragraph four of the Organic Act on Political Parties, B.E. 2560 (2017), which occurred subsequent to an

election and the respondent had already been declared as a party list Member of the House of Representatives from the election result.

Therefore, the respondent's membership as a Member of the House of Representatives did not terminate under section 101(10) in conjunction with section 90 and section 91 paragraph one (5) of the Constitution.