

Constitutional Court Ruling No. 20/2563 (2020)

President of the House of Representatives	Applicant
33 Members of the House of Representatives	Respondents

Constitution, section 83 paragraph three, section 98(3), section 101(6) and section 105 paragraph one (2).

Section 98(3) of the Constitution prohibited an owner or shareholder of a newspaper or any mass media business from exercising the right to apply for candidacy in an election of Members of the House of Representatives, and section 101(6) provided that House of Representatives membership terminated if there was a finding of a prohibited characteristic under section 98. On the day of application for candidacy in the election of Members of the House of Representatives, the businesses of the second respondent, namely Head Up Production Company Limited, with respect to the business relating to hire for production of television, documentary, soap operas, movies, advertisements and series, and Am Fine Production Company Limited, with respect to the business of production of movies, advertisements, radio, television, publication and acting media, were businesses which acted as media for transmitting news, messages and contents to the public capable of conveying meaningful materials to the general public. Upon a finding of facts that the second respondent was a shareholder in both companies on 6th February B.E. 2562 (2019), being the day when Future Forward Party submitted a list of election candidates for party-list Members of the House of Representatives to the Election Commission, the House of Representatives membership of the second respondent therefore terminated as from 6th February B.E. 2562 (2019).

Constitutional Court Ruling No. 5/2563 dated 21st February B.E. 2563 (2020), however, dissolved Future Forward Party. This party therefore did not have a name listed in the subsequent order to fill the vacant position. Hence, this was a case where the party-list Members of the House of Representatives consisted of the remaining Members pursuant to section 105 paragraph one (2) in conjunction with section 83 paragraph three of the Constitution.

The businesses of the remaining 28 respondents were not businesses of media for transmitting news, messages and contents to the public capable of conveying meaningful materials to the general public. The House of Representatives membership of 28 respondents therefore did not terminate under section 101(6) in conjunction with section 98(3) of the Constitution.