

**Constitutional Court Ruling No. 7/2562 (2019)**

Election Commission	Applicant
ML Panadda Diskul, 1 <sup>st</sup>	Respondents
Mr. Suvit Maesincee, 2 <sup>nd</sup>	
Mr. Pailin Chuchottaworn, 3 <sup>rd</sup> , and	
Mr. Teerakiat Jareonsettasin, 4 <sup>th</sup>	

Constitution, section 170 paragraph one (5), section 184 paragraph one (2) and paragraph three, section 186 and section 187.

A Minister's shareholding which was deemed as a prohibition under section 186 in conjunction with section 184 paragraph one (2) and paragraph three of the Constitution did not include shareholdings held prior to taking ministerial office. The facts pertaining to the first respondent, third respondent, as well as the spouses and children of both respondents, showed shareholdings existing prior to taking ministerial offices and there were no increase in shareholdings. Even though those shares were retained prior to taking ministerial office, they were not deemed to be prohibited under the Constitution. As for the fourth respondent and his spouse, shares were held in a company receiving a concession from the state that had been acquired subsequent to taking ministerial office. The shareholding was therefore prohibited under the Constitution.

As for the case of the second respondent, despite holding shares in a company in excess of five per cent of the total shares, the general meeting had adopted a resolution to dissolve the company and registered the company's dissolution prior to receiving Royal Command for the appointment of the Minister. The second respondent therefore did not commit an act which was prohibited under section 187 of the Constitution in conjunction with section 4(2) of the Management of Partnerships and Shares of Ministers Act, B.E. 2543 (2000).

Hence, the individual ministerial office of the fourth respondent terminated under section 170 paragraph one (5) of the Constitution as from the day of the fourth respondent's resignation from office, namely 9<sup>th</sup> May B.E. 2562 (2019). On the other hand, the individual ministerial offices of the first respondent, second respondent and third respondent did not terminate under section 170 paragraph one (5) of the Constitution.