

Summary of the Constitutional Court Ruling No. 46/2542

Dated 10th August B.E. 2542 (1999)*

**Re : Political Party Registrar's application for an order to dissolve Chivit
Mai Party**

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1. Background and summarized facts

The political party registrar submitted an application dated 4th May B.E. 2542 (1999) to the Constitutional Court for an order to dissolve Chivit Mai Party. The facts as stated in the application and supporting documents were in summary that Chivit Mai Party was acknowledged its establishment as a political party under the Organic Act on Political Parties, B.E. 2541 (1998). Section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) provided that "Within one hundred and eighty days from the date the registrar has acknowledged the establishment of a political party, such political party shall prepare to have not less than five thousand members, which shall comprise those from each Region according to the list of Regions and Changwats notified by the registrar and shall have at least one branch of the political party in each Region." Any political party which failed to comply with section 29 had to be dissolved under section 65 of the Organic Act on Political Parties, B.E. 2541 (1998). In this connection, the political party registrar had to submit an application to the Constitutional Court for an order to dissolve a political party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). However, after the expiration of the period of one hundred and eighty days as prescribed by law, it appeared that Chivit Mai Party failed to prepare to have the number of its members and to establish its political branch as prescribed by section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Chivit Mai Party.

The Leader of Chivit Mai Party (Mr. Pojakorn Tuntapirom) made the response statement that Chivit Mai Party could not comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) because its bylaws on the establishment of political branches provided certain conditions improper for a newly established political party. However, the Party did not object to the political party registrar's application to the Constitutional Court for an order to dissolve Chivit Mai Party.

* Published in the Government Gazette, Vol. 116, Part 96a, dated 13th October B.E. 2542 (1999).

2. Preliminary issue

The Constitutional Court, in its Ruling No. 6/2541 dated 11th August B.E. 2541 (1998) and Ruling No. 2/2542 dated 4th March B.E. 2542 (1999), ruled that the law providing the Constitutional Court with the power to order the dissolution of a political party was an Organic law enacted by virtue of section 328 (2) of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) which contained the substances relating to the termination and the dissolution of a political party. Moreover, the Constitutional Court had the power to dissolve a political party under section 63 paragraph three of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997). That the Organic law provided the power to dissolve a political party to the Constitutional Court in other cases was not deemed as providing a power in addition to powers as prescribed by the Constitution. The Constitutional Court therefore had the power to order the dissolution of a political party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) in the case where the political party registrar submitted an application to the Constitutional Court for an order to dissolve a political party. Hence, the Constitutional Court could hear this application.

3. The issue considered by the Constitutional Court

Was there a cause for the dissolution of Chivit Mai Party pursuant to the application made by the political party registrar?

The Constitutional Court held the following opinion:

The political party registrar submitted the application to the Constitutional Court for an order to dissolve Chivit Mai Party, because such Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). When considering the facts as stated in the application and supporting documents submitted by the political party registrar and the response statement submitted by Chivit Mai Party, it appeared that a cause under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) occurred to Chivit Mai Party pursuant to the application of the political party registrar, by which the Constitutional Court could order the dissolution of Chivit Mai Party.

4. Ruling of the Constitutional Court

According to reasons stated above and by virtue of section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), the Constitutional Court ordered the dissolution of Chivit Mai Party.
