

Summary of the Constitutional Court Ruling No. 47/2542

Dated 24th August B.E. 2542 (1999)*

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

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1. Background and summarized facts

The political party registrar submitted an application dated 27th April B.E. 2542 (1999) to the Constitutional Court for an order to dissolve Chatniyom Party. The facts as stated in the application and supporting documents were in summary that Chatniyom 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 Chatniyom 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 Chatniyom Party.

The Leader of Chatniyom Party (Mr. Nacha Thammawong) made the response statement that the Election Commission exercised its powers and performed its duties in contrary to the spirit of the Constitution. The Election Commission centralized the power to hold, in concealment, the meeting appointing a committee of the Fund for Development of Political Parties. This was opposite to the democratic principle as not being impartial and was contrary to or inconsistent with the provisions of the Constitution. Furthermore, this brought about the failure of Chatniyom Party to obtain the subsidy allocated by the Fund for the present fiscal year. As a result, Chatniyom Party could not operate its activities to be in compliance with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998).

* Published in the Government Gazette, Vol. 116, Part 101a, dated 20th October B.E. 2542 (1999).

2. The issue considered by the Constitutional Court

The political party registrar submitted the application to the Constitutional Court for an order to dissolve Chatniyom 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 Chatniyom 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 Chatniyom Party pursuant to the application of the political party registrar, by which the Constitutional Court could order the dissolution of Chatniyom Party. When the Constitutional Court ordered the dissolution of Chatniyom Party, other objection or request of that Party needed not be considered

3. 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 Chatniyom Party.
