

Summary of the Constitutional Court Ruling No. 3/2543

Dated 27th January B.E. 2543 (2000)*

Re : Political Party Registrar's application for an order to dissolve Chat Samakkee Party

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1. Background and summarized facts

The political party registrar acknowledged the establishment of Chat Samakkee Party as a political party on 13th January B.E. 2542 (1999). Under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), a political party had to prepare to have not less than 5,000 members, which had to comprise those from each Region according to the list of Regions and Changwats notified by the political party registrar, and had to have at least one branch in each Region within one hundred and eighty days from the date that the registrar had acknowledged its establishment. The political party which failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) had to be dissolved under section 65 of the said Organic Act. The political party registrar, in this connection, had to submit an application to the Constitutional Court for an order to dissolve such a political party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. Preliminary issue

The Constitutional Court ordered the acceptance of this application for consideration and the delivery of its copy to Chat Samakkee Party for acknowledgement and submission of a response statement pursuant to the Rule of the Constitutional Court on the Constitutional Court Procedure, B.E. 2541 (1998).

3. The issue considered by the Constitutional Court

The political party registrar submitted an application to the Constitutional Court for an order to dissolve Chat Samakkee Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court held that the political party registrar submitted the application to the Constitutional Court for an order to dissolve Chat Samakkee Party, because such Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). Section 65 paragraph one of the Organic Act on Political Parties, B.E. 2541 (1998)

* Published in the Government Gazette, Vol. 117, Part 50a, dated 1st June B.E. 2543 (2000).

provided that “A political party is dissolved upon any of the following grounds: ... (5) failure to comply with section 25, section 26, section 29, section 35 or section 62,” and section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) provided that “If it appears to the registrar that any political party is under the circumstance specified in (1), (2), (3) or (5), the registrar shall submit an application to the Constitutional Court for the dissolution of such political party within fifteen days as from the date of the appearance of such circumstance. If the Constitutional Court considers that the political party is under such circumstance as applied by the registrar, the Constitutional Court shall issue an order dissolving such political party.” The fact as stated in the application submitted by the political party registrar and relevant documents attached thereto and the fact that Chat Samakkee Party had not submitted a response statement within a prescribed time limit without stating any reason to the Constitutional Court could therefore constitute a cause for the dissolution of a political party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

4. Ruling of the Constitutional Court

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 Chat Samakkee Party.
