

# Summary of the Constitutional Court Ruling No. 4/2543

Dated 27<sup>th</sup> January B.E. 2543 (2000)\*

Re : Political Party Registrar's application for an order to dissolve Thai  
Kaona Party

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## 1. Background and summarized facts

The political party registrar acknowledged the establishment of Thai Kaona Party as a political party on 30<sup>th</sup> March 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).

The Secretary of Thai Kaona Party submitted a letter dated 15<sup>th</sup> November B.E. 2542 (1999) to the Constitutional Court stating, in summary, that Thai Kaona Party understood the words "one hundred and eighty days" as having the same meaning as "six months." As a result, when the Party submitted required documents to the political party registrar, it was notified that the submission was made beyond the period of one hundred and eighty days.

## 2. Preliminary issue

The Constitutional Court ordered the acceptance of this application for consideration and the delivery of its copy to Thai Kaona 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 Thai Kaona Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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The Constitutional Court held that the political party registrar submitted the application to the Constitutional Court for an order to dissolve Thai Kaona Party, because such Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case was therefore under section 65 paragraph one of the Organic Act on Political Parties, B.E. 2541 (1998) which provides 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) which provides 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 by Thai Kaona Party that it had a misunderstanding over the computation of specified period of time was untenable, since the Organic Act on Political Parties, B.E. 2541 (1998) specified such period of time unambiguously.

#### **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 Thai Kaona Party.

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