

Summary of the Constitutional Court Ruling No. 29/2543

Dated 11th July B.E. 2543 (2000)*

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

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1. Background and summarized facts

The political party registrar acknowledged the establishment of Dharmarat Party as a political party under the Organic Act on Political Parties, B.E. 2541 (1998) on 30th November B.E. 2542 (1999). Later, Dharmarat Party delivered a letter to the political party registrar notifying the establishment of its first political branch in Nakhon Si Thammarat Province, and the political party registrar approved such establishment on 25th May B.E. 2543 (2000). Dharmarat Party also reported to the political party registrar that its additional four political branches were established on 29th May B.E. 2543 (2000), which consisted of the second branch in Chiang Rai Province, the third branch in Bangkok, the fourth branch in Chaiyaphum Province and the fifth branch in Khon Kaen Province. Each political branch had 15 members of branch committee. In addition, the Party had 5,585 members in total.

The Office of the Election Commission examined all relevant documents. It was appeared from the list of the Party's members that Dharmarat Party had only 2,810 members. Later, Dharmarat Party submitted the lists of 240 members and 2,595 members on 6th and 9th June B.E. 2543 (2000) respectively. Consequently, Dharmarat Party had 5,645 members in total.

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 the registrar had acknowledged its establishment. Dharmarat Party had to comply with such section 29 by the date of 28th May B.E. 2543 (2000). Since such date was Sunday which was a holiday, the exact due date was 29th May B.E. 2543 (2000) as the first working day next to such day. However, after the period of one hundred and eighty days was elapsed, the establishment of four political branches of Dharmarat Party had not been complied with its bylaws. As a result, the political party registrar did not approve their establishment. This was deemed that Dharmarat Party did not comply with section 29 of the

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Organic Act on Political Parties, B.E. 2541 (1998). The case constituted a cause for the dissolution of a political party under section 65 paragraph one subparagraph (5) of the said Organic Act. The political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Dharmarat 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 Dharmarat 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 Dharmarat Party.

The Leader of Dharmarat Party submitted a letter date 20th June B.E. 2543 (2000) to the Constitutional Court stating, in summary, that the application of the political party registrar for the Constitutional Court's order to dissolve Dharmarat Party on the ground of non-compliance with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), which this constituted a cause for the dissolution of a political party pursuant to section 65 paragraph one subparagraph (5) of the said Organic Act, was reasonable and that the Party had no objection to it.

The Constitutional Court held that Dharmarat Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). This is because the Party had not prepared to have not less than 5,000 members and the establishment of its political branches was not in compliance with its bylaws followed by that the political party registrar did not approve such establishment. The case constituted 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). The political party registrar could therefore submit an application to the Constitutional Court for an order to dissolve Dharmarat Party.

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 Dharmarat Party.
