

# Summary of the Constitutional Court Ruling No. 64/2543

Dated 21<sup>st</sup> December B.E. 2543 (2000)\*

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

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## 1. Background and summarized facts

The political party registrar acknowledged the establishment of Ruk Chat Party as a political party under the Organic Act on Political Parties, B.E. 2541 (1998) on 5<sup>th</sup> April B.E. 2543 (2000). 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. Ruk Chat Party had to comply with section 29 of the said Organic Act by the date of 2<sup>nd</sup> October B.E. 2543 (2000). However, when the time period of one hundred and eighty days was elapsed, Ruk Chat Party had not complied with section 29 of the 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 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 Ruk Chat 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 Ruk Chat 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 Ruk Chat Party.

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\* Published in the Government Gazette, Vol. 118, Part 74a, dated 3<sup>rd</sup> September B.E. 2544 (2001).

The Constitutional Court held that:

The political party registrar submitted the application to the Constitutional Court for an order to dissolve Ruk Chat Party, because such Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case was under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) which provided that “A political party is dissolved upon any of the following grounds: ... (5) failing 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 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 circumstances as applied by the registrar, the Constitutional Court shall issue an order dissolving such political party.” In addition, Ruk Chat Party, by its statement letter submitted to the Constitutional Court, accepted the allegation under the application made by the political party registrar. The case therefore constituted a cause for the Constitutional Court to order the dissolution of Ruk Chat Party.

#### **4. Ruling of the Constitutional Court**

The Constitutional Court issued an order No. 4/2543 dated 21<sup>st</sup> December B.E. 2543 (2000), Re: Ruk Chat Party to be dissolved pursuant to the fact stated in the application made by the political party registrar and pursuant to the statement letter made by Ruk Chat Party not objecting the application of the political party registrar. The case therefore constituted a cause for the dissolution of Ruk Chat Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 Ruk Chat Party.

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