

Summary of the Constitutional Court Ruling No. 8/2544

Dated 27th February B.E. 2544 (2001) *

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

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1. Background and summarized facts

The political party registrar acknowledged the establishment of Phalang Samakkee Party as a political party under the Organic Act on Political Parties, B.E. 2541 (1998) on 9th June 2543 (2000). Under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), Phalang Samakkee 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 by the date of 6th December B.E. 2543 (2000), on which the period of one hundred and eighty days from the date the registrar had acknowledged its establishment was due. However, after the period of one hundred and eighty days was elapsed, it was appeared that Phalang Samakkee Party failed to comply with section 29 of the said Organic Act. This 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 Phalang Samakkee Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. Preliminary issue

Could the Constitutional Court hear this application pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) ?

The Constitutional Court held that this case was in accordance with section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). The Court could therefore hear this application.

3. The issue considered by the Constitutional Court

The issue which had to be considered was whether there was a cause for the dissolution of Phalang Samakkee Party pursuant to the application made by the political party registrar.

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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 Phalang Samakkee Party, because such Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), which provides 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.” 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 said Organic Act 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,” when it appeared that Phalang Samakkee Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), the case therefore constituted a cause for the dissolution of Phalang Samakkee Party under section 65 paragraph one subparagraph (5) of the said Organic Act.

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 Phalang Samakkee Party.
