

Summary of the Constitutional Court Ruling No. 13/2546

Dated 24th April B.E. 2546 (2003)*

**Re : Political Party Registrar applied to the Constitutional Court for an
order to dissolve Thai Mahachon Party**

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1. Background and summarized facts

The political party registrar acknowledged the establishment of Thai Mahachon Party as a political party on 21st May B.E. 2545 (2002). By the date of 16th November B.E. 2545 (2002), on which the period of one hundred and eighty days was due, Thai Mahachon Party had to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), which provided 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”. However, after the expiration of the period of one hundred and eighty days, it was appeared that Thai Mahachon Party failed to comply with the said section 29. 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 Thai Mahachon Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. Preliminary issue

The Constitutional Court accepted this application for consideration and delivered its copy to Thai Mahachon 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 Mahachon Party pursuant to section 65 paragraph one subparagraph (5) and section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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The Constitutional Court held that Thai Mahachon Party notified the establishment of its three political branches to the political party registrar on 15th August B.E. 2545 (2002) without the presentation of Thai Mahachon Party documents reporting the number of political party's members and the establishment of additional political branches. Thereafter, Thai Mahachon party notified to the political party registrar that Mr. Pramaul Buathara resigned from the position of the Party's leader followed by the termination of the office of the Party Executive Committee pursuant to article 24 subparagraph (7) of the Bylaws of Thai Mahachon Party, B.E. 2545 (2002), and the political party registrar acknowledged this change. The Constitutional Court delivered the copy of the application to Thai Mahachon Party for submitting the statement against the allegation according to the Rule of the Constitutional Court on the Constitutional Court Procedure, B.E. 2541 (1998), but Thai Mahachon Party failed to submit such statement to the Court. It could be concluded that Thai Mahachon Party failed to prepare to have not less than 5,000 members and to establish at least one political branch in each Region. The case therefore constituted the cause for the dissolution of Thai Mahachon 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 Thai Mahachon Party.
