

Summary of the Constitutional Court Ruling No. 15/2546

Dated 6th May B.E. 2546 (2003)*

**Re : Political Party Registrar applied to the Constitutional Court for an order
to dissolve Kae Punha Chat Party**

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1. Background and summarized facts

The political party registrar submitted an application dated 20th February B.E. 2546 (2003) to the Constitutional Court for an order to dissolve Kae Punha Chat Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), due to having causes for termination under section 65 paragraph one subparagraph (1) and section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998). The facts as stated in the application and documents attached thereto were the following summary. Kae Punha Chat Party through the second of ordinary general meeting (No. 2/2546) dated 12th February B.E. 2546 (2003) resolved to be dissolved due to impediment to gathering members and establishing political branches within the period of one hundred and eighty days which was insufficient. This constituted a cause for the dissolution of a political party under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties, B.E. 2541 (1998). In addition, on the date of 14th February B.E. 2546 (2003), on which the period of one hundred and eighty days for Kae Punha Chat Party to have members and establish political branches in compliance with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), was due, the said Party did not prepare to have not less than five thousand members and did not have political branches in the number as required by law. This also constituted another cause for the dissolution of the political party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998). In this connection, Miss Sikharet Choavathut, deputy leader acting for the leader of the Party, delivered a letter stating that after the resignation of Mr. Praphin Sungkhapong, the leader, Kae Punha Chat Party could not find any appropriate person to take his position. Therefore, the general meeting passed the resolution dissolving Kae Punha Chat Party and requested the Constitutional Court to order the dissolution of Kae Punha Chat Party.

* Published in the Government Gazette, Vol.121, Part 14a, dated 27th January B.E. 2547 (2004)

2. The issue considered by the Constitutional Court

The issue to be considered by the Constitutional Court was the application for an order to dissolve Kae Punha Chat Party.

The Constitutional Court held that the resolution dissolving Kae Punha Chat Party which was passed by the second ordinary general meeting of the Party (No. 2/2546) was in accordance with article 105 of the Bylaws of Kae Punha Chat Party. The case constituted the cause for the dissolution of Kae Punha Chat Party under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties, B.E. 2541 (1998). Furthermore, Kae Punha Chat Party did not prepare to have not less than five thousand members and to establish political branches in the number prescribed by law. Kae Punha Chat Party therefore failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case also constituted another cause for the dissolution of Kae Punha Chat Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

3. 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 Kae Punha Chat Party.
