

# Summary of the Constitutional Court Ruling No. 38/2546

Dated 14<sup>th</sup> October B.E. 2546 (2003)\*

**Re : Political Party Registrar applied to the Constitutional Court for an  
order to dissolve Sangkom Pattana Party**

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## **1. Background and summarized facts**

The political party registrar submitted to the Constitutional Court an application dated 24<sup>th</sup> October B.E. 2545 (2002) and an additional application dated 21<sup>st</sup> March B.E. 2546 (2003) for an order to dissolve Sangkom Pattana Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). The facts therein could be summarized as follows. The political party registrar acknowledged the establishment of Sangkom Pattana Party on 26<sup>th</sup> March B.E. 2545 (2002). Within one hundred and eighty days from the date the registrar had acknowledged its establishment, Sangkom Pattana Party did not have at least one branch in each Region under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). This constituted a cause as specified in section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

Thereafter, on 17<sup>th</sup> March B.E. 2546 (2003), Sangkom Pattana Party notified to the political party registrar that the first meeting of its executive committee (No. 1/2546) on 14<sup>th</sup> March B.E. 2546 (2003) passed the resolution terminating Sangkom Pattana Party according to article 30 subparagraph (8) and article 107 of the Bylaws of Sangkom Pattana Party, B.E. 2545 (2002). This constituted another cause for the dissolution of the political party under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties, B.E. 2541 (1998). The political party registrar therefore submitted the additional application to the Constitutional Court for an order to dissolve Sangkom Pattana Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court ordered the acceptance of the application and additional application for operation and consideration, and delivered their copies to Sangkom Pattana Party for filing a statement in response to the allegations.

## **2. The issue considered by the Constitutional Court**

The issue to be considered were whether there was a cause to order the dissolution of Sangkom Pattana Party due to non-compliance with section 29 of the Organic Act on

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Political Parties, B.E. 2541 (1998) and due to the termination under the political party's bylaws pursuant to section 65 paragraph one subparagraph (1) and subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) according to the applications made by the political party registrar.

The Constitutional Court held that Sangkom Pattana Party had been acknowledged its establishment as a political party since 26<sup>th</sup> March B.E. 2545 (2002). Accordingly, the Party had to prepare to have at least one political branch in each Region within one hundred and eighty days from the date the political party registrar had acknowledged its establishment under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). Sangkom Pattana Party notified the registrar of the establishment of its four branches which were the first branch in Srisaket Province, the second branch in Lumpang Province, the third branch in Nonthaburi Province and the fourth branch in Surattani Province. The political party registrar refused to approve their establishment, because Sangkom Pattana Party held the meeting for the election of the first, the second, the third and the fourth branch committees before the approval of their establishment by the executive committee of the Party. This was not in accordance with the rules set forth in article 55 and article 58 of the Bylaws of Sangkom Pattana Party. In addition, Sangkom Pattana Party had not refuted the allegations in the applications of the political party registrar. It could thus be concluded that Sangkom Pattana Party did not prepare to have at least one branch in each Region within one hundred and eighty days according to section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted the cause for an order to dissolve Sangkom Pattana Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

As for the additional application, the Court held that the executive committee of Sangkom Pattana Party passed the resolution to terminate Sangkom Pattana Party pursuant to article 30 (8) and article 107 of the Bylaws of Sangkom Pattana Party, B.E. 2545 (2002), which were provisions stipulating the powers and duties and voting process of the executive committee of Sangkom Pattana Party with respect to the termination of the Party. This constituted another cause for the order to dissolve Sangkom Pattana Party under section 65 paragraph one subparagraph (1) 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 by consensus ordered the dissolution of Sangkom Pattana Party.

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