

Summary of Constitutional Court Ruling

No. 26/2547

Dated 22nd January B.E. 2547 (2004)*

Re: Political Party Registrar's application for an order to dissolve Seree Dharma Party

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1. Background and summarized facts

The political party registrar submitted an application dated 14th October B.E. 2546 (2003) to the Constitutional Court for an order to dissolve Seree Dharma Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). As for the reason, the political party registrar acknowledged the establishment of Seree Dharma Party into the political party registers on 4th April B.E. 2546 (2003). Section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) 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, it appeared that after the expiration of the period of 180 days, i.e. within the date of 30 September B.E. 2546 (2003), Seree Dharma Party had not operated to have its members in the number as required by section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). 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 the application to the Constitutional Court for an order to dissolve Seree Dharma Party.

The Constitutional Court ordered the acceptance of the application for hearing pursuant to article 12 of the Rule of the Constitutional Court on the Constitutional Court Procedure, B.E. 2546 (2003), and delivered its copy to Seree Dharma Party for filing a response statement.

Seree Dharma Party, through General Sunthorn Hongpromyat, the Party Leader, submitted the letter of statement dated 19th December B.E. 2546 (2003) stating that it acknowledged the allegation of the political party registrar with no objection and requested the Constitutional Court to order the dissolution of Seree Dharma Party.

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2. The issue considered by the Constitutional Court

According to the application of the political party registrar, did the case constitute a cause for the dissolution of Seree Dharma Party?

The Constitutional Court held the following opinion. The notice of the establishment of the fourth branch of Seree Dharma Party at Amphoe Muang, Krabi Province, dated 8th August B.E. 2546 (2003), was signed by Mr. Surachat Muanghong, Deputy Leader of the Party, on behalf of the Leader without his authorization. The establishment of a Seree Dharma Party's branch at the first constituency in Krabi Province, notified by the notice dated 24th September B.E. 2546 (2003) and signed by General Sunthorn Hongpromyat, Acting Party Leader, was not approved by the political party registrar. Moreover, the acceptance of Seree Dharma Party's members having membership numbers from 1093 to 9479 was approved with the signature of Mr. Surachat Muanghong, Deputy Leader, signed on behalf of the Leader but without his authorization. It was clearly appeared that Seree Dharma Party had only 1092 members. Accordingly, within the period of 180 days from the date the registrar had acknowledged the establishment of the political party was due, i.e. within the date of 30th September B.E. 2546 (2003), Seree Dharma Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). Furthermore, the Leader of Seree Dharma Party had not objected the application of the political party registrar. The case therefore constituted a cause for the dissolution of Seree Dharma 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

The Constitutional Court, with unanimity (14 judges), held that the case constituted the cause for the dissolution of Seree Dharma 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 therefore ordered the dissolution of Seree Dharma Party.
