

Summary of the Constitutional Court Ruling No. 54/2547

Dated 31st August B.E. 2547 (2004)*

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

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1. Background and summarized facts

The political party registrar acknowledged the establishment of Phalang Seree Dharma Party on 10th November B.E. 2546 (2003), from which the period of 180 days was due on 7th May B.E. 2547 (2004) according to section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). Office of the Election Commission had examined the register of documents of Phalang Seree Dharma Party and had not found any report on admission of its members. In addition, Phalang Seree Dharma Party notified the establishment of its four branches which were in Sakon Nakhon Province (2 branches), Chiang Rai Province and Bangkok, a branch each. However, there was no branch in Southern Region. The Party therefore did not have its branches in all Regions. The political party registrar was of the opinion that Phalang Seree Dharma Party failed to comply with article 14 and article 56 of the Bylaws of Phalang Seree Dharma Party B.E. 2546 (2003). It accordingly did not approve the establishment of all four branches of the Party. Phalang Seree Dharma Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). This was a cause for the dissolution of Phalang Seree Dharma 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 Phalang Seree Dharma Party.

2. Preliminary issue

The Constitutional Court ordered the acceptance of the application for operation and hearing and delivered its copy to Phalang Seree Dharma Party for filing a response statement. Nevertheless, Phalang Seree Dharma Party had not filed any response statement to the Constitutional Court.

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3. The issue considered by the Constitutional Court

After considering the application and supportive documents, the Constitutional Court held that the issue to be considered was whether the case constitute a cause for the dissolution of Phalang Seree Dharma Party due to non-compliance with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) according to the application of the political party registrar.

The Constitutional Court held the following opinion. Phalang Seree Dharma Party applied for the acknowledgement of the establishment of its four branches in three Regions which were Northern, North-Eastern and Central. There was no branch appeared in the Southern Region. The political party registrar accordingly did not approve the establishment of political branches of Phalang Seree Dharma Party. Whereas Phalang Seree Dharma Party had not operated to have at least one branch of the political party in each of four Regions within one hundred and eighty days from the date the registrar had acknowledged its establishment, it was deemed that Phalang Seree Dharma 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 Seree Dharma 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 unanimously ordered the dissolution of Phalang Seree Dharma Party.
