

Summary of the Constitutional Court Ruling No. 56/2547

Dated 14th September B.E. 2547 (2004)*

**Re: Political Party Registrar’s application for an order to dissolve Thai
Phitak Thai Party**

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1. Background and summarized facts

The political party registrar submitted an application to the Constitutional Court for an order to dissolve Thai Phitak Thai Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), since Thai Phitak Thai Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). 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”. The political party registrar acknowledged the establishment of Thai Phitak Thai Party on 19th August B.E. 2546 (2003), which the period of 180 days from such date was due on 16th February B.E. 2547 (2004). However, within that period, Thai Phitak Thai Party had only 3 political branches which were the second branch in Kanchanaburi Province, Central Region, the third branch in Khon Kaen Province, North-Eastern Region, and the fourth branch in Phetchabun Province, Northern Region. The first branch in Chumphon Province, Southern Region, was refused by the political party registrar to acknowledge its establishment. Accordingly, Thai Phitak Thai Party could not operate to have at least one branch of political party in each Region. 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).

2. Preliminary issue

Could the Constitutional Court hear this application pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998)?

The Constitutional Court held that this case was in accordance with section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). The Court could therefore hear this application.

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3. The issue considered by the Constitutional Court

The issue which had to be considered was whether there was a cause for the dissolution of Thai Phitak Thai Party pursuant to the application made by the political party registrar.

The Constitutional Court held the following opinion. Thai Phitak Thai Party notified the establishment of its political branches in all four Regions. The political party registrar refused to acknowledge the establishment of the political branch in Chumphon Province, Southern Region, because the meeting for election of Chumphon political branch committee had attendees not in compliance with the bylaws of Thai Phitak Thai Party. The Party gave a statement admitting such a mistake and requested the Constitutional Court to order the dissolution of Thai Phitak Thai Party. It was deemed that Thai Phitak Thai Party did not operate to have at least one branch of a political party in each Region within the period of 180 days from the date the registrar had acknowledged the establishment of the political party pursuant to section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted a cause for the dissolution of Thai Phitak Thai 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 Thai Phitak Thai Party.
