

# **Summary of the Constitutional Court Ruling No. 60/2547**

**Dated 7<sup>th</sup> October B.E. 2547 (2004)\***

**Re: Political Party Registrar's application for an order to dissolve Chat Prachathai Party**

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

The political party registrar submitted an application dated 9<sup>th</sup> March B.E. 2547 (2004) to the Constitutional Court for an order to dissolve Chat Prachathai Party under section 65 paragraph one subparagraph (4) of the Organic Act on Political Parties, B.E. 2541 (1998). The facts as stated in the application and documents attached thereto could be summarized as follows. The political party registrar acknowledged the establishment of Chat Prachathai Party into the political party registry on 9<sup>th</sup> December B.E. 2541 (1998). Thereafter, on 7<sup>th</sup> October B.E. 2546 (2003), Chat Prachathai Party submitted the letter to the political party registrar stating that it no longer needed to operate political activities due to lacking cooperation of its members, Branch Committees and Executive Committee. In this connection, the meeting of the Executive Committee (No. 2/2546) on 30<sup>th</sup> September B.E. 2546 (2003) passed the resolution to dissolve Chat Prachathai Party. The political party registrar accordingly submitted the application to the Constitutional Court for an order to dissolve Chat Prachathai Party pursuant to section 65 paragraph one subparagraph (4) of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court delivered the copies of the application and documents attached thereto to Chat Prachathai Party for submitting a response statement. Chat Prachathai Party then submitted the response statement on 9<sup>th</sup> April B.E. 2547 (2004) that at present, Chat Prachathai Party had only 6 remaining members, including the Party Leader, and requested the Constitutional Court to order the dissolution of Chat Prachathai Party pursuant to section 65 paragraph one subparagraph (2) of the Organic Act on Political Parties, B.E. 2541 (1998).

Thereafter, the political party registrar submitted an additional application dated 22<sup>nd</sup> September B.E. 2547 (2004) stating, in summary, the followings. Chat Prachathai Party additionally notified the political party registrar that the meeting of the Executive Committee on 19<sup>th</sup> March B.E. 2547 (2004) resolved that the membership of all members of Chat Prachathai Party be terminated according to article 61 subparagraph (4) of the Bye-Law of

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Chat Prachathai Party B.E. 2541 (1998), except for Mr. Kraethep Phromsuwan, Mr. Kiertipol Yuvanabun and Mr. Tharichat Phew-on. The political party registrar was of the following opinion. Under section 65 paragraph one subparagraph (2) of the Organic Act on Political Parties, B.E. 2541 (1998) which provided that a political party could be dissolved if its members remained less than fifteen, the case constituted a cause to dissolve Chat Prachathai Party. The political party registrar therefore submitted the additional application to the Constitutional Court for an order to dissolve Chat Prachathai Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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

The Constitutional Court considered the facts in the application, the additional application and the response statement of Chat Prachathai Party and held that the issue to be considered was whether or not the case constituted a cause for an order to dissolve Chat Prachathai Party due to having less than fifteen remaining members pursuant to section 65 paragraph one subparagraph (2) of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court held the following opinions. Section 65 paragraph one subparagraph (2) of the Organic Act on Political Parties, B.E. 2541 (1998) provided that a political party was dissolved upon a ground of having less than fifteen remaining members. The facts revealed that the resolution passed by the Executive Committee of Chat Prachathai Party terminating the membership of all of its members, except for some members, resulted in reducing the number of its members to be less than fifteen. In addition, Chat Prachathai Party had no objection to the application of the political party registrar. The case therefore constituted a cause for an order to dissolve Chat Prachathai Party pursuant to section 65 paragraph one subparagraph (2) of the Organic Act on Political Parties, B.E. 2541 (1998). Thereby, the additional application of the political party registrar for an order of the Constitutional Court to dissolve Chat Prachathai Party upon another ground under section 65 paragraph one subparagraph (4) of the Organic Act on Political Parties, B.E. 2541 (1998) was not needed to be heard.

## **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 Chat Prachathai Party.

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