

Summary of the Constitutional Court Ruling No. 31/2544

Dated 18th September B.E. 2544 (2001)*

**Re : Political Party Registrar's application for an order to dissolve Phalang
Kasertrakorn 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 Phalang Kasertrakorn Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) for the reason that such the Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), under which Phalang Kasertrakorn Party had to prepare to have not less than 5,000 members, which had to comprise those from each Region according to the list of Regions and Changwats notified by the political party registrar, and had to have at least one branch in each Region within the period of one hundred and eighty days from the date the registrar had acknowledged its establishment. The failure to comply with the said section 29 thereby 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.

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 Phalang Kasertrakorn Party pursuant to the application made by the political party registrar.

* Published in the Government Gazette, Vol. 119, Part 46a, dated 21st May B.E. 2545 (2002).

The Constitutional Court held that the political party registrar submitted the application to the Constitutional Court for an order to dissolve Phalang Kasertrakorn Party, because such Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), which provides 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.” Under section 65 paragraph one of the Organic Act on Political Parties, B.E. 2541 (1998) which provides that “A political party is dissolved upon any of the following grounds: ... (5) failure to comply with section 25, section 26, section 29, section 35 or section 62” and section 65 paragraph two of the said Organic Act which provides that “If it appears to the registrar that any political party is under the circumstance specified in (1), (2), (3) or (5), the registrar shall submit an application to the Constitutional Court for the dissolution of such political party within fifteen days as from the date of the appearance of such circumstance. If the Constitutional Court considers that the political party is under such circumstance as applied by the registrar, the Constitutional Court shall issue an order dissolving such political party,” when it appeared that Phalang Kasertrakorn 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 Kasertrakorn Party under section 65 paragraph one subparagraph (5) of the said Organic Act.

4. Ruling of the Constitutional Court

The case constituted the cause for the dissolution of Phalang Kasertrakorn 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 ordered the dissolution of Phalang Kasertrakorn Party.
