

# **Summary of the Constitutional Court Ruling No. 51/2544**

**Dated 27<sup>th</sup> December B.E. 2544 (2001)\***

**Re : Political Party Registrar's application for an order to dissolve  
Phattana Sangkom Party**

.....

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

The political party registrar acknowledged the establishment of a political party named Phattana Sangkom Party under section 14 of the Organic Act on Political Parties, B.E. 2541 (1998) in the political party register No. 17/2543 on 2<sup>nd</sup> October 2543 (2000). As to the end of the year B.E. 2543 (2000), Phattana Sangkom Party had been established for more than ninety days. The Party was thus subject to section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), which required the Leader of the Party which had established for more than ninety days as to the end of the calendar year to prepare an accurate report of its operations for the preceding calendar year cycle (B.E. 2543 (2000)) in the manner prescribed by the political party registrar and submit the same to the political party registrar by March B.E. 2544 (2001) in order that a public announcement be made. However, it was appeared that Phattana Sangkom Party had not submitted such the report to the political party registrar within the prescribed time period. 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 an application to the Constitutional Court for an order to dissolve Phattana Sangkom Party under section 65 paragraph two 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.

---

\* Published in the Government Gazette, Vol. 119, Part 70a, dated 24<sup>th</sup> July B.E. 2545 (2002).

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

The Constitutional Court had considered facts acquired from an application, an additional application, a response statement, testimony of the applicant and the respondent, and from hearing in a lawcourt. The issue which had to be considered was whether Phattana Sangkom Party prepared an accurate report of its operations for the preceding calendar year cycle (B.E. 2543 (2000)) in the manner prescribed by the political party registrar and submitted the same to the political party registrar by March B.E. 2544 (2001).

The Constitutional Court held that the political party registrar acknowledged the establishment of Phattana Sangkom Party under section 14 of the Organic Act on Political Parties, B.E. 2541 (1998) in the political party register No. 17/2543 on 2<sup>nd</sup> October 2543 (2000). Accordingly, Phattana Sangkom had been established for more than ninety days as to the end of the year B.E. 2543 (2000). Under section 19 of the said Organic Act, the political party which was acknowledged its establishment by the political party registrar had to be a juristic person, and thus it had a duty to submit the report of its operations under section 35 of the same. The statement of Phattana Sangkom stating that it already submitted such the report (Form Tor Por 8) as evidenced by the received No. 9532 of the Office of the Election Commission dated 22<sup>nd</sup> March B.E. 2544 (2001), could not be relied on. As for the reason, it was appeared that the political party registrar issued such the received number for the letter of Phattana Sangkom Party Re: the submission of a political party's member register. There was no evidence that the received number was issued for the receipt of the report of Phattana Sangkom Party's operations. The response statement of Phattana Sangkom Party was without proof and could not rebut the allegation of the political party registrar. The facts therefore were accepted as stating that Phattana Sangkom Party failed to comply with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998).

### **4. Ruling of the Constitutional Court**

The Constitutional Court decided by the majority of 13 votes to 1 vote that Phattana Sangkom Party failed to comply with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). The cause under section 35 had been occurred to Phattana Sangkom Party. 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 Phattana Sangkom Party.

---