

# **Summary of the Constitutional Court Ruling No. 10/2545**

**Dated 12<sup>th</sup> March B.E. 2545 (2002)\***

**Re : Political Party Registrar's application for an order to dissolve Phalang  
Thai Party**

.....

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

The political party registrar registered the establishment of Phalang Thai Party as a political party on 16<sup>th</sup> November 2543 (2000). In this connection, Phalang Thai 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 by the date of 15<sup>th</sup> May B.E. 2544 (2001) on which the period of one hundred and eighty days from the date the registrar had acknowledged its establishment was due. However, it was appeared that Phalang Thai Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). 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 Phalang Thai 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.

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

The issue to be considered was whether there was a cause for an order to dissolve Phalang Thai party pursuant to an application made by the political party registrar.

---

\* Published in the Government Gazette, Vol. 119, Part 115a, dated 15<sup>th</sup> November B.E. 2545 (2002).

The Constitutional Court held that Phalang Thai Party had a duty 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 one hundred and eighty days from the date the registrar had acknowledged its establishment, which was by the date of 15<sup>th</sup> May B.E. 2544 (2001) under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). That Phalang Thai Party submitted the list of its 5,000 members and its branches for all four regions to the political party registrar on 17<sup>th</sup> May B.E. 2544 (2001) was deemed as not complying with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), because it was submitted after the time period prescribed by law. The case therefore constituted a cause for an order to dissolve Phalang 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, by the majority votes of 11 judges, ordered the dissolution of Phalang Thai Party, while the minority votes of 2 judges held that the application was dismissed.

---