

# **Summary of the Constitutional Court Ruling No. 11/2545**

**Dated 28<sup>th</sup> March B.E. 2545 (2002)\***

**Re : Political Party Registrar’s application for an order to dissolve Chaona  
Phattana Pratet Party**

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

The political party registrar submitted an application and an additional application to the Constitutional Court for an order to dissolve Chaona Phattana Pratet Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). The political party registrar had acknowledged the establishment of Chaona Phattana Pratet Party as a political party since 27<sup>th</sup> July B.E. 2543 (2000), and as the political party, it was subject to section 29 of the said Organic Act 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.” Accordingly, Chaona Phattana Pratet Party had to comply with the said provision by 23<sup>rd</sup> January B.E. 2544 (2001). However, after the political party registrar had acknowledged its establishment and after such the time period was elapsed, Chaona Phattana Pratet Party failed to comply with section 29 of the said Organic Law. The case 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). The political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Chaona Phattana Pratet Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

Later, the political party registrar submitted an additional application dated 31<sup>st</sup> May B.E. 2544 (2001) to the Constitutional Court for an order to dissolve Chaona Phattana Pratet Party under section 65 paragraph two. Chaona Phattana Pratet Party had been acknowledged its establishment as a political party since 27<sup>th</sup> July B.E. 2543 (2000). It was thus a political party established for more than ninety days as to the end of the year of B.E. 2543 (2000) pursuant to section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). Under such section 35, the Leader of a political party shall prepare an accurate report of its operations for the preceding calendar year cycle in the manner prescribed by the political party registrar and

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submit the same to the political party registrar by March of every year in order that a public announcement be made. However, when the time limit was elapsed, Chaona Phattana Pratet Party failed to prepare the report of its operations for the year B.E. 2543 (2000) and to submit the same to the political party registrar by March B.E.2544 (2001) pursuant to section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore 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**

A preliminary legal issue which had to be considered was whether the case was under the jurisdiction of the Constitutional Court.

The Constitutional Court ordered the acceptance of the application and additional application for hearing and the delivery of their copies to Chaona Phattana Pratet Party for filing a response statement.

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

The issue which required adjudication was whether there was a cause for the dissolution of Chaona Phattana Pratet Party for the reason that the Party did not comply with section 29 and section 35 of the Organic Act on Political Parties, B.E. 2541 (1998).

As for the case where the political party registrar submitted the application to the Constitutional Court for an order to dissolve Chaona Phattana Pratet Party due to non-compliance with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), the Constitutional Court found that the political party registrar had acknowledged the establishment of Chaona Phattana Pratet Party since 27<sup>th</sup> July B.E. 2543 (2000). After that, Chaona Phattana Pratet Party notified the establishment of its five branches to the political party registrar on 15<sup>th</sup> December B.E. 2543 (2000).

The political party registrar approved the establishment of the third and fourth branches of the Party and ordered that the Leader of Chaona Phattana Pratet Party be deliver copies of identity cards and house registrations of some of the first and second branches' committees whose such the documents were not appeared in the examination of the Office of the Election Commission. As for the fifth branch, the political party registrar denied the approval of its establishment, since the treasurer of the said branch had an age less than twenty years. Although, later, Chaona Phattana Pratet re-notified the establishment of the fifth branch with a new treasurer, it was appeared to the Office of the Election Commission from the examination that the meeting to establish the fifth branch was not held at the place specified in the minutes on 19<sup>th</sup> January B.E. 2544 (2001), that sufficient members under the list attached with the minutes did not present at the meeting to constitute a quorum under the bylaws of the Party, and that most of persons whose name shown in the list attached with

the minutes of the general meeting of the branch were not members of the Party, did not present at the meeting and did not sign their name by themselves. As regards the second branch, the Office of the Election Commission found from the examination of five persons whose names appeared to be the branch committees and persons presenting at the meeting that a general meeting for the establishment of the second branch and for the election of branch executive committee had not been held, that they had not signed their names in the list of meeting attendance, that the minutes of the branch meetings had not been prepared, and that part of the signatures shown in the list of meeting attendance were not true. As regards the first branch, the examination by the Office of the Election Commission presented that the general meeting for the establishment of the first meeting was held at the head office of the Party. However, the minutes specified that such meeting held at a branch office, and persons present at the meeting signed names for one another. As for the sixth branch in Changwat Udon Thani and the seventh branch in Changwat Roi Et which were notified the establishment on 23<sup>rd</sup> January B.E. 2544 (2001), it was appeared to the Office of the Election Commission from its examination that the founders of two branches held the general meeting of party members in order to elect branch executive committees on 19<sup>th</sup> January B.E. 2544 (2001) before that the executive committee of the Party approved their establishment on 21<sup>st</sup> January B.E. 2544 (2001). When it appeared that the establishment of the first, the second and the fifth branches of the Party did not comply with article 37, article 38, and article 39 of the Bylaws of Chaona Phattana Pratet Party B.E. 2543 (2000) and that the establishment of the sixth and the seventh branches of the Party did not comply with article 39 of the same, the political party registrar thereby did not acknowledge all five branches of Chaona Phattana Pratet Party. The fact was sufficient to conclude that Chaona Phattana Pratet Party failed to prepare to have complete four branches in four Regions within one hundred and eighty days from the date the political party registrar had acknowledged its establishment under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The Constitutional Court therefore held that the case constituted a cause for the dissolution of Chaona Phattana Pratet Party pursuant to section 65 paragraph one subparagraph (5) of the same Act.

In addition, as for the case where the political party registrar submitted the additional application to the Constitutional Court for an order to dissolve Chaona Phattana Pratet Party due to non-compliance with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), the Constitutional Court found that Chaona Phattana Pratet Party was acknowledged its establishment on 27<sup>th</sup> July B.E. 2543 (2000). By the end of the year B.E. 2543 (2000), the Party had been established for more than ninety days, so it had a duty under section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). However, Chaona Phattana Pratet Party failed to comply with section 35 of the said Organic Act by the end of March B.E. 2544 (2001). The Constitutional Court therefore held that the case constituted another cause for the dissolution of Chaona Phattana Pratet Party pursuant to section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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

By the above reasons and 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 the Chaona Phattana Pratet Party.

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