

Summary of the Constitutional Court Ruling No. 36/2545

Dated 13th June B.E. 2545 (2002) *

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

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1. Background and summarized facts

The political party registrar submitted an application dated 1st February B.E. 2545 (2002) and an additional application dated 7th May B.E. 2545 (2002) to the Constitutional Court for an order to dissolve Phalang Mai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) due to non-compliance with section 26, section 35, and section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). The facts as stated in the application and documents attached thereto were, in summary, that the second extraordinary general meeting of Phalang Mai Party (No. 2/2544) on 30th July B.E. 2544 (2001) passed a resolution on the appointment of a new executive committee of the Party. The Office of the Election Commission examined all relevant evidences and documents and found that they are incomplete and incorrect, so it suggested the political party registrar to exercise its power under section 7 of the Organic Act on Political Parties, B.E. 2541 (1998). The political party registrar, accordingly, summoned the Leader of Phalang Mai Party to submit additional documents and an additional statement and entrusted the Office of the Election Commission of Roi Et Province and Suphan Buri Province to examine members who presented at the meeting and to question all leaders of 31 branches of the Party on whether or not they exactly presented at the meeting. The facts revealed that the said meeting was not in compliance with bylaws of the Party and with section 26 paragraph one of the Organic Act on Political Parties, B.E. 2541 (1998). Furthermore, under section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), Phalang Mai Party had the duty of preparing an accurate report of its operations for the year B.E. 2544 (2001) and submitting the same to the political party registrar by March B.E. 2545 (2002) in order that a public announcement be made. Since Phalang Mai Party received a subsidy allocated from the Fund for Development of Political Parties for the year B.E. 2544 (2001), it was also under an obligation to prepare an accurate expenditure report of its subsidy for the said year and submit the same to the Election Commission by March B.E. 2545 (2001) under section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). However, after examining the preparation of such the two reports of Phalang Mai Party, the Office of the Election Commission found that although Phalang Mai Party submitted

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the Form of operational report of a political party (Form Tor. Por. 8) and the Form of expenditure report of the subsidy for the year B.E.2544 (2001) dated 29th March B.E. 2545 (2002), what it submitted was only the Forms without any details. The reports were deemed incomplete and incorrect. This was also deemed as not complying with section 35 and section 62 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). In this regards, Mr. Prasatra Sripchai, the first deputy leader of the Party, delivered a statement letter not objecting the dissolution of the Phalang Mai Party and applying for the Constitutional Court's order to dissolve Phalang Mai Party.

2. The issue considered by the Constitutional Court

The issue was the application for the Constitutional Court's order to dissolve Phalang Mai Party.

The Constitutional Court held that the non-compliance of Phalang Mai Party's extraordinary general meeting No. 2/2544 with the rules and procedures prescribed in its bylaws was deemed as not complying with section 26 of the Organic Act on Political Parties, B.E. 2541 (1998). This constituted a cause for an order to dissolve Phalang Mai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 Phalang Mai Party.
