

# **Summary of the Constitutional Court Ruling No. 43/2545**

**Dated 23<sup>rd</sup> July B.E. 2545 (2002)\***

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

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

The political party registrar acknowledged the establishment of Phattana Thai Party on 15<sup>th</sup> February B.E. 2544 (2001). Under 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”, Phattana Thai Party had to have at least a branch in each Region by the date of 14<sup>th</sup> August B.E. 2544 (2001). Although Phattana Thai Party notified the establishment of 4 branches on 6<sup>th</sup> August B.E. 2544 (2001), the political party registrar, after considering all relevant documents and statement given by the Leader of Phattana Thai Party, did not approve the establishment of all four branches of the Party. Consequently, it was deemed that Phattana Thai Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), since Phattana Thai Party could not have at least a branch in each Region within one hundred and eighty days from the date the registrar had acknowledged its establishment. Later, the political party registrar submitted an additional application to the Constitutional Court for an order to dissolve Phattana Thai Party for the reason that Phattana Thai Party failed to comply with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), which provides that “The Leader of a political party shall prepare an accurate report of the political party’s operations for the preceding calendar year cycle in the manner prescribed by the political party registrar and submit the same to the political party registrar by March of every year in order that a public announcement be made, except in the case where the political party has been established for less than ninety days as to the last day of the calendar year.” These constituted causes 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 the applications to the Constitutional Court for an order to dissolve Phattana Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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As regards the failure of compliance with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), the Leader of Phattana Thai Party made a statement to the Constitutional Court stating in summary that for the case where persons presenting at the general meeting of its branch had same signatures despite different names and surnames, the Party assigned a secretariat to examine all signatures of persons presenting at the meeting. After the examination, the secretariat affirmed that the process of delivering documents by the founders of the branch to the Party was complete and was in accordance with law and regulation. It was beyond knowledge of the Party whether and how such signatures were different. As regards other reports which were deemed inaccurate, this resulted from typing errors. The Party had no intention of concealment as to cause damages. Such errors were immaterial, and their correction could be allowed. The Party had not examined the case where members presenting at the meeting were in sufficient to constitute a quorum and the case of whether there were forged signatures. The allegations in relation to the meeting held for electing the executive committees of four branches, that the meeting place was different from the place specified in the minutes, that there was no meeting at all, and that persons presenting at the meeting had not signed their names, were not true. The Party affirmed that it received all documents relevant to the establishment properly, and the mistakes, if occurred, were in small part. The allegations of the political party registrar therefore could not be relied on. As regards the failure of compliance with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), the Party had not submitted any statement to the Constitutional Court.

## **2. Preliminary issue**

The Constitutional Court ordered the acceptance of the applications for hearing and delivered the copy of such applications to Phattana Thai Party for acknowledgement and submission of a response statement pursuant to the Rule of the Constitutional Court on the Constitutional Court Procedure B.E. 2541 (1998).

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

The political party registrar applied for the Constitutional Court's order to dissolve Phattana Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court held that the operation of a political party's activities had to be subject to the provisions of the Constitution and the Organic Act on Political Parties, B.E. 2541 (1998). The allegation of the Party that errors, mistakes, no intention, and no examination of the correctness and completeness of any detail could be allowed for correction was unreasonable and unjustifiable. In addition, the political party registrar did not approve the establishment of all four branches of Phattana Thai Party. These were deemed, in one case, that the Party did not comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998).

As regards the failure of the Party to comply with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), Phattana Thai Party was acknowledged its establishment on 15<sup>th</sup> February B.E. 2544 (2001). The Party thereby had been established for more than ninety days by the end of the year B.E. 2544 (2001). By the end of March B.E.2545 (2002), the Party ignored to prepare an accurate report of its operation for the preceding calendar year cycle in the manner prescribed by the registrar and to submit the same to the registrar. This was also deemed that Phattana Thai Party did not comply with section 35 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 ordered the dissolution of Phattana Thai Party.

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