

Summary of the Constitutional Court Ruling No. 51/2545

Dated 23rd September B.E. 2545 (2002)*

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

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1. Background and summarized facts

The political party registrar registered the establishment of Thai Ruam Phalang Party on 15th October B.E. 2544 (2001). Whereas section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) 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”, Thai Ruam Phalang Party had to fulfill that requirement by the date of 17th April B.E. 2545 (2002) (correctly, by the date of 12th April B.E. 2545 (2002)). However, when the period of one hundred and eighty days was due, Thai Ruam Phalang Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). This is 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 Thai Ruam Phalang Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. Preliminary issue

The Constitutional Court accepted the application for hearing and transferred the copy of such application to Thai Ruam Phalang Party for acknowledgement and for it to make 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 Thai Ruam Phalang Party pursuant to section 65 paragraph one subparagraph (5) and section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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The Constitutional Court held that although Thai Ruam Phalang Party submitted documents in relation to the establishment of its branches and the list of its members within the time limit prescribed by law, these documents and member register were incorrect and incomplete. Accordingly, the political party registrar requested the Party to make statement and submit additional documents. Thai Ruam Phalang Party applied for a postponement of submission of those additional documents. When such the postponed period was elapsed, Thai Ruam Phalang Party failed to submit statement and additional documents to the political party registrar. Later, the Party notified the political party registrar that due to the conflict arisen in the Party and insufficient cooperation of branch committees, it could not establish branches within the period of one hundred and eighty days and could not completely comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). Furthermore, the leader of Thai Ruam Phalang Party submitted a statement to the Constitutional Court that allegation under the application of the political party registrar was not denied. This was deemed final that Thai Ruam Phalang Party had not prepared to have not less than five thousand members. The case therefore constituted a cause for an order to dissolve Thai Ruam Phalang 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 ordered the dissolution of Thai Ruam Phalang Party.
