

# Summary of the Constitutional Court Ruling No. 1/2548

Dated 6<sup>th</sup> January B.E. 2548 (2005)\*

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

.....

## 1. Background and summarized facts

The political party registrar submitted to the Constitutional Court the application dated 3<sup>rd</sup> November B.E. 2547 (2004) stating the followings. The political party registrar acknowledged the establishment of Ruam-Thai Party on 29<sup>th</sup> April B.E. 2547 (2004). Section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) provided 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”. However, it appeared that after the expiration of the period of one hundred and eighty days, which was due on 25<sup>th</sup> October B.E. 2547 (2004), Ruam-Thai Party failed to comply with section 29 as aforesaid. 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 the application to the Constitutional Court for an order to dissolve Ruam-Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court delivered the copy of the application to Ruam-Thai Party for the submission of a statement in response to the allegation within fifteen days from the date of receiving or being deemed as receiving such copy. It was served by post to the Head Office of Ruam-Thai Party. The Party had not submitted the response statement within the specified period of time. The Constitutional Court therefore ordered a notice to be posted or announced according to Article 15 paragraph two of the Rule of the Constitutional Court on the Constitutional Court Procedure, B.E. 2546 (2003) on 7<sup>th</sup> December B.E. 2547 (2004). It was to provide Ruam-Thai Party another opportunity to give statement in response to the allegation within fifteen days from the date of posting or announcement thereof. After the expiration of such period, Ruam-Thai Party again failed to submit any statement in response to the allegation appeared in the political party registrar’s application.

---

\* Published in the Government Gazette, Vol. 122, Part 71a, dated 24<sup>th</sup> August B.E. 2548 (2005)

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

After considering the political party registrar's application and documents attached thereto, the issue which the Constitutional Court had to consider was whether the case constituted a cause for an order to dissolve Ruam-Thai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) due to its failure to comply with section 29 of the same Act.

The Constitutional Court held the following opinions. Ruam-Thai Party was acknowledged its establishment as a political party on 29<sup>th</sup> April B.E. 2547 (2004). The due date of the period of one hundred and eighty days under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) was on 25<sup>th</sup> October B.E. 2547 (2004). It appeared that Ruam-Thai Party failed to 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 failed to have at least one branch of the political party in each of four Regions. It was deemed that Ruam-Thai Party did not comply with the provision of section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted the cause for the dissolution of Ruam-Thai Party pursuant to 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 Ruam-Thai Party.

---