

Summary of the Constitutional Court Ruling No. 42/2548

Dated 7th April B.E. 2548 (2005)*

Re: Political Party Registrar's application for an order to dissolve Pracha-Dharma Party

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1. Background and summarized facts

The political party registrar submitted an application to the Constitutional Court for an order to dissolve Pracha-Dharma Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) due to its failure to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). Under the said provision, within one hundred and eighty days from the date the registrar had 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. The political party registrar acknowledged the establishment of Pracha-Dharma Party on 8th July B.E. 2547 (2004), and thus the period of one hundred and eighty days was due on 3rd January B.E. 2548 (2005).

The Constitutional Court ordered the acceptance of the application to be considered and delivered its copy to Pracha-Dharma Party for the submission of a response statement.

2. The issue considered by the Constitutional Court

After considering the application and documents attached thereto together with the response statement, the issue which the Constitutional Court had to consider was whether the case constituted a cause for an order to dissolve Pracha-Dharma Party due to its failure to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) according to the political party registrar's application.

The Constitutional Court held the following opinions. Section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) with not less than 180 days required that a political party must prepare to have not less than five thousand members, which had to comprise those from each Region according to the list of Regions and Changwats notified by the registrar, and must have at least one branch of the political party in each Region, within one hundred

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and eighty days from the date the registrar had acknowledged its establishment. In this case, the political party registrar informed Pracha-Dharma Party to fulfill such requirement. However, Pracha-Dharma Party had not complied with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) by the date of 3rd January B.E. 2548 (2005). The Party also submitted the letter admitting the allegation and requesting the Constitutional Court for an order of dissolution. The case therefore constituted the cause for the order to dissolve Pracha-Dharma 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

The Constitutional Court unanimously ordered the dissolution of Pracha-Dharma Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).
