

# Summary of the Constitutional Court Ruling No. 46/2548

Dated 21<sup>st</sup> June B.E. 2548 (2005)\*

**Re: Political Party Registrar's application for an order to dissolve Pattana Sangkom Thai Party**

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## 1. Background and summarized facts

The political party registrar submitted an application dated 12<sup>th</sup> April B.E. 2548 (2005) to the Constitutional Court for an order to dissolve Pattana Sangkom Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The facts stated in the application and documents attached thereto were summarized as follows. The political party registrar acknowledged the establishment of Pattana Sangkom Thai Party as a political party according to section 14 of the Organic Act on Political Parties, B.E. 2541 (1998) on 5<sup>th</sup> October B.E. 2547 (2004). By the date of 2<sup>nd</sup> April B.E. 2548 (2005) on which the period of one hundred and eighty days was due according to section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), Pattana Sangkom Thai Party had 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 had to have at least one branch of the political party in each Region. However, Pattana Sangkom Thai Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) as it had not notified of the admission of not less than five thousand members to the Party and the establishment of at least a political branch in each Region.

The political party registrar considered that the failure of Pattana Sangkom Party to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) by the date of 2<sup>nd</sup> April B.E. 2548 (2005) constituted a cause for the dissolution pursuant to 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 Pattana Sangkom Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

## 2. The issue considered by the Constitutional Court

Did the case constitute a cause for an order to dissolve Pattana Sangkom 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?

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### **3. Ruling of the Constitutional Court**

The facts appeared that since the political party registrar acknowledged its establishment on 5<sup>th</sup> October B.E. 2547 (2004), Pattana Sangkom Thai Party had not prepared to have not less than five thousand members and to have at least a political branch in each of four Regions by the date of 2<sup>nd</sup> April B.E. 2548 (2005), the due date of the period of one hundred and eighty days from the date the registrar had acknowledged the establishment of a political party. In addition, Pattana Sangkom Thai Party had not submitted any statement in response to the allegation to the Constitutional Court in order to make any argument against the application of the political party registrar. The facts made the conclusion that Pattana Sangkom Thai Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted the cause for the dissolution of Pattana Sangkom Thai Party pursuant to section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 Pattana Sangkom Thai Party.

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