

Summary of the Constitutional Court Ruling No. 47/2548

Dated 21st June B.E. 2548 (2005)*

Re: Political Party Registrar's application for an order to dissolve Rang-ngan 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 Rang-ngan 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 Rang-ngan Party on 4th October B.E. 2547 (2004), and thus the period of one hundred and eighty days was due on 1st April B.E. 2548 (2005). In addition, in the meeting of the Executive Committee of Rang-ngan Party as well as in the extraordinary general meeting thereof, the dissolution of Rang-ngan Party was resolved. However, since the Bye-Law of Rang-ngan Party did not provide for the matter of dissolution, the political party registrar submitted the application to the Constitutional Court for the order to dissolve Rang-ngan Party.

The Constitutional Court ordered the acceptance of the application to be considered and delivered its copy to Rang-ngan 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 Rang-ngan 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) required that a political party must prepare to have not

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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 and eighty days from the date the registrar had acknowledged its establishment. In this case, the political party registrar informed Rang-ngan Party to fulfill such requirement. However, Rang-ngan Party had not complied with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) by the date of 1st April B.E. 2548 (2005). The Party also submitted the letter stating no argument or objection against that the Constitutional Court may order it to be dissolved. The case therefore constituted the cause for an order to dissolve Rang-ngan 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 Rang-ngan Party pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).
