

Summary of the Constitutional Court Ruling No. 48/2548

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

Re: Political Party Registrar’s application for an order to dissolve Chatpattana Party

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1. Background and summarized facts

The political party registrar submitted an application dated 19th May B.E. 2548 (2005) to the Constitutional Court for an order to dissolve Chatpattana Party, because it failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), which 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”. Such failure constituted a cause for the dissolution of Chatpattana Party 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 the order to dissolve it under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court ordered the acceptance of the application to be considered and delivered its copy to Chatpattana Party as the respondent for the submission of a response statement.

Colonel Peerayuth Piboonviriyavich, the leader of Chatpattana Party, submitted the statement dated 7th June B.E. 2548 (2005) summarily stating that Chatpattana Party had no objection against the political party registrar’s application and requested the Constitutional Court to consider the case according to the Organic Act on Political Parties, B.E. 2541 (1998).

2. The issue considered by the Constitutional Court

The issue which the Constitutional Court had to consider was whether the case constituted a cause for an order to dissolve Chatpattana Party due to its failure to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) pursuant to section 65 paragraph one subparagraph (5) of the said Act.

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The Constitutional Court held the following opinions. The political party registrar acknowledged the establishment of Chatpattana Party on 12th November B.E. 2547 (2004). Accordingly, the period of one hundred and eighty days was due on 10th May B.E. 2548 (2005). Chatpattana Party had not prepared to have not less than five thousand members, which have to 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 Region. The political party registrar notified Chatpattana Party to fulfill the requirements, but it ignored such notification. Moreover, during the consideration of the case, Chatpattana Party had not objected the political party registrar's application. The fact could therefore constitute the cause for an order to dissolve Chatpattana 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 said Act.

3. Ruling of the Constitutional Court

By the aforesaid reason and by virtue of section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), the Constitutional Court unanimously ordered the dissolution of Chatpattana Party.
