

Summary of the Constitutional Court Ruling No. 57/2548

Dated 4th October B.E. 2548 (2005)*

Re: Political Party Registrar's application for an order to dissolve Tang Lueak Tee Sam Party

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1. Background and summarized facts

The political party registrar submitted an application dated 10th June B.E. 2548 (2005) to the Constitutional Court for an order to dissolve Tang Lueak Tee Sam Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). This was because, within one hundred and eighty day from the date the registrar acknowledged its establishment into the registration of political parties, Tang Lueak Tee Sam Party had not prepared to have at least a political branch in each Region according to the list of Regions and Changwats notified by the political party registrar by virtue of section 29 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 Tang Lueak Tee Sam Party as a political party under section 14 of the Organic Act on Political Parties, B.E. 2541 (1998) on 14th September B.E. 2547 (2004). Tang Lueak Tee Sam 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 by the dated of 14th March B.E. 2548 (2005) on which the period of one hundred and eighty days from the date the registrar had acknowledged the establishment of a political party was due. Tang Lueak Tee Sam Party delivered a letter notifying the political party registrar that it already had 5,245 members and established four political branches consisting of the first branch in Tumbol Madnatom, Amphoe Khok Si Suphan, Sakon Nakhon province, the second branch in Tumbol Wiang Nuea, Amphoe Mueang Lampang, Lampang province, the third branch in Kwang Bang Na, Khet Bang Na, Bangkok, and the fourth branch in Tumbol Baan Na, Amphoe Baan Na Doem, Surat Thani province.

The Office of the Election Commission notified the relevant Provincial Offices of the Election Commission to verify the facts concerning the establishment of the branches of Tang Lueak Tee Sam Party. As for the branch in Sakon Nakhon province, three members of Tang Lueak Tee Sam Party gave the statements that no meeting was held for the establishment of that branch or for the election of the executive committee thereof. The head of the said

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branch gave the statement that the meeting for the establishment thereof was held on 8th March B.E. 2548 (2005). After examining the minutes of the meeting submitted by the Office of the Election Commission, it was found that the date and time of the meeting be informed differently. The political party registrar notified in writing acknowledging the establishment of the second, the third and the fourth branches and requesting Tang Lueak Tee Sam Party to give statements on the establishment of the first branch within fifteen days from the date of receiving the notification from the political party registrar. Tang Lueak Tee Sam Party submitted the letter stating the facts concerning the establishment of the first branch that due to confusing, the head of the first branch gave the answer irrelevant to the issue. The meeting for the establishment of the first branch of Tang Lueak Tee Sam Party was truly and exactly held on the date and at the time as specified in the minutes thereof.

Thereafter, Tang Lueak Tee Sam Party notified the political party registrar in writing that Mr. Arun Kongmun resigned from the Leader of the Party. As the result, all executive committee members had to leave the office under article 31 subparagraph (2) of the Bylaw of Tang Lueak Tee Sam Party B.E. 2547 (2004). Mr. Virawat Sukkesa, Deputy Leader, became the acting leader.

The political party registrar delivered the letter acknowledging the change of the executive committee of Tang Lueak Tee Sam Party according to section 33 of the Organic Act on Political Parties, B.E. 2541 (1998). Mr. Virawat Sukkesa, Deputy Leader, as acting leader, submitted the letter notifying the political party registrar of examining the establishment process of the first branch in Sakon Nakhon province. The examination revealed that the establishment thereof was not in compliance with rules and procedure set forth in the Bylaw in many aspects. The Party therefore terminated the establishment the first branch. Next, Mr. Virawat Sukkesa submitted the letter confirming the application for canceling the notification of the first branch establishment. In addition, he was aware that this case could constitute a cause for the Constitutional Court to order the dissolution of Tang Lueak Tee Sam Party. However, Tang Lueak Tee Sam Party had no intention to continue its political operations and accepted the coming results.

2. The issue considered by the Constitutional Court

Did the case constitute a cause for an order to dissolve Tang Lueak Tee Sam 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?

3. Ruling of the Constitutional Court

The Constitutional Court held the followings. Since the political party registrar acknowledged its establishment on 14th September B.E. 2547 (2004), Tang Lueak Tee Sam Party had not prepared to completely have at least a political branch in each of four Regions by the date of 14th March 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, Tang Lueak Tee Sam Party submitted the letter admitting to the political party registrar that the establishment of the first branch was not correct and be well aware that this case could constitute a cause for the Constitutional Court to order the dissolution of it. Furthermore, Tang Lueak Tee Sam Party had no intention to continue its political operations and accepted the coming results. These facts made the conclusion that Tang Lueak Tee Sam 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 Tang Lueak Tee Sam Party pursuant to section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

By the foregoing reasons and 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 Tang Lueak Tee Sam Party.
