

# **Summary of the Constitutional Court Ruling No. 59/2548**

**Dated 27<sup>th</sup> October B.E. 2548 (2005)\***

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

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## **1. Background and summarized facts**

The political party registrar acknowledged the establishment of Prachachon Thai Party on 8<sup>th</sup> July B.E. 2547 (2004). The period of one hundred and eighty days specified in section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) was due on 3<sup>rd</sup> January B.E. 2548 (2005). Due to being the holiday, the actual due date was on 4<sup>th</sup> January B.E. 2548 (2005). The fact revealed that after the expiration of the period of one hundred and eighty days under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), Prachachon Thai Party had its political branches in only three Regions, i.e., two branches in central region, one branch in southern region, and another branch in north-eastern region. Thus, Prachachon Thai Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). This constituted a cause for the dissolution of Prachachon Thai 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 an order to dissolve Prachachon Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). Thereafter, the political party registrar submitted the additional application stating that Prachachon Thai Party had less than 5,000 members as verified by the Bureau of Registration Administration, Department of Provincial Administration. Prachachon Thai Party again failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998), and thus the case clearly constituted the cause for the dissolution of Prachachon Thai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

## **2. The issue considered by the Constitutional Court**

After considering the political party registrar's 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 Prachachon Thai Party due to its failure to comply with section 29 of the Organic Act on Political

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Parties, B.E. 2541 (1998) under section 65 paragraph one subparagraph (5) of the same Act according to the applications of the political party registrar.

The Constitutional Court held the following opinions. The political party registrar acknowledged the establishment of Prachachon Thai Party on 8<sup>th</sup> July B.E. 2547 (2004). Under section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) within one hundred eighty days as from the political party registrar had acknowledged the establishment of a political party, Prachachon 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. The facts stating in the applications of the political party registrar revealed as follows. Prachachon Thai Party notified in writing to the political party registrar that 5,689 persons were accepted to be its members, and delivered it the Registration of Prachachon Thai Party's Members (Form Tor.Por. 4) with a diskette. However, the examination from data kept by the Office of the Election Commission revealed that Prachachon Thai Party had 5,151 members.

In this connection, the Office of the Election Commission requested the Bureau of Registration Administration, Department of Provincial Administration, to examine the records of all 5,151 members of Prachachon Thai Party in order to verify that each member had all qualifications and no prohibited characteristics as specified by section 21 of the Organic Act on Political Parties, B.E. 2541 (1998). The Bureau of Registration Administration, Department of Provincial Administration, delivered the letter dated 15<sup>th</sup> March B.E. 2548 (2005) notifying the result of its examination. It was appeared from the citizen registration database that the records of 534 from 5,151 members could not be searched by identification numbers, while those of 4,617 members could be searched thereby.

By virtue of section 7 of the Organic Act on Political Parties, B.E. 2541 (1998), the political party registrar notified Prachachon Thai Party to deliver the copies of identity cards and house registrations of the 534 members whose identification number did not be searched to verify their existence within 15 days from the date of receiving such notification. Prachachon Thai Party, however, had not followed such notification by that period of time. The political party registrar accordingly considered that Prachachon Thai Party had only 4,537 members as their identification numbers could be searched. In addition, the Constitutional Court delivered the copy of the additional application of the political party registrar regarding the case where Prachachon Thai Party had less than 5,000 members to that Party for the submission of a response statement. Prachachon Thai Party submitted the statement to the Constitutional Court that it refused to deliver any documents or further statements and requested the Constitutional Court to consider the case according to justice process. The fact revealed that after the period of one hundred and eighty days from the date the political party registrar acknowledged the establishment of Prachachon Thai Party was expired, such Party failed to have not less than 5,000 members as provided by section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted the cause for the dissolution of Prachachon Thai Party pursuant to section 65 paragraph one subparagraph (5) of the

Organic Act on Political Parties, B.E. 2541 (1998). As for the issue on whether Prachachon Thai Party had prepared to have at least a political branch in each of four Regions, it needed not be considered.

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

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 Prachachon Thai Party.

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