

Summary of Constitutional Court Ruling No. 1/2549

Dated 10th January B.E. 2549 (2006)*

Re: The Political Party Registrar requested for a Constitutional Court Ruling to dissolve Seri Party.

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1. Summary of Background and Facts

The Political Party Registrar received notice of the establishment of Seri Party on 13th February B.E. 2547 (2004). At the expiration of one hundred and eighty days on 10th August B.E. 2547 (2004), the Seri Party was required under section 29 of the Organic Act on Political Parties B.E. 2541 (1998) to acquire five thousand or more members, consisting of members in each region pursuant to the list of regions and provinces prescribed by notification of the Political Party Registrar, and to establish at least one political party branch in each region. It appeared that Seri Party had already undertaken the following proceedings: (1) on the establishment of political party branches, the Political Party Registrar had already approved the establishment political party branches by Seri Party in all four regions; and (2) on the subscription of party membership, Seri Party had already reported the number of members and sent the register of Seri Party membership (Form Thor Phor 4) together with a diskette containing membership data to the Political Party Registrar. Regarding the membership subscriptions of Seri Party, inspections carried out by the Registration Administration Bureau, Department of Administration, could only confirm 4,207 members of Seri Party, short of the five thousand members required. The Political Party Registrar therefore granted additional time for Seri Thai Party to send evidence of copies of national identity cards or housing registrations of Seri Thai members that were missing upon inspection so as to confirm their actual existence. Seri Thai subsequently sent evidence of membership subscriptions on two occasions accounting for 407 members, which after adding to the 4,207 members already confirmed by inspections resulted in Seri Party having a total of 4,614 members, still short of five thousand members. By requiring Seri Party to send additional documentary evidence, the Political Party Registrar did not extend the time for Seri Party to add members to those already submitted under Form Thor Phor 4. The acts of Seri Party in introducing members certified by party to replace missing members amounted to subscriptions of membership after the expiration of one hundred and eighty days as from the Political Party Registrar's receipt of notice of Seri Party establishment, which was not in accordance with section 29 of the Organic Act on Political Parties

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B.E. 2541 (1998), thus constituting a cause for dissolution of Seri party under section 65 paragraph one subparagraph (5). The Political Party Registrar therefore submitted an application to the Constitutional Court for an order to dissolve Seri Party under section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998).

2. Issue Considered by the Constitutional Court

The issue considered by the Constitutional Court was whether or not there was a cause for dissolution of Seri Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties B.E. 2541 (1998) due to a failure to comply with section 29.

After consideration, the Constitutional Court held as follows. Upon the expiration of one hundred and eighty days on 10th August B.E. 2547 (2004), Seri Party had satisfactorily completed only the establishment of political party branches in all four regions which had already been approved by the Political Party Registrar. However, regarding the subscription of members having addresses in each region pursuant to the list of regions and provinces prescribed by notification of the Political Party Registrar, the documentary evidence of party membership subscriptions sent by Seri Party to the Political Party Registrar was deficient of the required five thousand members. The Political Party Registrar allowed Seri Party to send documentary evidence to confirm the actual existence of party members that were missing from the required five thousand persons till 24th May B.E. 2548 (2005), which exceeded the one hundred and eighty day limit mandated by law for Seri Party to acquire five thousand or more members. Moreover, section 34 paragraph one of the Organic Act on Political Parties B.E. 2541 (1998) also provided that a political party leader had to maintain a factually accurate membership registry at the head office of the political party, which must be ready for inspection by the Political Party Registrar or person assigned by the Political Party Registrar.

It was therefore found on the facts that upon the expiration of one hundred and eighty days as from the Political Party Registrar's receipt of notice of Seri Party establishment, Seri Party's membership was deficient of five thousand persons. Thus, Seri Party failed to comply with section 29 of the Organic Act on Political Parties B.E. 2541 (1998), constituting a cause for dissolution of Seri 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

By virtue of the reasons above, the Constitutional Court issued an order under section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998) to dissolve Seri Party.
