

# Summary of Constitutional Court Ruling No. 14/2549

**Dated 25<sup>th</sup> July B.E. 2549 (2006)\***

**Re: The Political Parties Registrar requested for a Constitutional Court order to dissolve Prachachart Thai Party.**

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## 1. Summary of Background and Facts

The Political Parties Registrar submitted an application, dated 20<sup>th</sup> June B.E. 2549 (2006), to the Constitutional Court requesting for an order to dissolve Prachachart Thai Party pursuant to section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998). The application could be summarized as follows. The Political Parties Registrar accepted registration of the establishment of Prachachart Thai Party on 14<sup>th</sup> December B.E. 2548 (2005) after which Prachachart Thai Party had to proceed to obtain five thousand or more members, consisting at least of members residing in each region under the list of regions and provinces prescribed by notification of the Registrar, and having at least one political branch in each region within 12<sup>th</sup> June B.E. 2549 (2006), being the expiration of one hundred and eighty days as from the registration date of the establishment of Prachachart Thai Party under section 29 of the Organic Act on Political Parties B.E. 2541 (1998).

The Political Parties Registrar had sent a letter to notify Prachachart Thai Party carry out compliance with section 29 of the Organic Act on Political Parties B.E. 2541 (1998) as from the registration date of the establishment of Prachachart Thai Party to the expiration of one hundred and eighty days on 12<sup>th</sup> June B.E. 2549 (2006), but Prachachart Thai Party failed to take any action to comply with section 29 of the Organic Act on Political Parties B.E. 2541 (1998). Such failure constituted a cause for termination or dissolution of the political party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties B.E. 2541 (1998).

Prachachart Thai Party submitted a statement in reply to the allegations to the Constitutional Court on 12<sup>th</sup> July B.E. 2549 (2006) admitting that Prachachart Thai failed to comply with section 29 of the Organic Act on Political Parties B.E. 2541 (1998) and requested the Constitutional Court to order the dissolution of Prachachart Thai Party.

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## **2. Preliminary Issue**

The Constitutional Court held that this case was in accordance with section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998) and therefore admitted the application for consideration.

## **3. Issue Considered by the Constitutional Court**

The issue considered by the Constitutional Court was whether or not there was a cause for a dissolution order against Prachachart Thai Party pursuant to 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.

The Constitutional Court held as follows. Section 29 of the Organic Act on Political Parties B.E. 2541 (1998) provided that within one hundred and eighty days as from the registration date of the political party establishment, a political party had to proceed to obtain five thousand or more members, consisting at least of members residing in each region according to the list of regions and provinces prescribed by notification of the Political Parties Registrar, and having at least one political party branch in each region. In this case, the Political Parties Registrar accepted registration of the establishment of Prachachart Thai Party on 14<sup>th</sup> December B.E. 2548 (2005) and had already notified Prachachart Thai Party to undertake to comply with section 29 of the Organic Act on Political Parties B.E. 2541 (1998). It was found on the facts that within 12<sup>th</sup> June B.E. 2549 (2006), being the expiration date of the one hundred and eighty days period from the registration date of the establishment of Prachachart Thai Party, Prachachart Thai Party failed to comply with section 29 of the Organic Act on Political Parties B.E. 2541 (1998). Furthermore, Prachachart Thai Party submitted a written statement to the Constitutional Court admitting that Prachachart Thai Party had failed to comply with section 29 of the Organic Act on Political Parties B.E. 2541 (1998) and requested the Constitutional Court to order the dissolution of Prachachart Thai Party. The case therefore contained a cause for the dissolution of Prachachart Thai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties B.E. 2541 (1998). It was thus proper for the Constitutional Court to order the dissolution of Prachachart Thai Party under section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998).

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

The Constitutional Court therefore ordered the dissolution of Prachachart Thai Party.

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