

Summary of Constitutional Court Ruling No. 14/2555 (2012)

Dated 6th June B.E. 2555 (2012)*

Re: The Leader of Tien Haeng Dhama Party requested the Constitutional Court for an order to revoke Notification of the Political Parties Registrar Re: Tien Haeng Dhama Party's Termination of Political Party Status, dated 6th May B.E. 2553 (2010), pursuant to section 91 paragraph three of the Organic Act on Political Parties B.E. 2550 (2007).

.....

1. Summary of background and facts

The Political Parties Registrar, respondent, sent a written notice to the Leader of Tien Haeng Dhama Party, applicant, to take actions to acquire at least five thousand party members and to establish at least one party branch in each region within a period of one year as from the registration of notice of establishment of the applicant political party in order to comply with section 26 of the Organic Act on Political Parties B.E. 2550 (2007). The Office of the Election Commission subsequently gave notice that certain members of the applicant political party were also concurrently members of other political parties. The applicant sent a written request for the list of overlapping party members for inspection, but was notified that the applicant was capable of conducting an inspection of the overlapping party members by itself from the political party database maintained by the Office of the Election Commission. Thereafter, the respondent issued Notification dated 6th May B.E. 2553 (2010) stating that the political party's status of the applicant political party terminated under section 26 of the Organic Act on Political Parties B.E. 2550 (2007). The applicant, however, was of the opinion that the respondent's Notification was not in accordance with the Organic Act on Political Parties B.E. 2550 (2007) because the applicant was able to prove that the subscription of the applicant party was in compliance with the law.

2. Preliminary issue

The Constitutional Court held that it had competence to admit this application for consideration under section 91 paragraph three of the Organic Act on Political Parties B.E. 2550 (2007).

* Published in the Government Gazette Vol. 129, Part 100a, dated 18th October B.E. 2555 (2012).

3. The issues considered by the Constitutional Court

The issue considered by the Constitutional Court was whether or not Notification of the Political Parties Registrar Re: Tien Haeng Dhama Party's Termination of Political Party Status, dated 6th May B.E. 2553 (2010), was in accordance with section 91 paragraph two of the Organic Act on Political Parties B.E. 2550 (2007).

After consideration, the Constitutional Court found as follows. The data on the applicant's party members on 27th April B.E. 2552 (2009), being the expiration of one year as from the registration date of the establishment of the applicant political party. As regards data on the applicant political party's membership, in which 3,420 members were recorded, the data were reconcilable and undisputed. The only dispute related to whether the applicant political party member found to be members of other active political parties should be regarded as members of the applicant political party. As the applicant did not give a factual explanation or proof otherwise, the case was therefore in accordance with the presumption under section 19 paragraph seven of the Organic Act on Political Parties B.E. 2550 (2007), which stated that 'the Office of the Election Commission shall provide a register of political party members for all political parties in electronic format, and there shall be a presumption that such register constitutes the true and accurate lawful register unless proven otherwise.' Thus, on 27th April B.E. 2552 (2009), being the expiration of one year after the date of registration of the establishment of the applicant political party, only 3,420 persons qualified as members of the applicant political party. The applicant was unable to acquire at least five thousand party members within one year as provided under section 26 of the Organic Act on Political Parties B.E. 2550 (2007). As a consequence, the applicant political party's status as a political party terminated under section 91 paragraph one (1) of the Organic Act on Political Parties B.E. 2550 (2007). Hence, the issuance by the respondent, with the approval of the Election Commission, of Notification of the Political Parties Registrar Re: Tien Dhama Party's Termination of Political Party Status, dated 6th May B.E. 2553 (2010), published in the Government Gazette, thereby terminating the applicant political party's status was therefore in accordance with section 91 paragraph two of the Organic Act on Political Parties B.E. 2550 (2007). A decision was thus unnecessary for the applicant's other requests.

4. Ruling of the Constitutional Court

For the foregoing reasons, the Constitutional Court dismissed the application.
