

Summary of the Constitutional Court Ruling No. 45/2542

Dated 10th August B.E. 2542 (1999)*

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

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1. Background and summarized facts

The political party registrar submitted an application dated 29th March B.E. 2542 (1999) to the Constitutional Court for an order to dissolve Maharadthipat Party. The facts as stated in the application and supporting documents were in summary that Maharadthipat Party was a political party registered under the Organic Act on Political Parties, B.E. 2541 (1998). Accordingly, Maharadthipat Party had to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998) which provided that "Within one hundred and eighty days from the date the registrar has acknowledged the establishment of a political party, such political party shall 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 shall have at least one branch of the political party in each Region." However, after the expiration of the period of one hundred and eighty days as prescribed by law, it appeared that Maharadthipat Party failed to have the number of its members and establish its branch as specified in section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). This constituted a cause for the dissolution of a political party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998). The political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Maharadthipat Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Leader of Maharadthipat Party (Mrs. Payom Pongjanthom) thereafter made the response statement that after the acknowledgement of its establishment by the political party registrar, Maharadthipat Party had prepared to have members by distributing membership application forms to people in general as well as by announcing the requirement of members in Thailand Newspaper. In addition, the Party established the first political branch in Phetchabun Province. It should be deemed that Maharadthipat Party had operated political activities according to the spirit of the Organic Act on Political Parties, B.E. 2541 (1998). Hence, there was no ground for the political party registrar to submit the application to the Constitutional Court for an order to dissolve Maharadthipat Party. However, if the Constitutional Court ordered the dissolution of Maharadthipat Party, the

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Party's Leader requested that Maharadthipat Party could continue to have the status of a political party.

2. Preliminary issue

The Constitutional Court, in its Ruling No. 6/2541 dated 11th August B.E. 2541 (1998) and Ruling No. 2/2542 dated 4th March B.E. 2542 (1999), ruled that the law providing the Constitutional Court with the power to order the dissolution of a political party was an Organic law enacted by virtue of section 328 (2) of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) which contained the substances relating to the termination and the dissolution of a political party. Moreover, the Constitutional Court had the power to dissolve a political party under section 63 paragraph three of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997). That the Organic law provided the power to dissolve a political party to the Constitutional Court in other cases was not deemed as providing a power in addition to powers as prescribed by the Constitution. The Constitutional Court therefore had the power to order the dissolution of a political party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) in the case where the political party registrar submitted an application to the Constitutional Court for an order to dissolve a political party. Hence, the Constitutional Court could hear this application.

3. The issue considered by the Constitutional Court

Was there a cause for the dissolution of Maharadthipat Party pursuant to the application made by the political party registrar?

The Constitutional Court held the following opinion:

The political party registrar submitted the application to the Constitutional Court for an order to dissolve Maharadthipat Party, because such Party failed to comply with section 29 of the Organic Act on Political Parties, B.E. 2541 (1998). When considering the facts as stated in the application and supporting documents submitted by the political party registrar and the response statement submitted by Maharadthipat Party, it appeared that a cause under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) occurred to Maharadthipat Party pursuant to the application of the political party registrar, by which the Constitutional Court could order the dissolution of Maharadthipat Party. When the Constitutional Court ordered the dissolution of Maharadthipat Party, other request of that Party needed not be considered.

4. Ruling of the Constitutional Court

According to reasons stated above 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 Maharadthipat Party.
