

Summary of the Constitutional Court Ruling No. 32/2544

Dated 9th October B.E. 2544 (2001)*

Re: Political Party Registrar's application for an order to dissolve Niti Mahachon Party

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1. Background and summarized facts

The political party registrar acknowledged the establishment of Niti Mahachon Party as a political party on 29th September B.E. 2543 (2000). As to the end of the year B.E. 2543 (2000), Niti Mahachon Party had been established for more than ninety days. The Party was thus subject to section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), which required the Leader of the Party which had established for more than ninety days as to the end of the calendar year to prepare an accurate report of its operations for the preceding calendar year cycle (B.E. 2543 (2000)) in the manner prescribed by the political party registrar and submit the same to the political party registrar by March B.E. 2544 (2001) in order that a public announcement be made. However, it was appeared that Niti Mahachon Party had not submitted such the report to the political party registrar within the prescribed time period. 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 Niti Mahachon Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. Preliminary issue

Could the Constitutional Court hear this application pursuant to section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998)?

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). The Court could therefore hear this application.

3. The issue considered by the Constitutional Court

The issue which had to be considered was whether there was a cause for the dissolution of Niti Mahachon Party pursuant to the application made by the political party registrar.

* Published in the Government Gazette, Vol. 119, Part 46a, dated 21st May B.E. 2545 (2002).

The Constitutional Court held that the political party registrar submitted the application to the Constitutional Court for an order to dissolve Niti Mahachon Party, because such Party failed to comply with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), which provides that “The Leader of a political party shall prepare an accurate report of its operations for the preceding calendar year cycle in the manner prescribed by the political party registrar and shall submit the same to the political party registrar by March of every year in order that a public announcement be made, except in the case where the political party has been established for less than ninety days as to the last day of the calendar year.” Under section 65 paragraph one of the Organic Act on Political Parties, B.E. 2541 (1998) which provides that “A political party is dissolved upon any of the following grounds: ... (5) failure to comply with section 25, section 26, section 29, section 35 or section 62” and section 65 paragraph two of the said Organic Act which provides that “If it appears to the registrar that any political party is under the circumstance specified in (1), (2), (3) or (5), the registrar shall submit an application to the Constitutional Court for the dissolution of such political party within fifteen days as from the date of the appearance of such circumstance. If the Constitutional Court considers that the political party is under such circumstance as applied by the registrar, the Constitutional Court shall issue an order dissolving such political party,” when it appeared that Niti Mahachon Party failed to comply with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998) by March B.E. 2544 (2001) time limit, the case therefore constituted a cause for the dissolution of Niti Mahachon Party under section 65 paragraph one subparagraph (5) of the said Organic Act.

4. 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 ordered the dissolution of Niti Mahachon Party.
