

Summary of the Constitutional Court Ruling No. 5/2545

Dated 31st January B.E. 2545 (2002)*

**Re : Political party registrar's application for an order to dissolve
Sangkhom Thai Party**

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1. Background and summarized facts

Sangkhom Thai Party was a political party which was acknowledged its establishment for more than ninety days as to the end of B.E. 2543 (2000) by the political party registrar. The Party had previously submitted an annual report of its operations for the year B.E. 2542 (1999) by March B.E. 2543 (2000) in accordance with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). As for the year B.E. 2543 (2000), when the prescribed time limit for submitting a report of a political party's operations was nearly expired, the political party registrar notified Sangkhom Thai party by the letter dated 23rd February B.E. 2544 (2001) of complying with the said provision of law. However, after the expiration of the time period prescribed by law (viz., by March, B.E. 2544 (2001)), Sangkhom Thai Party failed to comply with the provisions of section 35 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 Sangkhom Thai 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) and therefore accepted this application into consideration.

3. The issue considered by the Constitutional Court

The issue which required adjudication was whether there was a cause for the dissolution of Sangkhom Thai Party pursuant to the application by the political party registrar.

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The Constitutional Court held that by March B.E. 2544 (2001) time limit, Sangkhom Thai 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 compile an accurate report of its operations for the preceding calendar year 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 can be made, with an exception for the case where a political party has been established for less than ninety days as to the last day of the calendar year.” The case therefore constituted a cause for the dissolution of Sangkhom Thai 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, by a majority of 11 votes, ordered the dissolution of Sangkhom Thai Party. A minority of two Constitutional Court judges ruled that the application was dismissed.
