

Summary of the Constitutional Court Ruling No. 8/2545

Dated 28th February B.E. 2545 (2002)*

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

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1. Background and summarized facts

Sangkom Mai Party was a political party registered by the political party registrar for its establishment exceeding ninety days by the end of the year B.E. 2543 (2000). The Sangkom Mai party submitted the report of its operations for the calendar year B.E. 2542 (1999) by March B.E. 2543 (2000) under section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). For the year B.E. 2543 (2000) when the time period for preparing the report of political party's operations was nearly ended, the political party registrar delivered to Sangkom Mai Party the letter of notice dated 23rd February B.E. 2544 (2001) informing it to comply with the provision of law. However, when the time limit prescribed by the law (within March B.E. 2544 (2001)) was exceeded, Sangkom Mai Party failed to comply with 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 Sangkom Mai 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 to be considered was whether there was a cause for an order to dissolve Sangkom Mai party pursuant to an application made by the political party registrar.

* Published in the Government Gazette, Vol. 119, Part 113a, dated 12th November B.E. 2545 (2002).

The Constitutional Court held that Sangkom Mai Party's preparation and submission of its operational report for the year B.E. 2543 (2000) to the Office of the Election Commission on 5th April 2544 (2001) was deemed as not complying with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), because it was submitted after the time period prescribed by law. The case therefore constituted a cause for an order to dissolve Sangkom Mai 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 the majority votes of 9 judges, ordered the dissolution of Sangkom Mai Party, while the minority votes of 5 judges held that the application was dismissed.
