

Summary of the Constitutional Court Ruling No. 63/2545

Dated 24th December B.E. 2545 (2002)*

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

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1. Background and summarized facts

The political party registrar registered the establishment of Thai Maharat Party in the Political Party Register on 14th June 2543 (2000). Thus, Thai Maharat Party had established for more than 90 days as to the end of the year B.E. 2543 (2000). Accordingly, it had a duty to prepare an accurate report of its operations for the year 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 under section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). However, it was appeared that Thai Maharat Party prepared its operational report for the year B.E. 2543 (2000) and submitted it to the political party registrar through the Office of the Election Commission on 29th May B.E. 2544 (2001), which was the date that the period of time limit prescribed by law was elapsed. 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 Thai Maharat 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.

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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 Thai Maharat Party pursuant to the application made by the political party registrar.

The Constitutional Court held that Thai Maharat Party's preparation and submission of its operational report for the year B.E. 2543 (2000) to the political party registrar on 29th May 2544 (2001) was deemed as not complying with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), because such report was submitted after the expiration of time period prescribed by the law, which was by March of every year. The case therefore constituted a cause for the dissolution of Thai Maharat Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 11 judges, ordered the dissolution of Thai Maharat Party, while the minority votes of 1 judge held that the application was dismissed.
