

# Summary of the Constitutional Court Ruling No. 52/2545

Dated 24<sup>th</sup> September B.E. 2545 (2002)\*

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

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## 1. Background and summarized facts

The political party registrar submitted an application and an additional application to the Constitutional Court for an order to dissolve Witee Thai Party, due to the following reasons:

1.1 Witee Thai Party had a duty of preparing the report of its operation for the preceding calendar year cycle of B.E. 2544 (2001) and submitting the same to the political party registrar by March B.E. 2545 (2002) in order that a public announcement be made under section 35 of the Organic Act on Political Parties, B.E. 2541 (1998);

1.2 Witee Thai Party acquired approval for subsidy from the Fund for Development of Political Parties in the year B.E. 2544 (2001). Thus, the Party had a duty of preparing an accurate expenditure report of its subsidy for the year B.E. 2544 (2001) and submitting the same to the Election Commission by March B.E. 2545 (2002) under section 62 of the Organic Act on Political Parties, B.E. 2541 (1998);

When the time period prescribed by law, which was within March B.E.2545 (2002), was elapsed, the Leader of Witee Thai Party and the Party itself failed to comply with section 35 and section 62 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);

1.3 Witee Thai Party had to be dissolved pursuant to article 125 of its Bylaws B.E. 2543 (2000), since the executive committee of the Party, in the meeting held on 2<sup>nd</sup> November B.E. 2544 (2001), passed the resolution that Witee Thai Party be dissolved. The political party registrar, after considering the matter, was of the opinion that apart from the cause for dissolution under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998), that Witee Thai Party be dissolved by its bylaws constituted the other cause for its dissolution under section 65 paragraph one subparagraph (1) of the said Organic Act.

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## **2. The issue considered by the Constitutional Court**

Did the case constitute a cause for the dissolution of Witee Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) according to the application of the political party registrar?

The Constitutional Court held that Witee Thai Party submitted a report of its operations for the year B.E. 2543 (2000) to the political party registrar. Thus, the Leader of Witee Thai Party was also under an obligation to prepare the report of its operations for the year B.E. 2544 (2001) and submit the same to the political party registrar by March B.E. 2545 (2002) in order that a public announcement be made. However, at the end of March B.E. 2545 (2002), the Leader of Witee Thai Party failed to prepare such the report and submit it to the registrar in order that the public announcement was made. Therefore, it was deemed that the Witee Thai Party's Leader did not comply with section 35 of the Organic Act on Political Parties, B.E. 2541 (1998).

In addition, since Witee Thai Party acquired the approval for subsidy from the Fund for Development of Political Parties in the year B.E. 2544 (2001), it had the duty of preparing an accurate expenditure report of its subsidy for the year B.E. 2544 (2001) and submitting the same to the Election Commission by March B.E. 2545 (2002) under section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). Therefore, that Witee Thai Party failed to prepare such the report and submit it to the Election Commission by March B.E.2545 (2001) was deemed as not complying with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998).

The case therefore constituted a cause for an order to dissolve Witee Thai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) pursuant to the application of the political party registrar. As regards the additional application of the political party registrar to the Constitutional Court for considering whether Witee Thai Party be dissolved by its bylaws under section 65 paragraph one subparagraph (1) of the said Organic Act, the Constitutional Court held that since there was already a cause for the dissolution of Witee Thai Party under section 65 paragraph one subparagraph (5) due to non-compliance with section 35 and section 62 of the Organic Act on Political Parties, B.E. 2541 (1998), the additional application of the political party registrar was no longer needed to be heard.

## **3. 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 consensus, ordered the dissolution of Witee Thai Party.

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