

Summary of the Constitutional Court Ruling No. 6/2544

Dated 15th February B.E. 2544 (2001) *

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

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1. Background and summarized facts

The political party registrar submitted an application dated 6th December B.E. 2543 (2000) to the Constitutional Court stating that Pracharath Party was acknowledged its establishment on 25th December B.E. 2541 (1998). However, Pracharath Party prepared an inaccurate report of its operations for the year B.E. 2542 (1999) and inaccurate expenditure report of its subsidy acquired from the Fund for Development of Political Parties contrary to section 35 and section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) respectively. In addition, the signatures of Mr. Wilas Rathasang, the Leader of Pracharath Party, as appeared in such reports were forged with his knowledge of such forgery and without any measures taken by him. 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 Pracharath Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. Preliminary issue

Was the application in accordance with section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998)?

The Constitutional Court held that the political party registrar submitted the application to the Constitutional Court for an order to dissolve a political party under 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 Constitutional Court, after considering the application, documents attached therewith, and the letter of statement of Pracharath Party, held that the issue which had to be

* Published in the Government Gazette, Vol. 118, Part 117a, dated 20th December B.E. 2544 (2001).

considered was whether there was a cause for the dissolution of Pracharath Party pursuant to the application made by the political party registrar.

The Constitutional Court held that the Leader of Pracharath Party, who had a duty to prepare an accurate report of the Party's operations for the preceding year cycle in the manner prescribed by the political party registrar under section 35 of the Organic Act on Political Parties, B.E. 2541 (1998), allowed other persons to operate Pracharath Party's activities and prepare the report of its operations for the year B.E. 2542 (1999), which this later resulted in errors. In addition, Pracharath Party prepared an inaccurate expenditure report of its subsidy acquired from the aforesaid Fund for the year B.E. 2542 (1999). These were 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 the dissolution of Pracharath 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 ordered the dissolution of Pracharath Party (in accordance with the Order of the Constitutional Court No. 3/2544 dated 15th February B.E. 2544 (2001)).
