

# Summary of the Constitutional Court Ruling No. 23/2546

Dated 17<sup>th</sup> June B.E. 2546 (2003)\*

**Re : Political Party Registrar applied to the Constitutional Court for an order  
to dissolve Suntipab Party**

.....

## 1. Background and summarized facts

The political party registrar (the applicant) submitted an application to the Constitutional Court for an order to dissolve Suntipab Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). The application summarily stated as follows. The political party registrar acknowledged the establishment of Suntipab Party on 26<sup>th</sup> August B.E. 2541 (1998). Suntipab Party had reported the expenditure of subsidy for the year B.E. 2541 (1998), B.E. 2542 (1999), B.E. 2543 (2000), and B.E. 2544 (2001) to the Election Commission within March of every subsequent year. For the year B.E. 2545 (2002), Suntipab Party was allocated the subsidy from the Fund for Development of Political Parties in the sum of 68,070 Baht. The Party had already drawn the sum of 18,000 Baht. It was appeared that Suntipab Party did not submit the expenditure report of the subsidy for the year B.E. 2545 (2002) to the Election Commission within March B.E. 2546 (2003). This did not comply with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998), and therefore constituted a cause for the dissolution of Suntipab Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

Suntipab Party (the respondent) submitted a statement together with supporting documents arguing that the application of the applicant was untrue. The truth was the respondent submitted the operational report of Suntipab Party for the year B.E. 2545 (2002) to the political party registrar on 31<sup>st</sup> March B.E. 2546 (2003). An officer of the Office of the Election Commission wrote down his name and the date on 31<sup>st</sup> March B.E. 2546 (2003) in order to acknowledge the receipt. On 28<sup>th</sup> April B.E. 2546 (2003), the Party submitted a form of operational report in addition to the previous report and the officer of the Office of the Election Commission wrote down his name and the date acknowledging the receipt as well. This was deemed that the respondent submitted the expenditure report of subsidy to the Office of the Election Commission within March B.E. 2546 (2003) under section 62 of the Organic Act on Political Parties, B.E. 2541 (1998).

The political party registrar filed the additional application to the Constitutional Court that it was true that Suntipab Party submitted the operational report for the year B.E. 2545

---

\* Published in the Government Gazette, Vol. 121, Part 19a, dated 9<sup>th</sup> March B.E. 2547 (2004)

(2002) on 31<sup>st</sup> March B.E. 2546 (2003). However, such the report was only Form Tor Por 8. It did not include the form of expenditure report of subsidy for the year B.E. 2545 (2002). There were two sets of documents submitted to the Office of the Election Commission on 28<sup>th</sup> April B.E. 2546 (2003). The first set of documents was the form of operational report of Suntipab Party dated 31<sup>st</sup> March B.E. 2546 (2003). It was submitted to the political party registrar, which the Office of the Election Commission recorded its receipt on 28<sup>th</sup> April B.E. 2546 (2003). The report contained the same statement as of the previous report already submitted, but the details of properties and debts were added. The second set of documents was the form of expenditure report of political party subsidy for the year B.E. 2545 (2002) dated 31<sup>st</sup> March B.E. 2546 (2003). It was submitted to the Office of the Election Commission, and the said Office recorded the receipt on 29<sup>th</sup> April B.E. 2546 (2003).

## **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 the case constituted a cause for an order to dissolve Suntipab Party according to the application made by the political party registrar.

The Constitutional Court held that Suntipab Party had been acknowledged its establishment as a political party since 26<sup>th</sup> August B.E. 2541 (1998). It reported the expenditure of political party subsidy for the years B.E. 2541 (1998), B.E. 2542 (1999), B.E. 2543 (2000) and B.E. 2544 (2001) to the Election Commission within March of every subsequent year. For the year B.E. 2545 (2002), Suntipab Party was allocated the subsidy from the Fund for Development of Political Parties, and already spent it. Suntipab Party therefore had the duty to prepare an accurate expenditure report of subsidy for the year B.E. 2545 (2002) and to submit it to the Office of the Election Commission within March B.E. 2546 (2003). The facts were concluded that Suntipab Party submitted the form of expenditure report of subsidy for the year B.E. 2545 (2002) on 28<sup>th</sup> April B.E. 2546 (2003). The Office of the Election Commission recorded its receipt on 29<sup>th</sup> April B.E. 2546 (2003). As regards the claim that the respondent submitted the expenditure report of political party subsidy to the Office of the Election Commission within March B.E. 2546 (2003) which was on 31<sup>st</sup> March B.E. 2546 (2003), it was appeared that the said document was only the operational report of the political party according to section 35 of the Organic Act on Political Parties, B.E. 2541 (1998). The document did not include the form of expenditure report of subsidy to Suntipab Party for the year B.E. 2545 (2002) according to section 62

of the Organic Act on Political Parties, B.E. 2541 (1998). The fact that Suntipab Party submitted the expenditure report of subsidy for the year B.E. 2545 (2002) together with the operational report (Form Tor Por 8) on 28<sup>th</sup> April B.E. 2546 (2003) and the Office of the Election Commission recorded the receipt on 29<sup>th</sup> April B.E. 2546 (2003), could not be deemed that Suntipab Party prepared the expenditure report of subsidy for the calendar year cycle to be in accordance with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). This was because the report was not submitted within the time limit as prescribed by law. The case therefore constituted a cause for an order to dissolve Suntipab 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**

Due to the above reason and 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 Suntipab Party.

---