

Summary of the Constitutional Court Ruling No. 50/2546

Dated 11th December B.E. 2546 (2003)*

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

.....

1. Background and summarized facts

The political party registrar submitted an application to the Constitutional Court for an order to dissolve Amnaj Prachachon Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), because Amnaj Prachachon Party failed to comply with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) which was 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 facts as stated in the application and documents attached thereto were summarized as follows.

Amnaj Prachachon Party submitted a report on the expense of subsidy allocated to it from the Fund for Development of Political Parties for the News Letter Project for the year B.E. 2544 (2001) and attached thereto as a supporting evidence with the copy of a receipt made by Songkha Nakarin University, Pattany Campus, Volume 6357 dated 4th June without stating its number and issuing year. The receipt specified the additional cost of publishing the Party's Journal according to a delivery order, volume 17, number 25, 42 and 56 in the total sum of 4,184 Baht. The Office of the Election Commission examined the copy of the receipt and the delivery order submitted by Songkha Nakarin University, Pattany Campus as to support the statement of Amnaj Prachachon Party. It was found that the delivery order having the same volume and number as specifying in the receipt was issued in B.E. 2543 (2000) which was not the year in which Amnaj Prachachon Party received the subsidy from the Fund for Development of Political Parties. In addition, Amnaj Prachachon Party specified in the report on expending subsidy that it spent money according to the Plan for providing political knowledge to members and people in general under the Monthly News Letter Project. The Party submitted, as supporting evidence, the copy of the receipt which was issued pursuant to the delivery order and a bill and represented the expense for the year B.E. 2543 (2000) to the Office of the Election Commission in order to mislead the Office about that such expense was for the year B.E. 2544 (2001). The political party registrar was of the opinion that Amnaj Prachachon Party did not spend and prepare the report on expending the subsidy for the year of B.E. 2544 (2001) in compliance with section 62 of the Organic Act on Political Parties,

* Published in the Government Gazette, Vol.121, Part 54a, dated 27th August B.E. 2547 (2004)

B.E. 2541 (1998). This therefore constituted the cause for the dissolution of the political party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

2. The issue considered by the Constitutional Court

The issue to be considered by the Constitutional Court was whether there was a cause to order the dissolution of Amnaj Prachachon Party according to the application made by the political party registrar.

The Constitutional Court held that the fact that Amnaj Prachachon Party used the receipt of operational expense for the year B.E. 2543 (2000) as an evidence supporting the report of expending subsidy for the year B.E. 2544 (2001) could be concluded that Amnaj Prachachon Party did not expend subsidy and did not accurately prepare the report of expending such subsidy for the calendar year pursuant to section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) which provided that a political party receiving a subsidy had to spend it in accordance with the provisions of law and had to prepare an accurate report on the expenses from such subsidy for a calendar year cycle. The case therefore constituted the cause for the Constitutional Court to order the dissolution of Amnaj Prachachon Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 ordered the dissolution of Amnaj Prachachon Party.
