

Summary of the Constitutional Court Ruling No. 51/2546

Dated 16th December B.E. 2546 (2003)*

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

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1. Background and summarized facts

The political party registrar submitted an application dated 21st February B.E. 2546 (2003) and an additional application dated 30th May B.E. 2546 (2003) to the Constitutional Court for an order to dissolve Kasettrakorn Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). The reason was that Kasettrakorn Party spent subsidy received from the Fund for Development of Political Parties, but the Party prepared the expenditure report of subsidy for the year B.E. 2544 (2001) inaccurately. This 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 the dissolution of Kasettrakorn Party under section 65 paragraph one subparagraph (5) of Organic Act on Political Parties, B.E. 2541 (1998).

The facts could be summarized as follows. Kasettrakorn Party, the respondent, received subsidy for postal stamp cost, public facility cost and others for the year B.E. 2544 (2001) in the sum of 158,400 Baht from the Office of the Election Commission. However, the Party failed to transfer such subsidy to all of its political branches within fifteen days as from the date of receiving the notice of subsidy transfer. Moreover, the Party failed to report the transfer of subsidy to its political branches to the political party registrar, the applicant, within fifteen days as from the date of transferring such subsidy to the political branches according to article 4 of the Notification of the Committee of the Fund for Development of Political Parties, Re: Procedure to Withdraw for Postal Stamp and Public Facility Costs of Political Parties, dated 4th April B.E. 2544 (2001). The applicant found from its examination that 12 political branches of the Party had not received the subsidy for postal stamp and public facility costs in the first to fourth installments and 30 political branches had received a part of the subsidy. The respondent admitted that the expenditure report of subsidy of the political party for the year B.E. 2544 (2001) submitted to the applicant pursuant to section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) was the case of accounting error, i.e. recording inaccurate items of income and expense.

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2. Preliminary issue

Did the case constitute a cause for the dissolution of Kasettrakorn Party according to the applications made by the political party registrar?

The Constitutional Court, after considering the facts stated in the applications and supporting documents, and statements in response of the allegations, held that the respondent did not spend the subsidy received from the Fund for the Development of Political Parties for postal stamp and public facility costs in compliance with the law and failed to prepare the accurate expenditure report of the subsidy for the year B.E. 2544 (2001) pursuant to section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted the cause for the dissolution of Kasettrakorn Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

3. The issue considered by the Constitutional Court

The Constitutional Court by the majority of 12 judges held that the case constituted the cause for the dissolution of Kasettrakorn Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998), while the minority of 1 judge of the Constitutional Court held that the applications of the political party registrar were dismissed.

By 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 Kasettrakorn Party.
