

Summary of the Constitutional Court Ruling No. 55/2547

Dated 14th September B.E. 2547 (2004)*

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

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1. Background and summarized facts

The Office of the Election Commission transferred the fund for postage stamp and public facility costs of the political branches to Kaona Party for the year B.E. 2545 (2002) in the sum of 99,000 Baht and for the year B.E. 2546 (2003) in the sum of 72,000 Baht. Kaona Party reported its expenditure for those two calendar years under section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) that it truly and accurately disbursed and transferred the sum of money for postage stamp and public facility costs of its branches which received the subsidy from the Fund for Development of Political Parties. However, the political party registrar, upon its examination, found that many of Koana Party's branches had not received such subsidy in all or some installments or that money had not truly been received despite having signatures of money receivers in the receipts. Thus, it appeared that Kaona Party failed to spend the subsidy according to the purposes for applying for such subsidy from the Fund for Development of Political Parties and it prepared the expenditure reports of subsidy pursuant to section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) falsely and inaccurately. These constituted causes to dissolve 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 Kaona Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Constitutional Court considered that the case was under section 65 of the Organic Act on Political Parties, B.E. 2541 (1998) and, accordingly, it could hear this application.

2. The issue considered by the Constitutional Court

The issue to be considered was whether the case constituted a cause for an order to dissolve Kaona Party according to the application made by the political party registrar.

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The Constitutional Court considered the facts as stated in the application and its supporting documents and held that the respondent spent the subsidy from the Fund for Development of Political Parties for postage stamp and public facility costs not in accordance with the law and prepared the expenditure reports of such subsidy under section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) falsely and inaccurately. These constituted causes for the dissolution of Kaona Party pursuant to section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

3. Ruling of the Constitutional Court

The Constitutional Court held by the majority of 13 judges that the case constituted the cause to dissolve Kaona Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) and by a judge that the application of the political party registrar was dismissed.

Upon the above reasons 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 Kaona Party.
