

Summary of the Constitutional Court Ruling No. 34/2544

Dated 16th October B.E. 2544 (2001)*

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

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1. Background and summarized facts

The Committee of the Fund for Development of Political Parties approved to allocate a subsidy according to plans and projects proposed by political parties which applied for such subsidy from the Fund for the year B.E. 2543 (2000) to Prachachon Party for its 3 projects in the total sum of 1,307,400 Baht. By the letter of Prachachon Party dated 31st March B.E. 2543 (2000), it was only one time that Prachachon Party requested to draw a sum of money from the Fund for Development of Political Parties in order to operate its projects and plans. In this connection, Prachachon Party received money from the said Fund in the total sum of 812,475 Baht.

Later, the Office of the Election Commission informed, by the letter dated 12th March B.E. 2544 (2001), Prachachon Party which applied for subsidy from the Fund for the Development of Political Parties for the year B.E. 2543 (2000) to prepare an accurate expenditure report of its subsidy for the year B.E. 2543 (2000) and submit the same to the Election Commission by March B.E. 2544 (2001) under section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). However, Prachachon Party had failed to submit such expenditure report of its subsidy to the Election Commission within the prescribed time period. 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 Prachachon Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

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)?

* Published in the Government Gazette, Vol. 119, Part 51a, dated 31st May B.E. 2545 (2002).

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

The Constitutional Court held that the political party registrar submitted the application to the Constitutional Court for an order to dissolve Prachachon Party, because such Party failed to comply with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998), which provides that “A political party receiving a subsidy shall spend such subsidy in accordance with the provisions of this Part and shall prepare an accurate expenditure report of its subsidy for each calendar year cycle and submit the same to the Election Commission by March of the following year.” Under section 65 paragraph one of the Organic Act on Political Parties, B.E. 2541 which provides that “A political party is dissolved upon any of the following grounds: ... (5) failure to comply with section 25, section 26, section 29, section 35 or section 62” and section 65 paragraph two of the said Organic Act which provides that “If it appears to the registrar that any political party is under the circumstance specified in (1), (2), (3) or (5), the registrar shall submit an application to the Constitutional Court for the dissolution of such political party within fifteen days as from the date of the appearance of such circumstance. If the Constitutional Court considers that the political party is under such circumstance as applied by the registrar, the Constitutional Court shall issue an order dissolving such political party,” when it appeared that Prachachon Party failed to comply with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998), the case therefore constituted a cause for the dissolution of Prachachon Party under section 65 paragraph one subparagraph (5) of the said Organic Act.

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 Prachachon Party.
