

Summary of the Constitutional Court Ruling No. 52/2548

Dated 9th August B.E. 2548 (2005)*

Re: Political Party Registrar's application for an order to dissolve Chat Prachathipatai Party

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1. Background and summarized facts

The political party registrar submitted an application dated 22nd December B.E. 2547 (2004) to the Constitutional Court for an order to dissolve Chat Prachathipatai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998) due to its failure to comply with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). The facts as stated in the application and documents attached thereto could be summarized as follows. Chat Prachathipatai Party reported the expenditure of subsidy for the year B.E. 2546 (2003). The copies of receipts/tax invoices, Volume/No. 0209/14501 and 0301/15025, issued by Pai Dee Ma Dee Company Limited (Grand Tower Inn Hotel, Bangkok) were also submitted as the evidences of the expenditure under the member increasing project. The Office of the Election of Commission examined the said copies of receipts/tax invoices through the first Regional Revenue Office which reported the followings. The receipt/tax invoice Volume/No. 0209/14501 had not been found. The receipt/tax invoice Volume/No. 0209/15025 was issued to Mr. Sun Ai Fang. Pai Dee Ma Dee Company Limited reported that the receipt/tax invoice Volume/No. 0209/14501 could not be provided, because the last number of that Volume was 14500 and the new volume started at Volume 0291 No. 14601. The receipt/tax invoice Volume/No. 1301/15025 was reported in consistent with the report of the first Regional Revenue Office. In addition, the amounts of money contained in many copies of the receipts/tax invoices delivered by Chat Prachathipatai Party were different from those contained in the documents issued by Pai Dee Ma Dee Company Limited and from the examination by the first Regional Revenue Office. Accordingly, the evidences to support the report of Chat Prachathipatai Party on the expenditure of subsidy for the year B.E. 2546 (2003) were inaccurate that was non-compliance with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted a cause for the dissolution of Chat Prachathipatai Party pursuant to section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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2. The issue considered by the Constitutional Court

Did the case constitute a cause for an order to dissolve Chat Prachathipatai Party due to its failure to comply with section 62 of the Organic Act on Political Parties, B.E. 2541 (1998) pursuant to section 65 paragraph one subparagraph (5) of the same Act?

3. Ruling of the Constitutional Court

The Constitutional Court held the following opinions. Chat Prachathipatai Party delivered the copies of receipts/tax invoices having Volumes/Numbers as aforesaid which could not be examined and were issued to other person. The amounts of money stated in such receipts/tax invoices submitted to support the report of Chat Prachathipatai Party on the expenditure of subsidy acquired from the Fund for Development of Political Parties for the member increasing project of the year B.E. 2546 (2003) were different from those contained in the documents issued by Pai Dee Ma Dee Company Limited. These facts presented that Chat Prachathipatai Party failed to prepare the accurate report on the expenditure of the subsidy for a calendar year 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 Chat Prachathipatai Party under section 65 paragraph one subparagraph (5) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 Chat Prachathipatai Party.
