

Summary of the Constitutional Court Ruling No. 57/2547

Dated 21st September B.E. 2547 (2004)*

Re: Political Party Registrar's application for an order to dissolve Chat Pattana Party to be amalgamated with Thai Ruk Thai Party being a principal party

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1. Background and summarized facts

The political party registrar submitted an application dated 8th September B.E. 2547 (2004) which could be summarized as follows. The extraordinary general meeting of Chat Pattana Party (No. 1/2547) on Tuesday the 31st of August B.E. 2547 (2004) approved the amalgamation of it with Thai Ruk Thai Party which was to be a principal party in the operation of political affairs. Similarly, the extraordinary general meeting of Thai Ruk Thai Party (No. 1/2547) on Tuesday the 31st of August B.E. 2547 (2004) unanimously approved that Chat Pattana Party be amalgamated with itself as the principal party. Thereafter, The Leaders of Chat Pattana Party and Thai Ruk Thai Party jointly notified the political party registrar of such amalgamation having Thai Ruk Thai Party as the principal party in the operation of political affairs according to the approval by the general meetings of both Parties. They, accordingly, complied with section 73 of the Organic Act on Political Parties, B.E. 2541 (1998), and this constituted a cause for the dissolution of a political party under section 65 paragraph one subparagraph (3) 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 Chat Pattana Party to be amalgamated with Thai Ruk Thai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Leader of Chat Pattana Party submitted to the Constitutional Court the letter of statement dated 15th September B.E. 2547 (2004) summarily stating as follows. The extraordinary general meeting of Chat Pattana Party (No. 1/2547) on 31st of August B.E. 2547 (2004) by majority passed the resolution approving the amalgamation of it with Thai Ruk Thai Party as being a principal party in the operation of political affairs. This was under section 70 and section 73 of the Organic Act on Political Parties, B.E. 2541 (1998). At the same time, Thai Ruk Thai Party held its extraordinary general meeting (No. 1/2547) on 31st of August B.E. 2547 (2004) and such the meeting passed the unanimous resolution approving Chat Pattana Party to be amalgamated with itself as the principal party. Thereafter,

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on 1st September B.E. 2547 (2004), the Leaders of Chat Pattana Party and Thai Ruk Thai Party submitted the letter to the political party registrar notifying such the amalgamation between them which Thai Ruk Thai Party would be the principal party in the operation of political affairs according to the resolutions of their own general meetings and pursuant to section 73 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). Chat Pattana Party had no objection to the application of the political party registrar submitted to the Constitutional Court for the order to dissolve it under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998). In this connection, Chat Pattana Party made reference to the documents referred to the Constitutional Court by the political party registrar and requested the Constitutional Court to make an order dissolving Chat Pattana Party according to the application of the political party registrar under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

The Leader of Thai Ruk Thai Party submitted to the Constitutional Court the letter of statement dated 15th September B.E. 2547 (2004) with supporting documents which, in similar to that of Chat Pattana Party, could be summarized by the followings. Thai Ruk Thai Party had no dispute or objection whatsoever to the application submitted to the Constitutional Court by the political party registrar for an order to dissolve Chat Pattana Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) due to its amalgamation with Thai Ruk Thai Party being the principal party in the operation of political affairs.

2. The issue considered by the Constitutional Court

Did the case constitute a cause for an order to dissolve Chat Pattana Party to be amalgamated with Thai Ruk Thai Party as the principal party according to the application made by the political party registrar?

3. Ruling of the Constitutional Court

It appeared that both Parties sought for the approval of their own general meetings for the amalgamation between them with allowing Thai Ruk Thai Party to be the principal party in the operation of political affairs and their Leaders together notified to the political party registrar of such amalgamation. Moreover, both Parties made statements of no dispute or objection to the application of the political party registrar. It appeared that the two parties complied fully with section 73 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted the cause to dissolve Chat Pattana Party under section 65 paragraph one subparagraph (3) of the Organic Act on Political Parties, B.E. 2541 (1998).

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 unanimously ordered the dissolution of Chat Pattana Party.
