

# Summary of the Constitutional Court Ruling No. 28/2544

Dated 6<sup>th</sup> September B.E. 2544 (2001) \*

**Re: Political Party Registrar's application for an order to dissolve Seree Dharma Party in order that Seree Dharma Party be amalgamated with Thai Ruk Thai Party as a principal party**

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## 1. Background and summarized facts

The political party registrar submitted an application dated 19<sup>th</sup> July B.E. 2544 (2001) to the Constitutional Court for an order to dissolve Seree Dharma Party in order that Seree Dharma Party be amalgamated with Thai Ruk Thai Party as a principal party under section 65 paragraph two in connection with section 73 of the Organic Act on Political Parties, B.E. 2541 (1998).

The facts as stated in the application and documents attached thereto, as summarized, revealed that the Leader of Seree Dharma Party and that of Thai Ruk Thai Party jointly notified the amalgamation of Seree Dharma Party and Thai Ruk Thai Party, which the latter was a principal party. In their amalgamation, the two Parties complied fully with the Organic Act on Political Parties, B.E. 2541 (1998), under which the amalgamation of political parties required the approval of the general meeting of each party seeking such amalgamation. The extraordinary general meeting of Seree Dharma Party No.1/2544 on 24<sup>th</sup> June B.E. 2544 (2001), by consensus, passed the resolution approving the amalgamation. In parallel, the extraordinary general meeting of Thai Ruk Thai Party (No.1/2544) on 14<sup>th</sup> July B.E. 2544 (2001) unanimously passed the resolution approving the same. Section 73 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998) provided that when the general meeting of each party had approved the amalgamation, the Leaders of every party seeking the amalgamation had to notify such the amalgamation to the political party registrar. In this connection, the political party registrar had to comply with section 65 paragraph two, which provided that the political party registrar had to submit an application to the Constitutional Court for an order to dissolve a political party intending to be amalgamated with a principal political party within fifteen days as from the date that the amalgamation was appeared to the political party registrar. To be in accordance with section 73 paragraph two as aforesaid, the political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Seree Dharma Party due to being amalgamated with Thai Ruk Thai Party.

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\* Published in the Government Gazette, Vol. 119, Part 38a, dated 26<sup>th</sup> April B.E. 2545 (2002).

## **2. Preliminary issue**

A preliminary issue was whether the Constitutional Court could hear this application.

The Constitutional Court held that the Constitutional Court Ruling No. 6/2541 dated 11<sup>th</sup> August B.E. 2541 (1998) laid down a precedent that the Constitutional Court had a jurisdiction to hear the application submitted by the political party registrar under the Organic Act on Political Parties, B.E. 2541 (1998) for an order to dissolve Maulchon Party to be amalgamated with Aspiration Party pursuant to section 65 paragraph two and section 73 paragraph two of the said Act. The Constitutional 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 Seree Dharma Party to be amalgamated with Thai Ruk Thai Party as a principal party pursuant to the application made by the political party registrar.

The Constitutional Court, after considering the application, documents attached thereto and the letters of statement of Seree Dharma Party and Thai Ruk Thai Party, held that the extraordinary general meeting of Seree Dharma Party, by consensus, passed the resolution amalgamating it with Thai Ruk Thai Party. In parallel, the extraordinary general meeting of Thai Ruk Thai Party, by consensus, passed the resolution approving Seree Dharma Party to be amalgamated with Thai Ruk Thai Party. Later, the Leaders of the said two Parties jointly notified the amalgamation of Seree Dharma Party and Thai Ruk Thai Party, which the latter was a principal party, to the political party registrar. The political party registrar, accordingly, had to comply with section 73 of the Organic Act on Political Parties, B.E. 2541 (1998). The case therefore constituted a cause for the dissolution of a political party under section 65 paragraph one subparagraph (3) and section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

## **4. Ruling of the Constitutional Court**

The Constitutional Court held that Seree Dharma Party and Thai Ruk Thai Party complied with the conditions set forth in section 73 of the Organic Act on Political Parties, B.E. 2541 (1998). In addition, the Leaders of the said two Parties jointly notified their amalgamation to the political party registrar. The case therefore constituted a cause for the Constitutional Court to order the dissolution of a political party under section 65 paragraph one subparagraph (3) 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 Seree Dharma Party.

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