

Summary of the Constitutional Court Ruling No. 12/2545

Dated 28th March B.E. 2545 (2002)*

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

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1. Background and summarized facts

The political party registrar submitted an application dated 22nd February B.E. 2545 (2002) to the Constitutional Court for an order to dissolve Kwamwangmai Party in order to be merged with Thai-Ruk-Thai Party which would be the principle party in the operation of political activities under section 65 paragraph two and section 73 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 by the followings. The Leader of Kwamwangmai Party and the Leader of Thai-Ruk-Thai Party jointly notified the political party registrar pursuant to section 73 of the Organic Act on Political Parties, B.E. 2541 (1998) that by majority of votes of the extraordinary general meeting of Kwamwangmai Party (No. 1/2545) on 24th January B.E. 2545 (2002) and by the consensus of the ordinary general meeting of Thai-Ruk-Thai Party on 27th January B.E. 2545 (2002), the meetings of the two parties passed the resolutions approving a merger between them and allowing the latter to mainly operate the political activities. The political party registrar therefore submitted an application to the Constitutional Court for an order to dissolve Kwamwangmai Party under section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998).

2. The issue considered by the Constitutional Court

The issue was the application for the Constitutional Court's order to dissolve Kwamwangmai Party.

The Constitutional Court held that the resolutions passed by majority of votes of the extraordinary general meeting of Kwamwangmai Party and by consensus of the ordinary general meeting of Thai-Ruk-Thai Party approving the merger between them with the latter as the principle party to operate political activities and the joint notification of such merger

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by the leaders of the two parties to the political party registrar pursuant to section 73 of the Organic Act on Political Parties, B.E. 2541 (1998) constituted a cause for an order to dissolve Kwamwangmai Party under section 65 paragraph one subparagraph (3) of the Organic Act on Political Parties, B.E. 2541 (1998).

3. 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 Kwamwangmai Party.
