

# **Summary of the Constitutional Court Ruling No. 3/2548**

**Dated 6<sup>th</sup> January B.E. 2548 (2005)\***

**Re: Political Party Registrar's application for an order to dissolve Ton Trakul  
Thai Party to be amalgamated with Chat Thai Party as the principal party**

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## **1. Background and summarized facts**

The political party registrar submitted an application dated 7<sup>th</sup> December B.E. 2547 (2004) to the Constitutional Court for an order to dissolve Ton Trakul Thai Party to be amalgamated with Chat Thai Party being the principal party. The facts as stated in the application and documents attached thereto were summarized as follows. Chat Thai Party and Ton Trakul Thai Party jointly submitted the letter dated 17<sup>th</sup> November B.E. 2547 (2004) notifying the political party registrar of their amalgamation, which the former was the principal party in political operations. It was according to the resolutions passed by the extraordinary general meetings of both Parties. The political party registrar submitted the application by virtue of section 65 paragraph two in connection with section 73 of the Organic Act on Political Parties, B.E. 2541 (1998).

The committee for rehabilitation of Ton Trakul Thai Party through Mr. Vorarat Rungrattanakasin and Mr. Natthakom Singhaphan submitted to the Constitutional Court a letter dated 9<sup>th</sup> December B.E. 2547 (2004) and a statement dated 22<sup>nd</sup> December B.E. 2547 (2004) objecting that the resolution of the extraordinary general meeting of Ton Trakul Thai Party No. 1/2547 should be void and terminated.

The Constitutional Court ordered that the application be accepted for consideration and that the letter and statement of a committee for rehabilitation of Ton Trakul Thai Party be included in record. The Court also ordered the political party registrar, Ton Trakul Thai Party and Chat Thai Party to submit response statements, and they did so.

## **2. The issue considered by the Constitutional Court**

The issue to be considered by the Constitutional Court was whether the case constituted a cause for an order to dissolve Ton Trakul Thai Party to be amalgamated with Chat Thai Party as the principal party according to the application of the political party registrar.

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The Constitutional Court considered facts in the application, statements, and documents attached thereto and held the following opinions. The extraordinary general meeting of Ton Trakul Thai Party passed the resolution amalgamating it with Chat Thai Party and allowing the latter to be the principal party in political operations. The extraordinary general meeting of Chat Thai Party passed the resolution approving Ton Trakul Thai Party to be amalgamated with itself as the principal party. In addition, the Leaders of Ton Trakul Thai Party and Chat Thai Party jointly notified the political party registrar of the amalgamation according to section 73 of the Organic Act on Political Parties, B.E. 2541 (1998). At the same time, they gave the statements not objecting or arguing the application of the political party registrar in any aspect. The case therefore constituted the cause for the order to dissolve Ton Trakul Thai Party to be amalgamated with Chat Thai Party as the principal party pursuant to section 65 paragraph one subparagraph (3) of the Organic Act on Political Parties, B.E. 2541 (1998).

As regards the letter made by Mr. Vorarat Rungrattanakasin and Mr. Natthakom Singhaphan objecting the dissolution of Ton Trakul Thai Party to be amalgamated with Chat Thai Party, the Court held the followings. The facts acquired from the statements of Ton Trakul Thai Party and the political party registrar who verified the facts from the political party database of the Office of Political Party Affairs and Referendum, revealed that both aforesaid persons were not the members of Ton Trakul Thai Party. Moreover, the committee for rehabilitation of Ton Trakul Thai Party was informally formed by a group of persons. No provision of law or even the Bye-Law of Ton Trakul Thai Party entitled such committee to object the resolution of Ton Trakul Thai Party. Both persons and the said committee therefore had no right and status to object the resolution of Ton Trakul Thai Party to dissolve itself for the amalgamation.

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

The Constitutional Court by the majority votes of 14 judges held that the case constituted the cause for an order to dissolve Ton Trakul Thai Party to be amalgamated with Chat Thai Party as the principal party pursuant to section 65 paragraph one subparagraph (3) of the Organic Act on Political Parties, B.E. 2541 (1998) and could, by virtue of section 65 paragraph two of the Organic Act on Political Parties, B.E. 2541 (1998), ordered the dissolution of Ton Trakul Thai Party. On the other hand, the minority vote of 1 judge held that the application was dismissed.

By the foregoing reasons and 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 Ton Trakul Thai Party.

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