

# **Summary of Constitutional Court Ruling No. 8/2549**

**Dated 18<sup>th</sup> April B.E. 2549 (2006)\***

**Re: The Political Party Registrar requested for a Constitutional Court order  
to dissolve Rak Thin Thai Party.**

.....

## **1. Summary of Background and Facts**

The Political Party Registrar received notice of the establishment of Rak Thin Thai Party as a political party on 22<sup>nd</sup> February B.E. 2545 (2002). Thereafter, Rak Thin Thai Party sent a letter, dated 23<sup>rd</sup> December B.E. 2548 (2005), to notify the Political Party Registrar that pursuant to a unanimous resolution to dissolve Rak Thin Thai Party passed by the Annual Extraordinary General Meeting of B.E. 2548 (2005) No. 1/2548, held on 27<sup>th</sup> May B.E. 2548 (2005), it was requested that Rak Thin Thai Party be dissolved. The party sent another letter to additionally inform the Political Party Registrar that the meeting of the Party Executive Committee had already passed a unanimous resolution on 20<sup>th</sup> October B.E. 2548 (2005) to dissolve Rak Thin Thai Party, and that the entire Prachamontri Committee vacated office under clause 62(3) of the Party Rules. Thus, there was no Prachamontri Committee during the meeting to dissolve Rak Thin Thai Party. The Political Party Registrar found that the case contained a cause for dissolution of Rak Thin Thai Party under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties B.E. 2541 (1998). The Political Party Registrar therefore submitted an application to the Constitutional Court in request of an order to dissolve Rak Thin Thai Party under section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998).

Rak Thin Thai Party submitted a statement which could be summarized as follows. Rak Thin Thai had notified the Political Party Registrar of its request to dissolve the political party under clause 112 of the Rak Thin Thai Party Rules pursuant to the unanimous resolutions of the general meeting and the meeting of party executive committee. However, there was no meeting of the party's Prachamontri Committee since there was no Prachamontri Committee at the time of the dissolution proceedings. Nonetheless, the dissolution proceedings were in accordance with the intents of the party members and executives who wished to cease party activities under the law. It was therefore requested that the Constitutional Court order the dissolution of Rak Thin Thai Party as submitted in the Political Party Registrar's application.

---

\* Published in the Government Gazette, Vol. 123, Part 68a, dated 28<sup>th</sup> June B.E. 2549 (2006)

## **2. Preliminary Issue**

The Constitutional Court held that this case was in accordance with section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998) and therefore admitted the application for ruling.

## **3. Issue Considered by the Constitutional Court**

The issue which had to be considered by the Constitutional Court was whether or not the case contained a cause for dissolution of Rak Thin Thai Party as submitted in the Political Party Registrar's application.

The Constitutional Court held as follows. Upon finding on the facts that Rak Thin Thai Party had sent notice of its request for party dissolution to the Political Party Registrar together with the meeting minutes for a determination that Rak Thin Thai had carried out proceedings in accordance with the conditions prescribed by clause 112 of the Party Rules, i.e. meetings of the political party executive committee and extraordinary general meeting had been held, wherein unanimous resolutions were passed pursuant to clause 112(1) and (3) of the Party Rules, and even though a meeting of the Prachamontri Committee was not held to deliberate on the dissolution of Rak Thin Thai Party pursuant to clause 112(2) of the Party Rules due to the absence of any Prachamontri Committee at the time of the party dissolution proceedings, nevertheless since the general meeting consisted of party executives and members who were the electors of the Prachamontri Committee, the unanimous resolutions of the extraordinary general meeting and meeting of the party executive committee could therefore be held as the intents of the party executive committee and party members to dissolve Rak Thin Thai Party. The Political Party Registrar neither filed an objection nor any opposition to the request for party dissolution. Rak Thin Thai Party also submitted a statement to the Constitutional Court requesting for a Constitutional Court order to dissolve Rak Thin Thai Party according to the Political Party Registrar's application, giving the reasons that the request for party dissolution was already in accordance with the intent of the party members and party executive committee to cease political activities in the name of such political party. The case therefore contained a cause for dissolution of Rak Thin Thai Party under section 65 paragraph one subparagraph (1) of the Organic Act on Political Parties B.E. 2541 (1998) empowering the Constitutional Court to order the dissolution of Rak Thin Thai Party under section 65 paragraph two of the Organic Act on Political Parties B.E. 2541 (1998).

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

By virtue of the above reasons, the Constitutional Court therefore ordered the dissolution of Rak Thin Thai Party.

---