

**THE AZAD JAMMU AND KASHMIR POLITICAL PARTIES
ORDINANCE, 1973.**

Dated the 9th December, 1973

No. 2259/SL/73. The following Ordinance made by the President on the 9th December, 1973, is hereby published for general information:-

An Ordinance to provide for the formation and regulation of Political Parties in Azad Jammu & Kashmir;

Whereas it is expedient to provide for the formation and regulation of Political Parties in Azad Jammu and Kashmir;

And whereas the Legislative Assembly is not in Session and the President is satisfied that emergency has arisen which renders immediate legislation necessary for peace and good Government of Azad Jammu and Kashmir;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all other powers enabling him in that behalf, the President, Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title, Application and Commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Political Parties Ordinance, 1973.
 - (2) It shall apply to all the Political Parties and members of the Legislative Assembly.
 - (3) It shall come into force at once.
2. **Definitions:-** (1) In this Ordinance, unless there is anything repugnant in the subject or context:-
 - (a) "foreign aided party" means a political party which:-
 - (i) has been formed or organized at the instance of any Government or political party of a foreign country; or
 - (ii) is affiliated to or associated with any Government or political party of a foreign country; or

(iii) receives any aid, financial or otherwise, from any Government or political party of a foreign country, or a substantial portion of its funds from foreign nationals:

(b) "High Court" means the High Court of Azad Jammu and Kashmir;

(c) "Government" means the Azad Government of the State of Jammu and Kashmir;

(d) "Government Act" means the Azad Jammu and Kashmir Government Act, 1970;

(e) "Gazette" means the official Gazette of the Azad Government of the State of Jammu and Kashmir;

(f) "Legislative Assembly" means the Azad Jammu and Kashmir Legislative Assembly;

(g) "Political party" means a body of individuals or an association of persons setting up an organizational structure or collecting funds or owning property, with the object of propagating political opinions or indulging in any other political activity in Azad Jammu and Kashmir.

3. **Formation of certain political parties prohibited:-** (1) No political party shall be formed with the object of propagation any opinion, or acting in a manner, prejudicial to the Islamic Ideology or the accession of the Jammu and Kashmir State to Pakistan or security of Azad Jammu and Kashmir.

4. **Lawful political activities:-** Subject to the provisions of Section 3, it shall be lawful: (1) for any body of individuals or association of persons to form, organise or set up a political party;

(2) for any person to be a member or office bearer of, or be otherwise associated with, a political party; or

(3) for any person, for the purpose of an election to be held under the Government Act or any other Act in force in Azad Kashmir, to hold himself out or any other person as a member, or to have the support, of a political party, the formation, organisation the setting up of which is not prohibited by this Ordinance.

5. **Disqualifications for being a member of a political party:-** (1)
No political party shall have as its member or office bearer any person who is disqualified under sub-section (2).
- (2) A person shall be disqualified for being a member or office bearer of a political party:-
- (a) if he has been convicted of any offence and sentenced by an ordinary Court of law to transportation or to imprisonment for not less than two years, unless a period of five years has elapsed since his release;
 - (b) if he has been disqualified from holding public office under the Azad Jammu and Kashmir Elective Body and Public Offices Disqualifying Act, 1961, unless the period of his disqualification has expired;
 - (c) if he has been dismissed from the service of, Azad Kashmir or Pakistan, unless a period of five years has elapsed from the date of his dismissal.
6. **Reference to High Court regarding certain parties:-** (1)
Where the Government is of the opinion that any political party has been formed or is operating in contravention of section 3, it shall refer the matter to the High Court, and the decision of the High Court on such question, given after hearing the person or persons concerned, shall be final;
- (2) Where the high Court, upon a reference under sub-section (1), has given a decision that a political party has been formed or is operating in contravention of section 3, the decision shall be published in the Gazette, and upon such publication, the political party concerned shall stand dissolved and all its properties and funds shall be forfeited to the Government.
7. **Penalty:-** (1) If any person who is disqualified under sub-section (2) of section 5 becomes a member or office bearer, or holds himself out as a member or office bearer, of a political party, he shall be punishable with imprisonment for a term which may extend to two years, or with fine of Rs. 20,000/- or with both.
- (2) Any person who, after the dissolution of a political party under sub-section (2) of section 6, holds himself out as a member or office bearer of that party, or acts for, or otherwise associates himself with, that party, shall be punishable with imprisonment

for a term which may extend to two years, or with fine of Rs.20,000/- or with both.

8. **Certain Disqualifications for being a member of the Legislative Assembly:-** (1) Any member of the Legislative Assembly who acts in a manner prejudicial to the accession of the Jammu and Kashmir State to Pakistan, shall cease to be a member of the Legislative Assembly from the time and date of such act for the un-expired period of his term.
- (2) A person who has been an office bearer of a political party dissolved under sub-section (2) of section 6 or who has been convicted under section 7 shall be disqualified from being elected as a member of the Legislative Assembly for a period of five years from the date of such dissolution or conviction, as the case may be.
- (3) If a person being either on the strength of a political party in the Legislative Assembly or having been elected to the Legislative Assembly as a candidate or nominee of a Political Party, withdraws himself from it, or acts in a manner prejudicial to the party interest, he shall cease to be a member of the Legislative Assembly from the time and date of such withdrawal or prejudicial act for the un-expired period of his term.
9. **Sanction for Prosecution:-** No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.

Sardar Mohammad Abdul Qayyum Khan
President,
Azad Government of the State of Jammu and Kashmir.
