

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the 9th September. 1980.

No. 5085/LD/80. the following Ordinance made by the President on the 9th day of September, 1980, is hereby published for general information:-

(ORDINANCE CLII OF 1980)

AN

ORDINANCE

to provide for the formation and regulation of political parties

WHEREAS it is expedient to provide for the formation and regulation of political parties, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and Commencement.-** (1) This Ordinance may be called the Azad Jammu and Kashmir Political Parties Ordinance, 1980.
 - (2) It extends to the whole of Azad Jammu and Kashmir and shall apply to all State Subjects wherever they may be.
 - (3) It shall come into force at once.
2. **Definition:-** In this Ordinance, unless there is anything repugnant in the subject of contest,-
 - (a) 'Constitution' means the Azad Jammu and Kashmir Interim Constitution Act, 1974;
 - (b) 'Government' means the Azad Government of the State of Jammu and Kashmir; and
 - (c) 'Political party' includes a group or combination of persons which are operating for the purpose of propagating any political opinion or including in any other political activity.
3. **Formation of certain political party prohibition.-** (1) No political party shall be formed with the object of propagating any opinion or acting in any manner prejudicial to the Islamic Ideology or the sovereignty and integrity of Pakistan or security

of Azad Jammu and Kashmir or Pakistan or morality, or the maintenance of public order.

(2) No person shall form, organise, set up or convene a foreign aided party or in any way be associated with any such party.

Explanation.- In sub-section (2) 'Foreign aided party' means a political party which -

- (a) has been formed or organized at the instance of any Government or political party of a foreign country; or
- (b) is affiliated to or associated with any Government or political party of a foreign country; or
- (c) receives any aid, financial or otherwise, from any Government or political party of a foreign country, or any portion of its funds from foreign nationals.

4. **Political Parties to submit accounts, etc.-** Every Political party shall in such manner and form and at such time as may provided by rules made by the Government, account to the source of its funds and submit its finances and accounts to audit by, an officer or authority authorised by the Chief Election Commissioner in this behalf :

Provided that every political party in existence at the time of commencement of this Ordinance, shall account for the source of its funds, and submit its finances and accounts to audit, within fifteen days of the publications of the rules made under this Ordinance.

Explanation.- In this section and in section 5 'Chief Election Commissioner' means the Chief Election Commissioner appointed under Section 50 of the Azad Jammu and Kashmir Interim Constitution Act, 1974.

5. **Registration of political parties.-** (1) Every, political party in existence at the commencement of this Ordinance shall, within one month of such commencement and every political party formed after such commencement shall, within one month of its being formed, apply to the Chief Election Commissioner for registration.

(2) An application under sub-section (1) shall be made on behalf of a political party by such person and in such form, and shall be accompanied by such documents besides a copy of its constitution, a list of the names of all its office bearers at the national level and a statement of its total

membership in each district, as district as the Chief Election Commissioner may by notification in the official Gazette specify.

(3) The Chief Election Commissioner shall register a political party applying for registration in accordance with sub-section (2) if he is satisfied that the political party -

- (a) has published a formal manifesto, that is to say, the party's foundation document or constitution giving its aims and objects and provided therein for elections of its office bearers being held periodically ; or
- (b) has undertaken to publish any amendment to any document referred to in clause (a) as and when such amendment is made; and
- (c) has belief in the Ideology of Pakistan or the Ideology of the State's accession to Pakistan and the integrity and sovereignty of Pakistan; and
- (d) has submitted its accounts as required by Section 4.

(4) If a political party which has been registered under sub-section (3)-

- (a) fails or has failed to submit its accounts within the period specified in section 4 or the rules made thereunder;
- (b) fails to hold election of any office-bearer within the time allowed by, and in accordance with, its constitution and rules;
- (c) propagates any opinion, or acts in any manner prejudicial to the Ideology of Pakistan or the Ideology of the State's accession to Pakistan, or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality or the maintenance of public order, or the integrity or independence of the judiciary of Azad Jammu and Kashmir or Pakistan, or defame or brings its to ridicule the judiciary of Azad Jammu and Kashmir or Pakistan or the Armed Forces of Pakistan;
 - (a) receives any aid Financial or otherwise, from the Government or any political party of a foreign country, or any portion of its funds from foreign nationals; or
 - (b) does or omits to do any such act or things as would have resulted in registration being refused

to it in the first instance, than, without prejudice to any action that may be taken in respect of the political party under Section 8 the Chief Election Commissioner may, after giving the political party an opportunity of showing cause against the action proposed to be taken, cancel its registration.

(5) The cancellation of the registration of a political party under sub-section (4) shall be notified by the Chief Election Commissioner in the official Gazette.

(6) political party which has not been registered under sub-section (3) or the registration of which has been cancelled under sub-section (4), shall not be eligible to participate in an election to a seat in the Legislative Assembly of Azad Jammu and Kashmir or the Azad Jammu and Kashmir Council or to nominate or put up a candidate at any such election.

6. **Certain political parties to be eligible to participate in forthcoming elections.**-(1) The provisions of this section shall have effect notwithstanding anything contained in Section 5.

(2) The Election Commissioner hereinafter referred as Commissioner shall, by notification in the Official Gazette call upon the political parties which had complied with the provisions of Section 4 but had not applied for registration under Section 5 to furnish to the commissioner within such times as may be specified in the notification answers to a questionnaire published therewith.

(3) Answers to a questionnaire referred to in sub-section (2) shall be furnished on behalf of a political party by such person, and shall be accompanied by such documents besides a copy of its constitution and manifesto a list of the names of its office bearers at the national level and a statement of its total membership in each District as may be specified in the notification published under the said sub-section.

(4) if after giving a political party which has furnished answers to the questionnaire as required by sub-section (2) an opportunity of being heard the Commissioner is satisfied that the party has fulfilled the requirements of sub-section (3) of Section 5, the Commissioner shall declare the political party by notification in the Official Gazette to be eligible to participate in an election to a seat in a Legislative Assembly and to nominate or put up a candidate at any such election.

7. **Lawful political activities.**- Subject to the provisions of Section 3 it shall be lawful-

- (1) for any body of individuals or an association of persons to form, organize or set up a political party; or
- (2) for any person, not being in the service of Azad Jammu and Kashmir or Pakistan,-
 - (a) to be a member or office bearer of or be otherwise associated with, a political party; or
 - (b) for the purposes of an election to be held under the constitution, to hold himself out or any other person, not being a person in the service of Azad Jammu and Kashmir or Pakistan, as a member or to have the support of a political party, the formation, organization or setting up of which is not

8. **Dissolution of political parties prohibited by this Ordinance.-**

(1) Where the Government is satisfied that a political party is a foreign aided party or has been formed or is operating in a manner prejudicial to the Islamic Ideology or the sovereignty and integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan, or morality, or maintenance of public order or has contravened the provisions of section 1, it shall make such a declaration and publish the same in the official Gazette, and upon such publication, the political party concerned shall, subject to the provisions of sub-section (2) stand dissolved, and its all properties and funds shall be forfeited to the Government.

(2) Within fifteen days of the making of a declaration under sub-section (1) the Government shall refer the matter to the Supreme Court whose decision on such reference shall be final.

9. **Penalty.-** (1) Any person who, after the dissolution of a political party under Section 8, 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 three years, or with fine, or with both.

(2) If any person who was an office-bearer of a political party at the time of its dissolution under sub-section (2) of Section 8 indulges or takes part in any political activity within seven years of its dissolution, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

10. **Certain disqualifications for being a member of Assembly or of the Council:-** (1) person who has -

- (a) at any time on or after the 10th day of April, 1975 been an office-bearer of a political party dissolved under sub-section (2) of Section 8 and has not before a declaration

in respect of such party is made under sub-section (1) of that section, resigned from of publicly announced his dis-association with such party ; or

- (b) been convicted under section 9, shall be disqualified from being a member of Assembly or the Council or a local body and from being elected or chosen as such a member for a period of fine years from the date of such dissolution or conviction, as the case may be.

Explanation.- In this section ‘office-bearer of a political party’ means an office bearer at the national or district set up of that party otherwise than as a mere member of the working central, district or other committee of the party.

- (2) A person who has at any time on or after the 11th day of August, 1977 been a member of a political party dissolved under sub-section (2) of Section 8 and convicted for an offence committed before such dissolution and punishable with imprisonment for a term which is not less than two years shall be disqualified from being a member of Assembly or the Council or a local body and from being elected or chosen as such a member for a period of seven years from the date of such dissolution.

11. **Sanction for prosecution.-** No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.
12. **Savings.-** Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Political Parties Ordinance, 1979 (Ordinance CXX of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

(Mohammad Hay at Khan)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law