

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 9th May, 1986.

No. 694/LD /86, The following Ordinance made by the President on the 9th day of May, 1986, is hereby published for general information:-

(ORDINANCE XLVIII OF 1986)

**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 herein after 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.**- This Ordinance may be called the Azad Jammu and Kashmir Political Parties Ordinance, 1986.
 - (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. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context.
 - (a) "Constitution" means the Azad Jammu and Kashmir Interim Constitution Act, 1974;
 - (b) "Commissioner" means the Chief Election Commissioner appointed under Section 50 of the Azad Jammu and Kashmir Interim Constitution Act, 1974;
 - (c) 'Government' means the Azad Government of the State of Jammu and Kashmir; and
 - (d) 'Political Party' includes a group or combination of persons which are operating for the purpose of propagating any political opinion or indulging 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 Ideology of States 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.

(2) No person shall form, organise, set up or convene a foreign sided 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 organised 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 county, 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 times as may be provided by rule made by the Government, account for the source of its funds and submit its finances and accounts to audit by an officer or authority authorised by the 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 finance and accounts to audit, within fifteen days of the publication of the rules made under this Ordinance.

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 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 the Commissioner may, by notification in the official Gazette, specify.

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

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- (a) has published a formal manifesto, that is to say, the party's foundation document or constitution saving its aims and objects and provided therein for elections of its office-bearers being held periodically; or
 - (b) has under taken to publish any amendment to any document referred to in clause (a), as and when such amendments is made;
 - (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 States 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 it to ridicule the judiciary of Azad Jammu and Kashmir or Pakistan or the Armed Forces of Pakistan;
 - (d) receives any aid, financial or otherwise, from the Government or nay political party of a foreign country, or any portion of its funds from foreign nationals; or
 - (e) does or omits to do any such act or things as would have resulted in registration being refused to it in the first instance, then, without prejudice to any action that may be taken in respect of the political party under Section 9, the Commissioner may, after giving the political

party an opportunity of showing cause against the action proposed to be taken, cancel its registration or as the case may be, revoke declaration made in its favour under sub-section (4) of Section 6.

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

(6) A 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) Save as expressly provided herein, the provision of Section 5, shall apply mutatis mutandis where a political party seeks or has obtained declaration under sub-section (4).

(2) The 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 persons, 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. **Merger of parties.**- (1) Any political party registered under Section 5, or declared under Section 6, to be eligible to participate in an election to a seat in the Legislative Assembly,

may, by a resolution passed by the Chief decision making body of that party at the national level, decide to merge with another such political party so as to be absorbed by the latter party, which shall, nevertheless, retain its name and identity.

(2) Upon the acceptance of the merger by the latter party and its approval by the Commissioner,-

(a) the merging party shall be deemed to have been dissolved and its assets and liabilities franchises and powers shall become vested in the latter party, and its members shall be deemed to have become members of the latter party for all intents and purposes; and

(b) any Act done, or preceding initiated, by any such member shall be deemed to have taken and initiated as a member of the latter party.

(3) This section shall be deemed to have taken effect on the sixth day of April, 1985, and the approval by Commissioner shall be deemed to have taken effect on that day and all proceedings pending before him shall be decided on that basis.

8. **Lawful political activities.**- Subject to the provision of Section 3, it shall be lawful.

(1) for any body of individuals or an association of persons to form, organise or set up a political party; or

(2) for any person, except a person.-

(i) who is in the service of Azad Jammu and Kashmir or Pakistan; or

(ii) who has been in the service of Azad Jammu and Kashmir or Pakistan; or a person who had held office as a Judge of the Supreme Court or of the High Court unless a period of seven years has elapsed since he ceased to be in such service or office; or

(iii) who has been convicted under any law for the time being in force by any Court or any other Authority having such Jurisdiction against which no appeal is provided, unless a period of seven years has elapsed from the date of such conviction;

(a) to be a member or office-bearer of, or be otherwise associated with, a political party; or

(b) for the purpose 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 prohibited by this Ordinance.

9. **Dissolution of political parties.**- (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 Ideology of States accession to Pakistan 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 4, 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 dissolve and its all properties and fund 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.
10. **Penalty.**- (1) Any person who, after the dissolution of a political party under Section 9, 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 three 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 9, indulges or takes part in any political activity within seven years of its dissolution, he shall be punishable with imprisonment for term which may extend to three years or with fine, or with both.
- (3) Any person who contravenes the provisions of section 8, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or both.
11. **Certain disqualifications or being a member of Assembly or of the Council.**- (1) A person who has.
- (a) at any time on or after the 16th day of April, 1975 been an office-bearer of a political party dissolved under sub-section (2) of Section 9, and has not after a declaration in respect of such party is made under sub-section (1) of that

Section, resigned from or publicly announced his dis-association with such party; or

(b) been convicted under Section 10,-

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 five 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 official-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 9, 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.

12. **Sanction for prosecution.**- No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.

13. **Savings.**- Notwithstanding any Judgment, decree, or order of any Court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, Jurisdiction of powers exercised under the provisions initiated, Jurisdiction of powers exercised under the provisions of the Azad Jammu and Kashmir Political Parties Ordinance 1979 (Ordinance CXX of 1979), or its succeeding Ordinance issued from time to time shall be deemed to have been validity done, taken, issued, made, initiated or exercised under this Ordinance.

Sd/-

(Sardar Muhammad Ayub Khan)

President.

Azad Jammu and Kashmir