

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

Dated the 14th Jan, 1987.

No. 107-113 LD/Leg (A) 87. The following Act of the Assembly received the assent of the President on the 8th day of January, 1987, is hereby published for general information:-

(ACT I OF 1987)

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ACT

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 of hereinafter appearing;

It is hereby enacted as follow:-

1. **Short Title,Extent and Commencement.** - (1) This Act may be called the Azad Jammu and Kashmir Political Parties Act, 1987.
 - (2) It extends to the whole of Azad Jammu and Kashmir and shall apropos all State Subject 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 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 indulged in any other political activity.
3. **Formation of certain political party prohibitions.**- (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 the State's Accession to Pakistan or the sovereignty of Pakistan or Security of Azad Jammu and Kashmir or Pakistan or morality, or the maintenance of public order.

(2) No person shall from, organize, set up or convince a foreign added party or in any way be associated with any such party.

Explanation.- In sub-section (2), 'Foreign added 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 foregoing 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 be provided by rules made by the Government, account for the source of its funds and submit its finances and accounts to audit by, an officer or authority authorized by the Commissioner in this behalf.

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

¹[5 to 7 Deleted.]

1 Sections 5, 6 and 7 deleted by the Azad Jammu and Kashmir Political Parties (Amendment) Act, 1991 (II of 1991) 19-01-1991. Original sections are reproduced as under:

“5. **Registration of political parties.-** (1) Every political party in existence at the commencement of this Act, 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 persona and in such form, and shall be accompanied by such documents besides a copy of its constitutions, 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 on 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 given 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;
- (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 of specified in section 4 or the rules made there under ; or
- (b) fails to hold election any office-bearer within the time allowed by, and in accordance with, its constitution and rules; or
- (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 defames or brings into ridicule the judiciary of Azad Jammu and Kashmir or Pakistan or the Armed Forces of Pakistan;
- (d) receives and 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
- (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, than, without prejudice to any action that may be taken in respect of the political party under Section 8, 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. **Criteria 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 held 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 there with.
- (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 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

8. **Lawful political activities.**- Subject to the provisions of Section 3, it shall be lawful.-
- (1) for anybody 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 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 in 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 Act.
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 of State's 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 dissolved, and its all properties and funds shall be forfeited to the Government.

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 in an election to a seat in Legislative Assembly and to nominate or put up a candidate at any such election.

7. **Manager of Parties.**- (1) Any political party registered under Section 5, or declare 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 approved 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 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 proceeding initiated by any such member shall be deemed to have taken and imitated 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 shall proceedings pending before him shall be decided on that basis.

- (2) Within fifteen days of the making of a declaration under sub-section (1), the Government shall refer the matter the Supreme Court whose decision or 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 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 a dissolution under sub-section (2) of Section 9 indulges or takes part in any political activity within five 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.
- (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 with both.
11. **Sanction for prosecution.**- (1) No prosecution under this Act shall be instituted against any person without the previous sanction in writing of the Government.
12. **Savings.**- (1) 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 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 Act.
13. **Repeal.**- The Azad Jammu and Kashmir Political Parties Ordinance 1986 (Ordinance LXX of 1986) is hereby repealed.

Sd/- (Syed Atta Mohy-ud-Din)
Deputy Secretary Law