
ISLAMABAD, FRIDAY, JUNE 28, 2002

PART I

Act, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

**MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND
PARLIAMENTARY AFFAIRS**

(Law, Justice and Human Rights Division)

Islamabad, the 28th June, 2002

F. No.2(4)/2002- Pub.- The following Order promulgated by the Chief Executive is hereby published for general information :-

CHIEF EXECUTIVE'S ORDER NO.18 OF 2002

**AN
ORDER**

to revise, consolidate and re-enact the law relating to political parties

WHEREAS it is intended to create a political environment conducive to the promotion of a federal and democratic system as enshrined in the Constitution;

AND WHEREAS political parties play a pivotal role in fostering a constitutional, federal, democratic political culture;

AND WHEREAS the practice of democracy within the political parties will promote democratic governance in the country for sustaining democracy;

AND WHEREAS it is expedient to provide for formation and regulation of political parties;

AND WHEREAS it is essential to revise, consolidate and re-enact the law relating to political parties and matters connected therewith and incidental thereto;

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

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the

Provisional Constitution Order No. 1 of 1999, and in exercise of all other powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order:-

CHAPTER-I PRELIMINARY

1. Short title, extent and commencement.- (1) This Order may be called the Political Parties Order, 2002.

(2) It extends to the whole of Pakistan:

(3) It shall come into force at once.

2. Definitions.- In this Order, unless there is anything repugnant in the subject or context,-

(a) "Chief Election Commissioner" means the Chief Election Commissioner of Pakistan;

(b) "Election Commission" means the Election Commission of Pakistan;

(c) "foreign-aided political party" means a political party which-

(i) has been formed or organised 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 any portion of its funds from foreign nationals;
- (d) “political party” means an association of citizens or a combination or groups of such associations formed with a view to propagating or influencing political opinion and participating in elections for any elective public office or for membership of a legislative body; and
- (e) “prescribed” means prescribed by rules made under this Order.

CHAPTER-II

FORMATION OF POLITICAL PARTIES

3. Formation of political parties, etc.- (1) Subject to the provisions of this Order, it shall be lawful for any body of individuals or association of citizens to form, organise, continue or set-up a political party.

(2) A political party shall have a distinct identity of its structures at the national, provincial and local levels, wherever applicable.

(3) Every political party shall have a distinct name.

(4) Notwithstanding anything contained in sub-section (1), a political party shall not -

- (a) propagate any opinion, or act in a manner prejudicial to the fundamental principles enshrined in the Constitution of the Islamic Republic of Pakistan; or
- (b) undermine the sovereignty or integrity of Pakistan, public order or public morality or indulge in terrorism; or
- (c) promote sectarian, regional or provincial hatred or, animosity; or
- (d) bear a name as a militant group or section or assign appointment titles to its leaders or office-bearers which connote leadership of armed groups; or
- (e) impart any military or para-military training to its members or other persons; or
- (f) be formed, organise, set up or convened as a foreign-aided political party.

4. Constitution of political parties.-(1) Every political party, including a political party already in existence, shall formulate its constitution, with whatever name it may be referred, including, *inter alia*,-

- (a) the aims and objectives of the party;
- (b) organisational structure of the party at the Federal, Provincial and local levels, whichever applicable;

- (c) criteria of membership of the party;
- (d) membership fee, to be paid by the members;
- (e) qualifications and tenure of the party leader and other office-bearers of the party;
- (f) criteria for receipt and collection of funds for the party;
and
- (g) procedure for-
 - (i) election of party leader and other office-bearers at the Federal, Provincial and local levels, wherever applicable;
 - (ii) selection or nomination of party candidates for election to public offices and legislative bodies;
 - (iii) resolution of disputes between members and party, including issues relating to suspension and expulsion of members; and
 - (iv) method and manner of amendments in the constitution of the party.

(2) Every political party shall provide a copy of its constitution to the Election Commission.

(3) Any change in the constitution of a political party shall forthwith be communicated to the Election Commission which shall maintain updated record of the constitutions of all the political parties.

5. Membership of political parties.- (1) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party or be otherwise associated with a political party or take part in political activities or be elected as an office-bearer of a political party:

Provided that a person shall not be appointed or serve as an office-bearer of a political party if he is not qualified to be, or is disqualified from being, elected or chosen as a member of the Majlis-e-Shoora (Parliament) under Article 63 of the Constitution of the Islamic Republic of Pakistan or under any other law for the time being in force.

(2) Where a person joins a political party, his name shall be duly entered in the record of the political party as a member and shall be issued a membership card, or any other document showing his membership of such political party.

(3) A person shall not be a member of more than one political party at a time.

(4) A member of a political party shall have the right of access to the records of the political party.

6. Membership fee and contributions.- (1) A member of a political party shall be required to pay a membership fee as provided in the party's constitution and may, in addition, make voluntary contributions towards the party's funds.

(2) The contribution made by members or supporters of any party shall be duly recorded by the political parties.

(3) Any contribution made, directly or indirectly, by any foreign government, multi-national or domestically incorporated public or private company, firm, trade or professional association shall be prohibited and the parties may accept contributions and donations only from individuals.

(4) Any contribution or donation which is prohibited under this Order shall be confiscated in favour of the State in the manner as may be prescribed.

Explanation.- For the purpose of this section, a “contribution or donation” includes a contribution or donation made in cash, kind, stocks, hospitality, accommodation, transport, fuel and provision of other such facilities.

7. Suspension or expulsion of a member.- A member of a political party may be suspended or expelled from the party’s membership in accordance with the procedure provided in the party’s constitution:

Provided that before making an order for suspension or expulsion of a member from the party, such member shall be provided with a reasonable opportunity to show cause against the action proposed and of hearing.

8. Selection for elective offices.- The political parties shall make the selection of candidates for elective offices, including the membership of the Majlis-e-Shoora (Parliament) and Provincial Assemblies, through a transparent democratic procedure.

9. Holders of elected public offices prohibited to hold party offices.- The holders of elected public offices shall not hold any political party office, or where a holder of an elected public office was already holding a party office at the time of his appointment to a public office, he shall relinquish the party office before joining such public office.

EXPLANATION.- For the purpose of this section, the expression “holder of elected public office” shall mean the office of the President of Pakistan, Prime Minister, Governor, Chief Minister of a Province, Chairman Senate, Speaker, Deputy Speaker, Federal Minister, Minister of State, Provincial Minister, Advisor, Special Assistant to Prime Minister or Chief Minister and holders of other elective executive offices as may be modified by the Federal Government for the purpose.

10. Functioning of political parties.- (1) Every political party shall have an elected general council at the Federal, Provincial and local levels, wherever applicable, and by whatever names these may be referred.

(2) Every political party shall, at least once in a year, convene a general meeting at the Federal, Provincial and local levels of the party, wherever applicable, to which the party members or their delegates shall be invited to participate.

(3) A member or group of members of the political party may nominate in writing any other member of the party as a delegate to represent him or them and cast his or their votes in a party meeting.

11. Elections within a political party.- (1) The party leader and other office-bearers of every political party at the Federal, Provincial and local levels, wherever applicable, shall be elected periodically in accordance with party's constitution through secret ballot based on a democratic and transparent system:

Provided that a period, not exceeding four years, shall intervene between any two elections.

(2) Every member of the political party shall, subject to the provisions of the party's constitution, be provided with an equal opportunity of contesting election for any party office, including that of the party leader.

(3) All members of the political party at the Federal, Provincial and local levels shall constitute the electoral college for election of the party general council at the respective levels.

12. Certification by the political party.- (1) The party leader of each political party shall, within seven days from completion of the intra-party elections, submit a certificate under his signatures to the Election Commission to the effect that the elections were held in accordance with the constitution of the party and this Order to elect the party leader and other office-bearers at the Federal, Provincial and local levels, wherever applicable.

(2) The certificate referred to in clause (1) shall contain information in respect of-

(a) the date of the last intra-party elections;

- (b) the names, designations and addresses of the party leader and all other office-bearers elected at the Federal, Provincial and local levels, wherever applicable;
- (c) the election results, including the total number of votes cast and the number of votes secured by each contestant for all of its party offices; and
- (d) copy of the party's notifications declaring the results of the election.

(3) The Election Commission shall publish for public information the certificate including details of elections referred to in clause (2).

13. Information about the sources of party's fund.- (1) Every political party shall, in such manner and in such form as may be prescribed or specified by the Chief Election Commissioner, submit to the Election Commission, within sixty days from the close of each financial year, a consolidated statement of accounts of the party audited by a Chartered Accountant containing-

- (a) annual income and expenses;
- (b) sources of its funds; and
- (c) assets and liabilities.

(2) The statement referred to in clause (1), shall be accompanied by a certificate signed by the party leader stating that-

- (a) no funds from any source prohibited under this Order were received by the party; and
- (b) the statement contains an accurate financial position of the party.

14. Eligibility of party to obtain election symbol.- (1) Notwithstanding anything contained any other law for the time being in force, a political party shall be eligible to obtain an election symbol for contesting elections for Majlis-e-Shoora (Parliament) and Provincial Assemblies on submission of certificates and statement referred to in Articles 12 and 13:

Provided that a combination of political parties shall be entitled to obtain a common election symbol for such election only if, each party constituting such combination, submits the certificates and statement referred to in Articles 12 and 13.

(2) Where any political party or a combination of political parties, severally or collectively, contravenes the provisions of Article 12 or 13, it shall not be entitled to obtain an election symbol for election to the Majlis-e-Shoora (Parliament) or the Provincial Assemblies, and the Election Commission shall not allocate an election symbol to such party or, as the case may be, the combination of political parties for such election.

CHAPTER-III

DISSOLUTION OF POLITICAL PARTIES

15. Dissolution of a political party.- (1) Where the Federal 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 sovereignty or integrity of Pakistan or is indulging in terrorism, it shall make such declaration by a notification in the official Gazette.

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

(3) Where the Supreme Court upholds the declaration made against a political party under clause (1), such party shall stand dissolved forthwith.

16. Effects of dissolution of political party.- (1) Where a political party is dissolved under Article 15, any member of such political party, if he is a member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly, shall be disqualified for the remaining term to be a member of the Majlis-e-Shoora (Parliament) or, as the case may be, the Provincial Assembly, unless before the final decision of the Supreme Court, he resigns from the membership of the party and publicly announces his disassociation with such political party.

(2) A person becoming disqualified from being a member of the Majlis-e-Shoora (Parliament) or Provincial Assembly under clause (1) shall not participate in election for any elective office or any legislative body till the expiry of four years from the date of his disqualification from being a member of the Majlis-e-Shoora (Parliament) or, as the case may be, the Provincial Assembly.

(3) The order of members of a political party becoming disqualified from being members of Majlis-e-Shoora (Parliament) of

the Provincial Assembly on its dissolution shall be notified in the official Gazette.

CHAPTER-IV MISCELLANEOUS

17. Intra-party elections for general elections, 2002.- (1) Every political party desiring to take part in general elections, 2002, shall be required to complete its intra-party elections referred to in Article 11 in accordance with the party constitution and this Order by the fifth day of August, 2002, and submit the certificate referred to in Article 12 accordingly.

(2) A political party which has already completed intra-party elections, as far as possible, according to the requirements of Article 11, before the commencement of this Order shall submit a certificate to the Election Commission in accordance with Article 12.

(3) A party not complying with the provisions of clause (1) and (2) shall not be allotted election symbol for the general elections, 2002.

18. Code of conduct of political parties.- The Election Commission shall, in consultation with the political parties, prepare and publish a code of conduct for the political parties.

19. Rules.- The Election Commission may, with approval of the Federal Government, make rules for carrying out the purposes of this Order.

20. Repeal.- The Political Parties Act, 1962 (III of 1962), is hereby repealed.

GENERAL
PERVEZ MUSHARRAF
Chief Executive of
The Islamic Republic of Pakistan,
And Chief of Army Staff.

MR. JUSTICE
MANSOOR AHMAD,
Secretary