

'THE POLITICAL PARTIES ORDINANCE, 1978

ORDINANCE NO. XLV OF 1978

[18th November, 1978]**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;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Political Parties Ordinance, 1978.

Definitions

2. 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 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, political party or national of a foreign country;

(b) “political party” includes a group or combination of persons who operate under a distinctive name and who hold themselves out for the purpose of propagating any political opinion or engaging in any other political activity.

Formation of certain political parties prohibited

3. (1) No political party shall be formed with the object of propagating any opinion, or acting in a manner, prejudicial to the sovereignty, integrity or security of Bangladesh.

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

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

4. No political party shall-

- (a) maintain any secret or underground organisation, group or agency, or engage in any secret or underground activity; or
- (b) organise or maintain any armed cadre, volunteer corps or any other organisation, by whatever name called, which is intended or is likely to operate like a disciplined force.

Underground activity and armed cadre prohibited

5. All funds of a political party shall be maintained and operated through a scheduled bank.

Funds to be operated through bank account

6. (1) Where the Government is of the opinion that any political party has been formed or is operating in contravention of section 3 or has contravened any provision of section 4 or section 5, it shall refer the matter to the High Court Division, and the decision of the High Court Division on such question, given after hearing the person or persons concerned, shall be final:

Reference to High Court Division regarding certain political parties

Provided that if the Government deems it necessary in the public interest so to do, it may, by order published in the *official Gazette*, direct such political party to suspend its operation or activity until the High Court Division has given its decision on the reference, and upon the publication of the order, the political party shall suspend its operation or activity.

(2) Where the High Court Division, 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 or has contravened any provision of section 4 or section 5, the decision shall be published in the *official Gazette*, and upon such publication, the political party concerned shall stand dissolved and all its properties and funds shall be forfeited to the Government.

Penalty

7. If any person after the publication of any order in respect of a political party under the proviso to section 6(1) or the dissolution of a political party under section 6(2), holds himself out as a member or office bearer of that party, or acts for, or otherwise associates himself with, that party, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Sanction for
prosecution

8. No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.
