

Political Parties Act, 2058 (2002)

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Amendment:

Republic Strengthening and Some Nepal Laws

Amendment Act, 2066 (2010)¹

2066.10.7 (21 Jan. 2010)

Act Number 10 of Year 2059 (2002)

An Act made to provide for provisions on

Political Organization or Party

Preamble: Whereas, it is expedient to provide for necessary legal provisions on political organizations or parties in order to make institutional development of multiparty system, to develop political organization or party as a corporate body, to arrange the process of party registration, to make development of democratization within internal organization of party and to develop political party as a responsible institution upon making transparent to the fund of parties since the ²Interim Constitution of Nepal 2063 has guaranteed multiparty system for running the governance system of Nepal.

1. Short Title and Commencement: (1) This Act may be called "Political Parties Act, 2058 (2002)".

(2) This Act shall come into force immediately.

¹ This Act came into force on 15 *Jestha* 2065, "*Prasasti*" and the word "Kingdom" has been deleted.

² Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

2. Definition: In this Act, unless the subject or context otherwise requires,-

- (a) "Party" means political organization or party constituted pursuant to Section 3.
- (b) "Statute" means the statute of a party.
- (c) "Executive Committee" means an Executive Committee of a party constituted as referred to in the Statute of the concerned party and this expression also includes the body of a party constituted to perform the function of Central Executive Committee of the party regardless of whatever name has been provided for the said body by the Statute of the respective party.
- (d) "Office bearers" mean office bearers who are specified as office bearers by the Statute of the concerned party.
- (e) "Commission" means Election Commission constituted pursuant to Article 128 of the ³Interim Constitution of Nepal, 2063.
- (f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. Formation of political organization or party: (1) Persons, who are committed to common political objectives and programme, may be entitled to form political party upon making necessary Statute and Rules therefor.

(2) Political parties formed pursuant to Sub-section (1) may, for securing support and co-operation from general public towards their objectives and programmes, carry out organisation related activities, publicize or cause to publicize thereof or carry out any other activities for this purpose.

4. Statute of Party: The Statute of a party shall contain, *inter alia*, the following details:

- (a) Name of the political party.

³ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

- (b) Address of headquarters of the party.
- (c) The details of seal, insignia or flag of the party.
- (d) Objectives of the party.
- (e) Provisions on party membership.
- (f) The formation method and the tenure of the Executive Committee of each level of party.
- (g) The numbers and election method of office bearers of the party.
- (h) The provisions on party fund and its audit.
- (i) The method relating to the amendment of party Statute.
- (j) Provisions on dissolution of the party.
- (k) Provisions on assets and liability of the party after its dissolution.
- (l) The provisions that provides for elections of at least Fifty percent members among the total members of Executive Committee of political organization or party at least once in every Five years.
- (m) Other matters as prescribed.

5. Acts not to be done by the parties: No party shall commit or cause to commit any of the following acts:

- (a) An act which undermines the sovereignty or integrity of Nepal.
- (b) An act which jeopardizes the harmonious relations subsisting among the various tribes, castes or communities of Nepal.
- (c) An act which incites violent activities.
- (d) An act which may be contrary to public morality.
- (e) An act to provide membership of party only on the basis of religion, sect, caste, tribe or region.
- (f) Any other acts in contravention of ⁴Interim Constitution of Nepal, 2063.

⁴ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

- (g) An act to accept grant or donation from international organization, institution, foreign government, person, association or institute.
- (h) An act to violate the code of conduct issued by the Commission from time to time.
- (i) An act to demonstrate with arms and ammunition and explosive substances which is prejudicial to public peace and law and order.
- (j) Any act prohibited by the prevailing law.

6. Restriction for membership: (1) No party shall give membership to any of the following persons:

- (a) Non-Nepali citizen.
- (b) A person who has not attained the age of Sixteen years.
- (c) A person who has been convicted for a criminal offence involving moral turpitude and punished for Two or more than Two years imprisonment and not completed Six years from the date of serving of the said punishment.
- (d) An employee who is working in an office of Government of Nepal or in an autonomous institute (body corporate) which is owned or controlled by the Government of Nepal.

7. Registration of party: (1) If a political party intends to register it pursuant to this Act, shall submit an application to the Commission along with Two copies of its Statute upon putting the signature of all office-bearers of the Executive Committee of that party.

(2) The Commission shall make an inquiry into the application submitted pursuant to Sub-section (1) as to whether the party fulfills the condition for registration or not and if it deems necessary may seek further details from the party.

(3) The Commission shall make decision in respect of the application submitted pursuant to Sub-section (1) within One month from

the date of submission of such application or from the date of submission of further details if the further detail has been sought pursuant to Sub-section (2), as the case may be.

(4) If the Commission makes a decision to register the party pursuant to Sub-section (3) it shall register the party upon setting out the name and address of the party, name of the office bearers and the flag of the party in register book and shall give registration certificate in a prescribed format within Seven days from the date of registration.

(5) If a party is registered pursuant to this Section, the Notification of such registration shall be published in Nepal gazette.

8. Commission may reject to register a party: (1) The commission may reject to register a political party in any of the following circumstances:

- (a) If the party is formed only on the basis of religion, sect, tribe, caste and region.
- (b) If the name or insignia of a party resembles with the name or insignia of a party which is already registered.
- (c) If the Statue of the party fails to mention the matters as referred to in Section 4.

(2) If the commission rejects to register a party pursuant to Sub-section (1), it shall give notice to the concerned party along with reasons thereof within Seven days from the date of such decision.

(3) If the concerned party receives notice pursuant to Sub-section (2), it shall submit another application to the Commission for registration of the party within Seven days from the date of receipt of such notice upon making correction of the matters indicated by the commission.

(4) If the Commission rejects to register a party after receiving the application pursuant to Sub-section (3), it shall give a notice thereof along with reasonable reasons to the concerned party within Seven days.

9. **To be corporate body:** (1) A political party registered pursuant to this Act shall be an autonomous body corporate with perpetual succession.
- (2) Party shall have a separate seal of its own for all of its activities.
- (3) Party may, like an individual, acquire, sell and dispose of, or otherwise deal with any movable and immovable property.
- (4) Party may, like an individual, sue by its name and be also sued by the same name.
10. **Party shall give information:** (1) A party which is registered pursuant to this Act shall give following information, if any, to the Commission within Fifteen days from the date of cause of action.
- (a) The matter of amendment made in the name, Statute, Rules, seal, insignia or flag of the party.
- (b) The matter of change relating to the office bearers of the party.
- (2) If the information as referred to in Sub-section (1) is submitted to the Commission, it shall record of such information in the register book.
- (3) Each party which takes part in an election of ⁵Constituent Assembly or local body shall submit authentic copies of its election manifesto and programmes published by it to the Commission within Seven days from the date of publication.
11. **Account and audit of party:** (1) Each party registered pursuant to this Act shall maintain its account in the format as referred to in the prevailing law.
- (2) The accounts of the party shall be audited by an auditor recognized by the Auditor General.

⁵ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

(3) Election expenses made by the party shall be mentioned in its Account.

12. To be submitted annual report of income and expenditure: (1)

Each political party registered pursuant to this Act shall submit annual report of its income and expenditure to the Commission within Six months from the ending of each fiscal year.

(2) The name, address and including profession (occupation) of the person and the name of corporate body which has provided more than Twenty Five Thousand Rupees as donation to the party shall be set out in the annual report pursuant to Sub-section (1).

(3) The concerned party shall make public the annual report pursuant to Sub-section (1) within Six months from the date of ending of the each fiscal year.

13. To be made public: The Commission shall evaluate the annual reports received pursuant to Section 12 and publish a comprehensive report thereof.

14. To be cancelled the registration of a party: (1) The registration of a party which is registered pursuant to this Act shall be cancelled in any the following circumstances:

- (a) If a party submits an application to the Commission for cancellation of its registration.
- (b) If a party gives its membership only to the persons of particular religion, sect, tribe, caste, gender or regions.

(2) If the registration of a political party is cancelled pursuant to Sub-section (1) the name of such party shall be published in Nepal Gazette.

15. Recognition of political organization or party for the purpose of election: The provisions relating to the recognition of political

organization or party for the purpose of election pursuant to ⁶Interim Constitution of Nepal, 2063 shall be as mentioned in the concerned prevailing law.

16. **Penalty:** If a political party fails to abide by Sections 11 and 12, the Commission may impose a fine up to One Hundred Rupees on such party.
17. **Committee may be constituted:** (1) The Commission may constitute a committee of concerned experts for submitting recommendations on the functions to be performed by it pursuant to this Act.
(2) The functions, duties, powers and procedures of the Committee constituted pursuant to Sub-section (1) shall be as prescribed by the Commission.
18. **Powers to frame Rules:** The Government of Nepal may frame necessary Rules for carrying out the objectives of this Act on the consultation of the Commission.
19. **Saving:** The matters set forth in this Act shall be governed by this Act and other matters shall be governed by the prevailing law.

⁶ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.