

CHAPTER 379

CEYLON CONSTITUTION (AMENDMENT)

AN ACT TO AMEND THE CEYLON (CONSTITUTION) ORDER IN COUNCIL, 1946, AND TO REPEAL THE CEYLON CONSTITUTION (SPECIAL PROVISIONS) ACT AND THE INDIAN AND PAKISTANI (PARLIAMENTARY REPRESENTATION) ACT.

Acts
Nos. 4 of 1959,
71 of 1961,
8 of 1964.

[Sections 2, 3, 8 and 9—12th March, 1964.]

[Sections 4, 5, 6 and 10—6th February, 1959.]

[Section 7—30th December, 1961.]

1. This Act may be cited as the Ceylon Constitution (Amendment) Act.

Short title.

2. Section 3 of the Ceylon (Constitution) Order in Council, 1946, hereinafter referred to as the "principal enactment", is hereby amended in the definition of the term "public officer", by the insertion, immediately after paragraph (h) of that definition, of the following new paragraph:—

Amendment
of section 3 of
Chapter 379.
[§ 2, 8 of 1964.]

"(hh) the Commissioner of Parliamentary Elections,".

3. Section 13 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution, in paragraph (b) of that subsection, for the expression "Auditor-General; or", of the expression "Auditor-General or the Commissioner of Parliamentary Elections; or".

Amendment
of section 13
of the
principal
enactment.
[§ 3, 8 of 1964.]

4. Section 40 of the principal enactment is hereby amended as follows:—

Amendment
of section 40
of the
principal
enactment.
[§ 2, 4 of 1959.]

(a) in subsection (1) of that section by the substitution, for the expression "general census of the Island", of the expression "general census of the Island (other than any general census of the Island taken after the

date on which the estimate referred to in subsection (1A) of this section is published in the Gazette and before 1971) ”; and

- (b) by the insertion, immediately after subsection (1) of that section, of the following subsection :—

“ (1A) For the purposes of subsection (1) of this section the estimate of the population of the Island up to the end of June, 1958, published by the Director of Census and Statistics in the Gazette shall be deemed to be a general census of the Island completed on the date of publication of such estimate in the Gazette.”.

Amendment
of section 41
of the
principal
enactment.
[§ 3, 4 of 1959.]

5. Section 41 of the principal enactment is hereby amended as follows :—

- (a) in subsection (3) of that section by the substitution, for the word “ persons : ”, of the words “ citizens of Ceylon : ”;
- (b) in subsection (4) of that section by the substitution, for the word “ persons ”, wherever that word occurs in that subsection, of the words “ citizens of Ceylon ”; and
- (c) in subsection (5) of that section by the substitution, for all the words and figure from “ Notwithstanding ” to “ members : ”, of the following :—

“ Notwithstanding anything in subsection (1) or subsection (4) of this section, the Delimitation Commission shall have power to create in any Province one or more electoral districts returning two or more members if the racial composition of the citizens of Ceylon in that Province is such as to make it desirable to render possible the representation of any substantial concentration of citizens of Ceylon in that Province who are united by a community of racial interest different from that of the majority of the citizens of Ceylon in that Province : ”.

6. Section 47 of the principal enactment is hereby amended as follows :—

Amendment
of section 47
of the
principal
enactment.
[§ 4, 4 of 1959.]

(a) by the renumbering of that section as subsection (1) of section 47 ;

(b) by the substitution, for the words “ to assist the Ministers in the exercise of their Parliamentary and departmental duties : ”, of the words “ to assist the Ministers in the performance of their Parliamentary and departmental duties and to exercise and perform such powers and duties of the Ministers under written law as may be delegated to the Parliamentary Secretaries under subsection (2) of this section : ” ;
and

(c) by the addition, at the end of that section, of the following subsection :—

“ (2) A Minister may, by notification published in the Gazette, delegate to his Parliamentary Secretary any power or duty conferred or imposed on the Minister by any written law, and it shall be lawful for the Parliamentary Secretary to exercise or perform any power or duty delegated to him under this subsection notwithstanding anything to the contrary in the written law by which that power or duty is conferred or imposed on the Minister. ”.

7. Section 55 of the principal enactment is hereby amended, in subsection (5) of that section, by the substitution, for the words “ Supreme Court or a Commissioner of Assize. ”, of the words “ Supreme Court, a Commissioner of Assize, or an Election Judge appointed by the Governor-General under subsection (1) of section 78 of the Ceylon (Parliamentary Elections) Order in Council, 1946. ”.

Amendment
of section 55
of the
principal
enactment,
[§ 2, 71 of 1961.]

Cap. 381.

Amendment
of section 67
of the
principal
enactment.
[§ 4, 8 of 1964.]

8. Section 67 of the principal enactment is hereby amended as follows:—

- (1) in subsection (1) of that section, by the substitution, for the expression “in subsection (3)”, of the expression “in subsections (3) and (4)”; and
- (2) by the insertion, immediately after subsection (3) of that section, of the following new subsection:—

“ (4) Where the Governor-General dissolves Parliament and fixes a date or dates for a general election, the Governor-General may, unless Parliament has already made provision in that behalf, authorize the issue from the Consolidated Fund and the expenditure of such sums as he may, after consultation with the Commissioner of Parliamentary Elections, consider necessary for such election.”.

Insertion of
new Part
VIII A in the
principal
enactment.
[§ 5, 8 of 1964.]

9. The following new Part is hereby inserted immediately after Part VIII, and shall have effect as Part VIII A, of the principal enactment:—

“PART VIII A.

COMMISSIONER OF PARLIAMENTARY ELECTIONS AND FINANCIAL PROVISION FOR PREPARING AND REVISING REGISTERS AND HOLDING ELECTIONS.

Commissioner
of Parliamen-
tary Elections.

71A. There shall be a Commissioner of Parliamentary Elections who shall be appointed by the Governor-General and who shall hold office during good behaviour.

Salary of the
Commissioner
of Parliamen-
tary Elections.

71B. The salary of the Commissioner of Parliamentary Elections shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

Vacation of office by Commissioner of Parliamentary Elections.

71c. The office of the Commissioner of Parliamentary Elections shall become vacant—

- (a) by his death ; or
- (b) by his attaining the age of fifty-five years or such higher age as the Governor-General may determine ; or
- (c) by his resignation in writing addressed to the Governor-General ; or
- (d) by his removal by the Governor-General on account of ill health or physical or mental infirmity in like circumstances and subject to the same conditions as a public officer in receipt of similar pensionable emoluments ; or
- (e) by his removal by the Governor-General upon an address from the Senate and the House of Representatives praying for his removal.

Powers, duties and functions of the Commissioner of Parliamentary Elections.

71d. The Commissioner of Parliamentary Elections shall exercise, perform or discharge all such powers, duties or functions as may be conferred or imposed on, or vested in, him by the Ceylon (Parliamentary Elections) Order in Council, 1946, or any other written law.”.

10. The Ceylon Constitution (Special Provisions) Act and the Indian and Pakistani (Parliamentary Representation) Act are hereby repealed.

Repeal of Chapter 386 and Chapter 382.

[§ 5, 4 of 1959.]