

CHAPTER 381\*

CEYLON (PARLIAMENTARY ELECTIONS)  
ORDER IN COUNCIL

[26th September, 1946]

At the Court at Buckingham Palace, the  
Twenty-fourth day of September, 1946

Amended by  
Gazettes Nos.  
9,732/9-7-1947,  
9,746/8-8-1947,

*Present :*

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by the Ceylon (Constitution) Order in Council, 1946, provision was made for the constitution and powers of a Senate and a House of Representatives for Ceylon :

And whereas it is expedient to make provision for the election of Members to serve in the said House of Representatives :

And whereas His Majesty has power, by and with the advice of His Privy Council, to make laws for the Island of Ceylon :

Now, therefore, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows :—

*Acts*  
Nos. 19 of 1948,  
48 of 1949,  
38 of 1950,  
7 of 1952,  
19 of 1953,  
26 of 1953,  
36 of 1954,  
16 of 1956,  
4 of 1959,  
11 of 1959,  
26 of 1959,  
2 of 1960,  
72 of 1961,  
8 of 1964,  
10 of 1964.

PART I

PRELIMINARY

1. (1) This Order may be cited as the Ceylon (Parliamentary Elections) Order in Council, 1946, and shall apply to the election of Members to serve in the House of Representatives to be constituted by the Ceylon (Constitution) Order in Council, 1946.

(2) Nothing in this Order shall extend to the Maldive Islands.

Short title  
and  
application.

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\* *Note.*—This Chapter has been issued as a consolidated reprint under the Statutory Reprints Ordinance, read with section 94A of the Chapter, on 24.12.64 and is reproduced in this Supplement as it supersedes Chapter 381 of Revised Edition of the Legislative Enactments of Ceylon, 1956, and sets out the law in force on January 1, 1967.

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Date of operation. 2. This Order shall be published in the Gazette and shall come into operation on the date\* of such publication.

Interpretation. 3. (1) In this Order, unless the context otherwise requires—

“candidate” means a person who is nominated as a candidate at an election or is declared by himself to be or acts as a candidate for election to any seat in the House of Representatives ;

[§ 6, 8 of 1964.] “Commissioner” means the Commissioner of Parliamentary Elections appointed under the Ceylon (Constitution) Order in Council, 1946 ;

“election” means an election for the purpose of electing a Member of the House of Representatives ;

“elector” means a person who, pursuant to this Order, is entitled to be registered as an elector to vote at an election ;

“electoral district” means an electoral district specified in the Proclamation for the time being in force under section 43 of the Ceylon (Constitution) Order in Council, 1946 ;

“general election” means the first general election of Members of the House of Representatives or a general election of Members after dissolution of Parliament ;

“House of Representatives” means the House of Representatives constituted by the Ceylon (Constitution) Order in Council, 1946 ;

“Island” means the Island of Ceylon and the dependencies thereof ;

“Member” or “Member of Parliament” means a Member of the House of Representatives ;

“Parliament” means the Parliament of the Island ;

“Proclamation” means a Proclamation by the Governor-General published in the Gazette ;

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\* 26th September, 1946.—Gazette No. 9,604 of 26th September, 1946.

“register” or “register of electors” means the register of electors for any particular electoral district ;

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State ;

“Senator” means a member of the Senate ;

“State Council” means the State Council constituted by the Ceylon (State Council) Order in Council, 1931 ;

“voter” means a person who, whether his name does or does not appear in a register of electors, applies to vote, or votes, at an election.

(2) Any reference in this Order to an Order in Council shall be construed as a reference to that Order as amended or modified by any subsequent Order.

(3) In the interpretation of this Order, the provisions of the Interpretation Ordinance, other than the definition of “the Government”, shall, subject to the express provisions of this Order, and notwithstanding any provision to the contrary in that Ordinance, apply as it applies for the interpretation of an Ordinance of the State Council.

## PART II

### QUALIFICATIONS OF ELECTORS

4. (1) No person shall be qualified to have his name entered or retained in any register of electors in any year if such person—

Circumstances disqualifying for registration.

(a) is not a citizen of Ceylon, or if he is by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign Power or State which is not a member of the Commonwealth ; or

[§ 3, 48 of 1949.]

(b) was less than eighteen years of age on the first day of June in that year ; or

[§ 2, 11 of 1959.]

- [§ 4, 10 of 1964.] (c) was not, on the first day of June in that year, ordinarily resident in the electoral district to which the register relates ; or
- [§ 3, 48 of 1949.] (d) is serving a sentence of imprisonment for an offence punishable with imprisonment for a term exceeding twelve months, or is under sentence of death or is serving a sentence of imprisonment awarded in lieu of execution of a sentence of death ; or
- (e) is, under any law in force in the Island, found or declared to be of unsound mind ; or
- (f) is incapable of being registered as an elector by reason of his conviction of a corrupt or illegal practice or by reason of the report of an election judge in accordance with this Order, or by reason of his conviction of an offence under subsection (1) of section 52 or section 53 of this Order, or by reason of the operation of section 4A of this Order.
- [§ 2, 10 of 1964.]  
[§ 2, 19 of 1953.] (g) Repealed.
- [§ 2, 10 of 1964.] (2) In the determination of any question as to a person's residence on the first day of June in any year, particular regard shall be had to the purpose and other circumstances, as well as to the fact, of his presence at, or absence from, the address in question, and in particular his absence from such address in the performance of any duty accruing from or incidental to, any office, service or employment, held or undertaken by him.
- [§ 2, 10 of 1964.] (3) The address at which a person was ordinarily resident in any electoral district on the first day of June in any year is hereafter referred to as his "qualifying address".
- Additional disqualifications for registration or voting.  
[§ 3, 19 of 1953.] 4A. A person shall, at any time, be incapable of being registered as an elector or of voting at an election under this Order if such person—
- (a) is, at that time, disqualified by section 5 of the Public Bodies (Prevention of Corruption) Ordinance from voting at an election of members of any public body as defined in that Ordinance, by reason of a conviction, or of a finding of a commission of inquiry, referred to in that section ; or

(b) has during a period of five years immediately preceding that time been convicted of an offence under the provisions of any of the following sections of the Local Authorities Elections Ordinance, namely, sections 77 to 82 (both inclusive).

5. Subject to the provisions of section 6, every person not otherwise disqualified shall be qualified to have his name entered or retained in a register of electors.

General qualification for electors.  
[§ 4, 48 of 1949.]  
[§ 3, 10 of 1964.]

6. The name of a person shall be entered or retained in the register for any electoral district in any year under his qualifying address, and accordingly such person shall not be entitled to have his name so entered or retained under any other address :

Entry or retention of names in registers under qualifying addresses.  
[§ 4, 10 of 1964.]

Provided, however, that the registration of such person as an elector shall not be deemed or construed to be invalid or of no effect by reason only of the failure to comply with the preceding provisions of this section in respect of the entry or retention of his name in such register.

7. Repealed.

[§ 4, 48 of 1949.]

8. (1) No person shall be entitled to have his name entered or retained in more than one register, notwithstanding that he may be qualified to have his name entered or retained in two or more registers.

Restriction on plural voting.  
[§ 5, 48 of 1949.]  
[§ 5, 10 of 1964.]

(2) If any person at a general election votes in more than one electoral district, or asks for a ballot paper for the purpose of so voting, he shall be guilty of an illegal practice.

(3) No person shall be entitled to have his name entered or retained more than once in the same register, notwithstanding that he may be qualified to have his name so entered or retained.

[§ 5, 10 of 1964.]

(4) If any person at any election votes more than once in the same electoral district, or asks for a ballot paper for the purpose of so voting, he shall be guilty of an illegal practice.

[§ 5, 10 of 1964.]

PART III

REGISTRATION OF ELECTORS AND REVISION OF REGISTERS

Appointment  
of registering  
and revising  
officers.

[§ 6, 48 of 1949.]

9. (1) As soon as may be after the publication of the first Proclamation under section 43 of the Ceylon (Constitution) Order in Council, 1946, and thereafter, whenever any electoral district of the Island is altered or a new district is created, the Minister shall appoint, by name or by office, registering and revising officers for each electoral district and may from time to time appoint by name or by office, one or more persons to assist any registering officer or revising officer in the performance of his duties. A person so appointed to assist any such officer as aforesaid shall have all the powers and may perform all the duties of the officer whom he is appointed to assist, and any reference in this Order to a registering officer or revising officer shall, unless the context otherwise requires, be deemed to include a reference to an assistant registering officer or an assistant revising officer, as the case may be.

[§ 6, 48 of 1949.]

(2) An appointment made by the Minister under this section may be revoked by him at any time.

Polling  
districts  
and polling  
stations.

10. (1) As soon as may be after the publication of the first Proclamation under section 43 of the Ceylon (Constitution) Order in Council, 1946, and thereafter whenever any electoral district of the Island is altered or a new district is created, the registering officer of each electoral district specified in the Proclamation aforesaid or of the altered or new district, as the case may be, shall—

- (a) divide that district into polling districts in accordance with such directions as may be issued by the Commissioner ;
- (b) assign to each such polling district a distinguishing letter or letters ;
- (c) determine with respect to each such polling district the ward, village or other area within which the polling station or stations for that district will be situated ; and

(d) publish in the Gazette a notice specifying—

- (i) the polling districts into which that electoral district has been divided ;
- (ii) the distinguishing letter or letters assigned to each such polling district ; and
- (iii) the ward, village or other area within which the polling station or stations for each such polling district will be situated.

(2) Unless the Commissioner otherwise directs, the division of an electoral district into polling districts shall be so made that each polling district, at the time of such division, contains not more than one thousand five hundred electors.

[§ 2, 16 of 1956.]

(3) Subject to the provisions of subsection (2), the division of an electoral district into polling districts may be altered by the registering officer as occasion may require ; and upon any such alteration being made he shall publish in the Gazette a notice specifying, in relation to that electoral district, the particulars mentioned in paragraph (d) of subsection (1) of this section. Any such alteration shall come into effect on the date of publication of the notice under section 22 (1) relating to the next certification of the register of electors for such electoral district, but the revision of such register before such certification shall be made on the basis of such alteration.

[§ 2, 16 of 1956.]

(3A) A notice published in the Gazette under subsection (1) or subsection (3) may from time to time be amended, in the particulars in paragraph (d) (iii) of subsection (1) required to be specified in that notice, after notifying the proposed amendments to the public in such manner as the Commissioner may determine and after giving an opportunity to the public for making representations in regard to the proposed amendments.

[§ 2, 16 of 1956.]

(4) Unless the returning officer, appointed under section 25, considers it necessary or expedient, in the special circumstances of any case, to provide a separate polling station for the female voters of any polling district there shall be, for each polling district, one polling station and no more.

[§ 6, 10 of 1964.]

11. Repealed.

[§ 6, 10 of 1964.]

12. Repealed.

[§ 6, 10 of 1964.]

13. Repealed.

[§ 6, 10 of 1964.]

14. Repealed.

Preparation  
of registers  
on alteration  
of electoral  
districts.

15. (1) Where, by any Proclamation other than the first Proclamation under section 43 of the Ceylon (Constitution) Order in Council, 1946, any electoral district of the Island is altered or a new district is created, the registering officer of the altered or new district shall forthwith prepare or cause to be prepared a register of electors for that electoral district, so however, that every name appearing in those parts of the register or registers in operation immediately prior to the publication of such Proclamation which relate to the area comprised in the altered or new electoral district shall appear in the new register of electors together with the qualifying address under which such name so appeared in such parts.

[§ 3, 11 of 1959.]  
[§ 7, 10 of 1964.]

[§ 3, 11 of 1959.]

(1A) Where a dissolution of Parliament occurs before the certification of the register of electors required by subsection (1) of this section to be prepared for any altered or new electoral district, the registering officer of such electoral district shall, for the purposes of the election of a Member of Parliament or more than one Member of Parliament, as the case may be, for such electoral district at the general election consequent on such dissolution of Parliament, forthwith—

(a) notify in the Gazette at least seven days before the day of nomination fixed under section 27 of this Order those parts of the register or registers in operation immediately prior to the publication of the Proclamation specifying such electoral district and made under section 43 of the Ceylon (Constitution) Order



in Council, 1946, which relate to the area comprised in such electoral district, and

- (b) prepare or cause to be prepared, in accordance with the provisions of subsection (1) of this section, a register of electors for such electoral district.

The provisions of subsections (2) and (4) of this section and the provisions of section 22 of this Order shall not apply to the register of electors prepared under this subsection. The registering officer shall certify the register of electors prepared under this subsection and shall publish a notice of such certification in the Gazette and in one or more newspapers circulating in the electoral district to which such register relates. The certified register shall come into operation on the date of the publication of such notice in the Gazette. The provisions of this subsection shall not be deemed to prevent the preparation or the completion of the preparation of a register of electors for the aforesaid altered or new electoral district in accordance with the provisions of this section other than the provisions of this subsection.

[§ 7, 10 of 1964.]

[§ 2, 2 of 1960.]

[§ 2, 2 of 1960.]

(1AA) The register of electors prepared under subsection (1A) of this section for any altered or new electoral district shall continue to be in operation until superseded by the coming into operation of the register of electors required by subsection (1) of this section to be prepared for such electoral district, and shall, notwithstanding that it was prepared for the purposes of a general election, be used for the purposes of any election required to be held in such electoral district for the purpose of filling any vacancy in the seat of a Member for that district which occurs before it is so superseded.

[§ 2, 2 of 1960.]

(1B) The registering officer of any altered or new electoral district—

[§ 3, 11 of 1959.]

- (a) shall, subject to the provisions of section 8 of this Order, include or cause to be included in a new register of electors prepared under subsection (1) of this section for such electoral district the names of persons who,

[§ 2, 26 of 1959.]

although their names are not in the parts of the register or registers referred to in that subsection, appear to him to be qualified to have their names entered in the new register ; and

(b) shall not include or cause to be included in a new register of electors prepared under subsection (1A) of this section for such electoral district any names other than the names referred to in subsection (1) of this section.

[§ 3, 11 of 1959.]  
[§ 2, 2 of 1960.]

(1c) For the purposes of the general election referred to in subsection (1A) of this section or any election to fill a vacancy in the seat of a Member referred to in subsection (1AA) of this section, every person whose name appears in the parts of the register or registers notified in the Gazette under that subsection shall—

(a) be deemed to be a person who is qualified to be an elector and shall accordingly be eligible for election as a Member of Parliament and may, under subsection (1) of section 28 of this Order, be nominated as a candidate for election, and

(b) be deemed to be a person whose name is in the register of electors for the altered or new electoral district to which the aforesaid parts of the register or registers relate and shall accordingly be qualified, under subsection (2) of section 28 of this Order, to be a proposer or seconder of the nomination of any candidate seeking election as a Member of Parliament for such electoral district.

[§ 7, 10 of 1964.]

(1D) Repealed.

[§ 7, 10 of 1964.]

(1E) Repealed.

[§ 7, 10 of 1964.]

(2) A register of electors prepared under subsection (1) when certified shall, notwithstanding anything in subsection (2) of section 22, come into operation at the next general election held after such certification and not earlier unless at least one dissolution of Parliament has occurred after such register is required to be

prepared under the said subsection (1) but before it is certified, in which case such register shall come into operation as provided by the said subsection (2).

(3) Repealed.

[§ 7, 10 of 1964.]

(4) Before the certification of the register of electors prepared for any electoral district under subsection (1), application may be made to the registering officer of that electoral district for the correction of an existing entry relating to the applicant in such register, and, where such application is made, the registering officer shall, if he is satisfied after such inquiry as he deems fit that the entry relates to the applicant and is erroneous or defective in any particular, cause the necessary amendment in the entry to be made.

[§ 3, 16 of 1956.]

15A. On the completion of the preparation of a register of electors for any electoral district under subsection (1) of section 15, the registering officer of that district shall give notice in the Gazette and in one or more newspapers circulating in that district that the register has been completed, and that the register or a copy thereof is open for inspection at all reasonable hours of the day at the kachcheri or other office of such registering officer, and at such other places in that district as may be specified in the notice.

Notice of completion of preparation of a register of electors.

[§ 8, 10 of 1964.]

15B. (1) Where a person's name, which by virtue of subsection (1) or subsection (1B) (a) of section 15, should have been included in a register of electors prepared under subsection (1) of section 15 for any electoral district, does not appear in that register, he may prefer a claim to the registering officer of that district to have his name inserted in that register under a qualifying address (hereinafter in this and the next succeeding section referred to as the "claimant").

Claims and objections.

[§ 8, 10 of 1964.]

(2) Every claim under subsection (1) shall be in writing and shall be substantially in the form C in the First Schedule to this Order and shall reach the registering officer within four weeks from the date of

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the publication in the Gazette of the notice of completion of the register. The registering officer shall, from time to time, exhibit in a conspicuous place at the kachcheri or other office of the registering officer, a notice containing the name and address of each claimant, if any.

(3) Any person whose name appears in the register for any electoral district may object to—

(a) the inclusion of his own name in the register ;

or

(b) the inclusion in the register of the name of any other person appearing therein ; or

(c) the insertion in the register of the name of any claimant.

(4) In this and the next succeeding section, every person objecting to the inclusion or insertion of any name in the register is referred to as the "objector".

(5) Every objection to the inclusion of any name in the register shall be made in writing in duplicate and shall be substantially in the form D in the First Schedule to this Order and shall reach the registering officer within four weeks from the date of publication in the Gazette of the notice of completion of the register. The registering officer shall, from time to time, exhibit in a conspicuous place at the kachcheri or other office of the registering officer a notice containing the name and address of each objector and the person in regard to whom such objection has been made.

(6) Every objection to the insertion of the name of any claimant in the register shall be made in writing in duplicate and shall be substantially in the form D in the First Schedule to this Order and shall reach the registering officer within seven days from the date on which the notice containing the name of such claimant is exhibited under subsection (2). The registering officer shall, from time to time, exhibit in a conspicuous place at the kachcheri or other office of the registering

officer a notice containing the name and address of each objector and the person in regard to whom objection has been made.

(7) The registering officer shall, as soon as practicable after receiving an objection under this section, send one copy of the objection to the person in regard to whom objection has been made.

(8) The registering officer shall, as soon as practicable, hold a public inquiry into all claims and objections which have been duly made, giving not less than seven clear days' written notice of the date on which, and the time and place at which, the inquiry will commence to each claimant, objector and person in regard to whom objection has been made. At any such public inquiry, any person appearing to the registering officer to be interested in or affected by the subject-matter of the inquiry may appear and be heard either by himself or by any other person duly authorized by him in writing in that behalf :

Provided that the registering officer may, without any public inquiry as aforesaid, allow any claim in respect of which no objection has been made if he is otherwise satisfied that such claim should be allowed and shall insert the claimant's name in the register.

(9) Where an objection is made under this section, the registering officer shall call upon the objector, or some person authorized in writing in that behalf by the objector, to give prima facie proof of the ground of the objection.

(10) If prima facie proof of an objection under this section is given as aforesaid, the registering officer shall require proof of the qualification of the person in regard to whom the objection has been made, and

(a) if such person's qualification is not proved to the registering officer's satisfaction, such officer shall expunge such person's name from, or, as the case may be, refuse to insert such person's name in, the register ;

(b) if such person's qualification is proved, such officer shall retain or insert such person's name in the register.

(11) If on the date fixed for inquiry into any objection, the objector or a person authorized in writing in that behalf by the objector fails to appear, or appears but fails to give such prima facie proof as aforesaid, then—

(a) if the objection is to the inclusion in the register of the name of a person appearing therein, the registering officer shall retain such person's name in the register without calling upon such person to prove his qualification ;

(b) if the objection is to the insertion in the register of the name of any claimant, the registering officer shall require proof of the qualification of the claimant, and

(i) if the claimant's qualification is not proved to the registering officer's satisfaction, he shall refuse to insert the claimant's name in the register ;

(ii) if the claimant's qualification is so proved, he shall insert the claimant's name in the register.

(12) If any objection is made and is overruled by the registering officer and, in his opinion, the objection was made without reasonable cause, the registering officer may if he thinks fit order the objector to pay to the person in regard to whom objection has been made such sum not exceeding fifty rupees as the registering officer considers reasonable compensation for any loss of time incurred by such person in consequence of the objection.

(13) If, upon an objection being overruled, the objector appeals under the next succeeding section to the revising officer and the appeal is dismissed, and in the opinion of the revising officer the appeal was

made without reasonable cause, the revising officer may if he thinks fit order the objector to pay to the person in regard to whom objection has been made such sum not exceeding fifty rupees as the revising officer considers reasonable compensation for any loss of time incurred by such person in consequence of the appeal. If any such appeal as aforesaid is allowed by the revising officer, he shall have power to revise or cancel any order made by the registering officer for the payment of compensation by the objector.

(14) Any sum awarded as compensation under this section shall be recoverable as though the order of the registering officer or revising officer were a decree of court.

15c. (1) If any claimant, objector, or person in regard to whom objection has been made is dissatisfied with the decision of the registering officer, he may, within ten days from the date thereof, appeal therefrom to the revising officer.

Appeals to  
revising  
officer.  
[§ 8, 10 of 1964.]

(2) Every appeal under this section shall be in writing, shall state shortly the ground of appeal, and shall bear a stamp of five rupees.

(3) The revising officer shall hear such appeal in open court or office, giving notice of the dates of the hearing of the appeal to the parties concerned. It shall be in his discretion whether to hear or not to hear any evidence. His determination of the appeal shall be final and conclusive.

(4) When the revising officer has determined the appeals which have been lodged with respect to any register, he shall forward to the registering officer a statement under his hand containing the names which he has decided shall be included or inserted in the register and those which he has decided shall be expunged from the register, and the registering officer shall amend the register accordingly.

(5) If an appeal is allowed, the sum of five rupees paid under subsection (2) shall be refunded to the appellant.

Claims for registration made by persons in respect of other persons.  
[§ 8, 10 of 1964.]

15D. (1) Where the name of any person, who is qualified in accordance with this Order to have his name entered in a register of electors prepared under subsection (1) of section 15 for any electoral district, does not appear in that register, any other person (in this section referred to as "the applicant") may make a claim to the registering officer of that district to have the name of such first-mentioned person inserted in that register. Such claim shall be—

- (a) in writing ;
- (b) substantially in the form C in the First Schedule to this Order ; and
- (c) made to such registering officer so as to reach him within four weeks of the date of the publication in the Gazette of the notice of the completion of that register.

(2) Where a claim is made under subsection (1) to the registering officer of any electoral district, such officer shall, as soon as practicable, hold a public inquiry into the claim giving not less than seven clear days' written notice of the inquiry and of the date on which, and the time and place at which, the inquiry will commence to the applicant and the person in respect of whom the claim is made, and, if such person appears at the inquiry, and supports the claim made in respect of him and satisfies such officer that the claim should be allowed, the claim shall be allowed, and if such person fails to do so, the claim shall be disallowed.

Power of registering officer to substitute correct qualifying addresses for incorrect qualifying addresses.  
[§ 8, 10 of 1964.]

15E. Where a registering officer is satisfied at an inquiry under subsection (8) of section 15B—

- (a) that a person's name appears in a register of electors under an incorrect qualifying address, such officer may substitute in the entry relating to that person in such register, for such address, such correct qualifying address as may be determined by such officer ; or



(b) that the correct qualifying address of a person whose name is to be inserted in a register of electors is not the address specified in the claim made by him or on his behalf, such officer may insert such person's name in that register under such other address as may be determined by such officer to be the correct qualifying address of such person.

15F. (1) The registering officer of each electoral district shall, as soon as conveniently may be after the claims and objections have been adjudicated upon, certify the register of electors for that district :

Certification  
of registers  
prepared  
under section  
15 (1).  
[§ 8, 10 of 1964.]

Provided that the registering officer may certify the register in accordance with this section during the pendency of any appeal under section 15c, and shall thereafter insert in or expunge from such certified register the name of any person in accordance with the decision of the revising officer on the determination of such appeal.

(2) Nothing in this Order shall be deemed to prohibit the registering officer, before certifying any register, from correcting any clerical error which appears to him to have been made therein.

15G. (1) Every person who, at the preparation of any register, knowing that he or any other person is not qualified to have the name of himself or such other person, included or inserted in such register, claims or applies, or induces or abets such other person to claim or apply, for the inclusion or insertion of the name of himself or of such other person, as the case may be, in such register, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

Offences in  
respect of  
the  
preparation  
of registers.  
[§ 8, 10 of 1964.]

(2) Every person who, at the preparation of any register, wilfully—

- (a) suppresses any information relevant for the purpose of determining whether or not any person's name should be included or inserted in such register after such information has been furnished to or collected by him ; or
- (b) gives any information relevant for the purpose aforesaid knowing such information to be false,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

Revision of registers.

[§ 4, 16 of 1956.]

16. (1) On or before the first day of June in each year following the year in which the register of electors for any electoral district is first certified under this Order, the Commissioner shall cause the revision of such register to be commenced and a notification, stating that the revision of such register has commenced and informing every person qualified to be an elector for such electoral district how he may ascertain whether his name is in such register and, if not, how he may secure its insertion therein, to be published in the Gazette in Sinhalese, Tamil and English and in at least one Sinhalese newspaper, one Tamil newspaper and one English newspaper circulating in such electoral district and to be conspicuously displayed at public places within such electoral district.

[§ 2, 7 of 1952.]

(2) Repealed.

(3) For the purpose of revising the register and of satisfying himself as to the qualification of any person for registration or determining whether the name of any person should be inserted or retained in the register or expunged therefrom, the registering officer may make such house to house or other inquiry as he may deem necessary either by himself or through a person appointed by him. For the purpose of such

inquiry the registering officer may require any householder or any person owning or occupying any land or premises in his electoral district or the agent of such person to give, in such form as may from time to time be prescribed by the Commissioner, any information in the possession of such person or agent which the registering officer may require. Any notice requiring information under this subsection may be sent by ordinary letter post to the person from whom the information is required or may be delivered to him or to an adult member of his household.

(4) All officers in the service of the Government of Ceylon (other than officers in the Inland Revenue Department) and all local authorities are hereby authorized and required to furnish to the registering officer all such information as he may require to enable him to revise the register. In this subsection "local authority" means a Municipal Council, an Urban Council, a Town Council, or a Village Council.

(5) Every person who, being in possession of any information required under subsection (3) of this section, fails to give such information to the registering officer or to any person appointed by the registering officer for the purpose, or wilfully gives any false information, shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

[§ 9, 10 of 1964.]

(6) Every person who is appointed by a registering officer and who wilfully suppresses any information relating to the qualification of any person for registration or relevant for determining whether the name of any person should or should not be retained or inserted in the register, after such information has been furnished to or collected by him, shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description not exceeding one month, or to both such fine and imprisonment.

[§ 9, 10 of 1964.]

[§ 9, 10 of 1964.]

(6A) Every person who, at any revision of any register in any year, knowing that he or any other person is not qualified to have the name of himself or such other person included or inserted in such register, claims or applies, or induces or aids or abets such other person to claim or apply, for the insertion or retention of the name of himself or of such other person, as the case may be, in such register, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

[§ 9, 10 of 1964.]

(6B) Every person appointed by a registering officer who wilfully—

(a) suppresses any information relevant for the purpose of determining whether or not any person's name should be included in any list referred to in section 18 which is to be prepared for the purpose of the revision of any register after such information has been furnished to or collected by him ; or

(b) gives any information relevant for the purpose aforesaid knowing such information to be false,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

[§ 9, 10 of 1964.]

(7) (a) Where it appears that a person is qualified to have his name entered or retained—

(i) in more than one register ; or

(ii) more than once in the same register under different qualifying addresses,

a registering officer shall cause notice to be served on that person requiring him to specify, within seven days of the date of service of such notice, the register

in which he desires to have his name entered or retained, or the qualifying address under which he desires to have his name entered or retained in the same register aforesaid, as the case may be.

(b) Any notice referred to in paragraph (a) of this subsection may be served in the manner provided in that behalf in subsection (3) of this section.

(c) Where, in compliance with a notice under paragraph (a) of this subsection, a person specifies—

(i) the register in which he desires to have his name entered or retained, and the registering officer for the appropriate electoral district is satisfied that such person is qualified to have his name entered or retained in that register, his name shall be entered or retained in that register and in no other register ; or

(ii) the qualifying address under which he desires to have his name entered or retained in the same register, and the registering officer for the electoral district to which the register relates is satisfied that such person is qualified to have his name entered or retained in that register under that address, his name shall be entered or retained under that address in that register and under no other address in that register.

(d) Where a person fails to comply with a notice under paragraph (a) of this subsection,—

(i) the Commissioner shall, if the notice required such person to specify the register in which such person desires to have his name entered or retained, determine which one of the registers in which such person is qualified to have his name entered or retained shall be the register in which such name shall be entered or retained, and such name shall be entered or retained in the register determined by the Commissioner and in no other register ; or

(ii) the registering officer shall, if the notice required him to specify the qualifying address under which he desires to have his name entered or retained in the same register, determine which one of the qualifying addresses in the same register under which such person is qualified to have his name entered or retained shall be the address under which such name shall be entered or retained in that register, and such name shall be entered or retained under the qualifying address in that register determined by the registering officer and under no other qualifying address in that register.

(e) The failure of any person to comply with any notice served under paragraph (a) of this subsection, or the failure of the Commissioner or a registering officer to comply with the provisions of paragraph (d) of this subsection in respect of that person or the fact that upon such compliance his name is not entered or retained in any register, or under any qualifying address in the same register, specified by such person, shall not affect or prejudice his right to have his name entered or retained, subject to the provisions of section 8, in any register, or under any qualifying address in the same register, as the case may be, in or under which he is qualified to have his name entered or retained.

[§ 8, 48 of 1949.] 17. Repealed.

Method of  
revising  
register.  
[§ 3, 7 of 1952.]

[§ 9, 48 of 1949.]

18. (1) For the purpose of revising the register in each year, the registering officer shall prepare two separate lists, one, hereinafter referred to as "List A", containing the names of persons in the register who are dead or have become disqualified, and the other, hereinafter referred to as "List B", containing the names of persons who, not being already in the register or otherwise disqualified, appear to the registering officer to be qualified to have their names entered in the register.

The preparation of such lists shall be completed by the registering officer on or before the fifteenth day of August in that year or such other date not later than the thirty-first day of January in the succeeding year as the Commissioner may appoint for the purpose by notification published in the Gazette.

[§ 3, 7 of 1952.]

(2) Upon the completion of the two lists referred to in subsection (1) of this section, the registering officer shall give notice in the Gazette and in one or more newspapers circulating in the electoral district that such lists have been completed and that the register and such lists, or copies thereof, are open for inspection at all reasonable hours of the day at the kachcheri or other office of the registering officer of the electoral district to which the register relates, and at such other places in the district as may be specified in the notice.

[§ 5, 16 of 1956.]

(3) Repealed.

[§ 10, 10 of 1964.]

19. (1) Every person who is qualified in accordance with this Order to have his name entered in any register of electors at a revision of that register and whose name has been omitted from that register and from List B or whose name has been included in List A, and who claims to have his name inserted or retained as the case may be in the register (hereafter in this section referred to as the "claimant"), may apply to the registering officer to have his name inserted or retained therein.

Claims and objections at revision of register.

[§ 10, 48 of 1949.]

(2) Any person whose name appears in the register or in List B for any electoral district may object to the inclusion in the register of his own name or the name of any other person appearing in such register or list or may object to the insertion or retention in the register of the name of any claimant.

(3) The provisions of section 15B (other than the provisions of subsections (1) and (3) thereof) and the provisions of sections 15C and 15E shall apply to claims and objections under this section as though the references therein to the notice of completion of the

[§ 11, 10 of 1964.]

[§ 11, 10 of 1964.]

[§ 11, 10 of 1964.]

register were references to the notice under section 18 of the completion of Lists A and B, and as though the term "objector" included a person objecting to the retention in the register of the name of a claimant.

[§ 11, 10 of 1964.]

(4) (a) Where a person is entitled to claim under subsection (1) to have his name inserted or retained in any register of electors for any electoral district, any other person (in this section referred to as the "applicant") may make a claim to the registering officer of that district to have the name of the first-mentioned person inserted or retained in that register. Such claim shall be—

(i) in writing ;

(ii) substantially in the form C in the First Schedule to this Order ; and

(iii) made to such registering officer so as to reach him within four weeks of the date of the publication in the Gazette of the notice of the completion of Lists A and B.

(b) Where a claim is made under subsection (4) to the registering officer of any electoral district, such officer shall, as soon as practicable, hold a public inquiry into the claim giving not less than seven clear days' written notice of the inquiry and of the date on which, and the time and place at which, the inquiry will commence to the applicant and the person in respect of whom the claim is made, and, if such person appears at the inquiry and supports the claim made in respect of him, and satisfies such officer that the claim should be allowed, the claim shall be allowed, and if such person fails to do so, the claim shall be disallowed.

Certification  
of revised  
register.

20. (1) The registering officer of each electoral district shall certify the register of electors for that district as soon as conveniently may be after the claims and objectives have been adjudicated upon and after he has revised Lists A and B in accordance with such adjudication and expunged from the register the name



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of every person remaining in List A and included in the register the name of every person remaining in List B :

Provided that the registering officer may certify the register in accordance with this section during the pendency of any appeal under section 15c and shall thereafter insert in or expunge from such certified register the name of any person in accordance with the decision of the revising officer on the determination of such appeal.

[§ 12, 10 of 1964.]

(2) Nothing in this Order shall be deemed to prohibit the registering officer before certifying any register from correcting any clerical error which appears to him to have been made therein.

(3) Application may be made to the registering officer of any electoral district before the certification of the register of electors for that district for the correction of an existing entry relating to the applicant in that register, and, where such application is made, the registering officer shall, if he is satisfied after such inquiry as he deems fit that the entry relates to the applicant and is erroneous or defective in any particular, cause the necessary amendment in the entry to be made.

[§ 7, 16 of 1956.]

21. (1) All notices required to be given by a registering officer or a revising officer shall be sufficiently given if sent by registered post to the address, if any, given in the claim or objection, or in default of such address, to the address given in the register of electors.

Notices by registering and revising officers and adjournments.  
[§ 11, 48 of 1949.]

(2) A registering officer or revising officer may from time to time adjourn any proceedings before him under this Order to any convenient time and place.

22. (1) On the certification of a register under this Order the registering officer shall give notice in the Gazette and in one or more newspapers circulating in the electoral district that the register has been

Notice of certification of register and commencement and period of operation.

certified and that such register, or a copy thereof, is open for inspection at all reasonable hours of the day at the kachcheri or other office of the registering officer of the electoral district to which the register relates, or at such other place in the district as may be specified in the notice.

- [§ 13, 10 of 1964.] (2) Subject to the provisions of section 27A, the certified register for any electoral district shall come into operation upon the date of the publication of the notice aforesaid and, subject to such alterations, if any, as may subsequently be made therein in accordance with section 15F or section 20, such register shall continue in operation until superseded by the coming into operation of the next certified register.
- [§ 13, 10 of 1964.]
- [§ 13, 10 of 1964.]

Language of the registers of electors and the lists prepared for the purpose of revising such registers.  
[§ 8, 16 of 1956.]  
[§ 14, 10 of 1964.]

22A. (1) In this section—

“language of the majority”, with reference to any electoral district, means the language (other than the English language) spoken by the majority of the electors of that electoral district,

“language of the minority”, with reference to any electoral district, means the language (other than the language of the majority and the English language) spoken by not less than ten *per centum* of the electors of that district, and

“prescribed date” means such date as shall be specified, for the purposes of this section, by the Minister by Order published in the Gazette.

- [§ 6, 11 of 1959.] (2) After the prescribed date, the register of electors for each electoral district and the lists prepared for the purpose of revising such register shall be in the language of the majority and, where the language of the majority is not the official language of Ceylon, in such official language and, where there is a language of the minority, in such language of the minority.

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(3) Until the prescribed date, the register of electors for each electoral district and the lists prepared for the purpose of revising such register shall be in the English language. [§ 14, 10 of 1964.]

22B. Where any person whose name is deleted from any register of electors as he is subject under this Order to the incapacity of being registered as an elector by reason of— Reinsertion of name deleted from register of electors. [§ 8, 16 of 1956.]

(a) his conviction of a corrupt or an illegal practice, or

(b) the report of an Election Judge or of the Supreme Court published under subsection (2) of section 82D, or

(c) his conviction of an offence under section 52 or section 53, or

(d) the operation of section 4A,

ceases to be subject to that incapacity, then, if he makes a written application to the registering officer of any electoral district to have his name entered in the register of electors for that electoral district and such registering officer is satisfied that such person is not disqualified under section 4 to have his name entered in such register, the name of such person shall be inserted in such register. The insertion of such name in such register shall have effect notwithstanding that at the time of such insertion the revision or certification of such register under this Order may have been completed :

Provided that where any person was on the day immediately preceding the 16th day of February, 1956, subject to the incapacity referred to in this section, the provisions of this section shall apply to that person in like manner as they apply to any person subject to such incapacity on or after such date.

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Issue of  
official  
identity  
cards.

[§ 7, 11 of 1959.]

22c. (1) The Commissioner—

(a) shall, after such date as may be appointed for the purpose of this section by the Minister of Home Affairs by Order published in the Gazette, send or cause to be sent an official identity card to each elector whose name appears in any register of electors which is in operation on that date and who complies with the notice given under subsection (5) of this section ; and

(b) shall thereafter, whenever a register of electors comes into operation after its certification under this Order, send or cause to be sent an official identity card to each elector whose name appears in such register and to whom such a card has not been previously sent under this section.

(2) A new official identity card may, upon application made in that behalf, be sent or caused to be sent by the Commissioner to any elector whose name appears in any register of electors which is in operation at the date of such application if his previous official identity card has been lost or damaged or otherwise rendered unusable.

(3) The official identity card for any elector—

(a) shall specify—

- (i) the date of the issue of such card,
- (ii) his name and address at that date, and
- (iii) the electoral district in respect of which he is registered as an elector at that date ; and

(b) shall bear—

(i) a photograph of such elector provided by or under the authority of the Commissioner, and

(ii) a facsimile of the signature of the Commissioner.

(4) The Commissioner shall cause one or more duplicates of every official identity card issued under this section to be made, and such duplicate or duplicates shall, subject to the provisions of section 36, be retained in the custody of the Commissioner or of any officer authorized in that behalf by the Commissioner.

(5) The Commissioner shall, by notice given in such manner as he may deem expedient, require the electors whose names appear in a register of electors for the time being in operation to attend at any of such places and at any of such times and on any of such dates as may be specified in the notice and to permit photographs of themselves to be taken by any of such persons as may be authorized by the Commissioner to take such photographs.

23. (1) Every person who wilfully makes a false statement or declaration in any claim or objection or at any inquiry held in connexion therewith or in any appeal shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Penalty for false statements and wrongful claims.  
[§ 12, 48 of 1949.]

(2) A registering officer or revising officer may, on the consideration or hearing of any application, claim, objection, or appeal, require that the evidence tendered by any person shall be given on oath and may administer such oath for that purpose; and every person who in the course of any such consideration or hearing knowingly swears anything material to the validity of such application, claim, objection or appeal which is false shall be guilty of the offence of giving false evidence and shall be liable to the punishment provided therefor in the Ceylon Penal Code.

PART IV  
ELECTIONS

Number of  
Members to  
be returned  
for each  
electoral  
district.

24. Each electoral district shall return such number of Members to serve in the House of Representatives as may have been fixed for that district in the Proclamation for the time being in force under section 43 of the Ceylon (Constitution) Order in Council, 1946.

Returning  
officers.

25. (1) The Governor-General, from time to time by notice in the Gazette, shall appoint by name or by office a person to be returning officer of each electoral district, and may appoint by name or by office one or more persons to assist the returning officer in the performance of his duties. A person so appointed to assist any returning officer shall have all the powers and may perform all the duties of the officer whom he is appointed to assist, and any reference in this Order to a returning officer shall, unless the context otherwise requires, be deemed to include a reference to an assistant returning officer. An appointment made by the Governor-General under this subsection may be revoked by him at any time.

(2) If any returning officer is, by sickness or other cause, prevented or disabled from performing any of his duties under this Order and there is not time for another person to be appointed by the Governor-General, the returning officer may appoint, by name or by office, a deputy to act for him. Every such appointment shall as soon as possible be reported to the Governor-General and may be revoked by him, but without prejudice to the validity of anything already done by such deputy.

Power to  
order  
elections.

26. If at any time after the Governor-General has ordered or fixed the dates for a general election or ordered an election to fill a vacancy in the seat of a Member, it is shown to his satisfaction that in any electoral district, owing to any cause whatsoever no election has been held in pursuance of such Order, he may at any time by notice in the Gazette issue another Order that an election shall be held in that district.

Nomination  
day.

27. In every Proclamation dissolving Parliament and in every Proclamation or notice ordering the holding of an election, the Governor-General shall specify the

date or dates, hereinafter referred to as the "day of nomination" not being less than sixteen days nor more than one month after the publication of the Proclamation or notice, on which candidates for election are to be nominated, and the place or places of nomination, hereinafter referred to as the "place of nomination".

27A. Notwithstanding anything to the contrary in any other provisions of this Order, the register of electors in operation for any electoral district on the date of the publication in the Gazette of a Proclamation or notice by the Governor-General ordering the holding of a general election, or an election to fill a vacancy in the seat of a Member for that district, shall be the register that shall be used for the purposes of that election, and accordingly—

Special provisions regarding the registers to be used at elections.  
[§ 15, 10 of 1964.]

- (a) such register shall not, at any time during the period commencing on that date and ending on the day immediately following the date of the holding of that election, be deemed, for the purposes of that election, to be superseded by the next certified register of electors for that district but shall be deemed to continue in operation for such purposes only until the expiration of that period ;
- (b) such next certified register shall, during that period, be deemed not to have come into operation for such purposes only but shall be deemed to be in operation for all other purposes ; and
- (c) the provisions of this Order, other than this section, shall, in their application in the case of that election, have effect, and be read and construed, subject to the preceding provisions of this section.

28. (1) Any person eligible for election as a Member of Parliament may be nominated as a candidate for election.

Nomination papers.

(2) Each candidate shall be nominated by means of one or more, but not more than six, separate nomination papers each signed by two persons, whose names are in the register of electors for the electoral district for

which the candidate seeks election, as proposer and seconder respectively. The written consent of the candidate must be annexed to or endorsed on each nomination paper.

(3) The signature of the proposer and the seconder shall be attested by a Justice of the Peace, a Commissioner for Oaths or a notary public.

(4) Every nomination paper shall be substantially in the form G in the First Schedule to this Order.

(5) The returning officer may, at any time between the date of the publication of the Proclamation or notice referred to in section 27 and one o'clock in the afternoon of the day of nomination, supply a form of nomination paper to any registered elector requiring the same, but nothing in this Order shall render obligatory the use of a nomination paper supplied by the returning officer, so, however, that the paper used be substantially in the form prescribed by this Order.

Recognized  
political  
parties for  
the purpose  
of elections.  
(§ 16, 10 of 1964.)

28A. (1) A political party shall, under and in accordance with the provisions of this Order, be entitled to be treated as a recognized political party for the purpose of elections.

(2) Every political party which, at the general election held in the month of July, 1960, was treated as a recognized political party under this Order for the purpose of the provisions of section 29 relating to the deposit to be made by candidates shall, subject to the other provisions of this Order, be entitled to be treated as a recognized political party for the purpose of elections if, but only if, at least two candidates nominated by that party at such general election were elected as Members at such general election.

(3) Where a political party is entitled, by virtue of the operation of the provisions of subsection (2), to be treated as a recognized political party for the purpose of elections, the approved symbol allotted to the candidates of such party under this Order at the general election held in the month of July, 1960, shall be deemed to be the approved symbol allotted to that party for such purpose until the date on which such party ceases to be so entitled under this Order, or the date on which such party is allotted a new approved



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symbol by the Commissioner by Order made under section 28c, whichever date is earlier.

(4) After the date of the publication in the Gazette of a Proclamation or notice by the Governor-General ordering the holding of a general election, or an election in any electoral district to fill a vacancy in the seat of a Member, the secretary of any political party, other than a party which is already entitled to be treated as a recognized political party for the purpose of elections, may make on behalf of that party a written application to the Commissioner that such party be treated as a recognized political party for the purpose of elections. The application shall also specify which one of the approved symbols such party desires to be allotted to such party and, if the authorized agent of that party is to be a person other than the secretary, the name and address of such person. Such application shall be so made as to reach the Commissioner within seven days from that date.

(5) Upon the receipt of an application duly made under subsection (4) on behalf of any political party, the Commissioner shall,—

(a) if he is satisfied that such party has been engaged in political activity for a continuous period of at least five years prior to the date of the making of such application, or that at least two candidates nominated by such party at the last general election immediately preceding that date were elected as Members, make order—

- (i) that such party shall be entitled to be treated as a recognized political party for the purpose of elections subject however, to the provisions of this Order, and
- (ii) allotting an approved symbol to such party, being the approved symbol specified in the application, or any other approved symbol determined by him in his absolute discretion, but not being the approved symbol of any other political party which is entitled to be so treated ; or

(b) if he is not so satisfied, make order disallowing the application.

(6) The order of the Commissioner on any application made under subsection (4) shall be final and conclusive, and shall not be called in question in any court.

(7) A political party which is entitled to be treated as a recognized political party for the purpose of elections shall cease to be so entitled if at any general election—

(a) not even one official candidate of such party is nominated for election ; or

(b) the candidate of such party so nominated or, if more candidates than one of such party are so nominated, all the candidates so nominated, forfeits his deposit, or forfeit their deposits, as the case may be, by virtue of the operation of the provisions of subsection (3) of section 29.

Mode of reference in the succeeding provisions of this Order to political parties which are entitled to be treated as recognized political parties for the purpose of elections.  
[§ 17, 10 of 1964.]

28B. In the succeeding provisions of this Order, a political party which is entitled to be treated as a recognized political party for the purpose of elections is referred to as a "recognized party for the purpose of elections".

Notice of intention to contest elections and of authorized agents.  
[§ 17, 10 of 1964.]

28c. After the date of the publication in the Gazette of a Proclamation or notice of the Governor-General ordering the holding of a general election, or an election in any electoral district to fill a vacancy in the seat of a Member, the secretary of any recognized party for the purpose of elections shall, if such party intends contesting such election, give the Commissioner written notice of such intention. Such notice shall, if the authorized agent of such party for the purpose of such election is to be a person other than such secretary, also specify the name and address of such person. Such notice shall be so given as to reach the Commissioner within seven days from that date :

Provided, however, that the preceding provisions of this section shall not apply to any party which obtained or obtains such recognition upon application in that behalf made within the said period of seven days.

28D. (1) Within seven days of the date of the publication in the Gazette of a Proclamation or notice ordering the holding of a general election, or an election in any electoral district to fill a vacancy in the seat of a Member, the secretary of any recognized party for the purpose of elections may make a written application in that behalf to the Commissioner that any such new approved symbol as shall be specified in such application, not being the approved symbol of any other such party, shall be allotted to such party in lieu of the existing approved symbol of such party.

Change of approved symbols of recognized parties.  
[§ 17, 10 of 1964.]

(2) Upon the receipt of an application duly made under subsection (1) by the secretary of any recognized party for the purpose of elections, the Commissioner shall make an order allotting to such party, in lieu of its existing approved symbol, the new approved symbol specified in such application, or some other approved symbol determined by him in his absolute discretion, not being the approved symbol of any other such party.

(3) An order made by the Commissioner under subsection (2) shall be final and conclusive, and shall not be called in question in any court.

28B. (1) Subject to the provisions of this Order, each recognized party for the purpose of elections may,—

(a) in any case where one candidate has to be returned at any election which is due to be held in any electoral district, have only one official candidate of that party at such election ;  
or

(b) in any case where more than one candidate has to be so returned, have only as many official candidates of that party at such election as do not exceed the number of candidates who are to be so returned.

Right of recognized parties for purpose of elections to have official candidates.  
[§ 17, 10 of 1964.]

(2) Nothing in the provisions of subsection (1) shall be deemed or construed to preclude or prohibit a recognized party for the purpose of elections from having candidates, other than official candidates of that party, at any election which is due to be held in any electoral district.

(3) In this Order, the expression "official candidate of a recognized party for the purpose of elections", in relation to any election which is due to be held in any electoral district, means a candidate of that party at such election in respect of whom there is, for the time being in force, a valid certificate of official candidature for the purposes of sections 29 and 35 in relation to such election.

Certificate  
of official  
candidature.  
[§ 17, 10 of 1964.]

28F. (1) Where an election is due to be held in any electoral district, the authorized agent of any recognized party for the purpose of elections may,—

- (a) if one candidate has to be returned for that district at such election, validly issue, under his hand, to the returning officer for that district a certificate in respect of only one candidate of that party at such election to the effect that such candidate is the official candidate of that party at such election ; or
- (b) if more than one candidate has to be returned for that district at such election, validly issue, under his hand, to such returning officer a certificate in respect of each of as many candidates of that party at such election as there are candidates to be so returned to the effect referred to in paragraph (a) of this subsection.

A certificate so validly issued is in this Order referred to as a "valid certificate of official candidature".

Where more than one valid certificate of official candidature is issued in respect of any election by the authorized agent of a recognized party for the purpose of elections, one such certificate shall bear an endorsement that the candidate in relation to whom it is issued shall be allotted the approved symbol of that party.

(2) The authorized agent of a recognized party for the purpose of elections may at any time cancel a valid certificate of official candidature issued in respect of any candidate of that party at any election which is due to be held in any electoral district, and issue another such certificate in its place to any other candidate of that party.

(3) A certificate of official candidature for the purposes of sections 29 and 35 which is not validly issued shall be invalid and of no effect.

(4) In this Order, the expression "authorized agent of a recognized party for the purpose of elections", in relation to an election which is due to be held in any electoral district, means—

- (a) the person appointed as such agent by the secretary of that party and whose name and address has been notified to the Commissioner under section 28A or section 28c ;
- (b) in the absence of such appointment and notification, the secretary of that party.

28c. (1) Where the Commissioner has reasonable cause to believe that difficulties may arise at any election which is due to be held in any electoral district by reason of the fact that there are rival sections of a recognized party for the purpose of elections all of whom claim to be that party, the Commissioner may, in order to remove such difficulties, issue in his absolute discretion a direction to the returning officer for that district that, in the case of such election, such recognized party is either any one such section or none of such sections. It shall be the duty of such returning officer or any other officer, at such election, to act in accordance with that direction.

Power of  
Commissioner  
to direct  
which one of  
the rival sec-  
tions of a re-  
cognized  
party for the  
purpose of  
elections is  
that party  
[§ 17, 10 of 1964.]

- (2) No suit or other proceeding shall lie against—
  - (a) the Commissioner by reason of his having issued a direction under subsection (1) ; or
  - (b) a returning officer or any other officer for any act or thing done or omitted to be done in accordance with that direction.

(3) A direction issued to a returning officer under subsection (1) shall be final and conclusive, and shall not be called in question in any court.

(4) The preceding provisions of this section and any direction issued thereunder shall have effect notwithstanding anything to the contrary in any other provision of this Order.

Deposits by  
candidates.  
[§ 9, 11 of 1959.]

29. (1) A candidate at any election, or some person on his behalf, shall deposit or cause to be deposited with the returning officer or with some person authorized by the returning officer in that behalf, between the date of the publication of the Proclamation or notice referred to in section 27 and one o'clock in the afternoon of the day of nomination,—

[§ 18, 10 of 1964.]

(a) where such candidate is the official candidate of a recognized party for the purpose of elections, the sum of two hundred and fifty rupees in legal tender ; or

[§ 18, 10 of 1964.]

(b) where such candidate is not the official candidate of any such party, the sum of one thousand rupees in legal tender ;

and, if he fails to do so, he shall be deemed to have withdrawn his candidature under section 33. The returning officer shall forthwith pay the said sum to the Treasury or the nearest kachcheri and such sum shall be dealt with in accordance with the provisions of this Order.

(2) If a candidate is not nominated as a candidate for election or if, after the deposit is made, the candidate withdraws his candidature under section 33, the deposit shall be returned to the person by whom the deposit was made ; and, if the candidate dies after the deposit is made and before the poll is commenced, the deposit, if made by him, shall be returned to his legal representative, or if not made by him, shall be returned to the person by whom the deposit was made.

(3) If a candidate who has made the required deposit is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, or, in the case of an electoral district returning more than one Member, one-eighth of the number of votes polled divided by the number of Members to be elected, the amount deposited shall be forfeited to the Crown, but in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath or made affirmation as a Member, and, where the candidate is not elected, as soon as practicable after the result of the election is declared.

[§ 18, 10 of 1964.]

(4) Notwithstanding anything contained in this section, where a candidate is nominated, at a general election, in more than one electoral district, he shall in no case recover his deposit more than once, and in such case the deposits shall be forfeited to the Crown except, if the candidate has for any electoral district obtained the required number of votes, such one deposit as the Commissioner directs and such deposit shall be returned to the candidate.

(5) For the purposes of this section the number of votes polled shall be deemed to be the number of votes counted other than rejected votes.

30. (1) The returning officer shall, on the day of nomination, attend at the place of nomination from twelve noon until one o'clock in the afternoon to receive nomination papers.

Proceedings  
on nomination  
day.

(2) Every nomination paper must be delivered to the returning officer together with a copy thereof on the day and at the place and between the hours aforesaid by the candidate or by his proposer or seconder, and, if not so delivered, shall be rejected.

[§ 9, 16 of 1964.]

(3) The returning officer shall forthwith cause a copy of the nomination paper to be posted in a conspicuous position outside the place of nomination.

(4) The returning officer shall permit the candidates and their proposers and seconders and one other person, if any, appointed by each candidate in writing to be present on the day and at the place of nomination between twelve noon and one-thirty o'clock in the afternoon and there and then to examine the nomination papers of candidates which have been received for that electoral district.

Objections to  
nomination  
papers.

31. (1) Objection may be made to a nomination paper on all or any of the following grounds but on no other ground, namely :—

- (a) that the description of the candidate is insufficient to identify the candidate ;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of this Order ;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not capable of being elected a Member of Parliament ;
- (d) that the provisions of section 29 have not been observed.

(2) No objection to a nomination paper shall be allowed unless it is made to the returning officer between twelve noon and one-thirty o'clock in the afternoon on the day of nomination.

(3) Every objection shall be in writing signed by the objector and shall specify the ground of objection. The returning officer may himself lodge an objection.

(4) The returning officer shall with the least possible delay decide on the validity of every objection and inform the candidate concerned of his decision, and, if the objection is allowed, of the grounds of his decision. His decision if disallowing the objection shall be final ; but if allowing the objection shall be subject to reversal on an election petition.



32. No person, other than the returning officer, the candidates and their respective proposers and seconders and one other person, if any, selected by each candidate shall, except with the consent of and for the purpose of assisting the returning officer, be entitled to be present at the proceedings specified in sections 30 and 31.

Persons entitled to be present at nomination.

33. (1) A candidate may before one o'clock in the afternoon on the day of nomination, but not afterwards, withdraw his candidature by giving a notice to that effect signed by him to the returning officer.

Withdrawal of candidature.

(2) The returning officer shall forthwith cause notice of such withdrawal to be posted in a conspicuous position outside the place of nomination.

34. If on the day of nomination in any electoral district, after the decision by the returning officer of any objections which may have been lodged, no more candidates stand nominated for that district than there are vacancies to be filled, the returning officer shall forthwith declare the nominated candidate or candidates to be elected and shall forthwith make a return, which shall be substantially in the form H in the First Schedule to this Order, to the Commissioner who shall cause the name or names of the Member or Members so elected to be published in the Gazette.

Uncontested elections.

#### CONTESTED ELECTIONS

35. (1) If, on the day of nomination in any electoral district, after the decision by the returning officer of any objections which may have been lodged, more candidates stand nominated for that district than there are vacancies to be filled, the returning officer shall forthwith adjourn the election to enable a poll to be taken in accordance with the provisions of this Order, and, subject to the provisions of subsection (1A)—

Contested elections.

[§ 10, 10 of 1956.]  
[§ 19, 10 of 1964.]

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[§ 19, 10 of 1964.] (a) shall, if only one Member is to be returned for that district and there is an official candidate of any recognized party for the purpose of elections, allot to such official candidate the approved symbol of that party ; or

[§ 19, 10 of 1964.] (b) shall, if more than one Member is to be returned for that district and there is only one official candidate of that party, allot to such official candidate the approved symbol of that party ; or

[§ 19, 10 of 1964.] (c) shall, if more than one Member is to be returned for that district and there are two or more official candidates of that party, allot the approved symbol of that party to the one official candidate of that party whose valid certificate of official candidature bears the endorsement referred to in subsection (1) of section 28F ; and

[§ 19, 10 of 1964.] (d) shall, in respect of any other candidate who has not been allotted the approved symbol of any recognized party for the purpose of elections, allot to such other candidate an approved symbol determined,—

(i) in the first instance, by agreement among such candidates ; or

(ii) in the absence of such agreement, by lot cast or drawn in such manner as the returning officer may, in his absolute discretion, determine.

The approved symbol allotted to each candidate shall be printed on the ballot paper opposite such candidate's name.

In this Order, " approved symbol " means a symbol approved by the Commissioner for the purposes of this Order by notification published in the Gazette.

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(1A) The approved symbol of any recognized party for the purpose of elections shall not, whether or not any candidate of that party is contesting an election, be allotted under paragraph (d) of subsection (1) of this section to any other candidate. [§ 19, 10 of 1964.]

(1B) Where a candidate is nominated by means of two or more nomination papers, he shall, forthwith after an approved symbol is allotted to him under subsection (1), select one of those nomination papers and notify the returning officer in writing that the name of the proposer and the name of the seconder appearing in the selected nomination paper should be specified as the name of his proposer and the name of his seconder in the notice relating to the election to be published under subsection (3), and, if such candidate does not so select and so notify, the returning officer shall select one of such nomination papers for the purpose of determining the name of the proposer and the name of the seconder of such candidate to be specified in such notice. [§ 10, 16 of 1956.] [§ 19, 10 of 1964.]

(1c) Where a candidate is nominated, he may, forthwith after the approved symbol is allotted to him under subsection (1), in writing under his hand indicate which of his names mentioned in the nomination paper he desires should be omitted and which should be specified by initial only; and for the purposes of the election, the names which the candidate desires to omit may be omitted and an initial may be used in place of those names which he desires should be specified by initial. [§ 19, 10 of 1964.]

(2) Immediately after four o'clock in the afternoon on the day of nomination, the returning officer shall report to the Commissioner that the election is contested and shall send him copies of the nomination papers, a statement of the symbol allotted to each candidate, a statement of the nomination paper selected under subsection (1B) by or in respect of each candidate, nominated by means of two or more nomination papers, and a statement giving the situation of the polling station or polling stations for each of the polling districts in that electoral district, and [§ 10, 16 of 1956.] [9732]9-7-1947.]

the particular polling stations, if any, reserved for female voters. A polling station for any polling district in any electoral district may, if the returning officer considers it necessary or expedient, be situated outside that polling district or that electoral district :

Provided that no polling station for a polling district shall be situated outside the ward, village or other area specified in the notice under section 10 (1) (d) of this Order.

(3) Upon the receipt of such report, the Commissioner shall cause to be published in the Gazette and also in such newspapers as he thinks fit a notice specifying—

- (a) the electoral district in which the election is contested ;
- (b) the date on which the poll will be taken, such date being not less than three or more than eight weeks after the date of publication of the notice in the Gazette ;
- (c) the names of the candidates in the order in which they will be printed on the ballot papers, the symbol allotted to each candidate, and the name of the proposer and the name of the seconder appearing in the nomination paper of each candidate who is nominated by means of one nomination paper only, and the name of the proposer and the name of the seconder appearing in the nomination paper selected under subsection (1B) by or in respect of each candidate who is nominated by means of two or more nomination papers ;
- (d) the situation of the polling station or polling stations for each of the polling districts in that electoral district and the particular polling stations, if any, reserved for female voters.

[§ 10, 16 of 1956.]

[6732/9-7-47.]

[§ 10, 16 of 1956.]

(3A) Where due to any emergency it is necessary that the situation of any polling station should be different from that specified in a notice published

under subsection (3), the Commissioner may cause the situation of that polling station to be altered in such manner as he may, in his absolute discretion, determine.

[§ 19, 10 of 1964.]

(3B) Where due to any emergency the poll for an election in any electoral district cannot be taken on the date specified in the notice relating to the election published under subsection (3), the Commissioner may, by Order published in the Gazette, appoint another date for the taking of such poll, and such other date shall not be earlier than the twenty-first day after the publication of the Order in the Gazette.

[§ 10, 16 of 1956.]

(4) If, after an election has been reported as contested, one of the candidates nominated dies before the poll has commenced, the Commissioner shall, upon being satisfied of the fact of such death, countermand the notice for the poll, and shall appoint by notice published in the Gazette and in such newspapers as he thinks fit a fresh date for the election. In such case all proceedings with reference to the election shall be commenced afresh, provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

35A. (1) The returning officer for any electoral district in which an election is contested shall send to each elector whose name appears in the register for that electoral district a poll card (in this Order referred to as an "official poll card") in such form as may be determined by the Commissioner, and specifying—

Official poll card.

[§ 10, 11 of 1956.]

[§ 20, 10 of 1964.]

- (a) the name and number of the electoral district,
- (b) the name, qualifying address, and registration number of the elector as stated in the register,
- (c) the polling district,
- (d) the polling station allotted to the elector, and
- (e) the date and hours of the poll :

[§ 20, 10 of 1964.]

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[§ 20, 10 of 1964.] Provided that no such card shall be sent to an elector who is entitled to be treated as a postal voter.

[§ 20, 10 of 1964.] (2) An official poll card under subsection (1) of this section shall be so sent to an elector by ordinary post as to reach him at least seven days before the date of the poll. Where a post office fails to deliver such card to the person to whom it is addressed, it shall be retained in such post office until the date of the poll and shall be delivered to the addressee if he calls for it.

[§ 20, 10 of 1964.] (3) Any person, other than a public servant acting in the course of his duty as such servant, who has in his possession the official poll card of any other person shall be guilty of an offence and shall, on conviction, after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

[§ 20, 10 of 1964.] (4) Every offence under subsection (3) shall be a cognizable offence within the meaning and for the purposes of the First Schedule to the Criminal Procedure Code.

Presiding officers.

[§ 11, 11 of 1959.] 36. (1) Subject to the general or special directions of the Commissioner, each returning officer shall appoint, and may revoke the appointment of, one or more persons, hereinafter called presiding officers, to preside at each polling station in his electoral district. If more than one presiding officer is appointed for any polling station, the returning officer may appoint one of the presiding officers to be the senior presiding officer who shall exercise general supervision over the other presiding officers, and over all arrangements for the conduct of the poll in that station. Each presiding officer shall be supplied with a copy of that part of the register of electors containing the names of electors in such register assigned to his polling station, a list of such of the names of electors in that copy as appear in the postal voters' list, and a duplicate of the official identity card issued to each elector whose name appears

in that copy. A distinguishing mark shall be placed against the name of every elector who is entitled to be treated as a postal voter in the part of that register supplied to each such presiding officer.

[§ 21, 10 of 1964.]

(2) If any presiding officer is by sickness or other cause, prevented from acting at any election, and there is not time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall as soon as possible be reported to the returning officer and may be revoked by the returning officer, but without prejudice to the validity of anything already done by such deputy.

(3) The returning officer may, if he thinks fit, preside at any polling station, and the provisions of this Order relating to a presiding officer shall apply to such returning officer.

37. (1) Outside each polling station there shall be affixed in a conspicuous place by the presiding officer before the commencement of the poll a notice showing the name of each candidate in Sinhala, Tamil and English, and the symbol allotted to him.

Facilities to be provided at polling stations.

[§ 22, 10 of 1964.]

(2) It shall be the duty of the returning officer to provide at each polling station reasonable facilities for the electors allotted to such station to enable them to mark their votes screened from observation and to vote in accordance with the provisions of this Order, and he shall determine, or may authorize the presiding officer to determine, in what manner such facilities shall be distributed among the electors entitled to vote at such election.

(3) An election shall not be questioned by reason of non-compliance with the provisions of subsection (2) of this section or any informality relative to polling stations.

38. The register of electors in operation in accordance with this Order at the time of any election of a Member to represent the electoral district to which the register relates shall be conclusive evidence for the

Registers of electors to be conclusive evidence of right to vote.

purpose of determining whether a person is or is not entitled to vote at such election, and the right of voting of any person whose name is for the time being contained in such register shall not be prejudiced by any appeal pending before a revising officer in respect of the inclusion of such person's name in the register, and any vote given by any such person during the pendency of any such appeal shall be as good as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal :

[§ 4. 19 of 1953.] Provided that if any person, who by reason of his conviction of a corrupt practice or an illegal practice or by reason of the report of an Election Judge, or by reason of his conviction of an offence under section 52 or section 53 of this Order, or by reason of the operation of section 4A of this Order, is incapable of voting at the election, votes at the election, he shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months :

[§ 23. 10 of 1964.] Provided further that nothing in this section shall affect the liability of any person to any penalty for an infringement of the provisions of section 8 relating to plural voting, or of subsection (1) of section 42A relating to voting in person.

Admittance  
to polling  
station.

[§ 12. 11 of 1959.]

39. (1) No person shall be admitted to vote at any polling station except the one allotted to him.

(2) Repealed.

(3) Unless the Commissioner, by notification in the Gazette, appoint any other hour, the poll in any electoral district shall open at eight o'clock in the forenoon of the day appointed under section 35 and shall close at five o'clock in the afternoon of that day.

(4) The presiding officer shall keep order in his station, and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the candidates, the polling agent or agents of each candidate, the returning officer and persons



authorized in writing by the returning officer, the police officers on duty and other persons officially employed at the polling station.

(5) Not more than two polling agents of each candidate shall at any time be admitted to or be allowed to remain in any polling station.

[§ 11, 16 of 1956.]

[§ 24, 10 of 1964.]

(6) No polling agent whose name has not been notified to the presiding officer as required by subsection (1) of section 61 shall be admitted to a polling station.

(7) If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorized in writing by the presiding officer or by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station. Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a Magistrate. The powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

40. (1) In the case of a poll at an election, the votes shall be given by ballot, and the ballot of each voter shall consist of a paper, in this Order called a ballot paper.

Poll by  
ballot and  
ballot papers.

(2) Every ballot paper shall contain a list of the candidates in Sinhala, Tamil and English, described, subject to the provisions of subsection (1c) of section 35, as in their respective nomination papers, and arranged alphabetically in Sinhala in the order of their surnames or *ge* names, and, if there are two or more candidates with the same surname or *ge* name, of their other names. Every ballot paper shall be substantially in the form I in the First Schedule to this Order and shall be capable of being folded up.

[§ 25, 10 of 1964.]

[§ 25, 10 of 1964.]

[§ 25, 10 of 1964.]

(3) Each ballot paper shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face.

Ballot boxes.

41. (1) Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

(2) The presiding officer at a polling station immediately before the commencement of the poll, shall show each ballot box to be used at the commencement of the poll empty to such persons, if any, as may be present in such station so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

(3) The provisions of subsection (2) of this section shall apply to every ballot box used during a poll and it shall be a sufficient compliance with those provisions if a ballot box, other than a ballot box used at the commencement of a poll, is shown, locked up and sealed as aforesaid, before it is used.

Voting in  
person.  
[§ 13, 11 of 1959.]

42. (1) In any case where only one candidate has to be returned, each voter shall be given one ballot paper and shall have one vote. In any case where more than one candidate has to be returned, each voter shall be given as many ballot papers and shall be entitled to as many votes as there are candidates to be returned, and he may give each of his votes in favour of a different candidate or may give all or any of his votes in favour of the same candidate, so however that not more than one vote shall be marked on each ballot paper.

(2) The ballot paper or papers shall be delivered to the voter by the presiding officer or a person acting under his authority. Immediately before the ballot paper or papers are delivered to the voter, the paper or papers shall be stamped on the back or perforated

with the official mark; and the number, name and description of the voter, as stated in the copy of the register of electors, shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper or papers, but without showing the particular ballot paper or papers which he has received.

(2A) On or after such date as may be appointed for the purposes of this subsection by the Commissioner by order published in the Gazette, no ballot paper shall be delivered to any voter at any election—

[§ 26, 10 of 1964.]

- (a) if he refuses to allow the presiding officer or a person acting under his authority to make the appropriate inspection; or
- (b) if, having allowed such inspection, it discloses that such voter has already been marked with the appropriate mark; or
- (c) if, having allowed such inspection, it discloses that such voter has not already been marked with the appropriate mark, but such voter refuses to allow such officer or person to mark such voter with the appropriate mark,

and accordingly such voter shall, notwithstanding anything to the contrary in any other provision of this Order, not be entitled to vote at such election.

(2B) The presiding officer of a polling station shall enter on a list, substantially in the form II in the First Schedule to this Order, the following particulars relating to each voter to whom a ballot paper was not delivered at such station under subsection (2A) of this section:—

[§ 26, 10 of 1964.]

- (a) the number of such voter in the register of electors;
- (b) the name and address of such voter as it appears in the register of electors; and
- (c) the ground upon which a ballot paper was not delivered to such voter.

Such list is in this Order called the "list of voters to whom ballot papers are not delivered under section 42".

(1 26. 10 of 1964.)

(2c) In this section,—

(a) the expression "appropriate mark" means a mark made with indelible ink; and

(b) the term "appropriate", with reference to any context connected with or relating to the inspection or marking of a voter, means—

(i) the forefinger of his left hand or, if such forefinger is missing, any other finger of his left hand; or

(ii) if all the fingers of his left hand are missing, the forefinger of his right hand or, if such forefinger is missing, any other finger of his right hand; or

(iii) if all the fingers of his left and right hands are missing, such extremity of his left or right hand as such voter possesses.

(3) The voter, on receiving the ballot paper or papers, shall forthwith proceed to such place in the polling station as may be indicated by the presiding officer or by any person acting under such officer's authority, and shall there secretly mark such paper or papers as near as may be in accordance with the directions given for the guidance of voters under this Order. The voter shall then fold the paper or papers so as to conceal his vote, and shall put such paper or papers so folded up into the ballot box. He shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper or papers into the ballot box.

(4) The presiding officer or any person authorized by him may, if he thinks fit, on the application of any voter, explain to the voter, in the presence of the polling agents of the candidates if present, the method of voting in accordance with this Order; but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular candidate.

(5) The presiding officer, on the application of a voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Order, shall, in the presence of another member of his polling staff, mark the ballot paper or papers of such voter in the manner directed by the voter, and shall cause such ballot paper or papers to be placed in the ballot box.

[§ 26, 10 of 1964.]

(6) The presiding officer may at any time while a poll is proceeding take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for the marking of ballot papers.

(7) During the taking of the poll, the presiding officer shall cause to be exhibited outside his polling station a notice in English, Sinhalese and Tamil, substantially in the form set out in the Second Schedule to this Order, giving directions for the guidance of voters in voting.

42A. (1) A person who is entitled under this section to be treated as a postal voter for the purpose of any election in any electoral district may vote by post, and shall not vote in person, at such election.

Voting by  
post.

[§ 14, 11 of 1959.]

Any person who votes in person at any election in contravention of the preceding provisions of this subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment.

[§ 27, 10 of 1964.]

(2) An application to be treated as a postal voter for the purpose of any election in any electoral district may be made—

(a) by a member of the Ceylon Army, Royal Ceylon Navy or Royal Ceylon Air Force, or an officer or servant in the Department of Police, the Ceylon Government Railway, the Department of Postal and Telecommunication Services or the Ceylon Transport Board, or the Colombo Municipal Passenger Transport Service, on the ground that he is unable or likely to be unable to vote in person

[§ 3, 28 of 1959.]

[§ 27, 10 of 1964.]

at the polling station allotted to him by reason of the particular circumstances of his employment as such member, officer or servant, and

[§ 3, 26 of 1959.]  
[§ 27, 10 of 1964.]

(aa) by any other officer or servant in the public service or the Local Government Service on the ground of the particular circumstances of his employment on the date of the poll for a purpose connected with the election or of his being likely to be employed for that purpose, and

(b) by a candidate at a general election on the ground that he is unable or likely to be unable to vote in person at the polling station allotted to him by reason of his candidature in some other electoral district.

[§ 27, 10 of 1964.]

(3) An application to be treated as a postal voter for the purpose of any election in any electoral district shall be made to the registering officer for that district so as to reach him within seven days from the day of nomination at such election. Such application shall be substantially in the form prescribed for the purpose by the regulations contained in the Fifth Schedule to this Order.

(4) No application to be treated as a postal voter for the purpose of any election in any electoral district shall be allowed by a registering officer unless he is satisfied that the application is in accordance with the preceding provisions of this section.

[§ 27, 10 of 1964.]

(4A) The registering officer may, for the purpose of the disposal of applications to be treated as postal voters, by notice require any person to give such officer any such information as may be necessary for that purpose.

(5) The decision of a registering officer on an application to be treated as a postal voter for the purpose of any election in any electoral district shall be communicated in writing to the applicant.

(6) The decision of the registering officer to allow or disallow an application to be treated as a postal voter for the purpose of any election in any electoral district shall be final and conclusive and shall not be called in question in any court.

(7) Where an application to be treated as a postal voter for the purpose of any election in any electoral district is allowed by a registering officer, the applicant shall be a person entitled to be treated as a postal voter for such purpose.

(8) Repealed.

[ 27. 10 of 1964 ]

(9) The returning officer of any electoral district where there is an election shall, as soon as practicable, send by post to each person who is entitled to be treated as a postal voter for the purpose of that election, to the address furnished by such person,—

(a) where only one candidate has to be returned at that election, one ballot paper, and where more than one candidate has to be returned at that election, as many ballot papers as there are candidates to be returned ;

(b) a form of declaration of identity ;

(c) an envelope which shall be smaller than the envelope referred to in paragraph (d) of this subsection, and which shall be marked "Ballot Paper Envelope" and also with the number printed on the postal ballot paper or on each postal ballot paper issued to such person, and in which the postal ballot paper or postal ballot papers shall be enclosed when it or they are returned duly marked ; and

(d) an envelope for the return of the aforementioned documents.

(10) The form of the ballot paper and the form of the declaration of identity which are to be used by persons entitled to be treated as postal voters for the purpose of any election in any electoral district, and the procedure to be followed at the proceedings on their issue, shall be according to the regulations contained in the Fifth Schedule to this Order.

(11) A ballot paper issued to a person entitled to be treated as a postal voter for the purpose of any election in any electoral district is in this Order referred to as a "postal ballot paper".

(12) The registering officer of any electoral district where there is an election shall, as soon as practicable, prepare a list (in this Order referred to as the "postal voters' list") specifying the name, address and number on the register of electors of every person entitled to be treated as a postal voter for the purpose of that election. Such list shall be prepared in such manner as may be prescribed in that behalf by the regulations contained in the Fifth Schedule to this Order.

Declarations  
by voters.  
[§ 28, 10 of 1964.]

43. (1) The presiding officer at any polling station may in his discretion, and, if required so to do by a candidate or his polling agent, shall require any voter, before he is given a ballot paper, to make and subscribe all or any of the declarations set out in the forms J, K, and L in the First Schedule to this Order. Every such declaration shall be exempt from stamp duty.

(2) If any person refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(3) If any person wilfully makes a false statement in any such declaration, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months.

Production  
of official  
identity  
cards.  
[§ 15, 11 of 1959.]

43A. Notwithstanding anything to the contrary in any other provision of this Order, no ballot paper shall, after the date appointed by the Minister of Home Affairs under section 22c, be delivered to any voter at any polling station unless—

(a) the voter produces his official identity card,  
or



- (b) where the voter fails to produce his official identity card, the presiding officer at the polling station is satisfied, by reference to such duplicates of official identity cards as are with the presiding officer or otherwise, that the voter is one of the electors assigned to the polling station.

44. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in place of the ballot paper so delivered up (in this Order called a "spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled by the presiding officer.

Spoilt ballot papers.

45. If a person representing himself to be a particular elector named in the register applies for a ballot paper after another person has voted as such elector, the applicant shall on making and subscribing a declaration, which shall be exempt from stamp duty and which shall be substantially in the form M in the First Schedule to this Order, be entitled to receive a ballot paper and to vote in the same manner as any other voter, but the ballot paper, in this Order called a "tendered ballot paper", shall be of a colour different from the other ballot papers, and, before being placed in a ballot box, shall be endorsed by the presiding officer with the name of the voter and his number in the register, and that number shall be entered on a list, in this Order called the "tendered votes list". Tendered ballot papers shall be dealt with in the manner hereinafter provided.

Tendered votes.

46. No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll. But if at the hour aforesaid there is in the polling station any voter to whom a ballot paper has been delivered, such voter shall be allowed to record his vote.

Closing of poll.

Procedure on  
closing of  
poll.

47. (1) The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of such of the candidates and their polling agents as attend, make up into separate packets, sealed with his own seal and the seals of the candidates or their agents if they desire to affix their seals—

(a) the unused and spoilt ballot papers placed together ;

(b) the marked copies of the register of electors and the counterfoils of the ballot papers ;

(c) the tendered votes list ; and

[§ 29, 10 of 1964.]

(d) the list of voters to whom ballot papers are not delivered under section 42.

(2) The ballot box or boxes unopened shall be secured by the presiding officer and sealed with his seal and with the seals of such of the candidates or their agents as attend and desire to affix their seals, in such manner that the box or boxes cannot be opened and nothing can be inserted therein without breaking the seals.

(3) The presiding officer shall despatch each such packet and the ballot box or boxes in safe custody to the returning officer.

[§ 12, 16 of 1956.]

(4) The presiding officer shall despatch to the returning officer, together with the packets and the ballot box or boxes, the duplicates of official identity cards entrusted to such presiding officer and a statement specifying the number of ballot papers entrusted to such presiding officer and accounting for them under the heads of—

[§ 16, 11 of 1959.]

(a) ballot papers issued to voters, other than spoilt ballot papers,

(b) spoilt ballot papers, and

(c) unused ballot papers.

48. (1) Each candidate may appoint not more than five agents, hereinafter referred to as the "counting agents", to attend the counting of the votes. Written notice of the name and address or names and addresses of the counting agent or agents so appointed shall be given by the candidate to the returning officer.

Counting  
votes.

[§ 13, 16 of 1956.]

[§ 30, 10 of 1964.]

[§ 13, 16 of 1956.]

(2) The returning officer shall make arrangements for counting the votes, in the presence of such of the candidates and their counting agents, as attend, as soon as practicable after he has received all the ballot boxes relating to the electoral district, and for that purpose shall give notice in writing to each candidate, or, if the candidate has appointed any counting agent or agents, to such or each such counting agent, of the time and place at which he will begin to count the votes.

[§ 13, 16 of 1956.]

(3) The returning officer, his assistants and clerks, and the candidates and their counting agents, but no other persons except with the sanction of the returning officer, may be present at the counting of the votes.

(4) Before the returning officer proceeds to count the votes, he or a person authorized by him shall, in the presence of such of the candidates and their counting agents as attend,—

[§ 17, 11 of 1959.]

(a) open the postal voters' ballot box, if any, and dispose of the contents thereof in accordance with the regulations contained in the Fifth Schedule to this Order ;

(b) open each of the other ballot boxes and, having taken out the ballot papers therein, count and record the number of such papers in each such box ;

[§ 30, 10 of 1964.]

(c) count the postal ballot papers, if any, which in accordance with the regulations contained in the Fifth Schedule to this Order, are placed in the receptacle for postal voters' ballot papers, and record the number counted ; and

- [§ 30, 10 of 1964.] (d) mix together all the ballot papers counted under the preceding paragraph (b) or, if there are any postal ballot papers counted under the preceding paragraph (c), mix together the ballot papers so counted under the said paragraph (b) and the postal ballot papers so counted under the said paragraph (c).
- [§ 17, 11 of 1959.] (4A) A postal ballot paper shall not be deemed to be duly returned, unless it is returned so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and witnessed.
- [§ 17, 11 of 1959.] (4B) The returning officer, while counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.
- (5) The returning officer shall so far as practicable proceed continuously with counting the votes and shall endorse "rejected" on any ballot paper which he may reject as invalid.
- (6) The returning officer shall not count the tendered ballot papers but shall place them in separate packets according to the candidate whom they support and shall mark each packet with the name of such candidate and shall seal the packet and retain it unless it is required for the purposes of an election petition.
- (7) When the counting of the votes has been completed, the returning officer shall forthwith declare the candidate to whom the greatest number of votes is given to be elected:
- [§ 30, 10 of 1964.] Provided, however, that before the returning officer makes the declaration,—
- (a) such number of recounts may be made as the returning officer deems necessary; and

(b) a recount or recounts shall be made upon the application of a candidate or his counting agent so however that the maximum number of recounts that shall be so made, on the application of any candidate or his counting agent, or all the candidates or their counting agents, shall not exceed two.

(8) When an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of the candidates to be declared elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall determine.

(9) Subject to the provisions of subsection (9A), upon the completion of the counting, and after the result has been declared by him, the returning officer shall seal up the ballot papers and all other documents relating to the election as required by this Order and shall, subject to the provisions of subsection 10, retain the same for a period of six months and thereafter shall cause them to be destroyed unless otherwise directed by order of the Commissioner.

[§ 30, 10 of 1964.]

[§ 30, 10 of 1964.]

(9A) After complying with the provisions of subsection (9), the returning officer shall—

[§ 30, 10 of 1964.]

- (a) in the presence of such of the candidates and their counting agents as attend, verify each ballot paper account by comparing it with the number of ballot papers recorded by him, the spoilt and unused ballot papers in his possession and the tendered votes list (opening and resealing when necessary the packets containing such papers and list but not opening the packets containing the marked copies of the register of electors and the counterfoils of the ballot papers) ;
- (b) draw up a statement as to the result of such verification ; and

(c) afford any candidate or his counting agent an opportunity of making a copy of such statement.

(10) A Judge of the Supreme Court may make an order that any ballot paper or other document relating to an election which has been sealed as required by this Order be inspected, copied, or produced at such time and place and subject to such conditions as the Judge may deem expedient, but shall not make such an order unless he is satisfied that such inspection, copy or production is required for the purpose of instituting or maintaining a prosecution or an election petition in connexion with the election. Save as aforesaid, no person shall be allowed to inspect any such ballot paper or document after it has been sealed up in pursuance of subsection (9).

Votes to be  
rejected.

49. (1) The returning officer shall reject as invalid the following ballot papers only, namely, any ballot paper—

- (a) which is not stamped or perforated with the official mark ;
- (b) on which votes are given for more than one candidate ;
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back ;
- (d) which is unmarked ;
- (e) which is void for uncertainty.

(2) Where the returning officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter and the candidate for whom he gives his vote, the returning officer shall not reject the ballot paper on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under this Order.

(3) Where more than one candidate has to be returned, if more than one vote is given on any ballot paper to the same candidate and no vote is given on that paper to any other candidate, the returning officer shall not reject the ballot paper but shall count such votes as one vote for that candidate.

(4) Before rejecting a ballot paper, the returning officer shall show it to each candidate or his counting agent if present and hear his views thereon, taking all proper precautions to prevent any person from seeing the number printed on the back of the paper.

(5) The decision of the returning officer whether or not any ballot paper shall be rejected shall be final and shall not be questioned on an election petition.

49A. Any power, duty or function of a returning officer under section 48 or section 49 may be exercised, performed or discharged for and on his behalf by any of his assistants or clerks acting under the supervision and direction of such officer.

Special provisions relating to powers, duties or functions under section 48 or section 49.

[§ 31, 10 of 1964.]

50. The returning officer shall forthwith, after the result has been declared by him, make a return, substantially in the form N in the First Schedule to this Order, to the Commissioner who shall cause the name or names of the Member or Members so elected to be published in the Gazette.

Publication of results in the Gazette.

51. (1) No election shall be invalid by reason of any failure to comply with any provision of this Order relating to elections if it appears that the election was conducted in accordance with the principles laid down in such provisions and that such failure did not affect the result of the election.

Failure to comply with provisions of Order.

(2) Where in this Order any act or thing is required or authorized to be done in the presence of the candidates or their agents, the non-attendance of any candidate or agent at the time and place appointed for the purpose shall not, if that act or thing is otherwise duly done, invalidate that act or thing.

- Offences. 52. (1) Every person who—
- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged ; or
  - [[ 18, 11 of 1959.]

    - (b) forges or counterfoils or fraudulently defaces or fraudulently destroys any official identity card or ballot paper or the official mark on any ballot paper ; or
  - [[ 18, 11 of 1959.]

    - (c) without due authority supplies any official identity card or ballot paper to any person ; or
  - [[ 18, 11 of 1959.]

    - (d) sells or offers to sell any official identity card or ballot paper to any person or purchases or offers to purchase any official identity card or ballot paper from any person ; or

[[ 18, 11 of 1959.]
  - (e) not being a person entitled under this Order to be in possession of any ballot paper which has been marked with the official mark in accordance with this Order, has any such ballot paper in his possession ; or
  - (f) puts into any ballot box anything other than the ballot paper which he is authorized by law to put in ; or
  - (g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station ; or
  - (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election ; or
  - [[ 18, 11 of 1959.]

    - (i) without due authority prints any official identity card or ballot paper or what purports to be or is capable of being used as an official identity card or a ballot paper at an election ; or

[[ 18, 11 of 1959.]



- (j) manufactures, constructs, imports into the Island, has in his possession, supplies or uses for the purpose of an election, or causes to be manufactured, constructed, imported into the Island, supplied or used for the purpose of any election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election ; or [§ 32, 10 of 1964.]
- (k) wilfully makes a false statement in any application to be treated as a postal voter under this Order, or in any declaration of identity sent to him under the Postal Voters Regulations set out in the Fifth Schedule to this Order ; or [§ 32, 10 of 1964.]
- (l) without due authority destroys, takes, opens, or otherwise tampers or interferes with, any application to be treated as a postal voter, or any declaration of identity, or any covering envelope or ballot paper envelope within the meaning of the Postal Voters Regulations set out in the Fifth Schedule to this Order ; or [§ 32, 10 of 1964.]
- (m) without due authority prints any official poll card or what purports to be or is capable of being used as an official poll card at an election ; or [§ 32, 10 of 1964.]
- (n) without due authority places an appropriate mark on any voter at any election or what purports to be or is capable of being mistaken for that mark ; or [§ 32, 10 of 1964.]
- (o) fraudulently defaces an appropriate mark placed on any voter at any election without due authority, [§ 32, 10 of 1964.]

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding two years and shall, by conviction, become

incapable, for a period of seven years from the date of his conviction, of being registered as an elector or of voting at any election under this Order, or of being elected or appointed as a Senator or Member of Parliament, and if at that date he has been elected or appointed as a Senator or Member of Parliament, his election or appointment shall be vacated from the date of such conviction.

[§ 14, 16 of 1956.]

[§ 32, 10 of 1964.]

(1A) No person shall, on any date on which a poll is taken at a polling station, do any of the following acts within a distance of a quarter of a mile of the entrance of that polling station :—

- (a) canvassing for votes ;
- (b) soliciting the vote of any elector ;
- (c) persuading any elector not to vote for any particular candidate ;
- (d) persuading any elector not to vote at the election ;
- (e) distributing or exhibiting any handbill, placard, poster or notice relating to the election (other than any official handbill, placard, poster or notice) or any symbol allotted under section 35 to any candidate.

Every person who contravenes the provisions of this subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

[§ 14, 16 of 1956.]

(1B) No person shall, on any date on which a poll is taken at any polling station—

- (a) use or operate, within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof, any megaphone or loudspeaker or other apparatus for magnifying or reproducing the human voice, or

- (b) shout or otherwise act in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station. Every person who contravenes the provisions of this subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

(1BB) No person—

[§ 32, 10 of 1964.]

- (a) who is a candidate at any election in any electoral district, or is the agent of such candidate, shall, on the day on which the poll is taken at such election, use in that district any building or structure (whether temporary or otherwise), other than the ordinary place of residence of such candidate, for any purpose calculated to promote the election of such candidate ; or
- (b) shall, at any time during the period commencing on the day of nomination at any election in any electoral district and ending on the day immediately following the date on which the poll is taken at such election, conduct, hold or take part in any procession, other than a procession on May 1 in any year, or any procession for religious or social purposes ; or
- (c) shall, at any procession held or conducted during the period referred to in paragraph (b) of this subsection, do any act or thing calculated to promote the election referred to in the said paragraph (b).

Every person who contravenes any of the preceding provisions of this subsection shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

[§ 14, 16 of 1956.]

(1c) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of subsection (1b), and may seize any apparatus used for such contravention.

(2) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.

(3) Every offence under this section shall be a cognizable offence within the meaning of the Criminal Procedure Code.

(4) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or marking instrument at an election, the property in such nomination paper, ballot box, ballot paper or marking instrument, as well as the property in the counterfoil of any ballot paper, may be stated to be in the returning officer at that election.

(5) A prosecution for an offence under this section shall not be instituted without the sanction of the Attorney-General.

Printing, &c.,  
of election  
publications  
by persons  
other than  
candidates  
and election  
agents.

[§ 2, 26 of 1953.]

52A. Every person who, not being a candidate or an election agent, prints, publishes, distributes or posts up, or causes to be printed, published, distributed or posted up, any advertisement, handbill, placard or poster which refers to any election and which does not bear upon its face the names and addresses of its printer and publisher, shall be guilty of an offence and shall on conviction by a District Court be liable to a fine not exceeding five hundred rupees :

Provided, however, that a person shall not be guilty of an offence under the preceding provisions of this section, in relation to any advertisement, handbill, placard or poster, if he satisfies the District Court that the omission of the aforesaid names and addresses, or any such name or address, as the case may be, arose from inadvertence or from some other reasonable cause of a like nature and did not arise from any want of good faith.

52B. (1) During the period commencing on the day of nomination at any election and ending on the day following the day on which a poll is taken at such election, no person shall, for the purpose of promoting the election of any candidate at such election, display—

Provisions  
relating to  
display of  
handbills,  
posters, &c.  
[§ 19, 11 of 1959.]  
[§ 33, 10 of 1964.]

- (a) in any premises, whether public or private, any flag or banner except in or on any vehicle that is used for the conveyance of a candidate at such election or his election agent ; or
- (b) any handbill, placard, poster, notice or sign on any place to which the public have a right of, or are granted, access except in or on any premises on any day on which a meeting in support of a candidate at such election is due to be held in that premises ; or
- (c) any handbill, placard, poster, notice, sign, flag or banner, on or across any public road ; or
- (d) any handbill, placard, poster, notice or sign in or on any vehicle, except in or on any vehicle that is used for the conveyance of a candidate at such election or his election agent.

(2) Every person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

(3) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.

(4) Every offence under this section shall be a cognizable offence within the meaning of the Criminal Procedure Code.

(5) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of subsection (1) of this section and may seize and remove any handbill, placard, poster, notice, sign, flag or banner used in such contravention.

Maintenance  
of secrecy at  
elections.

[§ 34, 10 of 1964.]

53. (1) Every officer, clerk, candidate, and agent authorized to attend at a polling station, or at the counting of the votes, shall, before so attending, make a statutory declaration of secrecy, substantially in the form O in the First Schedule to this Order. Such declaration shall be made by the returning officer in the presence of a Justice of the Peace, and by a presiding officer in the presence of a Justice of the Peace or of the returning officer, and when made by any other person shall be made in the presence of the returning officer or of a Justice of the Peace or of a presiding officer.

(2) Every officer, clerk, candidate, and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark.

(3) No such officer, clerk, candidate or agent, and no person whosoever shall attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the

candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

(4) Every officer, clerk, candidate, and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(5) No person, except a presiding officer acting for a purpose authorized by this Order, or a person authorized by the presiding officer and acting for such purpose as aforesaid, shall communicate or attempt to communicate with any voter after such voter has received a ballot paper and before he has placed the same in a ballot box.

(6) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months.

(7) Every person who is convicted of an offence under this section shall, by conviction, become incapable for a period of seven years from the date of his conviction, of being registered as an elector or of voting at any election under this Order.

[§ 5, 19 of 1953.]

CORRUPT PRACTICES

54. (1) Every person who at any election—

(a) votes in person or by post as some other person, whether that other person is living or dead is a fictitious person ; or

Personation.

[§ 35, 10 of 1964.]

(b) votes more than once in or under his own name at such election,

shall be guilty of the offence of personation which shall be a cognizable offence within the meaning of the Criminal Procedure Code.

(2) For the purposes of this section, a person who—

(a) has applied for a ballot paper for the purpose of voting in person ; or

(b) has made an application to be treated as a postal voter ; or

(c) has marked, whether or not validly, and returned a ballot paper issued for the purpose of voting by post,

shall be deemed to have voted.

**Treating.**

55. Every person who, corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment, or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of any such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, or refreshment or provision or any such money or ticket or who adopts such other means or device to enable the procuring of such meat, drink, refreshment, or provision shall be guilty of the offence of treating.

**Undue influence.**

56. (1) Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any



person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at any election shall be guilty of the offence of undue influence.

(2) Every person who, at any time during the period commencing on the day of nomination at any election and ending on the day following the date of the poll at such election,— [§ 20, 11 of 1959.]

(a) utters at any religious assembly any words for the purpose of influencing the result of such election or inducing any elector to vote or refrain from voting for any candidate at such election, or

(b) for such purpose distributes or displays at any religious assembly any handbill, placard, poster, notice, sign, flag or banner, or

(c) holds or causes to be held a public meeting at a place of worship for the purpose of promoting the election of any candidate at such election,

shall be guilty of the offence of undue influence.

(3) Any member or official of a religious order or organization— [§ 36, 10 of 1964.]

(a) who denies, or threatens to deny, to any member or adherent of that order or organization, or to any member of the family of such member or adherent, any spiritual ministrations, service or benefit, to which such member or adherent would in the ordinary course have been entitled; or

(b) excludes, or threatens to exclude, such member or adherent from such order or organization,

in order to induce or compel such member or adherent to vote or refrain from voting for any candidate at any election, or to support or refrain from supporting any political party at such election, or on account of such member or adherent having voted or refrained from voting for a candidate at such election, or having supported or refrained from supporting any political party at such election, shall be guilty of the offence of undue influence.

[§ 36, 10 of 1964.]

(4) Any person who, being the employer of any other person,—

(a) terminates or threatens to terminate such employment ; or

(b) denies or threatens to deny to such other person any benefit or service which such other person already enjoyed, or would have enjoyed, in the ordinary course of such employment,

in order to induce or compel such other person to vote or refrain from voting for any candidate at any election, or to support or refrain from supporting any political party at such election, or on account of such other person having voted or refrained from voting for any candidate at such election, or having supported or refrained from supporting any political party at such election, shall be guilty of the offence of undue influence.

Bribery.

57. The following persons shall be deemed guilty of the offence of bribery :—

(a) Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election under this Order ;

- 
- (b) Every person who, directly or indirectly, by himself or by any other person on his behalf gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election under this Order ;
- (c) Every person who, directly or indirectly by himself, or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a Member of Parliament, or the vote of any elector at any election under this Order ;
- (d) Every person who upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement procures or engages, promises or endeavours to procure, the return of any person as a Member of Parliament, or the vote of any elector at an election under this Order ;
- (e) Every person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election under this Order or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election ;
- (f) Every elector who, before or during any election under this Order, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any

other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election ;

- (g) Every person who, after any election under this Order, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such election ;
- (h) Every person who directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having assisted or agreed to assist any candidate at an election, applies to such candidate, or his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment ;
- (i) Every person who, directly or indirectly, by himself or by any person on his behalf, in order to induce any other person to agree to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or to endeavour to procure any office, place or employment to or for such other person, or gives or lends, or agrees to give or lend, or offers or promises to procure or to endeavour to procure any money or valuable consideration to or for any person or to or for such other person, or to or for any person on behalf of such other person.

58. (1) Every person who—

- (a) commits the offence of personation, or aids, abets, counsels or procures the commission of the offence of personation ; or
- (b) commits the offence of treating, undue influence or bribery ; or
- (d) \* makes or publishes, before or during any election, for the purpose of affecting the return of any candidate, any false statement of fact in relation to the personal character or conduct of such candidate ; or
- (e) \* makes or publishes, before or during any election, for the purpose of promoting or procuring the election of any candidate, any false statement of the withdrawal of any other candidate at such election,

Punishment  
and incapa-  
cities for  
corrupt  
practice.

shall be guilty of a corrupt practice, and shall on conviction by a District Court be liable, in the case referred to in paragraph (a) of this subsection, to rigorous imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

[§ 27, 10 of 1964.]

(2) Every person who is convicted of a corrupt practice shall, by conviction, become incapable for a period of seven years from the date of his conviction of being registered as an elector or of voting at any election under this Order or of being elected or appointed as a Senator or Member of Parliament, and if at that date he has been elected or appointed as a Senator or Member of Parliament, his election or appointment shall be vacated from the date of such conviction.

(3) A prosecution for a corrupt practice shall not be instituted without the sanction of the Attorney-General.

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\* Paragraphs (c) and (f) and the proviso to subsection (1) are repealed by Act. No. 16 of 1956.

False  
reports in  
newspapers.  
[§ 38, 10 of 1964.]

58A. (1) Where there is published in any newspaper any false statement concerning, or relating to,—

- (a) the utterances or activities at any election of any candidate, or any political party which is contesting such election, whether or not such party is a recognized party for the purpose of elections ; or
- (b) the conduct or management of such election by such candidate, or any such party,

and such statement is capable of influencing the result of such election, then, every person who at the time of such publication was the proprietor, the manager, the editor, the publisher or other similar officer of that newspaper or was purporting to act in such capacity, shall each be guilty of an illegal practice unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

(2) In this section, the term “newspaper” includes any journal, magazine, pamphlet or other publication.

ELECTION AGENT, ELECTION EXPENSES AND ILLEGAL  
PRACTICES

Nomination of  
election  
agent.

59. (1) On or before the day of nomination at an election a person shall be appointed in writing by or on behalf of each candidate as his agent for such election and such person is in this Order referred to as the election agent.

[§ 39, 10 of 1964.]

In the event of no such appointment being made by or on behalf of such candidate on or before that day, such candidate shall be deemed to have appointed himself as his election agent.

[§ 39, 10 of 1964.]

(2) A candidate may appoint himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Order, both as a candidate and as an election agent, and any reference in this Order to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

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(3) Each candidate or some other person on his behalf shall forthwith, after his election agent has been appointed under subsection (1), declare in writing the name and address of such agent to the returning officer, and the returning officer shall forthwith, by affixing a notice in a conspicuous place outside his office, give public notification of the name and address of every election agent so declared.

[§ 39, 10 of 1964.]

(4) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked and in the event of such revocation or of his death, whether such event is before, during or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the returning officer, who shall forthwith give public notice of the same in the manner aforesaid.

In the event of another election agent not being so appointed, the candidate shall, except in the case where the election agent who has died is the candidate himself, be deemed to have appointed himself as his election agent in place of the agent whose appointment was revoked or who died.

[§ 39, 10 of 1964.]

60. Repealed.

[§ 40, 10 of 1964.]

61. (1) The election agent of a candidate shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee-room hired on behalf of the candidate, and shall before the opening of, or during, the poll inform the presiding officer at each polling station in writing of the name of the polling agent or agents appointed to act at that station.

Making of contracts through election agent.

[§ 17, 16 of 1956.]

Where such election agent, after informing such presiding officer of the name of any polling agent appointed to act at such station, revokes the appointment of that polling agent and appoints another polling agent to such station, such election agent shall inform such presiding officer in writing of the revocation of such appointment and of the name of the new polling agent appointed to such station.

[§ 17, 16 of 1956.]

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election, unless made by the candidate himself or by his election agent :

Provided that inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice committed by his agent.

Payment of expenses through election agent.

62. (1) Except as permitted by or in pursuance of this Order, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election otherwise than by or through the election agent of the candidate ; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise :

Provided that the preceding provisions of this section shall not be deemed to apply to any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2) A person who makes any payment, advance, or deposit in contravention of this section or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

Period for sending in claims and making payments for election expenses.

63. (1) Every payment made by an election agent in respect of any expenses incurred on account of or in respect of the conduct and management of an election shall, except where less than twenty rupees or where, from the nature of the case, such as travel by rail or postage, a receipt is not obtainable, be vouched for by a bill stating the particulars and by a receipt.



(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election, which is not sent in to the election agent within the time limited by this Order, shall be barred and shall not be paid; and subject to such exception as may be allowed in pursuance of this Order, an election agent who pays a claim in contravention of this section shall be guilty of an illegal practice.

(3) Except as by this Order permitted, the time limited by this Order for sending in claims shall be fourteen days after the day on which the candidate returned is declared elected.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this Order and not otherwise; and, subject to such exception as may be allowed in pursuance of this Order, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5) Except as by this Order permitted, the time limited by this Order for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidate returned is declared elected.

(6) Where it has been proved to the satisfaction of the election court by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Order by reason only of such payment having been made in contravention of this section.

(7) If the election agent in the case of any claim sent in to him within the time limited by this Order disputes it, or refuses or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim.

(8) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Order, and to be an exception from the provisions of this Order, requiring claims to be paid by the election agent.

(9) On cause shown to the satisfaction of a Judge of the Supreme Court, such Judge on application by the claimant or by the candidate or his election agent may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(10) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Order.

Remuneration  
of election  
agent.

64. So far as circumstances admit, this Order shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim, the claim shall be a disputed claim within the meaning of this Order, and be dealt with accordingly.

Personal  
expenses of  
candidate and  
petty  
expenses.

65. (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connexion with or incidental to such election to an amount not exceeding two thousand rupees, but any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to the election agent within the time limited by this Order for sending in claims a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3) The personal expenses of a candidate include his reasonable travelling expenses, and the reasonable expenses of his living at hotels or elsewhere for the purposes of the election.

(4) Any person may, if so authorized in writing by the election agent of the candidate, pay any necessary expense for stationery, postage, telegrams, and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(5) A statement of the particulars of payments made by any person so authorized shall be sent to the election agent within the time limited by this Order for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

66. (1) Subject to such exception as may be allowed in pursuance of this Order, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of five thousand rupees or of an amount equal to twenty cents for each elector on the register, whichever amount is less :

Expenses in excess of maximum to be illegal practice.

[§ 41, 10 of 1964.]

Provided that there shall not be included in such amount any expenditure incurred by the candidate for his personal expenses, nor the fee, if any, paid to the election agent not exceeding one thousand rupees.

(2) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

67. (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

Certain expenditure to be illegal practice.

(a) on account of the conveyance of electors to or from the poll, whether for the hiring of vehicles or animals of transport of any kind whatsoever, or for railway fares, or otherwise ;  
or

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(b) to or with an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill, or notice.

(2) Subject to such exception as may be allowed in pursuance of this Order, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this section, shall also be guilty of an illegal practice.

[§ 21, 11 of 1959.]  
[§ 42, 10 of 1964.]

(3) A person shall not let, lend, employ, hire, borrow or use or aid or abet any other person to let, lend, employ, hire, borrow or use, any vehicle, vessel or animal for the purpose of conveying any voters to or from the poll, and a person knowingly acting in contravention of this subsection shall be guilty of an illegal practice.

[§ 42, 10 of 1964.]

[§ 21, 11 of 1959.]

(4) Notwithstanding anything in the preceding provisions of this section—

(a) where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section ;

(b) where electors are unable at an election to reach their polling stations from their place of residence without crossing the sea or a branch or arm thereof or a river, means may be provided for conveying such electors by sea to their polling stations, or to enable them to cross the river in order to reach their polling stations, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Order ;

[§ 42, 10 of 1964.]

- (c) the conveyance of a person at his own expense to or from the poll at any election in, or the use by any person at, his own expense for the purpose of the conveyance of himself to or from the poll of, any public transport service provided by the Ceylon Transport Board, the Ceylon Government Railway, or the Colombo Municipal Council, shall be deemed not to be an illegal practice within the meaning of this section ; [§ 42, 10 of 1964.]
- (d) where the returning officer for any electoral district is satisfied, upon written application in that behalf made to him by any person, or on behalf of such person by any other person (not being a candidate or his election agent), so as to reach such officer seven days before the day on which a poll is to be taken at any election in that district, that such person is unable, by reason of any physical disability, to convey himself to and from the poll on foot or in any public transport service referred to in paragraph (c) of this subsection, the returning officer may give such person written authority to use any vehicle, vessel or animal for the purpose of conveying himself to and from the poll, and accordingly the use of a vehicle, vessel or animal for the purpose of such conveyance by such person shall be deemed not to be an illegal practice within the meaning of this section. [§ 42, 10 of 1964.]
- (5) Where, at any poll taken at any election in any electoral district, any vehicle, vessel or animal is being used in contravention of the provisions of subsection (1) or subsection (3), any police officer may stop and seize such vehicle, vessel or animal, and take it to a police station and detain it therein until the conclusion of the poll. [§ 42, 10 of 1964.]
- (6) A District Court may, on the conviction of any person for the commission of an illegal practice within the meaning of this section, make order [§ 42, 10 of 1964.]

declaring that any vehicle, vessel or animal used in or in connexion with the commission of such practice shall be forfeited to Her Majesty.

Certain  
employment  
to be illegal.

68. (1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purpose or in the capacities following:—

[§ 18, 16 of 1956.]

(a) one election agent and no more;

(b) a reasonable number of polling agents for each polling district having regard to the need to revoke the appointment of any polling agent for that polling district during the poll;

(c) a reasonable number of clerks and messengers having regard to the area of the electoral district and the number of electors on the register of electors for such district.

(2) Subject to such exception as may be allowed in pursuance of this Order, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of an illegal practice.

Printing, &c.,  
of election  
publications  
by candidates  
and election  
agents.

[§ 19, 16 of 1956.]

68A. A candidate, or an election agent, who prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or poster which refers to any election and which does not bear upon its face the names and addresses of its printer and publisher shall be guilty of an illegal practice.

False  
declaration  
as to election  
expenses.

[§ 19, 16 of 1956.]

68B. A candidate, or an election agent, who knowingly makes the declaration as to election expenses required by section 70 falsely shall be guilty of an illegal practice.

Saving for  
creditors.

69. The provisions of this Order prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of expenses in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Order.

70. (1) Within thirty-one days after the date of publication of the result of an election in the Gazette the election agent of every candidate at the election shall transmit to the returning officer a true return, in this Order referred to as the "return respecting election expenses", substantially in the form P in the First Schedule to this Order, containing detailed statements as respects that candidate of—

Return and  
declaration  
respecting  
election  
expenses.

- (a) all payments made by the election agent together with all the bills and receipts referred to in subsection (1) of section 63, which bills and receipts are in this Order included in the expression "return respecting election expenses" and the dates of payment of all sums for which no receipt is attached ;
- (b) the amount of personal expenses, if any, paid by the candidate ;
- (c) the disputed claims so far as the election agent is aware ;
- (d) all unpaid claims, if any, of which the election agent is aware in respect of which application has been made or is about to be made to an Election Judge or Judge of the Supreme Court ;
- (e) all money, securities and other valuable considerations received by or promised to the election agent from or by any candidate or any other person for the purpose of expenses incurred or to be incurred on account or in respect of the management of the election, naming every person from whom the sum may have been received or by whom such sum may have been promised, showing as to each sum whether it was received as contribution, loan, deposit or otherwise.

(2) The return respecting election expenses shall be signed by the election agent and shall be accompanied by declarations by the candidate and his election agent which shall be respectively in the forms Q and R in the First Schedule to this Order and shall be on oath before a Justice of the Peace.

(3) If the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not after the expiration of such time sit or vote in the House of Representatives as a Member until either such return and declarations have been transmitted or until the date of the allowance of such authorized excuse for failure to transmit the same as in this Order, mentioned; and if he sits or votes in contravention of this Order he shall be liable to a penalty of five hundred rupees for every day on which he so sits or votes.

(4) The penalty imposed by this section shall be recoverable by action in the District Court of Colombo instituted by any person who may sue for it:

Provided that no such action, having been instituted, shall proceed further unless the leave of the District Judge of the court is obtained.

(5) When, after the institution of any action in pursuance of the provisions of this section, no steps in pursuit of the action are taken by the person instituting the action for a period of three months, the action shall be dismissed with costs.

(6) If any candidate or election agent fails to comply with the requirements of subsection (1) or subsection (2) of this section he shall, subject to the provisions of section 58, be guilty of an illegal practice.

Publication  
of deposit of  
return, &c.

71. (1) When any return respecting election expenses and the declarations made in respect thereof have been received by the returning officer, the returning officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question were received by him and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and published in the Gazette.

(2) The returning officer shall preserve all such returns and declarations with the bills and vouchers relating thereto and at all reasonable times during six months next after the publication in the Gazette of the notice mentioned in this section shall permit any person to inspect them and to make extracts therefrom



on payment of a fee of one rupee and shall, on payment of thirty-six cents for each folio of one hundred and twenty words, supply a copy or copies of any part thereof ; and after the expiration of the said period of six months the said documents may be destroyed or returned to the candidate if application for their return is made by the candidate before they are destroyed.

72. (1) Every person who commits an illegal practice shall on conviction by a District Court be liable to a fine not exceeding three hundred rupees and shall by conviction become incapable for a period of three years from the date of his conviction of being registered as an elector or of voting at any election under this Order or of being elected or appointed as a Senator or Member of Parliament, and if at that date he has been elected or appointed as a Senator or Member of Parliament, his election or appointment shall be vacated from the date of such conviction.

Punishment  
for conviction  
for illegal  
practice.

(2) A prosecution for an illegal practice shall not be instituted without the sanction of the Attorney-General.

EXCUSE FOR CORRUPT OR ILLEGAL PRACTICE

73. Where, upon the trial of an election petition respecting an election under this Order, the Election Judge reports that a candidate at such election has been guilty by his agents of the offence of treating or undue influence or of any illegal practice in reference to such election, and the Election Judge further reports, after giving the Attorney-General an opportunity of being heard, that the candidate has proved to the court—

Report  
exonerating  
candidate in  
certain cases  
of corrupt  
and illegal  
practice by  
agents.

- (a) that no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent ; and
- (b) that such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election ; and

(c) that the offences mentioned in the said report were of a trivial, unimportant and limited character ; and

(d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents,

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Order.

{§ 20, 18 of 1956.}

73A. Repealed.

Power of  
Election  
Court to  
except  
innocent act  
from being  
illegal  
practice, &c.

74. Where, on application made, it is shown to an Election Judge or to a Judge of the Supreme Court by such evidence as seems to the Judge sufficient—

(a) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Order, or of being a payment, engagement, employment, or contract in contravention of this Order or of otherwise being in contravention of any of the provisions of this Order, be but for this section an illegal practice ; and

(b) that any such act or omission arose from inadvertence or from accidental miscalculations or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith,

and in the circumstances it seems to the Judge, after giving the candidates, the returning officer, and any elector within the electoral district an opportunity of being heard, to be just that the candidate in question and the said election and other agent and person, or any of them, should not be subject to any of the consequences under this Order of the said act or omission, the Judge may make an order allowing such act or omission to be an exception from the provisions of this Order which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent or person shall

not be subject to any of the consequences under this Order of the said act or omission.

75. (1) Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as required by this Order, or being transmitted contain some error or false statement, then—

Authorized  
excuse for  
non-com-  
pliance with  
provisions  
as to return  
and declara-  
tion respect-  
ing election  
expenses.

- (a) if the candidate applies to an Election Judge or a Judge of the Supreme Court and shows that the failure to transmit such return and declarations, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or
- (b) if the election agent of the candidate applies to an Election Judge or a Judge of the Supreme Court and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness, or of the death, illness or misconduct of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the Judge may, after such notice of the application, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the returning officer and any elector within the electoral district an opportunity of being heard, make such order for allowing an authorized excuse for the failure to transmit

such return and declarations, or for an error or false statement in such return and declarations, as to the Judge seems just.

(2) Where it appears to the Judge that any person being or having been election agent has refused or failed to make such return or supply such particulars as will enable the candidate and his election agent, respectively, to comply with the provisions of this Order as to the return and declarations respecting election expenses, the Judge before making an order allowing the excuse as in this section mentioned shall order such person to attend before the Judge, and shall, unless he attends and shows cause to the contrary, order him to make the return and declarations, or to deliver a statement of the particulars required to be contained in the return, as to the Judge seems just, and to make or deliver the same within such time and to such person and in such manner as the Judge may direct, or may order him to be examined with respect to such particulars, and, in default of compliance with any such order, such person shall be guilty of an illegal practice.

(3) The order may make the allowance conditional upon the making of the return and declarations in a modified form or within an extended time, and upon the compliance with such other terms as to the Judge seems best calculated for carrying into effect the objects of this Order; and an order allowing an authorized excuse shall relieve the applicant for the order from any liability or consequences under this Order in respect of the matter excused by the order; and where it is proved by the candidate to the Judge that any act or omission of the election agent in relation to the return and declarations respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the Judge shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4) The date of the order, or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Order as the date of the allowance of the excuse.

GROUND'S FOR AVOIDING ELECTIONS

76. The election of a candidate as a Member is avoided by his conviction for any corrupt or illegal practice.

Avoidance by conviction of candidate.

77. The election of a candidate as a Member shall be declared to be void on an election petition on any of the following grounds which may be proved to the satisfaction of the Election Judge, namely:—

Avoidance of election on election petition.

- (a) that by reason of general bribery, general treating, or general intimidation, or other misconduct, or other circumstances, whether similar to those before enumerated or not, the majority of electors were or may have been prevented from electing the candidate whom they preferred,
- (b) non-compliance with the provisions of this Order relating to elections, if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election ;
- (c) that a corrupt practice or illegal practice was committed in connexion with the election by the candidate or with his knowledge or consent or by any agent of the candidate ;
- (d) that the candidate personally engaged a person as his election agent, or as a canvasser or agent, knowing that such person had within seven years previous to such engagement been found guilty of a corrupt practice by a District Court or by the report of an Election Judge ;
- (e) that the candidate was at the time of his election a person disqualified for election as a Member.

PART V

ELECTION PETITIONS

Appointment  
of panel of  
Election  
Judges.  
[§ 22, 11 of 1959.]  
[§ 2, 72 of 1961.]

78. (1) The Governor-General shall, with the advice of the Judicial Service Commission, appoint a panel of not less than five Election Judges from among persons for the time being holding office as Judges of the Supreme Court, Commissioners of Assize, or District Judges of the Districts of Colombo, Kandy, Galle and Jaffna. For the purposes of this subsection, the expression "District Judges" does not include Additional District Judges.

[§ 22, 11 of 1959.]

(2) Every person appointed under subsection (1) of this section shall, unless he earlier resigns his office, hold office for such period as the Governor-General may determine at the time of the appointment. Any person vacating office by effluxion of time shall be eligible for reappointment.

[§ 2, 72 of 1961.]

(3) Every person appointed under subsection (1) of this section shall, if he be Chief Justice or a Judge of the Supreme Court, be entitled to his normal salary; and if he be a Commissioner of Assize or a District Judge he shall be entitled, for so long and only for so long as he is an Election Judge for the trial of an election petition, to the same salary as a Commissioner of Assize appointed under section 22 of the Courts Ordinance.

Nomination  
and powers  
of the  
Election  
Judge, &c.  
[§ 23, 11 of 1959.]  
[§ 3, 72 of 1961.]

78A. (1) The Chief Justice shall nominate from the panel of Election Judges an Election Judge for the trial of an election petition, and an Election Judge so nominated shall be invested with all the rights, powers, privileges and immunities of a Judge of the Supreme Court sitting at assizes.

[§ 23, 11 of 1959.]

(2) The Election Judge nominated under subsection (1) of this section is, in this Order, referred to as the Election Judge.

[§ 23, 11 of 1959.]

(3) For the purpose of summoning or compelling the attendance of witnesses at the trial of an election petition, the Election Judge shall have the same power, jurisdiction, and authority as are possessed and

exercised by the Judge of a District Court in the trial of a civil action, and witnesses shall be sworn in the same manner, as near as circumstances will admit, as in the trial of such an action, and shall be subject to the same penalties for the giving of false evidence.

78B. Unless otherwise ordered by the Chief Justice, all interlocutory matters in connexion with an election petition may be dealt with and decided by any Judge of the Supreme Court.

Interlocutory matters may be dealt with and decided by a Judge of the Supreme Court.

[§ 23, 11 of 1959.]

78C. The place of the trial of an election petition shall be in or as near as practicable to the electoral district to which that petition relates.

Place of trial of an election petition.

[§ 23, 11 of 1959.]

79. An election petition may be presented to the Supreme Court by any one or more of the following persons, namely :—

Who may present petition.

- (a) some person who voted or had a right to vote at the election to which the petition relates ;
- (b) some person claiming to have had a right to be returned or elected at such election ;
- (c) some person alleging himself to have been a candidate at such election.

80. All or any of the following relief to which the petitioner may be entitled may be claimed in an election petition, namely :—

Relief which may be claimed.

- (a) a declaration that the election is void ;
- (b) a declaration that the return of the person elected was undue ;
- (c) a declaration that any candidate was duly elected and ought to have been returned ;
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

81. At the conclusion of the trial of an election petition the Election Judge shall determine whether the Member whose return or election is complained of,

Determination of Election Judge.

[§ 3, 1A of 1948.]

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or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination in writing under his hand.

Such certificate shall be kept in the custody of the Registrar of the Supreme Court to be dealt with as hereinafter provided.

Report of  
Judge as to  
corrupt or  
illegal  
practice.  
[§ 3, 19 of 1948.]

82. At the conclusion of the trial of an election petition the Election Judge shall also make a report under his hand setting out—

- (a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, or by his agent, and the nature of such corrupt or illegal practice, if any ; and
- (b) the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice :

Provided, however, that before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an Election Judge under this section, the Election Judge shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

Such report shall be kept in the custody of the Registrar of the Supreme Court, to be dealt with as hereinafter provided.

Appeal on  
question of  
law against  
determination  
under section  
81 and any  
other decision  
of Election  
Judge which  
finally dis-  
poses of elec-  
tion petition.  
[§ 3, 19 of 1948.]  
[§ 24, 11 of 1959.]

82A. (1) An appeal to the Supreme Court shall lie on any question of law, but not otherwise, against—

- (a) the determination of an Election Judge under section 81, or
- (b) any other decision of an Election Judge which has the effect of finally disposing of an election petition.



(2) Any such appeal may be preferred, either by the petitioner or by the respondent in the election petition, before the expiry of a period of one month next succeeding the date of the determination or decision against which the appeal is preferred.

[§ 24, 11 of 1959.]

(3) Notice of the filing of a petition of appeal, accompanied by a copy of the petition, shall, within ten days of the filing thereof, be served by the appellant on the other party or each of the other parties to the election petition and on the Attorney-General. Such service on a party may be effected in any manner prescribed in the Third Schedule to this Order for the service of the notice and copy of an election petition.

(4) Every appeal preferred under this section shall, for the purposes of the application of the Stamp Ordinance, be deemed to be an appeal in a civil action of the value of ten thousand rupees.

(5) Every appeal under this section shall be heard by three Judges of the Supreme Court and shall, as far as practicable, be given priority over other business of that court. The court may give all such directions as it may consider necessary in relation to the hearing and disposal of each appeal.

(6) The Attorney-General shall be entitled to appear or to be represented in any appeal under this section.

82B. (1) The Supreme Court may, upon any appeal preferred under section 82A, affirm, vary or reverse the determination or decision of the Election Judge to which the appeal relates.

Powers of  
the Supreme  
Court in  
appeals.

[§ 3, 19 of 1948.]

[§ 25, 11 of 1959.]

[§ 25, 11 of 1959.]

(2) Where the Supreme Court reverses on appeal the determination of an Election Judge under section 81, that court shall decide whether the Member whose return or election was complained of in the election petition, or any other and what person, was duly returned or elected, or whether the election was void, and a certificate of such decision shall be issued by that court.

[§ 25, 11 of 1959.]

(3) The Supreme Court may, in the case of any appeal under section 82A, order that the election petition to which the appeal relates shall be tried anew

or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination in writing under his hand.

Such certificate shall be kept in the custody of the Registrar of the Supreme Court to be dealt with as hereinafter provided.

Report of  
Judge as to  
corrupt or  
illegal  
practice.  
[§ 3, 19 of 1948.]

82. At the conclusion of the trial of an election petition the Election Judge shall also make a report under his hand setting out—

- (a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, or by his agent, and the nature of such corrupt or illegal practice, if any; and
- (b) the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice :

Provided, however, that before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an Election Judge under this section, the Election Judge shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

Such report shall be kept in the custody of the Registrar of the Supreme Court, to be dealt with as hereinafter provided.

Appeal on  
question of  
law against  
determination  
under section  
81 and any  
other decision  
of Election  
Judge which  
finally dis-  
poses of elec-  
tion petition.  
[§ 3, 19 of 1948.]  
[§ 24, 11 of 1959.]

82A. (1) An appeal to the Supreme Court shall lie on any question of law, but not otherwise, against—

- (a) the determination of an Election Judge under section 81, or
- (b) any other decision of an Election Judge which has the effect of finally disposing of an election petition.

(2) Any such appeal may be preferred, either by the petitioner or by the respondent in the election petition, before the expiry of a period of one month next succeeding the date of the determination or decision against which the appeal is preferred.

[§ 24, 11 of 1959.]

(3) Notice of the filing of a petition of appeal, accompanied by a copy of the petition, shall, within ten days of the filing thereof, be served by the appellant on the other party or each of the other parties to the election petition and on the Attorney-General. Such service on a party may be effected in any manner prescribed in the Third Schedule to this Order for the service of the notice and copy of an election petition.

(4) Every appeal preferred under this section shall, for the purposes of the application of the Stamp Ordinance, be deemed to be an appeal in a civil action of the value of ten thousand rupees.

(5) Every appeal under this section shall be heard by three Judges of the Supreme Court and shall, as far as practicable, be given priority over other business of that court. The court may give all such directions as it may consider necessary in relation to the hearing and disposal of each appeal.

(6) The Attorney-General shall be entitled to appear or to be represented in any appeal under this section.

82B. (1) The Supreme Court may, upon any appeal preferred under section 82A, affirm, vary or reverse the determination or decision of the Election Judge to which the appeal relates.

Powers of  
the Supreme  
Court in  
appeals.

[§ 3, 19 of 1948.]

[§ 25, 11 of 1959.]

(2) Where the Supreme Court reverses on appeal the determination of an Election Judge under section 81, that court shall decide whether the Member whose return or election was complained of in the election petition, or any other and what person, was duly returned or elected, or whether the election was void, and a certificate of such decision shall be issued by that court.

[§ 25, 11 of 1959.]

[§ 25, 11 of 1959.]

(3) The Supreme Court may, in the case of any appeal under section 82A, order that the election petition to which the appeal relates shall be tried anew

in its entirety or in regard to any matter specified by that court and give such directions in relation thereto as that court may think fit.

[§ 25, 11 of 1959.] (4) The Supreme Court may make any order which it may deem just as to the costs of the appeal and as to the costs of and incidental to the presentation of the election petition and of the proceedings consequent thereon, and may by such order reverse or vary any order as to costs made by the Election Judge ; and the provisions of the Third Schedule as to the award, taxation and recovery of costs shall *mutatis mutandis* apply in relation to the award of such costs by the Supreme Court and the taxation and recovery thereof.

[§ 25, 11 of 1959.] (5) The decision of the Supreme Court on any appeal shall be final and conclusive.

Transmission  
to Governor-  
General of  
certificate and  
report.  
[§ 3, 19 of 1948.]

82c. (1) Where no appeal is preferred against the determination of an Election Judge under section 81 within the period herein before specified in that behalf, or where in any appeal that is so preferred the Supreme Court confirms the determination of the Election Judge, the court shall transmit to the Governor-General the certificate of the Election Judge issued under section 81, together with the report of the Election Judge made under section 82.

(2) Where the determination of the Election Judge is reversed by the Supreme Court in appeal, the court shall transmit to the Governor-General the certificate of the decision of that court issued under section 82B, together with—

(a) the report of the Election Judge made under section 82, if it is in the opinion of the Supreme Court not affected by the decision in the appeal ; or

(b) if the court considers it necessary, a report in respect of the matters referred to in section 82 made by the court in accordance with the provisions of that section.

82D. (1) Upon the transmission to the Governor-General of the certificate of the determination of an Election Judge or of the decision of the Supreme Court as required by section 82c—

Effect of  
certificate and  
report.  
[§ 3, 19 of 1948.]

- (a) the determination or the decision, as the case may be, shall take effect; and
- (b) the return or the election shall be confirmed or altered, or the Governor-General shall, within one month of the receipt of the certificate, by notice in the Gazette, order the holding of an election in the electoral district concerned, as the case may require, in accordance with such certificate.

(2) (a) The Governor-General shall, upon receipt of the report of the Election Judge or of the Supreme Court transmitted to him under section 82c, cause a copy of the report to be published in the Gazette.

(b) (i) Where the report referred to in paragraph (a) is to the effect that a corrupt or illegal practice has been committed by any person, that person shall be subject to the same incapacities as if at the date of the said report he had been convicted of that practice.

(ii) Where the report referred to in paragraph (a) is to the effect that such corrupt or illegal practice was committed with the knowledge and consent of a person who was a candidate at an election or by his agent, that person shall be subject to the same incapacities as aforesaid.

(3) It shall be the duty of every registering officer forthwith to peruse every such report which is published in the Gazette as provided in subsection (2), and forthwith to delete from the register of electors assigned to him the name of every person appearing from the report to be incapable of voting at an election.

83. (1) Every election petition shall be presented within twenty-one days of the date of publication of the result of the election in the Gazette :

Time for  
presentation.

Provided that—

- (a) an election petition questioning the return or the election upon the ground of a corrupt practice and specifically alleging a payment of

money or other act to have been made or done since the date aforesaid by the Member whose election is questioned or by an agent of the Member or with the privity of the Member or his election agent in pursuance or in furtherance of such corrupt practice may, so far as respects such corrupt practice, be presented at any time within twenty-eight days after the date of such payment or act ;

(b) an election petition questioning the return or the election upon an allegation of an illegal practice may, so far as respects such illegal practice, be presented within the time following, that is to say :—

(i) at any time before the expiration of fourteen days after the day of the publication in the Gazette of the notice required by section 71 as to the election expenses of the Member whose election is questioned ;

(ii) if the election petition specifically alleges a payment of money or other act to have been made or done since the said day by the Member whose election is questioned or by an agent of the Member or with the privity of the Member or of his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

(2) An election petition presented in due time may, for the purpose of questioning the return or the election upon an allegation of a corrupt or illegal practice, be amended with the leave of a Judge of the Supreme Court within the time within which an election petition questioning the return or the election upon that ground may be presented.

(3) For the purposes of this section, where there is an authorized excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse or, if there was a failure in two or more particulars and the excuse was allowed at different times, the date of the allowance of the last excuse shall be substituted for the date of the publication in the Gazette of the notice mentioned in paragraph (b) of the proviso to subsection (1) of this section.

84. No elector who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted.

Prohibition  
of disclosure  
of vote.

85. (1) On a scrutiny at the trial of an election petition the following votes only shall be struck off, namely :—

Votes to be  
struck off at  
a scrutiny.

- (a) the vote of any person whose name was not on the register of electors assigned to the polling station at which the vote was recorded ;
- (b) the vote of any person whose vote was procured by bribery, treating, or undue influence ;
- (c) the vote of any person who committed or procured the commission of personation at the election ;
- (d) where the election was a general election, the vote of any person proved to have voted at such general election in more than one electoral district ;
- (e) the vote of any person, who, by reason of a conviction of a corrupt or illegal practice or by reason of the report of an Election Judge, or by reason of his conviction of an offence under

[§ 44, 10 of 1964.]

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[§ 6, 19 of 1953.] section 52 or section 53 of this Order, or by reason of the operation of section 4A of this Order, was incapable of voting at the election ;

[§ 26, 11 of 1959.] (ee) the vote of any person who, not being entitled to vote in person at the election by reason of subsection (1) of section 42A, voted in person at the election ;

(f) votes given for a disqualified candidate by a voter knowing that the candidate was disqualified or the facts causing the disqualification, or after sufficient public notice of the disqualification, or when the disqualification or the facts causing it were notorious.

(2) The vote of a registered elector shall not, except in the case specified in paragraph (e) of subsection (1) of this section, be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered on the register of electors.

(3) On a scrutiny, any tendered vote proved to be a valid vote shall, on the application of any party to the petition, be added to the poll.

Procedure and practice on election petitions.

86. (1) Subject to the provisions of this section the procedure and practice on election petitions shall, until Parliament otherwise provides, be regulated by the rules contained in the Third Schedule to this Order.

(2) If any matter of procedure or practice on an election petition shall arise which is not provided for by this Order or by such rules or by any Act of Parliament the procedure or practice followed in England on the same matter shall, so far as it is not inconsistent with this Order or any such rules or Act of Parliament and is suitable for application to the Island, be followed and shall have effect.

Rejection of ballot paper by returning officer to be final.

87. On an election petition the decision of a returning officer whether or not a ballot paper shall be rejected under section 49 shall not be questioned.



PART VI

GENERAL

88. (1) Repealed. [§ 6, 8 of 1964.]
- (2) The Commissioner of Parliamentary Elections shall—
- (a) exercise general direction and supervision over the administrative conduct of elections to the House of Representatives;
- (b) have power to issue to Deputy and Assistant Commissioners of Elections, returning officers, registering officers, presiding officers and other election officers such directions as he may deem necessary to ensure effective execution of the provisions of this Order; [§ 44, 10 of 1964.]
- (c) execute and perform all other powers and duties which are conferred and imposed upon him by this Order.
- (3) Repealed. [§ 6, 8 of 1964.]
- (4) Repealed. [§ 6, 8 of 1964.]
- 88A. (1) There shall be a Department of Parliamentary Elections (in this section referred to as "the Department"). Department of Parliamentary Elections.
- (2) The Department shall consist of— [§ 45, 10 of 1964.]
- (a) the Commissioner; and
- (b) such number of Deputy and Assistant Commissioners of Parliamentary Elections, and other officers and servants, as may, from time to time, be appointed.
- (3) The Commissioner shall be the head of the Department, and accordingly shall be responsible for the administration of the Department.
89. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document whatsoever prepared or issued under or for the purposes of this Order shall Inaccurate description of places and persons.

in any wise affect the operation of this Order as respects that person or place if that person or place is so designated in such register, notice or document as to be identifiable.

Publication  
of notices, &c.

90. (1) Where any notice is required by this Order to be published and, in the opinion of the authority who is required to publish such notice, the prescribed mode of publication does not give sufficient publicity to the notice, he may, in addition to publishing the notice as required by this Order, exhibit copies of the notice in conspicuous places within the electoral district to which the notice relates or take such other steps as he may deem necessary for giving publicity thereto.

(2) Every person who, without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited by any authority under subsection (1) of this section or any document which is made available for inspection in accordance with this Order shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not exceeding fifty rupees.

Duty of em-  
ployers to  
grant leave to  
enable em-  
ployees to  
vote.

[§ 46, 10 of 1964.]

91. (1) Any person, being the employer of any other person who is entitled to vote in person at any election, shall, upon application in writing in that behalf made by such other person, grant such other person leave, without loss of pay, for such continuous period (not less than four hours in duration) as that person may deem sufficient to enable such other person to vote in person at that election.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

92. (1) The returning officer may use, free of charge, as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by the State Council or by Parliament.

Use of schools as polling stations.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such school or portion thereof as aforesaid by reason of its being used as a polling station.

92A. (1) Where the Commissioner considers that any premises, other than any school referred to in section 92, are required for the purpose of being used as a polling station, he may requisition those premises for that purpose by order in writing addressed to and served on the person in actual possession of those premises, or, where no person is in such actual possession, on the owner of such premises.

Requisitioning of premises for use as polling stations.  
[§ 21, 16 of 1956.]

(2) Where any premises are requisitioned under subsection (1), the period of such requisition shall not extend beyond four weeks.

(3) In this section, "premises" means any land, building or part of a building and includes a hut, shed or structure or any part thereof.

92B. (1) Where any premises are requisitioned under section 92A, the Commissioner shall pay, out of moneys provided for the purpose by Parliament, compensation for such requisition to the person who was in actual possession of those premises immediately before the requisition or, where no person was in such actual possession, the owner of those premises, and shall make good any damage done to those premises during the period of the requisition.

Compensation for requisitioning premises.  
[§ 21, 16 of 1956.]

(2) The amount of compensation payable under subsection (1) in respect of any premises shall be determined by taking into consideration—

- (a) the rent payable in respect of those premises, or, where no rent is so payable, the rent payable for similar premises in the locality, and

(b) if, in consequence of the requisition of those premises, the person who was in actual possession of those premises immediately before the requisition was compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(3) Where any person entitled to compensation under this section is aggrieved by the decision of the Commissioner in regard to the amount of the compensation, that person may appeal in writing to the Minister from that decision. Upon such appeal being made, the Minister shall appoint an arbitrator and shall after such appeal to him for determination, and the determination of the arbitrator on such appeal shall be final.

Candidate's  
right to  
send matter  
relating to  
election  
post free.  
[§ 28, 11 of 1959.]  
[§ 47, 10 of 1964.]

92c. (1) Subject to the provisions of subsection (2) of this section, a person who is nominated as a candidate at an election in any electoral district shall, at any time between the day of nomination and the day which is the seventh day before the day of the poll to be taken at such election, be entitled to send free of any charge for postage to each elector whose name appears in the register of electors for such electoral district one postal communication by ordinary post containing matter relating to such election only.

[§ 47, 10 of 1964.]

(2) The right to send a postal communication conferred on a person by subsection (1) shall be subject to the following conditions, and if any such condition is not complied with, such communication may be rejected by the Postmaster-General or any person acting under his authority:—

- (a) such communication shall be open for examination, and shall not exceed one ounce in weight ;  
and
- (b) the length and width of, and the manner of franking, arranging and handling, such communication shall be as determined from time to time by the Postmaster-General.

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93. If any difficulty arises in first giving effect to any of the provisions of this Order, the Governor or Governor-General, as occasion may require, may, by Order published in the Gazette, do anything which appears to him necessary for the purpose of removing the difficulty. The Governor may, by Proclamation at any time before the first meeting of the House of Representatives, and provided that His Majesty's approval be previously signified to him through a Secretary of State, vary, annul or add to any of the provisions of this Order to carry out the purposes of the same.

Power to make orders, &c., to meet difficulties arising under Order.

94. His Majesty hereby reserves to Himself, His Heirs, and Successors, power, with the advice of His or Their Privy Council, to revoke, alter, or amend this Order as to Him or Them shall seem fit, at any time before the first meeting of the House of Representatives.

Power to revoke and amend Order.

94A. The expression "written law" wherever it occurs in the Statutory Reprints Ordinance shall be deemed to include this Order, and accordingly the definition of that expression in section 2 of the Interpretation Ordinance shall, in its application in the case of the Statutory Reprints Ordinance, have effect subject to the following modifications:—

Special provision to enable reprints of this Order to be made and authenticated. [§ 48, 10 of 1964.]

- (a) as though there were substituted, for the expression "all Ordinances", the expression "the Ceylon (Parliamentary Elections) Order in Council, 1946, all Ordinances"; and
- (b) as though there were substituted, for the expression "Queen in Council," the expression "Queen in Council (other than the Order in Council hereinbefore mentioned),".

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**Power of  
Commissioner  
to make  
regulations  
and rules.  
[§ 48, 10 of 1964.]**

**94B.** (1) The Commissioner may make regulations amending, modifying, revoking or replacing any of the Postal Voters Regulations, 1959, set out in the Fifth Schedule to this Order.

(2) In particular, but without prejudice to the generality of the powers conferred by subsection (1), the Commissioner may make regulations under this section modifying the Postal Voters Regulations, 1959, in such manner and to such extent as may be necessary to remove any doubts or difficulties that may arise in their application in the case of any election in any electoral district for which two or more Members are to be returned.

(3) The First Schedule to this Order may be amended, varied, or replaced by rules made by the Commissioner.

(4) No regulation or rule made by the Commissioner under this section shall come into force until it has been approved by the Senate and the House of Representatives, and notification of such approval is published in the Gazette. Every such regulation or rule shall, upon its coming into force, be as valid and effectual as though it were herein enacted.

**Revocation.**

**95.** The Orders in Council set out in the Fourth Schedule to this Order shall be revoked on the date on which Part III of the Ceylon (Constitution) Order in Council, 1946, comes into operation :

Provided that the preceding provisions of this section shall not prejudice or affect anything lawfully done under any of the Orders aforesaid or the continuance of any legal proceeding begun before the date aforesaid.

**E. C. E. LEADBITTER.**

FIRST SCHEDULE ..... [Section 12  
Form A\* [§ 13, 48 of 1949.] (2).]  
Form B\* [§ 13, 48 of 1949.]

Form C

FORM OF CLAIM BY PERSON WHOSE NAME HAS BEEN OMITTED OR  
EXPUNGED FROM THE REGISTER

To the Registering Officer of.....Electoral District.

I. (give name, christian or "ge" or other names in full;  
surname or "ge" name first)....., who possess the  
residential qualification at (state exact address or addresses  
of residence in the electoral district AND ALL the following  
particulars which are applicable) ..... in the .....  
(Tulana or Wasama or Vidane's division) ..... in the  
division of the (Korala or Udayar or Vidane Arachchi) of  
..... in the Divisional Revenue Officer's division  
of ..... or in the ..... Ward in the town of  
..... in the above-named electoral district, hereby  
declare that my name has been omitted/expunged from the  
register of electors/omitted from List B/included in List A for  
the above-named electoral district and I hereby claim to have  
my name inserted/retained in the aforesaid register on the  
following grounds (state grounds of claim) :—

.....  
.....

2. I further declare that I have made due application to  
the Registering Officer at (state name of Kachcheri or other  
office of Registering Officer) ..... to have my name  
inserted in the aforesaid register of electors.

[Strike out this paragraph if the claim for insertion of the  
claimant's name in the register is made only on the ground  
that he is domiciled in Ceylon.]

3. My address for notice is .....  
Dated the ..... day of ....., 19 ..

.....  
(Signature or thumb mark of Claimant.)

Signed or marked by the above-named claimant in my  
presence this ..... day of ....., 19 .., at .....

.....  
(Signature of Witness.)

.....  
.....  
(Address of Witness.)

Form CC

[§ 22, 16 of 1956.]

FORM OF APPLICATION BY A PERSON TO HAVE THE NAME OF  
ANOTHER PERSON INSERTED OR RETAINED IN A REGISTER OF ELECTORS  
To the Registering Officer of ..... Electoral District.

[Sections 15  
and 19.]

\* Forms A and B repealed by Act No. 48 of 1949.

I, ..... (give name, christian or "ge" or other names in full; surname or "ge" name first) ....., hereby declare that ..... (give name, christian or "ge" or other names in full of the person in respect of whom the application is made; surname or "ge" name first) ..... possesses the residential qualification at ..... (state exact address or addresses of residence in the electoral district and all the following particulars which are applicable) ..... in the ..... (Tulana or Wasama or Vidane's division) ..... in the division of the (Korala or Udayar or Vidane Arachchi) of ..... in the Divisional Revenue Officer's division of ..... or in the ..... Ward in the town of ..... in the above-named electoral district and that his name has been omitted/expunged from the register of electors/omitted from List B/included in List A for the above-named electoral district, and I hereby apply to have such name inserted/retained in the aforesaid register on the following grounds (state grounds of application) :—

.....  
.....  
.....

2. My address for notice is .....  
Dated the ..... day of ....., 19 .....

.....  
..... (Signature or thumb mark of Applicant.)

Signed or marked by the above-named applicant in my presence this ..... day of ....., 19....., at .....

.....  
(Signature of Witness.)

.....  
.....  
(Address of Witness.)

[Section 12  
(5).]

Form D

FORM OF OBJECTION

To the Registering Officer of the ..... Electoral District.

I, (give name, christian or "ge" or other names in full; surname or "ge" name first) ..... of (give full postal address) ....., hereby declare that my name appears in the register of electors/List B and bears No. .... in the polling district ..... (give letter or letters assigned to polling district) of the above-named electoral district. I object to the name of the person mentioned and



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described below being included in the register of electors for the above-named electoral district. The grounds of my objection are specified below.

My address for notice is .....

Number of Person objected to with the Letter assigned to his Polling District	Name of Person objected to	Place of abode as described in the Register	Ground of Objection

.....  
 (Signature or thumb mark of Objector.)

Dated the ..... day of ....., 19....

Signed or marked by the above-named objector in my presence this ..... day of ....., 19...., at....

.....  
 (Signature of Witness.)

.....  
 .....  
 (Address of Witness.)

**Form E**

FORM OF OBJECTION AGAINST CLAIMANT

[Section 12  
(6).]

To the Registering Officer of the ..... Electoral District.

I, (give name, christian or "ge" or other names in full; surname or "ge" name first) ..... of (give full postal address) ....., hereby declare that my name appears in the register of electors/List B and bears No. .... in the polling district ..... (give letter or letters assigned to polling district) of the above-named electoral district. I object to the name of the claimant mentioned and described below being inserted/retained in the register of electors for the above-named electoral district. The grounds of my objection are specified below.

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My address for notice is .....

Name of Claimant objected to	Place of abode as described in the Claim	Ground of Objection

.....  
(Signature or thumb mark of Objector.)

Dated the ..... day of ....., 19....

Signed or marked by the above-named objector in my  
presence this ..... day of ....., 19...., at .....

.....  
(Signature of Witness.)

.....  
(Address of Witness.)

Form F\*

Form G

[§ 13, 48 of  
1949]

[Section 28  
(4).]

FORM OF NOMINATION PAPER

Nomination paper for the ..... Electoral District.

1. Name of candidate in full (*give name, christian or "ge" or other names in full; surname or "ge" name first*) : .....
2. Address. ....
3. Occupation : .....
4. Name of proposer in full : .....
5. Proposer's No. and polling district in electoral register : .....
6. Name of seconder in full : .....
7. Seconder's No. and polling district in electoral register : .....

Signature of Proposen:.....

\* Form F repealed by Act No. 48 of 1949.

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Signed by the above-named ..... (proposer) in my presence this ..... day of ....., 19....

.....  
(A Justice of the Peace or Commissioner for Oaths or Notary Public.)

Signature of Seconder : .....

Signed by the above-named ..... (seconder) in my presence this ..... day of ....., 19 .....

.....  
(A Justice of the Peace or Commissioner for Oaths or Notary Public.)

**Form H**

RETURN WHERE THERE ARE NO MORE CANDIDATES THAN MEMBERS TO BE ELECTED

[Section 34.]

I hereby certify that the Member (or Members) elected for the electoral district of ..... is (or are) J. K. of ..... (give address) and L. M. of ..... (give address) (as in nomination paper), no other candidate having been nominated (or the other or all the other candidates having withdrawn, as the case may be).

Dated at ....., this ..... day of ....., 19.....

A. B.,  
Returning Officer.

**Form I**

FORM OF FRONT OF BALLOT PAPER

[Section 40 (2).]

Counterfoil No. <i>Note: The counterfoil is to have a number to correspond with that on the back of the ballot paper. Candidates' names must be printed also in Sinhalese and Tamil.</i>	AMARASINGHE, JAMES	*	
	JANSZ, HECTOR	*	
	MAKEEN, M. M.	*	
	RUTNAM, K.	*	

\*Here print symbol allotted to the candidate.

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[§49, 10 of 1964.]

Form II

[Section 42  
(2B).]

LIST OF VOTERS WHO ARE NOT DELIVERED  
BALLOT PAPERS

Electoral District No....., .....

Date of Election.....

Polling station.....

No. in register of electors	Polling district letter	Name of voter	Address of voter	Reason for not delivering ballot paper		
				Refuses appropriate inspection	Already marked with the appropriate mark	Refuses to be marked with appropriate mark

Form J

[Section 43  
(1).]

DECLARATION

I, (*name in full*) of (*address*), hereby declare that I am the same person whose name appears as *A. B.* on the register of electors now in force for this electoral district.

.....  
(*Signature or thumb mark of Voter.*)

Declared before me this ..... day of .....  
19 .....

.....  
(*Signature of Presiding Officer.*)

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Form K

DECLARATION

[Section 43  
(1).]

I, (*name in full*) of (*address*), hereby declare that I have not already voted either here or elsewhere at this election for the election of a Member for this electoral district.

.....  
(*Signature or thumb mark of Voter.*)

Declared before me this ..... day of .....,  
19 .....

.....  
(*Signature of Presiding Officer.*)

Form L

DECLARATION (WHEN THE ELECTION IS A GENERAL ELECTION)

[Section 43  
(1).]

I, (*name in full*) of (*address*), hereby declare that I have not already voted at this general election in any other electoral district.

.....  
(*Signature or thumb mark of Voter.*)

Declared before me this ..... day of .....,  
19 .....

.....  
(*Signature of Presiding Officer.*)

Form M

DECLARATION

[Section 45.]

I solemnly and sincerely declare that I am the same person whose name appears as ..... No. .... in the register of electors for the electoral district of .....

.....  
(*Signature or thumb mark.*)

Witness .....  
(*Presiding Officer.*)

Form N

RETURN AFTER A POLL HAS BEEN TAKEN

[Section 50.]

I hereby certify that the Member (*or Members*) elected for the electoral district of ..... as having received the majority of votes lawfully given is (*or are A. B. &c., names, &c., as on the nomination papers.*)

Dated at ..... this ..... day of .....,  
19 .....

A. B.,  
Returning Officer.

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Form O

[Section 53  
(1).]

FORM OF DECLARATION OF SECRECY

I solemnly promise and declare that I will not at this election for the ..... electoral district do anything forbidden by section 53 of the Ceylon (Parliamentary Elections) Order in Council, 1946, which has been read to me.

.....  
(Signature of person taking the declaration.)

.....  
(Signature of Declarant.)

Date .....

NOTE.—The section must be read to the declarant by the person taking the declaration.

---

Form P

[Section 70  
(1).]

RETURN OF ELECTION EXPENSES

I, ....., being election agent for ..... a candidate for election in the ..... electoral district, make the following return respecting election expenses of the said candidate at the said election (or where the candidate has named himself as election agent) I, ....., candidate for election in the ..... electoral district, acting as my own election agent, make the following return respecting my election expenses at the said election:—

Receipts :

Here set out the name and description of every person (including the candidate), club, society or association from whom any money, security, or valuable consideration was received in respect of expenses incurred on account of or in connexion with or incidental to the election, and the amount received from each person, club, society or association separately, and state as to each amount whether it was received as contribution, loan, deposit or otherwise.

Expenditure :

1. Payments made by election agent.

All payments are to be vouched for by a bill stating the particulars except as provided by section 63 of the Ceylon (Parliamentary Elections) Order in Council, 1946.

2. Personal expenses paid by the candidate.

The name and description of each person to whom payment is made and the sum paid to each must be shown separately.

3. The name, and the rate, and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger.

4. The travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks, or messengers.

5. The travelling expenses of persons, whether in receipt of salary or not, incurred in connexion with the candidature and whether paid or incurred by the candidate, his election agent, or the persons so travelling.

6. The cost whether paid or incurred of—

- (i) printing;
- (ii) advertising;
- (iii) stationery;
- (iv) postage;
- (v) telegrams;
- (vi) rooms hired either for public meetings or as committee rooms.

7. Any other miscellaneous expenses whether paid or incurred.

8. Disputed claims.

*Here set out the name and description of each person whose claim is disputed, the amount of the claim and the goods, work or other matter on account of which the claim is based.*

9. Unpaid claims.

*Here set out the name and description of each person to whom any such claim is due, the amount of the claim and the goods, work or other matters on account of which the claim is due.*

.....  
Election Agent.

**Form Q**

FORM OF DECLARATION BY CANDIDATE

[Section 70  
(2).]

I, ....., being a candidate for election in the ..... electoral district, do hereby solemnly affirm (or swear) that the above return of election expenses is true to the best of my knowledge and belief, and that except the expenses therein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

.....  
Candidate.

Solemnly affirmed (or sworn to) before me.

.....  
Justice of the Peace.

**Form R**

FORM OF DECLARATION BY AN ELECTION AGENT

[Section 70  
(2).]

I, ....., being appointed election agent for ....., a candidate for election in the ..... electoral district, do hereby solemnly affirm (or swear) that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses therein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purposes of ..... candidature.

.....  
Election Agent.

Solemnly affirmed (or sworn to) before me.

.....  
Justice of the Peace.

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SECOND SCHEDULE

[Section 42  
(7).]

FORM OF DIRECTIONS FOR THE GUIDANCE OF A VOTER IN VOTING  
WHICH SHALL BE EXHIBITED OUTSIDE EVERY POLLING STATION

The voter may vote for one candidate.

\* The voter has ..... votes. He may give each of his votes to a different candidate or may give all or any of his votes to the same candidate. The voter must give each vote on a separate ballot paper.

The voter will go into the place reserved for the marking of ballot papers and mark a cross in the space provided for the purpose on the right hand side of the ballot paper opposite the name of the candidate for whom he votes, thus: X.

The voter will then fold up the ballot paper (s\*) so as to show the official mark on the back, and without showing the front of the paper (s\*) to any person, show the official mark on the back to the presiding officer, put the paper (s\*) into the ballot box and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer who will, if satisfied of such inadvertence, give him another paper.

\* If the voter votes for more than one candidate on any ballot paper, his ballot paper will be void and will not be counted.

If the voter places any mark on the ballot paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.

\*To be used only at an election at which more than one candidate has to be returned.

THIRD SCHEDULE

[Section 86  
(1).]

Short title.

1. These rules may be cited as the Parliamentary Election Petition Rules, 1946.

Interpretation.

2. In these rules, unless the context otherwise requires—  
“Commissioner” means the Commissioner of Parliamentary Elections appointed under section 88 of the Order;

“Judge” means the Election Judge;

“Registrar” means the Registrar of the Supreme Court;

“the Order” means the Ceylon (Parliamentary Elections) Order in Council, 1946.

Manner of presentation of petition.

3. (1) The presentation of an election petition shall be made by delivering it at the office of the Registrar, and the Registrar or the officer of his department to whom the petition is delivered shall, if required, give a receipt in the following form:—

Received on the ..... day of ....., 19 .....  
at the Registry of the Supreme Court, a petition touching  
the election of A.B., Member for ....., purporting  
to be signed by ..... (insert the names of  
petitioners).

C.D.,

Registrar.

(or as the case may be).



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(2) With the petition two copies thereof shall also be left.

4. (1) An election petition shall contain the following statements:—

Contents and  
form of  
election  
petition.

(a) It shall state the right of the petitioner to petition within section 79 of the Order.

(b) It shall state the holding and result of the election, and shall briefly state the facts and grounds relied on to sustain the prayer.

(2) The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively, and no costs shall be allowed for drawing or copying any petition not substantially in compliance with this rule, unless otherwise ordered by the court or a Judge.

(3) The petition shall conclude with a prayer as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or as the case may be, and shall be signed by all the petitioners.

(4) The following form, or one to the like effect, shall be sufficient:—

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

The Ceylon (Parliamentary Elections) Order in Council,  
1946.

Election for ..... (state the electoral district) holden  
on the ..... day of ....., 19.....

The petition of A., of ....., (or of A., of .....  
and B., of ....., as the case may be), whose names are  
subscribed.

(1) Your petitioner A. is a person who voted (or had a  
right to vote, as the case may be) at the above election (or  
claims to have had a right to be returned at the above  
election or was a candidate at the above election) and your  
petitioner B. (here state in like manner the right of each  
petitioner).

(2) And your petitioners state that the election was holden  
on the ..... day of ....., 19 ....., when A.B.,  
C.D., and E.F. were candidates, and the Returning Officer has  
returned A.B. as being duly elected.

(3) And your petitioners say that (here state the facts and  
grounds on which the petitioners rely.)

Wherefore your petitioners pray that it might be determined  
that the said A. B. was not duly elected or returned, and that  
the election was void (or that the said E.F. was duly elected  
and ought to have been returned, or as the case may be).

(Signed) A.  
B.

5. Evidence need not be stated in the petition, but the Judge  
may, upon application in writing by a respondent, order such  
particulars as may be necessary to prevent surprise and  
unnecessary expense, and to ensure a fair and effectual trial  
upon such terms as to costs and otherwise as may be ordered.

Evidence not  
to be stated  
in petition.  
Particulars.

Where more than one petition are presented in relation to same election.

6. Where more petitions than one are presented relating to the same election or return, all such petitions shall be dealt with as one petition, so far as the inquiry into the same is concerned.

List of votes objected to where seat claimed by unsuccessful candidate.

7. When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, six days before the day appointed for trial, deliver to the Registrar, and also at the address, if any, given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote, and the Registrar shall allow inspection and office copies of such lists to all parties concerned ; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

List of objections in recriminatory case.

8. The respondent in a petition complaining of an undue return and claiming the seat for some person may lead evidence to prove that the election of such person was undue, and in such case such respondent shall, six days before the day appointed for trial, deliver to the Registrar, and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Registrar shall allow inspection of office copies of such lists to all parties concerned ; and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Judge, upon such terms as to amendments of the list, postponement of the inquiry, and payment of costs, as may be ordered.

Appointment of agent by petitioner.

9. With the petition the petitioner or petitioners shall leave at the office of the Registrar a writing, signed by him or them, giving the name of some person entitled to practise as a proctor of the Supreme Court whom he or they authorize to act as his or their agent or stating that he or they act for himself or themselves, as the case may be, and in either case giving an address within the city of Colombo at which notices may be left ; and if no such writing be left or address given, then all notices may be given by leaving the same at the office of the Registrar. Every such writing shall be stamped with the duty payable thereon under the law for the time being in force.

Appointment of agent by respondent.

10. Any person returned as a Member may at any time, after he is returned, send or leave at the office of the Registrar a writing, signed by him on his behalf, appointing a person entitled to practise as a proctor of the Supreme Court to act as his agent in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address within the city of Colombo at which notices addressed to him may be left, and if no such writing be left or address given, all notices and proceedings may be given or served by leaving the same at the office of the Registrar. Every such writing shall be stamped with the duty payable thereon under the law for the time being in force.

Registrar with to keep book addresses and names of agents.

11. The Registrar shall cause to be kept a book at his office in which shall be entered all addresses and the names of agents given under either of the two last preceding rules, which book shall be open to inspection by any person during his office hours.

12. (1) At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner shall be given on behalf of the petitioner.

Security by petitioner for costs, &c., of election petition.

(2) The security shall be to an amount of not less than five thousand rupees. If the number of charges in any petition shall exceed three, additional security to an amount of two thousand rupees shall be given in respect of each charge in excess of the first three. The security required by this rule shall be given by a deposit of money.

(3) If security as in this rule provided is not given by the petitioner, no further proceedings shall be had on the petition, and the respondent may apply to the Judge for an order directing the dismissal of the petition and for the payment of the respondent's costs. The costs of hearing and deciding such application shall be paid as ordered by the Judge, and in default of such order shall form part of the general costs of the petition.

13. (1) The deposit of money by way of security for payment of costs, charges, and expenses payable by the petitioner shall be made by payment to the Commissioner which shall be vested in and drawn upon from time to time by the Chief Justice for the purposes for which security is required by these rules. A receipt shall be given by the Commissioner for the same, which shall forthwith be left at the office of the Registrar by the petitioner.

Security by deposit of money.

(2) The Registrar shall file such receipt and keep a book open to the inspection of all parties concerned, in which shall be entered from time to time the amount and the petition to which it is applicable.

Return of money so deposited.

14. (1) Money so deposited shall, if and when the same is no longer needed for securing payment of such costs, charges and expenses, be returned or otherwise disposed of as justice may require by order of the Chief Justice.

(2) Such order may be made after such notice of intention to apply and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Chief Justice may require.

(3) Such order may direct payment either to the party in whose name the same is deposited or to any person entitled to receive the same.

15. (1) Notice of the presentation of a petition, accompanied by a copy thereof shall, within ten days of the presentation of the petition,—

(a) be served by the petitioner on the respondent; or

(b) be delivered at the office of the Registrar for service on the respondent, and the Registrar or the officer of his department to whom such notice and copy is delivered shall, if required, give a receipt in such form as may be approved by the Chief Justice.

Service of notice of petition and copy of petition on the respondent.

[§29, 11 of 1959.]

(2) The service under paragraph (1) of notice of the presentation of a petition and a copy thereof by the petitioner on the respondent may be effected either by delivering such notice and copy to the agent appointed by the respondent under rule 10 or by posting them in a registered letter to the address given under rule 10 at such time that, in the ordinary course of post, the letter would be delivered within the time above mentioned, or by a notice published in the

- Gazette stating that such petition has been presented and that a copy of it may be obtained by the respondent on application at the office of the Registrar.
- (3) Where notice of the presentation of a petition, accompanied by a copy thereof, is delivered under paragraph (1) at the office of the Registrar for service on the respondent, such service may be effected in the same manner as the service of a notice issued by a court is effected under the Civil Procedure Code.
- When petition to be deemed at issue.      16. On the expiration of the time limited for making petitions, the petition shall be deemed to be at issue.
- List of petitions.      17. The Registrar shall make out the election petition list. In it he shall insert the names of the agents of the petitioners and respondents appointed under rule 9 and rule 10 respectively, and the addresses to which notices may be sent, if any. The list may be inspected at the office of the Registrar at any time during office hours, and shall be affixed for that purpose upon a notice-board appropriated to proceedings under the Order, and headed "The Ceylon (Parliamentary Elections) Order in Council, 1946".
- Time and place of trial of election petition.      18. The time and place of the trial of each election petition shall, subject to the provisions of section 78c of this Order, be fixed by the Judge, and not less than fourteen days' notice thereof shall be given to the petitioner and respondent by letter directed to the address left by such petitioner or respondent with the Registrar; or, if no such address has been left, by notice in the Gazette.
- Postponement of trial.      19. The Judge may from time to time, by order made on the application of a party to the petition, postpone the beginning of the trial to such day as he may name; and such order, when made, shall forthwith be published by the Registrar in the Gazette.
- Adjournment and continuation of trial.      20. No formal adjournment of the court for the trial of an election petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded; and in the event of the Judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by another Judge.
- Withdrawal of election petition.      21. (1) An election petition shall not be withdrawn without the leave of the Judge; and such leave may be given upon such terms as to the payment of costs and otherwise as the Judge may think fit.
- (2) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits as required by this rule by all the parties to the petition and their proctors, and by the election agents of all the said parties who were candidates at the election; but a Judge of the Supreme Court may on cause shown dispense with the affidavit of any particular person if it seems to the Judge on special grounds to be just so to do.
- (3) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(4) The affidavits of the applicant and his proctor shall further state the ground on which the petition is sought to be withdrawn.

22. (1) An application for leave to withdraw a petition shall be in writing signed by the petitioner or petitioners or his or their agent or agents. It shall state the ground on which the application is supported.

Form of application to withdraw petition.

(2) The following form shall be sufficient:—

“The Ceylon (Parliamentary Elections) Order in Council, 1946.

Electoral district ..... petition of ..... (state name of petitioner) presented ..... day of ....., 19..

The petitioner applies to withdraw his petition upon the following ground (*here state the ground*), and prays that a day may be appointed for hearing his application.

Dated this ..... day of ....., 19.....

(Signed) .....

(3) The application for leave to withdraw shall be left at the office of the Registrar.

23. A copy of such application shall be given by the petitioner to the respondent, and a notice in the following terms signed by the petitioner shall be published forthwith in the Gazette by the petitioner at his own expense:—

Copy of application to be given to respondent.

“The Ceylon (Parliamentary Elections) Order in Council, 1946.

In the election petition for ..... in which ..... is petitioner and ..... respondent.

Notice is hereby given that the above petitioner did on the ..... day of ..... lodge at the office of the Registrar of the Supreme Court an application for leave to withdraw the petition, of which application the following is a copy:—

(Set it out.)

And take notice that under “The Parliamentary Election Petition Rules, 1946”, any person who might have been a petitioner in respect of the said election may, within five days after the date of publication of this notice, give notice in writing to the Registrar of the Supreme Court of his intention on the hearing of the application to be substituted as a petitioner.

(Signed) .....

24. Any person who might have been a petitioner in respect of the election to which the petition relates may, within five days after such notice is published by the petitioner, give notice in writing, signed by him or on his behalf, to the Registrar, of his intention to apply at the hearing to be substituted for the petitioner, but the want of such notice shall not defeat such application, if in fact made at the hearing.

Application to be substituted as petitioner, on withdrawal.

Time and place of hearing of application.

25. The time and place of hearing the application shall be fixed by the Judge but shall not be less than a week after the application for leave to withdraw has been left at the office of the Registrar as hereinbefore provided, and notice of the time and place appointed for the hearing shall be given to such person or persons, if any, as shall have given notice to the Registrar of an intention to apply to be substituted as petitioners, and otherwise in such manner and such time as the Judge directs.

Substitution of another petitioner.

26. (1) On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

(2) The Judge may, if he thinks fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the Judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within three days after the order of substitution.

(4) Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

(5) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(6) Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Abatement of petition by death.

27. (1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

Application to be substituted as petitioner on abatement.

28. (1) Notice of abatement of a petition, by death of the petitioner or surviving petitioner, shall be given by the party or person interested in the same manner as notice of an application to withdraw a petition, and the time within which application may be made to a Judge to be substituted as a petitioner shall be one calendar month, or such further time as upon consideration of any special circumstances the Judge may allow.

(2) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be substituted as a petitioner.

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(3) The Judge may, if he thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

29. (1) If before the trial of an election petition a respondent dies or resigns, or gives notice in writing to the court that he does not intend to oppose the petition, the petition shall not be abated but shall continue whether or not any person applies to be admitted as respondent as hereinafter provided.

On death, resignation, or notice not to oppose of respondent, the petition to continue.

(2) Notice of the fact that a respondent has died, or resigned, or that he has given notice in writing that he does not intend to oppose the petition, shall be published in the Gazette by the Registrar.

(3) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be admitted as a respondent to oppose the petition within ten days after such notice has been published in the Gazette or such further time as the Judge may allow.

(4) The manner and time of the respondent's giving notice to the court that he does not intend to oppose the petition, shall be by leaving notice thereof in writing at the office of the Registrar, signed by the respondent not less than six days before the day appointed for trial, exclusive of the day of leaving such notice.

30. A respondent who has given notice of his intention not to oppose a petition shall not be allowed to appear or act as a party against such petition in any proceedings thereon.

Respondent not opposing petition not to appear as party.

31. After receiving the petitioner's application for leave to withdraw or notice of the respondent's intention not to oppose or of the abatement of the petition by death, or of the happening of any of the events mentioned in rule 29, if such notice be received after notice of trial shall have been given, and before the trial has commenced, the Registrar shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial.

Countermanding notice of trial where petition abated, &c.

32. All costs of and incidental to the presentation of a petition and to the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the Judge may determine, regard being had to the disallowance of any costs which may, in the opinion of the Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the petitioner or the respondent and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Costs.

33. (1) Costs shall be taxed by the Registrar upon the order by which the costs are payable in the same manner as costs are taxed in a District Court, but subject to such express directions, either general or specific, as the Judge may give; and costs when taxed may be recovered in the same manner as the costs of an action at law.

Taxation and recovery of costs.

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(2) The Chief Justice may direct that the whole or any part of any moneys deposited by way of security under the provisions of rules 12 and 13 may be applied in the payment of taxed costs.

(3) The office fees payable for inspection, office copies and other proceedings under these rules shall be such as may be prescribed by the Chief Justice.

Proctor may act as agent under these rules.

34. Any person who is on the roll of proctors of the Supreme Court may act as agent for any party to an election petition.

Notice of appointment of agent.

35. An agent shall, immediately upon his appointment as such, leave written notice thereof at the office of the Registrar.

Service of notices on agents.

36. Service of notices and proceedings upon such agents shall be sufficient for all purposes.

[Section 95.]

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FOURTH SCHEDULE

The Ceylon (State Council Elections) Order in Council, 1931.

The Ceylon (State Council Elections) Amendment Order in Council, 1934.

The Ceylon (State Council Elections) Amendment Order in Council, 1935.

The Ceylon (State Council Elections) Further Amendment Order in Council, 1935.

The Ceylon (State Council Elections) (Electoral Districts) Order in Council, 1945.

The Ceylon (Electoral Registers) (Special Provisions) Order in Council, 1946.

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[§ 30, 11 of 1959.]

FIFTH SCHEDULE

*Postal Voters Regulations, 1959*

Short title.

1. These regulations may be cited as the Postal Voters Regulations, 1959.

Interpretation.

2. For the purpose of these regulations, unless the context otherwise requires,—

“agent” includes an election agent and a person appointed to attend in the election agent’s place;

“issue” includes the original and any subsequent issue;

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter”, with reference to any election, means a person entitled to be treated as a postal voter for the purpose of that election;

“Schedule” means the Schedule to these regulations;

“the Order” means the Ceylon (Parliamentary Elections) Order in Council, 1946.



3. An application to be treated as a postal voter shall be substantially in the form A in the Schedule.

Form of application to be treated as a postal voter.

4. (1) Subject to the provisions of this regulation, the record and list of postal voters kept by the registering officer under the Order shall be in such form as appears to him to be convenient.

Record and list of postal voters.

(2) The address to which the ballot paper or ballot papers of a postal voter is or are to be sent shall be specified opposite his name in the postal voters' list.

(3) The names in the postal voters' list shall be numbered consecutively, beginning with the number one.

(4) As soon as the postal voters' list has been prepared, the registering officer shall publish it by making a copy thereof available for inspection at his office.

5. A postal ballot paper shall be in the same form as, and indistinguishable from, the ballot papers delivered to voters, who are not postal voters.

Form of postal ballot paper.

6. The form of declaration of identity sent to a postal voter with his postal ballot paper or postal ballot papers shall be substantially in the form B in the Schedule.

Form of declaration of identity.

7. There may be appointed persons to assist the returning officer as clerks at the proceedings on the issue of postal ballot papers :

Appointment of clerks.

Provided that no person shall be so appointed who has been employed by or on behalf of a candidate in or about the election.

8. (1) No person other than—

- (a) the returning officer and his clerks,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place, and
- (d) any agents appointed under paragraph (2) of this regulation,

Persons entitled to be present at issue and receipt of postal ballot papers.

may be present at the proceedings on the issue of postal ballot papers.

(2) Where postal ballot papers are to be issued simultaneously in two or more batches, each candidate may appoint one or more agents up to the number he may be authorized by the returning officer to appoint not exceeding the number of such batches, so, however, that the number authorized shall be the same in the case of each candidate.

(3) Notice of the appointment stating the names and addresses of the persons appointed under paragraph (2) of this regulation shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

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(5) Agents may be appointed and notices of their appointment may be given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In these regulations, references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (2) of this regulation, who are within the number authorized by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorized to do, or may assist his agent in doing any such act or thing.

(8) Where in these regulations any act or thing is required or authorized to be done in the presence of the candidates or their agents the non-attendance of any such person or persons at the time and place appointed for the purpose shall not, if the act or thing is otherwise validly done, invalidate the act or thing done.

Declaration  
of secrecy.

9. (1) Every person attending the proceedings on the issue of postal ballot papers shall make a declaration of secrecy substantially in the form C in the Schedule before the issue of such ballot papers.

(2) A declaration under paragraph (1) of this regulation shall be made by the returning officer in the presence of a Justice of the Peace and when made by any other person shall be made in the presence of the returning officer or a Justice of the Peace.

Notice of  
issue of  
postal ballot  
papers.

10. (1) The returning officer shall, not later than ten days after the day of nomination at an election, notify each candidate of the time and place at which he will issue the postal ballot papers and of the number of agents he may appoint under paragraph (2) of regulation 8 to attend the said issue.

(2) Where any subsequent issue of ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents he may appoint under paragraph (2) of regulation 8 to attend the issue.

Official mark  
to be made  
on postal  
ballot papers.

11. (1) The postal ballot paper or postal ballot papers issued to each postal voter shall be stamped on the back, or perforated, with the official mark; and the number and name of such voter shall be called out, and the number of such voter shall be marked on the counterfoil of each such ballot paper, and a mark shall be placed in the postal voters' list against the number of such voter to denote that he has been issued such ballot paper or ballot papers but without showing the particular ballot paper or ballot papers issued to him.

(2) The number of the postal voter to be marked on the counterfoil of the postal ballot paper or the counterfoils of the postal ballot papers issued to him shall be the number of such voter in the postal voters' list.

(3) The number printed on the postal ballot paper issued to a postal voter or, if more than one postal ballot paper is issued to such voter, the number printed on each such ballot paper, shall be marked on the form of declaration of identity

sent to such voter. The number or each number so marked is hereinafter referred to as the "marked number on the declaration of identity".

12. Where a returning officer is satisfied that two entries in the postal voters' list relate to the same postal voter, he shall not issue, in respect of the same voter, more postal ballot papers than one voter is entitled to.

Refusal to issue postal ballot paper.

13. (1) The number or each number marked on the Ballot Paper Envelope is referred to in these regulations as the "marked number on the Ballot Paper Envelope".

Interpretation of the expression "marked number on the Ballot Paper Envelope" and the expression "covering envelope".

(2) The envelope for the return of the postal ballot paper or postal ballot papers duly marked and enclosed in the Ballot Paper Envelope and of the form of declaration of identity duly filled up is referred to in these regulations as the "covering envelope".

14. All envelopes addressed to postal voters shall be counted and forthwith delivered by the returning officer to the nearest post office, and the postmaster shall stamp with the post office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

Delivery to post office of envelopes addressed to postal voters.

15. (1) The returning officer shall, at the proceedings on the original issue of the postal ballot papers to postal voters, provide a ballot box or ballot boxes for the reception of the covering envelopes that may be received from postal voters. Every such ballot box shall be treated as a ballot box for the purposes of section 48 of the Order.

Provision of postal voters' ballot box.

(2) Every ballot box referred to in paragraph (1) of this regulation shall be shown open and empty to such agents of the candidates as are present, and shall be sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals, and shall be marked "postal voters' ballot box" and with the number and name of the electoral district for which the election is held, and the returning officer shall make provision for the safe custody of such ballot box.

16. (1) The returning officer, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the agents of the candidates, shall make up in separate packets—

Sealing up of postal voters' list and counterfoils.

- (a) the marked copies of the postal voters' list, and
- (b) the counterfoils of the postal ballot papers which were issued,

and shall seal such packets.

(2) The sealed packet containing the marked copies of the postal voters' list may be opened by the returning officer for the purpose of a subsequent issue of postal ballot papers, and, on completion of the issue, the copies shall be again made up and sealed in accordance with paragraph (1) of this regulation.

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Receipt of covering envelopes from postal voters.

17. The returning officer shall, immediately on receipt of a covering envelope before the close of the poll, place it unopened in the postal voters' ballot box.

Opening of postal voters' ballot box.

18. Every postal voters' ballot box shall be opened by the returning officer, in the presence of the agents of the candidates, at the time fixed for the counting of the votes under section 48 of the Order.

Opening of the covering envelopes.

19. (1) Where a postal voters' ballot box is opened, the returning officer shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

(2) Where the returning officer opens a covering envelope and—

(a) finds therein—

(i) a declaration of identity and a Ballot Paper Envelope, or

(ii) a declaration of identity, and a ballot paper or ballot papers not enclosed in a Ballot Paper Envelope, or

(iii) only a declaration of identity, or

(iv) only a ballot paper or ballot papers not enclosed in a Ballot Paper Envelope, or

(v) only a Ballot Paper Envelope, or

(b) finds nothing therein,

the succeeding provisions of this regulation shall apply.

(3) In the cases referred to in sub-paragraph (a) (i) and sub-paragraph (a) (ii) of paragraph (2) of this regulation, the returning officer shall satisfy himself that the declaration of identity has been duly signed and witnessed and that the marked number on the declaration of identity or each marked number on the declaration of identity corresponds, in the case referred to in the aforesaid sub-paragraph (a) (i), to a similar marked number on the Ballot Paper Envelope and, in the case referred to in the aforesaid sub-paragraph (a) (ii), to a similar marked number on the ballot paper or on a ballot paper. If he is so satisfied, he shall place such declaration in a separate receptacle (hereinafter referred to as the "receptacle for declarations of identity") and, in the case referred to in the aforesaid sub-paragraph (a) (i) the Ballot Paper Envelope, and, in the case referred to in the aforesaid sub-paragraph (a) (ii), the ballot paper or ballot papers, in another receptacle (hereinafter referred to as the "receptacle for postal voters' ballot papers").

(4) Where in the cases referred to in sub-paragraph (a) (i) and sub-paragraph (a) (ii) of paragraph (2) of this regulation, the returning officer is not so satisfied as is required by paragraph (3) of this regulation, he shall—

(a) mark on the declaration of identity the words "declaration of identity rejected";

(b) show such declaration to such agents of the candidates as are present and, if any objection is made by any agent to the decision of the returning officer regarding such declaration, add to the words marked on such declaration under the preceding sub-paragraph (a) the words "rejection objected to";

- (c) attach to such declaration, in the case referred to in the aforesaid sub-paragraph (a) (i), the Ballot Paper Envelope or, in the case referred to in the aforesaid sub-paragraph (a) (ii), the ballot paper or ballot papers; and
  - (d) place such declaration and the documents which under the preceding sub-paragraph (c) are attached to such declaration in a receptacle (hereinafter referred to as the "receptacle for rejected votes of postal voters").
- (5) In the case referred to in sub-paragraph (a) (iii) of paragraph (2) of this regulation, the returning officer shall mark on the declaration of identity the words "declaration of identity rejected, no ballot paper and no Ballot Paper Envelope received", and shall place such declaration in the receptacle for rejected votes of postal voters.
- (6) In the case referred to in sub-paragraph (a) (iv) of paragraph (2) of this regulation, the returning officer shall mark on the ballot paper or on each ballot paper the words "rejected, no declaration of identity received", and shall place the ballot paper or ballot papers in the receptacle for rejected votes of postal voters.
- (7) In the case referred to in sub-paragraph (a) (v) of paragraph (2) of this regulation, the returning officer shall open the Ballot Paper Envelope in order to ascertain whether a declaration of identity is enclosed therein.
- (8) If, on opening the Ballot Paper Envelope under paragraph (7) of this regulation, a declaration of identity and a ballot paper or ballot papers are found in such envelope, the returning officer shall satisfy himself that such declaration has been duly signed and witnessed and that the marked number on the declaration of identity or each marked number on the declaration of identity corresponds to a similar marked number on such ballot paper or on any such ballot paper, and—
- (a) if so satisfied, shall place such declaration in the receptacle for declarations of identity and place such ballot paper or ballot papers in the receptacle for postal voters' ballot papers, and
  - (b) if not so satisfied, shall—
    - (i) mark on such declaration the words "declaration of identity rejected";
    - (ii) show such declaration to such agents of the candidates as are present and, if any objection is made by any agent to the decision of the returning officer regarding such declaration, add to the words marked on such declaration under the preceding sub-paragraph (i) the words "rejection objected to";
    - (iii) attach to such declaration the Ballot Paper Envelope and such ballot paper or ballot papers; and
    - (iv) place such declaration and the documents which under the preceding sub-paragraph (iii) are attached to such declaration in the receptacle for rejected votes of postal voters.

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(9) If, on opening the Ballot Paper Envelope under paragraph (7) of this regulation, the returning officer finds—

- (a) only a declaration of identity, or
- (b) only a ballot paper or ballot papers, or
- (c) nothing,

he shall—

- (i) in the case referred to in the preceding sub-paragraph (a), mark on such declaration the words “declaration of identity rejected, no ballot paper received”;
- (ii) in the case referred to in the preceding sub-paragraph (b), mark on such ballot paper or on each such ballot paper the words “rejected, no declaration of identity received”;
- (iii) in the case referred to in the preceding sub-paragraph (c), mark on the Ballot Paper Envelope the words “rejected, no contents received”; and
- (iv) if a declaration of identity or a ballot paper or ballot papers is or are found in the Ballot Paper Envelope, attach such declaration or ballot paper or ballot papers to such envelope; and

place the Ballot Paper Envelope and the document or documents, if any, attached to such envelope under the preceding sub-paragraph (iv) in the receptacle for rejected votes of postal voters.

(10) In the case referred to in sub-paragraph (b) of paragraph (2), the returning officer shall mark on the covering envelope the words “rejected; no contents received”, and shall place such envelope in the receptacle for rejected votes of postal voters.

(11) A declaration of identity shall not be deemed to be duly signed and witnessed unless it is signed and witnessed in accordance with the instructions contained on the back of the form of declaration of identity.

Opening of  
Ballot Paper  
Envelopes.

20. (1) On the conclusion of the proceedings under regulation 19, the returning officer shall open separately each Ballot Paper Envelope placed in the receptacle for postal voters' ballot papers.

(2) Where a Ballot Paper Envelope does not contain any ballot paper, the returning officer shall mark on that envelope the words “no ballot paper enclosed”, and shall place it in the receptacle for rejected votes of postal voters.

(3) Where a Ballot Paper Envelope contains a ballot paper or ballot papers, the returning officer shall—

- (a) if the marked number on such envelope or each marked number on such envelope corresponds to a similar marked number on such ballot paper or on any such ballot papers, place such ballot paper or ballot papers in the receptacle for postal voters' ballot papers;

- (b) if such envelope contains one ballot paper and the marked number on such ballot paper does not correspond to the marked number on such envelope or to any marked number on such envelope, mark on such envelope the word "rejected", attach such ballot paper to such envelope, and place them in the receptacle for rejected votes of postal voters; and
- (c) if such envelope contains two or more ballot papers and the marked number on any such ballot paper does not correspond to any marked number on such envelope, mark on such envelope the word "rejected", attach such ballot papers to such envelope, and place them in the receptacle for rejected votes of postal voters.

21. On the conclusion of the proceedings under regulation 20, the returning officer shall put the contents of the receptacle for rejected votes of postal voters and the contents of the receptacle for the declarations of identity into two separate packets and shall seal up such packets.

Sealing up of rejected votes and declarations of identity.

22. (1) Every person attending the proceedings in connection with the issue of postal ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not—

Requirement of secrecy.

- (a) except for some purpose authorized by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark made on postal ballot papers; or
- (b) except for some purpose authorized by law, communicate to any person at any time information obtained at those proceedings as to the number on the back of a postal ballot paper.

(2) Every person who acts in contravention of the provisions of paragraph (1) of this regulation shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months.

SCHEDULE TO THESE REGULATIONS

Regulation 3

Form A

[§ 4, 28 of 1959.]

Application to be treated as a Postal Voter

To the Registering Officer of Electoral District No. ....  
(give number and name of Electoral District).

I, ..... hereby declare that my name appears as ..... in the register of electors and bears serial number ..... in the polling district ..... (give letter or letters assigned to polling district) of the above-named Electoral District, and I apply to be treated as a postal voter at the election of a member for the above-named Electoral District because I am unable\*/likely to be unable to vote in person at the polling station allotted to me—

\* (1) by reason of the particular circumstances of my employment.—

- \*(a) as a member of the Ceylon Army\*/Royal Ceylon Navy\*/Royal Ceylon Air Force;
- \*(b) as an officer or servant in the Department of Police\*/Ceylon Government Railway\*/Department of Postal and Telecommunication Services;

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\* (c) as an officer or servant in the public service appointed\*/likely to be appointed for duties connected with the election;

\* (2) by reason of my candidature in Electoral District No. ...., (give number and name of Electoral District).

The address to which my ballot paper\*/papers and other documents should be sent is as follows:—

If the applicant is not entitled to function as a certifying officer in accordance with the note appearing below, state official designation and address of applicant's certifying officer.

If the applicant is entitled to function as a certifying officer, state applicant's official designation and address.

Date: .....

.....  
Signature of applicant.

I hereby certify that I am unable\*/likely to be unable\*/the applicant is unable\*/likely to be unable\*/to vote in person at the polling station allotted to me\*/him for the reason stated by me\*/him in this application.

My official designation and address as stated in this application are correct.

Date and official frank: .....

.....  
Signature and designation of certifying officer\*/applicant.

\* Delete inapplicable words.

*Note*

1. Every application shall be made to the Registering Officer of the Electoral District where the applicant is registered as an elector not later than seven days after the day of nomination.

2. Every application shall be duly filled in as otherwise it is liable to rejection by the Registering Officer.

3. Every applicant will be informed of the decision of the Registering Officer.

4. The ballot paper or papers and other documents will be despatched to any applicant whose application has been allowed to his name and address as stated in his application if he is entitled to function as a certifying officer or, if he is not so entitled, under the care of the certifying officer whose official designation and address are stated in his application.



5. The expression "certifying officer",—

- (a) in relation to any applicant who, being a member of the Ceylon Army or Royal Ceylon Navy or Royal Ceylon Air Force,—
  - (i) is the Commander of that Army or the Captain of that Navy or the Commander of that Air Force, or is the officer in immediate charge of the unit or establishment in which the applicant is serving, means the applicant; or
  - (ii) is not a person referred to in clause (i) of this sub-paragraph, means the officer in immediate charge of the unit or establishment in which the applicant is serving;
- (b) in relation to any applicant who, being an officer or servant in the public service,—
  - (i) is the officer in immediate charge of any office, means the applicant; or
  - (ii) is not a person referred to in clause (i) of this sub-paragraph, means the officer in immediate charge of the office in which the applicant is serving; or
- (c) in relation to any applicant who is a candidate at a general election, means the Returning Officer for the Electoral District in which the applicant is registered as an elector.

Regulation 6

Form B [§ 4, 26 of 1959.]

Form of Declaration of Identity  
FRONT OF FORM

Serial number\*/numbers of ballot paper\*/papers .....  
.....; (To be inserted by Returning Officer).

\* I hereby declare that I am the person to whom the ballot paper\*/papers bearing the above serial number\*/numbers and the envelope containing such ballot paper\*/papers (which have been now handed over to me) were sent under the care of the officer mentioned below who is a witness to my signature.

\*\*\* I hereby declare that I am the person to whom the ballot paper\*/papers numbered as above and the envelope containing such ballot paper\*/papers (both of which I now produce) were sent direct.

.....  
Voter's Signature.

Date : .....

\* The ballot paper\*/papers and the envelope referred to were sent to the abovenamed person under my care in my capacity as his certifying officer. The abovenamed person is personally known to me, being a candidate at the pending Parliamentary Election\*/being employed in the unit\*/establishment\*/office in my charge.

\* The ballot paper\*/papers handed over to the voter was\*/were marked immediately by him in the compartment provided in my office. The marked ballot paper\*/papers was\*/were placed in the ballot paper envelope by the voter and the envelope was sealed in my presence and that of the voter.

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\*\* The official identity card of the voter was shown to me. The above declaration of identity was signed in my presence by the voter before voting.

\*\*\* The abovenamed person who is personally known to me has shown me the ballot paper\*/papers and the envelope referred to above/\*\*and his official identity card/and has signed the above declaration in my presence.

.....  
Signature and designation of  
witness.

Date and Official Frank .....

(See instructions on back of this Form.)

\* Delete if inapplicable.

\*\* Should be deleted if no official identity cards are required to be issued for the purpose of the election.

\*\*\* Applicable only in respect of voters to whom ballot paper or papers and other documents were sent direct under their official designation and address and should be deleted if inapplicable. The witness to the declaration in respect of such voters will be as specified in the instructions overleaf.

BACK OF FORM

A. Instructions to Voter in respect of whom ballot paper\*/papers and other documents have been despatched under the care of his Certifying Officer.

1. Before signing the declaration, the voter in respect of whom ballot paper\*/papers and other documents have been despatched under the care of his Certifying Officer shall—

(a) see—

(i) the envelope in which the form of declaration of identity and the ballot paper\*/papers were forwarded to the voter under the care of such officer;

(ii) that the serial number\*/numbers of the ballot paper\*/papers specified in the declaration of identity is\*/are the same as the number\*/numbers appearing on the ballot paper\*/papers handed over to him;

(b) produce his official identity card before such officer if such card is required to be issued for the purpose of the election.

The voter shall then sign the declaration in the presence of such officer who shall function as his witness.

\*2. The voter has only one vote.

\*3. The voter has ..... votes, and he may give each of his votes to a different candidate or all or any of his votes to the same candidate. The voter shall give each vote on a separate ballot paper.

4. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name of the candidate for whom he votes, thus : X.

5. THE VOTER SHALL NOT ALLOW ANY PERSON TO SEE HOW HE HAS VOTED.

6. Immediately after voting, the voter shall fold the ballot paper\*/papers, obtain the small envelope provided on which are printed the words "Ballot Paper Envelope" from his witness, place the marked ballot paper\*/papers in it without showing the front of the ballot paper\*/papers and fasten the envelope up. The envelope shall then be sealed in the presence of the voter and his witness.

The voter shall then place the sealed ballot paper envelope, together with his completed declaration of identity in the other larger enclosed envelope addressed to the Returning Officer, fasten the envelope and hand it over to his witness for despatch without delay.

7. A POSTAL BALLOT PAPER SHALL NOT BE DEEMED TO BE DULY RETURNED, UNLESS IT IS RETURNED SO AS TO REACH THE RETURNING OFFICER BEFORE THE CLOSE OF THE POLL ON THE POLLING DAY APPOINTED, AND IS ACCOMPANIED BY THE DECLARATION OF IDENTITY DULY SIGNED AND WITNESSED.

\* Delete if inapplicable.

B. Instructions to Voter in respect of whom ballot paper\*/papers and other documents were sent *direct* to him under his official designation and address.

1. Before signing the declaration of identity, the voter shall show the person before whom he is to sign such declaration—

- (a) the ballot paper\*/papers bearing the same number\*/numbers as is\*/are specified in such declaration,
- (b) the envelope in which the voter has received the form of declaration of identity and the ballot paper\*/papers, and
- (c) his official identity card if such card is required to be issued for the purpose of the election.

2. The voter shall sign the declaration of identity in the presence of a witness who shall—

- (a) if the voter is a member of the Ceylon Army, Royal Ceylon Navy, or Royal Ceylon Air Force, be a Commissioned Officer of such Army, Navy, or Air Force ;
- (b) if the voter is an officer or servant in the public service, be a superior officer of such service, or if the voter has no superior officer, any other officer of such service.

\*3. The voter has only one vote.

\*4. The voter has ..... votes, and he may give each of his votes to a different candidate or all or any of his votes to the same candidate. The voter shall give each vote on a separate ballot paper.

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5. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name of the candidate for whom he votes, thus : X.

6. THE VOTER SHALL NOT ALLOW ANY PERSON TO SEE HOW HE HAS VOTED.

7. Immediately after voting, the voter shall place the marked ballot paper\*/papers in the enclosed small envelope on which are printed the words "Ballot Paper Envelope" and fasten it up. The voter shall then place the Ballot Paper Envelope together with the declaration of identity, in the other larger enclosed envelope addressed to the Returning Officer and despatch them by post without delay. Unless the voter returns the ballot paper\*/papers at once it may be too late to be counted.

8. A POSTAL BALLOT PAPER SHALL NOT BE DEEMED TO BE DULY RETURNED, UNLESS IT IS RETURNED SO AS TO REACH THE RETURNING OFFICER BEFORE THE CLOSE OF THE POLL ON THE POLLING DAY APPOINTED, AND IS ACCOMPANIED BY THE DECLARATION OF IDENTITY DULY SIGNED AND WITNESSED.

\* Delete if inapplicable.

[§ 30, 11 of 1959.]

Regulation 9 (1)

Form C.

Form of Declaration of Secrecy

I solemnly promise and declare that I will not at these proceedings do anything forbidden by paragraph (1) of regulation 22 of the regulations contained in the Fifth Schedule to the Ceylon (Parliamentary Elections) Order in Council, which has been read to me.

.....  
Signature of declarant.

.....  
Signature of person before  
whom the declaration is made.

Date : .....

Note : The paragraph referred to must be read to the declarant by the person before whom the declaration is made.

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Appendix

Section 1 (3) of Act No. 10 of 1964

(3) The provisions of sections 2, 3, 4, 6, 7, 8, 9 (4), 10 and 11 shall come into operation on the date of the first revision, immediately succeeding the date of the coming into operation of the provisions of the other sections of this Act, of the registers of electors for the electoral districts under the Ceylon (Parliamentary Elections) Order in Council, 1946.