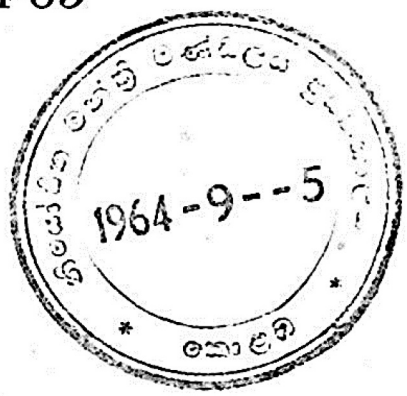
PARLIAMENT OF CEYLON

5th Session 1964-65





Ceylon (Parliamentary Elections) (Amendment) Act, No. 10 of 1964

Date of Assent : August 24, 1964

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : Rs. 1.70 **Postage : 50 cents**

Ceylon (Parliamentary Elections) (Amendment) Act, No. 10 of 1964

L. D.—O. 37/61.

AN ACT TO AMEND THE CEYLON (PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL, 1946, AND TO ENABLE STATUTORY REPRINTS OF THAT ORDER IN COUNCIL TO BE PUBLISHED AND AUTHENTICATED UNDER THE STATUTORY REPRINTS ORDINANCE.

Chapter 381, Volume XI, Page 726.

[Date of Assent: August 24, 1964]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

1. (1) This Act may be cited as the Ceylon (Parliamentary Elections) (Amendment) Act, No. 10 of 1964.

(2) The provisions of this Act, other than the provisions of the sections referred to in sub-section (3), shall come into operation on the date on which this Act becomes an Act of Parliament.

(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.

Amendment of section 4 of Chapter 381.

2. Section 4 of the Ceylon (Parliamentary Elections) Order in Council, 1946, as amended from time to time, hereafter referred to as the "Order in Council", is hereby amended as follows:—

(1) in sub-section (1) of that section,—

(*a*) by the substitution, for paragraph (*c*) of that sub-section, of the following new paragraph:—

"(*c*) was not, on the first day of June in that year, ordinarily resident in the electoral district to which the register relates; or ";

2—D 56955—1,000 (8/64)

(*b*) by the substitution, in paragraph (*f*) of that sub-section,—

(i) for the expression " under section 52 ", of the expression " under sub-section (1) of section 52 "; and

(ii) for the expression " this Order; or ", of the expression " this Order."; and

(*c*) by the omission of paragraph (*g*) of that sub-section;

(2) by the repeal of sub-section (2) of that section, and the substitution therefor of the following new sub-section:—

" (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."; and

(3) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

' (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 ".'.

Amendment of section 5 of the Order in Council.

3. Section 5 of the Order in Council is hereby amended, by the substitution,—

(1) for the expression " Every person ", of the expression " Subject to the provisions of section 6, every person "; and

(2) for the expression " entered in ", of the expression " entered or retained in ".

Insertion of new section 6 in the Order in Council.

4. The following new section is hereby inserted immediately after section 5, and shall have effect as section 6, of the Order in Council:—

"Entry or retention of names in registers under qualifying addresses.

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:

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.".

Amendment of section 8 of the Order in Council.

5. Section 8 of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the expression "entered in" wherever it occurs in that sub-section, of the expression "entered or retained in"; and

(2) by the insertion, at the end of that section, of the following new sub-sections:—

"(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.

(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.".

Repeal of sections 11 to 14 of the Order in Council.

6. Sections 11 to 14 (both inclusive) of the Order in Council are hereby repealed.

Amendment of section 15 of the Order in Council.

7. Section 15 of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the expression "new register of electors.", of the expression "new register of electors together with the qualifying address under which such name so appeared in such parts.";

(2) in sub-section (1A) of that section, by the substitution, for the expression " sub-sections (2), (3) and (4) of this section and the provisions of section 22 of this Order ", of the expression " sub-sections (2) and (4) of this section, and the provisions of section 22 of this Order ";

(3) by the repeal of sub-sections (1D) and (1E) of that section;

(4) by the repeal of sub-section (2) of that section, and the substitution therefor of the following new sub-section:—

" (2) A register of electors prepared under sub-section (1) when certified shall, notwithstanding anything in sub-section (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 sub-section (1) but before it is certified, in which case such register shall come into operation as provided by the said sub-section (2).";
and

(5) by the repeal of sub-section (3) of that section.

Insertion of new sections 15A to 15G in the Order in Council.

8. The following new sections are hereby inserted immediately after section 15, and shall have effect as section 15A, section 15B, section 15C, section 15D, section 15E, section 15F and section 15G, of the Order in Council:—

Notice of completion of preparation of a register of electors.

15A. On the completion of the preparation of a register of electors for any electoral district under sub-section (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.

Claims and objections.

15B. (1) Where a person's name, which by virtue of sub-section (1) or sub-section (1B) (*a*) of section 15, should have been included in a register of electors prepared under sub-section (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 ").

(2) Every claim under sub-section (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 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 sub-section (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.

Appeals to revising officer.

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.

(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 sub-section (2) shall be refunded to the appellant.

Claims for registration made by persons in respect of other persons.

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 sub-section (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 sub-section (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.

15E. Where a registering officer is satisfied at an inquiry under sub-section (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.

Certification of registers prepared under section 15 (1).

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:

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.

Offences in respect of the preparation of registers.

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.

(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.'.

Amendment of section 16 of the Order in Council.

9. Section 16 of the Order in Council is hereby amended as follows:—

(1) in sub-section (5) of that section, by the substitution, for the expression "one hundred rupees.", of the expression "five hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.";

(2) in sub-section (6) of that section, by the substitution, for the expression "one hundred rupees.", of the expression "five hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.";

(3) by the insertion, immediately after sub-section (6) of that section, of the following new sub-sections:—

"(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.

(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."; and

(4) by the repeal of sub-section (7) of that section and the substitution therefor of the following new sub-section:—

"(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 sub-section may be served in the manner provided in that behalf in sub-section (3) of this section.

(*c*) Where, in compliance with a notice under paragraph (*a*) of this sub-section, 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 sub-section,—

(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 sub-section, or the failure of the Commissioner or a registering officer to comply with the provisions of paragraph (*d*) of this sub-section 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. ".

Amendment of section 18 of the Order in Council.

10. Section 18 of the Order in Council is hereby amended by the repeal of sub-section (3) of that section.

Amendment of section 19 of the Order in Council.

11. Section 19 of the Order in Council is hereby amended as follows:—

(1) in sub-section (3) of that section,—

(*a*) by the substitution, for the expression "section 12", of the expression "section 15B";

(*b*) by the substitution, for the expression "section 13", of the expression "sections 15C and 15E"; and

(*c*) by the omission of the expression "as though the references in section 12 to two weeks were references to four weeks and"; and

(2) by the repeal of sub-section (4) of that section, and the substitution therefor of the following new sub-sections:—

'(4) (*a*) Where a person is entitled to claim under sub-section (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 sub-section (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.'.

Amendment of section 20 of the Order in Council.

12. Section 20 of the Order in Council is hereby amended, in the proviso to sub-section (1) of that section, by the substitution, for the expression " section 13 ", of the expression " section 15C ".

Amendment of section 22 of the Order in Council.

13. Section 22 of the Order in Council is hereby amended, in sub-section (2) of that section, by the substitution,—

(*a*) for the expression " The certified register ", of the expression " Subject to the provisions of section 27A, the certified register for any electoral district ";

(*b*) for the expression " section 14 ", of the expression " section 15F "; and

(*c*) for the expression " next certification of the same.", of the expression " the coming into operation of the next certified register.".

Amendment of section 22A of the Order in Council.

14. Section 22A of the Order in Council is hereby amended as follows:—

(*a*) in sub-section (1) of that section,—

(i) by the substitution, for the word " people " wherever it occurs in that sub-section, of the word " electors "; and

(ii) by the substitution, for the expression " twenty *per centum* ", of the expression " ten *per centum* "; and

(*b*) by the insertion, at the end of that section, of the following new sub-section:—

" (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. ".

Insertion of new section 27A in the Order in Council.

15. The following new section is hereby inserted immediately after section 27, and shall have effect as section 27A, of the Order in Council:—

"Special provisions regarding the registers to be used at elections.

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—

(*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.".

16. Section 28A of the Order in Council is hereby repealed and the following new section substituted therefor:— Replacement of section 28A of the Order in Council.

"Recognized political parties for the purpose of elections.

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 sub-section (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 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 sub-section (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 sub-section (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 sub-section (3) of section 29.".

Insertion of new sections 28B, 28C, 28D, 28E, 28F and 28G in the Order in Council.

17. The following new sections are hereby inserted immediately after section 28A, and shall have effect as section 28B, section 28C, section 28D, section 28E, section 28F and section 28G, of the Order in Council:—

'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.

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.

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.

Change of approved symbols of recognized parties.

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.

(2) Upon the receipt of an application duly made under sub-section (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 sub-section (2) shall be final and conclusive, and shall not be called in question in any court.

Right of recognized parties for purpose of elections to have official candidates.

28E. (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.

(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.

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 sub-section.

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.

Power of Commissioner to direct which one of the rival sections of a recognized party for the purpose of elections is that party.

28G. (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.

(2) No suit or other proceeding shall lie against—

(*a*) the Commissioner by reason of his having issued a direction under sub-section (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 sub-section (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.'.

Amendment of section 29 of the Order in Council.

18. Section 29 of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for paragraphs (*a*) and (*b*) of that sub-section, of the following new paragraphs:—

" (*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

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

(2) in sub-section (3) of that section, by the substitution, for the expression " two Members,", of the expression " one Member,".

Amendment of section 35 of the Order in Council.

19. Section 35 of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for all the words and figures from " and shall, subject ", to the end of that sub-section, of the following:—

' and, subject to the provisions of sub-section (1A),—

(*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

(*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

(*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 sub-section (1) of section 28F; and

(*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*.';

(2) by the repeal of sub-section (1A) of that section and the substitution therefor of the following new sub-section:—

"(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 sub-section (1) of this section to any other candidate.";

(3) in sub-section (1B) of that section, by the substitution, for the expression " under sub-section (1) or sub-section (1A),", of the expression " under sub-section (1),";

(4) by the insertion, immediately after sub-section (1B) of that section, of the following new sub-section:—

" (1C) Where a candidate is nominated, he may, forthwith after the approved symbol is allotted to him under sub-section (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."; and

(5) in sub-section (3A) of that section, by the substitution, for the expression " after consulting the candidates.", of the expression " in such manner as he may, in his absolute discretion, determine.".

Amendment of section 35A of the Order in Council.

20. Section 35A of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution,—

(*a*) for the expression " a notice specifying—", of the expression ' 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—';

(*b*) in paragraph (*b*) of that sub-section, for the word " address,", of the words " qualifying address,"; and

(*c*) for the expression " such notice ", of the expression " such card ";

(2) in sub-section (2) of that section, by the substitution,—

(*a*) for the expression " A notice ", of the expression " An official poll card ";

(*b*) for the expression " an elector as ", of the expression " an elector by ordinary post as "; and

(*c*) for the expression " such a notice ", of the expression " such card ";

(3) by the insertion, at the end of that section, of the following new sub-sections:—

" (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.

(4) Every offence under sub-section (3) shall be a cognizable offence within the meaning and for the purposes of the First Schedule to the Criminal Procedure Code."; and

(4) by the substitution, for the marginal note to that section, of the following new marginal note:—

" Official poll card.".

Amendment of section 36 of the Order in Council.

21. Section 36 of the Order in Council is hereby amended in sub-section (1) of that section by the insertion, at the end of that sub-section, of the following:—

" 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.".

Amendment of section 37 of the Order in Council.

22. Section 37 of the Order in Council is hereby amended in sub-section (1) of that section, by the substitution, for the expression " English, Sinhalese and Tamil,", of the expression " Sinhala, Tamil and English,".

Amendment of section 38 of the Order in Council.

23. Section 38 of the Order in Council is hereby amended in the second proviso to that section, by the substitution, for the expression " to plural voting.", of the expression " to plural voting, or of sub-section (1) of section 42A relating to voting in person.".

Amendment of section 39 of the Order in Council.

24. Section 39 of the Order in Council is hereby amended in sub-section (5) of that section, as follows:—

(1) by the renumbering of paragraph (*a*) of that sub-section as sub-section (5) of that section; and

(2) by the omission of paragraph (*b*) of that sub-section.

Amendment of section 40 of the Order in Council.

25. Section 40 of the Order in Council is hereby amended in sub-section (2) of that section, by the substitution,—

(*a*) for the expression " in English, Sinhalese and Tamil,", of the expression " in Sinhala, Tamil and English,";

(*b*) for the expression " section 91,", of the expression " sub-section (1c) of section 35,"; and

(*c*) for the expression " alphabetically in English", of the expression " alphabetically in Sinhala ".

Amendment of section 42 of the Order in Council.

26. Section 42 of the Order in Council is hereby amended as follows:—

(*a*) by the insertion, immediately after sub-section (2) of that section, of the following new sub-sections:—

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

(*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:—

(*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 ".

(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.'; and

(*b*) in sub-section (5) of that section, by the substitution, for the expression " shall mark ", of the expression " shall, in the presence of another member of his polling staff, mark ".

Amendment of section 42A of the Order in Council.

27. Section 42A of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section by the insertion, at the end of that sub-section, of the following:—

" Any person who votes in person at any election in contravention of the preceding provisions of this sub-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 one year, or to both such fine and imprisonment.";

(2) in sub-section (2) of that section, by the substitution,—

(*a*) in paragraph (*a*) of that sub-section, for the expression " Railway or the Department of Postal and Telecommunication Services,", of the expression " Railway, the Department of Postal and Telecommunication Services or the Ceylon Transport Board, or the Colombo Municipal Passenger Transport Service,"; and

(*b*) in paragraph (*aa*) of that sub-section, for the expression " public service ", of the expression " public service or the Local Government Service ";

(3) in sub-section (3) of that section, by the substitution, for the expression " not later than seven days after ", of the expression " so as to reach him within seven days from ";

(4) by the insertion, immediately after sub-section (4) of that section, of the following new sub-section:—

" (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."; and

(5) by the repeal of sub-section (8) of that section.

Amendment of section 43 of the Order in Council.

28. Section 43 of the Order in Council is hereby amended in sub-section (1) of that section by the substitution, for the expression " may in his discretion ", of the expression " may in his discretion, and, if required so to do by a candidate or his polling agent, shall, ".

Amendment of section 47 of the Order in Council.

29. Section 47 of the Order in Council is hereby amended in sub-section (1) of that section,—

(1) by the substitution, in paragraph (*b*) of that sub-section, for the words " papers; and ", of the word " papers; ";

(2) by the substitution in paragraph (*c*) of that sub-section, for the word " list.", of the words " list; and "; and

(3) by the insertion, immediately after paragraph (*c*) of that sub-section, of the following new paragraph:—

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

Amendment of section 48 of the Order in Council.

30. Section 48 of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the word " two ", of the word " five ";

(2) in sub-section (4) of that section, by the substitution,—

(*a*) for paragraph (*b*) of that sub-section of the following new paragraph:—

" (*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; "; and

(*b*) for paragraph (*d*) of that sub-section of the following new paragraph :—

" (*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*). ";

(3) in sub-section (7) of that section, by the substitution, for the proviso to that sub-section, of the following new proviso:—

" 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. ";

(4) in sub-section (9) of that section, by the substitution,—

(*a*) for the expression " Upon the completion ", of the expression " Subject to the provisions of sub-section (9A), upon the completion "; and

(*b*) for the expression " the next succeeding sub-section, ", of the expression " sub-section (10), "; and

(5) by the insertion, immediately after sub-section (9) of that section, of the following new sub-section :—

" (9A) After complying with the provisions of sub-section (9), the returning officer shall—

(*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. ".

Insertion of new section 49A in the Order in Council.

31. The following new section is hereby inserted immediately after section 49, and shall have effect as section 49A, of the Order in Council :—

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

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. ".

Amendment of section 52 of the Order in Council.

32. Section 52 of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section—

(*a*) in paragraph (*j*) of that sub-section, by the substitution, for the expression " the polling at any election, ", of the expression " the polling at any election; or "; and

(*b*) by the insertion, immediately after paragraph (*j*) of that sub-section, of the following new paragraphs:—

" (*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

(*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

(*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

(*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

(*o*) fraudulently defaces an appropriate mark placed on any voter at any election without due authority, '' ;

(2) in sub-section (1A) of that section by the substitution, for the expression '' fifty yards '', of the expression '' a quarter of a mile '' ;

(3) by the insertion, immediately after sub-section (1B) of that section, of the following new sub-section :—

'' (1BB) No person—

(*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 sub-section, 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 sub-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.''.

Amendment of section 52B of the Order in Council.

33. Section 52B of the Order in Council is hereby amended by the repeal of sub-section (1) of that section, and the substitution therefor of the following new sub-section:—

'' (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—

(*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.''.

Amendment of section 53 of the Order in Council.

34. Section 53 of the Order in Council is hereby amended, in sub-section (1) of that section, by the substitution, for the expression '' and by a presiding officer in the presence of a Justice of the Peace '', of the expression '' 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,''.

35. Section 54 of the Order in Council is hereby repealed and the following new section substituted therefor:— Replacement of section 54 of the Order in Council.

" Personation. 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 or is a fictitious person; or

(*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.".

36. Section 56 of the Order in Council is hereby amended by the insertion, at the end of that section, of the following new sub-sections:— Amendment of section 56 of the Order in Council.

" (3) Any member or official of a religious order or organization—

(*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 ministration, 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.

(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.''.

Amendment of section 58 of the Order in Council.

37. Section 58 of the Order in Council is hereby amended in sub-section (1) of that section by the substitution, for all the words from '' to a fine of not less than two '' to '' such fine and such imprisonment, '', of the words '' to rigorous imprisonment for a term not exceeding twelve months, ''.

Insertion of new section 58A in the Order in Council.

38. The following new section is hereby inserted immediately after section 58, and shall have effect as section 58A, of the Order in Council:—

False reports in newspapers.

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.'.

Amendment of section 59 of the Order in Council.

39. Section 59 of the Order in Council is hereby amended as follows:—

(1) in sub-section (1) of that section,—

(*a*) by the substitution, for the word " named ", of the word " appointed ";

(*b*) by the insertion, at the end of that sub-section, of the following:—

" 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. " ;

(2) in sub-section (2) of that section, by the substitution, for the word " name ", of the word " appoint ";

(3) in sub-section (3) of that section, by the substitution, for all the words from " On or " to " on his behalf ", of the following:—

" Each candidate or some other person on his behalf shall forthwith, after his election agent has been appointed under sub-section (1), declare in writing the name and address of such agent "; and

(4) in sub-section (4) of that section by the insertion, at the end of that sub-section, of the following:—

"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.".

Repeal of section 60 of the Order in Council.

40. Section 60 of the Order in Council is hereby repealed.

Amendment of section 66 of the Order in Council.

41. Section 66 of the Order in Council is hereby amended in sub-section (1) of that section by the substitution,—

(*a*) for the expression "seven thousand five hundred", of the expression "five thousand";

(*b*) for the word "thirty", of the word "twenty"; and

(*c*) for the expression "shall be the larger:", of the expression "is less:".

Amendment of section 67 of the Order in Council.

42. Section 67 of the Order in Council is hereby amended as follows:—

(1) in sub-section (3) of that section,—

(*a*) by the substitution, for the expression "or use any vehicle,", of the expression "or use or aid or abet any other person to let, lend, employ, hire, borrow or use, any vehicle,";

(*b*) by the substitution, for the expression "illegal practice:", of the expression "illegal practice."; and

(*c*) by the omission of the proviso to that sub-section;

(2) in sub-section (4) of that section,—

(*a*) by the substitution in paragraph (*b*) of that sub-section, for the expression "this Order.", of the expression "this Order;"; and

(*b*) by the insertion, immediately after paragraph (*b*) of that sub-section, of the following new paragraphs:—

" (*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;

(*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 sub-section, 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 "; and

(3) by the insertion, at the end of that section, of the following new sub-sections:—

" (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 sub-section (1) or sub-section (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.

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

Amendment of section 85 of the Order in Council.

43. Section 85 of the Order in Council is hereby amended in sub-section (1) of that section, by the substitution, in paragraph (*a*) of that sub-section, for all the words and figures from " was recorded " to " section 39;", of the words " was recorded;".

Amendment of section 88 of the Order in Council.

44. Section 88 of the Order in Council is hereby amended in paragraph (*b*) of sub-section (2) of that section, by the substitution, for the expression " to returning officers,", of the expression " to Deputy and Assistant Commissioners of Elections, returning officers,".

Insertion of new section 88A in the Order in Council.

45. The following new section is hereby inserted immediately after section 88, and shall have effect as section 88A, of the Order in Council:—

'Department of Parliamentary Elections.

88A. (1) There shall be a Department of Parliamentary Elections (in this section referred to as " the Department ").

(2) The Department shall consist of—

(*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.'.

Replacement of section 91 of the Order in Council.

46. Section 91 of the Order in Council is hereby repealed and the following new section substituted therefor:—

"Duty of employers to grant leave to enable employees to vote.

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 sub-section (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.".

Amendment of section 92c of the Order in Council.

47. Section 92c of the Order in Council is hereby amended as follows:—

(1) by the renumbering of that section as sub-section (1) of that section;

(2) in renumbered sub-section (1) of that section,—

(*a*) by the substitution, for the expression "A person", of the expression "Subject to the provisions of sub-section (2) of this section, a person"; and

(*b*) by the substitution, for the expression "postal communication", of the expression "postal communication by ordinary post"; and

(3) by the insertion, immediately after renumbered sub-section (1) of that section, of the following new sub-section:—

"(2) The right to send a postal communication conferred on a person by sub-section (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.".

Insertion of new sections 94A and 94B in the Order in Council.

48. The following new sections are hereby inserted immediately after section 94, and shall have effect as sections 94A and 94B, of the Order in Council:—

Special provision to enable reprints of this Order to be made and authenticated.

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:—

(*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), ''.

Power of Commissioner to make regulations and rules.

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 sub-section (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.'.

Amendment of the First Schedule to the Order in Council.

49. The First Schedule to the Order in Council is hereby amended by the insertion, immediately after Form I, of the following new Form:—

Form II

LIST OF VOTERS WHO ARE NOT DELIVERED BALLOT PAPERS [*Section 4*

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 pape		
				Refuses appropriate inspection	Already marked with the appropriate mark	Refuses be mar with ap priate m