



# CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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No. 9,604 — THURSDAY, SEPTEMBER 26, 1946.

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*Published by Authority.*

PART I.—GENERAL.

## GOVERNMENT NOTIFICATIONS.

THE Ceylon (Parliamentary Elections) Order in Council, 1946, is hereby published as required by Section 2 thereof.

By His Excellency's command,

Nuwara Eliya, September 25, 1946.

C. H. HARTWELL,  
Secretary to the Governor.

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

*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 :

1653 — J. N. A 64425-4,550 (9/46)

NO W, THEREFORE, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows :—

## PART I.

### PRELIMINARY.

Short title  
and  
application.

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.

Date of  
operation.

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

Interpretation.

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

“ British subject ” means any person who is a British subject according to the law for the time being of the United Kingdom, any person who has been naturalised under any enactment of any of His Majesty’s dominions, and any person who is a citizen or subject of any of the Indian States as defined for the purposes of the Government of India Act, 1935 ;

“ 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 ;

“ Commissioner ” means the Commissioner of Parliamentary Elections appointed under Section 88 of this Order ;

“ 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 a 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 published in the *Government Gazette* ;

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

“ Secretary of State ” means one of His 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 ;

“ United Kingdom ” means the United Kingdom of Great Britain and Northern Ireland ;

“ 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.

Cap. 2.

## 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 British subject, or is by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State ; or

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

(c) has not, for a continuous period of six months in the eighteen months immediately prior to the first day of June in that year, resided in the electoral district to which the register relates ; or

(d) is serving a sentence of imprisonment (by whatever name called) imposed by any court in any part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction, for an offence punishable with imprisonment for a term exceeding twelve months, or is under sentence of death imposed by any such court, or is serving a sentence of imprisonment awarded in lieu of execution of any such sentence ; 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 Section 52 of this Order ; or

(g) would have been incapable of being registered as a voter by reason of his conviction of a corrupt or illegal practice if the Ceylon (State Council Elections) Order in Council, 1931, had remained in force.

(2) For the purposes of this Section, continuity of residence in an electoral district shall not be deemed to be interrupted by reason only of absence in the performance of any duty accruing from or incidental to any office, service or employment held or undertaken by any person otherwise qualified to have his name entered on any register.

General qualification of elector.

5. Any person not otherwise disqualified shall be qualified to have his name entered in a register of electors if he is domiciled in the Island or if he is qualified in accordance with Section 6 or Section 7 of this Order :

Domicile.

Provided that, except in the case of persons possessing Ceylon domicile of origin, domicile shall not be deemed to have been acquired for the purpose of qualifying for registration as an elector by any person who has not resided in the Island for a total period of or exceeding five years.

Special qualification by literacy and property.

6.—(1) Any person not otherwise disqualified shall be qualified to have his name entered in a register of electors in any year if—

(a) he is able to read and write English, Sinhalese or Tamil, and  
(b) he has or holds one of the following qualifications, namely—

(i) the possession or enjoyment of a clear annual income of not less than Rs. 600 during a continuous period of six months immediately prior to the first day of June in that year ;

(ii) the ownership of immovable property, otherwise than as lessee or usufructuary mortgagee, situate within the electoral district to which the register relates, during a continuous period of six months immediately prior to the first day of June in that year, the value of which, after allowing for any mortgage debts thereon, is not less than Rs. 1,500 ;

(iii) the occupation, as owner or tenant, during a continuous period of six months immediately prior to the first day of June in that year, of any house, warehouse, counting house, shop or other building (hereinafter referred to as qualifying property), situate within the electoral district to which the register relates, of the annual value of not less than Rs. 200, if situated within the administrative limits of any Village Committee, or Rs. 400, if situated elsewhere :

Provided that the qualifying property need not be throughout the period of qualification the same property, if the annual value is in no case less than Rs. 200 or Rs. 400 as the case may be, and if such property is in all cases situate within such electoral district as aforesaid.

(2) Where an occupier is entitled to the sole and exclusive use of any part of a building, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

(3) In the case of qualifying property possessed or occupied jointly by two or more persons, each such person, not being a usufructuary mortgagee, shall be qualified to have his name entered in a register of electors, provided that the number of persons does not exceed the number obtained by dividing the annual value of such property, expressed in rupees, by two hundred if it is situated within the administrative limits of any Village Committee and by four hundred if situated elsewhere.

(4) For the purposes of this Section—

(a) the terms “ house, warehouse, counting house, shop or other building ” include any part of a building when that part is separately occupied for the purposes of any trade, business or profession ; and any such part may, for the purposes of describing the qualification, be described as office, chambers, studio, or by any like term applicable to the case ;

(b) continuity of the occupation of a house shall not be deemed to be interrupted by reason only of permission being given for the occupation of the house as a furnished house by some other person on a monthly tenancy or on a tenancy at will, or on a lease for a period not exceeding five months in the whole, or by reason only of notice to quit being served and possession being demanded by the landlord of the house.

7.—(1) Any person not otherwise disqualified shall be qualified to have his name entered in a register of electors if he is in possession of a certificate of permanent settlement granted to him—

Special  
qualification  
by certificate  
of permanent  
settlement.

(a) in accordance with the provisions of the Ceylon (State Council Elections) Order in Council, 1931, or

(b) in accordance with this Section by the Government Agent of the province or by the Assistant Government Agent of the district in which he resides or by any other officer of the Government authorised in writing by the Government Agent or Assistant Government Agent aforesaid in accordance with such general or special directions as may be issued by the Governor.

(2) A certificate of permanent settlement granted under this Section shall be substantially in the form A in the First Schedule to this Order, and shall be issued to any person who satisfies the officer authorised to issue the same that he has been continuously resident in the Island for a period of not less than five years immediately prior to the issue of such certificate, exclusive of temporary absences not exceeding a total of eight months during such period, and who makes and subscribes before such officer a declaration, which shall be exempt from stamp duty, and which shall be substantially in the form B in the said Schedule, stating that he is permanently settled in the Island or is residing in the Island with intent to settle therein :

Provided that during such time as any holder of a certificate of permanent settlement may be registered as an elector by reason of the possession of such certificate he shall not be entitled to claim any rights, privileges or exemptions which under the law of the Island are not common to all British subjects resident in the Island.

(3) An officer authorised to grant a certificate of permanent settlement may require that the application of any person shall be supported by evidence on oath and may, for that purpose, administer an oath.

(4) Any person to whom a certificate of permanent settlement has been refused may appeal to the Governor whose decision shall be final.

(5) A certificate of permanent settlement shall be cancelled and the name of the person to whom it relates shall, if registered in any register of electors by reason of his possession of such certificate, be removed from such register if at any time it is proved to the satisfaction of the registering or revising officer for the electoral district to which the register relates, or of any other person duly authorised by the Governor in that behalf, that the certificate was obtained fraudulently or by statements which were untrue or that at any time since the granting of the certificate the person to whom it relates has been absent from the Island for a continuous period exceeding twelve months.

(6) Every person who wilfully makes a false statement or declaration for the purpose of obtaining a certificate of permanent settlement or for the purpose of enabling any such certificate to be obtained shall be guilty of an offence and shall, on conviction before a magistrate, be liable to a fine not exceeding one hundred rupees.

(7) Every person who, in giving evidence on oath in support of an application for a certificate of permanent settlement, knowingly swears anything material to the application which is false shall be guilty of the offence of giving false evidence and shall be liable to the penalty provided therefor in the Ceylon Penal Code.

Cap. 15.

Restriction  
on plural  
voting.

8.—(1) Subject to the provisions of this Order, a person shall be entitled to have his name entered in any register for which he is qualified, but he shall not vote at a general election in more than one electoral district.

(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.

### PART III.

#### REGISTRATION OF ELECTORS AND REVISION OF REGISTERS.

Appointment  
of registering  
and revising  
officers.

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 Governor 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.

(2) An appointment made by the Governor 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 *Government 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 two thousand electors.

(3) Subject to the provisions of sub-section (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 *Government Gazette* a notice specifying, in relation to that electoral district, the particulars mentioned in paragraph (d) of sub-section (1) of this Section. Any such alteration shall come into effect at the next revision of the register of electors for that electoral district and not earlier.

(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.

11.—(1) The registering officer of each electoral district specified in the first Proclamation under Section 43 of the Ceylon (Constitution) Order in Council, 1946, shall prepare or cause to be prepared in the English language a register of electors for that electoral district, so however, that every name appearing in those parts of the registers of voters as last revised in accordance with the provisions of the Ceylon (State Council Elections) Order in Council, 1931, which relate to the area comprised in that electoral district shall appear in the appropriate register of electors, and, subject to the provisions of Sections 12 and 13, no name which does not appear in such registers of voters shall then appear in such register of electors.

First register  
of electors.

(2) On the completion of the register of electors aforesaid for any electoral district the registering officer of that district shall give notice in the *Government Gazette* and in one or more newspapers circulating in the electoral 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 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.

(3) Nothing in Section 4, 5, 6 and 7 of this Order shall have any application to any register of electors prepared under this Section.

12.—(1) Every person who was on the 22nd day of May, 1946, qualified in accordance with the Ceylon (State Council Elections) Order in Council, 1931, to have his name entered in a register of voters, whose name has been omitted from the register of electors prepared under Section 11 of this Order for an electoral district, in respect of which he claims to be entitled to be registered (hereinafter in this and the next succeeding Section referred to as the "claimant"), may apply to the registering officer to have his name inserted therein :

Claims and  
objections.

Provided that no person shall be entitled to claim to have his name inserted in the register of electors aforesaid on the ground that he is qualified under Article 8 or under Article 9 of the first mentioned Order unless an application made by that person in accordance with the requirements of Article 14 of that Order was duly received by the registering officer within the time prescribed by Article 13 of that Order.

(2) Every claim under sub-section (1) of this Section 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 two weeks from the date of the publication in the *Government*

*Gazette* of notice of completion of the register. Within four days from the expiry of the period of two weeks aforesaid, the registering officer shall exhibit in a conspicuous place at the Kachcheri or other office of the registering officer, a notice containing the names and addresses of the claimants, if any.

(3) Any person whose name appears in the register for any electoral district may object to the inclusion in the register of his own name or the name of any other person appearing therein or may object to 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 two weeks from the date of publication in the *Government Gazette* of notice of completion of the register. Within four days from the expiry of the period of two weeks aforesaid, the registering officer shall exhibit in a conspicuous place at the Kachcheri or other office of the registering officer a notice containing the names and addresses of the objectors and persons in regard to whom objections have 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 E in the First Schedule to this Order and shall reach the registering officer within ten days from the date on which the notice containing the names of claimants is exhibited under sub-section (2) of this Section. Within four days from the expiry of the period of ten days aforesaid, the registering officer shall exhibit in a conspicuous place at the Kachcheri or other office of the registering officer a notice containing the names and addresses of the objectors and persons in regard to whom objections have been made.

(7) One copy of each objection shall bear a stamp of one rupee.

(8) The registering officer shall, as soon as practicable after receiving an objection to the inclusion or insertion of any name in the register, send one copy of the objection to the person in regard to whom objection has been made.

(9) 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 twelve 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 authorised 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.

(10) Where an objection is made to the inclusion or insertion of any name in the register the registering officer shall call upon the objector, or some person authorised in writing in that behalf by the objector, to give prima facie proof of the ground of the objection.



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

- (a) if such person's qualification is not proved to the registering officer's satisfaction, he 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 so proved, he shall retain such person's name, or, as the case may be, insert such person's name in the register.

(12) If on the date fixed for inquiry into any objection, the objector or a person authorised 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.

(13) If an objection is made and is over-ruled 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.

(14) If, upon an objection being over-ruled, 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.

(15) 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.

(16) If an objection is made and is upheld by the registering officer and no appeal is made under the next succeeding Section, or in the event of an appeal, if such appeal is dismissed by the revising officer, the sum of one rupee paid under sub-section (7) of this Section shall be refunded to the objector.

13.—(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.

(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 appeals 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) of this Section shall be refunded to the appellant.

Certification of first registers.

14.—(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 13, 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.

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, and no name which does not appear in those parts of the register or registers aforesaid shall appear in the new register.

(2) The provisions of sub-section (2) of Section 11 and the provisions of Sections 12 to 14 (other than the proviso to sub-section (1) of Section 12) shall apply to a register prepared under this Section with the modification that any reference in any of those provisions to the Ceylon (State Council Elections) Order in Council, 1931, shall be read and construed as a reference to this Order. Every such register when certified shall, notwithstanding anything in sub-section (2) of Section 22 of this Order, come into operation at the next general election held after such certification and not earlier.

Revision of registers.

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 a notification to be published in the *Government Gazette* and in one or more newspapers circulating in the Island calling upon every person who, being qualified to be registered in accordance with Section 6 or Section 7 of this Order and not being already registered in any

register of electors, is desirous of having his name inserted in any such register, or who, being registered in respect of a qualification which has ceased to have effect, is desirous of having his name entered in the register in respect of some other qualification, to forward his application to the registering officer of the electoral district to which the register relates or, as the case may be, in which the applicant resides, so as to reach the registering officer on or before the fifteenth day of July next following.

(2) Each registering officer shall, in each year following the year in which the register of electors for the electoral district is first certified under this Order, complete the revision of the register on or before the fifteenth day of August or such later date in that year as the Commissioner may appoint for the purpose by notification published in the *Government Gazette*.

(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 sub-section 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 Income Tax Department) and all local authorities are hereby authorised and required to furnish to the registering officer all such information as he may require to enable him to revise the register. In this sub-section "local authority" means a municipal council, an urban council, a town council, a local board, a sanitary board or a village committee.

(5) Every person who, being in possession of any information required under sub-section (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 one hundred rupees.

(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 one hundred rupees.

17.—(1) Every application forwarded in pursuance of any notification under Section 16 shall be substantially in the form F in the First Schedule to this Order and shall contain an address within the Island at which an acknowledgment of the receipt of the application may be delivered in the ordinary course of post,

Application for  
registration.

and shall be signed by the applicant in the presence of a person who is able to read and write English, Sinhalese or Tamil and is not less than twenty-one years of age. Such person shall sign the application as a witness to the signature of the applicant, or of the applicant's thumb mark in the case of an application under Section 7 where the applicant is unable to sign his name. An application for registration as an elector shall not be liable to stamp duty.

(2) The registering officer shall without delay cause an acknowledgment of every application under Section 16 received by him within the period prescribed by that Section to be sent by ordinary letter post to the address given by the applicant in his application.

(3) Not more than one form of application for registration at any revision of a register may be forwarded to the registering officer in respect of the same person :

Provided that if, in the case of any application, the acknowledgment required by the preceding sub-section is not delivered at the address given in the application within a reasonable time after the application is forwarded to the registering officer, another form of application may be forwarded in respect of that applicant.

(4) Nothing in this Section shall be deemed to extend the period for application prescribed by Section 16.

18.—(1) For the purpose of revising the register, 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—

(a) are domiciled in Ceylon and appear to the registering officer to be qualified under Section 5 to have their names entered in the register by reason of the fact that they are domiciled in Ceylon ; or

(b) appear to the registering officer to be qualified under Section 6 or Section 7 to have their names entered in the register :

Provided that the name of a person qualified under Section 6 or Section 7 shall not be included in List B unless an application has been made by that person in accordance with the requirements of Section 17 and has been received within the time prescribed by Section 16.

(2) Upon the completion of the two lists referred to in subsection (1) of this Section, the registering officer shall give notice in the *Government 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, or at such other place in the district as may be specified in the notice.

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

Method of  
revising  
register.

Claims and  
objections at  
revision of  
register.

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 :

Provided that no person shall be entitled to claim to have his name inserted in the register on the ground that he is qualified under Section 6 or Section 7 unless an application made by that person in accordance with the requirements of Section 17 was duly received by the registering officer within the time prescribed by Section 16.

(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 12 (other than the provisions of sub-sections (1) and (3) thereof) and the provisions of Section 13 shall apply to claims and objections under this Section as though the references therein to the notice of completion of the 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.

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

Certification  
of revised  
register.

Provided that the registering officer may certify the register in accordance with this Section during the pendency of any appeal under Section 13 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.

21.—(1) Subject to the provisions of Sections 16 and 17, 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.

(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 *Government Gazette* and in one or more newspapers circulating in the electoral district that the register has been 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.

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

(2) The certified register 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 14 or Section 20, such register shall continue in operation until superseded by the next certification of the same.

Penalty for false statements and wrongful claims.

23.—(1) Every person who wilfully makes a false statement or declaration in any application for registration or in any attestation of any such application or in any claim or objection or at any inquiry held in connection therewith or in any appeal or knowingly forwards to a registering officer a second or subsequent application for registration in breach of the provisions of Section 17 shall, on conviction before a magistrate, be liable to a fine not exceeding one hundred rupees.

(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.

Cap. 15.

#### PART IV.

##### ELECTIONS.

Number of members to be returned for each electoral district.

Returning officers.

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.

25.—(1) The Governor, from time to time by notice in the *Government 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 under this sub-section 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, 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 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 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 *Government Gazette* issue another order that an election shall be held in that district.

27. In every Proclamation dissolving Parliament and in every Proclamation or notice ordering the holding of an election, the Governor 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".

Nomination  
day.

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 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.

29.—(1) A candidate, or some person on his behalf, shall deposit or cause to be deposited with the returning officer or with some person authorised 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, 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 into the Treasury or the nearest Kachcheri and such sum shall be dealt with in accordance with the provisions of this Order.

Deposits by  
candidates.

(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 two Members, 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 <sup>an</sup> result of the election is declared.

(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.

Proceedings on  
nomination  
day.

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.

(2) Every nomination paper must be delivered to the returning officer together with a true 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.

(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.

*Uncontested Elections.*

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 *Government 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 shall allot to each candidate an approved symbol which shall be printed on the ballot paper opposite that candidate's name. The determination of the approved symbol to be allotted to each candidate shall be made by lot by the returning officer.

Contested elections.

In this sub-section "approved symbol" means a symbol approved by the Commissioner for the purposes of this Order by notification published in the *Government Gazette*.

(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, and a statement giving the situation of the polling station or polling stations in each of the polling districts in that electoral district and the particular polling stations, if any, reserved for female voters.

(3) Upon the receipt of such report, the Commissioner shall cause to be published in the *Government 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 *Government 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 names of their proposers and seconders ;
- (d) the situation of the polling station or polling stations in each of the polling districts in that electoral district and the particular polling stations, if any, reserved for female voters.

(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 *Government 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.

Presiding  
officers.

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.

(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.

Facilities to be  
provided at  
polling  
stations.

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 English, Sinhalese and Tamil, and the symbol allotted to him.

(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 authorise 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 sub-section (2) of this Section or any informality relative to polling stations.

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

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 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 :

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, 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 :

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.

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

Admittance  
to polling  
station.

Provided that where an elector for any electoral district is employed as a presiding officer, police officer, or in any other official capacity at a polling station within that district, and it is inconvenient for him to vote at the polling station in such district which has been allotted to him, the returning officer may authorise the elector, by a certificate under his hand, to vote at any other polling station in the district, and that polling station shall, for the purposes of this Section, be deemed to be the polling station allotted to such elector.

(2) Such certificate shall be given under the hand of the returning officer and shall state the name of the elector, his number, and description in the register of electors, and the fact that he is so employed as aforesaid.

(3) Unless the Commissioner, by notification in the *Government 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 authorised 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 be admitted to any polling station :

Provided that where, in any polling district, a separate polling station is provided for female voters, not more than one polling agent of each candidate shall be admitted to each polling station in that district :

Provided further that the Commissioner may, by notice published in the *Government Gazette*, order that in the case of any polling station reserved exclusively for the use of female voters, no male polling agent shall be admitted to the station during the hours of polling.

(6) No polling agent whose name has not been notified to the presiding officer as required by sub-section (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 authorised 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.

Poll by  
ballot and  
ballot papers.

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.

(2) Every ballot paper shall contain a list of the candidates in English, Sinhalese and Tamil, described, subject to the provisions of Section 91, as in their respective nomination papers, and arranged alphabetically in English 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.

(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 sub-section (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.

Manner of  
voting.

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.

(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 authorised 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 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.

(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.

43.—(1) The presiding officer at any polling station may in his discretion 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.

Declarations  
by voters.

(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.

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.

Tendered  
votes.

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.

Closing of  
poll.

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.

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 counter-foils of the ballot papers ; and
- (c) the tendered votes list.

(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.

Counting  
votes.

48.—(1) Each candidate may appoint an agent, hereafter referred to as the "counting agent", to attend the counting of the votes. Written notice of the name and address of the counting agent so appointed shall be given by the candidate to the returning officer.

(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 a counting agent, to such counting agent, of the time and place at which he will begin to count the votes.

(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 authorised by him shall, in the presence of such of the candidates and their counting agents as attend, open each ballot box and, taking out the papers therein, mix together the whole of the ballot papers contained in the ballot boxes. 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 :

Provided that upon the application of any candidate or his counting agent, a recount shall be made before the returning officer makes the declaration.

(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) 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 the next succeeding sub-section 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.

(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 connection 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 sub-section (9).

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

Votes to be rejected. ୧୩

- (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.

Publication of result in the *Gazette*.

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 *Government Gazette*.

Failure to comply with provisions of Order.

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.

(2) Where in this Order any act or thing is required or authorised 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
- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
- (c) without due authority supplies any ballot paper to any person ; or
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person ; or
- (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 is authorised 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
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election ; or



- (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

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.

(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.

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(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.

53.—(1) Every officer, clerk, candidate, and agent authorised 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 and by a presiding 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 of a Justice of the Peace or of a presiding officer.

Maintenance of  
secrecy at  
elections.

(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 authorised 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 whatsoever 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 authorised by this Order, or a person authorised 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.

*Corrupt Practices.*

Personation.

54. Every person who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation, which shall be a cognizable offence within the meaning of the Criminal Procedure Code.

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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. 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.

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 to 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.

Punishment  
and incapacities  
for corrupt  
practice.

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  
(c) 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 ; 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 ; or  
(f) being a candidate or election agent, knowingly makes the declaration as to election expenses required by Section 70 falsely

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 sub-section, to a fine of not less than two hundred and fifty rupees and not exceeding one thousand rupees or to rigorous imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment, 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.

(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.

*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 named 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.

(2) A candidate may name 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.

(3) On or before the day of nomination the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf 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.

(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.

60. No person shall be appointed election agent who has within seven years previous to such appointment been found guilty of any corrupt practice under this Order or under the Ceylon (State Council Elections) Order in Council, 1931.

Person guilty of corrupt practice not to be appointed election agent.

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 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.

(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.

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 :

Payment of expenses through election agent.

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.

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.

Remuneration of election agent.

65.—(1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection 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.

Personal expenses of candidate and petty expenses.

(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 authorised 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 authorised 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 seven thousand five hundred rupees or of an amount equal to thirty cents for each elector on the register, whichever amount shall be the larger :

Expenses in excess of maximum to be illegal practice.

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
- (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.

(3) A person shall not let, lend, or employ for the purpose of conveyance of electors to and from the poll any vehicle or animal of transport of any kind whatsoever which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such vehicle or animal of transport knowing that it is intended to be used for the conveyance of electors to and from the poll he shall be guilty of an illegal practice.

(4) A person shall not hire, borrow, or use for the purpose of conveyance of electors to and from the poll any vehicle or animal of transport of any kind whatsoever which he knows the owner thereof is prohibited by sub-section (3) of this Section to let, lend, or employ for that purpose, and if he does so he shall be guilty of an illegal practice.

(5) Nothing in sub-section (3) or sub-section (4) of this Section shall prevent a vehicle or animal of transport of any kind being let to, or hired, employed, or used by an elector or several electors at their joint cost for the purpose of being conveyed to or from the poll.

(6) 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, a 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.

**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 :—

- (a) one election agent and no more ;
- (b) not more than two polling agents for each polling district ;
- (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.

Certain  
employment  
to be illegal.



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.

Saving for creditors.

70.—(1) Within thirty-one days after the date of publication of the result of an election in the *Government Gazette* the election agent of every candidate at that 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 sub-section (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 authorised 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 sub-section (1) or sub-section (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 *Government 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 *Government 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.

Punishment  
for conviction  
for illegal  
practice.

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.

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

*Excuse for corrupt or illegal practice.*

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

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—

(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.

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—

Power of election court to except innocent act from being illegal practice, &c.

- (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—

Authorised excuse for non-compliance with provisions as to return and declaration respecting 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 authorised 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 authorised 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.

*Grounds for avoiding elections.*

Avoidance by conviction of candidate.

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

Avoidance of election on election petition.

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—

- (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 connection 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.

78.—(1) Every election petition shall be tried by the Chief Justice or by a judge of the Supreme Court nominated by the Chief Justice for the purpose.

Appointment and powers of election judge.

(2) The Chief Justice or the judge so nominated is, in this Order, referred to as the election judge.

(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.

(4) The election judge shall be attended on the trial of an election petition in the same manner as if he were a judge of the Supreme Court sitting at assizes.

(5) Unless otherwise ordered by the Chief Justice, all interlocutory matters in connection with an election petition may be dealt with and decided by any judge of the Supreme Court.

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, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Governor. Upon such certificate being given, such determination shall be final ; and the return shall be confirmed or altered, or the Governor shall

Certificate of judge as to validity of election.

within one month of such determination by notice in the *Government Gazette* order the holding of an election in the electoral district concerned, as the case may require, in accordance with such certificate.

Report of  
judge as to  
corrupt or  
illegal practice.

82.—(1) At the conclusion of the trial of an election petition the election judge shall also report in writing to the Governor—

- (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.

(2) 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.

(3) When an election judge reports 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, and a person shall be subject to the same incapacities if he was a candidate at the election and the election judge reports that such corrupt or illegal practice was committed with his knowledge and consent or by his agent.

(4) The Governor shall cause a copy of such report to be published in the *Government Gazette*, and it shall be the duty of every registering officer forthwith to peruse the report 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.

Time for  
presentation.

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 *Government Gazette* :

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 *Government 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 authorised 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 *Government Gazette* of the notice mentioned in paragraph (b) of the proviso to sub-section (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 or who has not been authorised to vote at such station under Section 39 ;
- (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 Section 52, was incapable of voting 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 sub-section (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.

Commissioner of Parliamentary Elections.

**88.**—(1) For the purposes of this Order, there shall be a Commissioner of Parliamentary Elections who shall be appointed by the Governor. In making an appointment under this Section after the establishment of a Public Service Commission under Section 58 of the Ceylon (Constitution) Order in Council, 1946, the Governor shall act on the recommendation of that Commission.

(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 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 ;
- (c) execute and perform all other powers and duties which are conferred and imposed upon him by this Order.

Inaccurate description of places and persons.

**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 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 sub-section (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.



91. Before four o'clock in the afternoon on the day of nomination, any candidate may, by writing under his hand, indicate to the returning officer 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.

Names of candidates.

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.

93. If any difficulty arises in first giving effect to any of the provisions of this Order, the Governor, as occasion may require, may, by Order published in the *Government 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 of Governor to make orders 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.

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 :

Revocation.

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.

FORM A.

(Section 7.)

*Certificate of Permanent Settlement.*

I, \_\_\_\_\_ Government Agent/Assistant Government Agent of \_\_\_\_\_ hereby certify that \_\_\_\_\_ of \_\_\_\_\_ is permanently settled in Ceylon or is residing in Ceylon with intent to settle therein.

Signed ... ..  
Government Agent/Assistant Government Agent.

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

## FORM B.

(Section 7.)

*Form of declaration by Applicant for Certificate of Permanent Settlement.*

I, \_\_\_\_\_, hereby solemnly and sincerely declare that I have been continuously resident in Ceylon for a period of not less than five years exclusive of temporary absences not exceeding eight months in all during such period of five years and that I am permanently settled in Ceylon or am residing in Ceylon with intent to settle therein.

Signature or thumb mark.

Before me  
Government Agent/Assistant Government Agent.  
(Attesting Officer.)

at  
This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

## FORM C.

(Section 12 (2).)

*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.

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 D.

(Section 12 (5).)

*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

\* Strike out 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.

to the name of the person mentioned and 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.

(Section 12 (6).)

*Form of Objection against Claimant.*

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.

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.

(Section 17 (1).)

*Form of application to be forwarded in pursuance of a Notification under Section 16.*

To the Registration Officer of the (give the name of the electoral district for which applicant is qualified to vote) :—

electoral district

I apply to have my name inserted in the register of electors for the above-named district.

1. My full name is (give name, Christian or ge or other names in full; surname or ge first) :—

2. My father's or husband's name is (to be filled in by Tamils and Muslims only) :—

3. My sex is (state whether male or female) :—

4. All notices relating to this application should be sent to me at (give full postal address) :—

5. I declare in support of my application that—

- (i) I am a British subject.
- (ii) I was not less than twenty-one years of age on the first day of June in this year.
- (iii) I have been resident at (state exact address or addresses of residence in the electoral district AND ALL the following particulars which are applicable) :—

in the Village Headman's division in the division of the Korale/  
Udayar/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 during a continuous  
period of six months in the eighteen months immediately prior to the first day  
of June in this year.

(iv) I possess the under-mentioned qualifications (strike out qualifications not claimed) :—

- (1) Property and literacy as specified overleaf.
- (2) A certificate of permanent settlement which is attached hereto.

6. (Strike out whichever of the following declarations is not intended to be made) :—

- (i) I have not signed any previous application during this year to be registered for the above electoral district.
- (ii) I have forwarded to the Registering Officer a previous application during this year to be registered for the above electoral district but have not received an acknowledgment therefor.

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.)

N.B.—This application (including the Statement of Property and Literacy Qualification overleaf if claimed) must be signed in the presence of a person over twenty-one years of age who is able to read and write English, Sinhalese or Tamil. The penalty for a false statement is a fine not exceeding one hundred rupees.

(Reverse.)

*Property and Literacy Qualification.*

(Fill in only if claimed under 5 (iv) (1) overleaf.)

(1) (Strike out and initial this clause if not applicable to you) :—I have, during a continuous period of six months immediately prior to the first day of June in this year, had the possession or enjoyment of a clear annual income of not less than Rs. 600.

(2) (Strike out and initial this clause if not applicable to you) :—I have, during a continuous period of six months immediately prior to the first day of June in this year, been the owner of (state whether whole or, e.g., undivided half share) :— of  
(Describe the land or building) :—

immovable property in my own right, otherwise than as a lessee or usufructuary mortgagee, situated at (give address of land or building) :—

within the above-named electoral district, the value of which immovable property, after allowing for any mortgage debts thereon, is not less than Rs. 1,500.

(3) (Strike out and initial this clause if not applicable to you) :—I have, during a continuous period of six months immediately prior to the first day of June in this year, had the occupation as (strike out and initial description not applicable to you) :—owner/tenant of (state whether house, warehouse, countinghouse, shop or other building) :—

situated at (give address of building) :— within the above-named electoral district of the annual value of rupees.

(The value must not be less than Rs. 200 if situated within the limits of any Village Committee or Rs 400 if situated elsewhere.)

4. I am able to read and write (state qualifying language, i.e., English, Sinhalese, or Tamil) :—

Dated the                      day of                      , 19

(Signature of Applicant.)

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

(Signature of Witness.)

(Address of Witness.)

FORM G.

(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 Proposer :

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  
(Section 34.)

*Return where there are no more candidates than members to be elected.*

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 of all the other candidates having withdrawn, as the case may be).

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
A. B.,  
Returning Officer.

FORM I.  
(Section 40 (2).)

*Form of front of ballot paper*

Counterfoil No. 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.	AMARASINGHEGE, JAMES	*	
	JANSZ, HECTOR	*	
	MAKEEN, M. M.	*	
	RUTNAM, K.	*	

\* Here print symbol allotted to the candidate.

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.)

FORM K.  
(Section 43 (1).)

*Declaration.*

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.  
(Section 43 (1).)

*Declaration (when the election is a general election).*

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.

(Section 45.)

*Declaration.*

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.

(Section 50.)

*Return after a poll has been taken.*

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., etc., names, etc., as on the nomination papers).

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

A. B.,  
Returning Officer.

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 . . . . . 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 connection 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 connection with the candidature and whether paid or incurred by the candidate, his election agent, or the person 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 matter on account of which the claim is due.

(Election Agent.)

FORM Q.

(Section 70 (2).)

*Form of Declaration by Candidate.*

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.

(Section 70 (2).)

*Form of Declaration by an Election Agent.*

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.



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).)

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

Short title.

2. In these rules, unless the context otherwise requires—

“ Commissioner ” means the Commissioner of Parliamentary Elections appointed under Section 88 of the Order ;

Interpretation.

“ Judge ” means the Election Judge ;

“ Registrar ” means the Registrar of the Supreme Court ;

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

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 :—

Manner of presentation of petition.

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).

(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.

சென்னை அரசாங்கப் பத்திரிகை

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

IN THE SUPREME COURT 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.

Evidence not to be stated in petition. Particulars..

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.

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 payments 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.

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.

Registrar to keep book with addresses and names of agents.

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.

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.

Return of money so deposited.

(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. Notice of the presentation of a petition, accompanied by a copy thereof, shall, within ten days of the presentation of the petition, be served by the petitioner on the respondent. Such service may be effected either by delivering the notice and copy aforesaid to the agent appointed by the respondent under rule 10 or by posting the same 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 if no agent has been appointed, nor such address given, by a notice published in the *Government Gazette* stating that such petition has been presented, and that a copy of the same may be obtained by the respondent on application at the office of the Registrar.

Notice of petition, and copy of petition to be served on respondent.

16. On the expiration of the time limited for making petitions, the petition shall be deemed to be at issue.

When petition to be deemed at issue.

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."

List of petitions.

18. The time and place of the trial of each election petition shall 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 *Government Gazette*.

Time and place of trial of election petition.

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 *Government 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.

Form of application to withdraw petition.

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.

(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.

Copy of application to be given to respondent.

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 *Government Gazette* by the petitioner at his own expense:—

“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.

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.

Time and place of hearing of application.

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.

Substitution of another petitioner.

(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.

27. (1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

Abatement of petition by death.

(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.

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.

Application to be substituted as petitioner, on abatement.

(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.

(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 herein-after 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 *Government 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 *Government 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.

Respondent not opposing petition not to appear as party.

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.

Countermanding notice of trial where petition abated, &c.

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.

Costs.

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.

Taxation and recovery of 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.

(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.

#### FOURTH SCHEDULE.

(Section 95.)

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.