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## THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

අංක 14,284 — 1965 ජනවාරි 6 වැනි බදාදා — 1965.1.6

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### PART I: SECTION (I)—GENERAL

#### Government Notifications

##### PARLIAMENTARY GENERAL ELECTION—1965

###### New Election Laws

###### NOTICE FOR GENERAL INFORMATION

RELEVANT extracts of certain recent amendments to the provisions of the Ceylon (Parliamentary Elections) Order in Council, 1946, relating to some of the election offences, corrupt and illegal practices are reproduced below for the information of the General Public, Political Parties, Candidates and Election Agents.

2. Copies of this *Gazette* are being exhibited at each Returning Officer's Office, Local Authorities Office, Divisional Revenue Officer's Office, Post Office, Police Station, Grama Sevaka's Office and at this Office.

3. Copies will also be delivered to Candidates on Nomination Day. Any other interested party or person desiring to refer to the provisions reproduced here may do so at the places mentioned in the preceding paragraph, or may apply to this Office.

Office of the Commissioner of Elections,  
33, Horton Place,  
P. O. Box 814,  
Colombo 7, January 5, 1965.

E. F. DIAS ABEYESINGHE,  
Commissioner of Parliamentary Elections.

###### PROVISIONS REFERRED TO

###### *Unlawful Possession of an Official Poll Card*

Section 35A. (3) Any person, other than a public servant acting in the course of his duty as such servant, who has in his possession the official poll card of any other person shall be guilty of an offence and shall, on conviction, after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

###### *Voting by Post—Offence*

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

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

###### *Offences*

Section 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 official identity card or ballot paper or the official mark on any ballot paper; or
- (c) without due authority supplies any official identity card or ballot paper to any person; or
- (d) sells or offers to sell any official identity card or ballot paper to any person or purchases or offers to purchase any official identity card or ballot paper from any person; or
- (e) not being a person entitled under this Order to be in possession of any ballot paper which has been marked with the official mark in accordance with this Order, has any such ballot paper in his possession; or
- (f) puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or
- (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election; or

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

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 void from the date of such conviction.

*Canvassing, etc., within a quarter of a mile of a Polling Station*

Section 52. (1A) No person shall, on any date on which a poll is taken at a polling station, do any of the following acts within a distance of a quarter of a mile of the entrance of that polling station:—

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

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

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

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

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

*Restrictions on use of Buildings on Election Day, Processions, etc.*

Section 52. (1B) No person—

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

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

*Display of Posters, Handbills, etc.*

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

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

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

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

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

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

*Personation, and Penalties therefor*

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

- (a) votes in person or by post as some other person, whether that other person is living or dead or is a fictitious person ; or
- (b) votes more than once in or under his own name at such election,

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

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

- (a) has applied for a ballot paper for the purpose of voting in person ; or
- (b) has made an application to be treated as a postal voter ; or
- (c) has marked, whether or not validly, and returned a ballot paper issued for the purpose of voting by post,

shall be deemed to have voted.

Section 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) .....
- (c) .....
- (d) .....

shall be guilty of a corrupt practice, and shall on conviction by a District Court be liable, in the case referred to in paragraph (a) of this subsection, to rigorous imprisonment for a term not exceeding twelve months, and.....

(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.

*Undue Influence*

Section 56. (1) Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at any election shall be guilty of the offence of undue influence.

(2) Every person who, at any time during the period commencing on the day of nomination at any election and ending on the day following the date of the poll at such election,—

- (a) utters at any religious assembly any words for the purpose of influencing the result of such election or inducing any elector to vote or refrain from voting for any candidate at such election, or
- (b) for such purpose distributes or displays at any religious assembly any handbill, placard, poster, notice, sign, flag or banner, or
- (c) holds or causes to be held a public meeting at a place of worship for the purpose of promoting the election of any candidate at such election

shall be guilty of the offence of undue influence.

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

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

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

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

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

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

*Bribery*

Section 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.

*Penalties for Treating, Undue Influence, Bribery, etc.*

Section 58. (1) Every person who—

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

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

(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.

*False Reports in Newspapers*

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

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

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

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

*Conveyance of Voters to or from the Poll, Offences and Penalties*

Section 67. (3) A person shall not let, lend, employ, hire, borrow or use or aid or abet any other person to let, lend, employ, hire, borrow or use, any vehicle, vessel or animal for the purpose of conveying any voters to or from the poll, and a person knowingly acting in contravention of this subsection shall be guilty of an illegal practice.

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

- (a) where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, 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 ;
- (c) the conveyance of a person at his own expense to or from the poll at any election in, or the use by any person at his own expense for the purpose of the conveyance of himself to or from the poll of, any public transport service provided by the Ceylon Transport Board, the Ceylon Government Railway, or the Colombo Municipal Council, shall be deemed not to be an illegal practice within the meaning of this section ;

(d) where the returning officer for any electoral district is satisfied, upon written application in that behalf made to him by any person, or on behalf of such person by any other person (not being a candidate or his election agent), so as to reach such officer seven days before the day on which a poll is to be taken at any election in that district, that such person is unable, by reason of any physical disability, to convey himself to and from the poll on foot or in any public transport service referred to in paragraph (c) of this subsection, the returning officer may give such person written authority to use any vehicle, vessel or animal for the purpose of conveying himself to and from the poll, and accordingly the use of a vehicle, vessel or animal for the purpose of such conveyance by such person shall be deemed not to be an illegal practice within the meaning of this section.

(5) Where, at any poll taken at any election in any electoral district, any vehicle, vessel or animal is being used in contravention of the provisions of subsection (1) or subsection (3), any police officer may stop and seize such vehicle, vessel or animal, and take it to a police station and detain it therein until the conclusion of the poll.

(6) A District Court may, on the conviction of any person for the commission of an illegal practice within the meaning of this section, make order declaring that any vehicle, vessel or animal used in or in connexion with the commission of such practice shall be forfeited to Her Majesty.

*Duty of Employers to grant leave to enable Employees to vote*

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

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