

PARLIAMENT OF CEYLON

4th Session 1959-60



Ceylon (Parliamentary Elections) (Amendment) Act, No. 26 of 1959

Date of Assent : December 2, 1959

Printed on the Orders of Government

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L. D.—O. 34/59.

AN ACT TO AMEND THE CEYLON (PARLIAMENTARY
ELECTIONS) ORDER IN COUNCIL, 1946.

[Date of Assent: December 2, 1959]

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

1. (1) This Act may be cited as the Ceylon (Parliamentary Elections) (Amendment) Act, No. 26 of 1959.

Short title.

(2) The provisions of section 3 and section 4 of this Act shall not come into operation until such date as the Minister may appoint by Order published in the *Gazette*.

2. Section 15 of the Ceylon (Parliamentary Elections) Order in Council, 1946, hereinafter referred to as the "principal enactment", as amended by Act No. 11 of 1959, is hereby amended as follows:—

Amendment of
section 15 of
the Ceylon
(Parliamentary
Elections)
Order in
Council, 1946.

(1) in paragraph (a) of sub-section (1B) of that Section, by the substitution, for the expression "shall include", of the expression "shall, subject to the provisions of Section 8 of this Order, include";

(2) by the insertion, immediately after sub-section (1c) of that Section, of the following new sub-sections:—

"(1D) Sub-section (7) of Section 16 of this Order shall apply in the preparation of a register of electors under sub-section (1) of this Section.

(1E) Where a person's name, which by virtue of sub-section (1) or sub-section (1B) (a) of this Section should have been included in a register of electors prepared under sub-section (1) of this Section, does not appear in that register, he may prefer a claim to the registering officer to have his name inserted in that register."; and

Appropriation Act, No. 24 of 1959

chargeable as if it were expenditure out of the Consolidated Fund of Ceylon for the service of the financial year beginning on October 1, 1964, and ending on September 30, 1965, in addition to any other sums that may by law be payable, or may by any written law hereafter enacted be declared to be payable, for the service of that financial year.

FIRST SCHEDULE

Sums Payable for the General Services

Head		Rs.
1,	His Excellency the Governor-General Vote No. 1, Salaries and expenses of the Establishment and Office of His Excellency the Governor-General ..	446,341
2,	Supreme Court Vote No. 1, Salaries and expenses of the Supreme Court	1,719,771
3,	Cabinet Office Vote No. 1, Salaries and expenses of the Cabinet Office..	132,134
4,	Senate Vote No. 1, Salaries and expenses of the Senate ..	513,493
5,	House of Representatives Vote No. 1, Salaries and expenses of the Department of the House of Representatives	1,414,327
6,	Judicial Service Commission Vote No. 1, Salaries and expenses of the Judicial Service Commission	89,080
7,	Public Service Commission Vote No. 1, Salaries and expenses of the Office of the Public Service Commission	208,255
8,	Audit Office Vote No. 1, Salaries and expenses of the Department of the Auditor-General	2,968,178
9,	Planning Secretariat Vote No. 1, Salaries and expenses of the Planning Secretariat	467,540
10,	Offices of the Leader of the House of Representatives and the Chief Government Whip Vote No. 1, Salaries and expenses of the Offices of the Leader of the House of Representatives and the Chief Government Whip	63,147
11,	Office of the Leader of the Opposition in the House of Representatives Vote No. 1, Salaries and expenses of the Office of the Leader of the Opposition in the House of Re- presentatives	42,187

Rs.

Head 16, Prime Minister and Minister of Defence and External Affairs		
Vote No. 1, Salaries and expenses of the Establishment and Office of the Prime Minister	415,495	
Head 16, Prime Minister and Minister of Defence and External Affairs		
Vote No. 2, Salaries and expenses of the Office of the Minister of Defence and External Affairs	1,186,276	
Head 16, Prime Minister and Minister of Defence and External Affairs		
Vote No. 3, Contributions and Services	1,479,000	
Head 17, Ceylon Defence		
Vote No. 1, Salaries and expenses of the Army	27,316,869	
Head 17, Ceylon Defence		
Vote No. 2, Salaries and expenses of the Royal Ceylon Navy	16,428,123	
Head 17, Ceylon Defence		
Vote No. 3, Salaries and expenses of the Royal Ceylon Air Force	14,121,033	
Head 18, Department of External Affairs Abroad		
Vote No. 1, Salaries and expenses of Ceylon Missions Abroad	8,986,703	
Head 18, Department of External Affairs Abroad		
Vote No. 2, Maintenance, repairs and running expenses of Hostel and Centre for Ceylon Students in London	91,860	
Head 19, Police		
Vote No. 1, Salaries and expenses of the Police Department including grants and contribution to Social Welfare Institutions and cost of special services	39,602,130	
Head 19, Police		
Vote No. 2, Salaries and expenses in connection with special measures against illicit immigration	100,000	
Head 20, Department of Immigration and Emigration and Registration of Indian and Pakistani Residents		
Vote No. 1, Salaries and expenses of the Office of the Controller of Immigration and Emigration	801,398	
Head 20, Department of Immigration and Emigration and Registration of Indian and Pakistani Residents		
Vote No. 2, Salaries and expenses of the Office of the Commissioner for Registration of Indian and Pakistani Residents	116,539	

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Electoral District, and I apply to be treated as a postal voter at the election of a member for the abovenamed Electoral District because I am unable*/likely to be unable to vote in person at the polling station allotted to me—

*(1) by reason of the particular circumstances of my employment—

(a) as a member of the Ceylon Army/Royal Ceylon Navy*/Royal Ceylon Air Force ;

(b) as an officer or servant in the Department of Police/Ceylon Government Railway*/Department of Postal and Telecommunication Services;

(c) as an officer or servant in the public service appointed/likely to be appointed for duties connected with the election;

*(2) by reason of my candidature in Electoral District No....., (give number and name of Electoral District).

The address to which my ballot paper*/papers and other documents should be sent is as follows :—

If the applicant is not entitled to function as a certifying officer in accordance with the note appearing below, state official designation and address of applicant's certifying officer.

If the applicant is entitled to function as a certifying officer, state applicant's official designation and address.

Date :..... Signature of applicant.

I hereby certify that I am unable*/likely to be unable*/the applicant is unable*/likely to be unable/to vote in person at the polling station allotted to me*/him for the reason stated by me*/him in this application.

My official designation and address as stated in this application are correct.

Date and official frank:
Signature and designation of
certifying officer*/applicant.

* Delete inapplicable words.

..... Note.

1. Every application shall be made to the Registering Officer of the Electoral District where the applicant is registered as an elector not later than seven days after the day of nomination.

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2. Every application shall be duly filled in as otherwise it is liable to rejection by the Registering Officer.

3. Every applicant will be informed of the decision of the Registering Officer.

4. The ballot paper or papers and other documents will be despatched to any applicant whose application has been allowed to his name and address as stated in his application if he is entitled to function as a certifying officer or, if he is not so entitled, under the care of the certifying officer whose official designation and address are stated in his application.

5. The expression "certifying officer",—

(a) in relation to any applicant who, being a member of the Ceylon Army or Royal Ceylon Navy or Royal Ceylon Air Force,—

(i) is the Commander of that Army or the Captain of that Navy or the Commander of that Air Force, or is the officer in immediate charge of the unit or establishment in which the applicant is serving, means the applicant; or

(ii) is not a person referred to in clause (i) of this sub-paragraph, means the officer in immediate charge of the unit or establishment in which the applicant is serving;

(b) in relation to any applicant who, being an officer or servant in the public service,—

(i) is the officer in immediate charge of any office, means the applicant; or

(ii) is not a person referred to in clause (i) of this sub-paragraph, means the officer in immediate charge of the office in which the applicant is serving; or

(c) in relation to any applicant who is a candidate at a general election, means the Returning Officer for the Electoral District in which the applicant is registered as an elector.

REGULATION 6—FORM B.

Form of Declaration of Identity.

FRONT OF FORM.

Serial number*/numbers of ballot paper*/papers
.....; (To be inserted by Returning Officer).

* I hereby declare that I am the person to whom the ballot paper*/papers bearing the above serial number*/numbers and

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the envelope containing such ballot paper*/papers (which have been now handed over to me) were sent under the care of the officer mentioned below who is a witness to my signature.

*** I hereby declare that I am the person to whom the ballot paper*/papers numbered as above and the envelope containing such ballot paper*/papers (both of which I now produce) were sent direct.

.....
Voter's Signature.

Date:

* The ballot paper*/papers and the envelope referred to were sent to the abovenamed person under my care in my capacity as his certifying officer. The abovenamed person is personally known to me, being a candidate at the pending Parliamentary Election*/being employed in the unit*/establishment*/office in my charge.

* The ballot paper*/papers handed over to the voter was*/were marked immediately by him in the compartment provided in my office. The marked ballot paper*/papers was*/were placed in the ballot paper envelope by the voter and the envelope was sealed in my presence and that of the voter. ** The official identity card of the voter was shown to me. The above Declaration of Identity was signed in my presence by the voter before voting.

*** The abovenamed person who is personally known to me has shown me the ballot paper*/papers and the envelope referred to above/**and his official identity card/and has signed the above declaration in my presence.

.....
Signature and designation of
witness.

Date and Official Frank

(See instructions on back of this Form.)

* Delete if inapplicable.

** Should be deleted if no official identity cards are required to be issued for the purpose of the election.

*** Applicable only in respect of voters to whom ballot paper or papers and other documents were sent direct under their official designation and address and should be deleted if inapplicable. The witness to the declaration in respect of such voters will be as specified in the Instructions overleaf.

BACK OF FORM.

A. Instructions to Voter in respect of whom ballot paper*/papers and other documents have been despatched under the care of his Certifying Officer.

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1. Before signing the declaration, the voter in respect of whom ballot paper*/papers and other documents have been despatched under the care of his Certifying Officer shall—

(a) see—

(i) the envelope in which the form of declaration of identity and the ballot paper*/papers were forwarded to the voter under the care of such officers;

(ii) that the serial number*/numbers of the ballot paper*/papers specified in the declaration of identity is*/are the same as the number*/numbers appearing on the ballot paper*/papers handed over to him;

(b) produce his official identity card before such officer if such card is required to be issued for the purpose of the election.

The voter shall then sign the declaration in the presence of such officer who shall function as his witness.

*2. The voter has only one vote.

*3. The voter has ~~only one~~ votes, and he may give each of his votes to a different candidate or all or any of his votes to the same candidate. The voter shall give each vote on a separate ballot paper.

4. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name of the candidate for whom he votes, thus X.

5. THE VOTER SHALL NOT ALLOW ANY PERSON TO SEE HOW HE HAS VOTED.

6. Immediately after voting the voter shall fold the ballot paper*/papers, obtain the small envelope provided on which are printed the words "Ballot Paper Envelope" from his witness, place the marked ballot paper*/papers in it without showing the front of the ballot paper*/papers and fasten the envelope up. The envelope shall then be sealed in the presence of the voter and his witness.

The voter shall then place the sealed ballot paper envelope, together with his completed declaration of identity in the other larger enclosed envelope addressed to the Returning Officer, fasten the envelope and hand it over to his witness for despatch without delay.

7. A POSTAL BALLOT PAPER SHALL NOT BE DEEMED TO BE DULY RETURNED, UNLESS IT IS RETURNED SO AS TO REACH THE RETURNING OFFICER BEFORE THE CLOSE OF THE POLL ON THE POLLING DAY APPOINTED, AND IS ACCOMPANIED BY THE DECLARATION OF IDENTITY DULY SIGNED AND WITNESSED.

* Delete if inapplicable.

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B. Instructions to Voter in respect of whom ballot paper*/papers and other documents were sent direct to him under his official designation and address.

1. Before signing the declaration of identity, the voter shall show the person before whom he is to sign such declaration—

- (a) the ballot paper*/papers bearing the same number*/numbers as is*/are specified in such declaration,
- (b) the envelope in which the voter has received the form of declaration of identity and the ballot paper*/papers, and
- (c) his official identity card if such card is required to be issued for the purpose of the election.

2. The voter shall sign the declaration of identity in the presence of a witness who shall—

- (a) if the voter is a member of the Ceylon Army, Royal Ceylon Navy, or Royal Ceylon Air Force, be a Commissioned Officer of such Army, Navy, or Air Force;
- (b) if the voter is an officer or servant in the public service, be a superior officer of such service, or if the voter has no superior officer, any other officer of such service.

*3. The voter has only one vote.

*4. The voter has votes, and he may give each of his votes to a different candidate or all or any of his votes to the same candidate. The voter shall give each vote on a separate ballot paper.

5. The voter shall vote by marking a ballot paper with a cross in the space provided for the purpose on the right hand side of such paper opposite the name of the candidate for whom he votes, thus X.

6. THE VOTER SHALL NOT ALLOW ANY PERSON TO SEE HOW HE HAS VOTED.

7. Immediately after voting, the voter shall place the marked ballot paper*/papers in the enclosed small envelope on which are printed the words " Ballot Paper Envelope " and fasten it up. The voter shall then place the Ballot Paper Envelope, together with the declaration of identity, in the other larger enclosed envelope addressed to the Returning Officer and despatch them by post without delay. Unless the voter returns the ballot paper*/papers at once it may be too late to be counted.

8. A POSTAL BALLOT PAPER SHALL NOT BE DEEMED TO BE DULY RETURNED, UNLESS IT IS RETURNED SO AS TO REACH THE RETURNING OFFICER BEFORE THE CLOSE OF THE POLL ON THE POLLING DAY APPOINTED, AND IS ACCOMPANIED BY THE DECLARATION OF IDENTITY DULY SIGNED AND WITNESSED.

* Delete if inapplicable."