

PARLIAMENT OF CEYLON

1st Session 1953



Local Authorities Elections (Amendment) Act, No. 25 of 1953

Date of Assent : April 25, 1953

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AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTIONS
ORDINANCE, NO. 53 OF 1946.

[Date of Assent: April 25, 1953.]

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. This Act may be cited as the Local Authorities Elections (Amendment) Act, No. 25 of 1953.

Short title.

2. Section 6 of the Local Authorities Elections Ordinance, No. 53 of 1946 (hereinafter referred to as "the principal enactment") is hereby amended as follows:—

Amendment of
section 6 of
Ordinance
No. 53 of 1946

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

"(1) No person shall be qualified to vote at any election under this Ordinance of a member of a local authority unless his name is entered in any parliamentary register for the time being in operation.";

(2) by the repeal of sub-sections (2) to (5) (both inclusive) of that section; and

(3) by the omission of paragraph (b) of sub-section (6) of that section.

3. Section 7 of the principal enactment is hereby repealed, and the following new section substituted therefor:—

Replacement of
section 7 of the
principal
enactment.

Insertion of
names in
electoral lists
of electoral
areas.

7. Every person—

(a) whose name is entered in any parliamentary register for the time being in operation for any electoral district; and

(b) who was on the date of the commencement of the preparation or revision of that parliamentary register resident in any ward which is situated wholly or partly within the electoral district,

shall be entitled to have his name entered in the electoral list of that ward:

Provided, however, that a person who is disqualified by paragraph (a) of sub-section (6) of section 6 shall not be entitled to have his name entered in the electoral list of any ward of a village area.

Repeal of
section 8 of the
principal
enactment.

4. Section 8 of the principal enactment is hereby repealed.

Replacement
of section 9 of
the principal
enactment.

5. Section 9 of the principal enactment is hereby repealed, and the following new section substituted therefor:—

“ General
qualifications
for membership.

9. Every person who is not disqualified as provided by section 10 shall be qualified at any time for election as a member for any ward of an electoral area if—

(a) he was, on the date of the commencement of the preparation or revision of the Parliamentary register for the time being in operation for any electoral district in which that electoral area or any part thereof is situated, qualified to have his name entered in that register; and

(b) he was, on the date aforesaid, resident in that ward or any other ward of the same electoral area.”

Amendment of
section 10 of the
principal
enactment.

6. Section 10 of the principal enactment is hereby amended as follows:—

(1) in sub-section (1)—

(a) by the substitution, for paragraph (a), of the following new paragraph:—

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

(b) by the substitution, for paragraph (g), of the following new paragraph:—

“ (g) is, under any law in force in Ceylon, found or declared to be of unsound mind; or ”;

(c) by the substitution, for paragraph (i), of the following new paragraph:—

“ (i) is serving a sentence of imprisonment for an offence punishable with imprisonment for a term exceeding twelve months or is under sentence of death or is serving a sentence of imprisonment awarded in lieu of execution of a sentence of death; or ”;

(d) by the insertion, immediately after paragraph (i), of the following new paragraph:—

“ (ii) is a member of the Local Government Service constituted by the Local Government Service Ordinance, No. 43 of 1945, or ”;
and

(e) by the substitution, for paragraphs (j) and (k), of the following new paragraphs:—

“ (j) is disqualified from being elected, or from sitting or voting, as a member of any local authority by reason of the operation of sub-section (1A) of this section or section 81 of this Ordinance; or

(k) is disqualified by section 5 of the Public Bodies (Prevention of Corruption) Ordinance, from being elected, or from sitting or voting, as a member of a public body as defined in that Ordinance, by reason of a conviction, or of a finding of a Commission of Inquiry, referred to in that section; or ”;

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

“(1A) A person shall, at any time, be disqualified from being elected under this Ordinance, or from sitting or voting, as a member of any local authority if such person at that time—

(a) is incapable under any provision in that behalf in the Ceylon (Parliamentary Elections) Order in Council, 1946, of being elected or appointed as a Senator or Member of Parliament, by reason of any conviction referred to in such provision, or by reason of the report of an election judge in accordance with that Order; or

(b) is disqualified by paragraph (k) of sub-section (3) of section 13 of the Ceylon (Constitution) Order in Council, 1946, for being elected or appointed as a Senator or as a Member of the House of Representatives, or for sitting or voting in the Senate or in the House of Representatives, by reason of an adjudgment referred to therein.”;

(3) in sub-section (2)—

(a) by the substitution, for the expression “provisions of sub-section (1),” of the expression “provisions of sub-section (1) and sub-section (1A),”;

(b) in paragraph (b), by the substitution, for the words “Ordinance; or”, of the word “Ordinance,”;

(c) by the omission of paragraphs (c) and (d); and

(d) by the omission of the words “or conviction, as the case may be,”;

(4) by the repeal of sub-sections (3) to (5) (both inclusive) of that section; and

(5) in sub-section (6) of that section—

(a) by the substitution, in paragraph (a), for the expression “provisions of sub-section (1),” of the expression “provisions of sub-section (1) and sub-section (1A),”;

(b) by the omission of paragraph (b).

7. Section 13 of the principal enactment is hereby amended in paragraph (a) of sub-section (2) of that section, by the substitution, for the word " May ", of the word " June ".

Amendment of
section 13 of the
principal
enactment.

8. Section 15 of the principal enactment is hereby amended in sub-section (2) of that section, by the substitution, for the word " May ", of the word " June ".

Amendment of
section 15 of the
principal
enactment.

9. Section 16 of the principal enactment is hereby amended as follows:—

Amendment of
section 16 of the
principal
enactment.

- (1) by the repeal of sub-section (3) and the substitution therefor of the following new sub-section:—

“(3) For the purpose of facilitating the preparation or revision of electoral lists under this Ordinance, the Commissioner of Parliamentary Elections shall cause to be furnished to the Commissioner from time to time all such information as may have been obtained by or on behalf of registering officers as to the places of residence of persons whose names are entered in the Parliamentary registers for the time being in operation.”;

- (2) by the re-numbering of sub-section (4) as sub-section (7); and

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

“(4) For the purpose of preparing and revising electoral lists under this Ordinance and of determining whether the name of any person should be entered in or erased from the lists, an Elections Officer shall have regard to any information furnished to the Commissioner under sub-section (3), and may, in addition, make such house to house or other inquiry as he may deem necessary either by himself or through a person authorised by him in that behalf.

For the purpose of such inquiry the Elections Officer may require any householder or any person owning or occupying any land or premises in his district or the agent of such person to give in such form as may from time to time be provided by

the Commissioner any information in the possession of such person or agent which the Elections 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.

(5) Every person who, being in possession of any information required under sub-section (4) of this section, fails to give such information to an Elections Officer or to any person authorised in that behalf by the Elections Officer or wilfully gives any false information, 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.

(6) Every person who is authorised under this section by an Elections Officer and who wilfully suppresses, or wilfully makes any incorrect representation or communication or record or return of, any information relevant for determining whether the name of any person should or should not be entered in or erased from the electoral lists, after such information has been furnished to or collected by him, 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.”.

Amendment of
section 19 of the
principal
enactment.

10. Section 19 of the principal enactment is hereby amended, by the addition, immediately after sub-section (5) of that section, of the following new sub-sections:—

“ (6) Every person who wilfully makes a false statement or declaration in any claim or objection or at any inquiry held in connection therewith 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.

(7) The Elections Officer shall keep order at any inquiry held under this section into any claim or objection, and shall regulate the number of persons to be admitted at a time, and may exclude all persons, except the claimant and persons who desire to oppose the claim or, as the case may be,

the objector and the person in regard to whom the objection is made, the police officers on duty, and other persons officially employed for the purposes of the inquiry.

(8) If any person misconducts himself at any inquiry held under this section into any claim or objection, or fails to obey the lawful orders of the Elections Officer, the Elections Officer may cause him to be removed forthwith from the place at which the inquiry is being held by any police officer or by any other person authorised in writing by the Elections Officer.

(9) Any person removed from a place at which an inquiry is being held under this section—

(a) shall not, except with the permission of the Elections Officer, be allowed to enter that place again during the inquiry; and

(b) may, if he is charged with the commission of any offence in that place, be kept in custody until he can be brought before a Magistrate.”.

11. Section 23 of the principal enactment is hereby amended as follows:—

Amendment of section 23 of the principal enactment.

(1) in sub-section (2), by the substitution, for the word “ March ”, of the word “ February ”; and

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

“ (5) Nothing in this Ordinance shall be deemed to prohibit an Elections Officer, before certifying any electoral lists, from correcting any clerical error which appears to him to have been made therein.”.

12. Section 24 of the principal enactment is hereby amended, by the substitution, for the expression “ section 23 (3) ”, of the expression “ section 23 ”.

Amendment of section 24 of the principal enactment.

13. Section 26 of the principal enactment is hereby amended in sub-section (1) of that section as follows:—

Amendment of section 26 of the principal enactment.

(1) in paragraph (a), by the substitution, for all the words from “ be held ” to the end of that paragraph, of the following:—

“ be held within the period of three months preceding the date on which the term of office of the members who are to be elected is due to commence; or ”; and

- (2) in paragraph (b), by the substitution, for all the words from “be held” to the end of that paragraph, of the following:—

“be held within the period of five months preceding the date on which the term of office of the members who are to be elected is due to commence.”.

Amendment of
section 27 of the
principal
enactment.

14. Section 27 of the principal enactment is hereby amended in sub-section (1) thereof as follows:—

- (1) in paragraph (a) of that sub-section, by the substitution, for all the words from “The notice shall state” to the end of that paragraph, of the following:—

“The notice shall state, as respects each ward of the area, the date on which, and the place at which, candidates for election must be nominated. Such date shall—

(i) where the area is a municipality or a town, be a date not earlier than fourteen days or later than twenty-one days from the date of the publication of the notice; or

(ii) where the area is a village area, be a date not earlier than fourteen days or later than twenty-eight days from the date of the publication of the notice.”; and

- (2) in paragraph (b) (ii) of that sub-section, by the substitution, for the word “March”, of the word “February”.

Amendment of
section 44 of the
principal
enactment.

15. Section 44 of the principal enactment is hereby amended by the substitution, for the first Proviso thereto, of the following new Proviso:—

“Provided that if any person, who by reason of his conviction of a corrupt practice or an illegal practice or by reason of the report of an election judge, or by reason of his conviction of an offence under Section 52 or Section 53 of the Ceylon (Parliamentary Elections) Order in Council, 1946, or by reason of the operation of Section 4A of that Order, is incapable of voting at any election under that Order, votes at any

election under this Ordinance, 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 period not exceeding six months:”.

16. Section 48 of the principal enactment is hereby amended by the substitution, for paragraph (a), of the following new paragraph:—

Amendment of section 48 of the principal enactment.

“(a) shall contain a list of the candidates in English, Sinhalese and Tamil, described, subject to the provisions of section 69B, 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;”.

17. Section 53 of the principal enactment is hereby amended in sub-section (3), by the substitution in paragraph (a), for the words “either embossed”, of the words “either stamped, embossed”.

Amendment of section 53 of the principal enactment.

18. The following new section is hereby inserted, immediately after section 69A, and shall have effect as section 69B, of the principal enactment:—

Insertion of new section 69B in the principal enactment.

Names of candidates.

69B. Immediately before the adjournment of any election on nomination day to enable a poll to be taken, 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 each name which he desires should be specified by initial.

19. Section 78 of the principal enactment is hereby amended as follows:—

Amendment of section 78 of the principal enactment.

(a) by the repeal of sub-section (2) of that section; and

(b) by the re-numbering of sub-section (1) of that section as section 78.

Replacement of
section 81 of the
principal
enactment.

20. Section 81 of the principal enactment is hereby repealed, and the following new section substituted therefor:—

Incapacity for
offences at
elections.

81. Any person who is convicted of an offence under the provisions of any of the following sections of this Ordinance, namely, sections 75 to 80 (both inclusive) shall, in addition to any other penalty to which he may be liable for that offence, be disqualified for a period of five years reckoned from the date of such conviction, from being elected or from sitting or voting, as a member of any local authority.

Amendment of
section 88 of the
principal
enactment.

21. Section 88 of the principal enactment is hereby amended as follows:—

(1) by the insertion, immediately after the definition of the term “district”, of the following new definition:—

“electoral district” has the same meaning as in the Ceylon (Parliamentary Elections) Order in Council, 1946; and

(2) by the insertion, immediately after the definition of the term “municipality”, of the following new definition:—

“parliamentary register for the time being in operation” means any register of electors for the time being in operation under the Ceylon (Parliamentary Elections) Order in Council, 1946;.

Replacement of
the First
Schedule to
the principal
enactment.

22. The First Schedule to the principal enactment is hereby repealed and the following new Schedule substituted therefor:—

“FIRST SCHEDULE.

(Section 29 (4))

Form of Nomination Paper.

Nomination paper for the
ward of the electoral area of the /Municipal
Council/Urban Council/Town Council/Village Committee.

1. Name of candidate in full:
(give name, Christian
or *ge* or other names in
full; surname or *ge*
name first)

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2. Address:
3. Occupation:
4. Name of proposer in full:
5. Proposer's No. and Ward
in electoral list:
6. Name of seconder in full:
7. Secunder's No. and Ward
in electoral list:

.....
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 Secunder.

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).

The above particulars must be printed also in
Sinhalese and Tamil."

23. The Third Schedule to the principal enact-
ment is hereby repealed and the following new Schedule
substituted therefor:—

Replacement of
Third Schedule
to the principal
enactment.

" THIRD SCHEDULE.
(Section 48)

Form of front of ballot paper.

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

* Here print distinctive symbol allotted to the candidate."

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Savings of
qualification of
members of
local
authorities
already
in office.

24. Where, in the case of any person who is a member of any local authority at the date of the commencement of this Act, any question arises, at any time during the term of office of the members of that local authority in office at the date aforesaid, as to whether or not such person is qualified to be a member of that authority, then, notwithstanding anything in the preceding provisions of this Act, that question shall be determined in all respects under and in accordance with the written law in force immediately prior to the date of the commencement of this Act and in like manner as though this Act had not been enacted.

Transitional
provisions
as to elections.

25. Notwithstanding anything in this Act, sections 6, 7, 8, 44, 78, 81 and 88 of the principal enactment shall, in the case of every election of a member for any ward of a local authority which may be held prior to the date on which the electoral list of that ward is first certified after the date of the commencement of this Act, apply as though those sections had not been amended by this Act.