



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**PARLIAMENTARY ELECTIONS
(AMENDMENT) ACT, No. 58 OF 2009**

[Certified on 16th October, 2009]

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Parliamentary Elections (Amendment)
Act, No. 58 of 2009

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L.D.—O. 3/2009.

AN ACT TO AMEND THE PARLIAMENTARY ELECTIONS
ACT, NO. 1 OF 1981

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :—

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| <p>1. This Act may be cited as the Parliamentary Elections (Amendment) Act, No. 58 of 2009.</p> <p>2. Section 7 of the Parliamentary Elections Act, No. 1 of 1981 (hereinafter referred to as the “principal enactment”) is hereby amended by the repeal of subsections (4), (5), (6) and (7) of that section and the substitution thereof of the following:—</p> | <p>Short title.</p> <p>Amendment of section 7 of Act, No. 1 of 1981.</p> |
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“(4) (a) The Commission shall, before the thirty-first day of January of each year, publish a Notice calling upon the Secretary of a political party, other than a party which is already entitled to be treated as a recognized political party for the purpose of elections, to make a written application to the Commission, on behalf of that party within such period as may be specified in such notice, subject to the provisions of paragraphs (d) and (e), that such party be treated as a recognized political party for the purpose of elections. The application shall also specify the approved symbol which such party wishes to have allocated to it, out of the available approved symbols, in the event such party is to be so treated.

(b) The Commission shall at the beginning of every calendar year, cause to be published in the *Gazette* a Notification containing a list of the names of all political parties entitled to be treated as recognized political parties for the purpose of elections.

(c) The Secretary of a political party shall, at the time an application is made under paragraph (a), furnish to the Commission a copy of the Constitution of such party and a list of office bearers, an audited statement of accounts and the contemporary policy statement of such party.

(d) In order to guarantee better representation of women in political parties and in politics, every recognized political party shall ensure the inclusion of one or more women office bearers in the list of office-bearers of such party.

(e) Nothing in paragraph (a) of this subsection shall be read or construed as enabling the Commission to call for applications from political parties for recognition for the Secretary of a political party to make an application under that paragraph at any time during any of the following periods, that is to say, the period—

- (i) commencing on the date of a Proclamation dissolving Parliament or of an Order requiring the holding of an election under this Act and ending on the date of poll specified in such Proclamation or Order ; or
- (ii) commencing on the date of an Order made under section 2 of the Presidential Elections Act, No. 15 of 1981 and ending on the date of poll fixed by that Order ; or
- (iii) commencing on the date of a Notice under section 10 of the Provincial Councils Elections Act, No. 2 of 1988, relating to an election under that Act and ending on the date of poll specified for that election in an Order made under section 22 of that Act ; or
- (iv) commencing on the date of a Notice under section 26 of the Local Authorities Elections Ordinance (Chapter 262) relating to an

election under that Ordinance and ending on the date of poll specified in a Notice under section 38 of that Ordinance ; or

- (v) commencing on the date of a Proclamation issued under section 2 of the Referendum Act, No. 7 of 1981 and ending on the date of poll appointed by that Proclamation.

(f) If paragraph (d) is in operation during the month of January of any year Commission shall publish the Notice as specified in paragraph (a) after the expiration of a period of thirty days from the date of poll, calling for applications for the recognition of eligible political parties.

(g) Where an application made under paragraph (a) in respect of a political party is disallowed by the Commission, no application shall be made under that subsection in respect of that political party until after the expiration of a period of one year from the date of the Order disallowing the such application.

(5) Upon receipt of an application duly made under subsection (4) on behalf of any political party, the Commission shall, after such inquiry as it may deem fit —

- (a) if in the opinion of the Commission such party is a political party and is capable of contesting elections under this Act ; and
- (b) if the Commission is satisfied that—
 - (i) such party has been engaged in political activities for a continuous period of at least four years prior to the date of the making of such application; or
 - (ii)(A) out of at least two candidates nominated by such party at least one was successful at the last Parliamentary general election

held immediately preceding the date of the application of such party; or

- (B) out of at least five candidates nominated by such party for five different Provincial Councils at least three were successful at the last provincial elections held immediately preceding the date of application of such party,

the Commission may make Order—

- (i) that such party shall be entitled to be treated as a recognized political party for the purpose of elections, subject however, to the provisions of this Act ;
- (ii) allotting an approved symbol to such party, being the approved symbol which the political party wishes to have allocated to it out of the approved symbols, determined by the Commission in its absolute discretion, but not being the approved symbol of any other political party which is entitled to be so treated.

(6) A political party shall not be entitled to be treated as a recognized political party under paragraph (a) of subsection (5) if its name is identical with the name of any party which is already entitled to be treated as a recognized political party or in the opinion of the Commission so nearly resembles such name as to be calculated to mislead, confuse or deceive.

(7) The Order of the Commission made under subsection (5) on any application made under subsection (4) shall be final and shall not be called in question in any court.

(8) For the purposes of subsection (5) of this section, the words “such party” shall include a constituent party of a party which is formed, based on a political alliance.”.

3. Section 8 of the principal enactment is hereby repealed and the following section substituted therefore:—

Amendment of
section 8 of the
principal
enactment.

“Recognized
political
parties to
comply with
certain
requirements.

8. (1) It shall be the duty of the Secretary of every recognized political party to submit to the Commission a copy of the Constitution of such party together with a list of the office bearers of such party and a copy of the political programme of such party—

- (a) in the case of a recognized political party referred to in subsection (2) of section 7, within three months from the date of coming into operation of this Act; and
- (b) in the case of any other recognized political party, within three months from the date on which such party is entitled to be treated as a recognized political party under paragraph (a) of subsection (5) of section 7.

(2) Every recognized political party shall hold a general meeting once a year or as specified in the Constitution of the party. The procedure to be followed at such meeting shall be specified in such Constitution.

(3) Where a recognized political party amends its Constitution or changes its office bearers, the Secretary of such party shall, before the expiry of a period of thirty days from the date of such amendment or change, inform the Commission in writing of such amendment or change.

(4) A copy of the annual statement of accounts of every recognized political party audited by a registered auditor shall be submitted to the Commission.

(5) Every recognized political party shall be entitled to State assistance as provided for in the relevant written laws applicable to the conduct of elections.

(6) (a) For the purpose of exercising the powers conferred on the Commission under this Act, the Commission may by notice in writing require the Secretary of any political party to furnish such information specified in the notice issued, pertaining to such political party or to produce any document as shall be specified therein, within such period as shall be specified in the notice.

(b) It shall be the duty of the Secretary of any political party who is required by notice to furnish any information under subsection (1), to comply with those requirements within the time specified in such notice, unless such Secretary is precluded from divulging such information under the provisions of any written law.

(7) Any person shall, on payment of a prescribed fee to the Commission have the right to call for and refer to the Constitution of a political party and on payment of the prescribed fee shall have the right to obtain a certified copy of such Constitution.

(8) Commission may issue from time to time a Code of Conduct to be observed by political parties and candidates during elections.

(9) The Commission may from time to time issue such general or special directions to the political parties, a person or body as may be necessary for the effective and efficient implementation of the provisions of this section and section 7.”.

4. The following new section is hereby inserted immediately after section 8 of the principal enactment and shall have effect as section 8A of that enactment:—

Insertion of new section 8A in the principal enactment.

“Commission to be notified of any alliance of political parties. 8A. It shall be the duty of the Secretary of any alliance which is formed between two or more recognized political parties, to notify the Commission of the names of the constituent parties of such alliance and the office bearers thereof.”.

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

Replacement of section 9 of the principal enactment.

“Cessation of recognition of a political party. 9. (1) Subject to subsection (2), where any recognized political party fails to comply with the provisions of section 8, such party shall cease to be a recognized political party.

(2) The Commission may, upon application made in writing in that behalf by the Secretary of a recognized political party, in its discretion, extend the period referred to in section 8 for a further period not exceeding sixty days.

(3) A political party which is entitled to be treated as a recognized political party for the purpose of elections shall cease to be so entitled—

- (i) if not one single candidate of such party is nominated for two consecutive Parliamentary general elections;

- (ii) if it does not conform to the requirements of subsections (1), (3), (4) and (7) of section 8.

(4) For the purposes of this section, the words “such party” shall include a constituent party of a party which is formed, based on a political alliance.”.

Sinhala text to prevail in case of inconsistency.

6. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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