

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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L.D.—O. 3/2009.

ANACT 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 :—

1. This Act may be cited as the Parliamentary Elections Short title.

(Amendment) Act, No. 58 of 2009.

2. Section 7 of the Parliamentary Elections Act, No. 1 Amendment of

section 7 of Act,

of 1981 (hereinafter referred to as the “principal enactment”)

No. 1 of 1981.

is hereby amended by the repeal of subsections (4), (5), (6)

and (7) of that section and the substitution therefore of the

following:—

“(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.

2—PL 004303—4,250 (08/2009)

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(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

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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

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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.

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(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 Amendment of

repealed and the following section substituted therefore:— section 8 of the

principal

enactment.

“Recognized 8. (1) It shall be the duty of the Secretary of

political every recognized political party to submit to

parties to

comply with the Commission a copy of the Constitution of

certain such party together with a list of the office

requirements. 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.

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(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.

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(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 Insertion of new

immediately after section 8 of the principal enactment and section 8A in the

principal

shall have effect as section 8A of that enactment:—

enactment.

“Commission 8A. It shall be the duty of the Secretary of

to be notified any alliance which is formed between two or

of any

more recognized political parties, to notify the

alliance of

political Commission of the names of the constituent

parties. parties of such alliance and the office bearers

thereof.”.

5. Section 9 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefore:— section 9 of the

principal

“Cessation of 9. (1) Subject to subsection (2), where any enactment.

recognition recognized political party fails to comply with

of a political

the provisions of section 8, such party shall

party.

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;

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(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 6. In the event of any inconsistency between the Sinhala

prevail in case

and Tamil texts of this Act, the Sinhala text shall prevail.

of inconsistency.

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