



Election Commission

Parliamentary Election - 05.08.2020



Avoidance of the election of a candidate being guilty of a corrupt practice under Section 81 of the Parliamentary Elections Act, No.1 of 1981 for executing undue influence under Section 79

79.(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 an 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 an election shall be guilty of the offence of undue influence.

(2) Every person who, at any time during the period commencing from the first day of the nomination period 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 recognized political party or independent group at such election ; or

(b) for such purpose distributes or displays at any religious assembly, any handbill, placard, poster, drawing, notice, photograph of a candidate, sign, symbol, 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 or the election campaign of any recognized political party or independent group 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 recognized political party or independent group at an election, or to support or refrain from supporting any political party or independent group at such election, or on account of such member or adherent having voted or refrained from voting for a recognized political party or independent group at such election, or having supported or refrained from supporting any recognized political party or independent group 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 recognized political party or independent group at an election, or to support or refrain from supporting any recognized political party or independent group at such election, or on account of such other person having voted or refrained from voting for any recognized political party or independent group at such election or having supported or refrained from supporting any recognized political party or independent group at such election, shall be guilty of the offence of undue influence.

81. Punishment and incapacities for corrupt practice.

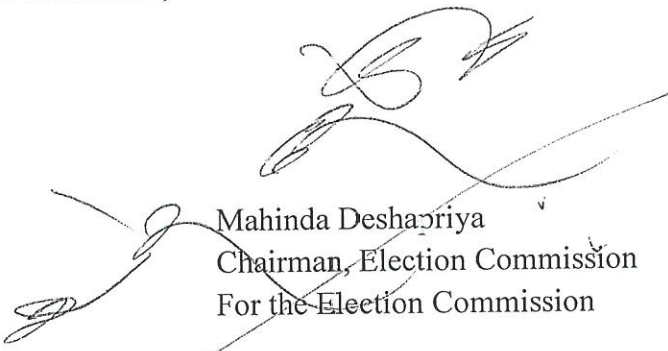
(1) Every person who-

(a) commits the offence of personation, or aids, abets, counsels or procures the commission of the offence of personation ; or

(b) commits the offence of treating, undue influence or bribery ;

shall be guilty of a corrupt practice and shall on conviction by the High Court be liable, in the case referred to in paragraph (a) of this Sub-section, 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 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 Act or of being elected as a Member of Parliament and if at that date he has been elected as a Member of Parliament, his election shall be vacated from the date of such conviction.


Mahinda Deshapriya
Chairman, Election Commission
For the Election Commission

Election Commission,
Sarana Mawatha,
Rajagiriya.

25.07.2020