



PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC, OF  
SRI LANKA

---

REFERENDUM  
ACT, No. 7 OF 1981

---

[Certified on 27th February, 1981]

*Printed on the Orders of Government*

---

Published as a Supplement to Part II of the *Gazette of the Democratic Socialist Republic of Sri Lanka* of March 06, 1981

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO

Price : Rs. 3.40

Postage : Re. 1.50

Referendum Act, No. 7 of 1981

[Certified on 27th February, 1981]

L.D—O. 57/80

AN ACT TO PROVIDE FOR THE CONDUCT OF A REFERENDUM IN TERMS OF CHAPTER XIII OF THE CONSTITUTION, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Referendum Act, No. 7 of 1981, and shall come into operation on such date as may be appointed by the President by Order published in the *Gazette*.

Short  
title and  
date of  
operation.

PART I

PRELIMINARY

2. (1) A Referendum in terms of Chapter XIII of the Constitution shall be conducted by the Commissioner of Elections (hereinafter referred to as the "Commissioner"), where the President has, by Proclamation published in the *Gazette*, directed such Commissioner to conduct a Referendum.

President to  
direct the  
conduct of a  
Referendum.

- (2) A Proclamation issued under subsection (1) shall—
- (a) specify the proposal to be put to the People at the Referendum in the form of a question which shall be answered by a "Yes" or a "No"; and
  - (b) appoint a day for the taking of the poll at such Referendum. Such day shall be—
    - (i) a day not earlier than thirty days from the date of publication of the Proclamation;
    - (ii) a day other than a Full Moon Poya day or any public holiday specified in the First Schedule to the Holidays Act, No. 29 of 1971; and if, after the publication of the Proclamation, the day specified in such Proclamation is declared to be a public holiday, such declaration shall in no way affect the validity of anything done on such day for the purpose of holding the Referendum.

3. (1) Each electoral district for the time being in force shall be deemed to be an electoral district for the purposes of this Act.

Electoral  
diistricts,  
polling  
divisions,  
&c.

(2) Each polling division and each polling district for the time being in operation shall be deemed to be a polling division and a polling district for the purposes of this Act.

**Polling  
stations.**

4. (1) Within three weeks from the date of publication of the Proclamation under section 2, the Commissioner shall cause to be published in the *Gazette* a notice specifying the situation of the polling station or stations for each of the polling districts in each electoral district and the particular polling station, if any, reserved for female voters.

(2) Unless the Commissioner considers it necessary or expedient, in the special circumstances of any case, to provide a separate polling station for the female voters of any polling district, there shall be for each polling district, one polling station and no more.

(3) The polling station or stations for each polling district shall be situated within such polling district save where the Commissioner having regard to the special circumstances in any polling district may decide upon a polling station outside such polling district. The location of the polling station shall be such as to cause the minimum inconvenience to the electors of the polling district.

(4) Where due to any emergency it is necessary that the situation of any polling station should be different from that specified in a notice published under subsection (1), the Commissioner may cause the situation of that polling station to be altered in such manner as he may, in his absolute discretion, determine.

**Registers of  
electors.**

5. The register of electors to be used in any electoral district for the purposes of this Act shall be the register of electors in operation for that electoral district on the date of the publication of the Proclamation under section 2, notwithstanding that a new register may have come into operation after the publication of such Proclamation.

**Register of  
electors  
to be  
conclusive  
evidence  
of the  
right  
to vote.**

6. The register of electors of any electoral district in operation on the date of the publication of the Proclamation under section 2 shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at a Referendum, and the right of voting of any person whose name is for the time being contained in such register shall not be prejudiced by any appeal pending under any written law for the time being in force in respect of the entry of such person's name in the register, and any vote given by any

such person during the pendency of any such appeal shall be as good as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal :

Provided that if any person, who by reason of his conviction of a corrupt practice or an illegal practice or by reason of any of the provisions of the Constitution is incapable of voting at a Referendum, votes at a Referendum, he shall, on conviction 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 :

Provided further that nothing in this section shall affect the liability of any person to any penalty for an infringement of the provisions of section 9 relating to voting in person or of section 25 relating to plural voting.

7. (1) The Commissioner, as occasion may require, shall by notice in the *Gazette*, appoint by name or by office a person to be the Referendum Returning Officer for the Republic, and may appoint by name or by office one or more persons to assist the Referendum Returning Officer in the performance of his duties. A person so appointed to assist the Referendum Returning Officer shall have all the powers and may perform all the duties of the officer whom he is appointed to assist and any reference in this Act to a Referendum Returning Officer shall, unless the context otherwise requires, be deemed to include a reference to an Assistant Referendum Returning Officer.

Referendum  
Returning  
Officer and  
returning  
officers.

(2) The Commissioner, as occasion may require, shall appoint by name or by office a person to be the returning officer of each electoral district, and may appoint by name or by office one or more persons to assist the returning officer in the performance of his duties. A person so appointed to assist the returning officer shall have all the powers and may perform all the duties of the officer whom he is appointed to assist and any reference in this Act to a returning officer shall, unless the context otherwise requires, be deemed to include a reference to an assistant returning officer.

(3) An appointment made by the Commissioner under subsection (1) or subsection (2) may be revoked by him at any time.

(4) If the Referendum Returning Officer or any returning officer is by reason of illness or other cause prevented or disabled from performing any of his duties under this Act and there is not time for another person to be appointed

by the Commissioner, the Referendum Returning Officer or the returning officer, as the case may be, may appoint by name or by office, a deputy to act for him. Every such appointment shall, as soon as possible, be reported to the Commissioner, and may be revoked by him, but without prejudice to the validity of anything already done by such deputy.

## PART II

### THE POLL

**Appointment  
of  
referendum  
agents.**

8. (1) The secretary of any recognized political party may appoint a referendum agent for each electoral district and shall furnish the name and address of each referendum agent so appointed so as to reach the Referendum Returning Officer not later than ten days from the date of publication of a Proclamation under section 2.

(2) A referendum agent duly appointed under subsection (1) and whose name and address have been furnished to the Referendum Returning Officer as required by that subsection shall have the power to appoint polling observers and counting observers as hereinafter provided.

(3) The failure to appoint a referendum agent or polling observers or counting observers, or their non-attendance at any proceedings under this Act, shall not invalidate any proceedings at a Referendum.

**Voting by  
post.**

9. (1) A person who is entitled under this section to be treated as a postal voter for the purpose of any Referendum may vote by post, and shall not vote in person, at such Referendum.

Any person who votes in person at any Referendum in contravention of the preceding provisions of this subsection shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment.

(2) An application to be treated as a postal voter in any electoral district may be made—

(a) by a member of the Sri Lanka Army, Sri Lanka Navy or Sri Lanka Air Force, or an officer or servant in the Department of Police, the Sri Lanka Government Railway, the Department of Posts and the Department of Telecommunications or the Sri Lanka Central Transport Board or any Regional Transport Board on the ground that he is unable

or likely to be unable to vote in person at the polling station allotted to him by reason of the particular circumstances of his employment as such member, officer or servant ;

(b) by any other officer or servant in the public service or of the Central Bank of Ceylon, or the Local Government Service, on the ground of the particular circumstances of his employment on the date of the poll for a purpose connected with a Referendum or of his being likely to be employed for that purpose.

(3) An application to be treated as a postal voter shall be made to the returning officer so as to reach him within ten days from the date of publication of the Proclamation under section 2. Such application shall be substantially in the form prescribed for the purpose by the regulations contained in the First Schedule to this Act.

(4) No application to be treated as a postal voter shall be allowed by a returning officer unless he is satisfied that the application is in accordance with the preceding provisions of this section.

(5) The returning officer may, for the purpose of the disposal of applications to be treated as postal voters, by notice require any person to give such officer any such information as may be necessary for that purpose.

(6) The decision of a returning officer on an application to be treated as a postal voter shall be communicated in writing to the applicant.

(7) The decision of the returning officer to allow or disallow an application to be treated as a postal voter shall be final.

(8) Where an application to be treated as a postal voter is allowed by a returning officer, the applicant shall be a person entitled to be treated as a postal voter for the purpose of a Referendum.

(9) The returning officer shall, as soon as practicable, send by post to each person who is entitled to be treated as a postal voter, to the address furnished by such person—

(a) a ballot paper ;

(b) a form of declaration of identity ;

(c) an envelope which shall be smaller than the envelope referred to in paragraph (d) of this subsection, and which shall be marked " ballot paper envelope " and

also with the number printed on the postal ballot paper issued to such person, and in which the postal ballot paper shall be enclosed when it is returned duly marked ; and

(d) an envelope for the return of the aforementioned documents.

(10) The form of the ballot paper and the form of the declaration of identity which are to be used by persons entitled to be treated as postal voters, and the procedure to be followed at the proceedings on their issue, shall be according to the regulations contained in the First Schedule to this Act.

(11) A ballot paper issued to a person entitled to be treated as a postal voter is in this Act referred to as a "postal ballot paper".

(12) The returning officer shall, as soon as practicable, prepare a list (in this Act referred to as the "postal voters' list") specifying the name, address and number on the register of electors, of every person entitled to be treated as a postal voter. Such list shall be prepared in accordance with the regulations contained in the First Schedule to this Act.

**Official  
poll card.**

10. (1) The returning officer of each electoral district shall send to each elector whose name appears in the register for that electoral district a poll card (in this Act referred to as an "official poll card") in such form as may be determined by the Commissioner, and specifying—

- (a) the name and number of the electoral district ;
- (b) the name, qualifying address, and registration number of the elector as stated in the register ;
- (c) the polling division ;
- (d) the polling district ;
- (e) the polling station allotted to the elector ; and
- (f) the date and hours of the poll :

Provided that no such card shall be sent to an elector who is entitled to be treated as a postal voter.

(2) An official poll card shall be so sent to an elector by ordinary post so as to reach him at least seven days before the date of the poll. Where a post office fails to deliver such card to the person to whom it is addressed, it shall be retained in such post office until the date of the poll and shall be delivered to the addressee if he calls for it.

(3) Every person who—

(a) without authority supplies any official poll card to any other person, or

(b) sells or offers to sell any official poll card to any other person or purchases or offers to purchase any official poll card from any other person,

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 term not exceeding six months or to both such fine and imprisonment.

(4) Every person other than a public officer acting in the course of his duty as such officer, who has in his possession the official poll card of any other person 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 term not exceeding six months or to both such fine and imprisonment.

11. (1) Subject to the general or special directions of the Commissioner, each returning officer shall appoint, and may revoke the appointment of, one or more persons, hereinafter called presiding officers, to preside at each polling station in his electoral district. If more than one presiding officer is appointed for any polling station, the returning officer may appoint one of the presiding officers to be the senior presiding officer who shall exercise general supervision over the other presiding officers, and overall arrangements for the conduct of the poll in that station.

Presiding  
officers.

(2) If any presiding officer is by reason of illness or other cause, prevented from acting at any Referendum, and there is not time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall as soon as possible be reported to the returning officer and may be revoked by the returning officer, but without prejudice to the validity of anything already done by such deputy.

(3) The returning officer may, if he thinks fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer.



Facilities  
to be  
provided  
at  
polling  
stations.

12. (1) For the purposes of a Referendum the returning officer shall—

- (a) appoint such officers and servants as may be necessary for taking the poll ;
- (b) furnish each polling station with such number of compartments as may be necessary to accommodate a reasonable number of voters at any one time and to ensure that the voters are screened from observation when they mark their ballot papers ;
- (c) furnish each presiding officer with a copy of that part of the register of electors containing the names of electors in such register assigned to his polling station and a list of such of the names of electors in that copy as appear in the postal voters' list. A distinguishing mark shall be placed against the name of every elector who is entitled to be treated as a postal voter in the part of that register supplied to each such presiding officer ;
- (d) furnish each presiding officer with such number of ballot boxes and ballot papers as, in the opinion of the returning officer, may be necessary for the number of voters assigned to that polling station.
- (e) provide each polling station with materials to enable voters to mark the ballot papers, with instruments for perforating or stamping thereon the official mark ;
- (f) do such other acts and things as may be necessary for effectually conducting the Referendum in the manner provided by this Act.

(2) A Referendum shall not be questioned by reason of noncompliance with the provisions of subsection (1) or any informality relative to polling stations.

Notices to  
be exhibited  
at polling  
stations.

13. (1) During the taking of the poll, the presiding officer at every polling station shall cause to be exhibited—

- (a) outside the polling station and in every compartment thereof, a notice substantially in the form set out in the Second Schedule to this Act, giving directions for the guidance of voters ; and
- (b) outside the polling station a notice specifying the proposal to be put to the people.

(2) Every notice under this section shall be in Sinhala, Tamil and English.

14. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

Ballot boxes.

15. (1) The votes at every Referendum shall be given by ballot. The ballot of each voter shall consist of a ballot paper in the form and containing the particulars hereinafter prescribed.

Ballot papers.

(2) Every ballot paper shall be substantially in form A set out in the Third Schedule to this Act, and—

- (a) shall have printed on it the question to be put to the voters as specified by the President in terms of section 2(2) (a), and shall have printed on it the word "Yes" together with the symbol, lamp, and the word "No" together with the symbol, pot, alongside such question in two separate cages one below the other;
- (b) shall be capable of being folded;
- (c) shall have a number printed on the reverse; and
- (d) shall have attached a counterfoil with the same number printed on the face.

16. Unless the Commissioner, by notification in the *Gazette*, appoints any other hour, the poll at the Referendum shall open at seven o'clock in the forenoon of the day appointed under section 2(2) (b) and shall close at four o'clock in the afternoon of that day.

Hours of poll.

17. (1) The referendum agent appointed for an electoral district may appoint a reasonable number of polling observers for each polling station having regard to the need to revoke the appointment of any polling observer for that polling station during the poll. Notice in writing of every such appointment stating the names and addresses of the persons appointed shall be given by such agent to the presiding officer at that station before the opening of the poll or during the poll.

Appointment of polling observers.

(2) A referendum agent may delegate in writing the powers vested in him under subsection (1) to any person, so however, that such powers shall not be delegated to more than one person in respect of each polling division. Any delegation under this subsection shall be notified in writing to the returning officer not later than seven days before the date of the poll.

(3) Where such agent or the person to whom power is delegated under subsection (2), after informing such presiding officer of the name of any polling observer appointed to act at such station, revokes the appointment of that polling observer and appoints another polling observer to such station, such agent or such person shall inform such officer in writing of the revocation of such appointment and of the name and address of the new polling observer appointed to such station.

(4) Not more than two polling observers of each recognized political party shall at any time be admitted to or be allowed to remain in any polling station.

(5) No polling observer whose name has not been notified to the presiding officer as required by subsection (1) or subsection (3) shall be admitted to a polling station.

General  
conduct of  
the poll.

18. (3) No person shall be admitted to vote at any polling station other than the polling station set apart for the group of voters to which he belongs.

(2) The presiding officer shall keep order in his station, and shall regulate the number of voters to be admitted at a time and shall exclude all other persons except the polling observers, the police officers on duty and other persons officially employed at the polling station.

(3) If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, the presiding officer may cause him to be removed forthwith from the polling station by any police officer or by any other person authorized in writing by the presiding officer or by the returning officer.

(4) Any person removed from a polling station under subsection (3)—

(a) shall not, except with the permission of the presiding officer, be allowed to enter the polling station again during the hours of the poll; and

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

Provided that the powers conferred by this subsection shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

19. (1) Immediately before the commencement of the poll, the presiding officer at a polling station—

Sealing of ballot boxes and commencement of poll

- (a) shall show the ballot papers, the official seal, the official mark and the copies of the parts of the register of electors, to be used at the poll to such persons, if any, as may be present in such station ; and
- (b) shall also show each ballot box to be used at the commencement of the poll empty to the persons aforesaid so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

The duties imposed on the presiding officer by the preceding provisions of this section shall be performed by him in such manner as to ensure that the poll is opened at the hour fixed by this Act.

(2) The provisions of subsection (1) shall apply to every ballot box which is to be used after the commencement of the poll.

20. (1) Each voter shall be given one ballot paper and shall have one vote.

Issue of ballot papers.

(2) The ballot paper shall be delivered to the voter by the presiding officer or a person acting under his authority. Immediately before the ballot paper is delivered to the voter—

- (a) the number, name and description of the voter as stated in the copy of the register of electors shall be called out ;
- (b) the number of the voter shall be marked on the counterfoil, and the ballot paper detached therefrom ;
- (c) the ballot paper shall be either stamped, embossed or perforated with the official mark ; and
- (d) a mark shall be placed in the register against the name of the voter to denote that he has received a ballot paper, but without showing the particular ballot paper he has received.

Inspection of voter and marking with the appropriate mark.

21. (1) No ballot paper shall be delivered to any voter at a Referendum—

- (a) if he refuses to allow the presiding officer or a person acting under his authority to make the appropriate inspection ; or
- (b) if, having allowed such inspection, it discloses that such voter has already been marked with the appropriate mark ; or
- (c) if, having allowed such inspection, it discloses that such voter has not already been marked with the appropriate mark, but such voter refuses to allow such officer or person to mark such voter with the appropriate mark,

and accordingly such voter shall, notwithstanding anything to the contrary in any other provisions of this Act, not be entitled to vote at such Referendum.

(2) The presiding officer of a polling station shall enter on a list, substantially in form B set out in the Third Schedule to this Act, the following particulars relating to each voter to whom a ballot paper was not delivered at such station under subsection (1)—

- (a) the number of such voter in the register of electors ;
- (b) the name of such voter as it appears in such register ;  
and
- (c) the ground on which a ballot paper was not delivered to such voter.

Such list is in this Act called the “ list of voters to whom ballot papers are not delivered under section 21. ”

(3) In this section—

- (a) the expression “ appropriate mark ” means a mark made with indelible ink ;
- (b) the term “ appropriate ” with reference to any context connected with or relating to the inspection or marking of a voter, means—
  - (i) the little finger of his left hand or, if such finger is missing, any other finger of his left hand ; or
  - (ii) if all the fingers of his left hand are missing, the little finger of his right hand or, if such finger is missing, any other finger of his right hand ; or

- (iii) if all the fingers of his left and right hands are missing, such extremity of his left or right hand as such voter possesses.

22. (1) The voter, on receiving the ballot paper, shall forthwith proceed into the compartment to which he is directed by the presiding officer or any person acting under that officer's authority and there secretly mark the ballot paper as near as may be in accordance with the directions given for the guidance of voters in the Second Schedule to this Act and fold the ballot paper so as to conceal his vote, and shall then show to the presiding officer the reverse of the paper, so as to disclose the official mark, and put the ballot paper, so folded, into the ballot box in the presence of the presiding officer.

Manner of voting.

(2) The presiding officer may at any time while a poll is proceeding take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for the marking of ballot papers.

23. (1) The presiding officer, or any person authorized by the presiding officer, may, if he thinks fit on the application of any voter, explain to the voter, within sight and hearing of the polling observers, if present, the method of voting specified in the directions specified in the Second Schedule to this Act but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote in favour of or against the proposal specified in the ballot paper.

Assistance to voters to enable them to vote.

(2) The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in accordance with the directions specified in the Second Schedule to this Act shall, in the presence of another member of his polling staff, mark the ballot paper of such voter in the manner directed by the voter and shall cause such ballot paper to be placed in the ballot box.

24. No voter shall be entitled to vote by proxy at a Referendum.

Voting by proxy forbidden.

25. If any person at a Referendum under this Act—

- (a) votes in more than one electoral district or asks for a ballot paper for the purpose of so voting ; or
- (b) votes more than once in the same electoral district or asks for a ballot paper for the purpose of so voting,

Plural voting to be an illegal practice.

he shall be guilty of an illegal practice.

**Power to  
require  
voter to  
make  
declarations.**

26. (1) The presiding officer at any polling station may in his discretion, and, if required so to do by a polling observer, shall, require any voter, before he is given a ballot paper, to make and subscribe all or any of the declarations in forms C, D, E and F set out in the Third Schedule to this Act. Every such declaration shall be exempt from stamp duty.

(2) If any person refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(3) If any person wilfully makes a false statement in any such declaration, 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 term not exceeding six months.

**Spoilt  
ballot  
papers.**

27. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of such inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in place of the ballot paper so delivered up (in this Act called a "spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled by the presiding officer.

**Tendered  
votes.**

28. If a person representing himself to be a particular elector named in the register applies for a ballot paper after another person has voted as such elector, the applicant shall on making and subscribing a declaration, which shall be exempt from stamp duty and which shall be substantially in form G set out in the Third Schedule to this Act, be entitled to receive a ballot paper and to vote in the same manner as any other voter, but the ballot paper, in this Act called a "tendered ballot paper", shall be of a colour different from the other ballot papers, and, before being placed in the ballot box, shall be endorsed by the presiding officer with the name of the voter and his number in the register, and that number shall be entered on a list, in this Act called the "tendered votes list" which shall be substantially in form H set out in the Third Schedule to this Act. Tendered ballot papers shall be dealt with in the manner hereinafter provided.

29. No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll. But if at the hour aforesaid there is in any polling station any voter to whom a ballot paper has been delivered, such voter shall be allowed to record his vote.

Closure of poll.

30. (1) As soon as practicable after the closure of the poll, the presiding officer of each polling station shall, in the presence of the polling observers, make up into separate packets, sealed with his own seal and the seals of such polling observers as desire to affix their seals—

Procedure on closure of poll.

- (a) each ballot box used at that station, each such box remaining locked as it was at the time of the opening of the poll and being sealed after the closure of the poll so as to prevent the introduction of any ballot papers thereafter ;
- (b) the key of each ballot box ;
- (c) the unused and spoilt ballot papers, placed together ;
- (d) the marked copies of the register of electors and the counterfoils of the ballot papers ;
- (e) the list of voters to whom ballot papers are not delivered under section 21 ; and
- (f) the tendered votes list,

and shall deliver the packets to the counting officer.

(2) The packets shall be accompanied by a statement substantially in form I set out in the Third Schedule to this Act, (hereinafter referred to as "the ballot paper account") made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

- (a) ballot papers issued to voters, other than spoilt ballot papers :
- (b) spoilt ballot papers ; and
- (c) unused ballot papers.



## PART III

## THE COUNT

Counting  
officers.

31. (1) Subject to the general or special directions of the Commissioner, each returning officer shall appoint, and may revoke the appointment of, a counting officer to be in charge of the counting of votes at each counting centre, and such number of assistants and clerks and other officers to assist such counting officer in the performance of his duties.

(2) The returning officer may, if he thinks fit, perform the duties of a counting officer and the provisions of this Act relating to a counting officer shall apply to such returning officer.

Notice of  
count.

32. The returning officer shall make arrangements for counting the votes as soon as possible after the close of the poll and shall give notice in writing to each referendum agent of the situation of each counting centre, the date and time of the commencement of the count, and a statement setting out the counting centre and the polling station or stations assigned to such counting centre.

Appointment  
of counting  
observers.

33. (1) Each referendum agent or a person referred to in subsection (2) of section 17 may appoint not more than two observers (hereinafter referred to as "counting observers") to attend at the counting of the votes at each counting centre.

(2) Notice in writing stating the names and addresses of the persons appointed under subsection (1) shall be given by the referendum agent or the person referred to in subsection (2) of section 17 to the counting officer before the counting of votes commences. The counting officer may refuse to admit to the counting centre any counting observer whose name and address have not been so given.

## The count.

34. (1) The counting officer shall commence the counting of votes after he has received all the ballot boxes from every polling station assigned to his counting centre under section 32.

(2) Before the counting officer proceeds to count the votes, he or a person authorized by him shall in the presence of such of the counting observers as attend—

(a) show such counting observers the ballot paper account and permit them to take copies thereof, and

(b) open each ballot box, and having taken out the ballot papers therein, count and record the number of such papers in each such box and then mix together the whole of the papers contained in the ballot boxes.

(3) The counting officer, while counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the reverse of such papers.

(4) The counting officer shall as far as practicable proceed continuously with counting the votes and shall endorse "rejected" on any ballot paper which he may reject as invalid.

(5) The counting officer shall not count the tendered ballot papers but shall place them in separate packets according to the answer given.

(6) The counting officer, his assistants and clerks and the counting observers but no other person except with the consent of the counting officer may be present at the counting of the votes.

35. (1) Any ballot paper—

- (a) which does not bear the official mark ; or
- (b) on which votes are given in favour of and against the proposal ; or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the reverse ; or
- (d) which is unmarked ; or
- (e) which is void for uncertainty,

Ballot  
papers to be  
rejected.

shall be rejected by the counting officer. The counting officer shall endorse the word "rejected" on any such ballot paper.

(2) Where the counting officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter to give his vote in favour of or against the proposal the counting officer shall not reject the ballot paper under subsection (1) on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under the provisions of this Act

(3) Where the counting officer is satisfied that a ballot paper is not a forged or counterfeit ballot paper he shall not reject it solely on the ground that it is not stamped or perforated with the official mark. Before deciding not to reject a ballot paper under the preceding provisions of this section the counting officer shall show it to each counting observer if present and hear his views thereon.

(4) Before rejecting a ballot paper the counting officer shall show it to each counting observer if present and hear his views thereon taking all proper precautions to prevent any person from seeing the number printed on the reverse of the paper.

(5) The counting officer shall not count any ballot paper which is rejected by him under subsection (1).

(6) The counting officer shall draw up a statement showing separately the number of ballot papers rejected, under each of the grounds specified in subsection (1), and shall on request allow any counting observer to copy the statement.

(7) The counting officer shall prepare a written statement in words as well as in figures of the number of votes given in favour of or against the proposal and such statement shall be certified by the counting officer and witnessed by one of his assistants or clerks and any counting observers as are present and desire to sign. The counting officer shall on request allow any counting observer to copy the statement.

(8) Before the counting officer makes a written statement referred to in subsection (7), such number of recounts may be made as the counting officer deems necessary; and a recount or recounts shall be made upon the application of a counting observer so however that the maximum number of recounts that shall be so made, on the application of any counting observer or all the counting observers, shall not exceed two.

(9) The decision of the counting officer as to any question arising in respect of any ballot paper shall be final and conclusive.

36. Any power, duty or function of a counting officer under section 34 or section 35 may be exercised, performed or discharged for and on his behalf by any of his assistants or clerks acting under the supervision and direction of such officer.

37. Upon the completion of the counting at any counting centre, the counting officer shall forthwith deliver in sealed packets to the returning officer—

Closure of the count.

- (a) the counted ballot papers ;
- (b) the rejected ballot papers ;
- (c) the tendered ballot papers ;
- (d) the ballot paper account ;
- (e) the packets referred to in paragraphs (c) to (f) of section 30(1) ;
- (f) the record of the count under subsection (2) (b) of section 34 ;
- (g) the statement under section 35 (6) ; and
- (h) the written statement under section 35 (7) of the number of votes given in favour of or against the proposal.

38. The postal ballot papers shall be counted in accordance with the postal voters' regulations set out in the First Schedule to this Act at a separate counting centre or such number of counting centres as may be determined by the returning officer.

Counting of postal ballot papers.

39. (1) After the receipt of the documents referred to in section 37, the returning officer shall, from the statements under subsection (7) of section 35 furnished to him by all the counting officers (including the counting officers at the counting centres where postal ballot papers were counted) prepare a return in respect of the electoral district showing—

Returning officer to prepare statement.

- (a) the number of votes given in favour of the proposal ;
- (b) the number of votes given against the proposal ;
- (c) the number of votes rejected ; and
- (d) the whole number of electors in the register of electors.

Such return shall be witnessed by one of his assistants and any referendum agent as may be present and desire to sign. The returning officer shall, on request, allow any referendum agent to make a copy of such return.

(2) The returning officer may permit the referendum agent and one other person appointed by such referendum agent in writing to be present at the proceedings under subsection (1).

(3) The returning officer shall forthwith transmit the return prepared by him under subsection (1) to the Referendum Returning Officer.

Referendum  
Returning  
Officer to  
prepare a  
report.

40. (1) After the receipt of the return referred to in section 39 (3) from all the returning officers in the Republic, the Referendum Returning Officer shall prepare a report in respect of the whole Republic, showing—

- (a) the number of votes given in favour of the proposal ;
- (b) the number of votes given against the proposal ;
- (c) the number of votes rejected ; and
- (d) the whole number of electors in all the registers of electors.

(2) The Referendum Returning Officer shall forthwith forward the report prepared by him under subsection (1) to the Commissioner, who shall immediately, on receipt of such report transmit it to the President.

Publication  
of result.

41. Upon the receipt of the report referred to in section 40, the President shall cause such report to be published in the *Gazette*.

Disposal of  
ballot  
papers,  
official  
&c.

42. The returning officer shall retain the packets and all documents forwarded to him under section 37 for a period of three months reckoned from the date of the receipt thereof and thereafter shall cause the said packets and documents to be destroyed unless otherwise directed by the Commissioner.

## PART IV

### OFFENCES

Offences  
relating  
to ballot  
papers,  
official  
poll cards  
&c.

43. Every person who—

- (a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
- (b) without due authority supplies any ballot paper to any person ; or
- (c) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person ; or

- (d) not being a person entitled under this Act to be in possession of any ballot paper which has been marked with the official mark in accordance with this Act, has any such ballot paper in his possession ; or
- (e) puts into any ballot box anything other than the ballot paper which he is authorized by law to put in ; or
- (f) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station ; or
- (g) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of a Referendum ; or
- (h) without due authority prints any ballot paper of what purports to be or is capable of being used as a ballot paper at a Referendum ; or
- (i) manufactures, constructs, imports into the Republic, has in his possession, supplies or uses for the purpose of a Referendum, or causes to be manufactured, constructed, imported into the Republic, supplied or used for the purpose of a Referendum, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at a Referendum ; or
- (j) wilfully makes a false statement in any application to be treated as a postal voter under this Act, or in any declaration of identity sent to him under the postal voters' regulations set out in the First Schedule to this Act ; or
- (k) without due authority destroys, takes, opens, or otherwise tampers or interferes with, any application to be treated as a postal voter, or any declaration of identity, or any covering envelope or ballot paper envelope within the meaning of the postal voters' regulations set out in the First Schedule to this Act ; or
- (l) without due authority prints any official poll card or what purports to be or is capable of being used as an official poll card at a Referendum ; or

- (m) without due authority places an appropriate mark on any voter at a Referendum or what purports to be or is capable of being mistaken for that mark ; or
  - (n) fraudulently defaces an appropriate mark placed on any voter at a Referendum without due authority ; or
  - (o) votes at a Referendum knowing that he is legally incapable of, or disqualified from, so voting ;
- shall be guilty of an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding two years and 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 a Referendum 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.

Certain  
acts  
prohibited  
on polling  
day.

44. (1) No person shall, on any date on which a poll is taken at a polling station, do any of the following acts within the precincts, or a distance of half a kilometre of the entrance, of that polling station :—

- (a) canvassing for votes ;
- (b) soliciting the vote of any elector ;
- (c) persuading any elector not to vote for or against the proposal ;
- (d) persuading any elector not to vote at the Referendum ;
- (e) distributing or exhibiting any handbill, placard, poster, drawing, or notice relating to the Referendum (other than any official handbill, placard, poster or notice) or any symbol referred to in section 15.

Every person who contravenes the provisions of this subsection 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 or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

(2) No person shall, on any date on which a poll is taken at any polling station—

- (a) use or operate, within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof, any megaphone or loud-speaker or other apparatus for magnifying or reproducing the human voice, or

- (b) shout or otherwise act in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station. Every person who contravenes the provisions of this subsection 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 or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of subsection (2) and may seize any apparatus used for such contravention.

45. No person—

- (a) shall, at any time from the date of publication of the Proclamation in respect of a Referendum and ending on the day immediately following the date on which the result of the poll taken at such Referendum is declared, conduct, hold or take part in any procession, other than a procession on May 1 in the year, or any procession for religious or social purposes ; or
- (b) shall, at any procession held or conducted during the period referred to in paragraph (a), do any act or thing calculated to affect the result of the Referendum referred to in the said paragraph (a) .

Restriction  
on  
processions.

Every person who contravenes any of the preceding provisions of this section 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, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

46. No public meeting shall be held during the period commencing forty-eight hours before the date fixed for the poll and ending one week after the result of the Referendum has been declared.

Restriction  
on public  
meetings.

Every person who contravenes any of the preceding provisions of this section, 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 or to



imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

General provisions relating to offences under sections 43, 44, 45 and 46

47. (1) Every person who attempts to commit an offence specified in section 43 or section 44 or section 45 or section 46 shall be liable to the punishment prescribed for that offence.

(2) Every offence under section 43 or section 44 or section 45 or section 46 shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

(3) In a prosecution for an offence in relation to a ballot box, ballot paper or marking instrument at a Referendum (the property in such ballot box, ballot paper or marking instrument, as well as the property in the counterfoil of any ballot paper may be stated to be in the returning officer at that Referendum.

(4) A prosecution for an offence under section 43 or section 44 or section 45 or section 46 shall not be instituted without the sanction of the Attorney-General.

Printing, &c. of Referendum publication.

48. Every person who prints, publishes, distributes or posts up, or causes to be printed, published, distributed or posted up, any advertisement, handbill, placard or poster which refers to a Referendum and which does not bear upon its face the names and addresses of its printer and publisher, shall be guilty of an offence and shall on conviction by a Magistrate be liable to a fine not exceeding five hundred rupees :

Provided, however, that a person shall not be guilty of an offence under the preceding provisions of this section, in relation to any advertisement, handbill, placard or poster, if he satisfies the Magistrate that the omission of the aforesaid names and addresses or any such name or address, as the case may be, arose from inadvertence or from some other reasonable cause of a like nature and did not arise from any want of good faith.

Restriction on number of referendum offices.

49. (1) A person who is a referendum agent at a Referendum or is the agent of such referendum agent, shall not have—

(a) during the period commencing from the date of the publication of a Proclamation under section 2 and ending on the day immediately following the date on which a poll is taken at such Referendum, any referendum office, other than one notified central referendum office in each electoral district, and one notified branch referendum office in each polling district ;

(b) during the period commencing on the day immediately preceding the date of such poll and ending on the day immediately following such date, any referendum office, other than one notified central referendum office in each electoral district and one notified branch referendum office in respect of each polling division.

(2) The use of the ordinary place of residence of any referendum agent as a referendum office shall be deemed not to be a contravention of the provisions of subsection (1).

(3) Every person who contravenes the provisions of subsection (1) 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, or to imprisonment of either description for a term not exceeding one month, or to both such fine and imprisonment.

(4) Every person who attempts to commit any offence specified in this section shall be liable to the punishment prescribed for that offence.

(5) A prosecution for an offence under this section shall not be instituted without the sanction of the Attorney-General.

(6) For the purposes of this section, the term "notified", in relation to any referendum office, means notified to the officer in charge of the police station for the area, and the returning officer for the electoral district, in which that office is situated, before such office is established.

50. (1) During the period commencing from the date of publication of the Proclamation under section 2 and ending on the day following the day on which a poll is taken at a Referendum, no person shall, for the purpose of promoting a Referendum, display—

Provisions relating to display of handbills, posters, &c.

(a) in any premises, whether public or private, any flag or banner ; or

(b) any handbill, placard, poster, drawing, notice, symbol or sign on any place to which the public have a right of, or are granted, access except in or on any premises on any day on which a meeting to promote the Referendum is due to be held in that premises ;  
or

(c) any handbill, placard, poster, drawing, notice, symbol, sign, flag or banner, on or across any public road ; or

(d) any handbill, placard, poster, drawing, notice, symbol or sign in or on any vehicle.

(2) Every person who contravenes the provisions of subsection (1) 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 or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

(3) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.

(4) Every offence under this section shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

(5) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of subsection (1) and may seize and remove any handbill, placard, poster, notice, drawing, symbol, sign, flag or banner used in such contravention.

**Maintenance  
of  
secrecy at  
Referendum.**

51. (1) Every officer, clerk, referendum agent and agent authorized to attend at a polling station, or at the counting of the votes, shall before so attending make a statutory declaration of secrecy, substantially in form J set out in the Third Schedule to this Act. Such declaration shall be made by the returning officer in the presence of a Justice of the Peace, and by a presiding officer or a counting officer in the presence of a Justice of the Peace or of the returning officer, and when made by any other person shall be made in the presence of the returning officer or of a Justice of the Peace or of a presiding officer or of a counting officer.

(2) Every officer, clerk, referendum agent and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark.

(3) No such officer, clerk, referendum agent or agent, and no person whatsoever shall attempt to obtain in the polling station information as to whether any voter has voted for or against the proposal or whether a voter is about to vote in favour or against such proposal or communicate

at any time to any person any such information obtained in a polling station as to the aforesaid matters or as to the number on the reverse of the ballot paper given to any voter at such station.

(4) Every officer, clerk, referendum agent and counting observer in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the reverse of any ballot paper or communicate any information obtained at such counting as to whether a voter has voted for or against the proposal.

(5) No person, except a presiding officer acting for a purpose authorized by this Act, or a person authorized by the presiding officer and acting for such purpose as aforesaid, shall communicate or attempt to communicate with any voter after such voter has received a ballot paper and before he has placed the same in a ballot box.

(6) Every person who acts in contravention of the provisions of this section 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 term not exceeding six months.

(7) Every person who is convicted of an offence under this section 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 Referendum under this Act.

#### CORRUPT PRACTICES

52. (1) Every person who at a Referendum—

Personation.

- (a) votes in person or by post as some other person, whether that other person is living or dead or is a fictitious person; or
- (b) votes more than once in or under his own name at such Referendum,

shall be guilty of the offence of personation which shall be a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

(2) For the purposes of this section, a person who—

- (a) has applied for a ballot paper for the purpose of voting in person; or

(b) has made an application to be treated as a postal voter ; or

(c) has marked, whether or not validly, and returned a ballot paper issued for the purpose of voting by post,

shall be deemed to have voted.

**Treating.**

53. Every person who, corruptly, by himself or by any other person, either before, during or after a Referendum, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment, or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such Referendum or on account of any such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such Referendum, and every elector who corruptly accepts or takes any such meat, drink or refreshment or provision or any such money or ticket or who adopts such other means or device to enable the procuring of such meat, drink, refreshment, or provision shall be guilty of the offence of treating.

**Undue influence.**

54. (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 a Referendum, 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 a Referendum shall be guilty of the offence of undue influence.

(2) Every person who, at any time during the period commencing from the date of the publication of the Proclamation under section 2 and ending on the day following the date of the poll at such Referendum—

- (a) utters at any religious assembly any words for the purpose of influencing the result of such Referendum or inducing any elector to vote or refrain from voting in favour of or against the proposal at such Referendum ;
- (b) for such purpose distributes or displays at any religious assembly, any handbill, placard, poster, drawing, notice, symbol, sign, 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 Referendum or the Referendum campaign in favour of or against the proposal,

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 in favour of or against the proposal at a Referendum, or to support or refrain from supporting any proposal at such Referendum, or on account of such member or adherent having voted or refrained from voting in favour of or against the proposal at such Referendum, or having supported or refrained from supporting any such proposal at such Referendum, 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 in favour of or against the proposal at a Referendum, or to support or refrain from supporting the proposal at such Referendum, or on account of such other person having voted or refrained from voting in favour of or against the proposal at such Referendum, or having supported or refrained from supporting the proposal at such Referendum, shall be guilty of the offence of undue influence.

**Bribery.**

55. The following persons shall be deemed guilty of the offence of bribery :—

- (a) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at a Referendum under this Act ;
- (b) every person who, directly or indirectly, by himself, or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at a Referendum under this Act ;
- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to vote in favour of or against the proposal or the vote of any elector at a Referendum under this Act ;
- (d) every person who upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement votes in favour of or against the proposal at a Referendum under this Act ;

- (e) every person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at a Referendum under this Act or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such Referendum ;
- (f) every elector who, before or during a Referendum under this Act, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such Referendum ;
- (g) every person who, after a Referendum under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such Referendum.

56. (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,

**Punishment and incapacities for corrupt practice.**

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 subsection, 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 such 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 a Referendum 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.

(3) A prosecution for a corrupt practice shall not be instituted without the sanction of the Attorney-General.



## ILLEGAL PRACTICES

Certain expenditure to be illegal practice.

57. (1) No payment or contract for payment shall, at a Referendum, be made—

- (a) on account of the conveyance of electors to or from the poll, whether for the hiring of vehicles or animals of transport of any kind whatsoever, or for railway fares, or otherwise ; or
- (b) to or with an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill, or notice.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during or after a Referendum, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this section, shall also be guilty of an illegal practice.

(3) Subject to any such express exceptions as are or may be made by or under this Act, a person shall not let, lend, employ, hire, borrow or use, or aid or abet any other person to let, lend, employ, hire, borrow or use, any vehicle, vessel or animal, in any electoral district during the period commencing one hour before the time of the opening of the poll at a Referendum in that district, and ending one hour after the time of the closure of such poll—

- (a) for the purpose of the conveyance of voters to or from the poll ; or
- (b) for any other purpose, other than—
  - (i) any legitimate business ;
  - (ii) any official business, that is to say, the performance of any duty or the discharge of any function accruing from or connected with or incidental to any office, service or employment, held or undertaken or carried on by him.

Any person acting in contravention of this subsection shall be guilty of an illegal practice.

