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REPORT
on the First Parliamentary
General Election,
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FIRST PARLIAMENTARY GENERAL ELECTION, 1947

PREPARATION OF REGISTERS OF ELECTORS

Procedure.—Government decided early in 1946 that, to enable the new Ceylon Constitution to be introduced at the earliest possible date, the preparation of the registers of electors should be undertaken in advance of the new Orders in Council and of the delimitation of electoral districts by the First Delimitation Commission.

It was therefore arranged that the existing State Council registers of voters should be revised under the Ceylon (State Council Elections) Order in Council, 1931, up to but not including the claims and objections period and that the normal date for the annual revision should be advanced. A special Order in Council entitled "The Ceylon (Electoral Registers) (Special Provisions) Order in Council, 1946" was accordingly enacted on May 15, 1946, and published in a *Ceylon Government Gazette Extraordinary* on May 17, 1946, substituting May 22 for August 1 as the date for the commencement of the revision.

In order that the names on the registers so revised might be quickly apportioned to the new electoral districts immediately after the Report of the Delimitation Commission was received, the names of electors were transcribed on to individual index cards, grouped under the smallest practicable geographical areas.

The Delimitation Commission signed its Report on August 29, 1946, dividing the Island into 89 electoral districts (comprising 84 single-member, 4 two-member, and 1 three-member districts) as compared with 50 electoral districts for the State Council; and the new electoral districts were proclaimed on August 30, 1946. The names of electors were re-grouped immediately thereafter according to the new electoral districts, and the index cards comprising the first 22 registers were received in Colombo for the printers by September 9, 1946.

Printing.—Owing to the shortage of machinery in Ceylon, Government decided to place a contract for the printing of 50 of the registers in the United Kingdom. Of the balance 39 registers, 27 were printed by the Ceylon Government Press and 12 by private printing firms in Colombo.

Format.—A new format was introduced for the registers, to reduce the volume of printing by avoiding repetition of addresses, and to facilitate the checking of personation and the revision of registers in future years. In rural areas, names were grouped lexicographically under individual villages and estates, in small urban areas under wards or other appropriate divisions, and in the Colombo Municipality under the consecutive street numbers.

Claims and Objections.—Claims and objections and the certification of the registers were dealt with under the new Ceylon (Parliamentary Elections) Order in Council, 1946, which was published on September 26, 1946. The total number of claims received was 259,972, while the number of objections to original names was 5,052, and to claimants 7,891. Of these, 164,892 claims were admitted, and 3,527 objections were upheld. There were 14 appeals to Revising Officers, of which 4 were allowed. Owing to delay in printing the preliminary registers in England, the period allowed for the hearing of claims and objections in respect of these registers had to be considerably curtailed, and additional staff was allocated to Registering Officers, where necessary, to make this possible.

Number of registered electors.—According to the preliminary classification of the population of Ceylon under the 1946 Census, there were 3,243,427 persons (1,745,154 males and 1,498,273 females) of 21 years and over. The total approximate number of electors on the registers after claims and objections had been adjudicated upon was 3,048,145 (1,636,067 males and 1,412,078 females), as compared with 2,451,323 for the 1936 General Election. In analysing these figures consideration must be given to the fact that all adults did not possess the necessary qualifications (e. g., 6 months' continuous residence in an electoral district in the 18 months immediately prior to May 22, 1946, or 5 years' residence in Ceylon in the case of persons entitled to registration under the domicile of choice qualification). Furthermore, only those

otherwise qualified persons who made a special application could be registered under the literacy and property or certificate of permanent settlement qualifications. The largest electorate was the two-member electoral district of Ambalangoda-Balapitiya, where the number of electors was 104,843, and the smallest was the single-member electoral district of Polonnaruwa, where the number of electors was 5,838.

POLLING DISTRICTS AND POLLING STATIONS

In accordance with Section 10 of the Ceylon (Parliamentary Elections) Order in Council, 1946, the number of electors within each polling district (for each of which one mixed polling station or one males' and one females' station were provided) was normally limited to a maximum of 2,000; and in rural areas many polling districts had a much smaller number of electors in order that voters might not have to travel undue distances to their polling station. The result was that at the General Election there were 2,271 polling stations (comprising 1,953 mixed, 159 males' and 159 females') in 88 contested electoral districts, compared with 570 polling stations at the 1931 General Election, and 791 polling stations at the 1936 General Election. In 104 females' polling stations, only female polling agents were allowed under Section 39 (5) of the Ceylon (Parliamentary Elections) Order in Council, 1946. The corresponding number in 1936 was 40.

Under a further provision of the new Order in Council, based on a resolution of the State Council on the Report of the Select Committee on Electoral Law and Procedure (S. P. XIV.-1938), the actual ward, village or other area within which the polling station or stations for each polling district were to be situated, had to be defined at the time of the division of electoral districts into polling districts. The purpose of this early location of polling stations was to avoid conflicting representations immediately preceding an election by candidates who might be interested in having a polling station located in a particular area. The Order in Council allows for the alteration of polling districts as occasion may require—such alterations to come into effect only at the next revision of the register of electors. But in the absence of any such alteration of a polling district, the Order in Council does not appear to allow any alteration of the ward, village or other area within which the polling station or stations will be situated. It would, however, seem desirable to allow changes of the location of polling stations for future elections to be made *after* an election in any case where the experience gained thereat suggests that an improvement could be effected.

In respect of the Colombo electoral districts, the Registering Officer has recommended that, owing to the difficulty of finding any suitable buildings for polling stations in some of the congested polling districts, it would be more satisfactory if the polling districts in Colombo were larger and fixed on the basis of square miles rather than on the number of electors in a particular area. It would be advisable, however, to see whether a re-adjustment of polling districts according to existing principles would not solve the problem without the necessity for such an amendment of the law.

POLLING STAFF

Government decided that the polling staff for the General Election should be limited to public servants, with the assistance of ladies, where required, as Lady Assistant Presiding Officers. A census was therefore taken in January 1947, of all public servants in the various offices throughout the Island, and exemption from polling duties was given only in the exceptional case of officers engaged in essential services which had to be maintained during the elections. Returning Officers were furnished with a list of all staff available in their District upon whose services they could call for duty at polling stations and the counting of votes. In the actual selection of polling staff, however, the convenience of Departments was invariably taken into consideration.

VEHICLES

A record of Government and suitable private vehicles which could be made available for the transport of polling staff and stores to and from polling stations was

also made well in advance of the General Election by the Commissioner of Parliamentary Elections with the assistance of the Commissioner of Motor Transport, and by individual Returning Officers in their respective Districts.

METHOD OF VOTING-SYMBOLS

Government decided to discard the use of coloured boxes which had originally been adopted as an *ad hoc* expedient for the first General Election to the State Council in 1931, when adult suffrage was introduced, and which was continued for the 1936 General Election. As it was anticipated that the marking of ballot papers against the names of candidates in accordance with the United Kingdom practice would result in a very large number of rejected ballot papers owing to the illiteracy of a considerable percentage of the electorate, Government decided to adopt a system of allocating distinctive symbols to the individual candidates and printing these symbols against their names on the ballot papers.

As it was probable that a large number of candidates would be nominated for the Colombo Central three-member electoral district, as many as 24 symbols were approved ; and although it was a difficult matter to select more than about 18 distinctive and unobjectionable symbols which would be recognized by illiterate electors in the more backward areas, the general consensus of opinion has been that the selection was satisfactory.

The system of symbols has undoubtedly proved to be a most satisfactory method of enabling illiterate electors to vote. The number of rejected ballot papers amounted to 2·25 per cent. for the whole Island. This does not appear to be excessive for the first occasion on which the electorate was called upon to mark ballot papers.

It is recommended that the system of symbols be retained until the electorate is sufficiently educated to record its votes correctly on the United Kingdom model.

PROGRAMME OF POLLING DATES

The ideal procedure, which should obviously be aimed at as soon as conditions permit, is to hold all polls at a General Election on one and the same day. Government, however, decided that such a procedure would be impracticable for the first Parliamentary General Election, and that the polling programme should be spread over the minimum period necessary for adequate policing and staffing of polling stations by public servants. Conferences were held with the Inspector-General of Police in the early stages of election arrangements, and the closest liaison and co-operation were maintained with the Police by the Elections Office throughout. Principles were agreed upon, which would enable the most effective policing both of the country in general and of the polling areas in particular ; and a series of preliminary programmes was prepared in an endeavour best to facilitate the transfer of police and polling staff from one electoral district to another.

It was decided that, to assist Police arrangements and to minimize possible personations, the poll for all the four electoral districts in the Colombo Municipal area and suburbs should take place on one day ; and to permit of the transfer of Colombo Police to outstations it was necessary that these elections should take place on either the first or the last day of the polling programme. The last day of the programme was eventually selected for this purpose. It was agreed, in consultation with the Police and the respective Returning Officers, that outside Colombo Municipality and the Colombo Revenue District, the poll for only one electoral district under each Returning Officer should normally take place on one day, and that there should be an interval for counting the votes and transfer of staff before the next poll in any Revenue District. No polls were fixed for a Friday, which would be unacceptable to Muslim voters ; nor for a Sunday, which is a *dies non*.

After careful analysis of the alternative schemes, a programme was formulated to complete the poll in 20 days. Owing, however, to the fixing of the Kandy Esala Perahera and the Nallur Kandaswamy Temple Festival at Jaffna for the time of the proposed elections, it was decided that, instead of postponing the commencement of the elections, the programme should be spread over a longer period and dates should be avoided which would clash with these festivals. The final programme extended from Saturday, August 23, 1947, to Saturday, September 20, 1947.

NOMINATIONS

Nominations for all the electoral districts were received on July 26, 1947. Only one seat—Puttalam—was uncontested. The total number of nominated candidates (including the candidate for Puttalam) was 361, of whom 133 subsequently forfeited their deposits for failure to secure the requisite number of votes. In the case of the Colombo Central three-member electoral district, 15 candidates were nominated.

CANDIDATES' BOOTHS

Both the Police and Returning Officers have emphasized the desirability of prohibiting the location of candidates' booths in close proximity to the entrance of a polling station and to each other, in view of the possibility of interference to voters and clashes between supporters of rival candidates. Section 92 of the Ceylon (Parliamentary Elections) Order in Council, 1946, provides that the Returning Officer may use, free of charge, as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by the State Council or by Parliament. The law, however, does not enable a Returning Officer to prohibit candidates' booths in the compound of such schools, or on other private land. It is doubtful whether legal provision can be framed to prohibit booths within, say, a hundred yards of any polling station or to make them subject to the Returning Officer's approval, as it would be difficult to define a "booth"; and even then it would be impossible to restrict all election activities in private *houses* adjoining a polling station. Nevertheless, the problem is of considerable importance and deserves further investigation.

CONDUCT OF ELECTIONS

The whole of the General Election was carried out without major incident, and passed much more quietly than had been generally anticipated by the public. Ample staff (with reserves for any emergency) was provided for all polling stations; and the Police, under the direction of the Superintendent of Police (Elections), deserve much credit for the prevention of crime and the orderly conduct which was maintained. Isolated incidents were promptly dealt with, and in many districts the crime figures were lower during the election period than in preceding months.

Taverns were closed in the respective electoral districts during the poll and counting of votes.

The phenomenal floods during the ten days preceding the commencement of the polling programme necessitated the postponement of the Nuwara Eliya, Kotagala, and Gampola polls to later dates within the polling period.

The total number of persons who polled in the 88 contested electoral districts was 1,705,369, being 56.2 per cent. of the electorate. The largest percentage of votes was 77.5 per cent. at the Matugama election, and the smallest percentage 35.8 per cent. at the Bingiriya election. The chief reason for the light poll in certain areas appears to have been apathy on the part of the electorate or a desire not to displease or offend those candidates for whom the electors would not have voted. The keenest interest during the electioneering period was usually shown where there were straight contests between two candidates.

PERSONATION

A certain amount of personation took place, and possibly some cases were undetected. The number of suspected cases reported to the Police for investigation was 1,022, of which 767 were found to afford *prima facie* ground for prosecution. The final number of cases in respect of which prosecutions will be entered is not yet known.

When the polling programme extends over a period as in the case of the 1947 General Election, it would be a deterrent if early cases of personation could be immediately brought before the Courts and adjudicated upon. This, however, is not possible under the law as it stands, as such prosecutions require the prior sanction of the Attorney-General and involve trial by a District Court after non-summary proceedings in a Magistrate's Court, in view of the fact that a conviction involves disqualification as an elector or member of the Senate or House of Representatives for a period of 7 years.

The prevention of personation under present election law depends first upon the rectification of errors at the revision of the existing register, secondly on the selection by candidates of polling agents who know the local residents, thirdly on deterrent punishment in proved cases, and fourthly on a more developed appreciation of civic responsibility.

The Inspector-General of Police has recommended the establishment of a National Identification Bureau which would issue to each person an Identity Card. In the event of such a system being introduced it could be adapted for the identification of voters at elections.

COUNTING OF VOTES

Except in a few cases, counting took place, at the request of the Police, during the morning after the poll—subject to the concurrence of the candidates for a count on a Sunday. The experience of the Police is that there is more likelihood of assaults or disturbances after the announcement of results than on the polling day itself, so that they prefer that election results should normally be announced in daylight.

ELECTION PETITIONS

Nineteen election petitions were filed of which 2 were dismissed for failure to deposit the required security. The withdrawal of one petition has been allowed, and the remainder await trial by an Election Court.

FUTURE REVISIONS OF THE REGISTER OF ELECTORS

The first register of Parliamentary electors was based on a revision of the State Council register, in which little interest had been taken by the public at the claims and objections periods during the eleven years when there was no General Election.

The new format of the register should facilitate the annual revision. It is essential, in order to provide a complete and accurate register and to prevent personations, that the revisions should be carried out with the greatest care. Full use should be made of the provision in Section 16 (3) of the Ceylon (Parliamentary Elections) Order in Council, 1946, that the Registering Officer may require any householder or any person owning or occupying any land or premises in his electoral district or the agent of such person to give in such form as may from time to time be prescribed by the Commissioner, any information in the possession of such person or agent which the Registering Officer may require. Registering Officers have strongly advocated the appointment of full-time enumerators for the annual revision of the register in order that a systematic house to house enumeration may be undertaken. This is particularly necessary in the Colombo Municipal area; and the possibility of arranging for full-time enumerators to carry out a simultaneous revision of the Parliamentary and Local Bodies' electoral registers deserves investigation.

It is also very desirable that all the registers should be set up in print at the Government Parliamentary Press, that the type should be retained, and that a few copies of the register should be printed after each annual revision. The majority of the registers of voters for the State Council had not been reprinted since the General Election of 1936, so that it was a difficult matter to arrange all the manuscript amendments in proper order in the event of a reprint being urgently required for a Bye or General Election. Under responsible Cabinet Government an urgent General Election may be ordered at any time, so that it is essential that type of all the registers, as revised up to date, should always be available in Ceylon for immediate printing.

ELECTION CIRCULARS

Several Registering and Returning Officers have recommended that the circulars issued by the Commissioner of Parliamentary Elections, dealing with the detailed procedure to be followed at the first General Election, should be collated and issued as permanent instructions (after revision where necessary) in the form of a Manual (with blank interleaving) for use at future elections.

GENERAL

Expenditure.—Allocations were made by the Treasury to the Elections Office to cover the expenses of the General Election, and sub-allocations were granted to the respective Registering and Returning Officers and to the Police. In view of the urgency of all stages of the work connected with the preparation of registers and conduct of the elections, and the decision to give the fullest facilities to the public for registration and polling, this vote was not limited. Urgency and the convenience of the electorate took precedence over financial economy. Damage by floods also involved additional expenditure in some Districts.

Appreciation—

(i.) *Registering and Returning Officers.*—An enormous strain and volume of urgent work and organization fell upon Registering and Returning Officers, their staffs, and Headmen, at a time when Kachcheries were still engaged in emergency services in addition to their normal duties.

(ii.) *Police.*—The Inspector-General of Police, with his assistants and Police force, ensured the peaceful conduct of the elections without any major incident, and have earned the commendation of the public. The polling programme was arranged in close consultation with the Police, and the most efficient and whole-hearted co-operation and assistance were given throughout by Mr. P. I. M. Irwin, Superintendent of Police (Elections).

(iii.) *Government Press.*—The Government Printer and his assistants worked under great pressure in printing their allocation of registers within the allotted periods, and a vast number of ballot papers, forms, posters, &c., with the additional complication of symbols.

(iv.) *Government Stores.*—Much additional work was placed upon the Superintendent of Stores and Supplies and his officers in obtaining under difficult post-war conditions the large amount of stores and stationery required for election purposes.

(v.) The Commissioner for the Development of Agricultural Marketing undertook the provision of meals for a considerable proportion of the Police on election duty. This service facilitated the urgent transfer of Police to the various election areas with a minimum of discomfort.

(vi.) The loan on hire by the Services to the Police of a number of Service vehicles with drivers contributed to the mobility of the Police Force.

(vii.) In addition to the services rendered by officers of practically all Government Departments as Presiding Officers and Polling Staff, a number of Departments such as Post and Telegraph, Public Works Department (including the Chief Architect and the Factory Engineer), Survey, Education, and Motor Transport, gave special assistance in various matters connected with the Elections.

(viii.) As Commissioner of Parliamentary Elections, I should like to record the whole-hearted co-operation, efficiency and hard work during very long hours of my staff in the Parliamentary Elections Office.

His Excellency the Governor has been pleased to express his great appreciation of the efficiency of, and hard work undertaken by, the Public Services in connection with the General Election.

RECOMMENDATIONS FOR CONSIDERATION IN THE AMENDMENT OF THE CEYLON
(PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL, 19461. *Section 8—Plural Voting :*

Provision might be added in this Section making it illegal for any elector to vote more than once in the *same* electoral district at any election (e.g., if his or her name appears under more than one polling district) irrespective of whether the elector is or is not called upon to sign a declaration in Form K under Section 43 (1).

2. *Section 10 (1) (d) (iii.) :*

It would seem desirable that Registering Officers should be empowered to alter the ward, village or other area within which the polling station or stations will be

situated, *after* an election, in the light of the experience gained (*vide* the second sub-paragraph under "Polling Districts and Polling Stations" on page 4 of this Report).

3. Section 12 (2) and Form C in the First Schedule to the Order in Council :

Some Registering Officers have recommended that the form of claim should be witnessed by a person of standing, *e.g.*, a Judge or Magistrate, Justice of the Peace, President of a Rural Court, Headman, Minister of Religion, or Legal practitioner, who knows the claimant personally. Though this may cause some inconvenience to claimants it would prevent the submission of a number of unsubstantiated claims on possibly forged signatures; and with the improvement of the registers after the next revision the number of persons who need to submit claims should be considerably reduced.

It would also be convenient if the Form provided for a statement of the sex of the claimant, as the names do not always indicate the sex.

4. Section 28 (4) and Form G in the First Schedule to the Order in Council—Nomination Paper; and Section 40 (2) :

It might be preferable to omit the words in brackets in Cage 1 of the Nomination Paper "Surname or *ge* name first", as these are not normally applicable to Tamil and to Muslim names.

Section 40 (2) : It has been suggested that the arrangement of names on the ballot papers might be left to the discretion of the Returning Officer, as it is often difficult to distinguish surnames (which are sometimes changed) in the case of Sinhalese, Tamil, and Muslim candidates.

5. Section 29 (1)—Deposits by Candidates :

The fact that 133 out of 361 candidates forfeited their deposits suggests that the amount of deposit required of candidates should be increased. The amount of deposit required in the United Kingdom is £. 150, and it is suggested that a deposit of Rs. 2,000 in Ceylon would be reasonable.

6. Section 31 (1) (c) :

It would be helpful to Returning Officers on nomination day if some elaboration could be given regarding the cases contemplated in this sub-section, in view of the legal opinion that it is no part of a Returning Officer's duty at the receipt of nomination papers to inquire into the qualifications or disqualifications of candidates.

7. Section 35 (4) :

Specific provision might be included in the Ceylon (Constitution) Order in Council, 1946, for the House of Representatives to be summoned after a General Election without the delay which may be caused in the filling of a vacancy arising out of the contingency provided for in Section 35 (4) of the Ceylon (Parliamentary Elections) Order in Council, 1946.

8. Section 39 (6) and 61 (1) :

There would appear to be no logical ground for excluding a polling agent who arrives at the polling station with his letter of appointment after the opening of the poll, provided that no polling agent is admitted without a letter of appointment having first been presented.

9. Section 88 :

It would be convenient if provision is made for the appointment of Deputy or Assistant Commissioners of Parliamentary Elections with the full legal powers of the Commissioner—similar to the provision made for Assistant Registering Officers and Assistant Returning Officers.

10. *Section 91 :*

It would appear unnecessary for Returning Officers to remain at the place of nomination until 4 P.M. on the day of nomination to receive intimations from candidates as to the names which they wish to be omitted or to be specified by initial only on the ballot papers. 2 P.M. would appear to allow sufficient time for this purpose. Suggestions have also been made that candidates should be permitted to state exactly how they wish their names to appear on the ballot paper without the present limitations set out in this Section.

11. *Candidates' Booths :*

Careful investigation is suggested as to the possibility of prohibiting candidates' booths in close proximity to the entrance of a polling station and to each other (*vide* the paragraph under "Candidates' Booths" on page 6 of this Report).

12. *Third Schedule to the Order in Council—Paragraph 13 (1) :*

The Commissioner of Parliamentary Elections has no vault, and any deposits as security for election petitions placed with him have to be transmitted immediately to the General Treasury. It would be convenient therefore if an officer of the General Treasury (with power to delegate) could be substituted for "Commissioner".

It would also be helpful if a draft form of valid receipt could be embodied in the Schedule, as some depositors demand a long and involved form of receipt in view of the decision in *Costa v. Jayawardena*, 44 N. L. R. 342.

E. R. SUDBURY,

Commissioner of Parliamentary Elections.

Parliamentary Elections Office,
Colombo, December 23, 1947.