

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය
අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2052/35 - 2018 ජනවාරි මස 05 වැනි සිකුරාදා - 2018.01.05
No. 2052/35 - FRIDAY, JANUARY 05, 2018

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

**CODE OF CONDUCT FOR CONTESTING POLITICAL PARTIES/INDEPENDENT GROUPS AND
CANDIDATES OF THE ELECTIONS**

THIS Code of Conduct is issued in terms of Section 8(8) of the Parliamentary Elections Act, No. 1 of 1981 as amended by the Parliamentary Elections (Amendment) Act, No. 58 of 2009. The Code is applicable to the period commencing from the date of notice of nomination and to the date of declaration of the result of any election.

Before the enactment of laws for the recognition of Political Parties, there prevailed political parties in the society which date back to 1931. Laws regarding the recognition of political parties have been amended at several times since 1959. Rules and regulations can do little in making the role of political parties more meaningful towards the advancement of the contemporary society, but the political parties have a greater responsibility in creating a conducive environment to conduct free and fair elections.

Having considered this responsibility, the Code of Conduct for political parties and candidates was issued by the then Department of Elections for the first time with the Provincial Councils Elections held in 2012. The secretaries of political parties, party representatives and representatives of observer organizations have agreed with this Code at the Committee for Investigation of Election Complaints at all elections held since 2012.

It should be noted that this revised Code issued by the Election Commission is applicable to those who hold leading position such as leaders and secretaries, candidates, activists and supporters of all political parties contesting at elections, representatives of the Provincial Council and Local Authorities, all activists of the political parties, supporters of the candidates, independent group leaders and their candidates.

Therefore, all those who are engaged in the elections are hereby informed to adhere to these codes of conduct.

A. Rule of Law

01. Uphold the citizens' rights and freedoms guaranteed by the Constitution and other laws of Sri Lanka, assist and encourage the voter to exercise the franchise to elect people's representatives at elections and vote at referenda freely and without any obstruction.



02. Safeguard the equal rights entitled to the candidates of all political parties and independent groups at all times in the election process.
03. Respect the rights of all political parties and candidates and their right to educate the voter, while safeguarding the right of those with opposing views to hold their views and their right to carry out lawful promotional activities.
04. Refrain from obstructing or interfering in any manner with government, semi-government, private or other institutions established under the law entered in Sri Lanka from carrying out their legitimate activities and responsibilities.
05. Refrain from obstructing or influencing the institutions and personnel vested with the responsibility of maintaining law and order in the country from carrying out their legitimate duties.
06. Ensure that the propaganda activities are carried out without violating existing laws and without interfering with the life of the ordinary citizen.
07. Educate all the candidates and activists on the laws (particularly the sections of the Acts) relating to elections and advise them to refrain from committing offences, corrupt practices and illegal activities.
08. Refrain from touching or removing of material, equipment and documents assigned to be used during the conduct of the poll or the counting of votes, without obtaining approval from the relevant authority.

B. General Conduct

01. Refrain from any activity, expression or behavior which could create or aggravate differences, hatred and tension between Sri Lankans of different religions, languages, races, customs and castes.
02. Limit criticisms of other political parties or independent groups to their policies, programmes and their past activities and refrain from criticizing the personal life of candidates or making statements or allegations that are not proved and unsubstantiated against candidates of the same party or other parties.
03. Select candidates who can devote themselves to the future well-being of the citizens of Sri Lanka by fulfilling the objectives of the constitutional bodies to which they are to be elected, and who conduct their campaigns in a disciplined and decent manner.
04. Select candidates based on their past conduct and good behavior, respect for the law, non conviction before courts, dedication to serve the society etc, avoiding persons who use their wealth or social status to the detriment of society.
05. Submit the declaration of assets and liabilities of candidates at the time of sign over nominations or before the expiry of 30 days after nomination period.
06. Educate candidates/agents not to smoke or consume liquor or intoxicants inside polling stations or enter polling stations after consuming liquor.
07. Adhere to the instruction that only those who are permitted shall enter the nomination centers or polling stations or counting centers or results declaration centres as well as their premises and act in accordance with the directive not to take weapons to such places.
08. Candidates to abstain from engaging in prohibited election related activities and prevent his/her supporters from engaging in such activities.

C. Election Propaganda Activities

01. Hold campaign meetings without causing any disruption to the law and order and to the lawful campaign activities of rival candidates, and maintain election offices according to election laws.
02. Follow election laws in printing election material and distributing handbills, among voters,

In Particular :-

- I. Refrain from distributing anonymous handbills without indicating the name of the printer/publisher and from printing illegal notices, etc.
 - II. Refrain from using large crowds in the form of rallies or processions, music or displaying posters when engaged in door to door canvassing or distribution of hand bills and prevent candidates or the close relations of the candidates from engaging in door-to-door canvassing, if it is prohibited by the law.
03. Refrain from displaying any election campaign notices, posters, photographs of paintings with the objective of promoting the election of a party or an independent group or a candidate, or preventing the election of a rival party, independent group or candidate in a state owned or private building, residential premises or a vacant land belonging to the government or a private person or in a public place or road to which the public have access, such private person being permitted to be exhibited only at the notified offices and within the premises in which a meeting is conducted on the day of such meeting.
 04. Refrain from using lands, buildings or any property owned by the State of Semi-State institutions for election promotion, except assembly halls or play grounds that are hired under normal conditions.
 05. Refrain from using places of religious worship or land or premises belonging to any religious organization for election promotion.
 06. Display posters or flags related to the election or the name and number of the candidate only on the vehicle in which the candidate travels and refrain from using unregistered vehicles or vehicles with garage/fake numbers for election promotion.
 07. Restrict any decorations or exhibition of election promotion materials to the venue of an election campaign meeting, ensure that such decorations do not harm the environment and remove all such decorations without delay after the meeting.
 08. Refrain from holding processions, public rallies, motorcades and bicycle rallies as promotional activities during the election period as they are violations of election laws.
 09. Use loudspeakers only at the places permitted, restrict the use of loudspeakers to the time allowed for the meeting and refrain from using loudspeakers in moving vehicles.
 10. Stop all propaganda activities, before 48 hours of the day of poll and refrain from holding musical shows, advertisements in print/electronic media, during such silent period to promote party or candidates.
 11. Refrain from using vehicles, or other State property or any powers and privileges available to a Member of Parliament, Provincial Councils or Local Authorities to promote the election of a party, independent group or a candidate.
 12. Refrain from using any security personnel, weapons and other security equipment legally provided to a people's representative for his or her protection, for any illegal purpose.

13. Use the services of Sri Lanka Rupavahini Corporation and the Sri Lanka Broadcasting Corporation provided, under election law, to a party or an independent group for election propaganda, according to the guidelines and conditions imposed by the Election Commission and the Heads of the respective corporations. (This is not applicable for Provincial Council and Local Authorities elections.)
14. Use free postal facility provided under the election law to send a publication, by political parties and independent groups, to every household according to the provisions of the relevant Act and according to the instructions issued by the Post Master General. (This is not applicable to Provincial Council and Local Authorities elections).
15. Refrain from election promotion activities that disturb the conduct of public examinations including the General Certificate of Education (Ordinary and Advanced Level) and Grade 5 Scholarship Examination at the examination centers and at their evaluation centers at schools.
16. Refrain from using previous statements/views of a candidate about another party or of a candidate to promote or demote a party or a candidate, if such person objects.

D. Poll Day

01. Refrain from engaging in any prohibited activity, especially, canvassing for votes etc., mentioned in the election law, within a radius of 500 meters of a polling station on the poll day.
02. Refrain from obstructing voters who come to the polling station and voters casting their vote at the polling station, from influencing the voter and from preventing the voters casting their vote freely and in secret.
03. Refrain from intimidating or causing bodily harm to voters, polling agents, candidates and election observers and their families or causing damage to their houses or properties, from interrupting voters on their arrival at or departure from the polling station, and from chasing away polling agents from the polling station.
04. Ensure that only those permitted (Secretary of contesting political party, candidates and their polling agents) enter the polling station after they prove their identity, while refraining from bringing security personnel or journalists, or photographers into the polling station.
05. Refrain from committing or promoting of any corrupt practice or offences (such as stuffing of ballot boxes at the polling station, breaking into polling stations, impersonation or other corrupt practices or offences.)
06. Refrain from illegal transport of voters to polling stations.
07. Ensure that polling agents co-operate with the poll staff at the polling station and that the agents do not create any disturbance at the polling station.
08. Refrain from interfering with election observers approved by the Election Commission in engaging in observations and support their activities.
09. Refrain from prohibited actions such as videoing, using mobile phones, etc., in the premises of the polling stations.

Please note that above codes are applicable for the day of postal voting as well.

E. Count of Votes and Preference (including Postal Votes), and Declaration of Results

01. Make the counting agents aware of the procedure regarding the counting of votes and preference (including the counting of postal votes) and the procedure of making complaints.

02. Ensure that the Agents at the Centre for Counting Votes and at the Centre for Declaration of Results observe and follow the administrative arrangement at the centre provided by the Election Commission and the Returning Officer.
03. Ensure that Government Ministers, Ministers of Provincial Councils, Members of Provincial Councils and Local Authorities and other politicians are prevented from entering Counting Centers/halls unless they are duly appointed as Counting Agents or are candidates.
04. Prevent politicians appointed as counting agents or declaration centre agents from being accompanied by security personnel of any politician, with or without weapons, into the counting halls of the Centre for Results Declaration and refrain from bringing unauthorized persons to the premises of the counting halls/centre for Results Declaration.

F. Hate Speech or Speech prejudicial to national harmony

01. Abstain from hate speech of any form ; that is speech that threatens, or insults communities or social groups, especially women, persons with special needs or disabled, those of different sexual orientation and other religious or ethnic groups.
02. Ensure that all those engaged in political activities refrain from hate speech at all times, especially during the period commencing from the first day of the nomination period at any election and ending on the day following the date of the poll at such election.
03. Hate speech is indentified as an offence and therefore those who make hate speech should be reported.
04. Abstain from making statements or displaying an image that disturbs the harmony and mutual trust among the ethnic and religious speech.
05. Abstain from making any statement that may harm or prejudice the dignity of ethnic or religious groups and individuals and should abstain from using such statements at propaganda.
06. Abstain from making statements or from any action that could be deemed to be prejudicial to or discriminative of any person or group based on religious, ethnic, linguistic, caste, or gender differences.
07. Abstain from making statements or engaging in any action that is contemptuous or abusive of women based on their physical appearance. Though women are specifically referred to here those who are engaged in politics should refrain from such statements or action since they are relevant to every citizen.
08. Abstain from making statements or engaging in any action that is contemptuous or abusive of any deformity or disability of any person.

G. Other important Matters

01. Present to the voters as a candidate of a recognized political party, the Statement of Policies (Manifesto) of thier party and the manner in which it would be implemented within a specified period and submit copies of same to the Election Commission and through the Commission to the Department of Archives.
02. Abstain from using state property, official vehicles or offices for election promotion and refrain from promotion activities like canvassing, distribution of handbills, exhibition of display boards or notices in government offices, schools *etc.* or within the premises of such institution.
03. Abstain from engaging in election promotion making use of a person's official duties.

04. Refrain from using government owned aircraft or any other vehicles without payment.
05. Ensure that public buildings, play grounds, and government circuit bungalows are used after payment of fees and charges and allow others to use them in the same manner.
06. Refrain from publishing political newsletters, articles or advertising supplements *etc.*, at the expense of the government or government institutions.
07. Refrain from inviting voters or state officers individually or in groups to private or official residences and from entertaining them during the period of the election.
08. Refrain from making promotion of financial assistance, laying foundation stones for projects or proposed projects, promising to provide roads, water and electricity services, and making hasty appointments to posts outside the approved scheme of recruitments with the aim of attracting votes.
09. Refrain from obstructing investigations carried out by law enforcement authorities, in regard to violation of election laws, obstructions to inquiries, into corrupt practices and election offences.
10. Refrain from making use of the print or electronic media during the period of the election to make false and unsubstantiated allegation about rival parties and their activists and denying the aggrieved parties the right to reply.
11. Respond to criticism or allegations made about parties and politicians without using propaganda in any form (without using untrustworthy promotional information) by non-aggressive and lawful means and abstain from using force in retaliation.
12. Refrain from utilizing security personnel provided for personal security unofficially for political propaganda work and engaging them to harm rivals, condemn such abusive activities openly.
13. Openly condemn any political party or political organization illegally using armed personnel and inform such instances to relevant authorities.
14. Abstain from participating as a candidate or a leading activist of a political party at state ceremonies held during the period of election and refrain from using such ceremonies for election promotion of a party or a candidate.
15. Refrain from involving directly or indirectly in political motivated recruitments, appointments, promotions and transfer.
16. Ensure that the political parties and candidates do not gain any political advantage from processions, carnivals or exhibitions or sports competitions *etc.* organized by the government or organized with government's patronage.
17. Abstain from using educational seminars conducted for public examinations and scholarship examination to promote parties/ candidates.

Other Matters

1. Abstain from using or otherwise abusing the National Anthem, National Flag, religious symbols, religious flags, paintings or photographs of founders of religions or religious leaders through publication or broadcast to promote or demote the candidature of a candidate or parties/groups.
2. Abstain from exhibiting them at promotional rallies, meetings of parties/groups or candidates or on the notices and display boards. Refrain from using photographs or paintings of public officers, in any manner, to promote parties/candidates.

3. Abstain from government owned places which are ordinarily given for the promotion activities of political parties/independent groups exclusively for the propaganda activities of one single party or a candidate and give equal opportunity to other parties/groups/candidates to reserve such places.
4. To minimize the problems arising with regard to the reservation of playgrounds or halls owned by Local Authorities, all politicians shall follow the instructions of the District Committee headed by the Returning Officer.
5. Abstain from uttering at any religious assembly any words for the purpose of influencing the result of an election or inducing any elector to vote or refrain from voting for a candidate of any recognized political party or independent group at such election.
6. Abstain from distributing and displaying at any religious assembly, any handbill, placard, poster, drawing, notice, photograph of a candidate, symbol, sign, flag or banner ; holding or causing to be held any public meeting at a place of worship for the purpose of promoting the election, or the election campaign of a candidate of any recognized political party or independent group at such election.
7. As a member or official of a religious order or organization, abstain from :
 - i. denying, or threatening to deny, any member or adherent of that order or organization, or to any member of the family or such member or adherent, any spiritual ministrations, service or benefit ;
 - ii. excluding or threatening to exclude, such member or adherent from such order or organization, in order to induce or compel such member or adherent to vote or refrain from voting for a candidate or for having voted for a particular candidate.
8. As the employer of any other person, abstain from :
 - i. terminating or threatening to terminate such employment ; or
 - ii. denying or threatening to deny to such other person any benefit or service

in order to compel employee to vote in a particular way to punish for having voted in a particular way.

It is expected that candidates contesting at the any Elections and Secretaries of respective political parties, agents and supporters or candidates, as applicable, act in accordance with the aforesaid code. It is also expected that the candidates and, as relevant, Secretaries of Political Parties will made suitable arrangements to ensure that their agents, party members, followers and supporters earnestly observe this Code of Conduct.

MAHINDA DESHAPRIYA
Chairman
Election Commission

N. J. ABEYSEKERE
Member
Election Commission

S. RATNAJEEVAN H. HOOLE
Member
Election Commission

On this 05th Day of January 2018,
Elections Secretariat,
Sarana Mawatha,
Rajagiriya.

02-139