

**SOCIAL MEDIA, THE LAW AND ELECTORAL INTEGRITY:  
AN ANALYSIS OF EXISTING LEGAL PROVISIONS**

**#** GENERATION  
ஊரூர்  
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# EXECUTIVE SUMMARY

Following the social media operations that Hashtag Generation undertook during the 2019 Presidential Election and the 2020 Parliamentary Election, Hashtag Generation observed the importance of investigating existing election laws in order to understand the ways in which they may apply to social media. This study is our attempt to fill this gap.

This investigation into existing election laws that apply to social media was conducted through a combination of desk-based research and interviews with a variety of key informants (KIs) including election related stakeholders.

Therefore, this study serves as a resource which examines the existing constitutional and legal provisions related to social media for the purpose of ensuring free and fair elections in Sri Lanka. The study also provides a foundation for understanding and addressing any lacuna in the law on the use of social media during elections in the current socio-political context.

The following observations are noted as part of the study:

- Election campaigns in the run up to the Presidential election in 2019 and Parliamentary election in 2020 instrumentalized social media to capture votes.
- Existing laws that deal with election offences may be interpreted to apply to social media platforms.
- The sophisticated campaigns online have amplified the reach of hyper partisan content, which includes dis/misinformation, hate speech and the incitement to violence, and extended the period of time that this content can be engaged with.
- In the wider Sri Lankan context, the unwillingness to enforce existing provisions of the law and the selective enforcement of laws that infringe on the constitutionally guaranteed freedom of expression in order to suppress voices of dissent must be kept in mind when considering changes to laws related to elections as well.
- Concerns on the effectiveness of existing legal and regulatory frameworks to adequately address rapid developments that take place in online spaces arise within the larger debate on electoral system reform, the need for campaign finance laws, the regulation of social media and protecting the freedom of expression.

# INTRODUCTION

## 1.1 Background

Sri Lanka (then Ceylon) was one of the first British colonies in Asia to introduce universal franchise in 1931 following a recommendation by the Donoughmore Commission. The right to vote was subsequently enshrined in the Republican Constitution of 1972 and the Second Republican Constitution of 1978 as part of the exercise of sovereignty of the people. In terms of the existing constitutional scheme, the legislative power of the people is exercised by Parliament, consisting of elected representatives of the people. The executive power of the people, including the defence of the country, is exercised by the President of the Republic elected by the people. The people also have a direct role in legislating through referendums. The President may submit to the people by referendum<sup>1</sup> any matter which is deemed to be of national importance.<sup>2</sup> The 19th Amendment to the Constitution repealed the provision allowing a rejected bill to be referred to referendum. However, the 20th Amendment to the Constitution brought back the power of the President to submit a Bill which was rejected by Parliament to referendum by the people.<sup>3</sup> Elections are conducted to elect the President and representatives to Parliament, Provincial Councils and Local Authorities; and Referenda, when the approval of the people is required on national issues.

The media play an important role in the exercise of the right to vote and in ensuring free and fair elections. The media educates voters on how to exercise their rights, reports on the development of election campaigns and promises, provides a platform connecting candidates and voters, reports results and monitors vote counting. Mainstream media and online media, including social media, scrutinize the electoral process itself, including electoral management, and provide accurate information about the entire electoral process to prevent election-related violence. Overall, the media acts as a watchdog over a participatory process where voters engage in public debate and have adequate information about parties, candidates and the election process itself in order to make informed choices.

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<sup>1</sup> Article 86 of the Constitution of the Democratic Socialist Republic of Sri Lanka

<sup>2</sup> Article 85 of the Constitution of the Democratic Socialist Republic of Sri Lanka provides that this could be a Bill or any provision in any Bill which has received two thirds of votes in Parliament and which has been certified by the Cabinet of Ministers as being intended to be submitted to the people by referendum or which the Supreme Court has determined as requiring the approval of the people at a referendum.

<sup>3</sup> Article 85(2) of the Constitution of the Democratic Socialist Republic of Sri Lanka

In Sri Lanka political influence and control over media ownership has a significant bearing on media content.<sup>4</sup> Sri Lanka is currently ranked 127 of 180 countries in Reporters without Borders World Press Freedom Index.<sup>5</sup> Key Informants (KIs) of the study drew attention to the dichotomy in mainstream media with state owned media that support and assist the ruling party in office and private owned media which pursue their own political and economic agendas. Audience shares in each sector of print, radio, television and online media are concentrated among a few owners with their own individual and corporate political affiliations.<sup>6</sup> Therefore, the media becomes a tool of political parties to consolidate their power and control the narrative. KIs further pointed out that during election periods all types of media are used for a range of activities, both legal and illegal. The media and other affiliated players may also engage in both legal but unethical practices as well as illegal and dishonest practices.

According to the data revealed in a study done by International Media Support (IMS) in 2019 regarding Sri Lankan audiences, the media through which they consume news and information about current incidents are as follows, in the order of preference:

- 1 Television
- 2 Radio
- 3 Word of mouth
- 4 Newspapers
- 5 Social media
- 6 Other info sources (SMS news alerts/posters/banners)
- 7 Gossip websites and news websites

<sup>4</sup> Media Ownership Monitor Sri Lanka <https://sri-lanka.mom-rsf.org/en/findings/political-affiliations/>

<sup>5</sup> Reporters without Borders World Press Freedom Index at <https://rsf.org/en/sri-lanka>

<sup>6</sup> Media Ownership Monitor Sri Lanka <https://sri-lanka.mom-rsf.org/en/>

<sup>7</sup> 'Consuming News in Turbulent Times: Sri Lanka Media Audience Study 2019', IMS, at:

<https://www.mediasupport.org/wp-content/uploads/2021/02/Sri-Lanka-Media-Audience-Study-2019-Low-Res.pdf> at p.21.

No study has been done to examine whether this order of preference changes when it is in relation to seeking information during an election campaign.

10.9 million out of 21.46 million people in Sri Lanka use the internet. Therefore, the percentage of internet users is 50.8%. Out of that, 34.7% access the internet through a computer, while 64.0% access through the smartphone, and 1.3% access through other means.<sup>8</sup>

Out of social media platforms in Sri Lanka. Facebook is the most popular one by membership and traffic,<sup>9</sup> while YouTube is more popular in terms of the average time spent on the site by Sri Lankans.<sup>10</sup> Instagram and Twitter are also popular among Sri Lankan users.

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<sup>8</sup> <https://datareportal.com/reports/digital-2021-sri-lanka#:~:text=Social%20media%20statistics%20for%20Sri,%25>

<sup>9</sup> *ibid.*

<sup>10</sup> Top sites in Sri Lanka. Alexa, at: <https://www.alexa.com/topsites/countries/LK>



## 1.2 Objectives of the Study

The focus of this study is to provide a legal assessment on how election-related laws and regulations are applied to the use of social media and websites. In this regard this study will identify important gaps in the current legal framework concerning elections that could potentially obstruct the conduct of a free and fair election during the election period. This assessment is the first of its kind in Sri Lanka and will provide a point of departure to understand existing gaps in the legal system and to formulate recommendations to address these gaps in the application of election-related laws in Sri Lanka to the use of social media.

## 1.3 Methodology

This study is compiled from a review of primary and secondary sources and interviews with diverse election-related stakeholders including and not limited to current and former members and staff of the Election Commission, journalists, lawyers, social media companies and civil society organisations, including election observer groups.

## 1.4 Scope of the Study

The scope of the study is limited to reviewing laws which could be used to regulate the use of social media and websites during election periods.

## 1.5 Limitations of the Study

The key limitations of the study include the lack of focus on private messaging applications and downloadable applications, data extraction and micro-targeting of social media users, coordinated inauthentic behaviour<sup>11</sup> witnessed online and the use of deep fakes<sup>12</sup> which are all of increasing concern as well and maybe addressed by future research from Hashtag Generation and other interested stakeholders.

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<sup>11</sup> Coordinated inauthentic behaviour is where several pages were seen to be amplifying a single harmful narrative. Nathaniel Gleiche, "Coordinated Inauthentic Behavior Explained," Facebook, December 6, 2018, <https://about.fb.com/news/2018/12/inside-feed-coordinated-inauthentic-behavior/> Facebook, (2021) and Inauthentic Behaviour [https://www.facebook.com/communitystandards/inauthentic\\_behavior](https://www.facebook.com/communitystandards/inauthentic_behavior) [Inauthentic behaviour]

<sup>12</sup> 'Deep Fakes' are synthetic media in which a person in an existing image or video is replaced with someone else's likeness.

## 2. THE ROLE OF SOCIAL MEDIA DURING ELECTIONS



### 2.1 Social media as a campaign tool

Social media and websites are a relatively newer form of tools used in election campaigns over the last two decades. The operation of social media gets highlighted in a few ways during an election period. These include:

- 1 Election campaign activities that target the users of social media
- 2 Publication of paid advertisements
- 3 Interactions between users in social media networks and on websites
- 4 The use of social media by the Election Commission and other groups for voter education
- 5 The use of social media to disseminate the results of elections
- 6 Reporting and making complaints against social media content

The speciality of social media and websites is the potential for rapid spread of information. The ability to start a social media account or a website with minimum or no cost, compared to advertising on other media is an additional advantage. Social media platforms can be continuously used to target a large number of voters across national borders. Therefore, social media campaigns that bolster the image of a candidate are used to suggest that there has been an organic increase in popular support for the particular candidate.

Social media provides an opportunity for candidates, political parties and groups that are not able to advertise on mainstream media to do so online. During the Parliamentary election in August 2020 many candidates used platforms such as Facebook, Youtube and Twitter to take their messages to the voters. Official websites were also set up by political parties and some candidates and their campaign activities were conducted through those as well. Additionally, social media and websites can be recognized as a campaign medium with minimum environmental damage.

## 2.2 Campaign costs

Section 8(4) of the Parliamentary Elections Act requires every political party to submit a copy of the annual statement of accounts of the party audited by a registered auditor to the Election Commission. However, there are no specific laws regulating campaign finances in Sri Lanka. This includes the finances spent on social media campaigns. Paid advertising campaigns are rolled out on platforms such as Facebook. Facebook for example has introduced the Ad Library and Ad Library Report features which allow for the tracking on the amount of funds spent for 'issue, electoral and political pages'. However, these platforms do not reflect all of the campaign funds spend on the platform. The Centre for Monitoring Election Violence (CMEV) estimates that during the Parliamentary elections of 2020, the total election campaign costs were Rs. 3,601 million<sup>13</sup> and out of this only Rs. 60 million was spent on social media.<sup>14</sup> The expenses incurred as direct payments made to marketing and communications personnel, digital media marketing companies and administrators of social media pages are not captured here. Furthermore, the Ad Library and the Ad Library Report do not capture the whole universe of 'issue electoral and political pages' that are in operation, especially in a context where new pages mushroom ahead of an election. Furthermore, it is not possible to assess the spending made on other platforms such as Google, YouTube and Twitter since no data is made available by these platforms on campaign. This raises concerns because paid advertising is not only used to promote candidates but also to spread disinformation during the election period.

Social media and websites are also used to promote parties and candidates during the silent period / 'cooling off' period<sup>15</sup> immediately ahead of the election as well. This could also be content that was published before the silent period that is republished during this time. This would happen even when candidates or administrators of social media and websites refrain from engaging in campaign activities themselves, as general members of the public, or those that appear to be members of the general public who are not affiliated to political parties / candidates, are able to re-share content online.

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<sup>13</sup> CMEV, 'Final Report Campaign Finance', at [https://cmev.org/wp-content/uploads/2021/02/Final-Report\\_Campaign-Finance\\_CMEV\\_Parliamentary-Election\\_2020-1.pdf](https://cmev.org/wp-content/uploads/2021/02/Final-Report_Campaign-Finance_CMEV_Parliamentary-Election_2020-1.pdf) p.20

<sup>14</sup> However, further observations indicate that there are uncountable numbers of Facebook pages administered by various actors to promote and demote different candidates which do not come under the purview of "Ad Library and Ad Report" options. Thus, the advertisements, video clips, posts etc. displayed in those individual or sponsored Facebook pages do not indicate a cost range.

<sup>15</sup> The silent period is forty-eight hours prior to an election during which there is a ban on political campaigning

## 2.3 Elections in 2019 and 2020

According to analysts, the Presidential election in January 2015 was one where social media was used in a very decisive manner.<sup>16</sup> Election Observers noted the lack of oversight over social media campaign platforms and the room for abuse.<sup>17</sup>

This warning was repeated in reports by Election Observers in 2019<sup>18</sup> and 2020<sup>19</sup> who recorded how social media influenced the ability to hold free and fair elections. This includes the right to campaign as a candidate in an election and the right of voters to be able to vote freely without undue influence, fear or intimidation. Even though social media is often viewed as a leveler, these platforms were used by some with more access to resources than others to popularise their preferential numbers which resulted in an unequal playing field for candidates online.<sup>20</sup> There were also attempts to disseminate political propaganda of various candidates during the 'cooling off' period; with around 5,000 political advertisements approximately being published on Facebook during this time.<sup>21</sup> The spread of disinformation and hate speech online has also been observed.<sup>22</sup>

KIs state that social media has now become a key factor in determining the integrity of an election. This is similar to other factors that could influence electoral integrity such as violence on the day of the election and the manifestation of political preferences of election officials whilst on duty. In looking at the use of social media and websites during election periods it is noted that online campaigns target the end user rather than a general audience and also use paid advertisements. Furthermore, it has been observed that there are a high number of complaints on election violations in content online which is part of an election campaign.

<sup>16</sup> Groundviews, 'How did social media make a difference?', at <https://groundviews.org/2015/09/03/sri-lanka-parliamentary-election-2015-how-did-social-media-make-a-difference/>

<sup>17</sup> PAFFREL, 'Presidential Election Final Report' (2015) <http://www.paffrel.com/posters/190510120544Presidential%20Election%202015%20Report%20Final%20Book.pdf>

<sup>18</sup> PAFFREL, Final Report, at <http://www.paffrel.com/posters/201221151201FINAL%20REPORT-Presidential%20Election%202019%20-%20Final%20Draft.pdf>

<sup>19</sup> <http://www.paffrel.com/posters/210531130526combinepdf.pdf>

<sup>20</sup> Ibid

KIs further note an increasing trend of coordinated campaigns disseminating hate speech and disinformation<sup>23</sup> online. One way in which this occurs is when various online media outlets or pages/channels on social media platforms publish the same or similar content (including hate speech and disinformation) at the same time. Another way in which this occurs is when there is a cross-fertilisation of falsehoods between mainstream media and online media. Falsehoods that originate on television or in a newspaper are subsequently amplified on social media or stories published on social media or gossip websites are taken up and amplified by mainstream media.

One such example cited by a KI was of an occurrence in November 2019 prior to the Presidential Election. Newspapers Ceylon Today (English) and its counterpart Mawbima (Sinhala) ran front-page stories with the headline ‘Sinhalese can be defeated only by voting for Sajith [Premadasa]’, attributed to Tamil legislator M.A. Sumanthiran. Mr. Sumanthiran denied that he had made such a statement<sup>24</sup> and his lawyers wrote to the police and the Election Commission, demanding a criminal investigation of the “blatant falsehoods”. They also issued a letter of demand to these privately-owned newspapers. A fact check done by Ethics Eye looked into the falsity of this statement.<sup>25</sup> Nevertheless, extracts of the said ‘news’ report were widely shared online and were also promoted using sponsored Facebook ads. This is just one example for paid advertising being used to promote false news on Facebook during an Election period.

<sup>21</sup> Sunday Times, ‘News tap on the shoulder is all Election Commission can do against hatred on facebook’, at <http://www.sundaytimes.lk/201213/news/tap-on-the-shoulder-is-all-ec-can-do-against-hatred-on-facebook-425191.html>

<sup>22</sup> CMEV, ‘Final Report’, at <https://cmev.org/wp-content/uploads/2021/02/PGE-2020-Final-Report-English-Final-1.pdf>

<sup>23</sup> Gupta, S. (2020, September 11). How Coordinated Inauthentic Behaviour Manipulates Public Debate. TheQuint. <https://www.thequint.com/explainers/why-facebook-took-down-pakistani-accounts-what-is-coordinated-inauthentic-behaviour>

<sup>24</sup> Newshub, ‘Sumanthiran refutes racist reporting by Dilith/ Tiran’, at <http://newshub.lk/en/2019/11/13/sumanthiran-refutes-racist-reporting-by-dilith-tiran/>

<sup>25</sup> <https://twitter.com/EthicsEye/status/1194508376496979968>

## 2.4 Dis/misinformation

In the run up to the Parliamentary election of 2020,<sup>26</sup> the content and nature of the false news narratives disseminated were more diverse than at the Presidential election of 2019. For instance such false narratives focused on discrediting the National Elections Commission (NEC), making controversial allegations against a member of the NEC, Prof. Ratnajeevan Hoole, targeting opposing parties and candidates and also featured religious leaders. Analysis of the "creators" of false news based on the data captured through this monitoring exercise shows that an overwhelming majority of false news originated from supporters of the Sri Lanka Podujana Peramuna accounting for nearly 72% of the total incidents recorded.<sup>27</sup>

A notable example was when in an interview with a well-known journalist on his official YouTube channel Ven. Madille Pagnaalokathero levelled criticism at the NEC saying that the "so called independent election commission" is "not really independent" and accused Assistant Commissioner M. Mohamed of "supporting extremist Islamist forces" to form a political party.<sup>28</sup>

## 2.5 Hate Speech

During the pre/post-election period of the Presidential election in 2019, hate speech/derogatory speech from ethno-nationalist pages targeting minorities, especially Muslim and Tamil politicians, received substantial traction.<sup>29</sup>

The hate speech content recorded for the Parliamentary Election in 2020<sup>30</sup> was lower than that recorded for the Presidential Election, with a lower interaction rate as well. However, whilst the content and interaction rate decreased, the nature and content of the hate speech became far more overt. Reliance on hate speech formed the entirety of campaign platforms of certain candidates' with a marked increase in the circulation of overt ethno-nationalist sentiments. Therefore, election observers noted that the relatively peaceful and calm parliamentary election campaign on the ground was in contrast to the divisive and sometimes hateful rhetoric online.

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<sup>26</sup>'Sri Lanka: Social Media and Electoral Integrity', Hashtag Generation, 2020, at [https://drive.google.com/file/d/1qQKubeK1HtAtom3J5v2BKoQ5hToH9ma\\_/view](https://drive.google.com/file/d/1qQKubeK1HtAtom3J5v2BKoQ5hToH9ma_/view)

<sup>27</sup> Ibid

<sup>28</sup> Ven. Madille Pagnaalokathero interview in Sinhala, at: [https://www.youtube.com/watch?v=4wXb9KOW\\_vk&t=836s](https://www.youtube.com/watch?v=4wXb9KOW_vk&t=836s)

<sup>29</sup> Findings from the Social Media Monitoring Exercise during the 2019 Sri Lankan Presidential Election', Hashtag Generation, 2019, at <https://hashtaggeneration.org/wp-content/uploads/2020/01/social-media-monitoring-report.pdf>

<sup>30</sup>'Sri Lanka: Social Media and Electoral Integrity', Hashtag Generation, 2020, at [https://drive.google.com/file/d/1qQKubeK1HtAtom3J5v2BKoQ5hToH9ma\\_/view](https://drive.google.com/file/d/1qQKubeK1HtAtom3J5v2BKoQ5hToH9ma_/view)

# 3. LAWS AND INSTITUTIONS RELATED TO SOCIAL MEDIA IN SRI LANKA

## 3.1 Introduction

The general legal framework in Sri Lanka includes laws that may be applied to the use of social media platforms such as Facebook, YouTube, Instagram, Twitter and TikTok. The use of social media platforms to share political information, political propaganda, general information on governance as well as to engage with, question and challenge state and non-state actors, is not limited to campaigning periods before elections. Accordingly, social media platforms are constantly used to contribute to and shape current discourse before, during and after particular elections.

KIs identified the lack of use of existing laws to address issues such as publication or dissemination of promotional content online during the silent period. Furthermore, they pointed to the public perception that there is a lack of legal oversight over online spaces during election periods. At the same time, they raise concerns on the regulation of social media within a context where state regulation has been untrustworthy. In such a context, during an event of national significance such as an election, emphasis should be on preventing the misuse of these platforms while also protecting the citizens' freedom of expression. It is also important to be conscious of the history of selective enforcement of the law in the country, especially in relation to the freedom of expression.

The existing laws related to social media can be divided into two parts:

**01** Laws related to the regulation of internet platforms and internet service provision

**02** Laws related to social media content

## 3.2 Laws related to the Regulation of Internet Platforms and Internet Service Provision

Social media platforms disseminate information via the internet. There are a few laws in Sri Lanka that regulate services associated with the internet.

### Sri Lanka Telecommunications Act, No. 25 of 1991

This Act has been amended by the Amendment Act No. 27 of 1996 which introduced the Telecommunications Regulatory Commission of Sri Lanka (TRCSL). According to this Act, importing and selling of telecommunication apparatus without a license issued by the Telecommunications Regulatory Commission is an offence. Operating a telecommunication service without a license issued by the Commission and conducting any broadcasting using radio frequency without a license issued by the said Commission is an offence. TRCSL can regulate all the internet platforms and internet service providers.

### Information and Communication Technology Act, No. 27 of 2003

This Act provides for the establishment of the National Committee on Information and Communication Technology of Sri Lanka, the appointment of a task force for information and communication technology and the establishment of the Information and Communication Technology Agency of Sri Lanka (ICTA). The Act also specifically provides for the setting out of a National Policy on Information and Communication Technology.

## 3.3 Laws related to Social Media Content

- 1 The Constitution
- 2 The Penal Code
- 3 Parliament (Powers and Privileges) Act, No. 21 of 1953
- 4 International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007
- 5 Police Ordinance (Chapter 53)
- 6 Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979
- 7 Public Security Ordinance No. 25 of 1947
- 8 Official Secrets Act, No. 32 of 1955
- 9 Obscene Publications Ordinance, No. 4 of 1927
- 10 Prevention of Domestic Violence Act, No. 34 of 2005
- 11 Computer Crimes Act, No. 24 of 2007
- 12 Intellectual Property Act, No. 36 of 2003
- 13 Information and Communication Technology Act, No. 27 of 2003



## 3.3.1 The Constitution

### Freedom of Expression and Its Limitations

Article 14(1)(a) of the Constitution states “Every citizen is entitled to the freedom of speech and expression including publication”. Accordingly, every citizen that uses social media could exercise this right. Moreover, all the organs of Government have the responsibility to secure this right (as per Article 4 of the Constitution). One can also submit a petition to the Supreme Court in respect of an infringement and/or an imminent infringement of that right by executive or administrative action.

Two limitations that have been imposed on the freedom of expression have been included in the Constitution. One is the limitation in Article 15(2) of the Constitution which states:

“The exercise and operation of the fundamental right declared and recognized by Article 14(1)(a) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence.”

The other limitation that has been imposed upon the freedom of speech and expression is the limitation placed by Article 15(7). It states as follows:

“The exercise and operation of all the fundamental rights declared and recognized by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health and morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph “law” includes regulations made under the law for the time being relating to public security.” Therefore, the social media content is limited by laws and Emergency Regulations made for the time being by Parliament under the law, to achieve the above-mentioned purposes.

Provisions on contempt of court are stipulated in Article 105(3) of the Constitution. According to that, “the Supreme Court and the Court of Appeal shall each be a superior court of record and shall have all the powers of such court including the power to punish for contempt of itself, whether committed in the court itself or elsewhere, with imprisonment or fine or both as the court may deem fit.” Therefore, social media users have a responsibility to use social media in a way that would not result in contempt of court.

## 3.3.2 The Penal Code

Section 120 of the Penal Code makes it an offence to “attempt to raise discontent or disaffection amongst the people of Sri Lanka or to promote feelings of ill-will and hostility between different classes of people.”<sup>31</sup> The Supreme Court has held that the ‘essence’ of section 120 ‘is whether the words in question incite the people to commit acts of violence and disorder and not whether the words are defamatory or not.’<sup>32</sup> Several arrests have been made under Section 120 as well.<sup>33</sup>

Section 291(A) of the Penal Code provides that uttering words deliberately intended to wound religious feelings is an offence punishable with imprisonment for a term up to one year, by a fine, or both.<sup>34</sup> Section 291(B) of the Penal Code provides that deliberate and malicious acts intended to outrage the religious feelings of any class, by insulting its religion or religious beliefs, is a

punishable offence with imprisonment for a term up to two years, or a fine, or both.<sup>35</sup> However, there is a lack of jurisprudence on these provisions.<sup>36</sup>

Furthermore, a circular released by the police in June 2021 contained a warning that the Criminal Investigation Department and the Computer Crimes Division of the Sri Lanka Police would be monitoring the internet for the circulation of fake news, photographs and videos causing disunity, hate and obstructing the Covid-19 programme. The Bar Association of Sri Lanka expressed concern over the possibility of the law being misused by police officers to “stifle the freedom of speech and expression which is a fundamental right enshrined in the Constitution” and mentioned their apprehension at the police being allowed to decide on what was fake news or not.<sup>37</sup>

<sup>31</sup>Section 120 provides: “Whoever by words, either spoken or intended to be read or by signs, or by visible representation or otherwise, excites or attempts to excite feelings of disaffection to the State, or excite hatred or contempt of the administration of justice, or excites or attempts to excite the People of Sri Lanka to procure, otherwise than by lawful means, the alteration of any matter by law established or attempts to raise discontent or disaffection, or to promote feelings of ill-will and hostility between different classes of such people, shall be punished with simple imprisonment for a term which may extend to two years.”

<sup>32</sup>Sisira Kumara Wahalathanthri and Another v. Jayantha Wickramaratne and Others, SC(FR) Application 768/2009 (Supreme Court of Sri Lanka) judgment delivered on 5 November 2015, at [www.supremecourt.lk/images/documents/sc\\_fr\\_768\\_2009.pdf](http://www.supremecourt.lk/images/documents/sc_fr_768_2009.pdf)

<sup>33</sup>See Human Rights Watch, ‘Sri Lanka: Halt Harassment of Media: Websites Blocked, Journalists Face Charges’, 3 July 2017, at <https://www.hrw.org/news/2012/07/03/sri-lanka-halt-harassment-media> [last accessed 6 April 2020] for an instance when the Sri Lanka Mirror was charged for exciting or attempting to excite the feelings of disaffection to the President or the government. See also, ‘Four arrested for circulating harmful SMSs’, Daily Mirror, 6 August 2014, at <http://www.dailymirror.lk/50702/tech> [last accessed 17 April 2020] for an instance when four people were arrested for allegedly circulating an SMS with the intent of creating disharmony among communities.

<sup>34</sup>Section 291A provides ‘Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.’

<sup>35</sup>Section 291 B provides ‘Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of persons, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.’

<sup>36</sup>Confronting Accountability for Hate Speech in Sri Lanka (CPA 2018), op. cit., p. 30-35.

<sup>37</sup>Sri Lanka Brief, ‘Sri Lanka’s Fake News Circular: The laws mentioned could be misused by police to stifle the freedom of expression rights – BASL’, (2021) at, <https://srilankabrief.org/sri-lankas-fake-news-circular-the-laws-mentioned-in-it-could-be-misused-by-police-in-order-to-stifle-the-freedom-of-expression-basl/>

### **3.3.3 Parliament (Powers and Privileges) Act, No. 21 of 1953**

As per Part A of the Schedule of the Parliament (Powers and Privileges) Act, No. 21 of 1953, publishing any 'false or perverted report' of any debate or proceedings of Parliament, publishing any report of any debate or proceedings of Parliament the publication of which has been prohibited by Parliament, publishing sections the Speaker had ordered to be expunged from the Hansard, publication of any defamatory statement reflecting on the proceedings of Parliament and the publication of any defamatory statement concerning any member in respect of his conduct as a member are offences. Therefore, publishing content on social media in violation of these provisions is an offence.

### **3.3.4 International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007**

As per Section 3 of the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007, propagating war or advocating national, religious, or racial hatred that constitutes incitement to discrimination, hostility or violence is an offence. Therefore, any statement that is published on social media as well could constitute such an offence.

The interpretation and application of the ICCPR Act has raised serious concerns.<sup>38</sup> Therefore, there is anxiety over the ICCPR Act being selectively applied with regard to content on social media during elections.

### **3.3.5 Police Ordinance No. 16 of 1865**

Section 98 of the Police Ordinance (Chapter 53) states "Any person who shall spread false reports with the view to alarm the inhabitants of any place within Sri Lanka and create a panic shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees, or to imprisonment, with or without hard labor, for any period not exceeding twelve months." According to this, publishing false statements via digital media with the intention of alarming the public is an offence.

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<sup>38</sup> Human Rights Commission of Sri Lanka, "Letter to the Acting Inspector General of Police", 23 May 2019, At <https://srilankabrief.org/wp-content/uploads/2019/09/HRCSL-letter-to-Acting-Inspector-General-of-Police.pdf>

### **3.3.6 Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979**

Section 2(1)(h) of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 states “Any person who by words either spoken or intended to be read or by signs or by visible representations or otherwise causes or intends to cause commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups” commits an offence. Accordingly, a social media post that matches these criteria also is an offence under this Act.

The Prevention of Terrorism Act remains inconsistent with international human rights law.<sup>39</sup> However the Sri Lankan state has yet to repeal the legislation and enact a new counter terrorism law.<sup>40</sup>

### **3.3.7 Official Secrets Act, No. 32 of 1955**

As per Section 6(1)(e) of the Official Secrets Act, No. 32 of 1955 it is an offence to publish or communicate any official secret or secret document or any other information which could be ‘useful to an enemy’. Accordingly, it is an offence to publish such content on social media.

### **3.3.8 Obscene Publications Ordinance, No. 4 of 1927**

As per Section 2 of the Obscene Publications Ordinance, No. 4 of 1927, distribution or public exhibition of ‘obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, video cassettes or any other obscene objects’ is an offence. Therefore, it is an offence to disseminate such content via social media.

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<sup>39</sup> CPA, ‘THE NEED TO REPEAL AND REPLACE THE PREVENTION OF TERRORISM ACT (PTA)’, at: <https://www.cpalanka.org/the-need-to-repeal-and-replace-the-prevention-of-terrorism-act-pta/> and Manohrana, ‘Counterterrorism Legislation in Sri Lanka: Evaluating Efficacy’; <https://www.files.ethz.ch/isn/35329/PS028.pdf>

<sup>40</sup> European Parliament, ‘Motion for Resolution’, [https://www.europarl.europa.eu/doceo/document/B-9-2021-0358\\_EN.html](https://www.europarl.europa.eu/doceo/document/B-9-2021-0358_EN.html)

### **3.3.9 Prevention of Domestic Violence Act, No. 34 of 2005**

As per Section 20 of the Prevention of Domestic Violence Act, No. 34 of 2005, it is an offense to publish the name or any matter which may make known the identity of the party in an application under that Act. Accordingly, such should not be published on social media as well.

### **3.3.10 Computer Crimes Act, No. 24 of 2007**

As per Section 6 of the Computer Crimes Act, No. 24 of 2007, causing a computer to perform any function that will result in danger or imminent danger to national security, the national economy or the public order is an offence. Therefore, it is an offence to make a statement that detrimentally affects the above three via social media (as social media is accessed through computers).

### **3.3.11 Intellectual Property Act, No. 36 of 2003**

Publishing a work or a significant part of a work that has been recognized as a protected work under Section 6 of the Intellectual Property Act, No. 36 of 2003 without proper permission from the author or the creator is a copyright violation. Therefore, it is an offence to publish such work or a part of it on social media.

### **3.3.12 Public Security Ordinance (Chapter 40)**

When a state of emergency is declared in the country, regulations published under the Public Security Ordinance may be used to regulate or prohibit statements posted on social media.

Following the Easter Sunday Attacks in April 2019, it was also reported that a special investigation unit had been established to identify and enforce the law against individuals who spread 'extremist content' that incited hatred amongst communities on social media.<sup>41</sup>

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<sup>41</sup> 'Police to establish special unit to penalise social media users who spread content inciting communal hatred', Sunday Times, 13 May 2019, at <http://www.sundaytimes.lk/article/1087840/police-to-establish-special-unit-to-penalise-social-media-users-who-spread-content-inciting-communal-hatred>

## 4. LAWS RELATED TO USE OF MEDIA DURING THE ELECTION PERIOD

Chapter XIV of the Constitution<sup>42</sup> and several legislative enactments provide for the current legal framework on the use of media during election periods. This framework governs the powers of the Election Commission and election offences. This Chapter considers whether the law on election offences can be interpreted to apply to social media platforms and websites.

### Election period

Article 104J of the Constitution provides that the election period commences on the making of a Proclamation or Order for the conduct of a Referendum or for the holding of an election and ends on the date on which the result of poll taken at such Referendum or election, as the case may be, is declared.

### The powers of the Election Commission

The powers of the Election Commission which are contained in Chapter XIV of the Constitution operate during this election period. Article 104B(5)(a) of the Constitution gives the Election Commission the power to issue guidelines on the holding of an election or referendum to any broadcasting or telecasting operator or any proprietor or publisher of a newspaper, as the case may be, to ensure a free and fair election.

Article 104B(5)(b) (as amended by the 20th Amendment) states, “It shall be the duty of any broadcasting or telecasting operator or any proprietor or publisher of newspaper, as the case may be, to take all necessary steps to ensure compliance with any guidelines as are issued to them.”

### Election offences

Offences in connection with elections are found in the following enactments:

- 1 Presidential Elections Act, No. 15 of 1981
- 2 Parliamentary Elections Act, No. 1 of 1981
- 3 Provincial Councils Elections Act, No. 2 of 1988
- 4 Local Authorities Elections Ordinance (Chapter 262)
- 5 Referendum Act, No. 7 of 1981

<sup>42</sup> Inserted by 17th Amendment to the Constitution by Section 9

## Publishing False Statements

The publication of a false statement which is capable of influencing the result of an election in a newspaper is an offence. This could include both statements concerning the comments or activities of any candidate at a Presidential, Parliamentary, Provincial Council or local government election or the publication of false statements by a candidate on the management of an election by such candidate.<sup>43</sup> Publication of a false statement concerning any recognized political party or independent group which is contesting a Parliamentary, Provincial Council or local government election is also an offence. Under these Acts the proprietor, manager, editor, publisher, or other similar officer of the newspaper will be held liable for such publication. This is subject to the publication being made with their consent and their failure to exercise due diligence to prevent such publication from being made.

The penalty for publishing a false statement with regard to a candidate campaigning for the Presidential Election or with regard to a candidate, political party or independent group campaigning at a Parliamentary Election is a fine and disqualification from voting at elections for a period of three years starting from the date of conviction. Furthermore, a candidate shall also be incapable of being elected as a Member of Parliament, if convicted of this illegal practice, under the Parliamentary Elections Act.

The term "newspaper" is said to include any journal, magazine, pamphlet or other publication under the above Acts. Therefore, there is a question as to whether this statutory provision is applicable to false statements which could

influence an election in print newspapers only or whether it could include the publication of such statements on the website and official social media page of the newspaper as well. This could be a simultaneous publication of the same article or publication only in one platform or the other. There has been no judicial interpretation of this provision in relation to statements published by the newspapers.

## Corrupt practice

Any person who makes or publishes any false statement of fact in relation to 'the personal character or conduct' of a candidate or the withdrawal of a candidate at an election for the purpose of affecting the result of the election will be guilty of a corrupt practice.<sup>44</sup> Where the statements concern a Presidential or Parliamentary election the offences shall be tried in the High Court. Those found guilty shall face a fine and/or to a term of imprisonment.

Where the statement concerns a Provincial Council election, the offences shall be tried in the Magistrates Court. Furthermore, a person who is convicted of such an offense cannot register as an elector at an election under this Act for a period of seven years from the date of conviction and cannot be elected as a member of a Provincial Council. If a person who holds office as a member of a Provincial Council gets convicted of such an offense, they will be removed from office.

These Acts do not lay out the medium used to publish false statements and therefore it may be argued that publication of such false statements which amount to 'corrupt practices' on social media would also fall under the Act.

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<sup>43</sup> Section 83 of the Presidential Elections Act No. 15 of 1981, Section 84 of the Parliamentary Elections Act, No. 1 of 1981, Section 85 of the Provincial Councils Elections Act, No. 2 of 1988 and Section 82H of the Local Authorities Elections Ordinance.

<sup>44</sup> Section 80(1) of Presidential Elections Act, No. 15 of 1981, Section 81(1) of Parliamentary elections, Section 82 of Provincial Council Elections and 82E(1) c & d of Local Authorities Elections Ordinance

### Undue influence

Any person who uses force, violence, injury or threat of such things to compel or induce another to vote or refrain from voting in an election shall be guilty of the offence of undue influence. This includes the use of abduction, duress, or any fraudulent device or contrivance which would impede or prevent the free exercise of the franchise of any elector. The act can be done by the person themselves or by any other person on their behalf.<sup>45</sup>

Under the relevant Acts there is no reference to the medium used to exert the relevant undue influence and therefore it could be argued that undue influences exerted through social media too could be recognized as an offence under the Act.

### Publication of material without the name of printer/publisher

It is also an offence to print, publish, distribute or cause to be printed, published or distributed any advertisement, placard or poster which refers to a referendum and does not have the name and address of the printer and publisher.<sup>46</sup> The penalty for such an offence is a fine.

### Application of Laws on Election Offences

The existing laws on election offences theoretically could apply to social media. However, it appears to be the case that these provisions have not been invoked by the Election Commission in relation to social media content.

### Regulation of Campaign Finance

It is a fundamental duty of every citizen to “preserve public property and combat misuse of

public resources”.<sup>47</sup> The Election Commission is empowered to prohibit the use of any movable or immovable property belonging to the State or any public corporation for the election campaign of any political party, group or candidate.

The Parliamentary Elections Act, No 1 of 1981 prohibits ‘vote buying’ both directly and indirectly, by oneself or by another person on their behalf to ‘give, lend, agree to give or lend or offer, promise any money or valuable consideration to or for any elector or to or for any person on behalf of any other person in order to induce any voter to vote or refrain from voting’. Similar provisions are included in the Presidential Election Act, the Provincial Council Elections Act and the Local Authorities Elections Ordinance.

However, there are no campaign finance regulations in place in Sri Lanka. Campaign finance refers to all contributions and expenses, monetary and in-kind, made to and incurred by political parties and candidates for electoral purposes. Candidates and political parties require adequate funding for programs to reach voters across the country. However, there should be transparency to limit corruption in the electoral process and allow candidates an even playing field in reaching voters. If there is a legal framework to regulate campaign finance, there will be a limit on campaign finance and the reporting of campaign finance will also be necessary.

There has been discussion on the introduction of a legal framework to regulate campaign finance. Such recommendations suggest that a comprehensive campaign finance framework should have provisions on disclosure and reporting, investigative oversight authority and effective sanctions and remedies.

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<sup>45</sup> Section 78 of the Presidential Elections Act, No. 15 of 1981, Section 79 of the Parliamentary Elections Act, No. 1 of 1981, Section 80 of the Provincial Councils Elections Act, No. 2 of 1988 and Section 82 of the Local Authorities Elections Ordinance (Chapter 262)

<sup>46</sup> Section 48 of the Referendum Act, No. 7 of 1981

<sup>47</sup> Article 28 (d) of the Constitution



## 5. EXPERIENCES RELATED TO REGULATING SOCIAL MEDIA DURING THE ELECTION PERIOD

Although there are no clear laws and regulations on social media, during the 2020 Parliamentary election,<sup>48</sup> the Election Commission, using the powers vested on it under the Constitution, acted along with election monitors and certain social media platforms to prevent content from social media platforms from becoming an obstruction to holding a free and fair election in the country. Those efforts are summarized as follows:

### 5.1 Media Guidelines issued by the Election Commission

The Election Commission issued media guidelines in relation to the Parliamentary election in 2020 through the Extraordinary Gazette Notification 2178/24 on the 3rd of June 2020.<sup>49</sup> The Commission issued these guidelines using the powers that have been vested with the Commission under Article 104B(5)(a) of the Constitution (this Sub-article has been amended by the 20th Amendment to the Constitution). Sections 33 and 34 of the Guidelines stated that the administrators of social media sites must also follow the guidelines to ensure a free and fair election.

KIs note that there was no strict enforceability of these guidelines. While the Election Commission could liaise with social media platforms to take down/ demote content online it did not have direct punitive powers to take legal action. Consequently, a large amount of content on the candidates and elections, including disinformation and hate speech, remained online.<sup>50</sup> Furthermore, as per Article 104GG, it is not possible to file a court case against private media owners or actors, for acting contrary to the Guidelines developed under Article 104B(5)(a).

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<sup>48</sup> ANFREL, 'COVID-19 and elections: An election in the time of pandemic in Sri Lanka', at <https://anfrel.org/covid-19-and-elections-an-election-in-the-time-of-pandemic-in-sri-lanka/>

<sup>49</sup> Media Guidelines under Article 104B (5)(A) of the Constitution of the Democratic Socialist Republic of Sri Lanka at [https://elections.gov.lk/web/wp-content/uploads/publication/ext-gz/2178\\_24\\_E.pdf](https://elections.gov.lk/web/wp-content/uploads/publication/ext-gz/2178_24_E.pdf)

<sup>50</sup> This included talk shows or interviews with election related content on YouTube channels which could be accessed even after the campaign period was over.

## 5.2 Guidelines by the Election Commission

As per Article 104B(4)(a) of the Constitution, the Commission has the power to issue directions to prevent the use of any movable or immovable property belonging to the State or any public corporation during the period of an election, to promote any political party, independent group or candidate or to cause damage to them or to obstruct the conduct of a free and fair election. In relation to the parliamentary election 2020, the said directions were issued through the Extraordinary Gazette Notification No. 2165/70 on 6th March 2020.

Section 2(vi) of the said Directions states, "It shall be an offence for any public officer without political rights to engage in making any propaganda or statement using his/her private social media account or any other account to promote or demote any political party or candidate. Even public officers with political rights should not engage in such propagation using State resources and publication or causing the publication of hate speech, rumors and false information on their personal social media accounts shall be an offence." Accordingly, the Commission took actions to prevent public officers engaging in political activities using social media.

## 5.3 Social Media Monitoring and Responding

KIs indicated that at previous elections in 2019 and 2020 the Elections Commission and certain social media platforms, such as Facebook, entered into informal agreements to deal with election violations online. Facebook prioritised complaints

sent in by the Elections Commission but also raised the concern of lack of sufficient human resources to deal with all the complaints being sent in.

PAFFREL (People's Action for Free and Fair Elections), together with Hashtag Generation monitored social media and reported posts which violated election laws to the Election Commission. The Election Commission would then request social media platforms such as Facebook to remove those posts. For this purpose, Facebook made available to the Commission a special rapid response complaints channel. The Commission considered a few factors when making these requests. Those are False statements and hate speech circulating in social media (unduly influencing the voters), election campaigning done on social media by public officers without political rights, and election campaigning done within the silent period (last 48 hours prior to the election).

During this process, Facebook engaged in their own independent review of the reports sent in by the Elections Commission before removing any posts from the platform. Moreover, only posts that were observed to be obstructing the election process were reported and due to the large volume of such content, there was room for a large number of posts to continue being circulated without being monitored.

## 5.4 A Study on the Use of Social Media by Public Officers

The Election Commission monitored the instances where public officers without political rights engaged in promotional activities of politicians and political parties/ groups using social media during election times and informed relevant institutional heads about those officers.

# KEY OBSERVATIONS

## 1. Legal framework

Article 104B(5) of the Constitution has given the Election Commission the power to issue Guidelines to regulate television, radio, and newspapers during election periods. However, it has not given the Election Commission the power to issue Guidelines regarding social media/digital media. Where guidelines issued to mainstream media are extended in application to social media, the Elections Commission has no legal mandate to enforce the rules and ensure that social media platforms/owners adhere to the guidelines.

Interpretation of the current election laws to include social media platforms results in a dominant focus on potential election offences online. There have been no judicial pronouncements on such interpretations or applications of the law in this manner as yet. Moreover, the challenge of ensuring that management of social media is covered in election activities should not be limited to online election offences. There needs to be a focus on the balancing of freedom of expression and regulation of social media and the roles and accountability of social media platforms, users and the Election Commission.

The lack of specific laws to regulate finances spent on social media campaigns is also noted. This lacuna in the law results in an inability to monitor and regulate expenses incurred on behalf of candidates by digital media marketing companies and supporters of candidates on social media platforms as these entities have no legal obligation to publish expense information publicly.

## 2. Collaboration between social media platforms and the Elections Commission

KIs raised the necessity for consideration of multiple factors if and/or when the Election Commission enters into any future agreements (officially or unofficially) with social media platforms. The gravest online threats to free and fair elections and the most probable election offences must be taken into account when monitoring online spaces during elections. Furthermore, it has been suggested that where there are written agreements between the parties, the actionability of such an agreement and the accountability of the relevant parties has to be navigated carefully. There has to be a balance between holding social media platforms accountable to respond to complaints from the Election Commission and also to protect the freedom of speech and expression of social media users.

# Annex 1

## Sri Lankan Laws related to Elections

As one of the oldest democracies in South Asia, Sri Lanka has a long history of elections. The selection of people's representatives to the legislature and local government institutions through universal franchise happened from 1931 to 1978. Along with the introduction of the Executive Presidency and the referendum in the 1978 Constitution, the presidential election and the referendum too were added to these elections. Provincial Councils were established by the 13th Amendment to the Constitution in 1987 adding Provincial Council elections to the elections list. Accordingly, the elections that are currently held in Sri Lanka are:

- 1 Presidential election
- 2 Parliamentary election
- 3 Provincial councils election
- 4 Local authorities election
- 5 Referendum

### The Constitution

The primary legal provisions related to the franchise of the citizens are included in the Constitution. Accordingly, Article 4(e) of the Constitution states that the people directly exercise their right to vote in elections as follows:

“the franchise shall be exercisable at the election of the President of the Republic and of the Members of Parliament and at every Referendum by every citizen who has attained the age of eighteen years and who, being qualified to be an elector as hereinafter provided, has his name entered in the register of electors.”

Moreover, Chapter VII of the Constitution is dedicated to the President and Article 30(2) states that the President of the Republic shall be elected by the People.

Article 31(6) of the Constitution states that the Parliament shall make provision for procedural

aspects related to the election of the President. The Parliament has enacted the Presidential Elections Act, No. 15 of 1981 according to this statutory provision.

Chapter XIII of the Constitution is dedicated to the Referendum. It outlines the powers of the President to call for a Referendum and Article 87(2) of the Constitution states that the Parliament shall provide for all procedural matters related to holding Referendums. The Parliament has enacted Referendum Act, No. 7 of 1981 in line with that provision.

Chapter XIV of the Constitution is dedicated to franchise and elections. Qualifications to be an elector at an election, disqualifications and main provisions related to holding an election are included there and Article 101(2) states that the Parliament shall make provisions for the registration of electors and the conduct of parliamentary elections.

The Parliament has enacted the Registration of Electors Act, No. 44 of 1980 and the Parliamentary Elections Act, No. 1 of 1981 according to these statutory provisions.

Chapter XIV A of the Constitution is dedicated to the provisions related to the Election Commission. Provisions related to the powers and responsibilities that the Election Commission has over holding elections are included in this Chapter. Statutory provisions related to the issuance of media guidelines and issuance of orders to ensure a free and fair election once an election is announced are included in this chapter.

### **Presidential Elections Act, No. 15 of 1981**

The procedural law related to holding the Presidential Election is included in this Act. Information about calling for nominations for the election, provisions related to election campaigning, election offences, election related corruption, holding the election, the powers of election officers, counting the votes, announcing the results and election petitions are included in this Act.

### **Parliamentary Elections Act, No. 1 of 1981**

The procedural law related to holding the Parliamentary Election is included in this Act. Information about calling for nominations for the parliamentary election, provisions related to election campaigning, election offences, election related corruption as well as holding the election, the powers of election officers, counting the vote, announcing the results and election petitions are included in this Act.

### **Provincial Councils Elections Act, No. 2 of 1988**

The procedural law related to holding the Provincial Councils Election is included in this Act. Information

about calling for nominations for the election, provisions related to election campaigning, election offences, election related corruption, holding the election, the powers of election officers, counting the vote, announcing the results and election petitions are included in this Act.

### **Local Authorities Elections Ordinance (Chapter 262)**

The procedural law related to holding the elections to appoint members to the municipal councils, urban councils and pradeshiya sabhas (village councils) is included in this Act. Information about calling for nominations for the election, provisions related to election campaigning, election offences, election related corruption, holding the election, the powers of election officers, counting the vote, announcing the results and election petitions are included in this Act.

### **Referendum Act, No. 7 of 1981**

The procedural law related to holding a referendum is included in this Act. Information about announcing a Referendum, provisions related to election campaigning, election offences, election related corruption, holding the election, the powers of election officers, counting the vote, announcing the results and election petitions are included in this Act.

### **Registration of Electors Act, No. 44 of 1980**

Provisions related to the registration of citizens who have attained the age of 18 as voters, updating voter registration details, publicizing the registered list of voters, qualifications to be registered as a voter etc. are included in this Act. As the voter registry is the mandatory document that proves the right to vote of a citizen, this Act is very important in this regard.