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ELECTION COMMISSION (UTS)  
F BLCOK M S APARTMENTS  
K G MARG NEW DELHI - 110001

No.7-2/EC/DDD/2020

10<sup>th</sup> August, 2020

ORDER

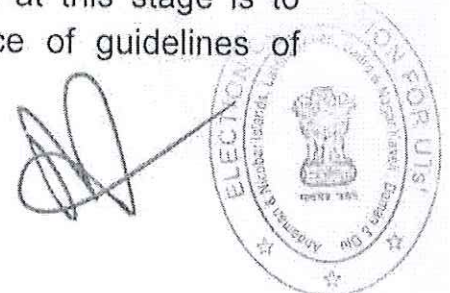
Whereas, the present term of Village Panchayats and District Panchayats in the Union Territory of Dadra & Nagar Haveli and Daman & Diu is expiring in September/October 2020 and general elections to these Panchayati Raj Institutions are to be held before the expiry of their present term.

Whereas, the Election Commission for UTs has completed major preparatory works such as revision of electoral rolls, appointment of Returning Officers and Assistant Returning Officers, etc. which are required to be completed before announcement of general elections.

Whereas, on 29.07.2020, the Ministry of Home Affairs, Government of India has issued directives on COVID-19 Management Unlock-3 wherein political functions and congregations are not permitted so as to prevent the spread of COVID-19 in the country and ensure against any health hazard to the public.

Whereas, the electoral process necessarily involves campaigning by the candidates, movement and gathering of polling officials, agents of political parties, support officials including a large number of voters on the poll day, which may put public safety at risk and create public health hazard;

Whereas, the Election Commission for UTs after taking into account the unprecedented situation of public health emergency has consulted the Union Territory Administration of Dadra & Nagar Haveli and Daman & Diu whether it would be possible to conduct free, fair and transparent general elections to Village Panchayats and District Panchayats in the Union Territory on scheduled time when the emerging challenges posed by COVID-19 spread are very high. The UT Administration vide its letter dated 25.07.2020 has informed that 770 COVID cases have been reported in Dadra & Nagar Haveli and Daman & Diu and the priority of the Administration at this stage is to contain the spread of COVID pandemic in compliance of guidelines of Ministry of Home Affairs, Govt. of India.

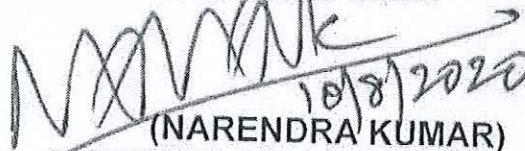


The Hon'ble Supreme Court of India in its landmark judgment in Kishan Singh Tomar Vs. The Municipal Corporation of the City of Ahmedabad in Appeal (Civil) No. 5756 of 2005 dated 19.10.2006 that the elections can be postponed for genuine supervening difficulties and exceptional circumstances, such as natural calamities like floods, earthquake or manmade calamities like rioting or break down of law and order till the normalcy is restored.

Whereas, Election Commission for UTs has reviewed the current unprecedented situation of public health emergency and in its context the feasibility to hold aforesaid general elections. After taking all facts and circumstances in view, the Election Commission for UTs is of the considered view that the conduct of general elections to Village Panchayats and District Panchayats in the Union Territory in a free, fair and transparent manner in the current environment may not be feasible in view of the restrictions for the maintenance of social distancing, public safety and avoiding health hazard, and therefore, aforesaid general elections can not be conducted on its scheduled time;

Now, therefore, the Election Commission for UTs invoking its powers under Article 243K and 243ZA of the Constitution of India, hereby, orders the postponement of general elections to Village Panchayats and District Panchayats in the Union Territory of Dadra and Nagar Haveli and Daman & Diu until further orders. The Election Commission for UTs will review the situation at an appropriate time in consultation with the Union Territory Administration and when the situation becomes normalized, so as to facilitate conduct of elections, the announcement of general elections will be made.



  
10/8/2020  
(NARENDRA KUMAR)  
ELECTION COMMISSIONER