

India

Background	Name of EMB:	Election Commission of India
	Status:	Constitutional
	Number of commissioners:	Three: one Chief Election Commissioner and two other Commissioners.
	Number of full-time EMB staff:	415 staff, permanently employed.
	Constitutional and/or legislative provisions for establishment of the EMB:	The Election Commission of India is constituted under Article 324 of the Constitution of India.
Establishment of the EMB	EMB's mandate:	Superintendence, direction and control of the preparation of the electoral rolls for, and conduct of, all elections to parliament and to the Legislative Assembly of every state, and elections to the office of president and vice president of India.
	EMB model:	Constitutional and independent.
	Provisions for the appointment of commissioners and senior staff:	The President of India appoints chief election commissioner and election commissioners.
	Political status:	None specified
	Chair/commissioner qualifications:	Usually the chief election commissioner/ election commissioners are retired bureaucrats from the Indian Civil Service, mostly from the Indian Administrative Service.
Appointment, tenure and removals	Tenure of commissioners and senior staff:	Six years or aged up to 65 years, whichever is earlier.
	Provisions for the removal of commissioners and senior staff:	The Chief Election Commissioner can be removed from office only through impeachment by Parliament.

<p>Funding arrangements</p>	<p>Setting and control of EMB's budget:</p> <p>The budget of the Election Commission of India is provided by the Ministry of Finance, Government of India under a separate Grant/Demand No. The budget is controlled and operated as per the Govt. of India's instructions/guidelines, as mentioned in Delegation of Financial Power Rules, 1978, and General Financial Rules, as amended from time to time. The commission has its own internal financial advisor, who in terms of the financial rules is accountable for incurring expenditure from the budget.</p>
<p>Financial autonomy:</p>	<p>The Commission has its own separate budget/Demand No., for which funds are provided by the Ministry of Finance. The Commission does not generate revenue for its own budget.</p>
<p>Legal provisions for financial autonomy:</p>	<p>As mentioned under 'Setting and control of EMB's budget'. In addition, the commission, in agreement with the Ministry of Finance and Ministry of Law and Justice, has its own financial procedures providing that they are not repugnant to the accounting rules, codes and manuals issued by the President of India on the advice of the C&AG under Article 150 of the Constitution of India and the statutory rules issued by the Ministry of Finance under Article 283 of the Constitution of India.</p>
<p>Electoral system</p>	<p>Number of chambers/houses with the legislature:</p> <p>Bicameral at the national (federal) level – House of the People and Council of States. In each of the states, there is a Legislative Assembly. In seven of the 29 states, there is also an upper house called the Legislative Council.</p> <p>Voting system:</p> <p>FPTP for the House of the People and for the Legislative Assemblies Proportional representation by means of single transferable vote for election to the Councils of States and Legislative Councils.</p> <p>Amendments to electoral laws:</p> <p>Electoral Laws can be amended by Parliament only. There are Rules framed under the Acts: the Rules prescribe the procedure for carrying out the mandate of the Act. The Rules can be amended by the Ministry of Law and Justice.</p> <p>Drafting of electoral regulations:</p> <p>The Election Commission of India cannot amend the Law or the Rules. The Election Commission of India recommends amendments for consideration by government for placing the proposal before parliament. Election Commission of India issues executive instructions on different election management matters.</p>

<p>Electoral disputes</p>	<p>Electoral dispute resolution mechanisms:</p>	<p>Prior to declaration of the result of an election, disputes and complaints can be raised before the Election Commission of India. Once the result is declared, challenge against the election can be only raised before the High Court of the state concerned. Decision of the High Court is appealed before the Supreme Court. There is a constitutional provision prohibiting courts from entertaining petitions challenging any election matter when the election process is still going on.</p>
<p>Other issues:</p>		
<p>Secretariat</p>	<p>Administrative autonomy:</p>	<p>The Election Commission of India has the power to create posts up to the level of Joint Secretary in the Govt. of India.</p>
<p>Women in senior positions:</p>	<p>Structure:</p>	<p>None specified</p> <p>The Election Commission of India consists of the Chief Election Commissioner and two other election commissioners. They are supported by deputy election commissioners, director generals, senior principal secretaries, directors, principal secretaries, secretaries and other Secretariat officers and staff in the day-to-day functioning of the Election Commission of India.</p> <p>At the state level, there are chief electoral officers in state and Union Territories. At the district level, district election officers, electoral registration officers and other election-related officers work under the supervision of the Election Commission of India.</p>