



Nominations to UT Assemblies

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Why in News?

The Union Home Ministry asserts that the [Lieutenant Governor \(LG\)](#) of Jammu & Kashmir (J&K) can nominate five members to the Legislative Assembly **without the aid and advice of the [Council of Ministers](#)**.

- [J&K Reorganisation Act, 2019 \(amended 2023\)](#) provides for **90 elected members** and allows the LG to nominate **up to five members**.

Did You Know?

- Only **J&K, Delhi, and Puducherry** are represented in the Rajya Sabha because they are the **only union territories with elected legislatures**.
- The **composition** of the Legislative Assemblies of UTs are governed by **acts of Parliament**.
- The Delhi Assembly has **70 elected members** and no provision for nominated MLAs under the Government of National Capital Territory of Delhi Act, 1991.
- The **Puducherry Assembly has 30 elected members**, with the Union government allowed to nominate up to three members under the Government of Union Territories Act, 1963.

What are the Constitutional Provisions Regarding Nominated Members?

- **Rajya Sabha:** Under **Article 80**, the President can nominate 12 members having special knowledge in **literature, science, art, and social service**, on the advice of the Union Council of Ministers.
 - Nominated members enjoy most privileges of elected MPs, such as participating in debates, and introducing bills, but cannot vote in presidential elections. They can vote for the Vice President.
 - They are also not required to declare assets and liabilities under the Representation of the People Act, 1951.
 - Nominated members have six months from taking their seat to join a political party; joining after this period leads to disqualification.
- **Legislative Councils:** Under **Article 171**, nearly **one-sixth of members** in a State Legislative Council are nominated by the Governor, based on the advice of the Council of Ministers.
- **Anglo-Indian Members:** Earlier, the Constitution allowed the **President (Article 331)** to nominate two Anglo-Indian members to the Lok Sabha and Governors (**Article 333**) to nominate one Anglo-Indian member to State Legislative Assemblies.
 - Both provisions were abolished by the **104th Constitutional Amendment in 2020**.

Judicial Precedents Regarding Nominated Members

- **Puducherry Case (K. Lakshminarayanan vs Union of India, 2018):** The Madras High Court upheld the Union government's power to nominate three MLAs to the Puducherry Assembly without needing the UT government's advice.
 - It recommended statutory clarity on the nomination process, including the authority and procedure, but the **Supreme Court later set aside these recommendations** on appeal.
- **Delhi Case (Government of NCT of Delhi vs Union of India, 2023):** The **Supreme Court** had delved into the concept of **"triple chain of command,"** where **civil servants** are accountable to ministers, **ministers** to the legislature, and the **legislature** to the electorate.
- It ruled that the **LG must follow the advice of the Council of Ministers**, except in matters beyond the Delhi Assembly's powers.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. Consider the following statements:

1. The Chairman and the Deputy Chairman of the Rajya Sabha are not the members of that House.
2. While the nominated members of the two Houses of the Parliament have no voting right in the presidential election, they have the right to vote in the election of the Vice President.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)