



Nominated MLAs and Potential Impact on J&K Assembly | Jammu & Kashmir | 07 Oct 2024

Why in News?

Recently, as the [Jammu and Kashmir \(J&K\) assembly election](#) results draw near, the nomination of five [Members of Legislative Assembly \(MLAs\)](#) by the [Lieutenant Governor](#) has raised concerns about its potential influence on government formation.

Key Points

- **Nominations Before Assembly Formation:**
 - The **Lieutenant Governor of J&K** is reportedly nominating five MLAs before the formation of the assembly, raising concerns in political circles.
 - The five nominated MLAs represent Kashmiri displaced persons and those from [Pakistan-Occupied Jammu and Kashmir \(POJK\)](#).
 - These MLAs will have full legislative powers and privileges, just like elected representatives.
- **Jammu and Kashmir Reorganisation Act, 2019:**
 - The [J&K Reorganisation Act, 2019](#) allows for the nomination of members to the assembly, with provisions to give representation to women.
 - A 2023 amendment to the Act expanded the nomination to include **three additional members** - two from the **Kashmiri migrant community** and one from POJK displaced persons, bringing the total to five.
- **Majority Mark Shift:**
 - The assembly's strength would expand to **95 members** if these nominations go through, raising the majority mark for government formation to **48 seats**.
- **Puducherry Assembly Model:**
 - The J&K assembly is modeled on [Puducherry](#)'s, where nominated members have the same powers and voting rights as elected representatives.

Jammu and Kashmir Reorganisation Act, 2019

- It divided Jammu and Kashmir into 2 Union Territories of **Jammu & Kashmir and Ladakh**.
- It repealed [Article 370](#), which had granted Jammu & Kashmir a unique status.
- Leh and Kargil districts were included in the Union Territory of Ladakh, while the remaining areas became part of Jammu & Kashmir.
- Five Lok Sabha seats were retained by Jammu & Kashmir, and one was transferred to Ladakh.
- **Legislature:** The seats in the Legislative Assembly will be reserved for [tribal and scheduled caste](#) people to keep the proportion intact of their population in the Union Territory of Jammu & Kashmir.
 - The Lt. Governors can nominate **two women members for the Assembly to represent women** if women are not sufficiently represented to justify equality between men and women.
 - The elected Legislative Assembly will be for **5 years, and the [Lt. The Governor](#) will summon the Assembly once every six months**.
 - The Legislative Assembly has the right to pass a law for any given part of the Union Territory of J&K related to any of the matters listed in the Indian Constitutions State's List **except for the ["Police"](#) and ["Public Order."](#)**

- Any matter specified in the **Concurrent List** will be applied to Indian Union Territories. Furthermore, Parliament will have the decision-making power to create laws for Jammu Kashmir and its Union Territory.

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