

Parliamentary Oath

Why in news?

The 18th Lok Sabha's first session started recently and the newly elected members took their oath as MPs, as required by the Constitution, before the House begins its legislative work.

What is a Parliamentary oath?

- It is the *oath taken by the elected representatives to the parliament*.
- **Need** - Before the House can begin its *legislative functioning*, the newly elected members will have to take the oath of Members of Parliament (MP), which is provided in the Constitution.
- **Constitutional provision** - The *third schedule* contains the text of the parliamentary oath.

*The **Third Schedule of the Indian Constitution** outlines the forms of oaths and affirmations for various constitutional positions, including the President, Ministers, Judges, and Members of Parliament and State Legislatures.*

- **Oath** - It reads, "I, A.B., having been elected (or nominated) a member of the Council of States (or the House of the People) do *swear in the name of God / solemnly affirm* that I will bear true faith and allegiance to the Constitution of India as by law established, that I will *uphold the sovereignty and integrity of India* and that I will faithfully discharge the duty upon which I am about to enter."
- **Article 99** states that an MP has to take her seat in the House by making and subscribing to an oath or affirmation prescribed in the Constitution to debate and vote in the parliament.
- **Exception** - An individual can become a *minister* without being elected to Parliament.
- They have six months to secure a seat in either Lok Sabha or Rajya Sabha.
- During this time, they *can participate but not vote* in House proceedings before taking oath.
- **Penalty** - **Article 104 of the Constitution** also specifies a financial penalty (the only one in the document) of **Rs 500** if a person participates or votes in House proceedings without taking an oath.

How has the oath evolved over years?

- **Initial draft Constitution** - It did not invoke God in any oaths.
- It was prepared by the drafting committee, chaired by Dr B R Ambedkar.
- **Invocation of god** - During the discussion of President's oath in Constituent

assembly, members like K T Shah and Mahavir Tyagi moved amendments to add God to the oath.

- While there was also disagreement on adding God to the oaths, it was accepted in the final draft.
- **Recent amendments** - The last change in the oath was the ***Constitution (Sixteenth Amendment) Act 1963***, which added that the oath-takers would uphold India's sovereignty and integrity.
- The amendment was made on the recommendations of the National Integration Council.
- **Oath taking for prisoners** - The Constitution specifies that if an MP does not attend Parliament for **60 days**, their seat can be declared vacant.
- Courts have used this ground to allow MPs in jail to take an oath in Parliament.

How do MPs take the oath?

Tenure of Member of Parliament

- The five-year term of a Lok Sabha MP begins when the Election Commission of India (ECI) declares the results according to Section 73 of the Representation of the People Act, 1951.
- Salary and allowances - From that day onward, MPs are eligible for certain rights as elected representatives like they start receiving their salary and allowances.
- But they can participate in proceeding only after taking an oath or affirmation in the house of parliament.

- **Authority** - By convention, the MP who has served the maximum terms is appointed pro tem Speaker for the first two days when oath is administered to all newly elected MPs.
 - But in 18th Lok Sabha, it is not followed.
- The President has entrusted him with the duties of the Speaker (*pro tem*) under Article 95(1) of the Constitution till the election of the new Speaker.
- The MPs take oath or affirmation in the presence of pro-tem speaker.
- **Prerequisite** - Before being called upon to take the oath or affirmation, MPs **must submit their election certificate** to the Lok Sabha staff.
- Parliament added this safeguard after an incident in 1957, in which a mentally unsound individual posed as an MP and took the oath on the floor of the House.
- MPs must use the name mentioned in their election certificate and adhere to the text of the oath.
 - In 2019, when a Lok Sabha MP added a suffix to her name while reading the oath, the presiding officer ruled that only the name on the election certificate would go on record.
- **Multilingualism in oath taking** - After the verification, MPs can subscribe to the oath or affirmation ***in English or any of the 22 languages*** specified in the Constitution.
- Roughly half the MPs take their oath in Hindi or English.
- In the last two Lok Sabhas, Sanskrit has also been a popular language in which MPs have taken oaths.

MULTILINGUALISM & OATH

(number of MPs)

| Language | 2019 | 2014 | 2009 | 2004 |
|-----------|------|------|------|------|
| Hindi | 212 | 202 | 234 | 220 |
| English | 54 | 115 | 100 | 60 |
| Sanskrit | 44 | 39 | 10 | 23 |
| Tamil | 39 | 7 | 40 | 38 |
| Marathi | 36 | 38 | 23 | 27 |
| Kannada | 26 | 26 | 26 | 21 |
| Telugu | 24 | 13 | 23 | 29 |
| Bengali | 21 | 22 | 24 | 36 |
| Oriya | 16 | 15 | 12 | 15 |
| Gujarati | 15 | 23 | 13 | 11 |
| Punjabi | 12 | 10 | 13 | 12 |
| Assamese | 8 | 7 | 7 | 8 |
| Urdu | 5 | 3 | 5 | 9 |
| Malayalam | 4 | 6 | 5 | 14 |
| Kashmiri | 3 | 1 | 0 | 1 |
| Maithili | 3 | 5 | 2 | 1 |
| Nepali | 2 | 0 | 0 | 3 |
| Dogri | 2 | 0 | 2 | 2 |
| Santhali | 2 | 2 | 0 | 5 |
| Sindhi | 1 | 0 | 0 | 1 |
| Manipuri | 1 | 1 | 1 | 1 |
| Bodo | 0 | 0 | 0 | 1 |
| Konkani | 0 | 1 | 0 | 0 |

• Oath and affirmation

| Oath | Affirmation |
|--|--|
| MP swear in the name of God. | MP affirm their allegiance to the constitution. |
| In 17 th Lok Sabha, 87% of MPs swore an oath. | In 17 th Lok Sabha, 13% of MPs affirmed their allegiance to the Constitution. |

Reference

[The Indian Express| Proceedings of Parliamentary Oath](#)