

## **Question over Oath-Taking Ceremony in Maharashtra**

### **Why in news?**

Former CM of Maharashtra, Devendra Fadnavis, alleged that the oath-taking ceremony of the new government under Uddhav Thackeray had violated the Constitution.

### **What is the charge made?**

- On the first day of the Assembly session, Devendra Fadnavis alleged that Constitutional norms were flouted in the oath-taking ceremony.
- He was referring to the invocation by Chief Minister Uddhav Thackeray and each Minister.
- They made invocations at the start of the oath, before reading out the text, which Fadnavis alleged had altered the oath itself.
- [Thackeray invoked Chattrapati Shivaji and “my parents.”
- Eknath Shinde named Bal Thackeray, Ananda Dhige (a Thane Shiv Sena leader who died in 2000), Uddhav Thackeray, and Shivaji.
- Others mixedly invoked Bal Thackeray, Shivaji, Sharad Pawar, Mahatma Phule, Chattrapati Shahu, Babasaheb Ambedkar, Sonia Gandhi, Rahul Gandhi, and the Buddha.]

### **What does the Constitution specify?**

- The mandates are specified in Article 164(3).
- Accordingly, before a Minister enters upon his/her office, the Governor shall administer to him/her the oaths of office and of secrecy.
- This must be according to the forms set out for the purpose in the Third Schedule.
- The Schedule requires the oath-taker either to “swear in the name of God” or “solemnly affirm” to “bear true faith and allegiance to the Constitution...”.
- It is widely accepted that Art 164 makes it clear that the text of the oath is sacrosanct.
- So, the person taking the oath has to read it out exactly as it is, in the given format.
- If a person wanders from the text, it is the responsibility of the person administering the oath to interrupt and ask the person being sworn in to read it out correctly.

- In this case, it was the Governor's responsibility.

### **Are the objections valid?**

- Addition of something before or after the oath is not unlawful as long as the substance of the oath is unaltered.
- The Governor's approval is key in this regard.
- According to experts, if the person administering the oath approves the oath, the matter is closed.
- Immediately on taking the oath, the person who has been sworn in, must sign a register.
- The register is attested by the Secretary to the Governor, which means it has been approved by the Governor.
- In Maharashtra, that approval was also formalised by a gazette notification on the appointment of the CM and 6 ministers.
- So, once Governor takes it as read, it has been attested and the gazette notification has come out, then it can no longer be legally challenged.

### **What were the earlier instances of deviation?**

- The most famous case of a political leader changing the oath was in 1989.
- Devi Lal inserted the words "Deputy Prime Minister" as he was being sworn in to Prime Minister V P Singh's cabinet.
- He was corrected by President R Venkataraman.
- In 2012, Azam Khan of the Samajwadi Party had to retake his oath in Uttar Pradesh.
- This was because he skipped the oath of office, and only took the oath of secrecy.

**Source: Indian Express**