

Oath Taking in Lok Sabha: Process, Importance, and Historical Evolution

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Why in News?

The first session of the 18th **Lok Sabha** will start today. 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.

Bhartruhari Mahtab, elected for the seventh consecutive time from Cuttack, Odisha, will be the first to take the oath as a Lok Sabha MP at Rashtrapati Bhavan in front of President Droupadi Murmu. The President has appointed him as the Speaker (pro tem) under Article 95(1) of the Constitution until the new Speaker is elected. Mahtab will preside over the House during the oath-taking ceremony of his colleagues.

Term of an MP

- The five-year term of a Lok Sabha MP begins when the **Election Commission of India** (ECI) declares the results as per Section 73 of the Representation of the People Act, 1951.
- From that point, MPs are entitled to certain rights as elected representatives.
 - For instance, they start receiving their salary and allowances from the date of the ECI notification — after the 2024 general elections, the ECI declared the results on June 6.
- Additionally, the start of their term means that if MPs switch party allegiance, their political party can request the Speaker to disqualify them from Parliament under the anti-defection law.

Parliamentary oath

- **About**
 - The third schedule of the Constitution contains the parliamentary oath.
 - Through this, members swear or affirm to bear true faith and allegiance to the **Constitution of India**, uphold India's sovereignty and integrity, and faithfully discharge their duties.
- **Importance of the Parliamentary Oath Despite the Start of an MP's Term**
 - Winning the election and starting the term does not automatically allow an MP to participate in House proceedings.
 - An MP must take an oath or affirmation, as prescribed by the Constitution (**Article 99**), to debate and vote in the Lok Sabha.
 - The Constitution imposes a financial penalty of Rs 500 (Article 104) if a person participates or votes without taking the oath.
 - An exception exists for ministers who are not yet elected to Parliament; they can participate, but not vote, in House proceedings for up to six months while they secure a seat in either Lok Sabha or Rajya Sabha.
- **Evolution of oath over the years**

- The draft Constitution, prepared by the committee chaired by Dr. B.R. Ambedkar, initially did not invoke God in any oaths, emphasizing a solemn and sincere promise to uphold the Constitution.
- During the Constituent Assembly discussions, members like K.T. Shah and Mahavir Tyagi proposed amendments to include God in the President's oath.
 - They argued that it would provide a divine sanction for believers while allowing non-believers to affirm solemnly.
- Despite disagreements, Ambedkar accepted the amendments, recognizing the significance of invoking God for some individuals.
- The last modification to the oath came with the Constitution (Sixteenth Amendment) Act, 1963.
 - This amendment added the commitment to uphold India's sovereignty and integrity, following recommendations from the National Integration Council.

• Process

- Before taking the oath or affirmation, MPs must submit their election certificate to the Lok Sabha staff.
- This requirement was introduced after a 1957 incident where a mentally unsound individual posed as an MP and took the oath.
- MPs can then take their oath or affirmation in English or any of the 22 languages specified in the Constitution.
- About half of the MPs take their oath in Hindi or English, with Sanskrit also becoming popular in recent years.
- MPs must use the name on their election certificate and adhere to the text of the oath.
- Deviations, such as adding suffixes or phrases, are not recorded, and MPs may be asked to retake the oath.
- While oaths and affirmations are a personal choice, 87% of MPs swore in the name of God in the last Lok Sabha, with the remaining 13% affirming allegiance to the Constitution.
- Some MPs alternate between swearing by God and affirming across different terms.

• Can MPs in jail take the oath?

- 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.

Q.1 What is Third Schedule of Indian Constitution?

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.

Q.2 What is Election Commission of India (ECI)?

The Election Commission of India (ECI) is an autonomous constitutional authority responsible for administering election processes in India at both the national and state levels, ensuring free and fair elections.

Source: 18th Lok Sabha session begins today: How do MPs take oath? What happens if an MP is in jail?

