



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

Premium

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

Members of the 18th Lok Sabha will begin taking oath today. Lok Sabha terms begin from the day the EC declares the results of the elections, but to participate or vote in the House, MPs must first take oath.

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Prime Minister Narendra Modi shakes hands with Speaker pro-tem B Mahtab after taking oath as a member of the House during the first day of the first session of the newly-constituted 18th Lok Sabha, in New Delhi, Monday, June 24, 2024. (PTI Photo)

The first session of the 18th Lok Sabha will start on Monday. 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.

The day will begin in Rashtrapati Bhavan, where [Bhartruhari Mahtab](#) — who has been elected for the seventh consecutive time from Cuttack, [Odisha](#) — will be the first one to take the oath of a Lok Sabha MP in front of President [Droupadi Murmu](#).

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. Mahtab will preside over the House as his colleagues take oath.

**Explained** | Who is the pro-tem Speaker of Lok Sabha and how is an MP chosen for the role?

## When does the term of an MP begin?

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. From that day onward, MPs are eligible for certain rights and allowances of elected representatives. For example, they start receiving their salary and allowances from the date of ECI notification — after the 2024 general elections, the ECI declared results on June 6.

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The start of their term also means that if MPs change their party allegiance, their political party can ask the Speaker to disqualify them from Parliament under the anti-defection law.

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## If the term of an MP has started, why is the parliamentary oath significant?

Winning the election and starting the term does not automatically allow an MP to participate in House proceedings. To debate and vote in Lok Sabha, an MP has to take her seat in the House by making and subscribing to an oath or affirmation prescribed in the Constitution (Article 99). 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 (Article 104).

## 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



Speaker *pro tem* Bhartruhari Mahtab will be administering the oath/affirmation. *File*

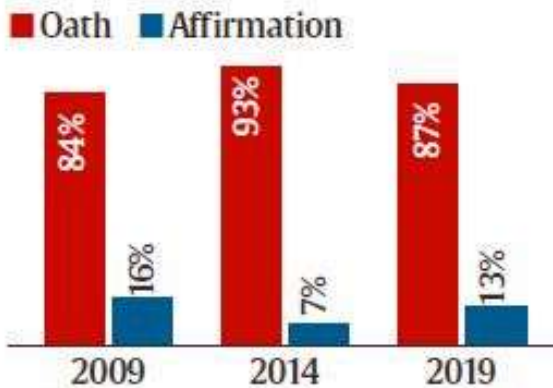
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## OATH VS AFFIRMATION

(percentage of MPs)



Oath-taking in Lok Sabha.

However, there is an exception to this rule. 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.

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## What is the parliamentary oath?

The Constitution's third schedule contains the text of the parliamentary 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."

## How has the oath evolved over years?

The draft Constitution prepared by the drafting committee, chaired by Dr B R Ambedkar, did not invoke God in any oaths. The committee stated that the person taking the oath solemnly and sincerely promises to bear true faith and allegiance to the Constitution. When the Constituent Assembly members were discussing the draft, the question cropped up regarding the President's oath. Members like K T Shah and Mahavir Tyagi moved amendments to add God to the oath.

Shah said, "When I perused the Constitution, I was left with the feeling that there was a void in it. We had forgotten, I do not know why, to invoke the grace and blessing of God." Tyagi argued that "those who believe in God will swear in the name of God and there will be liberty for those agnostics, who do not believe in God, only to solemnly affirm, so that there will be freedom for one's faith." But there was also disagreement on adding God to the oaths.

Ambedkar accepted the amendments. He believed that "To some people, God is a sanction. They think if they take a vow in the name of God, God being the governing force of the Universe, as well as of their individual lives, that oath in the name of

God provides the sanction which is necessary for the fulfilment of obligations which are purely moral and for which there is no sanction provided.”

The last change in the oath was the Constitution (Sixteenth Amendment) Act 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.

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### How do MPs take the oath?

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. 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. In 2019, 44 MPs and in 2014, 39 MPs took oath in Sanskrit.

MPs must use the name mentioned in their election certificate and adhere to the text of the oath. In 2019, Lok Sabha [BJP](#) MP [Sadhvi Pragya](#) Singh Thakur 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. In 2024, when Rajya Sabha MP Swati Maliwal ended her oath with “Inquilab Zindabad”, the Rajya Sabha Chairman asked her to retake the oath.

Oaths and affirmations are a matter of personal choice for MPs. In the last Lok Sabha, 87% of MPs swore in the name of God, and the other 13% affirmed their allegiance to the Constitution. MPs have sometimes sworn in the name of God in one term and affirmed in another.

### 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.

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For example, in June 2019, during the oath-taking for the last Lok Sabha, Atul Kumar Singh, MP from Ghosi in [Uttar Pradesh](#), was [in jail for serious criminal charges](#). The court allowed him to take oath in Parliament in January 2020, and Singh affirmed his allegiance to the Constitution in Hindi.

*Roy and Gubbi are with PRS Legislative Research.*

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