Oath and Affirmation of Rajya Sabha Members

Prelims: *Current events of national importance | Polity and Governance*

Why in News?

Hon'ble Chairman of Rajya Sabha administered oath/affirmation to 19 newly elected/re-elected Members in the Rajya Sabha.

- **Election Method -** Rajya Sabha members are elected ***indirectly by elected members of State Legislative Assemblies (Article 80)***.
- **Eligibility**
  - Candidate must be a citizen of India.
  - Must be at least 30 years old.
  - Must be an elector for a parliamentary constituency.
- **Chairman –** Vice-President of India, Ex-officio Chairman (Article 89).
- **Maximum Strength –** 250 members (238 elected + 12 nominated).
  - It has now 245 members, with 233 representing states/UTs and 12 nominated by the President.

  Currently, only Delhi (3 seats), Puducherry (1 seat), and Jammu & Kashmir (4 seats) have representation in the Rajya Sabha among Union Territories.

- **Term -** It is a ***permanent body*** where one-third of members retire every 2 years, each serving a 6-year term.
- **Casual Vacancies –** Filled through bye-elections; new member serves remainder of term.
- **System of Election –** Proportional representation by Single Transferable Vote (STV).
- **Allocation of Seats –** Based on population, detailed in the ***4th Schedule***
- **Oath or Affirmation –**
  - **Constitutional Authority -** Administered by the **President of India** or a person appointed by them.
  - In practice, this responsibility is usually delegated to the **Chairman**

of the Rajya Sabha (the Vice-President of India).
    - **Form of Oath -** Prescribed under the **Third Schedule** of the Constitution.
    - **Content - Article 99 -** Members swear or affirm to:
        - Bear true faith and allegiance to the **Constitution of India**.
        - Uphold the **sovereignty and integrity** of India.
        - Faithfully **discharge the duties** upon which they are about to enter.
    - Members must take oath or affirmation before assuming their seat.
    - **Language –** Oath can be taken in English or any of the 22 languages listed in the Eighth Schedule.
- **Restrictions Before Taking Oath**
    - Until a member has made and subscribed the oath, they:
    - Cannot sit, participate, or vote in the House.
    - Are not eligible for parliamentary privileges and immunities.
    - Face a penalty of Rs.500 for every day they sit or vote without taking the oath (Article 104).

Reference

PIB | Rajya Sabha

