

# Joint Sitting Of Parliament

The Parliament of India is a bicameral legislature. It includes the President and two houses - the Rajya Sabha i.e. Council of States and the Lok Sabha i.e. House of the People. The Provision for a joint sitting of Parliament has been taken from the [Government of India Act 1935](#). This provision is adopted in the Indian Constitution from the Constitution of Australia. A similar provision has been adopted in the Constitutions of the US, Canada, Britain, Ireland, etc.

## Constitutional Provisions For Joint Sitting Of Parliament

Any bill should pass through both houses before it is sent to the President for his approval. However, when there is a disagreement between both houses regarding the passage of the bill, the President may call for a joint sitting of both houses to arrive at a common conclusion. The constitutional provisions for the joint sitting of parliament have been elucidated herein-

**Article 108** of the Indian Constitution deals with provision of **joint session of Parliament** and explains the instances which may call for a joint sitting. Suppose, after a bill is passed by one house and submitted to the other house -

- The other house rejects the bill, or
- Both houses disagree with the amendments made to the bill, or
- More than six months elapsed from the date of receipt of the bill by the other house without the bill being passed by it.

To calculate six months, the days when the House is prorogued or adjourned for over 4 consecutive days will not be considered. In such a situation the President may consider a joint sitting of parliament [both houses] unless the bill had elapsed due to the dissolution of Lok Sabha. The President may summon a joint session of Parliament [both houses] “for the purpose of deliberating and voting on the Bill”.

Article 118 of the Constitution states that the President can make rules for the procedure of joint sitting. The President can do so after duly consulting the Lok Sabha Speaker and Rajya Sabha Chairman. In a joint sitting -

- No new amendments or revisions can be proposed in the bill, except those which have already been passed by one house and rejected by the other.
- Only those amendments or modifications which are relevant to the matter at discussion can be proposed
- The presiding officer’s decision is final regarding the admissibility of amendments
- The bill is passed by a simple majority in a joint session.

If the person conducting the joint sitting accepts the amendments suggested by Rajya Sabha or Lok Sabha, they are called acceptable.

Article 87 of the Constitution deals with two other instances where the President addresses a joint sitting of both houses -

- When the reconstituted lower house meets for the first time after the general election
- Every year, at the start of the first session

## Objectives Of Joint Sitting Of Parliament

The provision for joint sitting is an exceptional mechanism provided by Indian Constitution under Article 108 to resolve the conflict between Rajya Sabha and Lok Sabha regarding a bill. The objective of Article 108 is to break the deadlock caused by a disagreement between both houses regarding the passage of a bill. For a bill to become legislation, it has to pass through both houses before reaching the President for his consent. But when both houses have disagreements regarding a bill, then the bill gets stuck. Then the President will summon both houses to attend the joint sitting and resolve their difference of opinion. Hence a joint sitting of Parliament paves the way to both houses to arrive at an amicable solution.

## Who can Preside Over Joint Session of Parliament

Only the President of India can call the joint session of Parliament. A joint sitting of Parliament is presided over by -

- The Lok Sabha Speaker, or if he is unavailable
- The Lok Sabha Deputy Speaker, or if he is unavailable
- The Rajya Sabha Deputy Chairman

If all the above officers are unavailable at the same time, then any Member of Parliament can preside over the meeting with the approval of both the houses. However, in no case, a joint session is presided over by a Chairman of the Rajya Sabha who is also the Vice-President of India.

## First Joint Sitting Of Parliament

On May 6, 1961 the first joint sitting was held when the two houses of Parliament had a disagreement over some of the amendments suggested to the Dowry Prohibition Bill, 1959. There was another sitting after 3 days on May 9, 1961 when the bill was passed as amended.

## Quorum for Joint Session Of Parliament

Quorum means the minimum number of members needed to attend for a meeting. The required quorum for a joint sitting is one-tenth of the total number of members of both houses. Joint sitting is governed by Lok Sabha rules of procedure.

## Bills That Were Referred To Joint Sitting Of Parliament

The bills that do not pass through both the houses leading to a deadlock are referred to the joint sittings of Parliament. In Joint sessions members of both the houses discuss the provisions of the bill and then pass it. Since 1950 only three times the joint sittings have been held.

1. On May 6, 1961 the first joint sitting of parliament was conducted because there was a difference of opinion between both houses regarding a few amendments to the Dowry Prohibition Bill, of 1959.
2. On May 16, 1978 the second joint sitting was conducted because Rajya Sabha had rejected the Banking Service Commission (Repeal) Bill, 1977.
3. On March 26, 2002 the third joint sitting was conducted because Rajya Sabha had rejected the motion to consider the Prevention of Terrorism Bill, 2002, seeking to replace the Prevention of Terrorism Ordinance (POTO) as passed by the Lok Sabha.

## Exceptions To Joint Sittings

Not all bills can be referred to as a joint sitting in the event of disagreement between the two houses. There are two bills that are specifically barred from being referred to joint sitting of Parliament even when the two houses do not concur. They are:

**Constitution Amendment Bill:** As per Article 368, the Constitution can be amended only by a 2/3rd majority in both houses. Even if the houses disagree on some provision, a joint session cannot be held.

**Money Bill:** According to the Constitution, a money bill needs the approval of the Lok Sabha only. Rajya Sabha is only authorized to make recommendations to the Lok Sabha. And Lok Sabha is under no obligation to accept the recommendations. Even if the Rajya Sabha fails to pass the money bill within 14 days, it will be presumed as passed by both houses of Parliament after 14 days.

It is clear from the article that both houses have to work in harmony to pass sound legislation. The Constitution of India ensures that any conflicts or disagreements arising between both houses should be resolved with the help of Joint Sessions.

