

Joint sitting of Parliament (Article 108)

Description

Understanding the Joint sitting of Parliament as outlined in Article 108 of the Indian Constitution is indispensable for students preparing for upcoming exams. This constitutional provision plays a pivotal role in resolving legislative deadlock between the Lok Sabha and Rajya Sabha. Proficiency in this topic equips students with a comprehensive understanding of the parliamentary procedures and mechanisms for ensuring effective governance. Moreover, it enables them to analyze and evaluate the significance of this constitutional provision in the context of contemporary political scenarios, thereby enhancing their exam preparedness.

Joint sitting of Parliament (Article 108)

A joint session of Parliament (Article 108) is called by the President of India to solve the deadlock between Lok Sabha and Rajya Sabha.

According to Article 118, the President of India may, after conferring with the chair of the Rajya Sabha and the Speaker of the Lok Sabha, create rules for the proceedings of a joint session of parliament.

Also Read – [Preamble of the Indian Constitution](#)

Historical Background of Joint sitting of the Parliament

- Provision of joint sitting of both the Houses of Parliament is borrowed from Government of India Act 1935.
- Also, we find similar provisions in the constitution of the US, Canada, Britain, Ireland etc.
- India has a bicameral legislature. Any law must be approved by both Houses (the Lok Sabha and the Rajya Sabha).
- The law must be enacted by both Houses before the President can sign it.
- The founding fathers anticipated a possible stalemate between both Houses of Parliament. As a result, they established a constitutional mechanism to break the impasse in the form of joint sittings.

Joint Sitting of Parliament Objectives

Joint sitting is an extraordinary tool provided by the constitution to resolve a deadlock between the Lok Sabha and Rajya Sabha over a passage of a bill.

- **Article 108** of the Constitution empowers the President to summon a joint session of both houses for the purpose of deliberating and voting on the Bill.
- According to **Article 118**, the President of India may, after conferring with the chair of the Rajya Sabha and the Speaker of the Lok Sabha, create rules for the proceedings of a joint session of parliament.
- In a joint session, no new amendments to the bill may be presented, except for those passed by one House and rejected by the other.
- However, there are three caveats: a joint session can be called if,
 - Whenever one house of Parliament passes a bill and the other House rejects it, there is a standoff, or

- There is a stalemate whenever one house of Parliament passes a bill and the other rejects it, or
- The bill was sent to the other House and sat there for more than six months before it was passed. When the house is prorogued or adjourned for more than four days in a row, those days are not considered when calculating the six-month period.

Reason for holding a joint session.

- The authors of the Indian Constitution foresaw deadlocks between the upper house, the Rajya Sabha, and the lower house, the Lok Sabha.
- Only three times since 1950 has the provision for joint sittings of the two Houses been used.
- Furthermore, the joint session emphasizes the need for Rajya Sabha as a check on the government's rushed legislation.
- As a result, the Indian Constitution calls for a joint session of both Houses of Parliament to break the deadlock.
- The bills that have been passed at joint sittings are:
 - Dowry Prohibition Bill, 1960.
 - Banking Service Commission (Repeal) Bill, 1977.
 - Prevention of Terrorism Bill, 2002.

Also Read [30 Major Amendments of Indian Constitution](#)

Who Presides the Joint Sitting?

- Joint Sitting is presided over by the Speaker of the Lok Sabha or in his absence by the Deputy Speaker of the Lok Sabha or in his absence, the Deputy-Chairman of the Rajya Sabha.
- In no case, the joint sitting is presided over by the chairman of the Rajya Sabha
- The Quorum required for a joint sitting is one-tenth of the total number of members of the two houses.

- Joint Sitting is governed by the rules of Procedure of Lok Sabha and not by Rajya Sabha

Exceptions to Joint Session

- **Money Bill:** Money bills must be approved by the Lok Sabha solely, according to the Indian Constitution.
- The Rajya Sabha has the authority to make recommendations to the Lok Sabha, which it is not obligated to adopt.
- Even if the Rajya Sabha fails to pass a money bill within 14 days, it is considered to have been passed by both Houses of Parliament after the time frame has elapsed. As a result, in the case of money bills, there is no need to call a joint session.
- **Constitution Amendment Bill:** The Indian Constitution can be amended by both houses of parliament with a 2/3rd majority, according to Article 368. There is no mechanism for calling a combined session of parliament in the event of a disagreement between the two houses.
- **Dissolution of the Lok Sabha:** No joint sitting can be called if the bill (in dispute) has already lapsed owing to the dissolution of the Lok Sabha.
- However, the joint sitting can take place if the Lok Sabha is dissolved after the President has announced his desire to call such a meeting (as the bill does not lapse in this case).
- After the President announces his intention to call a joint session of the two Houses, neither House can act on the measure.

Criticism about the Joint Sitting of Parliament

- Lok Sabha with a greater number of members wins the battle in joint sitting irrespective of the voice of Rajya Sabha
- In the scenario of a majority ruling party having less number in Rajya Sabha if opt for joint sitting due to logjam on a bill, is supposed to get them passed in joint sitting as it is having a majority in Lok Sabha.

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