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Q13

The Indian Constitution has provisions for holding joint session of the two houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reasons thereof. (250 words).

UPSC Civil Services Mains 2017 · GS II · 15 marks · Parliament and State Legislatures

Parliament and State legislatures - structure, functioning, conduct of business, powers and privileges and issues arising out of these.

Core demand of the question

- The Indian Constitution has provisions for holding joint session of the two houses of the Parliament. Enumerate the occasions when this would normally happen and also the occasions when it cannot, with reasons thereof

Revision summary

Article 108 allows a Presidential joint sitting when an ordinary Bill is rejected, stuck on amendments, or delayed over six months.

Passage is by majority of members of both Houses present and voting.

Money Bills cannot use joint sitting because **Article 109** gives the Lok Sabha the last word on the purse.

Constitution amendments cannot use it because **Article 368** needs a special majority in each House separately.

- **Use has been rare:** 1961, 1978 and 2002 are the known central examples.

Introduction

A joint sitting is a deadlock-breaking device for the Union legislature, not a second chamber. **Article 108** allows the President to summon both Houses together when an ordinary Bill is stuck. The Constitution also says, by silence and by special procedure, when that sitting must not be used. Enumeration with reasons is the whole demand.

Body**When a joint sitting would normally happen**

- **Article 108** applies to a Bill (other than a Money Bill) passed by one House and rejected by the other, or when the Houses finally disagree on amendments, or when more than six months pass from receipt of the Bill by the other House without it being passed.
- The President may then notify a joint sitting unless the Bill has already lapsed because the Lok Sabha was dissolved, with the special saving in **Article 108(5)** for a Bill pending when dissolution occurs after the President has already notified the intention to summon a joint sitting.
- In the joint sitting the Lok Sabha's larger numbers normally prevail. Passage needs a majority of members of both Houses present and voting, and only amendments agreed to by both Houses

earlier, or relevant to disagreement, are in order ([Article 108\(4\)](#)).

- The device is meant for ordinary legislation on the Union List and Concurrent List where the Rajya Sabha's revising role should not become a permanent veto of a Lok Sabha majority.
- **Historical use has been rare:** the Dowry Prohibition Bill, 1961; the [Banking Service Commission](#) (Repeal) Bill, 1978; and the Prevention of Terrorism Bill, 2002. Rarity is the convention; [Article 108](#) is the occasion.

When a joint sitting cannot be held, and why

- Money Bills ([Article 110](#)) cannot go to a joint sitting. [Article 109](#) gives the Rajya Sabha only fourteen days to recommend; the Lok Sabha may accept or reject those recommendations. A joint sitting would erase the Lok Sabha's special money power and the Rajya Sabha's limited money role, so the text excludes it.
- A Bill seeking to amend the Constitution under [Article 368](#) cannot go to a joint sitting. Each House must pass the amendment separately by a special majority. Federal and rights changes are not meant to be carried by the Lok Sabha's numerical weight in a combined hall.
- A Money Bill is also not an "ordinary Bill" for [Article 108](#); Finance Bills that are not Money Bills may still deadlock and, in principle, could use [Article 108](#), but a certified Money Bill cannot.
- There is no joint sitting to resolve a deadlock on a motion of confidence, adjournment, or other non-Bill business. [Article 108](#) is Bill-specific.
- If the Bill has lapsed on dissolution of the Lok Sabha and the President has not already notified a joint sitting, the occasion dies. A new House must start the Bill again.
- There is no joint sitting of Parliament with a State legislature, and no joint sitting to pass a Rajya Sabha-only category that the Constitution does not create for ordinary law; the Rajya Sabha's special powers (for example [Article 249](#), [312](#)) follow their own clauses, not [Article 108](#).
- **Ordinance replacement follows the Bill path:** if the replacing Bill is a Money Bill or a Constitution amendment, joint sitting remains closed for the same reasons.

Reasons in one line

- Joint sitting exists where democracy's popular House should be able to break a bicameral stall on ordinary law.
- It is barred where the Constitution has already given one House a special purse power, or has demanded a House-wise special majority to protect the charter.

Flow diagram

Ordinary Bill deadlock -> Article 108 joint sitting
 Money Bill Art 109 110 -> No joint sitting
 Constitution amendment Art 368 -> No joint sitting
 Article 108 joint sitting -> Lok Sabha numbers usually prevail

Conclusion

A joint sitting normally happens under [Article 108](#) on an ordinary Bill that is rejected, amended into deadlock, or delayed beyond six months in the other House. It cannot happen for a Money Bill, because [Article 109](#) already settles the purse in the Lok Sabha, or for a Constitution amendment, because [Article 368](#) requires each House's special majority. The device is a rare ordinary-law unlock, not a general merger of the two Houses.

Facts & figures

Article 108

President may summon a joint sitting of both Houses to resolve deadlock on a Bill other than a Money Bill.

Article 109 and 110

Money Bill procedure: Rajya Sabha has 14 days to recommend; no joint sitting.

Article 368

Constitutional amendment must be passed by each House with a special majority; joint sitting is excluded.

POTA, 2002

Prevention of Terrorism Bill passed at a joint sitting after Rajya Sabha resistance.

Earlier joint sittings

Dowry Prohibition Bill, 1961, and **Banking Service Commission** (Repeal) Bill, 1978.

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