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# Understanding the significance of the Parliament 'special session' | Explained

PREMIUM

What is special about a 'special session'? How often are these sessions convened? Is the government obligated to disclose the agenda?

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SUMEDA

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Although there is no specific provision in the Constitution that deals with special sessions, a few such sessions have been convened in the past. The most recent instance was in June 2017 when the PM Narendra Modi-led government held a special session to roll out the Goods and Services Tax (GST).

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## When is Parliament convened as per the Constitution?

Article 85 of the Constitution deals with prorogation and dissolution of Parliament. While there is no fixed schedule, the provisions of the Article specify that the President must summon the Houses to meet at least once within six months. "The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session," the Article reads.

The provision has its roots in the Government of India Act, 1935, according to which not more than 12 months should elapse between two sessions. When the draft Article 69 (which corresponds to Article 85) was taken into consideration by the Constituent Assembly in 1949, there was a proposal to change the intervening duration between the

two sessions of Parliament to three months to ensure that the Houses get more time to look into problems faced by the public.

One of the members, Professor K.T. Shah, suggested that Parliament should sit throughout the year with breaks. He said the draft article was based on conditions during the British times when legislative work wasn't hectic and the House was summoned only to obtain financial sanction. "It is all the more important because large issues of policy, large matters, not only of voting funds but determining the country's future growth, that is, to shape the future of this country for years to come, have to be very scantily treated; and the Parliament's response to it, the discussion in Parliament about it, becomes, to say the least, perfunctory. Time is an important element in allowing a proper consideration. I am, therefore, suggesting that between any two sessions of Parliament in a year not more than three months should elapse," he said.

Another member, H.V. Kamath, cited examples of the U.S. and the U.K. in support of his argument that Parliament should sit for longer durations. The amendments were, however, not accepted and the original provision with a gap of six months between two sessions was retained.

Dr. B.R Ambedkar highlighted that the clause "as it stands does not prevent the legislature from being summoned more often than what has been provided for in the clause itself. In fact, my fear is, if I may say so, that the sessions of Parliament would be so frequent and so lengthy that the members of the legislature would probably themselves get tired of the sessions."

He added, "The reason for this is that the Government is responsible to the people... Similarly, there will be many private members who might also wish to pilot private legislation in order to give effect to either their fads or their petty fancies..... I think the question of getting through in time the taxation measures, demands for grants and supplementary grants is another very powerful factor which is going to play a great part in deciding this issue as to how many times the legislature is to be summoned."

## Is there a fixed timetable?

Although the Constitution doesn't provide for a fixed number of sessions or days of sitting, three sessions are typically held each calendar year — the Budget, Monsoon, and Winter

sessions. Notably, an attempt was made in 1955 to finalise a fixed calendar. The General Purpose Committee of the Lok Sabha at their sitting held on 22 April 1955 recommended that the Budget Session take place between February and May, the Monsoon Session from July to September and the Winter Session from November to December. The Cabinet led by Jawaharlal Nehru also agreed to the recommendation, but it was never implemented.

Since then, dates have been shuffled, and the duration has also varied as per the legislative agenda of the government. The Budget Session is usually the longest. It commences towards the end of January, concludes by April-end and includes a recess for Parliamentary Standing Committees to consider the budget. It is followed by the Monsoon Session which begins in July and concludes in August. The Winter Session is usually held from November to December.

The Central government has the authority to call for a session, and the Cabinet Committee on Parliamentary Affairs (CCPA), which includes several Cabinet ministers, determines the date and number of sittings. After finalising the session schedule, the President calls upon the Members of Parliament to convene for the upcoming session. The MPs are informed about the number of sittings and other details about the tentative business of the House through the summons sent by the President.

## When is a 'special session' conducted?

The term 'special session' is not explicitly mentioned in the Constitution or in the rulebooks of the two Houses of Parliament. There are no specific guidelines on how or when such a session can be convened. However, Article 352, which deals with the proclamation of Emergency, refers to a 'special sitting' of the House. This clause was added through the 44th Amendment Act in 1978, which included safeguards against the Emergency.

Several special sessions including midnight sessions have been called for a special purpose or agenda, or to mark occasions of national significance.

## Historical precedent

The first such sitting was held on the eve of Independence in 1947 to mark the transfer of power from the British to India. This was followed by a special session in 1962 during the

Indo-China war when the Winter Session was advanced to discuss the Chinese aggression. The Question Hour was suspended during the session.

The government convened a sitting in August 1972 to mark 25 years of Independence. In 1992, a midnight session was called to mark the 50th anniversary of the Quit India Movement. A few years later, in August 1997, a six-day special session was called to commemorate 50 years of Independence.



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Yet another desperate attempt by Sonia Gandhi and the Congress Party to create an issue out of nothing.

The government has convened the session as per the provisions of the constitution and the due procedure has been followed.

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The two Houses have also held separate special sittings. In 1977, a special session was held in Rajya Sabha for the extension of President's Rule in Tamil Nadu and Nagaland and in 1991 for approval of President's Rule in Haryana. The Lok Sabha, meanwhile, held a special session in July 2008 for a trust vote after the Left withdrew support to the United Progressive Alliance government led by Manmohan Singh.

The present government called its first joint midnight session in 2017 to roll out the GST. The upcoming session from September 18 to 22 will be the second special session convened by the Modi government. It will be conducted without Question Hour, Zero Hour, or private members' business.



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