

Constitution of India Art 174 - Sessions of the State Legislature, prorogation and dissolution

(1) The Governor shall from time to time summon the House or each House of the Legislature of the State 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.

(2) The Governor may from time to time—

(a) prorogue the House or either House;

(b) dissolve the Legislative Assembly.

SYNOPSIS

Power to Summon: The power to summon the State Legislature has been given not to the House(s) but to the Governor, Raja Ram Pal v. Hon'ble Speaker, Lok Sabha, (2007) 3 SCC 184.

Summoning, proroguing or dissolving of State Legislature under Art. 174: If Chief Minister enjoys confidence of House, Governor Cannot use his independent discretion under Art. 174 to summon, prorogue or dissolve the House without aid and advice of Council of Ministers. As long as Council of Ministers enjoys confidence of House, aid and advice of Council of Ministers headed by Chief Minister is binding on Governor. If Governor doubts majority support to Chief Minister, he can call for floor test. Nabom Rebia v. Dy. Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1.