



# Article 311 of the Constitution

## Why in News

Recently, a **police officer was dismissed** from the service **by Mumbai Police Commissioner under Article 311(2)(b) of the Constitution** without a departmental enquiry.

## Key Points

### ▪ Article 311:

- **Article 311 (1)** says that **no government employee** either of **an all India service** or a **state government** shall be dismissed or **removed by an authority subordinate to the own** that appointed him/her.
- **Article 311 (2)** says that **no civil servant shall be dismissed or removed or reduced in rank except after an inquiry** in which s/he has been informed of the charges and given a reasonable opportunity of being heard in respect of those charges.
- **People Protected under Article 311: The members of**
  - Civil service of the Union,
  - All India Service, and
  - Civil service of any State,
  - People who hold a civil post under the Union or any State.
  - The protective safeguards given under Article 311 are **applicable only to civil servants, i.e. public officers**. They are **not available to defence personnel**.
- **Exceptions to Article 311 (2):**
  - **2 (a)** - Where a person is dismissed or removed or reduced in rank on **the ground of conduct which has led to his conviction on a criminal charge**; or
  - **2 (b)** - Where the **authority empowered** to dismiss or remove a person or to reduce him in rank **is satisfied** that for some reason, to be recorded by that authority in writing, it is **not reasonably practicable to hold such inquiry**; or
  - **2 (c)** - Where the President or the Governor, as the case may be, is satisfied that **in the interest of the security of the State**, it is not expedient to hold such inquiry.

### ▪ Other Recent Case Related to Use of Article 311(2) Subsections:

- Recently, the **Jammu & Kashmir** administration set up a **Special Task Force (STF)** to **scrutinise cases of employees suspected of activities requiring action under Article 311(2)(c)**.
  - **Three government employees**, including **two teachers**, were fired using the Article.

### ▪ Options to Dismissed Employee:

- The government employee dismissed under these provisions can approach either tribunals like the **state administrative tribunal** or **Central Administrative Tribunal (CAT)** or the **courts**.

▪ **Other Related Constitutional Provisions:**

- **Part XIV** of the Constitution of India deals with Services under The Union and The State.
- **Article 309** empowers the Parliament and the State legislature to **regulate the recruitment, and conditions of service of persons appointed**, to public services and posts in connection with the affairs of the Union or of any State respectively.
- According to **Article 310**, except for the provisions provided by the Constitution, a civil servant of the Union works at the pleasure of the President and a civil servant under a State works at the pleasure of the Governor of that State (**English doctrine of Pleasure**).
  - But this **power of the Government is not absolute**.
- **Article 311** puts **certain restrictions** on the absolute power of the President or Governor for dismissal, removal or reduction in rank of an officer.

**[Source: IE](#)**

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