



## President Terminates Services of an Indian Army Major

**For Prelims:** [President](#), [Strategic Forces Command](#), [Article 310](#), [Army Act 1950](#), Military Intelligence (MI) Directorate, Directorate General of Military Intelligence (DGMI), Pakistan Intelligence Operative (PIO)

**For Mains:** Implications of disloyal attitude of security forces on nations' internal security and sovereignty.

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

### Why in News?

[The President](#) of India has dismissed an Indian Army Major stationed in a [Strategic Forces Command \(SFC\)](#) unit due to their involvement in serious national security breaches, as determined by an Army inquiry.

- The President utilized her authority under the [Army Act, 1950](#), along with [Article 310](#) of the Constitution and other relevant powers, to promptly terminate his services.

### What are the Ethical Concerns Involved in Army Major's Actions and Subsequent Dismissal?

- **Ethical Violations and National Security Concerns:**
  - An Army inquiry, initiated in March 2022, revealed lapses and ethical violations by the Major, including the sharing of **classified information, suspicious financial transactions, and connections with a Pakistani intelligence operative** via social media.
    - The Major's possession of secret documents on electronic devices was also against Army regulations. **These actions raised significant [ethical concerns](#) and posed a threat to national security.**
- **Presidential Authority and Legal Basis:**
  - President in accordance with the powers conferred by **Section 18 of the Army Act, 1950**, and other relevant enabling powers, issued orders to terminate the services of the Major immediately.
  - This action **demonstrates the exercise of executive authority within the framework of established legal provisions**. It underscores the **commitment to uphold ethical standards and maintain the [integrity](#) of the military.**
- **Broader Implications and Ongoing Investigations:**
  - The termination orders **highlight the importance of ethical conduct, integrity, and national security in the armed forces.**
  - It is noteworthy that the Army has taken **disciplinary action against a Brigadier and a Lieutenant Colonel** for social media policy violations related to their membership in this group which drives the importance of [Code of Conduct](#).
  - This case emphasizes the **Army's vigilance and proactiveness** in addressing potential breaches of security and lack of **Devotion-To-Duty**.

- Ongoing efforts to safeguard classified military information and counter- intelligence concerns remain a critical focus for the military, not the least of which is setting high **moral standards** and adherence to **fundamental duties** as per the constitution.

## What are Articles 309, 310 and 311 of the Constitution of India Related to Civil Services?

- **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:**
  - **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.
  - **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.

## What are Some of the Important Provisions of the Army Act, 1950?

- **Enlistment and Terms of Service:**
  - It specifies the procedures for enlisting and the terms of service for army personnel, including **conditions of recruitment, training, and retirement.**
    - **Discipline and Conduct:** The Army Act provides a detailed framework for maintaining discipline within the army. It outlines various offenses and penalties for misconduct, such as insubordination, desertion, disobedience, and conduct unbecoming of a soldier.
- **Court-Martial:**
  - The Act establishes the legal framework for convening courts-martial to try military personnel accused of offenses. It defines different types of courts-martial, such as **General Court-Martial (GCM), District Court-Martial (DCM), and Summary General Court-Martial (SGCM).**
    - **Legal Rights of Accused:** The Act outlines the legal rights and safeguards for individuals facing court-martial, including the **right to legal representation, the right to remain silent, and the right to appeal.**
- **Detention:**
  - The Act allows for the detention of military personnel in certain circumstances, such as when they are considered a threat to the security or discipline of the army.
    - **Service Tribunals:** The **Armed Forces Tribunal Act 2007 establishes the Armed Forces Tribunal**, a specialized judicial body to hear appeals and petitions related to military matters.
- **Miscellaneous Provisions:** The Act contains various miscellaneous provisions, including those related to the **protection of witnesses, the appointment of Judge Advocates**, and the rules

for administering oaths.

## Strategic Forces Command

- There are **2 tri-service commands**, [Strategic Forces Command \(SFC\)](#) and **Andaman and Nicobar Command (ANC)**, which is headed by rotation by officers from the 3 Services.
- The **SFC (Strategic Forces Command)**, looks after the delivery and operational control of the country's nuclear assets. It was created in 2003, but because it has no specific geographic responsibility and a designated role, it is not an integrated theatre command but an integrated functional command.

## UPSC Civil Services Examination Previous Year Questions

**Q. With reference to the election of the President of India, consider the following statements: (2018)**

1. The value of the vote of each MLA varies from State to State.
2. The value of the vote of MPs of the Lok Sabha is more than the value of the vote of MPs of the Rajya Sabha.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (a)**

**Q2. Consider the following statements: (2022)**

1. A bill amending the Constitution requires a prior recommendation of the President of India.
2. When a Constitution Amendment Bill is presented to the President of India, it is obligatory for the President of India to give his/her assent.
3. A Constitution Amendment Bill must be passed by both the Lok Sabha and the Rajya Sabha by a special majority and there is no provision for joint sitting.

**Which of the statements given above are correct?**

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Ans: (b)**