

Article 311 of the Constitution

May 15, 2021

In news: Suspended police officer Sachin Waze, arrested by the NIA in connection with the Mukesh Ambani terror scare case, was dismissed from service by Mumbai Police Commissioner under Article 311 (2) (b) without a departmental enquiry.

About the article-

- Article 311 of the Indian Constitution serves as a **safeguard for civil servants** that provides them with an opportunity to respond to the charges against them in a departmental enquiry to avoid dismissal from service.
- **Article 311 (1)** states that no government employee of All-India Services or a State government shall be dismissed by an authority subordinate to them.
- **Article 311 (2)** states that no civil servant shall be removed or dismissed or reduced in rank without an enquiry wherein the person accused shall be informed of the charges and given an opportunity to respond to the charges against him or her.

Exceptions to Article 311 (2) include-

- Article 311 (2) (a) states that a person is removed or dismissed or reduced in rank based on conduct that led to his or her conviction on a criminal charge.
- Article 311 (2) (b) states that if the authority vested with the power to remove or dismiss or reduce in rank is satisfied for some reason, to be recorded by the authority in writing, it is not reasonably practical to hold such an inquiry.
- Article 311 (2) (c) states that if 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

necessary to hold such an inquiry.

However, the government employee or a civil servant dismissed under Article 311 (2) (b) can **approach the State Administrative Tribunals or Central Administrative Tribunal or the Courts.**