

Government of Jammu and Kashmir
General Administration Department
Civil Secretariat, Srinagar

Subject: Procedure for invoking the provision of Article 311(2)(c) of the Constitution of India.

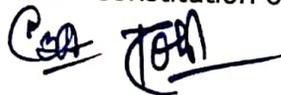
Government Order No.738-JK (GAD) of 2020
Dated:30.07.2020

Sanction is hereby accorded to the constitution of a Committee, comprising the following, for scrutinizing and recommending cases under Article 311(2)(c) of the Constitution of India;

1.	Chief Secretary.
2.	Administrative Secretary, Home Department.
3.	Director General of Police.
4.	Administrative Secretary, General Administration Department.
5.	Additional Director General of Police, CID.
6.	Administrative Secretary, Department of Law, Justice & PA.

The following procedure shall be followed for invoking the provision of Article 311(2)(c) of the Constitution of India:-

- a) The cases shall be referred by the Administrative Departments or Police Organization to the Home Department. On receipt of such report, the Home Department shall examine the case and upon satisfaction that the case meets the requirements of Article 311(2) (c), it shall place the case before the Committee.
- b) The recommendations in respect of such cases shall be supported by relevant records which may include a copy of the interrogation report and other collateral evidence to justify dispensing with the holding of an inquiry in the interest of security of the State.
- c) The Home Department shall place each case alongwith the recommendations of ADG, CID, J&K before the Committee.
- d) Recommendations of the Committee shall be processed by the Administrative Secretary, Home Department for orders of the Competent Authority in terms of Article 311(2)(c) of the Constitution of India.



e) Orders of dismissal shall be issued by the General Administration Department after the approval of the Competent Authority.

It is further ordered that:-

- i) All pending cases be decided in the manner/procedure laid down above;
- ii) All Departments shall seek the advice of the Home Department before deciding the period of suspension of government employee whose dismissal orders are either quashed by the courts or who resume duty after detention; and
- iii) The Home Department shall offer advise to the Departments.

By Order of the Lieutenant Governor.


30.7.2020
(Rohit Sharma) KAS
Additional Secretary to the Government
Dated:-30.07.2020

No.GAD(Adm)40/2018-IV

Copy also to the:

1. All Financial Commissioners.
2. All Principal Secretary to Government.
3. Director General of Police, J&K.
4. Principal Secretary to the Lieutenant Governor.
5. All Commissioner/Secretaries to Government.
6. Divisional Commissioner, Kashmir/Jammu.
7. All Heads of Departments/Managing Directors.
8. All Deputy Commissioners.
9. Director Information, J&K.
10. Director, Archives, Archeology & Museums, J&K.
11. Private Secretary to Advisor (S)/(F)/(B)&(BK) to the Lieutenant Governor.
12. Private Secretary to the Chief Secretary.
13. Private Secretary to the Commissioner/Secretary to the Government, GAD.
14. Government Order file/Stock file/website, GAD.