

# Doctrine of Pleasure | 09 Feb 2024

## Introduction

The doctrine of pleasure been adopted from the **British legal system**. It has been modified to suit Indian context as per prevailing social structure in India.

## What is the Doctrine of Pleasure?

- The doctrine of Pleasure means that the Crown has the power to terminate the services of a civil servant at any time they want without giving any notice of termination to the servant and thus a civil servant **holds office during the pleasure of the Crown**.
- This doctrine is based on **public policy**.

## What are the Constitutional Provisions in Relation to Doctrine of Pleasure?

- As per **Article 155 of the [Constitution of India, 1950 \(COI\)](#)**, the Governor of a State is appointed by the President and holds the office during the pleasure of the President.
- **Article 310** of the COI states that the civil servants (members of the Defence Services, Civil Services, All-India Services or persons holding military posts or civil posts under the Centre/State) hold office at the **pleasure of the [President](#) or the [Governor](#)** as the case may be.

## What are the Restrictions on the Doctrine of Pleasure?

- The COI lays down the following restrictions on the exercise of this doctrine:
  - The pleasure of the President or Governor is **controlled by the provisions of the Article 311** of the COI, so the field covered by Article 311 is excluded from the operation of this doctrine.
  - The tenure of the Supreme Court Judges, High Court Judges, Comptroller and Auditor General of India, Chief Election Commissioner are **not dependent on the pleasure of the President or the Governor** as the case may be. These posts are excluded from the operation of the doctrine of pleasure.
  - This doctrine is **subject to Fundamental Rights**.
  - Article 311 of the COI provides the following **safeguards to civil servants** against any arbitrary dismissal from their posts:
    - It **imposes restrictions** on the removal of a civil servant.
    - It provides for civil servants being given a **reasonable opportunity** for a hearing on the charges against them.

## What are the Landmark Case Laws of Doctrine of Pleasure?

- **State of Bihar v. Abdul Majid (1954):**
  - The **[Supreme Court](#)** held that in relation to the Doctrine of Pleasure, the English Common Law has **not been adopted in its entirety** and with all its rigorous implications.
- **Union of India v. Tulsiram Patel (1985):**
  - The Supreme Court held that the doctrine of pleasure was neither a relic of the feudal age nor was it based on any special prerogative of the British Crown but was **based upon public policy**.