VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 12TH DAY OF NOVEMBER 2026/21ST KARTHIKA, 1948

W.A.NO.2070 OF 2026
AGAINST THE JUDGMENT DATED 29.09.2026 IN W.P(C).NO.26295 OF 2026
OF HIGH COURT OF KERALA

APPELLANT(S)/ADDITIONAL 3RD RESPONDENT:

ADDL.R3:SUGUNAN A.P.
S/O.PADMANABHAN A.A., SUB INSPECTOR OF POLICE,
SSB SECURITY AND EXECUTIVE MEMBER, ADHOC COMMITTEE,
KERALA POLICE SENIOR OFFICERS' ASSOCIATION,
THIRUVANANTHAPURAM, RESIDING AT ATTIPPETTIPARAMBIL HOUSE,
NJARACKAL, ERNAKULAM DISTRICT, PIN – 682505
(ADDL.R3 IS IMPLEADED AS PER ORDER DATED 31/07/2026 IN
I.A.NO.1/2026 IN W.P(C).NO.26295/2026)

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.KAVYA VARMA M.M.
BY ADV.SMT.NISHA GEORGE

RESPONDENT(S)/PETITIONERS AND RESPONDENTS 1 & 2:

1 THE KERALA POLICE OFFICERS' ASSOCIATION
REPRESENTED BY ITS GENERAL SECRETARY, MOUNTED CAMP,
KANNETTUMUKKU, THYCAUD P.O., THIRUVANANTHAPURAM,
PIN - 695014

2 E.K. ANILKUMAR
AGED 50 YEARS
MEMBER, KERALA POLICE OFFICERS' ASSOCIATION,
PRESENTLY HOLDING THE OFFICE OF SUB INSPECTOR OF POLICE,
ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA, RESIDING AT
THANAL, KODAMTHURUTH, KUTHIYATHODU.P.O, CHERTHALA,
ALAPPUZHA, PIN - 688533

VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

3 K.P. PRAVEEN
AGED 50 YEARS
MEMBER, KERALA POLICE OFFICERS' ASSOCIATION, PRESENTLY HOLDING THE OFFICE OF ASSISTANT SUB INSPECTOR OF POLICE, SSB, ERNAKULAM RURAL, RESIDING AT KOCHUPURACKAL HOUSE, PIRAVOM.P.O, ERNAKULAM., PIN - 686664

4 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

5 THE STATE POLICE CHIEF, KERALA
POLICE HEADQUARTERS, C.V.RAMAN PILLAI ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM, KERALA, PIN – 695010

BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SMT.LAYA MARY JOSEPH, GOVERNMENT PLEADER
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05.11.2026 ALONG WITH W.A.NOS.2072 OF 2026, 2100 OF 2026 AND 2103 OF 2026, THE COURT ON 12.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 12TH DAY OF NOVEMBER 2026/21ST KARTHIKA, 1948

W.A.NO.2072 OF 2026
AGAINST THE JUDGMENT DATED 29.09.2026 IN W.P(C).NO.26155 OF 2026
OF HIGH COURT OF KERALA

APPELLANT(S)/ADDITIONAL 4TH RESPONDENT:

*ADDL. R4 G.R.AJITH
AGED 54 YEARS
S/O.GOPALA PILLAI K., SENIOR CIVIL POLICE OFFICER, CONTROL ROOM, THIRUVANANTHAPURAM CITY, MEMBER, ADHOC COMMITTEE, KERALA POLICE ASSOCIATION, NANDAVANAM, THIRUVANANTHAPURAM, RESIDING AT MELLATTUPURATHU VEEDU, KOWDIAR P.O., THIRUVANANTHAPURAM - 695003
[*ADDL. R4 IS IMPLEADED AS PER ORDER DATED 30/7/26 IN I.A.NO.1/2026 IN W.P(C).NO.26155/26]

BY SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.KAVYA VARMA M.M.
BY ADV.SMT.NISHA GEORGE

RESPONDENT(S)/PETITIONER & RESPONDENTS 1 TO 3 AND 5:

1 KERALA POLICE ASSOCIATION
STATE COMMITTEE, K.J.GEORGE FRANCIS BHAVAN, D.H.Q.CAMP, A.R. CAMP, NANDAVANAM, THIRUVANANTHAPURAM, REPRESENTED BY ITS GENERAL SECRETARY, SUDHEER KHAN A., AGED 46 YEARS, S/O.ABDUL RASHEED, DARUL AMAN, MANALIMUKKU, VENJARAMOODU, THIRUVANANTHAPURAM DISTRICT, PIN - 695033

2 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

3 THE ADDITIONAL CHIEF SECRETARY (HOME AND VIGILANCE)
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

4 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACUAD,
THIRUVANANTHAPURAM, PIN - 695014

5 G.SAMUEL
AGED 60, S/O.G.GEORGE, VALIYAPARAMBIL, VETTIYAR,
MANGANKUZHI, MAVELIKKARA, ALAPPUZHA DISTRICT,
PIN - 690558

BY ADV.SRI.BABU S. NAIR
BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SMT.LAYA MARY JOSEPH, GOVERNMENT PLEADER
BY ADV.SRI.ALEX K. JOHN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05.11.2026 ALONG WITH W.A.NOS.2070 OF 2026, 2100 OF 2026 AND 2103 OF 2026, THE COURT ON 12.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 12TH DAY OF NOVEMBER 2026/21ST KARTHIKA, 1948

W.A.NO.2100 OF 2026
AGAINST THE JUDGMENT DATED 29.09.2026 IN W.P(C).NO.26155 OF 2026
OF HIGH COURT OF KERALA

APPELLANT(S)/RESPONDENTS 1 TO 3 IN WPC:

1 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 THE ADDITIONAL CHIEF SECRETARY (HOME AND VIGILANCE)
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

3 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACUAD, THIRUVANANTHAPURAM, PIN - 695014

BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SMT.LAYA MARY JOSEPH, GOVERNMENT PLEADER

RESPONDENT(S)/PETITIONER & ADDL. 4TH & 5TH RESPONDENTS IN WPC:

1 KERALA POLICE ASSOCIATION
STATE COMMITTEE, K.J.GEORGE FRANCIS BHAVAN, D.H.Q.CAMP, A.R. CAMP, NANDAVANAM, THIRUVANANTHAPURAM, REPRESENTED BY ITS GENERAL SECRETARY, SUDHEER KHAN A, AGED 46 YEARS, S/O.ABDUL RASHEED, DARUL AMAN, MANALIMUKKU, VENJARAMOODU, THIRUVANANTHAPURAM DISTRICT, PIN - 695033

2 G.R.AJITH
AGED 54 YEARS, GOPALA PILLAI K., SENIOR CIVIL POLICE OFFICER, CONTROL ROOM, THIRUVANANTHAPURAM CITY, MEMBER, ADHOC COMMITTEE, KERALA POLICE ASSOCIATION, NANDAVANAM,

VERDICTUM.IN

THIRUVANANTHAPURAM, RESIDING AT MELLATTUPURATHU VEEDU, KOWDIAR P.O., THIRUVANANTHAPURAM., PIN - 695003

3 G.SAMUEL
S/O. G.GEORGE, VALIYAPARAMBIL, VETTIYAR, MANGANKUZHI, MAVELIKKARA, ALAPPUZHA DISTRICT., PIN - 690558

BY SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.KAVYA VARMA M.M.
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.BABU S. NAIR
BY ADV.SRI.ALEX K. JOHN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05.11.2026 ALONG WITH W.A.NOS.2070 OF 2026, 2072 OF 2026 AND 2103 OF 2026, THE COURT ON 12.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 12TH DAY OF NOVEMBER 2026/21ST KARTHIKA, 1948

W.A.NO.2103 OF 2026
AGAINST THE JUDGMENT DATED 29.09.2026 IN W.P(C).NO.26295 OF 2026
OF HIGH COURT OF KERALA

APPELLANT(S)/RESPONDENTS 1 & 2 IN WPC:

1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001

2 THE STATE POLICE CHIEF, KERALA
POLICE HEADQUARTERS, C.V. RAMAN PILLAI ROAD,
VAZHUTHACAUD, THIRUVANANTHAPURAM, KERALA, PIN - 695010

BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SMT.LAYA MARY JOSEPH, GOVERNMENT PLEADER

RESPONDENT(S)/PETITIONERS & ADDL. 3RD RESPONDENT IN WPC:

1 THE KERALA POLICE OFFICERS' ASSOCIATION
REPRESENTED BY ITS GENERAL SECRETARY, MOUNTED CAMP,
KANNETTUMUKKU, THYCAUD.P.O, THIRUVANANTHAPURAM,
PIN - 695014

2 E.K.ANILKUMAR
AGED 50 YEARS
MEMBER, KERALA POLICE OFFICERS' ASSOCIATION, PRESENTLY
HOLDING THE OFFICE OF SUB INSPECTOR OF POLICE, ALAPPUZHA
SOUTH POLICE STATION, ALAPPUZHA, RESIDING AT THANAL,
KODAMTHURUTH, KUTHIYATHODU.P.O, CHERTHALA, ALAPPUZHA.,

VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

PIN - 688533

3 K.P. PRAVEEN
AGED 50 YEARS
MEMBER, KERALA POLICE OFFICERS' ASSOCIATION,
PRESENTLY HOLDING THE OFFICE OF ASSISTANT SUB INSPECTOR OF POLICE, SSB, ERNAKULAM RURAL, RESIDING AT KOCHUPURACKAL HOUSE, PIRAVOM.P.O, ERNAKULAM,
PIN - 686664

4 SUGUNAN A.P.
S/O. PADMANABHAN A.A., SUB INSPECTOR OF POLICE, SSB SECURITY AND EXECUTIVE MEMBER, ADHOC COMMITTEE, KERALA POLICE SENIOR OFFICERS' ASSOCIATION, THIRUVANANTHAPURAM, RESIDING AT ATTIPPETTIPARAMBIL HOUSE, NJARACKAL, ERNAKULAM DISTRICT, PIN – 682505

BY SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.KAVYA VARMA M.M.
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05.11.2026 ALONG WITH W.A.NOS.2070 OF 2026, 2072 OF 2026 AND 2100 OF 2026, THE COURT ON 12.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN

CNR : KLHC010760762026

2026:KER:86252

"C.R."

J U D G M E N T

Dr. A.K. Jayasankaran Nambiar, J.

The State of Kerala and two members of the Kerala Police Association and the Kerala Police Senior Officers' Association respectively are the appellants before us, aggrieved by the judgment dated 29.09.2026 of a learned Single Judge that allowed two writ petitions – W.P.(C).No.26155 of 2026 and W.P.(C).No.26295 of 2026 - that impugned a Government Order through which three recognized associations of the Police Force in the State were restructured by abolishing one and merging its members with the remaining two.

2. It would appear that the Government of Kerala had permitted the formation of three associations in the Police Force by an order of 1979. Accordingly, there came into being the Kerala Police Association [KPA] comprising of Civil Police Officers and Senior Civil Police Officers; the Kerala Police Officers' Association [KPOA] comprising of Grade Assistant Sub Inspectors, Assistant Sub Inspectors, Grade Sub Inspectors, Sub Inspectors and Inspectors of Police, and the Kerala Police Senior Officers' Association [KPSOA] comprising of Deputy Superintendent of Police and Superintendent of Police [Non IPS]. By the order dated 27.07.2026

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impugned in the writ petitions, the said associations were restructured by abolishing the KPOA and including Grade Assistant Sub Inspectors, Assistant Sub Inspectors and Grade Sub Inspectors in the Kerala Police Association and Sub Inspectors and Inspectors of Police in the KPSOA. The writ petitioners therefore impugned the Government Order dated 27.07.2026 *inter alia* on the grounds that (i) the Government did not have the power, authority or jurisdiction to issue the said order; (ii) an association that was recognized by the Government could not have been unilaterally de-recognized, abolished or amalgamated with another association more so when there was no formal order cancelling or evoking the Government Order of 1979 that had permitted the formation of three associations; (iii) the restructuring and consequent formation of the *Ad-hoc* Committee had been done in a hasty manner and without hearing the abolished association, and hence, the State action smacked of *mala fides* and illegality; (iv) the procedure envisaged under the bye-laws of the associations for their amendment had not been followed while effecting the restructuring; and (v) the restructuring infringed upon the fundamental right of the members of the association as well as the associations themselves under Article 19(1)(c) of the Constitution of India.

3. In the counter affidavit filed by the State, while supporting the reasons cited in the impugned Government Order for the restructuring, it was further clarified as follows:

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"10. Before issuing Exhibit P3, the Government undertook a detailed examination of the functioning and composition of the recognized Police Associations in the light of the changes brought about in the Police Force over the years, particularly following the introduction of the Grade Promotion Scheme. During this process, the Government also received representations highlighting certain practical difficulties arising from the existing membership pattern of the recognised Police Associations. On an overall consideration of the relevant administrative factors, it was considered necessary to reorganize the recognized Police Associations so that they correspond to the present service structure and effectively represent personnel having common service interests.

11. The examination revealed that the membership pattern of the recognized Police Associations had been formulated long before the introduction of the Grade Promotion Scheme in 2008 and no longer reflected the present cadre structure. It was therefore considered necessary to revise the composition of the Associations by grouping together personnel having common service conditions, administrative responsibilities and welfare concerns.

12. Under the Grade Promotion Scheme presently in force, personnel completing the prescribed period of service are designated as Grade Assistant Sub Inspectors and Grade Sub Inspectors, while their substantive cadre continues to remain that of Civil Police Officer or Senior Civil Police Officer, as the case may be. Their recruitment, seniority, promotions, transfers, service conditions, welfare benefits, grievance redressal mechanism and other incidents of service continue to be governed by the rules applicable to the Constabulary Wing. However, under the earlier organisational arrangement, Grade Assistant Sub Inspectors and Grade Sub Inspectors formed part of the Kerala Police Officers' Association despite continuing to belong to the Constabulary Wing, resulting in an anomalous situation where personnel belonging to one service stream were represented by an Association primarily intended for another.

13. It was further noticed that the method of recruitment, promotional avenues, transfer policy, grievance redressal mechanism, service conditions and welfare concerns of personnel in the Constabulary Wing are substantially different from those applicable to officers directly recruited as Sub Inspectors and above. Accordingly, after considering the aforesaid administrative aspects and the recommendations of the State Police Chief, the Government issued Exhibit P3 in the larger interest of efficient police administration. Exhibit P3 is thus a considered policy decision based on relevant administrative considerations and cannot be characterised as arbitrary or unreasonable. Further, the proposal for restructuring the recognised Police Associations and the administrative considerations necessitating such restructuring were not matters kept confidential, but were widely known among police personnel.

14. Accordingly, personnel belonging to the Constabulary Wing, namely Civil Police Officers, Senior Civil Police Officers, Grade Assistant Sub Inspectors, Assistant Sub Inspectors and Grade Sub Inspectors, have been grouped under the Kerala Police Association, while Officers directly recruited to the rank of Sub Inspector and those promoted therefrom, namely Inspectors of Police, Deputy Superintendents of Police and Superintendents of Police (Non-IPS), have been grouped under the Kerala Police Senior Officers' Association. The object of the reorganization is to ensure that each recognized Association effectively represents personnel having common service conditions, administrative requirements, promotional avenues, transfer policies and grievance redressal mechanisms, thereby facilitating more effective redressal of their service grievances and welfare concerns.

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15. It is respectfully submitted that the reorganization effected under Exhibit P3 has also resulted in a more representative organizational structure for the recognized Police Associations. Prior to the issuance of Exhibit P3, the Kerala Police Senior Officers' Association consisted of only 451 members. Consequent upon the reorganization and inclusion of officers from the rank of Sub Inspector upwards, the membership strength of the Kerala Police Senior Officers' Association has increased to approximately 3,769 members. This itself demonstrates that the object of the impugned Government Order is not to curtail or dilute representation, but to ensure that police personnel having common service conditions, promotional avenues and administrative interests are brought under a common representative forum, thereby strengthening the effectiveness of the recognised Association. The impugned Government Order is thus the culmination of a reasoned administrative decision-making process based upon relevant materials and expert recommendations and cannot be characterised as arbitrary, irrational or without jurisdiction."

In the counter affidavit filed by the contesting respondents, while the maintainability of the writ petitions was challenged, the impugned Government Order was sought to be justified on the following reasons:

"11. Through Ext.P3, the Government has only qualified the nature of the membership in the police organization. The said order has not altered or abridged any of the rights that are enjoyed by the members of the police force by grouping them under two categories. It is a grouping based on the entry level. In category no.1, namely Kerala Police Association the membership is given to police personal starting from;

- Civil Police Officer
- Senior Civil Police Officer
- Grade Assistant Sub Inspector,
- Assistant Sub Inspector, and
- Grade Sub Inspector

12. The above class of policemen are grouped as one unit as they belongs to separate and distinct group, as the case may be, in the police force. The other organization namely Kerala Police Senior Officers Association, the membership is confined to

- Sub Inspector of Police (SI),
- Inspector of Police (CI)
- Deputy Superintend of police and
- Superintend of police (non IPS)

13. They are grouped together as they belong to yet another group in the hierarchy of the Police Department. It is a reasonable classification, as they perform distinct and different duties in the police force. In the erstwhile system,

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the organization by the name Kerala Police Constabulary Association for Constables and Head Constables comprised Civil Police Officers, Senior Civil Police Officers, Grade Assistant Sub Inspectors, Assistant Sub Inspectors, Grade Sub Inspectors, as there has been a reclassification of grades in the police force after Exhibit R3(a) in 1979. Through Ext.P3, what is effectively done is that police personnel in the rank of Sub Inspector (SI), Inspector (CI), Deputy Superintendent of Police and Superintendent of Police (Non-IPS) are grouped together, and the name of the officers' association has been renamed as the Kerala Senior Police Association. In the said process, none of the rights which the members of the association had enjoyed have been taken away, and all the rights enjoyed in the past are continued without there being any structural change.

14. The membership strength of Group No.I, as of now, is 50,973, and the membership strength of the officers' association, put together, starting from Sub Inspector to Superintendent of Police (Non-IPS), is 3,769. Therefore, by grouping the police personnel of different ranks and different classes into different associations, none of the fundamental rights have been taken away, as claimed by the petitioners. In terms of the Rules, it is exclusively a matter within the domain of the State to grant permission as regards the grouping or classification of policemen in the matter of the formation of associations. It is, therefore, submitted that the writ petition proceeds on a wrong premise as regards the fundamental rights of the police personnel as claimed, and none of those rights as provided in Ext-P1 and the Rules have been taken away or abridged through the issuance of Exhibit P3.

15. The rights and privileges of police personnel, being a disciplined force, are restricted and regulated through the provisions of the State Police Act and the Manual. Other rights, as are available to a citizen, are unavailable to members of the police force, as they cannot be equated with or treated on par with any other citizen who can claim the constitutional rights guaranteed under Article 19(1)(c) of the Constitution of India. It is further submitted that there is no change in the composition of the members of the petitioner association, as they continue to be the same, though there is a renaming of their status as Civil Police Officers, Senior Civil Police Officers, etc.

4. The learned Single Judge, who considered the writ petitions, found that although the fundamental right of a member of the Police Force to form an association was not absolute and was subject to reasonable restriction under Article 19(4) of the Constitution of India read with Article 33 thereof and the Parliamentary Legislation enacted thereunder, so as to ensure a proper discharge of their duties and to maintain discipline, Rule 8 of the Police Forces (Restriction of Rights) Rules, 1966 indicated that for revoking the recognition of an association

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of the Police Force, an opportunity of making a representation had to be granted which was not done in the instant cases. That apart, amendments to the bye-laws of the associations could be brought in only by $^{2}/_{3}^{rd}$ majority of those present in the General Body subject to approval by the Government. The learned Judge thus found that although the Government had the authority to approve an amendment, it did not have the authority to bring about that amendment. Thereafter, relying on the decisions in **Smt. Damyanti Naranga v. The Union of India and Others - [(1971) 1 SCC 678]** and **O.K. Ghosh and Another v. E.X. Joseph - [AIR 1963 SC 812],** the learned Judge found that (i) the right to form an association implies that the persons forming the association have also the right to continue to be associated with only those whom they voluntarily admit in the association; (ii) any law, by which members are introduced in the association without any option for the existing members to keep them out, or any law which takes away the membership of those who have voluntarily joined it, will be a law violating the right to form an association; and (iii) the right guaranteed by Article 19(1)(c) is not confined to the initial stage of forming an association but protects the right to continue the association with its composition, as agreed upon by the members of the association and as regulated by its rules. On the facts of the instant cases, the learned Judge found the impugned Government Order to be an intrusion into the right of the petitioners under Article 19(1)(c) read with Article 33 of the Constitution of India and the Police Forces (Restriction of Rights) Act, 1966, and proceeded to

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quash the same. Further, on the issue of maintainability of W.P.(C).No.16155 of 2026 filed by the Kerala Police Association, the learned Judge found that although the association had no fundamental right to form an association, and in that sense could not claim an infringement of its fundamental right, the association had nevertheless a legal right to ensure that its bye-laws are not infringed upon by the Government and this could be the basis for maintaining a writ petition under Article 226 of the Constitution of India, since its right to decide on the members who can be admitted into its fold had been allegedly trampled upon and its elected committee removed by the impugned orders issued by the Government and the State Police Chief.

5. In the appeals before us, we have heard Sri. George Poonthottam, the learned senior counsel, assisted by Smt. Kavya Varma M.M., the learned counsel for the appellants in W.A.No.2070 of 2026 and W.A.No.2072 of 2026, Sri. P.A.Mohammed Shah, the learned Additional Advocate General, assisted by Smt. Laya Mary Joseph, the learned Government Pleader for the respondent State, Sri. P.C.Sasidharan, the learned counsel for the Kerala Police Officers' Association and Sri. Babu S. Nair, the learned counsel for the Kerala Police Association. We have also gone through the pleadings and the precedents cited across the bar.

6. The learned Single Judge, in the judgment impugned in these appeals, essentially found that the impugned State action infringed the

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fundamental right of the members of the associations concerned under Article 19(1)(c) of the Constitution. This assumption of the learned Single Judge is what is challenged before us in these appeals where the Additional Advocate General and the learned senior counsel appearing for the appellants would argue that the associations were not formed by the members in exercise of their rights under Article 19(1)(c). It is therefore their contention that the Government Order effecting a restructuring of the associations could not be seen as infringing a fundamental right that the writ petitioners never had. They also contend that there was no violation of any provision under the 1966 Rules, especially Rule 8 thereof, because the nature of the associations that were formed through the 1979 Government Order were entirely different from those envisaged for the applicability of Rule 8.

7. Since the appellants question the very existence of the fundamental right under Article 19(1)(c) in the writ petitioners, we deem it apposite to notice, at the outset, the constitutional scheme with regard to the fundamental right to form associations guaranteed to members of the Police Force. The content of the fundamental right under Article 19(1)(c) of the Constitution of India that is available to a member of the Police Force of the State has to be determined by reading the provisions of Article 19(1)(c) together with Article 19(4), Article 33 and the Parliamentary Enactment under Article 33. Proceeding sequentially, we find that Article 19(1)(c) of the Constitution guarantees to all citizens the

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right to form associations or unions or co-operative societies and the said right includes not merely the right to start an association but also to continue it. It also includes the right that the composition of the association shall not be altered by law so as to introduce members other than who voluntarily join the association, without the consent of the members of the original association **[See Smt. Damyanti Naranga v. The Union of India and Others - [(1971) 1 SCC 678]]**. Significantly, Article 19(1)(c) does not apply where the formation of the association is not a voluntary act on the part of the members but the creation of a Statute and the association is all along governed by the conditions laid down by the Statute **[See Daman Singh and Others v. State of Punjab and Others - [(1985) 2 SCC 670]** and **Zoroastrian Cooperative Housing Society Ltd. and Another v. District Registrar, Cooperative Societies (Urban) and Others - [(2005) 5 SCC 632]]**. The precedents last cited recognise the principle that, absent a freedom of choice to become a member of an association, there is really no freedom at all that is exercised by the person who becomes a member of the association. It is also trite that once the extent of the right under Article 19(1)(c) is determined, it has to be understood that the right is by no means, absolute but can be abridged by the State which may, by law, impose, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the said right.

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8. As for the extent of the right available to members of the Police Forces, Article 33 of the Constitution enables the Parliament to determine, by law, as to what extent any of the rights conferred by Part III shall, in their application to members of the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them. Thus, if any of the provisions of the Act or the Rules made by Parliament under Article 33 restricts or abrogates any rights guaranteed under Part III of the Constitution, it cannot be challenged on the ground that it is violative of fundamental rights as guaranteed by Part III. As observed by the Supreme Court in **Ous Kutilingal Achudan Nair & Others v. Union of India - [(1976) 2 SCC 780]**, the provisions relating to fundamental rights which are otherwise applicable to all persons may be restricted or abrogated by Parliament in their application to members of the Armed Forces in view of their special position and the need for maintaining discipline amongst them. In exercise of the powers conferred under Article 33 of the Constitution, the Parliament has enacted the Police Forces (Restriction of Rights) Act, 1966 for restricting certain rights of the members of Police Forces functioning under several Statutes listed in Schedule A to the Act. The Kerala Police Act is also included in the Schedule. A member of the Police Force is therefore prohibited without the consent of the Central Government or of the prescribed authority under the 1966 Act from being a member of a trade union, labour union or political association or of any organization which

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is not recognized as part of the Force of which he is a member or is not purely social, recreational or religious in nature. He cannot communicate with the press or publish any book, letter or any other document except where it is being published with the *bona fide* discharge of his duties or the communication is in the nature of a purely literary, artistic or scientific character or of any other prescribed nature. As was observed by the Supreme Court in **Delhi Police Non-Gazetted Karmachari Sangh & Ors. v. Union of India & Ors. - [(1987) 1 SCC 115]**, while upholding the ban imposed by the Act and Rules from becoming a member of any trade union or labour union, no member of the Police Force can participate in any meeting or demonstration organised for any political purpose or any other purpose prohibited by the rules made under the Act.

9. The interplay between Articles 19(1)(c), 19(4) and 33 of the Constitution of India, read with the provisions of the Police Forces (Restriction of Rights) Act, 1966 and the Rules framed thereunder, thus manifests a scheme that recognizes the need to have a proper balancing of interests of an individual as a citizen and the right of the State to frame a code of conduct for its Police Officials in the interests of proper functioning of the State. Under that scheme Article 33 operates as an exception to the universal applicability of fundamental rights to every citizen in India, and the power of Parliament to restrict or abrogate fundamental rights is unqualified when it is exercised to ensure the

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proper discharge of duties by, and maintenance of discipline among members of the Police Force, and in such situations, this Court would not examine the propriety or suitability of the restriction **[Lt. Col. Prithi Pal Singh Bedi v. Union of India & Others - [(1982) 3 SCC 140]].** Thus, a person joining the Police Force in a State must accept as implicit in his joining the service, the observance of a certain code of conduct that is necessary for the proper and efficient discharge of its functions. The content of his right under Article 19(1)(c) of the Constitution is therefore significantly reduced when compared to a similar right available to other citizens.

10. On the facts of the instant cases, what we find is that the associations that were permitted by the Government for the Police Force in the State through the Government Order of 1979 were those formed by the Government itself based on a categorization of the police personnel by rank. It was accordingly that the KPA was formed for Civil Police Officers and Senior Civil Police Officers; the KPOA formed for Grade Assistant Sub Inspectors, Assistant Sub Inspectors, Grade Sub Inspectors, Sub Inspectors, and Inspectors of Police; and the KPSOA formed for Deputy Superintendent of Police and Superintendent of Police [Non IPS]. The significant aspect to be noted, however, is that the members of the Police Force had no role to play in the formation of the associations in question, and their membership to the respective associations was automatic based on their rank in the Police Force. In

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other words, there was no volition on the part of the individual members of the association in either getting membership in the association concerned or continuing therein as members. In fact as they progress in their career within the Police Force, their membership itself shifts to a different association based on the rank in the Police Force held by them and the categorization of the associations prevailing at that point in time. The question that arises therefore is whether such members can be seen as having formed the associations concerned and obtained their memberships therein consequent to the exercise of any right traceable to Article 19(1)(c) read with Article 19(4) and Article 33 of the Constitution of India ? On the facts of the cases before us, the answer to that question must be in the negative. We say so, because, it is trite that fundamental rights are individual rights and the exercise of the right must be through individual agency. In the instant cases, that agency is seen lacking in the writ petitioners in the matter of forming, or continuing as members in the different associations. The associations that we are concerned with in these appeals are not those in which a member, or the association itself, can claim any right traceable to Article 19(1)(c); if that be so, the restructuring exercise undertaken by the State Executive cannot be seen as infringing the rights of the writ petitioners under Article 19(1)(c) of the Constitution of India.

11. The further question that arises therefore is whether an association that is formed by the Government or any of the persons, who

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have made members thereof, can challenge a restructuring of the associations by the State Government ? The State Government, as the authority competent to grant permission to members of the Police Force to form associations, must surely be conceded the power to form associations by itself and frame bye-laws for the efficient functioning of those associations through Committees elected by the General Body of members of the respective associations. Those bye-laws, however, can only be seen as regulating the functioning of the association, and any stipulation in those bye-laws that mandate that an amendment of the bye-laws must be approved by the State Government only indicates that the State Government is the ultimate repository of the power to permit the formation and continuation of the associations for the members of the Police Force in the State in accordance with the constitutional scheme envisaged under Article 19(1)(c), 19(4) and Article 33 of the Constitution of India. The provisions of the bye-laws do not, and cannot by themselves, confer any rights or powers on the members of the association with regard to either the formation or continuation of the association concerned. That privilege can exist only in those associations where the members thereof had, of their own volition, chosen to form the association or join the association, and their membership in the association was based on the agreement between them to be members of the association. We would think that the only rights conferred on members of associations that have been formed by the State Government through its bye-laws are those in connection with the efficient functioning

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of the associations and the election of its office bearers. The right to amend the bye-laws in that sense is a restricted one available to the members since it is subject to approval by the State Government. At any rate, the restricted right to amend the bye-laws cannot be seen as conferring on the members a right, fundamental or otherwise, in the formation of and continuation in the association.

12. We are also of the view that the Government Order of 1979 that created the associations for the Police Force in the State traces its authority and legitimacy to the executive power of the State under Article 162 of the Constitution of India, and its continuance to the provisions of Section 109 of the Kerala Police Act, 2011, as controlled by the constitutional scheme noticed above. As the formation of the associations and the restructuring thereof are essentially matters of policy of the State Government, the legality of any State action in that regard must be tested on the principles that inform the exercise of judicial review of policy decisions of the State Government. Axiomatically, unless the State action in this regard fails the test of rationality when considered against the backdrop of the main objects sought to be pursued by the associations, this Court must refrain from interfering with the same in proceedings under Article 226 of the Constitution of India. In the instant cases, the main objects to be pursued by the associations as discernible from the 1979 Government Order and the Rules for the constitution of the three associations appended to the said Order were the following:

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"5. *Aims and objects*;- (1) The Association is a totally non-political body functioning within the provisions of the Police Forces (Restriction of Rights) Act, 1966 (Act 33 of 1966) and Rules framed thereunder, the Kerala Police Act, 1960 (Act of 1961) and any other Act or Rule governing the rights, duties, discipline and conditions of service of the Police Force of the State existing or enacted by the Government from time to time.

(2) The members shall not have the right to strike work, withhold their services, or otherwise delay the performance of their duties, or the right to resort to any form of coercive method or agitation and shall not engage in demonstration or any other similar activity which will underline the discipline, efficiency or impartiality of the Police Force or of any individual member.

(3) The membership of the Association shall be restricted to eligible members of the Kerala Police and no one, from without the Kerala Police, whether a Government servant or not, shall be entitled to membership or function as an office bearer of the Association or be connected with it in an advisory, honorary, or any other capacity.

(4) The Association shall not engage itself in any political activity directly or indirectly or establish or attempt to establish contacts with outside organisations or individuals or seek or attempt to seek affiliation with any organisation, union or federation of other civil servants or others in/of the State, other States, or the Union Government.

(5) The Association is constituted-

(a) to forge unity, brotherhood and mutual understanding among the different ranks of the Police Force;
(b) to promote a strong sense of responsibility and pride in the police profession;
(c) to foster discipline, loyalty and patriotism, among the members;
(d) to help promote better rapport with the community and every section thereof;
(e) to safeguard the collective interests of the members of the Police Force through the means provided under the rules governing the Association;
(f) to effectively voice and seek redressal of the genuine grievances of the members of the Police Force;
(g) to bring about improvement in the living and professional standards of the members of the Force and to contribute to their moral and intellectual development;
(h) to look after the welfare of the dependents of Police Officers killed or disabled during the time of duty.
(i) to make constructive suggestions aimed at improving the tone and quality of Police Service to the Community;
(j) to provide educational and recreational facilities to members of the Association and their families among others by instituting Libraries, Reading rooms, Clubs, Cultural programmes, Coaching classes and other services."

The Government Order dated 27.07.2026 that was impugned in the writ petitions seeks to restructure associations so as to ensure that each recognized association effectively represents personnel having common

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service conditions, administrative requirements, promotional avenues, transfer policies and grievance redressal mechanisms, thereby facilitating more effective redressal of their service grievances and welfare concerns. It was accordingly that personnel belonging to the Constabulary Wing were grouped under the Kerala Police Association, while Officers directly recruited to the rank of Sub Inspector and those promoted therefrom, grouped together under the Kerala Police Senior Officers' Association. The restructuring also seeks to ensure more representative organisational structures for the recognized Police Associations. As pointed out by the learned Additional Advocate General, prior to the restructuring exercise, the Kerala Police Senior Officers' Association consisted of only 451 members, and consequent to the restructuring and inclusion of officers from the rank of Sub Inspectors upwards, the membership strength of the said association has increased to 3,769 members. The State Government is of the view that the restructuring would ensure that police personnel having common service conditions, promotional avenues and administrative interests could be brought under a common representative forum for strengthening the effectiveness of the recognized association. On a consideration of the reasons stated in the impugned Government Order, as clarified through the averments in the counter affidavit filed on behalf of the State Government, we do not find the object of the restructuring exercise to be at variance with the main objects pursued by the association. On the contrary, it appears to us to be an attempt by the State Government to

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pursue the objectives of the respective associations more efficiently by grouping together ranks of Officers who are connected in their service conditions by common features.

The upshot of the above discussions is that we allow these Writ Appeals by setting aside the impugned judgment of the learned Single Judge and dismissing the writ petitions in their challenge to the Government Order dated 27.07.2026 that was impugned therein. No costs.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
PREETA A.K.
JUDGE

prp/