

Kerala Police Association vs The State Of Kerala on 29 September, 2026

Author: [Bechu Kurian Thomas](#)

Bench: [Bechu Kurian Thomas](#)

CNR : KLHC010572702026

W.P.(C) Nos.26155 & 26295/2026 1

2026:KER:74985

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 29TH DAY OF SEPTEMBER 2026 / 7TH ASWINA, 1948

WP(C) NO. 26155 OF 2026

PETITIONER:

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

BY ADVS.

SRI.BABU S. NAIR

SMT.SMITHA BABU

SRI.P.A.RAJESH
SHRI.PRANAV
SRI.K.P.DHANEESH
SHRI.SIDDHARTH KARUN PISHARODY
SMT.FARSANA NOUSHAD

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
CNR : KLHCo10572702026

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- 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
- *4 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 IMPEADED AS PER ORDER DATED

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

*[ADDL. R5 IS IMPEADED AS PER ORDER DATED
29/09/26 IN I.A. No.4/2026 IN WP(C) No.26155/26]

BY ADVS.
SMT.LAYA MARY JOSEPH, GOVERNMENT PLEADER
SMT.NISHA GEORGE
SHRI.ALEX K.JOHN
SRI.GEORGE POONTHOTTAM (SR.)
SHRI.RASHEED C.NOORANAD, SPL.GOVERNMENT PLEADER
SMT.LALIZA.T.Y., SENIOR G.P.
SHRI.P.A.MOHAMMED SHAH, ADDL.ADVOCATE GENERAL
CNR : KLHC010572702026

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SHRI.CYRIAC ELIAS STEEN
SHRI.BABU M.T.
SMT. JILCY JACOB
SMT.FIDA HUSNA P.P.
SMT.ANUSREE S. KUMAR
SMT.REENA JACOB
SHRI.NINAN THOMAS
SHRI.GEGO GEORGE
SHRI.MUHAMMED ZAIN SHABEER P.P.
SMT.DIVYA R.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25.09.2026, ALONG WITH WP(C) NO.26295/2026, THE COURT ON
29.09.2026 DELIVERED THE FOLLOWING:

CNR : KLHC010572702026

2026:KER:74985

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 29TH DAY OF SEPTEMBER 2026 / 7TH ASWINA, 1948

WP(C) NO. 26295 OF 2026

PETITIONERS:

- 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
- 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

BY ADV SHRI [I.P.C.](#) SASIDHARAN

CNR : KLHC010572702026

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RESPONDENTS:

- 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
- *3 SUGUNAN A.P.
AGED 54 YEARS, 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 IMPEADED AS PER ORDER DATED
31/07/2026 IN IA NO.1/2026 IN WP(C) 26295/2026)

BY ADVS.

SMT.LAYA MARY JOSEPH GOVERNMENT PLEADER

SMT.NISHA GEORGE

SHRI.RASHEED C.NOORANAD, SPL.GOVERNMENT PLEADER

SMT.LALIZA.T.Y., SENIOR G.P.

SRI.GEORGE POONTHOTTAM (SR.)

SHRI.P.A.MOHAMMED SHAH, ADDL.ADVOCATE GENERAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25.09.2026, ALONG WITH WP(C) NO.26155/2026, THE COURT ON
29.09.2026 DELIVERED THE FOLLOWING:

CNR : KLHC010572702026

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"C.R."

BECHU KURIAN THOMAS, J.

W.P.(C) Nos.26155 & 26295 of 2026

Dated this the 29th day of September, 2026

JUDGMENT

The petitioners question a Government Order reorganising three recognized Associations of the police force of the State by abolishing one and merging its members with the other two. The order constituting two Ad hoc Committees for the reorganised Associations, in place of their elected Managing Committees until fresh elections are held, has also been challenged.

2. A brief reference to the facts are necessary to comprehend the issues raised in these two writ petitions. The petitioner in W.P.(C) No.26155 of 2026 is the Kerala Police Association (for short 'KPA'), which consists of the Constables and the Head Constables, while W.P.(C) No.26295 of 2026 is filed by the Kerala Police Officers Association (for short 'KPOA') along with CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 7 2026:KER:74985 two members of that Association, which consists of Grade Assistant Sub Inspectors to Circle Inspectors of Police. The latter Association, i.e. KPOA has been abolished by the impugned order. The Government of Kerala had permitted the formation of three Associations in the police force by an order of 1979. Apart from the petitioners in these two writ petitions, there is another Association called Kerala Police Senior Officers Association (for short 'KPSOA'), which includes officers who serve as Deputy Superintendents of Police and Superintendents of Police (Non- IPS).

3. While the above referred three Associations have been functioning independently for the last forty seven years, in accordance with the byelaws approved by the Government, the impugned order was issued on 27.07.2026 on the basis of an alleged proposal of the State Police Chief, reorganising the membership structure of the Associations after abolishing one of them. Petitioners have pleaded that the impugned

order directs the KPA and KPSOA to be reorganised after abolishing KPOA. The impugned order further states that the entire assets of the KPOA CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 8 2026:KER:74985 including bank accounts, documents, deposits, rights and liabilities should be distributed in a ratio of 60:40 between the two Associations. Ad hoc Committees were also directed to be constituted by the State Police Chief at the State and District levels and elections to the reconstituted Associations be conducted on or before 30.09.2026. The day after the impugned order was issued by the State Government, the State Police Chief issued orders constituting two Ad hoc Committees. Thus the petitioners question the order reconstituting KPA and KPSOA apart from abolishing the KPOA as well as the orders constituting the Ad hoc Committees.

4. The counter affidavit filed by the second respondent points out that the petitioners are estopped from questioning the authority of the Government to reorganise police Associations as the existence of the Associations itself is traceable to a permission granted by the prescribed authority. After referring to the circumstances that necessitated the reorganisation, it is averred that the impugned order is the culmination of a recent administrative decision by the Government after examining CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 9 2026:KER:74985 changes in the organisational framework of the Kerala Police and the need to realign the recognised Associations. It is also stated that the Government had examined the functioning and composition of the recognised police Associations, following the introduction of the grade promotion scheme and noticing the practical difficulties in the existing membership pattern, decided to reorganize them, to align with the present service structure. According to the respondents, members of the police force with similar service conditions have been, by the impugned order, grouped together into appropriate associations.

5. The second respondent has also averred that the impugned order was issued in the larger interest of efficient police administration, based on the proposal of the State Police Chief and pleaded that the reorganisation has resulted in a more representative structure, with the KPSOA's membership increasing from 451 to 3769. It is also stated that the Ad hoc Committee is a transitional arrangement for implementing the revised membership structure and conducting elections, while the asset redistribution is based on the reconstituted membership pattern CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 10 2026:KER:74985 and the relative strength of the successor Associations, and that it does not infringe any legal or constitutional rights of the petitioners.

6. The additional fourth respondent in both writ petitions have also filed counter affidavits stating that pursuant to the impugned order of the Government, the Ad hoc Committees were constituted on 28.07.2026 and they assumed charge on 29.07.2026. It is also stated that the writ petitions are not maintainable as an Association has no fundamental rights under [Article 19](#) of the Constitution of India.

7. Sri. Babu S. Nair, the learned counsel for the petitioner in W.P.(C) No. 26155 of 2026, contended that the impugned order is violative of the fundamental rights of the members of the police force guaranteed under [Article 19\(1\)\(c\)](#) of the Constitution. According to the learned counsel, once the members of the police force are granted the right to form an Association, they also have a right under [Article 19\(1\)\(c\)](#) to continue the Association. Relying upon the decisions in Smt. Damyanti Naranga v. Union of India CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 11 2026:KER:74985 India and Others [(1971) 1 SCC 678], Kameshwar Prasad and Others v. State of Bihar and Another [[AIR 1962 SC 1166](#)] and [O.K. Ghosh and Another v. E.X. Joseph](#) [AIR 1963 SC 812], it was submitted that the impugned orders could

not have interfered with the internal arrangement of the Associations and abolish one of the Association in its entirety. It was further argued that the byelaws of the Associations already framed and approved by the Government, could have been changed or amended only through a two thirds majority of the general body and the Government could not have made changes to the structure of the organization, contrary to its byelaws.

8. Sri. P.C.Sasidaran, the learned counsel for the petitioner in W.P.(C) No.26295 of 2026 submitted that the petitioner Association could not have been wound up by order of the Government as the byelaw of the organization does not provide for its winding up or substitution. It was further submitted that the role of the Government in the constitution and functioning of the Association is limited and they could not have interfered under any circumstances whatsoever. The learned counsel also argued CNR :

KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 12 2026:KER:74985 that no material is available to comprehend as to why the Government decided to annihilate an Association or even the reason for proposing such an annihilation by the State Police Chief, as alleged. Apart from the above, it was contended that there was no public interest involved and further that, only the general body of the Association could have decided to wind up or substitute the Association and in the instant case, the general body was never even consulted. According to the learned counsel, though the Government can refuse to approve an amendment to the byelaws, it cannot direct an amendment of the byelaws in a particular manner.

9. In opposition to the above arguments, Sri. Mohammed Shah, the learned Additional Advocate General, assisted by Smt. Laya Mary Joseph, the learned Government Pleader, submitted that none of the police officers who are members of any of the Associations can be aggrieved as their membership has not been affected. It was submitted that the source of power under which the Associations were constituted is a permission granted by the Government under Ext.P1 as well as [section 109](#) of the Kerala CNR :

KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 13 2026:KER:74985 [Police Act, 2011](#) read with [Article 33](#) of the Constitution of India, all of which indicate the Government's power to restrict, abrogate or cancel even the recognition granted and therefore, the petitioners are not entitled to question the impugned order. The learned Additional Advocate General also submitted that in view of the existence of such wide powers, the Government was well within its authority to restructure the Associations. Relying upon the decision in [Delhi Police Non-Gazetted Karmachari Sangh and Others V. Union of India and Others](#) [(1987) 1 SCC 115], it was contended that the principles [laid down in](#) the Smt. Damyanti Naranga's case (supra) cannot be applied in stricto sensu to the instant writ petitions. It was further argued that there are no malafides or arbitrariness attributed to the Government and hence this Court under [Article 226](#) of the Constitution of India ought not to interfere with the impugned orders.

10. Sri. George Poonthottom, the learned Senior Counsel instructed by Smt. Nisha George, on behalf of the additional respondent, contended that [section 109](#) of the Kerala Police Act, CNR :

KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 14 2026:KER:74985 2011 itself indicates that the members of the police force have no right to form an Association except with the permission of the Government and hence the Government can regulate the Association as per rank and category. According to the learned Senior Counsel, when the Government decided to reduce the number of Associations from three to two, that too on the proposal of the State Police Chief, such a decision cannot be treated as malafide or arbitrary, especially when the rights of the Associations or its members have not been taken away. The learned Senior Counsel submitted that the fundamental rights of the members of the

Association have not been touched and only a regrouping has been done, based on entry level of the police personnel, and since there is no fundamental right for an association and the right to form an association is not curtailed merely because of a change in composition of the associations, the writ petitions ought to be dismissed. It was further argued that the petitioners being mere Associations, the writ petitions are not maintainable. Reliance was placed on the decision in the Airports Authority of India, Pensioners Forum v. Airports CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 15 2026:KER:74985 Authority of India [2026 KLT Online 2187].

11. On an appreciation of the rival contentions, this Court has identified the issues mentioned below as arising for consideration and they are dealt with in seriatim, thereafter.

(i) Whether the Government has the power to restructure the three Associations existing in the Kerala Police and in that process even abolish one of them?

(ii) Whether the impugned orders abolishing the Kerala Police Officers Association and forming the Ad-Hoc Committees are legally valid?

(iii) Whether the writ petitions are maintainable? Issue No. (i). Whether the Government has the power to restructure the three Associations existing in the Kerala Police and in that process even abolish one of them?

12. The members of the police force in Kerala (not including the IPS category), had three recognized Associations. They were KPA, KPOA and KPSOA. By the impugned order, KPOA, has ceased to exist, while KPA and KPSOA have been reorganised, with the members of KPOA inducted into the two remaining Associations. The impugned order also directs steps to be initiated to transfer CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 16 2026:KER:74985 the bank accounts, assets, documents, rights and liabilities of KPOA to KPA and KPSOA in the ratio of 60:40. The impugned order further states that in order to streamline the reconstitution, the State Police Chief must constitute Ad hoc Committees until fresh elections are conducted to the reconstituted Associations. The period and the number of the newly elected office bearers, and other basic specifications of the reconstituted Associations have also been stipulated in the impugned order. Consequent to the impugned order reconstituting the Associations, the State Police Chief has, on the next day itself, constituted Ad hoc Committees consisting of 17 members. Thus, apart from abolishing one Association, the impugned order has, in effect, superseded the elected Committees of the two remaining Associations with the Ad hoc Committees, and even increased its membership.

13. The question arising for consideration requires this Court to delve into the contours of the right of a member of the police force to form an Association. Every citizen has a right to form an Association. The Constitution has exalted the said right to that of CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 17 2026:KER:74985 a fundamental right under [Article 19\(1\)\(c\)](#). However, [Article 19\(4\)](#) restricts the aforesaid right by enabling the State to make laws imposing reasonable restrictions in the interests of sovereignty and integrity of India, public order or morality. Thus, the fundamental right of a citizen to form an Association is not absolute, but is subject to reasonable restrictions under [Article 19\(4\)](#) of the Constitution of India.

14. As regards certain specific categories of persons, the Constitution contemplates placing restrictions on their right to form an Association over and apart from [Article 19\(4\)](#). The above referred additional restriction can be imposed upon the members of the armed forces, members of the forces charged with maintenance of public order, employees of intelligence bureaus and those involved in telecommunication systems as specified in [Article 33](#) of the Constitution. The said constitutional provision, which is included in Part III of the Constitution itself, allows Parliament to determine the extent to which rights conferred under Part III can be restricted or abrogated for the members of the armed forces and even those of the police force, for the proper CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 18 2026:KER:74985 discharge of duties and to maintain discipline among them. Thus, through Parliamentary legislation, additional restrictions or prohibitions can be brought in, as far as those specified categories of persons are concerned, on their right to form Association.

15. No reiteration is needed that [Article 33](#) of the Constitution, by itself, does not restrict or abrogate any right of a member of the police force to form an Association and instead the provision merely makes the said right dependent on a Parliamentary legislation. Therefore, when the State can make any law, restricting a citizen's right to form an Association for the sovereignty and integrity of the country, public order or morality, for members of those forces charged with maintenance of public order (like the Police), through a Parliamentary legislation their right to form Associations can be restricted or abrogated, for ensuring proper discharge of duties and to maintain discipline. Consequently, no additional restrictions were intended on members of such forces like the police, regarding their right to form Associations, other than those necessary for ensuring the CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 19 2026:KER:74985 proper discharge of their duties and maintenance of discipline.

16. In tune with the above mentioned constitutional objective, the Parliament enacted a legislation called the [Police Forces \(Restriction of Rights\) Act, 1966](#) (for short 'the PRR Act, 1966'). As per the said statute, the member of a police force means any person appointed or enrolled under any of the enactments specified in the Schedule and restrictions were imposed on them under [section 3](#). Since the Kerala Police Act, 2011 is included in the schedule, the aforementioned provision has applicability to Kerala Police and hence the said provision is extracted below:

["S.3\(1\)](#). No member of a police-force shall, without the express sanction of the Central Government or of the prescribed authority.-,

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the force of which he is a member or is not of a purely social, recreational or religious nature; or CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 20 2026:KER:74985

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bona fide discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation - If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause

(b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of a police force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed."

17. A perusal of [section 3\(1\)\(b\)](#) of the above mentioned Act reveals that the restriction brought in by Parliament will not apply to the member of a police force, if the Association, with which he is associated with, is recognised as part of the police force nor shall such restriction apply in respect of Associations that are purely social, recreational or religious in nature. In other words, the Parliamentary legislation brought in consonance with [Article 33](#) of the Constitution, does not restrict the right of the member of a police force to be associated with a recognized Police Association.

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18. In this context it needs to be mentioned that the Central Government had, pursuant to section 6(1) of the PRR Act, 1966, enacted the Police Forces (Restriction of Rights) Rules, 1966. Since rules 8 and 9 are relevant, they are extracted below:

"8.Recognition. - Members of a police force belonging to the same rank desiring to form an Association may make an application for the grant of recognition under clause (b) of sub-section (1) of [section 3](#) and such application shall be in writing under the hand of a representative of such Association addressed to the Inspector General of Police who shall be the authority to grant, refuse or revoke such recognition :

Provided that before refusing or revoking recognition, the Association shall be given a reasonable opportunity of making representation against proposed action."

9. Suspension of recognition. - The Inspector-General of Police may in the interest of general public or for maintenance of discipline in the police-force and with the prior approval of the Central Government, the State Government or as the case may be the Administrator of the Union territory suspend the recognition granted under rule 8 for a period not exceeding three months which may be extended for a further period of three months by the Central Government, the State Government or as the case may be the Administrator of the Union territory so however that the total period for which such recognition may be suspended shall not, in any case, exceed six months."

19. The above referred Rules indicate that even for revoking the recognition of an Association of the police force, an CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 22 2026:KER:74985 opportunity

of making a representation has to be granted. Further, in the interest of the general public or for maintaining discipline within the police force, the Association of the police can be suspended, but only for a maximum period of six months.

20. Be that as it may, the Government had, by order dated 04.10.1979, granted permission to the police force in Kerala to form Associations on the broad guidelines recommended by the National Police Commission. The Government granted permission for constitution of the following three Associations for the members of the police force;

(1) the Kerala Police Constabulary Association for Constables and Head Constables, (2) the Kerala Police Inspectors Association for Assistant Sub Inspectors, Sub Inspectors and Circle Inspectors, and (3) the Kerala Police Service Officers Association for Deputy Superintendent of Police and Superintendent of Police (Non-IPS) .

21. Pursuant to the above order, amendments were brought in and the Government approved the change of name of the CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 23 2026:KER:74985 aforesaid three Associations as KPA, KPOA and KPSOA. The byelaws of these Associations, which were also approved by the Government, provided that the constitution shall be amended only by the general body, that too, by a two thirds majority of the members present, which shall come into effect only after getting permission from the Government. Thus the amendments to the three Associations can be brought in only by the general body, but of course, subject to the approval of the Government. The byelaws of the petitioners, which are approved by the Government and produced as Ext.P2 in these writ petitions, indicate that amendments to those byelaws can be brought in only by two thirds majority of those present in the General Body, subject to the approval by the Government. The said byelaws indicate that the Government has no authority to bring in an amendment, though they can approve it.

22. Notwithstanding the above provisions and byelaws of the two Associations, the Government has, by the impugned order, purportedly based on a proposal by the State Police Chief, abolished one of the Associations, i.e., the KPOA and merged the CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 24 2026:KER:74985 existing members of the said Association with the other two Associations and has constituted two Ad hoc Committees, to function until elections are held.

23. Recognition of the three Associations of the police force arises out of the Government Order of 1979. The Government is also empowered under [section 109](#) of the Kerala Police Act, 2011 to recognize the Associations formed in the police force. There is no dispute that the three Associations were recognized as on the date of the impugned order. Once the Government recognizes the Associations in the police force, and as long as the said recognition continues, all the trappings of the fundamental right under [Article 19\(1\)\(c\)](#) will be available to the members of the police force and members of those Associations.

24. In this context, it is apposite to consider the scope and purport of the right to form an Association. In the Constitution Bench judgment in [Smt. Damyanti Naranga v. Union of India and Others](#) [(1971) 1 SCC 678], the Supreme Court considered the scope of the right under [Article 19\(1\)\(c\)](#) of the Constitution of India. The facts of the said case being relevant, is narrated below in brief. An Association called Hindi Sahitya Sammelan was formed in Allahabad in the year 1910, registered under the [Societies Registration Act, 1860](#). The rules of the said Association enabled admission of new members by the working committee of the Association,

under three classifications as Special Members, Permanent Members and Ordinary Members. The society owned landed properties and buildings, including considerable funds for carrying on its activities. While so, in 1950, due to certain disputes amongst its members, a Receiver was appointed, pursuant to which, the UP legislature enacted the [UP Hindi Sammelan Act](#) 1956. A statutory body by name Hindi Sahitya Sammelan was created by the said Act, with the management and properties of the original Association vested with the new body. The said statute was however declared void by the High Court, finding the constitution of the new Sammelan as an intrusion into the rights under [Article 19\(1\)\(c\)](#). Subsequently, another statute by name [Hindi Sahitya Sammelan Act](#) 1962 was enacted, which declared the Hindi Sahitya Sammelan as an institution of national importance and provided for vesting of all properties movable or immovable belonging to the society in the Sammelan, transferring all rights and liabilities of the society to the Sammelan and the governing body was to be constituted as per the provisions of the new statute consisting of a Chairman, a Secretary and 13 other members which was required to be constituted by notification in the Official Gazette by the Central Government. The said governing body was to make rules which were to be approved by the Central Government. The enactment of 1962 was the subject matter of challenge in [the above decision](#), alleging it to be violating [Article 19\(1\)\(c\)](#) of the Constitution.

25. The High Court of Allahabad held that, since all members of the earlier society had become members of the Sammelan under the 1962 Act, there was no infringement of the right to form Association and hence the 1962 Act was held to be valid. However, in the challenge before the Supreme Court, after noting that in the body constituted under the Act, persons who were not members of the earlier society were given a right to be members without the consent of the pre existing members, and CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 27 2026:KER:74985 were even added without any option being available to the existing members of the society to elect or refuse to elect them as members, which was a right they possessed under the constitution of the earlier society itself. The above circumstances being quite similar to the facts of the present challenge, the following observations from [the said judgment](#) which are relevant, is extracted below:

".....[The Act](#) does not merely regulate the administration of the affairs of the Society; what it does is to alter the composition of the Society itself as we have indicated above. The result of this change in composition is that the members, who voluntarily formed the Association, are now compelled to act in that Association with other members who have been imposed as members by the Act and in whose admission to membership they had no say. Such alteration in the composition of the Association itself clearly interferes with the right to continue to function as members of the Association which was voluntarily formed by the original founders. The right to form an association, in our opinion, necessarily 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. Any law, by which members are introduced in the Voluntary Association without any option being given to the 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. If we were to accept the submission that the right guaranteed by [Art.19\(1\)\(c\)](#) is confined to the initial CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 28 2026:KER:74985 stage of forming an Association and does not protect the right to continue the Association with the membership either chosen by the founders or regulated by rules made by the Association

itself, the right would be meaningless because, as soon as an Association is formed, a law may be passed interfering with its composition, so that the Association formed may not be able to function at all. The right can be effective only if it is held to include within it the right to continue the Association with its composition as voluntarily agreed upon by the persons forming the Association....."

26. The Constitution Bench had, in [the above decision](#), relied upon the observations in [O.K. Ghosh and Another v. E.X. Joseph](#), [AIR 1963 SC 812]. The Court, [in that case](#), was considering the validity of Rule 4B of the Central Civil Services (Conduct) Rules, 1955, and observed as follows:

" It is not disputed that the Fundamental Rights guaranteed by [Article 19](#) can be claimed by Government servants. [Article 33](#) which confers power on the Parliament to modify the rights in their application to the Armed Forces, clearly brings out the fact that all citizens, including Government servants, are entitled to claim the rights guaranteed by Article

19. Thus, the validity of the impugned rule has to be judged on the basis that the respondent and his co- employees are entitled to form Associations or Unions. It is clear that Rule 4-B imposes a restriction on this right. It virtually compels a Government servant to withdraw his membership of the Service Association of Government servants as soon as recognition accorded to the said Association is withdrawn or if, after the Association is formed no recognition is accorded to it within six months. In other words the right to form an Association is conditioned by the existence of the CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 29 2026:KER:74985 recognition of the said Association by the Government. If the Association obtains the recognition and continues to enjoy it, Government servants can become members of the said Association if the Association does not secure recognition from the Government or recognition granted to it is withdrawn, Government servants must cease to be the members of the said Association. That is the plain effect of the impugned rule".

27. A reading of the above two judgments clearly reveal that the right to form an Association is not confined only to the initial stage of forming the Association, but also to continue in the Association. The following principles can be deduced from the above referred judgments:

(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.

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(iii) The right guaranteed by [Art.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.

28. The decision in [Delhi Police Non-Gazetted Karmachari Sangh and Others v. Union of India and Others](#) [(1987) 1 SCC 115], relied upon by the learned Additional Advocate General is distinguishable. In [the above decision](#), a two judge bench distinguished the judgment in Smt. Damyanti Naranga's case (supra), by stating that the group that is being dealt with is distinct in its nature and composition from others. On a reading of the said decision, it is evident that the facts as well as issues raised therein, were completely different. In the said case, the non gazetted members of the Delhi Police formed an Association which was initially granted recognition, but, after the coming into force of an amendment to the Police Restriction of Rights Rules, 1966 the Articles of the Association were not brought in conformity with the Rules within the time prescribed and hence its recognition was revoked. The principle in the said CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 31 2026:KER:74985 decision, thus, has no applicability to the present issue.

29. The freedom to form an Association and freedom to continue the Association are both facets of [Article 19\(1\)\(c\)](#) of the Constitution. As far as the members of the force that are bestowed with the duty of maintaining public order are concerned, the Parliament can abrogate the said right as provided in [Article 33](#) of the Constitution of India. By virtue of the provisions of PRR Act, 1966, the said right is not diluted, especially when the Association has already been recognised and continues to be recognised. As the PRR Act, 1966 does not interfere with the right to be part of a recognised Association of the police force, this Court is of the view that the principles laid in Damyanti Naranga's case (supra) applies with equal vigour to the instant challenge, as well. Thus the Government does not have the power to restructure the three Associations of the police force.

30. It is also relevant to note that, in the Rules framed under the PRR Act, 1961, it is permissible for the members of the police force belonging to the same rank, desiring to form an Association to make an application for the grant of recognition CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 32 2026:KER:74985 under [section 3\(1\)\(b\)](#) of the said Act. The authority to grant, refuse or revoke such recognition is the Inspector General (the State Police Chief in Kerala) and not even the Government. Even if it is assumed that the aforesaid power is vested with the Government, still, the proviso to the above mentioned rule mandates that before revoking recognition, the Association shall be given a reasonable opportunity of making representations against the proposed action. The recognition granted to the members of the police force to form associations have not been revoked either by the State Police Chief or even by the Government. Thus under no circumstances, could the Government have interfered with the structure of the recognized police associations.

Issue No. (ii). Whether the impugned orders abolishing the Kerala Police Officers Association and forming the Ad hoc Committees are legally valid?

31. During the course of hearing, this Court noticed that though the impugned order refers to the proposal of the State Police Chief dated 01.07.2026, the respondents had not produced CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 33 2026:KER:74985 a copy of the said report. On the basis of an oral direction, the learned Additional Advocate General produced a copy of the said report along with a memo dated 26.09.2026.

32. A reading of the said proposal of the State Police Chief dated 01.07.2026 bearing No.C2-117407/2026/PHQ reveals that, though three representations were received on 15.06.2026 from Sri. Sagar V. N, Sri. V. R. Ajith and Sri. Ramesh Kumar, requesting for formation of two Associations instead

of the existing three, on account of practical difficulties, after discussions, the State Police Chief recommended retention of the three Associations as ideal, with a slight change in its composition. The impugned order, however, as noted earlier, goes contrary to the said proposal of the State Police Chief. Instead of retaining the three Associations as proposed, the Government had, by the impugned order, reconstituted the two Associations, after abolishing KPOA and even directed the documents, deposits, rights, liabilities and the amounts remaining in the bank accounts of the abolished Association to be distributed amongst the other two Associations.

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33. From a reading of the impugned order, it is obvious that the KPOA has been completely abolished and the right to continue the said Association has been interfered with. Further, the right of members of the KPA to add members to its Association as per the byelaws has been wholly disregarded and the Government has interfered with the rights of the members of the Associations, contrary to the byelaws prescribed. It is evident that the impugned order is an intrusion into the rights of the petitioners in both these writ petitions guaranteed under [Article 19\(1\)\(c\)](#) read with [Article 33](#) of the Constitution of India and the PRR Act, 1966. Thus, the impugned order abolishing the KPOA and interfering with the membership and assets of the Associations without the consent of its members and contrary to the byelaws is legally invalid. Consequently, the orders constituting the Ad hoc Committees have no legs to stand and are hence liable to be quashed.

Issue No. (iii). Whether the writ petitions are maintainable?

34. Sri. George Poonthottam, the learned Senior Counsel for the additional respondent raised the question of maintainability of CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 35 2026:KER:74985 the writ petitions arguing that the petitioners do not have the locus standi to file the writ petitions, especially the writ petitioner in W.P.(C) No. 26155 of 2026, as it is an unregistered body and further that there is no such body in that name.

35. Locus standi of the petitioners will have to be determined on the basis of facts and circumstances arising in each case. W.P. (C) No. 26155 of 2026 is filed by KPA, which is the sole writ petitioner, while W.P.(C) No.26295 of 2026 is filed by KPOA along with two members of the said association, the question of locus standi in the latter writ petition cannot arise, as two individual members of the Association, who alleged violation of their fundamental rights, are there on the party array as petitioners. As far as the former writ petition is concerned, though it is alleged that the writ petitioner is put to the proof of the existence of such a body, the very same objector, i.e. the additional fourth respondent in his additional counter affidavit has stated in paragraph No.7, that he was the elected General Secretary of the Kerala Police Association. Hence the existence of such a body as KPA is in fact conceded. Further, in the impugned order, the CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 36 2026:KER:74985

Government itself refers to the existence of the KPA as a recognized body. Thus the existence of a recognized association called KPA cannot be disputed.

36. True that an Association has no fundamental right and it is only the citizens who have a fundamental right to form an association. However, a recognized Association has a legal right to ensure that its byelaws are not infringed upon by any person including the Government. The petitioner in W.P.(C) No. 26155 of 2026 being a body statutorily recognized under the [Kerala Police Act](#) 2011, it cannot be held that the writ petition is not maintainable especially since, its right to decide on the members who can be admitted into its fold have been allegedly trampled upon and its elected Committees removed by the impugned orders issued by the Government and the State Police Chief. The decisions in [Confederation of Ex-Servicemen Associations and Others v. Union of India and Others](#) [(2006) 8 SCC 399], [Fertilizer Corporation Kamgar Union \(Regd.\), Sindri and Others v. Union of India and Others](#) [(1981) 1 SCC 568] and [Akhil Bharatiya Soshit Karamchari Sangh \(Railway\) v.](#)

CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 37 2026:KER:74985 Union of India and Others [(1981) 1 SCC 246] are relevant in this context. Hence these writ petitions are maintainable.

Accordingly, the impugned orders Ext.P3 dated 27.07.2026 produced in both writ petitions and Ext.P4 and Ext.P5 produced in W.P(C) No. 26295 of 2026 are set aside.

The writ petitions are allowed.

Sd/-

BECHU KURIAN THOMAS JUDGE vps CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 38 2026:KER:74985 APPENDIX OF WP(C) NO. 26155 OF 2026 PETITIONER'S/S' EXHIBITS Exhibit P1 A TRUE COPY OF THE GOVERNMENT ORDER AS G.O.(MS)NO.134/79/HOME DATED, 4-10-1979 OF THE SPECIAL SECRETARY TO THE GOVERNMENT, DEPARTMENT OF HOME ALONG WITH ITS TYPED COPY Exhibit P2 A TRUE COPY OF THE BYE-LAWS ISSUED AS PER G.O. (MS)NO.165/2025/HOME DATED, 29-8-2025 BY THE HOME (INTELLIGENCE), DEPARTMENT Exhibit P3 A TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT AS G.O. (MS)NO.133/2026/HOME DATED, 27-7-2026 Exhibit P4 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE STATE POLICE CHIEF, THIRUVANANTHAPURAM DATED, 27-7-2026 Exhibit P5 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR HOME, GOVERNMENT OF KERALA DATED, 27-7-2026 RESPONDENT'S/S' ANNEXURES Annexure R4(a) TRUE COPY OF THE PROCEEDINGS NO.C2- 117407/2026/PHQ ISSUED BY THE DIRECTOR GENERAL OF POLICE ON 28.07.2026.

Annexure R4(b) TRUE COPY OF THE PROCEEDINGS NO.C2- 117407/2026/PHQ(1) ISSUED BY THE DIRECTOR GENERAL OF POLICE ON 28.07.2026.

Annexure R4(c) TRUE COPY OF THE MINUTES DATED 29.07.2026 AS REGARDS ASSUMPTION OF CHARGE FOLLOWING ANNEXURE-R4(a).

EXHIBIT R4(a) TRUE COPY OF GO(MS)NO. 155/79/HOME DATED 17TH NOVEMBER 1979 EXHIBIT R4(b) TRUE COPY OF THE GO(P) NO.18/2020/HOME DATED 16TH APRIL 2020 AND PUBLISHED IN THE KERALA GAZETTE ON 17TH APRIL 2020 CNR : KLHC010572702026 W.P.(C) Nos.26155 &

26295/2026 39 2026:KER:74985 EXHIBIT R2(a) TRUE COPY OF G.O.(MS.) NO. 134/79/HOME DATED 04.10.1979 ALONG WITH TYPED COPY EXHIBIT R2(b) TRUE COPY OF KERALA GAZETTE NO.34 OF 1976, PART I, SECTION 4, G.O.1612 DATED 24.08.1976.

EXHIBIT R2(c) TRUE COPY OF G.O.(MS.) NO. 141/2020/HOME DATED 25.07.2020.

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W.P.(C) Nos.26155 & 26295/2026 40

2026:KER:74985

APPENDIX OF WP(C) NO. 26295 OF 2026

PETITIONER'S/S' EXHIBITS

Exhibit P1 THE TRUE COPY OF THE GOVERNMENT ORDER
G.O(MS) NO. 234/2014/HOME DATED

19/11/2014 ALONG WITH THE AMENDED BYE LAW Exhibit P2 THE TRUE COPY OF THE GOVERNMENT ORDER G.O(MS) NO. 169/2024/HOME DATED 26/7/2024 Exhibit P3 THE TRUE COPY OF THE ORDER G.O(MS)NO.133/2026/HOME DATED 27/7/2026 Exhibit P4 THE TRUE COPY OF THE ORDER NO.C2- 117407/2026/PHQ DATED 28/7/2026 Exhibit P5 HE TRUE COPY OF THE ORDER NO.C2- 117407/2026/PHQ(1) DATED 28/7/2026 ISSUED BY THE 2ND RESPONDENT RESPONDENT'S/S' EXHIBITS EXHIBIT R1(a) TRUE COPY OF G.O.(MS.) NO. 134/79/HOME DATED 04.10.1979 ALONG WITH TYPED COPY.

EXHIBIT R1(b) TRUE COPY OF G.O.(MS.) NO.141/2020/HOME DATED 25.07.2020.

EXHIBIT R1(c) TRUE COPY OF KERALA GAZETTE NO.34 OF 1976, PART I, SECTION 4, G.O.1612 DATED 24.08.1976.

Exhibit-R3(a) TRUE COPY OF THE G.O.(MS.) NO.134/79/HOME DATED 04.10.1979 ALONG WITH ITS TYPED COPY.

Exhibit-R3(b) GO(MS) NO.155/79/HOME DATED 17TH NOVEMBER 1979.

Exhibit-R3(c) COPY OF THE RESOLUTION BEARING REF.NO.

41/KPOA/SC/2025-27 DATED 08.08.2026.

Exhibit-R3(d) A COPY OF THE GO(P)NO. 18/2020/HOME DATED 16TH APRIL 2020 AND PUBLISHED IN THE KERALA GAZETTE ON 17TH APRIL 2020.

CNR : KLHC010572702026 W.P.(C) Nos.26155 & 26295/2026 41 2026:KER:74985 Annexure R3(a) A
TRUE COPY OF THE COMMUNICATION ISSUED BY THE GENERAL SECRETARY OF THE ADHOC
COMMITTEE, KERALA POLICE SENIOR OFFICERS' ASSOCIATION TO THE STATE POLICE CHIEF.