

**(2001) 02 AP CK 0103**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No. 4042 of 1993**

A.P. Police Officers, Asscn.

APPELLANT

Vs

Secretary, Home

RESPONDENT

**Date of Decision : 27-02-2001**

**Acts Referred:**

Andhra Pradesh Civil Services (Recognition of Services Association) Rules, 1962 — Rule 30  
Constitution of India, 1950 — Article 14, 19, 19(1), 33  
Police (Incitement to Disaffection) Act, 1953 — Section 22

**Citation : (2001) 02 AP CK 0103**

**Hon'ble Judges : E. Dharma Rao, J**

**Bench : Single Bench**

**Advocate : C. Srinivasa Baba, for the Appellant; Govt. Pleader for Home, for the Respondent**

**Final Decision : Dismissed**

## **Judgement**

E. Dharma Rao, J.—This writ petition is filed to declare the action of the respondents in imposing conditions while according recognition to the petitioner association as highly unreasonable, discriminatory and vindictive apart from violative of the fundamental rights guaranteed by the Constitution of India.

2. Andhra Pradesh Police Officers Association, Guntur represented by its President is the petitioner in this writ petition. The petitioner association claims to be the sole association representing the Constables, Head-Constables, Assistant Sub-Inspectors of Andhra Pradesh Police Subordinate Services including women police, armed reserve, communications and police transport organization. It is submitted that the association consists of 45,000 employees at the time of filing of the writ petition; that it is one of the recognized units of the main association representing Guntur District. To fulfill the long cherished idea of the Andhra Pradesh Policemen to form an association to ventilate their grievances to the authorities through association, the petitioner association was formed. As the respondent refused to accord recognition to the petitioner association, it filed

Writ Petition No.471 of 1975 before this Court and this Court by order dated 6.7.1976 set aside the orders passed by the Government rejecting recognition and directed the Government to consider the request for recognition of the association.

3. Pursuant to the directions of this Court, the Government accorded recognition to the petitioner association in the year 1979 subject to certain restrictions, which are as under;

1. "Membership shall be restricted to serving policemen only. No outsiders, 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 any advisory or other capacity.

2. Members shall not have the right to strike work or with hold their services or otherwise delay the performance of their duties in any manner;

3. The Association shall not resort to any coercive method of agitation for obtaining redressal of grievances;

4. The Association shall not do anything which may affect the efficiency of the force or undermine its discipline and

5. The Association shall be absolutely non political in character and shall not be connected directly or indirectly with political activity of any kind."

4. Questioning the above restrictions imposed by the Government while according recognition to the petitioner association, the present writ petition is filed contending that they are highly arbitrary and discriminatory as such restrictions were not imposed while according recognition to other associations like the petitioner.

5. It is contended that due to condition No.3, stated above, the policemen are not allowed to raise their grievances and whenever such an attempt is being made by them to ventilate their grievances, the same was treated as indiscipline and charge sheets were also issued to the policemen. It is further submitted that the Indian Police Commission which was appointed in the year 1977 has also pointed out that every police personnel works for 13 hours a day including holidays and festivals whereas an industrial worker and every other Government employee works for only 8 hours a day only in working days. It is also submitted that the naxal problem adds a new angle and dimension to the duties of the Andhra Pradesh Police which is faced with naxal violent activities throughout the year. Further, the conditions under which the Indian Police is asked to perform the duties are staggering burden of work, series of political interference, which is paralysing police work and image; that the law enacted for and followed in regard to police is drafted for Imperial British Police in 1861. The present police are undermanned, overburdened, ill paid, poorly equipped. It is also submitted that nobody bothered to examine the denial of basic rights of police as human beings and citizens. Thus submitting, it is stated by the learned counsel for the

petitioner that when the police are working in such an unhealthy atmosphere, imposing the restrictions on the petitioner association would in a way defeat the very purpose and idea behind constituting the association and the State Government being a model employer should not have imposed such restrictions.

6. In response to the notice issued by this Court, the respondent State has filed a counter affidavit denying the allegations levelled against it by the petitioner association. It is submitted that the A.P. Police Officers' Association is representing the grievances of the police personnel from the rank of Constable to Inspector but not from the rank of Constable to ASI as contended by the petitioner association. It is further submitted that the petitioner association was given recognition basing on the recommendations of the Chief Ministers Conference held at Delhi in the wake of police strike in the North India and in some parts of the South India. However, the remarks of the then I.G.P. Andhra Pradesh were not obtained before imposing the restrictions on the petitioner; that there is vast difference between the Police Officers' Association and other Civil Services Associations as the fundamental duty of the uniformed force is to control law and order situation in the State and safeguard the security of the public. In regard to the contention of the petitioner association that the police are neglected and ill treated it is categorically stated in the counter affidavit that most of the police stations are well equipped with all basic amenities viz., latest arms and ammunitions, clothing articles and furniture etc., Dormitories, Recreation Clubs, Sports facilities, play grounds etc., have been provided. It is also submitted that educational aids, scholarships, medical loans and medical aids are being given to the police personnel. Advance increments and promotions are being given to the outstanding players/sportsmen who secured gold/silver/bronze medals in All India Police Games/South Zone police Games and All India Police Duty Meet. Only the police personnel are provided with rent free quarters and while recruiting police constables, exemption in physical measurements is being given to the children of the deceased police personnel. Age relaxation and 6% of the vacancies advertised are reserved for in service policemen like P.Cs and H.Cs in the direct recruitment of S.I of police. It is submitted that to the families of the police personnel who lost their lives in naxalite offences, landmine blast/violence etc., many benefits like appointments to suitable post, compensation and Insurance to all natural death cases is provided.

7. If restrictions are not imposed while according recognition, the Association may not act like a disciplined force and as police department is essentially a disciplined force restrictions are essential. More over, the District Association has to represent through their State Association to their Higher authorities or Director General and Inspector General of Police or Government. Being a uniformed and disciplined force, if they participate in strikes and agitations, it spoils the discipline of the force and decorum of the department. It is submitted that the purpose of allowing the police personnel to form the association in question is to point out their grievances and injuries, if any, done to them. But, to treat them on par with other associations is not a legitimate demand for the

reasons explained above and for those essential reasons only the police department stands on a different footing from other civil associations.

8. It is further stated that though it is true that the police personnel are working even on holidays and festivals, they are also given the additional benefits like 15 days surrender leave more than what the other governmental employees are given and another 15 days surrender leave for working extra hours on working days. Apart from that, the police personnel are meant to protect the public, control law and order situation in the state. So many other facilities, which are not extended to the other governmental employees were given to the police personnel only keeping in view the circumstances under which they are working and the nature of their duties. Therefore, it cannot be said that police personnel are ill treated or ill paid.

9. It was also stated in the counter that the Government is proposing to constitute a staff council in which from the rank of Police Constable to the Director General of Police will be represented and there all ranks of the A.P. Police Force can discuss the matter. The said council will meet every six months and the Chief Minister will preside over the council meeting and solve the problems and grievances of the police personnel. It is further submitted that there is no such association in the neighbouring states giving them the right to strike.

10. It is also stated that Article 33 of the Constitution provides that Parliament may by law determine to what extent any of the rights conferred by Part-III of the Constitution shall, in their application to the members of the Armed Forces, be restricted or abrogated so as to ensure proper discharge of their duties and the maintenance of discipline among them. Provisions have been made accordingly in the Arms Act 1950, the Air Force Act 1950 and the Navy Act, 1959 for the restriction or abrogation of rights conferred by Part-III of the Constitution in their application to the members of the Armed Forces. Keeping this view in mind, the Central Government enacted legislation known as "The Police Forces (Restriction of Rights) Act, 1966 and the three police acts of the State of Andhra Pradesh are included in the schedule.

11. The petitioner association was accorded recognition subject to the above allowed restrictions under "The Police Force (Restriction of Rights) Act, 1966 and subject to the conditions laid down in Rule 30 (f) of the A.P. Civil Services (Recognition of Services Association) Rules, 1962 and also subject to some more conditions which are permitted under the above said Acts. Thus submitting, the learned Government Pleader for Home sought the writ petition to be dismissed.

12. The main grievance of the petitioner association is that their right to voice their grievances, to point out the injuries done to them as also the right to be treated on par with other associations of the country is taken away by the Government though has accorded recognition to its association by imposing the restrictions. Let us examine the law covering the issue involved in this case.

13. Article 19(1) of the Constitution of India guarantees all the citizens to form Associations or Unions. The marginal note speaks of protection of certain rights regarding freedom of speech, etc. The above said right is available to all the citizens of India, but not available to any person who is not an Indian citizen. The above right is conferred to natural persons who are citizens and that the Corporation, not being a citizen, can not claim any rights included in this Article. This right to form Association or Union to ventilate their grievances can be restricted by the Government under Clause (4) of Article 19 from making any law effecting sovereignty or integrity of India or public order or morality and reasonable restrictions on the exercise of the right conferred by the said sub clause.

14. For exercising the said fundamental right conferred on the Associations and Unions, the Constitution of India under Article 33 empowered Parliament to enact law to determine to what extent any of the rights conferred by the Chapter III in their application to the members of the Armed Forces, or the members of the Forces charged with the maintenance of public order; or persons employed in any bureau or other organisation established by the State for purpose of Intelligence or counter intelligence; or persons employed in, or in connection with the telecommunication system set up for the purpose of any Force, Bureau, or organisation referred to above; be restricted or abrogated so as to ensure proper discharge of their duties and the maintenance of discipline among them. In the present case, we are concerned with the members of FORCES charged with the maintenance of public order (clause "b" of Article 33). The Parliament has got power by virtue of Article 33 to restrict their right by law and the law made by the Parliament cannot be challenged on the ground of contravention of any of the Fundamental Rights, for instance Art. 14 i.e., equality before law. Therefore, the writ of association under Article 19(1)(c) has been curtailed by rules made under Army Act, 1950, passed by the Parliament. Instead of imposing restrictions in the law itself, Parliament may empower the Central Government to impose the restrictions, subject to such limitations as may be laid down in that law and to the overall condition provided in Article 33 itself, i.e. the restrictions must be such as are necessary for ensuring the proper discharge of duties by the Armed Forces and of discipline among them and the forces charged with the maintenance of public order. While exercising the power conferred under Article 33, the Parliament has enacted the Army Act, which restricts Fundamental Right guaranteed under Article 19(1)(c). When the validity of the Army Act was challenged before the Supreme Court in *R. Wiswan and others Vs. Union of India & Others*(1), the Apex Court while considering Sec. 21 of the Army Act which empowers the Central Government to impose restrictions on Fundamental Rights guaranteed to the Army Personnel under clauses (a), (b) and (c) of Article 19(1) held that though the power conferred on the Central Government u/s 21 of the Army Act to impose restrictions on Fundamental Rights guaranteed under Clauses (a), (b) and (c) of Article 19(1) is a broad un-canalised and unrestricted power permitting violation of constitutional limitations u/s 21 cannot be

condemned as invalid on the ground that it is saved by Article 33 of the Constitution. The rights which are permitted to be restricted by a notification issued by the Central Government u/s 21 of the Army Act, are part of the Fundamental Rights under clauses (a), (b) and (c) of Article 19(1) of the Constitution and under the constitutional scheme, they cannot be restricted by executive action unsupported by law and if any restrictions are to be imposed, that can be done only by law and such law must satisfy the requirements of Clause (2), (3) and (4) of Article 19. The restrictions imposed must be reasonable and in case of right under clause (a) of Article 19(1) they must be in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence, as provided in clause (2) of Article 19. In case of right under clause (b) of Article 19(1), they must be in the interest of the sovereignty and integrity of India or public order, as provided in clause (3) of Article 19 and in case of right under clause (c) of Article 19(1), they must be in the interest of the sovereignty and integrity of India or public order or morality as provided under Clause (4) of Article 19, then only they would be valid, otherwise, they would be unconstitutional and the law imposing them would be void.

15. Earlier when the Parliament has enacted Army Act in 1950, pursuant to the decision of the Constitution Bench of the Supreme Court, the provisions of which, according to the decision in *Ram Sarup Vs. The Union of India (UOI) and Another*, are protected by Article 33 even if found to affect one or more the Fundamental Rights, but having regard to the varying requirement of Army discipline and the need for flexibility in this sensitive area, it would be inexpedient to insist that Parliament itself should determine what particular restrictions should be imposed and on which Fundamental Rights in the interest of proper discharge of duties by the members of the Armed Forces charged with the maintenance of public order and maintenance of discipline among them. The Supreme Court also considered the question whether the members of the General Reserve Engineering Force (GREF) can be said to be Armed Forces for the purpose of attracting the applicability on the character of GREF, its organisational set up, its functions, the role it is called upon to play in relation to the Armed Forces and the depth and intimacy of its connection and the extent of its integration with the Armed Forces, and if judged by this criterion, they are found to be members of the armed Forces, the mere fact that they are non-combatant civilians governed by the Central Civil Services (Classification, Control and Appeal) Rules, 1965 can not make any difference. This view was also expressed in the Judgment of the Supreme Court in *Ous Kutilingal Achudan Nair and Others Vs. Union of India (UOI) and Others*, where the question was whether certain employees in the Defence Establishment such as cooks, chowkidars, laskers, barbers, carpenters, mechanics, boot-makers, tailors, etc., who were non-combatant of the Armed Forces.

16. The Apex Court in *Dalbir Singh & Others Vs. State of Punjab (2)* considered

the constitutional validity of Pepsu Police (Incitement to Disaffection) Act, 1953, which was enacted by the Parliament by virtue of delegation of powers u/s 3 of Act 22 of 1953 is not parliamentary legislation within Article 33 of the Constitution. In construing the validity of Section 3 of the impugned Act, the provisions contained in Article 33 of the Constitution has no relevance. No doubt, the impugned provision is concerned with ensuring discipline among the forces charged with the maintenance of public order but as the powers of the President were exercised by virtue of the delegation contained in Section 3, under which only the powers of the State Legislature were vested in him, any law enacted by him would not have the force of Parliamentary Legislation contemplated by Article 33.

17. From the above discussion it is clear that three categories of fundamental rights conferred under Article 19 can be restricted by the Central Government by notification i.e. firstly a right to be a member of or to be associated in any way with, any trade union or labour union, or any class of trade or labour unions, or any society, institution or association or any class of institution or associations, secondly, the right to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other purposes; and thirdly the right to communicate with the press or to publish or cause to be published; any book, letter or other document. These rights which are permitted to be restricted are part of the Fundamental Rights under clauses (a), (b) and (c) of Article 19(1) and under the Constitution scheme, they cannot be restricted by executive action unsupported by law. If any restrictions are to be imposed, that can be done only by law and such law must satisfy the requirements of clauses (2), (3) and (4) of Article 19, that the restrictions imposed must be reasonable and in case of right under clause (a) of Article 19(1), they must be in the interest of sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order decency or morality or in relation to the contempt of Court, defamation or incitement to an offence. As provided in Article 19(2). In case of right under clause (b) of Article 19(1), they must be in the interest of the sovereignty and integrity of India or public order, as provided in clause (3) of Article 19 and in case of right under clause (c) of Article 19(1), they must be in the interest of the sovereignty and integrity of India or public order or morality as provided under Clause (4) of Article 19, then only they would be valid, otherwise, they would be unconstitutional and the law imposing them would be void. Article 33 carves out an exception insofar as the applicability of Fundamental Right to members of the Armed Forces and the Forces charged with the maintenance of public order is concerned; it is elementary that a highly disciplined and efficient armed force is absolutely essential for the defence of the country. Defence preparedness is in fact the only sure guarantee against aggression. Every effect has, therefore, to be made to build up a strong and powerful army capable of guarding the frontiers of the country and protecting it from aggression. The constitution makers, therefore, placed the need for discipline above the fundamental rights so

far as the members of the Armed Forces and the Forces charged with the maintenance of public order are concerned and provided in Article 33 that Parliament may, by law determine the extent to which any of the Fundamental Right in their application to the members of the Armed Forces and the Forces charged with the maintenance of public order may be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them. Article 33, on a plain grammatical construction of its language does not require that the Parliament itself must by law restrict or abrogate any of the Fundamental Rights in order to attract the applicability of that Article. What it says is that the Parliament may by law determine the permissible extent to which any of the Fundamental Rights maybe restricted or abrogated in their application to the members of the Armed Forces and the Forces charges with the maintenance of public order. The Parliament itself can by enacting a law restricting or abrogate any of the Fundamental Right in their application to the members of the Armed Forces and the Forces charged with the maintenance of public order, has been done by enacting the Army Act, 1950 and also by enacting The Police Forces (Restriction of Rights) Act, 1966.

18. The validity of the provisions of The Police Forces (Restriction of Rights) Act, 1966 was considered by the Supreme Court in Delhi Police Non-Gazetted Karmchari Sangh Vs. Union of India<sup>(3)</sup> The Delhi Police Non-Gazetted Karmachari Sangh filed writ petition questioning the validity of the provisions of the Police Force (Restriction of Rights) Act, 1966 and Rules made there under and the Circulars issued by the Government dated 1-4-1971 as illegal ultravires and violative of Article 19(1)(c) of the Constitution of India. The case of the petitioners therein was that the restrictions imposed are arbitrary and violative of Article 14 of the Constitution. The Non-Gazetted Members of the Delhi Police Force wanted to form an organisation of their own and for that purpose constituted the Karmachari Union in 1966 and applied for its registration under the Trade Union Act, 1926. Initially registration was declined, then The Police Forces (Restriction of Rights) Act, 1966 was enacted and came into effect from 2-12-1966, then an application for recognition was again made on 9-12-1966 and recognition was granted by the Central Government on 12-12-1966 and the Non-Gazetted Members of the Delhi Police Force were permitted to become members of the Sangh, that on 12-12-1966 the Central Government made Rules under the Act which were amended in December, 1970 and this circular, which attempts to de-recognize the Sangh was impugned before Their Lordships.

19. For better appreciation, it is better to refer to the salient features of the Act. The Act was enacted to delineate the restrictions imposed on the rights conferred by Part III of the Constitution in their application to the members of the forces charges with the maintenance of public order so as to ensure proper discharge of their duties and the maintenance of discipline among them. The Parliament obviously has this power under Article 33 of the Constitution of India. The provisions of the Act seek to place certain restrictions on members of the Police Force in exercise of their Fundamental Rights guaranteed by Article 19(1)(c) of



the Constitution to form Associations or Unions. Section 3 of the said Act contemplates that 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 recognized as part of the force of which he is a member or is not of a purely social, . Recreational or religious nature; or (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 bonafide discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature. In case of any question as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of Section 3 (1) if the Act, the decision of the Central Government shall be final.

20. Sub-Section (2) of Section 3 of the said Act contemplates that 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 purpose or for such other purposes as may be prescribed.

21. Section 4 of the Act provides for penalties if Section 3 is contravened by any person. Section 5 gives power to the Central Government by notification in the official gazette, to amend the schedule by including therein any other enactment relating to a force charged with the maintenance of public order or omit therein. Section 6 gives the rule making power to the Central Government.

22. The Supreme Court while dealing with the contention that the provisions of the said Act and Rules are taking away or abridging the freedom of the association are not in conformity with Article 33 of the Constitution, has held that the right under Article 19(1)(c) is not absolute. Article 19(4) specifically empowers the State to make any law to fetter, abridge or abrogate any of the rights under Article 19(1)(c) in the interest of public order and other considerations. Therefore, the attack against the Act and Rules can be successfully met with reference to these two Articles as members of the Police Force, like the petitioners therein, are at a less advantageous position, curtailment of whose rights under Article 19(1)(c) comes squarely within Article 33 in the interest of discipline and public order. Their Lordships came to the conclusion on the basis of the judgment of the Supreme Court in Smt. Damyanti Naranga Vs. The Union of India (UOI) and Others, , wherein the scope of Article 19(1)(c) was considered. The Parliament enacted Hindu Sahitya Sammelan Act under which outsiders were permitted to become members of the Sammelan without the volition of the original members, which was challenged and the Supreme Court held that any law altering the composition of the Association compulsorily will be a breach of the right to form the association because it violated the composite right of forming an association and the right to continue

as the original members desired it. Considering the same, Their Lordships further held that there was an entirely different situation since the Supreme Court was dealing with a group distinct in its nature and composition from others and in Delhi Police Karmachari Sangh's case, Their Lordships were dealing with a force that is invested with powers to maintain public order and Article 33 enables the Parliament to restrict or abrogate the Fundamental Right in their relation to the Armed Forces including Police Force. In Ous Kutilingal Achundan Nair's case, the Supreme Court while considering the question whether the employees of the defence establishments such as cooks, barbers, carpenters, mechanics, boot-makers, tailors, etc., who were non-combatant civilians, governed by the Civil Service Regulations for the purpose of discipline, leave, pay, etc. and were eligible to serve up to the age of 60 years, unlike the members of the Armed Forces could be validly called Members of the Armed Forces covered by Article 33, because it was only if they were members of the Armed Forces within the meaning of that Article that the restrictions imposed upon their right to form association could be sustained and it was held, for various reasons, that they are members of the Armed Forces.

23. In yet another case, Raghubar Dayal Jai Prakash Vs. The Union of India (UOI) and Others, , the Supreme Court dealt with the question in relation to the functions of an incorporated body, the objects of which were inter alia, to regulate forward transactions in the sale and purchase of various commodities. In this case, it was contended that if a law regulated the recognition of an association under certain conditions subject to which alone recognition could be accorded or continued, such conditions were bad. It is contended that if the object of an association was lawful no restriction could be placed upon it except in the interest of public order and that freedom to form an association carried with it the right to determine its internal arrangements also. Repelling this contention, the Supreme Court held that the restrictions cannot be imposed by statute for the purpose of regulating control of such associations. While the right to freedom of association is fundamental, recognition of such association is not a fundamental right and the Parliament can by law regulate the working of such associations by imposing conditions and restrictions on such functions. The Supreme Court further held that it cannot be disputed that the fundamental rights guaranteed by Article 19(1)(c) can be claimed by the Government Servants, a Government Servant may not lose its right by joining Government service. Article 33 which confers power on the Parliament to abridge or abrogate such rights in their application to the Armed Forces and other similar forces shows that such rights are available to all citizens, including Government Servants, but it is, however, necessary to remember that Article 19 confers fundamental rights which are not absolute but are subject to reasonable restrictions.

24. In view of the nature of duties of the forces involved in the writ petition, it is true that the rules impose restriction on the right to form association. It virtually compels a Government Servant to withdraw his membership of the association as

soon as recognition accorded to the said association is withdrawn.

25. Applying the above principles laid down by the Supreme Court in the above judgments, let us examine the case on hand. The petitioner Association was granted recognition by the Government subject to certain restrictions, their membership shall be restricted to the police men only and no outsider whether Government Servant or not, shall be entitled to membership or function as an office bearer of the Association or be connected with it in any advisory or other capacity; that the members shall not have the right to strike work or withhold their services or otherwise delay the performance of their duties in any manner; that the Association shall not resort to any coercive method of agitation for obtaining redressal of grievances; that the Association shall not do anything which may affect the efficiency of the Force or undermine its discipline and that the Association shall be absolutely non-political in character and shall not be connected directly or indirectly with political activity or any kind. The above restrictions are imposed taking into consideration, as the petitioners are members of the Force charged with the maintenance of public order if once the petitioners are treated on par with Government Servants it is difficult to maintain law and order, decorum and public order.

26. In exercise of the powers confirmed under the Police Forces (Restriction of Rights) Act, 1966, restrictions were imposed by the Government while granting recognition to the petitioners' Association. The duties and functions of the petitioners are different from the functions of Government Servants. For the maintenance of uniform discipline among the petitioners' organisation, it cannot be said that the restrictions imposed by the Government are either arbitrary or violative of Article 19(1)(c). If the forces, who are supposed to maintain law and order, participate in strikes and agitations, that will spoil the discipline, image and decorum and it is not in the interest of sovereignty and integrity of India. Taking into consideration that the petitioners, though have a right to form associations under Article 19(1)(c) is, however, subject to the restrictions imposed by Article 19(4) imposed on the Armed Forces and the Forces charged with the functions of maintaining law and order. The Parliament was given power under Article 33 of the Constitution to enact laws to restrict enjoyment of the Fundamental Rights guaranteed under Article 19(1)(c) and in consonance of the said restrictions, the impugned order was passed by the Government imposing certain restrictions while recognizing the petitioners' Association, in the interest of maintenance of discipline and decorum among the forces. Therefore, it cannot be held that the restrictions imposed by the Government while granting recognition, are unconstitutional and violative of Articles 14 and 19(1)(c) of the Constitution of India. Therefore, I hold that the restrictions imposed by the Government are intra vires of the Act 33 of 1966 and Rules made there under and in consonance of Articles 14 and 19(1)(c) of the Constitution of India. Therefore, I do not see any reason to entertain the writ petition. The writ petition accordingly fails and is dismissed. No order as to costs.