

News

The Kerala Police Officers' Association petitions the Supreme Court to overturn the High Court's restrictions on arrests made on court property.



The Kerala High Court's orders limiting arrests on court property, according to the application, constitute judicial legislation.

Police

In a recent case [Kerala Police Officers' Association vs. State of Kerala & Ors.], the Supreme Court requested the State of Kerala's response to a plea filed by the Kerala Police Officers' Association contesting the High Court's recent rulings restricting the arrest of individuals

within court premises without the presiding judge's consent.

In a notice on the case, a bench of Justices Surya Kant and Joymalya Bagchi stated that the High Court's directives have made it more difficult for law enforcement to carry out their duties and are in conflict with the Kerala Police Act of 2011 and the Bharatiya Nagarik Suraksha Sanhita (BNSS).

The Kerala High Court's August 19 ruling in a suo motu case involving altercations between attorneys and police on court property has been contested in the plea.

In that instance, the High Court had established a comprehensive set of rules governing police behavior on court property, which included a directive that no one be detained during court hours without first notifying the presiding officer.

The rules also stated that all buildings, structures, and property that are appurtenant to the courtroom—aside from residential quarters—would be considered "court premises."

It stated that arrests would only be allowed without prior notice in two specific circumstances: when prompt action was required to stop a crime that could be prosecuted or when long-pending warrants against fugitive suspects were being carried out.

In order to resolve conflicts between the police and the bar, the High Court also mandated the creation of grievance redressal bodies at the State and district levels.

Following a confrontation between an advocate and police officers at the Judicial First Class Magistrate Court in Alappuzha district's Ramankary, Kerala lawyers staged massive protests in response to the rules.

The Police Officer's Association pleaded before the Supreme Court that the High Court had overreached itself by creating regulations "over and above" the law.

According to the petition, the BNSS already establishes extensive guidelines controlling the authority and process of arrest, and the High Court's directives essentially alter existing legal protections.

It was argued that the High Court's order violates a legislative realm and tantamount to judicial legislation.

It was stated that no law permits prior authorization from a judicial officer before executing an arrest, and that police officers have a statutory duty under the BNSS to execute warrants swiftly, regardless of location.

Amith Krishnan H, an advocate, filed the petition.

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