BLOGS

Landmark Cases on Article 12

Khushi Malviya · 11 Apr 2025

Introduction

As per Article 12, "State" refers to the Government, Parliament, Legislatures of India and its States, and all local/other authorities under Indian Government control. Only the Part III provisions are intended to be applied as a result of the definition in Article 12.

Even if a party isn't specifically referred to as a "State" under Article 12, a writ under Article 226 may still be brought against that party on grounds that aren't constitutional or that they are in violation of a provision of the Constitution outside of Part III if that party has a public duty to fulfil or if their actions are supported by the State or public officials.

Landmark Cases on Article 12

Pradeep Kumar Biswas vs. Indian Institute of Chemical Biology & Ors

This case establishes a precedent for interpreting 'other authorities' under Article 12, offering clarity on the matter to a significant extent while overturning the previous ***Ajay Hasia case's*** strict rule that government-associated registered societies are universally classified as a State entity.

The ruling emphasizes a context-dependent assessment based on the specific circumstances. This verdict contrasts with the Sabhajit Tiwari case, where the Council of Scientific and Industrial Research (CSIR) wasn't deemed a State entity. The case's reevaluation was triggered by a writ application challenging the termination of services by a CSIR unit.

The central issues were whether CSIR qualifies as a State instrumentality under Article 12 and if the long-standing Sabhajit Tewary precedent should be overturned. The judgment establishes CSIR as an instrumentality of the State, reversing Sabhajit Tiwari's decision and critiquing the earlier Supreme Court stance.

It underscores that substantial government funding and control equate to 'other authority' status under Article 12, emphasizing a nuanced assessment of government connections.

Mohammad Yasin v. Town Area Committee

The Supreme Court established criteria for classifying an entity as a 'local authority.' It ruled that for such categorisation, the entity must possess distinct legal status as a corporate body, operate independently from government agencies, function within a specific geographic area, have elected representation from area residents, maintain a certain level of autonomy (complete or partial), be mandated by law to perform typical local government duties such as healthcare, education, water management, town planning, transportation, etc., and possess the authority to generate funds for its operations and objectives through taxes, rates, charges, or fees.

University of Madras v. Shanta Bai

The Madras High Court established the principle of **'ejusdem generis'** which signifies that the term 'other authorities' encompasses only those entities that carry out governmental or sovereign functions. This principle excludes individuals, whether natural or legal, such as Unaided universities, from its scope.

Sukhdev v. Bhagatram

The Supreme Court of India established a significant precedent by deeming certain entities such as LIC (Life Insurance Corporation), ONGC (Oil and Natural Gas Corporation), and IFC (Industrial Finance Corporation) as entities falling under the category of 'State.'

This classification was grounded in their engagement in activities closely aligned with governmental or sovereign functions. These corporations were deemed to possess characteristics akin to governmental authority, primarily due to their meeting the criteria established in the judgment.

Firstly, the entities held the power to formulate and implement regulations, a prerogative typically attributed to governmental bodies. Secondly, the regulations enacted by these corporations held the weight of law, thus indicating a level of authority equivalent to that of the State.

Moreover, the Court emphasized the importance of passing a set of five tests, collectively known as the “five tests” framework, to determine whether a corporation could be considered a State for the purposes of fundamental rights enforcement.

These tests encompassed factors such as the degree of State control, financial autonomy, and functional character. By expanding on these criteria, the Court’s ruling set a crucial precedent, illustrating how certain corporations could be classified as State entities when their operations and characteristics align closely with governmental functions, thereby reinforcing the significance of the “five tests” in establishing the State-like attributes of such corporations.

Naresh Sridhar Mirajkar v. State of Maharashtra

This case introduced the question of whether the judiciary qualifies as a ‘state.’ While the Supreme Court did not definitively address this query, it noted that if the court were considered a state, then issuing writs under Article 32 (Constitutional Remedies) against its rulings would be precluded, as these judgments could potentially infringe upon citizens’ fundamental rights.

State of West Bengal v. Subodh Gopal Bose

The Supreme Court of India articulated a significant observation regarding the purpose and intent of Part III of the Indian Constitution. This specific section of the Constitution is dedicated to fundamental rights and serves as a vital safeguard for ensuring the protection and preservation of the rights and freedoms enshrined within it.

The Court’s pronouncement underscores that the primary objective of Part III is to establish a robust shield against any encroachment or violation of these rights by the actions or influence of the ‘State’. In elaborating on this observation, the Court emphasized that the concept of ‘State’ in this context is not limited to its literal definition, but rather extends to encompass any governmental authority, body, agency, or entity exercising public power.

The essence of this interpretation is rooted in the understanding that fundamental rights are not only conferred upon individuals as a shield against potential state oppression, but they are also designed to provide a secure space within which individuals can exercise their liberties without unjustified interference.

The Court's assertion further elucidates that Part III serves as a fundamental pillar of the Indian Constitution, reflecting the foundational principles upon which the nation's democratic framework is built. By delineating and safeguarding these fundamental rights, the Constitution aims to establish a just and equitable society where individual dignity and freedom are upheld, and where the potential for misuse or abuse of governmental power is effectively curtailed.

Conclusion

The interpretation of Article 12 holds great significance as it designates entities subject to fundamental rights enforcement, exclusively against the state. Article 12's definition of 'state' shapes this determination, with the judiciary working to broaden its coverage, allowing more individuals to uphold their fundamental rights.

The evolving interpretation of "other authorities" has considerably expanded the scope of Article 12, increasingly ensuring justice for those whose rights are infringed upon. The sole objective is to provide redress to individuals falling within its ambit.

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