
“STATE” UNDER PART III OF THE CONSTITUTION OF INDIA: A STUDY OF INTERPRETATION BY JUDICIARY

Priyesh Pathak, LL.M. (2022-2023), Hidayatullah National Law University

ABSTRACT

The meaning and concept of the "state" under part-III of the "constitution" and its judicial interpretation are all covered in this project. Globalization, privatization, and liberalisation have caused a radical change in the notion of the state outlined in Article 12 of the Constitution of India. Instead of providing services, the state instead supports or oversees the economy. The safeguarding of fundamental rights now rests with private entities as the majority of the tasks once carried out by the government are now done by them. As stated in article 12 of the Constitution of India, fundamental rights are, subject to a few limitations, applicable against the state. Therefore, a ceiling above which basic rights can be claimed under article 12 is the concept of state. The "state" includes 'all "local and other authorities" inside India's territory or "under the control of the government of India", as well as the government and parliament of India, as well as the government and legislatures of each state.' Although the constitution clearly defines the term 'state,' the phrase 'other authority under 12' has come to cover any instrumentality or agency of the state. Various standards have been devised to determine what constitutes an institution or entity that falls within this definition. The judiciary have defined the parameters of the provision by establishing a criteria and debating the definitions of the words used in Article 12's concept of a state. This research is an attempt to study about the meaning and idea of the "state" under part-III of "constitution" & its interpretation by judiciary.

INTRODUCTION

In the modern society, "all area of human action is under the shadow of the State." The state creates and supervises a vast range of activities, authorising, regulating, monitoring, or outright banning them, from education to hygienic standards to social welfare to domestic order and external defence. Other aspects of life that are typically considered private or personal, including marriages, abortion, divorce, and etc, are also vulnerable to power of the state. Therefore, it should come as no surprise that political stance has focused a lot of attention on the definition or core of the state. Regardless of the fact that constitution laws do not sufficiently describe or define the word "State," it is necessary to characterise the substance of the state since it is also a key concept in this area of law. The connotation that the word "state" has in constitutional interpretation should be kept in mind, nevertheless, while trying to define or describe it. Article 12 of the Indian Constitution is known as the Magna Carta, and

understanding why that is the case is necessary before we can fully appreciate its significance and purpose. The Magna Carta is a document expressing a basic guarantee of rights and privileges. In June 1215 at Runnymede, the English barons forced King John to subscribe to a charter of rights, according to U.K. History. In Indian constitutional thought, it yet serves as a symbol of the assertion of individual rights (from Article 12- 35). It illustrates the people's awakening in the presence of absolute monarchy oppression (a country is governed by law, not by a dictator), and it establishes that when persons are given the freedom to exercise their rights, they are capable of making a big differences in the world. "The Government and Parliament of India, the Government and Legislature of each State, and all local or other authorities within Indian territory or under the control of the Government of India are all considered to be the 'State', unless the context clearly dictates otherwise in Article 12 of the Indian Constitution. In another terminologies, "for the purposes of Part III of the constitution, the state consists of the following: Government and Parliament of India, which are the Executive and Legislature of the Union; Government and Legislature of Each State, which are the Executive and Legislature of the Different States of India; All local or other authorities within the Territory of India; All local governments and other organisations that the Indian government has jurisdiction over." Like numerous contemporary notions and ideas, the notion of fundamental rights originated in the West. Fundamental rights are claimed against the state, as opposed to certain other legal rights, which are founded by the state and awarded to individuals against each other. As a consequence, regardless of whether a constitution expressly declares so, this is generally believed that the "fundamental rights" listed in it only applicable to the "State,"

that is, to the actions of the "State" and its representatives. Because of this, the US Constitution only enforced basic rights to state activities, albeit being the first modern written constitution to contain these provisions. This very same logic was used to apply the fundamental rights guaranteed by our Constitution, even if some of them are clearly relevant to non-State activities and others are not. The framers used the term "State" more broadly than is typically understood today. "The word includes in the article's description denotes the fact that it is not exhaustive, and the judiciary has expanded the meaning of the provision by judicial pronouncements considerably further the scope of what creators of Article 12 may have meant whenever the constitution was being written." This paper is aimed to find out the meaning of State and to do comparative study of the interpretation by judiciary.

REVIEW OF LITERATURE

Goel, Shivam. "Article 12: Defining the Term 'State' (Part III of the Constitution of India, 1950)." Available at SSRN 2660116 (2015). The objective of this study is to provide an explanation of the terms "State, Sovereign, State Action, and the idea of 'State Absolutism'" using the reputable works of legal jurists. This research paper's first chapter analyses the meaning of 'state' as it appears in "Article 12" of the "Indian Constitution of 1950." The 'tests' for determining what constitutes a 'State,' 'Local Authorities,' and 'Statutory Bodies' are covered in Chapter II, with a focus on whether or not "authorities situated outside India" are considered 'States' within the context of "Article 12". Chapter III primarily examines the issue of whether the 'judiciary' is a part of the 'State,' while Chapter IV examines the unresolved issue of whether the State may assert its entitlement to fundamental rights. The conclusions is covered in Chapter V. According to the researcher, the citizens will be better served by one purposeful & useful interpretation of the term 'State,' which will strengthen the protections offered by the Suprema Lex under Part III of the Indian Constitution.

Poddar, Mita. "A Study on the Origin and Definition of the State with Special Reference to the Constitution of India and the Judicial Interpretation of the Expression other Authorities." International Journal of Technology Research and Management ISSN (Online): 2348-9006 Vol 4 Issue 10 October 2017. Various political philosophers at various periods of civilization have drafted various definitions of the term "state" in their works. The State is the supreme power, and as such, it is obligated to uphold the interests of its citizens. The State's main duty is to provide each person with the bare minimum of safety; only after, through its capacity as the supreme political entity, it can govern over its people. As a result, it

is probable that the State, as well as its agency & instrumentalities, may be subject to a violation of an individual's "fundamental rights", according to the "Constitution of India's" concept of the "state", which has been periodically expanded by multiple legal rulings.

Shrotriya, Aadhya, and Maharshi Shah. "Can Part III of the Constitution Be Extended to Private Entities?" *Supremo Amicus* 22 (2020): 432. With the goal of promoting a dignity-based life for everyone, fundamental rights are basic rights that are given to all people. Furthermore, according to the Indian Constitution, the State is the only entity that can be held accountable for violating these essential rights, thus private organisations and people are exempt from the regulations pertaining to such rights. The said study seeks to clarify the groups that fundamental rights could perhaps extend to within India through analysing the viewpoints that the Judiciary has expressed over time in chronology. It may also look into whether there is still room for enhancement in the meaning of who has liability for such a violation.

Ramnath, Kalyani. "Guarding the Guards: The Judiciary as State within the Meaning of Article 12 of the Constitution." *Student Bar Review*, vol. 18, no. 2, 2006, pp. 75–94. JSTOR This paper discusses whether the judiciary should be considered an instrument under the Indian Constitution's Article 12 definition. The case law leading to the ruling in the Rupa Ashok Hurra matter is discussed in the paper's primary section. Furthermore, justifications for regarding the judiciary as a state are taken into account by making similarities to the US Constitution. Lastly, the National Commission to Review the Operation of the Constitution's proposals are taken into account. In accordance with the article's point, the judicial system should be included in scope of Article 12 because precedence clearly demonstrate its capacity to transgress fundamental rights.

OBJECTIVES

The objectives of this paper are -:

1. To study about Concept and Meaning of "State" under "Article 12".
2. To study about ambit and scope of "State" under "part III" of the Constitution.
3. To study about interpretation of state and its ambit decided by judiciary.

RESEARCH QUESTION

What Is "State" Under Part III of The Constitution and whether a Comparative Study of Interpretation made by Judiciary helps in understanding the ambit and scope of State under article 12 of the Constitution of India?

SCOPE OF STUDY

The study mainly focuses on the comparative study about interpretation of State by judiciary. It studies about Concept and Meaning of State under Article 12. This study discusses term Local authority and other authorities and their meaning. It also provides a description of Comparative Study of Interpretation made by Judiciary which helps in understanding the ambit and scope of State under article 12 of the Constitution of India. At last, the conclusion and findings of the research is described.

I. MEANING AND CONCEPT OF STATE UNDER ARTICLE 12

Article 12 of the Indian Constitution¹ states that, In this part, unless the context otherwise requires, "the State" includes "the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India."

In case *State of W.B. v. Subodh Gopal Bose*,² Patanjali Sastri CJ said: "*The whole object of Part III of the Constitution is to provide protection for the freedoms and rights mentioned therein against arbitrary invasion by the State.*"

Just because a few fundamental rights are particularly protected from the state, a description of the term "state" was necessary. If a fundamental right isn't really restricted in terms of its substance and & essential nature, the idea of the State can't and shouldn't be used to restrict the application of that right to simply the State. Both intrinsically and extrinsically, the state is capable of violating fundamental rights.

The meaning of "the State" in Part III of the Constitution lists the institutions and agencies that are considered to be "the State" for objectives of that article. These entities can be found both within and outside of India's territories. This interpretation is only broad and not exhaustive. Because of this, authority and functionaries that aren't expressly specified in it could nonetheless be included under well as they nonetheless fit the requirements for "the State" as defined in this article.

The "authorities and instrumentalities" specified in "Article 12" are:

¹ <https://legislative.gov.in/sites/default/files/COI...pdf>

² *State of W.B. v. Subodh Gopal Bose*, AIR 1954 SC 92

1. "The Government and Parliament of India;
2. The government and the legislature of each of the States;
3. All local authorities; and
4. Other authorities within the territory of India or under the control of the Government of India."³

The Union's legislative and executive branches, as well as States in all their forms, fall within the first two groups. They are quite definite and self-evident. The final two categories, in particular, are less explicit and require additional explanation.

Government (Union and state), Parliament and State Legislature

Here, we're talking about the legislative and executive components of the government. Every instance a bill is passed by the legislature and is then ratified by the legislature to become an act, it is considered to be a "state" law. Additionally, if the person feels that the legislation violates his fundamental rights, he may file a suit. Any violation of a person's right(s) as a result of a state-enacted law or other act is referred to as well. Regarding fundamental rights, the same is then safeguarded. The Indian Parliament is made up of three houses: the lower house, the Lok Sabha, and the upper house, the Rajya Sabha and includes the President of India also. The government's branch responsible for enforcing both the policies of the government and the laws passed by the legislature is known as the executive. The arm of government responsible for passing legislation in a nation is the legislature. It is the body in charge of creating the government's will and giving it legality and substance.” The legislative, administrative, and executive branches of government, as well as the law enforcement and judicial branches, are all parts of government.

Dr. B.R. Ambedkar stated "at the constituent assembly: ⁴ *I shall presently explain what the word 'authority' means- upon every authority which has got either the power to make laws or the power to have discretion vested in it.*"

³ <https://legislative.gov.in/sites/default/files/COI...pdf>

⁴ Meenakshi Chahar, "Concept of State Under Article 12", CONSTITUTIONAL LAW, Legal Bites, 2019. Accessed on – 6th October 2022, 5:40 pm. <https://www.legalbites.in/concept-of-state-under-article-12/?infinitemscroll=1>

The legislative and executive branches of the Union and the States, in all of its conceivable variants, are under the jurisdiction of the Indian Parliament and Government as well as the governments and legislatures of the various States. These are really quite clear and self-explanatory. The next 2 categories—especially the final one—need additional explanations because they're less precise.

II. LOCAL AUTHORITIES UNDER ARTICLE 12

"Authority," according to Webster's Dictionary, is "a person or body that has the authority to command." The phrase "authority" as it relates to Article 12 denotes the capacity to enact acts with legal force, such as laws, ordinances, regulations, bye-laws, notification, and so forth. The power to pass & carry out such laws is also a part of it. "As per Section 3(31) of the General Clauses Act, 1897, *Local Authority shall mean a municipal committee, district board, body of commissioner or other authority legally entitled to or entrusted by the Government within the control or management of a municipal or local fund.*"⁵

In *Rashid Ahmed v. Municipal Board, Kairana*,⁶ "It is among the leading references in which a Municipal Board was determined to be a local authority within Article 12. Additionally comprised of this group are the panchayats, municipalities, and cooperative societies in Parts IX and IX-A and IX-B, respectively."

The term Local authority includes, the Local government that is classified as "a municipal corporation, improvement trust, district boards, mining settlement authority, and other local authorities for the purpose of local self-government or village administration, according to Entry 5 of List II of VII Schedule; Village Panchayat"; In the decision of *Ajit Singh v. State of Punjab*,⁷ was decided, village panchayats are included in the definition of local authority.

In *Mohammad Yasin v. Town Area Committee*,⁸ the Supreme Court held "that to be characterized as a 'local authority' the authority concerned must –

- i. Have a separate legal existence as a corporate body
- ii. Not be a mere government agency but must be legally an independent entity
- iii. Function in a defined area

⁵ Section 3(31) of the General Clauses Act, 1897,

⁶ *Rashid Ahmed v. Municipal Board, Kairana*, AIR 1950 SC 163

⁷ *Ajit Singh v. the State of Punjab*, AIR 1967 SC 856

⁸ *Mohammad Yasin v. Town Area Committee*, 1952 AIR 115

- iv. *Be wholly or partly, directly or indirectly, elected by the inhabitants of the area*
- v. *Enjoy a certain degree of autonomy (complete or partial)*
- vi. *Be entrusted by statute with such governmental functions and duties as are usually entrusted to locally (like health, education, water, town planning, markets, transportation, etc.)*
- vii. *Have the power to raise funds for the furtherance of its activities and fulfilment of its objectives by levying taxes, rates, charges or fees."*

As a result, these judicial interpretations help to understand the local authority under the ambit of Article 12

III. OTHER AUTHORITIES UNDER ARTICLE 12

The phrase "other authorities" is used but not defined in Article 12. The General Clauses Act of 1897, the Indian Constitution, or any other Indian law do not contain any such phrase. So, there has been debate about what it means, and throughout time, judicial decisions have changed. The definition of "other authorities" under Article 12 has undergone several changes and been the subject of judicial decisions, which has caused a lot of confusion. Today's system carries out important functions due to the developed social welfare concept. It performs certain actions as a sentient being and some actions as a legal entity. In consequence, the court has made a number of rulings depending on the particulars of individual cases to decide which "other authorities" are under the purview of the term "State."

In *University of Madras v. Shanta Bai*,⁹ The concept of 'ejusdem generis,' or of a kindred form, was developed by the High Court of Madras. It denotes that the term 'other authorities' exclusively refers to entities that carry out governing or sovereignty tasks. Furthermore, it cannot contain entities like unassisted universities or legal or natural individuals.

In *Electricity Board, Rajasthan SEB v. Mohan Lal*,¹⁰ According to the SC, "other authorities" refers to any "authorities" granted with legislative basis by a legislation or entity constituted by the Constitution. It wasn't required for the statutory authority to be carrying out sovereign or governmental tasks.

⁹ *University of Madras v. Shantha Bai*, AIR 1954 Mad 67

¹⁰ *Electricity Board, Rajasthan SEB v. Mohan Lal*, AIR 1967 SC 1857

In *Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi*,¹¹ if statute companies like the ONGC, IFC, and LIC were under the concept of the State was a matter the court had to decide. By a margin of 4- 1, the courts found that the 3 entities are State entities.

In *Ramana Dayaram Shetty v. International Airport Authority of India*,¹² it was concluded that the International Airport Authority was State.

In *Ajay Hasia v. Khalid Mujib Sehravardi*,¹³ The Supreme Court established specific criteria to adjudicate "First-time determinations that a body falls underneath the definition of a state under Article 12 and even the definition about whatever constitutes a state were made. To determine if an entity is indeed an organ of the state or the govt, the Supreme Court established a test:

- i. *One thing is clear that if the entire share capital of the corporation is held by Government it would go a long way toward indicating the assistance of the state is so much as to meet the almost entire expenditure of the corporation is an instrumentality or agency of Government.*
- ii. *Where the financial assistance of the State is so much as to meet the almost entire expenditure of the corporation, it would afford some indication of the corporation being impregnated with governmental character.*
- iii. *It may also be relevant factor whether the corporation enjoys monopoly status which is the State conferred or State protected.*
- iv. *Existence of deep and pervasive State control may afford an indication that the Corporation is a State agency or instrumentality.*
- v. *If the functions of the corporation of public importance and closely related to governmental functions, it would be a relevant factor in classifying as an instrumentality or agency of Government.*
- vi. *Specifically, if a department of Government is transferred to a corporation, it would be a strong factor supportive of this inference of the corporation being an instrumentality or agency of Government."*

¹¹ *Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi*, (1975) 1 SCC 421

¹² *Ramana Dayaram Shetty v. International Airport Authority of India*, AIR 1979 SC 1628

¹³ *Ajay Hasia v. Khalid Mujib Sehravardi*, AIR 1981 SC 487. "

In *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology*,¹⁴ A state were described by a 7-judge bench as an entity with extensive state control over its operations, finance, and management; merely regulatory authority by the government over a body is insufficient. It was determined, quoting a number of sources, that the Ajay Hasia Judgment's requirements just weren't stringent and that when an entity complies with any norm, it should be classified as a state instrumentality.

Like a consequence, it is not a general principle or presumption that registered organisations with a connection to the government necessarily represent the State. In contrast to the State, it has been determined that the "Institute of Constitutional and Parliamentary Studies", the "National Council of Educational Research and Training", and the "State Council of Education, Research, and Training" are all registered societies.¹⁵

In *Zee Telefilms Ltd. v. Union of India*,¹⁶ It was unclear if "BCCI" would fall underneath the definition of a state under "Article 12". Whenever a private entity performs public duties (public responsibility), although it isn't a "state", the affected person has a remedies under ordinary law as well as in "Article 226". The ruling concluded that the BCCI is not a state since the requirements of the Biswas decision aren't really met. Whenever the private organisation decides to carry out certain activities in the absent of any authorisation or delegations, these actions correspond to government functions or public obligations that are not specifically prohibited by law and could be viewed as coming underneath the purview of the State. The BCCI carries out a public duty that cannot be classified as falling under the purview of the State as defined in Article 12.

In *S. Subramaniam Balaji v. State of T.N.*,¹⁷ The "Apex Court under Article 32" & the "High Courts under Article 226" were both ruled that they were not capable of issuing writs to political parties because they not fit underneath the concept of the State.

Hence the above interpretation by judiciary tends to explain the ambit of other authorities under Article 12 of the Constitution of India.

¹⁴ "Pradeep Kumar Biswas v. Indian Institute of Chemical Biology, (2002) 5 SCC 111"

¹⁵ See, "Chander Mohan Khanna v. NCERT, (1991) 4 SCC 578 ; P.K. Ramachandra Iyer v. Union of India, (1984) 2 SCC 141

¹⁶ Zee Telefilms Ltd. v. Union of India, AIR 2005 SC 2677.

¹⁷ S. Subramaniam Balaji v. State of T.N., (2013) 9 SCC 659"

IV. STATUS OF 'JUDICIARY' UNDER ARTICLE 12

This conundrum arises because it seems that Art. 12 separates the judiciary from the State. Although the judiciary is often regarded as a component of the state, it is deliberately left off of the list along with the executive and legislative branches. Although the "judiciary," like the executive and legislature, is a state entity, it is important to note that Article 12 doesn't quite specifically mention the "judiciary." The contrast between both the judicial and non-judicial tasks of the judiciary is key to understanding the solutions to the aforementioned query. The judiciary are considered 'the State' for the purposes of performing non-judicial duties like legislative or administrative activities. However, carrying out judicial duties won't lead to a violation of fundamental rights, hence the issue of whether to include judiciary in the meaning of 'the State' wouldn't be relevant.¹⁸

In the case of *Naresh Shridhar Mirajkar v. State of Maharashtra*,¹⁹ a court could be held to account like a state whenever it is using its rule-making ability or any other administration function, however when it is acting as a court, it does not have state-level authority and isn't a state. As a result, throughout this instance, it relies on the type of role that the system is doing.

In *Rupa Ashok Hurra v. Ashok Hurra*,²⁰ The SC reiterated its previous ruling that no legal action can be construed as violating any of the Fundamental rights as well as the well-established legal principle whereby supreme courts of justice don't really fall under the purview of "state" or "other authorities" as described by "Article 12". This provided the justification that a Higher Judicial body will only fall underneath the term of state while doing any administration or comparable tasks, such as administering examinations, and that a solution should only be obtained within this framework in cases of fundamental rights violations.

According to Article 12, it appears that there would be no benefit to incorporating the court inside "the State." Instead, by bringing up the identical arguments initially in an appeals followed by a writ petition, it will result in a multiplication of cases. However, it may also be contended that regardless of whether they fall under the concept of "the State," the judiciary should always be obligated to protect and uphold the directive principles as well as the

¹⁸ See, "H.M. Seervai, Constitutional Law of India (3rd Edn. 1983) 225ff. For a forceful argument that judiciary is "the State" even in the exercise of its judicial functions. This would also seem the view taken by Mukharji J in *A.R. Antulay v. R.S. Nayak*, (1988) 2 SCC 602: AIR 1988 SC 1531.

¹⁹ *Naresh Shridhar Mirajkar v. State of Maharashtra*, AIR 1967 SC 1.

²⁰ *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771"

fundamental rights. This is because they serve as the guards as well as guardians of the Constitution.

Through the cases of *Naresh Sridhar Mirajkar v. State of Maharashtra*,²¹ *A R Antulay v. R S Nayak*²² and *Riju Prasad Sharma v. State of Assam*,²³ The court's independence from the State as defined by Article. 12 has already been secured when performing its judicial functions.

As a result, writs cannot be used to challenge wrongful judicial decisions. But a petition may be filed to have them examined, appealed, or modified. Whenever it functions on its administrative and rule-making sides, the judiciary may indeed come underneath the Article 12 definition of a State. Consequently, a contravention of Part III by such a judicial or administrative ruling may well be contested by a plea by Article 32 or Article 226. While taking into account various perspectives and the standards set by the Apex Court, it is thus impossible to restrict the number of entities that might be regarded States with in context of Article 12 of the Constitution. Arguments that the judiciary ought to be covered by the concept of the state in Article 12 are typically supported by the several occurrences in the United States Constitution. According to the U.S. Constitution, the state and federal judicial systems are independent of one another, and rulings from either may not be appealed to the other. Thus, the solution to protect the primacy of the USA Constitution is a petition for certiorari at the US Supreme Court if the highest court in a State in the US issues a decision that is inconsistent with any of the essential rights or any other clause of the US Constitution. In India, this isn't the scenario. In addition to having a unified judicial system, India also has a Supreme Court that can hear appeals from any tribunal or court's judgment.

CONCLUSION

In this paper I have discussed the meaning and concept of "State under Article 12" and comparative study of the interpretation which is given by judiciary in understanding the ambit of Article 12. In addition to granting people fundamental rights, the Indian Constitution holds the state accountable for ensuring that these rights are upheld. The judiciary has broadened the meaning of through its judgments "many statutory and non-statutory organisations under the umbrella term "state." Furthermore, it was stated that the term "authorities" referred to people who had the power to enact legislation or the ability to utilize discernment conferred in them.

²¹ "Naresh Shridhar Mirajkar v. State of Maharashtra, AIR 1967 SC 1.

²² *A.R. Antulay v. R.S. Nayak*, (1988) 2 SCC 602

²³ *Riju Prasad Sarma Etc.Etc vs State Of Assam & Ors on 7 July, 2015*"

This was contended in responding to representatives who disagreed to the term "State" that it might be essential to list the various institutions to which fundamental rights applied; as a result, it was adequate to use the term "State," including its completeness and economics of phrases, all through the fundamental rights portion and therefore in the Constitution. The State Societies paradigm of study places a strong emphasis on the quantity and quality of state-society connections. The society and the state have a balanced and mutually beneficial relationship. A society is the subject of the state, which has power over it. Both of the state and society are equally strengthening and negative forces that each attempt to manage and sway in their own particular manners. Social pressures can restrict the authority of governments because they are hardly exempt from them. The sole amendment made to the Article by the Assembly was the addition of the term "or under the government of India" to allow for areas that existed outside of India but yet underneath its control. The courts have developed their own interpretations of what the term "State" means in Article 12 throughout times. The term "other authorities" has evolved into a new interpretation as a result of many case laws, judgements of the Court, as well as viewpoints of various judges when making these decisions, as well as varying viewpoints of various authors of law in their writings, in addition to the legal intellectuals or legal scholars. Consequently, despite the Supreme Court's advice, "it is impossible to construct a closed-ended set of bodies that would be recognised as a State within the sense of Article 12 of the Constitution." To determine who will be in the position to enforce a rights of this kind, it is necessary to define what defines a state. Additionally, as shown in the parts that came before, the judiciary have defined the extent of the article by defining a criteria and arguing the interpretation of the phrases in the concept of state under Article 12. These phrases include local authorities, government control, other authorities, and others.

REFERENCES

- i. V.N. Shukla, Constitution of India
- ii. M P Jain, Indian Constitutional Law
- iii. Udai Raj Rai, Constitutional Law: Governance Structure
- iv. Kumar Kartikeya's, Article 12, Meaning, Scope, and Emerging Judicial Trends
- v. P M Bakshi, Constitution of India
- vi. The Constitution of India.