

# Article 12 of Indian Constitution

As per Article 12, unless the context otherwise requires, "the state" includes the Government of India and Parliament of India, the Government and the Legislature of each of the States, and all local or other authorities within the domain of India or under the authority of the Government of India.

## General

Definition.

12. 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.

## Definition of State Under Article 12

State Under Article 12 is defined as follows. The following are included in the "state":

Definition of State Article 12	Concept of State Under Article 12
Government of India (Central Government of India)	All Ministers, Ministries, Departments, Army, PSU, etc.
Parliament of India	Lok Sabha, Rajya Sabha, President, Speaker, Chairman, all members, and work is done by them, passed laws, etc.
Government of India (State Government)	All Ministers, Ministries, Secretaries, and all people working under State government, rules, laws, etc.
State Legislature	State Legislative Assembly, Legislative Council of State, Members, Speaker, Laws, Gadgets, Documents passed by them, etc.
Local Authority	Municipalities - Municipal Corporations, Nagar Palika, Nagar Panchayats, Zila Panchayats, Mandal Panchayats, Gram Panchayats, District Boards, Improvement Trusts, Organizations (LIC, ONGC, GAIL), etc., including the Local Officials like Commissioner, Collector, Police, Government Doctor, Bus Driver, etc.
Statutory and Non-Statutory Authorities	Statutory Bodies - Examples: National Human Rights Commission, National Law Commission, National Green Tribunal, National

	Consumer Disputes Redressal Commission, National Commission for Women, Armed Forces Tribunal  Non-Statutory Bodies - Examples: Central Vigilance Commission, Central Bureau of Investigation, and Lokpal and Lokayuktas.
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## ‘Other Authorities’ and State Under Article 12

Definition of State Under Article 12 also includes the term ‘other authorities’. The courts have defined the term “other authorities” broadly, but the list is far from comprehensive.

Under “other authorities”, the following bodies have been incorporated:

- Bodies exerting statutory powers formed under a statute
- Bodies acquiring substantial funding from the government
- Bodies serving governmental functions
- Bodies under the regime of the government

Note: According to the [Supreme Court](#), any private enterprise that collaborates with or for the government qualifies within the definition given in Article 12 of the Indian Constitution.

The definition of ‘other authorities’ has shifted dramatically with time. The judiciary has repeatedly attempted to bring more and more bodies under the concept of state for the greatest number of persons to be able to assert their basic rights.

## Control of the Government Under Article 12

The control of the government under Article 12 does not necessarily imply that the body is under the government’s complete authority. It simply implies that the government must have some kind of influence over how the body functions.

- A body’s status as a statutory body does not automatically make it a ‘State’ body. Both statutory and non-statutory organizations can be deemed a ‘State’ if they receive financial resources from the government and are subject to extensive government oversight.

According to the Supreme Court of India’s interpretation of Article 12 of the Indian Constitution, it can be articulated that while Article 12 may seem inclusive, it is not exhaustive. It also comprises some authorities that meet the conditions of ‘local authorities and ‘other authorities’ under the state’s definition, in addition to the executive and legislative institutions of the state.

## Is Judiciary a State under Article 12?

Article 12 does not specifically refer to the judiciary (Supreme Courts, High Courts, or State/District Courts) as a “State in the Definition of State in Indian Constitution. However, the judicial branch cannot enact laws that violate fundamental rights on its own.

- In the Ashok Hurra Case, the Supreme Court reiterated that Article 12 does not apply to Superior Courts of Justice and that any judicial process cannot violate Fundamental Rights.

[Article 13 of the Indian Constitution](#) states that no state shall enact legislation disobeying Part III requirements.

