

## **Topic: Development of The Concept Of State Under Article 12**

Name of the case: Rajasthan State Electricity Board versus Mohanlal, AIR 1967 SC 1857

Bench: CJI K. Subba Rao, Justice J.C. Shah, Justice J.M. Shelat, Justice Vashistha Bhargava, Justice G.K. Mitter

Issue:

Whether The Electricity Board be considered under the definition of "State" under Article 12 of the Indian Constitution?

Ratio: The term "other authorities" is broad enough to embrace any authority established by legislation and operating inside India's territory or under the supervision of the Indian government. There was no need to limit this interpretation in the context of Article 12 of the Constitution when the words "other authorities" are used. Hence, the Board was clearly an authority under the definition of 'State' in Article 12 of the Indian Constitution.

Name of the Case: Ajay Hasia v. Khalid Mujib, AIR 1981 SC 487

Bench: CJI Y.V. Chandrachud, Justice P.N. Bhagwati, Justice V.R. Krishna Iyer, Justice Syed Murtuza Fazal Ali, Justice A.D. Kaushal

Ratio: The Supreme Court laid down following test to judge whether a body is an instrumentality of the government or not:

If the government owns the entire share capital of the body, it strongly suggests that the body is an instrument of the government.

When the government provides financial aid that covers nearly all of the body's expenses, it may imply that the body possesses a governmental character.

It's a relevant factor if the body has a monopoly status granted or protected by the state.

The presence of profound and widespread state control may indicate that the body is a state instrument.

If the body's functions are of public importance and closely connected to governmental functions, it is a relevant factor to consider the body as an instrumentality of the government.

Mere regulatory control whether under schedule or otherwise would not serve to make a body a part of the state.

Concept developed with Rupa Ashok Hurra vs. Ashok Hurra, W.P. (c) 509 of 1997

Bench: Chief Justice of India S.P. Bharucha, Justice S.S.M. Quadri, Justice U.C. Banerjee, Justice S.N. Variava, Justice S.V. Patil

Facts:

The facts of the case involve a matrimonial discord between a husband and a wife who have already been separated from each other for years. Later, the woman withdrew her consent which was given through divorce with mutual consent, which resulted in the case going to the Supreme Court.

Issue:

Whether an aggrieved person, after the dismissal of a review petition, possesses entitlement to relief against a final judgment either under Article 32 of the Constitution or through alternative means?

Ratio: The Supreme Court in its decision agreed that it could check its own decisions under a curative petition if there were obvious mistakes. They said that the power to review decisions was really important, and it was following Article 137 of the Indian Constitution.