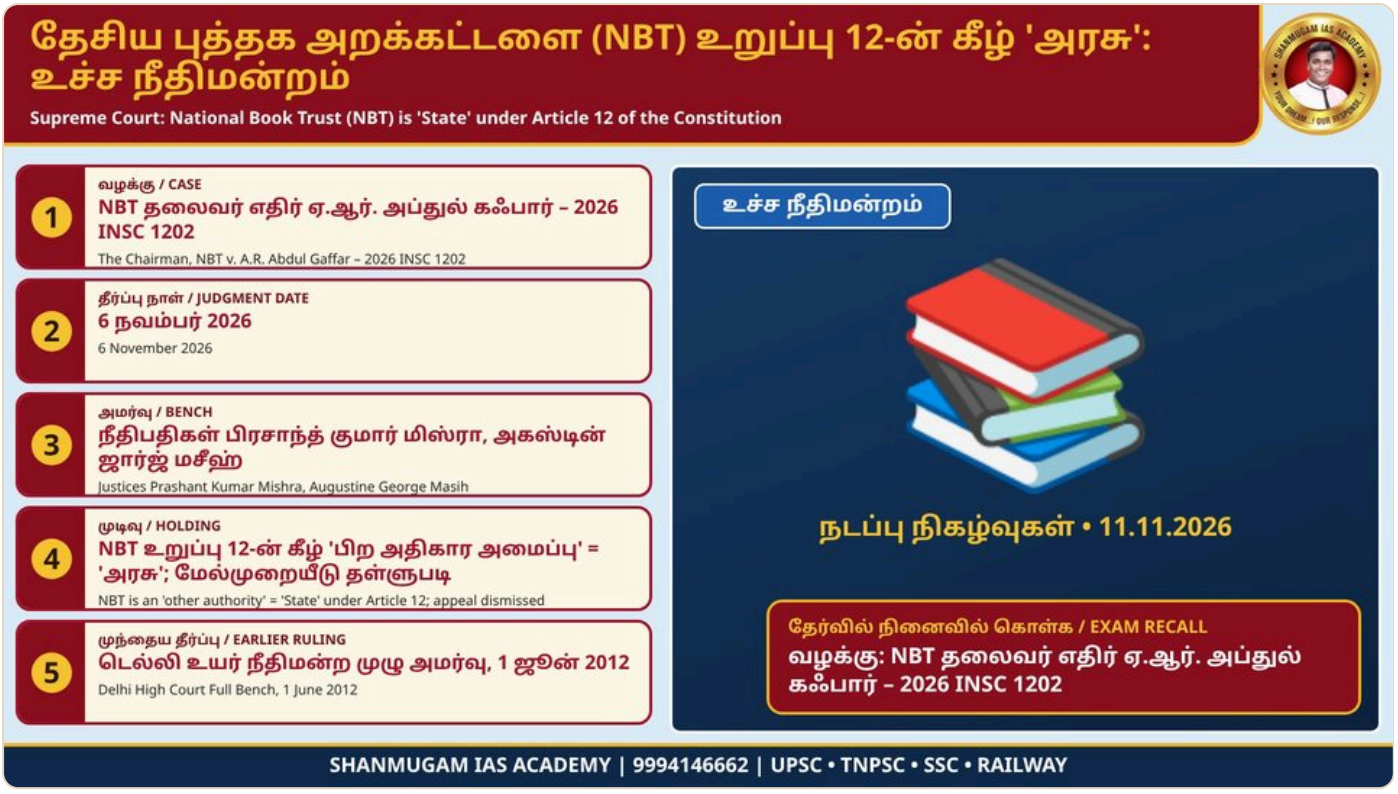
Supreme Court: National Book Trust is 'State' under Article 12

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News

On 6 November 2026 the Supreme Court held that the National Book Trust (NBT), under the Union Ministry of Education, is an 'other authority' and hence 'State' under Article 12 of the Constitution. A bench of Justices Prashant Kumar Mishra and Augustine George Masih, in The Chairman, NBT v. A.R. Abdul Gaffar (2026 INSC 1202), dismissed the Trust's appeal and upheld a 1 June 2012 Full Bench ruling of the Delhi High Court. Registration as a society does not by itself take a body outside Article 12; the test is substance, not legal form, the Court said. Deep and pervasive government control was shown by the appointment of its Chairman, ministry members on its governing bodies, government approval for rule changes and audit by the CAG. Earning income from book sales does not change this, the Court added. The declaration is only for the purposes of Part III (Fundamental Rights); it does not make the NBT a government department or its staff civil servants.

Key facts for the exam

Point	Details
Case	The Chairman, NBT v. A.R. Abdul Gaffar – 2026 INSC 1202
Judgment date	6 November 2026
Bench	Justices Prashant Kumar Mishra, Augustine George Masih
Holding	NBT is an 'other authority' = 'State' under Article 12; appeal dismissed

Point	Details
Earlier ruling	Delhi High Court Full Bench, 1 June 2012
Tests used	Ramana Dayaram Shetty (1979), Ajay Hasia (1981), Pradeep Kumar Biswas (2002)
Limit	Only for Part III; staff do not become civil servants
NBT	Set up 1957; Ministry of Education; HQ Vasant Kunj, New Delhi

Background

- Constitution: Article 12 defines 'the State' for Part III (Fundamental Rights) – the Government and Parliament of India, State governments and legislatures, local authorities and 'other authorities' within India or under the control of the Government of India. If a body is 'State', its actions can be challenged for violating fundamental rights through writ petitions in the Supreme Court (Article 32) or a High Court (Article 226).
- Case-law history: Ramana Dayaram Shetty (1979) developed the 'instrumentality of the State' idea. Ajay Hasia v. Khalid Mujib Sehravardi (1981, five judges) laid down six tests, including financial and administrative control. Pradeep Kumar Biswas (2002, seven judges) stressed whether the body is financially, functionally and administratively dominated by the government. In Zee Telefilms (2005) the BCCI was held not to be 'State' under Article 12.
- NBT: Set up by the Government of India in 1957 to publish good books at low prices and promote reading; it works under the Union Ministry of Education and publishes in many Indian languages, including Tamil. It organises the New Delhi World Book Fair and observes National Book Week every year from 14 to 20 November.

Tamil Nadu link: The Chennai Book Fair has been organised since 1977 by the Booksellers and Publishers Association of South India (BAPASI); the first fair was held at the Madrasa-i-Azam school on Anna Salai. NBT publishes in Indian languages including Tamil and takes part in book fairs in Tamil Nadu.

Frequently asked questions

What is this news about?

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What are the key facts to remember for the exam?

Case: The Chairman, NBT v. A.R. Abdul Gaffar – 2026 INSC 1202; Judgment date: 6 November 2026; Bench: Justices Prashant Kumar Mishra, Augustine George Masih; Holding: NBT is an 'other authority' = 'State' under Article 12; appeal dismissed.

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Practice questions (with answers)

1. Article 12 of the Constitution defines 'the State' for the purposes of which Part?

A) Part II

B) Part IV

C) Part III

D) Part V

Answer: C – Explanation: Part III – Fundamental Rights (Articles 12–35). The Court said NBT's status as 'State' applies only for Part III.

2. Which 1981 case laid down six tests to decide whether a body is an 'instrumentality' of the State?

A) Ajay Hasia

B) Kesavananda Bharati

C) Maneka Gandhi

D) Golaknath

Answer: A – Explanation: Ajay Hasia v. Khalid Mujib Sehravardi (1981, 5 judges) – the NBT ruling called these tests indicative, not a mechanical checklist.

3. The National Book Trust, set up in 1957, functions under which Union ministry?

A) Education

B) Culture

C) I&B

D) Home Affairs

Answer: A – Explanation: Ministry of Education – NBT runs the New Delhi World Book Fair; National Book Week is 14–20 November.

4. In Zee Telefilms (2005), which body did the Supreme Court hold is NOT 'State' under Article 12?

A) ONGC

B) LIC

C) CSIR

D) BCCI

Answer: D – Explanation: BCCI – no government funding or deep control (5 judges, 3:2). ONGC, LIC (Sukhdev Singh, 1975) and CSIR (Pradeep Kumar Biswas, 2002) were held 'State'.

5. Which body has organised the annual Chennai Book Fair since 1977?

A) NBT

B) Sahitya Akademi

C) BAPASI

D) TN Tamil Dev. Dept

Answer: C – Explanation: The Booksellers and Publishers Association of South India (BAPASI). The first fair was held at Madrasa-i-Azam school, Anna Salai.

Sources: Supreme Court judgment; Verdictum; LawChakra; The Federal; Constitution of India. © Shanmugam IAS Academy.