
National Book Trust v A.R. Abdul Gaffar
Facts of the Case
Governmental Origin and Setup
Initial Creation: Government resolution on June 15, 1957
Reorganization: Subsequent resolution on September 28, 1962
Core Objects and Functions
Publication: Dissemination of quality literature at moderate prices
Cultural Promotion: Hosting book exhibitions and reading culture
Governmental Control Over Governance
Chairman Appointment: Appointed by Government of India at its pleasure
Executive Committee: Includes Ministry of Education, Finance, and I&B reps
Financial and Audit Oversight
Financial Adviser: Ministry of Finance nominee
CAG Audit: Accounts audited with powers analogous to government accounts
High Court Judgment and Appeal
High Court Ruling: Held as State instrumentality on June 1, 2012
Supreme Court Appeal: Filed by the Chairman of NBT
Issues in the Case
Status under Article 12: Whether NBT is a State
Relevance of Incorporation Form: Registration under Societies Act, 1860
Degree of Control: Pervasive financial and administrative dominance
Effect of Independent Income: Impact of revenue generation via book sales
Employee Status: Applicability of civil service protections under Articles 309-311
What Was Held by the Court
Satisfies Pervasive Control Test: Controlled by Government of India
Substance Over Legal Form: Registration form is not determinative
Independent Revenue Not Decisive: Self-generated revenue does not displace control
Distinct Scope of Article 12: Does not convert staff into civil servants
Appeal Dismissed: Upheld High Court decision and dismissed Civil Appeal