2026 INSC 219

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13581 OF 2025

ANURAG KRISHNA SINHA ...APPELLANT (S)

VERSUS

STATE OF BIHAR & ANR. ...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. The present appeal challenges the final judgment and order dated 29th February 2024 passed by the High Court of Judicature at Patna in Civil Writ Jurisdiction Case No.7940 of 2015 whereby the appellant's writ petition has been dismissed by the High Court while upholding the validity of the Srimati Radhika Sinha Institute and Sachchidanand Sinha Library (Requisition & Management) Act, 2015[1].

A. Background

2. The case before us concerns the Smt. Radhika Sinha Institute and Sachchidanand Sinha Library[2], an institution that has been in existence for nearly a century. To appreciate the controversy, it is necessary

[1] Hereinafter, "The Act".

[2] Hereinafter, "Institute & Library".

to briefly trace the history of the Institute & Library and the circumstances in which it was established.

3. The Institute & Library were established in the year 1924 by Shri Sachichidanand Sinha[3], a distinguished public figure of his time and a prominent son of the State of Bihar, who served as the first President of the Constituent Assembly for an interim period. The Institute & Library was founded in memory of his wife, Smt. Radhika Sinha. For this purpose, Shri Sachichidanand Sinha addressed a letter to the then Governor of Bihar and Orissa, offering a sum of ₹50,000 from the sale proceeds of ancestral property belonging to Smt. Radhika Sinha. The offer was accepted, and the foundation stone was laid on 28th March 1922. The construction of the buildings for the Institute and Library was completed using the said amount.

4. Shri Sachichidanand Sinha also donated a substantial collection of books, numbering approximately 10,000 volumes, to the Library. On 9th February 1924, the Institute & Library were formally declared open by the Governor. Dr. Sinha made an oral declaration constituting a trust, appointed trustees, and assumed the role of Trustee, Honorary Secretary and Chief Executive Officer. An additional sum of ₹50,000 was

[3] The "Settlor".

also provided for the maintenance and upkeep of the institution.

5. A formal Deed of Trust was executed on 10th March 1926 and signed by all the trustees, including the then Chief Justice of the Patna High Court as an ex officio trustee. The Trust Deed provided that the eldest male member of the family would serve as the Honorary Secretary and Chief Executive Officer, and further stipulated that, in the event of failure of the Trust, the entire trust property would revert to the family members of the Settlor.

6. The appellant before this Court is the great-grandson of Shri Sachichidanand Sinha and Smt. Radhika Sinha, and presently serves as the Trustee, Honorary Secretary and Chief Executive Officer of the Institute.

7. On 24 November 1955, an agreement was entered into between the Government of Bihar and the Trust, whereby the Institute & Library were accorded the status of a State Central Library. It was expressly agreed that control and management of the institution and its property would continue to vest in the trustees, while the State Government would provide financial assistance to meet its expenses in accordance with budgetary allocations.

8. Notably, in 1983, the State Government promulgated the Smt. Radhika Sinha Institute and Sachichidanand Sinha Library (Acquisition and Management) Ordinance, 1983, by which the Trust was sought to be

acquired and vested in the State. This was communicated to Shri Gopal Krishna Sinha, the then Honorary Secretary of the Trust and father of the present appellant, by a letter dated 21 May 1983 issued by the Education Department. The ordinance was challenged before the Patna High Court in C.W.J.C. No.2458 of 1983, wherein an interim stay was granted. The ordinance was to lapse on 14 August 1983, but a second ordinance promulgated on 12 August 1983 sought to validate actions taken under the first. The second ordinance also lapsed thereafter. The High Court ultimately rejected the writ petition, upholding the letters and orders vide which the trust stood acquired by the State and held that despite the ordinances lapsing, their effect must continue. However, this Court, in Civil Appeal No.2208 of 1984, by order dated 20 February 1996, held that the lapsing of the ordinances rendered all actions thereunder *non est*, and allowed the appeal.

9. More than three decades later, the Bihar State Legislature enacted the impugned Act. The Act was published in the Bihar Gazette on 6th May 2015 and provided for the takeover of the Institute & Library by the State Government.

10. The appellant challenged the Act by filing C.W.J.C. No.7940 of 2015 before the Patna High Court. By an interim order dated 22nd May 2015, the operation of the Act was stayed. A special leave petition filed by the

State against the interim order was dismissed by this Court on 13th July 2015.

11. The High Court heard the matter and passed the present impugned order dated 29th February 2024. The High Court was of the view that the Trust governing the Institute & Library was in fact not a private Trust, observing that the dedication made by the settlor was in favour of the public of Patna and its neighbourhood being the general public. Therefore, there is no application of the Indian Trust Act, 1882[4]. The public interest was found to be clear from the recitals 'for better management and development' in the preamble of the enactment. It was held that for all purposes, the Institute & Library was financed by the State Government and the State Librarian was acting as the ex-officio Chief Librarian of the Library who was entrusted with the responsibility of general supervision of the working and administration of the Institute & Library subject to the general direction of the Trustees.

12. The High Court ultimately dismissed the writ petition and upheld the validity of the Act, while observing that the State Government was obliged to carry on the objects of the Trust.

13. Aggrieved by the decision of the High Court, the appellant is before us.

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[4] Hereinafter, "Trust Act".

B. Issues

14. The present appeal gives rise to the following issues:

    i. Whether the Smt. Radhika Sinha Institute and Sachchidanand Sinha Library (Requisition & Management) Act, 2015 is manifestly arbitrary and violative of Article 14 of the Constitution of India.

    ii. Whether the impugned Act effects compulsory acquisition and extinguishment of rights in a confiscatory manner, thereby offending Article 300A read with Article 14 of the Constitution of India.

C. Submissions

I. Appellant's submissions

15. Learned senior advocate, Mr. Sunil Kumar made the following submissions:

    i. On Legislative Competence: The impugned Act is an exercise of legislative power by the State Legislature in respect of a Private Trust which had the overall control over management and administration of the said Institute & Library as defined under Section 2(a) and (b) of the Act.

        a) The Deed of Trust, the Deed of Agreement, the Deed of Lease of Land, the Trust and all its committees and sub-committees stand dissolved under Section 4(2) of the Act.

        b) The right, title and interest of the Trustees in the Institute & Library stands transferred to

and vested in the State Government from the commencement of the said Act under Section 3 thereof.

c) The Trustees including the appellant are put under a duty to hand over possession of all assets and furnish complete particulars, agreements and other instruments of the Institute & Library to the State Government under Section 5 and 6 of the said Act.

d) The impugned Act relates to Trust and Trustees i.e. Entry 10 of List III of the VIIth Schedule to the Constitution of India, which is a field occupied by a Federal Legislation, namely, the Indian Trusts Act,1882. The Preamble of the Indian Trusts Act makes it abundantly clear that the object is to codify the law regarding Trusts and to occupy the entire field of legislation. Hence, the Trusts Act shall prevail and the impugned State Act whose subject matter directly relates to the Trust and its Trustees would be void under Article 254(1) of the Constitution of India.

e) The provisions of the impugned Act are in conflict with the provisions of the Trusts Act. One cannot be obeyed without disobeying the other. Therefore, the impugned State Act is repugnant to the Federal Legislation.

f) In this regard, reliance was placed on **Tika Ramji vs. State of U.P**[5] wherein it was reiterated by this Court in the case of **Innoventive Industries Ltd vs. ICICI Bank**[6] that repugnancy may be in three ways – (1) Where the Federal Legislation expressly or implicitly evinces its intention to cover the whole field, (2) even in absence of intention, where the Federal Legislation and State Legislation seek to exercise their powers over the same subject matter, and (c) where there is a direct conflict between two or more provisions of the competing Statutes. In any of these situations, the Federal Legislation prevails and the State Legislation would be void to the extent of repugnancy.

ii. On the High Court's Findings on Legislative Competency:

a) The High Court decided the question of repugnancy in paragraph 17 of the impugned judgment. It acknowledged that the impugned Act and the Trusts Act, both relate to Entries in List III of the VIIth Schedule of the Constitution of India, however, by applying the doctrine of pith and substance, the High Court has gone on to hold that the impugned Act

[5] AIR 1956 SC 676
[6] (2018) 1 SCC 407

"does not even incidentally trench upon the Indian Trusts Act".

b) As was held by this Court in **Tika Ramji** (supra) and reiterated in the case of **Innoventive Industries** (supra), the doctrine of pith and substance cannot be referred to while determining questions of repugnancy, once it is found that both the Federal Legislation and State Legislation are referable to the Concurrent list.

c) The impugned Act clearly states in its Preamble that the aim is for the better management of the said Institute & Library and one of the consequences of vesting as contemplated under Section 4(2) of the Act is that the Trust would be deemed to be dissolved from the date of the commencement of the Act. However, the High Court holds in paragraph 18 of the impugned order that even if there was acquisition of the property, as in the present case, it was for better administration of the Trust. Further, the High Court holds in paragraph 36 that the impugned Act was to vest the Trust and its properties in the State Government for better functioning and for furtherance of the objects of the Trust.

d) The impugned Act clearly lays down in Section 3 that what vests is the right, title and interest

of the Institute & Library. The definition of Trust in Section 3 of the Trusts Act is that it is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner. The High Court holds in paragraph 18 of the impugned judgment that the obligation travels with the ownership of the property. However, the High Court omitted to consider that the obligation has to arise out of a confidence reposed by the Settlor which cannot be transferred to anyone. Neither the impugned Act nor the Trusts Act, even remotely talk about any obligation dealing with the acquisition of the property.

e) This Court in **In Re: Expeditious Trial of cases under Section 138 of the N.I.Act, 1881**[7] as quoted and followed in **Saregama (India) Ltd vs. Next Radio Ltd.**[8] has held that *"…Conferring power on the court by reading certain words into provisions is impermissible. A judge must not rewrite a statute, neither to enlarge nor to contract it. Whatever temptations the statesmanship of policy-making might wisely suggest, construction must eschew interpolation and evisceration. He must not read*

[7] (2021) 16 SCC 116
[8] (2022) 1 SCC 701

in by way of creation. The Judge's duty is to interpret and apply the law, not to change it to meet the Judge's idea of what justice requires. The court cannot add words to a statute or read words into it which are not there."

iii. On "Public Trust": the parties before the High Court were *ad idem* that the Trust in question was a Private Trust and arguments were advanced accordingly.

a) In the impugned judgment, the High Court records in paragraph 17 that "…The arguments were addressed on an assumption that the institution which is a Trust is a private trust governed by the Indian Trust Act. We have our own reservations about such assumption, looking at the deed of Trust authored by the Settlor…" Thereafter, the High Court went on to make out a third case that the Trust in question was a Public Trust.

b) In the present appeal, specific grounds are raised by the appellant regarding the High Court dismissing the writ petition on facts and grounds neither pleaded nor argued before it, thereby denying the appellant the opportunity to rebut the same and hence being a nullity in the eyes of the law as it is impermissible for the High Court in exercise of its power of judicial review to make out a case which was not the

stand taken by the State in their Counter Affidavit, has not been adverted to by the Respondent-State, much less denied by them.

c) This Court in the case **of Bachhaj Nahar vs. Nilima Mandal**[9] has held that when neither party puts forth a contention, the Court cannot make out such a case not pleaded, suo moto.

d) In the present case, neither parties pleaded nor was it argued that the Trust in question was a Public Trust. In these circumstances, the High Court could not have made out a third case that the Trust in question was a Public Trust.

iv. The main point of distinction between a Private Trust and a Public Trust is; a Private Trust may fail but a Public Trust does not fail. In the instant case, the Trust Deed itself visualised that the Trust may fail and also spelled out the consequences of such a failing.

v. On the impugned Act being confiscatory and violative of Article 300A of the Constitution of India: Section 7 of the impugned Act states that if any question arises for compensation for the acquisition, the State Government may pay only maximin one rupee after examining the claims.

a) Acquisition of property which has devolved on the appellant by inheritance, without

[9] (2008) 17 SCC 491.

payment of just and adequate compensation renders the impugned Act confiscatory and violative of Article 300A of the Constitution of India.

vi. On manifest arbitrariness: for more than a hundred years, the Trustees, including the appellant and his ancestors as the Chief Executive Officer and Secretary, have controlled and managed the Institute & Library which has continued to be open, except during the Covid pandemic, to the public who have been permitted reasonable use and enjoyment thereof.

a) There was no allegation of any mismanagement against the Trustees in any correspondence by the State Government or in the pleadings before the High Court, or during the course of arguments before the High Court.

b) The rank arbitrariness of the impugned Act manifests when one considers the latest Survey of Libraries in the State of Bihar which shows that there were 540 public libraries in the State in the 1960's, out of which only 51 now survive, and that too in poor condition.

c) The impugned Act is liable to be invalidated on the sole ground of violation of Article 14 of the Constitution of India.

II. Respondent-State of Bihar's submissions:

16. Learned senior advocate, Mr. Ranjit Kumar made the following submissions:

i. The impugned Act: The preamble of the Act expressly notes that its object is to provide for the acquisition, transfer and better management of the Act.

ii. As per the petition, the appellant is the legal heir of the Settlor of the Trust, member-secretary of the Board of Trustees and its Chief Executive Officer. The Trust itself has not challenged the impugned Act. The appellant has no locus or authority to act on behalf of the Trust.

iii. The Trust is a Public Trust and not a Private Trust: The appellant has argued before this Court that the High Court erred by recording a finding that the Trust is public in nature when the State did not contest this in its pleadings. However, the appellant specifically argued before the High Court that the Trust is a Private Trust governed by the Trusts Act. In such circumstances, it was open to the High Court to hold that the appellant's contentions were not correct in law and facts. It is a settled position as held by this Court in **Deoki Nandan vs. Murlidhar**[10] and relied upon by the High Court that whether a Trust is a public or

[10] AIR 1957 SC 133

private trust is a mixed question of law and fact. The factual foundation for the findings of the High Court were the admitted facts discernible from the Lease Deed.

iv. The appellant has relied on Clause 12 of the Trust Deed, i.e, the reversal of property to the Settlor in the event the Trust fails, to contend that the Trust is private. However, that contention is without merit and it is not the appellant's case that the Trust has failed. The Trust Deed clearly envisages the creation of a Public Trust.

v. The appellant's challenge to legislative competence is wholly misconceived. Since the Trust is a Public Trust and Public Trusts are expressly excluded from the application of the Trusts Act; consequently, no conflict can arise between the impugned Act and the Indian Trusts Act. Even on a contrary assumption, there is no repugnancy because the Trusts Act governs the creation, administration, duties, rights and revocation of trusts but does not regulate or prohibit the acquisition of trust property by the State, which is the subject matter of the impugned Act. A legislation whose pith and substance is the acquisition of property is traceable to Entry 42 of List III and the impugned Act squarely falls within this entry, furnishing an

independent constitutional source of legislative power.

vi. The proposal for nationalisation of the Institute & Library arose only due to the persistent and undeniable failure of the Trust to discharges its responsibilities, despite substantial aid, support and oversight extended by the State Government over several decades. The State Legislature, in the exercise of its legislative wisdom and in furtherance of public interest, deemed it appropriate and necessary to acquire the Institute & Library and ensure its proper administration, development and preservation.

vii. The appellant has alleged that the impugned Act is in contravention of Article 14 of the Constitution of India. This contention is *ex facie* untenable. The Institute & Library constitutes a class by itself. It is the appellant's own case that the Settlor was an instrumental figure in the State's history and the Institute & Library embody his vision and legacy. The State Government is equally interested in the preservation and advancement of the legacy of Shri Sachichidananda Sinha. The impugned Act was enacted to revitalise the Library, safeguard and honour the Settlor's legacy and ensure the provision of improved facilities to the public. The Act, therefore, validly singles out the Institute &

Library as a distinct class and the classification bears a rational nexus to the object sought to be achieved.

viii. Therefore, the Impugned Act, being constitutionally sound in its object, scheme and source of legislative power, warrants no interference.

D. Analysis

17. Before adverting to the rival submissions, it is necessary to recall the genesis and founding purpose of the Institute & Library. The Smt. Radhika Sinha Institute and Sachchidanand Sinha Library was conceived not as a commercial or administrative enterprise, but as a voluntary act of public beneficence by Shri Sachchidanand Sinha, a distinguished public figure of his time and a prominent son of the State of Bihar. Established in the memory of his wife, Smt. Radhika Sinha, the Institute & Library was founded through the personal contribution of the Settlor's property and his own extensive collection of books, with the avowed object of promoting learning, scholarship and public access to knowledge. For nearly a century thereafter, the Institute & Library has continued to function in furtherance of this founding vision, preserving both a cultural legacy and a public institution of learning. It is this historical context, and the continuity of purpose with which the Institute &

Library has been managed, that must inform the constitutional scrutiny of the impugned enactment.

18. Before examining the challenge under Article 14, it is necessary to briefly address the premise on which the High Court proceeded, namely the characterisation of the Trust governing the Institute & Library as a public trust. The High Court has held that the Trust governing the Institute & Library is a public trust, relying primarily on the language used in the Deed of Trust executed by the Settlor. The Deed records the wish of Smt. Radhika Sinha to establish an institution for *"providing the public of Patna and its neighbourhood with a place for intellectual and social intercourse,"* including a library, reading room and facilities for public meetings. On this basis, the High Court concluded that the dedication was in favour of the general public and that the Trust must therefore be treated as a public trust.

19. In our view, this approach is flawed. The fact that an institution is intended to serve a public purpose or is open to public use does not, by itself, conclusively determine that the trust is a public trust in law. The legal character of a trust depends on several factors, including the manner in which the dedication is made, the structure of the trust, the nature of control and management, and the rights reserved by the Settlor and his successors under the trust deed. A public-facing object, standing alone, is not determinative.

20. Section 3 of the Indian Trusts Act defines a trust as *"an obligation attached to the ownership of property, arising from a confidence reposed by the Settlor and accepted by the trustee".* In the present case, Shri Sachchidanand Sinha clearly reposed such confidence in identified trustees through a formal Deed of Trust. The Deed also provided for succession to the office of Honorary Secretary and Chief Executive Officer, and for reversion of the trust property in the event of failure of the Trust. These provisions are material and cannot be disregarded merely because the Institute & Library was intended to benefit the public.

21. It is also significant that neither party before the High Court pleaded or argued that the Trust was a public trust. The case was argued on the common assumption that the Trust was a private trust governed by the Indian Trusts Act. In such circumstances, the High Court could not have proceeded to decide the case on an entirely different basis without affording an opportunity to address that issue.

22. In any event, even if it were assumed that the Trust has a public character, that fact alone does not legitimise the State's action in acquiring the Institute & Library or dissolving the existing trust arrangements. Whether the Trust is public or private, any legislative measure resulting in compulsory acquisition and vesting must satisfy constitutional requirements, particularly those flowing from Article 14. The question of public or

private character, therefore, is not determinative of the validity of the impugned Act.

Issues I & II

23. Article 14 of the Constitution of India mandates that *"the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."* This guarantee strikes at arbitrariness in State action and ensures that the exercise of legislative power is informed by reason, fairness and non-discrimination. Equality before the law is not a mere formal concept; it embodies the principle that State action, whether legislative or executive, must be based on rational criteria and must not operate in an arbitrary or capricious manner. From an early stage, this Court has interpreted this guarantee not merely as a prohibition against formal discrimination, but as a constitutional injunction against arbitrariness in State action. The evolution of this principle is traceable through a consistent line of authorities.

24. In **S.G. Jaisinghani v. Union of India,**[11] a Constitution Bench of this Court emphasised the centrality of non-arbitrariness to the rule of law. In paragraph 14 of the judgment, the Court observed:

> *"***14***.In this context it is important to emphasise that the absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is*

[11] AIR 1967 SC 1427

> *based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the rule of law."*

Therefore, this description makes it clear that arbitrariness is fundamentally incompatible with constitutional governance, as it replaces reasoned decision-making with uncertainty and unfettered discretion. The absence of arbitrary power was thus recognised as the first essential of the rule of law upon which the constitutional system rests.

25. In **State of Mysore v. S.R. Jayaram,**[12] Rule 9(2) of the Mysore Recruitment of Gazetted Probationers' Rules, 1959 was challenged and struck down by a Constitution Bench as violative of Article 14 read with Article 16(1), on the ground that it conferred arbitrary and uncanalised power on the government without any guiding principles.

26. A landmark development in this line of jurisprudence came with **E.P. Royappa v. State of Tamil Nadu,**[13] where arbitrariness was recognised as a distinct and independent facet of Article 14, alongside unjustness

[12] (1968) 1 SCR 349.
[13] (1974) 4 SCC 3

and unfairness; establishing three standards against which State action may be tested when assailed on the touchstone of Article 14. The Constitution Bench categorically stated in paragraph 85:

> *"***85** *... **From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14,** and if it effects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. **They require that State action must be based on valid relevant principles applicable alike to all similarly situate and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive inducing from the antechamber of the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Articles 14 and 16. Mala fide exercise of power and arbitrariness are different lethal radiations emanating from the same vice: in fact the latter comprehends the former. Both are inhibited by Articles 14 and 16."***
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> *(emphasis supplied)*

27. This ratio was followed by a larger Seven-Judge Bench in **Maneka Gandhi v. Union of India,**[14] where the Court, while testing provisions of the Passports Act, reaffirmed that equality and arbitrariness are

[14] (1978) 1 SCC 248

antithetical, and that Article 14 infuses the requirement of reasonableness across all State action. It was observed:

> *"equality is antithetical to arbitrariness…… Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness pervades Article 14 like a brooding omnipresence and the procedure contemplated by Article 21 must answer the test of reasonableness in order to be in conformity with Article 14. It must be "right and just and fair" and not arbitrary, fanciful or oppressive; otherwise, it .would be no procedure at all and the requirement of Article 21 would not be satisfied."*

28. Thereafter, in **Ajay Hasia v. Khalid Mujib Sehravardi,**[15] a Constitution Bench of this Court affirmed and consolidated the above line of decisions. In paragraph 16, this Court held:

> *"***16***… Wherever therefore there is arbitrariness in State action whether it be of the legislature or of the executive or of an 'authority' under Article 12, Article 14 immediately springs into action and strikes down such State action. In fact, the concept of reasonableness and non-arbitrariness pervades the entire constitutional scheme and is a golden thread which runs through the whole of the fabric of the Constitution."*

The significance of Ajay Hasia lies in its explicit clarification that the doctrine of arbitrariness operates as a check on legislative action no less than on executive action and that

[15] (1981)1 SCC 722.

Article 14 springs into action wherever arbitrariness is found.

29. In **Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India,**[16] the constitutionality of import duty imposed on newsprint imported from abroad under sections of the Custom Act, 1962, Customs Tariff Act, 1975 and levy of auxiliary duty under the Finance Act, 1981 as modified by notifications issued under Section 25 of the Customs Act, 1962 was tested. In this decision, the Court further propounded the test of manifest arbitrariness. The Court observed:

> "**75**. *In India arbitrariness is not a separate ground since it will come within the embargo of Article 14 of the Constitution. In India any enquiry into the vires of delegated legislation must be confined to the grounds on* which *plenary legislation may be questioned, to the ground that it is contrary to the statute under which it is made, to the ground that it is contrary to other statutory provisions or* ***that it is so arbitrary that it could not be said to be in conformity with the statute or that it offends Article 14 of the Constitution.****"*
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> *(emphasis supplied)*

30. In **K.R. Lakshmanan v. State of Tamil Nadu,**[17] the Court struck down the Tamil Nadu Act, 1986 on the ground of arbitrariness, holding that the vice of arbitrariness was writ large on the face of the statutory provisions of the said Act.

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[16] (1985) 1 SCC 641
[17] (1996) 2 SCC 226

31. The application of this doctrine to legislative action was reiterated in **A.P. Dairy Development Corporation Federation v. B. Narasimha Reddy.**[18] In paragraph 29, this Court observed:

> *"**29**.It is a settled legal proposition that Article 14 of the Constitution strikes at arbitrariness because an action that is arbitrary, must necessarily involve negation of equality. This doctrine of arbitrariness is not restricted only to executive actions, but also applies to the legislature. Thus, a party has to satisfy that the action was reasonable, not done in unreasonable manner or capriciously or at pleasure without adequate determining principle, rational, and has been done according to reason or judgment, and certainly does not depend on the will alone. However, the action of the legislature, violative of Article 14 of the Constitution, should ordinarily be manifestly arbitrary. There must be a case of substantive unreasonableness in the statute itself for declaring the act ultra vires Article 14 of the Constitution."*

32. The doctrine of arbitrariness as a facet of Article 14, capable of being used to test and strike down legislation, received its most authoritative affirmation in **Shayara Bano v. Union of India.**[19]A Constitution Bench of this Court held that Triple Talaq was manifestly arbitrary, and in doing so, brought to rest any remaining divergence or controversy about whether manifest arbitrariness is a valid ground to invalidate legislation. In paragraph 84, the Court observed:

> *"**84**…Arbitrariness in legislation is very much a facet of unreasonableness in Articles 19(2) to (6), as has been laid down in several judgements of this Court…therefore, there is no reason why arbitrariness*

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18 (2011)9 SCC 286

19 (2017)9 SCC 1

> *cannot be used in aforesaid sense to strike down legislation under Article 14 as well"*

In paragraph 101, the Court further held:

> "**101**…*Manifest arbitrariness, therefore, must be something done by the legislature capriciously, irrationally and/or without adequate determining* principle*. Also, when something is done which is excessive and disproportionate, such legislation would be manifestly arbitrary. We are, therefore, of the view that arbitrariness in the sense of manifest arbitrariness as pointed out by us above would apply to negate legislation as well under Article 14."*

Shayara Bano relied on the Constitution Bench judgments in **Mithu v. State of Punjab**[20] and **Sunil Batra v. Delhi Administration**[21], which were both cases where statutes were struck down on grounds of arbitrariness and unreasonableness and which drew upon the sustained line of authority traced above. Significantly, **Shayara Bano** (supra) held that **State of Andhra Pradesh v. McDowell & Co.**[22], which had taken the position that arbitrariness is not a ground on which plenary legislation may be struck down, to be per incuriam and bad in law, on the ground that it had failed to consider at least two binding precedents; a Constitution Bench decision in **Ajay Hasia** (supra), a three-Judge decision in **K.R. Lakshmanan** (supra). Further, it did not acknowledge another Constitution Bench decision in **Maneka Gandhi** (supra).

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[20] (1983) 2 SCC 277
[21] (1978) 4 SCC 494
[22] (1996) 3 SCC 709

Hence, it was affirmed that the principle that arbitrariness is antithetical to equality now operates as a firm substantive constitutional limitation on legislative power.

33. Post ***Shayara Bano*** (supra), the doctrine was applied in **Joseph Shine v. Union of India,**[23] by a Constitution Bench of this Court where Section 497 of the Indian Penal Code, 1860 was challenged and struck down as being manifestly arbitrary. The relevant observation reads thus:

> *"**103**…What is clear, therefore, is that this archaic law has long outlived its purpose and does not square with today's constitutional morality, in that the very object with which it was made has since become manifestly arbitrary, having lost its rationale long ago and having become in today's day and age, utterly irrational. On this basis alone, the law deserves to be struck down, for with the passage of time,* ***Article 14 springs into action and interdicts such law as being manifestly arbitrary. That legislation can be struck down on the ground of manifest arbitrariness is no longer open to any doubt, as had been held by this Court in Shayara Bano v. Union of India*** *[Shayara Bano v. Union of India, (2017) 9 SCC 1 : (2017) 4 SCC (Civ) 277]."*
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> (emphasis supplied)

34. Most recently, in **Association for Democratic Reforms v. Union of India,**[24] the validity of the Electoral Bond Scheme and provisions of the Finance Act, 2017 were challenged. A Constitution Bench of this Court held them to be unconstitutional and struck

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[23] AIR 2018 SC 4898
[24] 2024 INSC 113

them down, reaffirming that manifest arbitrariness remains a ground available to Courts to invalidate legislation under Article 14.

35. It is therefore well settled that manifest arbitrariness is a ground available to this Court to strike down legislation under the judicial review of Article 14. It is acknowledged that this power must be exercised with care and restraint, so as to maintain the constitutional balance between the legislature and the judiciary. However, where clear and substantive unreasonableness is embedded in a legislative enactment, the Court is not only empowered but obliged to intervene.

36. The arc traced through these decisions, from ***Jaisinghani*** (supra) to ***Shayara Bano*** *(supra)* and beyond, reflects a coherent and settled constitutional principle being that State action, whether executive or legislative, must be structured by reason, guided by discernible and adequate determining principles, and proportionate in its operation and effect. Arbitrariness, in whatever form it manifests, whether in the conferral of uncanalised power, the adoption of excessive means, the absence of rational nexus, or the imposition of consequences wholly disproportionate to the stated object, is antithetical to the constitutional guarantee of equality and invites the intervention of this Court. A law which departs from these requirements attracts the vice of manifest arbitrariness and is liable to be struck

down as violative of Article 14. These are not abstract propositions; they are the tested and authoritative foundations on which the present challenge falls to be adjudicated.

37. Tested against these settled principles, the impugned Act discloses multiple features of manifest arbitrariness. While the stated object of the Act is "better management and development" of the Institute & Library, the means adopted by the legislature bear no rational or proportionate nexus to that object.

38. Section 3 of the impugned Act effects a complete vesting of the Institute & Library, together with all rights, title and interest therein, in the State Government. Section 4(2) simultaneously dissolves the Deed of Trust, the Agreement, the Lease of land, and all committees and sub-committees constituted thereunder. The cumulative effect of these provisions is not regulatory supervision, but total displacement of a legal and institutional framework that has governed the Institute & Library for nearly a century.

39. Such a drastic assumption of control represents the most intrusive form of State intervention. Yet, the record before this Court discloses no finding of abandonment, failure of purpose, or established mismanagement of the Institute & Library. No inquiry appears to have preceded the enactment. No contemporaneous material has been placed to demonstrate that the objectives of the Trust were being

defeated or that lesser measures were inadequate. In the absence of demonstrated necessity, compulsory acquisition coupled with dissolution of trust arrangements is plainly disproportionate.

40. This Court, in the course of hearing the present appeal, summoned the original records pertaining to the impugned Act. These records, which included the correspondence exchanged between the State Government and the Trust, were produced and examined by this Court. The examination reveals a significant and telling gap as there is not a single communication from the State Government to the Trust or its Trustees bringing to their notice any allegation of mismanagement, financial irregularity, neglect, or failure to discharge the objects of the Trust. The record contains no correspondence to the effect that the Institute & Library was non-functional, that its affairs were being conducted improperly, or that the funds of the Trust were being misused. Before the passing of the impugned Act, the State Government neither intimated the Trust of any such concern, nor afforded it any opportunity to respond or to take corrective steps, nor furnished any reasons for the proposed acquisition. A measure of such sweeping consequence including complete divestiture of an institution that has functioned for nearly a century, cannot rest on assumptions that were never put to the very persons sought to be displaced. This itself is a

powerful indicator of the arbitrary character of the legislative action.

41. There is a further circumstance which bears directly on the State's claim of mismanagement. Under the arrangement governing the Institute & Library, the State Librarian functioned as the ex-officio Chief Librarian of the Library and was entrusted with the responsibility of general supervision over its working and administration, subject to the overall direction of the Trustees. The day-to-day management of the Institute & Library thus fell squarely within the domain of a government-appointed functionary. It necessarily follows that any mismanagement in the functioning of the Institute & Library, which the State now invokes as the justification for a complete legislative takeover, would, at least in part, have fallen within the supervisory responsibility of this very official. Yet, the record does not disclose that any notice was ever issued to the State Librarian, that any inquiry was ever initiated against him, or that any action of any kind was taken in respect of discharge of duties, by the said official. The State, therefore, is not in a position to rely on mismanagement as the basis for the acquisition when it failed to act against its own appointee, who was charged with the general administration of the very institution whose management it now seeks to impugn. This inconsistency further reinforces that the stated rationale of the Act does not withstand scrutiny.

42. The State has placed on record that, following the enactment of the impugned Act, a sum of Rs. 72,89,88,640/- (Rupees Seventy-Two Crores Eighty-Nine Lakhs Eighty-Eight Thousand Six-Hundred and Forty only) has been sanctioned towards construction, renovation and infrastructure enhancement of the Institute & Library, of which an amount of Rs. 16,24,12,840/- (Rupees Sixteen-Crores Twenty-Four Lakhs Twelve-Thousand Eight-Hundred and Forty only) has already been released; that dedicated funds have been sanctioned for the rejuvenation of the heritage building; that modern technology and digital tools have been introduced; and that approval has been granted for the construction of a new multi-storeyed library building. This Court does not doubt that such investment reflects a genuine commitment to the preservation and development of a historically significant institution. However, the question that this Court must ask is whether a complete legislative acquisition of the Institute & Library by dissolving its Trust, extinguishing long-standing rights, and displacing a century-old institutional framework, was a necessary precondition for such investment. The answer is in the negative. The State is well equipped, through constitutional and statutory means, to extend financial assistance to trust institutions and to ensure that such assistance is applied to its intended purpose, without resorting to outright acquisition. Grant-in-aid,

conditional funding, statutory audit, and supervisory oversight are all established mechanisms that serve this purpose without displacing existing management. The scale of post-takeover investment does not validate the takeover; it demonstrates, if anything, that the State's objective could have been achieved through far less drastic means. That the legislature chose the most extreme measure available, when less invasive alternatives were plainly at hand, is itself a manifestation of the arbitrariness that the impugned Act discloses.

43. As the jurisprudence under Article 14 makes clear, arbitrariness is not confined to discriminatory classification. A law which proceeds on unreasoned assumptions, adopts excessive means, or operates without adequate determining principles equally attracts constitutional censure. The impugned Act, by extinguishing long-standing rights and arrangements without cogent justification, departs from the discipline of reason that Article 14 mandates.

44. The arbitrariness of the statutory scheme is further aggravated by the compensation provision contained in Section 7. The provision authorises the State Government to pay compensation, if any, up to a maximum of one rupee, after examining claims, without prescribing any principles, criteria, or procedural safeguards. Such a scheme vests unguided

discretion in the legislature and reduces compensation to a nominal and illusory figure.

45. While Article 300A of the Constitution permits deprivation of property by authority of law, such law must nevertheless be just, fair and reasonable, and not arbitrary or confiscatory in effect. A statutory provision that enables acquisition of property while reducing compensation to a token amount lacks the basic attributes of fairness. The confiscatory nature of the vesting contemplated under the impugned Act therefore reinforces the conclusion that the enactment is manifestly arbitrary and fails constitutional scrutiny.

46. The legislative history preceding the impugned enactment also bears relevance. An earlier attempt by the State to take over the Institute & Library through ordinances in 1983 did not pass muster of judicial scrutiny, and the consequences of those ordinances were set aside by this Court in 1996 upon their lapse, restoring the Trust to its prior legal position. The legislature is, of course, competent to enact a fresh law. However, the impugned Act, enacted more than three decades later, seeks to achieve substantially the same outcome as the failed ordinance of 1983, without any intervening change in circumstances and without any fresh material justifying acquisition being placed on record. The mere passage of time does not supply any justification. When a legislature re-enacts substantially the same measure that has previously failed, without

placing any new or cogent material before the Court to justify the same, the legislative history becomes a relevant consideration. Viewed in light of this, the history of this enactment reinforces the findings of manifest arbitrariness in the impugned Act.

47. It is also material that the impugned Act targets a single institution for complete takeover, without disclosing any intelligible basis for such exclusive treatment. The State's own material indicates that several public libraries in the State have ceased to function or are in a state of disrepair. The selective application of an extreme legislative measure to a functioning institution, without objective criteria, further underscores the absence of a rational and principled approach.

48. Viewed cumulatively, the scheme of the impugned Act reveals a pattern of arbitrariness: complete vesting of property in the State, dissolution of long-standing trust arrangements, absence of any finding of necessity or mismanagement, provision for illusory compensation, and lack of guiding principles or safeguards. Each of these features, taken individually, raise serious constitutional concern; taken together, they render the enactment manifestly arbitrary in its conception and operation.

49. In light of the settled jurisprudence under Article 14, as traced in the decisions of this Court referred to above, the impugned Act cannot be sustained. The

legislation fails the test of reasonableness, proportionality and non-arbitrariness, and consequently violates Article 14 of the Constitution of India. In view of this conclusion, it is unnecessary to examine the remaining contentions relating to legislative competence and repugnancy in further detail.

E. Conclusion

50. The impugned Act authorises the State to take over the Institute & Library in its entirety, dissolving existing legal arrangements and divesting long-standing rights, without any demonstrated necessity, objective criteria, or prior inquiry. The manner in which this power is exercised is excessive, unreasoned and disproportionate to the stated object of "better management and development". We are therefore satisfied that the Srimati Radhika Sinha Institute and Sachchidanand Sinha Library (Requisition & Management) Act, 2015 is manifestly arbitrary and violative of Article 14 of the Constitution of India.

51. Further, the scheme of the Act permits deprivation of property without adherence to basic requirements of fairness and due process. The absence of any principled or meaningful framework for compensation underscores the arbitrary character of the legislative measure. While Article 300A permits deprivation of property by authority of law, such law must be fair,

reasonable and non-confiscatory. The impugned Act fails to meet this standard.

52. In view of the above, the judgment and order dated 29th February 2024 passed by the High Court of Judicature at Patna in Civil Writ Jurisdiction Case No.7940 of 2015 is set aside. The Srimati Radhika Sinha Institute and Sachchidanand Sinha Library (Requisition & Management) Act, 2015 is declared unconstitutional and is accordingly struck down.

53. Accordingly, the Trust governing the Institute & Library, together with its rights of management and administration, shall stand restored to its pre-existing legal position prior to the enactment of the impugned Act. This shall not preclude the State Government from providing financial assistance, administrative support or regulatory oversight in accordance with law.

54. The appeal is accordingly allowed.

55. Pending application(s), if any, shall stand disposed of.

.....J.

[VIKRAM NATH]

.....J.

[SANDEEP MEHTA]

NEW DELHI;
MARCH 10, 2026