From trade to political power

Between 1757 and 1765, the English East India Company changed from a trading company into a political power in Bengal.



- 1757: defeated Siraj-ud-Daulah at Plassey; installed Mir Jafar as Nawab.
- 1764: defeated the combined forces of Bengal, Awadh and the Mughal emperor at Buxar.
- 1765: obtained the diwani, the right to collect revenue, of Bengal, Bihar and Orissa.

Trading privileges



→

Control over the Nawab



→

Military supremacy



→

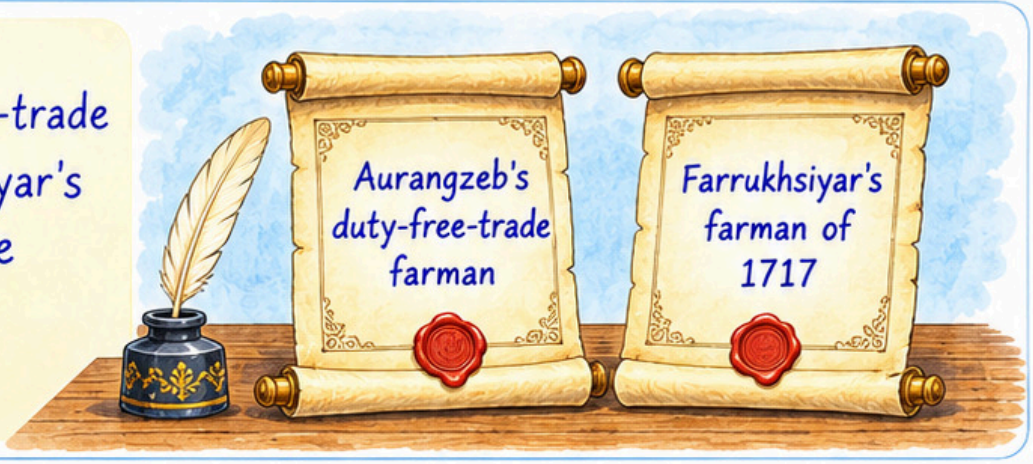
Revenue rights



Before Plassey: key developments

Year	Development
1651	Company's first factory in Bengal on the Hugli
1696	Permission to fortify Calcutta
1698	Zamindari of Sutanuti, Kalikata and Gobindapur
1717	Farrukhsiyar's farman after John Surman's embassy
1751	Clive seized Arcot during the Carnatic Wars
1757	English captured Chandernagore from the French
November 1759	English defeated the Dutch at Bedara near Chinsura

Aurangzeb's duty-free-trade farman and Farrukhsiyar's farman of 1717 were separate grants.



When the Seven Years' War began, the first British force sent out was diverted to Bengal.



Why the Company and the Nawab clashed

Cause	How it created conflict
Trading privileges 	Aurangzeb's farman allowed duty-free Company trade. The Bengal nawabs resisted further concessions, demanded tributes and denied minting rights.
Misuse of dastaks 	The Company's passes exempted its goods from toll-post checks. Company servants used them for private trade, especially salt and tobacco, and sold them to Indian merchants.
Revenue loss 	Private traders escaped duties, the Nawab lost revenue and traders without exemptions faced unequal competition.
Fortification 	The Company strengthened Calcutta without Siraj-ud-Daulah's permission and ignored his demand to stop.

Trade privileges + revenue loss + unauthorised fortification → confrontation.

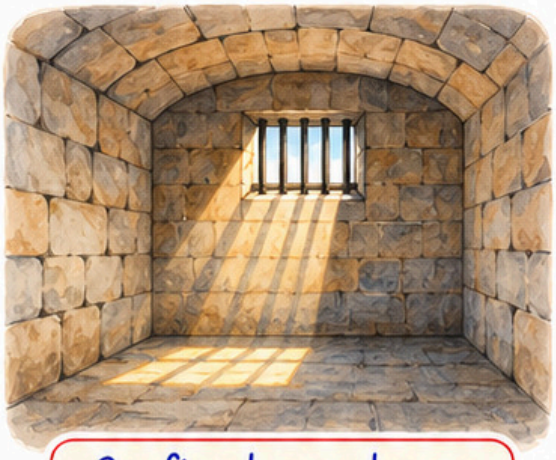
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Calcutta 1756: disputed prisoner counts

The fort at Calcutta surrendered on 20 June 1756. Captives died from suffocation in a confined guardroom that night.



Fort at Calcutta



Confined guardroom

The prisoner and survivor counts are disputed:

- Holwell's account: 146 prisoners; 23 survivors.
- A later historical estimate: 64 prisoners; 21 survivors.

146 is the reported number imprisoned in Holwell's account, NOT the number who died. These disputed figures must not be presented as a settled death toll.

Siraj-ud-Daulah's personal responsibility is also disputed; do not assume that he ordered the confinement.

Calcutta lost and recovered

Date	Event
1756	Siraj-ud-Daulah succeeded Alivardi Khan as Nawab of Bengal.
June 1756	After negotiations failed, he moved with 30,000 soldiers against Kassimbazar and then Calcutta.
16 June 1756	The Company's governor and most staff fled to ships.
20 June 1756	The Company's fort at Calcutta surrendered.
2 January 1757	Robert Clive and Admiral Charles Watson retook Calcutta.
24 March 1757	The French surrendered Chandernagore to the English.





The Nawab restored Company privileges and paid compensation. Clive then plotted to replace him.





Plassey: battle and conspiracy

Date and place:

23 June 1757; Plassey/Palashi on the Bhagirathi in Bengal. Palashi is associated with the palash tree.



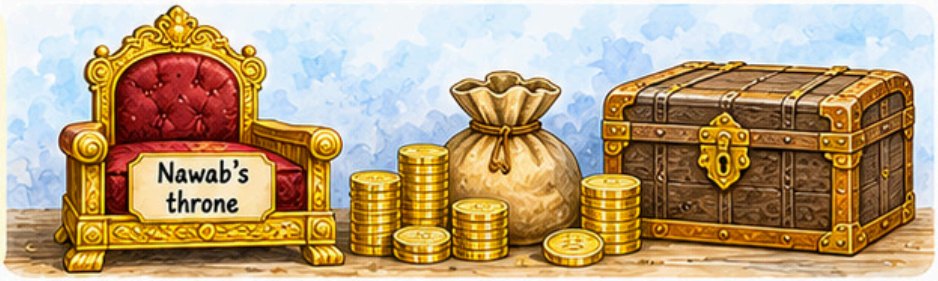
Commanders:

Robert Clive for the Company; Siraj-ud-Daulah, Nawab of Bengal, on the other side.



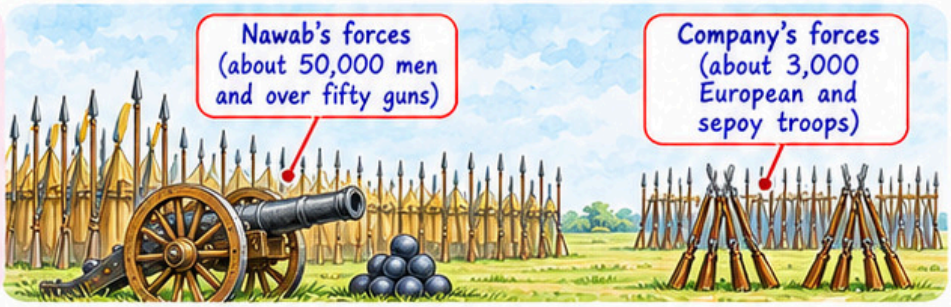
Conspiracy:

Clive promised Mir Jafar the Nawab's throne. Mir Jafar promised large payments; other generals were also bribed.



Approximate strength:

Nawab about 50,000 men and over fifty guns, including French artillerymen; Company about 3,000 European and sepoy troops.



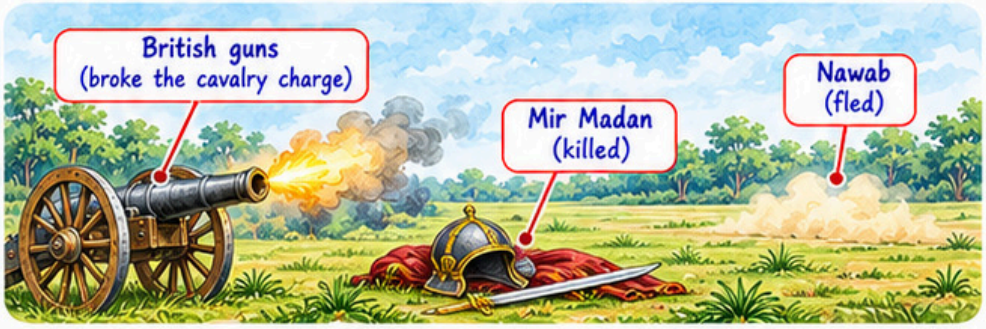
Non-participation:

Mir Jafar's forces did not fight. Rai Durlabh and Yar Lutf Khan also kept their troops out.



The battle:

Mir Madan, the Nawab's cavalry commander, was killed. A cavalry charge was broken by British guns and the Nawab fled.

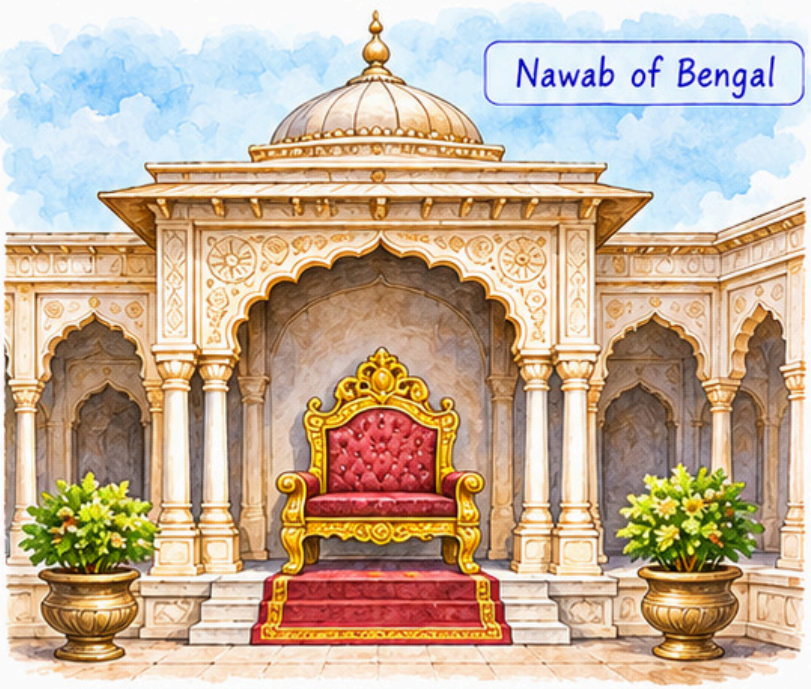


Betrayal and non-participation were central to the result, not superior Company numbers.

Plassey: results and significance

Immediate results:

- Mir Jafar was installed as Nawab of Bengal.
- Siraj-ud-Daulah was captured and executed in early July 1757 on Miran's orders.
- The Company gained decisive influence over Bengal's political leadership.



Why Plassey was a turning point:

- It was the Company's first major victory in India.
- It enabled the Company to make and unmake nawabs.
- Bengal's wealth supported the Company's further expansion.
- It opened a long phase of British political dominance.



Plassey established political influence; Buxar later confirmed military supremacy.

Mir Jafar and Mir Qasim

Mir Jafar:

- Helped Alivardi Khan take Bengal in 1740.
- Became Nawab after Plassey in 1757.
- Faced repeated Company demands for money and privileges.
- Was removed in 1760 and replaced by Mir Qasim.



Mir Qasim:

- Mir Jafar's son-in-law; became Nawab on 20 October 1760.
- Assigned Burdwan, Midnapore and Chittagong to the Company for its troops and made large payments.
- Shifted his capital from Murshidabad to Monghyr/Munger to reduce Company's interference.



Reforms:

- Built a disciplined army and cleared its arrears.
- Resumed rent-free lands and conducted a new land survey.
- Increased land tax and acted against resisting zamindars.
- Reduced court expenses.



Trade duties and the war of 1763

Dastak dispute:

1. Company servants avoided duties on private trade.
2. Indian merchants holding Company passes also escaped duties.
3. Mir Qasim abolished internal duties for all traders to create equal treatment.
4. Company officials demanded restoration of duties on Indian traders.
5. Conflict led to war in 1763.



War of 1763:

- Fighting began at Patna.
- Mir Qasim lost successive battles and fled to Awadh.
- Mir Jafar was restored as Nawab in 1763.
- Mir Jafar died on 5 February 1765.



Mir Qasim's attempt to remove unequal trading privileges brought him into direct conflict with the Company.

Buxar: the allied defeat

Date: 22 October 1764.



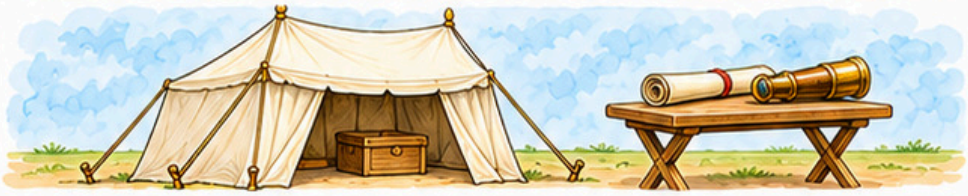
Place: Buxar on the Ganga in Bihar, about 130 km west of Patna.



Allied side: Mir Qasim; Shuja-ud-Daulah, Nawab of Awadh; Shah Alam II, the Mughal emperor.



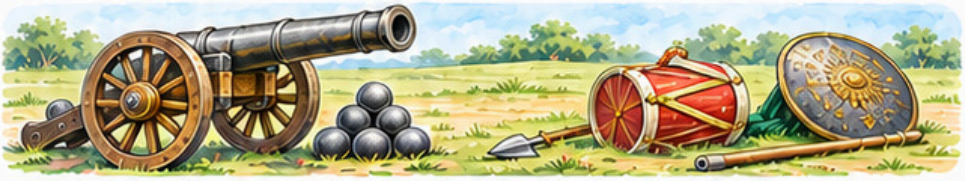
Company commander: Major Hector Munro.



Approximate forces: 8,000 Company troops against 35,000 allied troops.



Result: the allies were defeated in the field.



Aftermath:

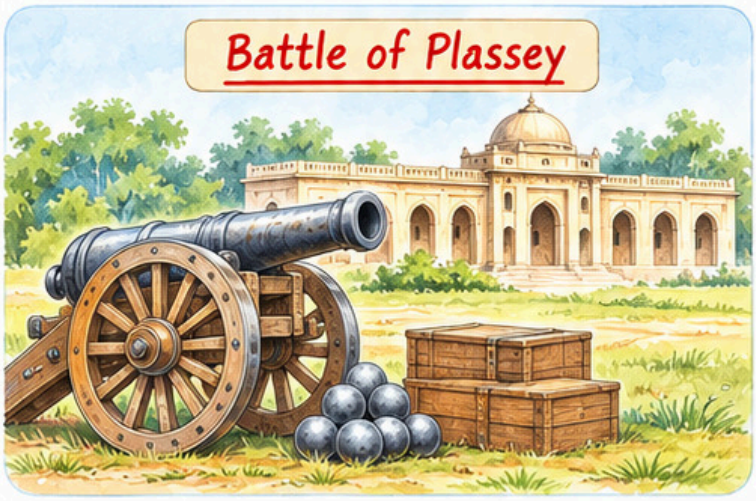
- Shah Alam II joined the English camp.
- Shuja-ud-Daulah fled to Rohilkhand.
- Mir Qasim disappeared into obscurity and died near Delhi in 1777.

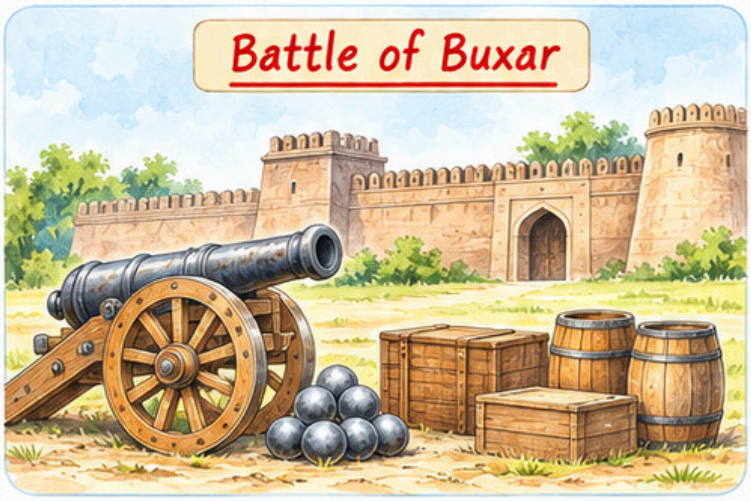


Shah Alam II: Shah Alam II was also known as Ali Gauhar; his reign lasted from 1759 to 1806.

Plassey versus Buxar

Feature	Plassey	Buxar
Date	23 June 1757	22 October 1764
Opponents	Siraj-ud-Daulah	Mir Qasim, Shuja-ud-Daulah and Shah Alam II
Company commander	Robert Clive	Hector Munro
Decisive factor	Conspiracy and non-participation of key commanders	Defeat of the combined allied armies in battle
Immediate consequence	Mir Jafar installed as Nawab	Company's military supremacy confirmed
Longer outcome	Political influence in Bengal	Settlement of 1765 and diwani rights





Buxar was more decisive militarily: it confirmed British power over Bengal and Bihar and prepared the way for imperial recognition of the Company's revenue authority.



Diwani and the Allahabad settlement

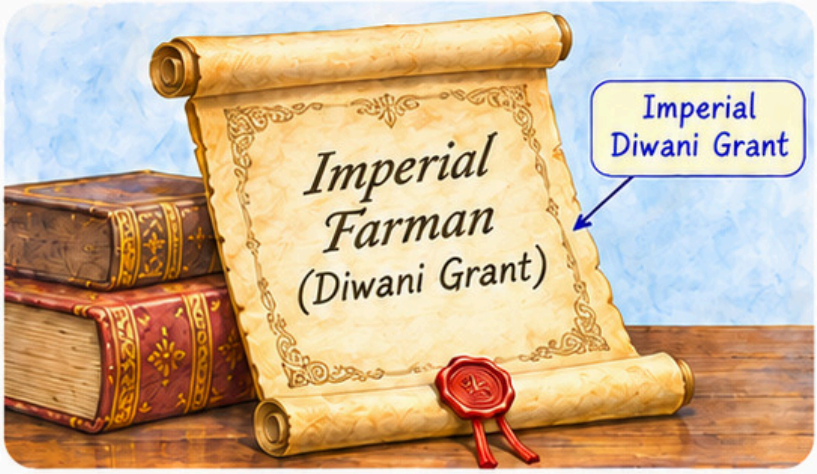
Clive returned as governor and commander-in-chief, reaching Calcutta on 3 May 1765.



Diwani = the right to collect revenue.

The imperial diwani grant:

- Shah Alam II granted the Company the diwani of Bengal, Bihar and Orissa in 1765.
- The imperial farman granting diwani was issued on 12 August 1765.



Allahabad settlement: distinct agreements

- The Allahabad settlement included the treaty with Shuja-ud-Daulah dated 16 August 1765.
- The Company agreed to pay Shah Alam II 26 lakh rupees annually.
- The emperor settled at Allahabad as the Company's pensioner.



Bengal's revenue now financed the Company's administration and expansion.
Imperial diwani grant ≠ treaty with Awadh.

Settlement terms and dual administration

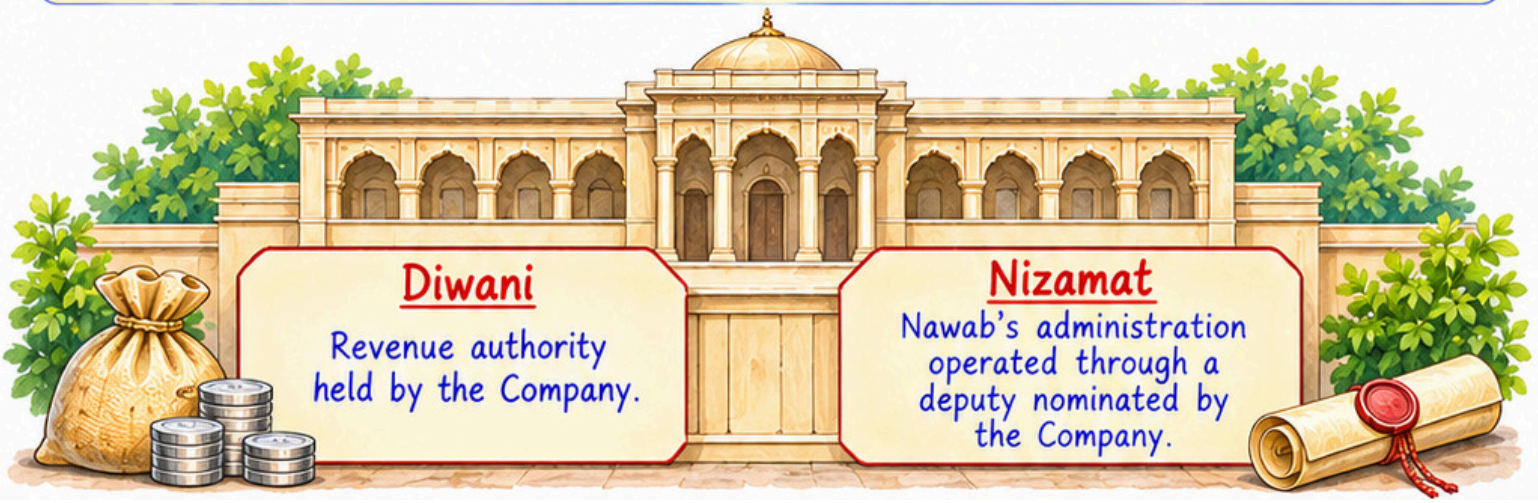
Party	Terms of the 1765 settlement
Shah Alam II	Granted Company diwani of Bengal, Bihar and Orissa; received 26 lakh rupees annually; Kora and Allahabad secured for him.
Shuja-ud-Daulah	Regained Awadh; paid 50 lakh rupees as war indemnity; Kora and Allahabad remained with the emperor.
Company–Awadh alliance	Company would defend Awadh; Nawab would pay for Company troops used in his service.



Dual administration:

- Diwani: revenue authority held by the Company.
- Nizamat: Nawab's administration operated through a deputy nominated by the Company.
- A treaty with the titular Nawab had been concluded on 20 February 1765.

Company power without corresponding direct administrative responsibility.



Chronology: 1717–1765

Year	Event
1717	Farrukhsiyar's farman and Company dastaks
1740	Alivardi Khan took Bengal with Mir Jafar's help
1756	Siraj-ud-Daulah succeeded Alivardi Khan; Calcutta fell on 20 June
1757	Calcutta retaken on 2 January; Chandernagore captured in March
1757	Plassey on 23 June; Mir Jafar installed; Siraj executed in early July
1759	Dutch defeated at Bedara in November
1760	Clive left; Mir Qasim became Nawab on 20 October
1763	Mir Qasim defeated; Mir Jafar restored
1764	Buxar on 22 October
1765	Mir Jafar died 5 February; Clive returned 3 May; Allahabad settlement in August



Farman and Dastaks



Calcutta



Plassey



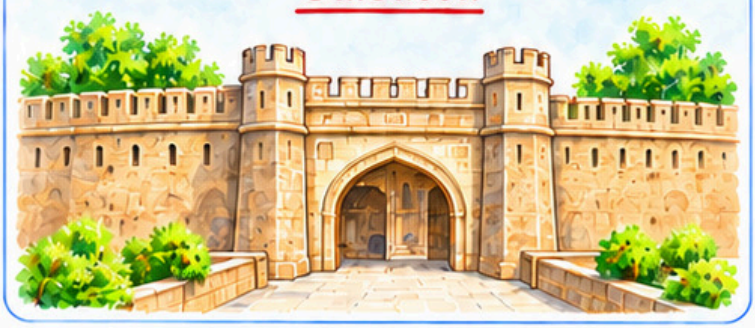
Allahabad Settlement



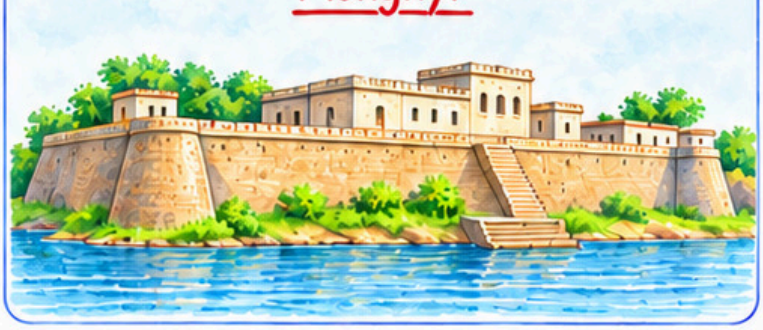
Key people and roles

Person	Role
Alivardi Khan	Nawab of Bengal until 1756; died before Plassey
Siraj-ud-Daulah	Nawab from 1756; captured Kassimbazar and Calcutta; defeated at Plassey
Mir Jafar	Commander who did not fight at Plassey; Nawab 1757–1760 and 1763–1765
Robert Clive	Company commander at Plassey; governor again from 1765
Charles Watson	Admiral who retook Calcutta with Clive in January 1757
Mir Qasim	Nawab 1760–1763; capital at Monghyr; abolished internal duties; allied side at Buxar
Shuja-ud-Daulah	Nawab of Awadh; defeated at Buxar; regained Awadh in 1765
Shah Alam II	Mughal emperor 1759–1806; granted diwani in 1765
Hector Munro	Company commander who won at Buxar

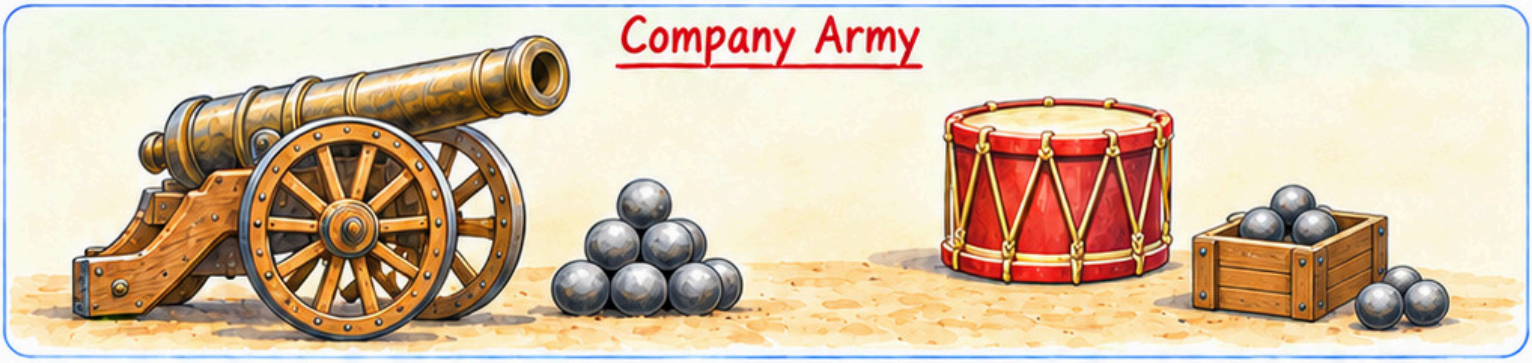
Calcutta



Monghyr



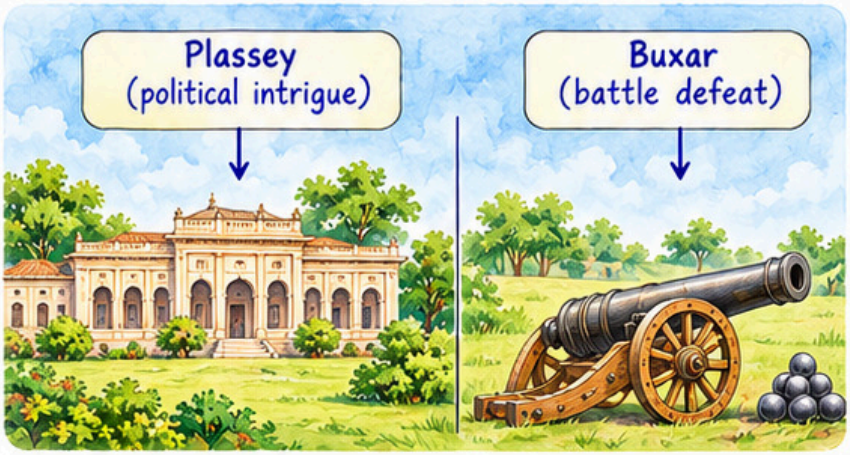
Company Army



Three distinctions to remember

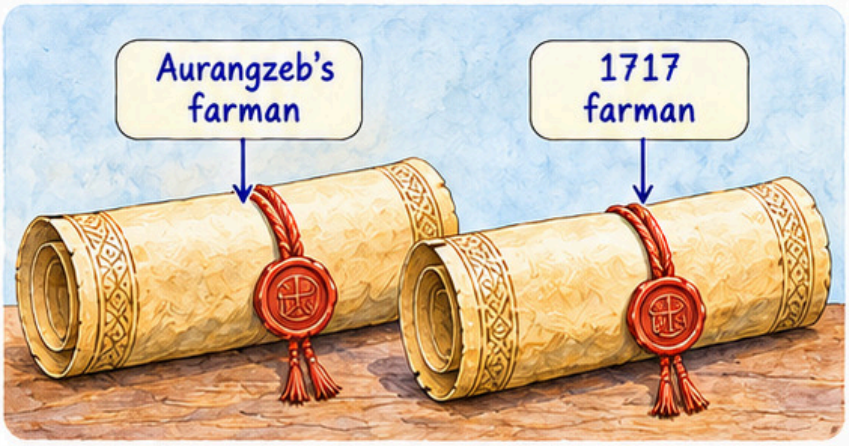
Incorrect statement:
Plassey was won solely by fighting strength.

Correct distinction:
Mir Jafar's forces did not fight; conspiracy and betrayal were central. At Buxar, the combined allied armies were defeated in battle.



Incorrect statement:
Aurangzeb's farman and the 1717 farman were the same.

Correct distinction:
They were separate grants by different emperors. Farrukhsiyar issued the 1717 farman after John Surman's embassy.



Incorrect statement:
146 prisoners died in the Black Hole incident.

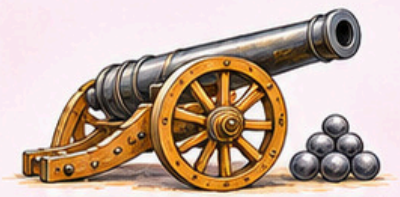
Correct distinction:
146 was Holwell's claimed number imprisoned;23 survived in that account. The figures are disputed, not a settled death toll.



Remember: Plassey—political influence; Buxar—military supremacy; Diwani—revenue authority.



Plassey
(political influence)



Buxar
(military supremacy)



Diwani
(revenue authority)

Concept in one line

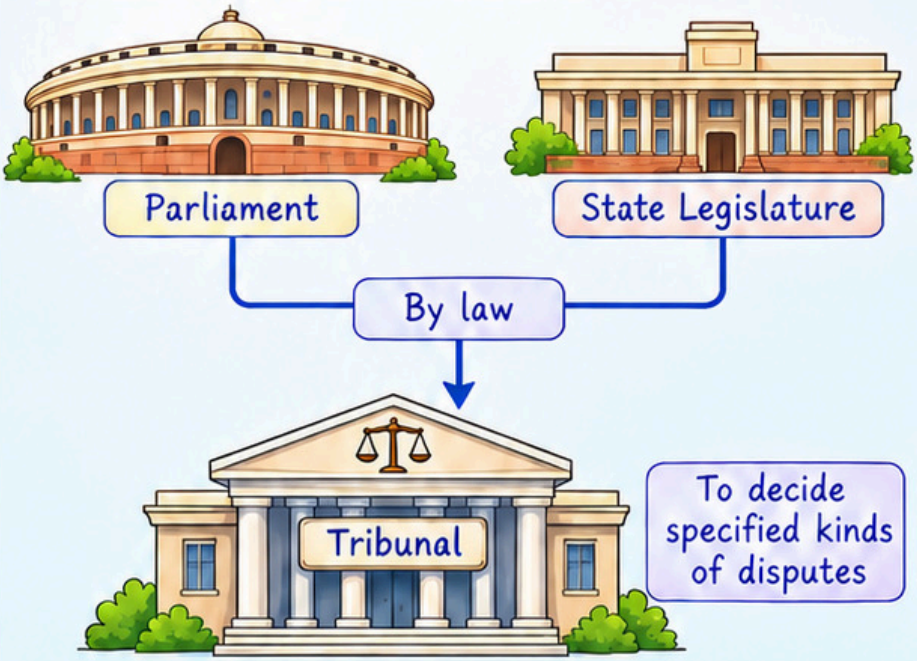
Part XIV-A of the Constitution (Articles 323A and 323B) lets Parliament, and for the matters listed in Article 323B also a State Legislature, provide by law for tribunals to decide specified kinds of disputes.

Part XIV-A

- Articles 323A and 323B
- Parliament, and for the matters listed in Article 323B also a State Legislature
- Provide by law for tribunals
- To decide specified kinds of disputes.



Institutional architecture



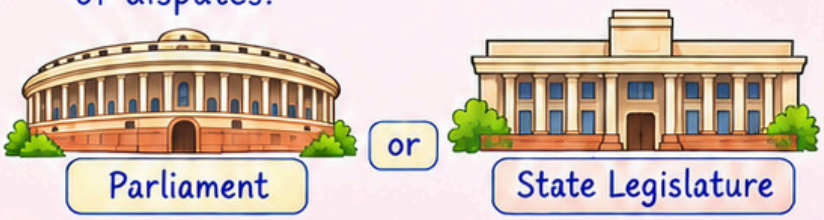
Article 323A

- Parliament
- Provide by law for tribunals
- To decide specified kinds of disputes.



Article 323B

- Parliament or State Legislature
- Provide by law for tribunals
- To decide specified kinds of disputes.



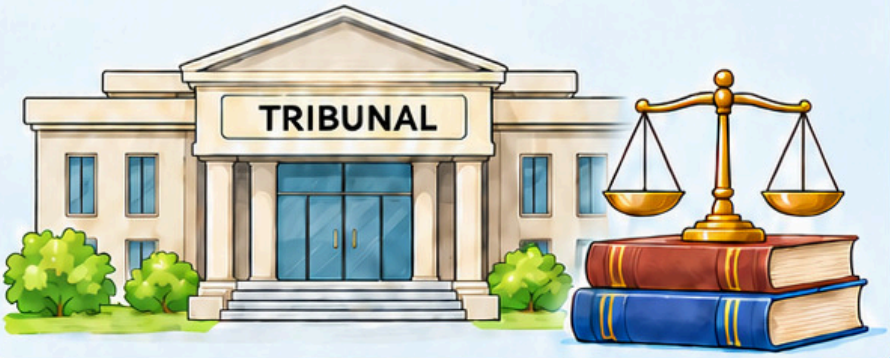
Litigant, tribunal and judicial review



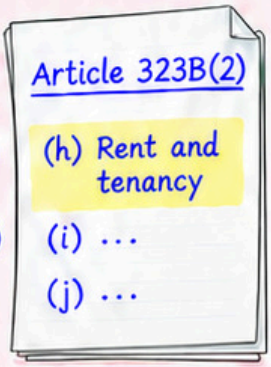
2.1 Where Part XIV-A stands

Part XIV-A, headed "TRIBUNALS", has two Articles: 323A and 323B. Section 46 of the Constitution (Forty-second Amendment) Act, 1976 inserted it "After Part XIV of the Constitution", so the Constituent Assembly never debated it.

Tribunals are judicial or quasi-judicial institutions established by law.



The Constitution (Seventy-fifth Amendment) Act, 1993 added rent and tenancy to Article 323B(2) as a new sub-clause (h), re-lettering the old (h) and (i) as (i) and (j).



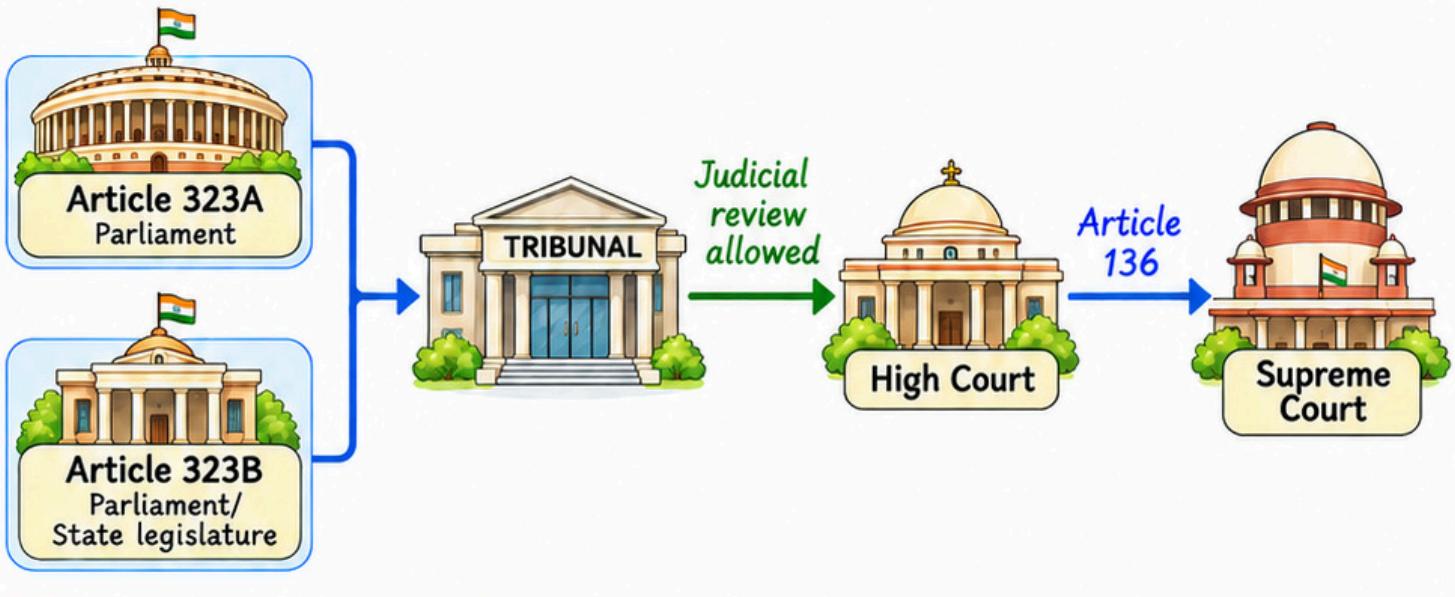
- under Article 136 the Supreme Court may grant special leave "in its discretion" from any judgment or order of any court or tribunal in India.
- under Article 227 a High Court has superintendence over all courts and tribunals in its territories.
- Articles 136(2) and 227(4) exclude courts or tribunals constituted under armed-forces law from these respective powers.



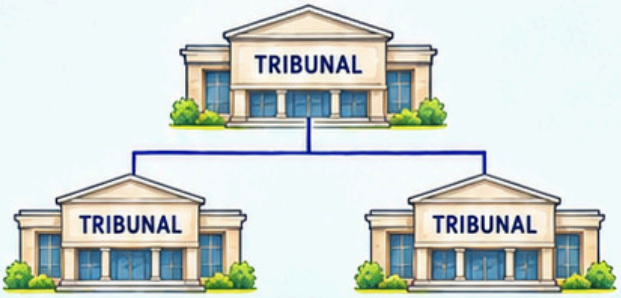
L. Chandra Kumar v. Union of India (18 March 1997; seven judges):

the power of judicial review over legislative action vested in the High Courts under Article 226 and in the Supreme Court under Article 32 "is an integral and essential feature of the Constitution, constituting part of its basic structure".





2.2 Article 323A against Article 323B

Point	Article 323A	Article 323B
Marginal heading	Administrative tribunals 	Tribunals for other matters 
Who may make the law	"Parliament may, by law, provide for the adjudication or trial by administrative tribunals" 	"The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals". The Explanation: Parliament or a State Legislature competent to make laws on the matter under Part XI 
For which matters	Disputes and complaints on "recruitment and conditions of service" of persons appointed to public services and posts under the Union, a State, a local or other authority, or a corporation owned or controlled by the Government 	The matters in clause (2), listed below, on which that Legislature has power to make laws 
How many tribunals	An administrative tribunal for the Union and a separate one for each State or for two or more States (clause (2)(a)) 	A hierarchy of tribunals may be set up (clause (3)(a)) 

2.2 Article 323A against Article 323B

Point	Article 323A	Article 323B
Original exclusion clauses	The law may "exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136" (clause (2)(d))	The same words, for the matters within the tribunals' jurisdiction (clause (3)(d))
After L. Chandra Kumar (1997)	Clause (2)(d) unconstitutional to the extent it excludes the High Courts and the Supreme Court under Articles 226/227 and 32	Clause (3)(d) unconstitutional to the same extent
Overriding clause	Clause (3)	Clause (4)







2.2 Article 323A against Article 323B

Article 323A



Parliament

Article 323B



Parliament | State legislature

Article 323A(2)(f) lets such a law repeal or amend a Presidential order under Article 371D(3), the special provision for Andhra Pradesh.



Andhra Pradesh

The list in Article 323B(2), as it stands now:

(a) levy, assessment, collection and enforcement of any tax;

(b) foreign exchange, and import and export across customs frontiers;

(c) industrial and labour disputes;

(d) land reforms, such as the acquisition of estates defined in Article 31A and ceilings on agricultural land;

(e) ceiling on urban property;

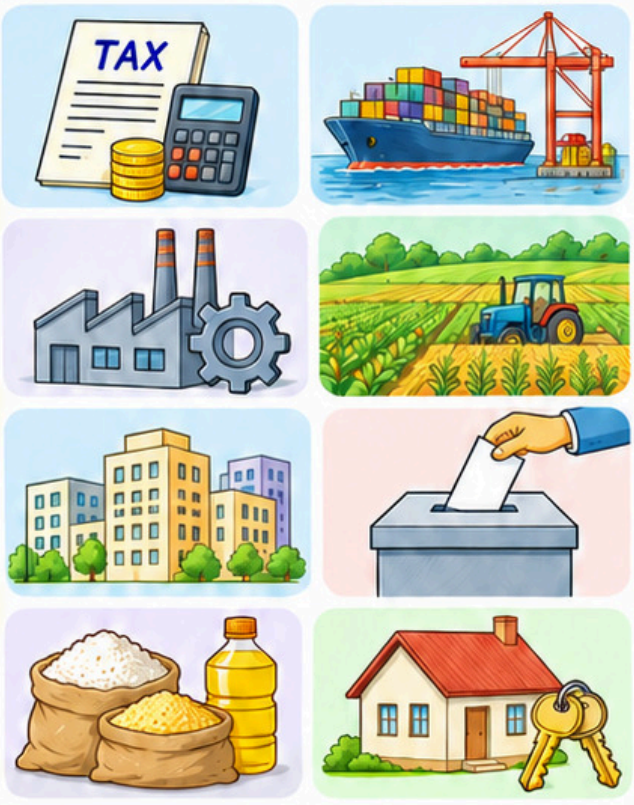
(f) elections to either House of Parliament or the House or either House of the Legislature of a State, excluding the matters in Articles 329 and 329A;

(g) production, procurement, supply and distribution of foodstuffs and other goods that the President declares essential, and control of their prices;

(h) rent, its regulation and control and tenancy issues;

(i) offences against laws on matters (a) to (h), and fees;

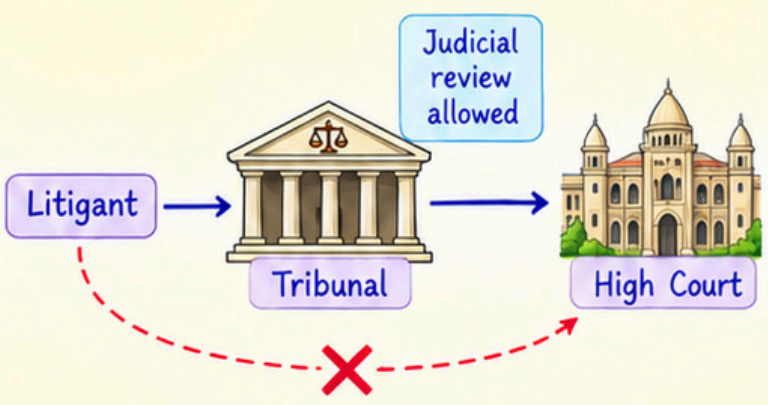
(j) matters incidental to (a) to (i).



Sub-clause (f) covers elections to Parliament and the State Legislatures; the election of the President is not in the list.



Parliament | State Legislatures | President

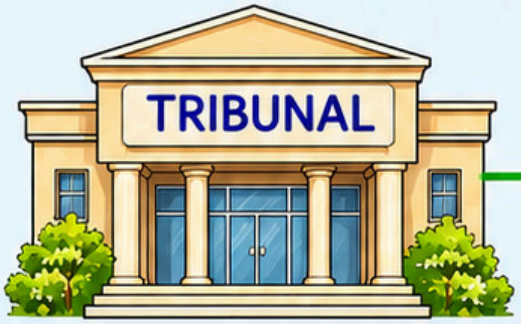


2.3 What the Supreme Court held



S.P. Sampath Kumar v. Union of India (decided in 1986, reported in 1987).

The Court accepted that judicial review could be vested in an "alternative institutional mechanism" if it was "an effective and real substitute for the High Court".



Effective and real substitute for the High Court → ALTERNATIVE INSTITUTIONAL MECHANISM

The Court called for the Chief Justice of India, or a judge-led committee, to be involved in appointments.



OR

JUDGE-LED COMMITTEE



→ INVOLVEMENT IN APPOINTMENTS ←

2.3 What the Supreme Court held

L. Chandra Kumar v. Union of India (18 March 1997; seven judges; Chief Justice A.M. Ahmadi wrote the judgment).

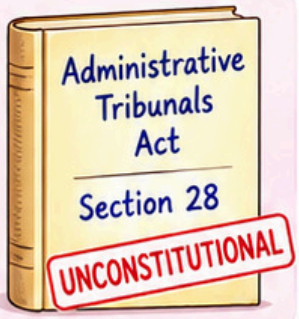


Key holdings:

- Clause 2(d) of Article 323A and clause 3(d) of Article 323B, "to the extent they exclude the jurisdiction" of the High Courts and the Supreme Court under Articles 226/227 and 32, "are unconstitutional".



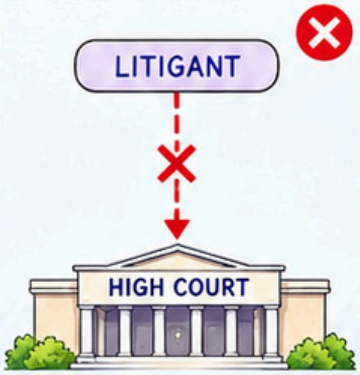
- Section 28 of the Administrative Tribunals Act and the exclusion clauses in other laws made under these Articles are unconstitutional "to the same extent".



- Tribunals may perform a "supplemental role"; they are not substitutes for the High Courts in judicial review. They "continue to act like Courts of first instance" in their areas of law.



- So litigants may not go directly to the High Court even when they question the vires (validity) of a statute or rule. The one exception: when the Act that creates the tribunal is itself challenged, because "a Tribunal which is a creature of an Act cannot declare that very Act to be unconstitutional".





- Tribunals can test the constitutional validity of other statutory provisions and rules, but this function is "only supplementary".



- "All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls."



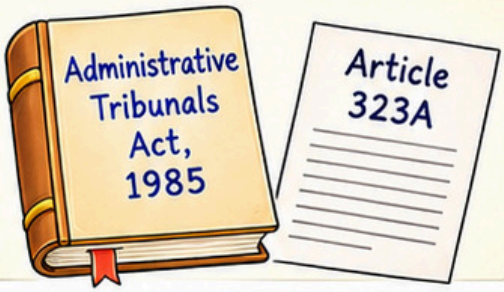
- Tribunals should be "as far as possible, under a single nodal Ministry", which "should appropriately be the Ministry of Law".



2.4 The Central Administrative Tribunal and the State Administrative Tribunals

Parliament made the Administrative Tribunals Act, 1985 under Article 323A.





Point	Statutory provision
Central Administrative Tribunal (CAT)	Section 4(1): "The Central Government shall, by notification, establish" it.
State Administrative Tribunal	Section 4(2): the Central Government "may, on receipt of a request in this behalf from any State Government", establish one by notification.
Joint Administrative Tribunal	Section 4(3): two or more States may agree to share one; the Central Government may then establish it by notification.







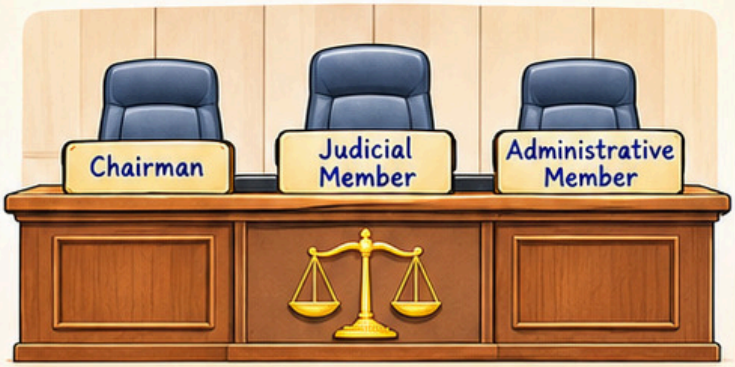
Who is left out

Section 2: members of the armed forces of the Union; officers and servants of the Supreme Court or of any High Court or courts subordinate to it; the secretarial staff of either House of Parliament or of a State Legislature.



Members and Benches

Section 5: a Chairman, Judicial and Administrative Members; a Bench has one of each, or the Chairman or an authorised Member sits alone.



Procedure

Section 22: not bound by the Civil Procedure Code but "guided by the principles of natural justice".



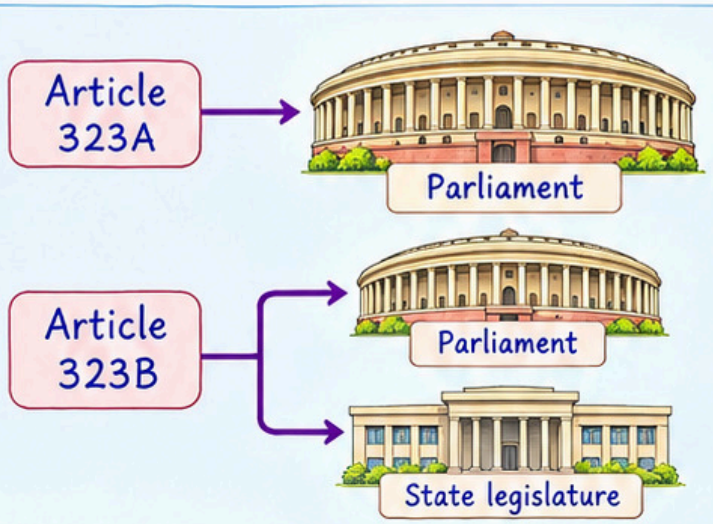
2.4 The Central Administrative Tribunal and the State Administrative Tribunals

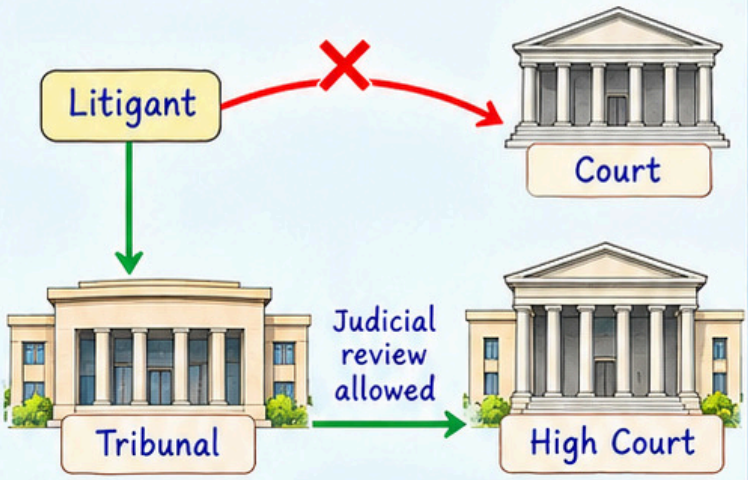
Point	Statutory provision
Courts shut out	Section 28: in service matters "no court except" the Supreme Court (and industrial tribunals, labour courts and similar authorities) has jurisdiction; read down by L. Chandra Kumar

CAT:

- Established in 1985 under Article 323A.
- Listed strength as at 7 November 2026: 19 Benches, 19 Circuit Benches and 69 Members (34 Judicial and 35 Administrative).

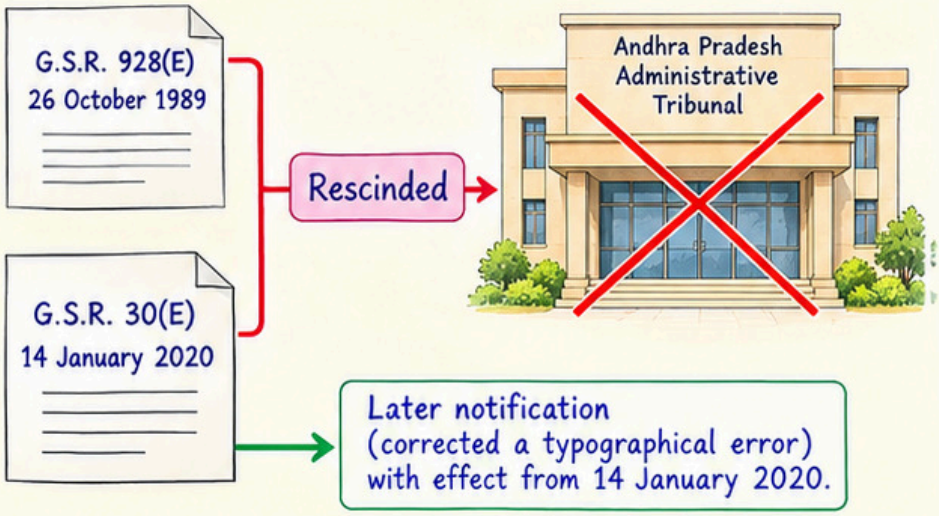






Andhra Pradesh:

- A Ministry of Personnel, Public Grievances and Pensions notification, G.S.R. 30(E) of 14 January 2020, rescinded G.S.R. 928(E) of 26 October 1989, abolishing the Andhra Pradesh Administrative Tribunal at the State's request, made with the High Court's concurrence.
- A later notification corrected a typographical error, with effect from 14 January 2020.



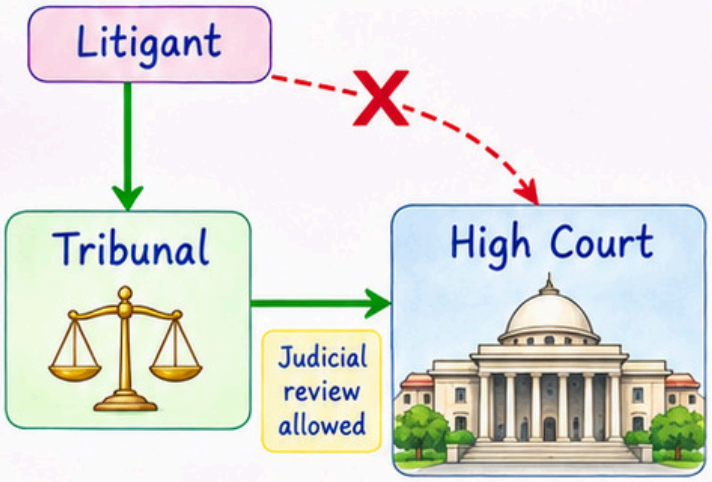
2.5 Other tribunals and their laws

Tribunal	Law it works under	Point to remember
Armed Forces Tribunal 	Armed Forces Tribunal Act, 2007 	The Administrative Tribunals Act, 1985 does not apply to the armed forces (section 2) 
Income Tax Appellate Tribunal 	Previously Income-tax Act, 1961; now section 361 of the Income-tax Act, 2025 	Established in 1941; India's first tribunal 
National Green Tribunal 	National Green Tribunal Act, 2010 	Environmental adjudication 

Institutional architecture

Article 323A	Parliament 
Article 323B	Competent Parliament / State legislature 

Litigation and judicial review



2.6 The Tribunals Reforms Act, 2021 and the Madras Bar Association cases

The Act.

The Tribunals Reforms Act, 2021 received assent on 13 August 2021, is deemed to have come into force on 4 April 2021, and repealed the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021.



Selection and terms, as enacted.

- A Search-cum-Selection Committee recommends a panel of two names.
- For central tribunals it is chaired by the Chief Justice of India or a Supreme Court judge he nominates; for a State Administrative Tribunal, by the Chief Justice of the High Court.
- Section 5: a Chairperson holds office "for a term of four years or till he attains the age of seventy years, whichever is earlier", and a Member for four years or till sixty-seven.
- A person under fifty is not eligible (section 3(1)).



Madras Bar Association v. Union of India (14 July 2021; 2 to 1).

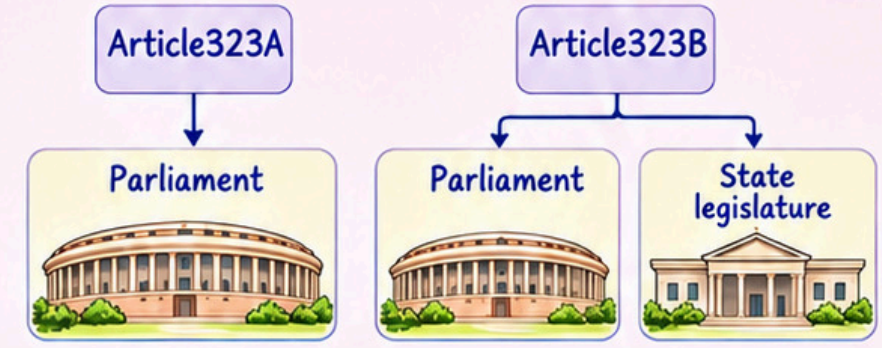
- On the Ordinance.
- Justices L. Nageswara Rao and S. Ravindra Bhat (majority) struck down the four-year term and the minimum age of 50.
- Justice Hemant Gupta dissented.

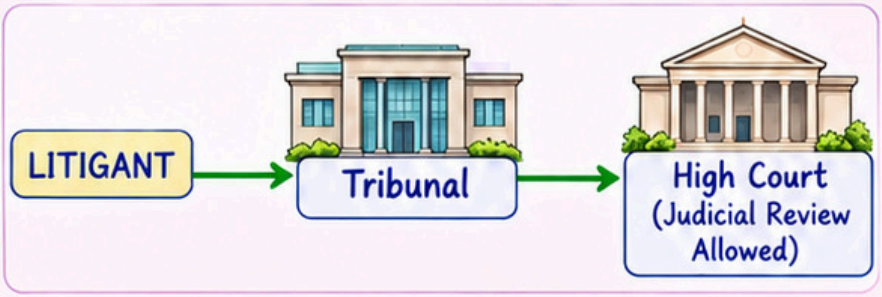


Restating its 2020 directions, the Court held that:

- a Chairperson serves five years or till 70,
- a Member five years or till 67,
- and that advocates with at least 10 years' experience are eligible.







2.6 The Tribunals Reforms Act, 2021 and the Madras Bar Association cases

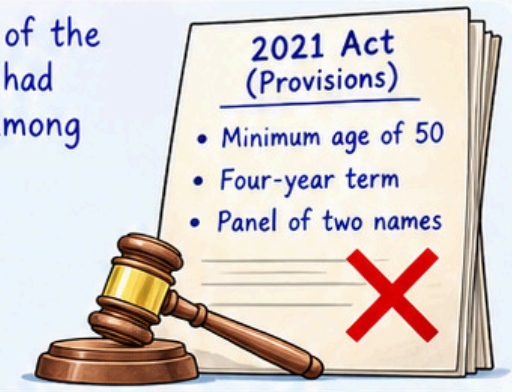
Madras Bar Association v. Union of India (19 November 2025).

On the Act. Chief Justice B.R. Gavai wrote the judgment; Justice K. Vinod Chandran concurred.



The Court struck down provisions of the 2021 Act that repeated what it had struck down in the Ordinance, among them:

- the minimum age of 50,
- the four-year term and
- the panel of two names.



Parliament may remove the basis of a judgment, but may not re-enact a provision with the same defect.

It directed the Centre to set up a National Tribunals Commission within four months.



The Tribunals Reforms Act, 2026 (No. 17 of 2026).



It received assent on 13 August 2026,



all its provisions came into force on 25 August 2026,

and it repeals the Tribunals Reforms Act, 2021.



It provides for a National Tribunals Commission of a Chairperson (a former Supreme Court judge or High Court Chief Justice), two Judicial and two Technical Members.



- Chairperson (a former Supreme Court judge or High Court Chief Justice)
- Judicial Member
- Judicial Member
- Technical Member
- Technical Member

A tribunal Chairperson now holds office for five years or till 70.



A Member for five years or till 67.



2.7 Issues the courts keep raising

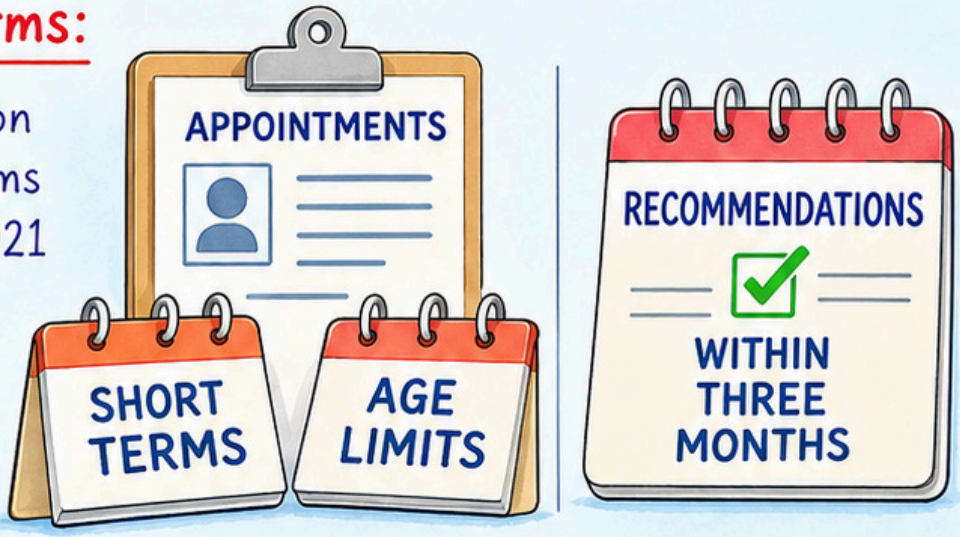
Independence:

In 2021, the single nodal Ministry recommended in L. Chandra Kumar had not been established.



Appointments and terms:

the Madras Bar Association cases turned on short terms and the age limits; the 2021 judgment also wanted recommendations decided within three months.



Vacancies:

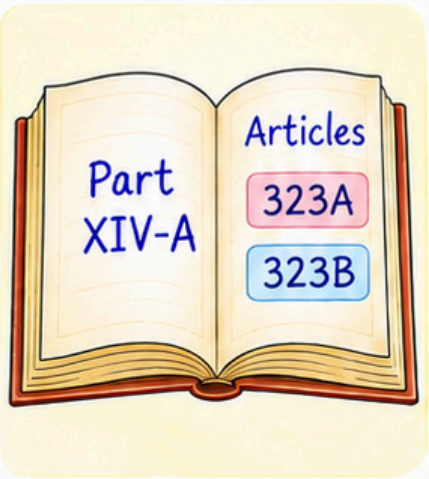
On 3 March 2021, 23 of the 34 sanctioned judicial and administrative posts in the Armed Forces Tribunal were vacant.

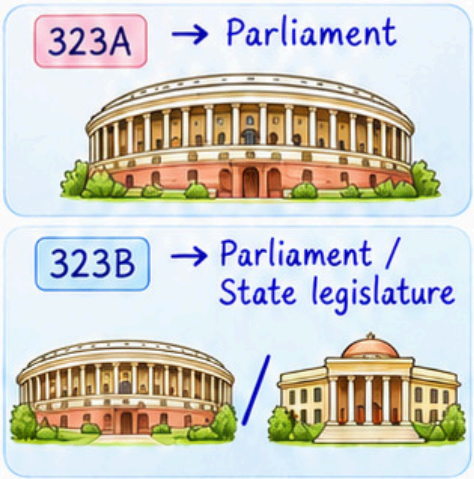


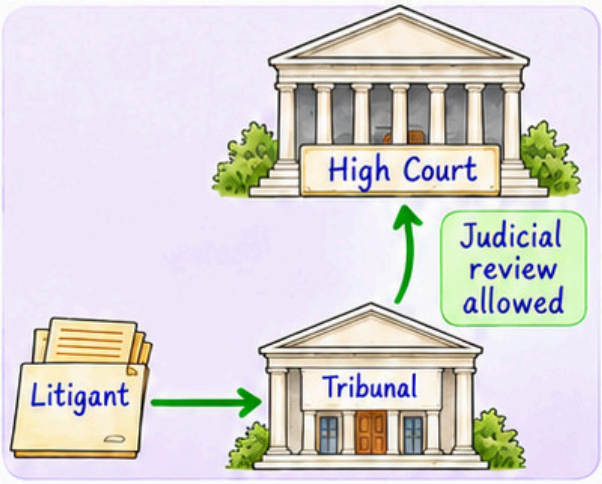
Sanctioned posts	Vacant posts
34	23



Tribunals in the Constitution, the statute book and the Supreme Court, 1976 to 2026







Year	Event	What to remember
1976	Forty-second Amendment Act, section 46	Part XIV-A (Articles 323A and 323B) inserted
1985	Administrative Tribunals Act	CAT established by the Central Government under section 4(1)
1986 (reported 1987)	S.P. Sampath Kumar	A tribunal may stand in for the High Court if it is an effective and real substitute
1993	Seventy-fifth Amendment Act	Rent and tenancy added to Article 323B(2) as sub-clause (h)
18 March 1997	L. Chandra Kumar	Exclusion clauses read down; Division Bench of the High Court scrutinises tribunal decisions
2007	Armed Forces Tribunal Act	A separate tribunal for the armed forces
2010	National Green Tribunal Act	Environmental adjudication
14 January 2020	Notification G.S.R. 30(E)	Andhra Pradesh Administrative Tribunal abolished
2020	Madras Bar Association	National Tribunals Commission; five-year terms
4 April 2021	Tribunals Reforms Ordinance	Appellate bodies abolished; four-year terms

Tribunals in the Constitution, the statute book and the Supreme Court, 1976 to 2026

Year	Event	What to remember
14 July 2021	Madras Bar Association	Four-year term and minimum age of 50 in the Ordinance struck down (2 to 1)
13 August 2021	Tribunals Reforms Act, 2021	Assent; deemed in force from 4 April 2021
19 November 2025	Madras Bar Association	Provisions of the Act that repeated the Ordinance struck down; Commission within four months; the Tribunals Reforms Act, 2026 later replaced the 2021 Act

The pattern

The 1976 text let laws shut out every court except the Supreme Court under Article 136; Sampath Kumar accepted tribunals as substitutes; L. Chandra Kumar brought the High Courts back; the later cases have been about how independent the tribunals are.



Article 323A: Parliament



Article 323B: Parliament / State legislature



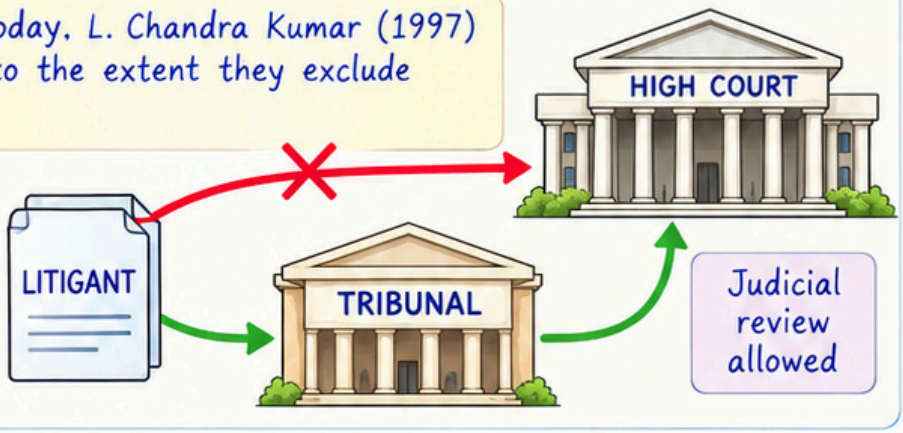


Three common exam traps

"Because Articles 323A(2)(d) and 323B(3)(d) save only Article 136, the High Courts have no say over tribunals." — FALSE

That is the 1976 text, not the law today. L. Chandra Kumar (1997) held these clauses unconstitutional to the extent they exclude Articles 226/227 and 32.

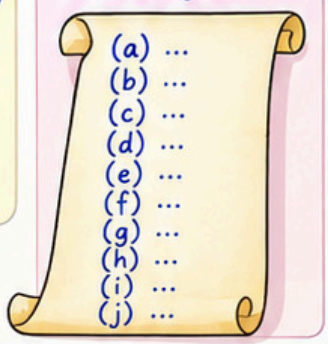
Tribunal decisions now go before a Division Bench of the High Court, and CAT orders are challenged by writ petition under Article 226/227.



"Every matter in Article 323B(2) has been there from the start." — FALSE

The list as first enacted had nine sub-clauses, (a) to (i). Rent, its regulation and control and tenancy issues came as sub-clause (h) by the Seventy-fifth Amendment Act, 1993, and the old (h) and (i) became (i) and (j).

So the present list runs from (a) to (j).



For 323A: Parliament



For 323B: competent Parliament/ State legislature



"Mixing up the two Madras Bar Association judgments and the Act's own words." — FALSE

The judgment of 14 July 2021 was on the Ordinance; the judgment of 19 November 2025 was on the Tribunals Reforms Act, 2021.

The 2021 Act as enacted says four years; the Court's 2021 ruling says five years.



Ordinance



Tribunals Reforms Act, 2021



