

ABSTRACT

There is no unified market within India, and there are considerable inter-state tax and non-tax trade obstacles. There is a need to establish a national-level single market by abolishing all current trade obstacles, legislation, fiscal policies, and marketing arrangements. Both fiscal and non-fiscal impediments impede interstate commerce. These restrictions tend to fragment the national market, which increases the possibility of engaging in anti-competitive trade practices and reduces trade freedom. With this fear of trade barriers being erected by Indian states in exercising their legislative powers in mind, the authors of the Constitution framed Articles 301 to 307 in Part XIII. The object of Part XIII was to impart specific disciplines on the individual State so that they should not take or adopt economic measures which will only benefit them at the expense of the other states of the country. This spirit is nicely echoed in Article 19(1)(d) and (g) of the Part III of our Constitution. These are the cornerstones for realization of freedom of trade and commerce guaranteed under the Constitution. Serious thought needs to be given to superior alternatives to enable the central government to discharge its constitutional responsibility to preserve the national common market. Because the Centre itself often takes measures that constrain free trade, it is all the more necessary to entrust the task of enforcing the Constitution's common market mandate to an independent authority as contemplated in Article 307.

Keywords: Common Market, Inter-state Trade, Commerce, Constitution.