

# 13 : Trade, Commerce and Intercourse within the Territory of India

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# Trade, Commerce and Intercourse within the Territory of India

## **301. Freedom of trade, commerce and intercourse.**

Subject to the other provisions of this Part, trade, commerce and intercourse throughout the territory of India shall be free.

## **302. Power of Parliament to Impose Restrictions on Trade, Commerce and Intercourse.**

Parliament may by law impose such restrictions on the freedom of trade, commerce or intercourse between one State and another or within any part of the territory of India as may be required in the public interest.

## **303. Restrictions on the legislative powers of the Union and of the States with regard to trade and commerce**

(1) Notwithstanding anything in [article 302](#), neither Parliament nor the Legislature of a State shall have power to make any law giving, or authorising the giving of, any preference to one State over another, or making, or authorising the making of, any discrimination between one State and another, by virtue of any entry relating to trade and commerce in any of the Lists in the Seventh Schedule.

(2) Nothing in clause (1) shall prevent Parliament from making any law giving, or authorising the giving of, any preference or making, or authorising the making of, any discrimination if it is declared by such law that it is necessary to do so for the purpose of dealing with a situation arising from scarcity of goods in any part of the territory of India.

## **304. Restrictions on trade, commerce and intercourse among States**

Notwithstanding anything in [article 301](#) or [article 303](#), the Legislature of a State may by law

(a) impose on goods imported from other States 1 [or the Union territories] any tax to which similar goods manufactured or produced in that State are subject, so, however, as not to discriminate between goods so imported and goods so manufactured or produced; and

(b) impose such reasonable restrictions on the freedom of trade, commerce or intercourse with or within that State as may be required in the public interest: Provided that no Bill or amendment for the purposes of clause (b) shall be introduced or moved in the Legislature of a State without the previous sanction of the President.

## **305. Saving of existing laws and laws providing for State monopolies**

Nothing in [articles 301](#) and [303](#) shall affect the provisions of any existing law except in so far as the President may by order otherwise direct; and nothing in [article 301](#) shall affect the operation of any law made before the commencement of the Constitution (Fourth Amendment) Act, 1955, in so far as it relates to, or prevent Parliament or the Legislature of a State from making any law relating to, any such matter as is referred to in sub-clause (ii) of clause (6) of [article 19](#).

## **306. Power of certain States in Part B of the First Schedule to impose restrictions on trade and commerce**

Omitted by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch. (w.e.f. 1-1-1956).

## **307. Appointment of authority for carrying out the purposes of articles 301 to 304**

Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of [articles 301](#), [302](#), [303](#) and [304](#), and confer on the authority so appointed such powers and such duties as it thinks necessary.