

BBVC1002 INDIAN CONSTITUTION (1-0-0)

Course Description:

This course offers a unique perspective on the Constitution of India, focusing on its economic dimensions and impact on business. It delves into the historical and ideological underpinnings of the Constitution as an economic document, tracing its evolution from post-colonial economic governance to contemporary debates. Students explore constitutional battles over land reforms, economic liberalization, and fiscal federalism, gaining insights into competing economic ideologies and interests. Through case studies and legal analysis, they examine fundamental rights related to business, fiscal federalism, and constitutional issues shaping India's economic landscape.

By the end of the course, students will develop a nuanced understanding of the Constitution's role in shaping economic policies and its implications for business practices, equipping them with valuable insights for careers in business management and policy advocacy.

Course Objective(s):

1. Develop an understanding of the Indian Constitution beyond legal and political lenses, emphasizing its significance for business students.
2. Recognize the importance of comprehending constitutional basics and their impact on trade, economy, and business practices.
3. Analyze the inclusion of economic justice in the preamble and its implications for post-colonial economic policies.
4. Explore the legal history of competing claims between economic development and principles of equity and justice in India.
5. Examine the transition from state-led industrialization to liberalization, highlighting the constitutional underpinnings of these economic shifts.
6. Investigate the constitutional provisions relevant to business, such as the fundamental right to practice any profession, occupation, trade, or business as enshrined in Article 19.

Course Content:

Unit 1: An Economic History of the Constitution of India

Historical understanding of the constitution as an economic document. Understanding the Preamble, Starting from the land reform cases in the 1950s to the validity of the bitcoin ban imposed by the RBI, this module signpost all of the important economic moments in the constitutional history of post-colonial India; Constitutional design, Legal Regulation and economic justice

Unit 2: Fundamental Rights and Business in India

Article 19(1)(g), grants every citizen the right, to practise any profession, or to carry on any profession, occupation, trade, or business. Like other fundamental rights, this right is subject to reasonable restrictions impose by the state. This particular provision of the Constitution has been one of the most severely litigated freedoms. Fundamental Duties.

Unit 3: Fiscal Federalism

Article articles 301 to 307 of the Constitution pertains to Trade, Commerce and Intercourse within the Territory of India; Challenges associated with fiscal federalism in India including the vertical fiscal imbalance; Article 280 of the Constitution.

Unit 4: Constitutional battles that shaped the economy

This module will be taught through key case studies that demonstrate the complex and fascinating overlap between the constitution and business and shall use Saurabh Kirpal's book Fifteen Judgments: Cases that Shaped India's Financial Landscape as our guide through this landscape. The case studies include the banning of diesel engine cars, Telecom regulation and ownership of broadcast media, Demonetisation, Aadhaar, the lifting of restrictions on dealing in cryptocurrencies

Course Outcome(s):

1. Students of the BBA programme get equipped with a knowledge of the Indian Constitution, particularly from the perspective of economic governance and business
2. They begin to develop a nuanced analytical framework about ongoing constitutional debates and battles which affect the domain of business
3. Developing a sense of how questions of economic growth have to be balanced with other constitutional commitments, including social and economic justice.

Readings: References:

The Oxford Handbook of the Indian Constitution, Oxford university press.

Cases

- Rustom Cavasjee Cooper v. Union of India, (1970) 1 SCC 248
- State of Rajasthan v. Mohan Lal Vyas, AIR 1971 SC 2068 (confirmation of a private monopoly, not a violation of fundamental right)
- Mithilesh Garg v. Union of India, (1992) 1 SCC 168 : AIR 1992 SC 221 (Right to carry on business, not breached when it is liberalised)
- Chintamanrao v. The State of Madhya Pradesh, AIR 1951 SC 118 (scope of reasonable restrictions in relation to trade and occupation)
- Cooverjee B. Bharucha v. Excise Commissioner, Ajmer, AIR 1954 SC 220 (the reasonableness of the restriction imposed may depend upon the nature of the business and prevailing conditions including public health and morality)
- T. B. Ibrahim v. Regional Transport Authority. Tanjore, AIR 1953 SC 79
- Harman Singh v. RTA, Calcutta, AIR 1954 SC 190
- Dwarka Prasad Laxmi Narain v. State of U.P., AIR 1954 SC 224
- State of Bombay v. R.M.D. Chamarbaugwala, AIR 1957 SC 699
- Parbhani Transport Coop. Society Ltd. v. Regional Transport Authority, Aurangabad, AIR 1960 SC 801
- State of Bombay v. R. M. D. Chamarbaugwala, (1957) S.C.R. 874,
- G.K.Krishnan vs State of Tamil Nadu, 1975 SCC (1) 375
- Automobile Transport (Rajasthan) Ltd. Vs State of Rajasthan, AIR 1962 SC 1406