

PART XV

Miscellaneous

Protection
of President
and
Governors.

302. (1) The President or the Governor of a State shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties: 5

Provided that the conduct of the President may be brought under review by any court, tribunal or body appointed or designated by either House of Parliament for the investigation of a charge under article 50 of this Constitution: 10

Provided further that nothing in this clause shall be construed as restricting the right of any person to bring against the Government of India or the Government of a State such proceedings as are mentioned in Chapter III of Part X of this Constitution. 15

(2) No criminal proceedings whatsoever shall be instituted or continued against the President or the Governor of a State in any court during his term of office. 20

(3) No process for the arrest or imprisonment of the President or the Governor of a State shall issue from any court during his term of office. 25

(4) No civil proceedings in which relief is claimed against the President or the Governor of a State shall be instituted during his term of office in any court in respect of any act done or purporting to be done by him in his personal capacity, whether before or after he entered upon his office as President or Governor of such State, until the expiration of two months next after notice in writing has been delivered to the President or the Governor, as the case may be, or left at his office stating the nature of the proceedings, the cause of action therefor, the name, description, and place of residence of the party by whom such proceedings are to be instituted and the relief which he claims. 30 35

Interpretation
etc.

303. (1) In this Constitution, unless the context otherwise requires, the following expressions have the 40

meanings hereby respectively assigned to them, that is to say—

- (a) "agricultural income" means agricultural income as defined for the purposes of the enactments relating to Indian income-tax; 5
- (b) "an Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was 10 born within such territory of parents habitually resident therein and not established there for temporary purposes only;
- (c) "an Indian Christian" means a person who professes any form of the Christian 15 religion and is not a European or an Anglo-Indian;
- (d) "borrow" includes the raising of money by the grant of annuities, and "loan" shall be construed accordingly; 20
- (e) "Chief Justice" includes in relation to a High Court a Chief Judge;
- (f) "corporation tax" means any tax on income, so far as that tax is payable by companies and is a tax in the case of which the 25 following conditions are fulfilled:—
 - (i) that it is not chargeable in respect of agricultural income;
 - (ii) that no deduction in respect of the tax paid by companies is, by any enact- 30 ments which may apply to the tax, authorised to be made from dividends payable by the companies to individuals;
 - (iii) that no provision exists for taking the tax 35 so paid into account in computing for the purposes of Indian income-tax the total income of individuals receiving such dividends, or in computing the Indian income-tax payable by, or 40 refundable to, such individuals;
- (g) "corresponding Province" or "corresponding State" means in cases of doubt such Province or State as may be determined

by the President to be the corresponding Province or, as the case may be, the corresponding State for the particular purpose in question:

- (h) "debt" includes any liability in respect of any obligation to repay capital sums by way of annuities and any liability under any guarantee, and "debt charges" shall be construed accordingly;
- (i) "existing law" means any law, Ordinance, 10 order, bye-law, rule or regulation passed or made before the commencement of this Constitution by any legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or 15 regulation but does not include any Act of Parliament of the United Kingdom or any Order in Council made under any such Act;
- (j) "Federal Court" means the Federal Court 20 constituted under the Government of India Act, 1935;
- (k) "goods" includes all materials, commodities, and articles;
- (l) "guarantee" includes any obligation under- 25 taken before the commencement of this Constitution to make payments in the event of the profits of an undertaking falling short of a specified amount;
- (m) "pension" means a pension, whether contri- 30 butory or not, of any kind whatsoever payable to or in respect of any person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or 35 without interest thereon or any other addition thereto, of subscriptions to a provident fund;
- (n) "public notification" means a notification in the Gazette of India, or, as the case may 40 be, the official Gazette of a State;
- (o) "securities" includes stock;

- (p) "taxation" includes the imposition of any tax or impost, whether general or local or special, and "tax" shall be construed accordingly;
- (q) "tax on income" includes a tax in the nature of an excess profits tax; 5
- (r) "railway" includes a tramway not wholly within a municipal area;
- (s) "Union railway" does not include an Indian State railway but, save as aforesaid, includes any railway not being a minor railway; 10
- (t) "Indian State railway" means a railway owned by a State for the time being specified in Part III of the First Schedule and either operated by such State, or operated on behalf of such State otherwise than in accordance with a contract made with that State by or on behalf of the Government of India, or any company operating a Union railway; 20
- (u) "minor railway" means a railway which is wholly situate in one State and does not form a continuous line of communication with a Union railway, whether of the same gauge or not; 25
- (v) "Schedule" means a Schedule to this Constitution;
- (w) "Scheduled Castes" means in relation to any State for the time being specified in Part I of the First Schedule such castes, races or tribes or parts of or groups within castes, races or tribes as are specified in the Government of India (Scheduled Castes) Order, 1936, to be scheduled castes for the purposes of the Fifth and Sixth Schedules to the Government of India Act, 1935, in relation to the corresponding Province; 35
- (x) "scheduled tribes" means the tribes or communities specified in Parts I to IX, of the Eighth Schedule in relation to the States for the time being specified in Part I of the First Schedule to which those Parts respectively relate. 40

(2) Unless the context otherwise requires, the General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Constitution.

(3) Any reference in this Constitution to Acts or laws of, or made by, Parliament or Acts or laws of, or made by, the Legislature of a State for the time being specified in Part I of the First Schedule shall be construed as including a reference to an Ordinance made by the President or, as the case may be, to an Ordinance made by a Governor. 5
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