

St Thomas School Act, 1923

12 of 1923

[19 September 1923]

CONTENTS

1. Short title and commencement
2. Constitution of the Governors
3. Incorporation of the Governors
4. Period of office of the Governors
5. Quorum
6. Power to appoint new Governors
7. Change in the name of the school and vacation of office by existing Governors
8. Property to vest in the Governors
9. Powers to Governors to remove school from present site and dispose of that site
10. Power to Governors to delegate their powers and to appoint teachers and officers
11. Purposes of St. Thomas School
12. Act not to preclude Governors from conforming to regulations of State Government
13. Compound of St. Thomas Church
14. Power to Governors to establish a provident fund or funds
15. Power to Governors to make rules

SCHEDULE 1 :- THE FIRST SCHEDULE

SCHEDULE 2 :- THE SECOND SCHEDULE

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PREAMBLE

An Act to provide for the management and future location of St. Thomas' School and for the making over of certain land for the compound of St. Thomas' Church in Calcutta to certain ecclesiastical authorities.

Whereas it is expedient, in order to place the affairs of St. Thomas' School in Calcutta (hitherto known as the Calcutta Free School) on

a legal and stable basis, to provide for the management and future location of the said school and for the making over of certain land for the compound of St. Thomas' Church in Calcutta to certain ecclesiastical authorities;

And whereas the previous sanction of the Governor-General has been obtained under section 80A, sub-section (3), of the Government of India Act, to the passing of this Act;

It is hereby enacted as follows:-

1. For Statement of Objects and Reasons, see the Calcutta Gazette of 1923, Pt. IV, page 310; and for proceedings in Council, see the Bengal Legislative Council Proceedings, 1923, Vol. XII, pages 64-67, and Vol. XIII, pages 205-207.

1. Short title and commencement :-

(1) This Act may be called the St. Thomas School Act, 1923.

(2) This section and section 2 shall come into force at once, and the remainder of the provisions of this Act shall come into force on such date¹ as the ²[State Government] may, by notification in the ³Official Gazette], direct.

1. The 12th November, 1923, see Notification No. 3237-Edn., dated the 3rd November, 1923, published in the Calcutta Gazette of the 7th November, 1923, Pt. I, page 1671.

2. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

3. The words within square brackets were substituted for the words "Calcutta Gazette," by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

2. Constitution of the Governors :-

(1) The Governors of St. Thomas School (hereinafter referred to as the Governors) shall be-

¹(a) the Bishop of Calcutta;

²(b) the Vice-President of the Diocese of Calcutta;

(c) the Master of the Calcutta Trades Association for the time being;

(d) one person of either sex to be nominated by the Bengal

Chamber of Commerce;

(e) one person of either sex to be nominated by the Anglo-Indian and Domiciled European Association of Bengal;

³(f) one Anglo-Indian Councillor of the Calcutta Municipal Corporation or, if there is no such Councillor, one person belonging to the Anglo-Indian community to be nominated by the Corporation; and

(g) the following persons, of either sex, being members of the ⁴[Church of North India,] namely:-

⁵(i) three persons to be nominated by the State⁶ Government;

(ii) one person to be nominated by the vestry of St. Pauls Cathedral, Calcutta;

(iii) two persons to be nominated by the vestry of St. Johns Church, Calcutta; and

(iv) one person to be nominated by the vestry of St. Stephen s Church, Kidderpore.

⁷(2) The Governors shall at a meeting co-opt with themselves two teachers, of either sex, of St. Thomas School to be elected for the purpose of such co-option by the teachers of that school in the manner prescribed by rules made under section 15, and may at a meeting co-opt such other persons, of either sex, not exceeding three in number, as they may consider necessary; and all persons co-opted under this sub-section shall be deemed to be Governors for the purposes of this Act.

(3) If any of the bodies referred to in clauses (d), (e) and (f) and sub clauses (iii) to (iv) of clause (g) of sub-section (1) does not by such date as may be prescribed by the ⁸[State Government] nominate the Governors mentioned therein, the ⁸[State Government] shall nominate qualified persons to be such Governors, who shall be deemed to be Governors duly nominated by such bodies.

⁹(3a) If the teachers of St. Thomas School do not by such date as may be fixed by the Governors in this behalf, elect two teachers for the purpose of co-option under sub-section (2), the Governors shall at a meeting co-opt two persons of either sex from amongst the teachers of the said school and the persons so co-opted shall be deemed to be Governors as if they had been co-opted after having been duly elected under the said sub-section.

(4) The names of the nominated and co-opted Governors shall be published in the ¹⁰[Official Gazette].

1. Clause (a) was substituted for the original clause by Section 2(1)

of the St. Thomas School (Amendment) Act, 1990 (West Ben. Act XXVII of 1990).

2. Clause (b) was substituted for the original clause by Section 2(2), *ibid*.

3. Clause (c) was substituted for the original clause by Section 2(3), *ibid*.

4. The words within the square brackets were substituted for the words "Church of England," by Section 2(4), *ibid*.

5. Sub-clause (i) was substituted for sub-clauses (i) and (ii) by para. 3 and Sch. IV, to the Government of India (Adaptation of Indian Laws) Order, 1937.

6. The word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

7. This sub-section (2) was substituted for the previous sub-section (2) by Section 2(1) of the St. Thomas School (Amendment) Act, 1941 (Ben. Act VIII of 1941).

8. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

9. Sub-section (3a) was inserted by Section 2(2) of the St. Thomas School (Amendment) Act, 1941 (Ben. Act VIII of 1941).

10. The words within square brackets were substituted for the words "Calcutta Gazette," by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Incorporation of the Governors :-

The Governors shall be a body corporate by the name of the "Governors of St. Thomas School" having perpetual succession and a common seal and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts and to do all acts consistent with this Act, which may in their opinion be necessary for, or conducive to, the carrying out of the purposes of the school.

4. Period of office of the Governors :-

The nominated and co-opted Governors shall, save as is herein

otherwise provided, hold office for a period of three years from the date of the publication of their names in the ¹[Official Gazette]:

Provided that the said period of three years shall be held to include any period which may elapse between the expiration of the said three years and the date of publication of names of new Governors in the 1[Official Gazette]:

Provided also that the nominated and co-opted Governors shall be eligible for re-appointment.

1. The words within square brackets were substituted for the words "Calcutta Gazette," by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

5. Quorum :-

(1) The quorum necessary for the transaction of business at meetings of the Governors shall be five.

(2) No act of the Governors shall be invalid merely by reason of any defect or invalidity in the appointment of any nominated or co-opted Governor or by reason of the number of Governors being less than that prescribed by section 2.

6. Power to appoint new Governors :-

If a nominated or co-opted Governor-

(a) dies, or

(b) is absent from the meeting of the Governors for more than six consecutive months, or

(c) desires to be discharged, or

(d) refuses to act or becomes incapable of acting,

the authority which nominated or co-opted him may in cases (b) to (d) declare his post to be vacant and may in cases (a) to (d) nominate or co-opt, as the case may be, a new Governor to fill such vacancy for the unexpired remainder of the term for which such Governor would otherwise have continued in office.

7. Change in the name of the school and vacation of office by existing Governors :-

From the date when this section comes into operation-

(i) the Calcutta Free School shall be known as St. Thomas School, and

(ii) the term of office of all persons then acting as Governors of the school shall cease and the St. Thomas School Society shall cease to

have any connection with the management of the school.

8. Property to vest in the Governors :-

(1) All property, movable or immovable, which at the date when this section comes into operation appertains to the Calcutta Free School or is held by or on behalf of the persons then acting as Governors of the school or by the St. Thomas School Society for the purposes of the school (including the premises specified in the First Schedule) shall, together with any property movable or immovable which may thereafter be given, bequeathed, transferred or acquired for the purposes mentioned in section 11, vest as and from such date in the Governors of St. Thomas School as constituted by section 3 for the purposes of the school:

Provided that the Governors shall apply any funds which up to that date have been held in trust for specific purposes in connection with the school including the funds set forth in the Second Schedule, and any funds which may thereafter be so held, to the purposes for which they are held in trust.

(2) All liabilities which at the said date have been incurred by the persons then or theretofore acting as Governors or by the St. Thomas School Society for the purposes of the school shall be deemed to be, and are hereby declared thereafter to be, liabilities of the Governors of St. Thomas School as constituted by section 3.

9. Powers to Governors to remove school from present site and dispose of that site :-

The Governors are hereby authorised to carry out the removal of the school from the site in Free School Street, where it is in part located, to such other site or sites as the Governors may, with the sanction of the ¹ [State Government], determine and the Governors are hereby empowered in that behalf to sell, lease, mortgage, or otherwise dispose of the present premises in Free School Street and the site thereof and to acquire by purchase or otherwise a suitable site or sites and to erect buildings for the purposes of the school as the Governors may, with the sanction of the ¹ [State Government], determine.

1. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order,

1950.

10. Power to Governors to delegate their powers and to appoint teachers and officers :-

The Governors shall have power from time to time-

- (a) to delegate, subject to such conditions as they think fit, any of their powers to sub-committees consisting of such Governors as they shall think fit;
- (b) to appoint a Secretary and to fix his remuneration, if any; and
- (c) to appoint such persons as they shall think fit to employ for the purposes of the school (including school-teachers, boarding-masters, matrons, sergeants, clerks, officers and servants) and to fix their remuneration.

11. Purposes of St. Thomas School :-

The purposes of St. Thomas School are hereby declared to be as follows and, save as is otherwise herein provided, all property vested in the Governors by or under this Act shall be deemed to be held in trust for the said purposes and not otherwise:-

- (1) the maintenance of an efficient school, and
- (2) the provision of a sound education, with religious instruction in accordance with the principles of the Church of England, for the children of Europeans and Anglo-Indians:

Provided that in the interpretation of the terms "European" and "Anglo-Indian" the Governors shall have due regard to any definition of those terms which may be included in the Code of Regulations for European Schools.

12. Act not to preclude Governors from conforming to regulations of State Government :-

The Governors shall not be precluded by any provision in this Act from conforming to any regulations which the ¹[State Government] may impose as the conditions of a grant of money to the school.

1. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

13. Compound of St. Thomas Church :-

(1) The Governors are further authorised in such manner as they deem fit to make over to, and to vest in, the Lord Bishop of Calcutta and the Archdeacon of Calcutta conjointly such land (the property of the Governors), adjacent to St. Thomas Church and not exceeding, when taken together with the land consecrated with the St. Thomas Church building, two bighas in all, as they may deem to be necessary for the convenient user of that Church for the purposes of the Church of England.

(2) The boundaries of such land shall be delineated on the ground and approved by the ¹[State Government] before action is taken by the Governors under sub-section (1).

1. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

14. Power to Governors to establish a provident fund or funds :-

The Governors may, with the approval of the ¹[State Government], establish a provident fund or provident funds for the benefit of their teachers, other officers or servants (appointed in accordance with the provisions of this Act) and may compel all or any of such teachers, officers and servants to contribute to, and may make supplementary contributions to, such provident fund or funds and make payments there out in accordance with the rules of such fund or funds.

1. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

15. Power to Governors to make rules :-

The Governors may from time to time make rules for any of the following purposes, namely:-

(a) for their own guidance and for the conduct of their business;

¹(aa) prescribing the manner in which the election referred to in

sub-section (2) of section 2 shall be held;

(b) to determine the persons by whom orders for payment of money, contracts, transfers and other documents may be signed on behalf of the Governors;

(c) for the management and control of the school in all its departments including any hostel that may be established in connection with the school;

(d) regulating the proceedings of sub-committees;

(e) prescribing the rates and the conditions under which contributions may be paid by the Governors and their officers, teachers and servants to the provident fund or funds which may be established under section 14, and determining the conditions of payments from such fund or funds.

1. Clause (aa) was inserted by Section 3 of the St. Thomas School (Amendment) Act, 1941 (Ben. Act VIII of 1941).

SCHEDULE 1

THE FIRST SCHEDULE

THE FIRST SCHEDULE

(See section 8)

(1) With the exception of the St. Thomas Church building and the land consecrated therewith, measuring one hundred and eighteen feet by fifty-nine feet, the site with buildings thereon known as the Calcutta Free School, situated at 58, Free School Street, 28, Marquis Street, and 6, Marquis Lane, Calcutta, measuring about thirty-one bighas, and bounded as follows:-

"On the north by pucca houses, a small Church known as St. Josephs (Madrasi) Chapel and Market Street; on

the south by a house and Marquis Street; on the east by a house and Collin Street (formerly called Collinga Bazar Street); and on the west by Free School Street."

(2) The leasehold of the land and buildings, known as Kidderpore House, situated on 4, Diamond Harbour Road in Kidderpore in the district of 24-Paraganas, containing an area of twenty-one decimal naught four acres or there about, and bounded as follows:-

"On the north by St. Stephens Church compound and Government land of the Cattle Market, on the north-east corner by the Orphangunge Road; on the east by the premises of the Zoological Gardens and the Meteorological Observatory compound; on the south by the land of the lines of the Governors Body Guard; and on the west by the compound of St. Stephens Parsonage and Diamond Harbour Road."

SCHEDULE 2

THE SECOND SCHEDULE

THE SECOND SCHEDULE

(See section 8)

List of Funds.

1. Provident Fund.
2. Retiring Allowance Fund.
3. Apprentice Fund.
4. Thompson "Rex Ludorum" Fund.
5. Samuel Benjamin Taylor Fund.