

The Canning Collage Act, 1922

UTTAR PRADESH

India

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Act 7 of 1922

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The Canning Collage Act, 1922 U.P. Act. No. 7 of 1922 [29th April, 1922] For Statement of Objects and Reasons, see Gazette, 1922, Part VIII, page 8. (Received the assent of Governor on the 29th April, 1922, and of the Governor General on the 10th June, 1922, and was [published] [See Gazette 1922, Part VII, page 107.] under section 81 of the Government of India Act on the 1st July, 1922). An Act to merge the Canning College in the University of Lucknow and to transfer all the property and liabilities of the Canning College to the University of Lucknow. Preamble. - Whereas by the Lucknow University Act, 1920, the University of Lucknow was constituted and founded at Lucknow with power to confer decrees and other distinctions and whereas the Canning College situate at Lucknow, hereinafter referred to as "the Canning College" has under section 46 of the said Act ceased to be a College affiliated to the University of Allahabad, and whereas the Governing Body of the Canning College are desirous and it is expedient that the Canning College should be merged in the University of Lucknow and maintained as a College, and that all its property and liabilities should be transferred to and vested in the University of Lucknow, hereinafter referred to as "the University", and whereas the previous sanction of the Governor-General has been obtained under sub-section 80-A of the Government of India Act; It is hereby enacted as follows:-

1. Short title.

- This Act may be called The Canning College Act, 1922.

2. Transfer of the College to the University.

- From the commencement of this Act the Canning College shall be and become by virtue of this Act a College maintained by the University, and all property movable and immovable of every description and all endowments, rights and privileges of the Canning College which immediately before that date belonged to or were vested in that College shall, by virtue of this Act without any conveyance or other instrument be transferred to and vested in the University, and shall be applied to the objects and purposes of the Canning College as a College maintained by the University.

3. Transfer of debts and liabilities.

- From the commencement of this Act, all debts and liabilities of the Canning College shall by virtue of this Act be transferred and attached to the University, and shall thereafter be discharged and, satisfied by the University.

4. Saving for agreements, deeds, actions, etc.

- All agreements, articles, contracts, deeds and other instruments and all actions and all proceedings and causes of action or proceedings which immediately before the commencement of this Act were existing or pending in favour of or against the Canning College shall continue and may be carried into effect enforced or prosecuted by or in favour of or against the University to the same extent and in like manner as if the University instead of the Canning College had been party to or interested in the same respectively.

5. Adjustment of property and liabilities, etc.

(1)The University shall by agreement with the Governing Body of the Canning College as constituted immediately before the commencement of this Act adjust and settle and questions arising with respect to any endowments, powers, privileges authorities, debts, liabilities, obligations or expenses in which the parties to the agreements are interested and also with respect to any other College matters.(2)An agreement under this section may provide for the transfer, retention, division, apportionment or commutation of any endowments, property, debts, liabilities or obligations and for payment being made by either party to the other in respect of any such transfer, retention, division or apportionment or commutation or in respect of the salary or remuneration of any officer of person and generally may make as between the parties to the agreement any provisions necessary or proper for carrying into effect the purposes of this Act.(3)In default of agreement on any such question as aforesaid or so far as such agreement does not extend, the question shall be referred to a Board to Arbitration consisting of (1) the Minister of Education, (2) one representative of the University, (3) one representative of the British Indian Association of Oudh, on the application of either party and their award may provide for any matter for which any agreement might have provided Every such reference shall be deemed to be a submission to arbitration within the meaning of the [Indian Arbitration Act, 1899] [See now the Arbitration Act, 1940 (Act No. X of 1940).], and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly:Provided that nothing in this section shall be deemed to affect the provisions of section 6 of the Canning College and British Indian Association Contribution Act, 1920.

6. Saving for existing staff.

- All Professors and other members of and persons attached to or associated with the teaching staff of the Canning College and all salaried or paid officers and servants of the Canning College shall hold as nearly as practicable the same offices and places in the College as they held in the said College immediately before the commencement of this Act upon the same terms and conditions

unless and until the University shall subject to the provisions of section 4, otherwise decided.

7. Constitution of the Board of Management.

- Any power or right of the Government of [Uttar Pradesh] [Substituted by the AO 1950 for 'the United Provinces'.] or any power or right of the British Indian Association of Oudh as such to be represented on the Governing Body of the Canning College shall from the commencement of this Act be transferred to and may be exercised by the University: Provided that upon any Board of Management of the Canning College appointed by the University under section 25 of the Lucknow University Act, 1920, not less than one-half of the members shall be persons who are members of the court of the University and are also members of the British Indian Association of Oudh.

8. Contribution under U. P. Act IV of 1920.

- Nothing in this Act shall be deemed to affect the liability of persons named in section 3 of the Canning College and British Indian Association Contribution Act, 1920, to contribute in accordance with the provisions of that Act for the maintenance and support of the Canning College as a College maintained by the University.