

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any member of the society, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER XIII MISCELLANEOUS

64. Manner of appointment of officers and members of authorities.—(1) Except as expressly provided by this Act or the Statutes, officers of the University and members of authorities of the University shall so far as may be, be chosen by methods other than election

(2) Where a provision is made in this Act or the Statutes for any appointment by rotation or according to seniority or other qualifications the manner or rotation and determination of seniority and other qualifications shall be such as may be prescribed.

(3) Where a provision for an election is made in this Act, such election shall be conducted according to the system of proportional representation by means of the single transferable vote, and where provision for an election is made in the Statutes it shall be held in such manner as the Statutes may provide.

(4) Except as expressly provided by this Act, no officer or employee of the University shall be eligible to seek election to any authority or other body of the University.

65. Filling of casual vacancies.—(1) Any casual vacancy among the members, other than *ex-officio* members, of any authority or body of the University shall be filled in the same manner in which the members whose vacancy is to be filled up was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

(2) A person, who is a member of any authority of the University as a representative of another body, whether of the University or outside, shall retain his seat on such authority for so long as he continues to be the representative of such body and thereafter till his successor is duly appointed.

66. Proceeding not to be invalidated by vacancies, etc.—No act or proceeding, of any authority or body or committee of the University shall be invalid merely by reason of...

- (a) any vacancy or defect in the constitution thereof, or
- (b) some person having taken part in the proceedings who was not entitled to do so, or
- (c) any defect in the election, nomination or appointment of a person acting as a member thereof, or
- (d) any irregularity in its procedure not affecting the merits of the case.

67. Removal from membership of the University.—The Court may by a two-third majority of the members present and voting remove any person from membership of any authority or other body of the University upon the ground that such person has been convicted of an offence which, in the opinion of the Court, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or has behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree, diploma, or certificate conferred or granted by the University.

68. Reference to the Chancellor.—If any question arises whether any person has been duly elected or appointed as, or is entitled to be, member of any authority or other body of the University, or whether any decision of any authority or officer of the University ¹[including any question as to the validity of a Statute, Ordinance or Regulation, not being a Statute or Ordinance made or approved by the State Government or by the Chancellor] is in conformity with this Act or the Statutes or the Ordinance made thereunder the matter shall be referred to the Chancellor and the decision of the Chancellor thereon shall be final :

Provided that no reference under this section shall be made—

- (a) more than three months after the date when the question could have been raised for the first time ;
- (b) by any person other than an authority or officer of the University or a person aggrieved :

Provided further that the Chancellor may in exceptional circumstances.—

- (a) act *suo moto* or entertain a reference after the expiry of the period mentioned in the preceding proviso ;
- (b) where the matter referred relates to a dispute about the election, and the eligibility of the person so elected is in doubt, pass such orders of stay as he thinks just and expedient ;

1. Inserted by U. P. Act No. 21 of 1975.

(c) 1[* * *]

²[68-A. **Power of Vice-Chancellor to enforce his order against Management.**—(1) Where a decision of the management of an affiliated or associated college to dismiss, remove or to reduce a teacher in rank or to punish him in any other manner or to terminate his services, has not been approved by the Vice-Chancellor or where an order of suspension of such teacher has been stayed, revoked or modified by the Vice-Chancellor in accordance with the provisions of this Act or of an Act repealed by Section 74, and the management has committed default in paying the salary of such teacher which became due to him in consequence of the Vice-Chancellor's order, the Vice-Chancellor may pass an order, requiring the management to pay the amount of salary as may be specified in the order and during the period of suspension, may also require the management to pay the suspension allowance at the rate of one-half of the salary payable, if the said amount has not been paid.

(2) In any such case as is referred to in sub-section (1), the Vice-Chancellor may also order re-instatement of the teacher concerned subject to such terms and the conditions as he thinks fit.

(3) The amount of salary or suspension allowance required to be paid under an order of the Vice-Chancellor under sub-section (1) shall on a certificate issued by him to the effect, be recoverable by the Collector as arrears of land revenue.

(4) Every order of the Vice-Chancellor under sub-section (2) shall be executable by the lowest civil court having territorial jurisdiction, as if it were a decree of that court.

(5) No suit shall lie against any management or teacher in respect of any matter for which a relief can be granted by the Vice-Chancellor under this Section.]

³[69. **Bar of suit.**—No suit or other legal proceedings shall lie against the State Government or the Director of Education (Higher Education) or the Deputy Director (as defined in Section 60-A) or the Authorised Controller or the University or any officer, authority or body thereof in respect of anything done or purported or intended to be done in pursuance of the Act or the rules or the Statutes or the Ordinances made thereunder.]

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1. Omitted by U. P. Act No. 5 of 1977. Original cl. (c) was as follows :—
“(c) review any decision made by him earlier under this section.”
 2. Inserted by U. P. Act No. 5 of 1977.
 3. Substituted by U. P. Act No. 21 of 1975.

NOTES

The original Section 69 was as follows :

All Acts and Orders duly and in good faith done or passed by the University or any of its officers, authorities or bodies shall, except as provided in this Act, be final, and no suit or other legal proceedings shall lie against the State Government or the Director of Education (Higher Education) of the Authorised Controller or the University or any officer, authority or body thereof in respect of anything done or purported or intended to be done in pursuance of this Act or the Statutes or the Ordinances made thereunder.'

70. Mode of proof of University record.—(1) A copy of any receipt, application, notice, order, proceeding, or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceedings, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein recorded where the original thereof would if produced have been admissible in evidence.

(2) No officer or servant of the University shall in any proceeding to which the University is not a party, be required to produce any document, register or other record of the University the contents of which can be proved under sub-section (1) by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

CHAPTER XIV TRANSITORY PROVISIONS

71. Continuation of existing Officers of the University.—Subject to the provisions of this Act, every person holding office as an officer of an existing University on the date immediately before the commencement of this Act shall continue to hold office on the same terms and conditions until the expiration of his term of office.

72. Constitution of authorities.—[(1) Every authority of an existing University shall, as soon as may be after the commencement of this Act, be constituted in accordance with the provisions of this Act, and every person holding office as member of such authority immediately before the commencement of this Act shall, on the date of such commencement, cease to be such member.]¹

(2) Until any authority of the University is constituted under sub-section (1), the State Government may, by order direct from time to time by whom and in what manner the powers, duties and functions exercisable or dischargeable under this Act by any authority of University shall be exercised or discharged :

1. Substituted by U. P. Act No. 21 of 1975.