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NOTIFICATION

No.H. 12017/38/97-LJD, the 24th October, 1997. The following Central Ordinance is hereby published for general information.

Rolura Sailo,
Joint Secretary to the Govt. of Mizoram,
Law and Judicial Department.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 22nd September, 1997/Bhadra 31, 1919 (Saka)

**THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS
PROVISIONS (AMENDMENT) ORDINANCE, 1997**

No. 17 OF 1997

Promulgated by the President in the Forty-eighth Year of the
Republic of India.

**An Ordinance further to amend the Employees' Provident Funds and
Miscellaneous Provisions Act, 1952**

WHEREAS a Bill further to amend the Employees' Provident Funds and
Miscellaneous Provisions Act, 1952, has been introduced in Parliament but has
not yet been passed;

AND WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take immediate
action to give effect to the provisions of the Bill,

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of
article 123 of the Constitution, the President is pleased to promulgate the following
Ordinance:—

1. (1) This Ordinance may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance 1997. **Short title and commencement.**

(2) It shall come into force at once.

Amendment of section 6. 2. In section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the principal Act), for the words "eight and one-third per cent" and "ten per cent", wherever they occur, the words "ten per cent", and "twelve per cent" shall respectively be substituted. **19 of 1952.**

Amendment of section 7D. 3. In section 7D of the principal Act, for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) A person shall not be qualified for appointment as a Presiding Officer of a Tribunal (hereinafter referred to as the Presiding Officer) unless he is, or has been, or is qualified to be,—

- (i) a Judge of a High Court; or
- (ii) a district judge."

Amendment of section 7F. 4. Section 7F of the principal Act shall be re-numbered as sub-section (I) thereof, and after sub-section (I) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) The Presiding Officer shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the High Court in which such Presiding Officer had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the presiding Officer."

Amendment of section 16. 5. In section 16 of the principal Act, in sub-section (I),—

(i) in clause (c), the word "or" occurring at the end shall be omitted;

(ii) clause (d) and the Explanation thereto shall be omitted.

K.R. Narayanan,
President.

K.L. Mohanpuria,
Secy. to the Govt. of India.