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NOTIFICATION

No.H. 12017/38/97-LJD, the 18th May, 1998. The following 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 23rd April, 1998/Vaisakha 3, 1920 (Saka)

THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) ORDINANCE, 1998

No. 8 OF 1998

Promulgated by the President in the Forty-ninth 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, was introduced in the Council of States but
has not yet been passed;

AND WHEREAS the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1997 to give effect to the provisions of the said Bill was promulgated by the President on the 22nd day of September, 1997;

AND WHEREAS the House of the People had been dissolved and the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1997 to give continued effect was promulgated by the President on the 25th day of December, 1997 ;

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 continued effect to the provisions of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1997;

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:—

Short title and commencement. 1. (I) This Ordinance may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1998.

(2) It shall be deemed to have come into force on the 22nd day of September, 1997.

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 (1) thereof, and after sub-section (1) 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 (1),—

- (i) in clause (c), the word “or” occurring at the end shall be omitted;
- (ii) clause (d) and the Explanation thereto shall be omitted.

**Repeal and
saying.**

6. (1) The Employees’ Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, Ord. 25 of 1997, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

K. R. Narayanan,
President.

Raghubir Singh,
secy. to the Govt. of India.