

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

No. 10 OF 1998

[22nd June, 1998.]

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

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Employee's Provident Funds and Miscellaneous Provisions (Amendment) Act, 1998.

Short title and commencement.

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

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.

Amendment of section 6.

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

Amendment of section 7D.

"(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."

19 of 1952.

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
saving.

6. (1) The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1998 is hereby repealed.

Ord.
8 of 1998.

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