

THE FOOD CORPORATIONS (AMENDMENT) ACT, 1982

No. 53 of 1982

[21st October, 1982.]

An Act further to amend the Food Corporations Act, 1964.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:--

Short  
title.

1. This Act may be called the Food Corporations (Amendment) Act, 1982.

Amend-  
ment  
of  
section  
12A.

2. In the Food Corporations Act, 1964 (hereinafter referred to as the principal Act), in sub-section (5) of section 12A,— 37 of 1964.

(a) for clause (b), the following clause shall be substituted, namely:—

“(6) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:”;

(b) in the proviso to clause (b), for the words “Provided that”, the words “Provided further that” shall be substituted and before the proviso, as so amended, the following proviso shall be inserted, namely:—

“Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:”.

Amend-  
ment of  
section  
44.

3. In section 44 of the principal Act, in sub-section (3), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following,” the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

## 4. In section 45 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The power to make regulations under this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable.”;

(b) after sub-section (4), the following sub-section shall be added, namely:—

“(5) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”.

5. After section 45 of the principal Act, the following section shall be inserted, namely:—

“46. No regulation made or purporting to have been made with retrospective effect, under section 45 before the commencement of the Food Corporations (Amendment) Act, 1982 shall be deemed to be invalid or ever to have been invalid merely on the ground that such regulation was made with retrospective effect and accordingly every such regulation and any action taken or thing done thereunder shall be as valid and effective as if the provisions of section 45, as amended by the Food Corporations (Amendment) Act, 1982, were in force at all material times when such regulation was made or action or thing was taken or done.”.

Amend-  
ment of  
section 45.

Insertion  
of new  
section  
46.

Valida-  
tion.