

ORISSA ORDINANCE NO. 4 OF 1970

**THE BIHAR AND ORISSA EXCISE (ORISSA AMENDMENT)
ORDINANCE, 1970**

[Promulgated by the Governor of Orissa on the 7th July 1970 published
in an extraordinary issue of the Orissa Gazette, dated the 9th July 1970]

AN
ORDINANCE

TO AMEND THE BIHAR AND ORISSA EXCISE ACT, 1915 IN ITS
APPLICATION TO THE STATE OF ORISSA

WHEREAS the Legislature of the State of Orissa is not in session ;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar and Orissa Excise Act, 1915 in its application to the State of Orissa in the manner hereinafter appearing ;

Bihar and
Orissa Act 2
of 1915.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to make and promulgate the following Ordinance in the Twenty-first Year of the Republic of India :—

Short title
and commencement.

1. (2) This Ordinance may be called the Bihar and Orissa Excise (Orissa Amendment) Ordinance, 1970.

(2) It shall come into force at once.

Amendment
of section 2,
B. & O.
Act 2 of
1915.

2. In section 2 of the Bihar and Orissa Excise Act, 1915 (hereinafter referred to as the principal Act) in clause (9) the words and figure "and includes any payment to be made to the State Government under section 29" shall be added at the end.

Bihar and
Orissa Act 2
of 1915.

Amendment
of section 2
B. & O.
Act 2 of
1915.

3. Section 29 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered the following new sub-section shall be inserted, namely :—

(2) The sum payable under sub-section (1) shall be determined—

(a) by calling tenders or by auction or otherwise as the State Government may, by general or special order, direct ; and

(b) by such authority and subject to such control as may be specified in such order."

Amendment
of section
37, B. & O.
Act 2 of
1915.

4. In section 37 of the principal Act—

(i) in clause (d) for the full stop "." the semi-colon and the word " ; or " shall be substituted ;

(ii) after clause (d) the following new clause shall be inserted, namely :—

"(e) to any person, an exclusive privilege by the State Government under Section 22 in respect of any of the matters referred to in clauses (a) to (e) of sub-section (1) of that section."

Amendment
of section 90
B. & O. Act
2 of 1915.

Validation of
certain
actions.

5. In section 90 of the principal Act—

- (a) in clause (7) the words and figure “any exclusive privilege granted under section 22 or” shall be omitted ;
- (b) in the explanation the words “exclusive privilege” shall be omitted.

6. Notwithstanding any judgment, decree or order of any Court—

- (a) all grants made by way of licenses for manufacture and retail sale of country liquor and for retail sale of intoxicating drug in respect of any place on or after the 7th day of August, 1965 shall be deemed to be licenses granted to the persons concerned conferring an exclusive privilege under section 22 of the principal Act for manufacture and retail sale of country liquor and for retail sale of intoxicating drug at such place ; and
- (b) all amounts paid or payable in respect of such grants shall be deemed to be sums paid or payable under section 29 of that Act in consideration of the grant of exclusive privilege.

S. S. ANSARI

GOVERNOR OF ORISSA

Dated the 7th July 1970