



The Bihar and Orissa Excise (Orissa Amendment) Act, 1998

Act 2 of 1999

Keyword(s):

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Amendment appended: 9 of 2000

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ORISSA ACT 2 OF 1999

THE BIHAR AND ORISSA EXCISE (ORISSA AMENDMENT) ACT, 1998

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ORISSA ACT 2 OF 1999

***THE BIHAR AND ORISSA EXCISE (ORISSA AMENDMENT) ACT, 1993**

[Received the assent of the Governor on the 17th February 1999 first published in an extraordinary issue of the *Orissa Gazette*, dated the 23rd February 1999]

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

Be it enacted by the Legislature of the State of Orissa in the Forty-ninth Year of the Republic of India as follows:—

- Short title.** 1. This Act may be called the Bihar and Orissa Excise (Orissa Amendment) Act, 1998.
- Amendment of section 2.** 2. In section 2 of the Bihar and Orissa Excise Act, 1915 (hereinafter referred to as the principal Act), in clause (12-a), after the words "mohua flower", the words "and molasses" shall be inserted. Bihar and Orissa Act 2 of 1915.
- Insertion of new section 6-A.** 3. After section 26 of the principal Act, the following section shall be inserted, namely:—
- Restriction on grant of licence or exclusive privilege.** "26-A. (1). Notwithstanding anything contained in this Chapter or elsewhere, in this Act, in the Scheduled Areas,—
- (a) in no case there shall be granted under this Act any licence for manufacture, possession or sale, or any exclusive privilege for manufacture or sale, of any intoxicant, except with the prior approval of the concerned Grama Panchayat accorded with the concurrence of the Grama Sasan; and
- (b) no licence or exclusive privilege which is granted in contravention of clause (a) shall have any effect for the purposes of this Act.
- (2) For the purposes of clause (a) of sub-section (1),—
- (i) the authority competent to grant licence for manufacture, possession or sale, or exclusive privilege of manufacture or sale, of any intoxicant shall before granting any such licence or exclusive privilege, refer every proposal therefore to the concerned Grama Panchayat for its decision within a period of thirty days from the date of receipt of such reference; and
- (ii) if the Grama Panchayat fails to communicate its decision within the period referred to in clause (i), it shall be deemed that the concerned Grama Panchayat has accorded the required approval.
- Explanation**—For the purposes of this section,—
- (i) "Grama Panchayat" and "Grama Sasan" shall respectively mean the Grama Panchayat and Grama Sasan as defined in the Orissa Grama Panchayats Act, 1964; and Orissa Act 1 of 1965.
- (ii) "Scheduled Areas" means the Scheduled Areas as referred to in clause (1) of Article 244 of the Constitution."
- Amendment of section 47.** 4. In section 47 of the principal Act,—
- (i) in clause (a), for the words "any liquor or any intoxicating drug", the words "any intoxicant" shall be substituted;
- (ii) in clause (i), for the words "six months", "two years", "five hundred rupees" and "two thousand rupees", the words "two years", "five years", "five thousand rupees" and "twenty thousand rupees" shall respectively be substituted;
- (iii) for the provisos occurring after clause (i), the following proviso shall be substituted, namely:—

"Provided that where any such person collects, possesses or sells mohua flower, or possesses or sells tari or pachwai, he shall be liable to the punishment provided in clause (ii)." ; and

(iv) in clause (ii), for the words "one thousand rupees", the words "five thousand rupees" shall be substituted.

Amendment
of
section 48-A.

5. In section 48-A of the principal Act,—

(i) for the words "six months", "two years", "five hundred rupees" and "two thousand rupees", the words "two years", "five years", "five thousand rupees" and "twenty thousand rupees" shall respectively be substituted; and

(ii) the provisos shall be omitted.

Amendment
of
section 49.

6. In section 49 of the principal Act, for the words "which may extend to six months, or to fine which may extend to one thousand rupees, or to both" occurring at the end, the words "which shall not be less than five years but may extend to ten years and also to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees" shall be substituted.

Amendment
of
section 52.

7. In section 52 of the principal Act, for the words "which may extend to three months, or to fine which may extend to one thousand rupees, or to both" occurring at the end, the words "which shall not be less than five years but may extend to seven years and also to fine which shall not be less than twenty thousand rupees but may extend to fifty thousand rupees" shall be substituted.

Amendment
of
section 53.

8. In section 53 of the principal Act, for the words "which may extend to three months, or to fine which may extend to five hundred rupees, or to both" occurring at the end, the words "which shall not be less than six months but may extend to two years and also to fine which shall not be less than five thousand rupees but may extend to twenty thousand rupees" shall be substituted.

Amendment
of
section 54.

9. In section 54 of the principal Act, in sub-section (1), for the words "five hundred rupees" occurring at the end, the words "five thousand rupees" shall be substituted.

Amendment
of
section 57.

10. In section 57 of the principal Act, for the words "two hundred rupees" and "five hundred rupees" occurring in the concluding portion, the words "five thousand rupees" and "ten thousand rupees" shall respectively be substituted.

Amendment
of
section 65.

11. In section 65 of the principal Act, for the word and figure "section 49", the words, figures and commas "section 48-A, section 49, section 52" shall be substituted.

ORISSA ACT 9 OF 2000

THE BIHAR AND ORISSA EXCISE (ORISSA AMENDMENT) ACT, 2000

[Received the assent of the Governor on the 29th September 2000, first published, in an Extraordinary issue of the Orissa Gazette]

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

BE it enacted by the Legislature of the State of Orissa in the Fifty-first Year of the Republic of India as follows :—

Short title

1. This Act may be called the Bihar and Orissa Excise (Orissa Amendment) Act, 2000.

Insertion of new section 20-A.

2. In the Bihar and Orissa Excise Act, 1915, after Section 20, the following section shall be inserted, namely :—

Taking over of wholesale trade in foreign liquor and Country liquor.

“20-A. Notwithstanding anything contained in this Act, the right to carry on wholesale trade and distribution of foreign liquor and country liquor in the State shall, on and from such date as the State Government may, by notification, appoint, solely vest in the State Government and subject to such rules as may be made in this behalf, an agency of the State Government as may be specified in the said notification or a Corporation established, or incorporated under the Companies Act, 1956 and wholly owned and controlled by the State Government for the purpose, shall have the exclusive right and privilege of importing, exporting and carrying on the wholesale trade and distribution of foreign liquor and country liquor in the State on behalf of the State Government for the whole of the State of Orissa, and no other person shall be entitled to any privilege or licence for importing, exporting and supplying the same in wholesale, or distributing the same for the whole or any part of the State.”

* For the Bill see *Orissa Gazette*, Extraordinary, dated the 16th August, 2000 (No. 1130)