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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 23rd September, 2016

No.8870/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 23rd September, 2016 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA EXCISE (AMENDMENT) BILL, 2016

**A
BILL**

TO AMEND THE ODISHA EXCISE ACT, 2008.

BE it enacted by the Legislature of the State of Odisha in the Sixty-seventh Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Odisha Excise (Amendment) Act, 2016.
- Amendment of section 45 2. In the Odisha Excise Act, 2008 (hereinafter referred to as the principal Act), in section 45, in sub-section (1), for the word “Commissioner”, the words “State Government” shall be substituted. Odisha Act 10 of 2013.
- Amendment of section 90. 3. In the principal Act, in section 90, in sub-section (2), —
(a) for clause (xv), the following clause shall be substituted, namely:—
“(xv) prescribing the manner of fixation of fee payable in respect of any licence, permit or pass granted under this Act and the manner of storing of any intoxicant;”;
(b) for clause (xvi), the following clause shall be substituted, namely:—
“(xvi) prescribing the nature of any other fee to be payable in respect of any intoxicant;”;
(c) clauses (xvii) and (xviii) shall be omitted; and
(d) in clause (xx), the comma and the word, “price” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Odisha Excise Act, 2008 (Odisha Act 10 of 2013) has been enacted by replacing the Bihar and Odisha Excise Act, 1915. But while framing rules to operate the provisions of the said Act, it is marked that the Excise Commissioner, Odisha, Cuttack has given authority in section 45 of the said Act which empowers the Commissioner to direct, from time to time, for payment of fee for license, permit or pass and also to provide the restriction and conditions for such grant. This power should rest with the State Government instead of Excise Commissioner. Further, Section 90 of the said Act, which is the rule making power of the State Government. from among other matter, provides that the licence fee, permit fee, vend fee, literage fee and fee for Excise Adhesive Label (EAL) shall be prescribed in the rules. Such fees as prescribed in the rules need changes frequently. In case these fees shall continue to be a part of the proposed Odisha Excise Rules, it shall take time to effect such changes by way of amendment of the rules, which will cause dislocation in annual settlement of liquor shops in time. Delay in settlement of liquor shops shall have adverse impact on financial management and Excise Administration in the State. Therefore, such power should be exercised by the State Government.

Accordingly, amendments to section 45 and section 90 of the Odisha Excise Act, 2008 are proposed for smooth functioning of the Excise Administration in the State.

This Bill seeks to achieve the above objectives.

Dr. DAMODAR ROUT
Member-in-Charge

A. K. SARANGI
Secretary
Odisha Legislative Assembly