

ORISSA ORDINANCE No. 3 OF
THE ORISSA CESS (AMENDMENT) ORDINANCE, 1980

[Promulgated by the Governor on the 18th May 1980, Published in
an extraordinary issue of the Orissa Gazette, dated the 20th May 1980]

AN
ORDINANCE

FURTHER TO AMEND THE ORISSA CESS ACT, 1962

WHEREAS, the President has, by Proclamation published with the notification of the Government of India in the Ministry of Home Affairs No. GSR-40 (E), in the *Gazette of India* Extraordinary, dated the 17th February, 1980, assumed to himself all the functions of the Government of the State of Orissa and all powers vested in, or exercisable by, the Governor of that State;

AND WHEREAS, by order published with the notification of the Government of India in the Ministry of Home Affairs No. GSR-41 (E), in the *Gazette of India* Extraordinary, of the same date, the President has further directed that all the functions of the Government of the State of Orissa and all the powers vested in, or exercisable by, the Governor of that State under the Constitution, which have been assumed by him by the said Proclamation, shall subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State;

AND WHEREAS, the power to promulgate Ordinances is vested in the Governor under article 213 of the Constitution to be exercisable by him while the Legislature of the State is not in session;

AND WHEREAS, under sub-clause (iv) of clause (c) of the said Proclamation references in article 213 of the Constitution to the Governor and the Legislature of the State or the Houses thereof shall be construed as references to the President and the Parliament or to the Houses thereof respectively;

AND WHEREAS, Parliament is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred upon him by clause (1) of article 213 of the Constitution, read with the Order No. GSR-41 (1) aforesaid, the Governor of Orissa is hereby pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Orissa Cess (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. During the period of operation of this Ordinance, the Orissa Cess Act, 1962 (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

3. For section 10-A of the principal Act, the following section shall be substituted, namely :—

“10-A. Remission of Cess—Whenever distress is caused to the land owners by serious drought, flood, fire, cyclone, earth-quake or any other serious natural calamity in the State of Orissa or any part thereof, Government may, by order, direct that cess payable under this Act in respect of all or any of the lands in the State or such part hereof, as the case may be, shall be remitted or realisation of such cess shall be suspended for such period as may be specified in the order.”

C. M. POONACHA

GOVERNOR OF ORISSA

Dated the 18th May, 1980

Short title
and com-
mencement.

Orissa Act
11 of 1962
to be
temporarily
amended.

Substitution
of section
10-A.