

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No. HCP No. 66/2025

Reserved on : 25.09.2025
Pronounced on : 17.10.2025
Uploaded on : 18.10.2025
Whether the operative part or full
judgment is pronounced

**Mohd. Rafi alias Pinka,
S/o Sh. Ghulam Qadir Sheikh,
R/o Phagsoo, Tehsil Phagsoo, District Doda,
At present lodged in District Jail Udhampur
Through his wife Parveena Begum,
W/o Mohd. Rafi alias Pinka,
R/o Phagsoo, Tehsil Phagsoo, District Doda.**

....Petitioner/Appellant

Through:- Mr. Rahul Raina, Advocate

V/s

**1.The Union Territory of Jammu and Kashmir
through its Additional Chief Secretary/Financial
Commissioner (Home), Civil Secretariat, Jammu-180001.**

2. The District Magistrate, Doda.

3. The Senior Superintendent of Police, Doda.

4. The Superintendent, District Jail, Udhampur.

.....Respondent(s)

Through:- Mr. Eishaan Dadhichi, GA

CORAM:HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE
JUDGMENT

1. Order No. PSA 03 of 2025 dated 10.04.2025, passed by District Magistrate, Doda, respondent no.2 herein, (for brevity “detaining authority”) vide which detenu, namely, Mohd. Rafi alias Pinka S/o

Ghulam qadir Sheikh R/o Pingsoo, Tehsil Phigsoo, District Doda, has been placed under preventive detention under and in terms of Section 8 of J&K Public Safety Act, 1978, to prevent him from acting in any manner prejudicial to the maintenance of the public order, is being challenged by detenu through his wife-Parveena Begum.

2. The detenu is working as a labourer and is an inhabitant of Village Phagsoo, Tehsil Phagsoo, District Doda. He has been implicated in multiple FIRs namely;

1. FIR No.64/2013 u/s147, 148, 186,189, 143, 447-A, 506 RPC and the detenu was acquitted by the Court vide judgment dated 23.09.2017;
2. FIR No. 93/2014 u/s 279/337 RPC and the detenu was convicted and fined withRs.2,000/- by the Court;
3. FIR No. 53/2021 u/s 188/269 IPC, 3 Epidemic Deceased Act and the detenu and other accused have been discharged in the instant case by the Court vide order dated 28.10.2022; and
4. FIR No. 16/2025 u/s 132/351 (2) BNS and the investigation is still under way.

3. The main grounds on which impugned detention is sought to be quashed are that the detention order was supplied to the detenu in English only and was not translated into Urdu/Kashmiri, the language understood by the detenu, thereby violating his right to make an effective representation; that out of four criminal cases referred to in the grounds of detention, three have already been disposed of; that the representation submitted before respondent No.2 was rejected vide order dated 01.05.2024 by way of a non-speaking order, without due consideration of the grounds urged therein. The said rejection order was forwarded to respondent No.1 for placement before the Advisory Board, but no further action has been taken.

4. Counter affidavit has been filed by the respondents. They submit that the detention of the detenu is preventive in nature and not punitive, being based on the police dossier detailing the detenu's past and present conduct. It is contended that the activities of the detenu pose a serious threat to the maintenance of public order. The learned GA further submits that four FIRs, four DD reports, and one *Istagasa* report have been registered against the detenu, evidencing his continuous involvement in criminal and anti-social activities. Despite repeated warnings, the detenu failed to reform and continued to show disregard for the law, necessitating his detention under the PSA.
5. The contention of learned counsel for the petitioner is that the order of detention was approved by the Government on 16.04.2025, the Detaining Authority had no authority to decide and reject the representation of the detenu on 01.05.2025.
6. I have heard learned counsel for the parties. I have gone through the detention record produced by counsel for the respondents and considered the matter.
7. In view of the rival contentions of parties and submissions made by the learned counsel for the parties, it would be relevant to go through the record on the file. Perusal of the same reveals that the impugned detention order dated 10.04.2025 passed by the detaining authority was approved by the Home Department vide Govt. Order No. HOME/PB-V/625 of 2025 dated 16.04.2025 and Government

vide order No. HOME/PB-V/739 of 2025 dated 03.05.2025 confirmed the detention order and detained the detenu for a period of three months in the first instance w.e.f.10.04.2025 to 09.07.2025 which was extended from time to time. Representation against the detention order was addressed to the Chairman, Advisory Board; Principal Secretary to Govt. of J&K, Home Department, Civil Secretariat, Jammu; and District Magistrate, Doda. It is after detention order was approved that District Magistrate, Doda, vide Order No.906-10/DM/Doda dated 01.05.2025 has rejected the representation and placed the same before the Home Department of J&K for its consideration and for placing the same before the Advisory Board for further appropriate action. It is thus, clear from the above that the representation was not only made to District Magistrate, but the Government as well as to the Advisory Board by the petitioner through his wife.

8. Section 8 of J&K Public Safety Act, and, in particular, subsection (2) thereof, provides that a detention order can be passed by *inter alia* a District Magistrate. Sub-Section (4) of Section 8 of the stipulates Act stipulates that when any order is made under the said Section by a person mentioned in sub-section (2), he shall forthwith report the fact to the Government together with the grounds on which the order has been made and such of the particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after making thereof

unless in the meantime it is approved by the Government. This clearly implies that though the District Magistrate can make a detention order, such detention order requires to be approved by the Government not later than 12 days from the date of the order. Section 19 of the Jammu and Kashmir Public Safety Act, 1978, reads as under:

“19Revocation of detention orders.

(1)Without prejudice to the provisions of section 21 of the General Clauses Act, Smvat 1977, a detention order may, at any time, be revoked or modified by the Government, notwithstanding that the order has been made by any officer mentioned in subsection (2) of section 8.

(2) There shall be no bar to making of a fresh order of detention against a person on the same facts as an earlier order of detention made against such person in any case where –

(i) the earlier order of detention or its continuance is not legal on account of any technical defect or

(ii) the earlier order of detention has been revoked by reason of any apprehension, or for avoiding any challenge that such order or its continuance is not legal on account of any technical defect.

Provided that in computing the maximum period for which a person against whom such fresh order of detention has been issued may be detained, the period during which such person was under the earlier order of detention shall be excluded.”

9. Subsection (1) of Section 19 envisages that without prejudice to the provisions of Section 21 of the General Clauses Act, Samvat 1977, a detention order may, at any time, be revoked or modified by the Government notwithstanding that the order has been made by the Officer mentioned in subsection (2) of Section 8 of the Act. Thus subsection (1) of Section 19 provides is that, apart from the Detaining Authority, the Government is also entitled to revoke or modify the detention order made by the Detaining Authority, who happens to be inter alia a District Magistrate. It also indicates that till the approval is granted by the Government under Section 8 (4),

the Detaining Authority retains jurisdiction to revoke the detention order in terms of Section 21 of the General Clauses Act, Samvat, 1977. The detaining authority after the approval of the passing of the detention order has no authority to revoke the same, as it lies with the Government to revoke or modify such detention order approved by it.

10. Counsel for petitioner would contend that subjective satisfaction is to be arrived at by detaining authority which would reflect application of mind on its part. He would contend that the allegations given/mentioned in grounds of detention are vague, absurd and baseless and without any substance. He has in this regard made reference to a judgement of Division Bench of this Court dated 26.07.2024, in **LPA no.19/2024** titled **Showkat Ali vs. UT of J&K**, wherein it has been observed and held as under:

“11. Before proceeding further, certain questions come to the mind of this Court. (a) Firstly, is there any difference between an “Allegation” and “Charge”? and (b) secondly, if there is a difference between the two, is there a variation in their application qua a criminal trial and in proceedings under the preventive detention laws? And (c) thirdly, what is required in the grounds of detention, an allegation or a charge?

12. An allegation is an imputation. It need not be verifiable. Charge on the other hand is also an imputation, albeit verifiable. An imputation without material in support is an allegation and an imputation with supporting material is a charge which prima facie reflects that what is imputed, maybe true. Thus, allegation is the genus and charge its species. By analogy, the concept can be understood at the stage of framing charge in a criminal trial.

The chargesheet filed by the police may level several allegations against the accused in the chargesheet but, the Trial Court frames charge for only those allegations for which prima facie evidence exists in the chargesheet. While an allegation may be generalised, non-specific and broad based, a charge must be specific, precise and accord a reasonable opportunity to the person so charged to conduct his defence or proffer an explanation. Thus, a verifiable allegation/imputation is a charge.

13. To answer the second question that this Court has posed to itself, this Court is of the opinion that there is a marked difference in the operation of “charge” in a criminal trial and in proceedings under the

preventive detention laws. In a criminal trial, the one who imputes i.e., the prosecution, bears the onus probandi of proving every single charge against the accused which if not proved beyond reasonable doubt, may result in the acquittal of the accused. While, in proceedings under the preventive detention laws, the onus probandi of giving a convincing explanation to the imputations levelled by the detaining authority, is on the detainee and if the same satisfies the detaining authority or the advisory board, his detention may be revoked.

14. As regards the third question as to what is required to be stated in the grounds of detention viz., allegations or charge, this Court is of the view that the grounds of detention must lay down the charge against the detainee. It must be precise, unequivocal and unambiguous. The detainee must be in a position to give a specific reply/rebuttal to the charge and that is only possible where charge is specific and precise. Else, the detainee is only able to give a bare denial by stating that the allegation is false. However, if the charge is specific regarding the date, time and the specific act of the detainee which requires him to be taken into preventive detention then, the detainee is able to give a specific response of denial rather than a bare denial. Thus, this Court is of the view that the grounds of detention must lay down the specific charge against the detainee rather than unsubstantiated and unverifiable allegations. If the grounds of detention are based on unsubstantiated allegations, the same, along with the order of detention can be quashed as the detainee has not been given an opportunity to make a viable representation either to the detaining authority or to the advisory board. The opportunity to represent to the abovementioned authorities is not a hollow formality. To detain a person only based on allegations without there being any material to substantiate those allegations would imperil the fundamental right of the individual enshrined in article 21 of the Constitution.

15. Whenever, the District Magistrate receives a request from the police along with the dossier to detain an individual, he must examine the charge by referring to the material accompanying the police dossier which would at least prima facie substantiate the charge against the detainee. Besides, the charge against the individual must be substantial and not fanciful or imaginary. The District Magistrate must appreciate that the authority to detain an individual as a preventive measure would also result in the violation of article 21 of the Constitution, if the same is exercised without caution or accountability. The exigencies of the time though relevant, cannot be stretched to the extent of depriving an individual's liberty in the absence of reasonable cause. The material in support of the charge warranting the detention of an individual must be such that it prima facie probabilise the allegations levelled against him.

16. Thus, subjective satisfaction arrived at by the District Magistrate in the absence of any material to prima facie support the allegations against the detainee, in the police dossier, would smack of non-application of mind on the part of the detaining authority. A constitution court must scrutinise the grounds of detention to satisfy itself that the allegations contained in the police dossier and considered by the District Magistrate in the grounds of detention, were supported by adequate material justifying the subjective satisfaction arrived at by the District Magistrate, that the detention of the detainee was essential, either in the interest of security of the state or public order. While doing so, the High Court is not expected to supplant the subjective satisfaction of the District Magistrate with that of its own, but it is only to examine the grounds of detention to satisfy itself that there was reasonable cause to detain the detainee. No man may be summarily

detained under the preventive detention laws only on the basis of unsubstantiated and bald allegations. It is only when the detention is justifiable on the basis of material in support of the allegations in the police dossier against the detainee, that the court would examine whether other procedural formalities, which are mandatory have been complied with. Where the subjective satisfaction of the detaining authority has been arrived at without any prima facie material in support of the allegations warranting the detention of the detainee, the order of detention cannot be upheld only on the ground that other constitutional and procedural safeguards of giving the material to the detainee on the basis of which has been detained, have scrupulously been observed. If the High Court adopts a hands-off approach while dealing with an order of detention under the Public Safety Act only on the ground that the mandatory procedural safeguards have been complied with even after being convinced on merits that there existed no material against the detainee in support of the allegations against him in the police dossier forwarded to the District Magistrate, the same would reduce the protection under article 21 of the Constitution purely cosmetic.

.....

19. It is essential for the grounds of detention to clearly mention the charge and the material on the basis of which the grounds of detention find support for each of the charge. The State cannot level bald allegations on the detainee and hand over a bunch of documents and take the stand that all material considered by the detaining authority has been handed over to the detainee. It would also be necessary for the detaining authority to mention in the grounds of detention the material/evidence/documents on the basis of which it is levelling a specific charge against the appellant in the grounds of detention in order to accord a viable opportunity to the appellant to give a representation to the detaining authority or to the advisory board, as the case may be.”

11. It has been said by the Division Bench of this Court in ***Showkat Ali***

(supra) that grounds of detention (allegations or charge) must lay down the charge against the detainee and it must be precise, unequivocal and unambiguous, so that detainee is in a position to give a specific reply/rebuttal to the charge(s) and that is only possible where charge is specific and precise. Otherwise, detainee is only able to give a bare denial by stating that the allegation is false. However, if the charge is specific regarding the date, time and the specific act of the detainee which requires him to be taken into preventive detention, then detainee will be able to give a specific response of denial rather than a bare denial. The Court, thus,

viewed that grounds of detention must lay down specific charge against detenu rather than unsubstantiated and unverifiable allegations. If grounds of detention are based on unsubstantiated allegations, the same, along with the order of detention can be quashed as the detenu has not been given an opportunity to make a viable representation either to the detaining authority or to the advisory board. The opportunity to represent to the abovementioned authorities is not a hollow formality. To detain a person only based on allegations without there being any material to substantiate those allegations would imperil the fundamental right of the individual enshrined in article 21 of the Constitution. It has also been said by the Court that whenever District Magistrate receives a request from police along with dossier to detain an individual, he must examine charge by referring to material accompanying the police dossier which would at least prima facie substantiate the charge against detenu, besides, the charge against individual must be substantial and not fanciful or imaginary. District Magistrate must appreciate that authority to detain an individual as a preventive measure would also result in violation of Article 21 of the Constitution if the same is exercised without caution or accountability. The exigencies of time though relevant, cannot be stretched to the extent of depriving an individual's liberty in the absence of reasonable cause. The material in support of the charge warranting the detention of an individual must be such that it prima facie probabilise the

allegations levelled against him. Thus, subjective satisfaction arrived at by District Magistrate in absence of any material to prima facie support allegations against detenu, in the police dossier, would smack of non-application of mind on the part of detaining authority. Then, the Court says that a constitution court must scrutinise grounds of detention to satisfy itself that the allegations contained in the police dossier and considered by District Magistrate in grounds of detention, were supported by adequate material justifying the subjective satisfaction arrived at by District Magistrate, that the detention of the detinue was essential, either in the interest of security of the state or public order. While doing so, the High Court is not expected to supplant the subjective satisfaction of the District Magistrate with that of its own, but it is only to examine the grounds of detention to satisfy itself that there was reasonable cause to detain the detinue. No man may be summarily detained under the preventive detention laws only on the basis of unsubstantiated and bald allegations. It is only when the detention is justifiable on the basis of material in support of the allegations in the police dossier against the detinue, that the court would examine whether other procedural formalities, which are mandatory have been complied with. Where the subjective satisfaction of the detaining authority has been arrived at without any prima facie material in support of the allegations warranting the detention of the detinue, the order of detention cannot be upheld

only on the ground that other constitutional and procedural safeguards of giving the material to the detinue on the basis of which has been detained, have scrupulously been observed. If the High Court adopts a hands-off approach while dealing with an order of detention under the Public Safety Act only on the ground that the mandatory procedural safeguards have been complied with even after being convinced on merits that there existed no material against the detinue in support of the allegations against him in the police dossier forwarded to the District Magistrate, the same would reduce the protection under article 21 of the Constitution purely cosmetic. The Court also observed that it is essential for the grounds of detention to clearly mention the charge and the material on the basis of which the grounds of detention find support for each of the charge. The detaining authority cannot make bald allegations on detenu and hand over a bunch of documents and take the stand that all material considered by it has been handed over detenu inasmuch as it would also be necessary for detaining authority to mention in grounds of detention the material/evidence/documents on the basis whereof it is levelling a specific charge against detenu in the grounds of detention in order to accord a viable opportunity to detenu to give a representation to the detaining authority or to the advisory board, as the case may be.

12. Counsel for petitioner would also aver that grounds of detention are vague and bereft of details of activities of detenu which would have

necessitated issuance of detention order inasmuch as issuance of order of detention on vague grounds deprives detenu of his right to make an effective and meaningful representation against order of detention and if detention order is passed on vague grounds then constitutional right of making representation against detention order as envisaged by Article 22(5) of the Constitution of India would become mirage and that issuance of order of detention on vague grounds would amount to be an arbitrary exercise of power by detaining authority. He has placed reliance on ***Jahangir Khan Fazalkhan Pathan vs. Police Commissioner, Ahmadabad and another*** (1989) 3 SCC 590 and ***Krishan Lal alias Lundi vs. Union Territory of J&K***, JKJ Online 80364.

13. This Court in **Tariq Ahmad Dar vs State of J&K &ors.** reported as **2017 (3) JKJ 684**, has held as under:-

“11. It is further evident that till the Government grants approval to the detention order in terms of Section 8(4) of the Jammu and Kashmir Public Safety Act, 1978, the Detaining Authority has the power to add to, amend, vary or rescind inter alia any order issued by him which includes a detention order.

12. On examining the Supreme Court decision in the case of Santosh Shankar Acharya (supra), we find that that the relevant provisions of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders and Dangerous Persons Act, 1981 are in *parimateria* to the provisions of the Jammu and Kashmir Public Safety Act, 1978. For example, Section 3 of the Maharashtra Act is almost identical to Section 8 of the J&K Act, Section 8 of the Maharashtra Act corresponds to Section 13 of the J&K Act and, similarly Sections 14 and 21 of the Maharashtra Acts correspond to Sections 19 and 21 of the J&K Act.”

14. In **Ankit Ashok Jalan vs. Union of India** (2020) 16 SCC 127, it was

observed by the Supreme Court that consideration of representation(s) by appropriate Government and by Advisory

Board would always be qualitatively different and the power of

consideration by appropriate Government must be completely independent of any action by Advisory Board. In the case of ***Pankaj Kumar Chakrabarty [Pankaj Kumar Chakrabarty vs. State of W.B]*** (1069) 3SCC 400, it was stated by the Supreme Court that the obligation on the part of the Government to consider representation would be irrespective of whether the representation was made before or after the case was referred to the Advisory Board. Any delay in consideration of representation would not only be an irresponsible act on the part of the appropriate authority but also unconstitutional.

15. In ***Sarabjeet Singh Mokha vs. District Magistrate Jabalpur and others***, reported in (2021) 20 SCC 98, the Supreme Court has reproduced certain observations made by the Supreme Court on the consideration of representation by appropriate government and by the Advisory Board in ***Ankit Ashok Jalan*** (supra) which are reproduced hereunder:-

“39. In a recent decision of a three judge Bench of this Court in *Ankit Ashok Jalan v. Union of India*⁵¹, Justice UU Lalit revisited the body of precedent on the subject and noticed the qualitative difference between the consideration of a representation by the appropriate government on the one hand and by the Advisory Board on the other. Justice UU Lalit, speaking for himself and Justice Indu Malhotra (with Justice Hemant Gupta dissenting)⁵² observed:

“16. These decisions clearly laid down that the consideration of representations by the appropriate Government and by the Board would always be qualitatively different and the power of consideration by the appropriate Government must be completely independent of any action by the Advisory Board. In para 12 of the decision in *Pankaj Kumar Chakrabarty [Pankaj Kumar Chakrabarty v. State of W.B., (1969) 3 SCC 400 : (1970) 1 SCR 543]* it was stated that the obligation on the part of the Government to consider representation would be irrespective of whether the representation was made before or after the case was

referred to the Advisory Board. As stated in para 18, this was stated so, as any delay in consideration of the representation would not only be an irresponsible act on the part of the appropriate authority but also unconstitutional. The contingency whether the representations were received before or after was again considered in para 29 of the decision in Haradhan Saha [Haradhan Saha v. State of W.B., (1975) 3 SCC 198 : 1974 SCC (Cri) 816] ."

Justice UU Lalit categorized the different stages for when a representation is received and disposed, with the underlying principle that the representation must be expeditiously disposed of, at every stage:

"17. In terms of these principles, the matter of consideration of representation in the context of reference to the Advisory Board, can be put in the following four categories:

17.1. If the representation is received well before the reference is made to the Advisory Board and can be considered by the appropriate Government, the representation must be considered with expedition. Thereafter the representation along with the decision taken on the representation shall be forwarded to and must form part of the documents to be placed before the Advisory Board.

17.2. If the representation is received just before the reference is made to the Advisory Board and there is not sufficient time to decide the representation, in terms of law laid down in JayanarayanSukul [JayanarayanSukul v. State of W.B., (1970) 1 SCC 219 : 1970 SCC (Cri) 92] and Haradhan Saha [Haradhan Saha v. State of W.B., (1975) 3 SCC 198 : 1974 SCC (Cri) 816] the representation must be decided first and thereafter the representation and the decision must be sent to the Advisory Board. This is premised on the principle that the consideration by the appropriate Government is completely independent and also that there ought not to be any delay in consideration of the representation.

17.3. If the representation is received after the reference is made but before the matter is decided by the Advisory Board, according to the principles laid down in Haradhan Saha [Haradhan Saha v. State of W.B., (1975) 3 SCC 198 : 1974 SCC (Cri) 816] , the representation must be decided. The decision as well as the representation must thereafter be immediately sent to the Advisory Board.

17.4. If the representation is received after the decision of the Advisory Board, the decisions are clear that in such cases there is no requirement to send the representation to the Advisory Board. The representation in such cases must be considered with expedition.

18. [...] it is well accepted that the representation must be considered with utmost expedition; and the power of the Government is completely independent of the power of the Advisory Board; and the scope of consideration is also qualitatively different, there is no reason why the consideration by

the Government must await the decision by the Advisory Board. None of the aforesaid cases even remotely suggested that the consideration must await till the report was received from the Advisory Board.”

16. In the present case the detention order was passed on 10.04.2025 and approved by the Home Department vide Govt. Order dated 16.04.2025 and after approval the District Magistrate, Doda has considered and rejected the representation vide order dated 01.05.2025, though being forwarded to the Advisory Board. The Advisory Board has not considered and decided the representation nor any decision has been conveyed to the detenu. As has been held by the Supreme Court in Ankit Ashok Jalan (supra) that consideration of representations by the appropriate Government and by the Board would always be qualitatively different and the power of consideration by the appropriate Government must be completely independent of any action by the Advisory Board. Different stages have been categorized by the Supreme Court when a representation is received and disposed, with the underlying principle that the representation must be expeditiously disposed of, at every stage. In terms of the said principles laid down by the Supreme Court, the matter of consideration of representation in the context of reference to the Advisory Board, can be put in the four categories, which are: if representation is received well before reference is made to the Advisory Board and can be considered by the appropriate Government, the representation must be considered with expedition. Thereafter the representation along with the

decision taken on the representation shall be forwarded to and must form part of the documents to be placed before the Advisory Board; if representation is received just before the reference is made to the Advisory Board and there is not sufficient time to decide it, then the same must be decided first and thereafter the representation and the decision must be sent to the Advisory Board. This is premised on the principle that the consideration by appropriate Government is completely independent and also that there ought not to be any delay in consideration of the representation; if representation is received after reference is made but before the matter is decided by the Advisory Board, the representation must be decided. The decision as well as the representation must thereafter be immediately sent to the Advisory Board; if representation is received after decision of Advisory Board, the decisions are clear that in such cases there is no requirement to send the representation to the Advisory Board. The representation in such cases must be considered with expedition. It is well accepted that the representation must be considered with utmost expedition; and the power of the Government is completely independent of the power of the Advisory Board; and the scope of consideration is also qualitatively different, there is no reason why the consideration by the Government must await the decision by the Advisory Board. None of the aforesaid cases even remotely suggested that the

consideration must await till the report was received from the Advisory Board.

17. In view of the aforesaid discussion and without adverting to the other grounds raised in this petition, this petition is allowed. Accordingly, impugned detention order No. PSA 03 of 2025 dated 10.04.2025 passed by the District Magistrate, Doda, is quashed. The detenu-*Mohd. Rafi alias Pinka*, is directed to be released from the custody forthwith if he is not otherwise required in any other case.

18. Detention record be handed over to learned counsel for the respondents by the Registry forthwith.

(VINOD CHATTERJI KOUL)
Judge

JAMMU
17.10.2025
Bir