

Bihar Control Of Crimes (Amendment) Act, 1993**9 of 1994**

CONTENTS

1. Short Title And Commencement
2. Insertion Of A New Section After Section 12 Of The Bihar Act 7 Of 1981

Bihar Control Of Crimes (Amendment) Act, 1993**9 of 1994**

An Act to amend the Bihar Control of Crimes Act, 1981. Be it enacted by the Legislature of the State of Bihar in the Forty-fourth Year of the Republic of India as follows :- [Objects and Reason :- According to the provisions of Bihar Control of Crimes Act, 1981 a detention order based on a vague, irrelevant, non-existent or misconceived cannot sustain. It has now been firmly established that even if one of the grounds or reasons which led to the subjective satisfaction of the detaining authority, is non-existent, misconceived or irrelevant, the order of detention would be invalid while in the National Security Act it has been provided that the detention order shall be effective or valid even on one valid ground among the other grounds stated. In the light of aforesaid facts and in the public interest, the State Government wants to amend the Bihar Control of Crimes Act, 1981. The Object of this Bill is to enact the aforesaid amendment.] 1. Published in the Bihar Gazette (Extra Ordinary) on 14.3.1994.

1. Short Title And Commencement :-

- (1) This Act may be called the Bihar Control of Crimes (Amendment) Act, 1993.
- (2) It shall come into force at once.

2. Insertion Of A New Section After Section 12 Of The Bihar Act 7 Of 1981 :-

After Section 12 of the Bihar Control of Crimes Act, 1981 (Bihar Act

7 of 1981) the following new section shall be inserted namely
12-A. Grounds of detention severable.--

(1) Where a person has been detained in pursuance of an order of detention whether made before or after the commencement of the Bihar Control of Crimes Act, 1981 under Section 12 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly-

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are:-

(i) vague;

(ii) non-existent;

(iii) non-relevant;

(iv) not connected or not proximately connected with such person;
or

(v) invalid for any other reason whatsoever;

and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in Section 12 with reference to the remaining ground or grounds and made the order of detention.

(b) The Government or officer making the order of detention shall be deemed to have made the order of detection under the said section after being satisfied as provided in that section with reference to the remaining ground or grounds.

Note.-- Sec. 12A has already been incorporated in the Act.