



## THE OFFICIAL SECRETS ACT, 1923



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# THE OFFICIAL SECRETS ACT, 1923

<sup>1</sup>ACT NO. XIX OF 1923

[2nd April, 1923]

An Act to consolidate and amend the law in <sup>2</sup>[Pakistan] relating to official secrets.

<sup>3</sup>\* \* \* \* \*

WHEREAS it is expedient that the law relating to official secrets in <sup>2</sup>[Pakistan] should be consolidated and amended;

It is hereby enacted as follows:-

**1. Short title, extent and application.**-(1) This Act may be called the <sup>4</sup>\* Official Secrets Act, 1923.

<sup>5</sup>[(2) It extends to the whole of Pakistan, and applies also to all citizens of Pakistan and persons in the service of Government wherever they may be.]

**2. Definitions.** In this Act, unless there is anything repugnant in the subject or context,—

(1) any reference to a place belonging to <sup>6</sup>[Government] includes a place occupied by any department of the Government, whether the place is or is not actually vested in <sup>6</sup>[Government] ;

<sup>7</sup>\* \* \* \* \*

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 210; and for Report of Select Committee, see *ibid.*, 1923, Pt. V, p. 61.  
For temporary amendment of this Act during the continuance of war, and for a period of six months thereafter, see s. 6 of the Defence of India Act, 1939 (35 of 1939), since expired.  
The Act has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950), and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.  
This Act has been extended to the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended by the Baluchistan States Union (Federal Laws) (Extension) (Second Amdt.) Order, 1953 (G.G.O. 19 of 1953).  
It has also been extended to the Khairpur State, see G.G.O. 5 of 1953, as amended by G.G.O. 25 of 1953.  
It has also been extended to the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G.G.O. 11 of 1953), as amended.  
The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8<sup>th</sup> September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.  
This Act has been applied with certain modifications to the Tribal Areas of West Pakistan by Regulation No. I of 1963, s. 2 and Sch. (with effect from the 30<sup>th</sup> December, 1964).  
For notification of Procedure provided under this Act, see the Enemy Agents Ordinance, 1943 (1 of 1943).  
<sup>2</sup>Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2<sup>nd</sup> Sch. (with effect from the 14<sup>th</sup> October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, for "British India".  
<sup>3</sup>Preamble omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch. II.  
<sup>4</sup>The word "Indian" omitted by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and Sch II.  
<sup>5</sup>Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2<sup>nd</sup> Sch. with effect from the 14<sup>th</sup> October, 1955), for sub-section (2) as amended by A.O., 1937, A.O., 1949 and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951).  
<sup>6</sup>Subs. by A.O., 1961, Art. 2 and Sch., for "His Majesty" (with effect from the 23<sup>rd</sup> March, 1956).  
<sup>7</sup>Cl. (1A) which was ins. by A.O., omitted by A.O., 1949.

(2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received ; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note, or document ; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document ;

<sup>1</sup>[(2A) ‘appropriate Government’ means, in relation to matters enumerated in the<sup>2</sup>[Federal Legislative List in the Fourth Schedule] to the Constitution, the<sup>3</sup>[Federal Government] and, in relation to any other matter, the Provincial Government;]

(3) “document” includes part of a document ;

(4) “model” includes design, pattern and specimen ;

(5) “munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine intended or adopted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use ;

(6) “Office under <sup>4</sup>[Government]” includes any office or employment in or under any department of the Government <sup>5</sup>\* \* \* ;

(7) “photograph” includes an undeveloped film or plate ;

(8) “prohibited place” means-

- (a) any work of defence, arsenal naval, military or air force establishment or station, mine, minefield, camp, ship or aircraft belonging to, or occupied by or on behalf of, <sup>4</sup>[Government], any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory, dockyard or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war ;

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<sup>1</sup> Sub-section (2A) ins. by A.O., 1964, Art. 2 and Sch.

<sup>2</sup> Subs. by F.A.O., 1975, Art. 2 and Sch., for “Third Schedule”.

<sup>3</sup> Subs. *ibid.*, Art. 2 and Table for “Central Government”.

<sup>4</sup> Subs. by A.O., 1961 Art. 2 and Sch., for “His Majesty” (with effect from the 23<sup>rd</sup> March, 1956).

<sup>5</sup> The words “or of the Government of the United Kingdom or of any British possession” omitted *ibid.*, (with effect from the 23<sup>rd</sup> March, 1956).

- (b) any place not belonging to <sup>1</sup>[Government] where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of, <sup>1</sup>[Government], or otherwise on behalf of <sup>1</sup>[Government];
- (c) any place belonging to or used for the purpose of <sup>1</sup>[Government] which is for the time being declared by the <sup>2</sup>[appropriate Government], by notification<sup>3</sup> in the <sup>4</sup>[official Gazette], to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality ;
- (d) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired or stored otherwise than on behalf of <sup>1</sup>[Government], which is for the time being declared<sup>5</sup> by the <sup>2</sup>[appropriate Government] by notification in the <sup>4</sup>[official Gazette], to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference there with, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality [:]<sup>6</sup>

<sup>7</sup>[Provided that where for declaring a prohibited place under sub-clause (c) or sub-clause (d) a notification in the official Gazette is not considered desirable in the interest of the security of the State, such declaration may be made by an order a copy or notice of which shall be prominently displayed at the point of entry to, or at a conspicuous place near, the prohibited place.]

(9) “sketch” includes any photograph or other mode of representing any place or thing ; and

(10) “Superintendent of Police” includes any police officer of a like or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the <sup>8</sup>[appropriate Government], <sup>9</sup>\* \* \*.

<sup>1</sup> Subs. by A.O., 1961, Art. 2, and Sch., for “His Majesty” (with effect from the 23<sup>rd</sup> March, 1956).

<sup>2</sup> Subs. by A.O., 1964, Art. 2 and Sch., for “Central Government” which had been subs. by A.O., 1937, for “G.G. in C.”.

<sup>3</sup> For such notifin., see Gaz. of P., 1957, Ext., p. 1172; *ibid.*, 1959, Pt. I, p. 518 and *ibid.*, 1960, Pt. I, p. 520.

<sup>4</sup> Subs. by A.O., 1937, for “Gazette of India”.

<sup>5</sup> For such declaration see Gaz. of P., 1955, Pt. I, p. 43 and 383; and *ibid.*, 1958, Pt. I, p. 1470.

<sup>6</sup> Subs. by the Official Secrets (Amdt.) Act, 1966 (8 of 1966), s. 2, for semi-colon.

<sup>7</sup> Proviso *ins. ibid.*

<sup>8</sup> Subs. by A.O., 1964 Art. 2 and Sch. for “Central Government” which had been subs. by A.O. 1937, for “G.G. in C.”.

<sup>9</sup> The words “or by any L. G.” omitted, *ibid.*

**3. Penalties for splying.**-(1) If any person for any purpose prejudicial to the safety or interests of the State:-

- (a) approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place ;  
or
- (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy ; or
- (c) obtains, collects, records or publishes or communicates to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy ;

he shall be <sup>1</sup>[guilty of an offence under this section].

(2) On a prosecution for an offence punishable under this section with imprisonment for a term which may extend to fourteen years, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State ; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the circumstances of the case or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interests of the State, such sketch, plan, model, article, note, document or information shall be presumed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State.

<sup>2</sup>[(3) A person guilty of an offence under this section shall be punishable,-

- (a) where the offence committed is intended or calculated to be, directly or indirectly, in the interest or for the benefit of a foreign power, or is in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Pakistan or in relation to any secret official code, <sup>3</sup>[with death, or] with imprisonment for a term which may extend to fourteen years ; and
- (b) in any other case, with imprisonment for a term which may extend to three years.]

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<sup>1</sup> Subs. by the Official Secrets (Amdt.) Act, 1966 (8 of 1966), for certain words.

<sup>2</sup> Added by the Official Secrets (Amdt.) Act, 1966 (8 of 1966), s. 3.

<sup>3</sup> Ins. by the Official Secrets (Amdt.) Act, 1968 (8 of 1968), s. 2.