

Act No. 56 of 1967, S. 2 & Sch. I.

THE INDIAN OFFICIAL SECRETS (AMENDMENT)  
ACT, 1967

No. 24 OF 1967

[15th August, 1967]

An Act further to amend the Indian Official Secrets Act, 1923.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Official Secrets (Amendment) Act, 1967.

(2) Clause (b) of section 5 shall come into force on such <sup>A</sup> date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas; and the remaining provisions of this Act shall come into force at once.

Substitution of new section for section 1.

2. For section 1 of the Indian Official Secrets Act, 1923 (herein- 19 of 1923. after referred to as the principal Act), the following section shall be substituted, namely:—

Short title, extent and application.

“1. (1) This Act may be called the Official Secrets Act, 1923.

(2) It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India.”

Amendment of section 2.

3. In section 2 of the principal Act, in clause (6), the words “or of the Government of the United Kingdom or of any British possession” shall be omitted.

Amendment of section 3.

4. In section 3 of the principal Act,—

(a) in clause (c) of sub-section (1), after the words “useful to an enemy”, the following shall be inserted, namely:—

<sup>A</sup>/<sub>4</sub> 10.7.1968: Vide notification No. S.O 2300 dated 22.6.68, Gaz of India, Pt. II, Sec. 3(1) p 2181

“or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States”;

(b) in sub-section (2),—

(i) the words “with imprisonment for a term which may extend to fourteen years” shall be omitted;

(ii) for the words “or information shall be presumed to have been made”, the words “information, code or pass word shall be presumed to have been made” shall be substituted.

5. In section 5 of the principal Act,—

Amend-  
ment of  
section 5.

(a) in sub-section (1), for the words “or which has been made or obtained in contravention of this Act,” the following shall be substituted, namely,—

“or which is likely to assist, directly or indirectly, an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States or which has been made or obtained in contravention of this Act,”;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.”.

6. In section 6 of the principal Act,—

Amend-  
ment of  
section 6.

(a) in sub-section (3), for the words “two years”, the words “three years” shall be substituted;

(b) in sub-section (4), the words “with imprisonment for a term which may extend to fourteen years” shall be omitted.

7. In section 7 of the principal Act, in sub-section (2), for the words “two years”, the words “three years” shall be substituted.

Amend-  
ment of  
section 7.

8. In section 8 of the principal Act, in sub-section (2), for the words “two years”, the words “three years” shall be substituted.

Amend-  
ment of  
section 8.

Amend-  
ment of  
section 10.

9. In section 10 of the principal Act, in sub-section (3), for the words "one year", the words "three years" shall be substituted.

Substitu-  
tion of  
new sec-  
tion for  
section 12.

10. For section 12 of the principal Act, the following section shall be substituted, namely:—

Provi-  
sions of  
section  
337 of Act  
5 of 1898  
to apply to  
offences  
under sec-  
tions 3, 5  
and 7.

"12. The provisions of section 337 of the Code of Criminal Procedure, 1898 shall apply in relation to an offence punishable under section 3 or under section 5 or under section 7 or under any of the said sections 3, 5 and 7 read with section 9, as they apply in relation to an offence punishable with imprisonment for a term which may extend to seven years."

Amend-  
ment of  
section 13.

11. In section 13 of the principal Act, in sub-section (3), the proviso shall be omitted.

Substitu-  
tion of  
new  
section for  
section 15.

12. For section 15 of the principal Act, the following section shall be substituted, namely:—

Offences  
by com-  
panies.

"15. (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other

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officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.’

13. In section 6 of the Defence of India Act, 1962, sub-clause (c) of clause (1) shall be omitted.

Amend-  
ment of  
section 6  
of Act 51  
of 1962.