

THE OFFICIAL SECRETS ACT, 1923
1 Act No. XIX of 1923

**An Act to consolidate and amend the law in 2{Pakistan}
Relating to official secrets**

Preamble 3

1 For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 210 and for Report of Selection 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 Balochistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950), and applied in the Federated Areas of Balochistan, see Gazette of India, 1937, Pt. I, p. 1499.

This Act has been extended to the Balochistan States Union, see the Balochistan States Union (Federal Laws Extensions) Order, 1953 (G.G.O. 4 of 1953), as amended by the Balochistan States Union {Federal Laws (Extension)(Second Amdt.) Order, 1953 (G.G.O. 19 of 1953)}.

It has also been extended to the Kaipur State, see G.G.O. 5 of 1953, as amended by G.G.O. 24 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 8th 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. 1 of 1963, s. 2 and Sch. (with effect from the 30th December, 1964).

For notification of Procedure provided under this Act, see the Enemy Agents Ordinance, 1943 (1 of 1943).

Whereas it is expedient that the law relating to official secrets in 2{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 4th Official Secrets Act, 1923.

1{(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 2 {Government} includes a place occupied by any department of the government, whether the place is or is not actually vested in 2 {Government};

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(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 documents, include the copying or causing to be copied of the whole or any part of any sketch,

3 Omitted by ord. XXVII of 1981, s. 3 & Sch. II.

2 Subs, by the Central Laws (Statute Reforms) Ordinance, 1960(21 of 1960) s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. By A.O., 1949, for “British India”.

4 The word “Indian” omitted by the Federal Laws (Revision and Declaration) Act, 1951 (26of 19651), s. 3 and II Sch.

1 Subs. By the Central Laws (Statute Reform) Ordinance, 19610 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th 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).

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

3 Cl. (1A) which was ins. By A.O., 1937, omitted by A.O., 1949

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plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article note or document; include the transfer of transmission of the sketch, plan, model, article, note or document;

4 {(2a)} ‘appropriate Government’ means, in relation to matters enumerated in the {Federal Legislative List in the Fourth Schedule} to the Constitution, the 5 {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 us;
- (6) "Officer under 1 {Government}" includes any office or employment in or under any department of the Government 2

* * *

(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, 1{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,

4 Sub-section (2A)ins. by A.O., 1964, Art. 2 and Sch.

5 Subs. by President's Order No. 4 of 1975, Art, 2, Table and Schedule

1 Subs. by A.O., 1961, Art. 2 and Sch., for "His Majesty" (with effect from the 23rd March, 1956).

2 The words "or of the Government of the United Kingdom or of any British Possession" omitted ibid. (with effect from the 23rd March, 1956).

Or for the purpose of getting any metals, oil or minerals of use in time of war;

- (b) any place not belonging to 1 {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, 1{Government}, or otherwise on behalf of 1{Government};
- (c) any place belonging to or used for the purpose of 1{Government} which is for the time being declared by the 3 {appropriate government}, by 4notification in the 5

{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 canal, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any 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 1 {Government}, which is for the time being 2 {declared by the 3 {appropriate Government} by notification in the 4 {official Gazette}, to be a

3 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.”

4 For instance of notifications see Gaz. Of P., 1957, Ext., p. 1172; *ibid.*, 1959, Pt. I, P. 518 and *ibid.*, 1960, Pt. I, p. 520.

5 Subs. by A.O., 1937, for “Gazette of India”.

1 Subs. by A.O., 1961, Art. 2 for “His Majesty” with effect from the 23rd March, 1956.

2 For such declaration see Gaz. Of P., 1955, Pt. 1, p. 43 and 383; and *ibid.*, 1958, Pt. I, p. 1470.

3 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.”.

4 subs. by A.O., 1937, for “Gazette of India”.

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Prohibited place for the purpose of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affix in English and in the vernacular of the locality 5{:}.

6 {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 made of representing any place or thin; 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 3{appropriate Government], 7 * * *

3. **Penalties for spying.** (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 any 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;

5 Subs. by the official Secrets (Amdt) Act, 1966 (8 or 1966), s. 2 for semicolon.

6 Provisions. *ibid.*

7 The words "or by any L.G." omitted by A.O., 1937. he shall be 1{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 accuse person was guilty of any particular act tending to 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 interest of the State; and if any sketch, plan, model, article, note, document, or relating to any thing in such a place, or any secret officials 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 purchase prejudicial to the safety or interests of the State, such shall be presumed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interest of the State.

2 {(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-field, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affaires of Pakistan or in relation to any secret official code, 3 {with}

1 Subs. by the Official Secrets (Amdt.) Act, 1966, 98 or 1966), s. 3, for certain words which were previously amended by A.O., 1961, Art, 2.

2 Sub-section 93), added by Act 8 of 1966 s. 3.

3 Ins. by Act No. VIII of 1968, s. 2.

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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.}

1 {3 A. Restriction against photographs, sketches, etc. of prohibited and notified area - - (1) No person shall, except under the

authority of a written permit granted by or on behalf of the 2{appropriate Government}, make any photograph, sketch, plan, model, note or representation of any kind of any prohibited place or of any other place of area with regard to which such restriction appears to that Government to be expedient in the interests of the security of Pakistan, or of any part of or object in any such place or area.

The 2 {appropriate Government} may, by general or special order make provision for securing that no photograph, sketch, plan, model, note or representation of any kind made under that authority of a permit granted in pursuance of subsection (1) shall be published unless and until the same has been submitted to and approved by such authority or person as may be specified in the order, and may retain or destroy or otherwise dispose of anything so submitted.

(3) If any person contravenes any of the provisions of this section, he shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

(4) The 3 {Federal Government} may by notification in the official Gazette empower any provincial Government. To

1 S. 3A, ins. by the Official Secrets (Amdt.) Act, 1956 (10 of 1956), s. 2.

2 Subs. by A.O., 1964, Art. 2 and Sch., for "Central Government".

3 For notification empowering the Provincial Governments, the Chief Commissioner of Karachi and the Agent to the Governor-General and Chief Commissioner in Balochistan to exercise the powers exercisable by the Central Government under this section and under cls. © and (d) of sub-section (8) of section 2 and sub-section (10) of section 2, see Gaz. Of P., 1955, Ext., pp. 1019, 1338 and 1470.

For notification declaring certain places in the province of East Pakistan as "Prohibited places", see Decca Gazette, 1958, Pt. I, p. 1631.

Exercise all or any of the powers exercisable by the 4{Federal Government} under this section, of under sub-clause © or sub-clause (d) of clause (8) of section 2, or under clause (10) of that section.}

4. **Communications with foreign agents to be evidence of commission of certain offences - -** (1) In any proceedings against a person for an offence under section 3, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without 5 {Pakistan}, shall be relevant for the purpose of proving that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated

to be or might be, or is intended to be, directly or indirectly, useful to an enemy.

(2) For the purpose of this section, but without prejudice to the generality of the foregoing provisions:-

- (a) a person may be presumed to have been in communication with a foreign agent if-
 - (i) he has, either within or without 1{Pakistan}, visited the address of a foreign agent or consorted or associated with a foreign agent, or
 - (ii) either within or without 1{Pakistan}, the name or address of, or any other information regarding, a foreign agent has been found in his possession, or has been obtained by him from any other person;
- (b) the expression "foreign agent" includes any person who is or has been or in respect of whom it appears that there are reasonable grounds for suspecting him of being or having indirectly, for the purpose of committing an act, either within

4 Subs. by the Central Laws (Statute Reform) Ordinance, 1960 921 or 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the provinces and the Capital of the Federation" which had been subs. by A.O., 1949, for "British India:-

5 Subs. by P.O. No. 4 of 1975, Art. 2 and Table.

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OR WITHOUT 1{Pakistan}, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without 1{Pakistan}, committed, or attempted to commit, such an act in the interests of a foreign power;

- (c) any address whether within or without 1{Pakistan}, in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of at which a foreign agent resides or to which he resorts for the purpose of giving or receiving communications, or at which at which a foreign agent resides or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, may be presumed to be the address of a foreign agent, and

communications address to such an address to be communication with a foreign agent.\

5. **Wrongful communication, etc., of information** - - (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or relates to anything in such a place, or which has been entrusted in confidence to him by any person holding office under 2 {Government} or as a person who holds or has held a contract made on behalf of 1{Government} or as a person who is or has been employed under a person who holds or has held such an office or contract –

1 Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.

3 and 2nd Sch. (with effect from the 14th October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. by A..O., 1949, for “British India”.

2 Subs. by A.O., 1961, Art 2 for “His Majesty” (with effect from the 23rd March, 1956).

Subs. by A.O., 1961, Art. 2, for “His Majesty” (with effect from the 23rd March, 1956).

- (a) willfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorized to communicate it, or a Court of Justice or a person to
- (b) whom it is in the interest of the State, his duty to communicate it; or
- (c) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; and
- (d) retains the sketch, plan, model, article note or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it, or willfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(e) fails to take reasonable care of, or conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information;

(2) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, pass word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he has be guilty of an offence under this section.

2 [(3)} A person guilty of an offence under this section shall be punishable,-

(a) where the offence committed is a contravention of clause (a) of sub-section (1) and 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

2 Subs. by the Official Secrets (Amdt.) Act, 1966 (8 of 1966), s. 4 for the original Sub-sections (3) and (40).

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otherwise in relation to the navel, military or air force affairs of Pakistan or in relation to any secret code, 2 {with death, or} with imprisonment for the term which may extend to fourteen years; an

(b) In any other case, with imprisonment for a term which may extend to two years, or with fine, or with both.}

6.- Unauthorized us of uniforms; falsification of reports, forgery, personation, and false documents - -(1) If any person for the purpose of gaining admission or of assisting any other person to gain admission to a prohibited place or for any other purpose prejudicial to to safety of the State –

(a) uses or wears, without lawful authority, any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to us or wear any such uniform; or

(b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or

- (c) forges, alters, or tampers with any passport or any naval, military, air force, police, or official pass, permit, certificate, license, or other document of a similar character (hereinafter in this section referred to as an official document) or knowingly uses or has in his possession any such forged, altered, or irregular official document; or
- (d) personate, or falsely represents himself to be, a person holding, or in the employment of a person holding, office under 1 {Government}, or to be or not to be a person to whom an official document or secret official code or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code or pass word,

2 Ins. by Act No. VIII of 1968, s. 3.

1 Subs. by A.O. 1961, Art. 2, for "His Majesty" (with effect from the 23rd 1956)

Whether for himself or any other person, knowingly makes any false statement; or

- (e) uses, or has in his possession or under his control, without the authority of the department of the Government or the authority concerned, any die, seal, or stamp of or belonging to, or used, made or provided by, any department of the Government, or by any diplomatic, naval, military or air force authority appointed by or acting under the authority of
- 1{Government}, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or knowingly uses, or has in his possession or under his control, any such counterfeited die, seal or stamp,

He shall be guilty of an offence under this section.

(2) If any person for any purpose prejudicial to the safety of the Stat-

- (a) retains any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or willfully fails to comply with any directions issued by any department of the

Government or any person authorized by such department with regard to the return or disposal thereof; or

- (b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code or pass word issued for the use of some person other than himself, or, on obtaining possession of any official document by finding or otherwise, willfully fails to restore it to the person or authority by whom or for whose use it was issued, or to police, officer; or
- (c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal or stamp as aforesaid; he shall be guilty of an offence under this section.

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- (3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.
- (4) The provisions of sub-section (2) of section 3 shall apply, for the purpose of proving a purpose prejudicial to the safety of the State, to any prosecution for an offence under this section relating to the naval, military or air force affairs of 1 {Government}, or to any secret official code in like manner as they apply, for the purpose of proving a purpose prejudicial to the safety or interests of the State, to prosecutions for offences punishable under that section with imprisonment for a term which may extend to fourteen years.

7. Interfering with officers of the police or members of the armed forces of Pakistan - -

(1) No person in the vicinity of any prohibited place shall obstruct; knowingly mislead or otherwise interfere with or impede, any police officer, or any member of 2 {the armed forces of Pakistan} engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place.

(2) If any person acts in contravention of the provisions of this section, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

8. Duty of giving information as to commission of offences –

(1) It shall be the duty of every person to give on demand to a Superintendent of Police, or other police officer not below the rank of Inspector, empowered by an Inspector-General 1 * * * in this behalf, or to any member of 2 {the armed forces of Pakistan} engaged on guard, sentry, patrol or other similar duty, any information in his power relating to an

1 Subs. by A.O., 1961, Art. 2, "His Majesty" (with effect from the 23rd March, 1965).

2 Subs. *ibid.*, Art. 2 and Sch., for "His Majesty's forces" (with effect from 23rd March, 1965).

1 The words "or Commissioner of Police" omitted by A.O., 1949.

2 Subs. *ibid.*, Art. 2 and Sch., for "His Majesty's forces" (with effect from the 23rd March, 1965).

Offence or suspected offence under section 3 or under section 3 read with section 9 and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information.

(2) If any person fails to give any such information or to attend as aforesaid, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

9. Attempts, incitements, etc.- -

10. Any person who attempts to commit or abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against in the same manner as if he had committed such offence.

11. Penalty for harboring spies - -

(1) If any person knowingly harbors any person whom he knows or has reasonable grounds for supposing to be an person who is about to commit or who has committed an offence under section 3 or under section 3 read with section 9 or knowingly permits to meet or assemble in any premises in

his occupation or under his control any such persons, he shall be guilty of an offence under this section.

(2) It shall be the duty of every person having harbored any such person as aforesaid or permitted to meet or assemble in any premises in his occupation or under his control any such person as aforesaid, to give on demand to a Superintendent of Police or other police officer not below the rank of Inspector empowered by an Inspector-General 1 * * * in this behalf, any information in his power relating to any such person or persons, and if any person fails to give any such information, he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

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12. Search warrants

(1) If a * *, Magistrate of the first class or Sub-divisional Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search-warrant authorizing any police officer named therein, not being below the rank of an officer in place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize and sketch, plan, model, article, note or document or anything of a like nature, or anything which evidence of an offence under this Act having been or being about to be committed which he may find on the premises or place or any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

(2) Where it appears to a police officer, not being below the rank of Superintendent, that the case is one of great emergency, and that in the interests of the State immediate action is necessary, he may by a written order his hand given to any police officer the like authority as may be given by the warrant of a Magistrate under this Section.

(3) Where action has been taken by a police officer under sub-section (2) he shall, as soon as may be, report such action, 2 * * to the District or Sub-Divisional Magistrate.

13. Power to arrest – Notwithstanding anything in the Code of Criminal Procedure, 1898,-

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4 {5} (b) and offence under this Act, other than an offence punishable with imprisonment for a term which may extend

1 The words "Presidency Magistrate" omitted, by A.O., 1949.

2 The words "in a Presidency-town to the Chief Presidency Magistrate, and outside such town" omitted *ibid*.

3 Clause (a) omitted by the Official Secrets (Amdt.) Act, 1966 (8 of 1966), s. 5.

5 Subs. by the Official Secrets (Amdt.) Act, 1952 (13 of 1952), s. 2 for the original clauses (b) and (c).

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to fourteen years, shall be a cognizable and bailable offence; and.}

6 (c) any member of the armed forces of Pakistan may, without an order from a Magistrate and without a warrant, arrest in or in the vicinity or a prohibited place, any person who has been concerned in an offence under section 3, under section 3 read with section 9, or under clause (a) or clause 9b) or subsection (10 of section 5, or under clause (a) complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned, and shall without unnecessary delay take or send the person arrested before an officer in charge of a police-station, and thereupon the provisions of the said Code applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a magistrate or before and officer in charge of a police-station shall apply to him}.

13. --- 1 {Restriction on trial of offences -- (1) Not Court other than that of a Magistrate of the first class specially empowered in this behalf by the 2{appropriate Government} 3 * * Magistrate shall try any offence under this Act.}

(2) If any person under trial before a Magistrate for an offence under this Act at any time before a charge is framed claims to be tried by the Court of Session, the Magistrate shall, if he does not discharge the accused, commit the case for trial by that Court, notwithstanding that it is not a case exclusively triable by the Court.

(3) No Court shall take cognizance of any offence under this Act unless upon complaint made by order or under

5 Subs. by 'act 8 of 1966, s. 5 for clause (b).

6 Subs. by Act No. XV of 1957, s. 2.

1 Substituted by Ord. XXVII of 1981. S. 3 & Sch. II.

2 Subs. by A.O., 1937, for "L.G."

3 The words "or Presidency" omitted by A.O., 1949.

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authority from, the 4{appropriate Government} 5 * * * or some officer empowered by the 1 {Appropriate Government} in this behalf

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Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that such complaint has not been made, but not further or other proceedings shall be taken until such complaint has been made.

(5) For the purposes of the trial of a person for an offence under this Act, the offence may be deemed to have been committed either at the place in which, the same actually was committed or at any place in 6 {Pakistan} in which the offender may be found.

7 *

1 [(6) The 2 {appropriate Government} may, if it thinks fit, by general or special order direct that the procedure for the trial of an offence under section, or under section 3 read with section 9, or under clause (a) of sub-section (1) of section 6 shall be that prescribed for offences under the Enemy Agents Ordinance, 1943, or under the Pakistan Criminal Law Amendment Act {1958 (XL of 1958).}3

14. Exclusion of public from proceedings --- In addition and without prejudice to any powers which a Court may possess to order the exclusion of the public from any

4 Subs. by A.O., 1937, for "G.G. in C."

5 The words "the L. G." rep., ibid.

6 Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960). S. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces "British India".

7 Sub-section (5) which was ins. by A.O., 1937 omitted by A.O., 1964, Art. 2 and Sch

1 Sub-section (6) ins. by the Official Secrets (Amdt.) Act, 1952 (13 of 1952) s. 3

2 Subs. by A.O., 1964, Art. 2nd Sch. For "Central Government".

3 Subs. by Act No. XV of 1967, s. 3.

Proceedings if, in the course of proceedings before a Court against any person for an offence under this Act or the proceedings on appeal, or in the course of the trial of a person under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the

State, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make in order to that effect, but the passing of sentence shall in any case take place in public.

15. Offences by companies, etc. - - Where the person guilty of an offence under the Act is a company or corporation, every director and officer of the company or corporation, every knowledge and consent the offence was committed shall be guilty of the like offence.

16. {Repeals.} Rep., by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule