

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

A
BILL

further to amend the Official Secrets Act, 1923

WHEREAS, it is expedient further to amend the Official Secrets Act, 1923 (XIX of 1923), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement.** - (1) This Act shall be called the Official Secrets (Amendment) Act, 2023.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XIX of 1923.**- In the Official Secrets Act, 1923 (XIX of 1923), hereinafter referred to as the said Act, in section 2,-

(a) for clause (3), the following shall be substituted, namely:-

“(3) “document” includes any written, unwritten, virtual, electronic, digital, or any other tangible or intangible instrument, and includes part of such document, the plans, measures, activities, contracts, agreements, memorandums, etc. related to procurements of supplies of or sales of munitions and related accessories that relate to military capability and potential and would be needed by the state in time of peace and war.”;

(b) after clause (3), amended as aforesaid, the following new clause (3A) shall be inserted, namely:-

“(3A) “intelligence agency” means, *inter alia*, the Directorate General of Inter-Services Intelligence and Intelligence Bureau.”;

(c) for clause (5), the following shall be substituted, namely:-

“(5) “Munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank, vehicles or similar engine, arms and ammunition, torpedo, or mine intended or adopted for use in war, and any other article, equipment, material, device or capability, system or platform including digital, physical, virtual, electronic, vehicular use by the Armed Forces, whether actual or proposed, intended for such use.”;

(d) in clause (8),-

(i) in sub-clause (a), after the expression “establishment”, the expressions “office, or part of building”, and after the words “in time of”, the words “peace and” shall be inserted respectively;

(ii) in clause (c), after the words “ground that”, the words “any access, intrusion, approach, attack or” shall be inserted;

(iii) in clause (d),-

(A) **after** the words “channel”, the words “or any strategic infrastructure” shall be inserted;

(B) **after** the word “water”, the words “or air” shall be inserted;

- (C) **after** the words "any place used", the words "for modern communication means," shall be inserted; and
- (D) **after** the word "munitions", the words "related to defence" shall be inserted;
- (iv) after clause (d), amended as aforesaid, the following new clauses (e) and (f) shall be inserted, namely:-
- "(e) any place occupied by armed forces for the purpose of war games, exercises, training, research and development. movement of troops, in camera briefings;
- (f) any place, any land, building or a property situated in Pakistan or anywhere in the world having physical or virtual custody or storage of protected information or an asset, the access to and use of which is prejudicial to the safety or interest of Pakistan.";
- (e) after clause 8, amended as aforesaid, the following new clause (8A) be inserted, namely:-
- "(8A) **"enemy"** for the **purposes** of this Act means "any person who is directly or indirectly, intentionally working for or engaged with the foreign power, foreign agent, Non-State Actor, organization, entity, association or group guilty of a particular act tending to show a purpose that is prejudicial to the safety and interest of Pakistan,";
- (f) in clause (9), at the end, the word "and", shall be omitted, and in clause (10), for full stop at the end, the expression ";and" shall be inserted and thereafter, the following new clause (11) shall be inserted, namely:-
- "(11) **"unauthorized access"** means without authorization any physical, electronic, or virtual access or contact, direct or indirect, to a prohibited place, an information system, application, network, data, processed or derived, or any such document or resource or prohibited place which is not available for access by general public."

3. Amendment of section 3, XIX of 1923.- In the said Act, in section 3,-

- (a) for marginal heading and sub-section (1), the following shall be substituted, namely:-

"3. Offence. — (1) A person shall commit an offence under this section **if** he intentionally for any purpose prejudicial to public order, defence, safety or interests of the State,—

- (a) approaches, inspects, passes over or is in the vicinity of, or enters, attacks, destroys or otherwise undermines 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;