

Sikkim Official Secrets Act, 1966

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Rule SIKKIM-OFFICIAL-SECRETS-ACT-1966 of 1966

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Sikkim Official Secrets Act, 1966 Last Updated 20th February, 2020 [Dated 23.12.1966] An Act relating to Official Secrets. It is hereby enacted as follows :

1. Short title, extent and application.

(1) This Act may be called the Sikkim Official Secrets Act, 1966. (2) It extends to the whole of Sikkim and applies also to servant of the Government of Sikkim and to subjects of Sikkim outside Sikkim.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context: (1) Any reference to a place belonging to Government includes a place occupied by any department of the Government, whether the place is or is not actually vested in 'Government'; (2) "prohibited place" means any place belonging to or used for the purpose of Government of Sikkim which is for the time being declared by that Government by notification in the Official Gazette, to be a prohibited place for the purposes of this Act or of any other law for the time being in force.

3. Penalties for spying.

- If any person for any purpose prejudicial to the safety or interest 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, detrimental to the security of the State; (c) obtains, collects, records or publishes or communicates to any other person any secret official code or password, or any other document or information which is calculated to be or might be or is intended to be, directly or indirectly, detrimental to the security of the State; he shall be punishable with imprisonment for a term which may extend to fourteen years.

4. Wrongful communication of information.

(1) If any person having in his possession or control any secret official code or password or any 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 made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access having been Government servant or as a person who holds or has held a contract made on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract : (a) wilfully communicates the code or password, document or information to any person other than a person to whom he is authorised to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it ; or (b) uses the document or information in his possession in any manner prejudicial to the safety of the State; he shall be guilty of an offence under this Section. (2) If any person voluntarily receives any secret official code or password or any document or information knowing or having reasonable ground to believe, at the time when he receives it that the code, password, document or information is communicated in contravention of this Act, 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 fourteen years, or with fine, or with both.

5. Unauthorised entry to prohibited place.

- 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 the safety of the State : (a) uses or wears, without lawful authority, any 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 use 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) retains any official document, whether or not completed or issued for use, when he has no right to retain it, he shall be punishable with imprisonment for a term which may extend to ten years, or with fine, or with both.

6. Attempts, incitements, etc.

- 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.

7. Penalty for harbouring spies.

(1) If any person knowingly harbours any person whom he knows or has reasonable grounds for supposing to be a person who is about to commit or who has committed an offence under Section 3 or under Section 3 read with Section 6 or knowingly permits to meet or assemble in any premises in

this occupation or under his control any such persons, he shall be punishable with imprisonment for a term which may extend to five years or fine, or with both.