

Official Secrets Act, 1923

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 without¹ [India] 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 without¹[India] visited the address of a foreign agent or consorted or associated with a foreign agent, or

(ii) either within or without¹[India], 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 been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without¹[India], prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without¹[India], committed, or attempted to commit such an act in the interests of a foreign power;

(c) any address, whether within or without¹[India], in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of communications intended for a foreign agent, or any address 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 addressed to such an address to be communications with a foreign agent.

1. Substituted by Act 3 of 1951, section. 3 and Sch., for "the States"
