

**IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION  
W.P.(C) NO. 682/2021**

**IN THE MATTER OF :**

S.G. VOMBATKERE

...Petitioner(s)

**VERSUS**

UNION OF INDIA

...Respondent(s)

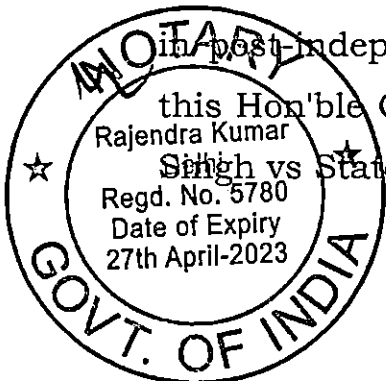
AND OTHER CONNECTED MATTERS

**AFFIDAVIT ON BEHALF OF UNION OF INDIA**

I, MRITUNJAY KUMAR NARAYAN, son of Late Shri SURESH SHARMA, aged about 52 years, working as ADDITIONAL SECRETARY TO THE GOVERNMENT OF INDIA having his office at MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI do hereby solemnly affirm and state as oath as under:

1. That I am the authorized signatory of the Respondent and as such I am well conversant with the facts and circumstances of the case and I have duly been authorised to sign this affidavit on behalf of the Central Government after having consultation with the competent authorities.

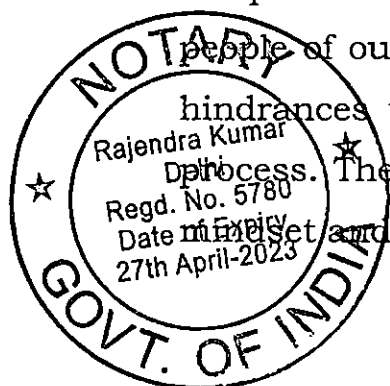
2. I state and submit that I have examined the subject matter of the present group of petitions concerning various aspects of the offence of sedition defined under section 124A of the Indian Penal Code which is in existence since the pre-independence era as well as in post independent India till date and which has been analysed by this Hon'ble Court in the Constitution Bench judgment of Kedar Nath Singh vs State of Bihar [1962 Supp. (2) SCC 769].



3. I state and submit that so far as Section 124A is concerned, there are divergence of views expressed in public domain by various jurists, academicians, intellectuals and citizens in general. While they agree about the need for statutory provisions to deal with serious offences of divisive nature affecting the very sovereignty and integrity of the country, acts leading to destabilising the government established by law by means not authorised by law or prohibited by law. Requiring a penal provision for such purposes is generally accepted by everyone in legitimate State interest. However, concerns are raised about its application and abuse for the purposes not intended by law.

4. The Hon'ble Prime Minister of India has been cognizant of various views expressed on the subject and has also periodically, in various forums, expressed his clear and unequivocal views in favour of protection of civil liberties, respect for human rights and giving meaning to the constitutionally cherished freedoms by the people of the country. He has repeatedly said that one of India's strengths is the diverse thought streams that beautifully flourish in our country.

5. The Hon'ble PM believes that at a time when our nation is marking 'Azadi Ka Amrit Mahotsav' (75 years since Independence), we need to, as a nation, work even harder to shed colonial baggage that has passed its utility, which includes outdated colonial laws and practices. In that spirit, the Government of India has scrapped over 1500 outdated laws since 2014-15. It has also ended over 25,000 compliance burdens which were causing unnecessary hurdles to people of our country. Various offences which were causing mindless hindrances to people have been de-criminalised. This is an ongoing process. These were laws and compliances which reeked of a colonial mentality and thus have no place in today's India.



6. The Government of India, being fully cognizant of various views being expressed on the subject of sedition and also having considered the concerns of civil liberties and human rights, while committed to maintain and protect the sovereignty and integrity of this great nation, has decided to re-examine and re-consider the provisions of Section 124A of the Indian Penal Code which can only be done before the competent forum.

7. In view of the aforesaid it is this respectfully submitted that this Hon'ble Court may not invest time in examining the validity of Section 124A once again and be pleased to await the exercise of reconsideration to be undertaken by the Government of India before an appropriate forum where such reconsideration is constitutionally permitted.



**VERIFICATION:**

I, the above deponent, do hereby verify that the contents of my above affidavit are true and correct to my knowledge and belief and are based on the records available in my office. No part of the affidavit is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 9<sup>th</sup> day of May 2022.

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTIVE WHO IS BEING PERFECTLY UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT 09 MAY 2022. IDENTIFIED BY IDENTIFIED

Narayanm

**DEPONENT**

(मृत्युंजय कुमार नारायण)  
(MRITUNJAY KUMAR NARAYAN)  
अपर सचिव/Additional Secretary  
गृह मंत्रालय  
भारत सरकार/Govt. of India

Narayanm

**DEPONENT**

(मृत्युंजय कुमार नारायण)  
(MRITUNJAY KUMAR NARAYAN)  
अपर सचिव/Additional Secretary  
गृह मंत्रालय  
भारत सरकार/Govt. of India

BEFORE ME  
RAJENDRA KUMAR  
NOTARY, DELHI-R-5780  
GOVERNMENT OF INDIA  
SUPREME COURT OF INDIA  
COMPOUND, NEW DELHI  
Registrar Pg./Sl. No.  
Mobile No.: 9899446209

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09 MAY 2022