Phase 2, the legislative instrument:

Obstruction of Justice (Satyug) Bill and Research Note

the Comprehensive Policy Analysis on the Prevention of False Statement and Obstruction of Justice (Satyug) Bill,
the Bill itself, and the amendment schedule

India faces twenty times more court trials
than it should, because a false denial
costs nothing and is permitted with impunity.

Phase 2 locks in and widens the remedy.

What this volume holds

Part A	Part B	Part C
The research note (version 5.3, December 2025): why section 215 BNSS makes false evidence a low-risk strategy, and the case for the Bill	The Prevention of False Statement and Obstruction of Justice (Satyug) Bill (version 6.7, October 2026)	The amendment schedule: Schedules A to H, the vulnerable-citizen safeguards V1 to V5 and the anti-corruption and docket gates R1 to R5

Phase 1 begins under the High Court's Practice Direction, with no new law: the Guidelines price the plea and the lie, and the officer of the court routes the perjury complaint (Volumes 2 and 4). Phase 2 is what only a statute can do. The Bill gives the person wronged by a false statement a direct right to complain under section 215, with a safe harbour for the correction of a false statement; widens the plea-bargaining chapter; and replaces the victim's veto with a right to be heard.

The research note is reproduced as published in December 2025; its figures and the Bill's text are the versions placed before Parliament and the Supreme Court in 2026, and are superseded where Volumes 1 to 3 say so.

Research note v5.3 · Bill v6.7 · amendment schedule of October 2026 · compiled 7 Nov, 2026

Team Satyug

Volume 5 of 5 (Phase 2) · Obstruction of Justice (Satyug) Bill and Research Note
Compiled 7 Nov, 2026

What this volume is. The Phase 2 instrument of the Satyug programme, in three parts: the Comprehensive Policy Analysis on the Prevention of False Statement and Obstruction of Justice (Satyug) Bill (the research note, version 5.3 of 26 December 2025, published by Policy Labs Foundation for Team Satyug); the Bill itself, version 6.7 of October 2026; and the amendment schedule of October 2026, which sets out the programme's legislative items in Schedules A to H with the vulnerable-citizen safeguards (V1 to V5) and the anti-corruption and docket gates (R1 to R5).

How it relates to the other volumes. The research note is the document annexed to both public interest petitions reproduced in Volume 4 (as Annexure P-3 to W.P.(C) 209/2026 and Annexure P-4 to W.P.(Crl.) 111/2026); the Bill is the sequel to the draft annexed to the first of them as Annexure P-4. Volume 1 carries the later and fuller policy analysis, Volume 2 the Practice Directions that Phase 1 adopts without legislation, and Volume 3 the model on which the projections rest. Where a figure in this volume differs from Volumes 1 to 3, the later volume governs; in particular, the headline statistics (0.11%, over 90%, ten to twenty times) are Team Satyug's own compilations from NCRB and NJDG series, and the note's "37 laws" behind section 215 BNSS is to be read as 32 (see the corrigendum at the head of Part A).

Reproduction. The research note and the amendment schedule are reproduced as published, scaled to this trim size with a running page number; the Bill is reproduced from its October 2026 text.

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Companion volumes. Overview: the Plea Bargaining Booklet. Volume 1, Comprehensive Policy Analysis on the Proposed National Sentencing Guidelines; Volume 2, Practice Directions, Schedules and Forms for the National Sentencing Guidelines, 2026; Volume 3, Mathematical Model of Plea, Perjury and Pendency (working paper, model version 2.8, revision 12b); Volume 4, Current Proceedings before the Supreme Court. Volumes 1 to 4 make up Phase 1, the National Sentencing Guidelines (NSG) adopted by Practice Direction.

Part A

Comprehensive Policy Analysis on the Prevention of False Statement and Obstruction of Justice (Satyug) Bill

Research note · version 5.3 · 26 December 2025 · Policy Labs Foundation for Team Satyug

The research note sets out the diagnosis on which the Satyug programme rests: that India tries many times more cases than it should because a false denial on oath costs nothing, section 215 of the Bharatiya Nagarik Suraksha Sanhita, 2023 having left the offences of false statement and obstruction of justice in Chapters XIII and XIV of the Bharatiya Nyaya Sanhita, 2023 beyond the reach of any private complaint: a complaint lies only from the public servant concerned or from the court. It proposes a two-phase reform (unlock plea bargaining, then deter false statements), explains the design of the Bill, and estimates the effect on pendency.

This is the text annexed to both petitions in Volume 4 and omitted there. Reproduced as published; 113 pages.

Corrigendum. Page 7 of the note speaks of "the core 37 laws" behind section 215. The Act names **32** offences: seventeen in Chapter XIII of the Bharatiya Nyaya Sanhita (sections 206 to 223, less 209), of which only the public servant concerned may complain, and fifteen in Chapter XIV (sections 229 to 233, 236, 237, 242 to 248 and 267), of which only the court may complain; the three document offences in section 215(1)(b)(ii) (sections 336(1), 340(2) and 342) would make 35, and abetment, attempt and conspiracy are limbs of the bar, not separate offences. Thirty-seven cannot be reproduced from the Act. Read 32 throughout, as in Volumes 1, 2 and 4 and in the two petitions. Page 67 describes *Thippeswamy v. State of Karnataka*, (1983) 1 SCC 194, as a case under the U.P. Excise Act. Read instead: a prosecution under section 304A of the Indian Penal Code, in which the accused pleaded guilty and was fined; when the High Court, on the State's appeal and acting on the plea, added a year's imprisonment, the Supreme Court held that inducing a plea by an assurance of leniency and then enhancing the sentence violates Article 21, and that an appellate court which finds the sentence too low must set aside the conviction and remit the case for trial.

Editorial note · 8 November 2026

A comparative source, as published

Footnotes 7 and 34 of the research note (December 2025) cite G. Paolini, E. Kantorowicz-Reznichenko and S. Voigt, *Plea bargaining procedures worldwide: drivers of introduction and use*, ILE Working Paper Series No. 75, Institute of Law and Economics, University of Hamburg (2023). The study has since been published, revised, as "Plea Bargaining Procedures Worldwide: Drivers of Introduction and Use", *Journal of Empirical Legal Studies*, vol. 22, no. 1 (2025), pp. 27–75 (open access, doi:10.1111/jels.12406). The note is reproduced as published and is not altered here; this page records how the 2026 volumes use the source.

The study surveys 174 jurisdictions, finds a formalised plea-bargaining procedure in 101, and computes for 52 of them the share of all criminal convictions in 2019 obtained by plea (guilty pleas serving as the proxy in common-law systems). The share ranges from almost nil to nearly 99%, with a median of about 43%; India's, computed from NCRB data, was about 1%.

The 0.11% plea-bargaining rate beside footnote 34 is not taken from the study: it is Team Satyug's own computation of plea disposals over all cases before the courts, a different measure from the study's. The statement that 90% of cases in developed countries end by plea before trial should be read as referring to the developed common-law systems with functioning trial courts, where the study supports it on its own measure: in 2019 the share of convictions obtained by plea was 97.9% in the United States (federal courts), 97.7% in New Zealand, 91.9% in Ireland, 90.5% in Australia and 84.5% in the Crown Court of England and Wales. It does not hold for developed countries generally, since the civil-law systems of Germany, France and Italy recorded about 1%, 14% and 24%; and the figures are shares of convictions, not of all cases. The study reports associations across countries and does not measure perjury enforcement, so it cannot show that stronger perjury laws would raise plea rates.

For the use made of the published study in the present proposal, read Volume 1 (Chapters I, II, III, V and VII, and the section "External Validation: What Foreign Evidence Establishes, and What It Does Not") and Volume 3 (Sections 2, 5, 8 and 9 and Appendix D). Where this volume differs from them, the later volumes govern.

Comprehensive Policy Analysis on

Prevention of False Statement and Obstruction of Justice *(Satyug)* Bill

to expedite Justice Delivery

India faces 20 times more court case trials than it should due to rampant false denials

Failure of Perjury and Plea-Bargaining Law



सत्यमेव जयते नानृतं सत्येन पन्था विततो देवयानः।
येनाक्रमन्त्यृषयो ह्याप्तकामा यत्र तत् सत्यस्य परमं निधानम् ॥
- Mundaka Upanishad (3.1.6)

POLICY LABS FOUNDATION.in TEAM सतयुग

26 Dec, 2025 (v5.3)

Grateful acknowledgements

Justice Sanjay Kishan Kaul (Former Supreme Court Judge)

Justice Mukul Mudgal (Former Chief Justice, Punjab and Haryana High Court)

Shri Saurabh Goel (Additional District Judge)

Shri Arun Mohan (Sr. Advocate)

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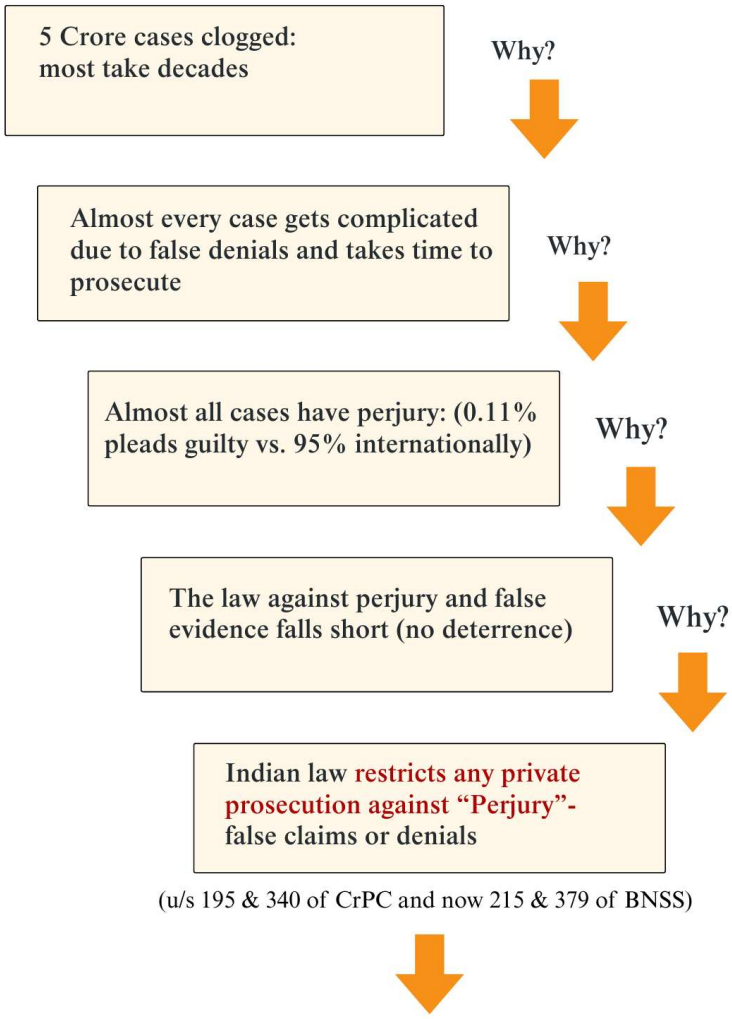
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ROOT CAUSE FOR 5 CRORE PENDING COURT CASES



These procedural laws restrict any court (including civil or criminal courts) or even police from taking cognizance of any complaint for false evidence or perjury and related offences

"...Perjury has also become a way of life in the law courts. A trial Judge knows that the witness is telling a lie and is going back on his previous statement, yet he does not wish to punish him or even file a complaint against him. He himself has to sign the complaint. This deters him from filing the complaint..."

- Hon'ble Supreme Court in *Swaran Singh vs. State of Punjab {(2000) 5 SCC 668}* on why perjury is not taken seriously.

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37 INOPERATIONAL / UNPUNISHABLE LAWS UNDER BNSS 215 (Erstwhile CrPC 195)

Courts can act only if the complaint was filed by public officer themselves, blocking victims from seeking justice.

1 FALSE EVIDENCE AND PERJURY

(Sections 229–233 of BNS)

Covers lying under oath, fabricating or using false evidence, and pressuring witnesses.

Section	Offence Description
229	Punishment for False Evidence
230	Giving or fabricating false evidence to procure conviction of capital offence
231	Giving or fabricating false evidence to procure conviction of life imprisonment
232	Threatening any person to give false evidence
233	Using evidence known to be false

2 PUBLIC JUSTICE OFFENCES

(Sections 242–248, 267 of BNS)

Undermines court processes

Section	Obstruction Type
242	False personation in proceedings
243–244	Fraudulent concealment or claim to property to prevent execution
246	Making false claims in court
248	Filing false criminal charges
267	Intentional insult or interruption to public servant in court proceedings

3 CONTEMPT OF PUBLIC AUTHORITIES

(Sections 206-223 of BNS)

Common in admin/investigation abuse.

Obstruction Type
Absconding to avoid summons
Hiding or faking documents
Giving false information to authorities
Giving false statement under oath causing public servant to act wrongfully

Non- Cognizable in Nature

No FIR or suo moto police investigation can be launched. Cognizance can only be taken upon a formal complaint lodged by the court itself.

What's the Issue with BNSS 215 / CrPC 195?

- Victims can't file complaints
- Falsehoods go unchecked
- Justice gets delayed or denied

EXECUTIVE SUMMARY

India, surprisingly, does not have a strict law against perjury (lying in courts including false denials)! This fosters a culture of dishonesty in the legal system resulting in elongated legal battles, abysmally low convictions, proliferation of crime, and eventually a corrupt society.

Indian justice system is clogged with 5 crore pending cases

Compared to developed nations, India faces 20 times more court cases, with each case taking 10 times longer; largely due to rampant false testimony and legal exploitation. Property squatters, frivolous matrimonial disputes, and criminals routinely abuse the system, using delays as a shield against justice.

A New Anti-Perjury Law - to fast-track justice and resolve 5 crore backlogs

- **Ending the practice of casual false denials in court-** False denials drags the cases to resolve in decades and with fear of lying and severe consequences, it will leave no alternative but to settle or plead guilty.
- **Speedy resolution of cases with new plea-bargaining procedure**- By using modern game theory (like other developed counties i.e. USA, UK, Europe, Canada and Australia)
- **Stopping criminals to interfere with public justice -** By removing the restriction in BNSS 215 on the core 37 laws including perjury in line with developed countries.

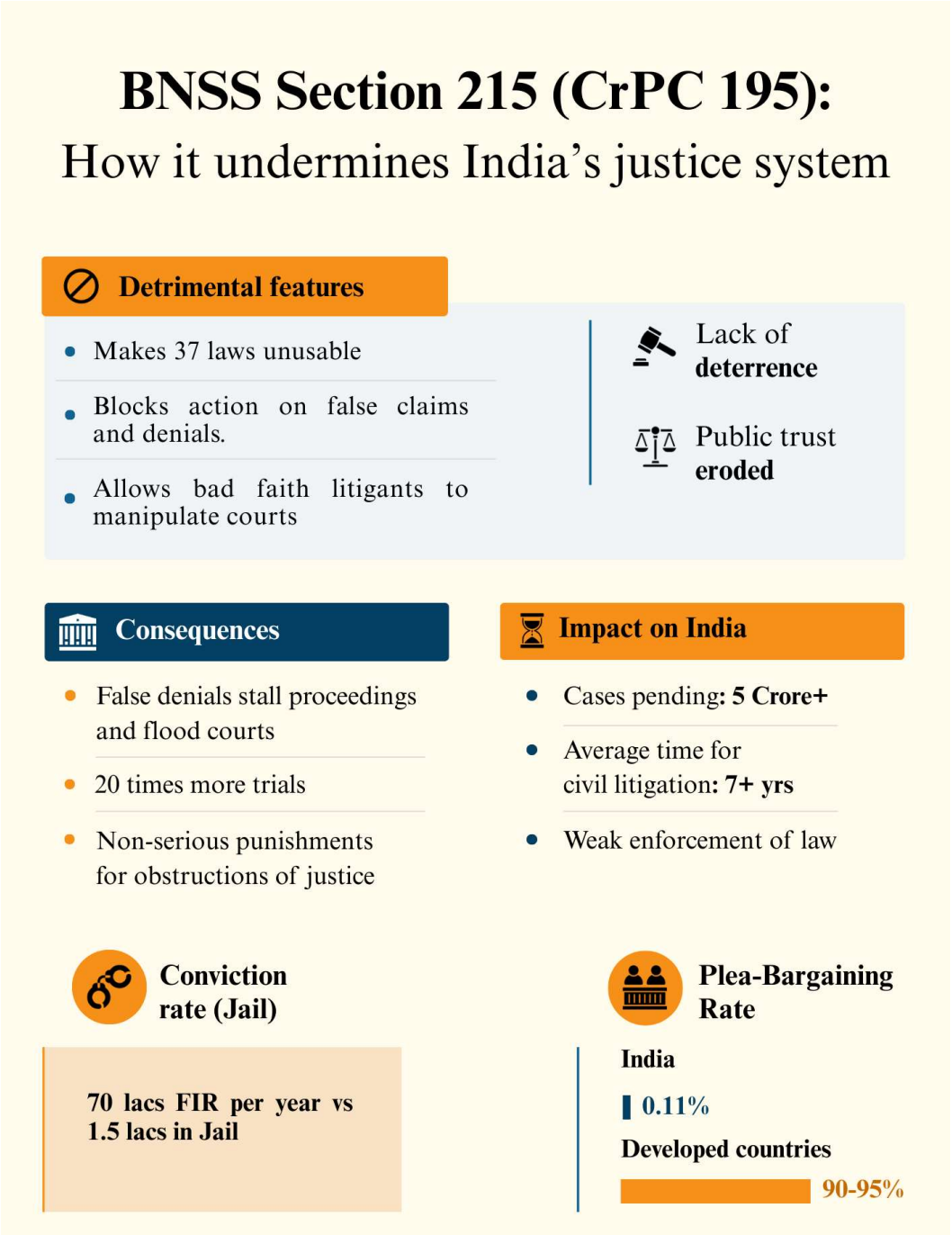
Making courts 20 times efficient and turning India into a developed society

- **Improving the guilty plea resolution rate -** From 0.11% to 95%,
- **Improving the Conviction rate** - From 1% to over 80% (matching the world's best)

The proposed bill will allow the Legal profession to contribute a larger share of the Indian economy from current 0.5% to about 2% of GDP[1], bringing it in line with the international norms. It realigns the incentives from time based to value-based compensation while strengthening the professional ethics.

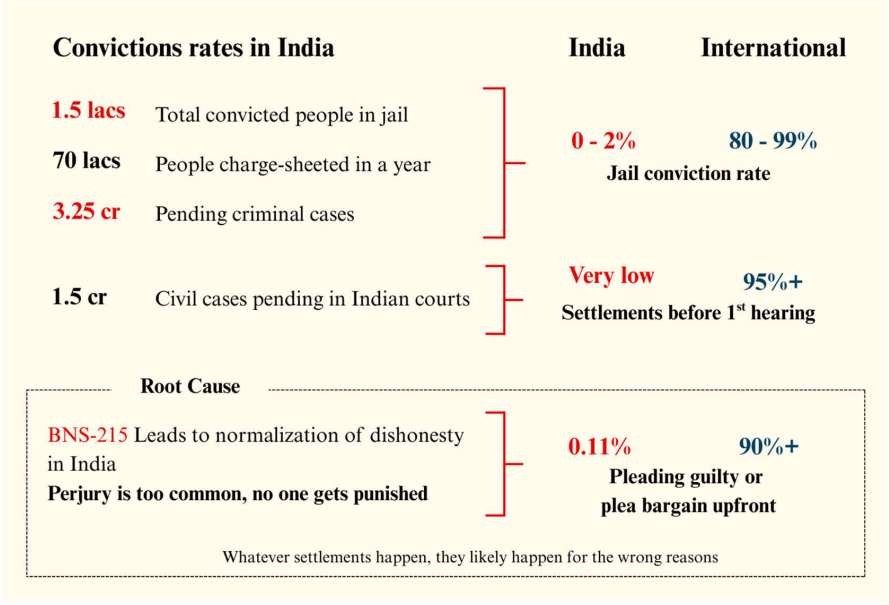
A proposal by Policy Labs Foundation - a policy think tank based in New Delhi consisting of legal professionals, social activists, and technologists that have been involved in bringing other reforms like Right to information, Judicial transparency and Innovation policies in India.

[1] Cost of pendency of cases could be as high as 1.5% of GDP: Harish Narasappa, https://www.business-standard.com/article/opinion/cost-of-pendency-of-cases-could-be-as-high-as-1-5-of-gdp-harish-narasappa-116081400774


BNSS Section 215 (CrPC 195):
How it undermines India's justice system
Detrimental features
Makes 37 laws unusable
Blocks action on false claims and denials.
Allows bad faith litigants to manipulate courts
Lack of deterrence
Public trust eroded
Consequences
False denials stall proceedings and flood courts
20 times more trials
Non-serious punishments for obstructions of justice
Impact on India
Cases pending: 5 Crore+
Average time for civil litigation: 7+ yrs
Weak enforcement of law
Conviction rate (Jail)
70 lacs FIR per year vs 1.5 lacs in Jail
Plea-Bargaining Rate
India
0.11%
Developed countries
90-95%

1. BASIS OF THE BILL

India is burdened with 5 Cr pending court cases[2] and more are getting added every day. This issue has been highlighted by our Prime Minister[3] and Chief Justice of India[4] multiple times. To take India to a faster growth path, trust in the justice system is necessary. The average time to dispose of a case takes around 13.5 years[5] with cases going as long as 40 years[6]. The time for a civil case to reach finality is even higher. A justice system that earns public trust is crucial for national growth. In contrast, international data shows, that in developed countries, 90% of cases get eliminated before trial begins with plea bargaining, and the balance cases get resolved in months.[7] Similarly, 90% civil cases settle before trial due to strong perjury and disclosure laws.



In India, because we turn a blind eye to perjury (false denials), trivialise it and treat it as a

[2] National Judicial Data Grid

[3] https://economictimes.indiatimes.com/news/india/pm-modi-urges-judicial-system-to-adapt-to-technology-for-faster-delivery-of justice/articleshow/112941786.cms

[4] https://www.thehindu.com/news/national/nearly-62000-of-cases-pending-in-high-courts-are-over-30-years- old/article68616991.ece

[5] Supreme Court: Why India's powerful top court is in a 'crisis', https://www.bbc.com/news/world-asia-india-66292895

[6] Supreme Court expresses alarm at criminal appeals pending in high courts for decades, https://www.indiatoday.in/law/story/supreme-court-expresses-alarm-criminal-appeals-pending-high-courts-1945489- 2022-05-04; 'Trial Took 40 Years!', https://www.livelaw.in/top-stories/trial-took-40-years-supreme-court-grants-bail-to- 75-year-old-rape-murder-convict-asks-hc-to-hear-his-appeal-on-priority-238699

[7] Plea bargaining procedures worldwide: Drivers of introduction and use, ILE Working Paper Series, No. 75

petty offence, this attitude drives conviction rates (for imprisonment) down to just 1%, as offenders rarely plead guilty. Every year, 70 lac people are charge-sheeted[8] but still and yet, the total number of convicted prisoners in jail stands at only at a meagre 1.5 lakhs today[9].

The plea-bargaining law introduced in India in 2005 has failed because accused preferred lying their way to acquittal or exhausting victims through systemic delays rather than admitting guilt for reduced sentences. The plea-bargaining rate in India is 0.11%. Due to the ineffective plea-bargaining system in India, nearly 15 times more cases go to trial compared to developed countries. These cases often remain stuck in court, prolonged by tactics such as false testimony, witness tampering, and procedural delays, many of which are effectively enabled, or even legitimized, under Section 215 of the BNSS (formerly Section 195 of the CrPC).

This injustice has become routine in Indian courts, where countless victims and their families suffer without remedy by manipulations of the law through endless perjury. They do not have a right to be a complainant under this unique colonial law inherited by India and its three neighbours but it never existed in the colonial countries themselves.

The harm caused by ignoring perjury (false denials) goes far beyond the courtroom. It spreads through society by making dishonesty seem normal and weakening the fear of law. When people know they won't be punished for lying under oath, they are encouraged to misuse not only the courts but also police investigations, government inquiries, and even personal disputes. This culture of impunity reduces respect for the law and creates a cycle where telling the truth feels like a disadvantage instead of a duty.

This also has a serious impact on victims and their right to justice. With no action taken against those who lie in court, victims are forced to go through long trials, repeated harassment, and are often denied closure. Instead of protecting them, the justice system ends up adding to their suffering. In many other countries, victims are given the right to challenge false evidence and demand punishment for perjury, but in India such rights are still missing because of out-dated colonial laws. Unless these problems are fixed, justice in India will remain more of an ideal than a reality.

[8] Crimes in India, National Crime Records Bureau, Ministry of Home Affairs

[9] World Prison Brief

In spite of numerous precedents and warnings by SC and HC judges, the government fears that removing this restriction will result in an avalanche of cases which will destroy whatever is left of the justice system. Secondly, in countries like India, people will more likely abuse it like 498(a) to file false cases and intimidate witnesses. Thirdly, we may not have sufficient jails because of the rampant perjury.

The answer eventually lies in the Deterrence theory of jurisprudence and the riddle "*If you have 10 flies sitting and you catch one, how many are left? Zero"*

Thus, there is an urgent strategic need for a policy intervention so that -

India enforces severest of penalties, swiftly and without any leniency whatsoever, even on a slightest of lies in courts, on each and every person who helped promote it, knowingly or even recklessly, such that, pleading guilty becomes the preferred option rather than colluding with others to create a web of lies.

Therefore, with the above policy objective in mind Policy Labs has proposed The Prevention of False Statement and Obstruction of Justice *(Satyug)* Bill.


Indian Law on Perjury and its Challenges
HISTORICAL CONTEXT
Colonial leftover - BNSS sec 215 (ex-CrPC sec 195) lets only courts file perjury complaint - shields liars
Narrow scope - Must prove intentional, wilful, deliberate falsehood
Judge-signed complaint - deters action; seen as extra workload
BAR UNDER SEC 215
Contempts of Lawful Authority
BNS 206-223, excl. 209
False Evidence
BNS 229-233, 236, 237
Offences Against Public Justice
BNS 242-248, 267
WHY CHANGE IS NEEDED
Normalizes dishonesty: erodes trust
5 crore pendency: plea bargaining in India ~0, 11% vs >90% in developed countries
Fallout
CASE BACKLOG
CONVICTIONS COLLAPSE
SYSTEMIC CORRUPTION
CHALLENGES
Judges avoid it - fear of flood of cases, misuse, jail shortage
"Perjury is a way of life" - Supreme court in Swaran Singh vs. State of Punjab {(2000) 5 SCC 668}
Majority of cases have falsehood; affidavits meaningless
Encourages delay - lawyers & litigants benefit from dragging cases
Plea bargaining crippled - India 0.11% vs 90-99% in developed nations
REFORM DIRECTION
New definition of false evidence and obstruction of justice
Courts can take cognizance with prima facie proof
Allowing private prosecutions
Setting min & max sentences; enforce strictly
Enabling restitution & punitive damages in cases of perjury
OUTCOME TARGET
90% conviction rate
80%+ false case reduction
Justice speed x20

PERJURY

2. INDIAN LAW ON PERJURY AND ITS CHALLENGES

Perjury, *"an act or an instance of a person's deliberately making materially false or misleading statements while under oath",*[10] though not defined under Indian statutes is a crime referred to as 'False evidence'. The offence of false evidence is dealt in Chapter XIV of the *Bharatiya Nyaya Sanhita*, 2023 (hereinafter referred to as 'BNS'). The said chapter is titled 'False Evidence and Offences Against Public Justice'.

Section 227 [11] of Chapter XIV of BNS deals with the offence of giving false evidence which is when a person who is under oath or express provisions of law required stating the truth, makes a false statement or any statement that the said person does not believe to be true is known as giving false evidence. The punishment for giving such false evidence before a judicial proceeding is up to 07 (seven) years and a fine as enumerated in Section 229[12] of BNS. The said offence is non-cognizable, meaning thereby that the said offence can neither be investigated upon nor an FIR registered by the police without express permission or direction from the court.

The procedure for registering and investigating the offence of Perjury is enumerated in Section 379 and 215 of the *Bharatiya Nagarik Suraksha Sanhita* (hereinafter referred to as 'BNSS') (earlier 340 and 195 CrPC) which is reproduced herein below for ready reference:

> *"**Section 215. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.***
>
> *(1) No Court shall take cognizance—*

[10] Black's Law dictionary

[11] 227 BNS- Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

[12] 229 BNS- Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine which may extend to ten thousand rupees.

(a) (i) of any offence punishable under sections 206 to 223 (both inclusive but excluding section 209) of BNS or

(ii) of any abetment of, or attempt to commit, such offence; or

(iii) of any criminal conspiracy to commit such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate or of some other public servant who is authorised by the concerned public servant so to do;

(b) (i) of any offence punishable under any of the following sections of the BNS, namely, sections 229 to 233 (both inclusive) 236, 237, 242 to 248 (both inclusive) and 267, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court; or

(ii) of any offence described in sub-section (1) of section 336, or punishable under sub-section (2) of section 340 or section 342 of the BNS, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court; or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii),

except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.

(2) Where a complaint has been made by a public servant or by some other public servant who has been authorised to do so by him under clause (a) of sub-section (1), any authority to which he is administratively subordinate or who has authorised such public servant, may, order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint:

Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

(3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central or State Act if declared by that Act to be a Court for the purposes of this section.

(4) For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the Principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate:

Provided that— (a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate; (b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed."

Section 379 of BNSS is herein reproduced below:

"379. Procedure in cases mentioned in Section 215 of BNSS.

1. When upon an application made to it in this behalf or otherwise any Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 215, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary, -

a) record a finding to that effect;

b) make a complaint thereof in writing;

c) send it to a Magistrate of the first class having jurisdiction;

d) take sufficient security for the appearance of the accused before such Magistrate, or

e) if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and

f) bind over any person to appear and give evidence before such Magistrate.

2. The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub- section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of Section 215.

3. A complaint made under this section shall be signed, -

a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing on this behalf.

4. In this section, "Court" has the same meaning as in Section 215."

A plain reading of Sections 215 and 379 of the BNSS reveals that they prohibit courts from taking cognizance of perjury offences except upon a complaint filed by the court itself, thereby preventing aggrieved parties from seeking direct recourse. This restriction often serves to protect false witnesses and undermines genuine efforts to prosecute perjury, as it places the entire responsibility on the court's initiative.

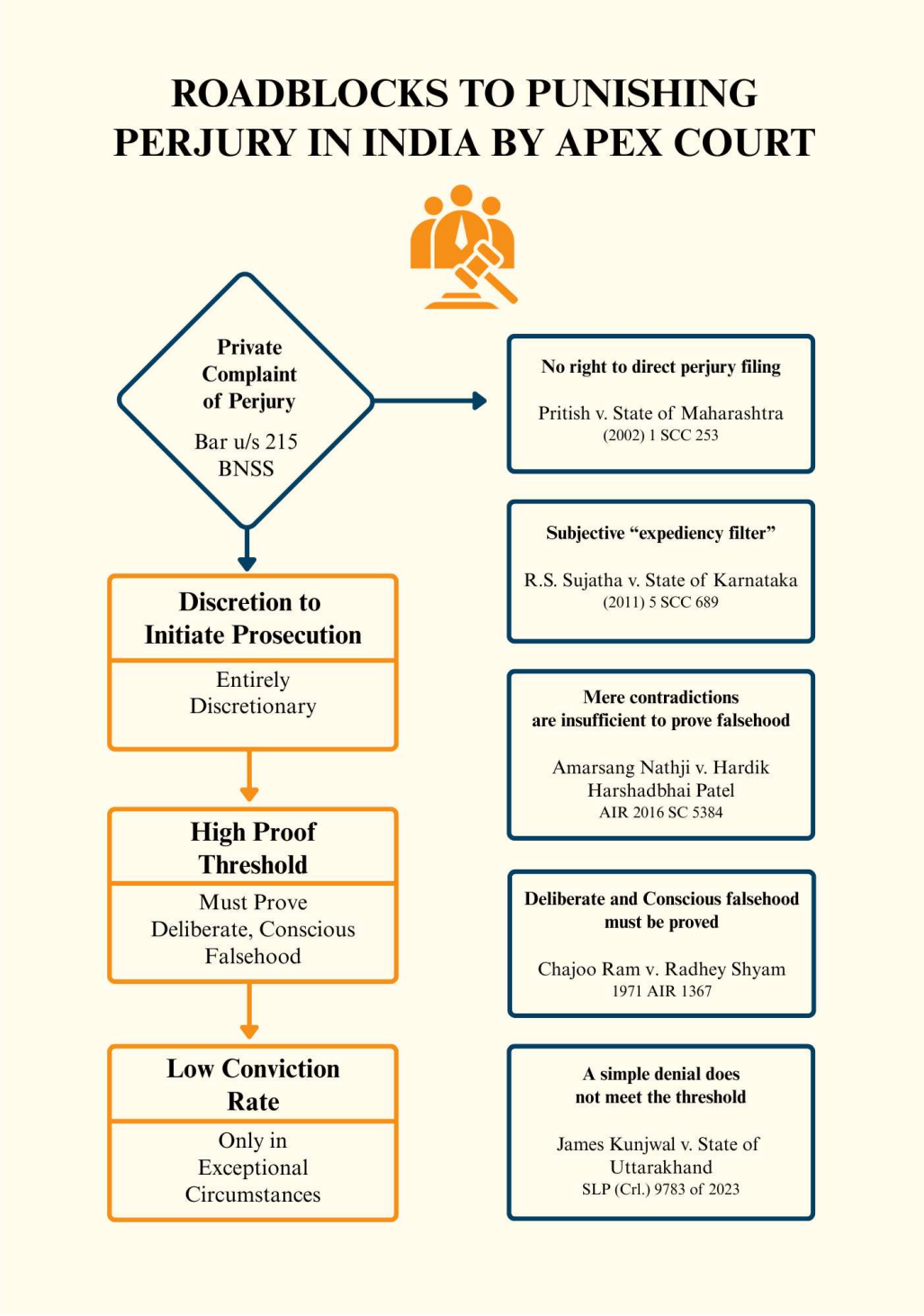
It is important to highlight that Section 215 imposes similar restrictions not only on offences of perjury but also on several other provisions. The table below enumerates all the sections to which these limitations apply:

Section	BNS - OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS
206	Absconding to avoid service of summons or other proceeding.
207	Preventing service of summons or other proceeding, or preventing publication thereof.
208	Non-attendance in obedience to an order from public servant.
210	Omission to produce document or electronic record to public servant by person legally bound to produce it.
211	Omission to give notice or information to public servant by person legally bound to give it.
212	Furnishing false information.
213	Refusing oath or affirmation when duly required by public servant to make it.
214	Refusing to answer public servant authorised to question.
215	Refusing to sign statement.
216	False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation.
217	False information, with intent to cause public servant to use his lawful power to injury of another person
218	Resistance to taking of property by lawful authority of a public servant.
219	Obstructing sale of property offered for sale by authority of public servant
220	Illegal purchase or bid for property offered for sale by authority of public servant.
221	Obstructing public servant in discharge of public functions.
222	Omission to assist public servant when bound by law to give assistance
223	Disobedience to order duly promulgated by public servant.

Section	BNS- OF FALSE EVIDENCE
229	Punishment for false evidence.
230	Giving or fabricating false evidence with intent to procure conviction of capital offence
231	Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.
232	Threatening any person to give false evidence
233	Using evidence known to be false.
236	False statement made in declaration which is by law receivable as evidence.
237	Using as true such declaration knowing it to be false.

Section	BNS- OF OFFENCES AGAINST PUBLIC JUSTICE
242	False personation for purpose of act or proceeding in suit or prosecution.
243	Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.
244	Fraudulent claim to property to prevent its seizure as forfeited or in execution.
245	Fraudulently suffering decree for sum not due.
246	Dishonestly making false claim in Court.
247	Fraudulently obtaining decree for sum not due
248	False charge of offence made with intent to injure
267	Intentional insult or interruption to public servant sitting in judicial proceeding.

Section	BNS- OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS
336(1)	Forgery.
340(2)	Forged document or electronic record and using it as genuine
342(2)	Counterfeiting device or mark used for authenticating documents described in section 338, or possessing counterfeit marked material.


ROADBLOCKS TO PUNISHING PERJURY IN INDIA BY APEX COURT
Private Complaint of Perjury
Bar u/s 215 BNSS
No right to direct perjury filing
Pritish v. State of Maharashtra
(2002) 1 SCC 253
Discretion to Initiate Prosecution
Entirely Discretionary
Subjective "expediency filter"
R.S. Sujatha v. State of Karnataka
(2011) 5 SCC 689
Mere contradictions are insufficient to prove falsehood
Amarsang Nathji v. Hardik Harshadbhai Patel
AIR 2016 SC 5384
High Proof Threshold
Must Prove Deliberate, Conscious Falsehood
Deliberate and Conscious falsehood must be proved
Chajoo Ram v. Radhey Shyam
1971 AIR 1367
Low Conviction Rate
Only in Exceptional Circumstances
A simple denial does not meet the threshold
James Kunjwal v. State of Uttarakhand
SLP (Crl.) 9783 of 2023

Judicial precedents on the procedure u/s 379 BNSS (earlier 340 CrPC)

The procedure under Section 340 CrPC has been dealt with in detail by the Hon'ble Supreme Court of India in the case *"Pritish vs State of Maharashtra and Others"* [13] At the first instance, any party or person may move an application under Section 379 of BNSS (earlier section 340 of the CrPC) before the judicial forum where such perjury has been committed. The said judicial forum then must conduct a preliminary enquiry onto the prima facie existence of perjury without serving upon or calling the alleged accused. The accused has no legal right to be heard at this stage. The Apex Court has in the case titled *Pritish* (Supra) held that the application under section 340 of CrPC is comparable to an application under section 154 of CrPC before the police for registration of an FIR wherein the accused until an FIR is registered has no legal right to be heard. The concerned judicial forum must, on the documents before it, decide the existence of perjury. In case the judicial forum/court decides the existence of perjury, the judicial forum must then make a complaint in writing under section 379 of BNSS to the concerned Magistrate of First Class. The said Magistrate shall receive the said complaint under section 382 of BNSS and act upon it under sections 261 to 263 of BNSS. The Magistrate shall examine the complaint, hear the accused, and then make its judicial mind as to whether the allegations are groundless or with ground. The Magistrate may either discharge or charge the accused with the offence of perjury based upon the complaint, documents, and its examination of the accused.

It must be noted that the proceedings under Section 379 BNSS are not meant for individualistic vendetta. It is for the court to decide whether the circumstances require any action or not even in cases where fault has been brought to the notice of court. The expression "court is of opinion that it is expedient in the interests of justice" appearing in Section 379 BNSS indicates the obvious. The Hon'ble High Court of Delhi has given statutory recognition to the above concept by framing a rule in this respect which was published vide Notification No.-127/Rules/DHC dated 14.03.2011. As such, we have to follow the rule as the same is binding. The Hon'ble High Court of Delhi in the case of "*Sanjeev Kumar Mittal vs State"* [14] in its judgment dated 18.11.2010 has clarified the position by observing as: *"The gravity of the offence, the substantiality of the offenders, the calculated manner in which the offence*

[13] Pritish vs State of Maharashtra and Others, (2002) 1 SCC 253

[14] Sanjeev Kumar Mittal vs State, TEST CASE No.19/2004

appears to have been committed, and pernicious influence such conduct will have in the working of the Courts and the very faith of the common man in Courts and the system of the administration of justice, all have been reckoned in arriving at a conclusion that action under Section 340 is fully justified."

Therefore, even false averments in pleadings are sufficient to attract Chapter XI of the Indian Penal Code regardless of whether or not the person has appeared in the witness box.

However, a mere contradictory statement given by a witness in the court proceeding cannot be sufficient to invoke the powers so conferred on the court (reference the Hon'ble Supreme Court in the case **"***Amarsang Nathaji As Himself vs Hardik Harshadbhai Patel***"**[15].)

Necessity of inquiry:

Section 379 BNSS provides for an inquiry to be made before any complaint thereunder is filed by the Court. The Court will normally hold such an inquiry but the section nowhere says that it is mandatory. If the Court is otherwise able to form an opinion about the necessity, it can certainly dispense with the inquiry (reference Hon'ble Supreme Court in the case "*Amarsang Nathaji As Himself vs Hardik Harshadbhai Patel*" in its verdict dated 23.11.2016.

Perjury must appear to be intentional and deliberate; mere inaccuracy or a false statement won't result in a prosecution under Section 340 CrPC (379 BNSS).

The Hon'ble Supreme Court of India, in the case "*Chajoo Ram v. Radhey Shyam and Another*"[16] observed as

> *"the prosecution for perjury should be sanctioned by courts only in those cases where the perjury appears to be deliberate and conscious and the conviction is reasonably probable or likely. No doubt, giving false evidence and filing false affidavits is an evil that must be effectively curbed with a strong hand but to start prosecution for perjury too readily and too frequently without due care and caution and on inconclusive and doubtful material defeats its very purpose.*
>
> *Prosecution should be ordered when it is considered expedient in the*

[15] Amarsang Nathaji As Himself vs Hardik Harshadbhai Patel, AIR 2016 SC 5384

[16] Chajoo Ram v. Radhey Shyam and Another, 1971 AIR 1367,SCR 172

> *interest of justice to punish the delinquent and not merely because there is some inaccuracy in the statement which may be innocent or immaterial. There must be a prima facie case of deliberate falsehood on a matter of substance and the court should be satisfied that there is reasonable foundation for the charge. In the present case, we do not think the material brought to our notice was sufficiently adequate to justify the conclusion that it is expedient in the interests of justice to file a complaint. The approach of the High Court seems somewhat mechanical and superficial: it does not reflect the requisite judicial deliberation…"*

Similarly, in the case "*Amarsang Nathaji v. Hardik Harshadbhai Patel*" (2017) the Hon'ble Court has held that,

> *"the mere fact that a person has made a contradictory statement in a judicial proceeding is not by itself always sufficient to justify a prosecution under Sections 199 and 200 of the IPC; but it must be shown that the defendant has intentionally given a false statement at any stage of the judicial proceedings or fabricated false evidence for the purpose of using the same at any stage of the judicial proceedings.*
>
> *Even after the above position has emerged, still the court has to form an opinion that it is expedient in the interests of justice to initiate an inquiry into the offences of false evidence and offences against public justice more specifically referred to in Section 340(1) CrPC, having regard to the overall factual matrix as well as the probable consequences of such a prosecution.[17] The court must be satisfied that such an inquiry is required in the interests of justice and appropriate in the facts of the case."*

Likewise, in the case "*Aarish Asgar Qureshi vs Fareed Ahmed Qureshi*"[18] both of the aforesaid judgments were referred to and relied upon with approval in "*R.S. Sujatha vs. State of Karnataka and Others*",[19] wherein after referring to aforesaid judgments, concluded:

[17] K.T.M.S. Mohd. v. Union of India (1992) 3 SCC 178

[18] Aarish Asgar Qureshi vs Fareed Ahmed Qureshi, AIRONLINE 2019 SC 1802

[19] R.S. Sujatha vs. State of Karnataka and Others, 5 (2011) 5 SCC 689

> "*thus, from the above, it is evident that the inquiry/ contempt proceedings should be initiated by the court in exceptional circumstances where the court is of the opinion that perjury has been committed by a party deliberately to have some beneficial order from the court. There must be grounds of a nature higher than mere surmise or suspicion for initiating such proceedings. There must be distinct evidence of the commission of an offence by such a person as mere suspicion cannot bring home the charge of perjury. More so, the court has also to determine as on facts, whether it is expedient in the interest of justice to inquire into the offence which appears to have been committed."*

Therefore, from a reading of these judgments, there should be something deliberate- a statement should be made deliberately and consciously which is found to be false as a result of comparing it with unimpeachable evidence, documentary or otherwise.

The Constitution Bench of Hon'ble Supreme Court in the case **"***Iqbal Singh Marwah vs Meenakshi Marwah***"**,[20] clarified that the bar of Section 195 CrPC would be attracted only when the offences enumerated in the said provision have been committed with respect to a document after it has been produced or given in evidence in a proceeding in any court. It is therefore clear that if an offence of forgery has already been committed in respect of a document and there after the said document is produced before the Court, Section 195 CrPC would not bar an independent prosecution and as such, there will be no need to consider the matter under section 340 CrPC.

In the case of *Mohammed Ibrahim & Ors vs. State of Bihar & Anr (2009)*[21], the Hon'ble Supreme Court established a critical distinction between "forgery" and "false documents." The Court held that if a person executes a sale deed claiming to be the owner of a property they do not actually own, but they sign the document in their own name (without impersonating anyone), they have not made a "false document". The document is "genuine" in its execution (because the signer is who they say they are), even though its contents (the claim of ownership) are "false." Therefore, such an act constitutes a false statement or a civil dispute, but it does not amount to Forgery (Section 463/464 IPC).

[20] Iqbal Singh Marwah vs Meenakshi Marwah, (2005) 4 SCC 370

[21] Mohammed Ibrahim & Ors vs. State of Bihar & Anr (2009) 8 SCC 751

Further the Hon'ble Supreme Court in "*M/S Bandekar Brothers Pvt. Ltd.& Anr. vs Prasad Vassudev Keni etc."*[22] differentiated between the offences mentioned in Section 195(1)(b)(i) and Section 195(1)(b)(ii) of the CrPC. The court noted*;*

> *"...what is conspicuous by its absence in Section 195(1)(b)(ii) are the words "or in relation to", making it clear that if the provisions of Section 195(1)(b)(ii) are attracted, then the offence alleged to have been committed must be committed in respect of a document that is custodia legis. Whereas Section 195(1)(b)(i) applies to offences against public justice which are committed not only in any proceeding in any court, but also "in relation to" such proceeding. The court observed that even though the false evidence was created outside of the Court, it was by the appellants' own admission, created "in relation to" proceedings before the Court."*

The offences of perjury come under the purview of false evidence vis-a-vis making provisions of Section 215(1)(b)(i) applicable. In conclusion, there is an absolute bar for the offences related to perjury. Moreover, the procedure for appeal is enumerated in Section 380 of the BNSS. Section 380 of BNSS is reproduced herein below for ready reference:

380-Appeal-

> *"(1)- Any person on whose application any Court other than a High Court has refused to make a complaint under sub-section (1) or sub-section (2) of section 379, or against whom such a complaint has been made by such Court, may appeal to the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 215, and the superior Court may thereupon, after notice to the parties concerned, direct 2 the withdrawal of the complaint or, as the case may be, making of the complaint which such former Court might have made under section 379, and if it makes such complaint, the provisions of that section shall apply accordingly.*
>
> *(2) An order under this section and subject to any such order, an order under Section 379, shall be final, and shall not be subject to revision."*

[22] M/S Bandekar Brothers Pvt. Ltd.& Anr. vs Prasad Vassudev Keni etc., AIR 2020 SC 4247

PERJURY IN THE DEVELOPED COUNTRIES

USA	Australia	UK	Canada
Statutes			
18 USC ● § 1621 - Perjury ● § 1622 - False declarations ● § 1623 - Perjury in Judicial context ● § 1001 - False statements ● § 1505 - Obstruction of Justice	**Crimes Act 1900 in South Wales** ● 327 - Offence of Perjury ● 328 - Perjury with intent to get conviction or acquittal ● 04 - Information provided for conviction ● 331 - Making contradictory statements on oath **Criminal Code 1899 in Queensland** ● 123 - Perjury Obstruction of Justice.	**Perjury Act 1911 Elements** ● Section 2 (1) Chapter 6 - Willfully makes false statement ● Section 2 (2) Chapter 6 - Willfully uses any false affidavit ● Common Law Offence - Perverting the Course of Justice (Obstruction of Justice	**Criminal Code of Canada** ● Section 131(1) - Administration of law and Justice Part IV of offences against perjury ● Section 131(2) - Penalties for perjury ● Section 139 - Obstructing Justice
Penalties			
5 to 7 years imprisonment	Up to 14 years imprisonment	7 years imprisonment	Up to 14 years imprisonment

3. PERJURY COMPARED INTERNATIONALLY

1. United States

Perjury is a serious offense in the United States legal system and is defined under Sections 1621 and 1623 of Title 18 of the U.S. Code. Section 1621 outlines the offense of perjury, which involves knowingly making false statements under oath in any proceeding before legislative, administrative or judicial bodies. Section 1623 of Title 18 addresses false declarations before grand juries, courts, and other federal tribunals. It slightly differs from Section 1621 and includes a provision about inconsistent statements.

Section 1621 and 1623 are provided below for the reference:

> ***"§ 1621. Perjury generally Whoever—*** *(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, wilfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.*
>
> ***§ 1623. False declarations before grand jury or court-***
>
> *(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the*

same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years or, if such proceedings are before or ancillary to the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review established by section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), imprisoned not more than ten years, or both.

(b) This section is applicable whether the conduct occurred within or without the United States.

(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

(1) each declaration was material to the point in question, and

(2) each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

> *(e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence."*

Testimonial Perjury Generally:

Conviction under Section 1621(1) requires not only that the defendant knew his statement was false ("which he does not believe to be true"), but that his false statement is "wilfully" presented. The Supreme Court in *United States v. Norris, 300 U.S. 564, 574 (1937)* has indicated that perjury consists of "deliberate material falsification under oath." In *United States v. Kantengwa,* 781 F.3d 545, 553-54 (1st Cir. 2015), the court held that a false statement is "material in a criminal prosecution for perjury under § 1621(a) if it is material to any proper matter of the decision-maker's inquiry," and a statement is material, "if it is capable of influencing the tribunal on the issue before it".

Section 1621(1) further requires compliance with the common law "two-witness rule" to establish that a statement is false. Under the rule, "the uncorroborated oath of one witness is not sufficient to establish the falsity of the testimony of the accused as set forth in the indictment as perjury." Thus, the court in "*Weiler v. United States"*, 323 U.S. 606, 607 (1945) has held that the conviction under Section 1621(1) must compel the government to "establish the falsity of the statement alleged to have been made by the defendant under oath, by the testimony of two independent witnesses or one witness and corroborating circumstances.

Perjury in Judicial Context:

§1623 provides for federal perjury charges when whosoever knowingly makes false statements after taking an oath or swearing to testify honestly under penalties of perjury. However, this statute specifically addresses perjury in the context of federal court proceedings and federal grand jury proceedings. To prove perjury under this Section, it must be established that "the defendant (1) knowingly made a (2) false (3) material declaration (4) under oath (5) in a proceeding before or ancillary to any court or grand jury of the United States.

Furthermore, Section 1623(c) permits a conviction in the case of two mutually inconsistent

declarations without requiring proof that one of them is false. Conviction does require a showing, however, that the two statements were made under oath.

Subornation of Perjury:

Section 1622 deals with procuring or inducing another to commit perjury: "Whoever procures another to commit any perjury is guilty of subornation of perjury and shall be fined under this title or imprisoned for not more than five years, or both.". It consists of two elements – (1) an act of perjury committed by another (2) induced or procured by the defendant. Perjury under either Section 1621 or Section 1623 will support a conviction for subornation under Section 1622, but proof of the commission of an act of perjury is a necessary element of subornation.

False Statements:

§ 1001 makes it a crime to "knowingly and wilfully…make any materially false, fictitious, or fraudulent statement or representation" in the course of "any matter within the jurisdiction of the executive, legislative, or judicial branch" of the federal government. There's no requirement that the statement be under oath.

Section 1001's false statement element is in fact three alternative elements that encompass concealment, false statements, and false writings. Section 1001 requires that the defendant acted "knowingly and wilfully", it requires that the defendant knew or elected not to know that the statement, omission, or documentation was false and that the defendant presented it with the intent to deceive.

Punishment:

As a general rule, perjury convictions under any of the aforementioned statutes all carry a maximum federal prison sentence of five years. There are no minimum prison sentences for perjury convictions. Furthermore, if a perjury offense involves international or domestic terrorism, or certain other circumstances, the maximum federal prison sentence may increase to eight years.

Rule 11 Sanctioning:

Rule 11 of the Federal Rules of Civil Procedure is intended to combat the delay and high cost associated with modern litigation by deterring frivolous pleadings.

As per Rule 11 of U.S. Federal Rules it provides that a district court may impose sanction on attorneys or parties who submit improper pleadings like pleadings with improper purpose, containing frivolous arguments, facts or arguments that have no evidentiary support and errors misleading the court, baseless or unreasonable denials with non- application of mind, negligence without due justification, etc.

Rule 11 requires an attorney to make an objectively reasonable inquiry into the facts and law prior to filing and to refrain from pursuing an action that is not objectively reasonable based on the facts. Failure to meet these requirements can trigger sanctions against the offending parties and their attorneys.

More particularly, Rule 11(b)(2), mandates that in any filing the attorney certifies that the attorney made a reasonable inquiry that the claims, defences, and other legal contentions are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law. If a court determines that Rule 11 has been violated, it has the discretion to impose appropriate sanctions, which can include monetary fines, non-monetary directives, or other measures deemed just by the court. The purpose of Rule 11 is to deter improper conduct, promote the efficient administration of justice, and protect the integrity of the legal process.

The table below outlines the scope of perjury laws in the USA with respect to elements; oath, intent, knowledge, omission, materiality and misleading. The sections highlighted in green indicate areas where the legal scope has been expanded to cover broader conduct or circumstances.

USA	1623 in Courts	1621 on oath	1001 - Statements	Obstruction of Justice (18 U.S.C. § 1503)
Oath	Mandate formal oath settings is limited to federal court/grand jury contexts .	Applies broadly (any authorized oath)	Doesn't require an oath	No oath is required. § 1503 covers sworn and unsworn acts (e.g., lying to a grand jury, intimidating a witness, or shredding documents) Applies to pending federal judicial proceedings (e.g., trials, grand jury investigations) but not

3. PERJURY COMPARED INTERNATIONALLY

USA	1623 in Courts	1621 on oath	1001 - Statements	Obstruction of Justice (18 U.S.C. § 1503)
				informal investigations unless linked to a proceeding Includes the "omnibus clause," which broadly prohibits any act that corruptly obstructs justice (e.g., false statements to influence a proceeding).
Intent	It requires only that the defendant was aware the statement was false when made, without necessarily proving a deliberate intent to deceive the tribunal. Knowingly - easiest to prove Lower threshold facilitates prosecutions Allows prosecution for irreconcilably inconsistent statements without proving which is false, further easing the intent burden.	Wilful has the strictest intent threshold. The defendant deliberately and intentionally provided false testimony with the purpose of deceiving	Knowingly and wilfully The "wilfully" component still requires intent to deceive, but it's less stringent than § 1621 because it applies to a broader range of contexts (sworn or unsworn) and doesn't require the same level of deliberate perjurious intent.	Courts interpret "corruptly" as requiring knowledge that the act would likely obstruct justice, but it's less stringent than § 1621's "wilfully" because it focuses on the obstructive purpose, not necessarily falsity
Knowledge	Inconsistent declaration provision reduces the	Yes	Yes	Defendant must know their act is likely to affect a pending judicial proceeding (*United States*

3. PERJURY COMPARED INTERNATIONALLY

USA	1623 in Courts	1621 on oath	1001 - Statements	Obstruction of Justice (18 U.S.C. § 1503)
	Need to prove which statement is false. Needs only to show awareness of falsity or inconsistency, not a purposeful intent to mislead.			*v. Aguilar, 1995*). This requires a "nexus" between the act and the proceeding, but not necessarily knowledge of the proceeding's exact nature. Unlike perjury, knowledge of falsity is not always required (e.g., for non-statement acts like evidence destruction).
Omissions	Cover omissions that create false impressions under oath but are less focused on this		Explicitly covers concealment/omissions with a duty to disclose	Omissions can constitute obstruction if they intentionally conceal information to impede justice (e.g., failing to produce subpoenaed documents with obstructive intent). This is broader than perjury's limited omission coverage.
Materiality	Yes	Yes	Yes	No explicit materiality requirement in § 1503, unlike perjury. The act must have a "natural and probable effect" of obstructing justice, but it need not succeed or materially alter the proceeding
Misleading	Covers inconsistent statements no need to prove falsity	Requires falsity	Is broader, potentially covering misleading half-truths or implied falsehoods.	Misleading or literally true statements can violate § 1503 if they are made with corrupt intent to obstruct (e.g., evasive testimony to mislead a grand jury). Unlike perjury, falsity is not required; the focus is on the obstructive effect

2. Australia

Perjury in New South Wales

In New South Wales, perjury is defined under Section 327 of the Crimes Act 1900 as knowingly making a false statement under oath or affirmation in or in connection with judicial proceeding, where the statement is relevant to the proceeding. To establish perjury, authorities must demonstrate that the accused, under oath, intentionally made false statements with the aim of affecting the court proceeding. The term 'judicial proceeding' encompasses any proceeding before a court, tribunal, or commission where evidence may be given under oath. Section 327 is provided below for the reference:

> ***"327. Offence of perjury***
>
> *1) Any person who in or in connection with any judicial proceeding makes any false statement on oath concerning any matter which is material to the proceeding, knowing the statement to be false or not believing it to be true, is guilty of perjury and liable to imprisonment for 10 years.*
>
> *2) A statement can be considered to have been made in connection with a judicial proceeding whether or not a judicial proceeding has commenced, or ever commences, in connection with it.*
>
> *3) The determination of whether a statement is material to a judicial proceeding that has not commenced is to be made on the basis of any judicial proceeding likely to arise in connection with the statement.*
>
> *4) The question of whether any matter is material to a proceeding is a question of law."*

The Crimes Act 1900 lists perjury and related offences as well as their penalties. They include the following:

Perjury with the intent to get conviction or acquittal-

Section 328 of the Crimes Act 1900 makes it an offence for a person to procure the conviction or acquittal of any person charged with a serious indictable offence by committing perjury. The violator can receive a punishment of up to 14 years' imprisonment.

The offence of falsely swearing on indictment for perjury-

Under Section 4 of the Crimes Act 1900, an indictment includes any information presented or filed as provided by law for the prosecution of offences. Furthermore, Section 329 provides that if on the trial of a person for perjury, the jury is not satisfied that the accused person is guilty of perjury but is satisfied

on the evidence that the accused is guilty of an offence under Section 330, it may find the accused not guilty of the offence charged but guilty of the latter offence and the accused will be liable to punish accordingly.

The offence of false charges not amounting to perjury-

Section 330 of the Crimes Act 1900 provides that a person who makes on oath any false statement knowing the statement to be false or not believing it to be true, and if it is not perjury, is liable to imprisonment for 5 years.

Making contradictory statements on oath-

Section 331 of the Crimes Act 1900 provides that if on the trial of a person for perjury or for an offence under section 330 (False statement on oath not amounting to perjury)—

(a) the trier of fact is satisfied that the accused has made 2 statements on oath and one is irreconcilably in conflict with the other, and

(b) the trier of fact is satisfied that one of the statements was made by the accused knowing it was false or not believing it was true but the trier of fact cannot say which statement was so made, the trier of fact may make a special finding to that effect and find the accused guilty of perjury or of an offence under section 330, as appropriate, and the accused is liable to punishment accordingly.

Perjury in Queensland

In Queensland, perjury is an offence as outlined in section 123 of the Criminal Code 1899 (Qld). Section 123 is provided below for the reference:

"123 Perjury

(1) Any person who in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding, or intended to be raised in that proceeding, is guilty of a crime, which is called "perjury".

(2) It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.

(3) The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if the person assents to the forms and ceremonies actually used.

(4) It is immaterial whether the false testimony is given orally or in writing.

(5) It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given.

(6) It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

(7) The offender cannot be arrested without warrant."

Under this section, the elements of the offence that the prosecution must prove are:

1. The accused has made a false statement (oral or written) under oath or affirmation,
2. The statement was made in any judicial proceeding or for the purpose of instituting any judicial proceeding,
3. The statement concerns any matter that is material to any question in the proceeding or one which is intended to be raised, and
4. The accused made the statement knowing it to be false.

Notably, if a person makes two irreconcilably contradictory statements under oath or affirmation, and the court is unable to determine which statement was falsely made, it will still be able to find the accused guilty of perjury under section 123A where it can still be deemed that the accused made one of the statements knowing it to be false. The Act provides that a person cannot be convicted of committing perjury (or of counselling or procuring the commission of perjury) upon the uncorroborated testimony of one witness under section 125.

A maximum penalty of 14 years' imprisonment is applicable, as per section 124. However, this maximum penalty is raised to imprisonment for life, when the offence is committed in order to procure the conviction of another person for a crime punishable with imprisonment for life.

3. United Kingdom

The Perjury Act 1911 provides that any person lawfully sworn as witness or as an interpreter in any judicial proceeding, wilfully makes a material false statement under oath, or produces any false document or thing, shall be guilty of perjury. The Act defines judicial proceedings as a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath. Section 1 of the Act is provided below for the reference:

> ***"Perjury.***
>
> *1. If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding, which he knows to be false or does not believe to be true, he shall be guilty of perjury, and shall, on conviction thereof on indictment, be liable to penal servitude for a term not exceeding seven years, or to imprisonment . . . for a term not exceeding two years, or to a fine or to both such penal servitude or imprisonment and fine.*
>
> *2. The expression "judicial proceeding" includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.*
>
> *3. Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the*

statement, and to record or authenticate the statement, it shall, for the purposes of this section, be treated as having been made in a judicial proceeding.

4. A statement made by a person lawfully sworn in England for the purposes of a judicial proceeding—

(a) in another part of His Majesty's dominions; or

(b) in a British tribunal lawfully constituted in any place by sea or land outside His Majesty's dominions; or

(c) in a tribunal of any foreign state,

shall, for the purposes of this section, be treated as a statement made in a judicial proceeding in England.

5. Where, for the purposes of a judicial proceeding in England, a person is lawfully sworn under the authority of an Act of Parliament—

(a) in any other part of His Majesty's dominions; or

(b) before a British tribunal or a British officer in a foreign country, or within the jurisdiction of the Admiralty of England;

a statement made by such person so sworn as aforesaid (unless the Act of Parliament under which it was made otherwise specifically provides) shall be treated for the purposes of this section as having been made in the judicial proceeding in England for the purposes whereof it was made.

6. The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court of trial."

Punishment:

The offence of perjury carries a maximum penalty of seven years imprisonment and/or a fine. Aiding, abetting or inciting an offence of perjury is also an indictable offence subject to the same maximum penalty. The Act also provides for the offence of subornation of perjury (section 7), which is the act of inducing another person to commit perjury. Anyone who is

found guilty of subornation of perjury can also be punished with imprisonment for a term not exceeding seven years.

4. Canada

Perjury is covered in Part IV of Offences against the Administration of Law and Justice it may only be tried as an indictable offence. Under the section of the Criminal Code dealing with misleading justice, it is a crime to make false statements under oath or solemn affirmation in a judicial or authorized proceeding.

Section 131 of the Criminal Code of Canada is provided below for the reference:

> ***"131.*** *(1) Subject to subsection (3), every one commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation, by affidavit, solemn declaration or deposition or orally, knowing that the statement is false.*
>
> *Video links, etc.*
>
> *(1.1) Subject to subsection (3), every person who gives evidence under subsection 46(2) of the Canada Evidence Act, or gives evidence or a statement pursuant to an order made under section 22.2 of the Mutual Legal Assistance in Criminal Matters Act, commits perjury who, with intent to mislead, makes a false statement knowing that it is false, whether or not the false statement was made under oath or solemn affirmation in accordance with subsection (1), so long as the false statement was made in accordance with any formalities required by the law of the place outside Canada in which the person is virtually present or heard.*
>
> *Idem*
>
> *(2) Subsection (1) applies, whether or not a statement referred to in that subsection is made in a judicial proceeding.*
>
> *Application*
>
> *(3) Subsections (1) and (1.1) do not apply to a statement referred to in*

either of those subsections that is made by a person who is not specially permitted, authorized or required by law to make that statement."

Punishment:

According to Section 131(2), every person who commits perjury is guilty of an indictable offense and is liable to imprisonment for a term not exceeding fourteen years. To secure a conviction, the Crown prosecutor must convince the court beyond a reasonable doubt that you knowingly made false statements under oath that were intended to deceive. However, a single witness testimony alone is not enough to secure a conviction unless there is corroboration in any form of evidence that supports the witness's testimony in a material particular way. (S.133)

Defences:

1. Perjury as an offence does not apply to statements made where the person is not permitted, authorized or required by law to make the statement (Section 131(3)).

2. It does not apply as an offence where the person does not know the statement they are making under oath, solemn affirmation, solemn declaration or by written affidavit is false and believes themselves to be telling the truth, then they have not have committed the offence of perjury.

Simplifications Adopted by Other Countries

It is a well-established fact that Perjury poses a significant threat to the integrity of judicial systems worldwide. Recognizing the challenges in prosecuting perjury, such as complex legal procedures, high burdens of proof, and procedural safeguards that may inadvertently protect wrongdoers, several countries have implemented reforms to simplify the prosecution process.

United States

1. Simplified Legal Framework

Federal Perjury Statutes: The U.S. has consolidated perjury laws under Title 18 of the United States Code (§§ 1621–1623), which clearly define perjury and streamline the prosecution process.

Two-Witness Rule Modification: Historically, the "two-witness rule"[23] required two witnesses to prove perjury. Modern statutes allow for a conviction based on contradictory statements,[24] simplifying evidentiary requirements.

2. **False Statements Accountability**

18 U.S.C. § 1001: Criminalizes knowingly making false statements to federal officials, even outside of courtroom testimony, broadening the scope for prosecution.

3. **Perjury Traps**

Strategic Questioning: Law enforcement may use "perjury traps" during investigations to elicit false statements, making it easier to charge individuals with perjury.

4. **Materiality Standard**

Broad Interpretation: The materiality of a false statement is interpreted broadly, meaning any falsehood that could influence the proceeding is sufficient for perjury charges.

United Kingdom

1. **Perjury Act 1911**

Unified Legislation: The Act consolidates laws related to perjury, providing clear definitions and penalties, which simplifies prosecution.

2. **Elimination of Complex Procedures**

Direct Prosecution: Prosecutors can initiate perjury charges without needing specific permission from the court where the perjury occurred.[25]

3. **Simplified Proof Requirements**

Single Witness Sufficiency: Conviction can be based on the testimony of a single witness if supported by corroborating evidence, reducing the burden on prosecutors.

[23] The rule is applicable u/s 1621.

[24] Section 1623

[25] Section 6(1) of the Prosecution of Offences Act (POA) 1985

Australia

1. **Standardized Offences**

   Criminal Code Act 1995: Provides a clear and comprehensive definition of perjury and related offenses across federal jurisdictions.

2. **Lowering the Intent Threshold**

   Recklessness Included: The law considers recklessness regarding the truth as sufficient for perjury, not just intentional deceit.

3. **Streamlined Prosecution**

   No Special Sanctions Needed: Prosecutors can bring charges directly without additional court permissions or preliminary inquiries.

Canada

1. **Consolidated Legal Provisions**

   Criminal Code Sections 131–139: Clearly outlines perjury and obstruction of justice offenses, making the legal framework more accessible.

2. **Simplified Materiality**

   Flexible Interpretation: The materiality requirement is focusing on the potential of the false statement to mislead.

3. **Elimination of Redundant Safeguards**

   Direct Indictment: Allows prosecutors to proceed without a preliminary inquiry in serious cases, expediting the prosecution process.

New Zealand

- **Crimes Act 1961**

  Comprehensive Definitions: Offers clear definitions of perjury and false oaths, reducing ambiguity in prosecutions.

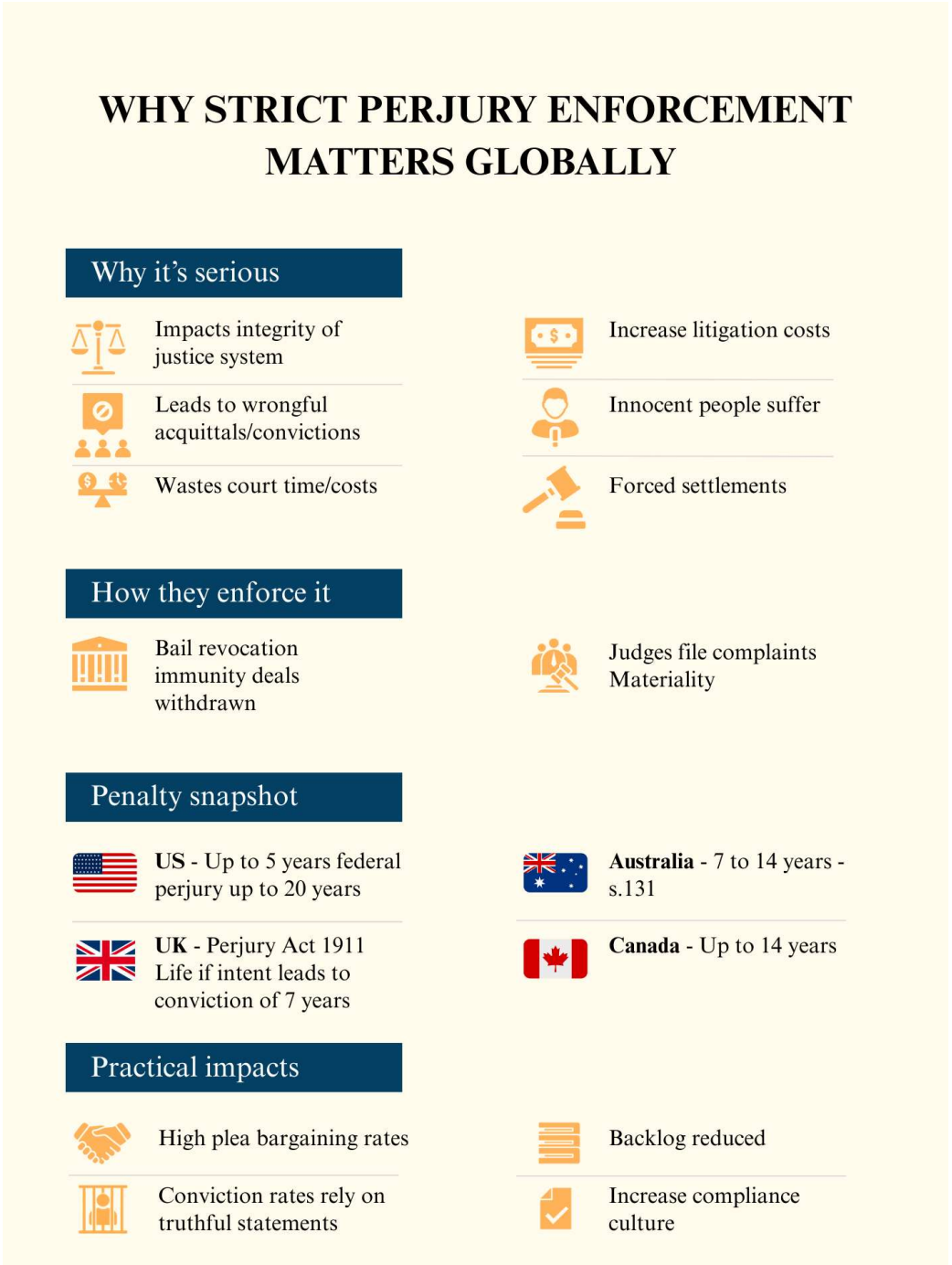
- **Simplified Legal Process**

  Standard Criminal Procedure: Perjury is prosecuted like any other criminal offense, without needing special procedures or court approvals.

Impacts of Simplifications

Increased Accountability and Enhanced Efficiency

- **Deterrence:** Easier prosecution serves as a deterrent against lying under oath.
- **Justice Integrity:** Upholds the credibility of the judicial system by ensuring that false testimony is penalized.
- **Reduced Delays:** Streamlined procedures prevent unnecessary delays in legal proceedings.
- **Resource Optimization:** Simplifications free up judicial resources to focus on substantive matter.


WHY STRICT PERJURY ENFORCEMENT MATTERS GLOBALLY
Why it's serious
Impacts integrity of justice system
Leads to wrongful acquittals/convictions
Wastes court time/costs
Increase litigation costs
Innocent people suffer
Forced settlements
How they enforce it
Bail revocation immunity deals withdrawn
Judges file complaints Materiality
Penalty snapshot
US - Up to 5 years federal perjury up to 20 years
UK - Perjury Act 1911 Life if intent leads to conviction of 7 years
Australia - 7 to 14 years - s.131
Canada - Up to 14 years
Practical impacts
High plea bargaining rates
Conviction rates rely on truthful statements
Backlog reduced
Increase compliance culture

4. WHY STRICT PERJURY ENFORCEMENT MATTERS GLOBALLY

Allowing perjury (false denials) has far-reaching and detrimental effects on the legal system and society. It undermines the pursuit of justice, erodes public trust, and can lead to wrongful outcomes that affect individuals as well as communities.

Integrity of the Judicial System and Obstruction of Justice

Erosion of Truth-Seeking Purpose: The primary function of the courts is to discover the truth and administer justice accordingly. Perjury directly subverts this goal by introducing falsehoods into legal proceedings, resulting in Compromised Verdicts and Selective Justice.

Delayed Proceedings: False testimony can severely hinder the progress of legal proceedings, placing an undue burden on the judiciary and depleting valuable resources, as parties must dedicate considerable effort to uncovering the truth. This leads to extended trial durations and escalating legal expenses.

Malicious Litigation and Miscarriages of Justice

Increase in Baseless Lawsuits: Without the deterrent of perjury penalties, individuals may be more inclined to file frivolous or malicious lawsuits without any legal risk, often resorting to strategic dishonesty and manipulative tactics to gain an advantage in litigation.

Diminished Faith in Legal Institutions: When perjury goes unpunished and is viewed as the norm, the public loses confidence in the fairness and effectiveness of the legal system

Reduced Cooperation: Citizens may become less willing to participate in legal processes, such as reporting crimes, due to scepticism about the system's integrity.

Wrongful Convictions and Negative Impact on Victims and Witnesses

Innocent People Suffer: False testimony can result in innocent individuals being convicted of crimes they did not commit, leading to loss of freedom, reputation, and even life in extreme cases. Conversely, perjury helps Guilty Parties Go Free.

Re-Traumatization of Victims: Perjury can significantly prolong and complicate legal

proceedings for victims, while also deterring honest witnesses from coming forward out of concern that their truthful testimony may be undermined by false statements.

International Reputation and Relations

Loss of Credibility: A legal system tolerant of perjury can damage a country's international standing, affecting diplomatic relations and foreign investment.

Human Rights Concerns: Systemic issues with perjury may raise concerns about the protection of human rights within the judicial system.

Legal and Economic Consequences

Increased Litigation Costs: Parties may incur higher legal fees due to extended trials and the need for additional evidence to counteract false testimony.

Overburdened Judicial System: The accumulation of cases complicated by perjury can strain judicial resources, leading to backlogs and delayed justice for others.

Forced Settlements: The litigants eventually succumb, withdraw, or settle in favor of the wrong-doer because otherwise would drag out the litigation forever.

Free markets become breeding grounds of profitable crimes

Corruption: In the absence of fear of getting caught and or eventually convicted, criminals operate with impunity. Free markets provide perfect opportunities for profiteering, racketeering, corruption, and even rampant adulteration.

Law enforcement becomes weak; informal markets thrive: The sale of counterfeit and substandard products becomes widespread, making it harder for the formal economy to grow due to competition from unregulated sectors.

The stringent enforcement of perjury laws is vital for maintaining the integrity of the judicial process, protecting individual rights, and reinforcing the rule of law. By deterring false testimony, the legal system can operate more effectively, thereby ensuring that justice is administered on the foundations of truth.

5. WHY IS PERJURY A “SHORTCUT OFFENCE”?

Perjury (false denials) can be viewed as a "shortcut offence" because it allows for the direct prosecution of individuals who undermine justice through deceit. By concentrating on the act of providing false testimony under oath, legal authorities can preserve the integrity of the judicial system and enhance the efficiency of legal proceedings. Nonetheless, it is imperative to apply this mechanism judiciously to maintain fairness and uphold ethical standards in the legal process.

Alternative to Proving Complex Crimes:

Al Capone Principle: It refers to a strategy in law enforcement and regulatory practices where authorities focus on prosecuting individuals for relatively minor offences when they are unable to secure convictions for more serious crimes. The principle is named after the infamous gangster Al Capone, who was ultimately convicted not for his violent crimes or organised crime activities, but for tax evasion.

Easier to Prove: In some cases, it may be challenging to prove a more severe underlying crime due to lack of evidence or complexity. Prosecutors might charge an individual with perjury if they lied under oath, as it can be more straightforward to establish.

Facilitates Legal Proceedings:

Reduction of frivolous Litigation: Strict perjury deterrence discourages individuals from filing baseless lawsuits that rely on false testimony.

Encourages Truthfulness: The threat of perjury charges encourages witnesses to provide truthful testimony, which can expedite trials and reduce legal hurdles.

Streamlines Prosecution: Addressing false statements directly can simplify the legal process, avoiding the need for prolonged investigations into more complex offences.

Deters False Defences: Defendants are less likely to present false alibis or fabricate evidence if they fear severe perjury penalties

Incentivizes Acceptance of Responsibility: Knowing that dishonesty will be punished, defendants may be more inclined to plead guilty when the evidence against them is strong.

Shorter Trials

Focuses on Relevant Issues: Honest testimony keeps trials centred on actual legal disputes rather than getting side-tracked by deceit.

Enhances Efficiency: Courts can proceed more quickly through cases when they can rely on the veracity of the testimony presented.

Reduces Trial Time and Costs: By encouraging settlements, the legal system saves resources that would otherwise be spent on lengthy trials.

Leverage in Legal Negotiations and Encouragement of Settlements or Plea Bargaining:

Plea Bargaining: Prosecutors can use the possibility of perjury charges as leverage to obtain cooperation from witnesses or defendants, potentially leading to quicker resolutions.

Facilitates Agreement: Honest communication reduces misunderstandings and makes it easier for parties to find common ground and settle disputes out of court.

“When the consequences of lying under oath are severe, honesty becomes the path of least resistance. “

Therefore, recognizing perjury as a "shortcut offense" offers a pragmatic approach to enhance the effectiveness of the judicial system. United States by targeting false testimony, has been able to swiftly address deceitful actions that undermine justice. The case resolution via plea bargaining in US is above 97%[26] and 90%[27] in Canada. Over 90% of the crimes do not even face trial. This is primarily because the offenders know that they cannot escape punishment using false testimony or false evidence and; if caught it would attract even higher and stricter penalty.

[26] Plea and Charge Bargaining, Research Summary, Bureau of Justice Assistance, US Department of Justice

[27] Victim Participation in the Plea Negotiation Process in Canada, Government of Canada

6. LEGAL ANALYSIS AND NEED FOR REFORM IN INDIA

Analysis of perjury related provisions in India

The table below presents an analysis of the scope of perjury-related provisions in India by examining key elements such as the requirement of an oath, intent, knowledge, omission, materiality, and misleading statements. Sections marked in "orange" indicate areas where the statutory framework has been broadened to encompass wider forms of conduct or additional circumstances, thereby strengthening the perjury laws, as opposed to sections marked in "white" still requiring a broader approach to combat perjury practices. It also highlights sections in green "Open" reflecting instances where cognizance of the offence is not restricted by Section 215 of the BNSS, thus allowing complaints to be initiated without the necessity of a court's own motion.

This comparative mapping aims to illustrate both the expanded reach and the procedural constraints inherent within the current legal framework governing perjury and related offences.

S. No.	BNS	IPC	Section	Restriction	Oath	Intent	Knowledge	Materiality/ Relevance	Misleading	Omissions
1.	**227**	**191**	Giving false evidence	**Indirectly** Restricted in 215 via 229	Yes	Yes	Yes	No	No	No
2.	**228**	**192**	Fabricating false evidence	**Indirectly** Restricted in 215 via 229	Yes	Yes	Yes	Yes	Yes	No
3.	**229**	**193**	Punishment for false	Restricted in 215	Yes	Yes	Yes	Yes	Yes	No

S. No.	BNS	IPC	Section	Restriction	Oath	Intent	Knowledge	Materiality/ Relevance	Misleading	Omissions
			evidence							
4.	**230**	**194**	Giving or fabricating false evidence with intent to procure conviction of capital offence	Restricted in 215	Yes	Yes	Yes	Yes	Yes	No
5.	**231**	**195**	Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.	Restricted in 215	Yes	Yes	Yes	Yes	Yes	No
6.	**232**	**195A**	Threatening any person to give false evidence	Restricted in 215	No	Yes	Yes	Yes	Yes	No
7.	**233**	**196**	Using evidence known to be	Restricted in 215	Yes	Yes	Yes	Yes	Yes	No

S. No.	BNS	IPC	Section	Restriction	Oath	Intent	Knowledge	Materiality/ Relevance	Misleading	Omissions
			false.							
8.	**234**	**197**	Issuing or signing a false certificate.	**Indirectly** Restricted in 215 via 229	Yes	Yes	Yes	Yes	Yes	No
9.	**235**	**198**	Using as true a certificate known to be false.	**Indirectly** Restricted in 215 via 229	Yes	Yes	Yes	Yes	Yes	No
10.	**236**	**199**	False statement made in declaration which is by law receivable as evidence.	Restricted in 215	Yes	Yes	Yes	Yes	Yes	No
11.	**237**	**200**	Using as true such declaration knowing it to be false.	Restricted in 215	Yes	Yes	Yes	Yes	Yes	No
12.	**238**	**201**	Causing disappearance of evidence of offence, or giving false information to screen	Open	No	Yes	Yes	Yes	Yes	No

S. No.	BNS	IPC	Section	Restriction	Oath	Intent	Knowledge	Materiality/ Relevance	Misleading	Omissions
			offender.							
13.	**239**	**202**	Intentional omission to give information of offence by person bound to inform.	Open	No	Yes	Yes	Yes	Yes	Yes
14.	**240**	**203**	Giving false information respecting an offence committed.	Open	No	No	Yes	Yes	Yes	No
15.	**246**	**209**	Dishonestly making false claim in Court.	Restricted in 215	Yes	Yes	Yes	Yes	Yes	No

Need for change in the Indian legal framework

The inspiring morals are embedded in the very founding thought of India, summarized in just two simple words "*Satyamev Jayate*"; a principle that truth alone triumphs, and it should lead our society both in terms of culture and economic future for generations to come.

India is uniquely positioned to lead the world on a true spiritual path once it concurs with its own vices that plagues our society. The century-old and ineffective colonial Perjury laws and procedures stand in contradiction to the very founding principle. Perjury and false evidence are the root cause of delays in justice and clogging of the five crore pending cases[28] that take decades to resolve.

Normalization of Dishonesty - When perjury is perceived as common and goes largely unpunished, it risks normalizing dishonesty within legal contexts. This cultural shift leads to broader societal implications where truthfulness is undervalued, further eroding trust in public institutions.

The Hon'ble Supreme Court in the case of "*Kishorbhai Gandubhai Pethani vs State of Gujarat"*[29] has succinctly elaborated the meaning of Perjury in para 9, which reads as under:

> "9. *Perjury is an obstruction of justice. deliberately making false statements which are material to the case, and that too under oath, amounts to crime of perjury. Thus, perjury has always to be seen as a cause of concern for the judicial system. It strikes at the root of the system itself and disturbs the accuracy of the findings recorded by the court. Therefore, any person found guilty of causing perjury, has to be dealt with seriously as it is necessary for the working of the court as well as for the benefit of the public at large."*

Hon'ble Supreme Court[30] further observed that,

> *"Unscrupulous litigants are found daily resorting to utter blatant falsehood in the courts which has, to some extent, resulted in polluting the judicial*

[28] National judicial Data Grid, https://njdg.ecourts.gov.in/njdg_v3/

[29] Kishorbhai Gandubhai Pethani vs State of Gujarat, (2014) 13 SCC 539

[30] Suo Moto Proceedings Against ... vs Unknown on 12 May, 2001 (AIR 2001 SC 2204)

> *system. It is a fact, though unfortunate, that a general impression is created that most of the witnesses coming in the courts despite taking oath make false statements to suit the interests of the parties calling them. Effective and stern action is required to be taken for preventing the evil of perjury, concededly let loose by vested interest and professional litigants.*
>
> *The mere existence of the penal provisions to deal with perjury would be a cruel joke with the society unless the courts stop to take an evasive recourse despite proof of the commission of the offence under Chapter XI of the Indian Penal Code."*

Additionally, the Committee on Reforms of Criminal Justice System, 2003[31] suggested reform in the laws for perjury. The committee stated that there is a need to tackle the problems of perjury and to ensure protection and better treatment to witnesses. It was noted in the report that the problem of perjury is growing and as the menace of perjury is shaking the very foundation of the Criminal Justice System it is necessary to curb this menace and the sentence prescribed should be enhanced. The total number of criminal cases pending in India stands at 3.4 crore[32] There were 58 lakh FIR registered, with charge-sheets filed against 70 lakh persons. This backlog showcases a duration of at least 5.8 years in India. Additionally, the pendency percentage of the cases was also found to be 89.4%[33.] On the other hand, in developed countries such as the United States and New Zealand, approximately 97% of cases are resolved through plea bargaining and do not even reach the trial stage. In India, however, the plea-bargaining rate is significantly lower, at only 0.11%.[34] The notion of plea bargaining relies heavily on trust and honest testimony from all parties, and the gap clearly indicates the need of stricter perjury laws. The total prison population in India, excluding pre-trial detainees and remand prisoners, stands at approximately 1.3 lakhs.[35] But in contrast, the conviction rate in Indian courts is misleadingly reported at 54.20% in 2022 by NCRB because it includes compounding and settlements at negligible or nil penalty in Lok Adalats.

No civilization can exist or prosper without the rule of law and the rule of law cannot exist

[31] Chaired by Dr. Justice V.S. Malimath

[32] National Judicial Data Grid, https://njdg.ecourts.gov.in/njdg_v3/

[33] Crimes in India, National Crime Records Bureau, Ministry of Home Affairs

[34] Plea bargaining procedures worldwide: Drivers of introduction and use, ILE Working Paper Series, No. 75

[35] World Prison Brief

without a proper justice system. In India, however, criminals often exploit the justice system, using it as a tool to coerce victims into unjust settlements or withdrawals. This is either due to the lengthy delays in obtaining justice or through unethical practices such as tampering with documents or committing perjury. There is no respite or end to the burden on the judicial system. Unfortunately, the courts are under immense pressure, with over 50 million cases currently pending. This growing backlog stems from several key structural and procedural issues, including:

a) In India, perjury is taken very casually, 80% of cases are of falsehood, and deceit, causing mockery of the justice delivery system. The requirement to file a case is with Affidavits in India, and these Affidavits do not serve much purpose. Despite numerous judgments and appeals from all levels of the judiciary, these issues persist without resolution.

b) Further, in over half of the pending cases in the country, perjury applications are filed at various stages but there is no deterrence which leads the case to become more complex and consumes more judicial time to adjudicate. These perjury applications in pending cases slow down the progress of primary case, effectively creating choker blocks for the judicial system and the backlog of cases continues to grow.

c) This situation stands against the best international practices as followed in various developed nations and lacks economic rationale for India.

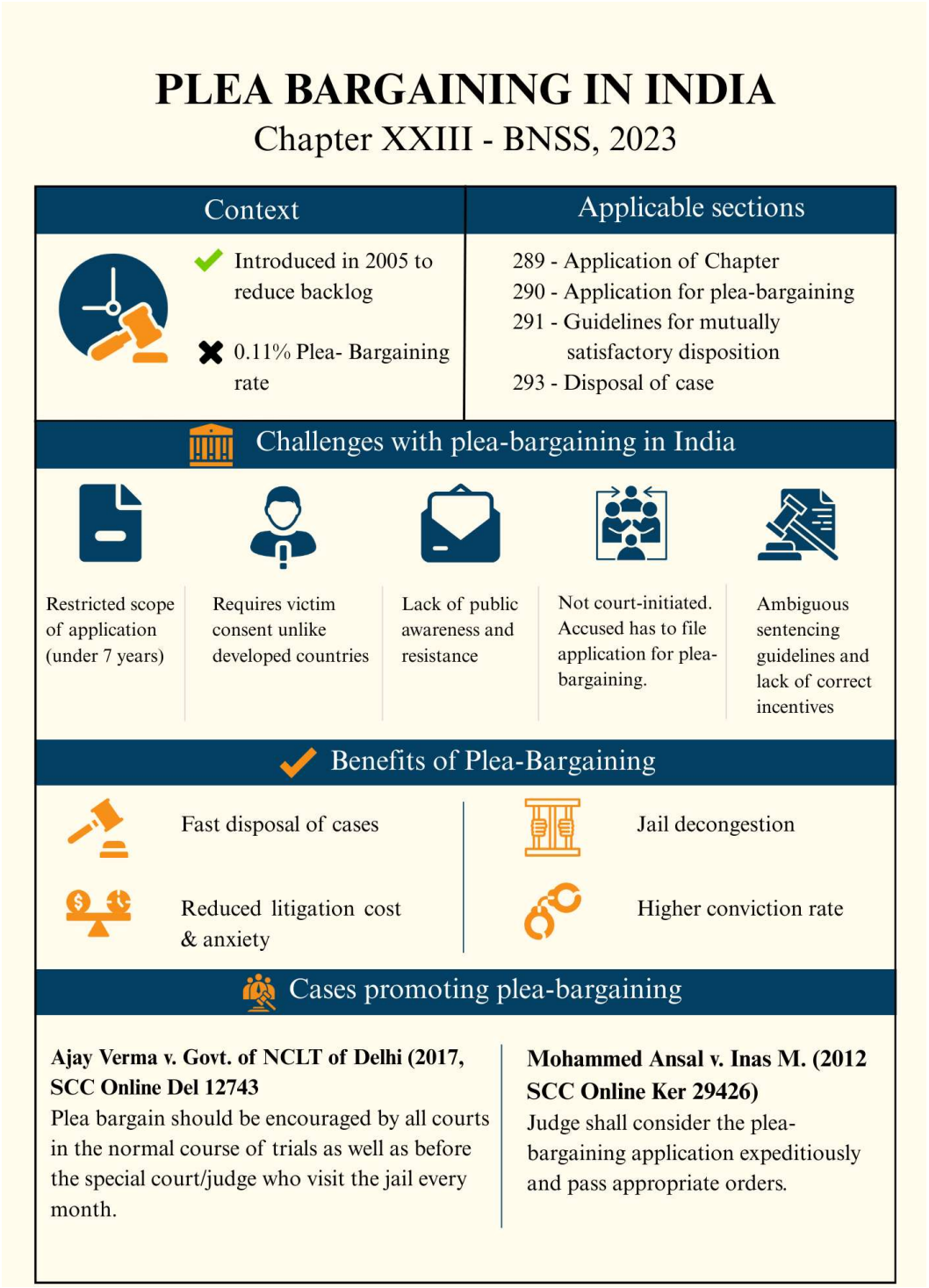
The call for reforming perjury laws in India has been a topic of discussion in legal and political circles for many years. The existing framework is often criticized for its leniency, which allows individuals to exploit the system without facing significant consequences. This issue has been highlighted in various reports, legal analyses, and news articles, reflecting a growing consensus on the necessity for change. Perjury is, if not the sole cause, certainly one of the most significant contributors to injustice, delays, corruption, fraud, and the rise in criminal activity. On the other hand, developed nations in the world take perjury very seriously with strict implementation and severe punishments.

Perjury is a spark; if not taken seriously, ignites a wildfire of corruption. Strict perjury laws extinguish it, protecting society from being engulfed in flames of unethical practices and deceit.

Perjury Laws Comparison table - Developed countries vs India

	Scope of Perjury	Private prosecution	Max penalty	Deterrence/ Impact on plea-bargaining	Conviction rates
USA	Very wider scope u/s §1623 Intention need not be proved for serious or material perjury. Lawyers are responsible for due care otherwise become co-conspirator if they become aware and not report it.	Not allowed but a claim for malicious prosecution is easy	Minimum 5 years and up to 20 years	98% Federal and 95% State	95%
Canada	Comprehensive - includes intentionally misleading the court	Allowed	Up to 14 years	90%	62%
UK	Comprehensive - includes intentionally misleading the court.	Allowed	Life imprisonment if intent / malice leads to conviction. Otherwise Up to 7 Years	85%	80%
Australia	Very broad – Specifically includes "likely to mislead" in definition of perjury.	Allowed	Up to 14 years	90%	77%
India (current)	Very limited and strictly Interpreted Must be intentional, wilful and knowingly. Statements that are likely to mislead	Restricted for private complaints. Court should file a complaint.	Up to 7 years but hardly used in even in the most severe cases. No	0.11% Perjury is a way of life – as per Supreme court of India	Less than 1% are convicted with jail time

	the court or end up misleading the court are not an offence. It opens up the possibility for legal malpractice with no accountability.	Same for false evidence	punishment (Unlike all other countries) for statements that likely or end up misleading the court.		
Proposed	New definition to include false statements and obstruction of justice.	Must be allowed. Allow restitution and punitive damages and tort compensation	Increase to maximum imprisonment Court or authority can take cognizance when having prima facie evidence.	Reduction in false cases when combined with min and max sentencing guidelines	Will lead to 90% conviction rate


PLEA BARGAINING IN INDIA
Chapter XXIII - BNSS, 2023
Context
Introduced in 2005 to reduce backlog
0.11% Plea- Bargaining rate
Applicable sections
289 - Application of Chapter
290 - Application for plea-bargaining
291 - Guidelines for mutually satisfactory disposition
293 - Disposal of case
Challenges with plea-bargaining in India
Restricted scope of application (under 7 years)
Requires victim consent unlike developed countries
Lack of public awareness and resistance
Not court-initiated. Accused has to file application for plea-bargaining.
Ambiguous sentencing guidelines and lack of correct incentives
Benefits of Plea-Bargaining
Fast disposal of cases
Jail decongestion
Reduced litigation cost & anxiety
Higher conviction rate
Cases promoting plea-bargaining
Ajay Verma v. Govt. of NCLT of Delhi (2017, SCC Online Del 12743
Plea bargain should be encouraged by all courts in the normal course of trials as well as before the special court/judge who visit the jail every month.
Mohammed Ansal v. Inas M. (2012 SCC Online Ker 29426)
Judge shall consider the plea-bargaining application expeditiously and pass appropriate orders.

PLEA-BARGAINING AND SENTENCING GUIDELINES

7. INDIAN LAW ON PLEA-BARGAINING AND ITS CHALLENGES

The backlog of cases in Indian courts undermines the effectiveness of Indian laws and the credibility of the justice delivery system, often subjecting ordinary citizens to prolonged hardship and reinforcing the notion that 'Justice Delayed is Justice Denied'. To address this challenge, plea bargaining; a practice widely adopted in countries such as the United States—was introduced into the Indian legal framework in 2005 through the Criminal Law (Amendment) Act. This was implemented by inserting Chapter XXI-A into the Code of Criminal Procedure, 1973. The aim was to address the immense backlog of criminal cases in Indian courts, ensure quicker resolution of cases, and provide relief to undertrial prisoners languishing in jails for extended periods.

Definition and Concept of Plea-Bargaining

The concept of plea bargaining is rooted in the principle of *Nolo Contendere*, a Latin term meaning "I do not wish to contest." It refers to a legal plea in which a defendant does not dispute the charges against them but also does not admit guilt. This type of plea is often utilized in criminal cases where civil liability may also be a concern. By pleading nolo contendere, defendants accept the penalties associated with the charges, similar to pleading guilty, but without the acknowledgment of wrongdoing. This distinction is significant because such pleas cannot be used against defendants in related civil proceedings, providing them a measure of protection in future legal matters.

Furthermore, Black's Law Dictionary defines it as, *"The process whereby the accused and the prosecutor in a criminal case work out a mutually satisfactory disposition of the case subject to Court approval. It usually involves the accused pleading guilty to a lesser offence or to only one or some of the counts of a multi-count indictment in return for a lighter sentence than that possible for the graver charge."*

7. INDIAN LAW ON PLEA-BARGAINING AND ITS CHALLENGES

According to Oxford Dictionary, the *word "Plea means to appeal, prayer, request, or formal statement by or on behalf of the defendant, and the word 'Bargain' means negotiation, settlement, deal, covenant, barter, or pact. Hence, the word meaning of plea bargaining may be an appeal or formal statement by the defendant for a negotiated settlement with the prosecution for the offense charged against him."*

According to Warren Burger, Chief Justice of the U.S.A, in *Santobello v. New York*,[36] *"Plea bargaining is an essential component of the administration of justice, properly administered, it is to be encouraged, it leads to prompt and largely final disposition of most criminal cases."*

In conclusion, a plea bargain is an agreement to finally resolve a criminal case, where the accused pleads guilty to the offence for which the trial is pending. In cases instituted on a police report, the agreement must involve the accused, the investigating officer, the prosecutor, and the victim all of whom must consent to the settlement. In other cases, the agreement is between the accused and the victim. In every instance, such an agreement must be entered into under the guidance and supervision of the Court. Plea bargaining should consist of two important qualities i.e., voluntariness and judicial scrutiny.

[36] Santobello v. New York, 404 US 260 (1971).

Historical Context and Evolution of Plea-Bargaining in India

The genesis of plea-bargaining lies in its potential to expedite the delivery of justice. Plea bargaining is an established concept in the global judicial context, but to India it is relatively new. In the United States when plea bargaining was first introduced and brought into the mainstream criminal procedure, it resulted in a rise in convictions from the pleading guilty from 50% to 72%.[37] Currently, data from the United States shows a staggering rate of 95% convictions from either plea bargaining or negotiations. A similar scenario exists in the United Kingdom, where only a limited number of cases go to trial because the others resort to plea bargaining.[38] The 142nd, 154th, and 177th Law Commission Reports extensively deliberated on its necessity for India. The Justice Malimath Committee's recommendation also played a pivotal role in incorporating plea bargaining into Indian criminal jurisprudence.[39]

The 12th Law Commission in its 142nd Report observed as under:

1. It is not just and fair that an accused who feels contrite and wants to make amends or an accused who is honest and candid enough to plead guilty in the hope that the community will enable him to pay the penalty for the crime with a degree of compassion and consideration should be treated on par with an accused who claims to be tried at considerable time-cost and money-cost to the community.

2. It is desirable to infuse life in the reformative provisions embodied in Section 360 of the Criminal Procedure Code and in the Probation of Offenders Act which remain practically unutilized as of now.

3. It will help the accused who have to remain as under trial prisoners as also other accused on whom the Sword of Damocles of an impending trial remains hanging for years to obtain speedy trial with benefits such as-

(a) End of uncertainty

(b) Saving in litigation cost

[37] U.S. sentencing commission (2014) sourcebook of federal sentencing statistics, available at http://www.ussc.gov/Data_and_Statistics/Annual_Reports_and_Sourcebooks/2010/FigureC.pdf.

[38] ibid.

[39] N.R. Madhava Menon, "plea bargaining" *The Hindu Daily New Delhi Edition* Jan. 24, 10, 2004.

(c) Saving in anxiety cost

(d) Being able to know his or her fate and to start a fresh life without fear of having to undergo a possible prison sentence at a future date disrupting his life or career

(e) Saving avoidable visits to lawyer's office and to court on every date or adjournment.

4. It will, without detriment to public interest, reduce the back-breaking burden of the court cases which have already assumed menacing proportions.

5. It will reduce congestion in jails.

The Law Commission in its 142nd Report, having considered the concept as is being practised in other countries, recommended that the scheme for concessional treatment to offenders who plead guilty on their own volition in lieu of a promise to reduce the charge, to drop some of the charges or getting lesser punishment be statutorily introduced by adding a chapter in the Code of Criminal Procedure. After examining the 142nd Report, the Law Commission in its 154th Report was of the view that plea bargaining can be made an essential component of administration of criminal justice provided it is properly administered. A few recommendations were given in the favour of plea bargaining by the 154th Law Commission report, such as:

1. This concept may be made applicable as an experimental measure, to offences which are liable for punishment with imprisonment of less than seven years and/or fine including the offences covered by Section 320 of the Cr.P.C.
2. Plea bargaining should not be available to habitual offenders, those who are accused of socio-economic offences of a grave nature and offences against women and children.

177th Law Commission Report further reiterated the necessity of plea bargaining to manage the backlog of cases. In addition, **Justice Malimath Committee Report** endorsed the recommendations of the Law Commissions, advocating for the incorporation of plea bargaining into India’s criminal justice system to facilitate earlier resolution of cases and reduce court burdens. Supported by recommendations from the 142nd, 154th, and 177th Law Commission Reports and the Justice Malimath Committee, plea-bargaining was formalized

through the Criminal Law (Amendment) Act, 2005.

Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 governs the plea bargaining in India. Key provisions include:

> *"**289. Application of Chapter.—***
>
> *(1) This Chapter shall apply in respect of an accused against whom—*
>
> *(a) the report has been forwarded by the officer in charge of the police station under section 193 alleging therein that an offence appears to have been committed by him other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years has been provided under the law for the time being in force; or*
>
> *(b) a Magistrate has taken cognizance of an offence on complaint, other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years, has been provided under the law for the time being in force, and after examining complainant and witnesses under section 223, issued the process under section 227, but does not apply where such offence affects the socio-economic condition of the country or has been committed against a woman, or a child.*
>
> *(2) For the purposes of sub-section (1), the Central Government shall, by notification, determine the offences under the law for the time being in force which shall be the offences affecting the socio-economic condition of the country."*
>
> ***290. Application for plea bargaining.**—*
>
> *(1) A person accused of an offence may file an application for plea bargaining within a period of thirty days from the date of framing of charge in the Court in which such offence is pending for trial.*
>
> *(2) The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to*

which the case relates and shall be accompanied by an affidavit sworn by the accused stating therein that he has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in which he had been charged with the same offence.

(3) After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of the case and to the accused to appear on the date fixed for the case.

(4) When the Public Prosecutor or the complainant of the case and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused in camera, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where—

(a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time, not exceeding sixty days, to the Public Prosecutor or the complainant of the case and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;

(b) the Court finds that the application has been filed involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Sanhita from the stage such application has been filed under sub-section (1).”

291. Guidelines for mutually satisfactory disposition.—*In working out a mutually satisfactory disposition under clause (a) of sub-section (4) of section 290, the Court shall follow the following procedure, namely:—*

(a) in a case instituted on a police report, the Court shall issue notice to the Public Prosecutor, the police officer who has investigated the case, the

accused and the victim of the case to participate in the meeting to work out a satisfactory disposition of the case: Provided that throughout such process of working out a satisfactory disposition of the case, it shall be the duty of the Court to ensure that the entire process is completed voluntarily by the parties participating in the meeting: Provided further that the accused, if he so desires, may participate in such meeting with his advocate, if any, engaged in the case;

(b) in a case instituted otherwise than on police report, the Court shall issue notice to the accused and the victim of the case to participate in a meeting to work out a satisfactory disposition of the case:

Provided that it shall be the duty of the Court to ensure, throughout such process of working out a satisfactory disposition of the case, that it is completed voluntarily by the parties participating in the meeting:

Provided further that if the victim of the case or the accused so desires, he may participate in such meeting with his advocate engaged in the case."

292. Report of mutually satisfactory disposition to be submitted before Court.—*Where in a meeting under section 291, a satisfactory disposition of the case has been worked out, the Court shall prepare a report of such disposition which shall be signed by the presiding officer of the Court and all other persons who participated in the meeting and if no such disposition has been worked out, the Court shall record such observation and proceed further in accordance with the provisions of this Sanhita from the stage the application under sub-section (1) of section 290 has been filed in such case."*

293. Disposal of case.—*Where a satisfactory disposition of the case has been worked out under section 292, the Court shall dispose of the case in the following manner, namely:—*

(a) the Court shall award the compensation to the victim in accordance with the disposition under section 292 and hear the parties on the quantum of the punishment, releasing of the accused on probation of good conduct

or after admonition under section 401 or for dealing with the accused under the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force and follow the procedure specified in the succeeding clauses for imposing the punishment on the accused;

(b) after hearing the parties under clause (a), if the Court is of the view that section 401 or the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force are attracted in the case of the accused, it may release the accused on probation or provide the benefit of any such law;

(c) after hearing the parties under clause (b), if the Court finds that minimum punishment has been provided under the law for the offence committed by the accused, it may sentence the accused to half of such minimum punishment, and where the accused is a first-time offender and has not been convicted of any offence in the past, it may sentence the accused to one-fourth of such minimum punishment;

(d) in case after hearing the parties under clause (b), the Court finds that the offence committed by the accused is not covered under clause (b) or clause (c), then, it may sentence the accused to one-fourth of the punishment provided or extendable for such offence and where the accused is a first-time offender and has not been convicted of any offence in the past, it may sentence the accused to one-sixth of the punishment provided or extendable, for such offence."

Jurisprudence of Indian Courts on Plea Bargaining

The idea of introducing plea bargaining in the Indian jurisdiction was highlighted in the case of *Barey and Ors. v. State*[40] driven by the pressing issue of overwhelming pendency in the High Court. Following this, it was proposed that the option of plea bargaining be extended to all pending criminal appeals before a single judge bench. Under this framework, the Court was granted discretion to refrain from sending the accused to prison or to modify the sentence either by imposing a fine or by limiting it to the period of imprisonment already undergone. Notably, this provision was confined to cases pending up to the year 1991. Prior to the year 2000, the Apex court was essentially against the idea of disposal of criminal cases via plea-bargaining. It was majorly agreed that mere acceptance or admission of guilt should not be a ground for reduction of sentence and the case must be decided on merits and sentence should be commensurate with the offence[41]

In ***State of Uttar Pradesh v Chander lok*,**[42] it held that it is settled law that, on the concept of plea bargaining, a court cannot dispose of the criminal cases. The court has to decide a case on its merits; if the accused confesses his guilt an appropriate sentence is required to be implemented. The court further held in the same case that, mere acceptance or admission of the guilt should not be a ground for reduction of sentence. Nor can the accused bargain with the court that as he is pleading guilty, the sentence be reduced. In civil cases we find compromises actually encouraged as a more satisfactory method of settling disputes between individuals than an actual trial. However, if the dispute...finds itself in the field of criminal law, "law enforcement" repudiates the idea of compromise as immoral or at best a necessary evil. The "State" can never compromise. It must "enforce the law".

In *Hussainara Khatoon v State of Bihar* [43], it was observed that speedy trial is a fundamental right of the citizen. Our courts are well aware of the fact that speedy trial is sine qua non for proper administration of justice. Despite various judgements of the Supreme Court, speedy trial has become almost impossible due to mounting arrears in the courts and the courts getting overburdened because of them. As a consequence, justice has become the

[40] Barey and Ors. v. State, 1996 SCC OnLine All 593.

[41] *State of UP* v. *Chandrika* (1999) 8 SCC 638; *Ganeshmal Jashraj* v. *Govt. of Gujarat* (1980) 1 SCC 363; *Jeetu & Ors*. v. *State of Chattisgarh* (2013) 11 SCC 489.

[42] State of Uttar Pradesh v Chander lok, (2000) Cr. L.J. 384 (384)

[43] Hussainara Khatoon v State of Bihar Hussainara Khatoon v state of Bihar (1980) 1 SCC 98

biggest casualty.

The practice of plea-bargaining was observed to be unconstitutional, illegal and contrary to public policy.[44] The decisions prior to 2005 used the term 'plea bargaining' interchangeably with the process of 'pleading guilty'. In the landmark ruling of Supreme Court in ***Thippeswamy* v. *State of Karnataka***[45] under U.P Excise Act, the Supreme Court has used the term plead guilty interchangeably with plea bargaining, where the accused was sentenced to a reduced sentence and fine upon pleading guilty.

Although plea bargaining was historically criticized most notably when the Supreme Court rejected it on grounds that it undermined the administration of justice, recent judgments reflect a gradual shift toward its acceptance, especially as a means to enhance judicial efficiency and reduce case backlogs.

In ***State of Gujarat vs Natwar Harchandji Thakor*[46],** the court recognized that:

> *"80. When in India, the Courts are flooded with astronomical arrears of cases and reduction of backlog of cases is important and out of the pending cases, almost 70% - 80% of the cases are reportedly arising from criminal jurisdiction, and again, reportedly, the rate of conviction is below 5% to 7% out of 100 cases. Could it be not said that it is opportune time, to at least, consider such a plea which has been usefully and successfully employed as an effective A.D.R. in some parts of the world and that too, in petty cases and cases in which only individual interests are concerned and larger public interests are not at stake or involved, to begin with and that too on experimental basis for a short period as one of the means and methods to reduce the unbreakable heavy and huge backlog of cases with existing means and measures in India and particularly in Criminal Courts. We have suggested this jurisprudential "Doctrine of Nolo Contendere" as one of the alternatives to arrest menace of arrears with a view to find out whether in certain type of criminal cases and in certain type of (identified-*

[44] Kasambhai Abdul Rehman Bhai Sheikh v. State of Gujarat; (1980) 3 SCC 120, Kachhia Patel Shantilal Koderlal v.State of Gujarat and another [1980] 3 SCC 120).

[45] Thippeswamy v. State of Karnataka, (1983) 1 SCC 194.

[46] State of Gujarat vs Natwar Harchandji Thakor, (2005) 1 GLR 709

earmarked) criminal trials, it needs to be tried and experimented for speedy and easy justice, as an effective A.D.R. more so, when in many jurisdictions in foreign countries, it has been gainfully and successfully used and employed as such a plea does not enter into the consideration in other litigation in clear terms of such a doctrine.

83. To reduce the delay in the disposal of criminal trials and appeals as also to alleviate the suffering of undertrial prisoners, as well as, their dependents and keeping in mind the real purpose of Victimology, it has been rightly proposed to introduce the concept of "plea bargaining", as recommended by the Law Commission of India, in its 154th Report, on the Code of Criminal Procedure.

The Committee of Criminal Justice Reforms under the Chairmanship of Dr. (Justice) V.S. Malimath (formerly, Chief Justice of the Kerala High Court), has also endorsed the Commission's recommendations, as well as, by Review Committee on Constitutional Reforms. The system of plea bargaining (as recommended by the Law Commission of India in its Report) should be introduced, as part of the process of decriminalisation. It means pre-trial negotiations between the parties during which the accused agrees to plead guilty in exchange for certain concessions by the prosecutor. The benefit of "plea bargaining" would, however, not be admissible to habitual offenders.

*84. We are tempted to mention here that law should be stable but not standstill. The very object of law is to provide easy, cheap and expeditious justice by resolution of disputes, including the trial of criminal cases, and considering the present realistic profile of the pendency and delay in disposal in the administration of law and justice, fundamental reforms are inevitable. There should not be anything static. As such**, "Change is the only constant thing in the world". If the individual, society or for that purpose, nation feels allergic to the change for the reforms and remaining oblivious to the realism and prevalent situations, the very existence may be in jeopardy. It is, therefore, rightly said that all must have an open mind, as mind is like a parachute; it starts working when it***

> ***is open. Although, hitherto, as a part of colonial legacy, "plea bargaining" has not been recognised, so far in our system and Criminal Jurisprudence.*** *However, keeping in mind the huge arrears and long time spent in trials and resultant hardships to parties, and particularly, the accused and the victims of the crimes, the benefit of "plea bargaining" as an alternative method to deal with the dispute or question of offence requires serious consideration, which would not be admissible and available to the habitual offenders. We should remember a saying that "every saint has past and every sinner has a future" and also that "law and justice should not be distant neighbours."*

Further, the Delhi High Court in *Ajay Verma* v. *Govt. of NCT of Delhi* [47] while encouraging the practice of plea bargaining directed the jail authorities to sensitize and inform all jail inmates of the provision of plea bargain and its benefits. Plea bargain should be encouraged by all courts in the normal course of trials as well as before the special court/judge who visit the jail every month.

In *Mohammed Ansal* v. *Inas M*.[48], it was noted that the judge shall consider the plea-bargaining application expeditiously and pass appropriate orders.

Flaws and Criticisms on Plea-Bargaining in India

Plea bargaining was introduced as a mechanism to balance judicial efficiency with the delivery of justice; however, remains significantly underutilized, with only 0.11% of cases in 2022 being resolved through the process.

1. **Limited Scope of Application-** It restricts plea bargaining to offenses punishable with imprisonment of less than seven years, excluding socio-economic offenses, crimes against women, and offenses involving children. This narrow scope limits its impact on reducing the judicial backlog, as serious crimes like murder or rape, which contribute significantly to prolonged trials, are ineligible.

2. **Ambiguity in Defining Voluntariness-** It requires the accused to file a voluntary application for plea bargaining, with the court ensuring it is made without coercion.

[47] Ajay Verma v. Govt. of NCT of Delhi, 2017 SCC OnLine Del 12743.

[48] Mohammed Ansal v. Inas M, 2012 SCC OnLine Ker 29426

However, the section lacks clear guidelines on assessing voluntariness, leaving room for judicial discretion and potential oversight of coercive pressures, especially for marginalized or economically disadvantaged accused persons.

3. **Inadequate Victim Consent Framework-** It mandates a mutually satisfactory disposition involving the accused, prosecutor, and, where applicable, the victim. However, the provision does not outline robust mechanisms to ensure meaningful victim consent, such as mandatory legal representation or counseling. Victims may feel pressured to agree due to social, economic, or emotional factors, or they may not be adequately informed of their rights.

4. **Lack of Clarity on Compensation-** It allows courts to award compensation to victims as part of the plea bargain but provides no clear guidelines on determining the amount or ensuring its enforcement. This ambiguity can result in inadequate or inconsistent compensation, leaving victims dissatisfied.

5. **Judicial Caution and Underutilization-** The procedural framework requires courts to approve plea bargains, but judicial resistance, rooted in concerns about leniency or public backlash, limits its application.

6. **Lack of Public Awareness and Training-** The procedure lacks provisions for public awareness campaigns or training for legal professionals, including judges, prosecutors, and defense lawyers, on implementing plea bargaining effectively. This contributes to its low uptake and inconsistent application across courts.

7. **Potential for Prosecutorial Misuse-** The procedure grants significant discretion to prosecutors in negotiating plea deals, raising concerns about potential misuse, especially in a system with reported inefficiencies or corruption. There are no robust checks to prevent prosecutors from pressuring accused persons into plea deals to close cases quickly.

PLEA BARGAINING COMPARED INTERNATIONALLY



Plea - Bargaining Success

- 98% Federal and 95% State
- Approx 85%
- Approx 90%
- Only 0.11%

Statutes

- Rule 11 of the Federal Rules of Criminal Procedure
- Crown Prosecution Services
- Not explicitly codified but operates within the framework of the Criminal Code
- Chapter XXIII of the Bhartiya Nagarik Suraksha Sanhita, 2023

Type of Bargaining Included

- Charge bargaining
- Fact bargaining
- Sentence bargaining
- Charge bargaining
- Sentence bargaining
- Dropping of charges
- Charge bargaining
- Fact bargaining
- Sentence bargaining
- Sentence bargaining

	India (Currently)	USA	UK
Victim consent	Yes	No	No
Who can initiate plea	Person accused	Either prosecutor or defense counsel.	Defense counsel or prosecution.
Eligibility	Only included under 7 years	All included	All included
Judicial Role	Active convener	Scrutiny to ensure voluntariness	Scrutiny to ensure voluntariness
Time of plea-bargaining	Within 30 days of framing of charge	Can occur at any stage	Can occur at any stage
Parties involved	Person accused Public Prosecutor Complainant and their legal representatives.	Defendant Defense counsel Prosecutor.	Defendant Defense counsel, Prosecutor.

8. PLEA BARGAINING COMPARED INTERNATIONALLY

1. USA

Among the various jurisdictions that employ plea bargaining, the United States of America stands out as the most prominent and frequently referenced example. In the U.S., more than 90% of criminal cases are resolved through plea bargaining, reflecting its central role in the country's criminal justice process. The widespread adoption and perceived effectiveness of plea bargaining in the United States have led several other nations to introduce similar models, often modifying them to align with their respective socio-political and legal frameworks.

The United States has a formalized and structured plea-bargaining system, governed by statutory provisions that clearly outline the process and define the roles of the various stakeholders involved. Rules related to plea bargaining can be found in the Criminal Procedure Codes, Rules of Evidence, as well as the constitutions of different states. While the fundamental principles of plea bargaining remain consistent nationwide, individual states retain the authority to enact their own specific regulations and can impose distinct limitations on how the process operates.

Plea bargaining in USA can take several forms and it includes charge bargaining, sentence bargaining, and fact bargaining. Beyond the standard guilty pleas reached through plea negotiations, there are also additional types of pleas recognized within the system. For example, Alford plea or plea of 'no contest', also known as Nolo contendere. Alford plea is entered by the defendant as a part of the plea bargain where he asserts his innocence, but admits that the prosecutor has sufficient evidence to obtain a conviction in Court.[49] In no contest plea, the defendant neither admits the charge nor disputes it. The benefit of taking a 'no contest' plea is that the conviction based on the same cannot be treated as an admission of liability by the defendant in a related civil action.

The U.S. Supreme Court has also approved plea bargaining when properly conducted and controlled. By the twentieth century, guilty pleas dominated the majority of criminal cases.

[49] Bryan Ward, "A Plea Best Not Taken: Why Criminal Defendants should avoid the Alford plea?" *Missouri Law Review* 913 (2003).

Almost every criminal case is now conducted by Plea bargaining and today it is often said that the American Criminal Justice would collapse if plea bargaining is removed from it.

The U S Supreme Court has upheld the constitutional validity[50] and the significant role of the concept of plea bargaining in the disposal of criminal cases. In ***Santobello v New York[51],*** the US Supreme Court formally accepted that plea bargaining was essential for the administration of justice and when properly managed, was to be encouraged.

Why Plea- Bargaining works in USA

In U.S, it is a deal struck between prosecution and defense. It is much broader and fairness is written large over it. Voluntariness and judicial scrutiny are two important aspects. The courts have been given a very vital role to play and it has to see that the entire thing is voluntary and the accused is given the protection of secrecy and all the parties may participate freely and no one is subjected to any coercion or duress of another.[52]

It follows the Crime Control model of criminal justice system which primarily concerns itself with the efficiency of the justice process. Police as well as prosecutors are given wide powers in the quest to apprehend the offender, often not even waiting for the courts to decide the guilt. Prosecutors, to a large extent, decide the fate of the accused as it is up to them to determine whether to proceed against an accused or not, which discretion is dependent upon factors like evidence, chances of conviction etc.

Rule 11 of the Federal Rules of Criminal Procedure further prohibits the judge from participating in the plea-bargaining discussions and from even making comments which might influence the plea-bargaining process. The reason for such detachment from the process is to ensure that the judge remains an ***'impartial arbiter'*** throughout the case

2. UK

Unlike the structured plea agreements in the US, plea bargaining in the UK is not explicitly legislated but occurs through negotiations between the prosecution and defense, often guided

[50] Brady v United States 297 US 742-25 L.Ed. 2d 747, Hutto v Ross50 L.E.d 2d 876, Chaffin v Stynchcombe 412 US 17 (1973), Blackledge v Allison 52 L.E.d. 2d136, Weatherford v Bursey 429 US 545 (1977),

[51] Santobello v New York, 404 US 257 (1971)

[52] K.V.K. Santhy, PLEA BARGAINING IN US AND INDIAN CRIMINAL LAW CONFESSIONS FOR CONCESSIONS (NALSAR Law Review, Vol. 7, No.1)

by the Crown Prosecution Service (CPS) and judicial sentencing guidelines. The process typically involves:

a) Charge Bargaining: The defendant pleads guilty to a lesser charge (e.g., theft instead of robbery) in exchange for the prosecution dropping more serious charges.

b) Sentence Bargaining: The defendant pleads guilty to the original charge, with the prosecution recommending a more lenient sentence, often supported by sentencing guidelines that offer up to a one-third reduction for early guilty pleas.

c) Dropping Charges: The prosecution may agree to withdraw certain charges if the defendant pleads guilty to others, reducing the case's complexity.

Plea bargaining in the UK operates within a framework that emphasizes judicial oversight and fairness. The CPS Code for Crown Prosecutors prohibits filing excessive charges to pressure defendants into pleading guilty, ensuring only necessary charges are pursued. This contrasts with practices in the US, where prosecutors may leverage multiple charges to encourage pleas. Further, Judges are not directly involved in plea negotiations, maintaining a stance of non-intervention in the defendant's plea decision. However, they may provide advance sentence indications to guide plea decisions, though this is not a formal plea bargain and the Sentencing Council's guidelines formalize sentence reductions for guilty pleas, with reductions of up to one-third for pleas at the first opportunity, 25% after a trial date is set, and 10% or less as the trial nears. This incentivizes early resolutions without explicit bargaining.

3. Canada

In Canada, plea bargaining operates within the framework of the Criminal Code and is guided by prosecutorial discretion, judicial oversight, and sentencing principles. While not explicitly codified as a formal procedure, plea bargaining is an entrenched practice, resolving 90–95% of criminal cases in provincial and superior courts. The process involves:

a) **Charge Bargaining**: Prosecutors may reduce charges (e.g., from murder to manslaughter) in exchange for a guilty plea.

b) **Sentence Bargaining**: Agreements focus on recommending lighter sentences, often formalized through joint submissions to the court.

c) **Fact Bargaining**: Negotiations may involve agreeing on a set of facts to simplify proceedings.

The Supreme Court of Canada[53] has emphasized that judges should generally accept joint submissions unless they are contrary to the public interest, providing certainty to plea agreements. Prosecutors, under the Public Prosecution Service of Canada, follow guidelines ensuring negotiations are transparent and consider victim interests, though victims are not directly involved in negotiations.

4. Australia

In Australia, plea bargaining is a common practice across its federal and state jurisdictions, with over 90% of criminal cases in higher courts resolved through guilty pleas, many resulting from plea negotiations. The process is governed by state-specific criminal procedure laws, such as Victoria's Criminal Procedure Act 2009, and prosecutorial guidelines from bodies like the Office of Public Prosecutions (OPP). Key aspects include:

a) **Charge Negotiations**: Defendants may plead guilty to lesser charges (e.g., common assault instead of aggravated assault) to avoid trial on more serious charges.

b) **Sentence Indications**: Courts may provide non-binding sentence indications to guide plea decisions, though this varies by state (e.g., permitted in Victoria but limited in New South Wales).

c) **Plea Agreements**: Prosecutors and defense counsel negotiate agreements, which are subject to judicial approval to ensure they serve the public interest.

[53] *R v. Anthony-Cook* (2016)

Plea-Bargaining Elements in India, USA, and UK- Gaps and Proposed Reforms

The table below presents a comparative analysis of the key elements that make plea bargaining effective, examining how these operate in India, the United States, and the United Kingdom. It specifically highlights the crucial features found in the plea-bargaining systems of the USA and the UK that remain either absent or underdeveloped within the Indian legal framework while orange sections indicate areas needing reform to strengthen plea-bargaining laws, and green sections show broadened scope or proposed improvements.

S.No.	Plea-Bargaining elements	India (0.11%)	US (More than 90%)	UK (85-90%)	Proposed
1.	**Notice of Plea-Bargaining**	No *(290 BNSS)*	No formal requirement, but defendants are informed about their rights, including the right to a trial, before entering a plea.	No formal plea-bargaining system, but defendants are informed about the possibility of pleading guilty early, often at the first court hearing (Sentencing Council Guidelines).	Yes (Proposed 290 (3) BNSS)
2.	**Victim Consent**	Yes *(291 BNSS)*	No	No	No
3.	**Nature of offence**	Does not include offence that affects the socio-economic condition of the country or	Covers wide range of offences, except certain federal crimes.	Includes a large range of cases.	Permits if the court is of the opinion that it is in interest of justice.

8. PLEA BARGAINING COMPARED INTERNATIONALLY

S.No.	Plea-Bargaining elements	India (0.11%)	US (More than 90%)	UK (85-90%)	Proposed
		has been committed against a woman, or a child. *(289 BNSS)*			
4.	**Time of plea bargaining**	Within 30 days of the date of framing of charge. *(290 (1) BNSS)*	Can occur at any stage.	Can occur at any stage, ideally at the first court hearing, to maximize sentence reductions.	Cannot occur after the stage of evidence.
5.	**Parties involved**	Person accused, Public Prosecutor and complainant and their legal representatives. *(290 (3) BNSS)*	Defendant, defense counsel, and prosecutor.	Defendant, defense counsel, and prosecutor.	Person accused and its legal representative and court (Proposed 290 (5) BNSS)
6.	**Who can initiate plea-bargaining**	Person accused. *(290 (1) BNSS)*	Either prosecutor or defense counsel.	Defense counsel or prosecution.	Court will provide the plea-bargaining notice at the stage of framing of charges.
7.	**Time of disposal**	60 days to work mutually	Can occur at any stage.	Can occur at any stage.	Can occur at any stage

8. PLEA BARGAINING COMPARED INTERNATIONALLY

S.No.	Plea-Bargaining elements	India (0.11%)	US (More than 90%)	UK (85-90%)	Proposed
		satisfactory disposition. *(290 (4) (a) BNSS)*			before evidence.
8.	**Compensation to victim**	Yes *(293 (a) BNSS)*	Not a standard part of plea-bargaining but may be ordered as part of restitution	Compensation can be awarded during sentencing.	Yes
9.	**Provision for minimum punishment**	Yes *(293 (c) and (d) BNSS)*	Yes	Yes	Yes (Proposed 290 (2) BNSS)
10.	**Provision of mandatory maximum punishment.**	No	No	No	Yes (Proposed 290 (1) BNSS)

NEED FOR SENTENCING GUIDELINES IN INDIA

Constitutional anchors

Article 14 (Sentencing guidelines ensures consistence and on-arbitrariness)

Article 21 (Sentencing should be just and fair)

SC key cases on need of guidelines

1994 Dhananjoy Chatterjee Alias Dhana v. State of W.B *(1994) 2 SCC 220*
Today there are admitted disparities. Some criminals get very harsh sentences while many receive grossly different sentence for an essentially equivalent crime and a shockingly large number even go unpunished.

2008 State of Punjab v. Prem Sagar & Ors *(2008) 7 SCC 550*
What would be the effect of the sentencing on the society is a question which has been left unanswered by the legislature. The Superior Courts have come across a large number of cases which go to show anomalies as regards the policy of sentencing.

2014 Narinder Singh & Ors. v. State of Punjab & Anr *(2014) 6 SCC 466.*
Courts go by their own perception
.....
For some deterrence and/or vengeance becomes more important whereas another Judge may be more influenced by rehabilitation or restoration as the goal of sentencing.

Gaps

- No sentencing grid in BNS
- Wide discretion
- Minimal empirical data
- Inconsistent punishments
- Inconsistency victim impact
- Unrecorded reasoning

Recommendations by Committee

Malimath Committee

1. Proper sentence should be a composite of same factors.
2. Offenders should be categorized.
3. A permanent statutory committee should be formed.
4. Death sentence must follow strict criteria.

Madhava Menon Committee

1. To offer more alternatives in matter of punishments instead of limiting to fines and imprisonment.
2. There is a need for constant review to ensure the ends of justice.
3. A policy to avoid short-term imprisonments and to prevent overcrowding of jails and other custodial institutions.

9. NEED FOR SENTENCING GUIDELINES IN INDIA

Sentencing guidelines are the structured frameworks that assist judges in determining appropriate punishments for criminal offenses, aiming to ensure consistency, transparency, and proportionality in sentencing. These guidelines typically outline factors such as the severity of the offense, the offender's culpability, aggravating and mitigating circumstances, and any statutory minimum or maximum penalties lack a formalized sentencing guideline framework.

Sentencing Guidelines in India

The Indian judiciary faces an increasing number of pending cases at all levels and a large vacancy at most levels. As a result of a growing backlog of cases for a long period, the number of undertrials (accused awaiting trial) has also increased. As of December 2021, India's prisons housed over 5.5 lakh prisoners, with an overall occupancy rate of 130%.[54] Around 77% of these prisoners were undertrials (4.3 lakh), while the remaining 23% were convicts and detenues.[55] Delhi (91%), Jammu and Kashmir (91%), Bihar (89%), West Bengal (88%), and Odisha (87%) reported a high undertrial population.[56]

The burden of pending cases and a large undertrial population affects multiple tiers of the judicial system. As on March 30, 2022, around 20% of cases pending with the Supreme Court were criminal matters.[57] As of December 12, 2021, criminal cases accounted for 74% of the overall pending cases in lower Courts in India.[58] As on November 2023, over 30 lakh criminal cases are pending for more than 10 years.[59] In 1979, the Supreme Court indicated that reformation and rehabilitation of offenders were the foremost objects of the administration of criminal justice in India, rather than solely deterrence of crime.[60] The idea of punishment being reformative and aimed at reintegrating offenders into society is central to reforming the criminal justice system. [61] In India, there is a need to bring **'predictability in**

[54] 'Prisons and Occupancy', Prison Statistics 2021, Ministry of Home Affairs.

[55] 'Prisoners- Types and Demography', Prison Statistics India 2021, Ministry of Home Affairs.

[56] Table 2.2, Percentage Share of Different Types of Prison Inmates as on December 31, 2021, Prison Statistic India, 2021.

[57] Unstarred Question No. 4118, Rajya Sabha, Ministry of Law and Justice, April 7, 2022,

[58] Unstarred Question No. 2201, Rajya Sabha, Ministry of Law and Justice, December 16, 2021

[59] The National Judicial Data Grid, as accessed on November 23, 2023.

[60] 1979 AIR 964, Bishnu Deo Shaw @ Bishnu Dayal v. State of West Bengal, Supreme Court, February 22, 1979.

[61] Criminal Justice Reform', United Nations Office on Drugs and Crime

the matter of sentencing' to reduce the inconsistency that is currently involved with it. Sentencing forms part of the provisions of the BNS and BNSS, 2023. Still, these are scattered throughout which has resulted in the lack of consistency in the exercise of discretion by the Judiciary. Even the higher Courts have expressed concern and stressed the need for structured sentencing guidelines. Governmental committees have reiterated the same to minimize such uncertainty and strengthen the justice administration of the country.

In ***Dhananjoy Chatterjee Alias Dhana v. State of W.B.***[62], the Hon'ble Supreme Court held:

> *"**15**...Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime..."*

Reiterating the same, in ***State of Punjab v. Prem Sagar & Ors.***[63]**,** S.B. Sinha, J. held,

> *"**2.** In our judicial system, we have not been able to develop legal principles as regards sentencing. The superior courts except making observations with regard to the purport and object for which punishment is imposed upon an offender, had not issued any guidelines. Other developed countries have done so. At some quarters, serious concerns have been expressed in this behalf.*
>
> ***8.** What would be the effect of the sentencing on the society is a question which has been left unanswered by the legislature. The Superior Courts have come across a large number of cases which go to show anomalies as regards the policy of sentencing. Whereas the quantum of punishment for commission of a similar type of offence varies from minimum to maximum, even where same sentence is imposed, the principles applied are found to be different. Similar discrepancies have been noticed in regard to imposition of fine."*

[62] Dhananjoy Chatterjee Alias Dhana v. State of W.B, (1994) 2 SCC 220.

[63] State of Punjab v. Prem Sagar & Ors, (2008) 7 SCC 550.

In addition, Dr. A.K.Sikri J. in ***Narinder Singh & Ors. v. State of Punjab & Anr.***[64] held,

> *"**15.** Whereas in various countries, sentencing guidelines are provided, statutorily or otherwise, which may guide Judges for awarding specific sentence, in India we do not have any such sentencing policy till date. The prevalence of such guidelines may not only aim at achieving consistencies in awarding sentences in different cases, such guidelines normally prescribe the sentencing policy as well namely whether the purpose of awarding punishment in a particular case is more of a deterrence or retribution or rehabilitation etc.*
>
> *In the absence of such guidelines in India, Courts go by their own perception about the philosophy behind the prescription of certain specified penal consequences for particular nature of crime. For some deterrence and/or vengeance becomes more important whereas another Judge may be more influenced by rehabilitation or restoration as the goal of sentencing. Sometimes, it would be a combination of both which would weigh in the mind of the Court in awarding a particular sentence. However, that may be question of quantum."*

What would be the effect of the sentencing on the society is a question which has been left unanswered by the legislature. The Superior Courts have come across a large number of cases which go to show anomalies as regards the policy of sentencing. Whereas the quantum of punishment for commission of a similar type of offence varies from minimum to maximum, even where same sentence is imposed, the principles applied are found to be different. Similar discrepancies have been noticed in regard to imposition of fine. There are inconsistencies in classifying offences as bailable and compoundable. For instance, theft is punishable with rigorous imprisonment between a year and five years. The BNS adds that community service may also be imposed as punishment for theft. This is provided for cases where:

(i) the value of the stolen property is less than Rs 5,000

[64] Narinder Singh & Ors. v. State of Punjab & Anr, (2014) 6 SCC 466.

(ii) the person is a first-time offender, and (iii) the stolen property is returned or its value is restored. However, theft remains a non-bailable offence. On the other hand, the BNS adds snatching as an offence (aggravated form of theft) punishable by imprisonment up to three years but makes it a bailable offence.

In addition, many minor offences that can be tried summarily are not compoundable and will require trial and conviction (even with a fine). For example, the BNS penalises keeping an unauthorised lottery office with imprisonment up to six months. Although the severity of the punishment suggests that it is considered a minor offence and eligible for summary trial, it is not included in the list of compoundable offences under the BNSS.

Sentencing guidelines may help addressing judicial disparity in sentencing. Many offences specify a range for the penalty. For example, the punishment for a man who deceives a woman, who is not married to him, into thinking they are married and cohabits with her will face imprisonment of up to 10 years with a fine. This means that the judge may impose a sentence anywhere between a day and 10 years. The judge is tasked with exercising judgement based on the circumstances of the case to determine the appropriate sentence. With such a wide range, different judges may impose varied sentences on similar cases, resulting in an outcome that is dependent on which judge is assigned the case. Judicial disparity in sentencing for similar cases may affect fairness and consistency in the legal system. This may be addressed by narrowing the range of allowable penalties and providing sentencing guidelines for judges to ensure consistency across judges.

Key recommendations outlined by Malimath Committee (2023)

"14.4 NEED FOR SENTENCING GUIDELINES

14.4.1 The Indian Penal Code prescribed offences and punishments for the same. For many offences only the maximum punishment is prescribed and for some offences the minimum may be prescribed. The Judge has wide discretion in awarding the sentence within the statutory limits. There is now no guidance to the Judge in regard to selecting the most appropriate sentence given the circumstances of the case. Therefore, each Judge exercises discretion accordingly to his own judgment. There is therefore no uniformity. Some Judges are lenient and some Judges are harsh. Exercise of unguided discretion is not good even if it is the Judge that exercises the discretion. In some countries guidance regarding sentencing option is given in the penal code and sentencing guideline laws. There is need for such law in our country to minimise uncertainty to the matter of awarding sentence. There are several factors which are relevant in prescribing the alternative sentences. This requires a thorough examination by an expert statutory body.

14.4.2 Although many countries have abolished death penalty in view of the increasing violence and deterrence having failed organised crime, terrorism, bomb blasts resulting in killing of innocent people etc., compel the retention of death sentence. Law Commission also states that time is not ripe for abolition of death sentence. Section 354 (3) Cr.P.C makes imprisonment for life the normal punishment and the same section requires that in case a death sentence is imposed, special reasons are to be given and the Supreme Court in Bachan Singh's case held that in the rarest of the rare case the same can be given and enumerated circumstances in which it should be granted and further in Macchi Singh's case they laid down some more requirements namely the manner of the murder, the motive for the commission of offence, the anti-social nature of crime, the magnitude of the crime and the personality of the victim such as innocent child and helpless woman or a victim over whom the murderer is in a

position to dominate or the victim is a public figure.

14.4.3 The Law Commission in its 47th report says that a proper sentence is a composite of many factors, the nature of offence, the circumstances extenuating or aggravating the offence, the prior criminal record if any of the offender, the age of the offender, the professional, social record of the offender, the background of the offender with reference to education, home life, the mental condition of the offender, the prospective rehabilitation of the offender, the possibility of treatment or training of the offender, the sentence by serving as a deterrent in the community for recurrence of the particular offence.

14.4.4 Offenders also have to be classified as a casual offender, an offender who casually commits a crime, an offender who is a habitual, a professional offender like gangsters, terrorist or one who belongs to Mafia. There should be different kinds of punishments so far as the offenders are concerned. Similarly in fixing a sentence many factors are relevant, the nature of offence, the mode of commission of the offence, the utter brutality of the same, depravity of the mind of the man. Sentences contemplated by Section 53 of IPC are death, imprisonment for life, and forfeiture of property or fine.

14.4.5 Sometimes the courts are unduly harsh, sometimes they are liberal and we have already adverted to aspects which Supreme Court said are relevant in deciding as to what are the rarest of the rare cases for imposing death sentence and even in such matters uniformity is lacking. In certain rape cases acquittals gave rise to public protests. Therefore, in order to bring about certain regulation and predictability in the matter of sentencing, the Committee recommends a statutory committee to lay guidelines on sentencing guidelines under the Chairmanship of a former Judge of Supreme Court or a former Chief Justice of a High Court experienced in criminal law with other members representing the prosecution, legal profession, police, social scientist and women representative.

9. NEED FOR SENTENCING GUIDELINES IN INDIA

OFFENCES, SENTENCES, SENTENCING & COMPOUNDING

……The IPC prescribes only the maximum punishments for the offences and in some cases minimum punishment is also prescribed. The Judge exercises wide discretion within the statutory limits. There are no statutory guidelines to regulate his discretion. Therefore, in practice there is much variance in the matter of sentencing. There is no clear indication as to what are all factors that should be taken into account in the matter of assessing the sentences to be imposed. In many countries there are laws prescribing sentencing guidelines. The Committee is therefore in favour of a permanent Statutory Committee being constituted for the purpose of prescribing sentencing guidelines. As the fines were prescribed more than a century ago and value of the rupee has since gone down considerably, the Committee feels that it should be suitably enhanced……The Committee feels that the law should lean in favour of settlement of cases without trial, where the interest of the society is not involved. The Law Commission has already made its recommendations on this. The implementation of the Law Commission recommendations with the inclusion of more offences in the category of cases that can be compounded is recommended……

(104) The Committee recommends that a statutory Committee be constituted to lay down sentencing guidelines to regulate the discretion of the court in imposing sentences for various offences under the IPC and Special Local Laws under the Chairmanship of a former Judge of the Supreme Court or a retired Chief Justice of a High Court who has experience in Criminal Law, and with members representing the Police department, the legal profession, the Prosecution, Women and a social activist."

Key recommendations outlined by Madhava Menon Committee (2007)

"5.5 PUNISHMENTS AND SENTENCING

5.5.1 Given the limited options in the choice of punishments now available in the statutes and the inadequate deterrence in the sentence often imposed, there has to be some serious rethinking on the philosophy, justification and impact of sentencing in criminal justice administration. The quantums of fines were prescribed more than a century ago. Imprisonment in practice is reduced to a much shorter period through a variety of practices even when it is for life. Equality in sentencing is not pursued vigorously and there is no serious attempt yet to standardize the sentencing norms and procedures. The objects of punishment are not served in many cases as a result of such incoherent sentencing practices.

5.5.2 What are the policy choices in the matter of punishments and determination of its quantum to achieve the goals of criminal justice? Can community service be made an effective punishment and how is it to be organized? How to make probation a dominant part of disposition in criminal cases? How to achieve equality and fairness in sentencing? These and many related questions are not even raised in India seriously with the result the system seems to be functioning as an end in itself. There has to be a radical change in the law and practice of sentencing if punishment should serve the cause of criminal justice. A set of sentencing guidelines may be statutorily evolved to make the system consistent and purposeful. Fixing mandatory minimum sentences may not be a worthwhile solution. More importantly, the policy should be to increase the choices in punishment and make the other functionaries of the system (like probation service and correctional administration) to have a voice in the sentencing process and administration.

5.5.3 A national policy on sentencing shall seek to address the following issues:

i. *The need for criminal law to offer more alternatives in the matter of punishments instead of limiting the option merely to fines and imprisonment.*

ii. *In respect of the quantum of punishments, the need for constant review to ensure that it meets the ends of justice and disparity is reduced in similar situations.*

iii. *A policy to avoid short-term imprisonments and to prevent overcrowding of jails and other custodial institutions, to be rigorously pursued at all levels.*

iv. *The need for specific sentencing guidelines to be evolved in respect of each punishment.*

v. *Also the need for an institutional machinery involving correctional experts for fixing proper punishment……..*

Under the Summary of the Report-

5.5 ***Increased Punishment Choices and Alternatives:*** *There has to be a substantial increase in the range and variety of punishments to provide for more choices in sentencing. The quantums of punishment, particularly of fine, require revision given the contemporary value of money and the impact of inflation. Disparities in sentencing need to be reduced by evolving appropriate statutory guidelines in respect of each type of punishment, which should be periodically revised at the instance of the proposed Board of Criminal Justice."*

In conclusion, India urgently needs clear sentencing guidelines to make punishments fair, consistent, and predictable. At present, wide judicial discretion often leads to unequal outcomes, which weakens public trust in the justice system. A well-designed guidelines would ensure that sentences are proportionate to the seriousness of the offence, reduce arbitrariness, and bring greater transparency and accountability. By balancing judicial discretion with structured rules, sentencing guidelines can strengthen fairness, uphold equality before the law, and improve confidence in the criminal justice system.

Introduction of New Sentencing-Guideline Principle in Plea-Bargaining in India

India currently lacks a well-formulated sentencing guideline regime built into the plea-bargaining process (or more broadly for sentencing after trial) that ensures consistency, transparency and fairness in how sentences are arrived at. A clear structure with defined default "maximum punishment" principle, an exception regime for mitigation ("exceptional circumstances"), aggravating factors to exclude mitigation, and a structure for framing guidelines in the Indian context, is timely and necessary due to several structural and doctrinal reasons.

Why a clear structure principle for sentencing is required in India

a. Case-pendency, delay & resource constraints

One of the principal rationales for introducing plea bargaining in India was to relieve the enormous backlog of criminal cases, reduce pre-trial detention, and expedite resolution of disputes.[65]Sentencing uncertainty, lack of clear expectations and wide disparity in sentences add to trial delays, appeals and dissatisfaction. A clearer guideline principle promotes predictability and thus supports faster resolution and greater acceptance of plea bargains.

b. Need for consistency, transparency and fairness in sentencing

Indian courts have wide discretion in sentencing. But this discretion, if unchecked, can lead to disparate outcomes, questions of arbitrariness, lack of transparency and perceived inequity. Indian plea-bargaining lacks comprehensive guidance for judicial conduct, particularly on how sentences are determined post-plea.[66] Introducing a structured guideline approach (with aggravating and mitigating factors) helps in ensuring that similar offences, similar circumstances lead to similar sentences thereby enhancing the legitimacy of the system.

c. Integrating plea-bargaining with substantive sentencing guidelines

Unless sentencing after trial (and sentencing within a plea process) follows a clear principle, plea-bargaining may become arbitrary or seen as unjust (either too lenient or too harsh). A guideline principle ensures that when an accused pleads guilty (via plea bargain) the sentencing

[65] Concept Of Plea Bargaining: Overview Plea Bargaining Under the Indian Legal System; Parth Jogin, BA LLB (Hons.), CHRIST (Deemed to be University).

[66] Judicial Discretion in Plea Bargaining: An Indian Perspective- Jagriti Singh University of California, Berkeley, School of Law (Boalt Hall); National Law School of India University, Bangalore.

regime is fit, coherent and aligned with broader sentencing objectives (retribution, deterrence, reform, restitution). The pleasure to plead guilty should correspond with transparent sentencing expectations not a black-box negotiation.

d. Enhancing public confidence & discouraging undue leniency or severity

A Sentencing principle that appears "too light" in plea-bargains may undermine public confidence in the criminal justice system. On the other hand, "too harsh" sentences may discourage plea bargains, drive more trials, increase pendency, clear and defined aggravating factors, and which mandates State/HC guidelines for uniform classification of offences, further strengthens this point: the system must strike the balance between appropriate leniency (in exceptional cases) and firmness (in aggravating cases).

e. Mitigating risks of arbitrary outcomes, coerced plea, and inequity

Indian plea bargaining structure currently hones a system wherein the accused may be pressured into a plea for fear of worse outcome; lack of clarity on sentencing means the accused does not always understand the likely sentence; lack of uniform guidance may lead to very different sentences for similar conduct. A sentencing-guideline principle into the framework, mitigates these risks: the accused has some indication of sentencing expectations; courts have guidance; prosecutors have less arbitrary negotiation power; and the victims and society develop more confidence in the fairness of outcomes.

SENTENCING GUIDELINES INTERNATIONALLY

Benefits of Sentencing Guidelines

- Promotes Consistency and Fairness
- Improves Judicial Transparency
- Enhances Public Confidence
- Supports Human Rights Standards
- Assists Judges and Prosecutors
- Supports Human Rights Standards
- Reduces Overcrowding in prisons with alternate punishments

United States Sentencing Commission

Key features

1. Guidelines manual and policy statements to guide judicial interpretations.
2. Offense level based on crime's severity.
3. Division of offender's criminal history into six levels.
4. Adjustments and departures in offence levels based on defendant's role or victim impact.
5. Plea-Bargaining incentives.

India

1. No Sentencing guidelines
2. No overarching principles.
3. Less Plea-Bargaining incentives.

Sentencing Council for England and Wales

Key features

1. Offense - specific guidelines.
2. General overarching sentencing principles.
3. Plea-Bargaining incentives.
4. Ancillary orders.

10. SENTENCING GUIDELINES COMPARED INTERNATIONALLY

1. UK

The evolution of sentencing guidelines in the UK illustrates a deliberate effort to reduce sentencing inconsistencies and strengthen public trust in the criminal justice system. Before the introduction of formal guidelines, sentencing decisions were largely left to judicial discretion, shaped by common law principles and statutory maximums, which often resulted in uneven outcomes. The establishment of the Sentencing Advisory Panel in 1998 under the Crime and Disorder Act represented the first move toward greater standardization by offering advisory recommendations. This initiative progressed further with the creation of the Sentencing Guidelines Council in 2004 under the Criminal Justice Act 2003, which developed more structured guidelines for courts to follow. These reforms culminated in the Coroners and Justice Act 2009, which established the Sentencing Council for England and Wales an independent body responsible for producing mandatory sentencing guidelines aimed at ensuring consistency while safeguarding judicial independence (Sentencing Council, 2025).

Structure and Key Features

The Sentencing Council develops and publishes offense-specific and general sentencing guidelines, which courts are statutorily required to follow under the Sentencing Act 2020, unless doing so would be contrary to the interests of justice. These guidelines are comprehensive, covering a wide range of offenses, including violent crimes, theft, drug offenses, and sexual offenses. Key structural features include:

a. **Offense-Specific Guidelines**: Each guideline outlines sentencing ranges based on the harm caused and the offender's culpability. For example, the guideline for assault categorizes offenses from minor battery to grievous bodily harm, with corresponding sentencing ranges.

b. **General Sentencing Principles**: Guidelines address overarching principles, such as the consideration of aggravating factors (e.g., offense committed on bail) and mitigating factors (e.g., genuine remorse). Recent updates, effective April 2024,

incorporate equality and diversity considerations, acknowledging factors like mental disorders or language barriers in assessing remorse.

c. **Plea Bargaining Incentives**: The guidelines incentivize early guilty pleas by offering sentence reductions of up to one-third if entered at the first reasonable opportunity, decreasing to 10%

as the trial approaches. This encourages plea bargaining, which resolves approximately 85% of criminal cases in England and Wales.

d. **Ancillary Orders**: Guidelines include provisions for orders such as compensation, restraining orders, or criminal behavior orders, ensuring comprehensive sentencing outcomes.

2. USA

The USA's federal sentencing guidelines were introduced to address widespread sentencing disparities in federal courts, where similar offenses often resulted in vastly different sentences. The Sentencing Reform Act of 1984 established the United States Sentencing Commission, tasked with developing sentencing guidelines. The first Federal Sentencing Guidelines were published in 1987 and were initially mandatory, requiring judges to impose sentences within prescribed ranges.

Structure and Key Features

The Federal Sentencing Guidelines employ a grid-based system to determine sentencing ranges, balancing offense severity with the offender's criminal history. The guidelines are detailed in the annual Guidelines Manual, updated to reflect legislative changes, appellate decisions, and sentencing research. Key features include:

a. **Offense Level and Criminal History**: The guidelines assign an offense level (1–43) based on the crime's severity, adjusted for specific characteristics (e.g., use of a weapon). The offender's criminal history is categorized into six levels, with higher categories reflecting more extensive records. The intersection of these factors on the sentencing table yields a recommended sentencing range.

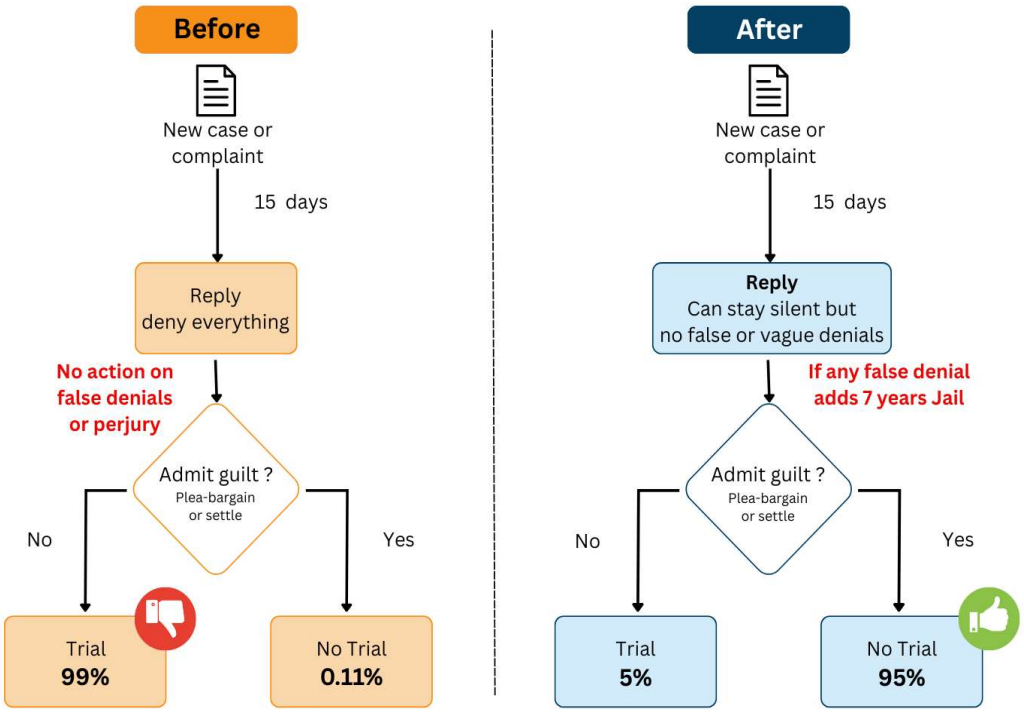
b. **Adjustments and Departures**: Judges can adjust offense levels for aggravating or

mitigating factors, such as the defendant's role or victim impact. Departures from the guideline range are permitted if justified by circumstances not adequately considered in the guidelines, with reasons documented.

c. **Plea Bargaining Incentives**: Defendants who accept responsibility, typically through a guilty plea, may receive a two- or three-level reduction in their offense level, significantly encouraging plea bargaining, which resolves over 98% of federal cases.

d. **Policy Statements and Commentary**: The Guidelines Manual includes policy statements and commentary to guide judicial interpretation, addressing issues like victim impact and sentencing for organizations.

PREVENTION OF FALSE STATEMENT AND OBSTRUCTION OF JUSTICE *(SATYUG)* BILL, 2025



5 crore cases pending
Below 1% conviction

Justice within a year
90% + conviction rate (jail)

PREVENTION OF FALSE STATEMENT AND OBSTRUCTION OF JUSTICE (SATYUG) BILL, 2025

11. PROPOSED LAW AND AMENDMENTS

The **Prevention of False Statement and Obstructions of Justice (*Satyug)* Bill, 2025** seeks to address the growing challenges posed by deliberate delays, misuse of judicial processes, and the rising incidence of false and frivolous cases within the justice system. The Bill aims to strengthen the legal framework by introducing stricter provisions against perjury (false denials), enhancing the effectiveness of plea bargaining, and establishing clear sentencing guidelines. The preamble of the Bill outlines the purpose which is to, *"define, consolidate and amend, the provisions to punish obstruction in public justice and governance, to establish sentencing guidelines to promote plea bargaining, and to deter false cases, with a view to expedite disposal and fast-track court cases."* The Bill puts forward the following core elements:

1. Proposal for amendments in perjury laws

a. **Omnibus clause of false statement and obstruction of justice to include a wide range of offences.**

Currently	No such existing provision.
Proposed change (Section 2 (i) and (ii) of the Bill)	"False statement" means any statement made voluntarily which is wholly or partly untrue in the course of "any proceeding" and any person who aids, abets, assists, or conspires in making or inducing any person to make that untrue statement shall be deemed guilty of the offence of making false statements and also shall be liable to the same penalty as the principal offender. "Obstruction" is whosoever intentionally, knowingly or willfully

	commits an act which influence, obstructs, impedes, or endeavors to influence, obstruct, or impede, the course of justice any person aiding, abetting, suborning, shielding or conspiring another person for offences under this act shall also be said to have committed the same offence and together referred to as "obstructions" against justice.
Why the proposed change is required	To include a wide range of offences to create strong deterrence with respect to obstruction prosecution. A justice system cannot ascertain truth if the process is corrupted; targeted obstruction directly undermines due administration of justice. **Safeguards-** Require mens rea of "intentionally" or knowledge that conduct would likely obstruct; require material nexus with a proceeding. **International precedent**- U.S. 18 U.S.C. §1503 contains an "omnibus clause" punishing anyone who "corruptly… influences, obstructs, or impedes… the due administration of justice," complementing perjury/false-statement statutes. Courts construe it broadly to reach non-enumerated obstructive acts. In UK, Common-law offence of Perverting the Course of Justice (PCOJ), it includes any act(s) that tend to and are intended to pervert public justice.

b. Punishment for obstruction

Currently	No such existing provision.
Proposed change (Section 3 of the	Punishment of upto 7 years and for second time and thereafter, rigorous imprisonment which will not be less than seven years but may extend to ten years and fine.

Bill)	
Why the proposed change is required	Imposing the light punishment overlooks the true gravity of crimes against public justice, which are inherently serious in nature. **Safeguards-** • Materiality/nexus requirement, act must have a real tendency to affect a proceeding- mens rea: "knowingly or corruptly" • Specific defences for bona fide legal advice and privilege • Prior sanction or court-initiated complaints to avoid private vendetta • Proportional sentencing grid. **International precedent-** In UK, "perverting the course of justice" punishable up to life imprisonment and it covers false allegations, interference with evidence, etc.

c. **Private Complaint and Cognizance mechanism**

Currently	Section 215 bars the cognizance and only allows via judge/State/public servant complaint.
Proposed change (Section 4 of the Bill)	Empowering the courts where an alleged obstruction and offence of false statement is committed occurs to take cognizance if it finds, based on that there is a prima facie case.
Why the proposed change is required	No recourse available for the offences mentioned in section 215 and it leaves the aggrieved party remediless; contrary to victims' rights and equality before law. **Safeguards-** • Require record-based prima facie showing; • Empower early dismissal with costs for bad-faith

	complaints; • Penalise retaliatory filings **International precedent.** UK Perjury Act 1911 allows indictment without a complaint from the trial court and Canada Criminal Code ss.131–139 prosecute perjury/obstruction as ordinary indictable crimes.

d. Severe Punishment for Perjury (False statements/false denials)

Currently	Does not exist.
Proposed change (Section 3 of the Bill)	It mandates stricter punishment for perjury. In such cases, the court must impose imprisonment of no less than seven years, extendable up to ten years, along with a fine.
Why the proposed change is required	Perjury is not taken as a serious offence because of less punishment wherein it influences the administration of justice. **Safeguards-** Clear aggravator definitions and Sentencing guidelines to prevent disparity. **International precedent-** UK Perjury Act 1911 s.1 provides max 7 years wherein subornation is also punishable and higher sentences are imposed when perjury perverts' justice. In Australia (Qld) §124, it is up to life if perjury seeks to procure conviction for a life-punishable crime, otherwise, 14 years. Canada s.131 also provides for up to 14 years.

2. Proposal for Plea-Bargaining and Sentencing Guidelines

Currently	**1.** A plea-bargaining agreement in form of compromise (a mutually satisfactory disposition). **2.** No mandatory maximum punishment, sentencing is discretionary in nature. **3.** No provision of minimum punishment, sentencing is discretionary in nature. **4.** No plea-bargaining in heinous crimes. **5.** No plea-bargaining notice. **6.** The victim consent is required before court could accept the plea-bargaining. **7.** With the consent of victim, plea-bargaining becomes compounding of offence. **8.** Its duty of court to ensure the satisfactory disposition of case was made voluntarily with consent of each party. **9.** Different provisions for pleading guilty and plea-bargaining. **10.** No sentencingguidelines to ensure sentencing.
Proposed change (Chapter XXIII of BNSS)	**1.** Sentencing guidelines to ensure uniformity and speedy disposal of cases. **2.** Minimum punishment provision to ensure sentencing. **3.** Mandatory plea-bargaining notice at the stage of arrest and before a magistrate. **4.** Only the accused, legal representative of accused with

	permission of court comes to plea-bargaining agreement. **5.** Making sure that the accused understands the nature of crime, its punishment and benefit of plea-bargaining and that, accused is in fact the person who committed the offence. **6.** Pleading guilty will be governed by Plea- Bargaining procedure. **7.** Codified sentencing guidelines.
Why the proposed change is required	**1.** In current scenario, judges decide the sentence, which sometimes leads to uneven or lighter punishments. Setting a fixed maximum punishment would make sentencing fairer and help stop people from taking trials lightly. **2.** Very light sentences, reduces the seriousness of punishment. Hence, setting a minimum punishment would ensure offenders get a fair and adequate sentence, strengthening deterrence and consistency. **3.** Banning plea-bargaining in heinous crimes can delay justice and harm victims' interests. Allowing judicial discretion adds flexibility to settle such cases fairly. **4.** A mandatory notice after framing of charge ensures everyone is aware of this option, speeding up justice and reducing trial backlog. **5.** Requiring victim consent can preventing the plea-bargaining process. **6.** Allowing plea-bargaining to become compounding shifts focus from justice to private settlement. The change ensures plea-bargaining remains a judicial process, not just

	a compromise between parties. **7.** Merely consent isn't enough to protect fairness in plea-bargaining. The court must also confirm the accused understands the charges, punishment, and benefits, and that they actually committed the crime and are not forced to accept plea-bargaining. **8.** Having separate procedures can cause confusion and inconsistency. Applying the plea-bargaining process to guilty pleas ensures clarity, fairness, and uniformity in handling such cases. **9.** Without clear guidelines, sentencing can be uneven and unpredictable. Codified guidelines help judges ensure fair, consistent, and proportionate sentences. **Safeguards-** Judicial discretion to depart with reasons and appellate review to correct misapplication. **International precedent-** US Sentencing Guidelines §3E1.1 allows formal acceptance-of-responsibility reductions (2–3 levels) incentivise guilty pleas and conserve resources and England & Wales Guilty Plea Guideline (2017) allows one-third reduction at first stage, tapering thereafter, assessed by the Sentencing Council.

3. Proposal for efficiency in adjudication

a. Safe Harbour

Currently	Does not exist.
Proposed change (Section 2(5) of the Bill)	15-day correction window to withdraw the case and after issuance of the safe harbour notice, recklessness or negligence shall not be accepted as a defence. Any falsehood or denial thereafter will be deemed willful and attract consequences of perjury.
Why the proposed change is required	To provide a chance to correct the pleadings in cases of mistakes. **Safeguards-** • Short window (e.g., 15 days) to withdraw or correct; • Inapplicable to wilful bad-faith acts or to concealment discovered by the court; • Corrections on affidavit with full particulars; • Court may still award actual costs for any prejudice.

b. Record Keeping and Reporting by Department of Justice

Currently	Does not exist.
Proposed change (Section 7 of the proposed Bill)	Record keeping and reporting shall be managed by the Chief Judicial Magistrate related to obstruction of justice, perjury, and plea bargaining and maintain an annual report to be sent to the High Court. High Courts will send the same to the Department of Justice to examine, receive, and maintain the reports and maintain them for the purpose of administration, policy review, and other functions.

Why the proposed change is required	A dedicated body is needed to ensure systematic oversight and consistency in how obstruction offences are handled, minimizing misuse and delays in plea bargaining and perjury cases. This change promotes efficiency and accountability by tracking delays, recommending procedural improvements, and supporting better case management across courts. Regular data collection ensures policy is informed by ground realities. **International precedent-** U.S. Sentencing Commission & UK Sentencing Council publish regular statistics and assessments.

12. FREQUENTLY ASKED QUESTIONS

1. **What are the controls and safeguards to prevent abuse of process in the proposed perjury (including false denials) or obstruction laws? How will it prevent false obstruction/ perjury complaints or counter-perjury complaints (on true complaint), retaliatory Complaints or forced perjury complaints?**

   The Bill provides for a strict entry criterion for perjury complaints and strong deterrence mechanism for false perjury complaints. The safeguards provided by the Bill are as follows:

   a) **Mandatory Safe-Harbour Notice:** Before a complaint can be filed, a 15-day notice must be served to the accused. This allows the maker to withdraw the false statement and tender an unconditional apology; if accepted by the aggrieved person, no proceedings can be initiated, effectively preventing litigation arising from resolvable errors.

   b) **Judicial Filter (Prima Facie Satisfaction):** While the Bill allows "any aggrieved person" to file a complaint, the Authority must be prima facie satisfied that a case for further proceedings is made out before forwarding the matter to the Judicial Magistrate. This acts as a filter against frivolous criminal filings.

   c) **Affidavit-backed, Document-based Complaints:** A "Complaint" under this Act is strictly defined and must be supported by an affidavit (except in suo motu cases) and evidence. Casual, oral or unsupported allegations cannot trigger proceedings under the Act.

   d) **Heavy and Escalating Costs on Adjournments:** To curb delay tactics, the Bill mandates a minimum cost of ₹10,000 for the first adjournment and double the previous cost for any subsequent adjournment.

   e) **Extinguishment of Rights (Deterrence):** As a strong deterrent against delaying justice, if a party seeks more than two adjournments or fails to pay costs, the Court is empowered to extinguish their right to file pleadings, evidence, or submissions at that stage.

f) **Independent, Graduated Penal Framework:** The Act creates a separate, stand-alone offence for false statements and obstruction of justice with imprisonment of up to seven years for a first offence and a higher, mandatory minimum for repeat offenders, ensuring that only serious, well-founded cases are pursued while serving as a strong deterrent against dishonest conduct in proceedings.

2. What are the controls and safeguards to prevent abuse of process in the proposed plea-bargaining laws? False or forced Plea-Bargaining Application?

The Bill sets out stringent conditions for accepting plea agreements, ensuring voluntariness and corroborative evidence. It also provides safeguards against false, collusive, or coerced pleas through judicial scrutiny and victim statements (not consent). The safeguards provided are as follows:

a) **Written Rights-Notice and Judicial Verification:** At the time of arrest and at every remand or trial appearance, the accused must be informed in writing that structured plea-bargaining is available, what benefits it carries, and that the final discretion rests with the Court. A standard Plea-Bargaining Form requires the accused to confirm, on record, that they understand the accusation, have consulted counsel (or voluntarily waived that right), and are acting of their own free will without coercion, inducement or threat.

b) **Power to Reject False, Collusive or Coerced Pleas:** The Court is not bound to accept a plea agreement. If it is not satisfied about voluntariness, the factual basis of the plea, or suspects collusion (for example, to shield another accused or fabricate guilt), it may refuse to act on the plea-bargaining and proceed with the case under the ordinary trial procedure.

c) **Recording of Reasons:** Court shall record detailed reasons in writing for accepting a plea, including why it is voluntary and lawful.

d) **Transparent, On-Record Plea Agreements:** Every plea-bargaining is reduced into a formal written Plea-Bargaining Application / Statement of Guilt (or innocence) signed by the accused and certified by defence counsel. This becomes part of the judicial record and is dealt with in Court under Chapter XXIII as amended, preventing secret or off-record deals between prosecution and defence.

e) **Strict Timelines and Limited Discounts to Prevent Tactical Misuse:** The law expressly links sentence discounts to early, genuine pleas: for first-time offenders, punishment is capped at one-fourth of the statutory maximum if the plea is accepted before framing of charge, and at one-half if accepted before closure of prosecution evidence, subject to defined 90-/60-day windows. No plea-bargaining is permitted after prosecution evidence closes, and repeat offenders get a smaller, court-controlled reduction. This discourages delay-based, tactical or false plea applications and reserves the benefit for timely, truthful admissions of guilt.

3. **Allowing Perjury filing may lead to the doubling of the cases. How can the judicial infrastructure support the flooding of cases?**

   The Bill has been framed to prevent any indiscriminate rise in litigation. While it creates a statutory avenue for perjury complaints, it simultaneously establishes stringent entry thresholds to ensure that only bona fide matters proceed. The mechanism enables parties to withdraw or correct defective pleadings at the outset, thereby preventing unnecessary filings. It further mandates documentary proof to exclude casual or oral allegations, and empowers courts to admit complaints only upon a prima facie determination, supported where required by a preliminary inquiry. In addition, no complaint may proceed without cognizance by the concerned authority, thereby introducing an additional jurisdictional safeguard against frivolous initiation. Frivolous actions are discouraged through escalating costs, sanctions on all parties involved (co-conspirators), and swift disposal procedures. Thus, rather than overwhelming judicial infrastructure, the Bill streamlines it by filtering out abuse and prioritising genuine cases for adjudication.

4. **Truth is a thin line. Prosecuting "likely to mislead" is a very high bar for society. How can such lies be proven?**

   In law, the duty to tell the truth is not limited to avoiding outright lies; it also requires avoiding statements that create a misleading impression. Falsity is when you try to mislead, despite knowing that the actual facts are opposite. Misleading is the "abstaining from telling the truth when you ought to disclose."

Facts form the foundation for the resolution of any legal case, particularly in the digital age, where they are increasingly accessible. Without full responsibility and accountability to speak the truth, the system remains vulnerable to manipulation.

People should have the right to remain silent, however, lies and statements that mislead the court should not be allowed at any cost. If a statement made is likely to mislead the court, then it must be the responsibility of the person making the statement to ensure that it does not mislead the court in line with the international laws.

5. **Given the widespread concerns about misuse of women-centric laws such as Section 498A IPC and rape provisions, what safeguards ensure that a new perjury law will not be similarly abused? Wouldn't its introduction risk triggering counter-perjury complaints in every 498A or rape case, thereby deterring genuine victims from coming forward?**

   While concerns about the misuse of women-centric laws such as Section 498A IPC and rape provisions are often raised, the proposed perjury law is structured with safeguards to prevent similar abuse. Counter-perjury proceedings cannot be filed automatically by the opposing party; they require the court's sanction under our act and arise only when a judge forms a *prima facie* view that deliberate falsehood has been committed. Importantly, an acquittal or failure to prove allegations does not amount to perjury the law targets intentional and provable lies under oath, not cases of insufficient evidence or testimony affected by trauma. Judicial discretion acts as a filter to dismiss frivolous or retaliatory applications at the outset, ensuring that genuine victims remain protected while accountability is enforced against those who deliberately misuse the judicial process.

6. **How would the bill impact the earnings of the Legal profession?**

   Internationally lawyers earn far more than the average lawyer in India. It is the most wealthy and respected profession. Indian lawyers are not compensated enough because the system does not deliver any economic value to the country and largely plays a destructive role. On having strong deterrence and a functional justice delivery system, the field of corporate law and compliance expands dramatically.

7. How right to remain silent under Article 20(3) and freedom of expression under Article 19(1)(a) operate vis-à-vis perjury and obstruction?

Indian law balances the right against self-incrimination with the duty to provide truthful testimony. Under Article 20(3) of the Constitution, an accused person may remain silent to avoid self-incrimination. If they choose to speak or are compelled to answer, their statement must be truthful, with compelled statements protected by use immunity under the proviso to Section 137 of the Bharatiya Sakshya Adhiniyam, 2023.

Since Article 19(1)(a) is subject to Article 19(2), restrictions like contempt of court, defamation, or incitement to an offense justify punishing false testimony or acts obstructing justice to uphold the authority and impartiality of courts. An accused can present a robust, self-serving defense, but liability arises only for deliberate, conscious falsehoods on material matters. Prosecution for perjury under our act requires it to be expedient in the interest of justice, and mere contradictions do not suffice. No prior hearing is needed at the initial stage. Thus, perjury and obstruction laws coexist with the privilege against self-incrimination, as the accused can choose silence or truthful testimony without resorting to perjury. Comparative legal authorities similarly hold that punishing proven perjury does not violate the right to testify.

8. How is False Statement/Perjury different from Forgery under Indian law (and in this Bill)?

Forgery and False Statement deal with two different kinds of wrongdoing. Forgery is about whether the document itself is fabricated or falsely made. False Statement / Perjury and merely false denials is about whether a person has lied in content when the law requires them to speak the truth (for example, in affidavits, testimony, certificates or official reports). In simple terms: if the signature, issuer or document is fake, it is forgery; if the document is genuine but the sworn content is false, it is false-statement / perjury.

The Supreme Court has drawn this line in three key cases. In Md. Ibrahim v. State of Bihar (2009), the Court held that executing a sale deed in one's own name for property one does not own is not forgery, because the deed is genuinely executed; the lie is in the contents (ownership), not in the making of a "false document." In Sheila

Sebastian v. R. Jawaharaj (2018), the Court clarified that only the maker of a false document can be guilty of forgery merely using or benefiting from a document is not enough. Thus, an officer who files a report in their own name but fills it with lies commits False Evidence / Perjury, whereas an officer who fabricates an order and signs the Magistrate's name commits Forgery. In Dr S. Dutt v. State of U.P. (1966), the Court further warned that when the real allegation is giving or using false evidence in a proceeding, prosecution must follow the perjury route and its safeguards, and cannot be re-packaged as "forgery" to bypass them.

Our False Statement reform builds on this jurisprudence. It focuses on obstruction by genuinely executed but deliberately false affidavits, declarations and reports, closing the gap where lies in "real" documents escape clear and timely accountability.

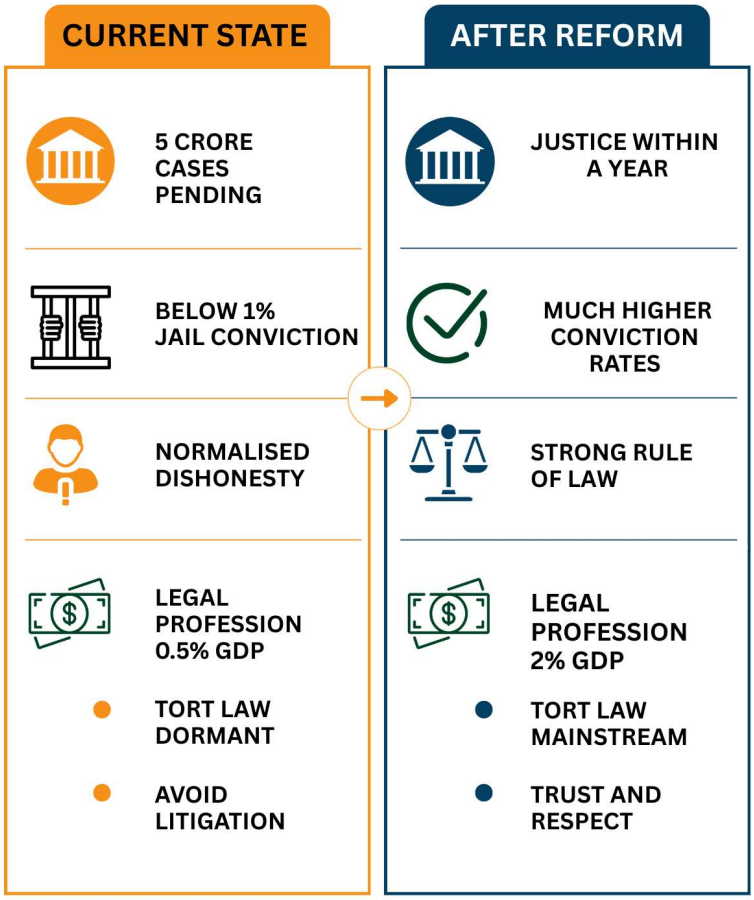
Normalization of Dishonesty

When perjury is perceived as common, and goes largely unpunished,
it risks normalizing dishonesty within legal contexts.

This cultural shift leads to broader societal implications where truthfulness
is undervalued, further eroding trust in public institutions.

PREVENTION OF FALSE STATEMENT AND OBSTRUCTION OF JUSTICE *(SATYUG)* BILL, 2025

Impact overview



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Part B

The Prevention of False Statement and Obstruction of Justice (Satyug) Bill

Version 6.7 · October 2026

The Bill amends the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 to make truth the dominant strategy in litigation: a direct right for the person affected by a false statement to complain of the offences behind section 215, with a safe-harbour notice and a period to correct; a plea-bargaining chapter that is open to every accused and gives the victim a hearing rather than a veto; and the sentencing consequences of a false denial.

Version 6.7 supersedes the draft annexed to W.P.(C) 209/2026 as Annexure P-4 (Volume 4, Part B). Seventeen pages.

Under consideration (*7 November 2026*). Three amendments to version 6.7 are with counsel: clauses 3 to 6 to provide that the court "may, after satisfying itself that the plea is voluntary and that there is a factual basis for it, convict", with the in-camera examination in section 290(4) retained; a clause enacting the binding advance indication of item B4, with the rule in *Thippeswamy* that a sentence passed on it is not enhanced on appeal by acting on the plea; and a clause enacting the custody shield of item V1. The text below is version 6.7 as it stands.

PREVENTION OF FALSE STATEMENT

AND OBSTRUCTION OF JUSTICE (SATYUG) BILL, 2025

No. of 2025

Preamble

An Act to prevent making false statement and obstruction of justice, before courts, judicial authorities, tribunals, oath commissioners, administrative authorities and other public authorities where statements are made under oath or justice is obstructed, it is necessary to make a special law.

BE it enacted by Parliament in the ..... Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. *(1)* This Act shall be called Prevention Of False Statements And Obstruction Of Justice (Satyug) Act, 2025. (2) It shall extend to the whole of India. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. — Short title, extent and commencement.

2. *(1) (i) "False statement"* means any statement made voluntarily which is wholly or partly untrue in the course of "any proceeding" as defined in 2 (2) of this Act. *(ii)* any person who aids, abets, assists, or conspires in making or inducing any person to make such an wholly or partly untrue statement shall also be deemed guilty of the offence of making false statement and also liable to the same punishment as the principal offender. Provided that whomsoever is alleged to have committed the offence of making false statement upon safe-harbour notice — Definitions

in writing by a person whosoever is affected by such statement or the authority before whom such a false statement is made gives safe-harbour notice in writing to the maker thereof to withdraw the statement within 15 days after receiving such safe-harbour notice, the maker thereof withdraws the statement and offers written apology for such statement and is accepted by aggrieved person, no proceedings under this act can be initiated against him for having made such false statement.

Explanation 1- *"Safe harbour period"* is a period of 15 days which begins when a notice in writing is given to the maker of the statement that he has made a false statement and is required to withdraw or correct the same.

Explanation 2- *"Withdrawal"* would mean an unconditional withdrawal and apology by the maker thereof to the satisfaction of the person against whom the false statement was made.

Explanation 3- Safe harbour notice shall be served by means of registered post acknowledgement due, speed post, courier service, fax message, electronic mail service, or by any other known manner providing a delivery receipt.

(2) *"any proceeding"* means proceeding before courts, judicial authorities, tribunals, oath commissioners, administrative authorities and other public authorities.

(3) *(i) "Obstruction"* whosoever intentionally, knowingly or willfully commits an act which influence, obstructs, impedes, or endeavors to influence, obstruct, or impede, the course of justice in any manner in "any proceedings", commits an offence of obstruction under this Act.

(ii) Any person aiding, abetting, suborning, shielding, conspiring, influencing or coercing another person for

offences under this act shall also be said to have committed the same offence and together referred to as "obstructions" against justice.

(4) *"Complaint"* means any complaint in writing supported by an affidavit and evidence if any, thereof purportly alleging making of a false statement or obstructions of justice made before any authority in any proceedings as defined in 2(2).

CHAPTER II

PUNISHMENT AND PROCEDURE

Procedure

3. *(1)* Authority before whom the offence of making false statement or obstruction of justice is alleged to have been committed, can take action suo moto or on a complaint by any aggrieved persons, or the concerned authority before whom such statement or obstruction was made.

(2) If the authority is prima facie satisfied that a case for further proceedings is made out, it shall forward the matter to the judicial magistrate of that area.

Provided that where proceedings are initiated suo motu by any authority, no affidavit shall be required to accompany such complaint.

(3) Before filing the complaint a 15 days prior safe harbour notice shall be sent.

Provided that no proceedings can be initiated unless proof of service of the notice of safe harbour has been duly placed on record before the Court.

(4) The authority before whom the false statement is alleged to have been made or obstructions of justice is alleged to have been committed shall never be called as witness in any proceedings.

Punishment for false statement and obstruction.

4. *(1)* Whoever is found guilty of an offence of giving false statement or obstruction of justice as defined in section 2 in any proceedings before any authority at any stage, shall be liable to be punished with imprisonment up to seven years and or fine or both.

(2) Whoever is found guilty of an offence of giving a false statement or causes obstruction of justice for the second time or thereafter, shall be punished with rigorous imprisonment for a term which shall not be less than seven years but may extend to ten years, and shall also be liable to fine.

Adjournments

5. *(1)* No adjournments shall be given in any proceedings initiated for having committed the offence of false statements and or obstructions of justice by any court before whom the matter is brought to any party except under exceptional circumstances after recording reasons for the same.

(2) However in exceptional circumstances where adjournment is granted, the court shall impose a minimum cost of at least Rs 10,000 or more on first adjournment and on subsequent adjournment a cost which is double of the previous cost shall be imposed.

Provided that where a party seeks over two adjournments at any stage of the proceeding or the costs stand unpaid, the Court shall by an order in writing and after recording reasons, direct that the right of such party to take further steps or to file pleadings, evidence, or submissions, as required at that stage of the proceeding, shall stand extinguished.

CHAPTER III

APPEAL

Appeal

6. Any person aggrieved by an order of a Magistrate under this Act shall prefer an appeal to the appellate authority to be filed and processed in accordance with Chapter XXXI of the BNSS, 2023.

Provided that the filing of an appeal for shall not automatically stay the execution of the or order by the appellate court without hearing the complainant and/or his counsel.

CHAPTER IV

MISCELLANEOUS

Record Keeping and Reporting

7. *(1)* The Chief Judicial Magistrate shall prepare an annual report of cases filed under this Act and forward the same to the High Court of the concerned State.

(2) The High Court shall, within 30 days upon receipt of such statistics, transmit them to the Department of Justice in the Ministry of Law and Justice, Government of India. The concerned department of the Ministry of Law and Justice shall be the authority to receive, examine, and maintain such reports for the purposes of administration, policy review, and such other functions as may be prescribed.

Savings

8. Notwithstanding anything contained in any other law for time being in force, the offences defined under this Act shall be a separate and distinct and or not in derogation of any other law and shall be punishable under the provisions of this Act.

AMENDMENTS TO THE BHARATIYA NAGRIK SURAKSHA SANHITA

(46 of 2023)

Amendments related to false evidence and obstruction laws

Amendment of section 215

1. In section 215 of the Nagrik Suraksha Sanhita, for the words *"except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate."*, the words "except as otherwise provided under Section 379 of the BNSS" shall be substituted.

Amendments of section 379

2. In section 379 of the Nagrik Suraksha Sanhita, for the words *"When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 215, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,—(a) record a finding to that effect; (b) make a complaint thereof in writing; (c) send it to a Magistrate of the first class having jurisdiction;(d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and(e) bind over any person to appear and give evidence before such Magistrate. "*, the words "*(1)* Court before whom the offence mentioned under section 215 are committed, can take action suo moto or on a complaint by any aggrieved persons.
(2) If the court is prima facie satisfied that a case for further proceedings is made out, it shall forward the matter to the judicial magistrate of that area.

Provided that the court before whom the false statement is alleged to have been made shall never be called as witness in any proceedings." shall be substituted.

Amendments related to plea-bargaining laws

Amendment of section 252

3. In section 252 of the Nagrik Suraksha Sanhita, for the words *"and may, in his discretion, convict him thereon.."*, the words "and shall convict him as per procedure specified in section 290 of the Act" shall be substituted.

Amendment of section 264

4. In section 264 of the Nagrik Suraksha Sanhita, for the words *"and may, in his discretion, convict him thereon."*, the words "and shall convict him as per procedure specified in section 290 of the Act" shall be substituted.

Amendment of section 275

5. In section 275 of the Nagrik Suraksha Sanhita, for the words *"and may, in his discretion, convict him thereon."*, the words "and shall convict him as per procedure specified in section 290 of the Act" shall be substituted.

Amendment of section 276

6. In sub-section (2) of 276 of the Nagrik Suraksha Sanhita, for the words *"may, in his discretion, convict the accused in his absence, on his plea of guilty and sentence him to pay the fine specified in the summons, and the amount transmitted by the accused shall be adjusted towards that fine, or where an advocate authorised by the accused in this behalf pleads guilty on behalf of the accused, the Magistrate shall record the plea as nearly as possible in the words used by the advocate and may, in his discretion, convict the accused on such plea and sentence him as aforesaid."*, the words "and shall convict him as per procedure specified in section 290 of the Act" shall be substituted.

Repeal of section 277	*-Repealed-*
Repeal of section 278	*-Repealed-*
Amendment of title of Chapter XXIII.	7. In Chapter XXIII of Nagrik Suraksha Sanhita, in title, for the words, "*Plea Bargaining*", the words "Plea Bargaining and Sentencing Guidelines" shall be substituted.
Amendment of section 289	**8.** In section 289 of the Nagrik Suraksha Sanhita, after sub-section (b), the following words shall be added:- "Provided that this Chapter shall apply to offences mentioned in sub-section (a) and (b) in cases of offences punishable with imprisonment of either description up to 10 years or fine or both."
Amendment of section 290	9. In section 290 of the Nagrik Suraksha Sanhita, — (a) in title, for the words "*Application for plea bargaining*", the words “Procedure for plea bargaining” shall be substituted. (b) in sub-section *(1),* for the words "*A person accused of an offence may file an application for plea bargaining within a period of thirty days from the date of framing of charge in the Court in which such offence is pending for trial.*", the words “Any person accused of an offense, if arrested the police officer shall inform the accused in writing that in the event of trial, the plea bargaining as provided in this section as amended shall be available to the accused.” shall be substituted. *(c)* in sub-section *(2),* for the words "*The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to which the case relates and shall be accompanied by an affidavit sworn by the accused stating therein that he*

has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in which he had been charged with the same offence", the words "If such accused, is brought before a magistrate for remand, police, or judicial or for trial, it shall be the duty of the magistrate to inform the accused in writing at every stage that the provisions of section 290 will be applicable to him in case he wants to plead guilty and he can avail the benefit of section 290." shall be substituted.

(d) in sub-section *(3),* for the words "*After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of the case and to the accused to appear on the date fixed for the case*", the words "The accused, or his legal representative with the permission of the Court, may enter into a plea-bargaining agreement with the prosecution." shall be substituted.

(e) in sub-section (4), for the words, *"When the Public Prosecutor or the complainant of the case and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused in camera, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where— (a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time, not exceeding sixty days, to the Public Prosecutor or the complainant of the case and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case; (b) the Court finds that the application has been filed*

involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Sanhita from the stage such application has been filed under sub-section (1)" the words, "For all pending cases, the accused can avail the provisions of plea bargaining as provided in section 291 within 90 days if plea-bargaining is accepted before the framing of charges and further 90 days if application for plea-bargaining is accepted before the closure of prosecution evidence and shall avail benefit of plea-bargaining as per the limitations provided in section 291." shall be substituted.

(f) after the sub-section *(4),* the following sub-sections shall be added:

"*(5)* Notwithstanding anything contained in sections 229, 252, 264, 275, 276 and 416 of the Bharatiya Nagarik Suraksha Sanhita, which prescribes the procedure to be followed upon convictions on plea of guilty, from the amendment in this Act, be dealt with in accordance with the procedure specified herein in Chapter XXII."

Amendment of section 291

10. In section 291 of the Nagrik Suraksha Sanhita, —

1. in title, for the words "*Guidelines for mutually satisfactory disposition*", the words "Sentencing upon plea-bargaining" shall be substituted.
2. in section, for the words "*In working out a mutually satisfactory disposition under clause (a) of sub-section (4) of section 290, the Court shall follow the following procedure, namely:— (a) in a case instituted on a police report, the Court shall issue notice to the Public Prosecutor, the police officer who has investigated the case, the accused and the victim of the case to participate in the meeting to work out a satisfactory disposition of the case: Provided that throughout*

such process of working out a satisfactory disposition of the case, it shall be the duty of the Court to ensure that the entire process is completed voluntarily by the parties participating in the meeting: Provided further that the accused, if he so desires, may participate in such meeting with his advocate, if any, engaged in the case; (b) in a case instituted otherwise than on police report, the Court shall issue notice to the accused and the victim of the case to participate in a meeting to work out a satisfactory disposition of the case: Provided that it shall be the duty of the Court to ensure, throughout such process of working out a satisfactory disposition of the case, that it is completed voluntarily by the parties participating in the meeting: Provided further that if the victim of the case or the accused so desires, he may participate in such meeting with his advocate engaged in the case." the words, "(1) In cases where the accused has not been convicted of a similar offence within the preceding five years and desires to plead guilty, the Court shall take a lenient view and, subject to this Chapter, impose punishment as follows:

(i) where the application for plea-bargaining is accepted within 90 days of when the notice of plea bargaining is served before the framing of charges, the punishment or fine imposed shall not exceed one-fourth of the punishment or fine prescribed;

(ii) where the application for plea-bargaining is accepted within 60 days of when the notice of plea bargaining is served before the closure of prosecution evidence, the punishment or fine imposed shall not exceed half of the punishment or fine prescribed.

Provided that no application for plea-bargaining will be accepted after closure of prosecution evidence.

(2) Where the accused has been previously convicted of any offence, the reduction of sentence on plea-bargaining shall be determined by the Court in its discretion and shall be less favourable than the reductions provided under sub-section (1).

Repeal of section 292

-Repealed-

Amendments of section 293

11. In section 293 of the Nagrik Suraksha Sanhita,

(1) for the words, "*Where a satisfactory disposition of the case has been worked out under section 292, the Court shall dispose of the case in the following manner, namely:*", the words "Where a plea agreement has been made under section 290, the Court shall dispose of the case in the manner specified in section 291:" shall be substituted.

(2) in sub-section *(a),* for the words "*the Court shall award the compensation to the victim in accordance with the disposition under section 292 and hear the parties on the quantum of the punishment*", the words "the Court shall award the compensation to the victim in accordance with the disposition under section 290." shall be substituted.

(3) Sub-section (c) shall be repealed.

(4) Sub-section (d) shall be repealed.

PLEA-BARGAINING NOTICE

FORM NO. ___

(See Sections _____of the *Bharatiya Nagarik Suraksha Sanhita, 2023*)

PLEA-BARGAINING APPLICATION / STATEMENT OF GUILT OR INNOCENCE

I, _____ (*name of the accused*), son/daughter/spouse of _____, resident of _____, presently before the Court of _____at _____, in (*Case No./FIR No.*)_____ of Police Station _____, do hereby make this application for plea-bargaining under Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And WHEREAS I have been informed of the provisions of section 290 and 291, WHEREAS I acknowledge that I have been furnished a copy of the police report/complaint and that the accusations have been explained to me in plain and clear language; AND WHEREAS I have consulted my advocate regarding the same [or, have voluntarily waived such right]; AND WHEREAS this application of plea-bargaining is made of my own free will, without coercion, inducement, or threat; AND WHEREAS I am conscious that the final discretion in sentencing rests with the Court, subject to the mandatory provisions contained in the Bharatiya Nagrik Suraksha Sanhita, 2023;

I state that I have received a copy of the police report/complaint and understand the accusations against me in plain and clear language. I further state that I have consulted my advocate (or have voluntarily) waived the said right, and that this application and the plea made herein are of my own free will, without coercion, inducement or threat. I fully understand that the final discretion in sentencing rests with the Court, subject to the mandatory provisions contained in this form.

I hereby elect and declare as follows (*choose and strike out whichever is inapplicable*):

□ That I plead guilty to all the offences listed in the charge-sheet and make a full and truthful disclosure of my conduct; or

□ That I plead not guilty to every charge and desire to stand trial.

In case of a plea of guilty in whole or in part, I further state the following factual basis for my plea: Brief narrative of events _____; specific acts/omissions admitted with reference to Sections of the Bharatiya Nyaya Sanhita, 2023 _____; property/monetary loss caused, if any ₹ _____.

I further understand the framework of sentence negotiations and the discount permissible under Section 290 of the BNSS, 2023, namely, that the statutory maximum punishment for the offence charged is _____ and the indicative baseline after judicial review is _____; that (tick which is applicable)

□ I, with no prior conviction of an offence in the preceding five years, and application for plea-bargaining is made before

- o the framing of charges - the punishment or fine imposed shall not exceed one-fourth of the punishment or fine prescribed.
- o the closure of prosecution evidence - the punishment or fine imposed shall not exceed half of the punishment or fine prescribed.

□ I being repeated offender, shall be liable to punishment more severe than that provided for first-time offenders at the corresponding stage of proceedings.

I further acknowledge that as regards fine (*maximum* ₹ _____ , *baseline* ₹ _____), and forfeiture/compensation (*as per statute, assessed at* ₹ _____), the same may be subject to negotiation in accordance with law.

I have also been cautioned and I record my initials hereunder that upon acceptance of this plea-bargain agreement I shall have no appeal; and that the Court shall hear the victim on compensation at pronouncement of the sentence.

I therefore affirm and declare that the contents herein have been read over and explained to me in a language which I understand, and are true and complete to the best of my knowledge and belief.

(*Signature/Thumb-impression of Accused*)

□ Voluntarily executed by myself.

(*Signature)* _____

□ Certification by Defence Counsel

I hereby certify that I have duly explained to the accused all the rights available to him, the legal consequences, and the alternatives thereto, and that the accused has voluntarily executed this form of his own free will and understanding.

(*Signature & Enrolment No*.) _____

Dated, this..... day of..... , 20 ..... .

(Seal of the Court) (Signature)

SAFE HARBOUR NOTICE

In the Court / office of: _____

Case Title: _____

_____ Case No.: _____Filing No.: _____ Between *State/ Complainant/Applicant/Plaintiff/*

……. …

and, *Opposite Party/Defendant*

…… ….

To: (name and description) _____

Address / E-mail / Fax: _____

Take notice that on *[date]* you filed *[describe filing: pleading/application/affidavit/witness statement]* in the above matter; and

Whereas, in the said filing you stated as follows:

- "*[set out the impugned statement verbatim]*"; and
- "*[set out the impugned statement verbatim]*";
- "*[set out the impugned statement verbatim]*";

Whereas, the above statement is false and/or misleading, to the following extent:

(i) *[Issue 1—brief and specific]*;

(ii) *[Issue 2]*;

(iii) *[Issue 3]*;

Now, therefore, you are hereby called upon to withdraw the said filing or to file a corrected version clearly identifying and rectifying the aforesaid false statements within fifteen (15) days from the date of service of this notice, and to serve on the undersigned a written confirmation of compliance together with copies of the corrections lodged in the above proceeding and any other proceedings wherein such false statements have been made and refrain from making such false statements hereinafter.

Dated this _____day of _____, 20.

[Seal]

Signature: _____

Name & Enrolment No.: _____

Advocate for: *[Plaintiff/Defendant/Applicant/Respondent]*

Part C

The amendment schedule

Truth as the Dominant Strategy: the Amendment Schedule · October 2026

The schedule lists every legislative item of the Satyug programme, with the provision amended, the present position, the proposed amendment, its function in the design and the instrument that carries it: Schedules A to H, the vulnerable-citizen safeguards (V1 to V5) and the anti-corruption and docket gates (R1 to R5). The Bill enacts the core of the schedule; the item codes used in Volumes 1 and 3 are the schedule's.

Set landscape in the original; the pages are turned on their side here. Fourteen pages. Items B4 and V1 amended 7 November 2026.

Annex

Truth as the Dominant Strategy: the Amendment Schedule

Schedules A to H, with the vulnerable-citizen safeguards (V1 to V5) and the anti-corruption and docket gates (R1 to R5)

This Annex reproduces the amendment schedule of the Satyug programme (Team Satyug, *Truth as the dominant strategy: amendment schedule*, October 2026), as cited in Volume 3 of the National Sentencing Guidelines, 2026 set, *Making Truth the Dominant Strategy*. The schedule is the programme in full. *The Prevention of False Statement and Obstruction of Justice (Satyug) Bill* enacts its core; the National Sentencing Guidelines, 2026 (Volumes 1 and 2) supply Schedule B and the pricing on which Schedules A, C and D depend; and the items that a High Court can deliver by Practice Direction under the existing Acts form the Pilot described in Volume 3, Section 2.

The item codes used in Volume 3, on the Satyug equilibrium simulator and in the pitch material are those of this schedule, not the section numbers of the Bill.

Amended 7 November 2026. Item B4 now states that a sentence passed on the indication may not be enhanced in appeal or revision by acting on the plea (*Thippeswamy*); item V1 now states that it applies notwithstanding section 479(2) and to offences punishable with death or life imprisonment.

Reading the tables. *Priority* P0 marks the minimum package: the items that must operate together to flip the courtroom's incentives from falsehood to truth; P1 widens coverage and closes secondary loopholes; P2 completes the design. *Instrument*: a Judicial or Administrative Direction can be issued now by the Supreme Court (Articles 141 and 142), a High Court (Article 227) or the executive under existing law; a Statutory Amendment changes a section of the BNSS, BNS, BSA or a related Act; New Legislation needs a dedicated statute. *Status*: Existing (already in the Satyug corpus), Extended (an existing proposal widened), New, or an Indian-context safeguard (items V and R).

Item	Provision amended	Present position	Proposed amendment
	Schedule A — Amendments to Plea Bargaining (Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023)		
A1 P0	Section 290 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Mutually satisfactory disposition)	The victim participates in working out the disposition; victim consent operates in practice as a private veto where settlements collapse or are held to ransom.	Substitute a statutory r on identification and fa pact statement, and to and compensation; vic disposition is not requi
A2 P0	Section 291 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Guidelines for mutually satisfactory disposition)	Section 291 contemplates guidelines, but none exist; the disposition is negotiated informally rather than calculated objectively.	The sentence dispositi tically under the Natio 2026; no sentence outs scale is permitted; cha plea must be to the cha
A3 P0	Section 293 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Disposal of case and sentence reductions)	Prescribes fixed sentence fractions regardless of the stage of trial; a late tactical plea earns the same concession as an early truthful plea.	Enact stage-graded ser fourth of the maximur fore framing of charge the close of prosecutio concession thereafter; offenders.
V1 P0	Sections 290 and 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Undertrial Custody-Equivalence Shield)	Indigent undertrial prisoners face severe pressure to plead guilty merely to escape prolonged pre-trial detention ("time served").	Bar acceptance of a ple detention served equa indicative Guideline se first released on perso off period or a Session material corroboration counsel. The bar appli 479(2) (multiple offen offences punishable w for life, which section those cases, where rele the Sessions Judge's ce
A4 P1	Section 289 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Application of Chapter XXIII)	Confined to offences punishable up to seven years; contains sweeping categorical exclusions for socio-economic offences and offences against women and children.	Delete the seven-year c clusions; substitute ma every case, while the g 5, Final Score above 8) discounts under the Se B3).

Item	Provision amended	Present position	Proposed amendment
A5 P1	Sections 47 and 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Duty to inform accused at arrest and remand)	No statutory notice of Chapter XXIII is given to the accused at any stage; the accused must initiate the process and rarely knows the scheme exists.	Mandate service of a v plaining the plea-barg discount schedule, the and the penalty for co with comprehension v first remand and charg
A6 P1	Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Police report / charge-sheet filing duty)	No sentencing calculation or indicative punishment range accompanies the police charge-sheet.	Require the Public Pro sentencing calculation ated via the Item R2 di charge-sheet, served o counter-calculation by
A7 P1	Section 299 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Protection of statements made during plea discussions)	Statements made in a failed plea application filed in court are protected, but exploratory discussions with the prosecutor are not explicitly covered.	Extend the strict non-u all plea and cooperatic adverse inference from subsequent trial to a d ever practicable.
A8 P1	Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Written Basis of Plea and Newton hearings)	No written basis of plea is required; no summary procedure exists to resolve disputed subsidiary facts; nothing explicitly bars a guilty plea accompanied by a protestation of innocence.	Require a signed Writt puted material facts in tiary hearing (modelec hearings); bar Alford-t admission; prescribe a
A9 P1	Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Forfeiture of plea concession upon falsehood)	No statutory provision recalls a plea reduction if the accused is found to have lied materially during the plea process.	Provide that any mate nying a plea forfeits th reduction already gran upon review.
V3 P1	Sections 230 and 290 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Pre-Plea Exculpatory Discovery and Legal Aid Parity)	An accused person may be pressured to consider a plea before receiving the full prosecution record or knowing whether police hold exculpatory material.	Mandate that no plea c the accused has legal r Legal Services Authori full digital copies of th witness statements, an patory Disclosure.
V5 P1	Section 294 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Probation of Offenders Act, 1958 (Stigma-Free Disposition)	Even a nominal sentence under Section 294 creates a formal conviction record that causes lifelong disqualification from employment, credit, and licenses.	Enact a "Stigma-Free D pungement from civil, licensing disqualificati who enter a Stage-1 pl to three years (and Sec cases) and complete re vice.

Item	Provision amended	Present position	Proposed amendment
A10 P2	Sections 252, 264, and 275 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Pleas of guilty during regular trials)	A plea of guilty entered during a sessions, warrant, or summons trial operates as a separate, unverified, and unpriced side-route.	Route all pleas of guilt XXIII verification, sent and stage-graded redu
A11 P2	Court Registers and National Judicial Data Grid Publication	Court-wise data on plea bargaining applications and disposals is not systematically published.	Maintain a dedicated p ery criminal court and court-wise statistics of ductions, and disposal Data Grid.
A12 P2	Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Prosecution Directions (Charge-Integrity Certification)	Charges are frequently inflated by police or prosecutors to intimidate the accused or diluted to justify lenient settlements.	Require the Public Pro fication before filing th each charge is realistic evidence (modeled on vice Full Code Test), n for appellate review.
Schedule B — Amendments to Sentencing Law and the National Sentencing Guidelines, 2026			
B1 P0	New Legislation: The National Sentencing Guidelines Act, 2026	No statutory sentencing guidelines exist in India; judicial discretion within wide statutory maxima is unstructured, and 86% of offences in the Bharatiya Nyaya Sanhita, 2023 start at zero.	Enact the National Sen establishing a perman five-tier Quintile serio Q5 anchored at Base S ing and mitigating fac reasons (Forms I and I departures.
R2 P0	e-Courts / Case Information System 4.0 Digital Sentencing Calculator	Manual scoring and unrecorded sentencing worksheets invite calculation errors, inconsistency, and corrupt manipulation.	Deploy the National S I and I-A and Schedul as a deterministic, ope the e-Courts platform; of all prosecutor and ju manual overrides auto Court review.
B2 P1	National Sentencing Guidelines, 2026 (Statutory aggravating and mitigating factors)	Court-found falsehood, obstruction of justice, witness intimidation, absconding, and false implication of innocent persons are not statutory sentencing aggravators.	Enact explicit score ag recorded falsehood, ob interference, abscondi sistent denial after co- gators for early guilty and clean litigation cor

Item	Provision amended	Present position	Proposed amendment
B3 P1	National Sentencing Guidelines, 2026 (Plea and cooperation credit rules and Quintile 5 ceiling)	Sentence reductions for guilty pleas and cooperation are discretionary and uncoordinated with offence gravity.	Provide structured ple (Rule 6(2)) and coope testing eligibility for th (Quintile 5, Final Score credits so the gravest c ate their way to impun
B4 P1	Bharatiya Nagarik Suraksha Sanhita, 2023 (Advance judicial indication of sentence)	No procedural mechanism allows the trial court to state in advance what maximum sentence a guilty plea would attract.	Empower the trial cou cused within an open p indication of the maxi imposed upon a guilty if the plea is entered w United Kingdom Good appeal or revision shal in accordance with the plea; where it finds the set aside the conviction (*Thippeswamy v. State of*
B5 P1	Chapter XIV of the Bharatiya Nyaya Sanhita, 2023 (Mandatory minimum sentences for offences against public justice)	All 64 provisions in Chapter XIV (perjury, fabrication, obstruction) carry a statutory minimum sentence of zero (compared to 13.7% of offences generally that carry mandatory minimums).	Enact targeted mandat material courtroom pe and consolidated obstr and F8), calibrated by t
B6 P1	Appellate Provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Two-way departure review)	No rapid appellate reference lies against an unduly lenient or excessive plea-bargaining sentence disposition.	Permit either the State accused (for excessive tencing reference befor days where a dispositi Quintile scale.
B7 P2	Section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Set-off of pre-trial detention)	Pre-trial detention is set off against sentence, which can induce an innocent undertrial to plead guilty when detention approaches the expected sentence.	Operating alongside It record specific judicial pendent material on re admission of guilt and
Schedule C — Amendments to Criminal Conspiracy and Organised Crime (Bharatiya Nyaya Sanhita, 2023)			
C1 P0	Section 61 of the Bharatiya Nyaya Sanhita, 2023 (Criminal conspiracy leniency ladder)	All co-conspirators face symmetrical liability; cooperating early earns no predictable concession, making mutual silence the stable equilibrium.	Enact a statutory lenie the chronological time cooperator is eligible f sentence credit subject cooperator receives a l cooperators receive sm receives zero credit.

Item	Provision amended	Present position	Proposed amendment
C2 P1	National Sentencing Guidelines, 2026 (Aggravation for the last holdout conspirator)	Persisting in a false denial after co-conspirators have confessed and cooperated carries no additional sentencing penalty.	Make persistence in a c co-accused have coope aggravating factor und
R3 P1	Section 61 and Section 111 of the Bharatiya Nyaya Sanhita, 2023 (Digital Marker Ledger and Kingpin Bar)	Risk that wealthy syndicate bosses or masterminds will bribe police officers to backdate a cooperation marker and frame lower-level subordinates.	Mandate that all coope an immutable, time-sta statutorily bar the prin kingpin of an offence f nity; require joint sign- and District Director of
C3 P2	Section 61 of the Bharatiya Nyaya Sanhita, 2023 (Pre-offence withdrawal and reporting)	No statutory mitigation or immunity exists for a conspirator who withdraws and reports the plot to authorities before the crime is committed.	Enact a statutory renu ator who voluntarily w conspiracy before the c substantial mitigation, report prevents the cri
C4 P2	Sections 111 and 112 of the Bharatiya Nyaya Sanhita, 2023 (Organised crime syndicates)	Cooperation credit, witness protection, and proceeds-of-crime disclosure are not integrated in organised crime prosecutions.	Mandate consideratio tion 111 and 112 prose witness protection ass and make sentence cre disclosure and restituti
C5 P2	Sections 8 and 138 of the Bharatiya Sakshya Adhiniyam, 2023 (Accomplice testimony under registered agreements)	Cooperator testimony is received subject to corroboration, but court-registered cooperation agreements are unknown to Indian evidence law.	Accord statutory recog mony given under a co agreement, mandate fu to the defence for cross the corroboration requ
C6 P2	Companies Act, 2013 and Related Corporate Legislation (Deferred Prosecution Agreements)	No deferred prosecution or corporate self-reporting credit exists; the corporate entity and its culpable directors share identical incentives to cover up fraud.	Introduce court-appro Agreements for corpor doing, make full disclo undertake compliance ble individual officers ladder.
Schedule D — Amendments to Cooperation, Approvers, and Restricted-Use Proffers (Bharatiya Nagarik Suraksha Sanhita, 2023)			
D1 P0	New Provision in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Restricted-Use Proffer Interviews)	No protected exploratory interview exists in Indian law; an accused cannot indicate what evidence they can offer the State without making an admissible confession.	Enact a statutory Restr statements made by ar proffer interview with not be used against the case-in-chief, except fo inconsistently or for pr hood in the proffer itse

Item	Provision amended	Present position	Proposed amendment
D2 P0	New Provision in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Registered Cooperation Agreements)	Cooperation understandings outside formal pardon are informal, unrecorded, and legally unenforceable by either side.	Introduce written Coo nized and registered b obligations and senten defence, and subject to in either direction (ad ther reduction; renegin
D3 P1	Section 343 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Tender of pardon to accomplice)	Tender of pardon is an all-or-nothing binary decision confined to specified offences and trial stages.	Extend cooperation cre upon the Public Prose approval, replacing bi scale of sentence reduc assistance.
D4 P1	Section 343(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Mandatory detention of approver)	An accomplice who accepts a pardon and becomes an approver must be detained in prison until the conclusion of the trial (unless already on bail)—the single greatest deterrent to becoming an approver.	Repeal mandatory app tute a protection-basec only where strictly nec integrity, and otherwis the Witness Protection
D5 P1	Section 345 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Trial of approver who breaches conditions)	Breach of pardon conditions leads only to revival of the trial for the original offence.	Retain trial revival for that every benefit und agreement is void from falsehood, which shall under Schedule F.
D6 P2	Witness Protection Scheme, 2018 elevated to The Witness Protection Act, 2026	Witness protection currently rests on an executive scheme approved by the Supreme Court in Mahender Chawla v. Union of India (2018) with uneven state funding.	Enact the Witness Prot liamentary statute wit funding and mandato any cooperation testim forceable.
D7 P2	Administrative Prosecution Protocol (The Chronological Cooperation Marker)	No formal priority rule governs multiple co-accused seeking to cooperate in the same case.	Operationalize the Iter timestamp marker for quest a proffer, with a subsequent applicants Commission of India c
Schedule E — Amendments to Witnesses and Evidence (Bharatiya Nagarik Suraksha Sanhita, 2023 and Bharatiya Sakshya Adhiniyam, 2023)			

Item	Provision amended	Present position	Proposed amendment
E1 P0	Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Recording of statements before a Magistrate)	Recording witness statements before a Magistrate is largely discretionary, audio-video recording is not universally mandatory, and statements are used only to corroborate or contradict at trial.	Mandate audio-video nesses' statements bef ness's native spoken d back, signed, certified, witness.
E2 P0	Section 148 of the Bharatiya Sakshya Adhiniyam, 2023 (Admissibility of prior recorded statements when witness turns hostile)	A prior statement recorded under Section 183 is not substantive evidence of the facts stated; if the witness is bribed or threatened into turning hostile at trial, the earlier recorded truth is lost.	Make a prior statemen before a Magistrate un as substantive evidenc the witness subsequen claims memory loss at of the United Kingdom
E3 P1	Section 157 of the Bharatiya Sakshya Adhiniyam, 2023 and Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Consequence of turning hostile)	Being declared a hostile witness at trial carries no legal consequence for the witness who flips their sworn account.	Provide that retracting ment without lawful e V4 coercion/threat shi deliberate falsehood tr Safe-Harbour Notice (jury inquiry under the F13).
E4 P2	Section 232 of the Bharatiya Nyaya Sanhita, 2023 (Threatening witnesses and interim trial-court protection orders)	Witness intimidation is treated as a minor separate offence, and trial courts lack express statutory power to issue immediate interim protection orders.	Enhance punishment f within consolidated ob and empower the trial terim witness protectio or remote video testim
E5 P2	Section 346 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Continuous same-day examination and cross-examination)	Long adjournments between a witness's examination-in-chief and cross-examination create the exact time window during which witnesses are approached, bribed, or threatened.	Mandate that the exan examination of a mate tinuously on the same only for exceptional re payment of witness tra
E6 P2	Bharatiya Sakshya Adhiniyam, 2023 and High Court Rules (Accountability and Registry of Expert Witnesses)	Knowingly false or reckless expert opinions are not distinctly regulated, and no central disciplinary registry of court experts exists.	Treat knowingly false false evidence under C court registry of accre mandatory removal fo
Schedule F — Amendments to Perjury and Obstruction of Justice (Chapter XIV of the Bharatiya Nyaya Sanhita, 2023 and Sections 215 and 379 to 383 of the Bharatiya Nagarik Suraksh			

Item	Provision amended	Present position	Proposed amendment
F1 P0	New Provision in the Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023 (The 15-Day Safe-Harbour Notice)	Once a false or contradictory statement is made on record, no statutory route exists to withdraw it safely; honest mistakes and deliberate lies are indistinguishable on the record.	Mandate service of a v identifying the impugı oncilable record, grant correct it. Timely corre bars prosecution (mod Section 1623(d)); no c attaches until the 15-da
V2 P0	Bharatiya Nagarik Suraksha Sanhita, 2023 and Legal Services Authority Protocol (Vernacular Safe-Harbour Parity)	Illiterate, rural, or non-English-speaking witnesses may not understand a technical legal notice or may have been misquoted by a recording clerk.	Provide that no Safe-H the original statement in the deponent's nativ 15-day notice is explai that native dialect by a thority counsel or para comprehension.
F2 P0	Section 215 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Cognizance of offences against public justice)	No court can take cognizance of perjury or offences against public justice except upon the formal written complaint of the trial court itself; aggrieved victims cannot complain, creating near-total impunity.	Open cognizance to a grieved party with the prima facie material (a Harbour Notice), and that prosecution is exp tice wherever falsehoo
R4 P0	Section 215(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Asymmetric Fee-Shifting and Security Deposit)	Opening Section 215 to private parties without a filter risks allowing wealthy litigants to file retaliatory perjury applications to harass poor opponents.	Require every private Section 215(b) to be ac security deposit of Rs. for indigent applicants leave is refused as vex discrepancies, the depo the respondent as com
F3 P0	Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Last-mile court complaint machinery)	Courts have no designated officer, no statutory timeline, and no tracking register for Section 379 complaints; judicial findings of perjury die in the file.	Designate a Standing court; mandate dispos cation within 90 days v the formal complaint t to the Magistrate with register.
F4 P0	Section 383 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Summary and fast-track trial of courtroom falsehood)	The court finding perjury can try it summarily only with a nominal 3-month maximum sentence; regular perjury trials take many years.	Empower the court rec expiry of the 15-day no punishment up to thre refer it to a designated trial without waiting fo

Item	Provision amended	Present position	Proposed amendment
F5 P0	Bharatiya Nagarik Suraksha Sanhita, 2023 and High Court Rules (Contemporaneous Litigation Conduct Record)	Falsehoods, suppressions, and dilatory tactics during trial are not logged in a single record and are forgotten by the time of final sentencing.	Mandate a contempora Record in every digital contradictions, hostile ness intimidation, and which must be conside B2.
F6 P0	Section 25 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Mandatory consecutive sentencing for Chapter XIV offences)	Sentences ordinarily run concurrently, meaning any sentence for perjury is absorbed into the sentence for the main crime at zero extra cost to the offender.	Mandate that sentence public justice under Cl Nyaya Sanhita, 2023 ru tence for the substanti aggregate sentencing c
F7 P1	Sections 227 to 229 of the Bharatiya Nyaya Sanhita, 2023 (Expanded definition and mandatory minimum sentences for perjury)	Current definition excludes half-truths, misleading statements, and material omissions, and prescribes zero mandatory minimum sentence.	Extend the definition c likely to mislead the cc omissions; define mate the course of the proce by persistence after the a minimum sentence c false evidence in judici otherwise), calibrated l
V4 P1	Sections 229 and 248 of the Bharatiya Nyaya Sanhita, 2023 (Trauma-Informed and Special-Law Carve-Out)	Fear that genuine survivors of domestic abuse (Section 85 BNS), sexual violence, child abuse (POCSO), or caste atrocities (SC/ST Act) will face counter-perjury prosecutions if the accused is acquitted or if trauma causes minor inconsistencies.	Enact an express statu quittal is never prima f (b) peripheral inconsis sequence of events attr are excluded from mat proving police coercion during the 15-day win tion rather than prosec
F8 P1	Sections 232, 238, and 241 of the Bharatiya Nyaya Sanhita, 2023 (Consolidated offence of Obstruction of Justice)	Obstruction of justice is fragmented across numerous minor, separately charged provisions (threatening witnesses, destroying documents, disappearing evidence).	Enact a single consolid of Justice covering with tility, evidence fabricat of process for delay, ca aligned with Item F7.

Item	Provision amended	Present position	Proposed amendment
F9 P1	Sections 45 to 60 of the Bharatiya Nyaya Sanhita, 2023 and Section 35 of the Advocates Act, 1961 (Intermediary liability and safe harbour)	Advocates, touts, and experts who knowingly advance fabricated documents or coach false testimony face no practical legal or disciplinary consequence.	Provide expressly that who knowingly advan procures false testimor shall be referred to the action, with a complete withdraw or correct th client falsity.
F10 P1	Section 248 of the Bharatiya Nyaya Sanhita, 2023 and Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Signed Truth Declaration at First Information Report stage)	Filing an exaggerated or fabricated First Information Report or private complaint costs the complainant nothing (Department of Justice Study, 2023).	Annex a signed Truth tory penalties for false tion Report and crimir found deliberate false matic Section 379 refer 15-day correction winc shield).
F11 P1	Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Cancellation of bail upon falsehood or tampering)	Filing false affidavits or tampering with witnesses during trial rarely results in immediate bail cancellation.	Make a judicially reco hood, witness interfere during the proceeding for immediate cancella stringent bail condition
F12 P1	Sections 359 and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Bar on compounding or quashing offences against public justice)	Perjury and obstruction offences are routinely dropped or quashed by High Courts when private parties settle their underlying dispute.	Declare all Chapter XI tice non-compoundabl from quashing on the mise, since an injury t cannot be waived by a
R1 P1	Section 185 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (e-Sakshya 24-Hour Audio-Video Cryptographic Hash Gate)	Risk that corrupt police officers will fabricate contradictions in case diaries or plant unrecorded statements to extort citizens under the new perjury law.	Bar the prosecution fr action on the basis of a search, or recovery un audio-video recording was uploaded to the e- hours.
F13 P2	New Provision in the Bharatiya Nyaya Sanhita, 2023 (Proof of perjury by two irreconcilable sworn statements)	Prosecutors must currently prove beyond reasonable doubt which of two contradictory statements was false, allowing hostile witnesses to escape conviction.	Provide that perjury is that the accused or wi sworn statements on a connected proceedings Safe-Harbour Notice), which of the two state 18 United States Code

Item	Provision amended	Present position	Proposed amendment
F14 P2	Section 256 of the Bharatiya Nyaya Sanhita, 2023 and Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Official fabrication by investigating officers)	Falsified police case diaries, planted recoveries, and doctored witness statements by investigating officers are almost never prosecuted or separately sentenced.	Treat official record fal of e-Sakshya recording ing officer as aggravate ing mandatory departi and service/pension fo
F15 P2	Public National Judicial Data Grid Register of Chapter XIV Convictions	A conviction for courtroom perjury currently has no visibility or effect on the offender's credibility or cost liability in future litigation.	Establish a public regis Chapter XIV on the Na and require courts to c conviction when asses security for costs in sul
R5 P2	Section 383A of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Dynamic 5% Docket Circuit-Breaker)	Concern that an initial surge in perjury inquiries during transition could temporarily burden magisterial courts.	Provide that if pendin district exceed 5% of t ceed a 60-day average may temporarily restri to strictly outcome-det deploy contract Specia from forfeited R4 depo
Schedule G — Amendments to Whistleblower Protection and Corporate/Institutional Insiders			
G1 P1	The Whistle Blowers Protection Act, 2014	Enacted by Parliament in 2014 but never brought into force; confined only to public servants.	Bring the Whistle Blow force immediately; ext sector corporations, gc former employees; esta ing authority with inve
G2 P1	New Statutory Informant Bounty Provision	An insider who blows the whistle bears severe personal and career risk while capturing zero financial share of recovered public funds.	Enact a statutory whis fixed percentage of rec ulatory penalties (moc Exchange Board of Ind the United States False of recoveries.
G3 P1	Statutory Anti-Retaliation Shield	Retaliation against whistleblowers is common and the burden of proving retaliatory motive rests entirely on the employee.	Reverse the burden of adverse action occurs v disclosure; provide im relief, civil damages, a tion.
G4 P2	Anonymous and Counsel-Mediated Whistleblower Filing	No legally protected mechanism allows an insider to file a disclosure anonymously through an advocate.	Permit whistleblower c legal counsel with the sealed and known only authority.

Item	Provision amended	Present position	Proposed amendment
G5 P2	Integration with Schedules C and D (Participating Insiders)	An insider who was partially involved in the wrongdoing fears prosecution as a co-conspirator if they report it.	Entitle a participating wrongdoing first to au first timestamp marke credit under Items C1 a
G6 P2	Symmetrical Penalty for Knowingly False Whistleblowing	Maliciously fabricated whistleblower complaints attract only slow defamation proceedings.	Treat a knowingly fabr sure as false informati Bharatiya Nyaya Sanh complete statutory saf closures that turn out t
G7 P2	Section 177(9) of the Companies Act, 2013, Securities and Exchange Board of India Regulations, and Prevention of Corruption Act, 1988	Corporate vigil mechanisms currently report internally to the audit committee of the very company accused of wrongdoing; anti-corruption law offers no informant bounty.	Route corporate vigil c independent authority informant recovery bo Prevention of Corrupti
Schedule H — Amendments to Related Civil, Professional, and Constitutional Laws			
H1 P1	Section 35 of the Advocates Act, 1961 and Bar Council of India Rules	No express statutory duty of candour to the court is enforced; knowing advancement of fabricated pleadings or evidence is rarely disciplined.	Enact an express statu court; make knowing a terial professional mis disciplinary reference, withdraw safe harbou client privilege.
H2 P2	The Contempt of Courts Act, 1971	Filing false affidavits before courts is treated inconsistently sometimes as contempt, sometimes as perjury, and usually as neither.	Clarify by statutory an tempt proceedings for for perjury under Sect garik Suraksha Sanhit mutually exclusive.
H3 P2	The Code of Civil Procedure, 1908 and Commercial Courts Act, 2015	False denials, fabricated documents, and frivolous objections in civil suits, commercial contract disputes, and decree-execution proceedings rarely attract realistic costs or perjury references.	Mandate a signed Trut pleading, written state objection; apply the 15 (Item F1), mandatory persistent falsehood, a
H4 P2	The Legal Services Authorities Act, 1987	District Legal Services Authorities have no express statutory mandate to explain Chapter XXIII plea options or Safe-Harbour Notices to indigent litigants.	Impose a statutory du ities to serve and expla Item V2 vernacular Sa date nationwide trainir

Item	Provision amended	Present position	Proposed amendment
H5 P2	Department of Justice and National Judicial Data Grid Public Transparency Dashboard	No consolidated public statistics are published on Section 379 perjury notices, retractions, prosecutions, or cooperation agreements.	Mandate monthly and National Judicial Data 379 notices, 15-day ret ted, plea bargaining ap Custody-Shield (Item
H6 P2	Constitutional Safeguards under Articles 14, 20(3), and 21 of the Constitution of India	Preserved intact.	No constitutional ame to silence, the presump prohibition on compel untouched; no adverse or a declined plea; enh perjury rests on the se that the right to defen right to commit perjur Dunnigan).

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A lie that costs nothing will be told.
The Bill prices the lie, protects the correction,
and gives the person wronged a way to complain,
so that truth is the better bargain.

Team Satyug is a volunteer-led movement working to make India's courts faster and more truthful: through sentencing guidelines, a working plea-bargaining system and a law against false statements. Guided by "Absolute Satvik Karm", we work in the open, for public impact rather than personal credit, drawing on the time and expertise of lawyers, researchers and professionals who share that aim.

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