



National Campaign for Prevention of Perjury

How a strict law against perjury
will reduce over 90% court cases
in India

“International data shows, in developed countries, more than 90% cases get eliminated before trial begins (with plea bargaining), and the balance cases get resolved in months. Similarly, 90% civil cases settle before trial due to strong perjury and disclosure laws....”

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Why a strict law against Perjury is required to solve 5 crore cases?

No action taken for lying in Courts

BNSS 215 (earlier CRPC 195) – restricts perjury prosecution

20 times more cases face trial

Only 0.11% plead guilty in India while 95% in developed countries

5 crore court cases pending (clogged)

Accused keep lying over decades and only 1% conviction with jail in India (vs 90%+ in developed countries)

Perjury laws comparison for 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-conspirant 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, willful and knowingly. Statements that are likely to mislead the court or end up misleading the court are not an offence. It opens up the possibility for legal malpractice with no accountability.	Restricted for private complaints. Court should file complaint. Same for false evidence.	Up to 7 years but hardly used in even in the most severe cases. No punishment (unlike all other countries) for statements that likely or end up misleading the court	0.11% Perjury is a way of life – as per Supreme court of India	Less than 1% are convicted with jail time
Proposed	Expand scope to include “likely to mislead” Remove requirement to prove intention when Perjury is material and in court.	Must be allowed. Allow restitution and punitive damages and tort compensation	Increase to life imprisonment. Make it non-bailable to protect witnesses. Make it cognizable when having prima-facie evidence.	Fast track prosecution shall lead to 90% reduction in cases	Will lead to 90% conviction rate

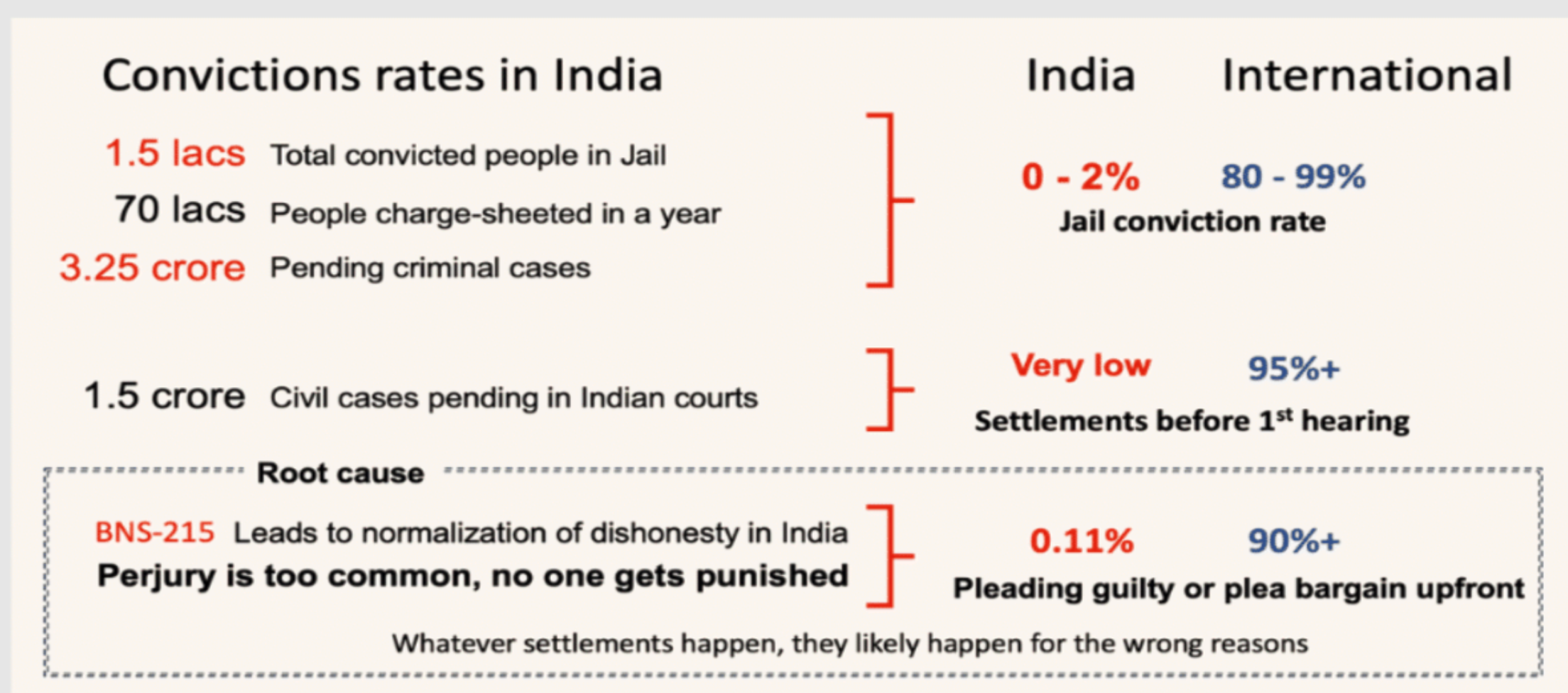
Judicial reforms –to prevent fake cases and reduce overall cases by over 90%

Objective / issue	Over 90% reduction in case pendency
<p>Increase convictions with imprisonment rate</p> <ul style="list-style-type: none"> From below 1% (India) to over 50-90% (as in developed countries) <p>With Strong Perjury Law against lying on oath</p>	<p>Amendments required in BNSS and BNS</p> <p>In BNS remove restriction on cognizance by judges</p> <ol style="list-style-type: none"> In BNS 215(1) - remove the word “No” In BNS 215(2) - restrict power of withdrawal to Attorney General. In BNS 379 - change the words “make” or “making” to “refer” and “referring” <p>Add subsection (e) The punishment for the crimes in the original proceeding shall be maximum allowed along with consequential, pecuniary and exemplary damages that includes all legal fee.</p> <p>In BNS criminal sections</p> <ol style="list-style-type: none"> Expand perjury definition to include in BNS 228 <ol style="list-style-type: none"> Change “point material” to “fact relevant” Change “to entertain” to “to likely entertain” Enhanced consequences and punishment in BNS 229 <ol style="list-style-type: none"> Replace “which may extend to” with “of” at all places Replace “7 years” with “life imprisonment” <p>Additions required</p> <ol style="list-style-type: none"> Safe harbor for lawyers when Legal filing is backed by evidence or good law, before making them co-conspirator. Fastrack courts for perjury cases to create deterrence
<p>Improve Plea-bargaining rate</p> <ul style="list-style-type: none"> From 0.11% (India) to 95% (as in developed countries) 	<p>Reduce 95% new cases (20 times improvement)</p> <p>In BNS 289-300 procedure of plea bargaining</p> <ol style="list-style-type: none"> In BNS 289 (b) - include ALL offences (above 7 years) and remove the rider. also remove sub-section (2) Accused must decline guilty-plea offer before trial begins and face maximum punishment in all contested cases (Repeal BNS 291) Allow only minimum sentence after guilty plea or 1/4th of maximum sentence for upfront plea-bargaining before trial starts and not at later stages. No requirement of consent from the victim. <p>Provide 90 days window (otherwise apply maximum penalty)</p>
<p>One time Amnesty scheme</p>	<p>Reduce existing cases by 75%</p> <p>* To accept plea-bargaining * Withdrawing cases, amend misleading statements, settle, plead guilty etc. * Safe-harbor for lawyers to cover due-care.</p>

BASIS OF SATYUG PROJECT

India has 5 Cr pending court cases [1] and more are getting added every day. This issue has been highlighted by our Prime Minister [2] and Chief Justice of India [3] multiple times. In order 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 [4] with cases going as long as 40 years [5]. The time for a civil case to reach finality is even higher. **International data shows, in developed countries, 90% cases get eliminated before trial begins with plea bargaining, and the balance cases get resolved in months. [6]** Similarly, 90% civil cases settle before trial due to strong perjury and disclosure laws.

In India, because we turn a blind eye to perjury, trivialise it and treat it as a petty offence, the conviction rates (imprisonment) crash to 1% as no one pleads guilty. Every year, 70 lac people are charge sheeted [7] but still the total number of convicted prisoners in jail stands at only 1.5 lacs today [8]. **The plea-bargaining law introduced in India in 2005 has failed because accused do not prefer to reduce sentences via plea bargaining (0.11%) when they can easily keep lying till they get away for free, or make the victim succumb to the reality of the Indian justice system and settle or lose hope.**



[1] National Judicial Data Grid

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

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

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

[5] 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>

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

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

[8] World Prison Brief

Due to the ineffective plea bargaining, compared to developed countries, in India about **15 times more cases have to go through trial** and hold up the court till they get acquitted by lying, witness tampering, and employing various obstructions as presently provided under the law or rather licensed under Section 215 of BNSS (earlier CrPC 195).

This is the way of life in Indian courts where the crores of victims (and their families) are left further tormented and remediless by manipulations of the law through endless perjury because they do not have a right to be a complainant under this unique colonial law inherited by India and its 3 neighbours but it never existed in the colonial countries themselves.

In spite of 100s of precedents and warnings by SC and HC judges, the government fears that removing this restriction will result in an avalanche of cases and will destroy whatever is left of the justice system. Secondly, in countries like India people will more likely abuse it like 498a to file false cases and intimidate witnesses. Thirdly, we may not have sufficient jails because the perjury is rampant.

Perjury by nature is different from false 498a or rape cases because it has documentary evidence and different privacy context. Like all other crimes, perjury or false evidence is only admitted if prima facie evidence exists unlike the false 498a and rape cases. In fact, introduction of stringent perjury law will rather prevent the false cases being filed including also under section 498a.

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."* This is how the crime rate in Uttar Pradesh was brought down.

Thus, there is an urgent strategic need for a policy intervention such 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 Team Satyug has proposed Prevention of Perjury Act.

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.