Perjury, false cases and pendency: the record of 2026

Current Proceedings before the Supreme Court

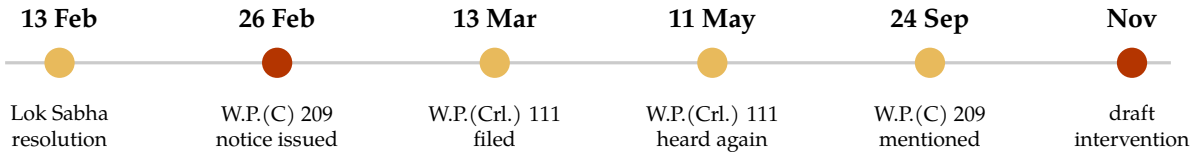
Parliament's resolution, two public interest petitions in the Supreme Court, the orders made in them, and Team Satyug's draft application to intervene

Restoring the sanctity of the oath is essential
to uphold the national motto 'Satyamev Jayate'
and to transition from a culture of denial
to a culture of truth.

Lok Sabha, resolution taken on record on 13 February 2026

What the record says

5 crore	0.11%	32	Every State
cases pending across India's courts (Lok Sabha resolution)	of criminal cases settled by plea; over 90% in developed jurisdictions (Lok Sabha resolution)	offences of falsehood and obstruction that no private person may complain of (s. 215 BNSS)	and the Union on notice from the Supreme Court since 26 Feb 2026 (W.P.(C) 209/2026)



Parliament has named the problem and the Supreme Court has put the Union and every State on notice. This volume collects the record as it stands, together with the draft application by which Team Satyug places Volumes 1 to 3 before the Court: a sentencing framework and an aggrieved person's route to the perjury offences, both available under the Acts as they are.

Public records reproduced as filed · drafts marked as such · compiled 14 Nov, 2026

Team Satyug

Volume 4 of 5 (Phase 1) · Current Proceedings before the Supreme Court
Compiled 14 Nov, 2026

What this volume is. A compilation, for reference, of the proceedings that bear on the National Sentencing Guidelines, 2026 and the Satyug programme: the Lok Sabha resolution of 13 February 2026; the two public interest petitions filed by Advocate Ashwini Kumar Upadhyay in the Supreme Court of India, reproduced as filed, with the orders made in them; and the draft Intervention Application by which Team Satyug (Satyug Foundation) seeks to place Volumes 1 to 3 of this set on the record of both petitions.

Status of the documents. Parts A to C are public records, reproduced without alteration except for scaling to this trim size and the running page number at the foot of each page, and except that the Comprehensive Policy Analysis annexed to both petitions (Annexure P-3 to W.P.(C) 209/2026 and Annexure P-4 to W.P.(Crl.) 111/2026, some 110 pages each) is omitted, a note marking its place in each paper book. Part D contains drafts. The Intervention Application is the working draft of 2 November 2026 (counsel's clean draft with Team Satyug's additions, shown here with all tracked changes accepted); it has not been settled by counsel, affirmed or filed, and blanks in it remain to be completed. The two shorter drafts in Part D are suggestions placed before counsel and have not been adopted.

Dates. The List of Dates records what each order in this volume shows, and separately what has been reported in the press but not verified against the record of proceedings; the latter are marked. Counsel on record should confirm every date against the Registry's record before reliance.

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Companion volumes. Volume 1, Comprehensive Policy Analysis on the Proposed National Sentencing Guidelines (Annexure A-1 to the draft application in Part D); Volume 2, Practice Directions, Schedules and Forms for the National Sentencing Guidelines, 2026 (Annexure A-2); Volume 3, Mathematical Model of Plea, Perjury and Pendency, working paper, model version 2.8, revision 12b (Annexure A-3); Volume 5 (Phase 2), Obstruction of Justice (Satyug) Bill and Research Note. Volumes 1 to 4 make up Phase 1, the National Sentencing Guidelines (NSG) adopted by Practice Direction. The Comprehensive Policy Analysis annexed to both peti-

tions (omitted here) and the draft Satyug Bill annexed to the petition in Part B as Annexure P-4 (paper book pages 186 to 203) are the November 2025 versions of the instruments in Volume 5.

List of Dates

Entries marked † rest on press reports or on the Court's cause lists and have not been verified against the record of proceedings; entries without a mark are taken from the documents reproduced in this volume or from Team Satyug's own records.

Date	*Event*	*Page*
17.05.2024	*Sunita Devi v. State of Bihar*, 2024 INSC 448: the Supreme Court records the absence of a sentencing policy in India, recommends a comprehensive sentencing policy and a Sentencing Commission, and directs the Union to file an affidavit on feasibility within six months. The draft application in Part D is framed in continuation of these directions.	11
Nov–Dec 2025	Team Satyug prepares the Comprehensive Policy Analysis and the draft Prevention of False Statement and Obstruction of Justice (Satyug) Bill (research note version 5.3, 22 December 2025), later annexed to W.P.(C) 209/2026 as Annexures P-3 and P-4.	4
13.02.2026	Lok Sabha: resolution on perjury and false pleadings, sections 215 and 379 BNSS, plea bargaining and a task force taken on record.	2
26.02.2026	W.P.(C) No. 209 of 2026 (Diary No. 9318/2026) heard by Hon'ble the Chief Justice, Bagchi and Pancholi JJ. (Court No. 1, item 29): notice issued, returnable on 20.04.2026.	5
13.03.2026	W.P.(Crl.) Diary No. 15482/2026 filed, seeking a purposive construction of sections 215 and 379 BNSS and NCRB data; registered as W.P.(Crl.) No. 111 of 2026.	7
24.03.2026 †	W.P.(Crl.) 111/2026 heard by Hon'ble the Chief Justice and Bagchi J.: notice issued to the Union and all States and Union Territories, and the matter listed for 11.05.2026 (press reports of 24 March 2026; the order is not reproduced here).	—
21.04.2026 †	W.P.(C) 209/2026 listed for admission in the Chief Justice's Court (cause list item 27; counsel for respondent States on record), the return date fixed by the order of 26.02.2026 having been 20.04.2026; what was ordered has not been verified.	—
11.05.2026	W.P.(Crl.) 111/2026 heard by Hon'ble the Chief Justice and Bagchi J. (Court No. 1, item 55); counsel for several respondent States appear; listed on 03.08.2026.	8
03.08.2026 †	Date fixed by the order of 11.05.2026 in W.P.(Crl.) 111/2026; what happened on that date has not been verified.	—

Date	*Event*	*Page*
24.09.2026 †	W.P.(C) 209/2026 mentioned before the Bench of the Chief Justice, Bagchi and Mohana JJ.; the Bench agreed to list the matter the following week (press reports). The daily cause lists from 21.09.2026 to 06.11.2026 do not show either petition listed; a fresh petition by the same petitioner, W.P.(Crl.) 373/2026, was listed for admission on 28.09.2026 and may be the matter mentioned.	—
19.10.2026	Practice Directions, Schedules and Forms for the National Sentencing Guidelines, 2026 (Volume 2) settled in their amended form; Annexure A-2 to the draft application.	11
22.10.2026	Team Satyug decides to seek intervention in both petitions rather than file a separate petition; first draft of the Intervention Application.	11
25.10.2026	Drafts of the correction application for W.P.(Crl.) 111/2026 and of Annexure A-6 placed before counsel.	46
06.11.2026	Working paper *Making Truth the Dominant Strategy* (Volume 3), model version 2.7, revision 12 (first issued 01.11.2026 as revision 11b); Annexure A-3 to the draft application.	11
02.11.2026	Counsel's clean draft of the Intervention Application received and adopted as the base; Team Satyug's additions merged as tracked changes. The text in Part D.1 is this draft with the changes accepted and, on 06.11.2026, the model figures brought onto revision 12 of Volume 3.	11
07.11.2026	Volume 3 reissued as revision 12a (text only; no figure changed). In the draft application, paragraph 17(b) restated as four safeguards against coerced pleas (legal aid at the plea notice; bail and non-custody as the rule, with release under section 479 BNSS before any plea; the standard of proof; a plea that keeps a residual cost), the projections labelled as calibrated model results, and a suggestion on appeals following *Thippeswamy v. State of Karnataka* added to Part VII(b).	11
08.11.2026	In the draft application, paragraph 13A added: the peer-reviewed comparative study of plea bargaining in 174 jurisdictions (Paolini, Kantorowicz-Reznichenko and Voigt, *Journal of Empirical Legal Studies*, 2025), placed before the Court as research and not as authority and annexed as Annexure A-7, with its limits stated, the Indian figure explained as counting Chapter XXIII only, and Team Satyug's disagreement with its classification of Chapter XXIII.	11

Date	*Event*	*Page*
09.11.2026	Volume 3 reissued as revision 12b on model version 2.8: the Pilot without Item V1 (the Bill's release-on-bond clause, not available to a Practice Direction); 9.3% of cases and 25% of convictions, 48 to 74% with a separate list, and 11.7 innocent undertrials per 10,000, reported with its safeguards. In the draft application, paragraphs 15(c), 16G and 18 brought onto revision 12b.	11
14.11.2026	In the draft application, paragraphs 15A to 15G added: a short mathematical note stating in one rule when an accused will rationally plead guilty, and in one calculation when a plea reduces the court's work, annexed as Annexure A-8. The note makes no forecast and is independent of the projections in Annexure A-3. Paragraphs 15(c), 17(b) and 18 are unchanged.	50

Part A

Parliament

Lok Sabha · resolution taken on record on 13 February 2026

The resolution records the House's concern at the pendency of about five crore cases, identifies perjury and false pleadings as a primary cause of prolonged trials, and describes sections 215 and 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as a procedural bar that makes false evidence a low-risk, high-reward strategy. It urges the Government to constitute a task force on those sections, to permit direct prosecution of perjury on affidavit, to introduce a one-time amnesty for the correction of false statements, and to provide minimum penalties and fast-track procedures for perjury.

The plea-bargaining figures recited in the resolution (0.11%; over 90% in developed jurisdictions; ten to twenty times faster disposal) are Team Satyug's own compilations from NCRB and NJDG series; the resolution is not their original source.

One page. Reproduced from the text as circulated.

Lok Sabha resolution taken on record on 13th February 2026,

This House:

(a) expresses deep concern over the alarming pendency of approximately 5 crore cases across various courts in India, which has severely overburdened the justice delivery system;

(b) notes that a primary cause for prolonged trials is the rampant prevalence of perjury (false evidence) and false pleadings, where litigants routinely make false denials under oath with impunity;

(c) observes that Sections 215 and 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)—corresponding to the erstwhile Sections 195 and 340 of the CrPC—create a restrictive 'procedural bar' that prevents private parties from initiating direct action against perjury and mandates a cumbersome preliminary inquiry by the Courts, thereby making the giving of false evidence a 'low-risk, high-reward' strategy for offenders;

(d) highlights that the lack of deterrence against false statements has resulted in a negligible Plea Bargaining rate of approximately 0.11% in India, in stark contrast to developed jurisdictions where strict perjury laws drive a plea-bargaining rate of over 90%, allowing 10 to 20 times for faster disposal of cases; and

(e) asserts that restoring the sanctity of the oath is essential to uphold the national motto 'Satyamev Jayate' and to transition from a culture of denial to a culture of truth in judicial proceedings.

Therefore, this House urges the Government to:

(i) Constitute a High-Powered Committee or Task Force to review the procedural hurdles under Sections 215 and 379 of the BNSS that shield those giving false evidence;

(ii) Bring necessary legislative amendments to allow for the direct prosecution of perjury in cases of blatant false statements on affidavit, thereby removing the procedural bar that necessitates a 'trial within a trial';

(iii) Introduce a 'One-Time Amnesty Scheme' permitting litigants to withdraw or correct false statements/affidavits within a stipulated period (e.g., 60 days) without penal consequences, to encourage truth-telling; and

(iv) Implement strict minimum penalties and fast-track procedures for perjury convictions to create effective deterrence, thereby encouraging genuine Plea Bargaining and significantly reducing the burden on the judiciary."

State	Constituency	Subject of Matter	Reply Received from Ministry/Ministries	Reply Type	
Uttar Pradesh	Ghaziabad	Re: Need for comprehensive judicial reforms to address alleged perjury and pendency of cases in Indian Courts	LAW AND JUSTICE	Reply Awaited	

Part B

Supreme Court of India
W.P.(C) No. 209 of 2026

Diary No. 9318 of 2026 · Ashwini Kumar Upadhyay v. Union of India & Ors. · Article 32 · Section PIL-W

Public interest petition seeking preventive safeguards against false complaints, fabricated evidence and malicious prosecution: display boards in public offices and institutions stating the consequences of false complaints, undertakings by complainants, and consecutive sentences for offences against public justice. The petition annexes, as Annexures P-3 and P-4 (paper book pages 75 to 203), the Comprehensive Policy Analysis and the draft Prevention of False Statement and Obstruction of Justice (Satyug) Bill prepared by Team Satyug in November 2025.

B.1 The petition as filed, with the paper book: listing proforma, synopsis and list of dates, the writ petition, Annexures P-1, P-2 and P-4, the interlocutory application and the proof of identity (scanned from the filed copy; the first page carries the Registry's filing stamp). Annexure P-3, the Comprehensive Policy Analysis (paper book pages 75 to 185, the predecessor of Volume 1), is omitted to keep the volume to a printable size; a note marks its place.

B.2 Order of 26 February 2026 (Hon'ble the Chief Justice, Hon'ble Mr. Justice Joymalya Bagchi and Hon'ble Mr. Justice Vipul M. Pancholi): notice issued, returnable on 20 April 2026. Notice went to the Union of India through the Ministries of Home Affairs and Law and Justice and to the State Governments.

Omitted from this volume

B.1 Writ petition and paper book, W.P.(C) 209/2026

pages 1 to 216 of the paper book

Omitted from this web edition to keep the download small. The petition as filed is a public record of the Supreme Court of India. The full volume, with both paper books, is available on request from help@teamsatyug.in.

ITEM NO.29 COURT NO.1 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 209/2026

ASHWINI KUMAR UPADHYAY Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

Date : 26-02-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Ashwani Kumar Dubey, AOR
Mr. Nikhil Upadhyay, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

Issue notice, returnable on 20.04.2026.

(NITIN TALREJA) (PREETHI T.C.)
ASTT. REGISTRAR-cum-PS ASSISTANT REGISTRAR

Part C

Supreme Court of India
W.P.(Crl.) No. 111 of 2026

Diary No. 15482 of 2026 · Ashwini Kumar Upadhyay v. Union of India & Ors. · Article 32 · Section PIL-W

Public interest petition, filed on 13 March 2026, seeking a purposive and harmonious construction of sections 215 and 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 so that an aggrieved person may, with the leave or on a certificate of the Court, complain of the 32 offences in Chapters XIII and XIV of the Bharatiya Nyaya Sanhita, 2023 (false information, false statements, false certificates, false charges and false evidence), and a direction to the National Crime Records Bureau to publish data on those offences. Annexure P-4 to the petition is Team Satyug's Comprehensive Policy Analysis on the Prevention of False Statement and Obstruction of Justice Bill.

C.1 The petition as filed, with the paper book: listing proforma, synopsis and list of dates, the writ petition, Annexures P-1 to P-3 and the filing memo and vakalatnama (from the e-filed copy). Annexure P-4, the same Comprehensive Policy Analysis (paper book pages 77 to 189), is omitted; a note marks its place.

C.2 Order of 11 May 2026 (Hon'ble the Chief Justice and Hon'ble Mr. Justice Joymalya Bagchi): the matter, with counsel for several respondent States appearing, was directed to be listed on 3 August 2026.

Omitted from this volume

C.1 Writ petition and paper book, W.P.(Crl.) 111/2026

pages 1 to 201 of the paper book

Omitted from this web edition to keep the download small. The petition as filed is a public record of the Supreme Court of India. The full volume, with both paper books, is available on request from help@teamsatyug.in.

ITEM NO.55 COURT NO.1 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 111/2026

ASHWINI KUMAR UPADHYAY **Petitioner(s)**

VERSUS

UNION OF INDIA & ORS. **Respondent(s)**

Date : 11-05-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Ashwani Kumar Dubey, AOR
Mr. Nikhil Upadhyay, Adv.

For Respondent(s) : Ms. Disha Singh, AOR
Ms. Eliza Bar, Adv.
Ms. Akansha, Adv.
Ms. Anjali Saxena, Adv.

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.
Mr. Kumar Saurav, Adv.
Mr. Ayush Tiwari, Adv.

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Shrirang B. Varma, Adv.
Mr. Sourav Singh, Adv.
Mr. Chitransha Singh Sikarwar, Adv.
Mr. Kunal Mimani, AOR

Ms. K. Enatoli Sema, AOR
Ms. Chubalemla Chang, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. Z.H. Isaac Haiding, Adv.
Mr. T.K. Nayak, Adv.
Ms. Marbiang Khoongwir, Adv.
Mr. Aditya Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

List on 03.08.2026.

(NITIN TALREJA) **(PREETHI DILEEP KUMAR)**
ASTT. REGISTRAR-cum-PS **ASSISTANT REGISTRAR**

Part D

Proposed filings

Drafts · not settled by counsel, not affirmed, not filed

D.1 Application for intervention. Satyug Foundation (Team Satyug), through its Founder, seeks leave to intervene in W.P.(C) 209/2026 and connected W.P.(Crl.) 111/2026 as the author of Annexures P-3 and P-4 to the first petition, to place on record the three completed sequel instruments (Volumes 1 to 3 of this set, as Annexures A-1 to A-3), and to place suggestions in continuation of *Sunita Devi v. State of Bihar*, 2024 INSC 448: adoption of the Practice Directions on a pilot basis under Article 142 or by the High Courts under Article 227 read with section 529 BNSS; and, in aid of the prayers in W.P.(Crl.) 111/2026, directions giving the aggrieved person a route under sections 215(1)(b), 379, 380, 338(2), 382 and 383 BNSS as they stand. The text is the working draft of 2 November 2026: counsel's clean draft with Team Satyug's additions (Part IV-A, the reported notice date in W.P.(Crl.) 111, the saving proviso to the Part VII(c) periods, and consequential references) merged, the model figures in paragraph 18 and Annexure (c) brought onto revision 12 of Volume 3 on 6 November 2026, paragraph 17(b) on the protection of the innocent restated and the projections labelled as calibrated model results on 7 November 2026 (revision 12a), paragraph 13A on the comparative study of Paolini, Kantorowicz-Reznichenko and Voigt (2025) added on 8 November 2026 with the article as Annexure A-7, the Annexure A-3 description and the figures in paragraphs 15(c), 16G and 18 brought onto revision 12b of Volume 3 (model version 2.8, the Pilot without Item V1) on 9 November 2026, and all tracked changes accepted for this volume. Blanks for registration particulars, the authorising resolution and the Advocate-on-Record remain to be completed; Annexures A-4 to A-7 are not reproduced here (A-7 is the open-access journal article).

D.2 Draft application for correction of the declaration in W.P.(Crl.) 111/2026 (listing proforma items 6(b) and 12; petition paragraph 44; affidavit paragraph 4), which states that no similar matter is pending although W.P.(C) 209/2026 by the same petitioner had notice issued two weeks earlier, and for the two petitions to be heard together. Suggested by Team Satyug for the petitioner's Advocate-on-Record; paragraph references are to be verified against the filed paper book.

D.3 Draft Annexure A-6 to the Intervention Application: a one-page illustrative flow showing that every step of the aggrieved person's route in Part VII(c) of the application rests on an existing section of the BNSS. Prepared for counsel's consideration; not carried into counsel's draft of 2 November 2026.

D.4 Draft Annexure A-8 to the Intervention Application: a short mathematical note, introduced

by paragraphs 15A to 15G of the application as updated on 14 November 2026. It states in one rule when an accused will rationally plead guilty and in one calculation when a plea reduces the court's work, and shows which terms of that rule the Guidelines supply. It makes no forecast and is independent of the projections in Volume 3. Prepared for counsel's consideration.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A. NO. _____ OF 2026
IN
WRIT PETITION (CIVIL) NO. 209 OF 2026
(AND CONNECTED W.P. (CRL.) NO. 111 OF 2026)

IN THE MATTER OF:

Ashwini Kumar Upadhyay **...PETITIONER**

VERSUS

Union of India & Ors. **...RESPONDENTS**

AND IN THE MATTER OF:

Satyug Foundation (Team Satyug)

Through its Founder, Mr. Vishal Gupta

302, Botanica Apartments, Neeti Bagh, New Delhi, 110049

...APPLICANT / INTERVENOR

APPLICATION FOR INTERVENTION

(APPLICATION FOR LEAVE TO INTERVENE, TO PLACE ON RECORD THE COMPLETED SEQUEL INSTRUMENTS TO ANNEXURES P-3 AND P-4 OF THE WRIT PETITION, AND TO PLACE SUGGESTIONS FOR THE CONSIDERATION OF THIS HON'BLE COURT IN CONTINUATION OF SUNITA DEVI V. STATE OF BIHAR, 2024 INSC 448, AND TO PLACE SUBMISSIONS IN AID OF THE PRAYERS IN W.P. (CRL.) NO. 111 OF 2026)

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF THE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE APPLICANT ABOVE NAMED MOST RESPECTFULLY SHOWETH:

I. LOCUS STANDI OF THE APPLICANT AND ASSOCIATION WITH ANNEXURES P-3 AND P-4 OF THE WRIT PETITION

1. That the present Writ Petition (Civil) No. 209 of 2026 (along with connected W.P. (Crl.) No. 111 of 2026) seeks systemic directions to operationalise Chapter XIV of the Bharatiya Nyaya Sanhita, 2023 ("BNS") (offences of false evidence and offences against public justice) and Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") (plea bargaining) in order to secure the fundamental right to speedy and truthful justice under Articles 14 and 21 of the Constitution. This Hon'ble Court has been pleased, by order dated 26.02.2026, to issue notice to the Union of India and the State Governments. The connected W.P. (Crl.) No. 111 of 2026 seeks a purposive and harmonious construction of Sections 215 and 379 of the BNSS so that an aggrieved person may, with the leave of the Court, complain of the offences in Chapters XIII and XIV of the BNS, and a direction to the National Crime Records Bureau to publish data on those offences; this Hon’ble Court is reported to have issued notice in that petition on 24.03.2026.
2. That the Petitioner in the captioned Writ Petition has expressly relied upon and annexed two foundational research and legislative drafts prepared by the present Applicant. The Applicant, Satyug Foundation (Team Satyug), is an independent, volunteer led criminal

justice reform initiative founded by Mr. Vishal Gupta. The two documents are:

(a) Annexure P-3 of the Writ Petition (Pages 75 to 185 of the Paper Book): Comprehensive Policy Analysis on the Prevention of False Statement and Obstruction of Justice Bill; and

(b) Annexure P-4 of the Writ Petition (Pages 186 to 203 of the Paper Book): Draft of The Prevention of False Statement and Obstruction of Justice (Satyug) Bill, 2025.

3. That the Applicant does not seek to intervene as an adversarial party. It approaches this Hon'ble Court as the institutional author of Annexures P-3 and P-4, seeking leave to intervene and assist this Hon'ble Court by placing on record three completed sequel instruments (Annexures A-1, A-2 and A-3 hereto, finalised in October 2026) which complete the statutory and procedural architecture contemplated in Annexures P-3 and P-4 and which demonstrate how the core prayers of the Writ Petition can be operationalised under the unamended BNSS and BNS as they stand today, without encroaching upon the legislative domain of Parliament. [The Applicant is a _____ registered under the _____ Act, bearing Registration No. _____, and a true copy of the certificate of registration is annexed as Annexure A-4.] Mr. Vishal Gupta is duly authorised to file the present Application by resolution dated __.__.2026, a true copy of which is annexed as Annexure A-5.

4. That the Applicant has no personal, pecuniary or private interest in the outcome of the Writ Petition. The Applicant undertakes to confine itself to assisting this Hon'ble Court within the scope of the pleadings of the parties and the questions framed by this Hon'ble Court, and does not seek to enlarge the scope of the lis. The

Applicant's intervention is sought solely in public interest and in aid of the mandate of this Hon'ble Court in Sunita Devi v. State of Bihar, 2024 INSC 448, discussed in Part II below.

II. THE MANDATE OF THIS HON'BLE COURT IN SUNITA DEVI v. STATE OF BIHAR, 2024 INSC 448, TO WHICH THE APPLICANT'S INSTRUMENTS RESPOND

5. That in Sunita Devi v. The State of Bihar & Anr., Criminal Appeal No. 3924 of 2023, decided on 17.05.2024 (M.M. Sundresh and S.V.N. Bhatti, JJ.), reported as 2024 INSC 448, this Hon'ble Court, while dealing with a sentence awarded under the Protection of Children from Sexual Offences Act, 2012, examined at length the absence of a sentencing policy in India and issued directions to the Union of India. The passages of that judgment which bear directly on the present Application are reproduced below.

6. That on the absence of any sentencing policy and the resulting disparity, this Hon'ble Court held (at paragraph 29):

> *"29. Hearing the accused on sentence is a valuable right conferred on the accused. The real importance lies only with the sentence, as against the conviction. Unfortunately, we do not have a clear policy or legislation when it comes to sentencing. Over the years, it has become judge-centric and there are admitted disparities in awarding a sentence."*

7. That on the need for a clear, non judge centric sentencing policy as a facet of Articles 14 and 21, this Hon'ble Court held (at paragraphs 32 and 33):

> *"32. A decision of a Judge in sentencing, would vary from person to person. This will also vary from stage to stage. It is controlled by the mind. The environment and the upbringing of a Judge would become the ultimate arbiter in deciding the sentence. A Judge from an affluent background might have a different mindset as against a Judge from a humble one. A female Judge might look at it differently, when compared to her male counterpart. An Appellate Court might tinker with the sentence due to its experience, and the external factors like institutional constraints might come into play. Certainly, there is a crying need for a clear sentencing policy, which should never be judge-centric as the society has to know the basis of a sentence.*
>
> *33. Sentencing shall not be a mere lottery. It shall also not be an outcome of a knee-jerk reaction. This is a very important part of the Fundamental Rights conferred under Articles 14 and 21 of the Constitution of India, 1950. Any unwarranted disparity would be against the very concept of a fair trial and, therefore, against justice."*

8. That on the need for guidelines structuring sentencing discretion, and on the standard of proof for aggravating and mitigating circumstances, this Hon'ble Court held (at paragraphs 35 and 36):

> *"35. The concept of intuitive sentencing is against the rule of law. A Judge can never have*

> *unrestrictive and unbridled discretion, based upon his conscience formed through his understanding of the society, without there being any guidelines in awarding a sentence. The need for adequate guidelines for exercising sentencing discretion, avoiding unwanted disparity, is of utmost importance.*
>
> *36. Courts do take into consideration the mitigating and aggravating circumstances. As we have dealt with illustratively, no research has been undertaken for constituting what are aggravating and mitigating circumstances. While it would be appropriate to follow 'beyond reasonable doubt' standard in adjudicating aggravating circumstances, the 'balance of probability' standard is required while construing mitigating circumstances. Courts may also be guided by the conduct of the convict during pre-trial stage, either under incarceration or otherwise. A report may well be called for from the designated authority. The ultimate idea is to eliminate discretion on the part of the Court, which obviously leads to disparity."*

9. That this Hon'ble Court expressly contemplated a Commission on Sentencing composed of experts and stakeholders, and observed that the guidelines proposed by the Court may also be considered (at paragraph 37):

> *"37. As we discuss the issue we have flagged, we understand that the issue is an extremely complex one and it is the duty of the States and the Union of India to deal with the situation by duly considering the three different modes discussed above. There has to be a conscious discussion and debate over this issue which might require constituting an appropriate Commission on Sentencing consisting of various experts and stakeholders. We illustratively suggest "the members from the legal fraternity, psychologists, sociologists, criminologists, executives and legislators". Societal experience would come handy in coming to a correct conclusion. What we have at present is an imposition of a sentence by way of a legislation. There are obvious errors and lacunae, which have been pointed out in the preceding discussion. It may also be imperative for a court to have an assessment to be made by an independent authority on the conduct and behaviour of the accused for the purpose of deciding the sentence. The guidelines which have been proposed by this Court may also be considered. This would include the creation of a competent authority tasked to give a report and its composition."*

10. That this Hon'ble Court then recommended the introduction of a comprehensive sentencing policy and issued a binding direction to

the Union of India (at paragraph 40 and direction (3) of paragraph 58):

> *"40. We find that an exhaustive and detailed exercise has been done by New Zealand. What we have discussed has already been substantially taken into consideration by the aforementioned countries. As it is an important aspect which has escaped the attention of the Government of India, we recommend the Department of Justice, Ministry of Law and Justice, Government of India, to consider introducing a comprehensive policy, possibly by way of getting an appropriate report from a duly constituted Sentencing Commission consisting of experts in different fields for the purpose of having a distinct sentencing policy. We request the Union of India to respond to our suggestion by way of an affidavit within a period of six months from today."*
>
> *"58. ... (3.) The Government of India represented by the Secretary for the Ministry of Law and Justice shall file an affidavit on the feasibility of introducing a comprehensive sentencing policy and a report thereon, within a period of six months from today, as indicated above.*
>
> *(4.) The Registry shall forward a copy of this judgment to the Department of Justice, Ministry of Law and Justice, Government of India."*

11. That this Hon'ble Court further held that consideration of release on probation is a mandatory step preceding the hearing on sentence (at paragraph 28), a principle which Rule 14(2)(e) of Schedule I to Annexure A-2 builds upon:

> *"28. ... Therefore, we have absolute clarity in our mind, that a trial court is duty bound to comply with the mandate of Section 360 of the CrPC, 1973 read with Sections 3, 4 and 6 of the Act, 1958 before embarking into the question of sentence. ..."*

12. The instruments annexed hereto as Annexures A-1 to A-3 were prepared by the Applicant as an independent, expert, non governmental response to the questions this Hon'ble Court posed in paragraphs 29 to 40 of Sunita Devi. They supply:

    i. a research based catalogue of aggravating and mitigating factors with individually bounded weights, answering paragraph 36;

    ii. a structured, non judge centric methodology for locating a sentence within the statutory range, answering paragraphs 32, 33 and 35; and

    iii. a draft set of guidelines of the kind contemplated in paragraphs 37 and 40, which can inform the deliberations of any Sentencing Commission the Union may constitute, and which can in the interim be adopted by way of Practice Directions without any legislative amendment.

III. HOW THE NEW INSTRUMENTS (ANNEXURES A-1 TO A-3) COMPLETE ANNEXURES P-3 AND P-4

13. That in Clause 7 of Annexure P-4 (at Page 194 of the Writ Petition Paper Book), the draft Bill proposed substituting the heading of

Chapter XXIII of the BNSS with the words "Plea Bargaining and Sentencing Guidelines", and at Page 199 of the Paper Book annexed a draft Plea Bargaining Notice / Statement of Guilt or Innocence Form. As explained in Annexure P-3 and in Annexure A-1 (section titled "Complementary Architecture"), plea bargaining in India currently disposes of only about 0.11% of criminal cases (roughly 1 in 900 cases) and, measured as a share of convictions, about 1% to 2%, as against 85% to 98% in comparable common law jurisdictions, because of two interlocking structural failures:

(a) **The concession cannot be priced (absence of structured sentencing guidelines):** Because Indian penal statutes prescribe wide outer punishment ranges with no shared methodology for locating the baseline sentence inside the range, an accused cannot foresee the likely trial sentence, defence counsel cannot advise on the value of a guilty plea, and prosecutors and courts cannot price a plea concession transparently. This is precisely the disparity and the "lottery" which this Hon'ble Court condemned in paragraphs 29, 32 and 33 of Sunita Devi.

(b) **False denial is procedurally risk free while the plea gateway is blocked:** Under Sections 289 to 300 of the BNSS, Chapter XXIII is confined to offences punishable with imprisonment up to seven years, provides no compulsory early notice, and subjects the disposition to a de facto victim veto. Meanwhile, Section 215 of the BNSS bars cognizance of Chapter XIV BNS perjury and obstruction offences except upon a written complaint of the court under Section 379 BNSS, which overburdened trial courts rarely have a structured workflow to initiate.

13A. That the Applicant respectfully places before this Hon'ble Court, as independent comparative research and not as authority, a peer-reviewed study of plea bargaining worldwide: G. Paolini, E. Kantorowicz-Reznichenko and S. Voigt, “Plea Bargaining Procedures Worldwide: Drivers of Introduction and Use”, Journal of Empirical Legal Studies, Vol. 22, No. 1 (2025), pp. 27 to 75 (open access), a true copy of which is annexed hereto as Annexure A-7. The authors are academic researchers in law and economics; neither they nor the study have any connection with the Applicant, Team Satyug. The study surveyed 174 jurisdictions, of which 101 had a formalised plea bargaining procedure in 2022, and computed for 52 of them the share of all criminal convictions obtained through plea bargaining in 2019. That share ranged from almost nil to nearly 99%, with a median of about 43%. In the developed common law jurisdictions with which India’s system is usually compared, it lay between 84.5% and 97.9% (England and Wales, Crown Court, 84.5%; Australia, 90.5%; Ireland, 91.9%; New Zealand, 97.7%; United States, federal courts, 97.9%); the lower median reflects the inclusion of civil law systems that confine the procedure to a narrow class of cases. For India, computed from the data of the National Crime Records Bureau, it was about 1%, the seventh lowest of the 52. The Indian figure counts only disposals under Chapter XXIII of the BNSS, whereas the common law figures count all guilty pleas, which the authors use because those jurisdictions publish no count of plea agreements; the comparison is therefore one of the formal procedure, since India publishes no count of guilty pleas made outside Chapter XXIII. Three submissions are made with respect. First, the enactment of a plea procedure does not by itself secure its use: India’s procedure has been in force since 2006. Second, across

countries the use of the procedure is associated with institutional conditions, including national income, which the authors use as a proxy for the resources of the courts, and the design of the procedure, and the authors suggest that where courts are overburdened an accused may expect a trial to end late or not at all, which makes an immediate sentence on a plea unattractive; that is the incentive problem described in paragraph 13 above. Third, the study reports associations and not causes; it does not examine India separately; it does not measure sentencing guidelines or the enforcement of the law of perjury; and it places India's procedure in its least regulated category, a classification which, with respect, does not reflect the restrictions of Chapter XXIII described in paragraph 13(b) above (a limit by offence, a disposition requiring the victim's agreement and compensation, and a concession that is discretionary, not assured), features which the authors themselves associate with their more regulated categories. The Applicant does not rely on the study to forecast the effect of the instruments at Annexures A-1 to A-3; it relies on it to show why the question warrants the carefully supervised pilot and the collection of Indian data suggested in Part VII below.

14. That when Annexures P-3 and P-4 were prepared in November 2025, the mechanism placed before this Hon'ble Court in Annexure P-4 was framed as a proposed Parliamentary amendment to Sections 215, 252, 264, 275, 289 to 293 and 379 of the BNSS. It is respectfully submitted that, while Parliament deliberates on primary legislative amendments and while the Union of India considers the statutory establishment of a Sentencing Commission pursuant to Sunita Devi, this Hon'ble Court under Article 142 of the Constitution, and the High Courts under Article 227 of the Constitution read with Section

529 of the BNSS, being the mode of adoption contemplated by Section 1(4) of Annexure A-2, and in any event under Articles 225 and 235 of the Constitution, Section 528 of the BNSS and their rule making powers, are competent to issue Practice Directions, prescribe structured judicial forms, and establish electronic court registry workflows that operate in addition to, and not in derogation of, the existing provisions of the BNS and BNSS.

15. That accordingly, the Applicant's legal, judicial policy and quantitative research teams have developed and finalised three instruments which bridge Annexures P-3 and P-4 into an immediately executable judicial framework:

    (a) **Annexure A-1:** Comprehensive Policy Analysis on the Proposed National Sentencing Guidelines, being Volume I of the Applicant's five volume set (Chapters I to VII, including a section by section analysis of Sections 1 to 24, a rule by rule analysis of Schedule I, eight worked illustrations in Chapter VI, and the concluding sections titled "Complementary Architecture", on how the Guidelines and the Bill at Annexure P-4 interlock, and "Empirical and Game Theoretic Validation: The Satyug Equilibrium Model"). This instrument is the sequel to Annexure P-3 (pages 75 to 185 of the Paper Book). It is submitted that it responds to the mandate in paragraphs 36, 37 and 40 of Sunita Devi by supplying a complete normative and doctrinal framework (a Base Score of 5 points under Rule 4(3); aggravating and mitigating factors each bounded at 2 points under Rules 5(1) and 6(1), within an ordinary total adjustment of 4 points under Rule 7(3); quintile bands Q1 to Q5 under Rule 9(1); totality under Rule 15; and sentencing of organisations under Rule 17).

(b) **Annexure A-2:** Practice Directions for the Structured Sentencing of Adult Offenders and Organisations: National Sentencing Guidelines, 2026, comprising the Sentencing Guidelines, 2026 (Sections 1 to 24), Schedule I (General Sentencing Guideline, Rules 1 to 18, including Rule 14), Schedule II (Reference Table of Sentencing Quintiles, with General Lookup Tables in Parts A and B) and Annexure A (Form PSC, the Sentencing Score Form; Form PSC(A), the Individual Scoring Sheet and Accused's Election; and Form S, the Magistrate's Oath Certificate and Caution), being Volume II of the Applicant's five volume set, dated 19.10.2026. This instrument is the sequel to Annexure P-4 (pages 194 and 199 of the Paper Book), which proposed renaming Chapter XXIII BNSS as "Plea Bargaining and Sentencing Guidelines" and annexed a draft Plea Notice Form. Under Section 1(4), upon adoption by a High Court by Practice Direction under Article 227 of the Constitution read with Section 529 of the BNSS, or by directions of this Hon'ble Court under Article 142, Parts I to IV, Schedule I, Schedule II and Annexure A take effect as directions of that court, while Parts V and VI (the statutory Sentencing Authority) take effect only on enactment by Parliament, the functions of the Sentencing Authority being discharged in the interim by a Sentencing Committee constituted by the court issuing the directions. Schedule I, Rule 14 is drafted strictly on the unamended BNS and BNSS. The instrument supplies the five quintile Reference Table (Q1 to Q5) and the Provisional Sentencing Calculation in Forms PSC and PSC(A), and operationalises plea bargaining and perjury routing under existing law.

(c) **Annexure A-3:** "Making Truth the Dominant Strategy: A Game Theoretic Equilibrium Model of Plea, Perjury and Pendency in Indian Criminal Courts" (Team Satyug, Working Paper, Model version 2.7, Revision 12, dated 06.11.2026Model version 2.7, Revision 12a, dated 07.11.2026Model version 2.8, Revision 12b, dated 09.11.2026), being Volume III of the Applicant's five volume set (Sections 1 to 11 with Appendices A to F, including Section 6.3 on Phase 1 by Practice Direction through the Rule 14 pathway, Section 6.4 on prisons, Section 8 on external validation, and Section 7 on robustness and Section 9 on limitations). This instrument corresponds to the prayers and undertaking structure of the Writ Petition (page 21 of the Paper Book) concerning deterrence of false statements, hostile witnesses and trial pendency. It is a prototype of the impact assessment contemplated under Sections 17(4), 18(1)(a)(v) and 20(3) of the Guidelines, and models how the Guidelines and Rule 14, together with a separate judicial roster for fresh filings established by administrative order of the High Court (which is not itself part of Annexure A-2), are projected, in the model's calibrated scenarios, which the pilot is designed to test, to lift truthful early pleas from about 0.11% to between 48% and 73% of all criminal casesto between 48% and 74% of all criminal cases over the first twelve years, settling at about 57% of cases (84% of convictions) once the wait on the fresh filings list holds at six months, without any Act of Parliament (Annexure A-1, Table 7.1, drawn from Tables 3 and 5 of Annexure A-3).

15A. That, in addition, the Applicant places on record, as Annexure A-8, a short mathematical note entitled “Why a Published Sentence Reduction Makes a Plea of Guilty Rational, Workable and Safe”. The note states in a single rule when an accused person will rationally plead guilty, and in a single calculation when such a plea reduces the work of the court. The note makes no forecast. Its figures are illustrations, and each can be verified by hand.

15B. That the rule is as follows. An accused pleads guilty only where (i) the cost to him of the plea, on terms known to him before he decides, is less than the cost of the cheapest other course open to him, and (ii) the procedure is reliable enough that an application is likely to result in a lawful disposition. The cost of contesting falls as the trial is delayed, and falls further where the law offers an ending that has the effect of an acquittal.

15C. That on this rule the negligible use of Chapter XXIII of the BNSS is explained by its design and not by any unwillingness of accused persons. The sentence on a plea is not known in advance; the procedure may fail at each of several steps; and for an accused on bail, delay makes contesting the cheaper course. About 1% of convictions come through the Chapter XXIII procedure (National Crime Records Bureau, Crime in India, Tables 18A.2 and 18A.4).

15D. That the Guidelines at Annexure A-2 supply the terms which the rule shows to be missing. A published and graded reduction, taken off the sentence the Court would otherwise impose, makes the cost of the plea known in advance and ensures that it is never greater than the sentence after trial. A plea of guilty to the charge as framed requires no person’s consent, so that the only step outside the control of the accused is the Court’s own acceptance of the plea. The sentence

remains the Court's, within the statutory range and for reasons recorded.

15E. That the note is candid as to its limits. A published reduction does not of itself shorten the wait for trial, and the note shows that no reasonable reduction will induce a plea where the trial is many years away. The Guidelines are accordingly put forward together with measures for prompt listing, and not as sufficient in every case.

15F. That the same rule yields two tests by which the Court may guard against an unsafe plea, in addition to its duty to be satisfied that the plea is voluntary: first, whether the terms offered would be attractive to an accused against whom the evidence is weak; and secondly, whether the accused would still plead if released, with the detention he has already undergone credited to him. The note does not estimate, and the Applicant does not assert, any rate of wrongful pleas.

15G. That Annexure A-8 is submitted to assist this Hon'ble Court in understanding why a structured reduction is both necessary and safe. Its readings of Sections 290 to 293 of the BNSS are submitted for the consideration of this Hon'ble Court and not as settled law. Annexure A-8 is independent of the projections in Annexure A-3 and does not rely on them.

IV. THE FOUR MECHANISMS, UNDER THE EXISTING BNSS AND BNS, IN SCHEDULE I, RULE 14 AND ANNEXURE A (FORMS PSC, PSC(A) AND S) OF ANNEXURE A-2

16. That Schedule I, Rule 14 and Annexure A (Forms PSC, PSC(A) and S) of the Practice Directions (Annexure A-2 hereto) achieve the objectives of the Writ Petition strictly within the four corners of the existing BNSS, 2023 and BNS, 2023 through four procedural mechanisms:

(a) **Parity of calculation across Track 1 (Chapter XXIII) and Track 2 (direct plea to the charge as framed), resolving the victim veto lawfully [Rule 14(1), (2)(f) and (3); Form PSC Part D]:** Under Rule 14(1), every court applies the Provisional Sentencing Calculation in Forms PSC and PSC(A) uniformly to a plea disposed of under Chapter XXIII BNSS (Sections 289 to 300), to a plea of guilty to the charge as framed under Sections 252, 264, 269(3) or 275 BNSS, and, where Chapter XXIII is excluded by Section 289, to the direct plea alone. Under Rule 14(3), upon the filing of Form PSC(A) and a request for a Provisional Sentence Indication, the court notifies and hears the victim on (i) the identity of the offender (preventing proxy pleas), (ii) the factual basis of the charge, and (iii) the Victim Impact Statement and the compensation and restitution to be fixed under the BNSS, and records the victim's objection, if any, to the sentence as a relevant consideration. If the victim joins in a mutually satisfactory disposition, the court proceeds under Sections 292 and 293 BNSS (Track 1). If the victim does not, the Chapter XXIII application stands closed under Section 292 and the court thereupon proceeds under Sections 252, 264, 269(3) or 275 BNSS (Track 2, plea of guilty to the charge as framed), applying the identical structured scoring calculation under Schedule I (or the statutory minimum where a mandatory minimum is prescribed). Under Rule 14(2)(f), the victim's consent is required only where the charge is altered or reduced in consequence of the plea, and not to the sentence passed on a plea to the charge as framed.

(b) **Two step reformative placement into Quintile 1 (Q1) on an early truthful plea [Rule 6(2)(b) read with Rule 14(2)(a) to (e) and (g); Form PSC(A) Section II-A and Part B Item B4]:** Where an offender pleads guilty at the first hearing at which he is asked to plead, and the court records the reformative finding under Rule 14(2)(a), namely that (i) the plea is truthful and voluntary, (ii) the offender has expressed remorse, (iii) the offender has no previous conviction for an offence in the same Chapter of the BNS (conditions (i) and (iii) being supported, under Rule 14(2)(g), by the accused's sworn Declaration of Antecedents in Item B4 of Form PSC(A) Part B), and (iv) no trial is required on any contested fact, the court deducts 4 points under Rule 6(2)(b) at the scoring stage (shifting a Base Score 5 offender into Quintile 1 [Q1: 0 to 2 points under Rule 9(1)]; this deduction is excluded from the ordinary 4 point cap under Rule 7(3)), and then separately applies, under Rule 14(2)(d), the stage based reduction of up to one third under Rule 13(3)(a). Under Rule 14(2)(e), in every case placed in Quintile 1 under clause (a), the court must consider release under Section 401 BNSS or Sections 3 or 4 of the Probation of Offenders Act, 1958 (Section 12 of which removes the disqualification attaching to the conviction), community service under Section 4(f) BNS, and restitution to the victim, in conformity with paragraph 28 of Sunita Devi.

(c) **Pre plea Provisional Sentence Indication and sealed rollback firewall [Rule 14(4); Form PSC(A) Part B Item B2]:** To cure the pricing uncertainty that presently deters guilty pleas, and without engaging Section 403 BNSS (which bars altering a signed judgment), Rule 14(4)(b) provides that

on the accused's request made before any plea of guilt is recorded, the court gives a written Provisional Sentence Indication on Form PSC(A), valid for fifteen days, informing the accused that the indication does not bind the court that passes sentence. The plea of guilt and conviction are recorded only after the court confirms the indicated sentence and the accused accepts it. Under Rule 14(4)(a), every Form PSC, Form PSC(A), Written Basis of Plea and request is marked "Provisional, not part of the record of trial". If the court declines to confirm the indicated band, or the disposition fails before conviction is recorded, the accused may withdraw the request under Rule 14(4)(c); the Form and all connected papers are thereupon removed from the record of trial, placed in a sealed cover and not referred to by any party or the court (Section 299 BNSS applying by analogy, and Section 22 of the Bharatiya Sakshya Adhiniyam, 2023 governing any statement made in response to the indication), and the case is transferred where practicable to another presiding officer under Sections 447 or 448 BNSS.

(d) **Electronic fifteen day safe harbour routing under existing Sections 183(5), 215, 379 and 244 BNSS [Rule 14(5) and (6); Form S]:** Without altering the statutory requirement of a court complaint under Section 215 BNSS, Rule 14(6) and Form S operationalise Section 183(5) BNSS by requiring a Magistrate recording a statement other than a confession under Section 183 to administer oath or affirmation under Section 183(5) (save where, for reasons recorded, oath is inappropriate having regard to the age or condition of the deponent), to explain the statutory caution (that the statement is evidence in

a judicial proceeding under Section 2(1)(m) BNSS read with Explanation 2 to Section 229 BNS; that the deponent is bound under Section 8 of the Oaths Act, 1969 to state the truth; that a deliberately false statement is punishable under Sections 229 to 231 BNS; that a sworn statement at trial contradicting it may found a charge in the alternative under Section 244 BNSS; and that any complaint is made by the court under Sections 215 and 379 BNSS after the opportunity to correct), and to upload the statement and Form S, with the e Sakshya hash of any audio video recording, to the Litigation Conduct Record maintained by every court on the eCourts platform under Rule 14(5)(a). Under Rule 14(5)(a) and (b), where a prima facie material contradiction or false statement appears on the record, any party, the Public Prosecutor or the Registry may cause an electronic Opportunity to Correct communication to issue from the Registry (served electronically and explained in the deponent's vernacular through the District Legal Services Authority where required, and stating that no court has formed any opinion on the matter). If the maker unconditionally withdraws or corrects the statement within fifteen days, the Registry closes the record; if not, under Rule 14(5)(c) the Registry places the dossier before the presiding judge, who may record a brief order of prima facie satisfaction under Section 379(1) BNSS that a complaint is expedient in the interests of justice, whereupon the officer of the court authorised in writing under Section 215(1)(b) read with Section 379(3)(b) BNSS signs and transmits the complaint to the Magistrate having jurisdiction under Section

382 BNSS, framed where appropriate in the alternative under Section 244 BNSS.

IV-A. THE AGGRIEVED PERSON'S ROUTE UNDER THE EXISTING SECTIONS 215, 379, 380, 338, 382 AND 383 OF THE BNSS (IN AID OF W.P. (CRL.) NO. 111 OF 2026)

16A. That the connected W.P. (Crl.) No. 111 of 2026 prays, at prayers (a) to (c), that the words "complaint in writing of that Court" in Section 215(1)(b) of the BNSS and "make a complaint" in Section 379(1)(b) of the BNSS be construed to include a complaint allowed by the Court, and that the Court may issue a Certificate permitting the aggrieved person to become the complainant. The Applicant supports the object of those prayers. In aid of them, and without prejudice to them, the Applicant respectfully submits that the same object is attainable within Sections 215, 379, 380, 338, 382 and 383 of the BNSS as they stand, through the mechanism already set out in Rule 14(5) of Schedule I to Annexure A-2, so that this Hon'ble Court may grant the substance of the relief sought without reading into the sections a procedure which the legislature has removed. Section 7(3) of the Guidelines in Annexure A-2 itself provides that nothing in the Guidelines or the Schedules authorises any Court to take cognizance of an offence under Chapter XIV of the BNS otherwise than in accordance with Section 215 of the BNSS.

16B. That the Applicant is conscious of the legislative history on which the Respondents may rely. Under Section 195 of the Code of Criminal Procedure, 1898, as originally enacted, cognizance of perjury and allied offences could be taken "with the previous sanction, or on the complaint," of the Court concerned, and a private party could apply for and act upon such sanction. The Code of Criminal Procedure (Amendment) Act, 1923 (Act XVIII of 1923) abolished the sanction route and required a "complaint in writing" of the Court (Sesha Aiyar v. The Public Prosecutor, AIR 1924 Mad 585; Nataraja Pillai v. Rengasami Pillai, Madras High Court, decided on 03.12.1923). The Forty-first Report of the Law Commission (paragraphs 15.92 and 15.93), whose statement of the purpose of the section this Hon'ble Court adopted in Iqbal Singh Marwah v. Meenakshi Marwah, (2005) 4 SCC 370 (Annexure P-3 to W.P. (Crl.) No. 111 of 2026), retained and extended the complaint-by-Court model, as did the Code of 1973, and Section 215 of the BNSS re-enacts it. The purpose of the bar has been explained by this Hon'ble Court in Patel Laljibhai Somabhai v. State of Gujarat, (1971) 2 SCC 376, in Iqbal Singh Marwah, and in Bandekar Brothers Pvt. Ltd. v. Prasad Vassudev Keni, (2020) 8 SCC 565: the Court whose process has been abused is the appropriate judge of whether prosecution is expedient, and private complaints for these offences were found to

be instruments of vendetta. The submissions that follow accept that purpose and work within it.

16C. That the practical reason why Courts rarely complain was identified by this Hon'ble Court in Swaran Singh v. State of Punjab, (2000) 5 SCC 668 (quoted at page 80 of the Paper Book in W.P. (Crl.) No. 111 of 2026): a trial Judge who knows that a witness is lying "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." Section 215(1)(b) of the BNSS itself supplies the answer. The complaint may be made "by such officer of the Court as that Court may authorise in writing in this behalf", and Section 379(3)(b) provides that the complaint may be signed by such officer of the Court as the Court may appoint. Rule 14(5)(c) of Schedule I to Annexure A-2 uses precisely this delegation: the presiding judge records a brief order of expediency under Section 379(1), and the officer of the Court authorised in writing signs and transmits the complaint. The judicial opinion is retained; the judicial signature, which this Hon'ble Court found to be the deterrent, is not required.

16D. That every element of what W.P. (Crl.) No. 111 of 2026 describes as the aggrieved person "becoming the complainant" is available to the aggrieved person under the existing sections, as follows:

(a) **Initiation:** Section 379(1) of the BNSS empowers the Court to act "on application made to it or otherwise". The section does not limit who may apply. Rule 14(5)(a) of Annexure A-2 accordingly permits any party, the Public Prosecutor or the Registry to cause the Opportunity to Correct communication to issue, and the Applicant respectfully suggests that the Litigation Conduct Record maintained under Rule 14(5)(a) receive and acknowledge, with a reference number, an application under Section 379(1) by any aggrieved person, including the person against whom a false charge, false information, false statement or false evidence was directed.

(b) **Decision:** The Court forms its opinion under Section 379(1) on the settled standard of deliberate and material falsehood and expediency in the interests of justice (Chajoo Ram v. Radhey Shyam, (1971) 1 SCC 774; Santokh Singh v. Izhar Hussain, (1973) 2 SCC 406; Amarsang Nathaji v. Hardik Harshadbhai Patel, (2017) 1 SCC 113). A three-Judge Bench of this Hon'ble Court in State of Punjab v. Jasbir Singh, 2022 SCC OnLine SC 1240, has held that neither a preliminary inquiry nor an opportunity of hearing to the would-be accused is mandatory before the complaint is made, so that the dossier placed under

Rule 14(5)(c) is sufficient material for the Court's opinion and no collateral trial is required.

(c) **Appeal:** Section 380 of the BNSS confers a right of appeal on "any person on whose application" a Court has refused to make a complaint. That right is illusory where the application is left undecided. The Applicant respectfully submits that Article 21 requires the application to be decided within a reasonable time and by a reasoned order communicated to the applicant, and suggests the periods set out in Part VII(c) below.

(d) **Prosecution:** Upon the complaint being transmitted under Section 382 of the BNSS, the Magistrate proceeds as if upon a police report and the prosecution is conducted by the Public Prosecutor. Section 338(2) of the BNSS permits a private person to instruct an advocate, who acts under the directions of the Public Prosecutor, and the proviso to Section 18(8) of the BNSS permits the victim to engage an advocate to assist the prosecution; the aggrieved person falls within "victim" in Section 2(1)(y) of the BNSS in respect of the offence against public justice directed at him. This Hon'ble Court has recognised the victim's participatory right at every stage in Jagjeet Singh v. Ashish Mishra, (2022) 9 SCC 321. The

aggrieved person thus has a hand in the prosecution without displacing the Court as complainant.

(e) **Speed:** Section 383 of the BNSS provides for summary trial of the complaint where the Court of first instance so directs, and Rule 14(5) of Annexure A-2 is designed to deliver the dossier, the judicial order and the complaint within fixed administrative periods.

16E. That, so structured, the aggrieved person initiates, is heard, has an effective appeal, assists the prosecution and obtains a summary disposal, while the complainant in law remains the Court, as Section 215(1)(b) requires and as Iqbal Singh Marwah explains. The precedent for this Hon'ble Court declaring such a scheme operative until the legislature provides otherwise is Mahender Chawla v. Union of India, (2019) 14 SCC 615, in which the Witness Protection Scheme, 2018 was declared to be the law under Articles 141 and 142 of the Constitution. The Applicant respectfully submits that directions in the terms suggested in Part VII(c) below would answer prayers (a) to (c) of W.P. (Crl.) No. 111 of 2026 in substance and would be consistent with the Constitution Bench.

16F. That, further, where a false charge is made to the police or a public servant before any proceeding is pending in any Court, the bar in Section 215(1)(b) does not apply at all (M.L. Sethi v. R.P. Kapur,

AIR 1967 SC 528; Iqbal Singh Marwah, supra), and the person falsely charged may today complain directly to the Magistrate of the offence under Section 248 of the BNS; the bar attaches only once a Court proceeding follows (Kamlapati Trivedi v. State of West Bengal, (1980) 2 SCC 91). A substantial part of the mischief pleaded in W.P. (Crl.) No. 111 of 2026, namely false First Information Reports that never reach a Court, falls within this window. The Applicant respectfully suggests that any direction issued by this Hon'ble Court record this position, so that aggrieved persons and Magistrates are not left in doubt about a remedy that already exists.

16G. That, in the further alternative, the Applicant respectfully submits that the construction in Part VII(c) below is also the construction that saves Sections 215 and 379 of the BNSS from constitutional objection. If those sections were read as leaving the aggrieved person with a right to apply under Section 379(1) and a right of appeal under Section 380 but with no enforceable right to a timely and reasoned decision on the application, the procedure would not be fair, just and reasonable within Article 21 as expounded in Maneka Gandhi v. Union of India, (1978) 1 SCC 248, and the right of appeal would be illusory. On the presumption of constitutionality, the Court adopts the construction that saves the provision. The principle in Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1, that a

power conferred to protect a right is to be read as a duty where the right would otherwise be defeated, applies with equal force to the discretion under Section 379(1), as it did to the discretion to register a First Information Report under Section 154 of the Code of 1973, and in the same manner in which this Hon'ble Court bound the discretion to arrest in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, and Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51. The measure of what is an unreasonable time is supplied by the record: Annexure A-3, Sections 6.3 and 6.4, estimates the steady-state trial waitSection 6.3, estimates the steady-state trial wait at about nine years under the status quo, a wait which the un-prosecuted falsehood that Sections 215 and 379 were enacted to deter is itself a principal cause of. The Applicant accordingly submits that the directions in Part VII(c) rest not only on the power recognised in Mahender Chawla but on the duty under Article 21 to give the aggrieved person a decision.

V. CONSTITUTIONAL SAFEGUARDS: PROTECTION OF ARTICLES 20(3) AND 21, SECTION 351 BNSS, AND INNOCENT UNDERTRIALS

17. That both the Practice Directions (Annexure A-2) and the Equilibrium Model research paper (Annexure A-3) incorporate strict constitutional guardrails:

(a) **Complete immunity for the Section 351 BNSS examination and the right to trial [Rule 5(1)(b) Proviso and Rule 14(5)(d)]:** The obstruction aggravator (1 point for reactive concealment, or 2 points for active or premeditated obstruction, under Rule 5(1)(b)) is applied only on the court's own recorded finding made on the material before it, and the scorable conduct is confined by the proviso to Rule 5(1)(b) to false evidence given on oath under Section 353 BNSS, a false sworn affidavit or declaration (such as a false Declaration of Antecedents in Item B4 of Form PSC(A), which Item B4 itself identifies as punishable under Sections 229 and 236 BNS), fabricating false evidence within Section 228 read with Section 229 BNS, an offence under Section 209, 232, 238, 241 or 248 BNS, or abetment of an offence under Section 229 BNS. By the same proviso and by Rule 14(5)(d), it is never founded on the accused's refusal to answer or false answer under Section 351 BNSS, on a confession or retracted confession under Section 183 BNSS, on the Written Basis of Plea or any Form marked under Rule 14(4), on the denial of the charge or the exercise of the right to trial; and a witness's independent false evidence is dealt with under Section 379 BNSS against the witness and is never scored against the offender. These exclusions preserve the guarantee against compelled self incrimination under Article 20(3) and the right to a fair trial under Article 21 of the Constitution.

(b) **Protection of the innocent [Annexure A-3, Sections 6.3 and 7.1]:** The design guards against coerced pleas through four safeguards: free legal aid at the plea notice; the presumption of innocence, under which bail and non-custody are the rule and

release under Section 479 BNSS precedes any plea; the high standard of proof, which gives an innocent accused confidence that contesting will succeed; and a plea that retains a residual cost (Rule 14(2)(e)), so that it is never merely a means of escaping detention. Annexure A-3 shows that, in the model, an innocent accused on bail has no incentive to plead at any trial wait. The Applicant does not submit that the risk is nil for undertrials in custody, and the pilot suggested in Part VII(b) concentrates its safeguards there and measures the risk directly.

VI. PROJECTED IMPACT ON PENDENCY (ANNEXURE A-3, SECTIONS 6.3 AND 6.4; ANNEXURE A-1, TABLE 7.1)

18. That the Satyug Equilibrium Model in Annexure A-3, as summarised in Table 7.1 of Annexure A-1, estimates that the Guidelines and Rule 14, adopted by Practice Direction and paired with a separate judicial roster for fresh filings established by administrative order of the High Court (a two track docket), would in Phase 1 itself raise truthful early pleas to between 48% and 73%between 48% and 74% of all criminal cases over the first twelve years (about 57% of cases and 84% of convictions once the wait settles), and reduce the trial wait for fresh cases from about 9 years under the status quo to about six months in the first year, rising to about 2.2 years by the fifth year while the legacy stock is cleared in that year and returning to six months from the ninth yearrising to about 2.2 years by the fourth year, while the legacy stock is cleared in that year, and returning to six months from the eighth year, without any statutory amendment. By contrast, the Model estimates that the Guidelines and Rule 14 without the separate roster would yield about 9% of cases (24% of convictions)about 9% of cases (25% of convictions), with a break even trial wait of 6.9

years. These are model based projections, calibrated rather than estimated from Indian data, and the assumptions on which they rest are set out transparently in Sections 5, 6.3, 6.4 and 7 and Appendices C and D of Annexure A-3 so that they may be tested by this Hon'ble Court, the Union of India and any Sentencing Commission.

VII. SUGGESTIONS PLACED FOR THE CONSIDERATION OF THIS HON'BLE COURT

19. That without seeking any substantive relief in its own right, and strictly in aid of the Writ Petition and of the directions in Sunita Devi, the Applicant respectfully places the following suggestions for the consideration of this Hon'ble Court:

(a) that Annexures A-1 to A-3 may be forwarded to any Sentencing Commission or expert body constituted pursuant to paragraphs 37 and 40 of Sunita Devi, for its consideration;

(b) that this Hon'ble Court may consider, in exercise of its powers under Article 142 of the Constitution, or by commending the matter to the High Courts for consideration on their administrative side under Article 227 of the Constitution read with Section 529 of the BNSS (the mode contemplated by Section 1(4) of Annexure A-2), the adoption of Parts I to IV, Schedule I (including Rule 14), Schedule II and Annexure A (Forms PSC, PSC(A) and S) of Annexure A-2 as directions on a pilot basis in selected High Courts or Districts. The Applicant suggests, as a matter of pilot design and not as a provision of Annexure A-2, that the pilot begin with offences punishable with imprisonment up to seven years and proceedings under Section 138 of the Negotiable Instruments Act, 1881, that it be paired with a separate judicial roster for fresh filings by administrative order of the High Court

concerned, as modelled in Annexure A-3, and that it carry a reporting mechanism to this Hon'ble Court; and that a sentence passed on a plea recorded after a confirmed Provisional Sentence Indication not be enhanced in appeal or revision by acting on that plea, the remedy for an inadequate sentence being to set aside the conviction and remit the case for trial (Thippeswamy v. State of Karnataka, (1983) 1 SCC 194);

(c) that, in aid of prayers (a) to (c) of W.P. (Crl.) No. 111 of 2026 and in the alternative to them, this Hon'ble Court may consider directing, in exercise of its powers under Article 142 of the Constitution and until the legislature provides otherwise, that (i) every Court designate, by standing order, an officer of the Court authorised in writing under Section 215(1)(b) read with Section 379(3)(b) of the BNSS to sign and transmit complaints, the designation being entered in a public register maintained by the District Judge and the Registrar General of the High Court; (ii) an application under Section 379(1) of the BNSS by an aggrieved person be received and acknowledged through the electronic Litigation Conduct Record, be placed before the presiding judge within thirty days of receipt, and be decided by a reasoned order within sixty days of receipt, the order being communicated to the applicant so that the appeal under Section 380 is effective; (iii) where the Court records that a complaint is expedient, the complaint be signed by the authorised officer without further authorisation in the individual case and transmitted to the Magistrate under Section 382 within thirty days, with trial under Section 383 where the Court so directs, provided that the periods in sub-clauses (ii) and (iii) shall be observed save where, for reasons to be

recorded in writing and communicated to the applicant, the Court considers that a longer period is required in the interests of justice; and (iv) the aggrieved person be treated as a victim for the purposes of the proviso to Section 18(8) and Section 338(2) of the BNSS in the proceeding on the complaint and be heard before any withdrawal or compounding; and

(d) that, in aid of prayer (d) of W.P. (Crl.) No. 111 of 2026, the National Crime Records Bureau may be directed to publish in Crime in India section wise data for Sections 206 to 248 and 267 of the BNS, separately showing complaints made by Courts under Section 215(1)(b), complaints made by public servants under Section 215(1)(a), cases tried under Section 383 of the BNSS, and disposals and convictions.

VIII. MISCELLANEOUS

20. That the Applicant has not filed any other application seeking similar relief before this Hon'ble Court or any other court. Annexures A-1 to A-3 are true copies of the instruments prepared and finalised by the Applicant, and Annexures A-4 and A-5 are true copies of their originals. Advance copies of this Application have been served on the Advocate on Record for the Petitioner and on the Central Agency Section for the Union of India. Annexure A-7 is a true copy of the article by G. Paolini, E. Kantorowicz-Reznichenko and S. Voigt published in the Journal of Empirical Legal Studies, Vol. 22, No. 1 (2025), pp. 27 to 75, an open access publication. Annexure A-8 is a true copy of the note prepared by the Applicant.

PRAYER

In the premises aforesaid, the Applicant most respectfully prays that this Hon'ble Court may graciously be pleased to:

(a) grant leave to the Applicant to intervene in Writ Petition (Civil) No. 209 of 2026 (and connected W.P. (Crl.) No. 111 of 2026) and to make oral and written submissions in assistance of this Hon'ble Court;

(b) take on record Annexures A-1, A-2 and A-3 hereto as the completed sequel instruments to Annexures P-3 and P-4 of the Writ Petition Paper Book;

(c) permit the Applicant to place for the consideration of this Hon'ble Court the submissions set out in Parts IV and IV-A and the suggestions set out in Part VII of this Application, in continuation of the directions of this Hon'ble Court in Sunita Devi v. State of Bihar, 2024 INSC 448; and

(d) pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interests of justice.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT SHALL, AS IN DUTY BOUND, EVER PRAY.

DRAWN BY: **FILED BY:**

Advocate Advocate on Record for the Applicant
AoR Code:

New Delhi
Drawn on:
Filed on:

DRAFT · suggested for the petitioner's Advocate-on-Record · Team Satyug, 25 October 2026 · not filed

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

I.A. No. _____ of 2026
IN
WRIT PETITION (CRIMINAL) NO. 111 OF 2026

IN THE MATTER OF:
Ashwini Kumar Upadhyay ...Petitioner

VERSUS

Union of India & Ors. ...Respondents

APPLICATION FOR CORRECTION OF THE DECLARATION IN THE LISTING PROFORMA AND THE AFFIDAVIT, AND FOR DIRECTIONS THAT THE PETITION BE HEARD WITH W.P.(C) NO. 209 OF 2026

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF THE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE PETITIONER ABOVE NAMED MOST RESPECTFULLY SHOWETH:

1. That the Petitioner filed the present petition on 13.03.2026. Item 6(b) and item 12 of the Proforma for First Listing, paragraph 44 of the petition and paragraph 4 of the supporting affidavit state that no similar matter is pending.

2. That the Petitioner had earlier filed W.P.(C) No. 209 of 2026, on false complaints, fabricated evidence and malicious prosecution, in which this Hon'ble Court issued notice on 26.02.2026 to the Union of India and the States and Union Territories. This Hon'ble Court is reported to have issued notice in the present petition on 24.03.2026.

3. That the reliefs differ. W.P.(C) No. 209 of 2026 seeks preventive measures (display boards, undertakings by complainants and consecutive sentences). The present petition seeks a construction of Sections 215 and 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the publication of data by the National Crime Records Bureau. The declaration was made in that understanding and without any intention to conceal. The Petitioner nonetheless considers that the two petitions concern the same subject, the offences in Chapters XIII and XIV of the Bharatiya Nyaya Sanhita, 2023 and their prosecution, and ought to be heard together.

4. That the Petitioner accordingly seeks leave to correct the declaration.

PRAYER

In the premises aforesaid, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(a) permit the Petitioner to correct item 6(b) and item 12 of the Proforma for First Listing, paragraph 44 of the petition and paragraph 4 of the affidavit so as to disclose the pendency of W.P.(C) No. 209 of 2026;

(b) direct that the present petition be tagged with and heard along with W.P.(C) No. 209 of 2026; and

(c) pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

DRAWN BY: FILED BY:

Advocate Advocate-on-Record for the Petitioner

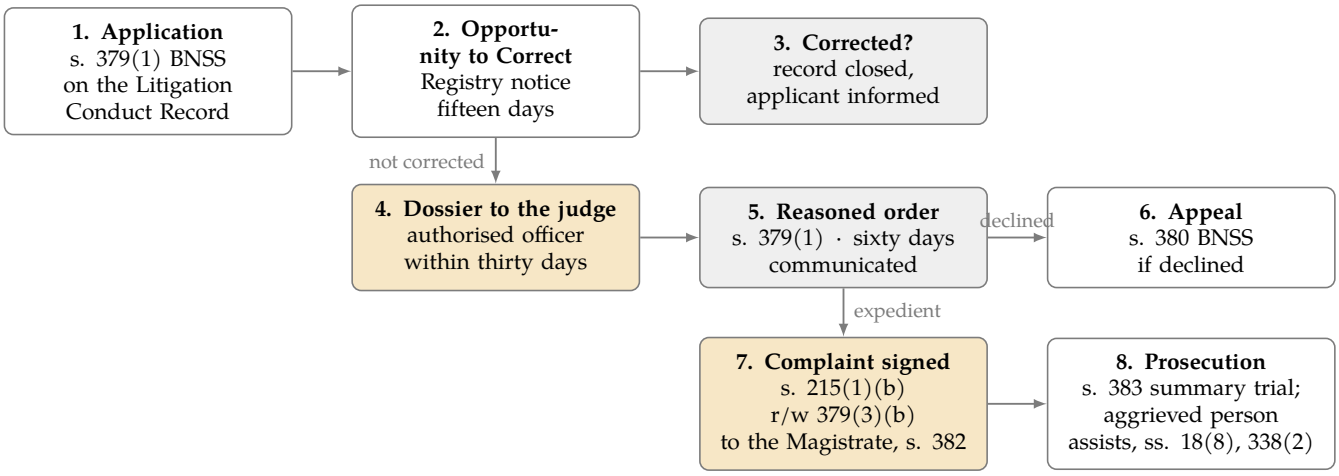
Note for the Advocate-on-Record. Verify the paragraph numbers against the filed paper book (paragraph 44 is the "no other petition" averment at page 23) and the date of notice in W.P.(C) 209 of 2026 from the order itself (Part B.2 of this volume). If the Registry has already tagged the matters, prayer (b) may be dropped and the application reduced to the correction.

ANNEXURE A-6

Illustrative flow of an application by an aggrieved person under Section 379(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, as contemplated in Part VII(c) of the Application

1. An aggrieved person files an application under Section 379(1) on the electronic Litigation Conduct Record of the Court before which the statement was made (Rule 14(5)(a), Schedule I, Annexure A-2). The Record issues a reference number.
2. The Registry issues the Opportunity to Correct communication to the maker of the statement, stating that no court has formed any opinion (Rule 14(5)(a)). Fifteen days are allowed to withdraw or correct.
3. If the statement is withdrawn or corrected, the Registry closes the record and informs the applicant (Rule 14(5)(b)).
4. If not, the officer of the Court authorised under Section 215(1)(b) places the dossier before the presiding judge within thirty days of the application (Part VII(c)(ii)).
5. The presiding judge decides by a reasoned order within sixty days whether a complaint is expedient in the interests of justice (Section 379(1)), and the order is communicated to the applicant.
6. If the Court declines, the applicant may appeal under Section 380.
7. If the Court records that a complaint is expedient, the authorised officer, under Section 215(1)(b) read with Section 379(3)(b), signs the complaint and transmits it to the Magistrate within thirty days (Section 382). Where the Court so directs, trial is under Section 383.
8. In the proceeding before the Magistrate, the aggrieved person may engage an advocate to assist the prosecution (proviso to Section 18(8)) or instruct an advocate under Section 338(2).

No step requires an amendment to the BNS, the BNSS or the Bharatiya Sakshya Adhiniyam, 2023. Section 7(3) of the Guidelines in Annexure A-2 preserves the requirement of a complaint under Section 215.


1. Application
s. 379(1) BNSS
on the Litigation
Conduct Record
2. Opportu-
nity to Correct
Registry notice
fifteen days
3. Corrected?
record closed,
applicant informed
not corrected
4. Dossier to the judge
authorised officer
within thirty days
5. Reasoned order
s. 379(1) · sixty days
communicated
declined
6. Appeal
s. 380 BNSS
if declined
expedient
7. Complaint signed
s. 215(1)(b)
r/w 379(3)(b)
to the Magistrate, s. 382
8. Prosecution
s. 383 summary trial;
aggrieved person
assists, ss. 18(8), 338(2)

Why a Published Sentence Reduction Makes a Plea of Guilty Rational, Workable and Safe

A short mathematical note in support of the National Sentencing Guidelines (NSG), 2026

Team Satyug

14 November 2026

1. Purpose of this note

This note sets out, in one rule and one calculation, when an accused person will rationally choose to plead guilty and when that choice reduces the work of the court. It then shows which terms of that rule the Guidelines supply.

The note is an argument from arithmetic. It is not a forecast of how many accused will plead, and every figure in it is an illustration. The statutory readings it relies on are stated as readings.

2. The choice before the accused

An accused who is told of a plea route compares two costs, each measured in years of imprisonment or its equivalent.

The cost of pleading is the sentence left to serve after set-off, the burden of a conviction record, and any fine or compensation:

$$P = (S_p - s_1)^+ + \rho K + m_p.$$

The cost of contesting is the expense of the trial, any further time in custody before the verdict, and the consequences of conviction, weighted by the chance of conviction p and discounted for the wait of T years:

$$C_{trial} = c_L + x + \delta^T p\,[(S_0 - s_1 - x)^+ + K + m_0].$$

Where the law offers another ending, such as compounding, its cost is compared as well. C is the cheapest course open to the accused other than the plea.

The rule. A plea is *attractive* when $P < C$. It is *worth attempting* only when, in addition, the route is reliable enough:

$$\Pi\,(C - P) \;>\; (1 - \Pi)\,\Delta_f + c_n,$$

where Π is the chance that an application results in a lawful disposition being put before the accused, Δ_f is what a failed attempt costs him and c_n is the cost of applying. Appendix A gives the short proof and the symbols.

The rule has three consequences. Each can be checked by hand.

1. **The plea terms must be known.** The accused cannot compare P with C unless he is told S_p before he decides.
2. **The route must be reliable.** A generous offer is rationally refused if Π is low. Attractiveness is necessary; it is not sufficient.
3. **Delay works against the plea for an accused on bail.** δ^T falls as the wait grows, so contesting becomes cheaper the slower the court. The reduction needed to make a plea attractive therefore rises with delay and falls with the strength of the evidence.

3. Why the present law produces almost no pleas

About 1% of convictions come through the Chapter XXIII procedure (between 0.7% and 1.8% in 2022 to 2024: NCRB, *Crime in India*, Tables 18A.2 and 18A.4, IPC and special and local laws). NCRB does not count ordinary guilty pleas separately; they are concentrated in petty fine cases and long-custody cases, which is exactly where the cost of contesting exceeds the sentence.

The rule explains this without supposing that accused persons are unwilling.

- P **is not known in advance.** On an ordinary plea of guilty the sentence lies in the court's discretion. Under Chapter XXIII of the BNSS the court "may" sentence at the fractions in section 293. Neither tells the accused, before he decides, what he will receive.
- Π **is low.** Chapter XXIII requires an application within thirty days of the framing of charge (s. 290(1)), an examination by the court (s. 290(4)), a mutually satisfactory disposition worked out at a meeting (s. 291) and a report signed by those who took part (s. 292). Each step can fail.
- C **is low.** For an accused on bail, a wait of years discounts the consequences of conviction. Where the offence can be compounded, composition has the effect of an acquittal (s. 359(8)) and is cheaper than any conviction.

All three point the same way. Low use is what the rule predicts of the present design.

4. What the Guidelines change

The Guidelines act on the first two terms directly.

- **They fix P in advance.** The reduction is published and graded, and it is taken off the sentence the court would otherwise impose under the Guidelines. The accused therefore knows S_p before he pleads, and S_p is always below S_0: the plea can never cost more than conviction after trial.
- **They raise Π.** A plea of guilty to the charge as framed (ss. 252, 264 and 275 BNSS) needs no one's consent. Under Rule 14 the accused receives a written indication and decides within a short, fixed time. The only step outside his control is the court's own acceptance of the plea.
- **They leave the court in control.** The sentence is still passed by the judge, within the statutory range, for reasons recorded. Compensation is fixed by the court on conviction and is not a term of the plea.

The third term, the wait, is not changed by the Guidelines alone. That is why they are issued together with listing measures, and why this note does not claim that a published reduction is sufficient in every case.

Illustration. An accused on bail faces a trial sentence of two years; the conviction record weighs as six months; contesting costs him the equivalent of about five weeks; he puts his chance of conviction at 60%; $\delta = 0.9$.

Situation	Cost of contesting	Cost of pleading	Does he plead?
Wait of five years; half off	0.99	1.50	No. Contesting is cheaper.
Wait of six months; half off	1.52	1.50	No. The plea is better by a hair, and would be worth attempting only if completion exceeded 96%.
Wait of six months; 60% off; completion 90%	1.52	1.30	**Yes.**
The same, but completion only 20%	1.52	1.30	No. The route is too unreliable.

The smallest reduction at which the plea becomes attractive to this accused is:

Wait	Chance of conviction 40%	60%	80%
Six months	73%	49%	25%
Two years	80%	59%	39%
Five years	90%	76%	61%

Two things follow. A modest reduction suffices where the evidence is strong and the trial is prompt. And no reasonable reduction suffices where the trial is years away. A reduction that is published, graded by stage and paired with prompt listing is the design the arithmetic calls for.

5. Why the court's work falls

Let h_{alt} be the judicial time the case would otherwise have taken, h_{plea} the time of a completed plea and h_{fail} the time lost on a failed attempt. For each accused who applies, the time saved is

$$\Pi\,(h_{alt} - h_{plea}) - (1 - \Pi)\,h_{fail},$$

which is positive when $\Pi > h_{fail}/(h_{alt} - h_{plea} + h_{fail})$.

If a plea takes one-tenth of the time of a trial and a failed attempt one-twentieth, an attempt saves time whenever completion exceeds about 5%. At 90% completion each applicant saves about four-fifths of a trial. A route in which most attempts fail saves nothing. The reliability that makes the plea worth attempting is the same reliability that saves the court's time.

6. Why it is safe

The same rule shows where the dangers lie, and gives the court two tests.

Weak evidence. Against trial, a plea is attractive only to an accused whose chance of conviction exceeds a threshold p^* (Appendix A). The deeper the reduction, the lower the threshold. This is the reason for a reduction that is bounded and graded and is not open-ended, and for the Guidelines' bar on reductions in the gravest band. The court can compute p^* for the terms on offer and satisfy itself, on the material before it, that the plea is supported.

Custody. Further detention raises the cost of contesting by more than it lowers the sentence, so an accused in custody may plead for release alone. The test is to decide release first (including under s. 479 BNSS), and then to ask whether the plea would still be made by the same accused at liberty, *with the time he has already served credited to him*. A plea that passes that test is not the product of custody.

These tests are additional to the court's duty to be satisfied that the plea is voluntary. They do not measure guilt, and nothing in this note estimates the number of wrongful pleas.

7. What this note does not claim

It does not forecast plea rates, disposal times or the clearance of arrears. It does not rely on the experience of other countries. It does not model bargaining: every payment is taken as fixed by the court. It gives the accused no advantage from delaying by a failed application. Its statutory readings, in particular the reading of sections 290 to 293 BNSS, are submitted for the Court's consideration and are not asserted as settled law.

Appendix A. Symbols, rule and proofs

Symbol	Meaning
S_p, S_0	sentence on a plea; sentence on conviction after trial
s_1, x	time already served; further custody before verdict if he contests
K, ρ	burden of a conviction record; share of it a plea conviction carries
m_p, m_0	fine or compensation on a plea; on conviction after trial
p, T, δ	chance of conviction; wait in years; yearly discount factor
c_L, c_n, Δ_f	cost of contesting; of applying; of a failed attempt (none negative)
Π	chance that an application yields a lawful disposition for him to accept
$(a)^+$	a if positive, otherwise zero

Rule. The gain from applying is $G = \Pi(C - P) - (1 - \Pi)\Delta_f - c_n$. He applies when $G > 0$. For $\Pi > 0$ this is the same as $P < C$ together with

$$\Pi > \frac{\Delta_f + c_n}{C - P + \Delta_f}.$$

Proof. $G = \Pi(C - P + \Delta_f) - \Delta_f - c_n$. If $P \geq C$ then $G \leq 0$. If $P < C$ the bracket is positive; divide. □

Reduction needed. For an accused on bail with no time served, and $S_p = (1 - r)S_0$, the plea is attractive when

$$r > 1 - \frac{c_L + \delta^T p\,(S_0 + K + m_0) - \rho K - m_p}{S_0}.$$

The right-hand side rises with T and falls with p.

Evidence threshold. Against trial, $P < C_{trial}$ exactly when

$$p > p^* = \frac{P - c_L - x}{\delta^T\left[(S_0 - s_1 - x)^+ + K + m_0\right]}.$$

p^* falls as P falls, and is negative when $P < c_L + x$.

Custody. One further day of detention adds one day to the cost of contesting and removes at most one day from the sentence, which is weighted by $\delta^T p \leq 1$. So C_{trial} never falls as x rises. The release test sets $x = 0$ and leaves s_1 unchanged.

Work. A completed plea replaces h_{alt} by h_{plea}; a failed attempt adds h_{fail}. Rearranging gives the threshold in section 5.

The rule and every figure above are reproduced by a short open program (`plea_core.py`, version plea-core 2026-11-14.2, with 27 tests) and can be tried in the accompanying calculator.

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this volume

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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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