# IPC Section 191: Giving false evidence.

## IPC Section 191: Giving False Evidence  
  
Section 191 of the Indian Penal Code (IPC) defines and penalizes the act of giving false evidence. This provision is foundational to the integrity of the judicial system, ensuring that court proceedings are based on truth and that those who deliberately mislead the court face serious consequences. It recognizes the severe damage that false testimony can inflict upon the pursuit of justice, potentially leading to wrongful convictions or acquittals.  
  
\*\*The Text of Section 191:\*\*  
  
"Whoever, being legally bound by an oath or by an express provision of law to state the truth, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence."  
  
  
\*\*Explanation 1:\*\* A statement is within the meaning of this section whether it is made in writing or verbally.  
  
\*\*Explanation 2:\*\* The word “statement” includes any representation of fact, made in any manner whatever.  
  
\*\*Explanation 3:\*\* A person is said to state upon oath whatever he states in any form or manner legally binding upon him.  
  
\*\*Explanation 4:\*\* A person is said to be “legally bound to state the truth” who is bound to do so by any oath administered according to law or by any express provision of law.  
  
  
\*\*Illustrations:\*\*  
  
\*\*(a)\*\* A swears that he saw B at Lahore on the 1st of January 1872. A did not see B at Lahore on that day, and knew that his statement was false. A has given false evidence.  
  
  
\*\*(b)\*\* A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when in fact he does not believe it to be the handwriting of Z. A has given false evidence.  
  
  
\*\*(c)\*\* A, knowing that he is likely to be called as a witness in a case brought against B for murder, makes a false entry in his shop-book for the purpose of corroborating a statement which he is about to make in favor of B. A has given false evidence.  
  
  
\*\*(d)\*\* A makes a false statement before a Magistrate, and afterwards, on being required by the Magistrate to reduce his statement to writing, repeats such statement in writing. A has given false evidence.  
  
  
  
\*\*Key Elements of the Offense:\*\*  
  
1. \*\*Legal Obligation to State the Truth:\*\* The individual giving the statement must be legally bound to tell the truth. This obligation typically arises from taking an oath or affirmation before testifying in court or providing a statement under a legal provision that requires truthfulness. Examples include witnesses in trials, individuals providing sworn affidavits, or deponents in legal proceedings.  
  
2. \*\*False Statement:\*\* The core of the offense lies in making a statement that is factually incorrect. The statement must be objectively verifiable as false. A mere opinion or belief, even if mistaken, does not constitute false evidence unless it is presented as a verifiable fact.  
  
3. \*\*Knowledge or Belief of Falsity or Lack of Belief in Truth:\*\* The individual making the statement must either know that it is false, believe it to be false, or not believe it to be true. This element focuses on the \*mens rea\* (guilty mind) required for the offense. The prosecution must demonstrate that the accused was aware of the falsity or held a genuine belief that the statement was untrue, or alternatively, made the statement recklessly without believing it to be true.  
  
\*\*Explanations and Illustrations:\*\*  
  
\* \*\*Explanation 1:\*\* Clarifies that the false statement can be made either verbally or in writing.  
  
\* \*\*Explanation 2:\*\* Expands the definition of "statement" to include any representation of fact, regardless of the manner in which it is made.  
  
\* \*\*Explanation 3:\*\* Defines what constitutes stating upon oath, encompassing any form or manner legally binding on the individual.  
  
\* \*\*Explanation 4:\*\* Explains the meaning of "legally bound to state the truth," which can arise from either a lawfully administered oath or an express provision of law requiring truthfulness.  
  
\* \*\*Illustrations (a) to (d):\*\* Provide concrete examples of different scenarios that constitute giving false evidence, highlighting the various ways in which false statements can be made and the different forms of legal obligation to tell the truth.  
  
  
  
\*\*Relationship with Section 193 (Punishment for False Evidence):\*\*  
  
Section 191 defines the act of giving false evidence, while Section 193 prescribes the punishment for this offense. The punishment under Section 193 can range from imprisonment up to seven years and a fine, depending on the nature and context of the false evidence.  
  
\*\*Distinction from Other Related Offenses:\*\*  
  
\* \*\*Section 181 (False Statement on Oath to Public Servant):\*\* Section 181 covers a broader range of false statements made under oath to any public servant or authorized person, while Section 191 specifically deals with false evidence given in judicial proceedings. All instances of giving false evidence under Section 191 would also be covered under Section 181, but not all false statements under Section 181 would constitute giving false evidence.  
  
\* \*\*Section 192 (Fabricating False Evidence):\*\* Section 192 deals with the creation or fabrication of false evidence, while Section 191 deals with the act of presenting or giving that false evidence in a judicial proceeding.  
  
  
\*\*Importance of Section 191:\*\*  
  
Section 191 is a cornerstone of a fair and just judicial system. By defining and criminalizing the act of giving false evidence, it ensures the integrity of legal proceedings and protects against wrongful convictions or acquittals based on fabricated or misleading testimony. It promotes the pursuit of truth in court and deters individuals from perverting the course of justice through false statements. This provision upholds the fundamental principle that judicial decisions should be based on reliable evidence and that those who deliberately mislead the court face severe consequences.