

The Doctrine of FALSUS IN UNO, FALSUS IN OMNIBUS & Its Applicability in India

Dr. Rita Pawan Bansal

Ph.D., LLM (Human Rights) – Gold Medalist
Amity Law School, Amity University
Mumbai, India

Abstract:

“Falsus in uno, falsus in omnibus” is a Latin term which means "false in one thing, false in everything." It in fact is a legal principle in common law that a witness who testifies falsely about one matter is not at all credible to testify about any other matter. Though this doctrine has been rejected by many common law jurisdictions, but it has survived in some American Courts. The reason behind abandonment of the said doctrine as a formal rule of evidence is that it has no relevance. It is now applied as a rule of permissible inference which is basically dependent upon the jury to decide. But many Courts still apply this doctrine. Therefore, a witness who willfully gives false statements or testimony, then he or she cannot be credible in any other matter.

Justice B. S. Chauhan of the Hon'ble Supreme Court dealt with the maxim “falsus in uno, falsus in omnibus” and stated that this maxim is not applicable in India. This maxim underlines the principle that if one part of the statement of a witness is found to be false, then the entire testimony provided by the witness is in fact liable to be rejected¹. In the case of *Balaka Singh v. State of Punjab*² the Hon'ble Supreme Court had observed that it is the responsibility of the Court to make an attempt to separate the falsehood in a testimony from the truth in the same way as grain is separated from the chaff. This is possible only when the falsehood can be separated from the truth. If the falsehood and the truth cannot be separated just because they are inextricably mixed up, then in that case, the Court would have to recreate an absolutely new case. In another case *Ughar Ahir & Ors. v. State of Bihar*³ the Hon'ble Supreme Court held that the said maxim is neither a rule of practice nor it is a sound rule of law. There is hardly a witness whose evidence is not mixed up with untruth or embellishments. Here lies the duty of the Court to scrutinize the evidence given by the witness and very carefully the Court should separate the falsehood from the truth.

The maxim is also explained in the case of *Jakki @ Selvaraj & Anr. V. State*⁴. In this case, the Court stated that this maxim has not received any acceptance. Moreover, this maxim does not have any status of rule of

¹ Trustworthy Evidence: The Doctrine of Falsus in Uno, Falsus in Omnibus, THE LEGAL BLOG.IN (Jul. 10, 2018, 10:55 AM), <http://www.legalblog.in/2010/11/trustworthy-evidence-doctrine-of-falsus.html>.

² *Balaka Singh v. State of Pujab*, A.I.R. 1975 S. C. 1962 (India).

³ *Ugar Ahir & Ors. v. State of Bihar*, A.I.R. 1965 S. C. 277 (India).

⁴ *Jakki @ Selvaraj & Anr. v. State* represented by the I. P., Coimbatore, (2007) 9 S.C.C. 589 (India).

law. It is as good as rule of caution. The Court stated that there lies a difference between ‘disregarded’ and ‘discarded’ testimony. Looking at the implementation and implication of the said maxim, the Court stated that under a given set of circumstances, this maxim just involves weight of evidence and not a mandatory rule of evidence.

The maxim “*falsus in uno, falsus in omnibus*” does not find any stand today due to its validity and utility. As far as the validity point is concerned, this maxim is worthless as in one form it just contains loosely knitted truth which in fact no one needs to be told and in other form as a maxim of life, it is absolutely false. On the other hand, as far as the utility point is concerned, this maxim is worthless, as it is just in the form of superfluous form of words. It just tells what the Court may do in any eventuality but it does not say what they must do or what they must not do.

In the case of *Muthu Naicker & Ors. v. State of Tamil Nadu*⁵ it was held by the Hon’ble Court that under the circumstances, where the witness is pressurized by the members of unlawful assembly or is attacked by them, then in that case, it becomes the responsibility of the Court to very carefully understand and then consider the credibility of the statement given by such witness. The Hon’ble Court further stated that if at all the Court is of the view that the statement given by such a witness is not reliable after going through the circumstances and facts of the case, then in that case, before the said testimony of the witness can be accepted by the Court, the testimony of such a witness be corroborated by one or more of other witnesses.

In *Binay Kumar Singh v. State of Bihar*⁶ the Hon’ble Court held that the evidence cannot be counted and that it can be only weighed. As far as the conviction is concerned, the Court held that there is no such rule of evidence wherein it can be stated that a conviction is based on certain minimum number of witnesses (as a member of the unlawful assembly), who have in fact identified the accused. The Court in this case, made it very clear that what matters more is the quality and not the quantity of the evidence. It also made clear that even if the testimony of a single witness bearing truthfulness or is wholly reliable, then under such circumstances, it is sufficient to identify the accused as a member of an unlawful assembly. On the other hand, if the size of the unlawful assembly is quite large, then in that case, at least testimony of two witness to be taken so that the accused can be identified. Again, the Court made it clear that the testimony of such witnesses should be reliable.

In the case of *People v. Lucena*⁷ it was ruled by the Hon’ble Supreme Court that the testimony of a witness, which partly may be correct and can be relied upon and partly cannot be relied upon, then in that case, the decision has to be taken depending upon the corroborative intention and evidence on the part of the said witness so as to pervert the truth. As far as Indian jurisdiction is concerned, the maxim “*falsus in uno,*

⁵ *Muthu Naicker & Ors. v. State of Tamil Nadu*, A. I. R. 1978 S. C. 1647 (India).

⁶ *Binay Kumar Singh v. State of Bihar*, A. I. R. 1997 S. C. 322 (India).

⁷ *People v. Lucena*, G. R. No. 137281, Apr. 3, 2001 REMEDIAL LAW DOCTRINES (Jul. 10, 2018, 12:35 PM), <http://remediallawdoctrines.blogspot.com/2014/03/falsus-in-uno-falsus-in-omnibus.html>.

falsus in omnibus” is strictly not applied. The Court stated that this maxim just weighs the evidence. There is no positive rule of law applicable to it. What matters is the corroborative evidence put forward before the Court at the trial. The testimony of the witness whether to be accepted or rejected depends solely upon the corroborative evidence. Generally the rule is relaxed, wherein the testimony of a witness is sufficiently corroborated as far as the material points are concerned or even if due to innocent lapses but surely not an apparent desire to pervert the truth, then under those circumstances, the said rule may be relaxed.

On the other hand, in *People v. Letigo*⁸ it was held by the Hon’ble Court that there is no rule to lay down the test of credibility or there is no universal application of the rule. There is just a presumption under this maxim that if a witness willfully gave false testimony in one matter then he or she has also testified falsely in all other respects also, thereby making the testimony unworthy.

It is clear that in India, the maxim “falsus in uno, falsus in omnibus” has no applicability as a witness is never completely truthful, he or she is either partly truthful or partly false in giving the evidence to the Court. In the case of *Prem Singh & Ors. v. State of Haryana*⁹ the Hon’ble Court clearly held that the doctrine “falsus in uno, falsus in omnibus” as no applicability in India.

CONCLUSION

It is necessary for the Court to find out the truth hidden in the testimony of the witness from the falsehood. The Court has to assess discretely the deposition of a witness and its relevancy. It becomes the responsibility of the Court to separate the truth from the falsehood. If it is not possible to separate the truth from the falsehood, then under those circumstances, the entire evidence or the statement given by the witness can be disregarded by the Court. In case of unlawful assembly where large number of persons are involved, there is no established rule of law. The Courts through various judgments pronounced had made it very clear that no such rule exists that states that no conviction can take place on the testimony of a single eye witness, unless and until the Court is of the opinion that the testimony of such a single eye witness cannot be relied upon. Thus, it is clear that when the evidence in one particular case is false, then the evidence in rest of the case is also false and as such the maxim “falsus in uno, falsus in omnibus” is dangerous to apply as it is not a mandatory rule, but is only a rule of caution, which affects the weight of the evidence.

⁸ *People v. Letigo*, G. R. No. 112968, Feb. 13, 1997 FALSUS IN UNO FALSUS IN OMNIBUS UNDER THIS MAXIM (Jul. 10, 2018, 12:47 PM), <https://www.coursehero.com/file/p33h73t/Falsus-in-Uno-Falsus-in-Omnibus-Under-this-maxim-there-is-a-presumption-that-a/>.

⁹ *Prem Singh & Ors. v. State of Haryana*, (2009) 14 S. C. C. 494 (India).