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## Innocence Betrayed: Analyzing the Surge of False Rape Allegations against Men under Section 375 IPC

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*This article dives into the troubling trend of males in India being falsely accused of committing rape, which has been on the rise recently. It investigates the legal and constitutional environment surrounding rape claims, with a focus on the loss of a woman's dignity that results from such charges. The goals of the research include gaining knowledge of the scope of the problem of false accusations, the effect they have on actual cases, and the repercussions for men who have been wrongly accused. The paper analyses the factors that are contributing to the increase by using a thorough analysis of the available facts and literature. It also reviews the credibility of the criminal justice system and investigates the psychological, emotional, and social effects that the process has on those who are accused. The purpose of the study is to provide new knowledge to debates and programs addressing this critical problem facing society. It emphasizes how important it is to handle false charges to protect both the rights of those who have been accused of rape and the credibility of those who have been accused of actually committing the crime.*

**Keywords:** rape, men, Section 375, false allegations, innocent.

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## INTRODUCTION

**Article 21**<sup>1</sup> of the Indian Constitution states that rape violates the victim's fundamental right. Article 21 of the Indian Constitution guarantees as one of the fundamental liberties the right to live with human dignity. In **Maneka Gandhi v Union of India**<sup>2</sup>, the Supreme Court of India gave Article 21 a new dimension. The Court ruled that the *right to life* encompasses the right to exist with human dignity in addition to the physical right to life. However, women in our country do not have this privilege in its entirety because they are treated as public property. In the context of sexual assault, the term 'dignity' about a woman acknowledges the violation of her bodily integrity, of self, and her right to live a dignified and secure existence. It considers rape a dehumanizing offense committed against her body. As a violation of a woman's dignity, rape takes into account the humiliating, terrifying, and traumatic event that can lead to existential dread and a feeling of helplessness.<sup>3</sup>

The term rape is defined under **Section 375**<sup>4</sup>. It defines rape as "*sexual intercourse between a man and a woman against her will, without her consent, by coercion, misrepresentation or fraud or at a time when she was intoxicated or is of unsound mind and in any case if she is under 18 years of age.*" In India, the number of false allegations of rape against males has increased at an alarming rate. Without a doubt, such accusations completely ruin the life of an innocent individual. It is believed that women report these incidents for ulterior motives or to exact retribution.

## RESEARCH QUESTIONS

1. How much have Section 375 IPC false rape allegations against men increased over the past decade, and what variables may explain this?
2. How do false rape allegations affect the credibility of real rape cases and the criminal justice system's ability to prosecute Section 375 IPC sexual offenses?

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<sup>1</sup> Constitution of India 1950, art 21

<sup>2</sup> *Maneka Gandhi v Union of India* AIR 1978 SC 597

<sup>3</sup> Usha Tandon and Sidharth Luthra, *Rape: Violation of Chastity or Dignity of Women?* (Torkel Opsahl Academic EPublisher 2016)

<sup>4</sup> Indian Penal Code 1860, s 375

3. What happens to men falsely accused of rape under Section 375 IPC psychologically, emotionally, and socially?

## RESEARCH OBJECTIVE

The purpose of this research paper is to investigate comprehensively the rise in false rape allegations against men under Section 375 of IPC over the past decade. Through a systematic analysis of available data and pertinent literature, this study aims to identify potential variables that may explain the rise in false allegations, assess the impact of these false allegations on the credibility of genuine rape cases and the efficacy of the criminal justice system, and investigate the psychological, emotional, and social consequences faced by men who are falsely accused of rape under Section 375 IPC. This study aims to provide valuable insights into the complex dynamics surrounding fraudulent allegations of rape, thereby facilitating informed discussions and potential interventions to address this pressing societal issue.

## RESEARCH METHODOLOGY

The paper was written after conducting substantial doctrinal research on the subject. Academic journals, internet databases, media stories, policy studies, legal theories, and doctrines were all used as secondary sources.

## LITERATURE REVIEW

**Cognitive Dissonance and False Rape Allegations**<sup>5</sup>: This study analyses a unique instance of a false rape allegation based on the regret of a young woman who had consensual sexual activity with an older man. This study, unlike previous research, investigates the psychological process underlying regret-driven fraudulent accusations. Cognitive dissonance appears to have resulted from a conflict between the woman's consensual actions and her personal religious beliefs. To assuage her discomfort, she reframed the consensual encounter as a rape and denied her agency. This case highlights the role of cognitive dissonance in motivating regret-related false

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<sup>5</sup> Sameul Demarchi et. al., 'Cognitive Dissonance and False Rape Allegation: A Case study' (2021) 11(3) La Revue de Médecine Légale <<https://doi.org/10.1016/j.medleg.2020.04.004>> accessed 05 September 2023

accusations and sheds light on the intricate interaction of psychological factors in such situations.

**The Truth Behind False Rape Cases:**<sup>6</sup> In this paper, the author compares the assumption that women falsely report sexual assaults is investigated by researching US and UK rape case investigations and Faridabad, India case data. Police incorrect classifications inflate figures, undermining justice, victim support, and the accused men's narrative, according to studies. The need for accurate numbers and improved support for sexual assault survivors is clear.

**False Rape Allegations Against Men in India:**<sup>7</sup> This research paper discusses the increasing trend of fraudulent rape cases in India and their impact on a man's overall personality. It also discusses how women are sometimes pressured by family members to file a false rape claim. In addition, the paper describes how women receive substantial compensation in these circumstances.

**Why False Molestation Case Becoming a Big Problem for Indian Men:**<sup>8</sup> This article discusses how women abuse sections 354 and 376 of the IPC to their advantage and to exact revenge on males. The author also discusses how to protect men from fraudulent allegations made against them and makes recommendations regarding what can be done.

## CRITICAL ANALYSIS

In recent years, the issue of fraudulent rape allegations against men under Section 375 of IPC has received considerable attention. The alarming increase in fraudulent allegations raises

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<sup>6</sup> Hanif Qureshi and Jee Yearn Kim, 'Truth Behind False Rape Allegations' (2021) 18(1) Psychology and Behavioral Science International Journal <<https://juniperpublishers.com/pbsij/pdf/PBSIJ.MS.ID.555978.pdf>> accessed 05 September 2023

<sup>7</sup> Shehryar Edibam, 'False Rape Allegation Against Men in India' (2023) 4(3) Journal for Law Student and Researchers <<https://www.jlsrjournal.in/false-rape-allegations-against-men-in-india-by-shehryar-edibam/>> accessed 05 September 2023

<sup>8</sup> Samanta Rao, 'Why False Molestation Cases becoming a Big Problem for Indian Men' (*Jus Corpus*, 9 August 2023) <<https://www.juscorpus.com/why-false-molestation-case-under-section-354-ipc-becoming-a-big-problem-for-indian-men/>> accessed 05 September 2023

concerns about the misuse of legal provisions, the potential damage to the credibility of rape survivors, and the need for a balanced approach to the law.

Fraud rape allegations have the potential to severely tarnish a person's reputation, leading to *social exclusion, psychological distress, and even legal consequences*. The increasing frequency of such cases necessitates an investigation into the causes of fraudulent accusations. It is essential to determine whether these allegations are the result of genuine misunderstandings, personal grudges, societal pressures, or other underlying causes. According to advocates for men's rights, women use false accusations to resolve *personal scores*. As such allegations completely tarnish the man's reputation, and on the opposite side, the women are awarded hefty compensation, this is observed to be the weapon of choice for women seeking retribution against men with whom they have a grudge. In **Vishnu Tiwari v State of Uttar Pradesh**<sup>9</sup>, Vishnu Tiwari was convicted of rape in 2003 and sentenced to prison in 2001. However, after approximately 17 years, when the case was brought before the Allahabad High Court bench, they determined that the accusations against him were without merit and acquitted him.

In a separate incident in Ghaziabad, a woman accused her neighbor of committing a nocturnal rape against her daughter. The police arrested a man named Rajat on the premise of a complaint filed against him. During the legal proceedings, the judge determined that the allegations against Rajat were fraudulent and that he lacked any evidence.<sup>10</sup>

On numerous occasions, the Supreme Court of India has defined what modesty of a lady entails. According to a bench composed of Arijit Pasayat and S.H. Kapadia, "*modesty is a virtue that is inherent to females due to their sex; it is a characteristic of female humans as a group.*"<sup>11</sup> Courts have repeatedly observed that a woman's modesty, whether she is young or elderly, intelligent or stupid, awake or asleep, is capable of being offended. When the act of the offender is shocking

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<sup>9</sup> *Vishnu Tiwari v State of Uttar Pradesh* AIR 2019 SC 3482

<sup>10</sup> Wahid Bhat, 'Rape Cases that proved False in India' (*Ground Report*, 8 December 2022)

<<https://groundreport.in/false-rape-cases-in-india-8-times-when-women-falsely-accused-men/>> accessed 05 September 2023

<sup>11</sup> 'Why False Molestation cases is becoming a big problem in India' (*Sahodar*, 10 October 2023)

<<https://sahodar.in/why-false-molestation-cases-is-becoming-a-big-problem-in-india/>> accessed 05 September 2023

and can be perceived as an affront to feminine decorum and dignity, a woman's modesty is outraged. The **2014 Bombay High Court** ruling in the case against **Mahindra Chate** states, "Even if you place your hand on a woman's shoulder, it is up to the woman to comment on the nature of the touch, whether it was friendly, brotherly, or paternal."<sup>12</sup> This type of interpretation undermines the very intent of the provision, which requires that the intent or knowledge of the man who allegedly assaults or uses criminal force be evaluated from his perspective to determine whether the alleged act would have constituted an outrage against modesty. This decision increases the number of false allegations of molestation and rape against innocent men. Due to this perception, it is simple for women to submit false charges against men.

The increase in fake rape charges raises significant concerns over its potential impact on authentic rape survivors. False allegations not only serve as a distraction, diverting attention and resources from genuine victims but also foster societal skepticism about all instances of rape.

The renowned Bollywood film '**Section 375**' is a cinematic portrayal of the real-life legal case involving **Shiney Ahuja**<sup>13</sup>. The movie effectively illustrates the scenario where an individual is wrongfully accused of sexually assaulting his domestic help, while the girl is ultimately acquitted due to the lack of substantial evidence. The film emphasizes the significance of the girl's testimony in determining the outcome of the case.

According to the Delhi High Court, the dissemination of false rape accusations possesses the capacity to significantly *impair the personal and professional trajectory* of the accused individual.<sup>14</sup> The individual who is wrongfully implicated in a rape case experiences a significant loss of reputation, is unable to confront their family, and endures enduring social disgrace. The statement emphasizes that accusations related to offenses, such as those outlined

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<sup>12</sup> Rosy Sequeira, 'Only Girl can Decide Nature of touch: HC' (*Times Of India*, 28 February 2014) <<https://timesofindia.indiatimes.com/india/only-girl-can-decide-nature-of-touch-hc/articleshow/31124506.cms>> accessed 05 September 2023

<sup>13</sup> Vidya, 'Actor Shiney Ahuja, convicted in rape case, granted passport renewal for 10 years' (*India Today*, 8 August 2023) <<https://www.indiatoday.in/law-today/story/actor-shiney-ahuja-rape-case-convict-granted-passport-renewal-for-10-years-2418203-2023-08-08>> accessed 05 September 2023

<sup>14</sup> 'Alarming rise in false rape cases; need to be dealt strongly: Delhi High Court' (*The Indian Express*, 24 October 2023) <<https://indianexpress.com/article/cities/delhi/alarming-rise-in-false-rape-cases-need-to-be-dealt-strongly-delhi-high-court-7457488/>> accessed 05 September 2023

in Section 376 of IPC, should not be made hastily or without proper justification, since they may be motivated by personal scores. The court further asserted that if it is determined that the lawsuits brought forth by the involved parties against one another are baseless and lacking in seriousness, appropriate measures ought to be implemented against the complainant and any other individuals who played a role in making false accusations of sexual assault with the sole intention of settling personal grievances.<sup>15</sup> The statement emphasized the pressing necessity to discourage such trivial lawsuits.

## CONCLUSION

The practice of filing false complaints under Section 375 of IPC out of personal animosity or for other covert reasons has recently grown widespread. Several women use this forum for the sole purpose of harassing male users, which has a detrimental effect not only on society as a whole but also on future generations. The number of men who kill themselves is rising in tandem with the rise in the number of cases that falsely allege that they were victims of rape. In addition, false charges of rape damage the public's faith in the criminal justice system and make it more difficult for people who have been victims of sexual abuse to come forward. Allegations that are not true have the potential to propagate negative preconceptions about men and women, which in turn can contribute to gender-based violence and discrimination.

I strongly warn against harassing males in such a way since it will cause them to suffer throughout their entire lives, and as a result, their children and other members of their families will also suffer. In addition to this, it will relieve the court system of the unnecessary workload caused by these frivolous cases and save the court time.

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<sup>15</sup> *Ibid*