

## REPERCUSSIONS OF FAKE RAPE CASES

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### ABSTRACT

*This article explores the issue of false rape accusations in India, looking at both their root causes and the dreadful effects they have on the accused. It looks at psychological factors, as well as potential motivators for making false allegations such as revenge, seeking sympathy, blackmail, and parental pressure. The article highlights the detrimental repercussions that false accusations have on a person's mental health, reputation, and even their willingness to live. It evaluates the existing legal remedies provided by Sections 211 and 182 of the Indian Penal Code and highlights how ineffective they are at preventing false accusations. The article advocates speedy trials, mental health care, and the assumption of innocence unless proven guilty in order to ease the burden on the accused. The article emphasizes the need for cultural and institutional reforms in order to save innocent lives from being wrecked by false rape charges and to give justice to true rape victims.*

**Keywords:** Rape, Section 211 of IPC, Section 182 Of IPC, Mental Health, Suicide, Pseudologia Phantastica.

### INTRODUCTION

Rape is a very serious crime as it traumatizes the victim and also affects their social life. In India, rape is a crime that is taken very seriously by the authorities and many measures have been taken to ensure justice to rape victims. It is important that these measures are not misused by people for their gain. People usually do not question the woman blaming the man for rape and sympathize with her. A person who is accused of rape loses his reputation and standing in society much before he is convicted in India. There have been a lot of fake rape cases in India recently. According to NCRB reports, there were 28,046 registered cases of rape in 2020. Of these, 3375 cases were dismissed by police as being false, while 5015 cases in total were dismissed by police due to being false, factual, or legal errors, or civil disputes.<sup>1</sup>If a person is falsely accused of rape, they lose their reputation and in many cases their job before getting acquitted. Though there are provisions in the law that punish a person

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<sup>1</sup>'NCRB Report 2020: Crimes against Women: Cases Registered V/s False; Conviction vs Acquittal' (Voice For Men, 30 September 2021) <<https://voiceformenindia.com/ncrb-report-2020-crimes-against-women-cases-registered-v-s-false-conviction-vs-acquittal/>>

for filing a fake case, it is bailable, and it does not provide proper compensation for the accused. Though rape is a heinous offense, the present laws are being used as a tool to hurt men. The existing laws enabling this should be improved and provisions against fake cases should be made more stringent to ensure that in order to get the victims of rape justice, innocent people should not get punished.

## REASONS

There are multiple reasons why a woman files a false rape case on a man. One such reason is "Pseudologia phantastica," a psychological condition in which a woman deludes herself into thinking that she has been raped or sexually abused even if it never happened. Though there is no prominent example of such a case in India, it is an important reason established by scientists.<sup>2</sup> This is an example of a situation when a false accusation is made unintentionally due to psychological issues. In other cases, women intentionally make false accusations for many reasons such as revenge, to gain sympathy, to provide an alibi,<sup>3</sup> to blackmail someone, or because they were under pressure to do so. A clear example of blackmail would be the case of Sejal Sharma vs State of Haryana. In this case, a man was asked to pay an amount of 20 lakhs by blackmailing that they will lodge a fake rape case against him if he fails to pay. They had a video of him with a girl and blackmailed him with it. When the case was presented before the court and required investigations were completed, the judge concluded that the petitioners have been operating a racket and were accustomed to threatening & blackmail others by accusing them of fake rape accusations<sup>4</sup>. This shows how rape accusations are used as a tool by people to get what they want. Another reason for such cases is parents finding out about consensual sexual relations with their daughters and reporting it as rape. The research of Shrinivasan into the 460 rape cases in a trial in New Delhi in 2013 revealed that "more than one-third turned out to be cases of couples having consensual sex outside marriage but, when the parents found out, they went to the police to end the relationship".<sup>5</sup> Since women and their families are usually blindly trusted on this matter,

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<sup>2</sup> 'Understanding False Rape Allegations' (California CACI Removal Lawyer) <<https://www.cacilawyer.com/understanding-false-rape-allegations.html>>

<sup>3</sup> van der Putten TG (Consequences of Being Falsely Accused of Sexual Violence: Focussing on Someone's Social, Personal and Economic life, 25 August 2016) <<http://arno.uvt.nl/show.cgi?fid=141762>>

<sup>4</sup> Lead India, 'How to Fight Fake Rape Case' (Lead India, 24 December 2022) <<https://www.leadindia.law/blog/en/how-to-fight-fake-rape-case/>>

<sup>5</sup> "Spare Innocent Men Anguish": India Ruling Aims to End False Rape Claims' (The Guardian, 11 February 2019) <<https://www.theguardian.com/global-development/2019/feb/11/spare-innocent-men-anguish-india-ruling-aims-to-end-false-claims>>

people often misuse this for their personal gain. Hence, there needs to be a law that checks this and ensures that no injustice occurs to men due to actions taken for the benefit of women.

### **EFFECTS OF ACCUSATIONS**

There are many consequences of such false accusations on the life of a person. A few of those consequences are as follows-

#### **Mental Health**

When a person is wrongfully charged with rape, society accepts him to be a rapist very easily and this might impact his mental health. Sometimes, they also end up in prison until the case is decided. They might end up blaming themselves or the entire society for this and fall into depression. Even if a person that is wrongly charged does not wind up in prison, the ramifications of being falsely accused might have a tremendous influence on someone's life. In most circumstances someone's mental health and self-esteem decline. This might cause depression to most people falsely accused. Furthermore, research demonstrates that being wrongly accused might constitute an attack on someone's personal integrity with emotional harm as a consequence. They also risk developing PTSD or a burn-out.<sup>6</sup> Post-traumatic stress Disorder (PTSD) is a disorder that occurs after a person has encountered a scary, alarming, horrifying, or hazardous incident. These stressful or traumatic situations frequently involve a circumstance where someone's life has been threatened or significant injury has happened. PTSD affects the personal and professional life of people in significant ways.<sup>7</sup> In the same way, if a person develops burnout, they will have concerns in both their professional and personal lives. Hence, the mental impacts of wrongfully accusing someone of rape are huge and affect other aspects besides the health of their life too.

#### **Social Life**

In Indian society, a person accused of rape faces the scorn of society. Usually, people start avoiding them or feel disgusted by them or simply feel unsafe around them. Though this might be an appropriate response for real perpetrators, it worsens the state of people falsely accused of rape. People usually fear defamation in society more than jail time while getting blackmailed. This also sometimes leads the accused to lose their jobs. Also, as in the case of

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<sup>6</sup> van der Putten TG (*Consequences of Being Falsely Accused of Sexual Violence: Focussing on Someone's Social, Personal and Economic life*, 25 August 2016) <<http://arno.uvt.nl/show.cgi?fid=141762>>

<sup>7</sup> 'Post-Traumatic Stress Disorder (PTSD)' (SAMHSA, 24 April 2023) <<https://www.samhsa.gov/mental-health/post-traumatic-stress-disorder>>

Rahul, they are no longer eligible for government jobs, and also corporations and offices usually don't take people with such an accusation. Hence, there is also a risk of financial loss to them. Sometimes, family and friends of the accused also do not believe that the accused is innocent. This causes further emotional turmoil to the accused. An example of this would be the incident where a woman accused her ex-boyfriend of rape because he refused to marry her. One week after he was accused, his mother died of a heart attack and his fiancé broke their marriage.<sup>8</sup> This is not an isolated incident as many people that are falsely accused end up losing family or friends. Thus, false accusations of rape not only affect their mental health but also adversely affect their social life, personal relationships, and financial situations of the accused.

### **Suicides**

False rape accusations have often led to suicides in India. An example of this would be Deepak Sangwan, a 41-year-old differently-abled man who allegedly committed suicide by shooting himself in the neck and left behind a suicide note claiming that a woman had lodged a false rape case against him. She and her father owed him 2 lakh Rs and when he complained about their bounced cheque, she filed a rape case against him.<sup>9</sup> This is a clear and very recent case of suicide due to a false rape accusation. Though it has not been proven yet, the suicide note makes it clear that the false accusation of rape is the cause of suicide. Another such example would be the case of Rahul, an aspiring athlete. He committed suicide after being accused of rape. In his suicide note, he mentioned how the parents of his female friend falsely accused him of rape due to which he had to spend almost 19 months in jail, and how he was no longer eligible for a government job. He has also mentioned how he has gotten depression because of this. His father also alleged that her parents blackmailed them for money.<sup>10</sup> Though this case also has not been proven yet, it can be said that this is also a case of suicide due to a false accusation of rape based on a suicide note. All this show how mental health impacts like depression and social life impacts like losing a job or false accusations of rape can trigger suicides among the accused.

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<sup>8</sup> "Spare Innocent Men Anguish": India Ruling Aims to End False Rape Claims' (*The Guardian*, 11 February 2019) <<https://www.theguardian.com/global-development/2019/feb/11/spare-innocent-men-anguish-india-ruling-aims-to-end-false-claims>>

<sup>9</sup> Sinha J, 'Delhi: Man Commits Suicide over "fake" Rape Case' (*The Indian Express*, 14 March 2021) <<https://indianexpress.com/article/cities/delhi/delhi-man-commits-suicide-over-fake-rape-case-7228381/>>

<sup>10</sup> Telangana Today and Ians, 'Aspiring Athlete, Accused of Rape, Commits Suicide' (*Telangana Today*, 29 June 2022) <<https://telanganatoday.com/aspiring-athlete-accused-of-rape-commits-suicide>>

## REMEDIES PER LAW

Even if not famous, there are remedies for filing fake cases in law. One such section is Section 211 of the Indian Penal Code. This is not a section specific to fake rape cases. Recently, a Delhi court judge ordered police to file FIR against the woman who filed fake charges of gang rape and other offenses against her husband and his family.<sup>11</sup> It deals with a “*False charge of offense made with intent to injure*”. For this section to apply, the intention to injure is necessary. The maximum sentence under this section is imprisonment for up to 7 years along with a fine. Since rape is an offense punishable with rigorous imprisonment ranging from 10 years to life, a false charge of rape made with the intention to injure is punishable with imprisonment ranging to 7 years along with a fine.<sup>12</sup> When compared to the consequences of making a fake rape charge, the punishment is highly inadequate. The maximum sentence for making a false charge of rape is less than the minimum punishment for rape. Also, it only covers false charges made with the intention to injure. So, the cases because of Pseudologia Phantastica, or cases filed under pressure from someone are not covered in this section. Also, since it is a bailable offense, it is not considered a serious offense. Hence, this section is not broad enough for providing a deterrent against fake rape charges.

Another such section is section 182 of the Indian Penal Code, which is also not specific to fake rape charges. It deals with giving “*False information, with intent to cause public servant to use his lawful power to the injury of another person.*”<sup>13</sup> This covers the cases in which a person gives a public servant, in our case mostly the police, false information about rape so that the accused gets arrested or faces some injury. This section does not require an actual case or FIR to be filed. Just consulting any public officer would be enough. The punishment as per this section is 6 months. When compared to the consequences of making a fake rape charge, the punishment is highly inadequate.

## INNOCENT UNTIL PROVEN GUILTY

One of the main remedies which people can adopt is not treating the accused as guilty until he is convicted. This comes under the Latin maxim *Ei incumbit probatio qui dicit, non qui negat*. This would put an end to the consequences faced by the falsely accused before their

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<sup>11</sup>‘Delhi Court Orders Fir against Woman, Her Father in False Rape Case Charges’ (*Hindustan Times*, 18 May 2023) <<https://www.hindustantimes.com/cities/delhi-news/delhi-court-orders-fir-against-woman-and-father-for-filing-false-charges-of-ganrape-and-cruelty-against-husband-and-family-101684397884433.html>>

<sup>12</sup>‘Section 211 in the Indian Penal Code’ (*Indian kanoon*) <<https://indiankanoon.org/doc/172919/>>

<sup>13</sup>‘Section 182 in the Indian Penal Code’ (*Indian kanoon*) <<https://indiankanoon.org/doc/534484/>>

acquittal. The main opposition to this is the claim that false accusations are rarer than actual rapes. Also, this treatment might enable actual rapists to commit more rapes as there is no control over them. The statistics mentioned above do prove that false accusations are rarer than actual rapes. This is not a valid enough reason to let innocent men get harassed and face injustice. Though their concern about real rapists committing more rapes is valid, the current system is not the correct solution for it. Conducting faster trials and keeping the accused under observation are some ways through which further crimes can be prevented. Mental healthcare facilities should also be provided to all the accused so that innocent accused can also be helped. It needs to be ensured that people don't declare the accused guilty themselves. This mainly happens with the use of social media and so, any news about the accused should keep mentioning that he has not been proven guilty so that people are also made aware of that and people don't start blaming or shaming him. These are some measures that can be made so that the maxim *Ei incumbit probatio qui dicit, non qui negat* is properly implemented.

## CONCLUSION

Rape is a heinous crime that traumatizes the victim for years sometimes. It needs to be taken seriously and justice needs to be provided to victims. But, justice to these victims cannot result in injustice to innocent people. As the statistics and incidents showed, falsely accusing people of rape is a real issue that adversely affects the entire life of the falsely accused. The victims lose their mental peace and their social life and often end up committing suicide. The remedies currently provided by law are not stringent enough and often don't provide a strong deterrent to stop this from happening. There needs to be a change in society and institutional changes are also needed to ensure false rape charges do not end up ruining the accused. Though rape is a serious crime, it is not serious enough to ruin the lives of innocent people. The false accusation of rape on a person ends up ruining his life due to the current social standards and it needs to be avoided.