



## FALSE RAPE ALLEGATIONS: LEGAL SAFEGUARDS AND SOCIAL STIGMA

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### Abstract

False rape allegations, although statistically uncommon, present significant legal and societal concerns. This article explores balancing victim protection by preventing the misuse of rape law. The Bharatiya Nyaya Sanhita provides legal deterrents against sexual violence while also containing provisions to punish false accusations. The judiciary responded to the evolving jurisprudence. This paper analyses legal safeguards, judicial trends, empirical data, and social consequences of the falsely accused, arguing for an approach that upholds justice without discrediting legitimate claims.

The tension between protecting genuine victims and preventing the misuse of rape laws creates a delicate balance between lawmakers and the judiciary. The Indian Penal Code exemplifies this through strong deterrents against sexual violence, while including provisions for false accusations. As courts address these cases, they must carefully weigh the evidence and consider broader implications. This study examines legal safeguards and judicial trends, exploring empirical data on the prevalence and impact of false rape allegations. The analysis covers social consequences for those falsely accused, advocating for a balanced strategy that ensures both gender justice and due process while protecting victims' rights and those of the accused.

**Keywords** – False Allegations, Rape Law, BNS Section 63, Legal Safeguards, Social Stigma, Gender Justice, Due Process.

### I. Introduction

Rape is one of the most heinous crimes, representing not only a physical violation, but also a profound attack on human dignity. Recognizing its severity, Indian lawmakers have adopted stringent legal provisions to punish perpetrators. However, in recent years, a parallel discourse has emerged concerning the alleged misuse of rape laws through false accusations. While studies affirm that false allegations constitute a small fraction of total cases, their consequences on falsely accused social, legal, and psychological consequences can be devastating.

This article does not seek to undermine the plight of genuine survivors, but instead highlights the need for safeguards to protect the innocent. A false accusation of rape can

ruin reputations and end careers, leading to wrongful incarceration. This concern raises critical questions regarding the balance between gender-sensitive laws and procedural fairness.

To navigate this legal tightrope, India's criminal justice system must be carefully calibrated to ensure justice for the survivor and protect the rights of the accused. This paper critically examines the legal framework in India, addressing rape and false accusations, analyzes judicial decisions, and suggests reforms that uphold both justice and equity.

### II. Legal Framework in India

#### A. Definition and Punishment of Rape

The crime of rape in India is codified under Section 63 of the Bharatiya Nyaya Sanhita,



2023<sup>374</sup> (Section 375 of the Indian Penal Code, 1860)<sup>375</sup>. The provision was significantly amended through the Criminal Law (Amendment) Act of 2013, expanding the scope of rape and enhancing punishments.

Punishment for rape is outlined under Section 64 of the Bharatiya Nyaya Sanhita, 2023<sup>376</sup> (Section 376 IPC)<sup>377</sup>, which includes rigorous imprisonment and, in aggravated cases, life imprisonment or even the death penalty.

### B. Legal Provisions Against False Allegations

India's legal system includes mechanisms for addressing false accusations.

- **Section 217 BNS:** Penalizes false information for public servants.
- **Section 248 BNS:** Punishes false charges intended to harm another person.
- **Section 356 BNS:** Covers defamation, which may be applied to malicious rape accusations.<sup>378</sup>
- **Section 273 of BNSS:** Provides compensation to the accused if the magistrate finds the complaint baseless.
- **Section 528 of BNSS:** Allows the High Court to quash false or malicious FIRs in the interest of justice.<sup>379</sup>

These provisions aim to deter the misuse of criminal law, while safeguarding the rights of the accused.

### III. Judicial Interpretation and Case Law

#### A. *Deepak Gulati v. State of Haryana, (2013)*

In this landmark judgment, the Supreme Court acquitted the accused after a careful examination of the facts, revealing that the relationship between the parties was consensual. The complainant alleged rape based on the broken promise of marriage. The Court held that a failed matrimonial promise by itself does not constitute rape if there is clear consent at the time of the act. The judgment

emphasizes the importance of distinguishing between consensual sexual activity and sexual assault, and cautions against the misuse of rape laws to enforce personal vendettas or emotional disputes.<sup>380</sup>

#### B. *Lillu v. State of Haryana, (2013)*

This judgment addressed the problematic use of the controversial 'two-finger test' conducted during medical examinations of alleged rape victims. The Supreme Court ruled that such tests violate the dignity and privacy of victims, are scientifically unreliable, and should not be admissible as evidence. The Court underscored the necessity of respecting the rights and dignity of complainants while ensuring that medical procedures do not become instruments of trauma or injustice. This case set a precedent reinforcing sensitive treatment of victims without compromising evidentiary standards.<sup>381</sup>

#### C. *Kamaal v. State of Haryana, (2019)*

In this case, the Punjab and Haryana High Court acquitted the accused based on the discrepancies and contradictions in the complainant's testimony. The Court highlighted the significance of credible and consistent evidence in cases involving serious allegations, such as rape. It cautioned against hasty convictions based on uncorroborated statements and stressed the role of the judiciary in protecting individuals from false accusations that could irreparably damage their reputation and future.<sup>382</sup>

#### D. *Preeti Gupta v. State of Jharkhand, (2010)*

Although primarily a case concerning Section 498A IPC (cruelty by husband or relatives), this judgment is frequently cited in discussions about false allegations in sexual offence cases. The Supreme Court acknowledged the increasing misuse of protective laws and warned against casual filing of false complaints for personal gain or harassment. The Court

<sup>374</sup> Bharatiya Nyaya Sanhita, 2023, § 63 (India)

<sup>375</sup> Indian Penal Code, 1860, § 375 (India).

<sup>376</sup> Bharatiya Nyaya Sanhita, 2023, § 64 (India)

<sup>377</sup> Indian Penal Code, 1860, § 376 (India)

<sup>378</sup> Bharatiya Nyaya Sanhita, 2023, §§ 217, 248, 356 (India).

<sup>379</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 272, 528 (India).

<sup>380</sup> *Deepak Gulati v. State of Haryana*, (2013) 7 SCC 675 (India).

<sup>381</sup> *Lillu v. State of Haryana*, (2013) 14 SCC 643 (India).

<sup>382</sup> *Kamaal v. State of Haryana*, 2019 SCC Online P&H 1803 (India).



emphasized the need for judicial vigilance to prevent abuse of the legal process while ensuring that genuine victims are not discouraged from seeking justice.<sup>383</sup>

#### IV. Empirical Data and False Allegations: The Scope

##### A. NCRB Data and Trends

According to the National Crime Records Bureau (NCRB) report for 2022, India recorded 31,677 rape cases under the Section 376 IPC. Of these, a fraction was found to be “false cases” based on police investigations

While the NCRB does not separately categorize “false rape allegations,” it includes data on “cases found to be false” under the broader category of “crime against women.”<sup>384</sup>

Studies suggest that false allegations range between 2% and 10% of all reported cases of rape. These are not insignificant, especially when considering the irreversible consequences of the accused. However, it is also essential to interpret such data carefully, as not all acquittals imply falsehood, and many are due to a lack of evidence or procedural lapses.

##### B. Research and Academic Perspectives

Several legal scholars have observed that the fear of misuse should not lead to the dilution of protective laws but should rather invoke judicial caution. The Law Commission of India has also recognized the need for procedural checks without creating insurmountable barriers for genuine victims.

#### V. Social Stigma and Consequences on the Falsely Accused

Rape accusation, even when unproven or false, has lasting consequences. The societal presumption of guilt is both immediate and devastating. Common consequences include the following.

- Loss of employment or educational opportunity

- Social ostracization
- Breakdown of family relationships
- Mental health deterioration and suicidal tendencies

In many cases, the acquittal comes too late, and damage to the accused’s life, reputation, and livelihood is often irreparable.

Additionally, false cases can cast unwarranted suspicion on genuine survivors, making it harder for them to believe. Thus, false accusations hurt both justice and the victims.

#### VI. Comparative Jurisprudence: A Global View

##### A. United States

In the U.S., false rape claims are subject to prosecution under perjury, obstruction of justice, or filing a false police report. Studies by the FBI and other agencies suggest a false allegation rate of less than 8%, although the measurement methods vary.

Courts stress the presumption of innocence, and there is an increased emphasis on forensic evidence and the due process rights of the accused.

##### B. United Kingdom

The UK has dealt with high-profile false rape cases, leading to calls for more rigorous police investigations before arrest. The Crown Prosecution Service (CPS) has issued guidelines to ensure fair treatment of both the complainant and the accused. Importantly, false accusers have been prosecuted in the UK to pervert the course of justice and ensure accountability.<sup>385</sup>

##### C. Lessons for India

India can adopt practices such as

- Time-bound forensic investigation
- Mandatory oversight in high-stake cases
- Protection of identity of the accused until conviction

<sup>383</sup> Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667 (India).

<sup>384</sup> National Crime Records Bureau, Crime in India 2022, at 125 (2023), <https://ncrb.gov.in>.

<sup>385</sup> Crown Prosecution Service (UK), *Guidelines on Charging False Allegation Cases*, available at <https://www.cps.gov.uk>.



These measures can uphold both due process and gender-sensitive justice, thus steering the clarity of a binary narrative.

## VII. Reform Recommendations

The issue of false rape allegations requires a measured legislative and judicial response that neither trivializes genuine complaints nor punishes the innocent unjustly. Some suggested reforms include the following.

### A. Preliminary Scrutiny Mechanism

Establishing a preliminary investigation window before registering an FIR under Section 64 of the BNS could help avoid misuse in frivolous cases, provided it is balanced with urgency in real cases.

### B. Gender-Neutral Rape Laws

Many legal scholars advocate gender-neutral definitions of rape to protect all genders equally. Although controversial, it may reduce gender-based misuse.

### C. Identity Protection for Accused

Amend laws prohibiting the disclosure of the accused's identity until conviction, thereby preventing social ostracism if the case is ultimately dismissed.

### D. Legal Aid and Compensation

State-sponsored legal and psychological support for falsely accused individuals must be institutionalized. Courts may also consider awarding compensatory damage under Section 273 of BNSS in proven cases of malice.

### E. Training for Police and Prosecutors

Regular training to distinguish genuine distress from motivated complaints can improve the quality of investigations and reduce false FIRs.

### F. Strict Penalties for Malicious Complaints

While Sections 217 and 248 of the BNS exist, courts must not shy away from invoking them in egregious cases to deter willful misuse.

## VIII. Conclusion

The legal architecture surrounding rape in India aims to uphold justice, protect bodily autonomy, and ensure punishment for perpetrators of

sexual violence. However, false rape allegations present an ethical and legal dilemma, challenging the balance between protecting victims' rights and safeguarding due process.

False allegations can lead to irreversible harm. Those who are falsely accused face public humiliation, trauma, financial loss, unemployment, and damaged relationships. The stigma of a rape charge often persists even after acquittal. This necessitates a calibrated judicial approach that protects genuine victims while remaining alert to misuse them.

It is crucial not to let concerns about misuse delegitimize genuine survivors' narratives. The assumption that accusations may be false undermines survivor-centric justice. Society must balance accountability for false claims with support from real victims.

The Indian judiciary has navigated this terrain by emphasizing the evidentiary burden, presumption of innocence, and discouraging practices that infringe upon personal dignity. Legal reforms must continue to evolve. Fast-track courts should expedite both convictions and exonerations, whereas law enforcement must investigate impartially.

The solution lies in strengthening procedural fairness, while maintaining protection for assault survivors. We must create an environment where victims feel safe to report and innocent individuals are protected. This requires an approach based on constitutional, gender, and natural justice principles, which makes the system balanced rather than extreme.

## IX. References (Bluebook 20th Edition)

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