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"A Study on Rising Amount of Fake Rape Cases in India"

¹Ms. Asha Rani Rawat, ²Dr. Ashu Maharshi

¹Ph.D Research Scholar, Department of Law, Amity Law School, Affiliated to Amity University Rajasthan, Jaipur.

²Assistant Professor, Department of Law, Amity Law School, Affiliated to Amity University Rajasthan, Jaipur.

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ABSTRACT

The spectre of false allegations of rape also affected considerably the formulation and application of the legal theory. In cases of sexual offences such as corroboration notice, preservation of the domestic harassment immunity, fear of fake claims are used to excuse proof laws to seek to manipulate police and prosecutors' decisions. Sir Matthew Hale's 17th century opinion that rape "is a readily proven and impossible allegation to be defended by the guilty party and that rape complainants, never so innocent, have been prominently portrayed in the judicial response to rape. Many jurisdictions have reflected on how quickly a man can bring harassment accusations and how challenging it is to dispute them. In comparison, the attorneys and the legal experts and academics can use them easily. With the latest 2013 criminal law amendment in India, the possibility of fake rape complaints under the excuse of one or other has increased. The fact is evident from the review of court decisions released by the quick track courts in Delhi and news reports in the media around the world. This increasing hazard, which can harm society's fabric and abuse of law for different purposes, needs to be regulated early. It is perhaps shocking, therefore, that although the problem of false allegations continues to be relevant in handling the treatment of rape by the criminal court system, the credibility of facts surrounding the prevalence of false allegations has not gained much consideration. The present study was designed to contribute another credible estimate of the rate of false rape reporting by using systematic methods to carefully examining a database of 136 cases identified by university students in Delhi.

Introduction:

Rape is unique. There is no other violent crime so full of controversy, so interwoven with conflict and sexuality politics. For example, while diligent study is being conducted over decades, prevalence rates are still often contested for political

purposes, and in the absence of evidence bold claims are made (e.g., MacDonald, 2008; Roiphe, 1993). And the subject of discussion within the sphere of rape is the matter of false statements. It was believed and presumed for decades that people "crying rape" a large proportion of rape allegations were maliciously boiling certain claims of rape for vengeance or other reasons. Most notably, Sir Matthew Hale, a Chief Justice of the Court of the English King's Bench, took this opinion on the basis of unique orders of the jury, which must have been used by the late 20th century (Schafran, 1993).

In the debates on regulation rape law and related judicial change, the review of false accusations should also be included in discussions. The first explanation is that it seems to be commonly held that falsified accusations of rape are widespread and readily produced by women who are revengeful or desperate seeking media attention high amount of falsified allegations. Second, wrong or untrustworthy conclusions on unfounded allegations are inadequate grounds for designing adequate legislative responses to abuse. In reality, legal experts, body law initiatives and stakeholders have suggested or dismissed change steps focused on unscrewed perceptions about the prevalence of false accusations. Assumptions of the uniformity of unfounded accusations have led to demands for techniques for violation and other sexual offences to be implemented to judge the authenticity of claims. Finally, false accusations enhance the likelihood of failures of justice; detract from real victims and may lead to the development of harmful (and unjustifiable) mistrust within competent criminal justice practitioners with respect to all infringement allegations of rape.

The public debate on the prevalence of reports of false rape also relates little to the real investigation. In the voice, it is also focused on empirical results on the prevalence of false rape allegations on the enormous variability in research. Several reports of false rape have occurred after the reform in the current legislation on rape in 2013, threatening violation of the law for different purposes. In 2014, the Delhi Women Committee published a report which notes, between April 2013 and July 2014, that about 53.2 percent of the rape cases filed are fake. It is also reported that the bulk of those people who talk about violation or sexual abuse are all misleading or seeking vengeance against men like Chinman and the 2019 case where a law student in Uttar Pradesh accused her of rape and sexual harassment. In this way, instead of offering us the truth in the area, the media can also be liable for promoting certain practises, such as the media sometimes gives its own conclusion.

The main point of reference for addressing false accusations of rape is how this word can be described. This is a vital concern and a significant element in the calculation of the amount of infringement claims considered false. A false claim may also be described at its most fundamental level as portraying an occurrence that the plaintiff knows was never true. This description indicates that the plaintiff has a conscientious or deceptive intent. However, there may be false claims which go beyond that description. There may be, for example non-malicious reports by individuals that truly think they have been abused by rape or other sexual crimes but who are confused, rather than malicious. There can also be situations that contribute to potentially false" rape charges, albeit non-malicious.

The Definition of a False Allegation

As in any research field, you cannot calculate exactly what you are unable to describe accurately. Unfortunately, several reported studies either neglect to describe clearly what constitutes an accusation of false rape or depend on data to indicate that several cases are beyond appropriate definitions. A proper inquiry would include proof that there was no wrongdoing to identify the event as a false accusation. This concept was expressed most specifically and directly in its detailed action model and subsequent problems document on addressing incidents of sexual aggression (IACP, 2005a, 2005b) by the International Association of Heads of Police (IACP):

The decision if a sexual harassment allegation is false will only be taken if the proof indicates that no offence has been perpetrated or prosecuted. Only after a rigorous review will the decision be made. It cannot be mistaken with a report that would not show that there has been a sexual assault. Under any scenario the investigation will be baseless. If a report is incorrect, the proof that the attack did not occur must be supported. (IACP, 2005b, pp. 12-13; italics in original)

Proof, for instance, that the attack did not occur, may involve physical avoidance and/or claims by reliable witnesses that run contrary to core elements of the victim's narrative. Such facts would vary from more general evidence of "believability," for example a delayed investigation, an obvious incoherence in the victim's testimony, frequently used by police officers to discount the report of the rape victim (Kelly, Lovett, & Regan, 2005; Lea, Lanvers, & Shaw, 2003).

Uncertainties in the Law Enforcement Classification Process

In India and some other nations, legal regulatory authorities identify rape incidents in accordance with the standards laid down; in India, the Ministry of Home Affairs gives the guidelines. For example, where the statute provides that the unfounded" type is for a complaint determined to be false or unfounded in an investigation." This implied that there was no crime. Where no crime has happened and no effort has been made, the procedure by statute demands that the offence reported be baseless (Sarkar, L., 1994).

The law requires a victim's refusal to comply or arrest doesn't constitute grounds to label a case as baseless. The criteria further suggest that 'unfounded' is narrower than the concept of false accusation because 'unfounded' applies to incidents determined to be 'baseless.' A case may be categorised as 'baseless' if for instance, an incident reporting by a survivor that does not fit the legal description of a sexual assault. For instance if a woman reports to police to have her raped during her intoxication and claims honestly she can't recall if penetration happens then authorities may classify this as "unfounded," a classification distinctly distinct from a situation in which a victim intentionally creates a rape account but the "unfounded" class is a rather unfounded classification (Rumney, 2006).

In addition to notwithstanding these rules many reports have found that misclassification by law enforcement agencies is routine. Cases where there is a shortage of evidence, when the perpetrator has made inconsistent remarks or where the victim has been excessively intoxicated also count as "unfounded" even "uncrimeled" or when there is a lack of evidence or where victim is unable or unwilling to cooperate. (Gregory & Lees, 1996; Kelly et al., 2005; Rumney, 2006).

The Issue of False Allegations Within The Scholarly Literature

Legal study has traditionally contributed to the topic of false allegations of rape through two broad methods. The first method says that women are highly susceptible to make bogus rape complaints and offers different medical or psychological causes for this behaviour. The theory that a large amount of women falsely allege rapes was consistently ignored in these works. A second method has evolved since the mid-1970s. It can be seen in several legal papers and books that investigate and apply rape law, and consider that there is a low or at least not greater percentage of false claims than that of the other grave offences. In reality, a "overwhelming consensus" was said to be form by such an opinion.

The Present Study

The present study was designed to contribute another credible estimate of the rate of false rape reporting by using systematic methods to carefully examining a database of 136 cases identified by university students in Delhi. While extensive study has been done on the prevalence and assets of sexual harassment, not one of the recent false reporting reports actually sampled a university population.

Discussion

Reported Sexual Assaults Characteristics ($N = 136$)

Type of assault	<i>n</i>	Persons	<i>n</i>		
Stranger	34	Single	110		
Non-stranger	86	Multiple	15		
Not known	16	Notknown	11		
Location of					
assault	<i>N</i>	Victim was Intoxicated	<i>n</i>	Victim was Student	<i>N</i>
Incampus	70	Yes	52	Yes	125
Out of campus	56	No	60	No	11
Not known	11	Not known	25	Unknown	0
Perpetrator was Student					
		<i>n</i>	Victim was Medically Evaluated	<i>n</i>	
Yes		72	Yes	42	
No		44	No	70	
Not known		20	Not known	24	

Classification of Cases ($N = 136$)

Category	<i>n</i>	Percent
False report	71	52.2
Cases could not proceed	18	35.3
Case was proceeded	8	10.8
Not sufficient info	19	13.9

An analysis for the 136 incidents of sexual assault the above results shows that that 52.2 per cent of instances were false reports. The findings were very much similar with the other studies and reports that have used similar methodologies to determine the prevalence of false rape reporting. These results cumulatively support the

stereotype that is now commonly promulgated and that false allegations of rape are widespread and common in India.

False Allegations of Rape Accused Sufferings

A trial court defined the misery of the individual charged with false rape in the following terms, even after acquittal:

"Can the weak old accused be returned to the damaged reputation and dignity? If he was not charged with this lawsuit, would he live his "Sanyas Ashram" of his life as happily as he must have. The images of this false case, of awful days in prison, and of court appearance at trials will undoubtedly hound him like a fantasy for the rest of his life. He did not have the greatest regard and admiration he had from his relatives and family after the present case."

Accused of False Charges Consequences and Sufferings

"These 'victims' in falsified cases cannot be ignored," the FTC judge said in his words. A fraudulent accusation of rape contributes to tragedies in the lives of the accused. His whole future has been broken, his family is lonely and crying and his life has been devastated. And even after the court acquittal, it is really challenging to get out of shock, trauma, mockery and embarrassment of having been arraigned in a rape case."

Role of Media and Society

The media, written as well as visual, began stressing cases of rape, and the Govt formed a committee for suggesting to propose a serious punishment for rapists and criminal legislation. Since 2013, the Criminal Code reform extended so far that it was necessary to put the suspected accused behind bars by simply on basis of mere statement by the rape victim. According to the trial judge in a case: "A lady's mere statement that she was raped was considered to have been taken as the gospel truth, the accused being detained and accused of rape," which may result in an extraordinary increase in the filing of cases of false rape that had to be acquitted after a lengthy trial. These are the false cases that are counterproductive to the data on rape, which contribute to Delhi being branded a "Rape Capital."

Out of how many instances the suspects were eventually prosecuted, no one is bothered to know. The media blinds its attention to acquittals. A defendant's acquittal is not at least acknowledged, and even after his noble acquittal he nevertheless earns a "rape" label. These nefarious motives against potential accused there is need for research this aspect of misuse of the newly amended law.

Media recognised as the fourth pillar of democracy will play an important role in creating awareness of the laws and the repercussions of filing fake cases of rapes against innocent accused.

Conclusion

Our society and our media concentrate extensively on women's incidents of abuse. So when a guy is harassed, what about that?

Society as a whole and separate parties in charge preserve unity and respond proactively against this emerging danger of false cases of rape. It is important to tackle the acute issue with stern action by sensitising woman activists and women's

rights committees at state and national level to tackle this challenge of false rape cases more effectively in a timely manner.

A variety of changes to the criminal justice system is informed by the apprehension of false rape allegations cases. The idea that policy recommendations may be focused on inaccurate data does also present a challenge, since such data could contribute to needless or mistaken criminal justice changes. The phenomenon of false allegations of rape concerns both the prosecution and the enforcement of law. The literature on fraudulent statements must be reviewed cautiously and further research needs to be done on this.

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