

## ACCUSATIONS OF FALSE RAPE CASES IN INDIA.

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### ABSTRACT

There are many fake or false cases or matters of rape in India. We, as a citizen of India, basically, from the historical times, we didn't actually listened to females at all. They were always dominated by the males all over the place, from their parental home to their martial home, they just survived by being quite. At the first, we didn't accept the female child and at that times when the female child born, eventually, she has been murdered by their own family members. Yes you heard it right, she gets murdered. It is hard to say, but the only preference and the privilege was given to the male child, because he was the one to continue the legacy of his family. There was also the times when people started to accept the female child because if the will not do that, then there would be no possibility to continue their family's pride and their legacy. Without a women, A man could not have his future child. We all know time has its own way, when time changes, these things stopped, then the new generation of females have there own form to take revenge. Revenge like, if her boss tries to fire her, apparently she would file the false case of rape. Here we go, yes a rape. Rape is a heinous crime we all know, in India we have a better experience, and for that heinous act , a man can go behind the bars for many years

### INTRODUCTION

The false allegations of rape is meant to be the reporting of a rape, where no such rape has been occurred. The accusations of rape made to the police authorities or the campus authorities, they are approximately tend to be fake estimated 2 percent to the 10 percent of the time. The actual percentage remains unknown , due to the numerous explanations of a ' false or fake accusation'.

Rates or false allegations are sometimes or from time to time escalated or misstatement or misrepresented due to the fusion or pluralism or conflation with the terms such as untrue or baseless or unjustified or unfounded.

### **False memories or lies are the causes of the fake allegations of rape-**

#### **1. False memories-**

There are numerous ways in which an accused victim can eventually come to believe that they have been raped by the person they alleged.

Therapy to recover the memory:- On the basis of the Freudian notion of repression, the memories of the sexual abuse can be recovered during the therapy in to non existence or in the absence of any supporting proof or evidence.

With the memory of someone else, the victim's turbulence or confusion of the memory of the real ravisher or rapist.

Conformity of memory- when the co witnesses review or examine or discuss their reminiscence or recollection of the events, the memory can become inflicted or injured or contaminated.

#### **2. Lies –**

An accuser may have numerous objectives or motivations to claim falsely that they have been raped. There are many different categories in which these may be put into-

Gain of material- It is for the use of to take money, for promotions from professional or other materialistic benefits or profits.

Generating an Alibi- Being late or not present to an appointment is used to cover up the behaviour or others or we can see other behaviour also in a fake or false accusations or allegations.

Reprisal- To reciprocate against being not liked or disliked person by harming the power or privilege or opportunity, honour or name or character or the finances or business.

Consideration or attention- An attempt to gain any kind of thought or consideration or attention positive or negative, by someone or anyone.

Empathy- A special and particular kind of seeking or looking for attention or consideration where by the complainant tries to recover or upgrade or improve the personal relationships with a specific person.

**IN 2017 “20 percent of complainants said they don’t have any clue or idea, why they had filed a case with a false accusations, according to the De Zutter”.**

## RAPE

Rape is a kind of sexual abuse, usually involves the sexual intercourse or other kinds or forms of sexual penetration proposed or initiated against the one or more person or individuals without any consent of them. The performance or an act of sexual assault may be taken by the physical – body force, coercion, authority assault or abuse of authority against that individual who is not capable of a valid consent, such as one who is in unconscious condition , incapacitated or below the legal age for consent.

Note authorised, correct? However, in real world, there are countless matters or cases where the ' Men ' have been charged with or accused of rape by their past girlfriends, colleagues, flings or a cast person, chances of the one night stand girl. Most of the matters are filed by the possession or anxiousness or jealous females who want to seek reprisal or revenge because the man, with whom she was in relationship has been moved on in his life, or by the women who are looking for or seeking budgetary or monetary payoff.

Even after the cut off or breakup, there are still many cases where a case of false rape is filed in between the months and even after the years. To maintain the so called procedure of protecting the women at any cost, most of the times the lawyers and the cops or police officer known of the facts that the matter is of the false rape case but still they file the report of FIR.

A simple mere comment or statement from a female is enough to put the accused behind the jail, in the law of rape. The analytical or investigation of the matter or case is done at a later stage. Many females assemble or fabricated their FIR report by saying that “he verbally gave the commitment and promised to marry me” and vanished the proofs or evidence or just provide half of it to make it a “long story matter fight from a short matter story fight”. Not only that, now a days, these women also play the victim card on platforms of social media, like Facebook, twitter

and Instagram also, these social media platforms become trend in this digital world. They actually tries to harass the family members pf the falsely accused.

Ultimately, the accused of such untrue or false allegations, gets discharged , bit after going through a lot of hell behind the bars. The impact or reactions or repercussions are only on their mental state and financial state, not only on their career , family and social life. During or after the trial session, most of the times, men can't fight back, as it can be seen as persecution or harassment which can lengthen or delay or prolong their case or send back behind the bars to them.

These cases or matters of rape are not just poignant or affecting the adverse opposite gender or sex, but are also misrepresenting up the crime rate of our country, India. It is probable possible that the misleading the rise in these fake or false matters or cases can present to a point where people stop taken the real victims seriously. The whole aim or purpose of such a “protection of women” law, is beaten by these false cases.

To the other women of our country, the women who take advantages of such laws are directly and indirectly are the huge dange4. Therefore it is unavoidable to litigate or prosecute such women. The fear nor danger of going behind the bars will not motivate women frim filing a false matter of rape.

### **MEDIA ROLE IN THE MODERN INDIA-**

Since the new amendment in the law of rape or rape law in 2013, in India, the danger or threat of false case of rape on the excuse or pretext of one or another has been rising. From the study of the court judgements given or delivered by the fast track courts legislated across the country including the Delhi and new appearing items in the media are the real or actual or the facts , that is the main evident or proof.

A commission was set up by the Indian Government for suggesting a forbidden penalty for the rapist and criminal laws were instituted, both the print media and the visual media started highlighting the incidents the rape.

New explanation or definition after the 2013, in India, the criminal laws were instituted or amended, they has widened in the scope so much so that basic or mere affirmation statement of a victim of rape may br8ng alleged accused beh8nd the jail or the bars.

No one really cares to look, in how matters or issues or cases are the charged with or are the accused in actual or fact convicted. Media turns a visually impaired eye towards absolution or exoneration or acquittal. The so called fourth pillar of democracy, the Media, can take part in or plan a salient part in creating consciousness or awareness about the facilities or amenities of law and effect or consequences of filling a false fake case of rape against decent or guiltiness or innocent accused alleged person.

In this modernism, our world, our country, India, women are becoming more literate or educated and assertive or confident. There are usual scenarios where , pre- marital sex or we can say sex before the marriage is on the all above and rising highly, a chain of hotel name, StayUncle or Oyo offers room to couples taking for somewhere to any place to have sex. But at the same time, some are the number of women accusing or alleging rape on a false assurance or guarantee or promise of a marriage.

In 2016, in India, a total number of 38,947 rape cases were reported , according to the National Crime Records Bureau, about a quarter, 10,068 cases or matters the women claimed it was a rape on a fake or false assurance or marriage. In many matters, allegations of fake rape are simply the consequences of parents hiding or covering up the 'Shame' of a daughter having sex before the marriage.

Some lawyers and the men's right groups believe these fake allegations or accusations of rape by the female who have been in a serious or consensual relationships play down or trivialise the seriousness of a rape.

### **RISING OF DANGER OR THREAT OF FAKE CASES-**

In this esteemed researched article, the highlighted or the main point is the rising danger or threat of false or fake cases of rape in India . In the year 2013, when the new rape law was enacted or instituted or amended, since then , the number od fake or false cases of rape have come in existence which has put a danger or a threat on the overuse or the misuse of the law for number or various aims or process or the motives. About 53.2 percent of cases of rape filed in between the April 2013 and the July 2014, which were the false or fake rape cases, the statement was reported by the Delhi commissioner or Women, in the year 2015, with that, the report also stated that most of the women or the females talking or speaking about rape or sexual assault or violence were the untrue

wordings or lying just to take revenge from the men like in the case of 2019, the Chinmayanand, where a student of law in Uttar Pradesh (U.P) accused a politician of sexual assault harassment and with the rape to her, but later on, it was examined or declared to be a false or false case of rape and that girl was put behind the bars for degrading someone with false allegations know as defamation as per the eye of law.

### **FAULT OF MEDIA AND THEIR ACTIONS-**

The media should also be held liable, in this context, for the uplifting of such enterprises or activities, as sometimes when this type of occurrence or incident take place or happens, the media , in spite or instead of giving the citizens the actual real facts or truth regarding that case gives its own result or conclusion to it.

Each and every rule and regulations of law is created or made for the protection of people or the citizens of our own country or a nation, but when that law itself becomes an apparatus to access in spite of or instead of providing the protection, then it rise to chaos in the civilized country or civilized society.

### **RESULTS OF FAKE OR FALSE ALLEGATIONS OF RAPE-**

#### 1. Mental health effect-

The accusation or allegations of rape is not a minor or small thing for a person as that person can not be move on with his own life, with that allegations or accusations which are totally fake or false that was made. It leaves heavy impact upon the mind of that accused person due to which it is not very easy or we can say that it is very difficult for him to move on or to come out of such depressing moment, depression , trauma or shock. This condition affect the health specially the mental health of that person as it leads to the self torture or isolation.

#### 2. Suicide-

Some of men also commit a dangerous act like suicide or end up by hurting themselves. The only fear of them is to take their life or end up their life so that the members of their family or family members can live with honour or dignity without any pressure of other people in the absence.

### 3. Law misuse-

Rules and regulations are created for the people of our nation so that justice can be given or provided to the one who is in need for the same, but some of them, the females of our society over use the law for taking revenge or benefits by misusing them for the others loss or the loss of others.

### **CRITICAL SITUATION IN INDIA-**

Something unusual or strange is going in our country, India; when a couple breaks up from a relationship girls or females approaches to the authorities of police as well as making an appeal to the court with the statement that she was raped. However we need to understand here, is that, if there was a relationship or sexual relationship, if done it is with the consent of both the partners, which can not be claimed or dealt with charges as a 'Rape'.

The young generation are frequently adopting the westernised modern culture forward in India, in which sex before the marriage or pre martial sex is on the rise and altogether ignoring or dumbing the culture of India. This is the one and the main important fact that why our country, India we have such a false fake allegations or claims or accusations?

In India, many male suffered trials being behind the bars under the false allegations and accusation of rape case. 25 thousands of rape cases were reported or registered in the year 2014, out of which 76 percent were the false accusations. More that 25 thousand cases of molestation were reported and registered, but out of which more than 70 percent were the false. Approx. 1 lakh dowry and domestic violence cases but 98 percent were again the false case. More than 11 lakh men put behind the bars due to these false allegations or accusations.

And due to the fake allegations or accusations , Women ( mother-in-law, sister-in-law, girlfriends or colleague,) more than 5 lakhs puts behind the bars. Every year, due to these false fake allegations accusations, more than 1 lakh of male attempts suicide. These numbers and figures are just in the recodes of police authorities. Our society and the media are very much engrossed or concentrated or focused on harassment cases on women only in India.

India started seeking for the rape offences or crimes taking place in the nation or society, after the Nirbhaya case, in 2012. So, does that states we didn't have cases or issues or matters of rape before

this dangerous or brutal incident? No, it clearly means, society of India never looked into the issues or matters seriously. The case of Nirbhaya shook down the nation and also moved citizens to break out or to voice out the barbarity or atrocities they aspect or face. Approximately more than 100 percent cases were reported or registered in the following years of the happening or the incident.

### **CASE OF RAPE WHERE CHILD IS TORTURED BY HIS/ HER GUARDIAN-**

In the case of Atendra Yadav v. State government of NCT of Delhi , 2010, fake or false case of rape is filed by the child where her mother insisted her for taking revenge from her partner.

*What would be the role of society or the media when the harassment is only on Male / Man?*

*How long gender biasness will take place in these type of conditions or situations?*

### **CONCLUSION**

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Fake or false accusations or allegations of crimes or offences is not current or new in our nation or in our society or in our culture as well as fake or false claims or charges of rape are predominantly or prevailing so much by females and also by their family members on their side or on their behalf. False allegations or accusations of rape means, when a person or an individual is alleged or accused of false or fake charges of rape. It is the only situation when any men who has not done that crime of rape but still claimed or charged for it. In current situation or scenario more than 50 percent of cases of rape in India were falsely reported or registered and filed by the women. In a nutshell, with the concerned passage of time period, number of fake or false matters of rape are also rising or increasing where some blameless or innocent are convicted and some are acquitted also, but these terms make the difference on the persons detention as why they are proved innocent and set free from the behind of the bars or jails. The only main reason or point which is common in both is that, the permanent impression of the accused innocent person's kind which turns to be great pressure or danger and affect the mental health of that person . The lost of honour, privilege of family members, dignity , reputation , the threat to his status and to his family, and so on. That person or an individual against whom the charges are claimed with cannot be stored back to his normal life easily and the only solution for them they think of is to give up their life or the only solution is to give the stability with finances.