



EXPLORING THE BALANCE: WOMEN PROTECTION ACTS AND THE LIABILITY OF FALSE CHARGES AGAINST MEN

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ABSTRACT

This research delves into the intricate dynamics surrounding women's protection acts and their implications on the liability of women when false charges are placed against innocent men. As societies strive to safeguard women's rights, the unintended consequences of potential misuse or false accusations challenge achieving a fair and just legal system. The present humbly submits the authentic motive of the policymakers while framing the women's protection laws, which are increasingly misused by women owing to their vengeance, hatred, or other ill motives. The paper further discusses the impact of such false accusations by women upon the life of the person accused, his family, and society.

Indu Subhash works for men's rights and views that in most cases, the laws meant to protect women are misused. She said, "I have a long list of cases in which girls get into relationships with boys and if there is any tussle, they find it the easiest to level allegations of sexual assault on the boy. Since the law ensures immediate arrest of boys in cases of sexual abuse, the latter find themselves in troubled waters due to the fake allegations."

This paper analyses the existing legal frameworks and societal attitudes to understand the complexities surrounding

false charges against men within the context of strict women's protection acts. By exploring the potential consequences for women who make false accusations, the research seeks to contribute to a nuanced discussion on balancing the need for protecting women with ensuring justice for all individuals involved. The author strives to highlight some essential steps that can be taken by men to fight against the false accusation cases against them. The author further lists down the legal provisions under which the woman falsely accusing someone can be punished and her liability can be drawn out in such false cases. Furthermore, the author showcases her concerns by demonstrating that there is an instant need of the hour to enact a statute by the legislature that holistically covers broad paradigms ranging from compensation to imprisonment and fine for false allegations to curb the growing menace of frivolous litigations in the country and ease the burden from the already burdened shoulders of the judiciary and the investigating agencies.

KEYWORDS: False Charges, Gender Equality, Justice System, Legal Framework, Women Protection Acts.

INTRODUCTION

India is a diverse country admired for its rich as well as beautiful culture and tradition. The women are placed as the goddess Lakshmi in the Indian culture. Through the advent of society from the ancient period to the medieval period and in this advanced era, the safety and security of women are at stake due to the rapid increase of crimes against women that occur every minute in India. The common crimes against women can be listed as rape, dowry deaths, sexual harassment at home or workplace, kidnapping, abduction,



cruelty by husband and relatives, sexual assault, stalking, trafficking, acid attack, and many more. The streets, public transport, and public spaces have become the hunters' territory. Crimes against women not only happen outside with strangers but also inside their own homes by people they very well know. Though the Indian Constitution has given the equal rights of dignity, equality, and freedom from gender discrimination, in practice no one bothers to follow such law until and unless the people's mindset towards a woman does not change. The Parliament of India has passed various legislations for the overall development and protection of women in the country namely the Protection of Women from Domestic Violence Act (2005) which comprehensively safeguards women from all forms of domestic violence which can be a mental or physical trauma, the Immoral Traffic (Prevention) Act 1986 which is the premier legislation for the prevention of trafficking for commercial sexual exploitation i.e. to prevent and ultimately prohibit prostitution for women and girls to criminalize sex work, the Indecent Representation of Women (Prohibition) Act 1986 prohibits indecent representation of women through advertisements, publications, writings, paintings, figures or in any other manner; the Sexual Harassment of Women at Work Place (Prevention and Protection) Act 2013 protects women from sexual harassment at all workplaces both in the public and private sector, whether organized or unorganized, to name a few.¹

'Public Order' is the state subject under the Seventh Schedule of the Indian Constitution. The state governments are responsible for the

safety and security of the citizens including women and girls. However, the safety and security of women in the country is an utmost priority for the Government. The Criminal Law (Amendments) Act 2013 was enacted for effective legal suppression against sexual offences, while the Criminal Law (Amendment) Act 2018 was enacted to prescribe even more stringent penal provisions including the death penalty for rape of a minor girl i.e. below the age of 12 years. The government has adopted various initiatives to ensure the safety and security of women in the country as it has set up Nirbhaya Fund for projects involved in the safety and security of women. The Ministry of Home Affairs launched an online analytic tool for police called "Investigation Tracking System for Sexual Offences" on February 19, 2019, by the Criminal Law (Amendment) Act 2018 to monitor and track time-bound investigations in sexual assault cases. The Ministry also launched the "National Database on Sexual Offenders" (NDSO) on September 20, 2018, to facilitate the investigation and tracking of sexual offenders across the country by law enforcement agencies. It has further notified guidelines for the collection of forensic evidence in sexual assault cases and the standard composition of a sexual assault evidence collection kit. It has set up a Women's Safety Division to coordinate various initiatives for women's safety. The government of India conducts awareness programs and publicity campaigns on women's laws and rights through workshops, cultural programs, seminars, training programs, advertisements in print and electronic media, and many more. Furthermore, the Ministry has issued

¹ Rajat Singh, "Women Protection in India" Legal Services India



advisories to all the State Governments or Union Territories, advising them to ensure a thorough investigation, conducting of medical examinations of rape victims without delay, and increasing gender sensitivity in Police.²

It is pathetic how every single day women face a crime in the form of molestation, assault, or abuse while some come to light, many do not fear owing to their social, financial, and economic status.³ While there is still a long way to go in terms of achieving true gender equality, the existence of these laws is a positive step towards empowering women and promoting a more equitable society.⁴ India is a signatory to many international agreements that protect girls and women's fundamental rights and foster the movement toward gender equity which includes the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as well as Sustainable Development Goals (SDGs) with targets addressing the public safety of girls and women where the goals are listed as achieving good health and well-being, quality education, gender equality by empowering all women and girls, making cities and human settlements inclusive, safe, resilient and sustainable, etc.⁵

IMPACT OF FALSE ACCUSATIONS

False allegations refer to any statement or comment made or any substance claimed against someone without any evidentiary

value or known to not be true, intended to defame a person, or cause agony. False allegations in the court of law lead to exasperating and malicious litigations which further lead to the wastage of precious time of the courts and the judicial machinery. Furthermore, it ruins the reputation of the victim and various other issues faced by them. In India, the rule of law has stated that every person shall be presumed to be innocent until proven guilty, leading to the stance that every case of prosecution or every allegation made against a person shall be taken as the word of truth only if it has been established beyond any reasonable doubt and there exists no reason for an adjudicator to think that the allegation is untrue. However, no statute in India has expressly laid down specific punishments for false allegations made against an individual. At multiple intervals, it has been claimed by various eminent jurists and scholars that there is a need to inculcate various legal provisions in the Indian legal system that would deter the filing of fake complaints and fabricated cases. The highest number of false allegations are usually made in cases of rape, dowry harassment, matrimonial disputes, and the SC & ST (Prevention of Atrocities) Act.⁶

It poses a disheartening picture in society when the legal provisions that are functioning for the safety and security of women are misused by them owing to their malevolent intentions. After the infamous

² Shri G. Kishan Reddy, "Safety and Security of Women and Girls" Press Information Bureau Government of India Ministry of Home Affairs, June 25, 2019

³ "Important Laws That Protect the Women Rights in India" Adv Bindu Dubey and Associates, September 15

⁴ "Laws Protecting Women in India: Understanding Their Importance" Testbook, July 7, 2023

⁵ "Violence Against Women and Girls: Law and Policy Framework in India" 3D Program for Girls and Women, September 2018

⁶ King Stubb, Kasiva, "Legal Action Against False Allegations" Advocates and Attorneys, June 20, 2023



gang rape of a student on a bus in Delhi in the year 2012, the number of rape cases reported to police in India rose sharply. At the same time, one survey concluded that in the year 2013-14 in Delhi, more than half of the reports were "false" fuelling claims by male activists that women are alleging rape to extort money from men.⁷ Activists opined that sometimes false allegations of sexual assault are leveled against men for blackmail or revenge. Indu Subhash works for men's rights and views that in most cases, the laws meant to protect women are misused. She said, "I have a long list of cases in which girls get into relationships with boys and if there is any tussle, they find it the easiest to level allegations of sexual assault on the boy."

Since the law ensures immediate arrest of boys in cases of sexual abuse, the latter find themselves in troubled waters due to the fake allegations." Men's rights activists said that, in various cases, the girls are used as weapons for revenge. Indu further opined that, "you can easily find cases where there is a property dispute between parties and allegations are leveled through women. Such allegations tarnish the image of a man and are one of the most commonly used weapons during rivalries." The Delhi court had observed that, "laws are like double-edged weapons. If they are made to protect the rights of a person, they can also be misused to throttle the liberty of opponents" while acquitting the man of rape charges in a case in the year 2008.⁸

An IT professional pleading anonymity has noted that "my neighbor accused my brother

of sexual assault. My brother was arrested. But when it came to appearing in the court for the case's hearing, the girl never turned up. The case was later dismissed. But my brother and my family went through hell in all these days." Nowadays, several cases of blackmailing have come to light. An office-bearer of Pati Pariwar, an organization that works for men's rights, remarked that, "it all begins with blackmailing. Many times, the men are blackmailed and asked for favors.

They are threatened that if they don't fulfill the demands, they will be accused of sexual abuse." Lawyers also admit that fake cases of sexual assault are common where one of the lawyers said, "In many cases, the woman gets hostile. There are cases in which there are out-of-court settlements also. All this adds to the low conviction rate in cases of rapes and sexual assault in the country." Though the number of fake cases is no less, there isn't any data available to substantiate the point. There is no list of fake cases maintained anywhere that has been shared in public.⁹ A common estimate of the amount of false rape allegations is about 2% of all reports of rape.¹⁰ In the United States, the list of motives by Kanin (1994) is the most cited list of motives responsible for filing false allegations of rape. Kanin posited that complainants file a false allegation out of revenge, to produce an alibi, or to get sympathy. A new list of motives is proposed in which gain is the predominant factor. In the proposed list, complainants file a false allegation owing to their material gain, emotional gain, or a disturbed mental state.

⁷ Joanna Jolly, "Does India have a problem with false rape claims?" BBC News (February 8, 2017)

⁸ "When Women Misuse Laws Made to Protect Them" Hindustan Times (April 25, 2018)

⁹ Ibid

¹⁰ "Fighting False Allegations of Rape" Sevens Legal



The list can be subdivided into eight different categories which are material gain, alibi, revenge, sympathy, attention, a disturbed mental state, relabelling, or regret.¹¹

The Delhi High Court said a serious view needs to be taken of incidents of false cases filed against husbands and their entire families to ensure that social fabric is not ruined and if such acts are allowed, it may lead to further misuse of the process of law.

The court's observations came in a matter where a false incident of the suicide of a woman was reported and a case of cruelty under provisions of dowry law was lodged against her in-laws and husband who was also detained. The Court opined that a bare perusal of the aforesaid factual position reveals that to perpetrate vengeance for an oblique motive, the incident of alleged suicide was fabricated. The same not only led to ignominy, adverse media coverage, and misery for the family of the complainant but also resulted in undue incarceration of the woman's husband. Justice Anoop Kumar Mendiratta said, "The criminal proceedings were initiated as a gross abuse of the process of law. The implication and consequences of such conduct may not have been fully visualized by the petitioner at the aforesaid time but the uncalled-for detention of the woman's husband ruined the chances of settlement. The law appears to have been used as a weapon rather than a shield by fabricating the incident of disappearance and suicide." He further opined, "I am of the considered view that a serious view needs to be taken of such incidents to ensure that

social fabric is not ruined by such fabrication of facts. If false implication by fabricated omnibus allegations against entire family in the course of matrimonial disputes and differences, is allowed, it may lead to further misuse of the process of law and assume serious proportions."¹²

Rape has been a buzzing word in our country for a long time as our country reports the highest cases of rape around the world. Rape was long considered to be caused by unbridled sexual desire, but it is now understood as a pathological assertion of power over a victim. Over the years, there is a continuous rise in the number of rape cases being filed. However, when the investigation was made, it was found that most of the cases were false accusations of rape; the rise in such cases was noticed after the #metoomovement. This movement was introduced to provide justice to women, but it was wrongly used by various women. Unfortunately, when it comes to the knowledge of society that the cases being filed are false cases, society begins to associate that statistic with the feminist movement and which eventually delegitimizes the efforts of feminism altogether, and as a result, such feminist movement sacrifices the real cases of rape.

Heartbreak, anger, or some other mala fide motive induces a woman to file a false rape case majorly. Some women just do it to seek the attention of the media and have publicity, therefore it is advised that the judiciary shall deal with rape cases with more caution to avoid an innocent being punished as such lies

¹¹ André W. E. A. De Zutter, Robert Horselenberg and Peter J. van Koppen, "Motives for Filing a False Allegation of Rape" National Library of Medicine, February 17, 2017

¹² "False Cases by Women Against Husbands, In-Laws Need to Be Viewed Seriously: HC" The Economic Times (July 12, 2022)



from women have a serious impact on the life of a man. Such cases not only have a negative monetary effect on the person but the major impact is on the reputation and mind of the victim. The court has also held that it is “becoming a very difficult job, nowadays, for the courts to differentiate the genuine rape cases from the false ones”.¹³

The Delhi Commission of Women (DCW) has come out with remarkably shocking statistics revealing that 53.2% of the rape cases registered with the police between April 2013 and July 2014 in Delhi were falsified. Furthermore, the report says that between April 2013 and July 2014, out of the 2,753 complaints of rape, only 1,287 cases were found to be true, and the rest of the 1,464 cases were filed on false grounds. The report further revealed that between June 2013 and December 2013, the number of cases found to be untrue was 525. The Delhi Commission of Women had stated that it was investigating individual complaints of rape, to ensure that the victims get justice. However, it added that in many cases, the complainant was revealed to be prejudiced and that revenge emerged to be the most common reason for filing a false rape accusation.¹⁴ According to the National Crime Records Bureau, a total of 38,947 rape cases were reported in India in the year 2016.

In 10,068 cases, about a quarter of women claimed that it was rape on false promises of marriage. In the State of Andhra Pradesh, 45% of all rape cases filed in the past two years fell into the false marriage category. Vivek Deveshwar, a software engineer in

Bangalore, said, “The tragedy is that with so many false cases, genuine victims of rape may find it harder to get justice.”¹⁵ Being the subject of any false allegations can create a lot of mental pressure. It makes one nervous, frustrated, and panicky. The anxiety level of one gets higher day by day.¹⁶ The judiciary is well aware of the misuse of Section 498A of Indian Penal Code, 1860 and the Hon’ble Supreme Court has also called it a legal terrorism.

Though the judiciary is helpless due to tremendous pressures from feminist groups, there is a bill pending in Rajya Sabha for amendment to Section 498A of IPC. Justice Malimath, former Chief Justice of Karnataka and Kerala High courts, headed a committee that gave its report on comprehensive amendments to Criminal Laws. This committee recommended that Section 498A should be made bailable and compoundable, listening to the recommendation of the committee, feminist groups threatened to agitation if the recommendation was implemented. Rape charges are traumatic. If the charges are not defended effectively, the defendant can suffer jail terms and wind up in a sex registry. If false allegations are not dismissed quickly, they may have devastating effects on the accused’s family and career life. The Delhi High Court has stated that the rape laws enacted for safeguarding and protecting women have been misused as “a weapon for vengeance and vendetta” to harass and even force a man to marry. It was also observed that in some cases where women had consensual sex and later on filed a rape case against the men

¹³ “False Rape Allegations in India” Rest the Case, August 2, 2022

¹⁴ Ibid

¹⁵ “Spare Innocent Men Anguish’: India Ruling Aims to End False Rape Claims” The Guardian

¹⁶ “How to protect yourself from the false accusation of Sexual Harassment?” Vidhikarya, April 19, 2018



when the relationship ends. Their intention behind this is to force him into marriage, which serves as a “mockery” of the marriage as well as inflates the statistics of the rape cases.¹⁷ According to the data of the National Records Crime Bureau, an organization within the Ministry of Home Affairs working to collect data on crimes, provided that 5347 cases were found to be false cases out of the investigated by the Scheduled Castes and 912 were found to be false cases out of Scheduled Tribes in the year 2016.¹⁸

The Minister of State for Home Affairs Haribhai Parathibhai Chaudhary in the Lok Sabha in March 2015 stated that around 31,292 cases of alleged cruelty by husbands and in-laws, filed by women under Section 498A of the IPC between 2011 and 2013, were found false or mistake of fact or law after a police investigation. The number of false cases under Section 498A has increased over the past few years with 10,193 cases filled in 2011, 10,235 in 2012, and 10,864 in 2013. Similarly, a total of 1,207 cases of insult to the modesty of women (Section 509 of the IPC) were found untrue after a police investigation. Over the years, Section 498A has acquired the reputation of being the “Most Abused Law in the History of Indian Jurisprudence”. Every year more than 10,000 complaints of dowry harassment are found to be false. Given that close to 90,000 to One lakh cases are investigated every year, the figure makes it one of the most abused laws in the country.¹⁹

¹⁷ “What is the Punishment for Filing a False Case in India?” Tripaksha Litigation, December 7, 2023

¹⁸ “A Rape Defense Lawyer’s Advice for Handling False Rape Allegations” Meltzer & Bell, P.A., August 4, 2021

FIGHTING FALSE ACCUSATIONS

False accusations can ruin a person’s life and have real consequences in criminal and civil proceedings. Unfortunately, false accusations happen in the case of stringent women's protection laws too often. False accusations can also involve sexual harassment in the workplace, domestic violence, and assault. Many of us assume that the truth will always prevail through the court system, but this is not always the case. The accused person may not know how to properly defend themselves, having a real effect on their lives. If anyone has been falsely accused in a legal matter, it is important to know what steps to take. When you use the right strategy and work with an experienced attorney, you have a good chance of clearing your name from such false accusations.²⁰ You will need to fight back against false allegations because if they become the prevailing narrative, your case can be seriously damaged. However, you will need to counter these allegations smartly. If you fight back before you have taken the time to think through how you will respond, you could do even more damage to your position.²¹ Some steps must be considered to save ourselves from such problems:

A. PRESERVING TRANQUILITY

Being falsely accused of committing a crime can be catastrophic. Sometimes, false accusation of a heinous crime like sexual harassment or child abuse takes a toll

¹⁹ Shweta Sengar, “This Woman is Fighting for the Rights of Men Implicated in False Dowry Cases by their Wives” India Times (July 14, 2018)

²⁰ Chad Chyreck, “How to Defend Yourself Against False Accusations” Wilder Law Firm, August 8, 2022

²¹ “Fighting Against False Accusations in a Divorce” Terry & Roberts, July 26, 2022



emotionally and physically. After being falsely accused, it is a natural response where one will try to fight back and defend himself.

However, defending and responding to false accusations in a rash and angry way can hurt one's case. Thus, it is important to remember that accusations are a marathon, not a sprint. Even if you feel justified in defending yourself, it will only give the other side more evidence to use against you. If you have been falsely accused of a crime, it is even more important that you remain calm and carefully think before you react. Stay firm and tell the police that you will not speak to them without your attorney present. Doing this will help your legal defense significantly.²²

B. HIRING A COUNSEL

While you are facing false accusations related to a criminal charge or a civil matter, consulting with a legal practitioner is one of the best things you can do to protect yourself. Hiring an attorney is probably the most important step you can take when facing false accusations. It will be significantly easier for one to defend himself when he has an experienced attorney advocating for you. Sometimes, people wait to hire an attorney owing to expensive legal bills or with the thought that they can handle false accusations alone. Subsequently, it can hurt victims of false accusations. One needs to begin gathering evidence and preparing his case as soon as possible. If you wait too long to work with an attorney, you could lose valuable time and evidence. Witnesses begin forgetting what happened, or they may become unavailable to testify. The sooner you discuss your case with a legal counsel,

the better chance you have of clearing your name.²³ Avoid saying anything directly to the person making the false allegations. Someone willing to go to these lengths is waiting for you to make a mistake so they can make other damaging claims. They may try to bait you, and you could find yourself facing other serious claims. In addition, you should not retaliate by making false accusations of your own, but you should just stick to the facts no matter your instinct.²⁴

If you do not already have a lawyer when you learn of false allegations against you, you should get one as soon as possible. You cannot be confident that these damaging claims will blow over without you proving them wrong. They are only required to prove their allegations by a preponderance of the evidence, which means they only need to convince a judge or jury that there is a greater than 50% chance that the allegations are true.²⁵

C. ACCUMULATING EVIDENCE

The next move after hiring a counsel is to begin the accumulation of all the proofs and evidence that supports your case. You will need to present evidence in court to prove your innocence and prove that the false accusation made against you never happened or did not happen in the way it is being presented. If the relationship has become contentious, you may be asked by the counsel to refrain from communicating with the person who falsely accused you and one can ask his attorney to handle all communications with that person. The reason behind it is to prevent any opportunities for the other person to add on further false crimes or negative behavior against you. You should also keep all of the

²² Supra Note 20

²³ Ibid

²⁴ Supra Note 21

²⁵ Ibid



receipts of different stores, restaurants, or other locations to prove your whereabouts. If anyone makes a social media post about the case, you should provide screenshots. These can be deleted later if they are not relevant, so try to capture them as soon as you see them. Keeping records is one of the best things you can do after you have been falsely accused by someone. Further, it is recommended to write down anything you can remember about interactions you have had with the person accusing you. Take note of any people who may have been present at the time of the alleged incident who can help you prove your innocence.²⁶

The best way to fight false allegations is with the facts. Ultimately, with false allegations, the facts will be on your side, and you will need to bring them to the forefront. First, you must understand the exact nature of the claims being made against you. Second, you should learn if the other person has anything they claim will prove their allegations, such as witnesses. Then you can develop a strategy designed to undermine their proof and attack their claims. You will need to do quite a bit of legwork of your own. Not only will you need to challenge any evidence being used against you, but you will also need to develop facts of your own to prove what you did and did not do.²⁷

D. DOMINATING YOUR SENTIMENTS

When you are falsely accused of any grievous crime, you will rightfully be angry, but you must keep your emotions in check.

²⁶ Supra Note 20

²⁷ Supra Note 21

²⁸ Matthew D. Sharp, "How to Respond to False Sex Crime Allegations (And What NOT to Do)" Sharp Criminal Attorney

You need to watch everything you say and do in public because any outburst could be used against you. Avoid the accuser as well as any of their friends, family, or co-workers as much as you possibly can to avoid a confrontation. If it is impossible for you to completely stay away from them, do your best to avoid them in close spaces. Do not talk to them and keep a significant distance between you.²⁸ If necessary, use your hired counsel to communicate with the other person so that no such word can be uttered that can be used against you as proof in the case.

E. FILLING A COUNTER OBJECTION

If you have a strong reason to believe that the allegations are baseless and malicious, consider filing a counter-complaint under Section 182 of the Indian Penal Code (IPC), which deals with false information provided with the intent to cause harm. Carefully scrutinize the evidence presented by the complainant and highlight any inconsistencies or shortcomings in their case. Do not cross-examine the complainant's witnesses to exhibit any discrepancies in their statements or reveal their potential bias.²⁹

LIABILITY OF WOMEN IN CASE OF FALSE ACCUSATIONS

In India, making false allegations can have serious consequences under the legal system. False allegations can include falsely accusing someone of a crime, providing false information to the authorities, or making false statements in a court of law. The punishment for making false allegations

²⁹ Subhash Ahlawat, "How to defend false Domestic Violence cases in India?"



varies depending on the specific offence and the laws that apply.³⁰ Although the women's protection laws in India are meticulous, there are some defences available to the person accused of false allegations where the person making false allegations can be punished in the following manners:

A. DEFAMATION SUITS

One common legal consequence for making false allegations is a defamation lawsuit. Defamation refers to the act of damaging someone's reputation through false statements. It can be either a civil or criminal offence, depending on the severity of the allegations. In civil cases, the aggrieved party can file a defamation lawsuit seeking compensation for the harm caused to their reputation. In criminal cases, defamation is a non-cognizable offence, which means that the police cannot arrest someone without a warrant. If found guilty, the person making false allegations can face imprisonment for up to two years a fine, or both, under Section 500 of the Indian Penal Code (IPC).³¹

B. OFFENCE OF PERJURY

Making false statements under oath or providing false evidence in a court of law is called 'perjury.' Perjury is a serious offence that undermines the administration of justice. In India, perjury is punishable under Sections 191 to 195 of the IPC. Section 193 of the Indian Penal Code specifically deals with false evidence given during judicial proceedings. If convicted, the punishment for perjury can include imprisonment for a term that may extend to seven years and a fine.³² It is mentioned under Section 193 of the Indian Evidence Act that whoever

intentionally gives false evidence in any stage of a judicial proceeding or fabricates false evidence to be used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. It further states that whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term that may extend to three years, and shall also be liable to fine.³³

C. FICTITIOUS OBJECTION TO THE POLICE

Making false complaints to the police can lead to legal consequences as well. Filing a false First Information Report (FIR) or lodging a false complaint can be punishable under Section 182 of the IPC. If found guilty, the person making false allegations may face imprisonment for a term which may extend to six months, or a fine, or both. Additionally, if the false complaint is found to be malicious, the person making the false allegations may be liable to pay compensation to the person falsely accused.³⁴ A complainant making false allegations and lodging a fabricated FIR shall be punished with imprisonment which may extend to two years or a fine or both.³⁵

D. MALICIOUS PROSECUTION

If someone initiates legal proceedings against another person with the knowledge that the allegations are false, it can be considered malicious prosecution. Malicious prosecution is a civil offence, and the aggrieved party can file a lawsuit seeking compensation for the harm caused, including

³⁰ "Consequences for Making False Allegations in India" Advocate Tanwar, July 4, 2023

³¹ Ibid

³² Ibid

³³ Supra Note 17

³⁴ Supra Note 29

³⁵ Supra Note 17



mental distress, loss of reputation, and legal expenses.³⁶ If the criminal proceeding is instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for seven years or upwards; then the complainant making the false charges shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Under Section 196 of the Indian Evidence Act 1872, it is held that whoever corruptly uses or attempts to use genuine evidence as any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.³⁷

E. HARASSMENT AND INTIMIDATION

Making false allegations to harass or intimidate someone can also have legal consequences. Such actions can fall under various sections of the IPC, including Section 503 (criminal intimidation) and Section 506 (punishment for criminal intimidation). The punishment for these offences may include imprisonment and/or a fine.³⁸ Section 504 of the Indian Penal Code 1860 with the head “Intentional Insult with Intent to Provoke Breach of the Peace,” mentions that whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.³⁹

³⁶ Supra Note 29

³⁷ Supra Note 17

³⁸ Supra Note 29

CONCLUSION

Even though there is no specific statute or provision in the Indian legal system that lists down protective measures against any false allegation or complaint, various relevant sections of the Indian Penal Code, Code of Criminal Procedure, Code of Civil Procedure, and the Indian Evidence Act can be used parallelly to obtain relief or initiate legal proceedings against frivolous allegations and complaints. There is an instant need of the hour to enact a statute by the legislature that holistically covers broad paradigms ranging from compensation to imprisonment and fine for false allegations to curb the growing menace of frivolous litigations in the country and ease the burden from the already burdened shoulders of the judiciary and the investigating agencies.⁴⁰ Navigating false statements in the legal world can be complicated. In many cases, there are high stakes involved. False accusations can lead to prison sentences and fines. They can also have a long-lasting, negative impact on your career, reputation, immigration status, family relationships, and many more. If you believe that you have been the victim of false accusations, you need to defend yourself. The most effective defense strategy is to hire a qualified criminal defense attorney. These legal experts represent all clients and can help you prevent another party from harming your reputation.⁴¹

A Senior Lawyer and Parliamentarian KTS Tulsi indicated that he would introduce a private members bill before the Rajya Sabha which would introduce amendments in the

³⁹ Sourabh Makhija, “What to do if a False Domestic Violence and Dowry Case is Registered against you” Blog Pleaders, February 12, 2017

⁴⁰ Supra Note 6

⁴¹ Supra Note 20



criminal laws to make sexual offences gender-neutral. Reframed language in sexual offence laws would aim to change ‘any man’ and ‘any woman’ to ‘any person’ which will function as one step forward to make the laws gender neutral. He said, “Men, women, and other genders can be perpetrators and also victims of these offences. Men, women, and others need to be protected.” Anti-stalking laws in India apply only to women stalked by men. This came to public attention after Vijay Nair, a music entrepreneur, was serially cyber-stalked by a woman, after which he learned that he had no recourse under Indian law to fight. Absurdly enough, while consensual sex on the false promise of marriage is often seen as rape, marital rape itself does not account for rape under Indian law. Way back in 2013, the Justice Verma Committee had suggested appointing gender-neutral language for sexual offences, as in the United States (the US Equal Employment Opportunity Commission treats sexual harassment in the workplace as gender-neutral), but this suggestion was never implemented.⁴²

Nowadays, most of the women are misusing their protection laws as a weapon against men. Rape is a serious offense where a woman always holds an upper hand and therefore, if any false allegation is made by them against any person, it may be devastating for the accused, as it has a long-term effect on his life. A person can protect himself against false rape allegations by not creating grounds for real rape charges. So always obtain consent and only have sexual intercourse with partners who can provide

that consent. This includes not having sex with partners that are too high or intoxicated to consent if she ever says “NO” pack it up and get out. It may be inferred that the ratio of false rape cases has been rising since the new amendment in rape law in 2013 in India. However, such false rape cases may destroy the fabric of society and misuse of law for various motives.⁴³ The false complaints against men are increasing every day, it’s a serious issue as it violates basic human rights. The problem is not unknown to anybody, everybody knows how women misuse the provisions of the law to fulfill their unlawful demands against their opponent. The government recently has given some guidelines to amend the existing laws, making the same provisions for men and women.⁴⁴

It is time that we recognize that there is violence against men as well as in society and that our lawmakers must understand that men are tortured and subjected to mental and verbal abuse. Violence and domestic abuse can be perpetrated both by men and women, irrespective of their gender. Anyone subjected to such humiliation or violence should have protection and recourse in the laws. Deepika Bhardwaj said “There is no doubt that women are subjected to gory crimes and they must get quick redressal of complaints. But at the same time, the laws to protect women are misused and there must be a provision to punish women who misuse these laws.” She opines that abuses are a part of daily routine. Her social media accounts keep buzzing with intimidation and threats to sue. But this is normal, given the work that

⁴² Siddharth Shanghavi, “Make Laws Gender Neutral: Men too can become Victims of Sexual Offences as well as False Accusations” The Times of India (September 25, 2019)

⁴³ Supra Note 13

⁴⁴ Supra Note 38



she has chosen to do, at a time when 'feminism' remains a hot topic across the world. Deepika is fighting against the abuse of men, by women, who slap false charges of harassment and dowry on their husbands and their families. She further remarks that “abuse of men is real, but the refuses to accept it and put its head around the fact. There are men and families abused and tortured by women, but in our country, the most widely accepted notion is that only a woman can be abused.”⁴⁵

As a man facing a false complaint, it is essential to remember that you have legal rights and protections in India. Presumption of innocence, right to defense, protection against retaliation, and the ability to file a counter-complaint are some of the key provisions available to safeguard your interests. Seeking professional legal counsel is crucial to navigate through this challenging situation, ensuring that your rights are upheld, and justice prevails. It is crucial to remember that an experienced family lawyer can be your best ally in protecting your reputation, emotional well-being, and family bonds during these trying times. False complaints can be damaging, not just to the man's reputation, but also to his emotional well-being and family relationships.⁴⁶

Defending against false domestic violence allegations in India can be challenging, but with the right approach and guidance, you can successfully navigate the legal process. By understanding domestic violence laws, taking the appropriate initial steps, working closely with your lawyer, and considering the

expert tips provided, you can build a strong defense and protect your rights. Remember to stay calm, maintain a record of your interactions, and rely on the support of your friends and family throughout the process.⁴⁷

⁴⁵ Supra Note 19

⁴⁶ Advocate J S Rohilla, “Rights of the Husband in India If the Wife Files a False Complaint” LinkedIn, August 5, 2023

⁴⁷ Supra Note 28