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RIGHTS OF THE ACCUSED IN A RAPE CASE

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Abstract

Rape is a man's physical interference into the most sacred space of a woman without her permission. Rapist should be given maximum of punishment. The dignity of the woman needs to be protected by the society. But at the same time, there is an alarming increase in the number of false allegations of rape in the post 2013 society. Some women falsely accuse men of rape due to some other reasons. The accused men, as a result, lose their reputation, dignity, and peaceful life, which should be a matter of serious concern for the entire society. Some women utilise the measures provided for their protection to revenge their enemies. Until the final verdict, the accusation is in a shadow of doubt. Rape being considered as one of the most heinous crimes, the accusation and the then exposition of the identity of the accused itself is the most severe punishment than the real conviction at a later point of time. As the fake rape cases are increasing day-by-day there is the need to address its consequences and also the importance of protecting the rights of the accused until the final verdict in a rape case.

Introduction

Rape is undoubtedly one of the heinous crimes and it has in most of the cases lifelong saddening impacts on the victim. The perpetrator needs to be given exemplary and meaningful punishment. But at the same time, there is a wide horizon of difference between the accused and the convicted. The basic assumption of criminal law itself is that the accused is innocent until proven guilty. In many

of the rape cases the accused is proven innocent. There are also instances of fake allegations of rape. Rawat and Maharshi argue that after the 2013 amendment of criminal law with regard to rape the instances of fake cases are on the rise.⁸³⁹ There are also authors who note that though there is increase in the number of rape cases the convictions are less as many of these are only false allegations.⁸⁴⁰ Analysing various fake allegations of rape cases Yadav demands for a strong action to create awareness about its consequences.⁸⁴¹ Enlisting 9 false rape case Desikan explains its impacts on the life of the accused.⁸⁴² If the fake rape cases are increasing day by day many innocent people will be termed as offenders without really committing a crime and there will be having sincere and thoughtful questions on the rights of the accused.

Rights are so essential for human existence. There are some rights which are termed as fundamental realising that without them human existence would be meaningless. Even if a person convicted of a crime, no man can limit and deny his or her basic rights except through the procedure established by the law. In that case how much care needs to be taken in dealing with the instances of the accused. An accused is not legally proven as an offender and hence his/her basic human dignity and value should always be protected by the law. Shemin Joy notes that the conviction rate in rape cases is only 27.2%, which itself compels us to think about the rest 82.8%.⁸⁴³ Srivastava and Singh argue that though there are many recognised legal rights for the accused in India,

⁸³⁹ Asha Rani Rawat and Ashu Maharshi, *A Study on Rising Amount of Fake Rape Cases in India*, 17 PJAEE 9605, 9606 (2020), <https://archives.palarch.nl/index.php/jae/article/view/5923>.

⁸⁴⁰ M D Shadab Raheel, Abhishek Yadav, Shashank Pooniya, Sudhir Kumar Gupta, and A. K. Jaiswal, *Potency Test of a Rape Accused in India - Rationale, Problems, and Suggestions in Light of the Criminal Law (Amendment) Act, 2013*, 30 EJFS 1, 1-3 (2016), <http://dx.doi.org/10.1016/j.ejfs.2016.11.004>.

⁸⁴¹ Mukesh Yadav, *Rising Menace of False Rape Cases in India Problems and Solutions*, 35 J INDIAN ACAD FORENSIC MED 192, 192-194 (2013), <https://www.researchgate.net/publication/277871530>.

⁸⁴² G V Desikan, *False Accusation and Men - Pilloried Innocence*, 8 JLSR 177, 178-188 (2022), DOI: doi.org/10.55662/JLSR.2022.8405.

⁸⁴³ Shemin Joy, *Conviction Rate of Rape Cases is only 27.2%*, DECCAN HERALD (Jan. 9, 2020, 15.50), <https://www.deccanherald.com/national/conviction-rate-for-rape-cases-is-only-272-792820.html> (last visited on Nov. 13, 2022).

in reality many of these rights are not properly given to them.⁸⁴⁴ Besides, persons accused of rape are mostly considered as ignominious for the entire society without really verifying whether they have done the crime or not. It is not only they who undergo through severe mental trauma and suffering, but also their family and intimate circle are also badly affected. There are some studies on the rights of the accused⁸⁴⁵ but there is dearth of literature with regard to the rights of the accused in rape cases, and hence, this research paper tries to deal with this particular issue in depth.

I. Rape under the Indian Law

Rape is defined under the Indian Penal Code, 1860 as an action of man. It can be either the penetration of his penis or the insertion of any object or any part of the body other than the penis or the manipulation of any part of the body of the woman with the intention to cause penetration into the vagina, mouth, urethra, or anus of a woman. It also consists of the action of man which makes her to do the above-mentioned penetration and insertion with him or with any other person. Besides, if he applies his mouth to the vagina, anus, or urethra of a woman to make her to do the penetration and insertion with him or with any other person, then that also will amount to rape.⁸⁴⁶ The section also explains that it needs to be done against her will and consent. Even if there is consent of the woman, which is obtained by coercion, intoxication, insincere promise, etc., then that also will amount to rape. Hence, basically rape is an action of man with the intention to sexually utilize the woman against her will and full consent. According to the real spirit of IPC rape is nothing other than the objectification of the female body for the mere sexual pleasure of man.

⁸⁴⁴ Yamini Srivastava and Sukhwinder Singh, *Recognition of Legal Rights of Accused Person in India: Practices and Reality*, 6 JETIR 318, 318-328 (2019), [http://www.JETIR1903047%20\(2\).pdf](http://www.JETIR1903047%20(2).pdf).

⁸⁴⁵ Nanda Prasad, *Human Rights of an Accused Person: A Critical Analysis under Indian Laws*, 3 IJLSI 240, 240-251 (2020), DOI: <https://doi.org/10.10000/IJLSI.11732>.

⁸⁴⁶ Indian Penal Code, 1860, section 375.

II. False Cases of Rape

There are widespread fabricated accusations of rape which are put forward by revengeful and desperate women in order to seek the support of media and the public to tarnish the image of their 'enemy'.⁸⁴⁷ The Delhi Commission for Women notes that among the 2753 rape cases registered within the span of April 2013-July 2014, 1466 were false cases.⁸⁴⁸ After 20 years in jail a man was released in UP with the finding of the Allahabad High Court that it was a fake case.⁸⁴⁹ The fake cases can be due to the man-woman relationship issues, family fights, professional ego-clashes, monetary benefits, etc. There are women who files rape cases when the relationship becomes sour,⁸⁵⁰ when it does not culminate in marriage,⁸⁵¹ etc. Whatever be the reasons, the fake cases of rape deny the basic rights to the accused in the present scenario.

Unfortunately, after the criminal code reform of 2013 a woman's mere statement itself is considered as an evangelical truth to detain and accuse a person of rape. Accordingly, under section 375 of IPC the man is considered as guilty until proven innocent and the accusing woman is considered as innocent until proven guilty. Mostly, the society seems to differentiate men from women stating that there is every possibility for men to commit the crime, and hence, by the mere accusation itself many consider them as criminals. In the rape cases, men are unjustly discriminated by the mere fact of their sex. Then, the social stigma hangs on the head of the accused like a double-edged sword.⁸⁵² This assumption itself is against the inalienable right to equality and the

⁸⁴⁷ Asha and Ashu, *supra* note 1, at 9606.

⁸⁴⁸ Mansi Tewari, *Delhi Commission for Women Concerned with Rise of False Rape Charges*, INDIA TODAY, (Oct. 6, 2014, 10.02 AM), <https://www.indiatoday.in/india/story/delhi-commission-for-women-concerned-with-rise-of-false-rape-charges-208750-2014-10-06>.

⁸⁴⁹ Deepak Lavania, *UP: After 20 Years in Jail, Man Found Innocent*, THE TIMES OF INDIA, (Mar. 2, 2021, 9.54 AM), <https://timesofindia.indiatimes.com/city/agra/after-20-years-in-jail-on-rape-charges-man-found-not-guilty-by-hc/articleshow/81279278.cms>.

⁸⁵⁰ Ansaar Mohammad v. State of Rajasthan, SLP (CRL.) No. 5326/2022.

⁸⁵¹ Shailendra Kumar Yadav v. State, CRL. M.A. 6024/2021; Navaneeth N Nath v. State of Kerala, B. A. No. 5164/2022.

⁸⁵² Upasana Tawar, *Victims of False Accusation of Rape*, 4 IJLMH 4250, 4251 (2021), DOI: <https://doi.org/10.10000/IJLMH.11994>.

fundamental principle of criminal law. Though the real and genuine victims are to be given justice by the legal system, the false allegations of rape cases, as its number is increasing enormously, need to be addressed as a threat to the rights of man.

A. Consequences of False Cases of Rape

The rights of women for free movement, dignified life, and equal status should always be upheld and supported in any country for its egalitarian understanding of society, but at the same time, it should not amount to the denial of the basic rights of men. The patriarchal society has done enough damage to the society by maltreating women for their sexual needs. They considered women merely as their properties. The history should not be repeated in another way: by a mere false allegation, a man's basic rights should not be denied. Just like women of past were at the mercy of men, the men of today should not be compelled to live at the mercy of women, which will create confusion and frustration towards the legal system and the society. It will again lead to another kind of inequality and discrimination in the society. The present society needs equality of man and woman without any differentiation and demarcation. Providing justice to all irrespective of any sexual difference should be the pattern of activity for the peaceful coexistence of the society. The following points can be seen as the consequences of false allegations of rape.

1. Failure of true justice

Justice can be said as the oldest virtues and it speaks about moral excellence and perfection in the world. Justice is nothing other than treating equals alike.⁸⁵³ Justice insists that wherever there are violations of rights, there should be proper mechanisms to protect those rights and punish the violators. But at the same time, it also demands that the innocent should not be unjustly treated. When the fake allegations of rape come up, it violates the just application of the existing laws and tries to

tarnish the image of the accused, which finally results in the failure of true justice. Justice should not only be done but it also should seem to be done. In that case, in the instances of fake allegations there is denial of justice in its fullness.

2. Detraction from real victims

When the false rape cases increase it also will become a denial of justice to the real victims of rape. In cases of real rape also the society may think that the women are merely taking advantage of the women protective provisions of law by making false allegations.⁸⁵⁴ Fake allegations will minimise the society's interest and concern towards reducing the real rape cases. Fake allegations try to close the concerned interest of the society towards the cries of real victims. It also changes the attention from the real victims and their fight for justice to the fake people. Even when real instances take place society shows its indifference. Such an attitude is not the real nature of the society but it was imposed on it by the number of fake allegations and that is a matter of serious concern.

3. Perpetrator becomes victim

False accusation of rape is a challenge to the basic human dignity. Society and the legal system need to look into the post-acquittal life of the accused. Even if the court affirms that the suspect was falsely accused and so he should be discharged from the liability of crime many would not consider it as true and there is every possibility for a negative and critical attitude towards him from others. In such a scenario, who is the real victim – the guilty woman or the innocent man. Here the perpetrator slowly becomes victim in the eyes of law. He is a victim of the mala fide action of woman. He is also a victim of the denial of justice by the society and the legal system.⁸⁵⁵ The 2008 amendment of CrPC affirms that the victim is the one who suffers loss or injury due to the action or

⁸⁵³ Uwaezuoke Precious Obioha, *The Nature of Justice*, 29 J SOC SCI 183, 184 (2011), <https://www.researchgate.net/publication/267941412>.

⁸⁵⁴ Upasana, *supra* note 14, at 4251.
⁸⁵⁵ *Id.*

omission of the accused.⁸⁵⁶ If we really look into the ambit of this definition then here the accused perpetrator is the one who suffered loss or injury due to the false accusation of the so called 'victim'. That is, the perpetrator is becoming victim and the society termed 'victim' becomes the real culprit.

4. Damaged reputation and dignity

Compared to the other crimes our society is very sensitive with regard to the rape cases, and hence, at the very moment when such allegation is up, the society starts to corner the accused.⁸⁵⁷ Even if he has not committed the crime, the whole world turns against him and label him as the perpetrator. As a result, there is severe damage of reputation and dignity of the innocent accused. The society is neither concerned about the innocence of the accused nor the facts of the case, but only interested in spreading the news with all its vigour. Such a news spreads like a wildfire and tarnishes the reputation and image of the accused without any concern towards him or his family. It also destroys the peaceful life and career opportunities of the accused.⁸⁵⁸

5. Self-contempt and despair

The falsely accused persons in a rape case go through a series of mental trauma and shock compared to any other crimes as it is seen one of the dirtiest crimes.⁸⁵⁹ Since the accused is falsely targeted, he cannot escape from self-contempt and despair. He undergoes through a series of physical and psychological sufferings. He suffers mental agony and humiliation. He may also feel alienation from the close family circle as he may not really understand how to solve the issues and to respond positively to the false allegations. As a result, the falsely accused innocent person may try to hide himself in a shell. This self-alienation of an innocent in a fake case is nothing other than the failure of justice itself.

⁸⁵⁶ The Code of Criminal Procedure (Amendment) Act, 2008, Section 2 (wa).

⁸⁵⁷ Upasana, *supra* note 14, at 4253.

⁸⁵⁸ Vimlesh Agnihotri & Ors. v. State & Anr., CRL. M. C. 1524/2021.

⁸⁵⁹ Asha and Ashu, *supra* note 1, at 9609.

6. Media's attention on accusation than acquittal

The media being the fourth pillar of democracy has an important role in conscientizing the public against the crimes as well as against the false accusations.⁸⁶⁰ But unfortunately, media is mostly interested in overemphasising the victimisation and accusation process and thus to instigate the public outrage which was evidently seen in many of the rape cases.⁸⁶¹ The media celebrates the accusation without really investigating its truth and tries to duplicate the role of judiciary. Unfortunately, the media trial becomes a lifelong burden for the falsely accused.⁸⁶² Media is interested only in the news-value than the value of life. Media needs to be the digger of truth than the ambassador of fake allegations. Impartial judgment of the media is the need of the time. It needs to be more responsible in dealing with the lives of the innocent. It also has the responsibility not to tarnish the good name of a person without really verifying the true facts. Besides, it also needs to celebrate the acquittal of the falsely accused and tries to show forth the real culprits of fake allegations.

III. Rights of the Accused in a Rape Case

The accused is a person who is suspected of a crime and whose nature and actions will be judged in a court of law.⁸⁶³ The rights of the accused in a rape case is of paramount importance as the allegation can be known real or fake only after the final verdict just like other cases, but within that time it might cause the maximum of damages to the accused. It is said that the accused will be exonerated than leaving doubts on the minds of others when that particular accusation is proved to be false.⁸⁶⁴ Though in theory it is so, in practice it

⁸⁶⁰ Asha and Ashu, *supra* note 1, at 9609.

⁸⁶¹ Upasana Tawar, *supra* note 14, at 4259.

⁸⁶² Srishti Ramchandani, *The Constitutionality of Media Trials in India: A Critique*, 10 ACCLAIMS 1, 2-3 (2020), <http://www.penaclaims.com/wp-content/uploads/2020/06/Srishti-Ramchandani.pdf>.

⁸⁶³ CAMBRIDGE DICTIONARY (2nd ed. 2016).

⁸⁶⁴ IACP, *Investigating Sexual Assaults*, 2005, http://www.ncdsv.org/images/iacpinvestigating_saconceptissuespaper7-2005.pdf (last visited on Nov. 12, 2022).

seems to be different. Many carry its burden in their day-to-day life throughout.

There are some basic rights available to any accused including those in a rape case such as the right to know the charges and accusations framed,⁸⁶⁵ right against unlawful arrest,⁸⁶⁶ right against self-incrimination,⁸⁶⁷ right to avail legal aid,⁸⁶⁸ right to a fair and speedy trial,⁸⁶⁹ right to get documents,⁸⁷⁰ right to be present at the trial,⁸⁷¹ right to cross-examination,⁸⁷² etc. Besides these rights, the accused of a rape case should be entitled to the following rights as the absence of these rights would cause severe damage to his dignified living. The absence of these rights will affect his familial, friendly, and professional relationships. The following are considered essential rights for the accused in rape cases.

A. Right to Privacy

Privacy is the *sanctum sanctorum* of the person, where he is all the more interested to live without any public interference.⁸⁷³ The right to privacy is essential for any person to have a meaningful existence. Without privacy no person can freely express his liberty in its true sense. The UDHR⁸⁷⁴ and other international conventions⁸⁷⁵ strongly insist on the right to privacy of any person. Just as the victim's

privacy is protected by law,⁸⁷⁶ the privacy of the accused also should be protected. In the absence of laws to protect the privacy of the accused, his reputation in the society will be damaged. Even if it is a fake case the spoiled reputation will not be easily repossessed. A fake accusation is an attack on the honour and reputation of the accused and it is a denial of his basic right of private and family life.⁸⁷⁷ The falsely accused person has not done any infringement on the rights and freedoms of other persons. In such an instance just by considering a fake statement of a woman how the society and the legal system can violate his right to privacy.

The Supreme court affirms that privacy is an essential element of dignity.⁸⁷⁸ Violation of privacy of a person is also a denial of dignity of an individual. When the dignity of a person is challenged by encroaching into his private sphere by fake allegation that also endangers his meaningful existence. Just as one's honour cannot be at the cost of another, one's revenge cannot be at the cost of another's dignity.⁸⁷⁹ Hence, there should be every attempt to protect the privacy of the accused in a rape case.

B. Right to be Presumed Innocent until Proven Guilty

The United Declaration of Human Rights in its number 11 states that any person accused with a penal offence has the right to be considered innocent until proven guilty. The accused person should be proven guilty by the procedure established by the law of the country.⁸⁸⁰ It is also the demand of the rule of law provision enshrined in article 14, that is, equality before law and equal protection of the laws. The constitutional bench also noted that the assumption of innocence is held in part III of

⁸⁶⁵ The Criminal Procedure Code, 1973, section 50 (1).

⁸⁶⁶ INDIA CONST. art. 22 (2).

⁸⁶⁷ INDIA CONST. art. 20 (3).

⁸⁶⁸ INDIA CONST. art. 21 (a); M H Hoskot v. State of Maharashtra, (1978) 3 SCC 544.

⁸⁶⁹ INDIA CONST. art. 21; Hussainara Khatoon v. Home Secretary, State of Bihar, (1980) 1 SCC 81.

⁸⁷⁰ The Criminal Procedure Code, 1973, section 207 (v).

⁸⁷¹ The Criminal Procedure Code, 1973, section 273.

⁸⁷² The Criminal Procedure Code, 1973, sections 231 (2), 243 (2), 246 (6).

⁸⁷³ INDIA CONST. art. 21. The Supreme Court of India affirmed that 'life' in article 21 consists not merely the physical existence of the person, but all the faculties by which life can be enjoyed. Justice K. S. Puttaswamy & Anr. v. Union of India & Ors., (2017) 10 SCC 1.

⁸⁷⁴ "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence nor to attack upon his honour and reputation. Everyone has the right to protection of the law against such interference or attacks." Universal Declaration of Human Rights, 1948, art. 12.

⁸⁷⁵ "Everyone has the right to respect for his private and family life, his home and his correspondence; there shall be no interference by a public authority except such as in accordance with law and is necessary in a democratic society in the interests of national security, public safety, or the economic wellbeing of the country, for the protection of health or morals or for the protection of rights and freedoms of others." Article 8 of the European Convention on Human Rights, 1950; "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home and correspondence, nor to unlawful attacks on his honour and reputation." International Covenant on Civil and Political Rights, 1966, art. 17.

⁸⁷⁶ The Indian Penal Code, 1860, section 228A.

⁸⁷⁷ The Supreme Court stated that the right to free speech and expression enshrined in article 19 is not unlimited but is subjected to the right of reputation. Umesh Kumar v. State of Andhra Pradesh, (2013) 10 SCC 591.

⁸⁷⁸ Justice K. S. Puttaswamy & Anr. v. Union of India & Ors., (2017) 10 SCC 1, 169.

⁸⁷⁹ M P Jain, INDIAN CONSTITUTIONAL LAW, 1218 (8th ed., LexisNexis, 2018).

⁸⁸⁰ INDIA CONST. art. 21.

the constitution.⁸⁸¹ In the absence of the right to be considered innocent until one is proven guilty through the legal procedure, any accused will be considered guilty even if it is a fake case. In such a situation it will be an explicit denial of justice to that person. Even though the legal system, in theory, considers the accused as innocent until the final verdict is made, mostly in practice, the whole society treats him otherwise and that is especially evident in the rape cases. Right to be considered innocent is also a prerequisite for one's right for a dignified life until proven guilty.⁸⁸²

C. Right to be Free from Media Trial

Freedom of Press is enshrined in the article 19(1) (a) of the Constitution of India. It is included as part of the basic right of freedom with the aspiration to form a better democratic society that is free from any interferences and prejudices. In many of the cases media's pressure tactics worked in providing justice to the victims.⁸⁸³ But in many other times, the media focusing on the news value of a case try to tarnish the image of the accused by conducting media trials in its news hour panel discussions and other forums.⁸⁸⁴ Being the fourth estate of modern democracy media needs to be sensible in bringing out the news and making trials on the so called 'shameful' crimes like rape. If it is a fake claim then media cannot just for the purpose of news making damage the reputation and life of an innocent. In certain times, there are days and days of discussions and judgments in the media channels and print media can be seen on some rape and 'me-too' allegations of the so-called celebrities even before a charge-sheet is done. Hence, the right to be free from media trial until the final verdict of the case is made, should be

protected. Unless and until the allegation is precisely proved, the identity of the accused should not be exposed through the media platforms. At present, the media can reveal the identity of the accused but cannot reveal the identity of the victim. If it is a fake case then as we have stated above the accused person becomes the victim, and hence, the exposition of the identity of the accused (the real victim) is against the basic nature of justice.

D. Right to be Treated Equal

Article 14 of the constitution affirms that all are equal before the law and all are equally protected by the law. It states that the law does not discriminate anyone based on sex or any other grounds. Law is equally applicable to all. Without the equal application of law there cannot be proper realisation of justice. In a fake rape case, the law is discriminately applied. It protects the real wrongdoer by restricting the free movement and hurting the reputation of the accused. When the amended provision of CrPC states that the statement of the woman is the most reliable source in a rape case, it discriminates the rights of men to be treated as equals before the law if the woman is taking advantage of the provisions of law.

Reading article 14 in connection with article 21 we find that a person's life and liberty are the basic elements for him or her to be considered equals before law. Article 21 states that one's life and liberty can be deprived only through a procedure of law, which also implies that the denial of equality before law depriving the full freedom of the person should be fair, just, and reasonable.⁸⁸⁵ Unreasonable, unjust, and unfair laws and its procedures endanger the very existence of life, liberty, and equality. There is every reason to treat the convicts unequally but there is no reason to deny the right to equality of the accused.

⁸⁸¹ Sahara v. SEBI, (2013) 1 SCC 1.

⁸⁸² Ajj Murjani, Guilty until Proved Innocent – Recent Scenario of Criminal Jurisprudence, LEGAL SERVICE INDIA, <https://www.legalserviceindia.com/legal/article-2277-guilty-until-proved-innocent-recent-scenario-of-criminal-jurisprudence.html> (last visited on Nov.15, 2022).

⁸⁸³ Manu Sharma v. State (NCT, Delhi), (2010) 6 SCC 1.

⁸⁸⁴ Abhishek Srivastava, Media Trial – Media Intervention and Justice Delivery, ALLIANCE UNIVERSITY (May 20, 2021), <https://alliance.edu.in/blog/2021/05/20/media-trial-media-intervention-and-justice-delivery/>.

⁸⁸⁵ THE CONSTITUTION OF INDIA, 11 (Professional Book Publishers, 2022).

E. Right to Compensation

Article 10 of the of the American Convention on Human rights affirms that everyone has the right to compensation if there is miscarriage of justice. False allegation of rape and the consequent defamation at the extreme level of an innocent person is a miscarriage of justice. If an injustice is done to an innocent, then the legal system and the society have the duty to duly compensate. Though compensation is not an effective solution to the denial of rights, it shows the acknowledgment of the society towards the falsely accused innocent. Right to get compensation in contravention of the fundamental rights originates from the Article 21 of the Constitution as interpreted by the Supreme Court of India.⁸⁸⁶ The Supreme Court as the guardian of fundamental rights under Article 32 of the Constitution has to step-up in providing for compensation in fake cases. In April 2022, the Allahabad High court imposed a fine on a woman for giving false allegation of rape against her husband and wasting the time of the court.⁸⁸⁷ In false cases not merely a fine should be imposed but the fake complainant should be asked to give exemplary compensation for the damages caused.

Conclusion

The stereotyping of patriarchy needs to be corrected but that cannot be done by giving unjust suffering to the innocent. The perpetrators of rape are to be seriously addressed and should be given severe punishment. But at the same time, the increasing number of false rape cases is so alarming as it creates confusion and distress in the legal system. Women are the victims in the real rape cases but men are the victims of the fake rape cases. A victim whether man or woman pleads for peaceful and dignified living to the society. A victim's cry is always a denial of justice and a scar of legal system. There should

be proper legal measures to eradicate 'objectification of female body' from the society, and at the same time, there should be also prudent initiatives from the part of legal system to address the fake allegations of rape. Since the consequences of fake cases are more severe and painful than we expect, there should be proper mechanism to protect the rights of the accused. In the absence of the meaningful celebration of rights no person would be able to live a peaceful life. Protecting the rights of the accused in a rape case the society will also be able to protect the rights of the real victims. No person (man or woman) should be alienated from the society basing upon some false allegations. Denied rights echo the denied justice, and hence, a mere fake allegation should not be a ground for the denial of rights.

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⁸⁸⁷ Pankaj Srivastava, *Allahabad High Court fines woman Rs. 10,000 for filing false rape case against her husband*, INDIA TODAY (Apr. 26, 2022, 19:17), <https://www.indiatoday.in/india/story/allahabad-news-high-court-fines-woman-filing-false-rape-case-husband-1942215-2022-04-26>.

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