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False Rape Allegations and Misuse of Section 376 of the Indian Penal Code: A Critical Legal Analysis

G. MANO KARTHIK¹ AND M. SHIVYA LAKSHMI²

ABSTRACT

*This paper presents a critical legal analysis of false rape allegations and the alleged misuse of Section 376 of the Indian Penal Code (IPC). While Section 376 and related provisions, strengthened by the Criminal Law (Amendment) Act, 2013, aim to protect victims of sexual violence and uphold constitutional values of dignity, equality, and justice, concerns have arisen regarding false or exaggerated complaints, particularly in cases involving consensual relationships, promises of marriage, delayed reporting, and lack of corroborative evidence. Employing a doctrinal research methodology, the study analyses primary sources including statutes (IPC Sections 375 and 376, CrPC, and Indian Evidence Act), landmark judicial decisions such as *Tukaram v. State of Maharashtra (Mathura case)* which prompted the 1983 reforms, and recent Supreme Court rulings like *Deepak Gulati v. State of Haryana*, *Pramod Suryabhan Pawar v. State of Maharashtra*, and *Dr. Dhruvaram Murlidhar Sonar v. State of Maharashtra* on the interpretation of consent. It also reviews secondary sources such as legal commentaries and Law Commission reports. The research highlights the tension between robust victim protection and the rights of the accused, noting that while false allegations are relatively rare, they result in wrongful prosecution, reputational harm, and erosion of public trust. Conversely, excessive focus on misuse may undermine genuine victims. Key gaps identified include the absence of specific statutory provisions for malicious complaints, inconsistencies in judicial interpretation of consent, and insufficient early-stage procedural safeguards. The study advocates for balanced legal reforms, enhanced investigative procedures, clearer evidentiary standards, and greater judicial sensitivity to ensure both gender justice and adherence to principles of natural justice and due process.*

I. INTRODUCTION

Rape laws in India, particularly under Section 376 of the Indian Penal Code (IPC), are designed

¹ Author is a Student at Vels Institute of Science, Technology & Advanced Studies, Chennai, Tamil Nadu, India.

² Author is an Assistant Professor at Vels Institute of Science, Technology & Advanced Studies, Chennai, Tamil Nadu, India.

to protect the dignity, bodily integrity, and fundamental rights of individuals, especially women, by providing stringent punishment for offenders. Over time, these provisions have evolved to become more victim-centric, aligning with constitutional values of equality, justice, and personal liberty. However, alongside these developments, concerns have emerged regarding the alleged misuse of rape laws through false or exaggerated complaints, giving rise to significant legal and social debates about fairness, due process, and the credibility of the criminal justice system. This study critically examines the issue of false rape allegations within the framework of Indian criminal law, analysing statutory provisions, constitutional principles, and judicial interpretations relating to consent, evidentiary standards, and burden of proof. Adopting a doctrinal research methodology, the study relies on primary sources such as statutes and case law, along with secondary sources including legal commentaries, journal articles, and Law Commission reports. It further explores the challenges involved in distinguishing genuine complaints from false allegations, particularly in cases involving interpersonal relationships, delayed reporting, and lack of corroborative evidence, and evaluates the broader impact of misuse claims on victims, accused persons, and society.

The research highlights that while false allegations, though relatively rare, pose serious concerns such as wrongful prosecution, reputational harm, and psychological distress for the accused, an excessive focus on misuse may undermine the seriousness of sexual violence and discourage genuine victims from reporting offences. The study therefore emphasizes the need for a balanced approach that safeguards victim protection while ensuring procedural fairness and adherence to the principles of natural justice. It also identifies key gaps in the legal framework, including the absence of clear statutory provisions specifically addressing malicious complaints, inconsistencies in judicial interpretation of consent, and lack of early-stage procedural safeguards to filter out false cases without affecting genuine ones. Practical challenges such as investigative shortcomings, delays in trial, social stigma, media influence, and external pressures further complicate the enforcement of rape laws.

The research underscores the academic, legal, and social significance of addressing this issue by contributing to a more nuanced understanding of rape jurisprudence and its complexities. It aims to bridge gaps in existing literature, which often focuses predominantly on victim protection while giving limited attention to wrongful prosecution and due process concerns. By analysing judicial trends, evidentiary challenges, and procedural deficiencies, the study seeks to evaluate whether the current legal framework effectively balances the rights of victims and the accused. It also outlines the research problem as the difficulty in maintaining this balance, particularly in cases involving consent and relationship disputes, and formulates key research

questions addressing legal interpretation, evidentiary standards, and the impact of misuse allegations.

The study adopts a descriptive and analytical doctrinal methodology, relying on secondary data collected from statutes, case laws, books, journals, and online legal resources. While this ensures a strong legal foundation, the research acknowledges limitations such as the absence of empirical data, restricted scope to the Indian legal framework, and potential gaps in capturing real-world experiences. It identifies a research gap in the lack of clear legal standards to distinguish false allegations from unproven cases and the limited empirical analysis in this area.

Organised systematically, the study covers the introduction and background of rape laws, historical development, legal framework, judicial trends, evidentiary challenges, and the social and legal impact of false allegations. It concludes by emphasizing the need for balanced legal reforms, improved investigative procedures, clearer evidentiary standards, and greater judicial sensitivity to ensure justice for victims while protecting individuals from wrongful prosecution. Ultimately, the research advocates for a fair, credible, and effective criminal justice system that upholds both gender justice and the rule of law.

It reflects the seriousness with which the legal system treats sexual offences and aims to ensure strict punishment for offenders. Over time, rape laws in India have evolved to become more victim-centric and aligned with constitutional values of equality and justice. However, alongside these developments, concerns have emerged regarding the alleged misuse of these provisions through false or exaggerated complaints.

II. LITERATURE

False rape allegations, though relatively rare compared to genuine cases, present a significant challenge to the criminal justice system. They raise important questions about fairness, due process, and the rights of the accused. At the same time, the existence of such allegations should not undermine the gravity of sexual violence or discourage genuine victims from seeking justice. The issue therefore requires a careful and balanced legal approach.

This study critically examines the concept of false rape allegations within the framework of Section 376 IPC. It analyses judicial interpretations, evidentiary challenges, and procedural aspects involved in such cases. The research also explores the impact of misuse claims on society and the legal system. By doing so, it aims to contribute to a more balanced and effective approach that upholds both victim protection and the principles of justice.

Statutory Framework

Section 376 IPC is the primary provision governing rape laws in India and was significantly expanded by the Criminal Law (Amendment) Act, 2013 to strengthen victim protection. Procedural safeguards under the Code of Criminal Procedure and the Indian Evidence Act support fair trials. While these reforms are widely supported, scholars note that broader definitions have created interpretational challenges, especially in cases involving consent and relationships. There is limited statutory clarity on distinguishing false allegations from unproven cases, leaving this issue largely to judicial interpretation.

Judicial Trends

Courts have played a key role in shaping rape jurisprudence. In *Tukaram v. State of Maharashtra*, the Supreme Court's interpretation of consent led to major legal reforms. Later cases like *State of Punjab v. Gurmit Singh* emphasized victim sensitivity. Recent judgments such as *Deepak Gulati v. State of Haryana*, *Pramod Suryabhan Pawar v. State of Maharashtra*, and *Dr. Dhruvaram Murlidhar Sonar v. State of Maharashtra* address consent in relationship contexts, particularly promises of marriage. These cases show a trend of careful factual analysis but also reveal inconsistencies in judicial reasoning.

Perspectives

Academic literature largely supports strong rape laws to ensure gender justice and victim protection. At the same time, some scholars highlight concerns about misuse, especially in consensual relationships or delayed complaints. They advocate a balanced approach that protects victims while ensuring due process for the accused. However, there is a lack of empirical data on false allegations, with most discussions relying on limited case-based analysis.

Proving rape cases remains difficult due to their private nature and reliance on testimony. Courts accept credible victim testimony as sufficient, but in alleged false cases, assessing credibility becomes complex. Issues such as delayed complaints, lack of medical evidence, and investigative lapses further complicate

III. GAPS & SIGNIFICANCE

Existing literature lacks clear legal standards to address false allegations without harming genuine cases. There is also insufficient empirical research and limited analysis of long-term social impacts. Most studies focus either on victim protection or accused rights, highlighting the need for a more balanced and comprehensive approach.

The present study holds considerable importance from academic, legal, and social perspectives. It addresses a sensitive and complex issue within criminal law, where the need to protect victims of sexual violence must be carefully balanced with the rights of the accused.

1. Academic Significance

From an academic perspective, this research contributes to the existing body of legal scholarship on rape laws and criminal justice. It provides a critical analysis of the concept of false rape allegations, which remains an under-explored and often controversial area in legal studies. The study enhances understanding of key legal principles such as consent, burden of proof, and evidentiary standards. It also serves as a valuable resource for students, researchers, and scholars by offering a structured and analytical approach to a complex legal issue.

2. Legal Significance

Legally, the study is significant as it examines the effectiveness of Section 376 of the Indian Penal Code and related procedural laws in addressing both genuine and false allegations. It analyses judicial interpretations and highlights inconsistencies or challenges in the application of the law. The research aims to identify gaps in investigation, evidence evaluation, and trial procedures. By doing so, it contributes to the development of more balanced legal mechanisms that ensure justice, fairness, and protection of fundamental rights for all parties involved.

The existing body of literature on rape laws in India primarily focuses on victim protection, legal reforms, and the need for stricter punishment to address sexual violence. While these studies are essential, comparatively limited attention has been given to the issue of false rape allegations and the alleged misuse of Section 376 of the Indian Penal Code. Most academic writings and policy discussions tend to emphasize safeguarding victims, often leaving the concerns of wrongful prosecution and the rights of the accused underexplored.

One significant gap in the literature is the **lack of clear legal standards or criteria** to distinguish between genuine and false allegations. Although courts have dealt with such cases, there is no consistent judicial framework guiding the assessment of consent, intention, and credibility, especially in cases involving failed relationships or promises of marriage. This inconsistency leads to uncertainty in legal interpretation and application.

IV. ANALYSIS

The regulation of rape and sexual offences in India has evolved through a complex interplay of historical developments, constitutional mandates, statutory reforms, and judicial interpretation. The offence of rape, governed primarily under Section 376 of the Indian Penal Code (IPC), is

not merely a legal issue but also a deeply rooted social concern involving questions of dignity, autonomy, and justice. Over time, the legal system has attempted to respond to changing societal values and increasing awareness regarding gender justice and human rights.

This paper provides a comprehensive background to the study by examining the historical evolution and theoretical foundations of rape laws in India. It also explores the emerging discourse on false rape allegations and the alleged misuse of legal provisions, which has gained attention in recent years. The analysis focuses on constitutional principles, statutory provisions, and jurisprudential developments that shape the current legal framework.

By understanding the historical context and theoretical underpinnings, this paper lays the foundation for analysing contemporary issues in rape law, including the challenges of balancing victim protection with the rights of the accused.

A major turning point in the evolution of rape laws occurred with the case of *Tukaram v. State of Maharashtra (1979)*, popularly known as the Mathura rape case. The Supreme Court's judgment, which acquitted the accused on the ground that there was no evidence of resistance, led to widespread public outrage.

This case exposed serious flaws in the legal system, particularly in the interpretation of consent and the treatment of victim testimony. In response, the Criminal Law (Amendment) Act, 1983 was enacted, introducing significant reforms such as:

- Recognition of custodial rape
- Shift in the burden of proof in certain circumstances
- Enhanced punishment for offenders

These changes marked the beginning of a more victim-sensitive approach in Indian rape law.

The legal regulation of rape in India is governed by a comprehensive framework consisting of constitutional provisions, statutory enactments, and judicial interpretations. Among these, Section 376 of the Indian Penal Code (IPC) forms the cornerstone of substantive criminal law dealing with rape, while procedural and evidentiary laws ensure its effective implementation. Over the years, this framework has evolved significantly in response to societal demands, judicial activism, and legislative reforms.

The seriousness of rape as an offence lies not only in its physical impact but also in its profound psychological and social consequences. Recognizing this, Indian law has progressively expanded its scope to include various forms of sexual violence and to strengthen victim protection mechanisms. However, alongside these developments, concerns have also emerged

regarding the alleged misuse of rape laws, particularly in cases involving consensual relationships or personal disputes.

This paper undertakes a detailed analysis of the legislative framework governing rape offences in India. It examines constitutional principles, statutory provisions, and secondary sources of law, while also evaluating key amendments that have shaped the present legal position. The paper further explores the relevance of this framework in addressing issues related to false rape allegations and highlights the need for a balanced approach that ensures justice for victims without compromising the rights of the accused.

Indian Penal Code, 1860 (IPC)

The Indian Penal Code provides the substantive law relating to rape. Section 375 defines the offence of rape by outlining various circumstances under which sexual intercourse amounts to rape. These include situations where consent is obtained through coercion, fear, misrepresentation, or where the victim is incapable of giving valid consent.

The definition of consent under the IPC has been progressively refined to emphasize that consent must be free, voluntary, and informed. The law recognizes that absence of resistance does not imply consent, thereby addressing earlier misconceptions.

Section 376 prescribes punishment for rape and provides for enhanced penalties in aggravated cases. These include:

- Custodial rape by police officers or public servants
- Rape by persons in positions of authority
- Gang rape
- Rape of minors

The severity of punishment reflects the seriousness of the offence and serves as a deterrent. Amendments to the IPC have also introduced stricter penalties, including life imprisonment and, in certain cases, the death penalty.

The issue of false rape allegations and the alleged misuse of Section 376 of the Indian Penal Code represents a highly complex and sensitive area within criminal law. It lies at the intersection of legal principles, societal values, and policy considerations, making it one of the most debated subjects in contemporary jurisprudence. Rape laws are fundamentally designed to protect victims of sexual violence, uphold their dignity, and ensure that perpetrators are held accountable. However, the application of these laws in real-world situations often presents significant challenges.

The growing discourse around misuse of rape laws does not necessarily undermine the seriousness of the offence but highlights the need for a balanced legal approach. On one hand, there is an urgent necessity to ensure that genuine victims receive justice without facing procedural or societal barriers. On the other hand, there is a parallel concern that misuse of stringent legal provisions may lead to wrongful prosecution, thereby affecting the rights and reputation of the accused.

V. MAJOR LEGAL ISSUES INVOLVED

One of the most significant legal issues in rape cases is the determination of **consent**. The concept of consent is central to the offence of rape, yet it remains one of the most complex aspects to interpret. In cases involving intimate relationships, particularly those based on promises of marriage, distinguishing between consensual acts and coercion becomes increasingly difficult. Courts often rely on the facts and circumstances of each case, leading to varying interpretations and outcomes.

Another critical issue relates to the **burden of proof**. In criminal law, the prosecution must establish guilt beyond reasonable doubt. However, rape cases frequently depend on the testimony of the victim, which may not always be supported by physical or documentary evidence. This creates a delicate balance between giving due weight to the victim's testimony and ensuring that the accused is not wrongfully convicted.

A further challenge is the **absence of clear legal standards** to identify false allegations. While the law provides remedies for malicious prosecution in general, there is no specific framework tailored to address false rape allegations. As a result, courts are required to rely on judicial discretion, which may lead to inconsistency in decision-making.

Additionally, the issue of **delay in filing complaints** often complicates legal proceedings. While delays may be justified due to trauma or social pressure, they can also raise questions regarding the credibility of the complaint. Courts must carefully evaluate such delays without drawing unfair conclusions.

Social and Policy Issues

Beyond the legal domain, rape cases are deeply influenced by social and cultural factors. In many societies, including India, sexual offences carry a significant social stigma. Victims often face discrimination, victim-blaming, and emotional trauma, which may discourage them from reporting crimes. This social reality underscores the importance of strong legal protections and supportive mechanisms.

At the same time, allegations of misuse of rape laws have social implications for the accused. When false allegations are proven, they can result in severe reputational damage, social ostracism, and psychological distress. This dual impact highlights the need for a system that is both sensitive and fair.

From a policy perspective, there is an ongoing debate regarding the appropriate balance between **victim protection and prevention of misuse**. Policies that are overly focused on victim protection without adequate safeguards may increase the risk of misuse. Conversely, excessive emphasis on preventing misuse may create barriers for genuine victims seeking justice.

Media coverage and public opinion also play a significant role in shaping perceptions. High-profile cases often influence societal attitudes, sometimes leading to biased narratives that affect both victims and accused individuals. This underscores the importance of maintaining objectivity and fairness in legal proceedings.

VI. CONCLUSION

The issues discussed above are of great significance as they directly impact the credibility and effectiveness of the criminal justice system. A system that fails to address false allegations risks being perceived as unjust and unreliable. At the same time, a system that becomes overly cautious may fail to protect genuine victims, thereby defeating the purpose of the law.

The balance between **individual rights and societal interests** is at the core of this issue. Protecting victims is essential to uphold human dignity and ensure justice, while safeguarding the rights of the accused is fundamental to the principles of fairness and due process.

Furthermore, these issues have broader implications for **public trust in the legal system**. Consistency, transparency, and fairness in handling such cases are essential to maintain confidence in judicial institutions. Failure to address these concerns may lead to scepticism and reduced faith in the rule of law.

Despite the existence of comprehensive rape laws in India, several significant gaps continue to persist within the legal framework. One of the primary concerns is the absence of specific provisions that directly address false rape allegations or malicious prosecution in the context of sexual offences, leading to ambiguity in dealing with such situations. Additionally, there is a lack of consistency in judicial interpretation, particularly with regard to concepts such as consent, intention, and credibility, which often results in varying outcomes and undermines the development of uniform legal standards. Another major issue is the lack of adequate procedural safeguards at the investigation stage, as there are limited mechanisms to identify and filter out

false complaints at an early stage without adversely affecting genuine cases. Furthermore, investigative authorities frequently operate without clear and standardized guidelines for handling sensitive cases involving alleged misuse, which can impact the quality and fairness of investigations. The framework also suffers from limited accountability mechanisms, as there are insufficient measures to address wrongful investigations or malicious complaints, thereby affecting the overall credibility of the justice system.
