



False Accusations and Gender Bias in Rape Laws

Priyamvada Vijay

B.A. LL.B., LL. M. (Criminal Law), Jagannath University, Email: priyamvada.vijay@live.com

Dr. Suman Paliwal

Associate Professor, Jagannath University, Email: suman.paliwal@jagannathuniversity.org

ARTICLE DETAILS

Research Paper

Accepted: 28-04-2025

Published: 10-05-2025

Keywords:

False Accusations, Gender Bias, Rape Laws, Bharatiya Nyaya Sanhita, Legal Reform

ABSTRACT

The juridical mechanism regulating rape legislation in India has seen considerable development, particularly with the Criminal Law (Amendment) Act, 2013 and the Protection of Children from Sexual Offences (POCSO) Act, 2012. These changes were made with a focus on ensuring strict punishment for the criminal and protection for the victims of sexual assault. The legislation is still predominantly gender-focused, tending to see only women as victims and men as culprits. This narrow approach has created fear about gender bias and abuse of rape laws in the form of false allegations. Although false accusations make up a small percentage of reported cases, they have dire legal, social, and psychological costs for the accused in the form of harm to reputation, mental trauma, and lengthy litigation. Additionally, the existing system of law has no robust procedural protection mechanisms to effectively tackle these issues. This research critically analyzes the legal, social, and procedural aspects of false allegations and gender stereotyping in the current rape laws of India. It adopts a doctrinal



approach to examining statutes, legal provisions, and comparative international practices. The research also points out challenges of legal enforcement, societal perception, and media coverage, and recommends reforms such as gender-neutral legal provisions, improved investigative practices, and legal accountability for false allegations. The goal is to promote a fair legal system that guarantees justice for both victims and the wrongly accused.

DOI : <https://doi.org/10.5281/zenodo.15680319>

1. INTRODUCTION

Indian rape laws have been a focus of fervent controversy and analysis for a long time. Theoretically, the criminal justice system is supposed to act as a victim's protector, delivering justice to those subjected to sexual abuse. Practically, though, there is a problematic and intricate overlap of gender prejudices and false claims. The problem of false accusations in the context of rape laws, augmented by deep-seated gender prejudices, is a major challenge to the administration of justice in India.¹

Sexual violence, and rape in particular, has been a chronic problem in India, with instances of assault, molestation, and rape being reported from every part of the country. Rape according to the Bharatiya Nyaya Sanhita (BNS) is defined in Section 63, which penalizes sexual intercourse or sexual conduct against one's will. In 2013, in the wake of the notorious Delhi gang rape case, the government of India brought significant changes to the criminal law, such as a broader definition of rape, criminalizing the offenses of stalking, voyeurism, and acid attacks. The reforms were aimed at enhancing the justice

¹ Manupatra, "Articles – Manupatra" *available at*: <https://articles.manupatra.com/article-details/An-Extensive-study-of-Rape-Laws-in-India> (last visited May 15, 2025).



process for women and ensuring that the judicial system reacted appropriately to the growing cases of sexual violence.²

Although the reforms were aimed at enhancing the protection of women, they have also created a series of challenges that have not yet been fully resolved. Perhaps the most controversial topic in the debate over rape laws is the issue of false accusations. False rape allegations can destroy lives, especially those of the accused who can be socially ostracized, face lawsuits, and have their reputations tarnished, even if they are later acquitted. False accusations discount the legitimacy of real victims and usually complicate the judicial process, further denoting that justice is slow. Even though the incidence of false rape allegations is usually exaggerated or misconstrued, the effect they have on the legal system cannot be overruled.³

The Indian judicial system, in spite of its best efforts, remains permeated with deep-seated gender biases. These prejudices tend to express themselves in the formulation, implementation, and interpretation of laws, ultimately determining the verdict in rape cases. A major gender bias is the tendency to consider women the exclusive victims of sexual assault. This strict definition of rape statutes, while understanding the historical and societal disadvantaging of women, denies the fact that men can also become victims of sexual assault. This gendered perspective leads to an imbalanced legal environment, in which both the rights of male victims and the requirement for a just process for the accused can be undermined.⁴

² “BNS : Offences Against Woman And Children,” A Lawyers Reference *available at*: https://devgan.in/bns/chapter_05.php (last visited May 15, 2025).

³ Tatjana Hörnle, “The Challenges of Designing Sexual Assault Law,” 77 *Current Legal Problems* 49–80 (2024).

⁴ Tannvi Tannvi and Sharmila Narayana, “The challenge of gender stereotyping in Indian courts,” 8 *Cogent Social Sciences* (2022).



In addition, societal and cultural perceptions of rape are frequently influenced by gendered stereotypes. These include assumptions regarding women's modesty, sexual conduct, and "proper" behavior, as well as presumptions regarding male aggression and dominance. These stereotypes not only affect how victims are viewed but also how the accused are handled by the legal system and society in general. For example, a woman who makes a rape report can be subjected to rigorous questioning regarding her character, sexual past, and what she was doing at the time of the attack. Likewise, men alleged to have raped can be dismissed with skepticism, and they are characterized as being violent and masculine based on prior expectations.

In India, the media heavily influence public opinion regarding rape cases by sensationalizing events and presenting them in a manner that perpetuates gender biases. High-profile rape cases draw considerable media coverage, but the same is not usually provided in instances of false accusations or wrongful convictions. This media bias creates a public perception that contributes to the stigma and difficulties encountered by both the victims of rape and the accused.⁵

Background of Rape Laws in India

Indian rape laws have a convoluted history that mirrors the changing legal, social, and cultural attitudes of India towards sexual assault. The Indian legal framework for dealing with rape has been primarily influenced by the provisions of the IPC of 1860, with key amendments being brought in over time. Section 375 of the IPC, which codifies the crime of rape, is pivotal in understanding the development of these laws. Rape was historically treated as a wrong primarily against women, and so it is treated in the gendered terminology of Section 375. The offense of rape under this provision refers to sexual

⁵ Mark Phillips et al., "Media coverage of violence against women in India: A systematic study of a high profile rape case" Springer Nature, 2015 *available at*: https://www.researchgate.net/publication/271214388_Media_coverage_of_violence_against_women_in_India_A_systematic_study_of_a_high_profile_rape_case (last visited May 15, 2025).



intercourse or sexual activities with a woman by force against her will, or without consent, where she is unable to resist due to coercion, deception, or misuse of authority.

The legal construction of rape in the BNS has changed many times, especially in the past century. For a large part of India's colonial era, laws regarding sexual assault were quite limited in application. The emphasis was on women as victims, and the laws did not address the nuances of consent, coercion, or exploitation of power in sexual relationships. In 1983, substantial amendments were introduced to the IPC, expanding the definition of rape as well as imposing harsher punishments. Still, the amendments kept the offense's gender-specific nature and limited the legal protection primarily to women. Such a strategy was greatly dominated by the societal norms of that time, which perceived women as the only victims of sexual assault and positioned men as the potential offenders.⁶

One of the significant changes in India's rape laws occurred in the wake of the 2012 Delhi gang rape case, which led to large-scale public protests and demands for legal changes. In response to the outrage across the country, the government established the Justice Verma Committee to examine current laws on sexual violence. The report of the committee resulted in the Criminal Law (Amendment) Act of 2013 being passed, which brought some landmark reforms to the law. The amendment widened the definition of rape to cover not just acts of penetration but also other kinds of sexual assault, including oral and anal sex, and extended the definition of consent. The Act also established provisions for stronger penalties for gang rape crimes, and criminalized such acts as stalking, voyeurism, and acid attacks.

Even after these reforms, the legal system continues to confront issues regarding the gendered character of rape laws. The laws remain disproportionately protective of women as victims while ignoring the

⁶ “From Colonial Codes To Contemporary Statutes: A Comparative Study Of Women’s Legal Protections In IPC And Bhartiya Nyaya Sanhita,” *available at*: <https://www.legalserviceindia.com/legal/article-18210-from-colonial-codes-to-contemporary-statutes-a-comparative-study-of-women-s-legal-protections-in-ipc-and-bhartiya-nyaya-sanhita.html> (last visited May 15, 2025).



situations of male survivors of sexual assault. In addition, the handling of rape victims in the legal system continues to be problematic with women repeatedly being asked long series of questions concerning their character, sexual past, and conduct at the time of the attack. These prejudices, based on cultural and societal norms, impede the quest for justice for all sexual violence victims regardless of gender.⁷

The Protection of Children from Sexual Offences Act, 2012 (POCSO), is another landmark legislative reform in India. While not specifically concerned with rape, POCSO deals with the sexual abuse of children and offers a holistic legal framework for protecting children from sexual offences. This legislation complements the BNS in defining child sexual abuse, including acts of penetration and all other types of sexual assault on children, and in stipulating more severe punishment and special procedures for trying child cases.⁸

Objectives of the Study

1. To Analyze the Legal Framework of Rape Laws in India.
2. To Investigate the Impact of False Accusations on the Judicial Process and Society.
3. To Examine the Role of Gender Bias in Rape Laws and Their Implementation.
4. To Recommend Legal and Societal Reforms for Addressing False Accusations and Gender Bias.

Research Methodology

The research approach utilized in this research is doctrinal, which is concentrated on in-depth study of primary and secondary sources of law. It entails a thorough study of available legal provisions, court judgments, acts, amendments, and legal commentaries to find out the structure of rape laws in India,

⁷ Chloe Haderlie, "Sexual Assault Against Women in India" Ballard Brief, 5 December 2017.

⁸ Ibid.



especially concerning false charges and gender bias. The doctrinal method enables gaps, inconsistencies, and areas in need of reform to be identified through the analysis of legal documents and judicial rulings. Furthermore, applicable case law and academic articles will be consulted to aid in the analysis and conclusions.

Related works

Brereton, Z. (2019).⁹ This chapter explores the deeply ingrained societal myths that portray women as false complainants in rape cases, particularly in India. Brereton analyzes how cultural perceptions and stereotypes about female behavior intersect with the legal process, shaping public opinion and the administration of justice. The chapter critically examines the disparity between societal views and the legal framework designed to protect victims of sexual violence, emphasizing the challenges faced by both women and the justice system in overcoming these biases. It highlights the complex relationship between law and culture in the context of rape accusations, offering insights into the wider societal implications of such myths in legal proceedings.

Rathod, R. (2024).¹⁰ Rathod's paper provides an in-depth exploration of false rape accusations within the Indian context, taking into account legal, sociological, and technological perspectives. It examines the legal implications of false accusations under Indian law, addressing how the judiciary deals with such cases. Sociologically, the paper delves into the cultural factors that lead to the phenomenon of false allegations, while also analyzing the role of modern technologies such as social media and digital evidence in influencing these cases. Rathod presents a multidisciplinary approach, suggesting ways to improve both the legal system and societal understanding of false rape accusations.

⁹ Brereton, Z. (2019). Perpetuating myths of women as false complainants in rape cases in India: culture V. The law. In *Violence against Women in India* (pp. 41-62). Routledge.

¹⁰ Rathod, R. (2024). *False Rape Accusations in India: Legal, Sociological, and Technological Perspectives*. Sociological, and Technological Perspectives (November 24, 2024).



Gupta, A. (2021).¹¹ Gupta's article investigates the rising trend of false rape allegations in India, offering a critical analysis of the legal framework surrounding them. The paper examines the statutory provisions related to false accusations, exploring the difficulties in distinguishing genuine complaints from fabricated ones. It also highlights the psychological and social impact on the accused, suggesting potential reforms in the law to safeguard against misuse. Gupta emphasizes the importance of clear legal definitions and procedural safeguards to ensure that both victims and the wrongly accused receive justice.

Tawar, U. (2021).¹² Tawar's article focuses on the experiences of individuals who have been falsely accused of rape. It explores the profound psychological, social, and legal consequences faced by the accused, including societal stigma, loss of reputation, and the prolonged legal battle. The paper emphasizes the need for reforms in the criminal justice system to address the repercussions of false allegations. Tawar also examines how the law treats false accusers and calls for stricter penalties to deter malicious complaints, ultimately advocating for a more balanced approach to handling rape accusations.

Fairoz, S. (2024).¹³ Fairoz's paper addresses the issue of false rape allegations in Bangladesh, focusing on the gender biases that influence the legal process. The author examines how societal and legal structures contribute to the abuse of rape laws, particularly in cases involving false accusations. The paper explores the challenges faced by both male and female victims of false allegations, discussing how cultural norms and misconceptions about gender roles affect the judicial handling of these cases. Fairoz's work draws comparisons between India and Bangladesh, offering insights into the regional challenges posed by gender bias and the misuse of the law.

¹¹ Gupta, A. (2021). An Analysis on the False Rape Allegations in India. *Indian JL & Legal Rsch.*, 3, 1.

¹² Tawar, U. (2021). Victims of False Accusation of Rape. *Issue 3 Int'l JL Mgmt. & Human.*, 4, 4250.

¹³ Fairoz, S. (2024). False Allegation of Rape in Bangladesh: Gender Bias and Abuse of the Law. *available at SSRN 4704036.*



2. LEGAL FRAMEWORK OF RAPE IN INDIA

The Indian legal framework dealing with rape has been influenced by a number of legislative provisions that have been enacted to define the crime, determine the procedure for its investigation and trial, and offer relief to victims. The main statutes that deal with sexual offenses in India are the Bharatiya Nyaya Sanhita (BNS), the Criminal Law Amendment Act, 2013, and the Protection of Children from Sexual Offences Act (POCSO), 2012. The statutes offer a general framework for prosecuting sexual offenses as well as specific issues with regard to gender, consent, and safeguarding vulnerable groups.¹⁴

Overview of Bharatiya Nyaya Sanhita (BNS) - Section 63 and 64

The Bharatiya Nyaya Sanhita, 2023, is the basic legal code for sexual offenses in India, and Sections 63 and 64 specifically address the offense of rape. Section 63 of the BNS defines rape as sexual intercourse with a woman under certain conditions. According to the law, sexual intercourse with a woman is rape if it is done without her consent, by force, or by fraud or deception. Consent is a key element in the definition of rape under the BNS, and lack of consent is an essential factor in charging the offense.¹⁵

Section 63 provides the circumstances under which sexual intercourse with a woman amounts to rape, outlining specific situations like the application of force, the victim being unconscious, or below the age of consent (which is 18 years). Significantly, Section 63 of the BNS specifies rape in gendered terms, identifying women as the only victims of rape. This gender focus has been a contentious issue since it leaves male victims of sexual violence outside the direct protection of the law. Although male victims of

¹⁴ available at: <https://prsindia.org/billtrack/prs-products/prs-legislative-brief-3070> (last visited May 15, 2025).

¹⁵ “The Bharatiya Nyaya Sanhita, 2023,” PRS Legislative Research available at: <https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023> (last visited May 15, 2025).



rape are able to seek legal recourse through other provisions, they are not specifically mentioned as part of the definition of rape under this section.¹⁶

Section 64 of the BNS addresses the punishment for rape. It mandates a minimum of rigorous imprisonment for a period of at least seven years, extendable up to life imprisonment or even death, depending on the gravity of the offence and the circumstances of the case. The law also envisages aggravated forms of rape, including gang rape, where the punishment is stricter. The penal sanction is designed to be a deterrent to the perpetrator, indicating the seriousness of the offence under Indian law.¹⁷

The BNS provisions, though, have been criticized for their gender-differentiated nature, particularly in terms of false allegations and the limited acknowledgment of male victims. The emphasis on female victims has led to a legal system that could potentially miss the nuances of sexual violence involving other genders.

Laws of Rape under the Criminal Law Amendment Act, 2013

To address the increasing calls for reform in the wake of the 2012 Delhi gang rape, the Government of India enacted the Criminal Law (Amendment) Act, 2013, which made major changes to the BNS, especially concerning sexual offenses. The amendment aimed to enhance the legal framework for combating rape and other sexual violence by broadening the definition of rape and imposing tougher penalties on perpetrators.¹⁸

¹⁶ Adv. Darpan Magon, “BNS Section 63, 64, 65, 66, 67, 68, 69, 70, 71, 72 BN” JudiX, 2023 *available at*: <https://www.myjudix.com/post/bns-section-63-64-65-66-67-68-69-70-71-72-bns-bharatiya-nyaya-sanhita-rape-bns> (last visited May 15, 2025).

¹⁷ “BNS : Offences Against Woman And Children,” A Lawyers Reference *available at*: https://devgan.in/bns/chapter_05.php (last visited May 15, 2025).

¹⁸ “The Criminal Law (Amendment) Act 2013,” Legal Information Institute *available at*: http://www.law.cornell.edu/gender-justice/resource/the_criminal_law_%28amendment%29_act_2013 (last visited May 15, 2025).



One of the most important provisions of the 2013 amendment was the expansion of the definition of rape under Section 63 of the BNS. The amendment clarified that sexual acts other than penile-vaginal intercourse, including oral or anal sex, would be treated as rape, thus recognizing the changing nature of sexual violence and the need to safeguard victims from all sexual assault. This extension had the objective of filling legal gaps and making different types of sexual violence sufficiently encompassed under law.

The amendment also brought about provisions for more severe punishment of crimes such as gang rape, whereby the law now requires perpetrators to face at least a 20-year jail term, and even a life term or capital punishment in egregious cases. It also provided for the speedy trial of rape cases, acknowledging the need for justice at the earliest in rape cases. The amendment brought in the idea of "aggravated forms of rape," which includes cases involving violence, weapons, or the victim being in a specially vulnerable position, like being a child or a woman with physical or mental disabilities.

The amendment also added new offenses, including stalking, voyeurism, and acid attacks, which were not covered under the BNS before. These amendments brought a major change in the Indian legal response to sexual violence, with an emphasis on both the gravity of the offense and safeguarding vulnerable sections, particularly women and children. But critics say that even the focus on women victims persists to overshadow the sufferings of male victims of sexual assault, and the law continues to fail to fully cover the gender-neutral aspects of such crimes.

Protection of Children from Sexual Offences Act, 2012 (POCSO)

Protection of Children from Sexual Offences Act (POCSO), 2012, is a major legislative step taken specially to safeguard children against sexual abuse and exploitation. Although the POCSO Act does not



specifically mention rape, it is a very necessary component of the legislation that regulates sexual violence, for it provides for crimes like sexual assault, sexual harassment, and child pornography.¹⁹

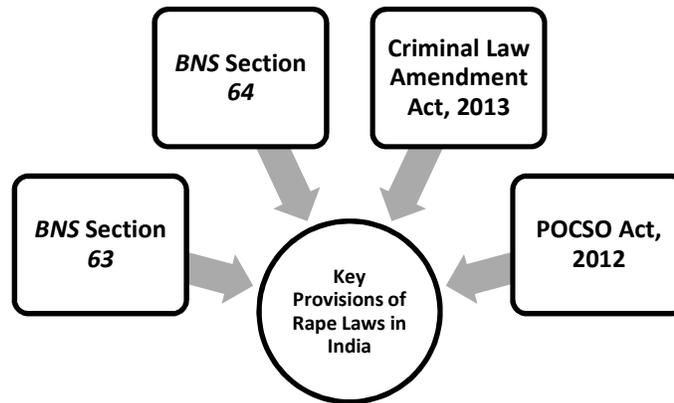
POCSO's definition of child sexual abuse is wider than the BNS, and criminalizes a broad scope of sexual offenses against children, covering penetrative as well as non-penetrative sexual assault. It defines particular categories of offenses involving aggravated sexual assault involving the application of force or threats of application of force or the child being exceptionally vulnerable because of age or physical or mental incapacity. Significantly, the law addresses all forms of sexual abuse and exploitation, not rape alone, and spells out that the consent of the child is immaterial in these instances since children are held not to be capable of providing legal consent to sex.

According to Section 4 of the POCSO Act, penetrative sexual assault is punishable by a minimum of seven years of imprisonment, extendable to life imprisonment. Section 6 of the Act addresses aggravated penetrative sexual assault, which carries a minimum sentence of ten years, extendable to life imprisonment. POCSO also provides for the setting up of special courts for trying cases related to children so that such cases are tried speedily and in a child-friendly manner. This entails the offering of special procedures for the testimony recording of the child to reduce trauma and uphold the dignity of the child.

The POCSO Act plays a pivotal role in protecting children against sexual offenses and complements the BNS provisions as well as the Criminal Law Amendment Act by offering a specialized legal framework for the protection of children. It seeks to make sure that the perpetrators of child sexual offenses are punished strictly and that the justice system is child-sensitive to the needs of victims of child sexual

¹⁹ Sneha Mahawar, "Protection of Children from Sexual Offences Act (POCSO), 2012" iPleaders, 2024 *available at:* <https://blog.iplayers.in/pocso-act-everything-you-need-to-know/> (last visited May 15, 2025).

abuse. Yet, similar to other Indian laws, POCSO suffers from difficulties in implementation, such as underreporting of crimes and social stigma associated with child sexual abuse.²⁰



3. FALSE ACCUSATIONS IN THE CONTEXT OF RAPE LAWS

Definition and Scope of False Allegations

False charges in the case of rape statutes involve situations where people intentionally and with malice falsely report a case of sexual assault that did not take place. Such claims could be based on personal agendas like revenge, coercion, peer pressure, or attempts to influence court proceedings for unrelated purposes such as custody disputes or financial advantage. Although the number of established false cases is usually controversial, their legal and social implications must be recognized, especially in a legal system that gives high priority to the protection of victims' rights.²¹

²⁰ Sneha Mahawar, "Protection of Children from Sexual Offences Act (POCSO), 2012" iPleaders, 2024 *available at*: <https://blog.ipleaders.in/pocso-act-everything-you-need-to-know/> (last visited May 15, 2025).

²¹ "Perverting the Course of Justice and Wasting Police Time in Cases involving Allegedly False Allegations of Rape and / or Domestic Abuse," The Crown Prosecution Service *available at*:



False accusations are dealt with under various provisions of the Bharatiya Nyaya Sanhita under Indian law. Section 215 BNS is about giving false information to a public servant punishable with up to six months imprisonment or a fine. Section 246 BNS makes it an offence to institute false criminal proceedings to cause injury and prescribes the punishment as a maximum imprisonment of seven years along with a fine. Moreover, Section 354 BNS, which is the definition of defamation, and Section 354 BNS, which is the punishment for defamation, can also be applied in instances where the reputation of the accused is unfairly damaged as a result of a false accusation.²²

Indian rape laws under Sections 63 and 64 of the BNS are intended to be harsh and victim-friendly but are not free from abuse. Judicial and legal analysts have long stressed the importance of balancing the presumption of innocence of the accused and the necessity to protect justice for real victims. Investigating agencies must make concerted efforts to hold thorough, unbiased investigations to identify real complaints and false accusations. False accusations not only damage the accused person but also erode the integrity of genuine victims, hence their credibility, which is meant to maintain the integrity of the legal systems aimed at tackling sexual violence.

Social and Psychological Consequences on the Accused

The social and psychological consequences of false accusations of rape on the accused are potentially destructive and long-term. People falsely accused in rape cases generally suffer instant public stigma, dismissal from work, social ostracism, and irreparable reputational damage at the personal as well as the professional level. Even before they are legally proven guilty, merely being accused of rape can bring about arrest, media attention, and public scandal, giving rise to a presumptive guilt environment instead

<https://www.cps.gov.uk/legal-guidance/perverting-course-justice-and-wasting-police-time-cases-involving-allegedly-false> (last visited May 15, 2025).

²² “BNS Section 215 - Refusing to sign statement.” A Lawyers Reference *available at*: <https://devgan.in/bns/section/215/> (last visited May 15, 2025).



of innocent until proven guilty. This stigma even exists in situations where the accused person is finally acquitted because the social narrative might still link the individual to the offense.

Psychologically, the experience of false accusation can result in anxiety, depression, social isolation, and in severe cases, suicide. The emotional damage is worsened by the long time frame of legal cases in India, during which accused individuals spend years in court proceedings to prove their innocence. Family members of accused individuals become collateral victims in such cases, experiencing public humiliation, harassment, and emotional trauma.²³

While the legal scheme does offer cures like monetary compensation and suit for defamation, the harm in the form of false accusations goes beyond the possibilities of monetary reimbursement. Hence, while the direction of rape legislations is that justice must reach the victims, there is a compelling necessity for the reinforcement of protection against misuses. This encompasses the strengthening of good investigation habits, supporting individuals who are falsely accused, as well as enlightening the public on the impacts of abusing legal protection. This way, the justice system ensures that it adheres to its justice values and avoids the decline in confidence in rape laws brought about by wrongful accusations.

Case laws

Jurists point out that, drawing lessons from precedents in cases of perjury, a woman accused of indulging in making a false case should not be given bail but must undergo legal processes as an undertrial. This view finds support in a number of important judgments, including Dilip Patel v. State of Gujarat²⁴, Arvindervi Singh v. State²⁵, and the heavily referenced Ashok Sarogi v. State²⁶.

²³ Samantha K. Brooks and Neil Greenberg, "Psychological impact of being wrongfully accused of criminal offences: A systematic literature review" SAGE, 2020 *available at*: https://www.researchgate.net/publication/343722411_Psychological_impact_of_being_wrongfully_accused_of_criminal_offences_A_systematic_literature_review (last visited May 15, 2025).

²⁴ Dilip Patel v. State of Gujarat [2011 SCC OnLine Guj 7522]



The Supreme Court's Constitution Bench, in the case of *Iqbal Singh Marwah v. Meenakshi Marwah*²⁷, laid stress on the fact that legal issues relating to perjury and fabrication of evidence should be addressed expeditiously and firmly. The rule was reaffirmed by the Bombay High Court in *Surendra Mishra v. State*²⁸, wherein the Court ordered that the Trial Court should decide upon the application made under Section 340 of the *Bharatiya Nagarik Suraksha Sanhita* within a one-month period, solidifying the imperative and seriousness with which such an issue has to be addressed.

Also, the Supreme Court has time and again emphasized the necessity of accountability for false accusations cases. In *Perumal v. Janaki*²⁹, the Court explicitly held that any person—be it police personnel—who assists or facilitates a woman in making or pursuing a false criminal case, be it of a serious kind like rape, can and ought to be prosecuted under the charges of perjury. The judgment also emphasized that any judicial officer who does not take proper legal action against such behavior is neglecting their judicial duties and responsibilities.

4. GENDER BIAS IN RAPE LAWS

4.1. The Concept of Gender Bias in Legal Systems

Gender bias in legal systems is the unequal treatment or consideration of individuals according to their gender, which may affect the enforcement of the law. It exists in different forms, such as stereotyping, discrimination, and unequal access to justice. In rape laws, gender bias tends to mirror society's attitudes towards gender roles and expectations. In the past, legal frameworks, even those of India, have largely been male-dominated and hence the framing of laws in these countries that center almost entirely on

²⁵ *Arvindervi Singh v. State* [(1998) 6 SCC 352]

²⁶ *Ashok Sarogi v. State* [2016 ALL MR (Cri) 3400]

²⁷ *Iqbal Singh Marwah v. Meenakshi Marwah* [(2005) 4 SCC 370]

²⁸ *Surendra Mishra v. State* [2019 SCC OnLine Bom]

²⁹ *Perumal v. Janaki* [(2014) 5 SCC 377]



women as victims of sexual assault. This has resulted in no provisions in law and relief for male rape and sexual abuse victims and assuming men as sexual violence perpetrators every time.³⁰

The notion of gender bias in rape laws goes beyond the treatment of women as victims; it also affects the way male perpetrators are treated by the justice system. societal norms often view men as unable to be victims of sexual violence, leading to the dismissal of men's complaints or their poor legal protection. On the other hand, assuming women as the central victims can result in an overemphasis on female-oriented provisions, while totally overlooking the potential for male victims or the overall dynamics of sexual violence. This prejudice prohibits the justice system from fully engaging with the entire spectrum of experiences entailing sexual violence, impacting victims and perpetrators alike of all genders.

Key Provisions Related to False Accusations in Indian Law		
<i>BNS</i> Section <i>215</i>	<i>BNS</i> Section <i>246</i>	<i>BNS</i> Section <i>354 and 354</i>

Gender Bias in the Framing of Rape Laws in India

Gender bias in the wording of rape laws in India is reflected both in the language of the laws and in the enforcement of these laws. Sections 63 and 64 of the Bharatiya Nyaya Sanhita (BNS) are specifically worded to safeguard women, defining rape in language that excludes male victims. Section 63 of the BNS clearly states the woman as the victim, and although it criminalizes sexual intercourse without consent, it does not recognize that men can be victims of rape as well. This gendered response to rape

³⁰ Leslie Francis, "Feminist Philosophy of Law" *available at:* <https://plato.stanford.edu/entries/feminism-law/> (last visited May 15, 2025).



law leaves a huge loophole in legal protection for men who might be sexually assaulted by women or other men.³¹

The Criminal Law (Amendment) Act, 2013, while enlarging the ambit of rape to include penetrative sexual acts outside of penile-vaginal intercourse, yet maintains the gender-specific orientation to women as rape victims. The 2013 changes tackled many features of sexual assault, including voyeurism, stalking, and acid attacks, but did not give clear mention of male victims of rape. This ongoing gender bias perpetuates societal stereotypes that put women in the passive victim role and men in the role of sexual violence perpetrators, which does not take into consideration the complexity of human behavior and the wide variety of experiences in sexual assault cases.

Gender Bias in the Criminal Justice Process – Investigation, Trial, and Sentencing

Gender bias also pervades the investigation, trial, and sentencing stages of rape cases in India. In the investigative stage, police and other officials are usually affected by stereotypical assumptions about gender roles, which result in gender-biased strategies towards both male and female victims. Women victims are also subjected to intrusive questioning of their behavior, sexual history, and character, while male victims can be ridiculed or disbelieved because their complaints will not meet social norms for male vulnerability. Biases during police investigation and case handling in the initial stages have a tendency to skew the final decision of the legal process by rejecting legitimate complaints or mismanaging evidence.³²

³¹ Admin, “GENDER NEUTRALITY IN CRIMINAL LAW: Should India’s Rape Laws Be Gender Inclusive? » Lawful Legal” Lawful Legal, 2025 *available at*: <https://lawfullegal.in/gender-neutrality-in-criminal-law-should-indias-rape-laws-be-gender-inclusive/> (last visited May 15, 2025).

³² “Section-375 Of Indian Penal Code, 1860 Is Gender Biased,” *available at*: <https://www.legalserviceindia.com/legal/article-10627-section-375-of-indian-penal-code-1860-is-gender-biased.html> (last visited May 15, 2025).



Throughout the trial, gender bias still informs the judicial response to sexual violence cases. In most cases, courts are keen on the character of the woman, questioning whether she is telling the truth, her past sex life, and what she was doing before the alleged assault. The "victim-blaming" strategy is entrenched in the judicial system, where a woman's credibility is interrogated instead of concentrating on the doings of the accused. In contrast to this, male victims have an even tougher time proving their victimhood to the court because their testimonies are either ignored or receive skeptical treatment. Male victims could be subjected to harsh examination of their sexuality, causing additional harm and deterring them from seeking justice.

Sentencing for sexual violence crimes, although harsh in some situations, tends to be an expression of the gendered discrimination present within the overall legal system. For instance, although the law can provide for heavier punishment for offenses against female victims, there are no provisions for dealing with offenses when male victims are involved. Such disparity in sentencing compromises the legal system's capacity to ensure all sexual violence victims are protected equally and facilitates the reinforcement of gender-based stereotypes.

Impact on Male Victims and Perpetrators

The gender discrimination in rape laws and legal proceedings in India has far-reaching consequences for male victims and offenders. Male rape victims are denied their legal rights because of the gendered nature of the law, which refuses to acknowledge them as victims. This legal exclusion from protection can lead to psychological injury, as male victims are internalized with the societal stereotypes that they should not suffer sexual violence. Moreover, the absence of support mechanisms and legal provisions



for male victims increases the difficulty of reporting abuse incidents, resulting in underreporting and a lack of addressing the complete extent of sexual violence in India.³³

Conversely, male offenders are likely to take advantage of the gender bias within the law because the legal framework is likely to presume them to be the key offenders of sexual violence. Though this can be regarded as an essential protective step for women, it can create an overemphasis on male aggression while overlooking female offenders. Consequently, the legal system can end up failing to properly handle cases where the perpetrators are women or where men are victims of sexual violence by other men or women.

The inability to treat male victims and perpetrators in a gender-neutral way can reinforce societal myths regarding sexual violence, further solidifying the gender gap in the legal system. This creates a vicious cycle where both male victims and perpetrators are not adequately acknowledged, which prevents the creation of a more inclusive and balanced legal system for dealing with sexual violence.

5. CHALLENGES IN ADDRESSING FALSE ACCUSATIONS AND GENDER BIAS

Investigative and Judicial Challenges

Investigative and judicial procedures in rape cases are confronted with a variety of challenges that make it difficult to address false accusations and gender bias accurately. One of the major challenges is the failure to provide adequate training to law enforcement and judicial officers to manage such delicate cases without prejudice. Police officers and investigators also carry preconceived gender role stereotypes, and their investigations become biased in which cases of male victims are downplayed, and

³³ “EQUALITY IN JUSTICE: THE CALL FOR GENDER NEUTRAL RAPE LAWS IN INDIA,” The Amikus Qriae, 2024 *available at*: <https://theamikusqriae.com/equality-in-justice-the-call-for-gender-neutral-rape-laws-in-india/> (last visited May 15, 2025).



female victims are overqueried. False allegations can also complicate cases, as they involve strict checks of facts and evidence to give justice to the wrongly accused.³⁴

Judicial difficulties also occur on issues of gender bias, since the courts usually hold patriarchal assumptions that privilege women's credibility as opposed to men. Delays in trial and the lack of protection for the accused during investigation can lead to wrongful convictions or acquittals that do not solve the cause of gender bias in the judiciary. A gender-sensitised way of investigation and trial needs to be followed to ensure both male and female victims are given justice, and false allegations are addressed properly.

Societal Attitudes and Stigma

Societal attitudes and stigma are important in determining how false accusations and gender bias are viewed in the legal system. Victims of sexual violence, especially male victims, can in most instances receive harsh societal reaction for reporting the crime. Societal attitudes tend to downplay male victimhood, and cultural norms discourage men from reporting sexual violence. Therefore, most male victims remain silent because they fear social ostracism or ridicule.³⁵

Equally, false allegations against men can cause immense reputational harm since public opinion tends to assume guilt in the event of accusations. Such stigma has the effect of discouraging people from pursuing legal avenues and encouraging the vicious cycle of gender discrimination within the legal and societal systems.

³⁴ Md. Akramul Hasan, Aurongajeb Akond and Anira Mohiuddin, "Issues and Challenges in Investigating Rape Cases in Bangladesh: Insights from Field-Level Police..." Asian Institute of Research, 2024 *available at*: https://www.researchgate.net/publication/377234261_Issues_and_Challenges_in_Investigating_Rape_Cases_in_Bangladesh_Insights_from_Field-Level_Police_Officers'_Experiences (last visited May 15, 2025).

³⁵ Theresia Rechenberg et al., "Gender-related stigma toward individuals with a history of sexual or physical violence in childhood," 24 BMC Public Health (2024).



Media Influence on Public Perception of Rape Cases

The media are significant in their construction of public attitudes towards rape cases, especially the way they handle false allegations and gender stereotypes. Sensationalized reporting may promote the pre-trial presumption of guilt by the public, which affects the accused disproportionately. Media representations tend to emphasize the gender of the victim and perpetuate such gender stereotypes as women as victims and men as offenders. The penchant to exaggerate or fabricate false claims, as well as distortive coverage of judicial proceedings, will taint sexual violence and gender relationships and again encourage stigma and discrimination.

Procedural Gaps in Laws

The existence of legal and procedural gaps provides one significant input towards complicating responses to handling false charges as well as to dealing with rape and gender disparity cases. It involves having incomplete and undenominational standards to work against false accusations. Although provisions such as Section 215 and Section 246 of the BNS deal with false information and malicious prosecution, there is usually a lack of uniformity in their enforcement. Moreover, the lack of gender-neutral provisions in rape laws also contributes to the problem of gender bias, restricting the legal framework to deal with cases involving male victims or female offenders.³⁶

Additionally, trial delays, poor legal assistance, and a lack of adequate victim protection mechanisms also contribute to the case backlog as well as the inability to attain justice. More gender-sensitivity in legal processes and among legal professionals are also required so that false allegations are addressed properly without compromising the rights of victims. These lacunae in the legal and procedural setup

³⁶ Rajesh Rathod, "False Rape Accusations in India: Legal, Sociological, and Technological Perspectives" *available at*: <https://papers.ssrn.com/sol3/Delivery.cfm/5033133.pdf?abstractid=5033133&mirid=1> (last visited May 15, 2025).



need to be urgently addressed so that both the victims and the rights of the accused are sufficiently protected.

Gender Bias in Legal Framework

Aspect	Male Victims	Female Victims
Legal Protections	Limited legal recognition of male rape victims.	Primary focus of legal provisions for protection.
Investigation Process	Often dismissed or ridiculed.	Extensive questioning and victim-blaming.
Trial and Sentencing	Limited provisions for male victims in rape cases.	Severe sentencing for perpetrators of sexual violence against women.

6. International Perspectives on False Accusations and Gender Bias in Rape Laws

Globally, gender bias and false accusations in rape law remain serious issues, and nations have ensued different legal approaches towards the problem. Although India has achieved some progress in countering sexual abuse through the Criminal Law (Amendment) Act, 2013, and the Protection of Children from Sexual Offences (POCSO) Act, others have pursued false accusations and gender bias with a different approach.³⁷

³⁷ thelawwaywithlawyers@gmail.com, “12 years of Nirbhaya case ,has anything changed ? - THE LAWWAY WITH LAWYERS JOURNAL” THE LAWWAY WITH LAWYERS JOURNAL - Stay



In the United States, for instance, rape legislation and the legal treatment of false accusations vary from state to state. The Uniform Code of Military Justice (UCMJ) covers false accusations in military settings, and sections such as Section 919 (False Statements) provide that those who knowingly make false statements are prosecuted. Federal law also criminalizes false reporting under Section 1001 of Title 18 of the U.S. Code, which criminalizes knowingly making false statements to a federal agency, including the police. This provision gives a clear guideline for handling false allegations in rape cases, and the penalties can be from fines to imprisonment.

The U.S. has, however, been accused of having a legal bias towards presuming guilt in certain cases, particularly in high-profile cases involving sexual assault accusations. The "believe the victim" strategy, prioritizing believing the testimony of the alleged victim, may inadvertently incorporate gender bias and, in the process, obscure the rights of the accused. Although the motive is to protect victims of sexual assault, in some instances, it may translate into ignoring the potential for false accusations, particularly when the judicial process does not have sufficient protections to safeguard the wrongly accused.³⁸

Conversely, the legal system of the United Kingdom emphasizes heavily the balance between safeguarding victims and maintaining the rights of suspects. Section 53A of the Sexual Offences Act 2003 acknowledges the phenomenon of false allegations and makes provision for punishment for giving false information regarding sexual offenses. The UK laws seek to guarantee every complaint of rape is investigated completely, and any person convicted of making false reports can be sentenced to prison. Additionally, the UK legal framework promotes vigorous cross-examination at trial of the victims and aggressors to assure that false reports are questioned, and both suspects are treated in a fair manner.

Informed. Stay Ahead in Law, 2024 *available at*: <https://thelawwaywithlawyers.com/12-years-of-nirbhaya-case-has-anything-changed/> (last visited May 15, 2025).

³⁸ Stacy Dewald and Katherine Lorenz, "Lying about sexual assault: a qualitative study of detective perspectives on false reporting" Taylor & Francis, 2021 *available at*: https://www.researchgate.net/publication/349861380_Lying_about_sexual_assault_a_qualitative_study_of_detective_perspectives_on_false_reporting (last visited May 15, 2025).



Australia, similar to the UK, considers fair trial proceedings and the concept of innocence presumptions. Australian law has provisions to deal with gender bias as well as false accusations when it comes to sexual assault. The Australian Criminal Code Section 314 criminalizes persons who provide false information to the police, including false complaints of sexual violence. The Australian law also acknowledges male sexual assault victims and offers legal means of reporting abuse without stigmatization by society. This gender-neutral stance is at variance with the legal system of India, which has been condemned for its single-minded concentration on female victims at the expense of male victims' needs.

The law in Canada places great stress on safeguarding the rights of victims as well as the accused. Section 137 of the Criminal Code of Canada deals with false accusations, and persons making false allegations of sexual assault may be charged criminally. Canadian law also has provisions for avoiding gender discrimination by providing equal treatment for both male and female victims during investigations and court cases. For instance, the Canadian law permits male victims of sexual abuse to complain about their abuse without discrimination or ridicule, as is common in the case of India, where male victims are often disbelieved or ostracized.³⁹

An area of interest all over the world is the media's influence on public opinion regarding sexual violence and false reports. In the UK and the United States, media houses are frequently accused of hyping up rape cases so that the accused gets a biased presentation and even sways public perception prior to the completion of the legal process. This practice may lead to the presumption of guilt, which may influence the impartiality of trials and erode the rights of the accused.

³⁹ “Reporting, Investigating and Prosecuting Sexual Assaults Committed Against Adults – Challenges and Promising Practices in Enhancing Access to Justice for Victims – CICS,” CICS *available at*: <https://scics.ca/en/product-produit/reporting-investigating-and-prosecuting-sexual-assaults-committed-against-adults-challenges-and-promising-practices-in-enhancing-access-to-justice-for-victims/> (last visited May 15, 2025).



Although various countries have adopted various methods to handle false accusations and gender bias in rape legislation, it is certain that balancing the rights of the victims with the presumption of innocence is a challenge across the world. Global experience indicates that legal frameworks need to emphasize transparency, equity, and gender-neutrality in dealing with the multifaceted problems of sexual violence and false allegations. Canada and Australia, which have more inclusive legal systems, offer useful lessons for India in ensuring male and female victims are treated equally and false accusations are dealt with appropriately.

Comparison of False Accusations and Gender Bias Provisions in Rape Laws

Country	Provisions for False Accusations	Gender Bias in Laws
India	Sections 215, 246, and 354 BNS address false accusations and defamation.	Primarily focused on female victims; limited recognition for male victims.
United States	False statements criminalized under Section 1001, U.S. Code; false accusations addressed under UCMJ.	"Believe the victim" approach can lead to gender bias towards the accuser.
United Kingdom	False allegations penalized under Section 53A, Sexual Offences Act 2003.	Gender-neutral, with emphasis on both male and female victims.
Australia	False reports criminalized under Section 314, Criminal Code.	Gender-neutral; provides legal recourse for male victims of sexual assault.
Canada	False accusations penalized under Section 137, Criminal Code.	Gender-neutral legal provisions for male and female victims.

7. CONCLUSION



The matter of false claims and gender disparity in rape legislations in India is a very sensitive and contentious issue that has to be properly and judiciously examined in the legal system. Although the Indian legal framework has come a long way to deal with sexual assault, particularly through progressive laws like the Criminal Law (Amendment) Act, 2013 and the passing of the POCSO Act, 2012, there are certain loopholes present. These disparities are even more marked when one looks at the legal handling of false charges and the inherent gendered orientation of current laws.

The legal definition of rape under Section 63 of the Bharatiya Nyaya Sanhita, although wide in scope, is still gender-specific in its acknowledgment of women as victims and men as offenders. This model, while effective in combating the historically pervasive abuse of women, inadvertently pushes aside the potential for male victimization and feeds systemic gender bias. Likewise, the lack of a gender-neutral approach to investigating and prosecuting rape cases can lead to an uneven distribution of justice, particularly when false accusations are involved. The sections 215 and 246 of the BNS, which punish false information and false charges made with intent to cause harm, are usually underutilized or poorly enforced and hence it becomes hard to discourage malicious complaints.

False accusations, although statistically constrained relative to true cases of sexual violence, have serious legal, social, and psychological consequences for the accused. The assumption of guilt, social stigma, media sensationalism, and procedural delays in the judicial process enhance the trauma of innocent victims. These aspects highlight the need to ensure that due process is ensured and the rights of the accused are protected together with those of the victim.

Gender discrimination in the judicial system also comes into play in the investigation, trial, and sentencing phases. Frequently, there are preconceived gender-related expectations and notions that affect how cases are dealt with by judicial officers and police. This creates a gender discrimination



barrier to justice for male victims and for false accusations, as the need for gender-neutral legislation and stricter investigation standards is greatly needed.

International legal systems like those in Canada, Australia, and the United Kingdom provide significant inputs on how a gender-neutral and balanced legal system can be put in place. These systems tackle false accusations more specifically and safeguard the rights of everyone, whether male or female. India can learn from these models to develop a more inclusive and equitable legal framework.

In short, while ensuring protection and care for true victims of sexual violence is essential, it is just as important to see to it that justice does not become unbalanced or skewed. Law must adapt to modern realities by adopting gender sensitivity, rigorous false allegation avenues, and increased focus on equitable investigation and trial procedures. It is only through a balanced and coherent legal system that real justice can be delivered and the integrity of the legal process preserved.

Recommendations

Based on the analysis of false accusations and gender bias in rape laws in India, several recommendations are proposed to ensure a more balanced and equitable legal framework that upholds the principles of justice for all individuals, regardless of gender.

1. The legal definition of rape in Section 63 of the BNS needs to be reformed to make it gender-neutral. The law presently protects only women as victims and men as offenders, excluding male and transgender victims from protection by law. A gender-neutral law would bring inclusivity and an opportunity for all sexual assault survivors to have recourse.
2. The proper enforcement of Sections 215 and 246 BNS, which address false information and false charges respectively, needs to be ensured. Police and judicial authorities must be trained to detect and respond to vexatious complaints without discouraging real victims. Special provisions or



speedy procedures can be made available to deal with false allegations with careful consideration.

3. Police, prosecutor, and judge sensitization and training programs must be made mandatory to abolish gender stereotypes and ensure fair processing of all cases. This will address the prejudice that tends to seep into the investigation and trial process.
4. The regulation of the media has to be tightened to avoid premature judgment and character assassination of the accused prior to a fair trial. Responsible reporting is necessary to uphold the integrity of the legal process and public confidence.
5. Integrated support systems such as psychological counseling, legal assistance, and rehabilitation should be provided not only to rape victims but also to victims of false accusation. Legal changes should be supplemented by social campaigns aimed at making the public aware of the subtleties of gender neutrality and the effects of false charges.

These recommendations aim to create a fair, just, and inclusive legal environment that protects the rights of all citizens while maintaining the sanctity of the legal process.

REFERENCES

Statutes:

1. *Bharatiya Nyaya Sanhita, 2023.*
2. Criminal Law (Amendment) Act, 2013.
3. Protection of Children from Sexual Offences Act, 2012.



4. *Bharatiya Nagarik Suraksha Sanhita, 2023.*
5. *Bharatiya Sakshya Adhiniyam, 2023.*

Books:

1. Venkitakrishnan, U., & Kurien, S. G. (2003). *Rape victims in Kerala*. Centre for Development Studies. https://www.academia.edu/download/30388830/Rape_Victims-Study.pdf
2. Oza, R. (2022). *Semiotics of rape: sexual subjectivity and violation in rural India*. Duke University Press. <https://books.google.com/books?hl=en&lr=&id=rCKbEAAAQBAJ&oi=fnd&pg=PT5&dq=False+accusations+and+gender+bias+in+rape+laws+india&ots=IqCTw79nQd&sig=D-lr0yofj-HCKLkL3I2q510vq-U>
3. Sharma, M. (1996). *When Fathers Rape: A Socio-Psycho-Legal-Global Study*. APH Publishing. <https://books.google.com/books?hl=en&lr=&id=UNEabvli5YMC&oi=fnd&pg=PR7&dq=False+accusations+and+gender+bias+in+rape+laws+india&ots=dD1w7tuo8D&sig=Y4HE0NhXsid-yqGqewc7T1XOu8g>
4. Gaur, K.D. (2020). *Textbook on Bharatiya Nyaya Sanhita*. 7th ed. Gurgaon: LexisNexis.
5. Lal, R. (2019). *Victimology and the Law*. New Delhi: Universal Law Publishing.

Articles:

1. Brereton, Z. (2019). Perpetuating myths of women as false complainants in rape cases in India: culture V. The law. In *Violence against Women in India* (pp. 41-62). Routledge. <https://www.taylorfrancis.com/chapters/edit/10.4324/9781351167925-5/perpetuating-myths-women-false-complainants-rape-cases-india-culture-law-zoe-brereton>



2. Rathod, R. (2024). False Rape Accusations in India: Legal, Sociological, and Technological Perspectives. *Sociological, and Technological Perspectives* (November 24, 2024). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5033133
3. Gupta, A. (2021). An Analysis on the False Rape Allegations in India. *Indian JL & Legal Rsch.*, 3, 1. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/injlolw3§ion=355
4. Tawar, U. (2021). Victims of False Accusation of Rape. *Issue 3 Int'l JL Mgmt. & Human.*, 4, 4250. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/ijlmhs11§ion=376
5. Fairoz, S. (2024). False Allegation of Rape in Bangladesh: Gender Bias and Abuse of the Law. Available at SSRN 4704036. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4704036
6. Sen, S. (2022). False Rape Allegations and Its Implications on Basic Legal Rights of the Accused. *Jus Corpus LJ*, 3, 667. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/juscrp3§ion=360
7. Jaiswal, P. (2024). Exploring the Balance: Women Protection Acts and the Liability of False Charges against Men. *Supremo Amicus*, 35, 1. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/supami35§ion=7
8. Barn, R., & Kumari, V. (2015). Understanding complainant credibility in rape appeals: A case study of high court judgments and judges' perspectives in India. *British Journal of Criminology*, 55(3), 435-453. <https://academic.oup.com/bjc/article-abstract/55/3/435/478508>
9. Roy, B., & Parashar, P. (2019). Existence of Biasness in Indian Laws Based on Gender. *Supremo Amicus*, 12, 87. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/supami12§ion=19
10. Rajan, B., Kundu, D., & Sarkar, S. (2025). Rape, Popular Culture, and Nirbhaya: A Study of India's Daughter and Delhi Crime. *Journal of Communication Inquiry*, 49(2), 196-214. <https://journals.sagepub.com/doi/abs/10.1177/01968599221102527>



Websites:

1. <https://articles.manupatra.com/article-details/An-Extensive-study-of-Rape-Laws-in-India> (last visited May 15, 2025).
2. https://devgan.in/bns/chapter_05.php (last visited May 15, 2025).
3. https://www.researchgate.net/publication/271214388_Media_coverage_of_violence_against_women_in_India_A_systematic_study_of_a_high_profile_rape_case (last visited May 15, 2025).
4. <https://www.legalserviceindia.com/legal/article-18210-from-colonial-codes-to-contemporary-statutes-a-comparative-study-of-women-s-legal-protections-in-ipc-and-bhartiya-nyaya-sanhita.html> (last visited May 15, 2025).
5. <https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023> (last visited May 15, 2025).
6. <https://www.myjudix.com/post/bns-section-63-64-65-66-67-68-69-70-71-72-bns-bharatiya-nyaya-sanhita-rape-bns> (last visited May 15, 2025).
7. http://www.law.cornell.edu/gender-justice/resource/the_criminal_law_%28amendment%29_act_2013 (last visited May 15, 2025).
8. <https://blog.ipleaders.in/pocso-act-everything-you-need-to-know/> (last visited May 15, 2025).
9. <https://www.cps.gov.uk/legal-guidance/perverting-course-justice-and-wasting-police-time-cases-involving-allegedly-false> (last visited May 15, 2025).
10. <https://devgan.in/bns/section/215/> (last visited May 15, 2025).
11. https://www.researchgate.net/publication/343722411_Psychological_impact_of_being_wrongfully_accused_of_criminal_offences_A_systematic_literature_review (last visited May 15, 2025).
12. <https://plato.stanford.edu/entries/feminism-law/> (last visited May 15, 2025).
13. <https://lawfullegal.in/gender-neutrality-in-criminal-law-should-indias-rape-laws-be-gender-inclusive/> (last visited May 15, 2025).



14. <https://www.legalserviceindia.com/legal/article-10627-section-375-of-indian-penal-code-1860-is-gender-biased.html> (last visited May 15, 2025).
15. <https://theamikusrise.com/equality-in-justice-the-call-for-gender-neutral-rape-laws-in-india/> (last visited May 15, 2025).
16. https://www.researchgate.net/publication/377234261_Issues_and_Challenges_in_Investigating_Rape_Cases_in_Bangladesh_Insights_from_Field-Level_Police_Officers'_Experiences (last visited May 15, 2025).

Case Laws:

1. *Dilip Patel v. State of Gujarat* [2011 SCC OnLine Guj 7522]
2. *Arvindervi Singh v. State* [(1998) 6 SCC 352]
3. *Ashok Sarogi v. State* [2016 ALL MR (Cri) 3400]
4. *Iqbal Singh Marwah v. Meenakshi Marwah* [(2005) 4 SCC 370]
5. *Surendra Mishra v. State* [2019 SCC OnLine Bom]
6. *Perumal v. Janaki* [(2014) 5 SCC 377]