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## **RISING RAPE CASES: ANALYSING THE ROLE OF LAW, VICTIMS' MENTAL HEALTH AND FALSE ALLEGATIONS**

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### **ABSTRACT**

This paper examines the issue of rising rape cases in India by analysing the role of law, the psychological impact on victims' mental health, and the societal impact of false allegations. The NCRB data (2019–2023) show that the number of rape cases remains high, with only minor fluctuations, while also highlighting statewise and age-wise patterns. It further examines the role of law in addressing rape cases in India, analysing the criminal law under Thomas Babington Macaulay, which was later reformed through the enactment of the Bharatiya Nyaya Sanhita in 2023. It briefly explains the legal definition and punishment of rape in India. The paper also highlights key challenges such as delays in investigation, gender bias, and procedural issues. Landmark cases reflect public response that led to legal reforms. This demonstrates that despite the existence of strict laws, issues in implementation continue to affect the effective delivery of justice to victims. These offences create a deep impact on victims' mental health, including trauma, PTSD, and depression, which are further compounded by social stigma, victim-blaming, and secondary victimization. The paper further examines the issue of false allegations, highlighting that Indian law under the Bharatiya Nyaya Sanhita, 2023 provides statutory provisions to penalize intentionally false allegations while also ensuring the protection of legitimate victims. Such allegations may arise due to personal conflicts, undue influence or ulterior motives, and can gravely harm the accused's reputation and mental health.

**Keywords:** Rape, Legal Reform, BNS 2023, Mental Health, Justice Delay, False Allegation.

## INTRODUCTION

<sup>1</sup>Sexual violence includes many harmful acts, and rape is regarded as one of its gravest forms. It affects victims, their families, and society, and creates many challenges for the law and social system.<sup>2</sup> According to Adoch (2022), rape is a crime that involves sexual penetration in which consent is absent, with the lack of consent being the central element of the offence.<sup>3</sup> Even after feminist movements helped reform rape laws, social beliefs, remnants of old legal thinking, and media-driven public trials continue to shape public opinion and silence victims. Despite legal reforms, women still face bias within the system, which often prevents them from obtaining justice.<sup>4</sup> A considerable number of women are subjected to sexual offences at some point in their lives, and in many cases, the perpetrator are known to the victim.<sup>5</sup> Rape is not just a violation of legal provisions but also a grave infringement of a person's bodily autonomy, dignity, and fundamental right to life and personal liberty. Despite the existence of strict laws, rape continues due to factors such as misuse of power, patriarchal mind-set, fear of reporting, social stigma, weak enforcement, and low conviction rates.<sup>6</sup> It is not merely an act of sexual violence but causes severe physical and psychological harm to the victim.<sup>7</sup> The mental health of rape victims, as well as that of their close family members, is also affected. Although mental health professionals play an important role in providing support, relatively little attention is given to the availability and accessibility of these services.<sup>8</sup> Many women experience trauma that causes them to question their identity. They may lose trust in themselves, which ultimately weakens their self-confidence.<sup>9</sup> Many rape cases fail to proceed due to systemic problems rather than false allegations, yet this is often misunderstood, leading people to wrongly assume that victims are lying. While false rape allegations are relatively rare, they remain one of the

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<sup>1</sup> Anna Borkowska, *Rape, Trauma and Anxiety Disorders: How to Deal with Severe Experiences?*, Gentlewoman, <https://gentlewoman.eu/en/rape-trauma-and-anxiety-disorders-how-to-deal-with-severe-experiences/> (last visited Mar. 24, 2026).

<sup>2</sup> Caroline Adoch, *Defining Rape: The Problem with Consent*, 6 *Strathmore L.J.* 71 (2022).

<sup>3</sup> Lisa M. Cuklanz, *Rape on Trial: How the Mass Media Construct Legal Reform and Social Change 2* (Univ. of Pa. Press 1996).

<sup>4</sup> Vijay P. Gupta & Dhan B. Shrestha, *Increasing Trend in Rape Cases in Asian Subcontinent: A Review*, 19(1) *Pac. J. Sci. & Tech.* 296, 296 (2018).

<sup>5</sup> *Bodhisattwa Gautam v. Subhra Chakraborty*, A.I.R. 1996 S.C. 922, available at Indian Kanoon (last visited Mar. 24, 2026).

<sup>6</sup> *State of Punjab v. Gurmit Singh*, A.I.R. 1996 S.C. 1393.

<sup>7</sup> Rebecca Campbell, *The Community Response to Rape: Victims' Experiences with the Legal, Medical, and Mental Health Systems*, 26 *Am. J. Community Psychol.* 355, 355 (1998).

<sup>8</sup> Rebecca Campbell, *The Psychological Impact of Rape Victims' Experiences With the Legal, Medical, and Mental Health Systems*, 63 *Am. Psychologist* 702 (2008).

<sup>9</sup> Muskan Sharma, *False Accusations and Gender Bias in Rape Laws*, Vol. VII Iss. II *Indian J. L. & Legal Rsch.* (2025).

most debated issues in rape law. Such allegations can have serious consequences for the accused, affecting their reputation, career, and can lead to lack of trust in the justice system. Furthermore, knowing about false claims may make people doubt victims who are telling the truth, which can make it harder for them to get justice. Although legal reforms, victim mental health, and false rape allegations have been widely studied, these issues are mostly examined separately. This research paper focuses on all of these elements together. It explains that rape affect not only victims but also the moral and legal values of society. Through a holistic approach, the study aims to contribute to a balanced understanding of rape.

## RESEARCH METHODOLOGY

This research is based on published sources. The National Crime Records Bureau (NCRB) “Crime in India” reports have been referred to analyse the rising incidence of rape cases. Relevant statutory provisions, case laws, and judgments have been examined through the India Code website, as well as the official websites of the Supreme Court of India and Chhattisgarh High Court. The Justice Verma Committee Report has also been referred to in order to understand legal reforms. Moreover, the overall study of this paper is based on research papers, news articles, books, reliable online resources and institutional resources.

## RISING RAPE CASES

As per global estimates published by the World Health Organization<sup>10</sup>, sexual violence by an intimate partner has been experienced by around 30% of women during their lifetime. At the global level, sexual violence faced by women by individuals other than their partner’s accounts for about 7.2%.<sup>11</sup> In India, according to the data provided by the National Crime Records Bureau (NCRB), the 2019 report states that 32,033 cases were reported, highlighting the widespread occurrence of such offences. In 2020, the number of cases decreased to 28,046. However, this shift does not indicate a reduction in the crime rate. This may have resulted from underreporting during the COVID-19 pandemic. In 2021, there was a significant increase in the reporting of such offences. The number increased to 31,677. The sudden rise does not necessarily indicate an increase in actual crime; rather, it may reflect reporting after the

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<sup>10</sup> World Health Organization et al., *Global Status Report on Violence Prevention 2014* 14 (2014), World Health Organization, United Nations Development Programme & United Nations Office on Drugs and Crime. (who.int)

<sup>11</sup> National Crime Records Bureau, *Crime in India*, Ministry of Home Affairs, Government of India, <https://www.ncrb.gov.in/en/crime-india> (last visited Mar. 24, 2026).

relaxation of COVID-19 pandemic restrictions. Subsequently, in 2022, there was a slight rise in the number of cases, which increased to 31,516. In the 2023 report, there was a decrease in the number of cases to 29,670, but it remains consistently high, showing no major improvement. This does not indicate a gradual decline in the occurrence of such offences, but may be the result of a lack of reporting. Furthermore, Maharashtra, Rajasthan, Uttar Pradesh, and Madhya Pradesh have emerged as the states with the highest numbers over the years. Rajasthan shows a significant increase and remains a major contributor, exceeding 5,000 cases in recent years, while Uttar Pradesh consistently records very high figures, above 3,000. Maharashtra and Madhya Pradesh also maintain high numbers, revealing a steady yet concerning trend. States such as Odisha, Assam, West Bengal, Haryana, Jharkhand, and Bihar fall into the mid-to-high range, showing considerable but relatively lower figures than the highest-ranking states. It is observed that the majority of women who are subjected to rape belong to the age group of 18–30. As per the data for the year 2022, 21,063 victims belonged to this age group, which is the highest figure during the period 2019–2023, with only slight fluctuations observed over these years. In the year 2019, the total number of minor victims was 4,977, of which 144 were below the age of 6 years. The report shows fluctuations but not a real decline in the case, demonstrating the seriousness of the issue.

## ANALYSING THE ROLE OF LAW

<sup>12</sup>Headed by Thomas Babington Macaulay, the First Law Commission of India was established in 1834. The suggestions of this commission led to the drafting and eventual implementation of the Indian Penal Code, 1860. Subsequently, the Bharatiya Nyaya Sanhita Bill, 2023 was introduced in the Lok Sabha on 11 August 2023. <sup>13</sup>The Act later came into force on 1 July 2024, replacing the Indian Penal Code. <sup>14</sup>Under Section 63 of the Bharatiya Nyaya Sanhita, 2023 (previously Section 375 of the Indian Penal Code), rape is understood to occur when a man commits sexual acts without consent or against the will of a woman, or when consent is obtained through fear, coercion, or false representation about identity, or when she is unable to give valid consent due to intoxication, unsoundness of mind, or similar conditions. The acts

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<sup>12</sup> *The Bharatiya Nyaya Sanhita, 2023* at 112 (Act No. 45 of 2023), <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf#page=112> (last visited Mar. 24, 2026).

<sup>13</sup> *Bharatiya Nyaya Sanhita, 2023*, No. 45 of 2023, § 1(2), Gazette of India, Extraordinary, Part II, Section 3(ii), Feb. 23, 2024 (India)

<sup>14</sup> *The Bharatiya Nyaya Sanhita, 2023* § 63 at 37 (Act No. 45 of 2023), <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf#page=37> (last visited Mar. 24, 2026); see also *Indian Penal Code* § 375 (Act No. 45 of 1860) (India).

include penetration of the penis, insertion of any object or any part of the body, manipulation of the woman's body to cause penetration, or applying the mouth to the vagina, anus, or urethra. In addition, sexual activity with a minor is considered rape regardless of whether consent is given.<sup>15</sup> Section 64 of the Bharatiya Nyaya Sanhita, 2023 (previously Section 376 of the Indian Penal Code), lays down the punishment for rape. It states that a person found guilty of the offence shall be liable to rigorous imprisonment for a term of not less than ten years, which may extend to life imprisonment, and shall be required to pay a fine.<sup>16</sup> Stricter punishment, by way of rigorous imprisonment for a term of not less than twenty years along with a fine, is prescribed in certain situations such as rape committed against minors (Section 65 BNS, previously Section 376AA IPC- For girls upto twelve years and 376AB- For girls less than 12 years),<sup>17</sup> cases resulting in the death or vegetative state of the victim (Section 66 BNS, previously Section 376A IPC),<sup>18</sup> and gang rape (Section 70 BNS, previously Section 376D IPC). Police play a vital role in sexual assault cases.<sup>19</sup> When a victim reports the crime, the police register the complaint, collect forensic evidence, and play a crucial role in the investigation and court proceedings.<sup>20</sup> Despite Section 173 of the Code of Criminal Procedure, which stipulates that investigations into sexual offences be completed within two months, delays in police investigations continue to occur, thereby affecting the quality and reliability of evidence.<sup>21</sup> An equivalent provision regarding the completion of police investigations is now provided in Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023.<sup>22</sup> Certain police officers, especially in rural areas, hold stereotypical views about rape, often scrutinizing the

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<sup>15</sup> *The Bharatiya Nyaya Sanhita, 2023* § 64 at 37 (Act No. 45 of 2023), <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf#page=37> (last visited Mar. 24, 2026); see also *Indian Penal Code* § 376 (Act No. 45 of 1860) (India).

<sup>16</sup> *The Bharatiya Nyaya Sanhita, 2023* § 65 at 38 (Act No. 45 of 2023), <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf#page=38> (last visited Mar. 24, 2026); see also *Indian Penal Code* §§ 376AA–376AB (Act No. 45 of 1860) (India).

<sup>17</sup> *The Bharatiya Nyaya Sanhita, 2023* § 66 at 38 (Act No. 45 of 2023), <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf#page=38> (last visited Mar. 24, 2026); see also *Indian Penal Code* § 376A (Act No. 45 of 1860) (India).

<sup>18</sup> *The Bharatiya Nyaya Sanhita, 2023* § 70 at 39 (Act No. 45 of 2023), <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf#page=39> (last visited Mar. 24, 2026); see also *Indian Penal Code* § 376D (Act No. 45 of 1860) (India).

<sup>19</sup> Manish Kaithwas & Neena Pandey, *Incompetency and Challenges of Police in Rape Cases*, 7 Soc. Work Chronicle 51, 51–70 (2018)

<sup>20</sup> Harshit Patel & Dr. Shova Devi, *The Role of the Police in Investigating Sexual Offences Against Women: Legal Reforms and Practical Challenges*, 5 Indian J. Legal Rev. 1032 (2025), <https://ijlr.iledu.in/wp-content/uploads/2025/04/V5I4110.pdf> (last visited Mar. 24, 2026).

<sup>21</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, § 193, No. 46, Acts of Parliament, 2023 (India).

<sup>22</sup> Patel & Devi, *supra* note 20.

victim's clothing or past sexual history, which may discourage survivors from seeking justice.

<sup>23</sup>Sometimes women face gender bias in judicial decisions, where judges tend to believe the accused and make harsh or offensive remarks about the victim. <sup>24</sup>“*When rape is inevitable, lie down and enjoy it,*” a remark made by a senior political leader in the Karnataka Assembly, sparked widespread controversy, leading many to question the safety of women and the seriousness of political discourse. <sup>25</sup>In a recent judgment February 2026, the Chhattisgarh High Court held that ejaculation without full penetration does not amount to rape under the Indian Penal Code but is classified as an attempt to commit rape. The main issue in the appeal was whether penetration had actually occurred. Since penetration could not be established, as required under the pre-2013 Section 375 IPC, <sup>26</sup>the Court reduced the accused's sentence from seven years to three years and six months, along with a fine of ₹200. A person with the intention of committing rape is already a danger, yet the focus of the legal system on technical definitions may affect the scope of justice delivered to the victim. In the American context, scholars have argued that many victims do not report the crime. Even when cases are reported, the legal process is long and uncertain. <sup>27</sup>The system tends to focus mainly on extremely serious cases, while less severe rape cases are not taken seriously, which discourages victims from reporting the crime. The decision of whether to believe a complaint often lies in the hands of the police. In some cases, this decision is made without proper investigation, and complaints are classified as unfounded even when rape has been committed. This leads to a misconception among the public that victims are lying. Rape can be committed by anyone, including a person known to the victim. However, the legal system sometimes assumes that rape is committed only by strangers, which is another significant drawback. Even when a complaint is accepted, justice is often slow, and in some cases, there is a lack of evidence due to improper investigation; as a result, victims have to face significant difficulties. Even though this argument emerged within the context of the United States, similar concerns highlighting weaknesses in investigation and

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<sup>23</sup> Aarti Sharma, *Role of Indian Judiciary in Protecting the Rights of the Victim of Rape: An Overview*, 4 Int'l J. Res. & Analytical Rev. 542 (Oct.–Dec. 2017), [https://ijrar.com/upload\\_issue/ijrar\\_issue\\_20544268.pdf](https://ijrar.com/upload_issue/ijrar_issue_20544268.pdf) (last visited Mar. 24, 2026).

<sup>24</sup> <https://timesofindia.indiatimes.com/city/hubballi/karnataka-former-speaker-makes-rape-remark-inhouse/articleshow/88329374.cms>

<sup>25</sup> Anurag Dwary, “Ejaculating Without Penetration Isn't Rape”: Chhattisgarh High Court, NDTV (Feb. 18, 2026), <https://www.ndtv.com/india-news/ejaculating-without-penetration-isnt-rape-chhattisgarh-high-court-11053717>.

<sup>26</sup> Vasudeo Gond v. State of Chhattisgarh, CRA No. 355 of 2005, 2026:CGHC:8245 (Chhattisgarh High Ct. Feb. 16, 2026).

<sup>27</sup> Susan Estrich, *Real Rape: How the Legal System Victimizes Women Who Say No* 15–18 (Harvard Univ. Press 1987).

delays in delivering justice can be seen in India as well.

<sup>28</sup>On 9 August 2024, a heinous crime occurred in Kolkata that shocked the entire nation. A postgraduate trainee doctor was brutally raped and murdered inside the premises of the R.G. Kar Medical College and Hospital. <sup>29</sup>She was found dead in the seminar hall, and medical evidence indicated sexual assault followed by homicide by manual strangulation. The offence took place while she was on duty, highlighting the institutional failure in ensuring adequate security. <sup>30</sup>Furthermore, on 10 August, the police arrested the prime suspect, Sanjay Roy, a civic volunteer who was reportedly attached to police personnel. The Calcutta High Court expressed serious apprehensions regarding the handling of the investigation, including delays in investigative steps and the possibility of evidence tampering, as the crime scene had not been adequately secured. The incident sparked nationwide protests by medical professionals and members of society, demanding justice for the victim and the implementation of stronger measures for women's safety, particularly in workplaces. As concerns grew regarding the manner in which the investigation took place, the Calcutta High Court transferred the case to the Central Bureau of Investigation to ensure transparency and fairness in the probe. <sup>31</sup>After the trial, the sealdah sessions court convicted the accused, Sanjay Roy, of the offences of rape and murder. The court sentenced him to life imprisonment. The verdict was passed after considering the mitigating circumstances in accordance with "*rarest of the rare*" doctrine. While the conviction delivered justice to the victim, the case drew attention to the vulnerabilities in systemic failure that put women at risk, particularly during the late night shift or in isolated workplaces. This incident highlighted the gaps in existing protocols for security and strengthened the need for accountability measures to prevent security lapses. The case also demonstrated the need for proactive measures rather than relying solely on reactive punishment after the offence.

<sup>32</sup>In the case of *Tukaram v. State of Maharashtra*, also known as the Mathura rape case, a young

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<sup>28</sup> Tarun Choudhury, *The RG Kar Medical College Rape-Murder Case: A Complete Judicial Chronicle from Crime to Continuing Constitutional Oversight*, Legal Services India (Dec. 17, 2025), <https://www.legalservicesindia.com/the-rg-kar-medical-collegerape-murder-case-a-complete-judicial-chronicle-from-crime-to-continuing-constitutional-oversight/>.

<sup>29</sup> Kolkata Doctor Murder Horror: Autopsy Confirms Rape, Strangulation but No Fractures, *The Times of India* (Aug. 20, 2024), <https://timesofindia.indiatimes.com/city/kolkata/kolkata-doctor-murder-horror-autopsy-confirms-rape-strangulation-but-nofractures/articleshow/112635475.cms>.

<sup>30</sup> Choudhury, *supra* note 28 (discussing judicial oversight in the RG Kar case).

<sup>31</sup> Kolkata's Court Decision on RG Kar Rape Case, *Drishti Judiciary* (Jan. 21, 2025), <https://www.drishtijudiciary.com/editorial/kolkata-s-court-decision-on-rg-kar-rape-case>.

<sup>32</sup> Rashmi Singh, *Rape Laws in India: An Analysis*, 5 *Indian J. L. & Legal Rsch.* 1, 3 (2023).

Adivasi girl named Mathura was allegedly raped by two police officers inside the police station. Thereafter, a complaint was lodged, and the girl was medically examined.<sup>33</sup> The medical reports stated that there were no visible external injuries on her body. When the matter came before the Sessions Court, the judge found that the evidence was not satisfactory and labelled Mathura as “*a shocking liar*” whose testimony “*is riddled with falsehood and improbabilities*” and acquitted the accused. On appeal, the High Court reversed the acquittal and held that the case involved “*passive submission*” rather than consent. The High Court held that the accused in question were completely unfamiliar to Mathura and it was unlikely that “*she would make any overtures and invite the accused to satisfy her sexual desires*”. However, in its final Judgement, the Supreme Court overruled the High Court’s decision and acquitted the accused on the ground that there were no visible marks of injury on the girl and that she had raised no alarm, which according to the Court indicated that the alleged intercourse was a “*peaceful affair*”. The Court further held that under Section 375 only “*the fear of death or hurt*” could vitiate consent for sexual intercourse.<sup>34</sup> The Judgement sparked widespread outrage and was criticised by four law professors – Upendra Baxi, Raghunath Kelkar, Lotika Sarkar, and Vasudha Dhagamwar - who wrote an open letter to the Chief Justice of India, challenging the Court’s narrow interpretation of consent and submission. They argued that consent should not be equated with submission and that absence of resistance does not necessarily imply agreement.<sup>35</sup> This led to the enactment of the Criminal Law (Amendment) Act, 1983, which included the situation of “*aggravated rape*” under sections 376A to 376D of the Indian Penal Code. Further, the Indian Evidence Act, 1872, was amended and Section 114A was inserted. The provision stated that if the prosecutrix testifies before the Court that she did not consent, the Court shall presume absence of consent, thereby shifting the burden of proof onto the accused. The effect of the criminal amendment act was examined by the Supreme Court by *Shri Bodhisattwa Gautam v. Shubra Chakraborty* (1996). The court noticed that, despite previous rulings, the corroboration of the prosecutrix was not necessary, acquittals continued due to mishandling of the cases by the authorities and reliance on the concept of “*consent*”. To address this issue, the legislature incorporated Section 114A in the Indian Evidence Act, 1872, by Act No.43 of 1983, which reads as follows:

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<sup>33</sup> *Tukaram v. State of Maharashtra*, A.I.R. 1979 S.C. 185, 1979 S.C.R. (1) 810 (India).

<sup>34</sup> *Singh*, *supra* note 32, at 3.

<sup>35</sup> Justice J.S. Verma Committee, *Report of the Committee on Amendments to Criminal Law* 80 (Jan. 23, 2013).

<sup>36</sup>“114-A – Presumption as to absence of consent in certain prosecutions for rape – In a prosecution for rape under clause (a) or clause (b) or clause (c) or clause (d) or clause (e) or clause (g) of sub section (2) of Section 376 of the Indian Penal Code (45 of 1860) , where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and she states in her evidence before the court that she did not consent, the court shall presume that she did not consent”. <sup>37</sup> The Criminal Law (Amendment) Act, 2013 was passed after the Nirbhaya case.<sup>38</sup> The Nirbhaya case was a horrific incident, in which a 23-year-old woman, (popularly referred to as Nirbhaya), was gang-raped, severely injured, and later died because of the assault. The incident occurred in Delhi on 16 December 2012. <sup>39</sup>The victim and her male friend, Avindra Pratap Pandey, boarded a private bus after watching a movie. Inside the bus, the accused Ram Singh, Mukesh Singh, Vinay Sharma, Akshay Thakur, and Pawan Gupta, along with a juvenile offender, attacked them. The accused severely beat the male companion with an iron rod and committed gang rape on the victim.<sup>40</sup> During the assault, an iron rod was inserted into the victim’s private parts, causing severe internal injuries. After committing the crime, the accused threw both victims out of the moving bus in a severely injured condition.<sup>41</sup> Medical treatment was given to the victim in the hospital, but she could not survive, as the injuries caused were very serious.<sup>42</sup>The death penalty was given to the four adult accused by the trial court and was eventually affirmed by the High Court and the Supreme Court.<sup>43</sup> Following the incident, Indian law was amended to bring stricter punishments for crimes against women. India amended its criminal laws and investigation procedures and revised how juveniles are prosecuted. Among the many legal amendments enacted, Section 376 of the Indian Penal Code was revised to increase the punishment for rape. In response to the incident, rape was made punishable by a minimum seven-year sentence, which was later further increased to ten years. Rape causing death or a vegetative state was made punishable by a minimum 20-year sentence. Because of the outrage over the release of the minor attacker in 2015, the Juvenile Justice (Care and Protection of Children) Act, 2015 was amended to allow minor assailants aged 16 to 18 to be tried as adults

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<sup>36</sup> Id. at 85.

<sup>37</sup> Sneh Singh, *Nirbhaya Case*, Lawful Legal (Dec. 11, 2025), <https://lawfullegal.in/nirbhaya-case/>

<sup>38</sup> *Mukesh & Anr. v. State (NCT of Delhi)*, Criminal Appeal No. 607 of 2017 (S.C. July 9, 2018).

<sup>39</sup> Singh, *supra* note 37.

<sup>40</sup> *Mukesh* *supra* note 38.

<sup>41</sup> Singh, *supra* note 37.

<sup>42</sup> *Mukesh*, *supra* note 38.

<sup>43</sup> The Criminal Law (Amendment) Act, 2013, No. 13 of 2013, India Code (2013).

if accused of brutal crimes. Despite all these legal amendments, crimes against women in India are still widespread.

## VICTIMS' MENTAL HEALTH

<sup>44</sup>Sexual assault is horrifyingly common in today's society. Sexual violence is not just limited to women, many boys, men and even transgender people experience rape and sexual trauma all over the world. As stated by centres of disease control and prevention (CDC), approximately 1 in 5 women in U.S. face sexual assault or rape. In some African, Middle Eastern, and Asian countries, the number is even higher. In spite of age or gender the consequence of sexual assault goes considerably beyond bodily harm. The mental anguish of being raped or sexually assaulted can be traumatic, leaving the victim feeling petrified and disturbed. For them the world does not feel a secure space anymore. The victims do not trust others as well as themselves. Victims may face mental, physical and psychological issues. <sup>45</sup>Psychologically, rape is understood as a deeply traumatic experience that imposes significant stress on the survivor's mental and emotional well-being. Many survivors also face secondary victimization, which may lead them to view themselves with shame, guilt or self-blame. <sup>46</sup>Victims are often confronted with questions regarding their clothing, alcohol consumption or their failure to resist the assault. Such probing questions reflect prevailing societal attitudes that tend to shift blame onto the affected individual rather than the accused, thereby reinforcing the culture of victim blaming. Rape on its own causes significant mental harm to the victim; however, unsupportive responses sometimes shown by the medical and legal systems can further worsen the victim's mental health. <sup>47</sup>Many survivors suffer from mental health conditions such as Post-Traumatic Stress Disorder and Major Depressive Disorder. The effect on the victim's mental health may differ; certain individuals may experience intense effects, whereas others may experience less intense, short-term effects.

The immediate phase of trauma occurs soon after the assault and it may last for several days or weeks. The victim may experience anxiety and trauma and may become emotionally

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<sup>44</sup> Melinda Smith & Jeanne Segal, *Recovering from Rape and Sexual Trauma*, HelpGuide.org (Feb. 18, 2026), <https://www.helpguide.org/mental-health/ptsd-trauma/recovering-from-rape-and-sexual-trauma>.

<sup>45</sup> Urmi Rahman, *Impact of Rape on Mental Health of Victims and Assessing the Need for Psychological Services* (M.Phil. thesis, Univ. of Dhaka) 7.

<sup>46</sup> Survivors Justice Center, *What Does Victim Blaming Look Like?*, Survivors Justice Center, <https://survivorsjusticecenter.org/what-does-victim-blaming-look-like/>.

<sup>47</sup> Rahman, *supra* note 45, at 8.

disconnected. The crime can also cause lifelong fear and adversely affect the victim's sleep patterns. They may also experience pain or soreness in the parts of the body that were assaulted.<sup>48</sup> Research shows that after rape, during the first four weeks, 65–74% of victims experience depression and 33-50% experience PTSD.<sup>49</sup> In contrast, the long-term phase may persist for months or years. This response highlights the psychological impact of sexual assault, where the survivors often withdraw socially from their friends or family due to fear of further secondary victimization.<sup>50</sup> Many rape victims also experience Rape Trauma Syndrome (RTS), where they get disturbing memories and continuously recall what happened to them. Its certain symptoms include numbness, suicidal thoughts, anxiety, and the urge to wash themselves repeatedly.

## FALSE ALLEGATIONS

<sup>51</sup>Allegations of a crime brought against someone are not always true. In some cases, a person reports a crime to the police even though the crime did not take place. The individual portrays himself or herself as a victim, which is not true in reality.<sup>52</sup> False allegations in India refer to instances where an individual deliberately makes fabricated or untrue accusations against another person, often associated with malicious intent, personal gain or the aim of manipulating legal proceedings. While the criminal law framework in India primarily seeks to protect victims of serious offences such as rape, it also recognises the possible misuse of legal processes through fabricated complaints, commonly referred to as “false allegations”. Accordingly, the legal framework provides certain safeguards and penal provisions to address such misuse and to protect individuals from wrongful prosecution. Under Bharatiya Nyaya Sanhita (BNS) 2023, provisions have been enacted to punish individuals who deliberately make false claims regarding offences such as sexual assault. Section 217 of BNS 2023 (previously Section 182 of IPC), deals with the offence of giving false information to a public servant with the intention of causing that public servant to use his lawful power to the injury or annoyance of another person. The said person may be punished with imprisonment upto 1 year or fined upto ten

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<sup>48</sup> Suprakash Chaudhury et al., *Psychological Aspects of Rape and Its Consequences*, 2 Psychol. Behav. Sci. Int'l J. 555586 (2017).

<sup>49</sup> Rahman, *supra* note 45, at 9.

<sup>50</sup> Relationship and Sexual Violence Prevention Center, *Rape Trauma Syndrome*, Washington University in St. Louis, <https://rsvpcenter.washu.edu/rape-trauma-syndrome/>.

<sup>51</sup> André De Zutter et al., *The Prevalence of False Allegations of Rape in the United States from 2006–2010*, J. Forensic Psychol. 119 (2017).

<sup>52</sup> *Bharatiya Nyaya Sanhita*, 2023, § 217, No. 45 of 2023, India Code; *Indian Penal Code* § 182, Act No. 45 of 1860, India Code.

thousand rupees or both.<sup>53</sup> Whereas, section 248 of BNS 2023 (previously Section 211 of IPC), addresses a situation where an individual deliberately files false charges or accusations against another person intended to cause harm or damage that person's reputation. The offender may be punished with imprisonment for up to 5 years or with a fine of two lakh rupees or both. The existence of Sections 217 and 248 of Bharatiya Nyaya Sanhita 2023, acts as preventive measures against fraudulent accusations.<sup>54</sup> A Sexual activity might have occurred with the consent of both people; hence, it is not considered rape. However, a person may create a false story about rape, leading to false allegations against an innocent individual.<sup>55</sup> False allegations may also arise when a person is forced to make a payment and is threatened with the filing of a rape case if they fail to fulfil the demand. It may also occur in 'honey-trap' rackets, where someone is placed in a compromising situation and evidence is tampered with in order to extract money. Other reasons may include personal disputes between individuals, such as breakups or family conflicts, where one person may seek revenge. Such false allegations affect the reputation of the person. People known to the person may stop showing support. In such cases, the accused may experience depression and PTSD.<sup>56</sup> Public opinion can also be affected, as media reporting may complicate the situation even before the truth is known.

## CONCLUSION

Even though stringent laws have been enacted to prevent sexual violence and instil fear in the minds of the perpetrators, rape continues to be an extensive and deeply rooted social problem. The data indicates that the number of cases is high, with only slight fluctuations and no significant decline, which is concerning. Laws persist and have progressed to a great extent but inadequate enforcement; inefficiencies in investigation and judicial prejudice weaken their impact. The mere existence of laws is not sufficient. Victims often undergo severe psychological trauma, face social stigma, and encounter legal difficulties due to lengthy court proceedings that may feel like a burden. As a result, large volumes of cases are not officially

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<sup>53</sup> *Bharatiya Nyaya Sanhita*, 2023, § 248, Act No. 45 of 2023, India Code; *Indian Penal Code* § 211, Act No. 45 of 1860, India Code.

<sup>54</sup> A.W.E.A. De Zutter, R. Horselenberg & P.J. van Koppen, *Filing false vice reports: Distinguishing true from false allegations of rape*, 9 *Eur. J. Psychol. Applied to Legal Context* 1 (2017). DOI: 10.1016/j.ejpal.2016.02.002.

<sup>55</sup> T. K. Pranavesh, *After Acquittal: Examining the Impact of False Rape Allegations*, *Indian J.L. & Legal Rsch.* (IJLLR), Vol. VII Issue V (Oct. 14, 2025), <https://www.ijllr.com/post/after-acquittal-examining-the-impact-of-false-rape-allegations>

<sup>56</sup> Pooja Raj, *False Rape Accusations: Balancing Criminal Penalties With Constitutional Protections in India*, *Indian J.L. & Legal Rsch.* (IJLLR), Dec. 18, 2025, <https://www.ijllr.com/post/false-rape-accusations-balancing-criminal-penalties-with-constitutionalprotections-in-india>.

recorded due to these systemic inefficiencies. Even after reporting, delays in the delivery of justice continue to exist, and women are often judged based on their clothing and past history. Even though false allegations are not as common as actual rape cases, such cases do exist and should not be neglected, and there should be no bias. Moreover, instead of blaming and judging women, society should demonstrate support and be aware of the consequences that victims have to go through.

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