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**THE IMPACT OF FALSE ALLEGATIONS ON MEN'S  
FUNDAMENTAL RIGHTS**- Piyush Arora<sup>1</sup>**ABSTRACT**

The laws which had been formed in a more gender – specific format in India has been framed in a manner to cater exploitation, violence, and discrimination against the women in the society<sup>2</sup>. In today's contemporary discourse the society is witnessing the misuse of the said laws which were formulated for the protection of the women in the society. These false accusations just not only shake the credibility of the genuine victims but also severely impacts the fundamental rights of the accused, especially men. This Article critically examines that how the false accusations tarnish the men's rights in the society with special reference to the Article 21 of the Constitution of India including the dignity, liberty and reputation of the men in the society. If we see the interpersonal approach, few individuals in the society misuse their rights to propagate false accusation and allegation on the men via rumor's to tarnish and to deteriorate the image of the men in the society due to which the men in the society also used to bear loss of their jobs and suffer the legal consequences of the act they did not committed. These acts in the resent times are frequent in the society which are creating a questionable remark on the laws being provided by the legislature as there is no consequences for these false accusations on the male counterpart in the society. The study examines that how false accusations violate the fundamental rights, including the right to life and a fair trial which leads to severe psychological trauma.

**KEY WORDS – FALSE ALLEGATIONS, MISUSE OF LAW, FUNDAMENTAL RIGHTS VIOLATION, DEFAMATION, MENTAL HARASSMENT**

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<sup>2</sup>Article 14, 15(3), 21 of the Constitution of India,

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## INTRODUCTION

In these few decades, India is witnessing a progressive structure of strengthening of the laws aimed at protecting women's rights in the Indian society such as in the area of Domestic Violence, dowry, harassment, and work safety<sup>3</sup>. As these laws are having a vital role in the society for the safeguard of the women, these laws in recent times are being misused by the women in several aspects either we talk about the Domestic violence Act, Posh Act or other law made for the protection of the women. Such type of misuse of the laws poses a serious threat to the principle of justice, fairness and equity which is there in the Indian Constitution.

These false allegations and accusation also cause a disruption in the matrimonial relations of the couple which causes disputes and lots of stress in the relationship which can lead to a divorce like situation which finishes a healthy family tree. The accused, frequently men are facing an immediate legal action which is including the arrest of the person, the tarnishing of the image of the person in the society which creates a social stigma and psychological distress in the person's mind which can cause a permanent trauma in the life of the person even before the allegations are proved in the court of law.

## LEGAL FRAMEWORK AND RELEVANT PROVISIONS

Several laws and provisions in India, which are designated and designed for the protection of the women in our society from the wrong committed to them, have been a subject to the scrutiny due to the alleged misuse:

- **Section 85 BharatiyaNyayaSanhita 2023(498A IPC)**
  - This section of the BNS talks about the cruelty to the women in the Indian society. This section provides women a right to seek help in case of harassment by the husband or the relatives of the husband on the women subjecting her to cruelty. But this provision has often been criticized its potential misuse in matrimonial disputes<sup>4</sup>.
  - Case law: As per a recent land mark Judgment of the Supreme Court which is ***SHIVANGI BANSAL V. SAHIB BANSAL TRANSFER PETITION (C)***

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<sup>3</sup> Protection of women from domestic violence Act No. 43 of 2005

<sup>4</sup>BharatiyaNyayaSanhita 2023,

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*NO. 2367*<sup>5</sup>, in the following case the dispute arose from a matrimonial issue between parties following a breakdown in the marriage. The petitioner had filled multiple complaints in the following matter.

In the case the Supreme Court observed that the allegations on the respondent are false and fabricated on which the court invoked its powers under Article 142<sup>6</sup> of the constitution for granting a decree of divorce, as the marriage was irretrievably broken down.

In the case the Supreme Court also ordered that in these types of cases where there is an apprehension of false and fabricated facts there should be no direct arrest and the police have to give a cooling off period of Two months in which a private investigation of Three member committee will take place by the state legal aid department.

- **Protection of Women From Domestic Violence Act, 2005**

- This Act provides for the civil remedies to the women but also lacks to provide a gender neutrality on the same time as it does not talk about the consequences for any false apprehension or any type of the false accusation under the said Act<sup>7</sup>.

- **Section 63 BharatiyaNyayaSanhita (375 IPC)**

- This section of the BNS provides Rape provisions under which the safety of the women is the key aspect but there is no neutral aspect in the provision is provided in this section which talks about the punishment for the false filling or using this provision to tarnish and to harass the dignity of the innocent<sup>8</sup>.

- Case law: In the case of *STATE V. RANGOLI GAUTAM*<sup>9</sup>, a Lucknow Court convicted RangoliGautam for falsely fabricating a Rape Case and SC/ST Act Case against Kaushal Kumar. The court ordered for a Seven Year Imprisonment and also imposed fine on the women who falsely fabricated the case.

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<sup>5</sup> Petition (c) No. 2367

<sup>6</sup> Enforcement of decrees and orders of the supreme court and orders as to discovery, etc. (Article 142 constitution of India)

<sup>7</sup> Protection of women from Domestic Violence Act,2005

<sup>8</sup> Section 63 of the BharatiyaNayaySanhita, 2023 talks about the provisions of Rape,

<sup>9</sup> September 2025, Lucknow Court, Uttar Pradesh

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Therefore, the court emphasized the need to prevent misuse of Rape provision under the IPC and also ensure that genuine victims are protected through a more balanced and humane approach to these false litigation.

## **IMPACT ON THE FUNDAMENTAL RIGHTS**

### **1. The Violation of Right to Life and Personal Liberty of the Individual**

The one of the most frequent violation is of the Article 21 by the false cases which defame the image of the person in the societal persona. The Supreme Court had interpreted this right to include the right to live with dignity, free from arbitrary state action. False accusations can lead to immediate arrest, detention, and legal proceedings which often done without any prior investigation. This action finishes the personal liberty and disrupts the life of the accused<sup>10</sup>.

### **2. The Right to Reputation and Dignity of the Individual**

The Right to Reputation and Dignity of the Individual is recognized under the Article 21 of the Indian Constitution. The false accusation and Defamatory mark in a particular sect of the sensitive cases like the Domestic Violence Act or the Posh Act or any other law these types of the cases can pose a serious damage on the Individual's social standing.

In society the person used to face social condemnation and a loss of his job and sustained personal relations with the family even after he is released or formed acquitted<sup>11</sup>.

### **3. The Presumption of innocence and fair trial to the Individual**

The basic fundamental principle of the criminal jurisprudence is that the accused is presumed innocent until proven guilty. But if we see these cases there is a gender bias which marks societal and institutional bias that undermines this principle.

Media trials and public opinion also plays a crucial role in creating a pressure on the investigative agencies and courts which sometimes compromise the fairness of the trial.

## **CHALLENGES IN ADDRESSING FALSE ALLEGATIONS**

The lack of the Deterrence against the false complaints which are caused due to no action is taken place, although there are provisions like perjury and malicious prosecution. This lack

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<sup>10</sup>Maneka Gandhi v. Union of India (1978) 1 SCC 248,

<sup>11</sup>N.R MadhavaMenon, Criminal Justice in India 156(Oxford Uni. Press, 2004).

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of the enforcement by the authorities causes the encouragement of filling of the false or exaggerated complaints.

The Laws which are more protective are less gender neutral as they are gender specific which is leading to a perception of a legal bias. As the intent of making those laws are right but the one - sided application of these laws can cause injustice in the society. As we see towards these laws we don't just have to understand the legal language of the law but also the intent behind framing of the laws and these laws need to be in a constant check as per the vital requirement of the society as a point of time as in the recent times when the crime or the abuse of these laws is more towards the men under the protection of these laws should be modified so that the wrong doers also get punished accordingly.

In recent times the as any case arise with offence against women a general narrative is created which shows a bias in the society as they presume the guilt of the accused prior only on the gender bases. This type of bias may case an influence on the law enforcement agencies and even in the judicial proceedings. Even if the person is acquitted the damage caused during the period is often irreversible.

#### **LEGAL REFORMS WHICH CAN BE TAKEN PLACE**

For to address the challenges with regards to the false accusations on men several reforms can be taken into the consideration:

- There should be some provisions or changes in the laws by adding penal provisions for the filling of the false cases in the court of law. These provisions are required so that there should not be any type of bias towards men so that both can be judged equally without any ambiguity.
- There should be an introduction to the gender neutral laws in the country by the legislation so that all individuals should be treated equally under the eyes of law.
- There should be an establishment of the support system for men as the National Commission for Women, in our society there is a demand for the similar body to regulate the rights of the men in the society.

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## CONCLUSION

The problems of the false accusations are creating a complex challenge in the Indian Legal system. While the need to protect the downtrodden section is prima facie important and supreme but it is equally important for safeguarding the fundamental rights of the accused. The misuse of the protected laws in the society in today's time is creating the credibility of the legal system to be weak. There should be a balanced approach which is essential for the justice, accountability and equality. There should be legal reforms, judicial vigilance and a good societal awareness which must uphold the principals of the fairness and protect the dignity and rights of the individuals without any gender difference.



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