



## **FALSE MOLESTATION CASES: SHOULDN'T THE LAWS DEALING WITH MOLESTATION, OURAGING MODESTY BE GENDER NEUTRAL?**

### ***PREFACE:***

Sexual violence may affect anybody, regardless of gender, age, or sexuality. While substantial research on crimes against women is being conducted throughout the world, the gap that has yet to be addressed is that only a small number of individuals are informed of similar atrocities being committed against men. The term 'man' is gendered, connotes authority, and is associated with male behaviour, physique, and emotional control, it is generally believed that men have less emotions than women, although no scientific evidence is available. It is a widely held assumption and view that male and female emotions are expressed differently. In a men-dominated society, it might be embarrassing for men to reveal their pain.

Various women's organisations objected to the filing of Public Interest Litigations (PILs) to make rape a gender-neutral offence. There are no cases of women raping males, claimed Vrinda Grover, an international human rights lawyer and campaigner, in an interview with India Times. Men, in my opinion, do not face the same major challenges as women when it comes to sexual violence. Men, on the other hand, account for around two out of every five victims of domestic abuse, confounding the popular belief that only women fear violence from their spouses or families. Nevertheless, Indian courts have lately started to identify crimes against men and have begun to penalise women who have made false charges against men, defaming and harassing them as a result. The Indian government has also presented the Criminal Law Amendment Bill, 2019, which seeks to gender-neutralize rape laws.

It's indeed past time for society to begin focusing on gender equality. Because of gender-biased laws that protect women in cases of sexual assault, the vast majority of incidents of sexual violence against men go unrecorded, and justice is denied to them. The Indian judiciary should concentrate on enacting new gender-neutral laws or amending existing legislation to ensure them gender-neutral so that men and women in the country are treated equally.

### ***ABOUT MEN'S WELFARE TRUST:***

Men Welfare Trust (MWT) is a Delhi based Non-Governmental Organization (NGO), an integral part of Save Indian Family Movement (SIF) ([www.saveindianfamily.in](http://www.saveindianfamily.in)). MWT was registered in Delhi in the Year 2017 with a clear focus on issues related to welfare of Men. It was a need of the hour to have an organization with dedicated team of volunteers to work on issues such as victimization of men & their families due to heavy misuse of gender-based laws such as IPC 498A (Dowry Harassment Law); Dowry Prohibition (DP) Act; Protection of Women from Domestic Violence Act (DV Act); IPC 376 (Rape Law); IPC 354 (Sexual Harassment Law); CrPC 125 & Hindu Adoption and Maintenance Act (Maintenance Laws); The Sexual Harassment of Women at Workplace Act etc., rising incidents of male suicides due to domestic/ family problems, male disposability/ homelessness of men, domestic violence on men, mental health issues, low life expectancy of men, vocational training, rehab, DV shelter homes for men to name a few.



Ever since its existence, MWT has been diligently working on above mentioned issues with a team of dedicated volunteers who selflessly invest their time and skills towards this noble cause. MWT is a self-supported, self-funded, not-for-profit organization with an aim to strive towards gender equality in the true sense. It was in Mar' 2005 that some men joined hands and decided to fight back to the injustice they were facing because of the gross misuse of the gender-based laws and the violation of basic human rights of men in India. A Yahoo!! group called – SaveIndianFamily – was formed and in a short duration of few years, the group added over 10,000 members and spread its reach through state wise groups as well as groups of various other countries giving rise to SIF.

SIF today is a conglomerate of over 50 NGOs including MWT across the globe not just in India but also in countries like USA, UK, UAE, Japan, Australia and others. Since inception, the conglomerate has been working for bringing peace, help & support to men and their families who suffer through immense turmoil of their lives under the influence of heavy misuse of various gender-based laws, working towards the rising male suicide in India. With changing times, SIF has evolved and had to become more effective on its prime objective. SIF operates global helplines 24\*7 through our volunteers who understand the pain of men and their families facing the biases against Men in the laws, the system and the society. **SIF ONE Helpline (8882 498 498)** has been receiving thousands of calls each month from men across India as well as overseas, men who are battered, abused, depressed by the widespread male-hatred in the Society.

Today, SIF is looked up by over a million families across India and touch close to 100 thousand families each year. Every month various NGOs under the umbrella of SIF conduct weekly support group meetings across India to counsel & help thousands of people. These meetings happen at over 25 locations in India and over 5 locations outside India. SIF, as a flag bearer of Men, Family, Father, Parent and Child rights in the Indian subcontinent, has represented to many Government Authorities and Committees to protect the Human Rights of Men. MWT along with our brother NGO, Save Family Foundation ([www.savefamily.in](http://www.savefamily.in)) & other allied NGO's, spearheads the goals and vision of SIF for making India a better place for Men.

## ***INTRODUCTION:***

Molestation is a type of sexual crime that is recognized as a significant problem. This word isn't described anywhere in Laws of India. It simply implies that someone is subjected to sexual assault against their permission. This subject could be a juvenile or an individual of any age. It can involve things like forcing sexual intercourse, presenting pornographic material to anybody without remark, delivering lewd oral remarks, or any other conduct that lacks permission. It has a rather broad concept that is impossible to provide a full description to. Despite the fact that Law does not define 'molestation,' it does have laws to safeguard a woman's dignity. It is a disservice to individuals whose experiences do not match the stereotype of a man abusing a woman to perceive the crime solely as a man abusing a woman. Rape or molestation is a crime that only a male can commit against a woman, according to Section 375 of the Indian Penal Code. Adult male victims, let alone female abusers, have no place in our world. Although the Protection of Children from Sexual Offences Act 2012 covers both male and female child survivors, present rape laws exclude a huge number of male victims who are afraid of shame and lack legal remedy. In India, regulations are solely in place to safeguard women from rape or sexual harassment. There are currently no laws or rules in place to protect males against sexual harassment or rape. Only Section 377 of The Indian Penal Code, 1860, mentions 'sodomy' in Indian law. The remaining portions are exclusively for women. The crucial point to remember is that the offender and victim of sexual assault can be of any gender, unlike Section 354A through 354D and Section 375 of the Indian Penal Code, which stipulates that only a man might be the offender.

Some cases filed against men on false instance include cases like these where, after failing to obtain the job, a woman in Salt Lake City filed a molestation accusation against her interviewer. "The interviewer's innocence was only proven because his room was under CCTV observation; otherwise, he would have been wrecked," according to sources. In another example, when a landlord couldn't convince her male renter to leave, she allegedly filed a sexual harassment complaint against him. A Delhi girl who refused to pay for her app cab trip retaliated against the driver in the same way. "She cried kidnap when they were together in a moving automobile when a Calcutta guy lost his job during the epidemic and was unable to afford the flat, he had promised his girlfriend," sources said. Students are not exempt from this. When a student at a prestigious metropolitan college broke up with his girlfriend and began seeing someone else, the ex and her mother devised a scheme. The girl made a brief call to the boy before hanging up and leaving town. Her mother reported her missing to the authorities a few days later, accusing the boy.

### *GENDER NEUTRAL VIEW ON CRIME:*

The Centre for Civil Society's Jai Vipra has noted that the opposition has raised two distinct issues in response to the possibility of making rape a gender-neutral crime: the concept of rape being divorced from female-specific repercussions for the victim and the subjugation of gender-neutral language by men. When considering the former, it is clear that, in addition to sentiments of humiliation and guilt shared by both genders, female survivors have additional burdens, such as that of the larger significance Indian culture places on keeping female virginity. However, there are costs imposed on male survivors, such as being viewed as feminine or even gay, which are sadly taboo issues for males, but are not felt as strongly by female survivors.

Do not all crimes, on a general level, affect various categories of sufferers in distinct manners? Despite this, we penalize based on the sameness of the offence, not the sameness of the consequence, with only a few exceptions. The latter would indicate that certain victims are more important than some others, which would be contrary to the principle of equal treatment under the law. The second criticism, that gender neutrality is being abused, is absolutely feasible, but its likelihood and efficacy are questionable. Many people are afraid of a male rapist retaliating by saying, "She raped me!" in response to a female survivor's initial complaint. While this is legally feasible, there are a variety of additional counter-accusations that male rapists may use, and do, ranging from consenting sex to manufactured claims. Any allegation of rape must be backed up by evidence in any court of law. A rape kit test might be sufficient proof for women. A male's allegation against a woman, whether in reaction to a woman's charge or not, would be far harder to determine, and a false allegation might result in fraud and fraudulent police reports.

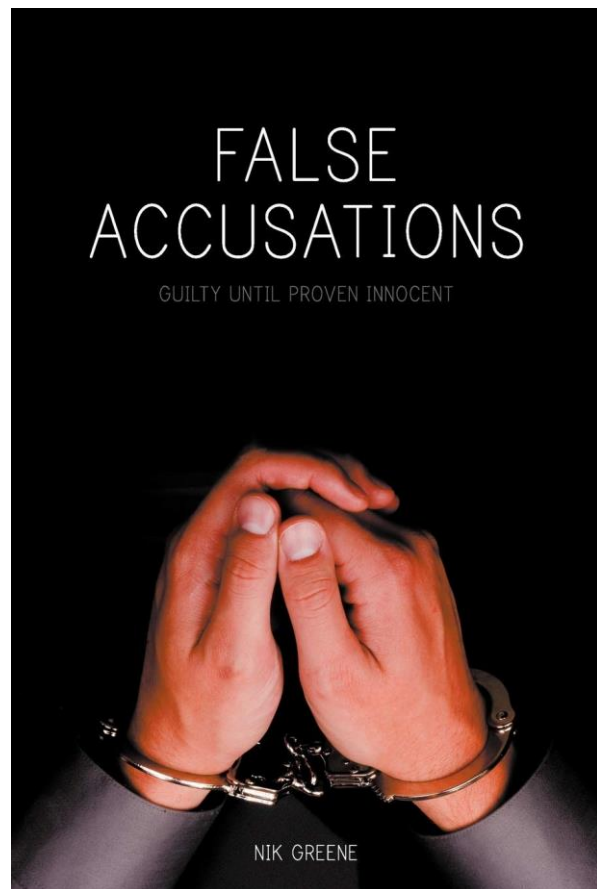
Article 14 of India's constitution provides the 'Right to Equality.' This provision is routinely violated, however, because our legislation ignores concerns of sexual assault against men, as well as the fact that the rules governing rape penalties completely exempt men. The 'Protection of Children from Sexual Offences Act, 2012', on the other hand, protects children of both genders. Equal rights for men and women are discussed in the Indian judiciary and society. Atrociously, these rejections of making legislation against sexual harassment or rape as gender neutral highlight the violation of the Right to Equality. While the Indian judicial system works hard to prevent women from sexual abuse, it is unfair to disregard their situation of men who are usually subjected to such treatment of sexual violence.

## *MOLESTATION & MEN:*

Men that have been victims of sexual abuse may experience identical emotions as many other survivors of sexual violence, but these feelings are generally suppressed owing to macho expectations and fear of societal scorn. Men are afraid of being teased, humiliated, or ridiculed by others around them, which discourages them from speaking up against abuses they confront. However, as technology and education advance, as well as global access to knowledge, individuals are emerging from their cages and realising that communicating about their traumas would not only reveal the tragedy, but will also set them free emotionally, physically, and psychologically. Many initiatives, such as the #MeToo and #Timesup movements, which were created to encourage women to join forward and share their stories of violence against women and children assault, have also pushed men to confront their abusers. Despite the fact that these initiatives have resulted in an 18% rise in men reporting sexual abuse,

men frequently suffer public derision when expressing their experiences with domestic or sexual violence, and they are often dismissed or urged to act like a man.

When we hear the word sexual harassment, we immediately think of a woman as the victim and a guy as the offender. The workplace is one of the most common venues where sexual assault occurs. Many laws and legislations have been enacted throughout the years to combat sexual violence against women in the workplace, such as The Sexual Harassment Act for Workplace or The Vishakha Guidelines. Men, on the other hand, have very little legal recourse if they are sexually harassed at work. It's not to say that guys aren't susceptible to workplace sexual harassment. Laws have been put in place to protect women from the evil of sexual harassment, but we often forget that men are harassed at work as well. Male co-workers or female employers are the most common perpetrators of workplace sexual assault against men. Men may be ordered to remove their clothes, or a similar situation to that which woman confront in the workplace may arise. The only exception is that women have recourse against these harassments, whilst men must suffer in silence. It is past time to achieve gender equality and repeal these gender-biased regulations by enacting gender-neutral legislation.



## **CASES:**

### **CASE 1: FALSE CHARGE OF MOLESTATION ON SARVJEET SINGH BY JASLEEN KAUR**

Jasleen Kaur, a student at Delhi's St Stephens College, uploaded a photo of a guy on her Facebook site on August 23, accusing him of making vulgar remarks and threatening her when she took out her phone to take his picture. Singh, Kaur stated in her article, added, "Kar le jo kar sakti hai. fir dekhiyo kya karta hun main complaint karke dikha, fir dekhiyo kya karta hun main ". (Do anything you like, then whine to me and watch what I do to you.)"



Singh was quickly tracked down and detained after Kaur's tweet went viral within hours. Singh, however, responded on Jasleen's post before he was detained, recognising himself as the individual Jasleen is referring to, writing, "I was stopped at a red light at Aggarwal Sweets in Tilak Nagar, where I needed to turn left. Ms. Jasleen stopped me and others, stating they were assisting with traffic management, and I said that I was not jumping the red light, that the left turn was free, and that if you wanted to skip the signal, that was your choice. "I'll go to the cops tomorrow, you'll know when they arrest you from your house," she says as she pulls out her phone and snaps images of my bike and me ". "I realise women face a great deal of eve teasing," he said, "but it doesn't mean you can make false charges against anyone."

However, his plea fell on deaf ears. The media jumped to conclusions and labelled him a "pervert" and "harasser." Meanwhile, Jasleen gained immediate popularity for confronting a harasser; Delhi Police Commissioner BS Bassi offered a monetary prize of Rs 5,000 for her bravery, and Delhi Chief Minister Arvind Kerjiwal hailed Kaur, an AAP member, on Twitter.

Things began to turn around in less than a day when the police questioned eyewitness Vishwajeet Singh. He vouched for Sarvjeet's innocence in the case and claimed that Jasleen was the one who verbally harassed and misbehaved with him. Social media users shifted sides, actor Sonakshi Sinha apologised to Sarvjeet after originally supporting Kaur, and Delhi Chief Minister Kejriwal was chastised for praising the girl before the case's main inquiry was concluded.

Jasleen, who still had many people believing her because she was a "lady in need of help," sought to defend herself in Facebook posts after realising things had gotten out of hand. She dismissed the witness's statements as fraudulent and stated that the court would decide who was innocent and who was mistreated.

***CASE 2: TWO BROTHERS DETAINED IN CONNECTION TO A FALSE MOLESTATION ALLEGATION.***

Subhash Saboo, a physically challenged Malad resident, and his brother Santosh vividly remember the date September 26, 2012, when their neighbour filed a molestation complaint against them and the Malad police detained them. However, the police submitted a B-summary (closure) report in court after a few months, claiming that the case was fraudulent. They also submitted a report asking for authorization to pursue the lady complaint.

Subhash, 41, and Santosh, 35, are still facing charges of molesting a 41-year-old lady, despite the fact that the police concluded the case was fake. Both of them were arrested and held in police custody for five days before being released on bail. The complaint was filed when the lady approached the police and said that Subhash and Santosh, who live in the same building as the woman, barged into her flat and assaulted her. They were quickly apprehended by Malad police.

"It's a baseless charge; we notified the cops, but they placed us in jail without checking the facts," Saboo explained. He explained, "I addressed multiple letters to high personnel, including the Mumbai Police Commissioner." The two only gained some respite after Saboo moved the high court, which appointed a special cell to probe the situation.

Saboo later met with Sunil Parasker, the then-additional commissioner of police, and told him about the event. "It was a social problem, and the woman and her parents had filed a number of other complaints against me. However, following an inquiry, the police exonerated me "Saboo said.

He believes the complainant brought the lawsuit in order to exact retribution. At the time of the purported occurrence, Saboo stated he was not even physically present in society.

"Saboo's whereabouts was identified by mobile towers during the inquiry, and it was discovered that he was at a function in Goregaon at the time of the event (East). CCTV video validated and proved his presence there "a police officer stated. "Every piece of information pointed to the charges being baseless," he continued.

"There have been as many as eight to nine court appearances, but nothing has transpired. Even though the police filed the closure report last year, we are still on pins and needles. The woman does not even show up in court, causing the matter to drag on interminably "Saboo said. When asked, Malad station senior police inspector Ajit Surve said: "I don't have all of the data because it's an old case. The present status of the case will take two to three days to get."

***CASE 3: IN A 'FAKE' MOLESTATION CASE, A WHISTLE-BLOWER LAWYER WINS SUPREME COURT PROTECTION.***

The Supreme Court has stepped in to help a whistle-blower lawyer who exposed a scam involving law interns posing as attorneys in Bombay district courts and even getting accused people released on fake sureties.

The highest court has suspended all proceedings in that case and decided to hear the lawyer's request to dismiss the fake case against him after one of the upset interns filed a molestation complaint against him as a counter-blast. The molestation charge was filed against him on August 28, 2015, at the Dindoshi Police Station, and the lawyer in question, who does not want to be identified, has already received threats to drop his complaint, which is being investigated by the Maharashtra Bar Council.

In July 2013, when appearing before the City Civil Court in Dindoshi, the lawyer, who had just seven years of experience, caught wind of the scheme employing phoney attorneys. He witnessed a female intern working for the legal firm Kumar and Associates signing documents and receiving a summons in a case where she was acting as an advocate. On July 11, 2014, the same intern came before the 67th Metropolitan Magistrate court in Borivali and faked the signature of the same legal firm, the petitioner counsel informed the apex court.

A closer investigation revealed that the intern was a guarantee for the release of an accused on bail who happened to be her own brother. She got her brother Sujat Rahat Khan out of jail by presenting a falsified identification card, salary certificate, and affidavit of guarantee. On July 6, 2015, the petitioner, armed with all relevant facts, filed a complaint against the intern and her law practise with the Chief Justice of the Bombay High Court and the Maharashtra and Goa Bar Council. The petitioner provided a copy of the intern's LLB test hall ticket from November 2018 to the complaint to establish that the intern was not a lawyer but a student.

The Bar Council issued a show-cause notice to the girl intern on August 21, 2015, requesting an explanation. Six days later, the girl filed a molestation complaint against the petitioner, stating that he summoned her to a location where he held her in an unsuitable way.

<b>CASE FILE</b>
The petitioner approached the Bombay High Court to quash this FIR claiming this to be a counter -blast to his complaint but to no avail. Against this HC order of April 24, 2019, the whistle-blower lawyer came to SC.



***CASE 4: TWO YOUNG PEOPLE KILL THEMSELVES AFTER BEING WRONGLY ACCUSED OF MOLESTATION; THREE OTHERS ARE IN PRISON IN MAHARASHTRA. (NEWS UPDATED LAST ON 08 JULY, 2021)***

Two teenagers allegedly committed themselves in Maharashtra's Aurangabad district, purportedly after being wrongly accused of molestation. Before taking such drastic measures, the couple drafted a message in which they expressed their concern of public stigmatisation as a result of the molestation allegations.

Dnyaneshwar Shirsath (20) and Yogesh Khiste were recognised as the victims. The two worked as watchmen at a godown in the Sillod rural part of the region. Police have detained Shaikh Moin, a school clerk, Shaikh Mushtaq, a private employee, and their female colleague on charges of abetment to suicide based on their note.

According to the police investigation, the three suspects went to a secluded location near a farm. Shirsath and Khiste objected, so the three of them attempted to leave on a motorbike. The two-wheeler, on the other hand, swerved, injuring them. The woman and her two companions then threatened to file a molestation complaint against the watchmen.

Following this, the two watchmen went to the godown and wrote a message accusing the woman and her two male companions of threatening to accuse them of falsely accusing them of molestation. "They went on to say that they couldn't imagine their parents being ashamed and that they were afraid of societal stigma as a result of the molestation claims." Then they hung themselves, according to the TOI storey.

An acquaintance of the two, Ananda Pawar, spotted the WhatsApp status. Pawar went to the godown after failing to contact the couple over the phone and discovered the watchmen dead. The police were notified, and the three suspects were detained as a result.

***CASE 5: DISTRESSED BY BEING 'FRAMED' IN A MOLESTATION CASE, A YOUNG MAN IN UTTAR PRADESH HANGS HIMSELF AND WRITES A SUICIDE LETTER. (NEWS UPDATED LAST ON 06 JULY, 2021)***

After being arrested in a 'false' molestation allegation, a 22-year-old boy allegedly committed himself by hanging himself. The event occurred in Uttar Pradesh's Bijnor district, near the hamlet of Afzalpur Bhau. Gajendra Pal has been identified as the dead. At his uncle's house, he hung himself. Police arrived later and took the deceased for a post-mortem examination. The dead also left a suicide note, which was discovered.

According to a report in the Hindi newspaper Hindustan, the kid claimed in the message that he was innocent and had been unfairly accused in the molestation case. The deceased had been a soda shop owner in Rishikesh, Uttarakhand, for the past 12 years.

On June 25, he paid a visit to his hometown. A local girl filed a harassment complaint against Gajendra a week later. Disturbed by the occurrence, the guy hung himself at his uncle's residence on Saturday. On Sunday morning, his family learned about his hanging. The family was terrified when they saw his body hanging in the chamber.

When SHO Ashutosh Kumar Singh received the information, he went to the scene and had the corpse autopsied. So yet, no complaint has been lodged by the deceased's relatives. When Gajendra's body was taken to be cremated, his family discovered a suicide note from him.

According to the supposed suicide note, "This is a decision I've made on my own. In the molestation case, I'm being falsely accused. On a regular basis, my family gets harassed because of the occurrence. 4-5 months ago, I was head over heels in love with that girl. And now they're accusing me of being involved in a rape case. This is incorrect, and I am taking this action." The suicide letter has been taken into possession by police, who have launched an investigation into the matter.

***CASE 6: FAKE #METOO: WOMAN WILL BE CHARGED WITH RAPE BY AN OFFICER.***

Shahzad Parvez, a Judicial Magistrate First Class (JMFC), has ordered the Hudkeshwar police to file charges of extortion, threatening, and criminal breach of trust against a lady who claims she was raped by a police officer. The ruling was given on October 22 after the court reviewed a petition in which the lady was accused of intimidating the officer by accusing him of rape. The police have been ordered to submit a final report to the court.

The court's decision to dismiss the 46-year-old woman's suit against assistant PI Rajendra Magdum comes at a time when the #MeToo movement has exposed numerous powerful men for alleged sexual misconduct against women in a variety of industries. Magdum's attorney Sameer Sonawane contended during an oral argument that misuse of authority for multiple satisfaction cannot be the general reality, despite the fact that the lady, referred to as the 'proposed accused' in the petition, had filed a complaint long before the countrywide movement.

Magdum, who was formerly assigned to the city, is now assigned to the Solapur district. He was the investigative officer in a criminal case filed at Imambada Police Station in 2014, in which the respondent woman was a defendant. The cop bought the woman's property for 20 lakhs in July 2014 after knowing that she was intending to sell it to pay off some debts for which she was facing charges. According to the petition, the sale-deed was made in favour of Magdum. According to the petition, the lady and Magdum later had a disagreement because the former refused to leave the property. The lady began threatening to file a rape charge against the officer for requesting her to leave the premises, according to the petition.

Counsel Sameer Sonwane had argued before the court that the court could use its inherent power under section 156(3) of the Criminal Procedure Code (CrPC) to direct the investigating agency to conduct an investigation after registering an offence, based on the gravity of the allegations that are of cognisable nature. The petition asked the court to order that the lady be charged with extortion under sections 383, 384, and 385 of the Indian Penal Code (IPC), criminal breach of trust under section 406, cheating under section 420, and criminal conspiracy under section 120(B).

After reviewing the petition, the court concluded that the nature of the charges in the current application makes it a suitable case for using the power conferred under section 156(3) of the CrPC. The respondent woman had filed a rape charge against Magdum at Hudkeshwar police station earlier this year, after which the officer had filed a counter complaint via one Nutan Rewatkar. Magdum said in his lawsuit that he was unfairly accused so that the lady could take possession of the property that he had acquired with a loan of Rs. 15 lakhs. The court judgement has already reached PI Satyavan Mane of the Hudkeshwar police station, he claimed. He stated, "We are in the process of complying with the court's decision."

***CASE 7: 12-YEAR-OLD PANIPAT GIRL RETRACTS MOLESTATION ALLEGATION, CLAIMING SHE WAS AFRAID OF BEING LATE FOR SCHOOL.***

According to a police officer, a 12-year-old girl who claimed she was abducted and assaulted by ten persons in Panipat district has reversed her allegation, claiming she made up the tale because she was afraid of being chastised for arriving home late.

According to authorities, the Class 8 pupil recorded her fresh testimony before a magistrate on Tuesday.

The girl said she was on her way home in her hamlet on Monday when she was abducted, given sedatives, and taken to surrounding fields where she was attempted to rape by roughly ten adolescents in a car.

She told her father about it, and he took her to the police station, where a report was filed, Panipat Superintendent of Police Manbir Singh said over the phone on Tuesday. He said the girl had been gone for a few hours.

"It was discovered throughout the inquiry that the girl made up the tale to avoid her mother's wrath," he stated. "The girl had left her house the day before yesterday. She was afraid that her mother would punish her because she had returned late," he explained. The child withdrew the charge in her testimony recorded before a magistrate in Panipat under Section 164 of the CrPC, according to the SP.

According to a sub inspector at Panipat's women police station, the girl struggled in school and her mother encouraged her to study hard. The child was admitted to the General Hospital in Panipat on Monday, but refused to undergo a medical check-up, according to the official. The girl is being counselled, according to Manbir Singh.

***CASE 8: CONCERNED ABOUT HER MOTHER'S SITUATION, A YOUNG WOMAN ACCUSES HER FATHER OF BOGUS MOLESTATION.***

The hardship of her mother, who was reportedly beaten up by her violent father, prompted a 17-year-old girl to file a bogus molestation allegation against him in the hopes that the police would intervene.

After learning during a school session that molestation cases are handled seriously, the girl decided to submit a complaint against her father. The guy would reportedly hit his wife while inebriated, and despite their frequent accusations, authorities did not take anything against him.

"It so emerges from the circumstances of the current case that the accused mistreated his children and wife both physically, verbally, and emotionally, if not sexually, as the prosecutrix (daughter) first claimed." In a verdict dated February 19, additional sessions judge Kaveri Baweja noted, "The daughter's overwhelming despair upon seeing her mother's misery pushed her to raise charges of molestation against her own father, in the hope that they would find some reprieve upon police involvement."

The guy was found not guilty of molestation under the Indian Penal Code and sexual harassment under the Protection of Children from Sexual Offences (POCSO) Act, but convicted of wilfully inflicting harm and criminal intimidation under sections 323 and 506 of the Indian Penal Code.

The father was placed on probation for a year with the condition that he maintain good behaviour and post a bond of Rs 25,000 with a guarantor of the same amount.

"It must be remembered that the kid summoned the fortitude to contact the police and testified about her and her mother's hardships, and frankly explained to the court the true reason for levelling severe charges of abuse against her father," the court noted.

The prosecution claimed that on the night of August 15, 2015, the girl was abused and threatened by her father. During the court processes, however, she recanted her story and testified that her father was aggressive and used to beat her mother while inebriated, and that the police were not taking any action against him.

On the same lines, the girl's mother testified that on August 15, 2015, when her husband was highly inebriated and hitting her, her daughter walked in and shoved him, after which he abused both of them.

During the trial, the accused rejected the claims, claiming that he was unfairly accused by his daughter, who was troubled by his and his wife's feud.

***CASE 9: POLICE MAY PROSECUTE A MUMBAI WOMAN WHO FILES A FRAUDULENT MOLESTATION REPORT.***

Misuse of Indian Penal Code section 354 (penalty for encroaching on a woman's modesty or molestation)? Here's an excellent example, according to the cops.

A lady filed a complaint with the Amboli police station on May 3 stating that developer twins Anees and Imran Chandiwala, 33, followed her autorickshaw from Abba home near Ambar hotel in Jogeshwari West to Goregaon about 10.30pm in their Fortuner vehicle. They allegedly stopped her and then abused her, according to her.

The woman went to the Goregaon police station, who filed a case, which was subsequently transferred to the Amboli police station. The complaint was filed by a female sub-inspector, and police officer Daya Nayak was assigned to investigate its validity.

This was the outcome of the police inquiry. The woman's and brothers' call data records revealed that none of them were there at the time of the incident at the location specified in the complaint.

The witness, who the lady said had also been travelling with her, was nowhere near the scene. The police found that the allegation was made up after reviewing the CCTV video and the accounts of multiple witnesses.

The Amboli police department has now filed a report with the Andheri court, claiming that the complaint is fraudulent.

According to police sources, the report requested the filing of a case against the lady and the witness. The police can file a complaint against the lady and the witness if the court orders it.

"The report has been presented before the court," said Nayak, who researched the case's specifics and submitted the report. We're still waiting for further orders. I can't discuss the report's specifics since it's still in court."

During the course of the inquiry, authorities discovered that the lady and the witness had filed a similar complaint in February.

"Other witnesses indicated the complainant was not at the scene when the alleged assault occurred in the previous instance as well. A different team is looking into it, and the claims are making them suspicious. If a complaint is filed, we can investigate the motivation for submitting false cases. Another officer stated, "We suspect a male to be the key conspirator."

### ***CASE 10: MUMBAI WOMAN HELD FOR FAKE RAPE, MOLESTATION CASE AGAINST COPS***

The claims of rape, molestation of a juvenile girl, house trespassing, and robbery levelled against two police constables and an auto rickshaw driver in Ghatkopar were proven to be a set-up.

The lady who reportedly filed a fake complaint was detained by the special investigative team (SIT) formed by the deputy commissioner of police (Zone 7) on Sunday. The mother had petitioned the court through her attorneys, claiming that she had been on the run since January of this year, but that the Ghatkopar police had ignored her accusation of rape and molestation of her 11-year-old daughter. Despite the fact that the court has yet to issue any judgments, the Ghatkopar police have registered her complaint and formed a special investigation team to look into it. Sunday is a place where you may sit and relax. Salma Shaikh (name changed) was arrested after it was discovered that she and a suspended police officer, Yusuf Shaikh, had filed a fraudulent report to settle personal scores.

After the victim brought her case to the attention of the Bombay high court in August, the Ghatkopar police booked two police constables and an auto rickshaw driver on counts of rape, house trespassing, robbery, and under the special act of Protection of Children from Sexual Offences (POCSO). The lady said that on January 14 this year, two officers and an auto rickshaw driver barged into her home and beat her under the guise of investigating a human trafficking ring. The victim had gone to the police to report that another lady was running a human trafficking ring with the help of a few policemen.

According to the victim's complaint, the accused officers punched her in the stomach, causing her to miscarry. In front of her, the officers allegedly abused her 11-year-old daughter. According to sources, the SIT requested the Call Detail Report (CDR) of all parties engaged in the incident and found contradictions in her report. Shaikh cited two dates of the occurrence in her complaint, one on January 12 and the other on January 15.

Two officers and an auto rickshaw driver identified in the FIR were not at the scene of both occurrences, according to the SIT probe. "A constable's position was located to Ghatkopar railway station, while another constable's location was traced to Kanpur, Uttar Pradesh, where he had gone along with officers to track down an offender." The victim was not at home and was admitted to Rajawadi Hospital, according to the records and cctv," said DCP Kadam, who is leading the investigation. At his residence in Sakinaka, Andheri, the auto rickshaw driver was also asleep.

The SIT, which included women police officers, stated that the victim woman's residence is only 100 metres from the Ghatkopar police station, so why did she not go to make a complaint? The SIT also discovered that she and suspended inspector Yusuf Shaikh conspired to file fraudulent reports in order to settle their personal scores. The victim's character has also been called into doubt by SIT.

The lady has been charged in the same case, with 120 B of criminal conspiracy added, and the SIT is hunting for absconding inspector Shaikh, according to a SIT official. On the accusation of his second wife, Shaikh was arrested in March for rape and unnatural sex, as well as violence. Shaikh has been placed on leave.

## ***NEWS REPORT ON FALSE MOLESTATION AND RAPE CHARGES ON MEN:***

***News Report No. 1: Headline: When women take advantage of the laws that are supposed to protect them, it's called sexism***

***Reported by: Hindustan Times, Lucknow***

***Published on: April 25<sup>th</sup>, 2018.***

A weapon with two sides: Activists claims that males are sometimes falsely accused of sexual assault for the purpose of extortion or retribution. A woman's claim of rape against her landlord was later proven to be incorrect. The complaint was made after the landlord rejected her the monetary favours she had been requesting on a daily basis, according to investigations. Another example included a girl accusing her live-in spouse of rape after he refused to marry her.

"There is no shortage of examples in which men are falsely accused for ulterior motivations. "Our helpline is still inundated with similar complaints, in which the true victims are males," said Indu Subhash, a proponent of men's rights.

Indu believes that rules intended to safeguard women are frequently misapplied. "I have a large record of situations where girls get into relationships with boys and, if there is a squabble, they find it easier to accuse the boy of sexual assault." "Because the law requires boys to be arrested immediately in situations of sexual assault, the latter find themselves in difficulties owing to false charges," Indu explained.

"Laws are like two-edged swords. When they are designed to preserve a person's rights, they may also be used to stifle opponents' freedom," a Delhi court said in 2008, acquitting a man of rape allegations in a case.

"My brother was accused of sexual abuse by a neighbour. My brother was taken into custody. However, when it came time to appear in court for the case's hearing, the girl did not show up. The case was eventually dropped. But my brother and my family have been through hell over the past several days," said one IT worker who asked to remain anonymous.

A handful of blackmail instances have also surfaced. "It all starts with extortion." The males are frequently blackmailed and bribed for favours. They have been warned that if they do not comply with the requests, they would be accused of sexual assault," stated a representative of Pati Pariwar, a men's rights organisation.

Fake sexual assault cases are prevalent, according to lawyers. "In a lot of situations, the woman becomes enraged. There are situations where settlements are reached outside of the courtroom. "All of this contributes to the country's poor conviction rate in rape and sexual assault cases," a lawyer stated.

While the number of bogus instances isn't small, there isn't any evidence to back up the claim. There is no publicly accessible list of phoney cases maintained anywhere. Men's rights groups claim that daughters are frequently used as weapons for vengeance. "You may readily locate situations where parties are involved in a property dispute and claims are made by women. Such claims taint a man's reputation and are one of the most regularly utilised weapons in rivalries, according to Indu Subhash.



***News Report No. 2: False rape charges are on the rise, and they must be addressed immediately: High Court of Delhi***

***Reported by: Express News Service, New Delhi***

***Published on: August 17<sup>th</sup>, 2021.***

The Delhi High Court Monday refused to reject a rape case that had been compromised by the complainant and the accused, stating that false claims and charges of molestation and rape must be dealt with harshly due to the severe nature of the crimes.

"Unscrupulous litigants file such lawsuits in the hopes that the opposing party would cave in to their demands out of fear or humiliation." "It will be impossible to avoid such frivolous litigations should wrongdoers are not forced to face the consequences of their acts," Justice Subramonium Prasad said in his decision. False rape cases are on the rise, and they must be dealt with aggressively: The Delhi High Court is a court in Delhi, India.

The court made the remarks in an order dismissing a plea seeking the quashing of a FIR filed by the Aman Vihar police station under Section 376 of the Indian Penal Code. In 2019, the parties filed rape cross-cases against one other at the same police station. A lawyer is a complainant against another lawyer in one instance, while the wife of the accused lawyer is the complainant in the other.

The court stated in the judgement that it was distressing to see practising attorneys from the legal community trivialising the crime of rape. "Rape isn't only a physical attack; it may also destroy the victim's entire psyche." The act of rape has the potential to harm the victim's mental mind, and this trauma can last for years," it stated.

The judge expressed considerable worry that the claims of rape were being treated in such a casual manner. Quashing a FIR for a horrific crime like rape on the premise of compromise, according to Justice Prasad, will encourage the "accused to put pressure on the victims to agree to a compromise, and this will create doors for the accused to get away with a horrible act that cannot be tolerated."

The court further stated that the false rape charges had the potential to ruin the accused's life and career. "The accused in a fake rape case loses his honour, is unable to face his family, and is ostracised for the rest of his life." It stated that "allegations of crimes under Section 376 IPC cannot be made at the drop of a hat — in order to settle personal scores. "It was also said that the time spent by police investigating bogus charges prevents them from investigating actual crimes, resulting in defective investigations.

"Valuable court time is also wasted hearing instances in which fraudulent claims are made, resulting in a misuse of the legal system." As a result, persons who falsely accuse others of rape should not be allowed to go free. "This Court is grieved to observe that there has been an alarming surge in fake rape cases and crimes under Section 354, 354A, 354B, 354C, and 354D simply to arm-twist the accused and force them to submit to the complainant's requests," the court wrote in its ruling.

The court stated that if the charges brought by the parties against one other are discovered to be false and frivolous, action should be taken against the prosecutrix and those who were involved in levelling rape claims just to settle personal scores. It stated, "There is an urgent need to prevent such frivolous lawsuits."

## ***LAWS FOR MOLESTATION:***

### **1. *Section 294***

Under Section 294, any indecent or lewd act, or the singing, reciting, or uttering of a vulgar song by the offender that causes 'annoyance' to others in general populace and causes extreme disturbance is deemed molestation, and the offender faces a sentence of up to three months in prison or a fine, or both. In *Zafer Ahmad Khan v. State of Mysore*, the court found that the words said by the accused (a rickshaw driver) while addressing two women were insulting to the women's modesty and liable to cause discomfort. For a person to be penalised under this Section, the offender's conduct must cause irritation to a specific individual or to the general public.

### **2. *Section 354***

The Indian Penal Code, 1860, Section 354(A), Physical contact and approaches involving uninvited and explicit sexual approaches, a demand or request for sexual favours, exhibiting pornography against a woman's consent, and making sexually suggestive remarks are all examples of sexual harassment. This section, too, begins with "a man is guilty of committing the offence of sexual harassment," and so is not gender-neutral because it ignores male sexual harassment.

### **3. *Section 354-A***

Sexual harassment is also included in Section 354-A, as well as the penalties for it. It lists and describes the activities that define sexual harassment as a felony. This section also specifies the penalties for each of these offences, which range from one to three years in prison, plus a fine if required. Criminal acts against women with the purpose to disrobe them are covered under Section 354-B. A woman is molested; there is a violent assault; actively supporting any of the following crimes; there is a purpose to disrobe the lady are all regarded offences.

### **4. *Section 354-C***

Section 354-C criminalises spectator, which is defined as being elated by watching a situation. It states that it is illegal for a man to take a photograph or an image of a lady without her agreement and then engage in an intimate conduct. It is also illegal to publicize the photos. The penalty for this is a one-to-three-year prison sentence and a fine.

### **5. *Section 354-D***

Stalking is defined as an offence under Section 354-D, and two acts are deemed criminal acts under this section: A lady who is stalked by a stranger or a man without her permission and attempts to reach her is breaking the law. Any conduct in which a male monitor and controls a woman's life via email, the internet, or other technology is illegal. If a person commits the crime for the first time, the punishment is imprisonment for up to three years, as well as a fine. Anyone who commits the same offence a second time faces a five-year jail sentence as well as a fine.

### **6. *Section 509***

It refers to any phrase, sign, or action intended to offend a woman's modesty. The desire to offend a woman's modesty was deemed to be the most important aspect in the case of *Phiraz*

Mohammed. In the instance of a University Graduate who composed an indecently written letter to a nurse and mailed it to her. The nurse's modesty was thought to be offensive.

**7. *Section 375***

The Indian Penal Code, 1860, Section 375, A man is considered to have committed rape if he has sexual relations under any of the six characteristics below, save in the situation hereafter excepted: Despite her protests, Without her permission, With her consent, when her consent was acquired by placing her or anybody she cares about in danger of death or harm, With her consent, when the man knows he is not her husband and her consent is given because she believes he is another man to whom she is or believes herself to be lawfully married. With her consent, when she is unable to understand the nature and consequences of that because of unsoundness of mind or intoxication, or the administration by him personally or through another of any stupefying or unwholesome substance. when she is under the age of sixteen, with or without her permission.

## ***CONCLUSION:***

Sexual violence against men is the subject of substantial research across the world, and numerous nations have enacted legislation to address the issue. It is past time for our Indian courts to take sexual assault against men seriously and pass laws to protect males from such crimes. When it comes to women, people raise their voices, but why don't they do the same when it comes to men? In the perspective of the law, everyone should be treated equally, and there should be no bias in the name of gender equality. A murderer kills the body, however a rapist destroys the spirit, as per Justice Krishna Iyer. Men are raped every day in India; it is past time for citizens to recognise this truth and assist male victims of sexual violence when they lodge a complaint, and both men and women perpetrators of sexual abuse should be penalized equally under the law.

It's also worth noting that, although though rape is a gender-neutral crime, males are practically never used for the reasons stated above. Gender-neutrality, on the other hand, benefits a significant number of survivors. Finally, while I've spent a lot of time campaigning for rape to be made a gender-neutral crime, it's vital to understand what I'm not calling for. I'm not arguing that men and women are raped in equal numbers. I'm not arguing that men and women rape at the same rate; they don't. I'm also not claiming that rape exists in a vacuum, since it doesn't. Finally, I'm not implying that feminist organisations and others are inherently bad.

I'm also not implying that rape is inextricably linked to a frequently violent patriarchy, since it isn't. Finally, I'm not suggesting that feminist organisations and others haven't done a fantastic job of keeping rape in the national conversation; they have. However, seeing the rape storey just as one of a man abusing a woman does a disservice to individuals whose rape tales do not match the traditional mould that is easiest for us to comprehend. Legislation based on such an intention is itself a criminal act, given that these survivors have now found the fortitude to share their tales with us.

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