

Systemic Assessment of Fabricated Injury in Sexual Assault Cases: A Narrative Review

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ABSTRACT

Sexual assault on females may ruin the entire life of the victim. Victims of such incidents rarely get support from any quarters of society, including their family members. On the other hand, men can be made the victim of such heinous crimes by false accusations by women for various motives. As most of the judgments on sexual assault cases are based on circumstantial history, and oral evidence, it may be very hard to disprove the allegation. According to the figures from National Crime Records Bureau's (NCRB) crime in India report 2020, less than 8% of all cases under investigation for rape were found to be false. In 2014, the Delhi commission for women submitted a report stating that, 53.2% of rape cases registered between April 2013- July 2014 was false. In India, the threat of false rape cases on one pretext or the other is increasing since the new amendment to the rape law in 2013. This fact is evident from the study of court judgments and media reports. In most false sexual assault cases, the victim took advantage of a fabricated injury to strengthen the case. There are various motives behind fabricating injury to register false sexual assault cases some of which are, to bring a charge of rape, heartbreak, anger, or some other mala fide motive induces a woman to file a false rape case majority, some women just do it to seek the attention of the media and have publicity, to defame others, to gain a large sum of money by a false allegation and to obtain compensation from the Government, In most cases, it is also found that to cover up first sexual intercourse women falsely accuse their partner of sexual assault. Various studies of disguised injuries in assault incidents showed that, the limbs, neck, and chest are the most favoured sites for disguised injuries.

Keywords: Fabricated wounds, Rape examination, Sexual violence, Systemic evaluation

INTRODUCTION

A wound or injury is defined as a disruption of the natural continuity of living tissue. Physical damage to the body, such as violence, accidents, and broken bones, is sometimes called an injury. Under Indian Penal Code (IPC) Section 44 "Injury", the term "injury" means any person concerning body, spirit, reputation, or property. Crafted wounds are created by a person on their body or by another person with their consent [1]. Sexual assault is defined as sexual favour between individuals without appropriate legal consent. Sexual assault remains the fastest growing violent crime. Despite major legislative reforms underway, statistics show conviction rates are low and rape rates continue to rise. The many emotional consequences, combined with the inferior status of self-perceived women, lead to a large number of unreported cases [2]. Fabricated wounds are those, caused by a person on his own body or by another person with his permission. Fabricated injuries are frequently used to gain an advantage in accusations of sexual assault for a variety of reasons, including blackmailing the alleged offender, monetary gain, and forcing a compromise on some dispute [3]. There were 28,046 rape cases registered in India in 2020, according to the NCRB report 2020. In total, 5,015 cases were closed by police, because they were declared false. Courts heard 18,967 cases, 14,340 of which resulted in acquittal and 3,425 in conviction [4]. Some notable cases include Miss AB serial false rape cases; Girl from Jabalpur filed six false rape cases against six men and Miss SS vs state of Haryana.

Medico-Legal Issues

The investigational approach in cases of sexual assault includes the First Information Report (FIR), an investigation by an investigating officer, a medical examination by a doctor, the filling of a charge sheet by the Investigation Officer (IO), and finally, the court process. The doctor should carefully examine and treat the patient, noting the date, time, place, who brought the patient, and the results of the examination. Section 39 of the criminal procedure code requires the doctor to report the Medico-Legal Case (MLC) to the police after providing primary life saving medical care

[5]. The goal is to start the legal process, as soon as, possible so that, the police can gather as much evidence as possible. Detecting genital and extra genital injuries is therefore, important for the same reason. These injuries can heal in a short period and result in decisive loss [6].

Fabricated Injury in False Sexual Assault Cases

When people understand the typical features of fabricated injuries, it will demonstrate the incompatible history of assault with injuries [7]. Multiple shallow-penetrating cuts, incised wounds, or fingernail abrasions are present. These lesions have a uniform shape, a linear or slightly curved course, and are arranged in a parallel or crisscrossed pattern. The location is on easily accessible part of the body, usually on the left side (non dominant side), avoiding painful areas. There are no defense wounds on the body. There was no damage to the clothing or inconsistent damage [8,9]. The most commonly used weapons are knives. Other items used includes a razor, glass pieces, scissors, and ice picks. The most common body parts where fabricated injuries were discovered were the top of the head, the forehead, the neck, the outer side of the thighs, and the front of the abdomen and chest. As previously stated, characteristics plays a critical role in detecting fabricated injuries in sexual assault cases. This can help with the initial visual inspection of man-made damage [10,11].

Reported Data

According to NCRB statistics, approximately 74% of rape cases under section 376 of the IPC result in acquittals [12]. Research has shown that, 40% of these cases are due to the girl's family filing a rape lawsuit against the boy after the couple eloped and got married. Additionally, 30% of cases were filed by women who claimed that, sexual intercourse took place after an arranged marriage [13]. Some women claim to have been raped together for months but had everything they could to raise the alarm bells, if they didn't want men to become collateral damage, when they did rape [14]. Most false rape cases are settled out of court. According to the NCRB crime in India report 2020, less than 8% of all rape cases

under investigation were found to be false. All the supporting data are given in [Table/Fig-1]. There is a huge incentive in the form of intimidation to frame an innocent man, who has been falsely abused by a woman. Such women should be punished by court of law. In the case of such heinous crimes, financial settlement or dismissal of the case should be refused. There are no penalties for women who file the wrong cases. This encourages false whistleblowers to lie under oath with impunity. Women have used trumped-up injuries to magnify false sexual assault cases [15].

Crime	Pending investigation (1)	Reported during the year (2)	Reopened for investigation (3)	X Total (1)+(2)+(3)	Cases ended as FR non cognisable (4)	Cases ended as FR false (5)	Mistake of fact or of law or civil dispute (6)	Insufficient evidence/ untraced/ no/clue (7)	Abated during probe (8)	Y Total (4)+(5)+(6)+(7)+(8)	Percentage of total (Y/X* 100)
Rape	15097	28046	53	43196	48	3375	571	987	34	5015	11.6%
Assault with intent to outrage modesty	35294	85329	14	120770	253	5821	2317	3848	187	12426	10.2%

[Table/Fig-1]: National Crime Records Bureau's (NCRB) crime in India report 2020 [10,13].

Punishment for False Rape Allegations

There are no specific crimes for a false accuser can be brought to justice, but there are several categories of his actions. Therefore, to protect victims of false rape cases, Indian criminal law provides various penalties like imprisonment, fine and/or both for crimes against which false accusations are made [16].

Section 182: False information, with intent to cause a public servant to use his lawful power to the injury of another person [17].

Section 195: Giving or fabricating false evidence with intent to procure conviction of offense punishable with imprisonment for life or imprisonment [18].

Section 196: Using evidence known to be false [19].

Section 199: False statement made in declaration which is by law receivable as evidence [20].

Section 200: Using as true such declaration knowing it to be false [21].

Section 211: False charge of offense made with intent to injure [22].

Indian law has few penalties for filing false rape cases. (although, you can file perjury) false rape allegations are a threat to society and strong action must be taken against them. The NCRB data speaks for itself.

DISCUSSION

In one study conducted by Kumar K et al., 2021, out of a total of 500 forensic cases examined for mechanical injuries, only 63 (12.6%) cases, with 94 (6.9%) injuries, were declared falsified or self-inflicted injuries. Of these 63 cases with fabricated injuries, the majority of cases 58 (92.1%) were males, and only 5 (7.9%) cases were females. Incised wounds were most common 58 (61.7%) injuries, followed by lacerations 36 (38.2%). Most common body part affected was upper limb 62 cases (65.9%) followed by head and neck region 24 cases (25.5%) [2]. Another Study conducted by Khichi ZH et al., the age group of 21-30 years was found to have the highest incidence of fabricated injuries in his study. It could be because this age group is highly vulnerable to emotional ups and downs, which predisposes the population to self harm [23].

Bhullar DS et al., in his study of fabricated wounds, discovered that, males (84.6%), the 21 to 40 year age group (57.7%), and upper limbs (80%) were the most commonly observed findings. Sharp light weapons were used in all but one case, and sharp heavy weapons were used in only one case [24]. Kumar K et al., conducted a study in which grievous injuries accounted for 85.26% of injuries and only 12.82% of injuries were classified as simple in nature, with injuries dangerous to life occurring in 1.9% of cases [25]. In Bhullar DS, study, the incidence of simple injuries was more than twice that of grievous injuries which is in contrast. The probable cause of causing

grievous hurt is to obtain legal benefits for grievous harm, which carries severe penalties [26]. In one study conducted by White C et al., 51% of the total 224 cases of virgin and non virgin females, had minor non genital injuries. Genital injuries in the non virgin group and virgin group were 32% and 53%, respectively [27]. In another study, conducted by Palmer CM et al., non genital injuries (mostly minor) were found in 46% of the women examined, while genital injuries were found in only 22%. In the absence of non genital injury, genital injury was uncommon (3%) [28]. Rassin E et al., (2005) distinguished

between true and false claims to some extent using a list of 43 criteria for 41 suspected sex crimes. Most of the self inflicted injuries to bring out false accusation were superficial, multiple, incised wounds which are parallel to each other and situated on the accessible body parts and often without clothing damage [29]. Some landmark false rape cases have been discussed below:

Case 1:

On December 29, 2021, Gurugram police detained a "honey trap" bat and arrested Miss AB 22-year-old Delhi resident with a Bachelor of Arts degree, who confessed to falsely accusing men of sexual assault and extortion. She searched men on dating apps, parties, gyms, clubs, and social media platforms. She then met with them in person, had consensual sex, and then convicted them of the assault until they complied with their terms. She admitted that, she had additional seven such false FIRs of sexual accusation against men on record [30].

Case 2:

A Jabalpur girl had filed six rape cases against five different men in the city, in the last six years. She filed a rape case against the first man she accused, married him, and then refilled dowry, domestic violence, and rape charges against him. From July 2021 to July 2022, she filed four more rape cases against four different men [30].

Case 3:

In the case of Miss SS vs Haryana, on 23 September 2021, the complainant threatened to file a false rape charge against the defendant unless the defendant extorted Rs.20 lac. When the case was brought to court and the necessary investigations were conducted, the court ruled that, the complainant had threatened and extorted people by running racket and involving them in a bogus rape case. There are many other similar cases of people being blackmailed with fake rape cases in exchange for money.

From the above paragraphs, the authors can conclude that, there are many reasons for filing rape cases [30].

CONCLUSION(S)

Sexual assault has long been a catchphrase in India, as country reports the highest number of rape cases in the world. Sexual assault without a person's consent and may be committed through violence or the threat of violence. Rape, long thought to be a source of unbridled sexual desire, is now understood as a pathological claim of power over the victim. Most cases of false rape are resolved out of court. Intimidation is a tremendous incentive to lure an innocent man into a fake rape case. If a man injures a woman, he should be punished, and women should be punished equally for their wrongdoing. Financial settlements or dismissal of cases should be prohibited for such heinous crimes. This encourages false whistleblowers to lie under oath. Women used fabricated injuries to

amplify false sexual assault cases. A thorough history, as well as, an early detailed physical examination, will aid in the association of injuries and the formation of a final opinion and report.

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