



DETECTION OF FALSE RAPE CHARGES USING POLYGRAPH: A CASE STUDY

^{1*} Prof. Asha Srivastava, ^{2*} Anand Kumar, ^{2*} Rakshita Gautam, ^{3**} Dr. Rupali Andaluri, ^{4*} Priyanka Gupta

¹ Ex. Director, Forensic Psychology Division, ² Forensic Intern, Forensic Psychology Division, ³ Assistant Director & Scientist "C", ⁴ Research Scholar

¹ CFSL, New Delhi, India, ² CFSL, New Delhi, India, ³ CFSL/DFSS/MHA, New Delhi, India, ⁴ Guru Ghasidas Vishwavidyalaya, Bilaspur, Chhattisgarh, India

Abstract:

Physical evidence is often lacking in legal situations. In these situations, polygraph is a helpful tool for figuring out whether the examinee is telling the truth or lying. Polygraph is a device that tracks alterations in the body. The case studies are gathered to demonstrate the veracity of the suspect and victim in false rape cases. For the complainants, these false accusations appear to have three main purposes: to give them an alibi, seeking revenge, and to gain sympathy and attention. False rape accusations aren't the results of a gender-related aberration, as is usually asserted, but rather immature and desperate attempts to deal with societal and personal circumstances. False confessions are common and they have been documented. This paper aims to clarify some of the difficult concerns surrounding confession evidence by presenting a case study in which an examiner examined a defendant and his legal case. In this case the Fake complainants create a rape that neither happened nor was experienced by them, which results in telltale distinctions between fake and legitimate rape complaints.

Keywords: Polygraph, Pre-test, False rape, Case study.

1. Introduction:

The polygraph has been used for more than a century and is still frequently employed in a variety of industries, including employment screening and criminal detection. Its great accuracy and usefulness have been reported in a significant volume of literature. 'Polygraph' is commonly known as 'lie detector' but in actual the recording equipment used to monitor several physiological indicators like blood pressure, heart rate, and respiration is technically referred to as a "polygraph". In the year 1921 AD, John Augustus Larson invented the modern Polygraph in search of more humane method of interrogation. The basis of polygraph lies in the sciences of psychology and physiology i.e. it is based on psycho physiological changes when our autonomic nervous system is activated during the questioning in Polygraph examination. A polygraph is a tool that forensic psychologists use to ascertain whether someone is telling the truth or lying.^[1] Analysis of minute changes in human physiology is done using PolyGram. In polygraph, the subject is asked a series of question to which the subject has to answer in yes or no. Depending on the circumstance, polygraph test typically last two to three hours. After the recording the Polygraph examiner analysis's the graph by studying changes in physiological parameters comes to a conclusion whether the subject is telling truth or is deceptive on question related to crime under. The polygraph is an useful forensic instrument as without the regular third degree method adopted by police we will know if a subject is truthful or many rape allegations are fraudulent and that women disclose these events with an ulterior motive. deceptive in short period of time. When conducting an investigation, polygraph offers scientific support for confirming the truthfulness of the statements made by people who are involved in criminal cases. The results of the polygraph are digitally stored on computers using the most recent technologies. Computerized polygraphs make it possible to gather and analyze subject

responses more quickly, but they have no effect on the phenomenon being monitored. According to Delhi Commission of Women (DCW) revealing shocking statistics showing that 53.2% of the rape cases filed between April 2013 and July 2014 in Delhi were found 'false' and that

2. Role of Police in False Rape Cases:

The most cited list of motives according to Eugene J. Kanin Ph.D. Scholar from Department of Sociology and Anthropology, Purdue University, Indiana, USA are material gain, alibi, revenge, sympathy, attention, a disturbed mental state, relabeling or regret. Even if the rape charges are false, their consequences are long-lasting. So, few steps which an IO can follow are:

- Advice to Stay away from accuser, no contact in any way. This will help to be safe from further allegations.
- To study the victim's inconsistent story or version of events.
- Alibi: Use Technology to prove it like mobile location etc.
- Proving that the complainant is a habitual liar and she has filed similar cases against other men as well to blackmail them or to extort money from them. Help of social media can be taken to find some lead.
- Motive of the accuser like revenge; jealousy to be analyzed and proved.
- Detailed Account of Events and Possible Witnesses to be studied.

These things might make the victim's statement illegible or suggest that she was a consenting partner. A false rape case ruins a man's whole life. Such a person has to face a lot of condemnation in the society. The afflicted man has to bear the loss of money, respect, time, self-confidence, progress in his field. Such cases when comes to can break the faith of the man in the law as really grueling sessions exhaust him mentally, financially and socially also false rape allegations are impulsive and desperate gestures by women to find relief or to satisfy needs for excuses, revenge or attention.^[2]

3. False Allegations in the India:

The National Crime Records Bureau (NCRB) compiles data from all the police agencies in India and has been used to source the data in the present study. The National Crime Records Bureau (NCRB) data has two fields for false cases. First, 'cases declared false because mistake of law or fact', and second, 'cases in which charge sheets were not laid but final report was filed'. No definition of these categories or any guidelines for investigating officers are provided by the NCRB and no guidelines for police officers have been enumerated. The ability to generalize of this study was constrained by its emphasis on a single area in a single Indian state. To effectively compare them to research based in western nations, future studies may look at rape incidents in different districts and states of India and other Asian nations. The current study would advise the formation of acceptable crime data categories, including false cases, baseless, unsubstantiated, no crime, and others, based on the sparse data available. More investigation is required on the many types of false cases that exist in law enforcement organizations as well as the prejudices held by criminal justice system officials that lead to the misclassification of offences. This would be a significant step in ensuring justice for the victims of this heinous act. In India, the threat of false rape cases on one pretext or the other is increasing since the new amendment to Rape legislation in 2013. This reality is clear through an examination of court rulings and media reportage conducted by fast-track courts established around the nation, including Delhi. This does not imply, however, that Indian women are abusing their rights in any way.^[3-6] There are numerous instances where women are unable to provide evidence of the violence they have experienced, but this does not mean that the violence did not occur. Indian women who have experienced atrocities often struggle to establish their victim status in the community. The struggle for women is still unfinished because wealthy individuals win cases. Women are frequently compelled to withdraw their cases.^[7-10] There are many things that the data does not reveal, even in the cases that are deemed to be "false," such as what would cause victims of sexual assault to drop their charges, become hostile during an investigation or trial, or reach an out-of-court settlement. Less than 8% of all rape cases that were under investigation nationwide, according to data from the National Crime Records Bureau's (NCRB) Crime in India report 2020, were deemed to be "false." In India, a total of 38,947 rape cases were reported. Women claimed it was rape on a false promise of marriage in 10,068

cases, or nearly a quarter, of all reported cases. False rape accusations frequently come from parents trying to hide the "shame" of having sex with their unmarried daughter. In a patriarchal society, women are held responsible for any mistakes rather than males. Particularly if the offender is a famous person. This has frequently been seen. It is incorrect to assume that women are abusing the legal system based on the rise in fake rape accusations in India. India's court system needs to be strengthened so that women can prove the crimes done against them without fear.^[10-12]

4. Case Study: 1

4.1 Case Background

M/s X also her name is Jenny (Complainant) who is Tribal (Bodo) Girl, aged 22 years (approx) belong from remote corner of Assam called Sadhiya District, Tinsukia Assam. M/s X came to Delhi with her collegemate for sightseeing. She met, a unknown girl (Y), she is native of Assam (being Assamese) developed friendship to Miss X. unknown girl (Y) introduced Miss X to Mr. Z who is (Minister of Uttaranchal Cabinet). Both were (Miss X and Mr.Z) from political background therefore they used to discuss politics and in this process, Mr. Z offered to help Miss X in getting ticket of Congress at Assam. On 29th August 2002 Mr. Z requested Miss X to come to Delhi and also sent Ajay to bring her to Delhi. Complainant (Miss X) reached Delhi on 2nd September and she went to guest house where room was Pre booked and she lived there with Mr. Z for the four days and also had physical relation with him. After 4 days Mr. Z took the complainant (Miss X) to Hotel Samrat where he booked a room for her and room was registered on the name of Miss X. He introduced her as his daughter to the Hotel Management. Complainant (Miss X) left Hotel Samrat on 13th September 2002 and returns to Guwahati in her aunt house and having daily telephonic conversation with him. Once over telephone Mr. Z requested her to come to Dehradun. Miss X then reached Dehradun and contacted to Mr. Z from Local PCO. Then Mr. Z reached at his official Car and instructed Miss X approach there with unknown lady. With Lady help she reached Sh. Harakhouse in search of job and stayed there up to 21 December, 2002 and during this whenever Mrs. Z used to go their Native place Mr. Z used to establish physical relations with Miss X against her will. On 14 December, 2002 Miss X told Mr. Z that she was pregnant and requested him to do something to abort the pregnancy. When Mrs. Z came to know this, she shifted Miss X to Nari Niketan and job was also arranged for her. On 9, June 2003 Miss X admitted in Doon hospital and delivered a male child. Field verification at village of Miss X reveal that at age of 9 years she went away from her parental home and went to Arunachal Pradesh. She also joined the terrorist organization called Bodo land tiger's force. She visited Bareilly during December 2001 in connection with the mission of smuggling arms from Bareilly. During her Training with BLTF at the age of around 14-15 years, she entered into sexual activities during the time period.

4.2 Key Points of Polygraph Examination:

- **Parentage:** - Whether Mr. Z is the father of child delivered by Miss X?
- **Rape:** - Whether Mr. Z had a physical relation with Miss X against her will?

4.3 Results of different stages of Polygraph

- 4.3.1 Pretest: - During Pretest she claims that Mr. Z is not the father of her son, she falsely implicated those issues.
- 4.3.2 Polygraph Test Results

a. Deception observed on following issues :

Issues	Subject Answer
Whether she (Miss X) has made allegation against Mr. Z Falsely?	No
Whether she (Miss X) had sexual relations with Mr. Z ?	Yes
Whether she (Miss X) has accepted money to file false allegations against Mr.Z?	No

b. No deception was observed on the following issue:

Issues	Subject Answer
Whether she (Mr. X) knows Mr. Z personally?	No
Whether she (Mr. X) met Mr. Z for the first time in Delhi through Ms.Y?	No
Whether she (Miss X) had sexual relations with Mr. Z willingly?	No

4.4 Result of investigation:

- She (Miss X) never came to Delhi for sightseeing in fact from beginning of 2002 she was in Bareilly.
- Miss Y was a non - existing person found during investigation.
- Mobile phone records of Mr. Z did not disclose any call records, where he called her.
- Ajay is non – existence person. And also, guest house may not exist.
- No entry has been made in name of (Miss X) or Mr. Z in Hotel Samrat.
- Mr. Z's wife didn't go to her Native place at Srinagar, Garhwal.

5 Case Study:2**5.1 Case Background**

Smt. P (24 years) w/o Mr. Q (Mr. Kumar) residential of Village Ismailpur, Saharanpur (Uttar Pradesh) Smt.P with her (Smt. P) Son named (R) was going back to Saharanpur where her husband is lived who came from Ludhiana. She got down at Gurney railway station as the female passengers in the train told Smt. P that the train would not go to Saharanpur. Fellow passenger also told her to get down at Gurney and go back to Ludhiana and from there you will get a train to Saharanpur. After getting off the train, she stayed on the platform with her child. Seeing P and her son sitting alone in the cold due to the winter season, the policemen asked them to stay at the room. At first Smt. P refused the policemen but because of the child she went to the room. Going into the room, she saw that a man was already sleeping on the carpet covered with a quilt and seeing her he immediately got up and started asking the policemen about Smt. P then, she sat on the carpet covered with a quilt. After that when she saw the policemen, she did not like their intentions. And she quickly came out of the room with her son (R) and sat on the platform. The train to Ludhiana arrived at about quarter to six in the morning. About 5 minutes prior to the departure of

the train, a Sardar wearing black turban offered her a cup of tea, which she took and then boarded the train. After having a cup of tea, she felt little intoxicated. When she was boarding the train with her child 3 to 4 policeman also boarded. No other passenger was present in that compartment. In the meantime, 7-8 policemen also boarded the same compartment after getting down from the other compartment. Three policemen started molesting her. One of them pushed her ahead and another policeman snatched her son and put on the bench and there after threw her on the floor of the train. One of them caught her both the legs and the other one pressed her mouth with one hand, one of her arm with his other hand and her other arm was pressed with the knee. There was light in the compartment. In the meantime, the third policeman forcibly removed string of her salwar and pulled the salwar downward and committed rape on her. When the policeman has released her mouth, she told policemen weeping that they had committed a wrong act with her and my father is in Police and after telling him you all will get trapped. The policeman wearing red turban asked to throw her from the train, otherwise she would implicate them. When she started setting her salwar right, the policeman threw her from the running train When Smt. P regained consciousness, she found herself on the railway track. There was a lot of injury on the right side of his body and blood was also coming out and her son (R) was also lying distance of 5 steps away from her.

Key points in this case of Polygraph analysis were Rape and weather Smt. P was raped by policemen in train compartment?

5.2 Results of different stages of Polygraph

5.2.1 Pretest: - During Pretest she was giving direct answers, having good eye contact, Relaxed and composed. She (Smt. P) claims that rape was attempted but rape was not done.

5.2.2 Polygraph Test Results

a. No deception observed on following issues:

Issues	Subject Answer
Weather it is true that in the morning of 27.11.1999, she had tea that was not intoxicated?	Yes
Whether it is true that in the morning of 27.11.1999 when boarded at train three policeman tried to rape her?	Yes
Whether She told the policeman that her father is in the police and after telling her father she will get them trapped?	Yes
Whether it is true that when policeman left she jumped from the running train with her child?	Yes
Weather it is true that on 27.11.1999 in the morning rape was not committed in the train?	Yes
Whether it is true that policeman tried to commit rape that's why she gave the statement that policeman committed rape?	Yes
Weather it is true that policeman tried to commit rape and her child was dead that's why she gave the statement that policeman committed rape?	Yes

5.3 Results of Investigation:-

- Smt. P gave different statements at different times.
- The chemical examiner did not find any drugs in her blood.
- During DNA fingerprinting analysis, semen of Mr. Q (Kumar) (P's husband) was found on P's salwar.

6. Discussion:

In this paper we have discussed two case studies to show how polygraph can be a scientific tool into the forensic assessment for screening of fake rape allegation. Both case studies showed that the pre-test examination is the major aspect of the polygraph evaluation. In both the cases the main point of the polygraph was to identify whether rape had taken place or not. The claims made by both the complainants in the pre-test examination of polygraph are of great importance as they denied that rape was not committed. And the information obtained from the polygraph evaluation was similar to that of the police investigation. Investigation of both the cases leads to the conclusion that there may be a possibility that false allegations of rape have been made and this theory of police investigation with the help of polygraph proved to be true. These case studies found that the polygraph increases the truth facilitation.

7. Conclusion:

The polygraph is a highly useful scientific tool to investigate a false rape allegation and uncover the truth. This tool can also help in establishing the credibility of the theory made in the police investigation. Further, where matters of prime concern are unclear or relevant information/facts are missing, polygraph assessment can assist in eliciting responses that assist in making appropriate decisions in the investigation. In the both above cases polygraphs reveal untold story of victims and accused both. The importance of polygraph analysis is much more in the high-profile cases because they aliased to solve cases via bribe but as one of the forensic principle says, "fact do not lie but men's can do" proved this instrumental analysis very well with the help of PolyGram. Judicious use of polygraph, in sensitive cases provides more details information that may be necessary and used for comprehensive investigation.

8. References:

1. Nelson, Raymond. (2015). Scientific Basis for Polygraph Testing. *Polygraph*. 44. 28-61.
2. Iacono, W. G. (2008). Effective Policing: Understanding How Polygraph Tests Work and Are Used. *Criminal Justice and Behavior*, 35(10), 1295-1308. <https://doi.org/10.1177/0093854808321529>
3. Lisak, D., Gardinier, L., Nicksa, S. C., & Cote, A. M. (2010). False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases. *Violence Against Women*, 16(12), 1318-1334. <https://doi.org/10.1177/1077801210387747>
4. Rumney, Phil. (2006). False Allegations of Rape. *The Cambridge Law Journal*. 65, [doi.10.1017/S0008197306007069](https://doi.org/10.1017/S0008197306007069)
5. ETEMI, N., & HALILI, M. (2020). THE POLYGRAPH AS AN INVESTIGATIVE TOOL IN CRIMINAL INVESTIGATIONS. *JUSTICIA-International Journal of Legal Sciences*, 8(13-14), 168-175.
6. Wilcox, D., Jack, A., Donathy, M. & Berry, R. (2020). Case Studies Using the Polygraph to Assist in Assessing Sexual Risk in Three Clerics. *European Polygraph*, 14(2) 17-36. <https://doi.org/10.2478/ep-2020-0016>
7. Hanif Q, Jee Yearn K. The Truth Behind False Rape Cases. *Psychol BehavSci Int J* .2021; 18(1): 555978
8. Ansley N., Question Formulation, *Polygraph*, 2009,

https://www.polygraph.org/assets/docs/APAJournal.Articles/2009/question_formulation.pdf

9. Aleksić ž., Milovanović Z., Kriminalistika, Pravni fakultet, Beograd, 1991.
10. Aperen S. V., The polygraph as an investigative tool in criminal and private investigations, Australian Polygraph Services International, <http://www.diogenesllc.com/polyastool.html>
11. Krstić O., Zablude i istina o detektoru laži, Naučna Knjiga Beograd, 1989. [5]. Annual report for 2018, Ministry of Interior
https://mvr.gov.mk/Upload/Editor_Upload//Godisen%20izvestaj%202018.pdf
12. Instruction on Conducting Polygraph Testing and Content of Written Consent for the Application of the Polygraph Technique. Official Gazette nr. 126/201

