
RELATIONAL REPARATIVE JUSTICE AND CONSTITUTIONAL RIGHTS OF THE FAMILIES OF THE WRONGFULLY CONVICTED

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ABSTRACT

Wrongful conviction is a serious failure of justice in India. Even though Article 21 protects life, liberty, and dignity but the law mainly focuses on the person who was wrongly punished. Thereby, ignoring the suffering of their family, spouses, children, and elderly parents who face financial problems, emotional stress, and social stigma. The Law Commission's 277th Report also takes this limited view. This study acknowledges three key questions, whether wrongful conviction harms families beyond the convicted person, whether Indian law can recognise families as victims with enforceable rights, and how compensation should be designed to address this harm. It states that wrongful conviction causes continuous harm not only to the individual but also to their family. Families suffer both direct and indirect injuries under Article 21. The study proposes broader remedies, including financial support, mental health care, and rehabilitation for families to ensure fair justice through "Relational Reparative Framework".

Keywords: Miscarriage of Justice; Constitutional Tort; Collective Trauma; Restorative Justice.

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INTRODUCTION

The integrity of a constitutional democracy is tested when the State's own justice system causes a grave miscarriage such as wrongful prosecution and imprisonment. Indian courts have consistently recognised that such violations strike at the heart of fundamental rights. In cases like *Rudal Shah v. State of Bihar*,² *Bhim Singh v. State of Jammu & Kashmir*,³ and *Nilabati Behera v. State of Orissa*,⁴ the Supreme Court affirmed that unlawful detention and wrongful imprisonment violate Article 21 and require monetary compensation as a public law remedy. These decisions firmly establish that the State is constitutionally obligated to repair the harm caused by its own errors. According to the National Crime Records Bureau, India's prison population crossed 5.5 lakh inmates in 2023, with prisons operating at over 120% occupancy, reflecting a severely strained system.⁵ More importantly, over 76% of prisoners are undertrials, individuals who have not yet been convicted of any crime.⁶ This means that a vast majority of people in Indian prisons are legally presumed innocent. Many of them spend years in custody awaiting trial, with a significant number detained for more than one year, and some even beyond three years. Empirical studies⁷ further show that India has one of the largest undertrial populations in the world, driven by delays, lack of effective legal representation, and systemic inefficiencies. These figures reflect majority of prisoners are not yet convicted inevitably produces cases of wrongful detention and prolonged unjust imprisonment. Yet, despite this, the compensatory framework remains narrow. Relief is limited, uncertain, and largely confined to "ex gratia" payments made only to the wrongfully convicted individual.

When an innocent person is imprisoned, the consequences extend far beyond the prison walls. Families often lose their primary source of income overnight, fall into debt, and face social stigma within their communities. Children may be forced to leave school, spouses may struggle to survive financially, and elderly parents may be left without care or support. Sociological research across jurisdictions describes this as "collective trauma," where harm is shared, prolonged, and deeply embedded in the family's daily life.⁸ These impacts are commonly

² *Rudul Shah v State of Bihar* AIR 1983 SC 1086.

³ *Bhim Singh v State of Jammu & Kashmir* AIR 1986 SC 494.

⁴ *Nilabati Behera v State of Orissa* (1993) 2 SCC 746.

⁵ National Crime Records Bureau, 'Prison Statistics India 2023' (Ministry of Home Affairs 2024) <https://ncrb.gov.in> accessed 7 February 2026.

⁶ *ibid.*

⁷ *ibid* 85-90.

⁸ GS Bajpai, 'Victimological Foundations of Laws' in *Criminal Justice Process* (2019).

referred to as the “relational costs of wrongful conviction”, including financial collapse along with long-term psychological distress and social isolation.

The Law Commission of India’s 277th Report (2018),⁹ proposed a statutory framework for compensation but restricted claims only to the exoneree. The report fails to acknowledge the broader and continuing impact of wrongful conviction on families. It reflects an individual-centric understanding of harm that does not match the lived reality of those affected. In such circumstances, the State’s constitutional duty under Article 21 cannot remain confined to the individual alone. The right to life and personal liberty has already been interpreted broadly by the Supreme Court to include dignity, livelihood, and the protection of family life. When the State wrongfully deprives a person of liberty, it also indirectly destroys the stability, dignity, and security of their family. Therefore, the State must take full and comprehensive responsibility for all the consequences of its actions for the individual as well as relational harm suffered by the family.

This article proposes a new perspective called the Relational Rights Framework (RRF) where families of the wrongfully convicted are recognised and are not mere bystanders. To support this shift, the study brings together two important doctrines. The first is the doctrine of Continuing Constitutional Harm.¹⁰ It shows that the family’s trauma, financial loss, and social stigma continue even after the exoneree returns home. These injuries form an ongoing violation of the family’s right to dignity and livelihood under Article 21. The second doctrine is the Derivative Constitutional Claim.¹¹ It explains that the family’s harm flows directly from the original violation of the exoneree’s rights. This gives the family its own constitutional claim for remedies. The expected outcome is a complete framework for legislative and judicial reform. It aims to ensure holistic reparative justice for families. This includes compensation, rehabilitation, and structural measures that restore dignity, economic stability, and psychological well-being. Such an approach will allow India to honour its constitutional promises and meet its global commitments to effective remedies.

⁹ Law Commission of India, *Wrongful Prosecution (Miscarriage of Justice): Legal Remedies* (Law Com No 277, 2018) 38-41.

¹⁰ LL Brooks, ‘A Continuing Constitutional Harm: The Plight of Exonerees and the Need for a Federal Cause of Action’ (2015) 49 *University of Richmond Law Review* 643.

¹¹ R Coughlan, ‘Family and the Exoneree: The Relational Costs of Wrongful Conviction’ (2019) 22 *New Criminal Law Review* 589.

THE SOCIO-LEGAL DEFICIT: RECOGNISING COLLECTIVE TRAUMA AND RELATIONAL COSTS

Wrongful conviction sets off a chain of harms that unfold in stages. Each stage adds to the previous one and affects not just the individual, but their entire family and even the wider community. The first stage starts with the moment, a person is convicted and arrested. This sudden event often shakes the family's financial and social stability. The person is taken away from daily life, leaving a gap that is difficult to fulfill. Families that rely on the individual's income hit the hardest. Studies show that families face both financial and emotional trauma in the process.¹² They are bound to pay legal fees, travel to visit the person in jail, and keep up household expenses. Losing a main earner or caregiver causes immediate distress and often pushes families into debt. The emotional stress also keeps on rising as spouses, parents, and children struggle with fear, uncertainty, and social stigma. The arrest alone becomes a crisis, disrupting family life and leaving the household open to further problems. According to prison data compiled by the National Crime Records Bureau, a large number of those entering prisons come from economically vulnerable backgrounds.¹³ When such individuals are removed from the household, families often lose their only stable source of income. At the same time, legal fees, travel costs for prison visits, and basic survival needs increase the expenses. The Supreme Court, in *Hussainara Khatoon v. State of Bihar*, recognised that prolonged detention and systemic delay disproportionately harm the poor.¹⁴ While the case focused on undertrials, its reasoning applies equally to the justice system's failure which directly burdens families who are already vulnerable.

The second stage begins with long-term imprisonment. The harm grows deeper and harder to handle. At first, family, friends, and the community often provide strong support as they respond to the shock. But over time, this support fades, especially in families already struggling financially. Poverty, which may have existed before, worsens as money runs out. Loss of income, increasing legal costs, and daily expenses make the family's situation worse. Emotional and relational harm also grows. Family members may feel abandoned, frustrated, or powerless, even though the separation is forced by the State. Social stigma adds another layer of difficulty. Children may face discrimination at school. Spouses or adult dependents can lose

¹² Nidhi T, 'The Social Consequences of Wrongful Convictions' (2023) 6 International Journal of Law, Science & Innovation 1.

¹³ National Crime Records Bureau (n 5) 98-105.

¹⁴ *Hussainara Khatoon (I) v Home Sec'y, State of Bihar* (1980) 1 SCC 81.

job opportunities because of their connection to the incarcerated person. Poverty, stigma, and emotional strain push families to the edges of society. Data shows that over 76% of prisoners in India are undertrials and many remain in custody for more than 1–3 years without conviction.¹⁵ This prolonged absence leads to chronic poverty, educational disruption for children and mental health stress. Social stigma becomes more severe during this phase. Children may face discrimination in schools. Spouses may struggle to find work due to association with the accused. Families are often treated as “tainted” by society. The Supreme Court in *Sunil Batra v. Delhi Administration*¹⁶ expanded Article 21 to include dignity even within prison. However, the dignity of the family outside prison is also indirectly violated and remain unaddressed. This stage shows that wrongful conviction harms not only the individual but also the family’s social, economic, and emotional wellbeing.

The third stage begins when the person is released. Here, the long-term effects become clear. Exonerees often return to families which got changed by their absence. Relationships may be strained, and some bonds might be broken. Many feel anger or resentment toward family members who could not fully support them or understand the mental toll of imprisonment. They may feel out of place in their communities, which may have stigmatized them. Current compensation systems focus mainly on the wrongfully convicted individual and rarely help families recover. As a result, the harm does not stop with release. Family structures may collapse, social networks weaken, and financial insecurity continues. These ongoing harms, especially for families already struggling with poverty or marginalization, are a clear violation of constitutional rights, including the right to life and personal liberty under Article 21. The persistence of these problems shows that wrongful conviction is not just an individual harm rather it is a continuing constitutional injury affecting many people.

Despite this, India’s legal and policy framework has not fully addressed these realities. The Law Commission of India’s 277th Report on Wrongful Prosecution (Miscarriage of Justice): Legal Remedies¹⁷ was a step toward reform. It proposed a legal system for compensation and suggested changes to the Code of Criminal Procedure, 1973. At first, this seemed meaningful. But a closer look shows a serious flaw. The report limits compensation only to the person wrongfully prosecuted, ignoring the broader harm suffered by families and dependents. By

¹⁵ National Crime Records Bureau (n 5) 85-90.

¹⁶ *Sunil Batra v Delhi Administration* (1978) 4 SCC 494.

¹⁷ Law Commission of India (n 9).

treating wrongful prosecution as just a procedural mistake, it reduces the State's responsibility to fixing the individual error.

The problem is worse because the report places compensation only within the Bharatiya Nagarik Suraksha Sanhita (BNSS), which replaced the CrPC. This avoids recognizing that harm affects the whole family. Families are treated as collateral, not as stakeholders with rights under Article 21 of Indian Constitution.¹⁸ Ignoring these ripple effects means households cannot claim compensation for financial losses, social stigma, or emotional trauma caused by State error. The State's duty to protect life, liberty, and dignity is reduced to a procedural obligation. India has no centralized data on wrongful prosecutions, and without data, policy and judicial action are slowed, leaving families without help. The Law Commission's report has been pending since 2018, showing slowed response. Meanwhile, the central government often shifts the responsibility onto state governments instead of taking a clear and unified approach. This creates confusion about who is actually accountable, and as a result, affected families are left without any real protection. In such a situation, the courts have an important role to play. They must step in to fill this gap by clearly laying down rules on compensation, formally recognising that families are also victims, and ensuring that both individuals and their families have enforceable legal rights that can be practically used to seek justice.

DOCTRINAL FOUNDATIONS: THE FUSION OF “CONTINUING CONSTITUTIONAL HARM” AND “DERIVATIVE CONSTITUTIONAL HARM”

The Supreme Court has interpreted Article 21 to include rights to dignity, livelihood, and health. All these rights depend on the stability of the family.¹⁹ The U.S. Supreme Court, in *Pierce v. Society of Sisters*, has recognized that parents have a fundamental right to make decisions about their children.²⁰ It held that a child is “not the mere creature of the State.” India's Article 21 thinking reflects the same idea. The right to family life should therefore be seen as a core constitutional protection. The State cannot weaken this right through negligence or wrongful actions. Its duty is not only to avoid physical harm but also to prevent its institutions from breaking apart families, which are the basic units of society. The Relational Rights Framework (RRF) aims to shift families from being silent victims of State actions to being recognized constitutional rights holders. To achieve this, the framework brings together

¹⁸ *Francis Coralie Mullin v Administrator, Union Territory of Delhi* (1981) 1 SCC 608.

¹⁹ *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

²⁰ *Pierce v Society of Sisters* 268 US 510 (1925).

two doctrines of continuing constitutional harm²¹ and derivative constitutional claims.²²

A. Fusion Doctrine I: The “Continuing Constitutional Harm”: The idea of “Continuing Constitutional Harm” means that when the State does something wrong, the damage does not automatically stop when the act itself ends. If the act causes lasting harm to a basic right, the violation continues until the harm is fully fixed. Wrongful imprisonment is a clear example. Even after an innocent person is released, the jail time is over, but the damage to their family keeps going. Families of wrongfully convicted people face a long chain of problems. They often carry heavy debt built up during imprisonment, which can take years or even decades to pay off. Household income is disrupted, savings are spent, and chances for financial stability may be lost forever. Children can fall behind in school, miss important opportunities, face discrimination, or lose chances that affect their futures. Parents and spouses carry heavy emotional burdens, including stress, anxiety, depression, and social stigma. Family relationships often strain or break under the pressure, leaving long-lasting scars. The trauma is made worse by social isolation and judgment from the community, which can last for years. These effects show that the harm goes far beyond the wrongfully convicted individual. The violation affects the whole family. It touches the dignity, freedom, and livelihood of multiple family members. Under Article 21 of the Constitution, these harms are not just past events or abstract ideas but the ongoing violations. They interfere with the family’s right to life, liberty, and dignity in ways that continue over time. As the damage keeps going, the family’s claim cannot be solved with a small, one-time payment. A single cheque cannot make up for lost education, repair broken relationships, or undo the emotional toll on parents, children, or spouses. Recognizing continuing constitutional harm changes what the State must do. The State must fix the full extent of the damage, not just admit it made a past mistake. This includes complete rehabilitation i.e. financial support, help with education, mental health services, and programs to rebuild family and social relationships. The State also needs to fix the systemic gaps that let such harms happen in the first place. Seeing wrongful acts as continuing harm highlights that the problem is deep and structural. Justice cannot be only about following procedures, it must actually restore the lives of those harmed.

B. Fusion Doctrine II: The “Derivative Constitutional Claim”: The idea of derivative rights helps in explaining that families have a constitutional claim when someone is wrongfully

²¹ Brooks (n 10).

²² Coughlan (n 11).

convicted. For instance, companies can sometimes get constitutional protection to safeguard the rights of the people behind them. So, if derivative rights can protect businesses, they should apply even more strongly to families, which are the most basic and important units of life and society. Under the Relational Rights Framework (RRF), families suffer two kinds of harm. The first is independent harm which is trauma, social stigma, and financial losses that dependents face directly. The second is derivative harm which is damage caused by the violation against the wrongfully convicted person, which disrupts the family's financial and emotional structure. Both harms are real, connected, and deeply serious. Seeing the family's claim as derivative changes things significantly. Families are no longer just secondary beneficiaries of the exoneree's compensation, they become independent holders of constitutional rights. Judges must recognize family relationships as protected under the Constitution. The State cannot, through negligence or wrongdoing, weaken or break these core bonds without violating constitutional duties. The RRF strengthens the family's position, showing that harm to the wrongfully convicted person automatically affects the whole family. These harms are structural and continue over time. Justice requires remedies that match the full scale of harm. The doctrine of derivative rights, applied through the RRF, ensures families are treated as independent constitutional actors. They deserve protection, care, and full restitution alongside the wrongfully convicted person.

INTERNATIONAL CONSONANCE: COLLECTIVE VICTIMHOOD AND COMPREHENSIVE REPARATION

India, as a signatory to the "International Covenant on Civil and Political Rights" (ICCPR), is legally obligated to provide an effective remedy, including compensation, for victims of miscarriage of justice.²³ Article 9(5) of the ICCPR specifically states that any person who has been unlawfully arrested or detained has an enforceable right to compensation. This is not a mere guideline but a binding international commitment. Further, Article 2(3) requires States to ensure that remedies are effective, accessible, and meaningful, not symbolic.

Indian courts have already accepted that international law can guide constitutional interpretation. In *Vishaka v. State of Rajasthan*,²⁴ the Supreme Court held that international conventions can be used to fill gaps in domestic law, especially where fundamental rights are

²³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

²⁴ *Vishaka v State of Rajasthan* (1997) 6 SCC 241, 251.

involved. Similarly, in *People's Union for Civil Liberties v. Union of India*,²⁵ the Court relied on international human rights standards to strengthen constitutional protections. Consequently, the Relational Rights Framework (RRF) is fully consonant with, and indeed necessitated by, these international standards.

A. The Definitional Scope of Collective Victims: International human rights instruments clearly support that harm can be collective and that families can also be victims. The “UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” defines victims in a very broad way. It includes anyone who suffers physical or mental injury, emotional pain, economic loss, or serious harm to their fundamental rights.²⁶ Importantly, it also extends victim status to those who are indirectly harmed, including the immediate family or dependents of the direct victim. In cases of wrongful conviction, the family's suffering is not only emotional but also financial and structural, which makes it fully justified to recognise them as victims. The Declaration also states that compensation funds should provide support to the family, especially dependents of people who have died or become physically or mentally unable to support themselves because of such victimisation.²⁷ Wrongful conviction fits this exactly, because the imprisonment of the main earner amounts to a form of physical incapacitation that directly harms the dependants who rely on them.

B. Judicial Incorporation of International Mandates: Since Indian policy, including the Law Commission of India's recommendations, does not properly address compensation for families, the Supreme Court can step in. Under Articles 32 and 226 of Indian Constitution, the Court has constitutional power to adopt relevant international human rights principles.²⁸ This allows the Court to interpret Article 21 in line with global human rights standards. As international rules clearly recognise the family as an indirect victim entitled to relief, the Court has strong moral and legal grounds to mandate compensation for families. This approach helps India move beyond individual-based model to a more just system of redress.

FIVE PILLARS OF RELATIONAL REPARATION

The Relational Rights Framework (RRF) recognizes that wrongful conviction harms not just

²⁵ *People's Union for Civil Liberties (PUCL) v Union of India* (1997) 1 SCC 301.

²⁶ UNGA Res 40/34 'Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power' (29 November 1985).

²⁷ *ibid* paras 12-13.

²⁸ *Vishaka* (n 24).

the individual but the entire family. To address this, it must fully incorporate the five pillars of reparation from the “UN Principles on Reparation”. This approach ensures that justice goes beyond simple financial compensation. It provides a complete, holistic response that repairs emotional, social, and economic harm. By doing so, the RRF moves from basic legal indemnity toward true restorative justice for the family.

A. Restitution: Restitution is meant to bring a family back to the situation they were in before a wrongful conviction. It is not just about giving money. It covers all the rights, resources, and opportunities the family lost because the State failed. This includes financial losses, emotional stress, and disruption of the family’s daily life and structure. Restitution must also consider the time, energy, and effort the family spent fighting the conviction. The State should carefully check all debts the family took on, separating normal household expenses from costs caused directly by the legal battle. These could include high-interest loans for defense fees, legal mortgages, or other financial compromises made under pressure. Families should not carry these losses forever. There should be a fast and simple way to remove all negative credit marks from this period, helping the family regain financial stability and the ability to borrow. Restitution also addresses non-financial harms. This includes restoring parental rights or custody arrangements that were affected by the incarceration. Relationships, decision-making authority, and household roles should return to as they were before the conviction. The goal is to make the family whole again legally, financially, and socially. This shows that wrongful conviction harms are not just about money but also disrupt the identity, stability, and dignity of the family as a whole. Full restoration means fixing both tangible losses, like money and property, and intangible ones, like broken relationships, lost trust, and reduced social standing. Comprehensive restitution ensures the family is genuinely repaired. Justice cannot stop at compensating the individual who was wrongfully convicted. It must fix the full range of harm caused by the State’s wrongful actions.

B. Compensation: Compensation gives money for losses that cannot be physically replaced. Under the Relational Rights Framework (RRF), it must reflect the combined harm suffered by the whole family. The goal is not just to fix individual losses but to recognize wrongful conviction affects the family as a unit. Compensation should look forward and calculate the family’s lost earning potential. This includes the exoneree’s lost wages and the financial impact on a spouse or partner who may have left work to handle the legal battle and care for children or other dependents. It must also cover moral damages, giving meaningful payment for the

pain, stress, and damage to reputation experienced by the family. Solatium ensures that emotional and social consequences of wrongful conviction are recognized along with financial losses. Compensation must also prevent new hardships. Families should not lose access to welfare benefits because of a one-time payout. Payments should be designed to provide long-term stability. Sustained support helps dependents recover from the disruption caused by the State's failure. It restores both security and dignity. By combining money with recognition of emotional and relational harm, compensation under the RRF addresses the full injustice caused by wrongful conviction. The family is not treated as a side effect but as a primary victim. This ensures justice goes beyond paying the individual. It reaches everyone whose life was destabilized by the wrongful conviction. Compensation becomes a way to repair both economic and emotional harm. It helps families recover, rebuild, and regain stability after the State's wrongful act.

C. Rehabilitation: Rehabilitation helps fix the deep and long-lasting emotional and social damage caused by wrongful conviction and long periods of separation. The harm affects not just the innocent person but also their family. Family bonds, trust, and emotional stability are often broken. The State must provide long-term, specialized therapy that goes beyond regular counseling. This includes therapy for the exoneree to process trauma, manage anxiety, depression, and stress, and regain confidence. Family therapy is equally important. It helps repair broken relationships and rebuild trust between the exoneree, their partner, and children. These steps are essential to heal the damage caused by years of absence and uncertainty. Rehabilitation also means removing barriers to returning to normal life. Families often face social stigma, discrimination at work, and difficulty accessing schools or public services. The State should provide vocational training to help the exoneree regain financial independence and return to work with dignity. Children who missed school must get support to catch up academically and socially. Mentorship programs can guide exonerees and their families to deal with stigma, rebuild social connections, and adjust to life after release. This part of rehabilitation recognizes that the harm is emotional, psychological, relational, and economic. It shows that the loss of dignity and mental well-being, which Article 21 protects, comes directly from the State's failure. Rehabilitation is not optional, it is the State's duty to fix the full range of harm. By addressing trauma, family disruption, social barriers, and missed education or work opportunities, rehabilitation helps the exoneree and family rebuild their lives. It turns justice into more than just financial compensation. It restores dignity, opportunity, and family stability. Only with full rehabilitation the long-term effects of wrongful conviction

be truly reduced by ensuring that the family's fundamental rights are fully respected and restored.

D. Satisfaction: Satisfaction focuses on non-monetary actions to restore the family's honour, dignity, and reputation, and to counter the lasting social stigma. The State must create formal mechanisms for public recognition and vindication, including official apologies from the highest relevant authorities, such as the Chief Minister or head of the prosecuting agency. A mandatory "Certificate of Innocence" should be issued to help the family access employment and social opportunities. Satisfaction also requires accountability for systemic failures, through independent and public investigations of responsible police officers, prosecutors, or forensic experts, with full reporting of the findings. Additionally, suitable memorials like public records, plaques, or scholarly research should recognize the family's suffering, ensuring their ordeal serves as a public lesson and reinforces the wider constitutional purpose.

E. Guarantees of Non-Repetition: The final pillar focuses on concrete systemic, legislative, and institutional reforms to prevent future wrongful convictions and protect the exoneree's family from further harm. The guarantees must cover both procedural and socio-economic measures. Procedurally, the State must reform legal aid systems, ensuring better funding, training, and oversight to reduce errors that cause wrongful convictions. Socio-economically, the State must protect the family from losing welfare benefits such as housing, healthcare, and food assistance, even after receiving compensation thereby recognizing that a single payment cannot immediately repair financial vulnerability. Non-repetition also requires changing institutional culture. This includes mandatory, regular training for judges, prosecutors, and law enforcement on the causes of wrongful conviction, with special emphasis on the relational impact on families, addressing the structural roots of injustice.

OPERATIONALISING THE RELATIONAL REPARATIVE RIGHTS FRAMEWORK

Implementing the Relational Rights Framework (RRF) requires a significant legislative commitment, moving past temporary judicial orders and limited statutory amendments.

A. Proposal for a Dedicated Reparation Act: The first essential step is to create a separate and comprehensive law, which can be called the Miscarriage of Justice (Reparation and Rehabilitation) Act. This law must formally recognise the family as an independent claimant under the Relational Rights Framework (RRF). It must also move beyond the limited approach

taken by the Law Commission's BNSS amendments.²⁹ The Law Commission's 277th Report restricts its recommendations to changes within the BNSS, which is a procedural law. This limits compensation only to the wrongfully prosecuted person and prevents the family from making its own constitutional claim. A dedicated statute is therefore necessary. It can be grounded directly in Article 21, allowing the harm to be treated as a collective constitutional injury rather than a mere procedural error. The Act must also clearly define "dependants" to include the spouse, minor children, dependent adult children, and primary financial or emotional carers who suffered direct harm because of the wrongful prosecution.

B. Recognition of Pecuniary Compensation: For the RRF in India, the pecuniary calculation must be rigorously structured to incorporate two distinct compensatory streams, ensuring the total liability reflects the full extent of the harm inflicted. Drawing upon comparative international practice reveals a necessary commitment to standardized, significant compensation.

I. Exoneree Compensation: This stream must give a large, fixed amount of money for every year the person spent in wrongful imprisonment, and the amount must be regularly adjusted for inflation. To match international standards of recognising severe harm, extra compensation must be provided for any time spent on death row.³⁰ This part of the relief covers the loss of personal freedom and the basic income the person could have earned. Comparative examples show a wide range of compensation amounts in the United States. Some states offer a flat rate of \$50,000 per year of wrongful imprisonment,³¹ while states like Colorado provide \$70,000 per year,³² and Nevada grants up to \$100,000 per year³³ for long-term incarceration.

Compensation = (Years of Imprisonment × Base Rate) + Inflation Adjustment + Severity Multiplier

II. Familial Pecuniary Compensation: A separate fund must compensate dependants for all proven financial losses, and this claim must be treated as completely independent from the exoneree's personal claim. This compensation should cover the share of household income lost

²⁹ Law Commission of India (n 9).

³⁰ UNHRC, 'General Comment No. 32: Right to Equality Before Courts and Tribunals and to a Fair Trial' (23 July 2007) UN Doc CCPR/C/GC/32.

³¹ Texas Civil Practice and Remedies Code § 103.052.

³² Colorado Revised Statutes § 13-65-103.

³³ Nevada Revised Statutes § 41.900.

during the period of imprisonment. It must also include full reimbursement of essential expenses the family had to bear, such as heavy legal fees, travel costs for prison visits, and the debt burden created during the wrongful incarceration. Restitution further requires the State or responsible authorities to repay these expenses and restore the rights that were harmed. In addition, a clearly calculated amount for the moral and emotional suffering experienced by the entire family must also be recognised and awarded.

Family Compensation = Lost Household Income + Legal Debt Burden + Emotional Harm Valuation + Educational Disruption Costs + Social Rehabilitation Cost

C. Non Pecuniary and Rehabilitative Justice: Compensation for a person who is wrongly convicted and later exonerated is an important recognition of the State's failure. But money alone is not enough. Wrongful conviction causes trauma that affects not just the individual, but the entire family. It damages their emotional bonds, financial stability, and social life. Article 21 of the Indian Constitution guarantees the right to life with dignity. This requires the State to go beyond just paying money. A strong Reparation and Restoration Framework (RRF) is needed. It must address the family's emotional, social, and economic harm. True justice means repairing the damage in a way that helps recovery without causing new harm.

D. Wrongful Prosecution as Collective Trauma: Wrongful conviction is a serious violation of the right to life and personal liberty. The Supreme Court has repeatedly held that Article 21 guarantees the right to live with dignity, which includes physical, mental, and emotional well-being. The harm does not stop with the exoneree's lost years of freedom. It also creates lasting damage for their spouse, children, and parents. Psychological studies show that family members often suffer alongside the exoneree. They experience stress, anxiety, and even similar mental health conditions due to separation and social stigma. The exoneree may face "Post Traumatic Stress Disorder" (PTSD), chronic depression, and feelings of distrust, suspicion, and alienation after release.³⁴ These psychological wounds make it harder to reintegrate into society and strain family relationships. The stress of incarceration continues to affect both the exoneree and their family long after release. Therefore, the State's duty under Article 21 must be interpreted broadly. It must include restorative measures that heal the family unit and protect their psychological well-being and relational dignity.

³⁴ SD Westervelt and KJ Cook (eds), *Life After Death: The Social and Economic Consequences of Wrongful Conviction* (Rutgers University Press 2012).

E. Repairing the Psyche and the Relationship: Money alone cannot restore broken trust, damaged emotional bonds, or a lost sense of safety. The Relational Rights Framework (RRF) must therefore rely on strong, specialized psychological support. This support should address the complex trauma experienced by both the exoneree and their family. It must help them rebuild relationships, cope with emotional distress, and regain a sense of security. Robust mental health intervention is essential for real recovery and lasting restoration of family well-being.

I. Mandating Trauma-Informed Care: The State must provide long-term, specialized psychosocial support to exonerees and their families. This support should follow a trauma-informed model of care, which focuses on physical, psychological, and emotional safety for everyone affected. It recognizes the prevalence of trauma and adapts treatment accordingly, promoting meaningful changes in behavior and organizational practices.

II. Specialized Clinical Services: The State must offer clinicians trained to address the specific psychological effects of wrongful imprisonment, such as chronic hypervigilance, low self-esteem, and mistrust. Support should begin immediately upon release and continue long-term, as recovery is often slow and ongoing.

III. Mandatory Family Counseling: Wrongful imprisonment damages family relationships, creating emotional distance and persistent mistrust. The RRF requires counseling for the entire family to repair these relationships. Long-term support helps restore communication and trust, aiding reintegration. Organizations like the Innocence Project have highlighted the importance of such services, showing that effective restorative justice depends on both family and community involvement.

This comprehensive approach fulfills Article 21's mandate to restore dignity and psychological health. It moves the RRF from simply providing financial compensation toward genuine relational repair and lasting recovery.

CONCLUSION

The existing system for compensating victims of a miscarriage of justice in India is fragmented. It is primarily characterized by an individualistic focus that fundamentally overlooks the collective, enduring injury inflicted upon the entire family unit. This flawed framework fails to

meet the clear constitutional mandate of Article 21 and falls substantially short of India's international human rights obligations under the ICCPR and the UN Principles on Reparation.

The Relational Rights Framework (RRF) is an essential expansion required to address this systemic deficit. By applying the doctrine of continuing constitutional harm, the legal system can finally acknowledge that the State's liability persists until the family unit's relational and economic integrity is fully restored. Simultaneously, by utilizing the derivative constitutional claim, the RRF grants the family unit autonomous legal standing. This move recognizes that the integrity of this primary social association is fundamentally protected under Article 21. The pathway forward demands action from both the judicial and legislative branches. The judiciary, specifically the Supreme Court, possesses the necessary authority under Articles 32 and 226 to interpret fundamental rights broadly. This allows the courts to incorporate the international definition of collective victims and grant derivative familial claims immediately, an intervention in executive processing of the Law Commission's report.

The legislature must move beyond the narrow procedural focus of the LCI's suggested amendments and enact a dedicated Reparation Act. This Act must enshrine the family's right to collective, comprehensive reparation, a policy that embraces not only adequate pecuniary compensation against international standards but, crucially, also guarantees long term rehabilitation and social restitution, addressing the deep, non-pecuniary scars of collective trauma. Only through the implementation of the Relational Rights Framework, India can truly progress toward a system of reparative justice that is holistic, constitutional, and empathetic to the human cost of a miscarriage of justice.