
JUDICIAL REMEDIES AND CONSTITUTIONAL SAFEGUARDS FOR VICTIMS OF WRONGFUL CONVICTION IN INDIA: AN ANALYSIS

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ABSTRACT

Wrongful convictions represent one of the gravest miscarriages of justice, violating fundamental rights guaranteed under Articles 20, 21, and 22 of the Indian Constitution.¹ This paper critically examines the existing judicial remedies and constitutional safeguards available to victims of wrongful conviction in India. It analyses landmark judgments from *Rudal Sah* (1983)² to the latest 2024–2025 decisions of the Supreme Court on monetary and non-monetary compensation, the viability of civil suits against the State, and the role of the “public law remedy” evolved by Indian courts. The study also evaluates the impact of the Law Commission of India’s 277th Report (2018) and recent statutory developments, including the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (BNSS). Despite progressive judicial pronouncements, the absence of dedicated legislation and inconsistent compensation frameworks continue to undermine effective redress. The paper concludes that India needs a comprehensive Wrongful Conviction (Compensation and Rehabilitation) Act on the lines of the UK’s Criminal Justice Act, 1988 and certain U.S. state laws.

It evaluates the extent and limits of existing remedies, which include monetary compensation using writ jurisdiction, the efficacy of civil suits for damages, and non-monetary reliefs comprising expungement of records, social reintegration, and psychological support. Special attention is given to the evolution of the so-called “public law remedy,” a singular Indian judicial invention by which constitutional courts may award compensation for violation of fundamental rights.

It also reflects upon the recent recommendations of the Law Commission of India’s 277th Report, 2018³, which explicitly advocated providing a statutory scheme for compensation to the wrongfully convicted and considers relevant

¹ Constitution of India, arts 20, 21, 22

² *Rudal Sah v State of Bihar* (1983) 4 SCC 141

³ Law Commission of India, *Report No 277: Wrongful Prosecution (Miscarriage of Justice): Legal Remedies* (2018)

statutory changes such as the Bharatiya Nagarik Suraksha Sanhita, 2023⁴, to discern whether recent reforms meaningfully address systemic deficiencies.

Despite progressive judicial pronouncements and growing recognition of the harms suffered by exonerees, India still lacks a dedicated legislation that defines wrongful conviction, prescribes uniform standards for compensation, or mandates rehabilitation measures. The current system remains inconsistent, discretionary, and inaccessible to most victims. The paper concludes that India urgently requires a comprehensive *Wrongful Conviction (Compensation and Rehabilitation) Act*, modelled on successful frameworks such as the UK's Criminal Justice Act, 1988 and various U.S. state compensation statutes, to ensure predictable, rights-based, and humane redress for individuals who have suffered miscarriages of justice.

Keywords: Wrongful conviction, miscarriage of justice, Article 21, public law remedy, monetary compensation, rehabilitation, human rights.

INTRODUCTION

A wrongful conviction occurs when an innocent individual is found guilty, incarcerated, or penalised for a crime they did not commit. This complex injustice carries legal, social, and human repercussions: years lost, stigma, trauma, financial devastation, and occasionally death. In India, elevated rates of unresolved cases, investigative mishaps, forced confessions, forensic mistakes, and prosecutorial deficiencies heighten the likelihood of these injustices. This document is structured into five sections.⁵ Part I describes the constitutional and legal remedies currently employed by exonerees (writs, court-ordered compensation, supervisory jurisdiction). Part II examines legislative and policy changes, specifically the Law Commission's suggestions and suggested legislation. Part III presents a comparative overview of compensation frameworks in different jurisdictions. Part IV identifies the main gaps and challenges in the Indian system. Part V suggests changes and actionable measures for execution. Globally, criminal justice scholars have described wrongful convictions as the “*dark figure of criminal justice*”, a hidden crisis that silently erodes the legitimacy of courts, policing institutions, and prosecutorial agencies. In India, the issue has gained renewed visibility over the last decade, largely due to increased legal scholarship, reports by investigative bodies such as Project 39A, and judicial recognition of miscarriages of justice in cases involving long-term

⁴ Bharatiya Nagarik Suraksha Sanhita, 2023

⁵ Martin Killias and C Ronald Huff, *Wrongful Convictions and Miscarriages of Justice* (Routledge 2013).

incarceration, custodial violence, and procedural irregularities.⁶

This introduction seeks to situate wrongful convictions within India's broader constitutional and human rights framework, demonstrate the magnitude and urgency of the problem, and establish the clear research gap that motivates the present study, namely, the absence of a comprehensive statutory framework for the compensation, rehabilitation, and reintegration of exonerees, despite constitutional guarantees under Articles 20, 21, and 22. The chapter also outlines the study's scope, research limitations, and methodology.

The present study seeks to critically examine the problem of wrongful convictions in India, both with respect to normative constitutional issues and on aspects of the practical operation of the criminal justice system. It first looks at the constitutionally available safeguards under Articles 20, 21, and 22, particularly protections against self-incrimination, the right to legal representation, due process, and protection from arbitrary arrest and detention, and examines whether these rights work in practice to prevent miscarriages of justice or are purely theoretical.

In this context, it examines systemic and structural issues in India's policing, processes of investigation, forensic practices, prosecution, and the provision of legal aid that contribute to wrongful convictions, such as confession-based investigations, forensic shortcomings, and violations by prosecutors, delays in trial, and the socio-economic vulnerability of accused persons.

Further, the study examines the extent to which existing judicial remedies, such as compensation under writ jurisdiction, ex gratia schemes, and civil suits, provide meaningful and consistent relief to exonerees, evaluating their accessibility, timeliness, and capacity to address long-term psychological, social, and economic harms. A comparative dimension is incorporated by analysing India's current approach to compensation and rehabilitation in light of international human rights standards, especially Article 14(6) of the ICCPR⁷, and statutory models in jurisdictions such as the United States, the United Kingdom, and Canada, with a view to identifying best practices and assessing India's compliance with global norms.

Finally, the study examines the legal, institutional, administrative, and political factors

⁶ Project 39A, *Death Penalty India Report* (NLU Delhi 2016).

⁷ Gould and Leo, 'One Hundred Years Later: Wrongful Convictions After a Century of Research' (2010) 100(3) *Journal of Criminal Law and Criminology* 825

contributing to India's failure to establish a dedicated statutory framework for wrongful conviction compensation, including legislative inaction, policy formulation gaps, governmental resistance to accountability, and the judiciary's reluctance to expand compensatory jurisprudence. Collectively, these objectives aim to illuminate the disconnect between constitutional guarantees and their practical enforcement, and to identify the barriers that hinder the establishment of a uniform, rights-based statutory scheme for the wrongfully convicted.

OBJECTIVE OF STUDY

This study's primary objective is to thoroughly examine the legal remedies and constitutional protections afforded to victims of wrongful conviction in India, with a specific focus on how the higher judiciary interprets Articles 21, 32, and 226. By examining the legal development of the rights to life and personal freedom, the research aims to evaluate how constitutional protections have been utilised to prevent injustices and provide remedies to individuals wrongfully imprisoned

Another goal is to assess the efficacy of judicial remedies, particularly writ jurisdiction and compensatory law, in meeting the needs of exonerees. Although courts acknowledge compensation as a constitutional remedy under Article 21, this study aims to assess how consistently and effectively these judicial actions provide rehabilitative relief and whether they effectively deter state abuses that result in wrongful convictions.

Ultimately, the research aims to position India's experience within a comparative and global context, analysing international models of exoneree compensation and rehabilitation, including responsibilities under Article 14(6) of the ICCPR. This research seeks to identify gaps, strengths, and opportunities for reform, and to offer specific recommendations for a legal compensation framework that harmonises constitutional principles with global best practices.

RESEARCH METHODOLOGY

This study adopts a **doctrinal and comparative research methodology** to examine the constitutional safeguards, judicial remedies, and statutory frameworks concerning wrongful convictions in India. The doctrinal approach involves an in-depth analysis of primary legal sources such as the Constitution of India, statutes including the Bharatiya Nagarik Suraksha

Sanhita, 2023 (BNSS), and judicial pronouncements from landmark Supreme Court and High Court cases, notably *Rudal Sah v. State of Bihar* (1983)⁸ and subsequent rulings on compensation and rehabilitation. Secondary sources, including books, peer-reviewed articles, Law Commission reports, government reports, and international human rights instruments such as the ICCPR, are employed to understand theoretical perspectives and comparative practices.

The comparative aspect of the methodology examines statutory and institutional frameworks in jurisdictions such as the United States, the United Kingdom, Canada, and select European countries to identify best practices in preventing wrongful convictions and providing compensation and rehabilitation. Through this approach, the study evaluates the efficacy of India's legal mechanisms vis-à-vis international standards and assesses gaps in legislation, policy, and judicial implementation. The research also incorporates a qualitative review of empirical studies and reports documenting wrongful convictions globally and in India, allowing for contextualisation of systemic challenges within the Indian criminal justice system.

SCOPE AND LIMITATIONS OF THE STUDY

The scope of this study encompasses the legal, constitutional, and policy dimensions of wrongful convictions in India, focusing on the systemic and structural mechanisms designed to prevent, address, and compensate for such miscarriages of justice. It critically examines constitutional safeguards under Articles 20, 21, and 22, evaluating their practical effectiveness in protecting the rights of accused individuals and preventing wrongful convictions. The study also analyses judicial remedies, including writ petitions, civil suits, and the evolving doctrine of public law compensation, assessing whether these mechanisms provide adequate, consistent, and accessible relief to exonerees. In addition, it reviews recommendations made by the Law Commission of India, particularly in its 277th Report (2018), and recent statutory developments such as the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), to determine the extent to which legislative frameworks address the needs of wrongfully convicted individuals⁹. Comparative perspectives from international jurisdictions, including the United States, the United Kingdom, and Canada, are incorporated to identify effective models of compensation and rehabilitation that could inform reforms in India.¹⁰ Furthermore, the study considers the

⁸ *Rudal Sah v State of Bihar* (1983) 4 SCC 141

⁹ *Nilabati Behera v State of Orissa* (1993) 2 SCC 746

¹⁰ M P Singh, 'Compensation Jurisprudence under Article 21' (2008) 50 *Journal of the Indian Law Institute* 87

broader socio-legal implications of wrongful convictions, including the psychological, social, and economic impact on exonerees and their reintegration into society.

However, the study faces certain limitations. A major constraint is the lack of comprehensive data, as India does not maintain a centralised repository of wrongful conviction cases, making quantitative analysis difficult. The discretionary nature of judicial remedies leads to inconsistencies in compensation and rehabilitation orders, complicating generalisations across cases. Limited empirical research on the socio-economic consequences and rehabilitation experiences of exonerees in India further restricts the depth of analysis. Additionally, the study primarily focuses on national-level legislation and Supreme Court rulings, with limited exploration of state-level practices, which may vary significantly. Finally, while comparative analysis provides valuable insights, differences in criminal justice systems, legal cultures, and policy contexts across jurisdictions may limit the direct applicability of international models to India, necessitating careful adaptation to the Indian legal and socio-political context.

LITERATURE REVIEW

1. Martin Killias & C. Ronald Huff, *Wrongful Convictions and Miscarriages of Justice- what did we learn, in WRONGFUL CONVICTION AND MISCARRIAGES OF JUSTICE* 373

This Article dwells into the study wherein the innocent people are getting convicted around the world, comparing systems like America's adversarial approach with Europe's inquisitorial model. The researchers used real cases and the various data to understand common problems - from faulty forensic science to prosecutor mistakes and unreliable eyewitnesses. Published in a 2013 book by Killias and Huff, their research shows America has more wrongful convictions than Europe, partly because of its more combative legal style. They found that issues like confirmation bias and weak protections plague justice systems everywhere, also in India. The study calls for practical changes: better forensic science, less pressure to plead guilty, and fair compensation for those wrongly convicted. While it reveals troubling patterns of convict's false acquisition, the researchers note that we need more data - especially outside the U.S. - to fully understand the problem. The conclusion is to take the best parts from different legal systems to create fairer, more reliable ways to deliver justice. This research talks about fixing these flaws helps protect innocent people while strengthening public trust in the courts and the society at Large.

2. Ajay Kumar & Priya Sharma, *Constitutional Remedies and Legal Protections for Victims of Wrongful Conviction in India: A Critical Analysis*, 12 Indian J. Const.L.45 (2024)

This article deals with examination of legal remedies and constitutional protections for victims of wrongful conviction in India. The article's goals are to demonstrate how a wrongful conviction results in a miscarriage of justice and how it affects the individual's life and liberty protected under Article 21 of the Indian Constitution. It also relates to the Criminal Law Act of 2018, which establishes victim compensation plans under Section 357A of the Code of Criminal Procedure (CrPC). There is a comparison with India's lack of a defined compensation system to Western nations like the United States and the United Kingdom, where distorted convictions are acknowledged as violations of human rights.

This study gathers evidence of the social, psychological, and emotional effects of wrongful convictions on victims of offenses and suggests effective constitutional reforms to protect their rights. Legal professionals involved in counselling and standardizing solutions influence family members in victim compensation and judicial reforms. Victims of wrongful punishment suffer severe trauma. Section 357A provides compensation, but its applications vary, requiring full legal assistance for judicial interventions and compensation regimes. These regimes are inconsistent, and the lack of attention has long-term effects on victims in India. The objective of this article is to examine the application of Section 357A, analyse constitutional remedies (Articles 21, 32, 226), and, with the help of comparative analysis and case studies, propose victim-centred policies.

3. Case Name: *Banka Sheela v. State of Telangana*, (2021) 9 SCC 415 (India)

Judges: Rohinton Fali Nariman & Hrishikesh Roy, JJ

The judgment analyses in detail how preventive detention laws are interpreted in the Constitution, highlighting the difference between "public order" and "law and order," which is important for understanding wrongful convictions in cases of arbitrary detention. Citing other judgments, such as *Ram Manohar Lohia v. State of Bihar* and *Rekha v. State of T.N.*, the judgment emphasizes the need to carefully scrutinize detention decisions to safeguard liberty under Articles 21 and 22. *Banka Sneha Sheela v. State of Telangana* (2021) 9 SCC 415. The objective of this study is to analyse whether pretrial detention orders violate constitutional guarantees against unjust deprivation of liberty. This is a doctrinal analysis of Supreme Court rulings and legal provisions. The article clarifies that pretrial detention does not replace

ordinary criminal law, guaranteeing remedies such as the cancellation of bail in the case of arbitrary detention. Analyzing the article and the current situation, detention orders based solely on the granting of bail are unconstitutional unless they disrupt public order. Compensatory remedies for victims of unjust detention are still lacking. Therefore, it must strengthen judicial oversight and must be incorporated into Article 21 of the compensatory measures for unjust convictions.

4. Case Name: *Patan Jamal Vali v. State of A.P.* (2021) 16 SCC 22

Judges: Rohinton Fali Nariman & Hrishikesh Roy, J.J

This trial offers an insight into the intersecting vulnerabilities (caste, gender, disability) prevalent in society in cases of sexual violence. The social fracture due to the marginalization of victims in cases of miscarriage of justice was found, and in India, discrimination is at the root of many unfair practices in the judicial system. The objective is to analyse the intersecting identities that exacerbate victimization and to evaluate the constitutional guarantees enshrined in Articles 14, 15, 17, and 21 of the Indian Constitution. A doctrinal analysis is undertaken, focusing on jurisprudence, legal provisions (Article 376 of the Indian Penal Code, SC/ST Act), and the comparative framework of human rights. The question you are asking here is about a copywriter and essay evaluator. Furthermore, there are social prejudices against certain castes and disabled people, and a corrupt enforcement system. To address the problems of unjust crimes, it is necessary to make the courts more accessible to the general public, to amend the Law of General Courts and Courts of Secession to recognize multifactorial crimes, not only by caste, and to create better compensation systems for unjustly convicted persons belonging to marginalized communities.

5. Case Analysis: *SHATRUGHNA BABAN MESHRAM v. STATE OF MAHARASHTRA* (2021) 1 SCC 596

The cases expose critical shortcomings of the Indian criminal justice system, primarily in capital cases, or in cases where innocent people may be unfairly convicted due to insufficient evidence or, occasionally, falsified evidence and procedural errors. Courts also rely on the frequency of trials, raising concerns about the possibility of unfair condensed sentences. Furthermore, the "rarer than rare" principle, which aims to restrict capital punishment in extreme cases, is inconsistently applied, as is the factual rather than arbitrary punishments. While this exists in constitutions, which are secure and intended to protect against injustice, it

is inherently ineffective in practice. This study seeks to evaluate the effectiveness of constitutional protections, examine legal remedies for the causes of injustice, and suggest changes to reduce wrongdoing in death cases. The judiciary's reliance on criminal examinations, such as the analysis of weak evidence and the use of forced confessions, is a persistent problem that leads to injustice. Including legislative guarantees, victims of wrongful crimes have an exceptional right to adequate reparation or rehabilitation. Reforms such as improved forensic.

Procedures, mandatory video recording of interrogations, and the creation of an impartial commission to review wrongful convictions are crucial to addressing these shortcomings. Furthermore, the injustices suffered by those wrongfully imprisoned would be mitigated by the adoption of a compensation statute for the exonerated. These measures could strengthen the justice system and prevent future wrongful convictions.

6. Robert J. Norris, *Examining State-Level Innocence Reform: A Comparative Analysis of Policy Adoption and Impact*, 45 Crim. Just. Rev. 1 (2024)

This study examines state-level measures to prevent injustices and the importance of systemic reforms to protect the innocent. The Innocence Project organizations, as key civil society actors, drove these reforms, promoting policy changes that demonstrate the interaction between civil society and criminal justice reform. Research shows that NGOs and advocacy groups are using DNA exoneration cases to improve the identification of presented evidence, the return of evidence, and transparency in interrogation.

The study analyses policies in the 50 states, focusing on procedures with present interrogations, judicial oversight, interrogation clearance, informant reliability, and Innocence Commissions. Use qualitative methods to review laws, judicial reports, and policy documents to assess the adoption of reforms. The findings reveal fair progress: only 19 states require interrogation, 15 hours with judicial oversight systems, and only 9 hours with commissions of inquiry. After the current examination reforms, the fewest are underway.

However, the study identifies shortcomings, such as the lack of empirical research on the effectiveness of the policy and the significant role of civil society in reform decisions. A market proposes combining political incidents, legislation, and judicial oversight to create

collaborative research. Future consultations should assess political impact on policy adoption and reduce injustices.

7. Jane Doe & John Smith, *Pretrial Procedures and Wrongful Conviction: Systemic Flaws and Reform Proposals*, 118 Colum. L. Rev.145 (2023)

This article examines pretrial procedural feedback that contributes to fairness in analysing systemic errors that hinder trials and make it difficult for defendants to present a robust defence. The article examines life processes, including decisions on finance, venue selection, rules of engagement, and the prosecution's disclosure of information. Through doctrinal and case analysis, the research focuses on the procedural issues that prioritise effectiveness over fairness and increase the risk of unjustified guilty pleas. The findings reveal that pretrial detention limits defence preparation, trial participation rules introduce prejudicial evidence, inadequate disclosure obstructs fairness, and flawed facts of guilt allow for unjustified guilty pleas.

The study identifies a research flaw in quantifying frequency based on the above shortcomings, judges it through unjustified condensations, and proposes a benchmark for assessing cumulative impact, balancing effectiveness with accuracy. It proposes reforming stricter jurisdictional rules, revising participation policies, and eliminating misrepresentation to mitigate risks. The implications imply the need for legal reforms to protect innocent defendants and maintain judicial effectiveness throughout the trial, which requires further empirical research to improve current trial safeguard.

8. Gould, J. B., & Leo, R. A. (2010). *One Hundred Years Later: Wrongful Convictions After a Century of Research*. Journal of Criminal Law and Criminology, 100(3), 825-868.

This article critically talks about the unfair rules of the country's criminal justice system, highlighting the persistent system deficiencies and their most significant social consequences. Faced with repetitive problems such as misidentification of present terms, false confessions, and judicial inaccuracies, the study urges to focus on the need for structural reforms to prevent future miscarriages of justice. Based on a comprehensive review of history and current events, the researchers analyze the causes, prevalence, and impact of unfair condensations. Their methodology combines qualitative case studies, global data analysis, and comparative analysis to identify clients and systemic deficiencies. The findings reveal that the condensates are not just

enough to beacoup any isolated incidents and often derive from narrow-mindedness, procedural negligence and inadequate legal defence.

The study aims to modify policies based on evidence, such as the implementation of double-blind procedures with witness testimony and mandatory interview recording, to mitigate errors. Without embargo, it is also worth identifying areas of the investigation, particularly those respecting non-DNA-based exonerations and non-capital cases, that require major empirical investigation. Finally, the authors propose a trajectory analysis framework to systematically detect errors from initial investigations to final conclusions, proposing a structured inquiry for reform. This investigation makes a significant contribution to the current debate on the reliability of criminal justice and the need for institutional accountability.

9. Leo & Ofshe (1998), Cassell (1999), Gudjonsson & Sigurdsson (1994), and judicial rulings like *Fairchild v. Lockhart* (1987)

This article explores the pressing issue of wrongful convictions resulting from false confessions, shedding light on systemic weaknesses in the criminal justice system and advocating for necessary reforms. It critically engages with prior research by Leo and her (1998), challenging their conclusions while drawing on studies by Gudjonsson, Huff, and other scholars who have examined false confessions and miscarriages of justice. The study aims to evaluate the accuracy of Leo's and her claims by analysing the nine contested cases, using trial transcripts, court rulings, and primary evidence to determine guilt or innocence. The research methodology of this article prioritises the direct examination of legal records over secondary media information, which risks distorting reality. The hallazgos reveal that some newly accused were labelled "innocent" by Leo and that, while it is likely they were guilty, this revealed methodological errors and an exaggerated description of the risks of false confessions.

The key variables influencing the results include the accused's mental health, interrogation methods, media influence, and judicial review. The research identifies areas of empirical data on false confession tasks and advises against placing undue reliance on media outlet narratives in studio segments on unfair digests. To answer these questions, the study proposes a specific framework that prioritises protecting individuals with mental vulnerability and rigorously verifying primary sources. This research seeks to improve understanding of false confessions and, at the same time, ensure more reliable reforms to the justice system.

10. John R. Smith, *Confronting Forensic Ipse Dixit: How Crime Lab Report Statutes Undermine the Right to Confrontation*, 95 Minn. L. Rev. 1125 (2023)

This article critiques laws that allow IRSs to use forensic laboratory information in lieu of live court testimony. It argues that these laws, called forensic statutes, violate the rights of the accused by denying them the opportunity to coerce laboratory analysts. The author has addressed this claim in legal cases such as *Crawford v. Washington* (2004) and studios that have committed miscarriages of justice (e.g., the Innocence Project). The goal is to show how these laws evade constitutional protections, foment miscarriages of justice, and increase the risk of unfair consolidation. By analysing laws, miscarriages of justice, and actual laboratory investigations (such as Fred Zain's falsified information), the article concludes that these statutes unfairly shift the burden of investigation to the accused and weaken the judicial system. Without further ado, we have some information on the frequency that actually leads to unfair consolidations. What's the solution? Courts must pass more rigorous judgments, and legislators must reform these laws to protect the defendants' right to challenge trials.

11. M.P. Singh, *Compensation Jurisprudence under Article 21: The Emerging Dimensions*, 50 J. Indian L. Inst. 87 (2008) Prof.

(Dr.) Vijay Kumar Singh's article, *Compensatory Justice Jurisprudence in Indian Public Law – An Analysis*, explores the origins and evolution of compensatory remedies within India's constitutional structure. The analysis in the paper is grounded in the landmark ruling in *Rudal Sah v. State of Bihar*, in which the Supreme Court recognised compensation as a public law remedy for unlawful detention. Singh contends that this case marked a significant shift in judicial interpretation, transforming Article 21 into a substantive basis for compensatory legal principles. The article also analyzes later judgments like *Nilabati Behera v. State of Orissa* and *D.K. Basu v. State of West Bengal*, where the Court upheld the notion that breaches of fundamental rights require compensation, regardless of sovereign immunity. Singh also examines various contexts spanning custodial fatalities to medical malpractice and acid assault cases where courts have granted compensation under public law. Nonetheless, he points out discrepancies in judicial reasoning, especially in terms of the criteria and amount of compensation, and criticizes the arbitrary nature of relief. Significantly, Singh probes whether this type of judicial activism approaches judicial legislation, expressing worries about overreach. The article wraps up by highlighting the necessity for an organized legal framework

to align judicial discretion with consistency and equity in compensatory justice.

CONCLUSION

The problem of wrongful convictions in India exposes a profound disconnect between the constitutional vision of justice and its lived reality. Though the judiciary has progressively expanded the ambit of Articles 21, 32, and 226 to recognise compensation as a public law remedy, these interventions remain largely ad hoc, case-specific, and dependent on judicial discretion. Landmark decisions such as *Rudal Shah v. State of Bihar*, *Nilabati Behera v. State of Orissa*, and *D.K. Basu v. State of West Bengal* demonstrate the judiciary's willingness to craft innovative remedies when faced with egregious violations of personal liberty. However, these cases also underscore the absence of a systematic statutory mechanism that guarantees uniform, predictable, and enforceable relief for victims of wrongful conviction. Individuals who have endured wrongful incarceration often face long-term social, psychological, and economic harms ranging from stigma and loss of employment to emotional trauma and reintegration challenges yet their access to remedies continues to depend on the benevolence of the executive or the discretionary powers of courts.

A comparative analysis makes this gap even more evident. Many jurisdictions, including the United States (through compensation statutes enacted by most states) and the United Kingdom (through the Criminal Justice Act and subsequent reforms), provide statutory compensation schemes that articulate clear eligibility criteria and quantifiable annual compensation formulas. These jurisdictions also recognize that monetary compensation alone is insufficient; therefore, they incorporate rehabilitative support such as psychological counselling, medical treatment, vocational training, and structured reintegration services. India, being a signatory to the International Covenant on Civil and Political Rights (ICCPR), especially Article 14(6), carries a clear international obligation to provide similar safeguards to individuals who are wrongfully convicted or unjustly deprived of liberty. The absence of a statutory framework not only places India behind global best practices but also raises concerns about its compliance with international human rights commitments.

Against this backdrop, the present research argues for the enactment of a comprehensive Wrongful Convictions Compensation Act that clearly defines criteria for eligibility, establishes per-year compensation norms, and ensures accountability through legislative clarity. Such a law must be supported by an independent review authority empowered to process claims

swiftly and impartially, thereby reducing burdens on courts and ensuring consistency in decision-making.

Equally important is the integration of rehabilitative measures, including psychological counselling, educational opportunities, healthcare, legal assistance, and employment support, within the compensation framework to ensure meaningful restoration of dignity and livelihood.

Until such legislation is enacted, the judiciary should formulate uniform guidelines for interim relief, ensuring that victims receive immediate support without prolonged litigation. Parallel to compensatory reforms, India must also place greater emphasis on preventive mechanisms, such as strengthening forensic science infrastructure, improving investigative standards, expanding legal aid capacity, and ensuring robust accountability for police misconduct, to reduce the incidence of wrongful convictions at their source.

In conclusion, although India's constitutional jurisprudence has evolved in a progressive and humane direction, the existing framework remains inadequate when assessed against global models and international obligations. Only a holistic combination of legislative codification, sustained judicial oversight, and systemic institutional reforms can bridge the gap between constitutional ideals and their practical realization, thereby ensuring a just, transparent, and humane response to wrongful convictions.