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# RIGHTING A GRAVE WRONG: EVALUATING INDIA'S RESPONSE TO WRONGFUL CAPITAL CONVICTIONS POST-ACQUITTAL

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## ABSTRACT

This research paper critically examines the post-acquittal redressal mechanisms available to wrongfully prosecuted, incarcerated, and convicted death-row convicts in India. Despite the existence of constitutional protections and evolving judicial pronouncements, the Indian legal system lacks a comprehensive statutory framework to provide compensation and rehabilitation to individuals exonerated after enduring capital punishment trials. Through a doctrinal methodology, this study explores landmark judgments, legislative history, and international legal standards such as the ICCPR, to contextualize the systemic failures leading to wrongful convictions and the inadequate remedies available thereafter. The paper analyses empirical data from reports like Project 39A to highlight the frequency and gravity of such miscarriages of justice, particularly at the trial court level. It also reviews exemplary cases where the Supreme Court reversed its own judgments due to faulty procedures and lack of evidence. Additionally, the paper reviews the Law Commission of India's 277th Report and other academic works to underscore the legislative void concerning compensation and reintegration of acquitted individuals. In conclusion, the paper advocates for an urgent and dedicated statutory mechanism to deliver timely, adequate, and uniform compensation and rehabilitation to victims of wrongful capital prosecutions.

**Keywords:** Capital Punishment, Wrongful Prosecution, Compensation, Rehabilitation, Law Commission's 277<sup>th</sup> Report, ICCPR.

## I. INTRODUCTION

The imposition and execution of capital punishment in any judicial system is the most irreversible and severe form of penal sanction. In a democracy like India, which upholds the principles of justice, liberty, and dignity under its Constitution, the imposition of the death penalty necessitates the utmost procedural and evidentiary scrutiny. Yet, numerous instances show that this high standard is not consistently met. While the justice system claims to protect the innocent, increasing data from courts and investigative bodies show a disturbing trend of wrongful convictions in capital punishment cases.

Sir William Blackstone's maxim, "*It is better that ten guilty persons escape than that one innocent suffer,*" resonates more than ever in a legal landscape where death-row inmates are later acquitted due to faulty investigations, inadequate legal representation, and trial court errors. This paper seeks to bridge the gap in literature and law concerning individuals who were wrongfully convicted of capital offences, endured prolonged incarceration, and were eventually acquitted. The consequences of such wrongful prosecution extend far beyond prison walls. They involve social stigma, emotional trauma, financial hardship, and the irreversible loss of time. Despite these severe consequences, India currently lacks a dedicated mechanism to offer any meaningful redress.

The Indian judiciary has made some efforts to fill this gap. In cases like *Rudul Sah v. State of Bihar*<sup>1</sup> and *Bhim Singh, MLA v. State of J&K*,<sup>2</sup> compensation was awarded to wrongfully detained individuals under public law remedies. However, these remain rare instances dependent on judicial discretion and do not form part of a standardized compensatory system. The Delhi High Court, in *Babloo Chauhan v. State*,<sup>3</sup> highlighted the prolonged detention of acquitted individuals and urged the legislature to enact a structured redressal mechanism.

International law, particularly the International Covenant on Civil and Political Rights (ICCPR),<sup>4</sup> which India has ratified, mandates state parties to compensate victims of miscarriage of justice. However, India has not enacted an enabling legislation to give effect to such obligations.

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<sup>1</sup> *Rudul Sah v. State of Bihar*, AIR 1983 SC 1086 (India).

<sup>2</sup> *Bhim Singh v. State of J&K*, AIR 1986 SC 494 (India).

<sup>3</sup> *Babloo Chauhan v. State*, 247 (2018) DLT 31 (India).

<sup>4</sup> International Covenant on Civil and Political Rights art. 14(6), Dec. 16, 1966, 999 U.N.T.S. 171.

By analysing domestic case laws, international standards, and proposed legal reforms, this paper aims to evaluate whether India's existing legal structure adequately addresses the post-acquittal needs of wrongfully convicted death-row inmates and whether there is a compelling case for legislative intervention.

## II. HISTORICAL BACKGROUND

According to the Death Penalty Information Centre,<sup>5</sup> death penalties were codified as early as the 5<sup>th</sup> century B.C. in the Roman Law of the Twelve Tablets. Other instances of codification can be found in the Draconian Code of Athens in the 7<sup>th</sup> century B.C., the Hittite Code in the 14<sup>th</sup> century B.C. and, the Hamurabi Code in the 18<sup>th</sup> century B.C. These sentences were executed by way of crucifixion, drowning, whipping, immolation and impalement.

In India, the Dharmasastras and Arthashastra prescribed capital punishment for crimes such as murder and treason. Kautilya's Arthashastra reserved the death sentence only for the gravest of offences, such as espionage, murder and high treason. Manusmriti deemed capital punishment as necessary for maintaining social harmony. Hindu scriptures did not view death sentence as barbaric; it was seen as a means of cleansing the society for the prevalence of social order and justice. The Indian epics of Ramayana and Mahabharata<sup>6</sup> also reiterate Arthashastra's stance - that a king's foremost duty and highest priority is to safeguard the state's integrity and security by sentencing wrongdoers to death. Further, the principle of '*Dand Niti*' or '*justice through punishment*' saw punishment as having an effect of deterrence i.e., an attribute of preventing the furtherance of crimes. The law during this period also allowed the application of mitigating factors in favour of the offender, such as his repentance or his potential to reform.<sup>7</sup>

The Islamic rule introduced the law of Sharia, which represent the divine commandments in Islam. The primary sources of Sharia law are the Holy Quran, Hadith, Ijma and Qiyas.<sup>8</sup> Sharia law covers numerous aspects of life, such as personal conduct, worship, criminal justice and commercial transactions.<sup>9</sup> It prescribed capital punishment for crimes considered Hadd and

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<sup>5</sup> *Early History of the Death Penalty*, Death Penalty Info. Ctr., <https://deathpenaltyinfo.org> (last visited July 20, 2025).

<sup>6</sup> *Capital Punishment in India*, iPleaders, <https://blog.ipleaders.in/capital-punishment-in-india> (last visited July 20, 2025).

<sup>7</sup> *History of Capital Punishment in India*, <https://www.legalserviceindia.com> (last visited July 20, 2025).

<sup>8</sup> *Sharia: Definition, Law, & Countries*, Britannica, <https://www.britannica.com/topic/Shariah> (last visited July 20, 2025).

<sup>9</sup> Ibid.

Qisas. The sentence of death was reserved for specific crimes such as murder, theft, apostasy and rebellion.

In colonial India, significant changes were brought to codify India's legal framework. The erstwhile Indian Penal Code, 1860 ('IPC'), and the base for its successor, the Bharatiya Nyaya Sanhita, 2023 ('BNS'), became the cornerstone of our country's criminal justice system, along with its counterpart, namely, the Code of Criminal Procedure, 1898 ('CrPC') viz. the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') which codifies the law of procedure relating to investigation, prosecution and trial of criminal offenses. The IPC prescribed the death penalty for offenses, such as murder, waging war against the state, and treason.<sup>10</sup>

Post-independence, India retained the IPC.<sup>11</sup> The IPC/BNS guarantees the right to life and personal liberty under Article 21.<sup>12</sup> During 1947-1949, the Constituent Assembly debated on the death penalty. While debating on the amendment to remove it from the Constitution of independent India, due to its judge-centric nature, uncertain enforcement, discriminatory impact on the poor and marginalised sections and the possibility of error in the final judgement,<sup>13</sup> Shri. K. Hanumanthaiya posited that 'it would be very unwise from the point of view of the safety of the state and stability of society, to abolish capital sentence.'<sup>14</sup> After much deliberation, the amendment to rescind the capital punishment was negated.<sup>15</sup> The 35<sup>th</sup> Law Commission Report of 1967 reiterated this stance wherein it was enumerated that discarding provisions which prescribe the death penalty in India would not be for the larger benefit of the society. It was also decided that such provisions were integral in protecting the citizens and to uphold law and order in a country with vast educational and moral differences, such as ours.<sup>16</sup>

### III. REVIEW OF LITERATURE

**Shailesh Madiyal et al.** in *'Wrongful Prosecution, Incarceration, Conviction – The*

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<sup>10</sup> *History of Capital Punishment in India*, supra note 7.

<sup>11</sup> *An Overview of Capital Punishment in India*, <https://www.legalbites.in> (last visited July 20, 2025).

<sup>12</sup> India Const. art. 21.

<sup>13</sup> *Constituent Assembly Debate on Abolition of Death Penalty*, BYJU'S, <https://byjus.com/free-ias-prep/constituent-assembly-debate-on-abolition-of-death-penalty> (last visited July 20, 2025).

<sup>14</sup> *Constituent Assembly Debates: Official Report*, Vol. VII, Nov. 4, 1948 – Jan. 8, 1949 (India).

<sup>15</sup> Anoushka Saha, *Death Penalty in India: Analysing Its Effects and Ethical Considerations in India*, 12 Int'l J. Creative Rsch. Thoughts 11 (Nov. 2024) (India), <https://www.ijert.org> (last visited July 20, 2025).

<sup>16</sup> *Capital Punishment and Article 21: Should Death Penalties Be Abolished?*, <https://www.legalserviceindia.com> (last visited July 20, 2025).

*Requirement for Statutory Framework to Compensate*<sup>17</sup> compared India's position on compensating and rehabilitating individuals who have been wrongfully or falsely prosecuted, incarcerated or convicted by developing a statutory framework in line with the recommendations submitted by the Law Commission of India in its 277<sup>th</sup> Report and analysing India's legal framework on the subject with relation to the laws enacted by the United Kingdom, Germany and the United States of America in furtherance of the right to compensation guaranteed under the International Covenant on Civil and Political Rights (ICCPR). By highlighting excerpts from numerous landmark judgments of the Supreme Court of India wherein circumstances which elicit and do not elicit the grant of compensation were discussed. In conclusion, the authors encouraged the formation of a compensatory mechanism for wrongful prosecution, arrest, incarceration or conviction.<sup>18</sup>

**Udai Yashvir Singh et al.** in *'Right to Compensation for Wrongful Prosecution, Incarceration, and Conviction: A Necessity of the Contemporary Indian Socio-Legal Framework'*<sup>19</sup> analysed statistics of the National Judicial Data Grid and National Crime Records Bureau of India and Prof. Wilson's study, from Cleveland State University, on the psychological impact of wrongful imprisonment. The right to compensation guaranteed under the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and, the American Convention on Human Rights was analysed, thereby ensuring that all member states adhere to the international standards of human rights. Additionally, excerpts from the 277<sup>th</sup> Report of the Law Commission of India, the most pertinent report on the subject, was analysed in light of the right to compensation. A comprehensive analysis of laws in the United Kingdom, United States of America and Canada in comparison with India's legal framework and landmark judgements were discussed. In conclusion, the authors reiterate the suggestions submitted in the Law Commission's Report viz. including a framework which offers both pecuniary and non-pecuniary compensation to victims and, creation of a special court for claims, inter alia.

**Yash Dev Upadhyaya** in *'Falsely Accused in India: Inadequate Redressal and Failed*

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<sup>17</sup> *Wrongful Prosecution, Incarceration, Conviction – The Requirement for Statutory Framework to Compensate*, IJCRT, <https://www.ijert.org> (last visited July 20, 2025).

<sup>18</sup> Ibid.

<sup>19</sup> *Right to Compensation for Wrongful Prosecution, Incarceration, and Conviction: A Necessity of the Contemporary Indian Socio-Legal Framework*, <https://www.legalserviceindia.com> (last visited July 20, 2025).

*Rehabilitation Post Acquittal*<sup>20</sup> focussing on miscarriage of justice due to malicious prosecution, highlights the lack of a statutory framework, as recommended by the 277<sup>th</sup> Report of the Law Commission of India, to effectively compensate and rehabilitate individuals who have been wrongly prosecuted and resultantly, suffered years of incarceration for no fault of theirs. The author also terms the role of the National Human Rights Commission (NHRC) and its state counterparts as a toothless watchdog due to its limited role in compensating the victim and holding the concerned public servants accountable. In conclusion, the author hopes that the Code of Criminal Procedure (Amendment) Bill, 2018, which aims to effectuate the recommendations put forth by the Law Commission to action. By rehabilitating and compensating the innocent individual from the clutches of malicious prosecution, the Indian legal framework, according to the author, shall truly uphold the principle of ‘innocent until proven guilty.’

**Vivek Wilson et al.** in *‘Inadequate and Unjust Compensation Scheme in False Prosecution Case in India’*<sup>21</sup> adopts a critical approach to India’s current statutory framework in compensating victims of false prosecution. The authors put the forth the point that Articles 21 and 300A of the Constitution and the Criminal Procedure Code are inept in effectively tackling the issues of reasonably compensating the innocent victims. By analysing various landmark judgements, reports and international conventions and treaties, the authors conclude by urging the Parliament of India to enact a comprehensive legislation which shall effectively and speedily ensure compensation to victims of false and malicious prosecution.

**Muskan Sahni** in *‘Punishing the Innocent: An Insight into Wrongly Convicted Individuals’*<sup>22</sup> comprehensively explored the crucial issues of cases, consequences and necessary reforms to bridge the existing lacune in efficiently addressing the problems of rehabilitation and compensation in pertinence to wrongful convictions in India. Systemic flaws such as police misconduct, flawed investigations, inadequate legal representation and socio-economic biases were discussed. Furthermore, the paper underscored the severe social, psychological and financial tolls which such individuals and their families undergo. By relying on landmark

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<sup>20</sup> *Falsely Accused in India: Inadequate Redressal and Failed Rehabilitation Post Acquittal*, Vidhi Centre for Legal Policy, <https://vidhilegalpolicy.in> (last visited July 20, 2025).

<sup>21</sup> *View of Inadequate and Unjust Compensation Scheme in False Prosecution Case in India*, <https://ijcr.org> (last visited July 20, 2025).

<sup>22</sup> Muskan Sahni, *Punishing the Innocent: An Insight into Wrongly Convicted Individuals*, 6 Int’l J. Multidiscip. Res. (Mar.–Apr. 2024), <https://doi.org/10.36948/ijfmr.2024.v06i02.19040> (E-ISSN 2582-2160) (last visited July 20, 2025).

judgements, international conventions and treaties and reports, the author concludes and calls for reforms and accountability to prevent further miscarriages of justice.

#### **IV. OBJECTIVES OF THE STUDY**

The objectives of the study are as follows:

1. To understand the statistics on wrongful convictions of death penalties in India.
2. To analyse the instances wherein convictions were reversed on appeal and discrepancies noted by the courts which lead to wrongful convictions at the trial level.
3. To analyse whether the present legal framework has successfully helped in compensating and rehabilitating the innocent victims to live normal lives in society.

#### **V. RESEARCH GAP**

Although extensive research is available on wrongful prosecution, incarceration and conviction in general, the area of wrongful convictions of capital punishment in specific has not been explored as much. Therefore, this research aims to bridge that gap by contributing to the literature on wrongful convictions of death penalties.

#### **VI. STATEMENT OF PROBLEM**

The statement of problem undertaken in this study is to analyse *whether the existing legal framework is sufficient in compensating and rehabilitating innocent victims of wrongful/false prosecution, wrongly convicted of capital punishments after undergoing years of horrendous incarceration due to no fault of theirs, including their families.*

#### **VII. RESEARCH METHODOLOGY**

The methodology employed for this paper is doctrinal, relying on the analysis of both Indian and international covenants, research papers, news articles, and government reports on wrongful prosecutions, incarcerations and convictions. A thorough review of literature is conducted using the keywords of capital punishment, wrongful prosecution, wrongful incarceration, wrongful conviction, compensation, and rehabilitation. The research

systematically evaluates the effectiveness of the existing legal framework in India in compensating and rehabilitating victims of wrongful convictions.

## VIII. LIMITATIONS OF THE STUDY

Although doctrinal research has its own fair share of advantages, it might not truly representative of the current happenings in the lives of such individuals, due to its over-reliance on pre-existing literature, legal texts and policy documents. This results in a lack of capturing the ground realities of these communities. Generalisation of problems to all under-trials results in an incomplete understanding of the facts, grounds and circumstances of each case and the physical, financial, emotional and reputational damage suffered by such individuals and their families.

## IX. RESULTS AND DISCUSSIONS

### 1. Statistics on Convictions of Death Penalties in India:

According to Project 39A's report,<sup>23</sup> at the end of 2023, there were 561 death row prisoners, which is the highest in nearly two decades. This figure rose to 564 in 2024. Furthermore, trial courts imposed 120 new death sentences in 2023, and 139 in 2024.

Thirty-six death row convicts were acquitted by the high courts in 2023. Additionally, only 1 sentence was confirmed.<sup>24</sup> The Supreme Court acquitted 6 individuals in 2023, commuted 3, and confirmed none of the death sentences.<sup>25</sup> For 2024, data shows the Supreme Court had 0 confirmations, 6 commutations, and 1 acquittal.<sup>26</sup> Between 2016 and 2022, High Courts in India acquitted a total of 40 death row inmates in 2022 alone. This was part of a broader trend where more than 200 acquittals occurred during that period.<sup>27</sup> During 2018-2022, trial courts handed down 228 death sentences, but 209 (92%) of these verdicts were reversed - either commuted or acquitted -by higher courts.<sup>28</sup>

Acquittals and commutations as the outcomes of the appeals filed indicate systemic failures at

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<sup>23</sup> *Death Penalty in India: Annual Statistics (2023 & 2024)*, Project 39A, <https://www.project39a.com> (last visited July 20, 2025).

<sup>24</sup> *Chetan Bharat Current Affairs*, <https://currentaffairs.chetanbharat.com> (last visited July 20, 2025).

<sup>25</sup> *Project 39A*, *supra* note 23.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Statista: India – Capital Punishment Statistics*, <https://www.statista.com> (last visited July 20, 2025).

<sup>28</sup> *IASPOINT: Capital Punishment in India*, <https://www.iaspoint.com> (last visited July 20, 2025).

the investigation and trial level. The aforementioned statistics are testimony to the fact that such reversals are due to flawed investigations or unreliable evidence relied upon by trial courts.

## 2. Instances of Timely Reversal of Convictions:

In the case of *Ankush Maruti Shinde v. State of Maharashtra*,<sup>29</sup> the Supreme Court of India overturned its earlier confirmation of death sentences for **six men from nomadic tribes** - Ankush Maruti Shinde and five others - who had spent 16 years in prison for a murder-rape committed in Maharashtra in June 2003. The Court found the police investigation to be deeply flawed and dishonest, noting that the accused had been **falsely implicated**, with no credible forensic or eye-witness evidence and failure to explore alternate suspects. The judgment described the investigation as 'not fair and honest' and remarked that the convictions violated principles of justice. The bench ordered that each man receive ₹5 lakh in compensation and called for disciplinary action against investigating officers.<sup>30</sup>

In *Md. Bani Alam Mazid @ Dhan Vs. State of Assam*,<sup>31</sup> the Supreme Court of India acquitted **Md. Bani Alam Mazid (also known as Dhan)** after a protracted 21-year legal ordeal. Arrested in August 2003 for the alleged kidnapping and murder of a 16-year-old girl, he was convicted in 2007 and sentenced to death (later confirmed as life). His appeal ran through lower courts until finally reaching the Supreme Court in 2011, where judgment was reserved after arguments in March 2024. Holding that the prosecution failed to establish a complete **chain of circumstantial evidence**, the Court rejected his alleged confession under Section 27 of the Indian Evidence Act, 1872, as improperly admitted and noted contradictions and inconsistencies in witness testimony. It emphasized that suspicion cannot substitute proof beyond reasonable doubt and ordered his immediate release.<sup>32</sup>

In *Kattavellai @ Devakar v. State of Tamil Nadu*,<sup>33</sup> the Supreme Court acquitted a man previously sentenced to death for the murder of a couple and rape of the woman victim, due to

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<sup>29</sup> *Ankush Maruti Shinde v. State of Maharashtra*, AIR 2019 SC 1457 (India).

<sup>30</sup> *Breaking: Poor, Innocent Men Belonging to Nomadic Tribe Suffered 16 Yrs in Death Row*, Live Law (May 5, 2025), <https://www.livelaw.in>.

<sup>31</sup> *Md. Bani Alam Mazid @ Dhan Vs. State of Assam*, 2025 Latest Caselaw 181 SC (India).

<sup>32</sup> Utkarsh Anand, *SC Acquits Murder Accused After 21-Year Legal Battle*, Hindustan Times (Feb. 25, 2025, 4:45 AM IST), <https://www.hindustantimes.com/india-news/sc-acquits-murder-accused-after-21-year-legal-battle-101740423494589.html>.timesofindia.indiatimes.com+2.

<sup>33</sup> *Kattavellai @ Devakar v. State of Tamil Nadu*, 2025 LiveLaw (SC) 703 (India).

‘faulty investigation.’ The verdict emphasized serious procedural deficiencies in DNA evidence handling - including missing chain-of-custody documentation, delays in lab submission, and inadequate sample storage - which rendered the evidence unreliable. The Court issued binding nationwide guidelines on DNA sample collection, preservation, transporting the same within 48 hours, court authorization to break seals, and mandatory custody registers. It also directed police training and reporting to all High Courts and state DGPs.

In *Baljinder Kumar @ Kala v. State of Punjab*,<sup>34</sup> the Supreme Court overturned the death sentence of Baljinder Kumar, convicted in the 2013 murders of his wife, sister-in-law, and two young children. The Court sharply criticized the lower courts’ ‘hasty enthusiasm’ to impose the death penalty despite ‘meagre evidence’ and flagged significant contradictions in the testimonies of key witnesses and glaring investigation flaws. Highlighting inconsistent eye-witness accounts and uncorroborated recoveries, the bench declared the prosecution failed to establish guilt ‘beyond reasonable doubt,’ emphasizing that such strict standards must be upheld in capital cases.

### 3. India’s current legal framework on compensation and rehabilitation:

India lacks a comprehensive statutory framework to compensate and rehabilitate victims of wrongful prosecution and incarceration. Despite constitutional guarantees like the right to life and personal liberty under Article 21 of the Constitution, there is no legal mechanism in place that provides a uniform and enforceable right to compensation for those who are wrongfully implicated, tried, convicted, and imprisoned. The recourses that exist are heavily fragmented, thereby lacking a formal comprehensive legislative mandate to compensate and rehabilitate the victims.

Landmark judgments such as *Rudul Sah v. State of Bihar* and *Bhim Singh v. State of Jammu & Kashmir* laid the groundwork for compensating individuals whose rights were grossly violated due to illegal detention or police misconduct, wherein the judiciary played an indispensable role in granting compensatory relief. However, these decisions are rare and operate within the constitutional courts’ writ jurisdiction under Articles 32 and 226. In *Babloo Chauhan @ Dabloo v. State*, the Delhi High Court highlighted the disturbing reality of acquitted individuals languishing in prison for years, with no mechanism for rehabilitation or

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<sup>34</sup> *Baljinder Kumar @ Kala v. State of Punjab*, 2025 LiveLaw (SC) 711 (India).

restitution. The court explicitly urged the Law Commission of India to explore a legal framework for addressing these injustices and providing support to the wrongfully accused.

At present, victims may attempt to claim relief through three main avenues: constitutional, civil, and criminal law remedies. Under public law, individuals may file writ petitions seeking compensation for fundamental rights violations. Under private law, individuals may bring civil suits against the state for tortious liability, specifically for malicious prosecution or false imprisonment. Under criminal law, certain provisions of the IPC/BNS and the CrPC/BNSS do provide limited options. These provisions, however, are grossly inadequate in both scope and implementation. They are rarely invoked, and even when they are, the compensation awarded is nominal and offers little real remedy to victims who may have lost years of their life behind bars.<sup>35</sup>

The role of the National Human Rights Commission (NHRC) and its state counterparts in addressing wrongful incarceration is marginal and largely advisory. Though empowered under the Protection of Human Rights Act, 1993, to inquire into custodial violations and recommend compensation, its decisions are non-binding and often disregarded by state agencies. This renders it a largely toothless watchdog, unable to effectuate meaningful change for the victims of a flawed justice system.<sup>36</sup>

In 2018, the Law Commission of India submitted its 277th report titled “Wrongful Prosecution (Miscarriage of Justice): Legal Remedies,”<sup>37</sup> which comprehensively analysed the existing legal gaps and made important recommendations. The Commission proposed a statutory framework that defines wrongful prosecution to include cases where the accused is factually innocent and where misconduct by the police or prosecution can be established. It recommended the creation of a legal mechanism to identify victims of wrongful prosecution, evaluate claims, and award both pecuniary and non-pecuniary compensation. The report also suggested procedural safeguards such as the creation of special courts or tribunals, time-bound inquiries, and provisions for counselling, vocational training, and employment assistance to aid

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<sup>35</sup> *Falsely Accused in India: Inadequate Redressal and Failed Rehabilitation Post Acquittal*, supra note 20.

<sup>36</sup> *Ibid.*

<sup>37</sup> Law Commission of India, *Wrongful Prosecution (Miscarriage of Justice): Legal Remedies*, Report No. 277 (Aug. 2018), <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081613.pdf> (last visited July 20, 2025).

in the reintegration of acquitted individuals into society, but these remain unimplemented.

As a signatory to the International Covenant on Civil and Political Rights (ICCPR), India is bound by Article 14(6), which requires state parties to provide compensation to individuals whose convictions have been overturned due to a miscarriage of justice. Despite ratifying the ICCPR in 1979, India has not enacted any domestic legislation to fulfil this obligation.

Victims of wrongful prosecution lack access to legal aid, particularly those from marginalized backgrounds. The absence of state-sponsored rehabilitation measures means that individuals are left to struggle with social stigma, economic ruin, and psychological trauma without institutional support. Numerous studies and legal analyses have documented the emotional and economic toll faced by exonerees, including long-term unemployment, family breakdowns, mental health issues, and loss of educational and professional opportunities. The impact is often multigenerational, affecting children and spouses of the wrongfully prosecuted.

#### **4. India's stance in relation to international laws:**

As a democratic nation and a signatory to several human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), India has a clear responsibility to align its domestic legal framework with global standards. However, despite its ratification of these conventions, particularly the ICCPR in 1979, India has yet to fully operationalize its obligations into statutory law. Article 9(5) further adds that anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

In the **United Kingdom**, the Criminal Justice Act 1988 provides a legal basis for compensating victims of miscarriages of justice. The Criminal Cases Review Commission (CCRC) operates as an independent public body that reviews potential wrongful convictions and can refer cases back to the appellate courts. In **Germany**, the Law on Compensation for Criminal Prosecution Proceedings, 1971 mandates a fixed formula for compensation based on the number of days wrongfully spent in detention. **Canada** has established both judicial and administrative channels through which exonerees can claim and receive substantial compensation, often including non-monetary support like counselling and reintegration services. The **United States**, through both federal and state laws, offers compensation to the wrongfully convicted.

These international frameworks reflect a clear recognition of the harm caused by wrongful prosecutions and the duty of the state to mitigate it. They also demonstrate a willingness to move beyond merely rectifying legal errors and toward facilitating the social and economic rehabilitation of the affected individuals. In contrast, India's current position remains inadequate, relying heavily on judicial interpretation and lacking any comprehensive policy or legal provision for identifying victims of wrongful prosecution, evaluating their claims, and providing structured compensation and support. Bridging this gap requires not only legal reform but also a shift in how the Indian state perceives its duty toward those it has failed. Until then, India's stance in relation to international law on this issue remains more symbolic than substantive.<sup>38 39</sup>

## X. FINDINGS AND SUGGESTIONS

Despite the grave nature of these judicial errors, there exists no formal mechanism for compensation or rehabilitation of death row prisoners. The current remedies available under Articles 32 and 226 of the Constitution are discretionary and applied inconsistently. Victims may also pursue civil suits or criminal action against the state, but these avenues are inaccessible to most due to cost, procedural complexity, and evidentiary challenges.

The 277th Law Commission Report proposed a comprehensive framework to address these issues.<sup>40</sup> It recommended legal definitions for wrongful prosecution, a standardized claims procedure, and the establishment of special tribunals to adjudicate compensation claims. It also emphasized the need for both pecuniary and non-pecuniary support, including counselling and employment assistance. Despite its relevance, the government has not enacted any of these recommendations, and victims of wrongful convictions continue to be left without meaningful support or restitution. The research also found that India's stance on international obligations, particularly under Article 14(6) of the ICCPR, remains largely symbolic.

The societal consequences of wrongful conviction are equally devastating. Former inmates face enduring stigma, mental trauma, and loss of livelihood. Families are often irreparably harmed,

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<sup>38</sup> Wrongful Prosecution, Incarceration, Conviction – The Requirement for Statutory Framework to Compensate, IJCR, <https://www.ijcr.org> (last visited July 20, 2025).

<sup>39</sup> Right to Compensation for Wrongful Prosecution, Incarceration, and Conviction: A Necessity of the Contemporary Indian Socio-Legal Framework, <https://www.legalserviceindia.com> (last visited July 20, 2025).

<sup>40</sup> Law Comm'n of India, *Wrongful Prosecution (Miscarriage of Justice): Legal Remedies*, Report No. 277 (Aug. 2018) (on file with Press Information Bureau, Government of India), available at <https://static.pib.gov.in/WriteReadData/userfiles/Report%20No.%20277%20Wrongful%20Prosecution.pdf>

and the lack of state recognition compounds their suffering. In essence, acquittal merely ends the legal ordeal but does not begin the process of healing or reintegration. The state, through inaction, absolves itself of any responsibility toward those it has wrongfully punished.

Parliament must pass a specific law that guarantees compensation and rehabilitation for victims of wrongful prosecution and conviction of capital punishment, including clear definitions, eligibility criteria, and procedural safeguards. Independent and time-bound tribunals should be set up to handle claims of wrongful prosecution, modelled on recommendations from the 277th Law Commission Report. Beyond financial compensation, the law should provide psychological counselling, skill development, job placement assistance, and public acknowledgment of the individual's innocence. Public officials, including investigators and prosecutors, should face disciplinary or legal action where deliberate misconduct or negligence leads to wrongful prosecution. India should harmonize its domestic laws with Article 14(6) of the ICCPR and other human rights conventions to meet its international legal obligations.

## **XI. CONCLUSION**

The Indian legal system's approach to addressing wrongful convictions, particularly in capital cases, remains inconsistent, inadequate, and largely symbolic. Despite judicial interventions and recommendations from legal experts and the Law Commission, India lacks a statutory framework to support, compensate, and rehabilitate those exonerated after wrongful incarceration. While higher courts have attempted to mitigate damage through acquittals and compensation orders, the absence of a uniform and enforceable mechanism perpetuates injustice for many. Individuals acquitted after years on death row often return to society traumatized, stigmatized, and unsupported, their lives irreversibly damaged. It is imperative for the legislature to act swiftly, enacting comprehensive laws aligned with constitutional values and international obligations. Only then can India claim to uphold the principle of justice—not just in convicting the guilty, but in redressing the wrongs inflicted upon the innocent.

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