
BEYOND ACQUITTAL: RECLAIMING DIGNITY, REPUTATION, AND JUSTICE AFTER WRONGFUL PROSECUTION

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ABSTRACT

This research examines whether an acquittal following wrongful prosecution, by itself, is sufficient to restore the constitutional rights, dignity, reputation, and social standing of an individual who has undergone a wrongful prosecution. It contends that while an acquittal brings criminal liability to an end, it seldom erases the enduring consequences of prosecution, including reputational injury, social stigma, professional setback, and psychological trauma. The study argues that the conclusion of wrongful prosecution does not signify the complete restoration of justice.

This dissertation analyses how the constitutional framework presently lacks comprehensive mechanisms for the rehabilitation of the post-acquittal framework. It analyzes Articles 14, 19, and 21, along with judicial precedents and the Law Commission Report No. 277 (on wrongful prosecution)¹ and International Human Rights instruments.

¹Law Commission of India, Wrongful Prosecution (Miscarriage of Justice): Legal Remedies (Report No 277, 2018).

LIST OF ABBREVIATIONS

Abbreviation	Full Form
AIR	All India Reporter
BNS	Bharatiya Nyaya Sanhita, 2023
BNSS	Bharatiya Nagarik Suraksha Sanhita, 2023
CBI	Central Bureau of Investigation
CJA	Criminal Justice Act 1988 (UK)
CPS	Crown Prosecution Service (UK)
Cr.P.C.	Code of Criminal Procedure, 1973
DBS	Disclosure and Barring Service (UK)
DNA	Deoxyribonucleic Acid
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
GC	Grand Chamber
HRC	Human Rights Committee (United Nations)
ICCPR	International Covenant on Civil and Political Rights, 1966
IPC	Indian Penal Code, 1860
IRMCT	International Residual Mechanism for Criminal Tribunals
ISRO	Indian Space Research Organisation
NHRC	National Human Rights Commission (India)
OSCOLA	Oxford University Standard for Citation of Legal Authorities
SC	Supreme Court
SCC	Supreme Court Cases (India)
StrEG	Strafverfolgungsentschädigungsgesetz (Germany)
UDHR	Universal Declaration of Human Rights, 1948
UN	United Nations
UNGA	United Nations General Assembly
UNTS	United Nations Treaty Series
UOI	Union of India
UP	Uttar Pradesh
WP(C)	Writ Petition (Civil)

CHAPTER I: INTRODUCTION

The system of criminal justice is premised on the principle that all accused persons remain innocent in law until their guilt is established through a fair trial. Yet for many individuals ultimately acquitted, the practical consequences of criminal prosecution continue long after the verdict is delivered. In law, they are innocent; in society, they often remain suspects. **This paradox lies at the heart of a fundamental but largely overlooked question: does an acquittal truly mark the end of justice?**

Background of the Study

The legitimacy of the framework of criminal justice rests as much on shielding those who are innocent as it does on punishing those who are guilty. Central to this framework is the presumption of innocence, a core doctrine of criminal law, which ensures that no individual is treated as guilty unless their guilt is established through a procedurally sound/fair trial. Yet criminal prosecution often causes lasting social suspicion and reputational damage even before any judicial determination. In India, prolonged criminal trials often subject a falsely accused person to disruption of personal and professional life and the psychological consequences of public accusation. This highlights that while criminal liability has consequences, its aftermath does not readily dissipate. This exposes a significant gap in the existing criminal justice framework. While the acquittal determines criminal liability, it does not address the consequences of wrongful prosecution, leaving justice incomplete.

The constitutional implications deserve careful examination given the expansive, expounding of Articles 14, 19, and 21 of the Constitution of India, which protect equality, liberty, dignity, and reputation.² If these constitutional guarantees are understood as protecting not merely physical liberty but the overall dignity of the individual, an important question arises: **can constitutional justice be regarded as complete when an acquitted person continues to suffer consequences directly attributable to criminal prosecution?**

The present research proceeds on the premise that acquittal in criminal adjudication is not necessarily the completion of justice. Although it determines the absence of criminal liability, the multiple harms accumulated throughout the trial process are not remedied by the mere declaration that the accused is not guilty. This concern has become more significant in the digital age, as a disconnect now often exists between formal legal innocence and the reality of substantive justice, where records of criminal accusation often remain accessible even after acquittal, allowing adverse public opinion to persist despite judicial exoneration.

Internationally, states have recognized wrongful prosecution or wrongful conviction and developed mechanisms for compensation, rehabilitation, and administrative corrective measures. These developments reflect the growing understanding that justice is not always achieved by acquittal alone. Against this backdrop, the present study seeks to examine whether

²Constitution of India 1950, arts 14, 19 and 21.

Indian constitutional jurisprudence, statutory law, and comparative legal developments support a broader framework of post-acquittal restoration, arguing that acquittal shall not mark merely the end of criminal proceedings but the beginning of restoring the individual's constitutional rights and dignity.

Statement of the Problem

Despite the constitutional commitment to fairness and the principle that an accused is innocent until proven guilty, Indian criminal law lacks a comprehensive legal framework to address the consequences faced by individuals after acquittal. While acquittal ends liability, it cannot restore the social, economic, professional, psychological, or reputational losses caused during the criminal prosecution, which the criminal justice system neither recognizes nor remedies.

Existing remedies remain limited to exceptional situations such as illegal detention, constitutional torts, or malicious prosecution. There is no statutory recognition of a broader obligation to restore the dignity, reputation, and status of an acquitted person, creating a significant gap between legal innocence and substantive justice. This gap forms the principal problem examined in this research.

Primary Research Question

Whether an acquittal, by itself, is sufficient to restore the constitutional rights, dignity, reputation, and status of an individual who has undergone criminal prosecution, and whether India requires a structured legal framework for post-acquittal restoration?

Secondary Research Questions

1. What are the legal and practical consequences experienced by individuals after acquittal?
2. Does the Constitution of India support recognition of a post-acquittal obligation on the State?
3. How have Indian courts addressed issues relating to wrongful prosecution, dignity, and compensation?
4. What lessons can India draw from comparative jurisdictions?

5. Which legal and institutional reforms are needed to close the gap between an acquittal and the realisation of substantive justice?

Research Objectives

This study seeks to:

- To express the concept and implications of post-acquittal restoration;
- analyze its constitutional foundations under Articles 14, 19, and 21;
- critically evaluate the existing statutory and judicial framework;
- compare Indian law with selected foreign jurisdictions; and
- propose a principled legal framework for addressing the consequences of acquittal.

Research Methodology

The paper follows a doctrinal method of legal research which is mainly based upon constitutional provisions, statutes, judicial precedents, Law Commission Reports, and international legal instruments. In addition, secondary material, including scholarly books, peer-reviewed journal articles, government publications, and comparative legal studies, has also been utilized. A comparative analytical approach has been employed to evaluate existing legal frameworks and identify reforms suitable for the Indian constitutional basic principles.

Scope and Limitations

This Study is confined to the legal consequences arising after acquittal in criminal proceedings within the Indian legal system. It does not attempt to comprehensively examine civil liability, disciplinary proceedings, or compensation under private law except where such issues directly relate to criminal prosecution. Comparative analysis is limited to selected jurisdictions whose legal developments provide useful guidance for Indian law.

Structure of the Study

This research paper comprises nine substantive chapters. Following the introduction, the paper

reviews existing scholarship on wrongful prosecution and post-acquittal justice. It then examines the constitutional foundations of post-acquittal restoration, analyses comparative legal developments, evaluates relevant judicial precedents and Law Commission recommendations, discusses international legal standards, proposes a framework for post-acquittal restoration in India, and concludes with recommendations for legislative and institutional reform.

CHAPTER II: LITERATURE REVIEW

Introduction

Existing scholarship on criminal justice has predominantly emphasized the assurance of fair trials, the rights of the accused protected during investigative, prosecutorial processes, and the provision of redress for victims of crime. Academic discourse has devoted considerable attention to issues such as wrongful convictions, unlawful detention, custodial abuse, constitutional remedies, and procedural safeguards. Nevertheless, there remains a notable paucity of research concerning the post-acquittal legal and social standing of individuals. While an acquittal formally signifies the failure to establish criminal culpability, it does not necessarily mitigate the enduring social, occupational, psychological, and reputational consequences stemming from criminal prosecution. In practice, public perception frequently associates acquitted individuals with the mere fact of accusation, thereby engendering a disjunction between legal exoneration and societal perception. This lacuna has received limited scholarly scrutiny within Indian legal literature and constitutes the central focus of the present study.

Wrongful Convictions and Miscarriages of Justice

International scholarship on wrongful convictions has primarily focused on miscarriages of justice. Seminal research by Brandon L. Garrett, Kent Roach, and Marvin Zalman illustrates this.³ Factors such as erroneous eyewitness identification, coerced or false confessions, prosecutorial misconduct, and flawed forensic methodologies substantially contribute to judicial error. These scholarly inquiries have catalyzed systemic reforms designed to prevent

³Brandon L. Garrett, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (Harvard University Press 2011); Kent Roach, 'Wrongfully Convicted: An International and Comparative Overview' (2018) 21 *New Criminal Law Review* 1; Marvin Zalman, 'Qualitatively Estimating the Incidence of Wrongful Convictions' (2012) 48 *Criminal Law Bulletin* 221.

factually wrongful convictions, strengthen accountability mechanisms within criminal justice institutions.

While these contributions have significantly advanced the conceptual and empirical understanding of miscarriages of justice, they largely focus on cases involving individuals who were formally convicted and subsequently exonerated. In contrast, scant scholarly attention has been devoted to those who undergo protracted criminal prosecutions yet are ultimately acquitted. As a result, the constitutional ramifications and practical consequences of acquittal, particularly in terms of legal stigma, personal harm, and institutional oversight, remain undertheorized and inadequately addressed in the existing literature.

Wrongful Prosecution and Compensation

Indian legal scholarship has extensively examined wrongful prosecution, malicious prosecution, unlawful detention, and constitutional redress. A seminal contribution in this domain is the Law Commission of India Report No. 277,⁴ which identifies lack of a statutory regime regulating wrongful prosecution and advocates legislative reforms to establish mechanisms for compensation and procedural protections. The Report concedes that innocent individuals frequently endure arrest, extended incarceration, economic hardship, and reputational damage as a consequence of erroneous prosecution, and it evaluates comparative legal frameworks before proposing a tailored jurisprudential structure for India.

The report predominantly concentrates on pecuniary redress in cases of judicial error. It does not thoroughly investigate whether an acquittal imposes an ongoing constitutional duty on the State to rehabilitate an individual's dignity, public esteem, professional opportunities, or societal integration. Similarly, scholarly discourse on malicious prosecution tends to center on civil remedies, rather than addressing the wider post-acquittal legal and social ramifications confronting those exonerated after criminal proceedings.

Human Dignity, Reputation and Personal Liberty

A significant corpus of scholarly work investigates the extensive analyses of Article 21 of the Indian Constitution. Eminent constitutional jurists such as M.P. Jain, V.N. Shukla, and H.M. Seervai have elucidated how judicial interpretation has evolved Article 21 into a full safeguard

⁴Law Commission of India (n 1).

encompassing human dignity, reputation, privacy, psychological integrity, and personal liberty.⁵ Landmark rulings, notably *Maneka Gandhi v. Union of India* and *K.S. Puttaswamy v. Union of India*, have significantly fortified these constitutional principles.⁶

But this body of scholarship seldom scrutinizes the applicability of such constitutional protections in the aftermath of an acquittal. Academic discourse typically emerges within debates concerning privacy, defamation, or state intervention, yet fails to confront directly the enduring reputational and dignitary injuries that persist even after the conclusion of criminal proceedings. Thus, the nexus between fundamental rights and post-acquittal redress remains undertheorized and insufficiently examined.

Comparative Scholarship

Comparative legal scholarship reveals that numerous jurisdictions have instituted mechanisms to redress the ramifications of wrongful convictions and unjust prosecutions. International human rights instruments affirm the entitlement to compensation in cases of judicial error, while nations such as United Kingdom, Canada, Germany, and New Zealand. Implemented statutory or administrative frameworks addressing reparation, the review of erroneous convictions, and post-exoneration support.

Notwithstanding these advancements, comparative analysis remains predominantly centered on compensation and the adjudication of wrongful convictions, often overlooking broader dimensions such as the restoration of personal dignity, reintegration into the workforce, digital identity reconstruction, and societal reabsorption following acquittal. While these cross-jurisdictional perspectives offer instructive insights, they fall short of comprehensively engaging with the constitutional complexities inherent in the Indian legal framework.

Digital Reputation

Contemporary academic inquiry has increasingly scrutinized digital privacy, online identity, and the “right to be forgotten.” These studies acknowledge that digital news archives, search engine results, and preserved electronic records frequently maintain enduring associations

⁵M P Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018); V N Shukla, *Constitution of India* (13th edn, Eastern Book Company 2017); H M Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 2015).

⁶*Maneka Gandhi v Union of India* (1978) 1 SCC 248; *Justice K.S. Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

between individuals and criminal allegations, even after formal acquittal. Although this body of literature recognizes the consequential damage to personal reputation wrought by the permanence of digital traces, it predominantly frames the perspective of data protection and informational privacy, rather than treating it as a part of criminal justice. As a result, specific legal ramifications of digital reputational injury following acquittal remain undertheorized and inadequately addressed as a discrete jurisprudential concern warranting targeted redress.

Judicial Developments

Judicial scholarship has predominantly concentrated on constitutional compensation in cases encompassing unlawful detention, custodial abuse, and infringements of fundamental rights. Landmark rulings such as *Rudul Sah v. State of Bihar*, *Nilabati Behera v. State of Orissa*, and *Bhim Singh v. State of Jammu & Kashmir*⁷ have affirmed the principle that constitutional courts possess the authority to award pecuniary redress when state conduct violates fundamental rights.

Likewise, judicial pronouncements in cases including *Babloo Chauhan v. State (NCT of Delhi)*, *Nambi Narayanan v. State of Kerala*, and *Union of India v. Jaipal Singh*⁸ underscore the profound reputational, occupational, and psychological harms consequent to wrongful prosecution, thereby emphasizing the imperative for legislative reform. However, these judgments respond to discrete factual matrices rather than articulating a coherent constitutional framework delineating the rights of acquitted individuals. As a result, the extant jurisprudence remains disjointed and fails to offer a uniform doctrine for post-acquittal rehabilitation and redress.

Research Gap

The extant literature has substantially enriched the understanding of wrongful convictions, constitutional redress, procedural safeguards, and the preservation of fundamental rights throughout criminal adjudication. Comparative legal scholarship has likewise enriched discourse on miscarriages of justice by examining compensatory mechanisms and institutional

⁷*Rudul Sah v State of Bihar* (1983) 4 SCC 141; *Nilabati Behera v State of Orissa* (1993) 2 SCC 746; *Bhim Singh v State of Jammu and Kashmir* (1985) 4 SCC 677.

⁸*Babloo Chauhan @ Dabloo v State Govt of NCT of Delhi* 247 (2018) DLT 31; *S Nambi Narayanan v Siby Mathews* (2018) 10 SCC 804 (n 41 below); *Union of India v Jaipal Singh* (2004) 1 SCC 121 and AIR 2004 SC 1005.

reforms likewise. Yet, scant scholarly attention has been directed toward the enduring legal, social, economic, professional, psychological, and digital ramifications that persist in the aftermath of acquittal.

Prevailing academic inquiries predominantly regard acquittal as the terminal point of criminal proceedings, rather than as the inception of a discrete phase necessitating constitutional safeguards and institutional rehabilitation. Indian jurisprudential scholarship has yet to undertake a full analysis of whether the Constitution casts a continuing obligation upon the State to restore, to the extent practicable, the dignity, reputation, equality, and social standing of an acquitted individual.

This study aims to address this lacuna by framing post-acquittal restoration as a distinct constitutional imperative. It posits that acquittal ought not merely to extinguish criminal liability but should also activate a legal duty to redress the lingering effects of criminal prosecution. By synthesizing constitutional doctrine, criminal procedure, comparative jurisprudence, and evolving judicial precedents, this research advances a coherent and principled framework for post-acquittal restoration within the Indian legal order.

CHAPTER III: CONSTITUTIONAL ANALYSIS

Constitutional Foundations of Post-Acquittal Protection

Criminal law and constitutional law function in tandem to uphold individual rights. While criminal law adjudicates guilt or innocence through established procedural frameworks, constitutional law ensures that every phase of criminal prosecution adheres to the principles of fairness, equality, liberty, and human dignity. Although the Indian Constitution does not expressly provide a post-acquittal restoration right, the protections afforded under Articles 14, 19, and 21 persist beyond the termination of criminal proceedings.

Notably, an acquittal extinguishes criminal liability but does not invariably mitigate the social, economic, professional, or psychological repercussions of prosecution. Numerous acquitted individuals continue to endure reputational damage, occupational barriers, financial hardship, and social marginalization, despite a judicial determination that culpability has not been proven. This engenders a significant constitutional inquiry: whether the State's obligation terminates with acquittal or encompasses the restoration of constitutional rights eroded during

the course of prosecution.

The Constitution is designed to achieve substantive justice rather than mere procedural conformity. Because of this, post-acquittal protection ought to be construed not as a novel constitutional entitlement, but as a necessary corollary of the existing guarantees of dignity, equality, liberty, and reputation.

Presumption of Innocence and Meaning of Acquittal

The Continuing Burden of Stigma

The presumption constitutes a cornerstone of criminal jurisprudence, mandating that every individual charged with an offence be treated as innocent unless proven guilty beyond a reasonable doubt. Although not expressly enshrined as a fundamental right, Indian constitutional doctrine acknowledges it as an indispensable element of the guarantees embodied against arbitrary deprivation of liberty and dignity in Articles 14 and 21.

In the landmark verdict of *The State of Uttar Pradesh v. Rajendra S/o Chunni Lal & Others*,⁹ the Court observed that every accused is presumed innocent until proven guilty and obliges appellate tribunals to exercise restraint and circumspection before overturning such verdicts. Thus, an acquittal transcends the mere termination of criminal proceedings; it represents a judicial affirmation that the prosecution has failed to discharge its burden of proving culpability in accordance with the constitutional framework.

This principle extends its ramifications beyond the confines of the courtroom. Administrative bodies, employers, and public institutions are duty-bound to accord due weight to the legal significance of an acquittal. Similarly, in *Jorawar Singh Mundy v. Union of India*, persistent treatment of an acquitted person as a suspect¹⁰ erodes the constitutional underpinnings of the presumption of innocence and effectively transmutes an unproven allegation into a de facto lifelong disqualification. However, a distinction between legal acquittal and factual innocence must be carefully observed. An acquittal denotes that the prosecution did not meet its burden of proving guilt for the legally required standard; it does not necessarily affirm the accused's

⁹*State of Uttar Pradesh v Rajendra S/o Chunni Lal and Others*, Government Appeal No 294 of 2022 (Allahabad HC, 6 July 2022).

¹⁰*Jorawar Singh Mundy v Union of India* 2021 SCC OnLine Del 2306, WP(C) 3918/2021 (order dated 12 April 2021).

actual innocence. Even so, in the absence of established criminal liability, state authorities are generally obligated to accord the individual the status and rights associated with legal exoneration, absent any statutory or legal justification to the contrary.

The enduring social stigma following acquittal underscores the disjunction between legal absolution and societal reintegration. Criminal records, media narratives, and entrenched public perceptions often continue to associate individuals with the allegations they faced, regardless of judicial vindication. As such, the constitutional ideal embodied in the presumption of innocence remains unfulfilled unless acquittal yields tangible legal recognition and practical restoration of dignity, reputation, and opportunity.

Article 21: Dignity, Reputation and Right to Live with Honour

Article 21 has undergone a revolutionary expansion, evolving from a mere safeguard of physical liberty to an expansive guarantee of human dignity, reputation, autonomy, and the capacity for meaningful societal participation. Beginning with *Maneka Gandhi v. Union of India*, the Supreme Court pronounced that curtailment of life or personal liberty.¹¹ must satisfy the standards of fairness, justice, and reasonableness, thereby embedding substantive due process within the constitutional framework.

The judiciary has consistently affirmed that constitutional safeguards are not forfeited upon conviction. In *Sunil Batra v. Delhi Administration*, the court emphatically declared that incarceration does not annul the intrinsic dignity of the individual.¹² If those lawfully imprisoned retained the shield of constitutional protection, persons exonerated from criminal charges are entitled to even more reliable safeguards against the enduring collateral consequences of prosecution.

Reputation is an essential constituent of personal dignity; it can be profoundly undermined, jeopardising the prospects for employment, professional progression, interpersonal relationships, and psychological integrity. In *State of Maharashtra v. Ravikant S. Patil*, the Supreme Court acknowledged it as an inalienable facet of the Right to Life under Article 21.¹³ This principle was fortified in *K.S. Puttaswamy v. Union of India*, where the Supreme Court

¹¹*Maneka Gandhi v Union of India* (1978) 1 SCC 248.

¹²*Sunil Batra v Delhi Administration* (1978) 4 SCC 494.

¹³*State of Maharashtra v Ravikant S. Patil* (1991) 2 SCC 373.

affirmed that dignity, privacy, autonomy, and identity are interwoven constitutional values,¹⁴ each reinforcing the other.

These considerations assume heightened significance in the digital era. Allegations of criminal conduct often persist indefinitely in online archives, search engine results, and social media platforms, even after an individual has been acquitted. Consequently, the acquitted may endure continuing stigma and social marginalization despite the formal absence of culpability. In recognition of this phenomenon, the Delhi High Court in *Jorawar Singh Mundy v. Union of India* observed that the continued public accessibility of a criminal record post-acquittal¹⁵ may unjustly impinge upon an individual's reputation and prospect for rehabilitation. Thus, Article 21 necessitates more than the mere cessation of criminal proceedings. It mandates affirmative measures to protect dignity and reputation by ensuring that acquittal is accompanied by effective mechanisms to mitigate the lingering repercussions of prosecution.

Articles 14 and 19: Equality and Freedom after Acquittal

Article 14 enshrines the principle of equality before the law and proscribes arbitrary state conduct. Landmark judicial pronouncements, including *E.P. Royappa v. State of Tamil Nadu* and *Maneka Gandhi v. Union of India*, have affirmed that fairness and reasonableness¹⁶ are integral and non-negotiable constitutional imperatives.

Following an acquittal, the State cannot persist in treating an individual as criminally culpable absent compelling constitutional justification. Yet, individuals routinely confront adverse ramifications in processes such as police verification, recruitment, licensing, and other administrative evaluations, as authorities continue to rely on records of prior prosecution. These practices erode the legal finality of acquittal and conflate the status of an accused with that of a convicted offender, thereby distorting foundational principles of criminal jurisprudence.

The Apex Court of India has consistently interpreted that mere involvement in criminal proceedings cannot per se warrant prejudicial employment determinations. Administrative decision-makers are obligated to consider the gravity of the allegations, the ultimate disposition

¹⁴ Justice K.S. Puttaswamy (Retd) v Union of India (n 6).

¹⁵ *Jorawar Singh Mundy v Union of India* (n 10).

¹⁶ *E.P. Royappa v State of Tamil Nadu* (1974) 4 SCC 3; *Maneka Gandhi v Union of India* (n 6).

of the case, and the rationale underlying the acquittal before withholding employment and other public benefits. While the Constitution allows for reasonable classifications grounded in legitimate public interest, any enduring disability imposed solely based on past prosecution must withstand rigorous scrutiny under the constitutional doctrines of fairness, rationality, and proportionality. Article 19 further fortifies these safeguards by guaranteeing the fundamental right to pursue a profession, engage in any occupation, participate in public affairs, and exercise civil liberties. In *Avtar Singh v. Union of India*, the Supreme Court repudiated a categorical and indiscriminate disqualification of candidates with criminal antecedents,¹⁷ underscoring that acquittal must be accorded substantive weight in employment assessments.

The lingering collateral consequences of prosecution often impede professional advancement, economic engagement, and social integration. Such obstacles hinder the ability of acquitted persons to fully realize the liberties enshrined under Article 19. It follows that constitutional freedoms entail not merely exoneration from criminal liability, but also the practical capacity to rehabilitate and reconstitute one's personal and professional life in the aftermath of acquittal.

Constitutional Compensation and Public Law Remedies

Indian constitutional jurisprudence acknowledges compensation as an important public law remedy in instances where state action infringes upon fundamental rights. Landmark judgments such as *Rudul Sah v. State of Bihar*, *Nilabati Behera v. State of Odisha*, and *Bhim Singh v. State of Jammu & Kashmir* have firmly established this.¹⁸ that constitutional courts possess the authority to award pecuniary relief when unlawful state conduct results in the deprivation of personal liberty.

Judicial recognition of reputational injury has evolved through seminal decisions including *State of Maharashtra v. Ravikant S. Patil* and *Nambi Narayanan v. Siby Mathews*, where the Supreme Court recognised the profound professional and psychological ramifications.¹⁹ arising from unjust prosecution.

Notwithstanding these advancements, the scope of constitutional compensation remains circumscribed to extraordinary circumstances involving illegal detention, mala fide

¹⁷*Avtar Singh v Union of India* (2016) 8 SCC 471.

¹⁸*Rudul Sah v State of Bihar* (n 7); *Nilabati Behera v State of Orissa* (n 7); *Bhim Singh v State of Jammu and Kashmir* (n 7).

¹⁹*State of Maharashtra v Ravikant S. Patil* (n 13); *S Nambi Narayanan v Siby Mathews* (n 8).

investigation, or palpable abuse of state authority. A mere acquittal, in the absence of such aggravating elements, does not typically confer the right to financial reparation or institutional rehabilitation. As a consequence, numerous acquitted individuals endure persistent economic, occupational, and social stigmatization devoid of an efficacious legal recourse.

Thus, constitutional compensation constitutes merely one dimension of post-acquittal justice; monetary restitution, while significant, is inherently insufficient to rehabilitate reputation, reinstate employment prospects, develop social reintegration, or restore psychological integrity. A fuller legal framework is imperative to address the enduring collateral consequences of wrongful criminal prosecution.

The Constitutional Gap: Why is Acquittal Alone Insufficient?

Although Articles 14, 19, and 21 provide strong protection for dignity, equality, liberty, and reputation, Indian law lacks a clear mechanism to deal with the ongoing effects of criminal prosecution after a person has been acquitted. Criminal courts focus on determining guilt but usually do not address restoring reputation, correcting official records, removing administrative barriers, or facilitating social reintegration.

As a result, acquitted persons often face ongoing challenges in finding jobs, obtaining professional licenses, accessing financial opportunities, and participating in public life. Digital records and media reports keep the stigma of a criminal accusation alive, even after a person is cleared by the court. Current remedies are piecemeal and situation-specific, lacking a consistent system applicable to all those who have been acquitted.

The challenge here is not to create new fundamental rights but to ensure that existing constitutional guarantees are implemented effectively. Justice is not complete merely because criminal liability has ended; the aftermath of prosecution continues to harm dignity, equality, liberty, and reputation.

This study suggests that acquittal should mark the start of the government's duty to aid in restoring individuals after they have been acquitted. A structured legal framework would not create new constitutional rights but would make the protections found in Articles 14, 19, and 21 more effective by tackling the ongoing impacts of criminal prosecution.

CHAPTER IV: COMPARATIVE STUDY

Introduction

While the comparative legal analysis of Articles 14, 19, and 21 provides a foundation for protecting the dignity, liberty, equality, and reputation of every individual, the existing framework does not provide adequate redress for the stigma that frequently accompanies an acquittal. This constitutional gap invites a broader inquiry: how have other legal systems responded to post-acquittal challenges?

The Constitution is not intended to remain static in the face of evolving social realities. Recognizing this dynamic character, the Supreme Court in *Navtej Singh Johar v. Union of India* described the Constitution as a “living and organic document”,²⁰ emphasizing that constitutional interpretation must continuously evolve. Similarly, in *Justice K.S. Puttaswamy (Retd.) v. Union of India*, the Court recognised privacy as a fundamental right.²¹

The issue of post-acquittal protection across the world has been addressed differently, reflecting the recognition that harm caused by prosecution does not necessarily end with acquittal. Although approaches to digital privacy, exoneration, reputation, and compensation for wrongful prosecution vary, they converge on a shared principle: justice is not fully achieved merely by pronouncing an individual not guilty; it must also address the continuing consequences that arise from the criminal process itself.

The objective of this comparative inquiry is not to transplant foreign legal models into the Indian legal system, but rather to discern shared constitutional principles and assess their applicability within the Ambit of the Indian Constitution. Comparative jurisprudence thus furnishes instructive guidance for evolving a coherent and principled post-acquittal framework, while remaining faithful to Indian constitutional values. Accordingly, this chapter examines the international human rights framework governing the presumption of innocence and remedies for miscarriages of justice, before undertaking an analysis of the approaches adopted in the United Kingdom, the United States, Canada, Germany, and New Zealand. It endeavours to distil common constitutional principles capable of informing a structured framework for

²⁰*Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

²¹*Justice K.S. Puttaswamy (Retd) v Union of India* (n 6).

post-acquittal restoration in India.

International Human Rights Framework

The development of post-acquittal protection extends beyond domestic law, encompassing the international human rights framework under which principles of fairness, human dignity, and effective protection of individual rights are recognised. Although no international instrument expressly recognizes a full right to post-acquittal restoration, international human rights norms acknowledge that the consequences of criminal prosecution may persist beyond acquittal and necessitate appropriate legal safeguards.

The Universal Declaration of Human Rights (UDHR), 1948, lays the foundation by affirming equality, dignity, and the presumption of innocence under Articles 1 and 11(1).²² These principles are reinforced by the International Covenant on Civil and Political Rights (ICCPR), 1966, particularly Article 14(2), which guarantees the presumption of innocence,²³ and Article 14(6), which recognizes compensation in instances of wrongful prosecution, reflecting the broader obligation of the State to provide effective remedies for miscarriages of justice. Similarly, the European Convention on Human Rights (ECHR), under Article 6(2), guarantees that every person charged with a criminal offence shall be presumed innocent until proved guilty.²⁴

International jurisprudence further fortifies these principles. In *W.J.H. v. The Netherlands*, the Human Rights Committee held²⁵ that state action after criminal proceedings must remain consistent with the presumption of innocence. Similarly, under Article 6(2) of the ECHR, the European Court of Human Rights (ECtHR), in *Nealon and Hallam v. United Kingdom*, held that public authorities must not impugn the innocence of an acquitted person.²⁶ through their language and conduct.

Collectively, these international judicial decisions and pronouncements establish that the presumption of innocence survives acquittal and that the State must ensure official action does

²²Universal Declaration of Human Rights, UNGA Res 217A(III) (10 December 1948) UN Doc A/810, arts 1 and 11(1).

²³International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14(2) and art 14(6).

²⁴Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) art 6(2).

²⁵*W.J.H. v The Netherlands*, Communication No 408/1990, UN Doc CCPR/C/45/D/408/1990 (1992).

²⁶*Nealon and Hallam v United Kingdom* App nos 32483/19 and 35049/19 (ECtHR, 11 June 2024) [GC].

not unjustifiably impair the dignity, reputation, or legal standing of acquitted individuals. Although they do not constitute a universal framework for post-acquittal restoration, they furnish the normative foundation for developing such protection within domestic legal systems.

United Kingdom: Compensation, Criminal Records, and Rehabilitation

The United Kingdom addresses the consequences of wrongful prosecution through statutory compensation, judicial oversight, and criminal record management. Although it does not acknowledge right to post-acquittal restoration, these mechanisms acknowledge that the ramifications of criminal proceedings may persist beyond acquittal and warrant remedial intervention.

Section 133 of the Criminal Justice Act 1988, which gives effect to Article 14(6) of the ICCPR, provides that compensation is payable where a conviction is quashed.²⁷ or a pardon is granted on the ground of a miscarriage of justice. Though confined to certain cases, it embodies the principle that wrongful criminal proceedings may warrant affirmative State remedies extending beyond the mere reversal of conviction.

In *Nealon and Hallam v. United Kingdom*, the European Court of Human Rights held that determinations concerning compensation must not derogate from the presumption of innocence under Article 6(2) of the ECHR,²⁸ and such State action must not engender renewed suspicion.

The Rehabilitation of Offenders Act 1974 permits certain convictions to become “spent” upon the expiry of prescribed rehabilitation periods;²⁹ It reflects the broader principle that individuals ought not remain perpetually encumbered by their involvement with the criminal justice system. Similarly, the Disclosure & Barring Service (DBS) filters certain antiquated and minor records from criminal record certificates, while preserving disclosure for sensitive occupations, thereby balancing public safety with rehabilitation and privacy.

Despite the circumscribed scope of compensation and the intricacy of disclosure rules, the UK model shows that justice extends beyond the conclusion of criminal proceedings. For India, the significance rests less on specific provisions and more on its recognition that the State's responsibility may subsist beyond acquittal through structured remedial measures aimed at

²⁷Criminal Justice Act 1988 (UK), s 133.

²⁸*Nealon and Hallam v United Kingdom* (n 26).

²⁹Rehabilitation of Offenders Act 1974 (UK).

social reintegration.

United States: DNA Exoneration, Wrongful Convictions, and Post-Acquittal Restoration

The United States has considerably shaped the contemporary discourse on unjust conviction through forensic science, post-conviction DNA testing, and legislative reforms. Unlike jurisdictions that primarily emphasize compensation, the American approach combines scientific innovation and policy reform to identify wrongful convictions and facilitate reintegration. Although there is no uniform federal framework, these developments collectively affirm that justice extends beyond the mere reversal of a conviction.

The advent of DNA profiling transformed the criminal justice system by revealing that even lawfully secured convictions may harbour a miscarriage of justice, thereby strengthening the system's capacity for self-correction through objective forensic evidence. The case of Kirk Bloodsworth illustrates this significance: he was wrongfully convicted and was sentenced death in 1984 for rape and murder.³⁰ of a nine-year-old despite the absence of physical evidence, he was exonerated in 1993 through post-conviction DNA testing, becoming the first death-row prisoner in the United States exonerated on such grounds. This case catalyzed the Justice for All Act, 2004, which established the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.³¹ To support DNA testing and the preservation of biological evidence.

The Innocence Project, a non-profit legal organization, has secured the release of numerous wrongfully convicted individuals while exposing systemic factors which leads to wrongful convictions, such as incorrect eyewitness identification, coerced confessions, unreliable forensic evidence, and misconduct by official prosecutorial. Its advocacy has spurred reforms in eyewitness procedures, forensic standards, and post-conviction review, thereby reinforcing both fairness and reliability within the justice system.

Exoneration alone is not an adequate remedy for wrongful prosecution. Several states have enacted statutory compensation schemes alongside reintegration measures, healthcare, counselling, education, vocational training, housing assistance, and legal aid, acknowledging the lasting social, economic, and psychological harm such prosecution inflicts. Many states

³⁰See National Library of Medicine, 'Visible Proofs: Forensic Views of the Body — Kirk Bloodsworth' (US National Institutes of Health)

<https://www.nlm.nih.gov/exhibition/visibleproofs/galleries/cases/bloodsworth.html>.

³¹Justice for All Act 2004, Pub L No 108-405, 118 Stat 2260 (US), title IV.

further permit expungement or sealing of criminal records relating to arrests or wrongful convictions, recognizing that persistent records may undermine the practical value of acquittal by perpetuating stigma and impeding employment, education, and licensing.

The American legal system demonstrates that an effective justice system must not merely punish offenders but also identify and remedy its own errors. Forensic innovation, post-conviction review, compensation, and reintegration measures collectively demonstrate that meaningful justice demands institutional mechanisms capable of restoring dignity and opportunity to the wrongfully prosecuted. Although India's constitutional architecture differs materially, these developments remain instructive as comparative guidance. Greater reliance on forensic science and post-acquittal support could strengthen protections for acquitted persons in India, reaffirming restoration as an indispensable component of justice.

Canada, Germany and New Zealand

Beyond the well-developed models of the United Kingdom and the United States, Canada, Germany, and New Zealand has adopted significant, if divergent, measures recognizing that the consequences of criminal prosecution may persist beyond acquittal or exoneration. Each jurisdiction, notwithstanding differences in legal architecture, affirms that justice demands more than the formal termination of proceedings.

Canada addresses wrongful conviction chiefly through constitutional values and administrative policy rather than a complete statutory regime. Guided by the Canadian Charter of Rights and Freedoms, the Compensation Guidelines for Wrongful Conviction and Detention (2023) acknowledge³² that wrongful convictions and protracted proceedings may inflict enduring financial, psychological, and reputational harm, extending redress beyond pecuniary loss to the broader consequences of miscarriage of justice.

Germany, by contrast, adopts a codified approach through the Strafverfolgungsentschädigungsgesetz (StrEG), which compensates unjustified coercive measures,³³ wrongful pre-trial detention, unlawful search and seizure, and convictions subsequently overturned. Though compensation is not automatic upon every acquittal, the

³²Department of Justice (Canada), Compensation Guidelines for Wrongful Conviction and Detention (November 2021, as applied); see also Canadian Charter of Rights and Freedoms 1982.

³³Gesetz über die Entschädigung für Strafverfolgungsmaßnahmen (StrEG) 1971 (Germany).

statute embodies the principle that unjustified State interference with liberty or property generates a correlative obligation of remedial relief.

New Zealand's Compensation Guidelines for Wrongful Conviction and Imprisonment (2023) similarly furnish a structured process.³⁴ for compensating individuals whose convictions are quashed or who receive a free pardon on grounds of innocence. Recognizing that wrongful imprisonment engenders lasting harm, loss of livelihood, familial disruption, reputational injury, and psychological trauma, the Guidelines contemplate reintegration measures alongside financial redress.

Despite disparate constitutional structures, these jurisdictions reveal an emerging consensus: the effects of wrongful prosecution do not necessarily terminate with acquittal. Through statutory compensation, administrative policy, and constitutional principle, each recognizes the imperative of affirmative measures to restore the rights, dignity, and opportunities of affected individuals, reinforcing this study's central premise that an effective criminal justice system must not only adjudicate guilt accurately but also afford meaningful restoration to those ultimately vindicated.

Comparative Lessons for India

The comparative analysis reveals that although no universal model of post-acquittal protection exists, certain common principles emerge as relevant to India. Across jurisdictions, justice is increasingly understood to extend beyond the formal conclusion of criminal proceedings to encompass the meaningful restoration of those affected by wrongful prosecution.

The foremost lesson is that acquittal should mark not merely the cessation of criminal liability but the commencement of legal and social restoration. Comparative practice recognizes that prosecution frequently inflicts enduring reputational, economic, psychological, and social harm, necessitating measures beyond a bare declaration of innocence. It further reflects the principle of State responsibility, whereby the wrongful exercise of criminal justice powers may warrant compensation or other remedial measures.

The second lesson is that financial compensation alone is insufficient. Mechanisms such as

³⁴Ministry of Justice (New Zealand), Compensation Guidelines for Wrongful Conviction and Imprisonment (28 February 2023) <https://www.justice.govt.nz>.

criminal record management, restricted disclosure, counselling, employment assistance, and reintegration support are increasingly regarded as indispensable to restoring acquitted or exonerated individuals. Likewise, developments such as DNA exoneration underscore the role of scientific advancement and procedural safeguards in preventing miscarriages of justice, while international human rights jurisprudence affirms that official conduct following acquittal must remain consonant with the presumption of innocence.

For India, these experiences furnish guiding principles rather than models for direct transplantation. While the Constitution already safeguards dignity, equality, and liberty under Articles 14, 19, and 21, it lacks a coherent legal framework for post-acquittal restoration. Comparative experience thus reinforces this study's central argument: meaningful justice demands not merely acquittal but adequate measures to restore the rights, dignity, social standing of acquitted persons.

Conclusion: Towards an Indian Framework

The comparative analysis undertaken in this chapter demonstrates that, notwithstanding divergent constitutional structures and legal responses, jurisdictions increasingly recognise that justice does not culminate with the formal termination of criminal proceedings. Through mechanisms such as statutory compensation, criminal record management, post-conviction review, forensic reform, and rehabilitation measures, these jurisdictions acknowledge that the consequences of wrongful prosecution may persist beyond acquittal and demand meaningful restorative intervention.

The international human rights framework further reinforces this approach, recognising the presumption of innocence, human dignity, and effective remedies as foundational principles of criminal justice. Collectively, these developments illuminate common threads of State accountability, protection of dignity and reputation, fidelity to the presumption of innocence, and reintegration of acquitted or exonerated individuals, notwithstanding differences in legislative and institutional design.

For India, these comparative experiences furnish guiding principles rather than models for direct transplantation. As discussed in Chapter III, Articles 14, 19, and 21 of the Constitution already provides a strong normative Structure for safeguarding the dignity, equality, liberty, reputation, and livelihood of acquitted persons. The primary challenge, therefore, it does not

lie in the absence of the values of the constitutional but in the absence of a coherent legal framework capable of translating those values into effective post-acquittal safeguards.

Accordingly, this comparative study reinforces the central thesis of this research: acquittal ought not be regarded as the terminal stage of criminal justice but as the inception of restoring the individual's constitutional rights, dignity, and social standing. Building upon these constitutional and comparative foundations, the following chapter examines the relevant judicial precedents that inform a framework for post-acquittal restoration that is constitutionally grounded, institutionally feasible, and responsive to the realities of the Indian criminal judicial system.

CHAPTER V: CASE LAWS

Introduction

Judicial interpretations have played a substantial role in shaping principles of criminal justice, constitutional rights, and the protection of individual liberties, dignity, reputation, and the presumption of innocence. Although Indian laws do not explicitly recognize the right to post-acquittal restoration, judicial pronouncements have broadened the reach of fundamental rights and established principles of state accountability that furnish its constitutional foundation.

The cases discussed in this chapter illustrate distinct dimensions of post-acquittal protection: the range of Article 21, the entitlement to compensation for unlawful State action, the presumption of innocence, and the safeguarding of dignity and reputation. The judgments collectively demonstrate the judicial commitment to ensuring that the exercise of criminal justice remains consistent with the constitutional values and substantive fairness.

Maneka Gandhi v. Union of India (1978)

This judgment is considered a landmark and transformative decision in Indian constitutional jurisprudence.³⁵ Although the case does not arise from criminal prosecution, it fundamentally reshaped Article 21 and laid out the constitutional foundation for protecting individual liberty, dignity, and fairness in all State actions, including the criminal justice process.

³⁵Maneka Gandhi v Union of India (1978) 1 SCC 248.

The dispute arose when the central government impounded the petitioners passport under the Passport Act, 1967, without giving adequate reason or an opportunity of being heard. The Court rejected the earlier restrictive reading of Article 21 and ruled that any law which takes away an innocent person's life or personal liberty must lay down a procedure that is fair, just, and reasonable, and not arbitrary, oppressive, or fanciful. The Court further observed that Articles 14, 19, and 21 are not isolated guarantees but form an interconnected framework for the protection of fundamental rights.

The Apex Court's reasoning transformed the understanding of numerous substantive rights, including the rights to dignity, reputation, privacy, livelihood, and fair treatment. Its expanded interpretation enabled courts to develop constitutional remedies for unlawful arrest, custodial violence, wrongful detention, and compensation for violations of fundamental rights.

For the present study, this case law provides the constitutional foundation for recognizing that the protection of fundamental rights does not end with procedural compliance. The principles established in this judgment support the argument that post-acquittal restoration does not amount to the creation of a new constitutional right, but rather a logical extending the requirement that every power of the state affecting life and personal liberty must remain fair, just, and reasonable.

Rudul Sah v. State of Bihar (1983)

This judgment establishes the principle of constitutional compensation as a public law remedy for the breaching of fundamental rights.³⁶ The case marked a significant departure from the traditional view that an aggrieved person must seek compensation through private civil proceedings, by holding instead that constitutional courts can grant monetary Compensation where State action has resulted in a grave infringement of Article 21.

The case arose when Rudul Sah remained imprisoned for nearly fourteen years after his exoneration by a criminal court; despite the absence of any legal justification, the authorities continued to detain him. He approached the Apex Court under Article 32 seeking his release and appropriate relief for the violation of his fundamental rights.

The judgment is significant as it recognized that the cessation of an unconstitutional act does

³⁶Rudul Sah v State of Bihar (1983) 4 SCC 141.

not automatically erase the harm suffered by the individual. For the present study, this case law informs the concept of post-acquittal restoration. Just as Rudul Sah's release could not adequately compensate for years of unlawful imprisonment, an acquittal alone may not sufficiently remedy the reputational, psychological, social, and economic consequences of wrongful prosecution. The decision therefore strengthens the argument that meaningful justice requires not only the termination of criminal proceedings but also adequate measures to restore the rights and dignity of individuals who have suffered unjustly through the criminal justice process.

State of Maharashtra & Others v. Ravikant S. Patil (1991)

This judgment recognized the constitutional importance of an individual's reputation in the context of criminal proceedings.³⁷ The case reaffirmed that an acquitted person has the full benefit of the presumption of innocence, and that the State must respect the dignity and reputation of the individual throughout the criminal process. The case arose when an undertrial prisoner was handcuffed and publicly marched; the respondent approached the High Court seeking compensation for the breach of his fundamental rights under Article 21.

The principal issue before the Apex Court was whether the public handcuffing and parading of an undertrial prisoner amounted to a violation of his fundamental rights and whether constitutional compensation could be awarded for such infringement. The Court held that the actions of the police authorities were unjustified and violated the respondent's right to life and personal liberty under Article 21, and that every individual is entitled to be treated with dignity, unnecessary public humiliation by State authorities being inconsistent with constitutional guarantees.

While affirming the award of compensation, the Supreme Court clarified that liability should be borne by the State of Maharashtra rather than by the individual police officer personally. The judgment recognizes that reputation is an integral component of the right to life under Article 21. For the present study, this case is relevant because it recognizes that reputation is an integral component of the right to life under Article 21. The principle that every accused is presumed innocent until proven guilty assumes particular significance in the context of post-acquittal restoration: if the Constitution protects the dignity and reputation of an accused even

³⁷State of Maharashtra v Ravikant S. Patil (1991) 2 SCC 373.

during the pendency of criminal proceedings, then acquittal should not merely terminate criminal liability but should also facilitate the restoration of the individual's dignity, reputation, and constitutional rights.

Nilabati Behera v. State of Orissa (1993)

This judgment recognized the principle of constitutional compensation for the violation of fundamental rights.³⁸ The Supreme Court clarified that where State authorities infringe the right to life and personal liberty under Article 21, constitutional courts are empowered to award compensation as a public law remedy, independent of any private law claim for damages. The case arose after the son of the petitioner was taken into police custody on suspicion of theft, and his body was later found near a railway track with multiple injuries, giving rise to allegations of custodial violence and custodial death.

The principal issue before the Court was whether compensation could be awarded in proceedings under Articles 32 and 226 for the violation of fundamental rights caused by the unlawful acts of State officials. Compensation was accordingly awarded to the petitioner's family.

For the present study, this case law is relevant as it reinforces the principle that the State cannot escape responsibility where its actions causing contravention of constitutional rights. The Court recognized that constitutional remedies must be practical and effective rather than merely symbolic. This reasoning has direct relevance to post-acquittal restoration: where wrongful investigation, unlawful detention, or arbitrary prosecution causes lasting harm to an individual's dignity, reputation, liberty, or livelihood, the mere conclusion of criminal proceedings may not constitute a complete remedy. The decision remains a significant precedent for recognized State accountability and the availability of effective constitutional remedies in cases involving serious infringements of fundamental rights.

Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)

This judgment is a constitutional milestone that recognized the right to privacy as a fundamental right protected under Article 21 of the Indian Constitution.³⁹ The case arose as a

³⁸Nilabati Behera v State of Orissa (1993) 2 SCC 746.

³⁹Justice K.S. Puttaswamy (Retd) v Union of India (2017) 10 SCC 1.

challenge to the Aadhaar scheme, the principal concern being that the collection of biometric and demographic data could lead to a breach of individual privacy. The Supreme Court unanimously held that the right to privacy forms an integral component of the right to life and personal liberty under Article 21, as well as the freedoms secured under Part III of the Constitution. The Court further held that privacy is inseparable from human dignity and individual autonomy, and that any restriction must satisfy the requirements of legality, necessity, proportionality, and procedural safeguards.

For the present study, this case law is relevant as it acknowledges that constitutional protection extends beyond physical liberty to include an individual's informational and reputational interests. The principles laid down in *Puttaswamy* therefore support the argument that acquitted persons should be protected against unnecessary retention and dissemination of personal information that perpetuates stigma after the criminal process has concluded. Although the post-acquittal right was not directly addressed, the decision strengthens the individual's rights to move forward after acquittal.

Navtej Singh Johar v. Union of India (2018)

This judgment reaffirmed the transformative nature of the Indian Constitution and expanded the understanding of dignity, equality, autonomy, and individual liberty.⁴⁰ The case concerned the constitutional validity of Section 377 of the Indian Penal Code, which criminalized consensual sexual relations between two adults. It was argued that the provision violated Articles 14, 15, 19, and 21 by infringing upon dignity, privacy, equality, and personal autonomy.

The Court, by a unanimous verdict, struck down the impugned provision as unconstitutional to that extent, observing that constitutional morality must take precedents over social morality. It reaffirmed that the Constitution is a living and dynamic document, intended to evolve with shifting societal values and to secure justice, dignity, and liberty for every individual. The judgment reinforces the doctrine of transformative constitutionalism, under which the Constitution is viewed as an instrument of social justice rather than a static legal text.

For the present Research, this case law provides an important jurisprudential basis for viewing post-acquittal restoration not as the creation of a new right but as a natural extension of the

⁴⁰*Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

Constitution's commitment to dignity, equality, liberty, and substantive justice, and its capacity to accommodate a framework addressing the continuing stigma, reputational harm, and social exclusion faced by acquitted persons.

S. Nambi Narayanan v. Siby Mathews & Others (2018)

This judgment highlights the constitutional consequences of wrongful prosecution and the State's obligation to remedy violations of fundamental rights.⁴¹ The Supreme Court recognized that an unjust criminal investigation may inflict irreparable damage upon an individual's dignity, reputation, professional career, and personal liberty, even where the allegations are ultimately found to be false. The case arose from the arrest of a senior scientist on charges of espionage relating to confidential information connected with ISRO. The Central Bureau of Investigation determined that the allegations were baseless and recommended closure of the case. Despite his exoneration, the consequences of the prosecution continued to affect his career, reputation, and personal life.

The Court held that the investigation conducted against the petitioner was arbitrary and had caused grave prejudice to his dignity and personal liberty. Recognizing the immense harm suffered by the petitioner, the Court directed the State of Kerala to pay ₹50 lakh as compensation and constituted a committee to examine the role of the police officials responsible for the wrongful investigation.

For the present study, this case law acknowledges that the effects of wrongful prosecution do not disappear merely because criminal proceedings have concluded. False allegations may permanently impair an individual's reputation, career, mental well-being, and social standing, injuries that cannot be fully remedied by acquittal or closure of the case. The decision strongly supports the central argument of this research that post-acquittal justice must extend beyond the formal termination of criminal proceedings, and that where the criminal process itself becomes the source of constitutional injury, meaningful restoration requires affirmative remedial measures aimed at protecting the dignity, reputation, and liberty of the individual.

State of Uttar Pradesh v. Rajendra S/o Chunni Lal & Others

This judgment reaffirms the principle of presumption of innocence.⁴² The Court emphasized

⁴¹S Nambi Narayanan v Siby Mathews (2018) 10 SCC 804.

⁴²State of Uttar Pradesh v Rajendra S/o Chunni Lal and Others, Government Appeal No 294 of 2022 (Allahabad

that every accused is presumed to be innocent unless the prosecution proves guilt beyond reasonable doubt, and reiterated that the presumption of innocence is a human right forming the cornerstone of criminal jurisprudence.

“Every accused is presumed to be innocent unless his guilt is proved. The presumption of innocence is a human right... the trial court’s acquittal bolsters the presumption of his innocence.”

⁴³For the present study, this case law is relevant because it elevates the presumption of innocence from a procedural rule to a constitutional and human rights principle. Continuing social stigma, reputational harm, employment discrimination, or administrative disadvantages after acquittal are inconsistent with the very principle reaffirmed by the Supreme Court. The decision thus reinforces supports the central argument of this research that the constitutional meaning of acquittal extends beyond the termination of criminal liability.

Babulal v. State of Madhya Pradesh

This judgment reiterates the well-established doctrine that the presumption of innocence is a fundamental principle of criminal jurisprudence.⁴⁴ And it underscores the constitutional importance of protecting individuals from being treated as guilty in the absence of proof beyond reasonable doubt. The case arose in the context of a challenge to an acquittal; the Court remarked that several guilty persons to escape punishment rather than for one innocent person to be wrongly convicted.⁴⁵

This judgment is relevant to the study as it reinforces the constitutional significance of acquittal, recognizing that an acquitted person should not continue to suffer legal, administrative, or social consequences based upon the very allegations that failed to result in conviction. The decision therefore supports the argument that acquittal is more than the conclusion of criminal proceedings: it restores a legal status that helps protect the dignity, reputation, and opportunities of acquitted persons, and strengthens the argument that meaningful justice requires not only exoneration before the law but also restoration within

HC, 6 July 2022).

⁴³State of Uttar Pradesh v Rajendra S/o Chunni Lal and Others (n 10); cf Ghurey Lal v State of Uttar Pradesh (2008) 10 SCC 450, on the principle that a trial court's acquittal reinforces the presumption of innocence.

⁴⁴Babulal and Others v State of Madhya Pradesh, CRA No 5972 of 2024 (Madhya Pradesh HC, Indore Bench).

⁴⁵Babulal v State of Madhya Pradesh (n 44); the underlying maxim traces to Kali Ram v State of Himachal Pradesh (1973) 2 SCC 808.

society.

CHAPTER VI: LAW COMMISSION REPORTS

Introduction

Law Commission reports have played a substantial role in identifying lacunae within the legal system and recommending legislative reforms to strengthen the administration of justice. Although not legally binding, they have considerably influenced legislation. In the context of post-acquittal restoration, these reports recognise that the consequences of wrongful prosecution may persist beyond the conclusion of criminal proceedings.

The 277th Report on Wrongful Prosecution (Miscarriage of Justice): Legal Remedies (2018) is the most germane to this study.⁴⁶ It constitutes the first comprehensive report recommending a statutory framework to compensate individuals who have suffered due to wrongful prosecution and incarceration, thereby addressing a significant lacuna in Indian criminal justice.

The 277th Law Commission Report (2018)

The 277th Report of the Law Commission of India, titled Wrongful Prosecution (Miscarriage of Justice): Legal Remedies (2018), is the first comprehensive policy document.⁴⁷ in India addressing legal remedies for wrongful prosecution. It recognizes increasing concerns about wrongful incarceration and the absence of any dedicated legal mechanism to provide remedies to individuals who are ultimately found to be innocent. The Commission observed that the Indian legal system lacked a coherent framework to address the serious violations of liberty, dignity, reputation, livelihood, and well-being that may occasion prosecution, even where it is subsequently followed by acquittal.

To address this legislative void, the Law Commission proposed a special statutory framework accompanied by a draft Bill, enabling victims of wrongful prosecution to claim compensation from designated authorities through a defined procedure. It recommended that factors such as the duration of prosecution or detention, loss of livelihood, reputational harm, legal expenses,

⁴⁶Law Commission of India, Wrongful Prosecution (Miscarriage of Justice): Legal Remedies (Report No 277, 2018).

⁴⁷Law Commission of India (n 1); the reference arose from Babloo Chauhan @ Dabloo v State Govt of NCT of Delhi (n 8).

and mental and physical suffering, among other consequential losses, be weighed in determining compensation. The Report further underscores State accountability, recommending that compensation ordinarily be discharged by the State, with recovery from a culpable official where mala fide intention is established.

The Report's scope, however, is confined to cases of wrongful or malicious prosecution and does not extend to every acquitted person. As a result, it does not fully address broader concerns such as continuing social stigma, employment barriers, or other post-acquittal consequences. Even so, it marks a significant step towards recognizing that justice should extend beyond the termination of proceedings, and furnishes a legislative foundation for a broader framework.

Other Relevant Law Commission Recommendations

Earlier Law Commission reports likewise reinforce principles germane to post-acquittal protection. The 154th Law Commission Report on the Code of Criminal Procedure (1996) emphasized a fair, efficient, and rights-oriented criminal process,⁴⁸ balancing effective prosecution with the protection of individual liberties under Articles 14 and 21. Similarly, the 268th Law Commission Report (2017) highlighted the deleterious effects of prolonged pre-trial detention⁴⁹ and reaffirmed that criminal procedure is not to become punitive prior to the establishment of guilt.

Although these reports do not specifically recommend post-acquittal restoration, they fortify the constitutional principles of fairness, personal liberty, and safeguard against arbitrary state action principles that underpin development of such a framework.

CHAPTER VII: INTERNATIONAL LEGAL FRAMEWORK

Introduction

The safeguarding of individuals against arbitrary criminal prosecution is recognised both within domestic constitutional law and international human rights law. Although international instruments do not expressly furnish a framework for post-acquittal restoration, they establish foundational principles the presumption of innocence, personal liberty, fair trial, and effective

⁴⁸Law Commission of India, The Code of Criminal Procedure, 1973 (Report No 154, 1996).

⁴⁹Law Commission of India, Amendments to Criminal Procedure Code, 1973 — Provisions Relating to Bail (Report No 268, 2017).

remedies that supply an important normative basis for protecting individuals subjected to criminal proceedings.

As a State party to major human rights Treaties, India is consistently a signatory to these conventions. This chapter briefly examines the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR)⁵⁰ and their relevance to post-acquittal protection.

Universal Declaration of Human Rights (UDHR), 1948

The Universal Declaration of Human Rights, which was adopted by the UN general assembly on 10 December 1948,⁵¹ form on basis contemporary International Human Rights Law of modern international human rights law and has considerably influenced constitutional jurisprudence worldwide, including in India. Though international conventions are not legally binding, their principles nonetheless guide the interpretation of domestic law.

Several provisions bear relevance to the present study. Article 1 affirms that every human being is born free and equal in dignity and, while Articles 3 and 5 safeguard life, liberty, security, and freedom from degrading treatment.⁵² Most significantly, Article 11(1) guarantees the right to be presumed innocent until guilt is proved in a fair trial. Articles 8 and 12 further recognise the right to an effective remedy and protect individuals against arbitrary interference with privacy, honour, and reputation.

Although the UDHR does not expressly recognise post-acquittal restoration, its emphasis on dignity, reputation, liberty, the presumption of innocence, and effective remedies furnishes an important normative foundation for developing such protection.

International Covenant on Civil and Political Rights (ICCPR), 1966

The International Covenant on Civil and Political Rights, 1966, to which India acceded in 1979, strengthens the protection of civil liberties⁵³ and fair criminal procedure. While it does not specifically recognise post-acquittal restoration, several of its provisions provide a legal

⁵⁰Universal Declaration of Human Rights, UNGA Res 217A(III) (10 December 1948) UN Doc A/810, arts 1 and 11(1).

⁵¹UDHR (n 22).

⁵²UDHR (n 22) arts 1, 3, 5, 8, 11(1) and 12.

⁵³ICCPR (n 23); India acceded on 10 April 1979.

foundation for those subjected to unjust criminal proceedings.

Among its most relevant provisions is Article 14, which secures the right to a fair and public hearing before a competent, independent, and impartial tribunal.⁵⁴ Article 14(2) expressly provides that “everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.”⁵⁵ This provision reflects the broader principle that the State must provide effective remedies where criminal proceedings occasion unjust harm. Further, Article 9 safeguards person individuals from arbitrary arrest and detention.⁵⁶

The ICCPR has significantly shaped Indian constitutional jurisprudence by reinforcing the principles of dignity, liberty, fair trial, and the presumption of innocence. Although its compensation provisions are confined to wrongful convictions, the Covenant supports the broader objective of ensuring effective remedies for individuals who suffer unjust consequences through the criminal justice process.

CHAPTER VIII: RECOMMENDATIONS

The constitutional analysis, comparative study, judicial precedents, Law Commission Reports, and international legal framework examined in this research collectively demonstrate that the Indian legal system lacks a structured mechanism to address the continuing consequences faced by individuals after acquittal. While the Constitution guarantees dignity, liberty, equality, and fair treatment under Articles 14, 19, and 21, these rights often remain inadequately protected once criminal proceedings formally conclude. Considering these findings, the following recommendations are intended to enhanced post-acquittal protection in India.

First, Parliament should enact a comprehensive statutory framework specifically addressing post-acquittal restoration. The existing legal system provides remedies only in limited situations, such as malicious prosecution or unlawful detention, leaving many acquitted persons without effective relief. Dedicated legislation should define the rights of acquitted persons, prescribe institutional responsibilities, and provide uniform standards for restoration and rehabilitation.

Second, a structured compensation mechanism should be introduced for exceptional cases

⁵⁴ICCPR (n 23) art 14(1).

⁵⁵ICCPR (n 23) art 14(2).

⁵⁶ICCPR (n 23) art 9.

involving wrongful prosecution, malicious investigation, prolonged incarceration, or other serious violations of fundamental rights. Compensation should not be treated merely as financial assistance but as a constitutional remedy acknowledging the injury caused by the misuse of State power. Appropriate factors, such as the duration of prosecution, loss of livelihood, legal expenses, reputational harm, psychological suffering, and the nature of the violation, should be considered while determining compensation.

Third, greater protection should be provided to the dignity and privacy of acquitted persons. Arrest records, criminal databases, and publicly accessible information relating to cases ending in acquittal should be regulated to prevent unnecessary and perpetual stigma. Subject to legitimate public interest and judicial requirements, mechanisms should be developed to ensure that acquittal is accurately reflected in official records, and that outdated or misleading information does not continue to prejudice an individual's personal or professional life.

Fourth, measures should be introduced to facilitate the social and professional reintegration of acquitted persons. Public employers and administrative authorities should ensure that an acquittal is given due legal effect while considering appointments, promotions, licenses, or other public benefits. Except where the nature of employment specifically requires otherwise, an acquitted individual should not ordinarily suffer continuing disadvantages solely because criminal proceedings were once instituted against them.

Fifth, investigative agencies should be encouraged to adopt higher standards of professionalism and accountability. Strengthening forensic capabilities, ensuring adherence to due process, improving investigative training, and promoting greater supervisory oversight can reduce instances of wrongful prosecution and minimise the need for post-acquittal remedies. At the same time, mechanisms for departmental accountability should be effectively enforced in cases involving mala fide or grossly negligent investigations.

Finally, the judiciary should continue to develop constitutional jurisprudence recognising that acquittal represents not merely the end of criminal proceedings but the restoration of the presumption of innocence. Courts, while exercising their powers under Articles 32 and 226, may continue to evolve appropriate public law remedies.⁵⁷ In exceptional cases where acquittal alone is insufficient to remedy continuing violations of dignity, reputation, liberty, or other

⁵⁷Constitution of India 1950, arts 32 and 226.

fundamental rights.

CHAPTER IX: CONCLUSION

The criminal justice system is founded upon the presumption of innocence, yet the practical significance of this principle frequently diminishes once criminal proceedings conclude. Although an acquittal absolves an individual of criminal liability, it rarely dispels the social, economic, professional, and psychological consequences of prosecution. This disjuncture reveals a significant gap between the formal termination of criminal proceedings and the effective restoration of constitutional rights.

This study has examined that gap through the Constitution of India, judicial precedents, comparative jurisprudence, Law Commission Reports, and international human rights instruments. It demonstrates that while Articles 14, 19, and 21 safeguard dignity, equality, liberty, reputation, and livelihood, Indian law lacks a coherent framework to restore these rights following acquittal. Existing remedies remain confined to exceptional situations, unlawful detention, malicious prosecution, or grave constitutional violations, leaving many acquitted persons to continue confronting stigma, reputational harm, financial hardship, and barriers to employment and social reintegration.

The constitutional analysis undertaken in this research establishes that post-acquittal restoration does not necessitate the recognition of a new fundamental right, but rather constitutes a natural annexe of constitutional guarantees already affirmed by the Supreme Court in *Maneka Gandhi*, *Ravikant S. Patil*, *K.S. Puttaswamy*, *Navtej Singh Johar*, and *S. Nambi Narayanan*. These decisions collectively affirm that constitutional protection extends beyond personal liberty to encompass dignity, reputation, privacy, and meaningful justice.

The comparative study, together with the 277th Law Commission Report and international instruments such as the UDHR and ICCPR, evinces an emerging recognition that justice remains incomplete where individuals continue to suffer the consequences of wrongful prosecution despite being found not guilty. Although these frameworks differ in scope, they collectively espouse principles of State accountability, restoration, and effective remedies.

This research does not advocate for automatic compensation for every acquitted person. Rather, it argues that where acquittal is followed by continuing harm to dignity, reputation, livelihood,

privacy, or personal liberty, the legal system ought to provide proportionate mechanisms for restoration. Such a framework would not represent a departure from Indian constitutional principles but their logical evolution.

Ultimately, the legitimacy of a constitutional democracy lies not merely in its capacity to prosecute the guilty but equally in its commitment to protect those who are ultimately found innocent. A structured framework for post-acquittal restoration would bridge the chasm between constitutional guarantees and lived realities, strengthen accountability in the exercise of State power, and reaffirm that justice does not culminate with acquittal but is fulfilled only when the dignity, reputation, equality, and liberty of the individual are meaningfully restored.

BIBLIOGRAPHY

Table of Cases

India

Avtar Singh v Union of India (2016) 8 SCC 471

Babloo Chauhan @ Dabloo v State Govt of NCT of Delhi 247 (2018) DLT 31

Babulal and Others v State of Madhya Pradesh, CRA No 5972 of 2024 (Madhya Pradesh HC, Indore Bench)

Bhim Singh v State of Jammu and Kashmir (1985) 4 SCC 677

E.P. Royappa v State of Tamil Nadu (1974) 4 SCC 3

Ghurey Lal v State of Uttar Pradesh (2008) 10 SCC 450

Jorawar Singh Mundy v Union of India 2021 SCC OnLine Del 2306, WP(C) 3918/2021

Justice K.S. Puttaswamy (Retd) v Union of India (2017) 10 SCC 1

Kali Ram v State of Himachal Pradesh (1973) 2 SCC 808

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

Navtej Singh Johar v Union of India (2018) 10 SCC 1

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

Rudul Sah v State of Bihar (1983) 4 SCC 141

S Nambi Narayanan v Siby Mathews (2018) 10 SCC 804

State of Maharashtra v Ravikant S. Patil (1991) 2 SCC 373

State of Uttar Pradesh v Rajendra S/o Chunni Lal and Others, Government Appeal No 294 of 2022 (Allahabad HC, 6 July 2022)

Sunil Batra v Delhi Administration (1978) 4 SCC 494

Ankush Maruti Shinde v State of Maharashtra 2019 SCC OnLine SC 317

United Kingdom

Nealon and Hallam v United Kingdom App nos 32483/19 and 35049/19 (ECtHR, 11 June 2024) [GC]

International and Regional Bodies

W.J.H. v The Netherlands, Communication No 408/1990, UN Doc CCPR/C/45/D/408/1990 (1992) (UN Human Rights Committee)

Table of Legislation

India

Constitution of India 1950

Code of Criminal Procedure, 1973

Indian Penal Code, 1860

Passport Act, 1967

Protection of Rights of Wrongful Convicts Bill, 2019 (as introduced, Lok Sabha)

Bharatiya Nyaya Sanhita, 2023

Bharatiya Nagarik Suraksha Sanhita, 2023

United Kingdom

Criminal Justice Act 1988

Rehabilitation of Offenders Act 1974

United States

Justice for All Act 2004, Pub L No 108-405, 118 Stat 2260

Germany

Gesetz über die Entschädigung für Strafverfolgungsmaßnahmen (StrEG) 1971

Canada

Canadian Charter of Rights and Freedoms 1982

International Instruments

Universal Declaration of Human Rights, UNGA Res 217A(III) (10 December 1948) UN Doc A/810

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

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended)

Books

Garrett, Brandon L, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (Harvard University Press 2011)

Jain, M P, *Indian Constitutional Law* (8th edn, LexisNexis 2018)

Seervai, H M, *Constitutional Law of India* (4th edn, Universal Law Publishing 2015)

Shukla, V N, *Constitution of India* (13th edn, Eastern Book Company 2017)

Bharatiya Nyaya Sanhita, 2023

Bharatiya Nagarik Suraksha Sanhita, 2023

Constitution of India 1950

Journal Articles

Roach, Kent, 'Wrongfully Convicted: An International and Comparative Overview' (2018) 21 *New Criminal Law Review* 1

Zalman, Marvin, 'Qualitatively Estimating the Incidence of Wrongful Convictions' (2012) 48 *Criminal Law Bulletin* 221

Graham, Lewis, 'A Constitutional Clash Averted: Nealon and Hallam v United Kingdom and the Presumption of Innocence' (UK Constitutional Law Blog, 13 June 2024)

Reports and Other Sources

Law Commission of India, *The Code of Criminal Procedure, 1973* (Report No 154, 1996)

Law Commission of India, *Amendments to Criminal Procedure Code, 1973 — Provisions Relating to Bail* (Report No 268, 2017)

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

Parliamentary Standing Committee on Home Affairs, 146th Report on the Criminal Justice System (Rajya Sabha Secretariat)

Department of Justice (Canada), Compensation Guidelines for Wrongful Conviction and Detention (2021, as revised)

Ministry of Justice (New Zealand), Compensation Guidelines for Wrongful Conviction and Imprisonment (28 February 2023) accessed via <https://www.justice.govt.nz>

Crown Prosecution Service (UK), National Standards of Support for Victims and the Post-Acquittal Meeting (PAM) accessed via <https://www.cps.gov.uk>

International Residual Mechanism for Criminal Tribunals, Post-Acquittal Support, Security and Relocation Coordination accessed via <https://www.irmct.org>

The Advocates for Human Rights, Universal Periodic Review and Death Penalty Advocacy Resources accessed via <https://www.theadvocatesforhumanrights.org>

National Library of Medicine (US), 'Visible Proofs: Forensic Views of the Body — Kirk Bloodsworth' accessed via <https://www.nlm.nih.gov/exhibition/visibleproofs/galleries/cases/bloodsworth.html>

Press Information Bureau, Government of India, Law Commission Submits Report No 277 on Wrongful Prosecution, accessed via <https://static.pib.gov.in>