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# **WRONGFUL CONVICTION IN THE CRIMINAL JUSTICE SYSTEM: A COMPREHENSIVE ANALYSIS**

AUTHORED BY - VINAY TYAGI

## **Abstract**

Wrongful convictions have turned into an inescapable issue inside the Indian law enforcement framework. Instances of innocent individuals being wrongly prosecuted highlight a systemic problem where individuals are convicted at the trial stage but later found not guilty upon appeal. Unfortunately, the lack of a reliable tracking system by state officials makes it challenging to ascertain the exact figures of wrongful convictions, leading to a deficiency in certainty. This absence of data perpetuates a cycle of erroneous miscarriages of justice, causing not only the loss of rights for the innocent but also social alienation.

This grim reality underscores a legal system where individuals suffer due to mistakes or negligence by those in authority, jeopardizing human dignity, rights, and liberty. The difficulty in calculating the frequency of such legal errors is exacerbated by the fact that many sentences go uncorrected. Consequently, the problem of wrongful conviction and prosecution has emerged as a pressing issue that demands immediate attention. Addressing the state's culpability is crucial to ensure justice for victims, either through fair trials or by providing compensation.

The current study focuses on instances of victimization as a substantial miscarriage of justice, aiming to identify the factors contributing to this problem. The proposed research paper adopts a doctrinal analysis approach, examining existing provisions and case laws to explore various features of unfair convictions inside the Indian general set of laws. The study's objective is to assess the methods employed by the state to address wrongful convictions, highlight present reforms under current laws, and underscore the necessity of establishing a standardized legal laws for compensating victim of wrongful convictions.

## Introduction

Justice for all is the cornerstone<sup>1</sup> on which the credibility of any criminal justice depends. The incidence of wrongful convictions has serious implications on the reliability and impartiality of judicial practices. The elaborate examination into wrongful prosecution and the legal system. This piece explores issues relating to the wrongful conviction as it is defined by factors contributing to it, implications on individuals and society and calls for reform in law. A serious fault in the operation of the legal system involves the wrongful incarnation which are described as the convicting innocent persons with their falsely accused crimes. Such results do not only involve specific cases, but also serve to undermine the public's confidence in the organs of justice. The following analysis seeks to shed light on various elements determining wrongful convictions as well as their far-reaching consequences for affected persons and society at large. On this extensive expedition, we will explore different aspects of these unfortunate incidences such as causes, social impacts like people who have been erroneously sentenced, and structural problems to be addressed through reforms. Through examination of the causes and consequences of wrongful conviction, we aim to initiate an interrogative discourse regarding ways in which the criminal justice system may be reinforced with regard to assuring the innocent and guaranteeing that justice prevails throughout every dimension of criminal law procedure.

## METHODOLOGY

### Statement of Research Problem

This study involves a doctrinal examination of existing statutory provisions and judicial precedents to analyze various aspects of Wrongful Conviction. The incidence of wrongful incarceration is on the rise within the Indian Criminal Justice system. Wrongful convictions occur when an individual is initially found guilty but is later proven to be innocent. Wrongfully convicted individuals not only endure coercion, torture, and forced confessions during police interrogations but are also erroneously judged based on false grounds.

During this period of detention, they have an extremely sad story of being victims. In addition, after their release, they suffer rejection and social indifference. The aim of this study is to establish the reasons behind such miscarriages of justice and examine possible reparation measures for those innocent people who have been severely affected by these unfair convictions.

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<sup>1</sup> <https://uniquewritersbay.com/wrongful-convictions-and-how-they-affect-the-criminal-justice-system>

## OBJECTIVES

- a) To examine the repercussion of wrongful conviction on such innocent under trial prisoners.
- b) To study different provisions under constitution allowing victims of such wrongful conviction to move to the court for remedies.
- c) To study various landmark judgment evolved by the supreme court regarding wrongful conviction.

## RESEARCH QUESTIONS

- a) What are the consequences and implication that arise from the wrongful conviction?
- b) What are the existing statutes by which state authorities can be punished or penalized for its negligence?
- c) Is there any step taken by the state to overturn the harm suffered by the innocent?

## MEANING OF WRONGFUL CONVICTION

Wrongful conviction is whereby an offender is wrongly accused, charged, and sentenced upon committing a crime he or she never committed. The person will later prove to be innocent either by new evidence emerging, fresh insights in the previous evidence, or the culprit confessing it themselves. Wrongful convictions are caused by a myriad of problems within the criminal justice system such as faulty investigatory techniques, false testimony, unethical behavior, and insufficient legal aid. Once a decent person has been convicted for a crime he did not commit, the person may later be exonerated; however, the results of these mistakes could cause lifelong devastation and consequences to this particular individual's life.

### *Effect Caused due to wrongful conviction*

Wrongful conviction can have reflective and extensive effects on individuals, society, and the criminal justice system. Such effects <sup>2</sup>includes as:

### **Personal Impact**

- a) Wrongfully convicted person may spend years or even decades in prison for a crime they did not commit, it leading to a loss of freedom and separation from family and loved ones.

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<sup>2</sup> <https://nij.ojp.gov/topics/articles/addressing-impact-wrongful-convictions-crime-victims>

- b) Even after exoneration, the wrongly accused may face societal stigma, making it challenging to reintegrate into their communities.
- c) Wrongful convictions can have devastating repercussions. The emotional and psychological trauma people suffer includes serious anxiety, depression, and PTSD

### **Societal Impact**

- a) Wrongful prosecution erode public confidence in the legal system, as they highlight flaws in investigation, prosecution, and judicial processes.
- b) True perpetrators remain at large, potentially posing ongoing threats to society, while an innocent person suffers the consequences.

### **Legal and Systematic impact**

- a) Wrongful convictions can lead to high fiscal deficit for law enforcement agencies and the legal system as a whole.
- b) High-profile cases of wrongful convictions often spark calls for criminal justice reforms, including improvements in forensic methods, eyewitness identification procedures, and legal safeguards.

### **Financial Impact**

- a) Governments may be obligated to compensate wrongfully convicted individuals for the time spent in prison, leading to financial burdens on the state.
- b) Legal battles to overturn wrongful convictions and seek compensation can incur substantial legal costs.

### **Loss of Career Opportunity**

- a) Wrongful convictions can lead to the loss of career opportunities, educational pursuits due to the negligence of state and authority.

### **Family and Community Effects**

- a) The wrongful conviction of an individual can cause significant distress and disruption within their family.

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<sup>3</sup> <https://www.michiganstatelawreview.org/vol-2021-2022/2022/4/25/the-psychological-consequences-of-a-wrongful-conviction-and-how-compensation-statutes-can-mitigate-the-harms>

- b) People may lose trust in the fairness of the justice system, it leads to breakdown in the relationship between law enforcement and the public.

This involves making appropriate corrections in the manner in which investigations are conducted, the applicable legal procedures, and protections provided to the accused in order to avoid the occurrence of miscarriage of justice. Some wrongful convictions have happened in India, resulting in non-guilty persons being convicted. Nevertheless, an organized and efficient strategy of tackling or preventing such cases is still lacking within the Indian criminal justice system. Below are some landmark cases highlighting this issue:

- **Hussainara khatoon and others v. Home Assistant State of Bihar**

In this case the condition of under trial prisoners was highlighted in Bihar when the writ of habeas corpus was filed in the Supreme Court. The Supreme Court of India held the right to a speedy trial is a fundamental implied in Article 21. It emphasized the need for a prompt and fair trial and ordered the release of under trial prisoners who had been in detention for an unreasonable period.<sup>4</sup>

- **State v. Saqib Rehman and others**

In this case Apex Court of India held that the victim who has been convicted wrongfully due to negligence and fault of at the part of police who framed the false evidence against such innocent. But no compensation was awarded to the victim and the police was not punished for fabricating the false evidence.<sup>5</sup>

This highlights the profound impact of errors made by state officials, illustrating how such mistakes can devastate the life of an innocent individual. The aforementioned cases underscore the urgent need for enhanced transparency and accountability within the legal institutions of India. This means that the state needs to assume an obligation (or pledge) of righting, or even overturning these injustices. This involves assisting them in the process of rehabilitation and reintegration into society upon release. Additionally, there is a compelling need to provide substantial monetary compensation to both the wrongly accused person and their family.

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<sup>4</sup> <https://www.the420lawyer.com/marijuana-defense/unreasonable-detention-time/>

<sup>5</sup> <https://janet-panic.com/what-is-the-brady-list-law-enforcement/>

### ***Wrongful Conviction and Human Right***

Wrongful Conviction are a significant violation of Human Rights. U.D.H.R 1948 enumerated the concept of wrongful conviction. The incident of Wrongful Conviction is a violation of human right of an individual. The first set of human rights includes the right to a fair trial, and assuming an accused person is innocent until proven otherwise and safeguarding an individual from any form of unlawful imprisonment or being illegally seized and held in captivity. When someone is wrongfully convicted, these fundamental rights are compromised. The provisions of declaration of human rights are laid down in the ICCPR and the Indian constitution.

1. The ICCPR, 1976 enables people to enjoy wide range of human rights relating to:
  - a) Right to Fair Trial
  - b) Protection from torture, cruelty, inhuman and degrading treatment
  - c) Right to privacy
  - d) Right to liberty and security <sup>6</sup>
2. The Constitution of India provide definite rights associated to wrongful conviction:
  - a) Article 21 which states as **“No person shall be deprived of his life or personal liberty except according to procedure established by law”**
  - b) Article 22 which states as **“Provides protection to individual from illegal arrest and detention in certain cases”**<sup>7</sup>

The rights assured by the Constitution of India and the International Covenant on Civil and Political Rights (ICCPR) are essentially declarative, lacking effective mechanisms for enforcement when it comes to individuals wrongfully convicted. This deficiency accentuates the need for the establishment of special provisions, legal machineries, or procedural safeguards specifically addressing the protection of innocent individuals erroneously detained, be it due to insufficient evidence, witness hostility, or other circumstances causing them to bear the consequences of a crime committed by another party.

#### **Case Laws related to wrongful conviction:**

- ***Rudul Sah Vs. State of Bihar 1983*** in this landmark case, the Supreme court of India highlightens the importance of right to speedy trial as a fundamental right under Article 21 of Constitution of India. The court held that prolonged conviction without speedy trial would violates the right to freedom of life and liberty. <sup>8</sup>

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<sup>6</sup> <https://hrissues.webnode.page/news/wrongful-convictions/>

<sup>7</sup> Constitution of India

<sup>8</sup> <https://blog.ipleaders.in/rududl-sah-v-state-bihar-1983-case-study/>

- *State of Haryana Vs. Ram Mehar 1994* the case emphasized the significance of fair trial rights. The Supreme Court of India held that fair trial includes the right to have a lawyer during the Test Identification Parade to ensure the proper defense and avoid the unfair trial.
- In the case of *Ram Lakhan Singh v. State Govt. of UP* the courts possess inherent authority to mandate state officials to provide a sufficient amount of compensation to the wrongly accused individual. This compensation serves the purpose of aiding the innocent party in their rehabilitation, recognizing that wrongful conviction constitutes a clear infringement on the individual's fundamental and legal rights.<sup>9</sup>
- In the case of *Sube Singh v. State of Haryana* it was determined that monetary compensation would not be universally granted in instances of the violation of the "Right to life and personal liberty." Although the petitioners insisted on receiving appropriate compensations, the court failed to determine any violations committed against them and denied their claim. The court found that the evidence provided was insufficient to establish these accusations.<sup>10</sup>

### ***Remedies available against Wrongful Conviction***

#### a) Appeal Process

The majority of appellate motions are directed at challenging the conviction. If the convicted person or his agents are not satisfied with the verdict of the former court, they may take the case to the High Court or in some countries where this is applicable, the Supreme Court for revision of the conviction.

#### b) Review Petition

The victim of wrongful incarnation can file a review petition before the same court that delivered the judgment, seeking a review of the decision. This is generally based on specific grounds, such as the discovery of new evidence or errors in the application of law.

#### c) Writ of Habeas Corpus

If the wrongful conviction involves illegal detention Habeas Corpus can be filed. This writ is to secure a person who is unlawfully detained.

#### d) Compensation under Article 32 and 226

Constitution of India allows individuals to approach the courts for the enforcement of their

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<sup>9</sup> <https://lawyer.ikan.info/legal-rights-and-responsibilities/>

<sup>10</sup> <https://legalserviceindia.com/legal/legal/article-6774-case-analysis-satbir-singh-v-state-of-haryana.html>

fundamental rights under Article 32(Supreme Court) or Article 226 (High Court). This includes seeking compensation for wrongful convictions.

e) National Human Right Commission

Victims of wrongful convictions can approach the NHRC, which has the authority to inquire into allegations of human rights violations and recommend compensation or other appropriate actions.

f) Criminal Procedure Code

Amendment in Criminal Procedure code may sought to be introduce safeguards against the wrongful conviction, enhances forensic practices, and improve overall the criminal justice system.

***Key factors which are leading to wrongful conviction***

- a) ***Forceful confession:*** People may confess to the crime they did not commit under coercion, intimidation & mental pressure. False confession can have a significant impact in court even if late on they proven to be untrustworthy.
- b) ***Wrong identification of witness:*** Wrong identification is a leading cause of wrongful incarnation. The use of weapons or cross identification can contributes to errors in witness testimony.
- c) ***Inadequacy:*** Due to inadequate legal representative some individuals may be convicted wrongfully. This can include lack of resources, inexperienced defense attorney or failure of investigation.
- d) ***Forensic Evidence:*** Faulty forensic techniques can lead to wrongful conviction due to inaccurate or misinterpreted forensic evidence. Methods which was used previously & considered reliable not have persuasive help nowadays due to advance forensic science.
- e) ***Police Misconduct:*** Misconduct by lawful authority, such as tampering with evidence, threatening witnesses, conduct partial investigation, can result in the wrongful Conviction of innocent person.
- f) ***Jailor Information:*** Reliability on testimony from jailhouse informants or incentivized witnesses who receive benefits in exchange for their statements can contribute to false accusations and wrongful convictions.
- g) ***Inadequate Expert Testimony:*** Courts may rely on expert witnesses whose testimony lacks scientific rigor or is based on outdated methodologies. This can result in the admission of unreliable evidence and contribute to wrongful convictions.

- h) **Tunnel Vision:** Tunnel Vision arises when investigators give more importance to a particular suspect early in the investigation, ignoring or rejecting evidence that may exonerate other individuals. This narrow investigation can lead to Wrongful Incarceration of innocent person.
- i) **Limited of access to DNA testing:** Access to DNA testing is limited now especially in cases where physical evidence is available, can prevent the identification of the true perpetrator and results in the Wrongful Conviction of innocent person.<sup>11</sup>

### Conclusion and Suggestions

The wrongful prosecution or conviction is becoming more predominant, resulting in an erroneous miscarriage of justice. A victim during the imprisonment loses his crucial time due to the negligence of state and authorities and suffer for the crime he did not committed. This not only effect the innocent person but also his family. Wrongful conviction may leads to mental and physical health injury followed with social negligence and criticism by the society. Due to the negligence of state the victim of wrongful conviction turns into a cynical criminal due to wretched condition of prison and people losses faith in legal system, but at the same time judiciary has declared various landmark judgments in favor of wrongful prosecuted person. But the decision to award what amount of compensation is still discretion of the court.

- a) As already discussed above the need to award compensation to the victim is there nut such compensation is inadequate. The state and authority should set an adequate amount of compensation and it should be provided within specific time limit otherwise it leads to another problem for victim and their family. State should provide compensation to the wrongful convicted person for the time spent in the jail.
- b) The state should take necessary measures in conducting counseling programs after the release of the victim which helps him to overcome the emotional and psychological impact of the wrongful conviction.
- c) Due to negligence of state and authority victim lost his career opportunities, the state should contribute to provide them housing, education and employment facilities to rebuild their life after release and it would be help them to support their families.
- d) As every criminal is subject to criticism which always keeps him under the guilt. But in case of wrongful conviction the life of the victim becomes much more harder other than habitual offender as they have to face the social negligence, therefore state should make

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<sup>11</sup> <https://criminal-justice.iresearchnet.com/criminal-justice-system/wrongful-convictions/>

an announcement publicly that the victim is innocent and was wrongfully convicted and express the regret injustice he suffered.

- e) State should implement the statutory provisions to prevent the similar miscarriage of justice in future and set up impartial committees.

In the conclusion the issue of wrongful conviction is a clear reality that features the flaws within our legal system. Through an examples of case laws, factors and the consequences faced by the victims it clearly shows that systematic flaws, prosecutorial misconduct, false confession, improper investigation can lead to miscarriage of justice.

In the end the fight against the wrongful conviction is not just about victim, it is a call to uphold the principles that substructure of our legal system. Principle that demand by the public is accuracy, fairness, justice and the protection of individual liberties.

