**WRONGFUL CONVICTION – HOW CAN THE STATE UNDO THE HARM?**

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**ABSTRACT**

This paper talks about the Wrongful Conviction and the extent of it. It especially talks about how the state can undo the harm of the wrongful conviction. It also talks about the frequency of it, causes of it, and criminal justice reforms to reduce or decrease the number of wrongful convictions. As we know that throughout the nation's history, our country India has experienced the problem of conviction. It the problem with our country India only, but this particular problem exists with the other countries as well. The resultant of wrongful conviction is unwarranted punishment and serious damage to the life of one who is wrongfully convicted. This paper will briefly speak about the extent to which these errors occur or may occur, what are the major factors which generally contribute to false convictions and the development in the legislation which pertains to the wrongful conviction in India. It will also examine the causes of wrongful convictions. It is imperative that the better understanding is developed of wrongful conviction, as well as to reduce or decrease its occurrence to protect the innocent and the society from continuous victimization by criminals who remains free while an innocent person go to the prisons or even into their deaths.

**INTRODUCTION**

India is a self-governing union administered by the rule of law and it is subjected in the Constitution of India, which the people of this nation have presumed to themselves. Rule of law shows that law is complete and the rule of law is secured whereislegalauthorizations, which is always accessible and answers to the needs and problems of peoples in a rational and unbiassed means. The development in the growth of any nation is calculated by the financial assetsand justice-system which should track the practice of quick and fair justice. Our Constitution has guaranteed its citizens a set of fundamental rights which are essential human rights. The voyage for exactness is the institution of fairness delivery apparatus which seeks to encourage and safeguard the rule of law[[1]](#footnote-2). A wrongful conviction takes place when innocent-defendants are found guilty in our legal system or we can say in criminal trials then it is called wrongful conviction. The defendants are compelled or forced to plead guilty to the crime which they have not committed to award capital punishment or Life imprisonment. It also refers to when a jury finds a person with a good defense guilty and when the court reverses a conviction, regardless of his factual guilt obtained in the contravention of the defendant's constitutional rights.A wrongful conviction is an injustice or miscarriage of justice when an innocent person spends years behind a bar or on death row. This injustice is occurring every day in the Indian courts, whereas it raises profound doubts about the accuracyand fairness of the criminal justice system. This paper explains why wrongful conviction has become an important issue and a matter of grave concern in our judicial system, the scope of the problem, its causes, and reform in the system. According to the research and evidence, it shows that several people are wrongfully convicted in prisons and they suffer from severe trauma, psychological problems, anxiety disorder, stress, etc. which is not in the case of the guilty prisoners. It complicates and lessens the probability of the return of the prisoners to normal life after there release from the bar. Many states do not legally authorize compensation in fiscal terms for the persons who were victimized by the criminal justice system. This paper will also discuss the recent development in the legislation of it to stop the miscarriage of justice.The management of the process of criminal justice boundlessly advances in reply to the fluctuating economic and social conditions. It is the main duty of the legal entity to uphold the equilibrium, criminal law that qualms with societal protection and commends rules of behavior to be marked by altogether and on another side the liberty of the specific, security and firmness in the society or community[[2]](#footnote-3).Criminal process‖ is orthodoxly abstracted as the adjectival matching part to substantive criminal law.[[3]](#footnote-4) It outlines the roles and describes the legal guidelines of criminal law’s applicability and implementation. Criminal procedural law is observed as the working and formal aspect of criminal law, which recommends how the criminal justice system should be made operative and feasible. This useful aspect of criminal law functions in every country, since it is essential for preserving the rule of law by controlling the constitutional promises.Criminal procedural law is instrumentally treasured, since it is accountable for transporting the criminal justice principles and purposes into reality. The normative deliberations outlined in the procedural law serve as strategies at every step of a criminal judgment. They describe the roles, define the powers, and recommend the practical standards that are to be tracked at every stage of pre-trial and trial. Invariably, the purpose of the Criminal Procedural Code is to guarantee that justice is transported on time to the victims of crime. Justice can only be served efficiently when the real offender is detained and charged with the crime he committed. This can be safeguarded by necessitating the police, investigating agencies, the prosecutors, and the judges to achieve their tasks and duties proficiently as per the laws devoid of any intended error. For founding faith in the people of any country towards the legal organizations, the truth and attitude of the criminal justice system need to be protected. Thiscan only be understood when the guilty are convicted and the innocents are absolved from punishment.It is a well-known belief that ―searing injustice and consequential social injury is caused ... when the law turns upon itself and convicts an innocent person[[4]](#footnote-5)various fundamental principles like ―presumption of innocence‖ and other principles have been incorporated in the criminal procedural code, to ensure that such injustice is not caused. One of such grave injustice is when an innocent is accused of a crime, he never committed.

**DEFINITION OF THE WRONGFUL CONVICTION**

The term wrongful conviction has been derived from the western countries, chiefly in U.K., U.S.A., where the problems of wrongful conviction is seen as a problematic of abuse of human rights of the condemned person. The term wrongful conviction here is examined in term of mixture of two notions i.e.

1. Wrongful

2. Conviction

Wrongful here stands where the examination, recording of admission, ID by the witness, and the right to advice laws are not tracked or where the conviction seems to be prejudiced,or not in the acquiescence with the constitutional promises. Conviction here is as in the marker after judgment stage function where either the Trial Court or first Appellate Court has judged the case wrongly. Thus, wrongful conviction is to be recognized based on the final appellate court decisions that may choose about the wrongfulness of convictionon a version of many issues.

**WHAT IS WRONGFUL CONVICTION?**

According to Duhaime’s law dictionary "a wrongful conviction is a conviction of a person accused of a crime which, in the result of the subsequent investigation, proves erroneous." “Wrongful conviction,” is an ambiguous term, has come back to sit down with the convictions of factually innocent persons. This definition includes the persons who have committed the act and planning of crimes however whose convictions were obtained in violation of constitutional or different procedural rights during a manner not deemed harmless error by appellant courts. A far better term can be “false conviction.” The term “miscarriages of justice” is commonly wont to mean factually false convictions however might a lot of neutrally embody alleged wrongful acquittals and exemption from prosecution furthermore as wrongful convictions. As a result, “wrongful conviction” covers an oversized range of criminal-justice processes and establishments involving the police crime detection perform prosecution, defense, rhetorical science, and assessment. The topic additionally includes the implications of wrongful conviction and compensating exonerees. A 'Wrongful conviction' at first hand is the disapproval and verdict of a man for a crime he didn't do. The term can likewise smear to bloopers the other way— mistakes of exception, and to common cases. In a few occurrences, a wrongful conviction isn't upturned for quite a long while, or until after the truthful individual has been implemented, absolved, or has been slain.[[5]](#footnote-6)The idea of unlawful disapproval devours relevant consequences for the current pervasiveness of examination, such that the Supreme Court usually exercise its authority for something that is just offered to it by the chronicles of the subordinate judiciary and in a few times only it directly hinders where there is the assumption of Innocence at the district court level.[[6]](#footnote-7)

**HISTORICAL BACKGROUND OF WRONGFUL CONVICTION**

Wrongful conviction, as a chief concern, was familiar initially in the United States commencement in the early 1930s. The query of wrongful conviction caught the public and scholarly attention chiefly based on separate cases in the U.S.; including cases like the Dreyfus matter in the nineteenth century, the ill-reputed case of the Scottsboro boys‘ in the 1920s, the case of Randall Dale Adams, Sam Sheppard case, the Birmingham Six‘ case and the wrongful conviction of Michael and Lindy Chamberlain for the demise of their daughter in Australia[[7]](#footnote-8) These cases had involved much public consideration due to the prejudice agonized by the innocents and their families. This directed to discharges of most of the cases that came under media attention, where the jury was bound to reassess the facts and decide the case considerately based on accurate evidence. Most of the people, who got absolved, were sentenced to death. In China, after the much-exposed cases of wrongful conviction, the government was required to change its procedural laws and strategies regarding criminal trials. One of the cases where a specific was wrongfully imprisoned for assassination for his wife for 17 years prompted public barbarity and initiated a public discussion for the elimination death sentence.[[8]](#footnote-9)Likewise in Zimbabwe, a case where a man was unlawfully convicted for the charge of rape, attended five years before being legally absolved was deeplydisparaged by the media and public. TheHigh Court in Zimbabwe specified that the trial was ―perforated with numerous and graveincongruities[[9]](#footnote-10)

As in Indian standpoint, In D.K. Basu[[10]](#footnote-11), TheHon‘ble Supreme Court of India came up with some philosophies that created an awareness in the criminal justice system about the proficiency of natural justice principles. They were incorporated in eleven strategies, which must be tracked by a police officer when a capture of a suspicious person is made. The Honorable Supreme Court detected that these strategies will guard the interest of the suspects since it will decrease needless arrest and detention. The court furthermore stated that since the number of judges is not sufficient in our nation, the mistake of investigation group and the police office to play out their requirement with due stability will twofold the subjects in the nation. It is because of this timely meddling of the Honorable Supreme Court in many instances, there have been several positive changes that happened in the conduct of the police officials and government officials in directing inquiry and in the management of justice. The Supreme Court observed that the problem of "Custodial violence" and misappropriation of police control isn't just widespread in India; however, it is a chief problem that has distorted most of the criminal justice structure in the world. Since the difficulty is global and widespread in every country, hence it can be observed a gripping concern on the international platform. The Universal Declaration of Human Rights 1984, which guarantees security and shield of certain fundamental human rights, specified in Article 5 that "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment". Notwithstanding the devout statement, the wrongdoing proceeds undiminished; however, every civilized country proves its worry and makes treads for its removal. The court keen on the worrying concern quoting ―torture is more prevalent now than ever before. It expressed, 'custodial torture' astremendously bear breach-related with human safety and security and humiliation, which harm, to a huge degree, the individual's identity. It is extremely an instant outbreak upon human self-status where the self-confidence and pride of the victim is traumatized. In response to it, the court thought that is of extreme position to issue some authenticating strategies to be followed in all illustrations of arrest or detainment till appropriate laws are made for the same as defensive actions:

(1) The police officer executing the arrest and taking care of the investigation of the captive should have detailed, clearly visible identification proof and name tags with description written on them. A register must be kept with names, titles, and signs of the police officials carrying out the investigation.

 (2) At the time of detention, a ―note of arrestshould be ready by the concerned police people. The note should explicitly remark the time of arrest, date of arrest and should bear the signature of the person arrested. At least one witness should sign and attest to the note. This observer can be a relative of the captive or any sound member of the neighbor where such detention takes place.

 (3) After a person is imprisoned or restricted by the police officer and is taken into their authorized custody like police station, investigation section of any other center, he/she shall have the elementary right to notify any of his/her friend, family member or relativeabout his/her capture and the place where such person has been kept.

 (4) The police officer shall notify the relatives, family member, or friend of the captive, within time duration of 8 to 12 hours succeeding to the arrest if such relative or friend does not exist in the same location. The period of arrest, the place of arrest, and the place where the captive has been kept in safekeeping of police shall be communicated to them by the police or the Legal Aid Body in the District.

(5) The right to notify his friend, relative or family member shall be notified to the person detained as soon as he is taken into safekeeping by the officials.

 (6) A paper shall be kept at the place of custody, where ever detention made should be noted down, including details like the name of the person who has been conveyed about the capture of the prisoner and the name along with the title of the police personnel who has the responsibility of the custody of the arrestee.

 (7) On request by the arrestee, an inspection of the body of the person detained should be made to determine if there is any wound or bump on him. If any such damage is there then it must be noted in a register. Such a Scrutinynote shall be signed by the police officer making the detention and the person who has been detained.

 (8) During the period of his incarceration in the police custody, the person detained has the right to get himself/herself medically inspected by a proper doctor after every 48 hours.

(9) All the documents and notes referred to above shall be signed by all the police officials concerned regarding a particular arrest and a copy of the same shall be given to the law office so that he can keep it in his record.

 (10) During the examination, the person detained has the right to be provided with a lawyer and to meet the lawyer at the time of the investigation, but not throughout such examination

**WHAT ARE THE WIDE-RANGING REASONS OF THE WRONGFULCONVICTION?**

The chief reasons for the fiasco of the Criminal Justice System can be conscripted below:

* Lack of seriousness and efficacy been tracked and trained which leads to uncertainties leading to loopholes in examination and enclosing of the charge sheet.
* Destructive and embezzlement of evidences by the person tangled in the case or few cases the examination officer is found guilt-ridden for tinkering with the evidence**.**
* Complicating and creating the ambiguity in the story and falseindividualities makes the examination more disposed to fiasco.
* Caste biases against the people which are also the respondentsunlawfullydetained.
* Incapability of the eyewitness concerning classifying the person who is accountable for the crime.
* Error of not giving enough attention by the police branch for the person having proficient opinion in a case.
* Incorrect Evidence or soiled evidence
* Mala fide and TreatedScientific evidences
* Wrong or fake admission taken under pressure and by the police examination officer**.**
* Dishonesty and political intrusion is also another prominent malpractice that led to wrongful conviction.[[11]](#footnote-12)

**OBJECTIVE OF THE RESEARCH**

1. To discover the issues accountable for wrongful conviction through the study of carefully chosen supreme court decisions.
2. To comprehend the issues and difficulties faced by the exonerees at the phase of trial at the lower court level.
3. To grow a standpoint on the rights, recompense, and reintegration of the exonerees on version of the ill-treatment faced by them.
4. To develop a criminal justice outline for preventing wrongful convictions and signifying certain mechanisms for rights, recompense, and reintegration to the exonerees on account of abuse faced by them.

**RESEARCH QUESTION**

**WHAT IS THE IMPACT AND POSITION OF WRONGFUL CONVICTION UPON THE VICTIM IN THE CRIMINAL JUSTICE SYSTEM?**

The esteem and self-confidence of an innocent individual can be dented irreparably if he is detained and held in custody on any ground. The police officers, while leading the operation of detention shall always keep in mind the terriblesignificance of arrest on an individual and his family. Thus, capture shall be taken to be the last option with the police to stop or prevent the incidence of a particular crime by a particular individual. Capture made on mere claimsestablished by police, without any examination on the matter, shall be evaded at any cost. In reply to the subject of illegal arrest and detention, the judiciary has marked several guiding principles to be kept in mind while making detention. The State must confirmdefense to the victims of nuisance, misuse, and the human rights protector fighting for the of the victims, giving the issue honest thought since victims of abuse bearmarvelous consequences mentally. The issues of penetrating worry and also a post-awful anxiety issue and many other mental consequences must be understood in correct belvedere. Throughout those examinations, victims might come into connection with medical, legal, theory enforcement, advocacy, and forensic science experts. These people are assigned for recognizing, meeting, and protectingvalidation related to the ID of wrongdoers[[12]](#footnote-13). Lawful proceedings which requires aid confrontational by nature, might fuel victim’s post-distressing anxiety indexes toward taking out their sense of control, power, and help.[[13]](#footnote-14)

**RESEARCH PROBLEM**

The wrongful conviction is a rising problem in the Indian criminal justice system. The Event of wrongful prosecution comprises a condition where a person is wrongfully prosecuted and convicted and found guiltless at the appellate phase. This state leads to several subjects and difficulties to such person as they not only grieve the coercion, torture, and forced admission during the police investigation but are also announced to be guilty based on insubstantial grounds. Apart from suffering biased deal in the criminal justice system, they tend to suffer otheroppression in the form of stigmatization by the civic. The present study is to inspect such examples of oppression as a serious miscarriage of justice to comprehend the issuesaccountable for this issue. The idea is also to grow some visions into a likely legal administration to make provisions for compensation, rehabilitation, and other prerogatives of the victims.

**REVIEW OF LITERATURE**

To complete this goal of safeguarding justice, it is significant that the legal officers and their legal service are available sufficiently to all the distressed victims who come before the court. However, it has been observed through the sequence of wide investigation, that mainstream of the requesters have to pause for endless months and, sometimes years, just to start with the appropriate trial in the courts. Hence our judiciary is not able to achieve its functions of granting fairness to all effectively. One of the foremostsevereresearches done on the working of law lords was headed by Mr. Nick Robinson[[14]](#footnote-15), a senior researcher in India, who inscribed a sumptuous research paper deliberating the reasons and causes for the postponement in the work of law lords. The constitution of India promises to all its citizens the protection of their rights including the remedies for implementation of their rights[[15]](#footnote-16). However, the enormous pendency of cases in the courts is beating the very principles of the constitution and our criminal justice system. The suspect person is often detained in criminal cases and put behindhand bars for years, before the trial of his case commences in the court. Those suspects who are illiterate or does not have the income to pay for their surety bond have to spendat least two to five years as ―undertrialsin the jail. Till the time, when their cases come to the court for earshot, these accused have already attended the punishment for the crime they have been detained for. Here the judiciary miscarries to defend the rights of the citizens and the guiltless people have to pay the price for this failure.[[16]](#footnote-17)

About the subject of postponement in the clearance of cases in India, NaniPalkhivala once said- "*May I turn to the situation in India which has the second-largest number of lawyers in the world? While it is true that justice is blind in our country, it is also lame. It barely manages to hobble along. The law may or may not be an ass, but in India it is snail; it moves at a pace that would be regarded as unduly slow in community of snails. A lawsuit, once started in India, is the nearest thing to the eternal life ever seen on this earth. Some have said that litigation in India is a form of fairly harmless entertainment. But, if so, it seems to be a very expensive way of keeping the citizens 24 amused. If litigation were to be concluded in the next Olympics India would be quite certain of winning at least one gold medal.*" In the case of Motiram v. State of Madhya Pradesh 46, the Supreme Court had to encounter the challenge of determining some of the most important issues concerning bail given to those who could not have enough money for the securities. In 1978, the Apex court had to choose three important issues. [[17]](#footnote-18)

So, while confirming the selection of judges the chief justice should refer at least two senior-most judges of the Supreme Court, and once the choice is made it will be compulsory. Further, the Supreme Court has the control to upsurge the judicial forte if there is a necessity for it.[[18]](#footnote-19)

**RESEARCH METHODOLOGY**

The current study is mainly based on data and information gathered from several cases decided by the Supreme Court, websites, journals, etc. Doctrinal methodhas been used to study and examine this research with the help of ID of cases.

**HOW CAN STATE UNDO THE HARM CAUSED FROM WRONGFUL CONVICTION?**

This is a sort of miscarriage of justice[[19]](#footnote-20) and there must be lawmaking outline to safeguard that people are not unlawfully imprisoned and indicted and if they are suitable remedies[[20]](#footnote-21) provided to them. Wrongful conviction is the illness of our criminal justice system. In India, being an interrogational system, the weight is on the prosecution to demonstrate that an individual has committed a crime. But often in the enthusiasm of seeking justice, it punishes and indicts the wrong individual which is far much worse. The concept of wrongful convictions in India is not new. From the British Sarkar to the Modi Sarkar, this concept has only increased. In India, there is an absence of a compensation scheme or legal machinery; this permits the state to be penalized for its mistakes. Thus, the victims of justice transfer system often knock on the doors of courts to seek redressal. There is a plethora of cases which judged upon by the various courts of our country which show this.Article 21[[21]](#footnote-22) state must reimburse the individuals for wrongs stanched by it and by its agents or servants. Though the constitution is still on the concept of recompense, however, judiciary over the years has grown thecompensatory jurisprudence wherein the state is levied with accountability for the violations of human rights. In this case also, miscarriage of justice, being one the most vital human guaranteed to humans, the state must recompense the victims for the wrongful convictions.To undo the harm state has provided with the remedies.In India, there is absence of a recompense scheme or legal instrument which allows the state to be penalized for its mistakes. There are no clear provisions in the acts which provide the sufferers to seek redressal. There are numerous rulings, reports, and comments on the same, but a clarified provision has not been numbered in the law books.A read-through of current laws shows that there are three clusters of remedies which are court-grounded concerning miscarriage of justice resulting in wrongful prosecution. They are Public Law Remedy, Private Law Remedy; and Criminal Law Remedy.

**PUBLIC LAW REMEDY**-This sort of remedy finds its origins in the Supreme Law of the Land, i.e. The Constitution of India. The constitution through Chapter III of Fundamental Rights has provided the right to life and liberty under Article 21[[22]](#footnote-23) and[[23]](#footnote-24). Additionally, it has provided remedies for the abuse through the writ jurisdiction of the Supreme Court under Article 32[[24]](#footnote-25) and the High Courts under 226[[25]](#footnote-26) of the Constitution which includes the grant of compensation to the victim. Though, countless cases have been decided by the Supreme Courts and High Courts, however, there is no set outline for shaping the virtues of right to compensation or the quantum of compensation is determined. Compensation as a form of public remedy for violation of fundamental rights is not expressly provided in the Constitution of India. It is a remedy that is single-minded on a case-to-case basis and thus is very much reliant on the facts and conditions of each case. Thus, this remedy can be subjective, sporadic, and unstipulated.

**PRIVATE LAW REMEDY**-The private law remedy for errant acts of State administrators exists in the form of a civil suit against the State and its officials for financialreparations. In the enactment of this, under Article 300[[26]](#footnote-27) of the constitution, the government of India can be prosecuted in its title.

**CRIMINAL LAW REMEDY-**Chapter IX[[27]](#footnote-28) of the IPC pertains to the crimes done by the Public Servants. It also deals with the crimes which however not done by public servants but relay to them. Further Chapter XI[[28]](#footnote-29) deals with untrue evidence and wrongdoing against public justiceand describes the barrier of justice. Further it penalizes any illustrations of meddling with the investigation, prosecution, trial, and othercriminal proceedings by the examining agency such as police officials and prosecution.

**CONCLUSION**

India is no more a police state, it is a well-being state. The state has augmented its realm extremely in the past few years and it is in every feature of the citizen's life. In such a case, the state massacre in the form of wrongful conviction is a destruction of human rights. This is a kind of failure of justice and there must be a lawmaking framework to safeguard that people are not unlawfully imprisoned and arraigned and if they are adequate remedies are provided for them.

**SUGGESTIONS**

* There should be a compensation scheme.
* There should be a legal mechanism by which the state can be penalized or punished for the harm.
* There should be concrete legislation for it.
* An independent board should be established for such complaints.

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**Case laws**

* Refer to the footnotes
* Indian kanoon

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2. JoAnne m. wemmers, victims in the criminal justice system studies on crime and justice: a series from the Dutch research and documentation Centre (of the ministry of justice),kugler publications, 1996, pg. - 43. [↑](#footnote-ref-3)
3. R.A. Duff and Stuart p. green, philosophical foundations of criminal law, ed., pg. 381 [↑](#footnote-ref-4)
4. Van Der Meer v. The Queen (1988) 82 AIR 10, 31 (Deane j). [↑](#footnote-ref-5)
5. R. George wright, the role of intuition in judicial decision-making, 42 houses. l. rev. 1381, 1420 (2006) ("deciding judicial cases inescapably requires the exercise of intuition.") [↑](#footnote-ref-6)
6. We have had to borrow from our life insurance just to live. we, will, have to heat our home this winter by burning wood from a nearby lot. We have sold everything we own, including some family heirlooms. my husband and i are hard-working people. We are not looking for a free ride. but we are being completely devastated by this criminal who reached in and destroyed our lives ‖ - crime victim (Herrington et al., 1982, p. 38) [↑](#footnote-ref-7)
7. wrongful conviction: international perspectives on miscarriages of justice, ed. by c. Ronald huff and martin killian, pg. 3 [↑](#footnote-ref-8)
8. https://wrongfulconvictionsblog.org/2013/08/15/miscarriages-of-justice-in-china-prompt-new-guidelines/ [↑](#footnote-ref-9)
9. http://www.herald.co.zw/high-court-u [↑](#footnote-ref-10)
10. D.K... Basu v. State of West Bengal, 1997 SC 610, 18th December 1996 [↑](#footnote-ref-11)
11. Barry Scheck, Peter Neufeld & Jim Dwyer, actual innocence: five days to execution and other dispatches from the wrongly convicted 246 (2000) [↑](#footnote-ref-12)
12. Ronaldc. and martin killian, wrongful conviction: international perspectives on miscarriages of justice, 2008. all European countries allow defendants to file a petition of revision in situations where evidence turns out to be false or when new evidence becomes available that was not available at trial. the petition for revision allows the defendant to file a request to the court for a new trial. [↑](#footnote-ref-13)
13. smith, Georgina, ―the psychology of false confessions, ‖ criminal bar quarterly 1(2009):8, http://www.criminalbar.com/83/records/29/cbq%201- 09%20v6.pdf) [↑](#footnote-ref-14)
14. nick Robinson, the Indian supreme court & its benches [http://indiaseminar.com](http://INDIASEMINAR.COM/2013/642/642_NICK_ROBINSON.HTM) [↑](#footnote-ref-15)
15. article 32, constitution of india,1949

remedies for enforcement of rights conferred by this part

(1) the right to move the supreme court by appropriate proceedings for the enforcement of the rights conferred by this part is guaranteed

(2) the supreme court shall have power to issue directions or orders or writs, including writs like habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this part

(3) without prejudice to the powers conferred on the supreme court by clause ( 1 ) and ( 2 ), parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the supreme court under clause ( 2 )

(4) the right guaranteed by this article shall not be suspended except as otherwise provided for by this constitution [↑](#footnote-ref-16)
16. Hussainara Khatoon v. State of Bihar, 1979 SCR (3) 532, 9th march 1979 Para 5, Hussainara Khatoon v. State of Bihar, 1979 SCR (3) 532 [↑](#footnote-ref-17)
17. 46 Moti Ram v. State of Madhya Pradesh, 1978(SC) 1594, 24th august 1978 [↑](#footnote-ref-18)
18. Supreme Court Advocates-on-Record Association v. Union of India, 1993 (SC) 1303, 6th October 1993 [↑](#footnote-ref-19)
19. Babloo Chauhan Dabloo v. State Govt. of NCT of Delhi on 30 November,2017Cr.L.A. 157/2013bharati devi vs ramendra narayan roy on 30 july 1946 equivalent citations: (1947) 49 bomlr 246ayodhya dube and ors. vs ram sumer singh on 28 april,1981 equivalent citations: air 1981 sc 1415, 1981 crilj 1016, 1981 (1) scale 811, 1981 supp scc 83 bench: a sen, b islam, o c reddyk. chinnaswamy reddy vs state of andhra pradesh on 25 july,1962 equivalent citations: 1962 air 1788, 1963 scr (3) 412state of punjab vs madan mohan lal verma on 12 august,2013 bench: b.s. chauhan, s.a. bobde [↑](#footnote-ref-20)
20. rudul sah vs state of bihar and another on 1 august 1983 equivalent citations: 1983 air 1086, 1983 scr (3) 508 bench: chandrachud, y.v. ((cj)karma oraon vs the state of bihar (now jharkhand) on 6 july,2018 [↑](#footnote-ref-21)
21. Article 21, Constitution of India [↑](#footnote-ref-22)
22. Is the protection of life and personal liberty no person shall be deprived of his life or personal liberty except according to procedure established by law. the article prohibits the deprivation of the above rights except according to a procedure established by law. [↑](#footnote-ref-23)
23. Article 22 says that “no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.” [↑](#footnote-ref-24)
24. Of the Indian constitution enshrines this provision whereby individuals may seek redressal for the violation of their fundamental rights. [↑](#footnote-ref-25)
25. Article 300 of the constitution confirmed the suits and proceedings against. union of India and the government of state. It intends to provide a right to file a suit. [↑](#footnote-ref-26)
26. [↑](#footnote-ref-27)
27. Offences by Or Relating to Public Servants from the Indian Penal Code [↑](#footnote-ref-28)
28. False Evidence and Offences Against Public Justice ... [↑](#footnote-ref-29)