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Collateral Victims of Wrongful Prosecution: Recognition, Compensation, and Rehabilitation of Families under Indian Law

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Abstract : *When an innocent person is wrongly prosecuted or sent to prison, the suffering does not affect only that person. Their spouse, children, and elderly parents also face serious problems. They may lose their income, face social rejection, and experience emotional suffering. In victimology, these family members are called "collateral victims" or "secondary victims". The Indian legal system has slowly started recognising the rights of people who are wrongly convicted or imprisoned through constitutional remedies and court decisions. However, the families who suffer because of these mistakes are still not properly recognised by law. This paper studies the financial, social, and psychological problems faced by the families of people who are wrongly prosecuted in India. It examines important real-life cases, the existing legal position under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and constitutional remedies. It also discusses the recommendations made in the 277th Report of the Law Commission of India. Finally, the paper suggests a legal framework to recognise these family members, provide compensation, and support their rehabilitation.*

Keywords: Wrongful Prosecution, Collateral Victims, Victimology, Compensation, Rehabilitation, Article 21, Law Commission Report No. 277.

I1. INTRODUCTION

The basic principle of justice is simple: a guilty person should be punished, and an innocent person should not be punished. However, the criminal justice system is managed by human beings, and mistakes can happen. Sometimes, because of improper investigations, false evidence, or mistakes by courts, an innocent person may be arrested, prosecuted, and kept in prison for several years before finally being acquitted.1 When a court declares a person innocent after many years of imprisonment, the public usually focuses on the person who has been released. However, very few people think about what happened to that person's family during those years. A wife or husband may have to become the only earning member of the family while also managing expensive legal proceedings. Children may stop going to school because their parents cannot pay the fees or because other students treat them badly due to their parent's criminal case. Elderly parents may lose the person who was responsible for their care and medical expenses.2 In victimology, these family members are known as collateral victims or secondary victims. They have not committed any crime and have not been formally charged by the State. However, they also suffer because of the wrongful actions of the criminal justice system. They face poverty, social rejection, and emotional problems, just like the person who is wrongly prosecuted.3 This paper examines how Indian law deals with these families, explains their suffering through important Indian cases, and discusses the changes needed to ensure justice for them.

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II. UNDERSTANDING "COLLATERAL VICTIMS" IN VICTIMOLOGY

Traditionally, criminal law mainly focused on punishing offenders. However, over the years, victimology has developed and given more importance to the rights, dignity, and recovery of victims.4 Under international legal instruments, such as the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985, the meaning of a victim also includes the immediate family members and dependents of the person who has directly suffered harm.5 When the State itself causes harm through wrongful prosecution, the situation becomes more serious and complicated. The major problems faced by these families include:

Financial Collapse: When the main earning member of a family is imprisoned, the family may face serious financial problems. Poor families may borrow money or sell their land, jewellery, and other property to pay legal expenses, travel costs, and prison visiting expenses.

Social Stigma and Boycott: In many Indian communities, people often treat an arrested person as guilty even before the court gives its judgment. As a result, family members may face social rejection, eviction from rented houses, and loss of employment. Children may also face difficulties in education, future employment, and marriage because of the criminal case against their parent.

Psychological Trauma: Living with fear, uncertainty, public shame, and separation from a family member can cause serious mental suffering. Spouses and children may experience anxiety, depression, and long-term emotional problems.6 Even though these family members suffer because of mistakes made by the State, Indian criminal laws do not clearly recognise them as victims of wrongful prosecution.

III. INDIAN CASE STUDIES: THE STRUGGLES OF FAMILIES

To understand why legal protection is necessary, it is important to examine real cases in India where wrongful prosecution has affected not only the accused persons but also their families.

The ISRO Espionage Case (S. Nambi Narayanan v. Siby Mathews, 2018)

In November 1994, Dr. S. Nambi Narayanan, a senior scientist working at the Indian Space Research Organisation (ISRO), was falsely arrested by the Kerala Police. He was accused of sharing important rocket technology secrets with foreign agents. In April 1996, the Central Bureau of Investigation (CBI) found that the allegations had no proper basis and filed a closure report, leading to his discharge by the Chief Judicial Magistrate in May 1996. Dr. Narayanan had spent 50 days in custody and later fought a 24-year legal battle for accountability, exoneration of his reputation, and compensation.7 Although the suffering of Dr. Narayanan received public attention, his wife, Meena Narayanan, and their two children also faced serious problems.

Public Hostility and Harassment: Angry people gathered outside their house in Thiruvananthapuram, burned effigies, and called him a traitor and a spy. Even simple activities, such as going outside or buying groceries, became difficult and embarrassing for the family.

Severe Psychological Breakdown: Meena Narayanan faced serious mental suffering because of the public criticism and social rejection. She went into deep depression and almost stopped speaking for several years.

Intergenerational Burden: Their children also faced insults and criticism at school and in their neighbourhood. They had to live with the label of being the children of a spy. The Supreme Court finally recognised Dr. Narayanan's suffering in 2018 and awarded him compensation of ₹50 lakh.

The 2002 Akshardham Temple Attack Acquittals (Adambhai Sulemanbhai Ajmeri v. State of Gujarat, 2014)

After the terrorist attack on the Akshardham temple in Gandhinagar, Gujarat, in 2002, the Gujarat Police arrested six men, including Adambhai Sulemanbhai Ajmeri and Abdul Kayum Mansuri. A special court under the Prevention of Terrorism Act (POTA) convicted them. Three persons were sentenced to death, while the others were given life imprisonment. In May 2014, the Supreme Court acquitted all six persons after they had spent 11 years in prison. Some of them had spent eight years on death row. The Supreme Court strongly criticised the police investigation and pointed out problems relating to fabricated evidence and confessions obtained through torture.8 During these 11 years, their families faced serious financial and social problems.

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Generational Poverty: Many of the accused persons were young men who were responsible for supporting their parents, wives, and children. Their families spent their savings and borrowed money to meet legal expenses and travel to courts and prisons. As a result, they faced serious financial difficulties.

Lost Childhoods and Education: The children of the accused persons were treated badly because their fathers were labelled as terrorists. Some children left school and started doing small jobs. In some families, marriage arrangements for daughters and younger siblings were also affected because of the social stigma attached to the family.

Denial of Compensation: In July 2016, the acquitted men approached the Supreme Court and requested compensation for the 11 years they had spent in prison. However, the Court rejected their request, refusing to lay down a blanket rule for compensation after acquittal and observing that granting compensation in such cases could create a dangerous precedent. As a result, their families also received no financial support or rehabilitation from the State.9

Prolonged Undertrial Incarceration in Terror Cases (The 2006 Mumbai Train Blasts and Malegaon Acquittals)

Similar problems can be seen in other major criminal cases in India. In several terrorism-related cases, accused persons spent between 10 to 19 years facing prosecution or in custody before being acquitted or discharged. In the 2006 Malegaon blasts case, eight of the nine initial accused were discharged by a special NIA court in April 2016 after spending around 10 years facing the case (including five years in custody before obtaining bail), and the Bombay High Court discharged the remaining four accused in April 2026. In the 2006 Mumbai suburban train blasts case, one of the 12 convicted men, Kamal Ansari, died in prison in April 2021 while his appeal was pending; in July 2025, the Bombay High Court acquitted the 11 surviving accused after they had spent nearly 19 years in custody (though the acquittal order was subsequently stayed by the Supreme Court pending appeal without sending the released men back to prison).10 During these long years, elderly parents passed away while waiting for their sons to return. Wives spent many years managing their families and attending court proceedings. Children grew up without the support and presence of their fathers. These cases show that wrongful prosecution can destroy family life, whether the family belongs to a poor or middle-class background. The financial, emotional, and social suffering caused by such cases is not limited to the accused person alone. The entire family is affected, but proper compensation and rehabilitation are rarely provided.

IV. THE CURRENT LEGAL FRAMEWORK IN INDIA

At present, India does not have a separate law that guarantees compensation and rehabilitation to people who are wrongly prosecuted. The law also does not clearly provide protection to their family members. Instead, the available remedies are spread across constitutional provisions, criminal procedure laws, and court decisions.

A. Constitutional Remedies (Articles 21 and 32/226)

The Supreme Court and various High Courts have provided relief in cases where people have suffered because of illegal arrest or detention. Article 21 of the Indian Constitution protects the right to life and personal liberty. Courts have recognised that illegal detention and wrongful prosecution can violate this fundamental right.11 In landmark decisions such as Rudal Sah v. State of Bihar (1983), Bhim Singh v. State of Jammu & Kashmir (1985), and Nilabati Behera

v. State of Orissa (1993), the Supreme Court awarded monetary compensation under public law to people who suffered because of violations of their fundamental rights by State officials.12 However, the compensation given by courts is not consistent. It depends on the facts of each case and the discretion of the court. The difference between the compensation awarded to Nambi Narayanan and the refusal of compensation in the Akshardham case shows this problem. Further, a person must approach the High Court or Supreme Court through a writ petition to seek this type of relief. This process may take a long time and involve considerable legal expenses. Poor families may not have enough money to approach these courts and obtain justice.

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B. Statutory Provisions under the BNSS, 2023

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 replaced the Code of Criminal Procedure, 1973. It contains general provisions relating to victim compensation and compensation for groundless arrest. The important provisions are:

Section 396 – Victim Compensation Scheme: This section requires State Governments to prepare schemes for providing compensation to victims who suffer loss or injury because of a crime and need rehabilitation. However, this provision mainly deals with victims of crimes committed by private individuals. It does not directly provide compensation to families affected by wrongful prosecution by the State.13

Section 399 – Compensation to Persons Groundlessly Arrested: This section allows a Magistrate to order a person who caused an arrest without sufficient grounds to pay compensation to the arrested person. The maximum amount provided under this section is ₹1,000. This amount is very small and does not reflect the financial difficulties faced by people who are wrongly arrested.14

C. Civil Suits for Malicious Prosecution

A person who has been acquitted may file a civil suit for malicious prosecution under the law of torts. However, this remedy is not easy to use in practice. Civil cases in India may take many years to complete and involve high legal expenses. The person filing the case must also prove that the prosecution was started with malice and without reasonable or proper grounds.15 It is difficult to prove that the police or complainant acted with deliberate intention to harm the accused person instead of making a mistake during the investigation. Because of these difficulties, many victims cannot obtain proper compensation through civil suits.

V. THE 277th LAW COMMISSION REPORT: A MISSED OPPORTUNITY FOR FAMILIES

In 2018, following the directions of the Delhi High Court in Babloo Chauhan v. State Govt. of NCT of Delhi, the Law Commission of India submitted its 277th Report. The report was titled "Wrongful Prosecution (Miscarriage of Justice): Legal Remedies."16 This report was an important step towards recognising the problems faced by people who are wrongly prosecuted. It recommended changes to criminal procedure laws to create a proper legal system for providing compensation to such persons. The report explained that wrongful prosecution may include cases where prosecution was started with malice or without good faith. It also suggested creating special courts to decide compensation claims within a reasonable time. However, when the report is examined from the victimology point of view, it does not give enough attention to the family members who also suffer because of wrongful prosecution. The major gaps are:

Focus on the Primary Accused: The report mainly focuses on the person who was wrongly prosecuted. Family members and dependents are not given separate recognition in most situations. They are mainly considered when the wrongfully prosecuted person dies before receiving compensation.

Limited Non-Pecuniary Relief: The report recommends support such as counselling, mental health services, and vocational training. However, these recommendations mainly focus on helping the acquitted person return to normal life. The mental suffering of spouses, the lost education of children, and the difficulties faced by other family members do not receive enough attention.

Lack of Implementation: Even after several years, Parliament has not passed the proposed law based on the 277th Report. As a result, people who are wrongly prosecuted and their family members still do not have a clear and enforceable legal right to compensation and rehabilitation under such a separate framework.

VII. THE NEED FOR RECOGNITION, COMPENSATION, AND REHABILITATION

To create a fair criminal justice system, Indian law must move beyond providing occasional financial help and recognise collateral victims as persons who have their own rights. This can be achieved through a three-pillar approach.

Legal Recognition: Indian law should clearly recognise the dependent family members of a person who has been wrongly prosecuted. This should include spouses, children, and elderly parents who depend on that person.17 Giving

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them legal recognition will allow them to claim support for the financial, social, and emotional problems they have suffered. They should not have to wait until the wrongly prosecuted person dies to receive legal protection or assistance.

Structured Financial Compensation: Compensation should not depend only on whether a particular judge decides to provide relief. The government should introduce a proper system with clear rules for calculating compensation.18 The compensation system should consider the following factors:

Loss of Family Income: Compensation should be calculated by considering the income that the family lost during the period of wrongful imprisonment.

Litigation and Survival Debts: Families should receive support for legal expenses, travel costs, and loans taken to manage their daily needs during the imprisonment.

Educational Disruption: Children who were forced to stop their education or give up higher studies because of financial problems should receive financial support and educational assistance.

Holistic Rehabilitation: Financial compensation alone cannot remove the emotional suffering of a family or bring back the years they have lost. Therefore, rehabilitation should include more than money. The following measures should be introduced:

Public Exoneration: The State should issue an official apology when a person is found to have been wrongly prosecuted. The acquittal should also receive proper public attention so that the family can overcome the social stigma attached to the criminal case.

Psychological and Trauma Counselling: Free counselling and mental health support should be provided to spouses, children, and other affected family members. This will help them deal with anxiety, depression, and social isolation.

Educational and Employment Support: Children of affected families should receive scholarships and educational assistance. Spouses who lost their jobs or had to leave their employment should receive skill-development training and support in finding suitable jobs.

VIII. CONCLUSION

Wrongful prosecution is one of the serious failures that can happen in a democratic country. The cases of Nambi Narayanan, the Akshardham temple attack acquittees, and the Mumbai train blast acquittees show that when an innocent person is sent to prison, their family also suffers. They lose their income, social respect, and peace of mind. The families of wrongly prosecuted persons are often ignored by the criminal justice system. However, their suffering is real and can affect their entire lives. Ignoring these family members means ignoring an important part of the harm caused by wrongful prosecution. Although Indian courts have sometimes provided compensation through constitutional remedies, the relief given is not consistent. Depending only on the decisions of individual courts cannot provide complete justice. India needs a clear law that gives proper rights and protection to both wrongly prosecuted persons and their dependent family members. The recommendations of the 277th Law Commission Report should be considered and expanded to include collateral victims. The law must provide legal recognition, financial compensation, and proper rehabilitation to affected families.19 A justice system should not only correct its mistakes but should also take responsibility for the harm caused by those mistakes. Recognising and protecting the families of wrongly prosecuted persons is an important step towards achieving complete justice in India.

REFERENCES

1. Chockalingam, K. (2007). Measures for Crime Victims in the Indian Criminal Justice System. Resource Material Series No. 70, UNAFEI, Tokyo.
2. Grounds, A. (2004). “Psychological Consequences of Wrongful Conviction and Imprisonment.” Canadian Journal of Criminology and Criminal Justice, 46(2), 165–182.
3. Huff, C. R., Rattner, A., & Sagarin, E. (1996). Convicted But Innocent: Wrongful Conviction and Public Policy. Sage Publications.

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4. Jenkins, S. (2013). "Secondary Victims: The Impact of Wrongful Conviction on Families." Journal of Criminal Law & Criminology, 103(2), 411–442.
5. Narayanan, N., & Ram, A. (2018). Ready to Fire: How India and I Survived the ISRO Spy Case. Bloomsbury India.
6. Vibhute, K. I. (2010). "Compensating Victims of Crime in India: An Appraisal." Journal of the Indian Law Institute, 52(2), 185–208.
7. Reports and International Instruments
8. Law Commission of India. (2018). Report No. 277: Wrongful Prosecution (Miscarriage of Justice): Legal Remedies. Government of India.
9. United Nations General Assembly. (1966). International Covenant on Civil and Political Rights (ICCPR), Article 14(6).
10. United Nations General Assembly. (1985). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Resolution 40/34.
11. The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023).
12. The Constitution of India, 1950 (Articles 21, 32, and 226).
13. Adambhai Sulemanbhai Ajmeri & Ors. v. State of Gujarat, (2014) 7 SCC 716.
14. Babloo Chauhan v. State Govt. of NCT of Delhi, (2018) 247 DLT 31.
15. Bhim Singh v. State of Jammu & Kashmir, (1985) 4 SCC 677.
16. Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.
17. Rudal Sah v. State of Bihar, (1983) 4 SCC 141.
18. S. Nambi Narayanan v. Siby Mathews, (2018) 10 SCC 804.

Footnotes

1 Law Commission of India, Report No. 277: Wrongful Prosecution (Miscarriage of Justice): Legal Remedies (Government of India, 2018), pp. 1–3.

2 C. Ronald Huff, Arye Rattner, and Edward Sagarin, Convicted But Innocent: Wrongful Conviction and Public Policy (Sage Publications, 1996), pp. 142–145.

3 Simon Jenkins, "Secondary Victims: The Impact of Wrongful Conviction on Families," Journal of Criminal Law & Criminology, Vol. 103, No. 2 (2013), pp. 411–442.

4 K. Chockalingam, Measures for Crime Victims in the Indian Criminal Justice System, Resource Material Series No. 70 (UNAFEI, Tokyo, 2007), pp. 97–102.

5 United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNGA Res. 40/34 (29 November 1985), Annex, Para. 2.

6 Adrian Grounds, "Psychological Consequences of Wrongful Conviction and Imprisonment," Canadian Journal of Criminology and Criminal Justice, Vol. 46, No. 2 (2004), pp. 165–182.

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

8 Adambhai Sulemanbhai Ajmeri & Ors. v. State of Gujarat, (2014) 7 SCC 716.

9 Adambhai Sulemanbhai Ajmeri v. State of Gujarat, Writ Petition (Criminal) No. 111 of 2015, Order dated 5 July 2016 (Supreme Court of India).

10 State of Maharashtra v. Kamal Ahmed Mohd. Vakil Ansari & Ors., Confirmation Case No. 2 of 2015 (Bombay High Court, Judgment dated 21 July 2025); stayed in State of Maharashtra v. Mohd. Faisal Ataur Rahman Shaikh, SLP (Crl.) No. 10726 of 2025 (Supreme Court of India, Order dated 24 July 2025).

11 The Constitution of India, 1950, Art. 21.

12 Rudal Sah v. State of Bihar, (1983) 4 SCC 141; Bhim Singh v. State of Jammu & Kashmir, (1985) 4 SCC 677; Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.

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13 BNSS, 2023 (Act No. 46 of 2023), s. 396. See also K. I. Vibhute, "Compensating Victims of Crime in India: An Appraisal," Journal of the Indian Law Institute, Vol. 52, No. 2 (2010), pp. 185–208.
14 The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023), s. 399.
15 Law Commission of India, Report No. 277: Wrongful Prosecution (Miscarriage of Justice): Legal Remedies (Government of India, 2018), Ch. VIII ("Recommendations"), pp. 74–82.
16 Babloo Chauhan v. State Govt. of NCT of Delhi, (2018) 247 DLT 31.
17 UNGA Res. 40/34 (1985), Annex, Paras. 1–2; Simon Jenkins, "Secondary Victims: The Impact of Wrongful Conviction on Families," J. Crim. L. & Criminology 103(2), 438 (2013).
18 United Nations General Assembly, International Covenant on Civil and Political Rights (ICCPR) (16 December 1966), Art. 14(6).
19 Law Commission of India, Report No. 277: Wrongful Prosecution (Miscarriage of Justice): Legal Remedies (Government of India, 2018), pp. 74–82.