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## Erased yet Enduring: Analysing the Trauma of Exonerees

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### **Abstract**

Wrongful convictions are one among the most indelible mistakes of the judicial system. It is a failure that induces unfathomable injustice, which goes far beyond the individual's suffering during incarceration. Such individuals who are later freed or exonerated, often called 'exonerees' experience a distinct kind of trauma which is multidimensional, enduring, and inadequately addressed by the existing legal and social frameworks. On analysing literatures across the world, it is seen that exonerees often suffer from post-traumatic stress disorder, depression, and anxiety, all amalgamated by disrupted family relationships, social stigma, and economic marginalisation. There still exist systemic inadequacies in giving compensations and rehabilitating the exonerees. Reviewing the Indian context, Supreme Court cases such as Rudal Shah vs. State of Bihar and S. Nambi Narayanan vs. State of Kerala, had established compensation as a constitutional remedy under Article 21. But despite these judicial proclamations, India still lacks a structured framework for rehabilitation, leaving the Indian exonerees dependent on provisional reliefs. This paper analyses the trauma undergone by the exonerees through an integrative lens, combining psychological theory, human rights discourse, and legal analysis, trying to situate their torments in the present scenario, where the judiciary has recognised wrongful conviction, but has made no strict statutory measures to reintegrate the exonerees back into the society. The study also proposes certain

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recommendations for reform, and argues that exonerees must be conceived not only as victims of systemic failures, but as agents of change whose narratives can apprise justice and reform.

**Keywords:** Coping mechanisms, Exoneree, Exoneree Memoirs, Legal frameworks, Recommendations, Rehabilitation, Reintegration, Social stigma, Trauma, Wrongful conviction.

## Introduction

Individuals who are wrongfully convicted for crimes they did not commit, and later exonerated due to newfound evidences, are referred to as exonerees. While exoneration reinstates legal innocence, it does not erase the psychological, social, and economic scars left by years of incarceration, stigma, and systemic neglect. The ordeals met by these exonerees are varied and complex, comprising not only of the immediate psychological consequences of confinement, but also of the enduring difficulties of their reintegration into society. Various studies across the world have shown the prevalence of post-traumatic stress disorder (PTSD), depression, and anxiety among exonerees, alongside broken family relationships, loss of livelihood, and persistent social stigma. A study conducted on exonerees' health showed that, "Fifty-nine exonerees completed online measures of trauma exposure, posttraumatic stress disorder (PTSD) symptoms, depressive symptoms, perceived social support, negative posttraumatic cognitions (including self-blame), and personal history (e.g., time served, time since release, race, cause of conviction, and compensation received). Overall, 80% of exonerees reported experiencing at least one significant traumatic event while incarcerated, and approximately half reported clinically significant symptoms of PTSD (48–52%) and/or depression (51%)" (Kukucka et al. 391). In the United States, organisations such as the Innocence Project have stressed the ineptitude of compensation schemes, and the absence of structured rehabilitation. In the United Kingdom, the Criminal Cases Review Commission has strived to address wrongful convictions, yet exonerees still continue to account their feelings of being effaced and marginalised. These illustrative contexts underline the universality of the exoneree's trauma, while pointing out deviations in the state's stands.

The trauma encountered by exonerees is not just an individual's psychological burden, but a shared communal failure. It discredits public trust in the justice system, protracts destitution and marginalisation, and raises fundamental questions about the competence of legal safeguards. Exoneree Memoirs and testimonies provide valuable insights into these incidents and provides us narratives of resilience, and corroboration.

## STUDIES ON WRONGFUL CONVICTIONS

Studies on wrongful convictions has constantly stressed the intense psychological and social consequences confronted by the exonerees. "Empirical studies from the United States reveals that individuals released after years of wrongful detention often experience symptoms consistent with post-traumatic stress disorder; including hypervigilance, intrusive memories, and chronic anxiety" (Grounds 171). These findings were corroborated by Westervelt and Cook

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in their text, *Life After Death Row: Exonerees' Trauma and Reintegration*, in which the qualitative interviews they conducted with the exonerees validated not only the psychological distress, but also the dissolution of trust in legal institutions and the persistent stigma of being associated with criminality, even after formal exoneration.

Comparative perceptions from the United Kingdom also stress similar motifs. Research on individuals discharged through the Criminal Cases Review Commission sustains that exoneration seldom restores their social standing or economic stability. Rather, exonerees usually meet with unemployment, shattered family relations, and inadequate compensation strategies. European learnings have further expanded this discourse by placing wrongful convictions within the human rights contours. Detailed analyses identified that wrongful imprisonment leads to the violation of a person's fundamental rights to liberty, dignity, and fair trial, and exoneration without rehabilitation fails to meet the standards of restorative justice. These studies also underline the deficiency of state reactions, remarking that compensation schemes are often inconsistent, with complex regulations, and insufficient to address endless trauma. Wrongful conviction thus generates an eternal trauma that surpasses the prison walls. While exonerees withstand psychological pain, social stigma, and economic insecurity, the legal systems stumble to provide them meaningful restitution.

In India, and many other developing countries in Africa, Central America, Asia, etc. the legal system imprisons a majority of prisoners while awaiting trial. Such prisoners often have to wait for trials for long periods of times, in formidable conditions of detention. Although in 2018, the Law Commission called for immediate attention to the acute issue of wrongful conviction, the advices have not yet been implemented in India. This in turn will lead to an increase in the number of victims of wrongful prosecutions, and wrongful detention, without any effective antidotes to ensure their release or to compensate them for the damages of unwarranted pre-trial detention.

The Indian constitutional foundation lies in Article 21, which guarantees the right to life and personal liberty, and wrongful incarceration has been increasingly deciphered as a violation of this fundamental right. With the *Rudal Shah vs. State of Bihar* case of 1983, the Indian judiciary validated that monetary compensation could be given for unlawful detention. The Supreme Court held that the petitioner, who had been kept in prison for over fourteen years in defiance of his acquittal by the state, was entitled to monetary reparation, for violating his fundamental rights. This case stamped a milestone in the Indian judicial system, by connecting wrongful detention directly to state accountability. Ensuing cases, such as *S. Nambi Narayanan vs. State of Kerala*, and *Durga @ Raja vs. State Of Madhya Pradesh*, reinforced the standard that compensation is a suitable remedy for custodial injustice, and reiterated that wrongful arrest and detention comprise grave violations of Article 21, requiring judicial intervention.

In a demonstration of the particular feature of the Indian legal system, the Court in *Durga* also awarded the two accused damages of Rs.1,00,000/- (one lakh only) each for violations of the constitutional right to life at the same time as it acquitted them. It reasoned that 'Our criminal Jurisprudence gives more stress over avoiding of false

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implication of an innocent to the extent where hundred guilty may go scotfree' and the dangers of 'poor investigation with tainted prosecution'. (Roach)

Regardless of these judicial edicts, India still needs a compendious statutory framework for taking care of wrongful convictions. Compensation is vested on a case-by-case premise, often intermittently, and there are no structured rehabilitation schemes like that of those in the United States or the United Kingdom. Exonerees in India also constantly encounter prolonged stigma, economic hardships, and social exclusion, even after their legal vindication. Erudite commentaries have showed that while the judiciary has perceived the principle of compensation, there is very little factual research on the lived experiences of these exonerees, leaving a significant rift in understanding the psychological and social dimensions of their trauma.

## DIMENSIONS OF EXONEREES' TRAUMA

Understanding exonerees through trauma theory provides a critical framework for inferring the lived experiences of the exonerees. Judith Herman's seminal work *Trauma and Recovery* (1992) proved that trauma is not merely an individual psychological condition, but a disruption of identity, trust, and social belonging. "Over time as most people fail the survivor's exacting test of trustworthiness, she tends to withdraw from relationships. The isolation of the survivor thus persists even after she is free" (Herman 67). Wrongful conviction exemplifies this upheaval. The exoneree is firmly removed from their community, subjected to prolonged incarceration, and then reacquainted into the society under requisites of suspicion and marginalisation. Trauma theory accentuates the recurrent nature of such afflictions.

Restorative justice frameworks further supplements trauma theory by featuring the inadequacy of legal exoneration without a holistic rehabilitation. Howard Zehr in his text *The Little Book of Restorative Justice* argues that, justice must also address the needs of the victims and communities, not merely the formalities of legal innocence.

Restorative justice advocates dream of a day when justice is fully restorative, but whether this is realistic is debatable, at least in the immediate future. More attainable, perhaps, is a time when restorative justice is the norm, while some form of the legal or criminal justice system provides the backup or alternative. Possible, perhaps, is a time when all our approaches to justice will be restoratively oriented. Society must have a system to sort out the "truth" as best it can when people deny responsibility. Some cases are simply too difficult or horrendous to be worked out by those with a direct stake in the offense. We must have a process that gives attention to those societal needs and obligations that go beyond the ones held by the immediate stakeholders. We also must not lose those qualities which the legal system at its best represents: the rule of law, due process, a deep regard for human rights, the orderly development of law. (23)

For exonerees, this interpretation validates the paradox of exoneration; while the law restores innocence, it fails to revive dignity, livelihood, and social trust.

Ronald Keith Williamson was exonerated from death row in Oklahoma after serving nine years in prison for a rape and murder that he did not commit. After his release, he has

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endured mental health problems, has been unable to hold down a job, and now lives in a group home in Oklahoma. The state has made no effort, in his case, to ease the burden of his circumstances. He received nothing more than the standard \$50 check that all inmates in Oklahoma receive upon release. While in prison, Williamson was so depressed he tried to hang himself, and now reports that he sometimes has flashbacks. (Scott 10)

Exonerees often underwent profound psychological distress as a result of wrongful incarceration. Researches demonstrate symptoms congruent with post-traumatic stress disorder (PTSD), including nightmares, hypervigilance, and intrusive memories of prison life. Depression and anxiety add to this, as they have become very common, mingled with feelings of betrayal by the justice system. Indian exonerees rarely receive any structured psychological support, as mental health services in India are under-served, making the exonerees vulnerable to long-term emotional unsteadiness. The wearing of faith in the judiciary and the unsettling of personal identity further intensifies this psychological trauma, as the exonerees strive to conciliate their lived experiences with their renewed legal innocence.

The stigma of wrongful conviction lingers even after exoneration. Society and communities may continue to view exonerees with suspicion, and family and relationships often becomes fractured by years of separation and misunderstandings. An exoneree's reintegration into society is replete with challenges. Social alienation, loss of friendships, diminished employment and marriage prospects, and even the stigma that the families of these exonerees have to undergo are not immaterial. Since the Indian culture also gives substantial weight to a person's social reputation, exonerees will repeatedly feel ostracised, intensifying their social exclusion. This social trauma is combined with discrimination in housing/shelter, education/employment, and societal involvements, leaving the exonerees isolated, in spite of their legal vindication.

Wrongful conviction not only disrupts education, but employment and career prospects as well. Exonerees often come out of prison with poor health, outdated skills, damaged work histories, and limited access to financial resources. Compensation schemes, even though they exist, are inconsistent and inadequate for the life that they have lost over the years. Monetary compensations granted under Article 21 or Section 357 CrPC, in India are very rare, and insufficient to cover the lost income, medical expenses, and rehabilitation costs. Economic trauma in exonerees thus materializes as chronic unemployment, poverty, and dependence on family or charity, continuing cycles of marginalisation.

The process of exoneration in itself is traumatic. Tedious appeals, bureaucratic hurdles, and conflicting compensation frameworks aggravate their suffering. Exonerees often brave a lot of hardships in clearing their criminal records, which may continue to appear in their background checks, often impairing their reinstatement. Apart from this, since India does not have a proper statutory framework for wrongful conviction and redressal, the exonerees are also forced to rely on ad hoc judicial remedies, which differs in extent and effectiveness. This institutional neglect also supports feelings of invisibility and obliteration, as the law that wronged them fails to reconstitute their dignity in the society.

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Apart from all of this, exonerees are at a very heightened risk of suicidal thoughts and self-harm, both during incarceration and after release. The psychological burden of wrongful conviction, combined with social stigma and economic adversities, leads to anguish. Global inquiries have identified increased suicide rates among the exonerees. The dearth of structured mental health interventions amplifies vulnerability, making suicide and self-torture significant critical dimensions of exoneree trauma, which demands urgent scholarly, and policy attention.

In addition to these insights, studies from across the world shows that psychological distress and reintegration challenges among exonerees have occasionally been a matter of research. But, only very few have systematically examined the intersection of trauma with wrongful conviction in the non-Western settings. Furthermore, while memoirs and testimonies were analysed in the Western contexts as narrative artifacts of trauma, the exoneree voices from India remain predominantly undocumented in the scholarly discourse. This silence protracts the invisibility of exonerees, reinforcing their erasure, which the trauma theory also aims to reveal. The breach, therefore, lies not only in empirical data but also in narrative representation; the lived experiences of Indian exonerees are yet to be systematically studied, socialised, and integrated into the policy debates. Managing this hiatus is essential for developing a broad understanding of trauma that is both globally informed and locally grounded.

## EXONEREE MEMOIRS AND NARRATIVE TESTIMONIES

Exoneree Memoirs hold a distinctive place in the scholarship on wrongful conviction, functioning concurrently as testimonial evidence, identity narratives, and rhetorical interventions. These autobiographical accounts offer an improved lens through which the trauma of wrongful conviction can be apprehended, moving past the statistical data to reveal the lived consequences of systemic failure. Experts have steadily acknowledged Exoneree Memoirs as qualitative sources that elucidate the psychological, social, and institutional dimensions of trauma, while also serving as tools for advocacy and reform.

Throughout the world, memoirs such as *The Sixteenth Round* by Rubin Carter illustrates the genre's dual function; narrating one's personal misery while arousing public empathy, and political action. Carter's account details the psychological toll of wrongful detention, the erosion of belief in these organisations, and the toil for identity restoration. "I figured I had no reason to fear these people. I had done nothing wrong. So I allowed them to handcuff my wrists behind my back- almost tightly enough to cut off my circulation..." (147), says Carter. The text acts as a compelling narrative journey, that is ingrained by a confrontation with a racially biased criminal justice system, and a life-altering wrongful conviction for a triple murder. It extends past his personal experiences, and analyses the widespread discrimination and institutional oppression that have ensnared generations of Black Americans. His voice echoes an intense pursuit of truth and justice, in front of a system that was designed to marginalise and exploit. *The Sixteenth Round* is a riveting accusation of the criminal justice system's failures, and an attestation to the resilience of the human spirit. "... self-protection is the absolute right of every living being on the face of the earth. No matter who he is, what color he is, a person

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has a right to live, and to do so without always being dangled over the political edge of genocide every day of his life.” (179)

Likewise, memoirs by exonerees in the United States, are often published with the support of organisations like the Innocence Project, and they illuminate themes of resilience, loss, and advocacy. These texts oftentimes exercise narrative strategies that juxtapose the pre-conviction life with the confounding truths of incarceration, thereby emphasising the privation of identity and belonging. Intellectuals like Kristen Discola have assayed these memoirs as “identity work” (143), explaining how exonerees reconstruct their sense of self, in the wake of expunction. They serve as rhetorical handiworks that challenge the dominant narratives of justice. By accentuating the voices of those who have been silenced, exoneree narratives divulge the shortcomings of legal exoneration and claim acceptance of the broader detriments suffered. Therefore, Exoneree Memoirs also act as an ethical apparatus which rally accord and triggers improvements by bringing to light the human cost of wrongful conviction.

In the Indian context, the documentation of exoneree narratives as memoirs are very few, and their articulations are seldom recorded in autobiographical form. Media interviews and journalistic accounts at times apprehend glimpses of the exoneree’s experiences, but they lack the persistent narrative depth found in Western memoirs. This scarcity prolongs the invisibility of exonerees in India; of how they are deemed non-existent, precisely at the moment when they are forced to question their existence itself. The non-existence of these narratives in India is also another factor that limits the scholarly engagement with the lived realities of wrongful conviction, forsaking policy debates uninformed by personal testimony. This gap in the Indian scholarship amplifies the need for interdisciplinary scrutiny that integrates narrative/memoir analysis into legal and psychological evaluations. Documenting exoneree narratives in India would not only humanise the outcome, but also furnish critical insights into the cultural and institutional specificities of trauma. Integrating them into the assessment of wrongful conviction thus enriches the discourse, bridging the divide between legal acclaim and lived experience.

## **COMPARATIVE LEGAL FRAMEWORKS ON WRONGFUL CONVICTIONS**

The legal frameworks looking into wrongful conviction and the trauma bared by exonerees vary significantly across jurisdictions, considering disparities in constitutional traditions, statutory provisions, and institutional mechanisms. In the United States, wrongful conviction has acquired substantial regard through the works of the Innocence Project and other related endorsement organisations. Several states have enacted statutes that deliver compensation to exonerees, with quantities differing largely depending on jurisdiction. For example, Texas grants one of the most exhaustive compensation schemes, including financial payments, tuition assistance, and access to re-entry services, though these aids are not homogeneous across the country, and many exonerees remain excluded owing to repressive eligibility criteria. To add to this, compensation processes are often intricate, demanding exonerees to prove their innocence beyond the court’s declaration, thus combining institutional

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distrust and trauma. In spite of these failings, the U.S. has a set of statutory frameworks which provide structured relief and rehabilitation, when compared to other countries.

The United Kingdom has a centralised mechanism for reintegrating exonerees, which acts through the Criminal Cases Review Commission (CCRC), which investigates claims of wrongful conviction and expedites appeals. Exonerees may apply for compensation under the Criminal Justice Act, though eligibility is carefully defined and allowances are usually contested. Researchers have criticised the CCRC for its restrictive attitudes, reflecting that many exonerees are denied compensation, withstanding clear evidences of miscarriage of justice. Yet, the existence of a dedicated review body represents a significant institutional safeguard, ensuring that wrongful convictions are systematically examined and remedied.

European jurisdictions have also framed wrongful convictions within the human rights discourse. The European Court of Human Rights has registered wrongful imprisonment as a violation of Article 5 (right to liberty), and Article 6 (right to a fair trial) of the European Convention on Human Rights. Compensation schemes in countries such as Germany and France are rooted on statutory provisions that guarantee financial redress, though psychosocial support still remains limited. These frameworks deepen the importance of grafting wrongful conviction solutions within broader human rights protections, thereby affirming the self-esteem of exonerees.

In contrast, India wants an all-inclusive statutory framework for wrongful conviction redressal. Judicial pronouncements under Article 21 of the Constitution have verified compensation as a constitutional remedy, but these compensations are awarded inconsistently and often inadequately, deserting the exonerees in India, making them dependent on discretionary judicial relief. The absence of structured rehabilitation programs further intensifies the trauma encountered by exonerees, who must manoeuvre their reintegration without institutional support. While the Supreme Court has indicated a readiness to develop guidelines for compensation, legislative action still remains pending. While global examples evince the potential of statutory and institutional frameworks, India till date continues to rely on severed judicial remedies. The deficiency of structured rehabilitation policies, combined with limited objective research on exonerees, enhances the urgent need for reform.

## **STRATEGIES FOR COPING AND REINTEGRATION**

The trauma of wrongful conviction does not end with exoneration, rather the exonerees must evolve coping mechanisms to navigate their psychological, social, and economic challenges of reintegration. These strategies, which are both individual and collective, uncovers their resilience, but also maximises the insufficiency of institutional support.

Exonerees as individuals, often rely on psychological coping mechanisms such as therapy, journaling, and support. Counselling and psychiatric care can help manage symptoms of post-traumatic stress disorder, depression, and anxiety, though access to such services remain irregular. When these structured processes remain under-supported, the exonerees rely instead on informal coping strategies such as family support or religious faith. Writing memoirs or engaging in public advocacy allows exonerees to reclaim narrative control, transforming

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their personal suffering into a collective testimony. This ‘identity work’ not only aids in their individual psychological healing, but also helps to bring in change and reform.

Social support systems play a crucial role in reintegration. Peer networks of exonerees, facilitated by NGOs, provide platforms for sharing experiences and mutual encouragement. Community organisations can assist with housing, employment, and education, helping in mitigating the stigma that the exonerees confront. Family support, if and when available, offers emotional stability, though prolonged incarceration often strains familial bonds. In India, NGOs working on custodial justice and human rights occasionally extend assistance, but such efforts are disconnected and lacking to meet the scale of need.

Economic coping mechanisms are equally vital. Exonerees often struggle with unemployment and poverty, compelling vocational training and financial assistance. In the United States, jurisdictions along with the compensation schemes sometimes also include provisions for education and job placement, though these remain at odds. In India, as such frameworks are non-existent, and the ad-hoc systems that in turn help the exonerees rarely cover the prolonged economic losses, many exonerees rely on informal labour or community charity.

Institutional support systems, if they exist, can significantly enhance the coping strategies. Structured rehabilitation programs that integrate psychological counselling, vocational training, and social reintegration services delivers an overall support. In India, the dependence on judicial discretion, combined with limited NGO capability, leaves the exonerees vulnerable to prolonged trauma. Without any structured institutional schemes, these agencies stand insufficient. To rectify this void, state-funded rehabilitation programs that incorporate psychological, social, and economic dimensions, guaranteeing that the exonerees are not merely freed, but truly restored to dignity and belonging, are needed.

The lost years of free life cannot be given back to or re-enacted to please him. He and his family suffer for the cause of administration of criminal justice. Cash for casualty has little role to purge the sovereign of this unpardonable sin; only constitution of a conscientious prosecuting agency committed to truth alone can be the propitiatory act to please the Goddess of Justice. (Kumar)

## **RECOMMENDATIONS FOR LEGAL AND SOCIAL CHANGE**

In India, the trauma faced by exonerees demands a comprehensive response that stretches even farther the narrow confines of legal exoneration. While the restoration of innocence is necessary, India desperately requires a statutory framework for wrongful conviction recompense. Current reliance on ad hoc judicial proclamations under Article 21 and Section 357 CrPC has resulted in incongruous outcomes. A dedicated statute should determine clear procedures for compensation, automatic record clearance, and rehabilitation. Along with this, exonerees must also be provided with structured mental health services, including counselling, therapy, and psychiatric care. State-funded programs should be established to provide individualised care, supplemented by peer support networks and community reintegration initiatives. Wrongful conviction often results in the loss of livelihood and career

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opportunities. Compensation schemes must therefore extend outside the symbolic damages to include financial benefits that account for their lost income, disrupted education, and medical expenses. Employment assistance, vocational training, and housing support should also be integrated into these rehabilitation programs.

Social stigma is another, most unyielding challenge withstood by the exonerees. Public campaigns should be launched to educate communities about wrongful conviction and the innocence of exonerees. Legal education curricula should incorporate exoneree testimonials to encourage understanding. Media guidelines should be developed to ensure responsible reporting that does not externalise stigma. Above all, preventing wrongful convictions is of utmost importance, and it requires a systemic reform. Judicial and police accountability systems must be strengthened to minimise investigative errors, and prosecutorial misconduct. Independent review commissions should be substantiated to examine claims of wrongful conviction, assuring timely remedies. This would in turn help in restoring public trust in the criminal justice system. In essence, tending to exoneree trauma commands not only giving compensations, but also the restoration of their dignity, identity, and trust.

## **CONCLUSION**

The trauma experienced by exonerees depicts one of the most abstruse imputations of the criminal justice system. Exoneration, while legally reviving innocence, does not erase the scars of wrongful conviction. On the other hand, when it lawfully retrieves integrity, it socially sustains marginalisation, leaving the exonerees ‘freed but never fully returned’ to their communities.

From across the world, it has been established that the continuance of trauma across spheres, indicates the universality of exoneree suffering. Comparative patterns such as the Innocence Project of the United States, and the Criminal Cases Review Commission in the United Kingdom exemplifies both the possibilities and limitations of state responses. Records from the Law Commission of India and the National Crime Records Bureau (NCRB) further press on the systemic issues such as wrongful arrests, delays in trial, and custodial abuse prevalent in India. These statistics heighten the need for a universal practice that combines legal remedies with psychosocial support. The absence of such structured rehabilitation policies in India contrasts strongly with the global practices, expressing a critical necessity for a statutory law which embeds wrongful conviction redressals, supported by psychosocial and economic recuperation measures, fulfilling India’s constitutional commitment to justice and self-regard.

It is high time that we reimagine the justice meted to exonerees; as something that expands over legal exoneration, to encompass psychological healing, social reintegration, and economic rehabilitation. Exonerees must be understood not only as victims of wrongful conviction, but also as crusaders of change, whose voices can advise amends. By assimilating trauma theory, restorative justice, and human rights discourse, future eruditions and policies can draw nearer to a more inclusive and considerate foundation. Ultimately, administering to

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exoneree trauma is not merely a matter of compensation, but of restoring self-respect, rebuilding trust, and reaffirming the fundamental promise of justice.

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