VICTIMS' EXPERIENCES OF WRONGFUL CONVICTIONS IN PUNJAB PAKISTAN

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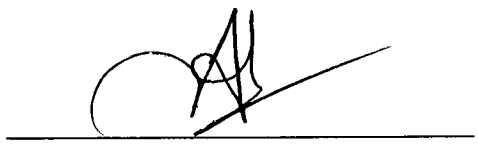

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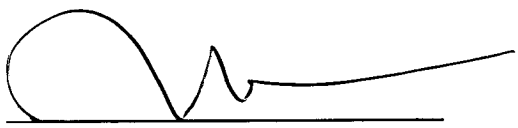

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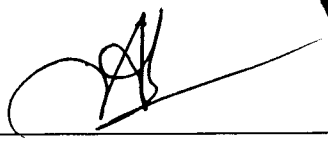

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Dedication

I would like to dedicate this successful and valuable effort to the survivors and victims who have suffered a lot due to wrongful conviction.

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Tanveer Iqbal

ABSTRACT

In recent years wrongful convictions have received a considerable amount of research attention. This flourishing interest has resulted in a growing body of literature that aims to investigate the criminal justice phenomena. The aim of the Pakistan's Criminal justice system is that no person is being convicted without all the elements but our System is not speedy and fast in disposal of cases then automatically innocent suffers. A failure of the justice system leaves people free but uncompensated. When a case has been decided after a lengthy trial and an individual acquit on merit by the judgment of concerned Court than upon release he did not receive any thing as compensation by the Criminal Justice System of Pakistan because System offers no mechanism for compensation.

The present study explores the contributing factors, experiences of wrongful convicted victims and their family members also assess the level of reintegration of victims after exoneration in society. This study utilized qualitative approach for the in-depth understanding of challenges faced by wrongful convicted victims and their family members at different stages of criminal justice system (police, prosecution, judiciary and prisons). This study also examines various factors such as faulty police investigations, prosecutorial error, false and coerced confessions, eyewitness misidentification, judicial errors, forensic misinterpretation, weak defense lawyering, Political Pressure, Ego and Biasness contributing to wrongful convictions in criminal justice system of Pakistan. I argue that victims of wrongful convictions and their families experienced emotional and financial hardships suffer from trauma, depression, anxiety, and may also face financial burdens due to legal fees, loss of income, and difficulties in finding employment after release. Wrongful convictions undermine public trust in the criminal justice system.

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List of Abbreviations and Acronyms

WC Wrongful Conviction

CJS Criminal Justice System

NIJ National Institute of Justice

US United States

DNA Deoxyribonucleic Acid

FFR Foundation for Fundamental Rights

HIV-AIDS Human Immunodeficiency Virus-acquired Immunodeficiency Syndromes

ATM Automated Teller Machine

FIR First Investigation Report

SCP Supreme Court of Pakistan

FIA Federal Investigation Agency

ICCPR International Covenant on Civil and Political Rights

WJP World Justice Project

BBC British Broadcasting Channel

UK United Kingdom

CIU Conviction Integrity Unit

HC High Court

CDRs Call Detail Records

SHO Station House Officer

Chapter One

Introduction

This study explores the factors, effects, and social adjustment of wrongfully convicted victims in the society after being cleared from Pakistan's criminal justice system, drawing on detailed conversations with victims who suffered wrongful conviction (WC) in Punjab. By integrating Herbert Packer's Due Process Model of crime with Michael Foucault's Power Perspective, this study will investigate the experiences of inmates who were unfairly convicted. Inappropriate convictions in the Pakistani criminal justice system are examined in this study in relation to botched police investigation, improper prosecution, bogus confessions, eye witness misunderstanding, legal errors, forensic misunderstandings, and inadequate defense counsel. This study also looks at societal behavior and the difficulties victims have while reintroducing into society after being cleared by the system. In order to determine the primary reasons of WCs in Pakistan, this study takes into account the experiences of victims who were wrongfully convicted and the opinions of lawyers with extensive expertise. The definition of wrongful conviction utilized in this investigation is that stated by Jasiski and Kremens (2023) and Black's Law Dictionary, which is covered in more depth later in the following chapter.

1.1 WC and criminal justice system

A person may experience WC as the greatest injustice and unanticipated calamity of their life. (Huf et al., 1986; Shaw & Woodworth, 2013). Across the world, the echoes of WC vary in size and intensity (Leo, 2017), and this applies to all countries, including Pakistan. (Akram & Yasmin, 2023). Wrongfully accusing people who are innocent is among the most heinous types of injustice (Le, Hoang, Bui, et al., 2023). As a result of these injustices, the criminal justice system's credibility is

compromised, and those who are unfairly convicted suffer grave and long-term repercussions (Dioso-Villa, Nash, & Keeffe, 2023).

Wrongful convictions have increased significantly over the past 30 years, going from an average of 24 per year from 1989 to 1999 to an average of 52 per year from 2000 to 2010 (Gross & Shaffer, 2012). Little is known regarding the experiences of victims during this process, despite the fact that substantial progress has been made in locating and helping the individual who was unfairly imprisoned become free and adjust to life after release. In order to start filling in this knowledge gap, the National Institute of Justice (NIJ) commissioned ICF International to carry out a survey in 2010 that focused on survivor narratives in cases of wrongful imprisonment (Morgan, 2023). Over 1,600 releases have been documented by the National Registry of Exonerations since 1989, and The Innocence Project estimates that over 300 post-conviction exonerations based on DNA have occurred in the United States over the past 25 years. Among the causes of wrongful convictions, according to experts, include false confessions, flawed forensic evidence, incorrect identification by a witness to the crime, and the use of informants who testify against the defendant (Cordner & Shearing, 2023).

By leading to wrongful convictions, the related problem of jail overpopulation is made worse. The International Centre for Prison Studies estimates that the United States has the largest prison population and one of the highest rates of incarceration in the world, with about 2.2 million prisoners (Ryan, 2023). Each of the five continents has seen a growth in the prison population during the previous 15 years. While the world's population has grown by about 20%, there are now an estimated 25% to 30% more people behind bars (Roach, 2023).

Over the course of 15 years, The Innocence Project has worked on many cases of people who were unfairly convicted, and in the majority of those cases, DNA acquitting evidence was used. The Project discovered that wrongful convictions were caused by systemic flaws that could be precisely recognized and fixed, rather than isolated or infrequent occurrences (Grunewald, 2023). According to The Innocent Project, the following are the main reasons:

1. Inaccurate identification of an eyewitness statement, which was found to be the primary cause of improperly convicted cases in 75% of the cases reviewed;
2. 50% of instances include invalid or poor scientific technology;
3. In 28% of cases, fabricated confessions and misleading declarations were a contributing cause;
4. 19% of instances include witnesses;
5. It's possible that statements from witnesses are not always reliable. It cannot be disputed that a witness of the defense who identified the accused as the offender had a strong persuasive impact on the jury. The US Department of Justice claims that false and inaccurate identifications have nevertheless occurred and continue to do so, which has led to the unfair conviction of people who are in reality innocent (Cianci, 2023).

Every single democratic citizen has a right to freedom (Cory, 2005). This fundamental right is violated when someone is wrongfully convicted of a crime they did not commit. Worries about the legitimacy of the existing justice system, the shortcomings of the adversarial method, the fallibility of due process, and the previously mentioned breach of fundamental rights are only a few of the issues raised by the prevalence of false convictions (Denov & Campbell, 2005). Additionally, one

of the strongest justifications against the death penalty is that it was carried out in error (Roberts, 2003).

1.2 History of Wrongful Convictions

Although William Blackstone's proverb, "Better that ten guilty persons escape than that one innocent suffers," (n.d.) is sometimes used to describe the legal system, incorrect convictions have a long track record in the US. For instance, Jesse and Stephen Boorn were wrongfully imprisoned in 1819 and later exonerated in one of the country's first execution-related cases, according to a new book written by Wilkie Collins. Furthermore, there have been instances of widespread and well-documented erroneous convictions in the past and the Salem trials in the sixteenth century and the Red Scare in the early 1950s.

In their seminal study, Bedau and Radelet (1987), they asserted that 350 people had been falsely convicted in circumstances that could have resulted in death throughout the twentieth century. This injustice was brought to light by Bedau and Radelet's study, which was followed by more investigation, literature on the subject, and articles. (Gould & Leo, 2010).

Many countries have a history of erroneous convictions. Australia serves as one example. One of the most well-known cases of wrongful conviction in Australian history is the case of Lindy Chamberlain, who was wrongfully convicted of killing her infant daughter in 1982 (Middleweek, 2017). Donald Marshall Jr. was released from jail in 1990 after spending 11 years for a crime that never happened in Canada. In Canada's criminal justice system, his case brought to light concerns of racism and bias (Denov & Campbell, 2005). The use of forced confessions and the lack of due process in China's criminal justice system, particularly in cases involving political protest, have resulted in numerous instances of erroneous convictions (Zalman, 2017). The

Roland Agret case, in which he was falsely convicted of murder in 1984, inspired the creation of the French Innocence Project, an organization that seeks to clear those who have been wrongfully imprisoned (Górski, 2010). Numerous high-profile cases of wrongful conviction in Italy have occurred in addition to the Amanda Knox case, typically involving shady evidence from forensics and pressured statements (Annunziato, 2011). The cost of living in Japan is comparatively high, and there have been concerns regarding the impartiality of the legal system, particularly when cases involving foreigners are involved. Instances of wrongful conviction have been committed regularly in the United States as a result of structural issues like racial bias. Injustice in Japan is a result of inadequate legal representation, suspect forensic evidence, and a high conviction rate (Ramseyer & Rasmusen, 2001). Whether or not DNA was involved currently determines how falsely convicted people have been exonerated. There have been 272 documented post-conviction DNA exonerations in the US as of July 11, 2011 (Cordner & Shearing, 2023).

1.3 Wrongful convictions in Pakistan

Pakistan's criminal justice system incorporates Sharia rules while adhering to common law principles (Bhatti & Rizwan, 2023). Due to the judiciary's training in common law, this hybrid legal system may produce a higher volume of WC because it lacks knowledge in the meaning of Islamic regulations (Khan, Ahmed, & Saboor, 2023). According to reports, the number of people on execution row in Pakistan is the highest worldwide. From 2010 to 2018, 39% of capital trials resulted in exonerations, according to Supreme Court decisions on death penalty appeals (FFR & Reprieve, 2019). Prior to their acquittals, innocent death row convicts averaged 10 years in jail (Bibi, Khan, Chang, et al., 2019). Due to the serious effects of these system inefficiencies, it is crucial to investigate the key variables affecting WC and develop

reliable scales and measures for doing so in order to inform future research and legislation reforms (Achile, 2023).

Sadly, wrongful convictions are quite widespread in Pakistan's criminal justice system. According to numerous documented cases (Khan et al., 2023), innocent persons have been adjudged responsible of crimes they did not commit and have consequently received punishment. The police in Pakistan frequently use torture, pressure, and various other illegal tactics to get confessions from defendants. This is only one of many elements that contribute to fabricated convictions in Pakistan's justice system for criminals (Rana & Imran, 2022). Innocent people may therefore confess to crimes they did not commit. Because forensic evidence is frequently not properly collected or stored, it can be challenging to establish innocence or guilt in a case. Since Pakistani trials are infamous for taking their time, it can be difficult to determine the truth since witnesses may forget important details or leave the courtroom (Shahzad, Nawaz, & Jan, 2023).

Many Pakistanis are disadvantaged in the justice system for crime because they cannot afford competent legal representation (AFP, 2018). When evidence is falsified or manipulated, it can result in false convictions in Pakistan's criminal court system, which is permeated with corruption (Kakar, 2023). According to Bibi et al. (2022) the criminal justice system in Pakistan might be prejudiced towards particular categories, like minorities or marginalized populations, which can result in erroneous convictions based more on bias than on actual evidence.

Wrongfully convicted individuals and their families may suffer excruciating repercussions. They may experience physical and mental trauma as a result of being imprisoned for a long period of time for acts they did not commit. The public's

confidence in the criminal court system is further damaged by wrongful convictions, which can result in more injustices (Kakar, 2023).

Due to the inadequate penalties and remedies offered for false prosecution under the current criminal laws, the phenomena of unfair trial are quite prevalent in Pakistan (Bibi et al., 2022). The law does not account for the miseries of those who are the victims of unjust charges, the malice of the complainant, the participation of both the police and the prosecution in the case's conduct and the lack of due care and attention on the part of the judges while making decisions. The victim is imprisoned for years before being finally freed by Pakistan's High Court and Supreme Court as a result of all these circumstances (Farhat & Yasmin, 2023). These courts only exonerate defendants on the grounds that the prosecution fails to demonstrate its case, the police did not carry out a thorough investigation, or the lower courts did not correctly weigh the evidence. The court's exoneration of the accused comes with no consequence for the perpetrator and no restitution for the victim. It is important to note that in every situation where the defendant is ultimately found not guilty, the victim is never given any compensation (Bibi et al., 2022). The Pakistani criminal justice system as it stands today does not provide an appropriate reaction from the state to those who have been the victims of false accusations. Due to the lack of a statutory or legal framework outlining the state's response to the problem, this exploratory, theoretical and analytical research was conducted (Foundation for Fundamental Rights, 2019).

It is impossible to stop the assassination of an innocent person. This reality has increased hostility to the death penalty along with rising evidence of innocent people being put to death. However, the death sentence has shown to be a contentious topic. Both the innocent person on death row and the falsely convicted person who suffers the loss of their good name, family, and profession or who is sentenced to a life in

prison after being raped deserve our attention (Roach, 2022). The issue of wrongful conviction might get worse if the death penalty were abolished. Matters involving the death sentence are examined far more closely than other criminal matters. What can be done to reduce the rate of erroneous conviction for less serious offenses, particularly those for which punishment is acquired by a plea agreement, if prosecutors and law enforcement are unable to identify and prosecute the guilty individual in capital cases of crime, when evidence and processes are more carefully examined? The issue of incorrect convictions generally may receive less attention if the death penalty were abolished (Bibi et al., 2022). The majority of the investigation into death penalty cases looks for legal mistakes. Particularly successful cases involving the reversal of erroneous convictions stemming from debunked science, fabrication of evidence, and mistaken identification have involved DNA evidence (Roberts, 2003).

When someone is wrongly convicted, their liberties and rights are taken away from them, they are put behind bars, they experience threats and anxiety for their security, they frequently receive harsher punishments than those who actually committed the crimes, they must adjust to a world that has altered while they were in jail, and they are not given services as well as assistance to help them reintegrate into society (Khan et al., 2023). In addition, they have to deal with the fact that a lot of individuals still accuse them of being liars, killers, or rapists regardless what they claim or what the proof shows. As a result, even when an innocent person is released from prison, they continue to suffer the effects of their erroneous conviction (Clow, Leach, & Ricciardelli, 2012).

Exonerees struggle to deal with these concerns, and they also need to adapt the modifications that have happened while they were behind bars (Rana & Imran, 2022).

In comparison to the towns that were abandoned, neighborhoods will likely have transformed. Older and possibly very different friends and family members will be present (Shahzad et al., 2023). Particularly, many people who have been wrongfully imprisoned claim lack of experience and worry related to developments in technology (Morgan, 2023). Exonerees might not have previously used modern conveniences like the internet, desktops, smartphones, answering machines, and automated teller machines (ATM). Being forced to make all these adjustments at once can be incredibly stressful.

Tunnel vision has received a lot of attention from researchers recently as a factor in erroneous convictions. Tunnel vision is a bias- and pressure-fueled tendency that causes participants in the justice system for crime to focus only on an accused person and develop a case for punishment while neglecting evidence that disproves guilt (Kakar, 2023). Once it has a hold on someone, simple ideas or presumptions are almost immovably solidified. If the innocent is imprisoned and the guilty are not, the results could be disastrous (Bibi et al., 2022). Education of legal actors prior to their roles as investigators, prosecutors, defense attorneys, and judges who can function as a buffer against a biased focus is essential to minimize the deleterious effects of tunnel vision given the limitations of the law in addressing it after it has occurred (Farhat & Yasmin, 2023). In the modern era of asset freezing and prosecutors looking for high-profile cases, the traditional Marxist concept that fairness is a function of wealth—the rich receive it and the poor don't—has no validity. Despite their wealth, Michael Milken, Leona Helmsley, Exxon, and Michael Zinn were all wrongfully convicted (Forde, 2023).

The goal of justice is not served by politicizing erroneous conviction as a sign of ethnic or class discrimination (Khan et al., 2023). No one is secure today because of

asset freezes, property forfeitures, coerced plea deals, conviction rates that are determined by budgets, the decline of the prosecutorial ethic, and the deterioration of what William Blackstone dubbed the *Rights of Englishmen* (Roberts & Stratton 2000).

Stigma as a disparaging characteristic that makes the branded person appear tarnished and unwelcome in society (Goffman, 2009). Additionally, stigma is recognized as a *spoiled identity*. Furthermore, it is stated that there are significant distinctions between being disreputable (having power over disclosing membership in a disadvantaged societal group) and denounced (others already knowing one's membership in a handicapped social group). According to Goffman, people who have been wrongfully convicted may alternate between being credible and unreliable, and they may not always be aware of how much others are aware about the fact that they have been falsely accused (Avincan, Aydin, & Ersoy, 2023).

First Investigation Report (FIR) procedure: If a FIR is submitted and the offense is a cognizable one, the investigating officer has the power to detain the accused (Rana & Imran, 2023). It is standard procedure for the officer to approach the suspect and make the arrest; at that point, the accused is under obligation to demonstrate his innocence and secure court-issued bail (Ibrahim, Bashir, & Nadeem, 2023). An FIR is merely the initial information report; hence this method is fundamentally faulty. It is not advisable to grant police the authority to make an arrest after only receiving a piece of information (Bhatti & Rizwan, 2023). Regrettably, it is becoming common operating procedure to arrest people at the FIR stage. If the officer conducting the investigation, for a change, decides to use his judgment by delaying the arrest of the person or persons identified in the FIR until the inquiry is over, he may face harsh criticism from the complainant and occasionally even the Magistrate Courts (Kakar, 2023). Additionally, if the alleged offense occurs (I place a lot of emphasis on the

word "alleged" as there is no evidence of any crime), if the media is interested in it, or if it has political overtones, the accused will undoubtedly be arrested because the person conducting the investigation cannot afford to risk their wrath at the same time. The outcome is straightforward: arresting the accused secures you the headline, while failing to do so earns you scorn (Abbas & Jabeen, 2023). As a result, making arrests becomes the norm if you want to advance your police career. The burden of proof falls to the accused after the arrest, and doing so is difficult until the court has evidence to record. As a result, the court becomes highly hesitant to issue bail after the arrest. The outcome of courts not handling cases swiftly is the *miscarriage of justice* that people nowadays are constantly reading about in the headlines (Bibi et al., 2019). Asma Nawab and two other people were released from prison last week after spending nearly 20 years inside, according to numerous reports that surfaced last week. According to news sources, the SCP determined that there was insufficient proof to connect the appellants, Asma Nawab and two others, to the accused triple murder offense (AFP, 2018). The bench noted that the material evidence presented by the prosecution was inconsistent and did not support their version of events. Surely, the accused must have smiled when he heard the court's order. But isn't it unjust that this order just came in after 20 years? Is it right that it took the three accused 20 years in prison before they received justice? Is it justifiable that, after 20 years, we still haven't been able to identify the real killers? There are countless instances wherein the SCP has ruled in favor of acquittal or the release from custody of a person who is deceased or who was formerly hanged, and these cases are frequently reported in the news. Though one must acknowledge that justice was finally served, a well-known legal axiom states that *justice delayed is justice denied.* In my perspective, such omissions constitute a mockery of justice. The other example involves cases involving

white collar crimes along with political matters, in which investigative agencies make arrests and receive a lot of press attention, but ultimately most or all of the suspects are not charged and found not guilty by honorable courts. In a case involving the Federal Investigation Agency (FIA), a person defrauded the general public using a Ponzi scheme; the FIA was unable to apprehend the perpetrator directly, but instead managed to apprehend three subordinate bank employees. The honorable special offences court in Karachi ultimately found the three officers not guilty after they had spent more than a year in the city's central jail. Was the FIA or the judge who initially denied their bail justified in doing this? All I'm saying is that our flawed system resulted to the over a year-long incarceration of three innocent persons who had never been convicted or had a criminal record. There are innumerable instances of such injustice (Wahab, 2018).

Was the FIA or the judge who initially denied their bail justified in doing this? All I'm saying is that our flawed system resulted to the over a year-long incarceration of three innocent persons who had never been convicted or had a criminal record. There are innumerable instances of such injustice. A prosecution that was started in bad faith or without the proper care and attention falls under the definition of wrongful prosecution. It also covers the malicious beginning of unsuccessful legal actions against the applicant without a good justification or solid evidence. Additionally, it concerns cases where the police or the prosecution department, whether intentionally or unintentionally, investigated or charged someone who was ultimately cleared by the nation's highest courts after enduring a protracted legal process and spending the finest years of his life behind bars (Law Commission of India, 2018). It may involve situations in which a person was found clear by the initial court of appeal in its ruling

or was found guilty by the initial court only to be cleared by the courts of appeal later (Press Information Bureau, 2018).

The wrongfully convicted individuals experience a variety of psychological trauma as a result of their incarceration and the hardships that are a necessary part of starting over after being exonerated (Brnett, 2005). All exonerees experience pain, albeit to varied degrees, after serving time in jail for acts they did not commit. This pain does not stop for anyone, not for those who choose to complete a mandatory minimum sentence. They experience violence, have their liberties and rights restricted, and they worry about their safety. Because they insist on their innocence, they are frequently subjected to harsher punishment than actual offenders, and after being exonerated, they must adjust to a society that has evolved while they were imprisoned (Bibi et al., 2022). Asma Nawab claims that the roughly 20 years she spent in prison were agonizing when speaking about her experiences. During Eid and other holidays, people would cry. Being ignored by the family was incredibly distressing. Only after my uncle visited her did the prisoner stop feeling so badly when her family failed to pay a visit. Asma honestly found it hard to believe. I was shocked at the judgement of acquittal, and Asma struggled to comprehend what would follow. After spending so much time in prison, how would Asma cope with life outside? In a TV show based on the case, Asma was inaccurately presented as the murderer and guilty party. Although Asma has been cleared of all charges, the public's view has barely changed as a result of this disclosure. When Asma walks by, passersby frequently mute their voices in the streets (The Express Tribune, 2018).

Kirk Noble Bloodsworth's quote, "No matter what happens to you, you are constantly put under this eye of distrust that you can never shake," emphasizes the post-exoneration aches and sufferings of the victims. Kirk entered a local store as a

woman picked up her toddler. That's the man that was on television, Mommy, the young child added. Do not approach him, she yelled as she sprinted over and snatched her child. Kirk simply left her belongings behind and departed. There is no end to it. It is perpetual. It won't come to an end (Scott, 2012).

It is clear that even after innocent people are freed from prison, they continue to suffer as a result of their mistakes, with long-lasting repercussions for the innocent (Clow et al., 2011). They endure economic hardships as well as these emotional ones because they lose their jobs, businesses, chances, and the ability to earn any sort of acceptable income at a young age. Because of the complainant's malice or animosity, the police's negligence in conducting an investigation, the prosecution's failure to establish the accused's guilt beyond a reasonable doubt, the judiciary's incapacity and lack of training, and most importantly, the lack of adequate deterrent-generating legislation, the victim may have been wrongfully prosecuted and imprisoned (Brnet, 2005). Whatever the cause, the victim must receive adequate compensation, and the offender must face harsh punishment. If the unjust prosecution is attributable to the police, the prosecution, or the judges, vicarious culpability of the state emerges and relevant legislation must be in place to provide for adequate compensation from the complainant. States are required to offer exonerees significant relief so they can reintegrate into society (Simm, 2016). The irony is that, in addition to the unfairness of being wrongfully imprisoned, there is a lack of law in most states, including Pakistan, that acknowledges the hardships of the victim of unjust prosecution and offers them a reasonable monetary recompense (Khan et al., 2023). By freeing them, the system acknowledges that their incarceration was unjustified, most likely as a result of state officials' misbehavior, but by refusing to compensate them, it shows that it is unable to accept responsibility for its error (Scott, 2012).

People who were wrongfully imprisoned and released after serving decades. They intend to seek reparations from the government once they are liberated. They must somehow reintegrate into society while they await reimbursement (Scherr, Normile, & Putney, 2018). After being cleared, some people might believe that life can't possibly be that difficult. Well, it's not as simple as everyone may believe. Even after being freed, innocent people still encounter challenges (Scott, 2012). After their convictions are overturned, exonerees encounter challenges. The issue is how the public views the exonerees. They frequently have the same negative opinions of exonerees as they do of parolees (Scherr et al., 2018). Long after their convictions have been overturned, the stigma connected with them follows them. Depending on the crime and if they confessed, how the public views exonerees varies. While peaceful criminals are seen as more educated, bright, and smart, violent offenders are seen as uneducated, unskilled, and immature (O'Connor, 1984 as cited in Scherr et al., 2018). The innocent people deserve another shot, and society shouldn't obstruct someone from reintegrating successfully. People should raise public knowledge of the circumstances that could result in false confessions, inform them about the difficulties those acquit encounter after being freed, and put measures in place that will make it easier for innocent people to reintegrate into society (Scherr et al., 2018). Miscarriage of justice victims might endure severe social and financial consequences. The constitution serves as our guiding principle and states that many provisions that are unfair to another person should be ignored. Here are a few provisions that should be brought to light in order to highlight the need of having laws about remedial content for those who have been wrongfully imprisoned. However, in this case, those rules are absent, and this bad phenomenon has advanced at the pace of hawks. Individuals have the right to treatment in conformity with the law (Article 4 of 1973) (Madni,

Habib, & Akhtar, 2019). Compensation for wrongful convictions under international law Because Pakistan is a member to numerous international treaties and covenants, it is necessary to include them here because they explicitly specify that the falsely convicted individual shall receive compensation in the event of an acquittal after demonstrating his innocence. It emphasizes the requirement for financial assistance and legislative action for those who were unfairly condemned and suffered as a result of this oppression. Several international instruments will offer the option to pay in the case that illicit attitudes should materialize (Qayum, Farid, Shehzad et al., 2016). Right to pay is protected under the Universal Declaration of Human Rights. The American Human Rights Act's Article 10 and the European Convention on Human Rights' Article 3 both place a strong emphasis on reparations. Convention on Civil and Political Rights. As a global treaty aimed at defending human rights, the ICCPR recognizes the significance of including clauses guaranteeing the right to compensation for those whose legal rights have been violated, such as Article 9(5), which states that "Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." Article 14(6) "When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him." To ignore the fact that the applicable ICCPR rules cover the victims' rights from the time of their arrest or incarceration until their convictions are overturned is a sign of complacency (Madni et al., 2019). However, only nations that have ratified the ICCPR are eligible to use

these provisions. Sadly, Pakistan has not yet ratified the ICCPR, which we should state here. Given the aforementioned international legal provisions, it is evident that the law isn't quiet but rather that Pakistan's CJS is lacking. The people who were the targets of this heinous discrimination are the ones who must pay the price for this flaw (Qayyum et al., 2016). The concern remains: if a flaw in our legal system or legislation that would institutionalize the accounts of people who have been unfairly convicted is not addressed by those in positions of authority, then it will eventually come to be accepted as the standard, much like corruption in Pakistan (Qayum, Farid, Shehzad, & Weidong, 2016).

The International Covenant on Civil and Political Rights of 1966, which ensures compensation for persons who are unfairly convicted under the law, was ratified by Pakistan in 2008. However, the aforementioned laws and treaty are not actually implemented in this way (Shareef, 2023). The well-known instance of Rani Bibi's unjust conviction, in which she was cleared of all charges after serving 19 years in jail, should be sufficient to illustrate the state of the legal system for criminals at this time. Even after the injustice, she did not receive restitution, and spending nearly two decades in prison cost her teenage and young adult years because she had committed no crime. There are a lot of other innocent people going through the same thing as Rani Bibi, and there is no record of them being reported. According to a recent Media for Transparency report, there is no information on cases of wrongful conviction in Pakistan (Dobras, 2008).

Every person has the right to compensation for civil rights violations. The compensation could be of a monetary or non-monetary character (Khan et al., 2023). Damage to one's physical well-being and financial assets is typically considered tangible, whereas damage to one's emotions, sentiments, or intellect is considered

intangible (Dobras, 2008). In contrast to intangible damages, the evaluation to award physical damages is simple for courts. The traditional Islamic jurists have gone into great depth about tangible damages in Islam. Intangible damages, however, have not been covered in great length, however some of the finer points are covered in the H. ud ud Laws section (Qayyum et al., 2016). Furthermore, there is debate among contemporary Islamic scholars as to whether or not the award and claim of monetary compensation for intangible loss can be extended. It is becoming more common in Pakistan for those who have suffered intangible harm, such as insulting another person, to bring lawsuits seeking millions, billions, or trillions of dollars in damages; nevertheless, courts rarely grant the victims' requests for compensation (Bibi et al., 2022). Indirectly, this approach has a harmful effect, which frustrates the victims and makes things challenging for the courts. For instance, even if Pakistani courts have the authority to grant monetary damages for intangible losses suffered by the plaintiff, such as insulting or mental suffering, the evaluation of damages for intangible losses by the courts is a crucial issue (Farhat & Yasim, 2023). In light of this, it is necessary to look into how Pakistani courts determine the number of monetary damages for intangible losses (Rizwan & Bhatti, 2023). Furthermore, the position expressed by contemporary Islamic scholars about immaterial harm requires clarification. In this study, an effort has been made to explore this topic using descriptive and qualitative research methods (Abbas, Asad, & Razi, 2019).

1.4 Statement of the problem

The saying of William Blackstone, "Better that ten guilty persons escape than that one innocent suffers," (n.d.) is sometimes used to describe the legal system; nevertheless, the goal of a criminal trial is fairness, i.e., that the accused should be given a fair trial in accordance with the law. But many nations that execute prisoners

of conscience fall short of these requirements. For instance, a number of unjust convictions have occurred in Japan as a result of the prosecution's reluctance to reveal favorable evidence (Le at al., 2023). In Pakistan, the issue of erroneous convictions is a severe one that jeopardizes the system's legitimacy and impartiality (Farhat & Yasmin, 2023). Innocent people who receive punishment for actions they weren't responsible for, might suffer terrible repercussions as a result of wrongful convictions, and the public may lose faith in the judicial system as a result (Kakar, 2023). Police misbehavior, subpar investigative methods, insufficient legal counsel, and inaccurate forensic evidence are a few causes of unjust convictions in Pakistan (Bibi et al., 2022). Additionally, there aren't enough oversight and accountability systems in place to guarantee that justice is done and that those in charge of erroneous convictions are held guilty (Sharif, 2023). In Pakistan, the issue of erroneous convictions is made worse by the fact that the justice system for crime is frequently employed as an instrument of political brutality, with people and groups being pursued for political purposes rather than based on proof of guilt (Abbas & Jabeen, 2023). As stated by Ibrahim et al. (2023), addressing the issue of unlawful convictions in Pakistan necessitates a comprehensive strategy that includes changes to the justice system as a whole, greater transparency and oversight, and a dedication to upholding the rights of all people, irrespective of their societal, economic, or political status. Although it is the goal of Pakistan's criminal justice system that no one be found guilty without all the evidence, this goal is not always achieved since when cases are not resolved quickly and swiftly, the innocent are inevitably the ones who suffer (Kakar, 2023). The Pakistani Criminal Justice System does not provide a mechanism for compensation; therefore when a case is determined after a protracted trial and a person is found not guilty based on the judgment of the relevant Court, he is not given

anything as compensation upon release (Bibi et al., 2022). Due to the paucity of research on both unjust convictions and community members' perspectives. In Pakistan and the United States, a number of research have examined incorrect charges and survivor narratives (Qayum et al., 2016). Literature demonstrates that victims have different experiences all across the world since crime is a complex phenomenon (Rizwan & Bhatti, 2023). Pakistan's criminal justice system adheres to common law principles while also embracing Sharia law. Due to the judiciary's training in common law, there may be less experience in interpreting Islamic regulations, which could lead to a greater number of WCs under this hybrid legal system. According to a research, Pakistan has the world's highest death row population. 39 percent of capital cases resulted in exonerations, according to a review of Supreme Court decisions on death sentence petitions from 2010 to 2018 (FFR & Reprieve, 2019). Before being exonerated, innocent death row convicts averaged 10 years in jail (Bibi et al., 2019). Due to these system flaws and their serious repercussions, it is critical to investigate the key variables that affect WCs and to develop reliable scales and measurements for doing so in order to better understand WC in the future as well as for any necessary regulatory changes. This study will concentrate on the experiences of convicts who were mistakenly convicted, the causes of these faulty convictions, and how innocent people integrate back into society after their release.

1.5 Aim of study

This study intends to investigate the experiences of those who suffered injustice in Punjab, Pakistan.

1.6 Objectives of study

1. To unpack the factors responsible for wrongful convictions.

2. To explore the impacts of wrongful convictions on victims and their family members.
3. To evaluate the judgments of courts for establishing the main reasons of wrongful convictions.
4. To examine the Re-adjustment of victims in the society after exoneration.

1.7 Research questions of Study

1 What are the factors responsible for wrongful convictions?

1 What are the impacts of wrongful convictions on victims and their family members?

2 How do the judgments of courts for establishing the main reasons of wrongful convictions?

3 How does a victim readjust in the society after exoneration?

1.8 Significance of the study

Two of the most significant indices of a society's progress and well-being are the availability of justice and the supremacy of law. It is crucial to pinpoint systemic issues (whether they be judicial, legislative, or enforcement-related) that could render the system inefficient since everyone should have easy access to the right to a hearing and a fair trial. Unjust convictions affect the public interest as well as the innocent individual and those who love them by undermining the justice system's integrity. Public safety is endangered, the genuine offender is hidden from the police, and equity is not rendered. This study will cover unfairly imprisoned individuals in Pakistan's criminal justice system, as well as the causes of their mistreatment and available remedies. Finally, the topic will be addressed with findings and suggestions. This study examines how criminal cases are handled improperly at lower-level courts and police departments and identifies the main problems that occur at these stages of

the criminal justice process. It also covers how these issues affect the effectiveness, accessibility, and sufficiency of the justice system in our country. The goal of the research is to uncover the causes and come up with improvements to the system that will make justice more accessible, affordable, and fair for everybody. This would be a beneficial addition to the Pakistani criminal justice system's current framework. It would also draw attention to the criminal justice system's shortcomings, which lead to miscarriages. Investigation, evidence, and trial issues can all be the subject of research on erroneous convictions to assist find weaknesses in the system of law enforcement. The criminal justice system's quality and fairness can be enhanced by using the information provided to establish policies and procedures. Innocent people may be sentenced to prison for acts they didn't do as a result of wrongful convictions. The identification of incidents where injustice has taken place and the subsequent pursuit of remedies can both be aided by research on wrongful convictions. Human rights, such as the right to an impartial trial and the prohibition against torture and cruel treatment, can also be violated through wrongful convictions. In order to defend rights of individuals in the court system, research on erroneous convictions can help increase awareness of these transgressions. The justice system for criminals can lose its credibility when people are wrongfully convicted, especially in underprivileged communities. Findings from research on unjust convictions might point to places where confidence has been lost and inspire efforts to restore it through changes and advancements. The requirements of victims of unjust convictions, such as those for restitution, therapy, and other types of support, can be found by conducting research on wrongful convictions. With the use of this knowledge, strategies and initiatives can be created to assist these people in reintegrating into society. In Pakistan, study on unjust convictions is crucial because it helps safeguard human rights, strengthen

public confidence in the legal system, and aid people who have been unfairly convicted.

1.9 Operational Definitions of Key terms

Below are definitions for the terminology used in this thesis;

Wrongful convictions

When a person is convicted of a crime, given a prison sentence, and then subsequently discovers they were not the ones who committed the offense, this is known as a wrongful conviction. To put it another way, it's a conviction that results in the punishment of someone who wasn't accountable for a crime for which they weren't guilty. Various factors, such as mistaken identity, forgeries, unreliable eyewitness testimony, faulty scientific proof, prosecutorial error, or insufficient legal counsel, can lead to wrongful convictions. Wrongfully convicted individuals may suffer from serious repercussions, such as incarceration, reputational damage, and psychological harm.

Exoneration

Exoneration is a legal phrase that describes a circumstance in which a person who has been found guilty of a crime is later determined to be blameless and is exonerated from all allegations. Exoneration is frequently given by a court ruling or by the efforts of a prosecuting agency, and it frequently leads to the person's release from custody or the revocation of their sentence. A person may be exonerated for a number of reasons, including the discovery of new evidence, the results of a DNA test indicating innocence, or the revelation of prosecutorial misconduct. Exoneration is an important legal remedy for those who have been wrongfully convicted and can

provide some justice and solace to those who endured hardship as a result of the incorrect conviction.

1.10 Organization of the Study

The introduction to the complete thesis is found in Chapter 1. In this section, the writer has attempted to draw attention to concerns with the criminal justice system, in particular the problem of erroneous convictions from a global viewpoint to a local situation, as well as the causes of wrongful convictions. The statement of the problem, which addresses the subject of erroneous convictions and its effects on victims, is further discussed in the chapter. Unjustified convictions in the past. factors that contribute to erroneous convictions. Additionally, it establishes the study's goals and the research issues that need to be addressed.

The examination of the pertinent literature is thoroughly explained in Chapter 2. This chapter discusses the problem of erroneous convictions and the factors that lead to them, from a global perspective to a local one. The chapter begins with a theoretical examination of the topic of erroneous convictions before including evidence from empirical studies. It discusses how the problem of erroneous convictions and elements as the police, the prosecution, and the judiciary defense counsel contribute to the problem of incorrect convictions and why an innocent person suffers for a very long time as a result.

The study's research technique is discussed in detail in Chapter 3. The methods and tactics that have been chosen have been thoroughly detailed in this chapter, along with case studies of victims who were wrongfully convicted and the opinions of supreme court of Pakistan professional lawyers with extensive expertise in cases involving crime. Different participant categories were present in the study in

this context. They have employed the proper techniques and strategies for those categories.

Chapter 4 and 5 describes the experiences of those who were wrongfully convicted and spent a decade and a half in various Punjab, Pakistan, prisons. The daily lives of innocent people are highlighted in this chapter, with special attention paid to their social, political, and economic rights, their close relatives and the conduct of family members around them, social acceptance, community trust, and opinions about family relationships after exoneration, their children's education and marital life, as well as the community's labels and the differing viewpoints of friends and family. In addition, the chapter discusses the causes of false convictions and the views of leading attorneys on the subject. In addition, the chapter goes into detail about how they live their daily lives while in a state of pain and reliance. The chapter also provides a full explanation of the professional lawyers' viewpoints and their perspectives on the elements of the justice system for criminals that contribute to unjust convictions.

The study is concluded in Chapter 6, which also offers specific advice for future studies on how to improve the criminal justice system and make policy decisions to prevent false convictions. The chapter also included important conclusions about wrongful convictions and helpful recommendations.

Chapter Two

Literature Review

A thorough literature review on the subject of wrongful convictions was conducted in this research study. This chapter begins by providing a historical background on the occurrence of wrongful convictions. It then proceeds to define and explain the various aspects and components associated with wrongful convictions. Additionally, the chapter delves into the experiences of individuals who have been wrongfully convicted. Furthermore, the chapter explores the connection between wrongful convictions and the role of the police in filing First Information Reports (FIRs). It pays particular attention to the underlying reasons, legal processes, victim experiences, interventions, and existing laws and policies at both the international and national levels that aim to comprehend the issues surrounding wrongful convictions. Moreover, the chapter discusses the correlation between an individual's family economic situation, education, social status, and the influence of social and political forces. By doing so, it seeks to highlight the impact of these factors on wrongful convictions. In conclusion, this chapter emphasizes how wrongful convictions pose challenges to various aspects of human social life, family life, and economic disparities. It draws upon theoretical knowledge from the perspectives of human rights and the experiences of witnesses to shed light on these challenges. Through an analysis of relevant literature, the chapter identifies the factors that contribute to wrongful convictions.

Wrongful conviction research is challenging. There are several reasons why the amount of false convictions is so high; there is no single, straightforward answer. First of all, it is impossible to estimate the number of persons who have been wrongfully imprisoned yet never had their names cleared by exoneration. Second, no formal

records of exonerations are preserved. There are no such listings for any city, county, or state, therefore one cannot just request one. As a result, those conducting study and organizations looking for exoneration instances increasingly turn to the media. The chances of learning about someone's exoneration in the absence of media coverage are slim. Last but not least, the exoneree had to have been cleared based on true innocence for the majority of study on erroneous convictions. The assertion of innocence by a condemned person is insufficient evidence that their conviction was incorrect. "An individual who has been found guilty of a crime and subsequently absolved of all legal ramifications associated with the conviction due to the unveiling of new evidence proving their innocence, as determined by a prosecutor, governor, or court" (Gross & Shaffer, 2012, p. 15) is referred to as having been exonerated based on factual innocence. But in legal terms, a wrongful conviction can also emerge from appeal court reversals based on legal errors that disprove the constitutional need for a fair trial (Zalman, Smith, & Kiger, 2008). This type of acquittal is referred regarded as being legal innocence. The defendant's guilt or innocence has never been proven in acquittals based on legal innocence. The literature review is divided into three subheadings according to research objectives such as the factors contributing to wrongful convictions, the impacts of wrongful convictions on victims and their family members and Re-adjustment of victims in the society after exoneration.

2.1 Factors contributing to wrongful convictions

According to research (Gross et al., 2005; Innocence Project, 2010), a wrongful convictions can result from a variety of factors, including eyewitness misidentification, faulty or inappropriate forensic science, false confessions, reliance on informants or snitches, government malfeasance, and incompetent legal counsel. Even though decades of study have shown that eyewitness identification is unreliable

(Wells & Olson, 2003), eyewitness testimony still plays a significant role in naming, accusing, & eventually convicting criminals. As far back as 1966, the Supreme Court acknowledged the fallibility of eyewitness identification, recognizing that mistaken identifications have been prevalent throughout the history of criminal law. Eyewitness identification accuracy has been shown to be influenced by the presence or absence of a weapon, with the presence of a weapon decreasing dependability (Steblay, 1992). Additionally, studies show that people are better at recognizing faces of people from their own race or ethnic group than those of people from people of other races or ethnic origins (Meissner & Brigham, 2001). During victim lineups, whether or not the instruction "might or might not be present" is included has an impact on the chance of misidentification since including it lowers the incidence of false identifications (Steblay, 1992). It is noteworthy that even in cases involving multiple eyewitnesses, misidentifications can still occur. For instance, over 38% of people who were mistakenly imprisoned but were later freed because to DNA evidence had several eyewitnesses identify them incorrectly (Innocence Project, 2010). These findings underscore the importance of critically evaluating and corroborating eyewitness testimony to minimize the risk of wrongful convictions.

The National Research Council (2009) has highlighted that, apart from DNA analysis,

A victim may be served with a subpoena to appear before a grand jury following the identification and capture of a suspected perpetrator and the decision by the prosecutor to press charges. The victim has the option to attend the arraignment in the event that the alleged perpetrator is indicted, which led to the following important finding: No forensic technique has been consistently shown to establish a conclusive link between evidence and a specific person or source, with the exception of nuclear

DNA analysis. The increasing number of exonerations resulting from DNA analysis has further raised concerns about the accuracy of certain forensic science practices. These developments have cast doubt on the reliability and certainty of some forensic methods, emphasizing the need for rigorous scrutiny and continuous improvement within the field.

When present, confessions are frequently viewed as very substantial proof against a person. Recent studies, however, have raised questions regarding the veracity of confessions, exposing cases in which innocent people were pressured into confessing to crimes they did not commit (Kassin et al., 2010). Age, duress, drunkenness, suggestibility, acquiescence, IQ, mental ability, and legal understanding are some variables that might lead to false confessions (Kassin et al., 2010). Additionally, it has been determined that certain interrogation methods, such as seclusion, protracted questioning, repeated accusations, deceit, the use of false evidence, fear or experience with violence, threats of harsh punishment or assurances of mercy, can lead to false confessions (Davis & O'Donohue, 2004; Ofshe & Leo, 1997). It is crucial to consider these factors and scrutinize the methods employed during interrogations to ensure the integrity and accuracy of obtained confessions.

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The concept of contributing components was initially discussed by a researcher in 1932 by the name of Borchard. In addition to the things already mentioned, he added "faulty circumstantial evidence" and "prosecutorial excesses." Confessions made by those who were "feebleminded" or otherwise "mentally inadequate" were included by Brandon and Davies (1973), as well as the group of criminals who served as witnesses.

According to Rattner's observation in 1988, certain researchers in previous studies had employed the terms "police and prosecutorial overzealousness" and "police and prosecutorial bad faith" instead of the broader term "official misconduct." Rattner (1986), was looking at previous academics examining erroneous convictions and their contributing elements. However, all of these elements have been condensed into the first five contributing elements stated above, which are generally regarded as the best categories for classifying the contributing elements of wrongful convictions.

According to Huff, Rattner, and Sagarin (1986), a failure in the system on more than one level increases the likelihood of false convictions. Given the various safeguards in place, Colvin argues that wrongful convictions should be examined not only in isolation, such as through the exploration of factors like eyewitness misidentification from a psychological perspective, but also in conjunction with other indicators. These include the influence of police culture on the reliance of suspect identification evidence, the techniques employed during child interrogation (Feld, 2013), and the issue of how suspect identification evidence withstands trials. Additionally, instead of solely focusing on the admission of flawed forensic evidence, it is crucial to investigate why defendants failed to object to it or why the court lacked a mechanism to prevent its admission into evidence.

Corruption stands as a prominent factor contributing to wrongful convictions in Pakistan; however, the country's system of criminal justice and inquiry faces various other challenges (Bibi et al., 2019). The general public in Pakistan holds the belief that government officials are extensively engaged in corrupt practices.The police force is viewed as the institution most entangled in corruption. A startling 73% of people think that all police officers are involved, while 27% think that some police

officers are being involved. Moreover, there exists a negative perception regarding local and national government officials as well as legislators. Interestingly, judges are perceived to be the least involved in corrupt activities (The Dawn, 2018). According to the 2017 report by the World Justice Project (WJP) Pakistan and other sources such as The Dawn news and British Broadcasting Channel (BBC), as well as Abdul Razzaq Yaqoob (ARY), it has been highlighted that rampant corruption within the police department in Pakistan plays a significant role in the occurrence of wrongful convictions in the country.

The case of Aftab Bahadur serves as a glaring example of police involvement in acts of human torture and coercing false confessions (The Guardian, 2015). According to The Guardian newspaper, upon the arrest of Aftab Bahadur, the police demanded a bribe of 50,000 rupees with the promise of releasing the person. Unfortunately, Aftab, being a poor plumber's apprentice, could not afford to meet their demands. In April 1993, According to the Speedy Trials Act, Aftab was unfairly convicted which was originally designed for handling terrorist cases. Shockingly, the remained imprisoned for a crime that was not even committed, as the act was executed in 2015 (Express Tribune 2014). Ensuring a fair trial for every suspect is a fundamental human right recognized worldwide. This principle holds particular significance for capital defenders, as an unjust process can lead to the execution of an innocent individual. Unfortunately, trials in Pakistan often exhibit characteristics that violate Article 14 of the International Covenant on Civil and Political Rights (ICCPR), contributing to a grave concern. Startlingly, it is estimated that over 60% of individuals on death row in Pakistan are innocent, according to The Human Rights Committee (2016). Wrongful convictions epitomize a profound failure of justice. It is a situation where an innocent person is mistakenly convicted of a crime that is not

being committed (Henry, 2018). These cases often result in years of arduous incarceration, a deeply troubling consequence. When compared to Canada's strong system of checks and balances within the criminal justice system, these incidents are especially upsetting. The Canadian Charter of Rights and Freedoms, the custom of an impartial quasi-judicial authority known as the Crown, and a police force dedicated to fair and impartial inquiry make up Canada's legal framework (Grey, 2017). When those working in the criminal justice system take preventative steps to avoid more wrongfully convicted people, it reinforces public trust in the fair administration of justice, thereby upholding the system's integrity.

Khan (2022) did a study on wrongful conviction and miscarriage of justice. This study utilises a qualitative method to examine examples of erroneous conviction in order to emphasize the causes and contributing factors. The data used comprises the case studies of significant cases, journal articles, books, reports of newspaper and human rights organizations. The report demonstrates how seriously flawed Pakistan's criminal justice system is. It has several peculiarities and a gap that creates a vicious cycle, but overall, CJS in Pakistan is founded on the widely accepted premise that no one is ever convicted without having been given a fair trial. Nevertheless, innocent people suffer as a result of these flaws and loopholes.

Madni (2019) conducted a study that delves into the pervasive problem of wrongful prosecution and incarceration in Pakistan. The research's objective is to evaluate the existing legal remedies in place to combat wrongful prosecution and highlight the pressing need for a strong legislative framework to address this issue effectively. The study sheds light on several instances where individuals have been acquitted by the high court or Supreme Court following years of imprisonment as a

result of malicious prosecution. These instances are alarmingly frequent within our society. Upon enduring the prime years of their lives confined within prison walls, individuals who have suffered from wrongful prosecution are left with limited options, one of which includes pursuing a lawsuit for wrongful prosecution. However, this avenue is neither easily accessible nor an efficient remedy by any means. The research brings attention to the evident deficiency of a robust response from the state towards individuals who have experienced wrongful prosecution. This deficiency has resulted in a failure to deliver justice within the criminal justice system of Pakistan. Furthermore, there is a noticeable lack of a statutory or legal framework outlining the state's responsibility in addressing this issue. As a recommendation, the study underscores the pressing need to develop a comprehensive and insightful framework rooted in the field of criminology to address the problem of wrongful prosecution in Pakistan.

According to Lubinga (2019), there must be substantial evidence before a conviction or judgement is rendered. The reasons of false convictions, which are significant in violating the rights of detainees or suspects before conviction were also examined. The study's analytical technique was based on the researcher's examination of the body of prior research on the topic. The study showed that analyzing the criminal justice system's hierarchy to the case adjudication that can result in a mistaken conviction, pointing out the conflicts on erroneous conviction and injustices in the criminal procedures. The study further reveals that wrongful convictions are examined through the lens of improper procedures, flawed adjudication, and a significant miscarriage of justice for the litigants or individuals accused in such cases.

Poyser (2011) conducted a comprehensive examination of one of the primary causes of miscarriages of justice globally, which is the police investigative and interviewing process. This phenomenon was analyzed by incorporating insights from psychiatric and psychological research findings, leading to significant recommendations that have influenced changes in legislation, policy, and practice in the United Kingdom (UK). The study emphasizes that despite notable improvements in this area within the UK, there is no room for complacency, as miscarriages of justice still persist both domestically and internationally. The paper sheds light on an often overlooked aspect of the investigative puzzle: the interviewing of adult victims and witnesses. It identifies this area as requiring transparency and further research, highlighting the need for researchers to continuously identify weaknesses within the police investigative and interview process. The ultimate goal is to propose reforms based on scientific findings, ensuring a more effective and just system of criminal investigation and justice.

Exonerees need to get relevant services, such employment training, according to Chunias and Aufgang (2008), for two important reasons. Firstly, these services serve as restitution for the non-monetary harm they have endured during their incarceration, including the loss of family ties and other non-tangible injuries. Secondly, these services are crucial in facilitating their successful reintegration into society (Chunias & Aufgang, 2008). Unlike individuals who have undergone rehabilitation programs, drug and alcohol treatment, and other forms of preparation for release while in prison, exonerees lack such opportunities (Westervelt & Cook, 2008). Because of this, it is doubtful that they will have access to work-release or other re-entry programmes that help smooth their return to society. According to Chunias and Aufgang (2008), there is a notable absence of programs specifically

designed for exonerees, despite the fact that they encounter similar challenges during their transition back into society. While offender reintegration programs have been tailored to address the needs of various offender categories, for example, repeat criminals, drug addicts, those with mental illnesses, or sexual offenders (Griffiths, Dandurand, & Murdoch, 2007), Exonerated individuals find themselves devoid of targeted assistance, despite confronting comparable hardships. Exonerees have openly expressed the challenges of reintegrating into society without the necessary resources to thrive (Campbell & Denov, 2005; Grounds, 2005; Westervelt & Cook, 2008). A poignant statement from one exoneree encapsulates the situation: " You are elated when the court overturns your conviction, but you soon find yourself without funds, a place to live, access to healthcare, counselling, or anything else to help you adjust to life outside of prison" (Boggan, 2000, p. 2). While both offenders and exonerees encounter similar difficulties, those wrongly convicted confront these challenges with significantly less support, enduring the ongoing social and legal difficulties of demonstrating their innocence.

The profound extent of the emotional distance that has arisen has taken everyone by surprise. There was a widespread belief that we could effortlessly return to a contented family routine, but the reality has been far from it, much to the astonishment of all those involved " (Grounds, 2005, p. 19). Corruption significantly increases the risk that individuals who are prosecuted are those who are unable or unwilling to pay bribes, regardless of the strength of the evidence against them. The lack of training and funding for prosecutors, as well as state-appointed defense counsel, further compounds this issue. Government prosecutors often face inadequate funding and insufficient training, which exacerbates the lack of police accountability in the criminal justice system. As noted by a former prosecutor, it is common for

prosecutors to have minimal contact with witnesses until the case reaches court, leading to an excessive reliance on the police (Garrett, 2020).

Furthermore, the police resort to tactics such as torture, physical abuse, and psychological coercion to extract confessions from the accused, significantly increasing the likelihood of false confessions. When a crime occurs, the victims can endure a wide range of consequences that encompass physical, financial, emotional, psychological, social, and spiritual impacts, which may persist for years (Klaus, 1994). Among these, the physical consequences are often the most immediate and visible for many victims. According to Klaus (1994), 31% of individuals sustain physical harm are the victims of violent harm. Such injuries may include, among other things, gunshot wounds, fractured bones, bruises, burns, and lacerations. In addition, sufferers may have instant physiological reactions such a fast heartbeat, hyperventilation, and stomach discomfort. These reactions can cause cardiac distress, heart attacks, and strokes. Additionally, sexual assault victims run the danger of contracting STDs and getting pregnant unintentionally.

Thompson (2008) conducted a study examining the involvement of victims in the identification process, particularly when the suspect is unknown. In such cases, victims may be asked to collaborate with law enforcement in developing composite images or reviewing mug-shots to aid in the identification process. Following the identification of a suspect, victims may be called upon to provide eyewitness identification, which can be facilitated through either a photo or live lineup. In some cases, a show-up method is employed, when the victim is given one suspect to deal with. Although these identifying techniques could produce leads for inquiries, it is crucial to underscore the importance of adhering to rigorous guidelines when

conducting such identifications. Additionally, corroborating the identification with supplementary evidence is emphasized in research.

As per Kassin et al. (2010), a confession is generally seen as one of the strongest forms of evidence against an individual, if it can be obtained. However, new research has raised concerns about the veracity of confessions. Studies have demonstrated that individuals can be coerced into confessing to crimes that is not being committed. Various factors contribute to false confessions, including age, emotional distress, and intoxication, susceptibility to suggestion, compliance, intelligence, mental capacity, and understanding of the legal system. Furthermore, interrogation techniques such as isolation, prolonged questioning, repetitive accusations, deception, use of false evidence, intimidation, and the promise of severe punishment or leniency can also result in false confessions.

In a study conducted by Levy (2004), an examination was undertaken to assess the possible repercussions of erroneous convictions and offer suggestions for notification and support services. Jenkins (2009) claims that a victim aid coordinator's essay outlines the procedure for informing and helping victims of wrongful conviction in Dallas County, Texas. The Conviction Integrity Unit (CIU), which was founded by the Dallas County District Attorney's Office in 2007, is the main focus of the article. Its primary focus is on the services provided to victims in cases of exoneration that involve DNA evidence. In situations where DNA identifies the actual offender, the case can be reopened; however, without this identification, the case may remain unsolved. The victims usually seek assurances that law enforcement will pursue the real offender with the same zeal as was shown in the first investigation of the incident. Unfortunately, this may not be possible if the statute of limitations has expired.

Because their preconceived views of truth and justice are disproved, victims may become angry at and frustrated with the criminal justice system. On the other hand, victims can continue to hold on to their conviction that the cleared parties were the real criminals and worry about the future release of people they believe to have victimized them.

2.2 The Impacts of Wrongful Conviction on the victims and their families

The existing understanding of the experiences of victims of wrongful conviction primarily relies on firsthand accounts provided by stakeholders who work with victims and, in some cases, directly from the victims themselves. Levy (2004), a victim services specialist, presented one of the first publications examining the effects of erroneous conviction on victims. Levy engaged with victims whose convictions had not yet been reversed as well as experts who had aided victims in situations where wrongful conviction had been shown. The article explored the possible repercussions of such convictions and provided advice on communication and service provision. A victim aid coordinator named Jenkins (2009) wrote an essay outlining the procedures for informing victims of unjust convictions and the resources offered to them in Dallas County, Texas. The article relies on the Conviction Integrity Unit's experiences, which the Dallas County District Attorney's Office formed in 2007 and concentrated particularly on the assistance given to victims during exonerations involving DNA evidence.

In certain cases, DNA analysis may lead to the identification of the true perpetrator; However, a case that was previously closed might turn become a cold case if there is no such identification. Victims often seek reassurance that law enforcement will diligently pursue the actual offender with the same level of

determination applied in investigating the original crime. Unfortunately, this becomes impossible when the statute of limitations has expired. As victims grapple with shattered notions of truth and justice they can target the criminal justice system with their rage and dissatisfaction. Conversely, Instilling dread that those they believe to have victimized them would be released, victims may still believe the exonerated people are really the ones who did it.

Klaus (1994) emphasized that when a crime occurs, victims can endure various consequences that encompass physical, financial, emotional, psychological, social, and spiritual aspects, with some effects lasting for years. Among these consequences, the physical impacts are often the most immediate and readily observable approximately 31 percent of victims of violent crime endure physical injuries, which can encompass gunshot wounds, fractures, contusions, burns, and lacerations, among other types of harm. Furthermore, victims may encounter immediate physiological reactions, including accelerated heart rate, hyperventilation, and gastrointestinal distress, which can subsequently contribute to additional health issues such as cardiac distress, heart attacks, and strokes. In the case of sexual assault victims, there is also the possibility of exposure to sexually transmitted diseases and the risk of unwanted pregnancy (Canadian Resource Centre for Victims of Crime, 2005; Miller et al., 1993; Wasserman & Ellis, 2011). It is crucial to acknowledge the significant and diverse physical consequences endured by crime victims, highlighting the need for appropriate support and assistance to address their comprehensive needs.

Reporting a crime can induce anxiety in victims due to various reasons. They may fear not being believed, feel humiliated about being a victim or discussing the crime in detail, doubt the effectiveness of reporting, worry about potential retaliation, or be

unsure if the offense is punishable by law (National Centre for Victim Crime, 2011). Throughout the investigative process, victims frequently interact with professionals from various fields including medicine, law, law enforcement, advocacy, and forensic science. These professionals bear the responsibility of identifying, gathering, and preserving evidence that aids in identifying and successfully prosecuting the perpetrators. Victims frequently take part in one or more interviews as part of the inquiry, giving detailed information about the incident and sometimes being asked to describe or identify the offender. Examinations can also be performed by medical staff to gather data and determine the severity of any damage. When it comes to giving victims assistance and resources, victim advocates and community-based service providers are crucial, often accompanying them to appointments (Nugent et al., 2006). These collaborative efforts aim to assist victims throughout the investigative process and provide them with the necessary care and resources.

Henry (2018) discussed the most prevalent narrative surrounding wrongful convictions, which involves innocent individuals being mistakenly found guilty of crimes that did occur. These crimes range from cases of rape, murder, child assault, arson, to drug-related offenses. In each scenario, an innocent person is wrongfully identified as the perpetrator, leading to their arrest, prosecution, conviction, and subsequent punishment for a crime they did not commit. These cases, known as wrong perpetrator convictions, constitute a significant portion of documented wrongful convictions and serve as poignant examples of criminal investigations gone awry, resulting in tragic and devastating consequences.

Westervelt & Cook (2012) put forth the argument that individuals who have been wrongfully convicted often face further victimization after their exoneration due to the lack of meaningful assistance provided by the government. Regrettably, many

wrongfully convicted individuals receive no support from the government upon their release, especially since some do not qualify for assistance programs designed for those rightfully convicted and subsequently released on parole. Consequently, these individuals become reliant on their families, friends, and sometimes the advocates who fought for their release to meet their basic needs, such as food and shelter. As described by one American exoneree, the feeling of elation upon having one's conviction overturned is swiftly replaced with the harsh reality of having no financial resources, accommodation, healthcare, counseling, or any preparation for reintegration into society after spending a prolonged period of time incarcerated.

Westervelt and Cook (2010) put forth the argument that individuals who have been wrongfully convicted often face additional victimization after their exoneration due to the lack of meaningful assistance provided by the government. Unfortunately, upon their release, many wrongfully convicted individuals do not receive any form of support from the government. This is particularly distressing considering that some of them do not even qualify for the assistance programs available to those rightfully convicted and subsequently released on parole. Consequently, these individuals find themselves relying entirely on their families, friends, and sometimes the advocates who fought for their release, to meet their basic needs such as food and shelter. As eloquently expressed by an American exoneree, the elation experienced when a judge overturns the conviction is swiftly replaced by the harsh reality of reentering society without any financial resources, accommodation, healthcare, counseling, or the necessary tools to navigate the world they have been separated from for an extended period of time.

2.3 Factors Impacting Re-integration into society by exoneree

Many exonerees encounter significant challenges after their release when it comes to reintegrating into society (Campbell & Denov, 2004; Westervelt & Cook, 2008). According to Westervelt and Cook (2010), those who were wrongfully convicted are frequently victimized again after being exonerated since the government doesn't offer them any real support. Poor health, a lack of employable skills, uncertain work, sentiments of resentment and fury, dread of being victimized again, constricted family ties, financial dependence, and stigmatizing labels can all result from an exoneree's erroneous conviction (Westervelt & Cook, 2008). Once wrongfully convicted individuals are released, these factors can lead to adverse outcomes such as homelessness, poverty, reliance on drugs and alcohol for self-medication, and a sense of social isolation (Weigand, 2009). In order to help exonerees reconstruct their life, Westervelt and Cook (2008) propose that reintegration programmes and services are required and should work in collaboration with innocent projects.

Kiamba (2018) conducted a study on miscarriages of justice and the corresponding remedies available to the victims. The research focused on analyzing the legal and institutional framework that governs sentencing and punishment for crimes, with particular attention given to instances of miscarriages of justice. The study examined both international and domestic legal frameworks pertaining to the rise of wrongful convictions and the resulting impact on victims. Findings revealed that despite the existence of numerous legal and institutional frameworks governing justice in Kenya, the actual promotion of justice has been hindered by inadequate and superficial investigative processes, the growing presence of corruption in the country, the incompetence of forensic science practices, and the problem of witness misidentification. Additionally, the study highlighted the alarming reality that

innocent individuals are currently serving sentences or have been wrongly convicted, while those who are factually guilty remain free.

In an attempt to protect themselves from potential negative reactions from their communities, certain exonerees opt to leave the localities where they were tried and convicted, seeking to preserve their anonymity (Westervelt & Cook, 2008). Unlike other offenders whose return to society may go unnoticed, the release of an exoneree often captures media attention due to their challenge to the justice system's conviction. To address this issue, the introduction of community reintegration forums has been proposed as a means to prepare communities for the return of exonerees (Westervelt & Cook, 2008). By promoting the reintegration of exonerees into their communities, these forums can foster greater acceptance among community members. This, in turn, can help alleviate obstacles faced by exonerees in finding employment, housing, and achieving social integration, while also contributing to the completion of the exoneration process for those who were wrongfully convicted (Westervelt & Cook, 2008).

The necessity of counseling has been highlighted due to the psychological distress experienced by individuals who have been wrongfully convicted. Fear of public places and difficulties readjusting to daily life after prison are some of these distresses. Furthermore, exonerees have reported pervasive issues concerning their social and familial relationships (Campbell & Denov, 2004; Grounds, 2005; Westervelt & Cook, 2010). It takes a lot of time and trust for wrongfully convicted people to learn to be emotionally close to others in order to rebuild social and familial ties outside the prison environment (Campbell & Denov, 2005). Family members of individuals who have been wrongfully convicted have expressed their shock at

witnessing their loved ones struggle to cope with life and the profound changes they undergo as a consequence of the wrongful conviction. These changes may manifest as alterations in personality, increased anger, and heightened aggression (Campbell & Denov, 2005).

According to Jenkins (2009), the timing of notifying victims about wrongful convictions has often relied on their involvement in the exoneration process. Regrettably, many prosecutor offices lack explicit guidelines that define when and in what situations victims should be contacted. For cases involving DNA testing, for example, victims might potentially receive notifications at different stages: when the convicted individual initially requests testing, when the state grants approval for testing, when the state verifies the availability and suitability of DNA samples, when a testing date is scheduled, after DNA testing has been conducted, or in some cases, not at all. In the absence of proactive outreach from the prosecutor's office, law enforcement, victim advocates, or other stakeholders, victims may discover the release of the convicted individual through the media or automated notifications such as emails or phone messages. As per specific victim advocates, the personal delivery of information regarding suspected wrongful convictions is considered crucial.

Clow (2011) highlighted the increased awareness of wrongful convictions among the public, evidenced by over 280 post-conviction DNA exonerations through innocence projects in the United States alone, as well as several official inquiries into wrongful convictions in Canada. However, recent research has revealed significant challenges faced by individuals who have been wrongly convicted, including the lack of post-conviction resources, the narrow focus of current compensation statutes primarily centered around financial aspects, the difficulties in obtaining

compensation, and the strong desire for apologies to acknowledge the injustices endured. To examine the public's perception of compensation, fifteen face-to-face interviews were conducted with members of the community. The findings indicated unanimous agreement among the interviewees that individuals who have been wrongly convicted should receive both compensation and apologies. Financial compensation was seen as essential for these individuals to rebuild their lives, considering the time unjustly spent incarcerated and the damage inflicted upon their reputations. The interviewees also believed that public apologies would not only have a positive impact on the criminal justice system but also benefit the broader community. Additionally, the interviewees expressed the view that non-financial forms of compensation, such as employment training, housing assistance, and other services, should be provided to those wrongfully convicted. Although most interviewees were not aware of the specific amounts awarded as compensation, they believed that the sum should be determined based on factors such as the length of wrongful incarceration, the harm caused to one's character, and the impact on their overall well-being. It is noteworthy, however, that forty percent of the interviewees brought up the issue of guilty individuals released through judicial processes, possibly indicating a perception that wrongful convictions are considered of equal or lesser importance compared to cases where the guilty party remains unidentified or unpunished.

Chunias and Aufgang () put forth the argument that individuals who have been wrongfully convicted should receive comprehensive services upon their release. They advocate for these services based on two main reasons. Firstly, it serves as a form of recompense for the non-monetary damages suffered as a result of their wrongful incarceration, such as lost income and fractured social relationships. Secondly, it

provides vital assistance, including employment training and counseling, to facilitate their successful reintegration into society. Additionally, it is important to note that these individuals often continue to bear the burden of a false conviction, as their criminal records are not automatically expunged. This can result in their being treated as actual offenders when seeking employment or attempting to travel internationally.

Shore (2001) proposed that in order for a wrongly convicted individual to regain their rightful position had they not been victimized by the criminal justice system, financial compensation is necessary. This compensation should consider the loss of both past and future earnings, as well as legal costs incurred. Moreover, providing monetary compensation to wrongly convicted individuals enhances their ability to reintegrate into society. However, it is important to note that while monetary compensation is helpful, researchers and advocates for the wrongly convicted have emphasized that it alone is inadequate in addressing the challenges faced by these individuals after their incarceration. Specifically, researchers have argued that current compensation practices are insufficient in meeting their needs.

Chunias and Aufgang () made the case that individuals who have been wrongfully incarcerated should be given meaningful services upon release as it: (1) compensates them for the non-financial harms they have suffered as a result of their wrongful incarceration (such as lost income, broken social ties); and (2) offers necessary assistance (such as employment training, counselling, etc.) to aid in societal reintegration. Furthermore, these innocent people are regarded like real criminals when they apply for jobs or try to leave their country since their fraudulent conviction (i.e., criminal record) is not instantly purged.

Once a suspected criminal is located, apprehended, and the prosecutor determines to pursue charges, the sufferer may receive a subpoena compelling their presence before a grand jury. The victim may choose to go at the trial if the suspected criminal is charged. However, if the accused offender is granted bail, the time between the crime's commission and the trial itself may be drawn out and difficult for the victim. This prolonged period may cause the victim to experience concerns regarding their safety and endure emotional distress while awaiting the trial (Cluss et al., 1983). The significant delay and uncertainties surrounding the legal process can create additional burdens for crime victims, impacting their well-being and adding to their overall challenges.

Because it holds the offender accountable, makes the criminal accountable, and provides victims the chance to start rebuilding their lives, the initial trial phase of criminal proceedings is a crucial point in the healing process for victims (Herman, 2003; Levey, 2004). However, because they must actively engage in the investigation and prosecution, give testimony in court, and candidly explain the terrible effects the crime has had on their life, this time may also put a great deal of stress on crime victims. The trial phase presents a complex mix of emotions for victims, as they navigate the demands and challenges of the legal process while striving to seek justice and find a path towards healing and recovery.

When the trial commences, victims may once again be called upon to testify, compelled by a subpoena. The adversarial nature of legal proceedings can intensify post-traumatic stress symptoms for victims, as it diminishes their sense of power, control, and support (Herman, 2003). Victims may feel perplexed about their role in the prosecution and become disheartened if prosecutors fail to align with their desires (Englebrecht, 2011). Despite the limitations of the criminal justice system, the most

significant group of victims who feel harmed by the process are those whose cases do not proceed to prosecution, despite their own wish for the case to move forward (Herman, 2003; Forgatch & Patterson, 2010). These dynamics underscore the challenging nature of the legal process for victims, further highlighting the need for sensitivity and support throughout their engagement with the criminal justice system.

2.4 Critical Legal Realism

Horowitz et al. (1977) presented the argument that the legal system often aligns itself with the prevailing power structure in society, which is commonly associated with dominant economic interests. During the emergence of the legal realism movement in the United States during the nineteenth century, the country underwent a significant transformation from a static agrarian economy to a vibrant industrial market. The realists contended that the common law in the United States played a crucial role in facilitating this transformation through various means. For instance, in 1802, a judge made a notable observation while interpreting an insurance contract, stating that courts should avoid adopting interpretations that would hinder commerce. Instead, the judge asserted that courts have the freedom to adopt constructions that would best serve the solid interests of the developing nation.

Llewellyn (2012) contended that judges are bound to employ rules in their decision-making processes, albeit these rules are predominantly informal in nature. These rules are not typically found within legal textbooks, but instead encompass general principles, such as policy preferences. Examples of such policy preferences include maximizing efficiency, favoring the economically disadvantaged party in civil litigation, or upholding outcomes that promote free market competition. Alongside policy preferences, other factors contribute to the determination of outcomes,

including legal knowledge, judicial training, acceptance from fellow judges, the collaborative nature of the judiciary, and institutional constraints.

Llewellyn, K. N. (2016) proposed a version of legal realism that aimed to establish a comprehensive theory of law and judging. Similar to other legal realists, Llewellyn rejected the notion that judging is a strictly rule-based activity, where judges simply apply legal rules to reach a predetermined outcome. Instead, this perspective is challenged, arguing that judges do not start from legal rules and work their way down to the case's outcome. Rather, judges already have a decision in mind and then reevaluate the facts of the case, selecting key elements that consider crucial and relevant to the legal aspects of the matter. Subsequently, to explain and elaborate on the legal implications, the action is being proceeded of these selected facts.

Frank (1930) challenged the notion that the rational element in law is an absolute reality. According to Frank, judicial outcomes are influenced by various factors, many of which extend beyond the realm of the law itself. These factors may include the judge's individual personality, political preferences, mood, racial views, and more. However, it is also recognised that broad norms and principles might be consulted after a judge comes to a decision to determine its acceptability. Thus, Frank did not dismiss the significance of legal rules altogether. Rather, it is emphasized that while legal rules may not be the primary determinants of a decision, they can serve as a valuable guide for a conscientious judge during the decision-making process.

Radin (1925) put forth the argument that judges do not approach facts and legal rules in a purely logical or rational manner. Instead, Radin contended that judges respond to clusters of fact situations, known as the "situation type of judging." According to this perspective, judges swiftly make decisions once they have a

generalized situation of this nature in their mind, which is immediately recalled. Radin also noted that the judge's mind operates in a similar fashion in numerous situations and that it would be difficult for it to function otherwise. In essence, Radin emphasized the importance of judges' instantaneous responses to familiar patterns of fact situations during the decision-making process.

Cardozo (2010) noted that in the majority of cases, there are evident legal principles that guide the determination of the outcome. However, there are instances where a definitive legal solution is not readily apparent. In such situations, Cardozo believed that judges should prioritize advancing social objectives. Acknowledging this, Cardozo admitted that judges might be tempted to substitute their own viewpoint for that of the broader community when determining the outcome. This highlights the delicate balance judges face when considering the intersection of legal principles and the promotion of societal interests.

According to this perspective, judges take into account not only abstract rules but also societal interests and public policy considerations when making decisions in a case. This viewpoint challenges the traditional understanding of U.S. jurisprudence, which portrays law as an independent system of rules and principles that courts can objectively and logically apply to arrive at a definitive and non-political judicial outcome (Pound, 1923). Legal realists argue that the process of common-law adjudication is inherently subjective, resulting in inconsistent and at times contradictory outcomes that heavily rely on the political, social, and moral leanings of state and federal judges (Cohen, 1960).

Horowitz (1977) contended that law often aligns with the prevailing power structure in society, which is predominantly driven by economic interests. The

emergence of the U.S. legal realism movement in the nineteenth century coincided with the transformation of the United States from a static agrarian economy to a dynamic industrial market. According to the realists, the U.S. common law played a significant role in facilitating this transformation through various means. For instance, in 1802, a judge emphasized that when interpreting an insurance contract, courts should avoid adopting an interpretation that might hinder commerce. Instead, the judge asserted that courts have the freedom to adopt a construction that best serves the substantial interests of the growing nation.

Llewellyn (1930) asserted that judges do employ certain rules in their decision-making process, but these rules are predominantly informal and not found within legal textbooks. These general rules often encompass policy preferences, such as maximizing efficiency, advocating for the disadvantaged party in civil litigation, or promoting outcomes that foster free market competition. In addition to policy considerations, other factors contribute to the final judgment, including the judge's legal knowledge, their training and indoctrination in the legal field, the approval and influence of their colleagues, the collaborative nature of the judicial system, and the constraints imposed by institutional frameworks.

Llewellyn (2016) introduced a perspective on legal realism that could potentially be considered as an established theory of law and judging. Similar to other proponents of legal realism, Llewellyn criticized the notion that judging is a strictly rule-bound activity, where a judge simply applies legal rules to reach a predetermined outcome. Instead, Llewellyn argued that judges engage in a more nuanced process, wherein they carefully examine the facts of the case, select the essential ones, and then expound upon their legal relevance. This perspective challenges the idea of a rigid and linear application of legal rules in judicial decision-making.

Frank (1930) challenged the notion that the rational element in law is a true reflection of reality. According to Frank, judicial outcomes are influenced by various factors that extend beyond the boundaries of the law itself, such as a judge's personal characteristics, political inclinations, mood, and racial perspectives. However, Frank also acknowledged that once a judge reaches a conclusion, they may consult general rules and principles to determine if their decision aligns with them. In this sense, Frank did not dismiss the importance of legal rules; rather, it is emphasized that they do not solely dictate the outcome but can serve as a reference point for a conscientious judge to evaluate their decision.

Hutcheson (1928) introduced a groundbreaking perspective in his influential article, presenting his unique approach to judging. Like other legal realists, Hutcheson strongly criticized the formalistic model, wherein judges establish the relevant facts and subsequently refer to law books, such as statutes or cases, to determine the outcome. Contrary to this approach, Hutcheson argued that judges initially form their opinion about the desired outcome and then seek justifications for their decision within the statutes or case law. Essentially, judges rely on hunches or intuitive decision-making as their initial step and subsequently seek legal justifications to support their chosen course of action.

Radin (1925) contended that judges do not approach facts and legal rules in a logical or rational manner. Instead, she argued that judges respond to clusters of factual situations, commonly referred to as the "situation type of judging." According to Radin, judges make instantaneous decisions as soon as a generalized situation of this nature is present in their minds. She further noted that the judge's mind operates in this manner in numerous situations and could hardly function otherwise.

Cardozo (2010) noted that in the majority of cases, clear legal principles determine the outcome. However, he acknowledged that there are situations where a definitive legal answer is absent. In such instances, Cardozo believed that judges should prioritize promoting social interests. He acknowledged that judges may be tempted to substitute their own views for those of the community in these circumstances.

Lieber (1880) recognized that judicial decisions are seldom mechanistic, as they are influenced by experience and various other factors. Legal realism stands out as one of the most significant and controversial theories of judging in history. Its impact extends beyond the realm of adjudication, with contemporary legal positivism owing its revival in part to legal realism. Realism, however, encompasses a diverse range of perspectives, and any attempt to homogenize it would oversimplify and distort its essence. In terms of judicial decision-making, realists put forth two general propositions. First, judges typically have a preferred outcome in mind before considering legal rules, often based on non-legal factors such as conceptions of justice, the characteristics of the litigants (e.g., government, disadvantaged plaintiff, racial group), ideology, public policy preferences, or the judge's personality. Second, judges often find justifications within the legal rules to support their preferred outcome, taking advantage of the complexity and occasional contradictions within the legal system.

Coles (1893) highlighted the impact of political ideology on judges, recognizing that it can sway their decision-making. Tisduman (1897) similarly observed the influence of a judge's personality, acknowledging this aspect long before Jerome Frank. Even President Theodore Roosevelt, in a speech before Congress in

1908, admitted that the courts' rulings on economic and social matters are influenced by their economic and social philosophy.

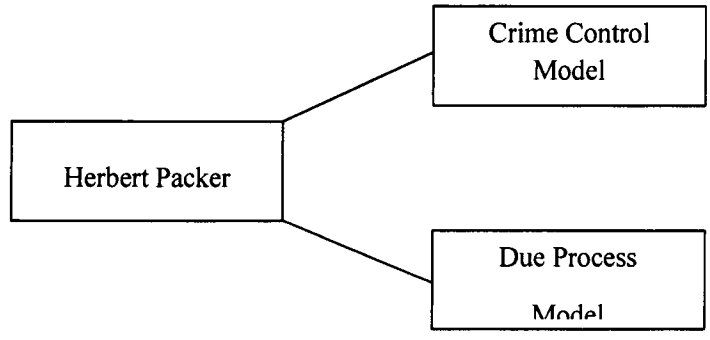
2.5 Legislation Reform

The Innocence Protection Act, established in 2004, serves the purpose of providing relief to individuals who have been wrongly convicted. This law enables persons who have been found guilty of a Federal offence to ask the court for DNA testing as proof to back up their claims of innocence. The Act also calls on governments to safeguard evidence and make post-conviction DNA testing available to anyone claiming their innocence. At the moment, 49 states have laws in place allowing post-conviction DNA access (Siegel & Massing, 2012). Although these laws have great significance, they have drawn criticism for the constraints they place on defendants, the fact that they only apply to people who have already pled guilty, and the fact that there are no channels for reviewing petition denials. Furthermore, many states lack statutes mandating the preservation of evidence (Siegel & Massing, 2012). The Brady right, which forbids law enforcement from hiding, misrepresenting, or omitting to record information from the defence, is violated in a significant percentage of wrongful conviction instances. The Brady right requires prosecutors to disclose all exculpatory evidence to the defence. Moreover, the issue of ineffective assistance of counsel has surfaced in numerous civil cases, leading to court decisions that hold municipalities accountable for assigning inadequate legal representation in criminal cases (Garrett, 2005).

Herbert Packer due Process Model

The Due Process Model, proposed by Herbert Packer, is a theory that outlines two competing systems of justice: the crime control model and the due process model

(Packer, 1964). The due process model emphasizes the protection of individual rights and liberties, prioritizing the fair and impartial treatment of individuals within the criminal justice system (Garrett & Mitchell, 2023). Packer's due process model asserts that the primary goal of the criminal justice system should be to safeguard the rights of the accused and ensure a fair and just process (Findley, 2009). It places great importance on the presumption of innocence, procedural safeguards, and checks and balances to prevent wrongful convictions and abuse of power (Golf *et al.*, 2019).



Two models of the Criminal Process (Packer, 1964).

Key principles of the due process model includes;

- The most important function of criminal justice should be to provide due process or fundamental fairness under the law.
- Police powers should be limited to prevent official oppression of the individual.
- Constitutional rights aren't mere technicalities; criminal justice authorities should be held accountable to rules, procedures, and guidelines to ensure fairness and consistency in the justice process.
- The criminal justice process should look like an obstacle course, consisting of a series of impediments that take the form of procedural

safeguards that serve as much to protect the factually innocent as to convict the factually guilty.

- The government shouldn't hold a person guilty solely on the basis of the facts; a person should be found guilty only if the government follows legal procedures in its fact finding.

Herbert Packer's due process model is particularly relevant when discussing the issue of wrongful convictions (Garrett & Mitchell, 2023). Wrongful convictions occur when an innocent person is found guilty and convicted of a crime they did not commit (Xiong *et al.*, 2017). The study also highlighted the mismanagement of the criminal cases at police stations or the lower courts levels during the investigation or the prosecution stage. By upholding the principles of the due process model, the justice system aims to minimize the occurrence of wrongful convictions and ensure a fair and just process for all individuals involved.

Overall, the implications of the due process model on wrongful convictions revolve around safeguarding individual rights, promoting fairness, and rectifying errors. By implementing these principles, the model seeks to reduce the occurrence of wrongful convictions and ensure a just and equitable criminal justice system. However, the solutions to address these wrongful convictions are not exhaustive, and ongoing evaluation and adaptation of practices are necessary to improve the criminal justice system's response to wrongful conviction

Foucauldian Power Theory

Foucault, power is ever-present, not for the grounds that it embraces the whole thing equally (Foucault, 1972) but for the reason that it comes from all over the place while the miscarriage of justice is ever present in world along with Pakistan. The society is

under the hegemony of political power, power elites have strong influence that leads to miscarriage of justice at gross route level.

Foucauldian power theory, provides insights into the dynamics of power and how it operates within society. While Foucault's work primarily focused on power relations in various contexts, such as institutions like prisons and hospitals, his theories can be applied to understand wrongful convictions. According to Foucault, power is not held exclusively by individuals or institutions, but rather exists as a pervasive force that operates through discourses, knowledge, and social practices. Foucauldian power theory can help us analyze how power dynamics contribute to miscarriages of justice.

Power operates through the creation and dissemination of knowledge, which establishes what is considered true or false, normal or abnormal. In the criminal justice system, dominant discourses surrounding crime, guilt, and punishment can shape how evidence is interpreted, how suspects are profiled, and how narratives are constructed. Wrongful convictions may occur when flawed or biased knowledge is employed, leading to the conviction of innocent individuals.

Foucault's concept of disciplinary power emphasizes how institutions, such as the police and the judiciary, use surveillance and disciplinary techniques to regulate and control individuals. This can involve monitoring, interrogating, and punishing suspects, often with the aim of extracting confessions. In cases where the police focus solely on confirming preconceived notions of guilt rather than seeking the truth, innocent individuals may become targets of investigation and ultimately be wrongfully convicted.

Foucault also explored the concept of normalization, which involves shaping and regulating behavior to conform to societal norms. This process operates through various mechanisms, including labeling certain individuals as deviant or criminal.

Wrongful convictions can occur when marginalized or disadvantaged individuals, who may already be stigmatized by society, are disproportionately targeted and convicted based on biased assumptions or prejudices.

Theoretical Model of the Study

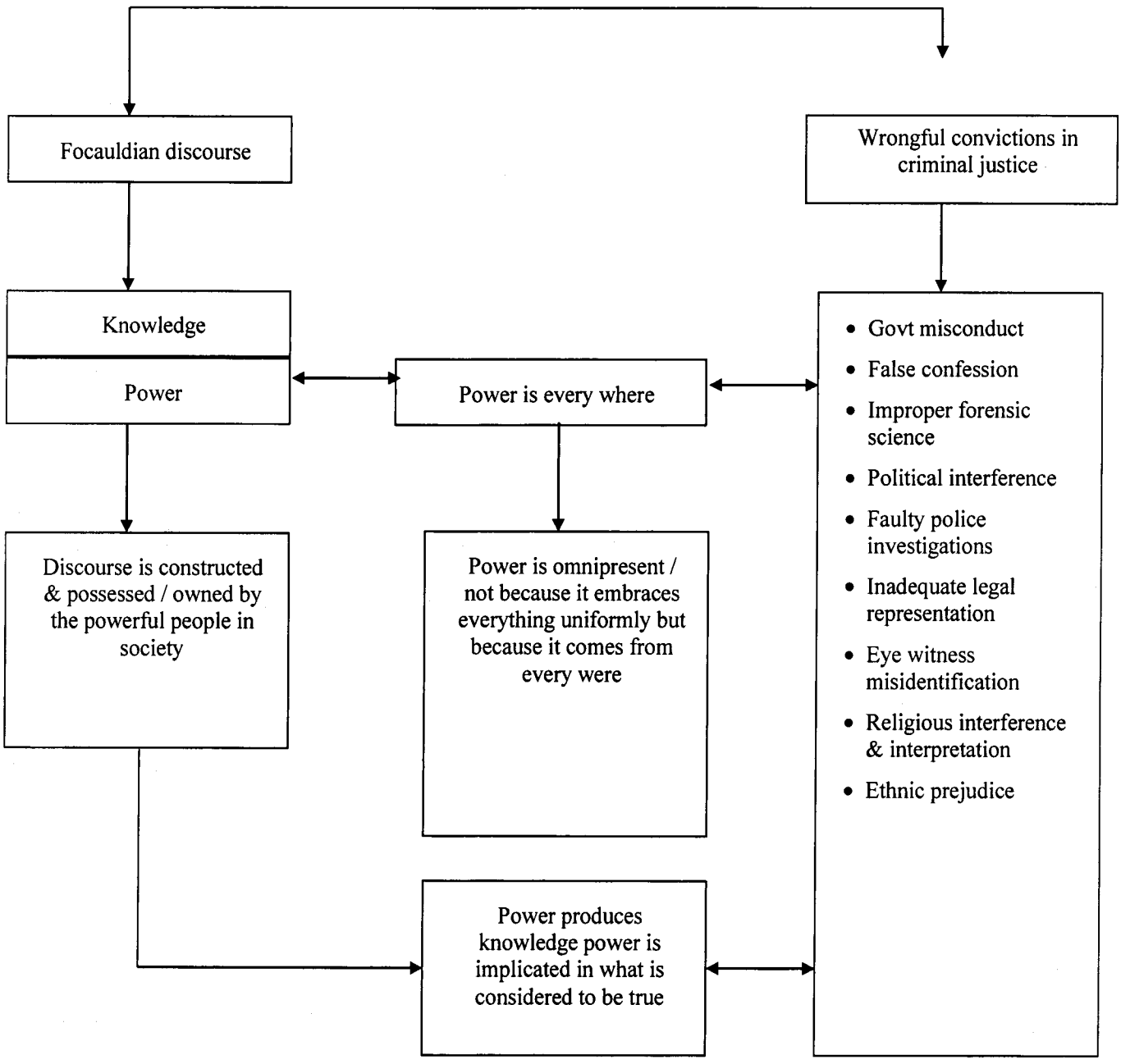


Figure 2.2: Theoretical model produced by author.

Foucault's theory highlights how power is not limited to individual actors but is deeply embedded within institutions and social structures. Structural power can perpetuate systemic biases and inequalities within the criminal justice system, leading to wrongful convictions. Factors such as racial profiling, socioeconomic disparities, and inadequate legal representation can all contribute to the wrongful conviction of innocent individuals. By applying Foucauldian power theory, we can critically examine the power dynamics at play within the criminal justice system and shed light on how wrongful convictions occur.

Power is indeed pervasive throughout the criminal justice system. It exists at various levels, involving different actors and institutions (Gul & Ali, 2020).

Police power plays a crucial role in the criminal justice system, including investigations, arrests, and the gathering of evidence. However, when police power is misused or abused, it can lead to wrongful convictions (Rehman *et al.*, 2021). A critical analysis of the criminal justice system in Pakistan. *Pakistan Journal of International Affairs*, *4*(4). Wrongful convictions occur when an innocent person is found guilty and convicted of a crime they did not commit. Law enforcement officers have the authority to interrogate suspects, and in some cases, they may use coercive tactics to obtain confessions. These tactics can include physical abuse, psychological manipulation, or false promises of leniency. Innocent individuals may falsely confess to a crime due to fear, confusion, or exhaustion, leading to their wrongful convictions (Hoyle, 2023).

Police and other law enforcement agencies hold power in maintaining public order and enforcing laws. They have the authority to detain, arrest, and use force when necessary. This power can be abused if not exercised responsibly, leading to instances

of police misconduct, excessive force, or biased enforcement, which can disproportionately impact marginalized communities (Grunewald, 2023).

Prosecutors possess considerable power in deciding whether to initiate criminal charges and pursue a case. They have discretion in plea bargaining, determining the charges and penalties, and influencing the outcome of trials. Judges have the authority to interpret and apply the law, preside over trials, and make determinations on guilt or innocence. Their decisions influence the sentencing of convicted individuals and shape legal precedents. Judicial power also extends to bail decisions, evidentiary rulings, and the overall administration of justice within the courtroom. (Blair & Krinsky, 2023).

socioeconomic Power significantly influence the outcomes of the criminal justice system. Individuals with financial resources can afford high-quality legal representation, potentially leading to more favorable outcomes. Disadvantaged communities may face systemic barriers, limited access to legal resources, and higher rates of incarceration, highlighting the power dynamics tied to socioeconomic factors (Kimengsi *et al.*, 2023).

Power of Public opinion plays a crucial role in shaping criminal justice policies and practices. Political pressure, media influence, and public perception of crime and punishment can sway decision-making processes, impact legislation, and shape public discourse surrounding criminal justice issues (Norris *et al.*, 2023).

Political interference can play a significant role in wrongful convictions. When politics influences the criminal justice system, it can undermine the integrity of investigations, trials, and appeals, leading to miscarriages of justice. Political pressure can push law enforcement agencies to solve high-profile cases quickly, often leading

to rushed investigations (Zhong & Dai, 2019). Politically motivated prosecutors may prioritize securing convictions over seeking the truth. They may manipulate evidence, suppress exculpatory information, or engage in misconduct to obtain a favorable outcome. Political interference can influence the appointment of judges who align with specific ideologies or agendas. Politicians have the power to enact laws or policies that affect the criminal justice system. Politicians have the power to enact laws or policies that affect the criminal justice system. These policies may introduce harsher sentencing laws, limit access to post-conviction relief, or restrict the use of forensic science advances. Such changes can make it more difficult for innocent individuals to challenge their convictions or introduce new evidence of their innocence (Godsey, 2019). Politicians manipulate public opinion through media channels, creating an environment where obtaining convictions becomes politically advantageous. This can lead to a presumption of guilt in high-profile cases, making it challenging for defendants to receive fair trials and increasing the risk of wrongful convictions. Lu, H., & Liang, B. (2022).

Chapter Three

Research Methodology

The literature review in chapter 2 provides a thorough overview of WC globally. It brought attention to the problems with erroneous convictions and their diverse effects on victims' lives in a society. The review of the literature helped in understanding the factors responsible for wrongful conviction and its impacts on exonerates social and personal life. The literature further added the role of criminal justice system in wrongful convictions and exploitation of the rights of victims. This study's primary goal is to investigate the actual situations of exonerees who suffered as a result of various criminal justice system players in Pakistan. The investigation design, technique, method for gathering data, analysis of data, and ethical considerations used in this study are all described in this chapter. The goal of the study was to learn how exonerees experienced as a result of incorrect convictions as well as how they can be reestablished into society.

3.1 Research Design of the Study

The goal of the research design is to clarify the study's overarching framework. According to Kathuri and Pals (1993), the study's design facilitates the collection of important data about the subject under investigation. The study design offers the schedule of tasks and structure that direct the investigator in data collecting and analysis. It resembles the designer's plan for laying out a house. The research design provides the necessary information about an investigation and enables the researcher to conduct the study in a certain manner (Crotty, 1998). The current study is exploratory in nature. In this regard, a qualitative research design was chosen for a deliberate and significant knowledge of the phenomena of wrongful convictions within Pakistan's criminal justice system following a careful assessment of the

literature of various approaches. It is important to note that the decision to conduct qualitative research was made in order to gain a thorough understanding of the problems associated with wrongful charges and the experiences of victims (Creswell & Poth, 2017). Qualitative research enables in-depth information of the chosen social issue. Additionally, qualitative design and technique can explain and aid in understanding various social world aspects (Tavallaei & Talib, 2010).

3.2 Selection of the Study Sites and Participants of the Study

The population to be studied and the study site must be selected in order for the study to have a relevant goal (Bryman, 2016; Flick, 2006). Information for this study was gathered from two kinds of participants/populations, comprising wrongfully convicted victims who had spent more than 10 years in jails of Punjab, Pakistan, and lawyers with extensive expertise with such cases. In order to assess the breadth and depth of research outcomes, the investigator in this study chose a research field and recruited people for interviews. The investigator tried to choose representative samples that reflect an in-depth and educated viewpoint and experiences on wrongful convictions. Pakistan's Punjab province served as the site of the study's fieldwork. The statistics were gathered from the four prison zones in Punjab. Due to following reasons Researcher selected this area

- Highest crime rate.
- Highest exoneration cases as per report of justice project of Pakistan.
- Punjab is divided into 4 prison zones.
- Researcher's belonging from Punjab.
- Researcher's expertise in criminal dealings/rehabilitation.

3.2 Sample Size and Sampling Technique

The element that the relevant people, such as those targeted of wrongful

convictions, are component of a hidden population, making it extremely challenging to set up a sampling structure and generate a representative sample of the populations, is the greatest challenge when carrying out research on wrongful conviction. The study on research methodologies identifies some of the principal difficulties in doing research on delicate subjects. (Tyldum & Brunovskis, 2005) To get relevant data and results, it is crucial to select the right number of participants (Creswell, Hanson, Clark Plano, & Morales, 2007). The precise research topics were taken into consideration when selecting the study's participants. (Kothari, 2004)

In this sense, the respondents in this study were chosen using a purposive sampling technique. The interviewees were victims of wrongful convictions and the lawyers having vast experiences of handling criminal cases for legal opinion about wrongful conviction and in-depth understanding about wrongful convictions. As recommended by a number of authors (Kothari, 2008; Kothari, 2004; Liamputtong, 2006), the purposive sampling technique was employed to select individuals who fit the predetermined criteria and had access to a wealth of information. The sample size of this study included 20 victims of wrongful convictions who exonerate after spending more than 10 years in jails were selected from four zones of Punjab Prisons. The data related to victims was gathered from Jails administrations and 10 Lawyers having vast experience of wrongful convictions and having practice in Supreme Court of Pakistan were also included in the study for legal opinions about WC to accomplish the objectives of the study.

3.3 Sampling Criteria for the Study

The recognition of their age, gender, status, and role, as well as the fact that they have some understanding of the subject under study, are significant practices to be employed in the recruitment of research participants. This makes it easier to find

trustworthy witnesses for questioning (Turner, 2010). The subsequent criteria were established in this respect for this investigation. The respondents in the four regions of Punjab prisons were selected on the following Criteria such as cases of death sentence/life imprisonment, minimum ten year spent in the jail and assess of exoneration/wrongful convicted.

3.4 Data Collection Process for the Study

Secondary as well as primary data sources were used in the procedure of gathering information for this study. The primary information sources comprise victims of wrongful convictions and Lawyers and secondary data source were the judgments of courts. Out of 35 respondents 15 refused to share information and 20 victims of wrongful convictions carefully chosen and were interviewed one-on-one basis at their wanted place and time where they were relaxed. The judgments of courts as a secondary data were collected from relevant jails. The interviews continued for one and half hour. Most of the interviews were taped after gaining consent; however, a few of them weren't recorded and in-depth notes were collected instead, which were then translated for the assessment. Secondary sources of information were acquired through reading, examining, and recording the information found in court rulings.

3.5 Research Methods

This study took into account the actual experiences of those who had been wrongfully imprisoned as well as the causes of wrongful conviction in Punjab, Pakistan. The research's qualitative methodologies were chosen because they give respondents a chance to express their experience in the manner they prefer (Landsheer & Boeijie, 2010). There is no one method that best describes the qualitative methodologies used in social research. According to the primary research topics, a variety of distinct methods are selected as parts of various strategies. The

purpose of the study and the main question serve as the standard for choosing and evaluating methodologies in research. When an investigator examines real-world occurrences, data are gathered naturally, and assertions are considered in the light of a thorough response, an interview, or a story, the use of the qualitative technique is strongly advised. Additionally, the ability of researchers to notice various traits over the course of the inquiry process is crucial. Many academics assert that qualitative research develops a specific formulation of the truth of those being studied and creates the opportunity to learn about various perspectives on social problems. (Creswell, 2013; Jenner, Flick, von Kardoff, & Steinke, 2004).

The in-depth interview method was employed for this study to highlight the experiences of the respondents. One advantage of employing the qualitative interview technique is that it gives respondents the option to describe experiences they find appealing according to their own perceptions. This is vital for this study because it helps us understand the key elements of personal experiences, information, and factors that contribute to people's susceptibility to exploitation. The interpersonal procedures and experiences that the investigator is actively investigating are used in qualitative interviews. It enables in-depth investigation by academics whose viewpoints acknowledge that human experiences and interactions are significant aspects of the social world. (Mason, 2010). The qualitative interview also gives the interviewer the chance to draw out inspiring or unexpected ideas or topics brought up by the respondents using their own information, competence, and social skills (Plas, Kvale, & Kvale, 1996). The researcher is viewed as a novice, whereas the interviewee is seen as knowledgeable. The researcher is interested in whatever the study participants can tell her regarding the subject of the investigation (Alsaawi, 2014; Mack, 2005).

3.6 Matching the Research Objectives and Research Methods

Four objectives have been generated from one main purpose of this study in general. The main goal is to look at victims of unjust convictions' actual experiences in Pakistan's criminal justice system as well as attorneys' perspectives on such convictions.

3.7 Tool/Instrument of Data Collection

The qualitative semi-structured interview guide was employed to collect first-hand information from attorneys and survivors of wrongful convictions. In order to carry out semi-structured interviews, the interviewer creates a list of questions in advance that they will refer to as an outline (Lune & Berg, 2017).

In order to answer the research questions, the interview guide aids in gathering insightful data from the respondents (Kvale, 1996). Semi-structured interviews are more conversational and offer the investigator the freedom to stray from a predetermined line of inquiry depending on the participant's answer (DiCicco-Bloom & Crabtree, 2006). The interviewers frequently follow a loosely structured set of general questions and themes (Bryman, 2016), and they ask detailed questions subsequently to get detailed data from the respondents (Mason, 2010; Lune & Berg, 2017). Researchers made cautious to explore every fact of false convictions, as well as their effects and the variables that contribute to them in Pakistan's criminal justice system. The investigator already had a list of queries. However, relying on the participant's response, further questions were added. In order to learn more about the lived experiences and effects of false convictions on victims' lives, 30 in-depth interviews with victims and their attorneys of unjust convictions were performed for this study. Every interview lasted for an hour to an hour and a half.

The perspectives of every interviewee were captured in-depth and refined

through face-to-face interviews by the researcher himself. The order in which the questions were asked was neither possible nor planned. Throughout the interviews, the number of questions was raised to promote participant discussion about the particular topic. While all interviews in the investigation were manually logged and translated some were recorded electronically. Twenty victim of wrongful conviction were selected through purposive sampling technique and ten lawyers having vast experience in handling criminal cases were selected for legal opinion of WC. The WC convicted victim were one on one interviewed.

Following variables were used as background variable for this research:

- Age Group
- Victims Education
- Victims Marital Status
- Number of Children
- Profession
- Income level before wrongful convictions
- Income Level after Released from Jail
- Residence
- Criminal Record
- Nature of Offense
- Media Attention
- Time spent in Jail

3.8 Data Processing and Data Analysis of the Study

The assessment of the qualitative information gleaned from the in-depth discussions relies on two phases: first, a general approach to coding, which is useful for organizing and categorizing the information collected; and second, presenting the

information under thematic synthesis, which indicates that the information gleaned from the interviews is provided in a condensed form that is separated into themes (Lichtman, 2013). I was able to assess the key elements of the interviews that relate to the topic of this thesis, namely the experiences of sufferers of erroneous convictions, thanks to the generic coding. The comprehension of the research's focus topic was thus demonstrated by the approach's decreased number of essential and significant concepts (Lichtman, 2013). To analyze and describe the viewpoint of people being researched, the analysis used a descriptive, interpretative strategy (Ritchie & Lewvis, 2003).

According to Bryman (2016), qualitative study generates a sizable, laborious database and contains intricate, contextualized records of observation or interaction. They are difficult to quickly convert to a number (Richards, 2009). It is a difficult and complex part of the research process to analyze qualitative data. Numerous methods can be used to analyze it in this way (Punch, 2005). Information from documents and interviews were examined in this research. In this study, the data from interviewsand documents were analyzed. First of all, thematic analysis technique was used, which generated the primary themes describing the data set. Besides, content analysis technique was also used as recommended by Hardling (2018) for qualitative data. In this research name of the respondents are original and included with the consent of the participants

3.9 Thematic Analysis Approach

In social sciences, thematic analysis is a method that is frequently utilized. Thematic analysis, according to Braun and Clarke (2008), is a technique for locating, evaluating, and presenting themes or patterns in the data. It meticulously arranges and summarizes the data set. Additionally, they outlined six stages that describe the

fundamental steps in the thematic analysis process: familiarization, developing initial codes, looking for themes, assessing themes, defining and labeling themes, and generating the analysis. According to Braun and Clarke (2008), codes and themes might come from one of three places: (i) an earlier problem (ideas that influenced interview questions), (ii) newly emergent problems raised by participants, or (iii) themes that come from their perspectives and experiences. In the evaluation step, concepts are refined, weakly endorsed or insignificant themes are dropped, and related themes are combined. Evaluating should take into account both the theme's content (checking to see if the codes it includes form a cohesive group) and the rest of the information set (determining whether the themes make overall sense). In readiness for writing the evaluation, the description and nomination stage includes determining the essence of each topic and detailing what part of the material each theme embodies. As was already mentioned, the aim of this kind of evaluation is not (necessarily) to develop a theory or set of hypotheses that can account for the facts. Its purpose is to give a succinct summary of the key ideas that the statistics reveal. In order to drive the major topics within the theme and so arrange my data, I generally utilized this methodology in the analysis of my interview notes.

3.10 Content Analysis Approach

When there is minimal theory or study on the subject to be studied, a content analysis technique is appropriate. With the aid of qualitative content analysis, the investigator can examine the data in greater detail (Graneheim & Lundman, 2004). This study used a content analysis method to assess legislation pertaining to human trafficking with the specific goal of determining whether or not they address the requirements and weaknesses of the criminal justice system.

3.11 Limitation of the Study

Only cases of exoneration/wrongful convictions of all heinous crime were identified from selected four regions of Punjab Prisons. Only the exoneration/wrongful conviction cases of 2017to up till now will be considered for sample from all region of Punjab. Only the heinous/violent crime cases having punishment death sentence and life imprisonment and duration more than 10 years spending in jail considered for sample.

3.12 Ethical Considerations

Interviewing subjects about sensitive topics may have an impact on or cause harm to the subject. As a result, ethical and moral thoughts must be taken into account prior to interviews (Kvale, 1996). For the purpose of conducting interviews in this research, the subsequent ethical guidelines were used:

3.12.1 Consent

Before the interview, I obtained the respondents' verbal permission. Everyone who participated received thorough information regarding the study's scope and goals. The option to withdraw from participation at any time if they felt uncomfortable was extended to the respondents.

3.12.2 Confidentiality

Because confidentiality is seen as a delicate subject, respondents were made aware that their names and opinions would stay private and that the data would only be utilized to support this thesis. Additionally, every effort has been made to avoid requesting or disclosing the participants' personally identifiable data. Participants in study have been referred to using fictitious names.

3.12.3 Privacy

The one-on-one interviews took place in private, secure locations where the

respondents felt at ease.

3.12.4 Validity and Reliability/Trustworthiness

Neutrality, regularity, truth-value, and application are the four requirements proposed by Lincoln & Guba (1985) to guarantee proper interpretation of the data. According to Diebel (2008), conformability establishes neutrality and ensures that the investigator is free of prejudices. This would demonstrate the dependability of the information if the study was redone and the results were in agreement (Holloway & Todres, 2003). Credibility, or having faith in the veracity of the facts, determines the truth-value. With transferability, applicability is determined. In order to assure transferability, I gave a thorough summary of my work so that others may use it in a different circumstance and get similar results (Shenton, 2004). The investigation may be repeated, proving its reliability because patterns can be found, so long as the directions are clear and precise.

3.13 Positionality of the Researcher

Because it includes the hidden population, conducting field research on the problem of erroneous convictions is a highly difficult undertaking. When I noticed in my hometown that a small number of innocent people who truly did not perform any crimes endured a lot of sentences as a result of false convictions or systemic flaws, I became interested in exploring this particular subject. I examined this problem as a type of injustice during my doctoral study, and I had the chance to go to a few academic gatherings, seminars, and conferences. My interest in researching the experiences faced by the WC victims and its impacts on their immediate family members attracted me to choose this topic. As I am serving as a parole officer in probation and parole department Government of Punjab, and have interviewed many prisoners placed on parole (that were not part of this study but enhance the interests to

more work on WC related issues faced by innocent persons spending decayed of years in jails for the crime that they have never committed) Any study must include a description of the proper research process, which is a crucial prerequisite. The overview to the research's methodology is covered in this chapter. It provides a thorough explanation of the planning, implementation, and justification for the various research methods used.

Chapter Four

Qualitative Analysis on Experiences of Wrongful Convictions

This part of the study was based on the victim's experiences of wrongful convictions in the province of Punjab, Pakistan. In this study, researcher aims to investigate the main factors or causes of wrongful convictions such as role of police investigations, fake evidences, judicial errors, unexperienced law workers, political pressure, ego & biasness and low socio-economic status. This study also tries to find out the impact of wrongful conviction on the members of families. This chapter also highlights the role of courts in the wrongful convictions. Furthermore, this study tries to find out the positive and negative factors in the readjustment of victims in the society.

4.1 Socio-economic background of Victims

In this study socio-economic background of the participant were collected. Gender, age, education, profession, income, approximate assets, living family system, victims criminal record and years in imprisonment. According to Turner (2010), it is indeed considered an appropriate practice in research to have knowledge about the variables include gender, age, education, profession, income, approximate assets, living family system, victim's criminal record, and years in imprisonment. Let's briefly discuss the relevance and significance of each of these variables:

1. Gender: Gender is an important demographic variable that can influence various aspects of an individual's life experiences, perspectives, and opportunities. It helps researchers understand potential gender-related

differences or inequalities that may impact the research outcomes. All the live experiences belonged to male gender.

2. Age: Age is a key demographic variable as it provides insights into different life stages and developmental factors. It allows researchers to analyze age-related influences on the research topic and examine potential variations across different age groups. The age ranges of respondents were 20-40 years.
3. Education: Education level indicates the participants' level of formal education and can be an important factor influencing their knowledge, skills, and socio-economic opportunities. It helps researchers understand the participants' educational background and its potential implications for the study. There are five educational groups i.e. Illiterate, Literate, having education till Matriculation, Intermediate and bachelors.
4. Profession: Profession or occupation provides information about the participants' employment status and the type of work they engage in. This variable can shed light on the participants' socio-economic status, social roles, and potential occupational influences on the research topic.
5. Income: Income is a crucial indicator of participants' financial well-being and socio-economic status. It can reflect their economic resources, lifestyle, and access to opportunities, which may be relevant to the study's objectives. All the respondents belonged to average income family group. Maximum respondents belonged to 20-40 thousand income group after Exoneration.
6. Approximate Assets: Assessing approximate assets provides further insights into participants' wealth, property ownership, and overall financial stability. It complements the income variable and offers a broader perspective on participants' socio-economic backgrounds.

7. Living Family System: Understanding the participants' living family system, such as nuclear or extended family, can help researchers contextualize their social support networks, familial responsibilities, and potential influences on their experiences. Most of the respondents belongs to nuclear family system.
8. Victim's Criminal Record: The criminal record of the victim, if available, may provide relevant information regarding any prior involvement in criminal activities. This variable can help researchers assess potential factors or circumstances related to the case or the participants' interaction with the victim. Most of the victims having no criminal record and history even though families of some victims having criminal record.
9. Time Spent in Jail: The duration of imprisonment is a critical variable, as it indicates the length of time the participants were wrongfully incarcerated. This information is valuable in understanding the long-term impact of wrongful convictions on the participants' lives and experiences. Most of the respondents have spent more than 10 years in jails wrongfully.

Collecting these socio-economic background variables allows researchers to consider the broader social context and potential influences on the research findings. However, it is crucial to ensure participant privacy and confidentiality while handling and reporting this information, following ethical guidelines and regulations. The detail is given below in the table.

Table 1: Socio-demographic Distribution of the study Participants

Variable	Options	Frequency	Percent
Age Group	18-25	6	30.0
	26-30	8	40.0
	31-35	6	30.0
Victims Education	Illiterate	6	30.0
	Middle	4	20.0
	Matric	5	25.0
	Intermediate	3	15.0
	Above	2	10.0
Victims Marital Status	Married	15	75.0
	Single	5	25.0
Number of Children	0	3	15.0
	1	2	10.0
	2	3	15.0
	3	4	20.0
	4	5	25.0
	5	3	15.0
Profession	Agriculture	11	55.0
	Job	2	10.0
	Own Business	7	35.0
Income level before wrongful convictions	20-30 Thousand	2	10.0
	31-40 Thousand	3	15.0
	41-50 Thousand	2	10.0

Variable	Options	Frequency	Percent
Income Level after Released from Jail.	51-60 Thousand	1	5.0
	Above 60 Thousands	12	60.0
	0	4	20.0
	20-30 Thousand	6	30.0
	31-40 Thousand	5	25.0
	41-50 Thousand	2	10.0
	51-60 Thousand	3	15.0
Residence	Rural	12	60.0
	Urban	8	40.0
Criminal Record	Yes	3	15.0
	No	17	85.0
Nature of Offense	Control of narcotic evidence	1	5.0
	Kidnapping	3	15.0
	Murder	12	60.0
	Rape 365	4	20.0
Media Attention	Yes	9	45.0
	No	11	55.0
Time spent in Jail	10 Years	12	60.0
	12 Years	4	20.0
	15 Years	2	10.0
	18 Years	1	5.0
	25 Years	1	5.0

Table 1 shows that responses of wrongful convicted victims age's, thirty percent (30.0%) of wrongful convicted victims were belongs to 18-25 years of age at the time of offense while forty percent (40.0%) of wrongful convicted victims were belongs 26-30 years of age at time of offense and thirty percent (30.0%) of wrongful convicted victims were belongs 31-35 years of age group at the time of offense.

Table 1 shows that the response regarding wrongful convicted victims education level thirty percent (30.0%) of wrongful convicted victims where illiterate, twenty percent (20.0%) of wrongful convicted victims were middle education level, twenty-five percent (25.0%) of wrongful convicted victims were matriculation education level, fifteen percent (15.0%) of wrongful convicted victims were intermediate education level and ten percent (10.0%) of wrongful convicted victims were above intermediate education level. The majority of wrongful convicted victims were illiterate.

Table 1 shows that response regarding wrongful convicted victims marital status, seventy-five percent (75.0%) of wrongful convicted victims were married and twenty- five percent (25.0%) of wrongful convicted victims were un-married regarding the question response wrongful convicted victims marital status.

Table 1 shows that the response regarding profession of wrongful convicted victims, fifty-five percent (55.0%) of wrongful convicted victims were doing agriculture work for their income while ten percent (10.0%) of wrongful convicted victims were doing job for their income and thirty-five percent (35.0%) of wrongful convicted victims were doing own business for their income.

Table 1 shows that the response regarding income level before wrongful conviction, ten percent (10.0%) of wrongful convicted victims having 20-30 thousands monthly income, fifteen percent (15.0%) of wrongful conviction victims

having 31-40 thousand, ten percent (10.0%) of wrongful conviction victims having 41-50 thousand while five percent (5.0%) of wrongful conviction victims having 51-60 thousands income and sixty percent (60.0%) of wrongful conviction victims having above 60 thousands of income.

Table 1 shows that the response regarding income level after wrongful convicted victims, twenty percent (20.0%) of wrongful convicted victims having no income, thirty percent (30.0%) of wrongful conviction victims having 20-30 thousand, twenty five percent (25.0%) of wrongful conviction victims having 31.40 thousand while tem percent (10.0%) of wrongful conviction victims having 41-50 thousands income and fifteen percent (15.0%) of wrongful conviction victims having 51-60 thousands of income.

Table 1 shows that the response regarding residence of wrongful convicted victims, sixty percent (60.0%) of wrongful convicted victims were lived in rural areas and forty percent (40.0%) of wrongful convicted victims were lived in urban areas.

Table 1 show that the response regarding previous criminal record of wrongful convicted victims, fifteen percent (15.0%) of wrongful convicted victims have previous criminal record and eighty-five percent (85.0%) of wrongful convicted victims have no previous criminal record.

Table 1 shows that the response regarding nature of offense of wrongful convicted victims, five percent (5.0%) of wrongful convicted victims nature of offense were narcotic, fifteen percent (15.0%) of wrongful convicted victims nature of crime were kidnapping while sixty percent (60.0%) of wrongful convicted victims nature of offense were murder and twenty percent (20.0%) of wrongful convicted victims offense were Rape.

Table 1 shows that the response regarding case get media attention, forty five percent (45.0%) of wrongful convicted victims response their case got media attention and fifty-five percent (55.0%) of wrongful convicted victims response their case did not got any media attention.

Table 1 shows that response regarding years in impressment by wrongful convicted victims, sixty percent (60.0%) of victims were spend ten years (10 years), twenty percent (20.0%) of victims were spend twelve years (12 Years) in impressment, tent percent (10.0%) of victims were spend fifteen years (15 Years) in impressment while five percent (5.0%) of victims were spend eighteen years (18 Years) in impressment and five percent (5.0%) of victims were spend twenty five years (25 Years) in impressment.

Wrongful convictions are a grave miscarriage of justice that occur when an innocent person is found guilty and convicted of a crime he did not commit. These cases highlight significant flaws and shortcomings within the criminal justice system and have profound implications for the individuals affected and society as a whole. In the present study researcher discuss the factor that are becoming the cause of wrongful convictions.

4.2 Eyewitness Misidentification and Wrongful Convictions

Eyewitness errors and misidentifications are also contributors to WCs. Mistaken eyewitness testimony has been a primary reason that contributed to more than half of WCs in the USA (Wise et al., 2006). The inaccurate eyewitness testimony is considered one of a criminal trial's most severe prejudicial characteristics. While providing compelling legal testimonies, eyewitnesses tend to experience memory lapses and their testimonies are susceptible to various biases and errors (Garrett, 2011), and their reliability can be dubious (Laney & Loftus, 2016). The eyewitness

identification errors due to tunnel vision, stress, fear, and other cognitive factors, such as unconscious transference, are common factors for false accusations and convictions (Sonenshein & Nilon, 2010). In the courtroom, eyewitness memories can be corrupted by misinterpretations, leading questions and their own outlooks and beliefs (Laney & Loftus, 2016).

One of the participant Ghulam Jilani, a wrongfully convicted individual, we examined the various demographic factors, wrongful conviction factors, and the impacts on Ghulam Jilani and his family members. Ghulam Jilani, a 30-year-old illiterate male, was wrongfully accused of murder. The police fabricated evidence, including false eyewitness testimonies, after receiving a bribe from the complainant. Despite being innocent, Ghulam Jilani faced a delayed investigation, police misconduct and false eye witnesses produced and coached by the police. The consequences of the wrongful conviction had severe effects on him and on his family. The live experience of Ghulam Jilani is given below;

"I spent 12 years in jail, resulting in a significant generation gap and a sense of isolation. My family had to sell their property and currently lives in a miserable condition, and my mother is working in someone's else home for livelihood. The community disfavors them, considering them as criminals, leading to social isolation and difficulties in finding employment opportunities."

After exoneration, I faced many hurdles and have to do many struggles with readjustment in the community. Despite being unmarried and having no children, now I am working as a laborer in a factory earning a monthly wage of 20,000. The economic pressure, depression, and frustration continues to haunt me, as the community refuses to trust and offer opportunities. Neither my father nor anyone else

support me after exoneration, and now I am living an isolated life 700km away from my place of residence.

The study emphasizes the urgent need for the government to restore Ghulam Jilani's image in society and provide him with proper employment to regain trust from the community. This case highlights the devastating consequences of wrongful convictions and the long-lasting impacts on individuals and their families, emphasizing the importance of addressing such issues in the criminal justice system.

4.2.1 The Court Judgement (Ghulam Jilani versus the State)

In this case, Ghulam Jillani has been convicted and sentenced for the murder of the complainant's son. However, several doubts and inconsistencies have been raised regarding the prosecution's case. The FIR was lodged based on a written application by the father and eyewitnesses, but during cross-examination, it was revealed that the eyewitnesses did not actually witness the occurrence. One key witness was not produced by the prosecution, and contradictions were found in the statements of the investigation officer. The post-mortem examination was conducted with a significant delay, suggesting the possibility of manipulation by the police. The recovery of a knife from the appellant's house lacks independent witnesses, and doubts have been raised about its credibility. Given these ***Doubts and Inconsistencies****, serious questions arise regarding the appellant's involvement in the case.*

4.3 Eyewitness Misidentification and involvement of multiple accused in a single occurrence by Police

Misidentification can play a significant role in wrongful convictions. When a witness or victim misidentifies a person as the perpetrator of a crime, it can lead to the wrongful arrest, prosecution, and conviction of an innocent individual. Misidentification can have serious consequences, leading to the wrongful conviction

of innocent individuals. To mitigate the risk of misidentification, law enforcement agencies and the criminal justice system have implemented reforms such as improved lineup procedures, double-blind administration of lineups, expert testimony on eyewitness memory, and the use of video recordings of identification procedures.

It is crucial for investigators, prosecutors, and the courts to critically assess eyewitness identification evidence, considering the potential for misidentification and taking into account all available evidence to ensure accurate and just outcomes in criminal cases. One of our participant Mr. Yasir Bajwa spent 10 years of his life in impressment due to misidentification of eye witnesses and police misconduct.

> *"I am 30-year-old married man with two children. I have a matric education and running my own dairy milk shop, earning around 50000 to one lac per month. However, I face monthly expenses of 50,000. I reside in a semi-urban area and had no previous criminal experience before being wrongfully convicted for murder, resulting in a nearly 10-year imprisonment."*

Yasir Bajwa and his family were implicated in the crime due to false statements from eyewitnesses and poor police investigation. "Yasir Bajwa alleges that the police was involved in corruption, receiving a large sum of money from them and allowing the actual offenders to escape." For the purpose of corruption police involves many accused in a single occurrence and in this case police involved 20 persons. Political pressure was exerted throughout the criminal justice system, hindering the fair resolution of the case.

> *"The impacts of the wrongful conviction have been severe for me and my family. "My family suffered financial losses, including the sale of assets and the loss of their previous stable life .My father, who was also involved in the case, passed away in jail. The family has faced harassment and blackmailing*

from jail staff. They have experienced a loss of trust, respect, and social support within the community."

I have anger towards the system and a sense of helplessness in fighting against the corrupt practices. I mention the need for financial support and the challenges of readjusting to the community after exoneration, including the struggle to regain economic stability, trust, and respect.

Overall, the wrongful conviction has had a profound impact on me and my family, resulting in emotional, financial, and social hardships. We are now focusing on survival and attempting to rebuild our lives while facing the challenges of societal pressure and economic constraints.

4.3.1 The Court Judgement (Yasir Bajwa versus the State)

The case involved an altercation between the complainant's family and the appellant over the mistreatment of the complainant's daughter. During the incident, a group of individuals, including the appellants, arrived armed with guns, resulting in injuries and the death of one of the complainant's sons. The prosecution failed to prove its case beyond a reasonable doubt, and doubts were raised about the evidence and circumstances presented. Consequently, the appellants' convictions were overturned, and they were acquitted of the charges, extending them the ***Benefit of Doubt****. The appellant in custody was to be released unless required for another case, while those on bail had their sureties discharged. The judgment's observations were limited to the appeal and would not affect the case of co-accused who were absent during the original judgment.*

It is important to note that this review is based on the hypothetical scenario and the limited information provided. In a real legal situation, the conclusion would depend on the specific facts, evidence, and applicable laws, which can vary across

jurisdictions. Therefore, it is always essential to consider the full context and consult with legal professionals for accurate and reliable advice.

Legal Opinion on Eyewitness Mis-identification and Involvement of Multiple Accused

This opinion has been shared by Badar Raza Gilani, one of the Advocate Supreme Court having experience of more than 15 years in Criminal Cases. When it is not with promptitude it creates a doubt about deliberation and consultations. The complainant always tries to spread the net too vide to involve as many as accused whom he thinks only to grand his axe. When some innocent persons are involved in a crime along with actual culprit it would ultimately damage the prosecution case and lodgment of FIR, since its inception is not cold to be a truthful version of the complainant. More over when the police encounter a false statement by the complainant under the law, they are not authorized to refuse the same to be reduce in writing U/S 154 CrPC. FIR is to be verbatim version of the complainant but on the contrary when it is delayed or a deliberated version ultimate benefit will go to the accused but at some later stage or may be in an appeal. In most of the criminal cases an ocular account is created which rests upon witnesses who actually had not seen the occurrence, those witnesses are tutored one and the supreme court in most of the cases disbelieve those witnesses and their testimony due to factual differences.

Experience of Exoneree Muhammad Zafar: He experienced almost 15 years in jail. A 70-year-old illiterate male, was wrongfully convicted of murder and spent approximately 15 years in prison. During this time, "I faced financial difficulties and had to sell his property to pursue his case". His family also suffered both financially and socially, due to the stigma associated with the crime.

"I believe that my wrongful conviction was influenced by political pressure, faulty police investigation, and the involvement of multiple individuals in the case. The police did not cooperate with me and falsely implicated in the crime for the purpose of bribery. I also want to mention the delays in forensic reports and false testimony by eyewitnesses as contributing factors to the wrongful conviction."

The Court Judgment

In this case, Mr. Zafar appellant convicted and sentence of death penalty. The prosecution alleged that a group of assailants attacked the complainant's family while they were sleeping, resulting in deaths and injuries. However, upon review, the court found several implausible aspects of the prosecution's case, including the witnesses' detailed accounts and the ability to identify the assailants in darkness. Delays in post-mortem examinations and issues with recoveries further cast ***Doubt*** *on the prosecution's case. As a result, the court acquitted the accused and set aside their conviction and sentence.*

4.4 Fake investigation, Coerced confession and political pressure in wrongful Convictions

Fake investigation and political pressure can indeed contribute to wrongful convictions. When law enforcement agencies engage in a fake or biased investigation, it can lead to the wrongful conviction of innocent individuals. This can involve fabricating evidence, manipulating witness testimonies, or ignoring exculpatory evidence that could clear the accused. In some cases, political pressure or corruption can influence the investigation process. This can result in the targeting of specific individuals or groups based on political motivations or personal vendettas, leading to a biased investigation and wrongful conviction. Political pressure can be exerted on witnesses, law enforcement officials, or other key individuals involved in the case,

compelling them to provide false statements or withhold crucial information that could support the defense. This coercion and intimidation can hinder a fair investigation and contribute to wrongful convictions. One of the participant gone through the fake investigation forced confession and political pressure in wrongful conviction.

Experience of Exoneree Ayaz: The case was like this: the deceased and our family had close relations. We lived in Bahawalnagar and the incident happened in Khanewal district. On Thursday night, I was sleeping at my house when a close relative called me and informed me that there had been a murder. They are blaming you. I got worried, and told to my father about that incident. My father said "Don't worry, how can they blame us?" Because you are present here at said time (10:00 PM) along with family and friends. We went to the Police station. There I came to know that they had filed an F.I.R against me. We ensured the Police about our innocence, but they didn't listen to us and locked me in jail. I cried all the way and told the Police about my innocence. The Police told me that you are deceiving us like other culprits. My father and relatives made a lot of efforts and conducted an inquiry in the police station. We swear by the Holy Quran that we did not murder but the plaintiffs did not agree to our point of view.

The plaintiff had a lot of influence there and they were politically very strong. "The inquiry was held under the supervision of DSP and DPO but no one listened to us wherever we went." The Police had taken money from the plaintiff. "They tortured me to confess the murder. The Police threatened me that they will kill me in an encounter." My parents along with close relatives took their spiritual guide to Plaintiff house, but they did not believe about my innocence.

"My relatives said that for God's sake please spare us, and find your actual killer because we are not involved in this murder. The plaintiff said that we do not want to spoil our case by forgiving you. "The Police tortured me a lot and finally they forced me for thumb impression on a white paper". After this they presented me before the judge for final statement. The Police threatened me not to speak before the judge and finally I was sent to jail for life imprisonment. My father continued to stumble here and there but plaintiffs and the Police did not listen to him. Finally, session judge of Khanewal sentenced me to death. I asked the judge that I have not committed the murder and you have wrongly sentenced to me to death."

4.4.1 The Court Judgment

In this case, the appellant claims to have been falsely implicated in a murder and theft case. They argue that the prosecution's evidence is fabricated and lacking direct evidence against them. The appellant raises concerns about inconsistencies in the investigation process, including the absence of a test identification parade and questionable behavior of the eyewitnesses. They dispute the recognition of recovered gold bangles and challenge the absence of documentary proof regarding their alleged sale to the deceased. Additionally, they question the origin of the blood found on a weapon that was allegedly recovered from them. The appellant's counsel contends that the prosecution has failed to meet the burden of proof required for a conviction beyond a ***Reasonable Doubt*** *and requests their acquittal. The outcome of the case will depend on the specific details and legal proceedings involved.*

Prosecution errors and misconduct are another signifcant factor linked to WCs (Rattner, 1988). Due to their infuential position, prosecutors enjoy substantial discretion and immunity regarding investigating or dismissing cases and utilizing investigative resources. Prosecutors are bound to check the initial investigation report

before submitting the case report to the court of law. A heavy caseload coupled with prosecutorial authorities in handling plea bargains and witness preparation before the trial may result in potential WCs (Zacharias & Green, 2009). Besides adversarial prosecutorial behavior, studies show that over prosecution, self-serving reasoning, violation of prosecution codes, misusing the media, withholding exculpatory evidence, making false statements, and preparing and pressurizing witnesses to create false testimonies are among the many causes contributing to WCs (Mosteller, 2007).

Legal opinion of Malik Naseer Ahmad Thaheem (Advocate, SCP)

"In a state case prosecution is ultimately incharge of the case and the complainant counsel is only to assist him hence, a great responsibility lies upon his shoulders. He shall be vigilant law knowing, well acquaintance with the CrPc procedure, Qanoon – e- Shahadat 1984 and Police Rules 1934. He shall monitor all the proceedings and get record the prosecution witnesses in his presence with all his abilities while prosecuting a case. Where the prosecutor is not properly briefed with the facts of case then he leaves lacunas which ultimately are resolved in favor of accused or become cause of wrongful conviction."

Another Case of Syed Zulqarnain shah contributes the debate on the flawed police investigations, judicial misconduct, prosecution failures, and political pressure on wrongful conviction.

Syed Zulqarnain shah an 18-year-old under matric individual from a rural area, found himself wrongfully convicted of murder. Despite being innocent, he endured a 25-year imprisonment, facing unimaginable challenges and witnessing the devastating impact on his family. The wrongful conviction not only robbed Syed Zulqarnain shah but also resulted in the tragic death of his father.

"Various factors contributed to my wrongful conviction, including flawed police investigations, judicial misconduct, persecution failures, and political pressure. The police failed to conduct a proper investigation and relied on religious aspects, nominating me based on ***Qasam (an oath of truth)****. The political system's deep-rooted influence on the criminal justice system"*

To prevent wrongful convictions, it is crucial for the police to improve their investigative methods and ensure a fair and unbiased approach. Judicial misconduct must be addressed, and political interference in criminal cases should be eliminated. Merit-based decision-making and comprehensive study of each case by the judiciary can help rectify the flaws within the system. The wrongful conviction also highlighted the deep-rooted issues within the police system and prosecution. Structural reforms are necessary to address these issues and prevent similar injustices in the future. The political system's interference in criminal cases must be curbed, and police investigations should be conducted meticulously, free from any external pressure or biases.

4.5 The Court Judgement

In this case, the prosecution alleged that a group of assailants attacked the complainant's family while they were sleeping, resulting in deaths and injuries. However, upon review, the court found several implausible aspects of the prosecution's case, including the witnesses' detailed accounts and the ability to identify the assailants in darkness. Delays in post-mortem examinations and issues with recoveries further cast ***Doubt*** *on the prosecution's case. As a result, the court acquitted the accused and set aside their conviction and sentence.*

4.6 Political Pressure/Feudalism and the Wrongful Convictions

The major and important flaws and weaknesses of the criminal justice system of Pakistan are inaccurate reporting of crime to the police, mal-practices and flaws in investigations, delayed submission of challans to the courts by the public prosecutors, lopsided and long duration of trial of the cases where accused is considered to be the favorite child of the court, overcrowding of jails due to large number of under trial prisoner, under developed system of parole and probation, and capacity issues. These weaknesses, especially the capacity issues, are not restricted to a particular constituent; rather they are pervasive throughout the criminal justice system. Scepticism around the criminal justice system is neither new nor limited, it has been discussed, vouched for and admitted to have certain weaknesses at almost all levels, including the highest for a of the system itself. Supreme Court of Pakistan once observed, "People are losing faith in dispensation of criminal justice by ordinary criminal courts for the reason that they either acquit the accused persons on technical grounds or take a lenient view in awarding sentence." This loss of faith has manifested in a number of ways from continued reliance on traditional conflict-resolution methods like Jirga and Panchayat, to personal vengeance to street justice like incidents of lynching of criminals.

The legitimacy of the criminal justice system is based largely upon both its effectiveness and its fairness. Its effectiveness is judged by its ability to investigate and detect crime, identify offenders and mete out the appropriate sanctions to those who have been convicted of offences. Its fairness is judged by its thoroughness and the efforts it makes to redress the resource imbalance between the accused and the state at the investigatory, pre-trial, trial and appellate stages. The system does this by providing evidentiary protection and effective legal representation at all points.

Experience of Exoneree Shabbir Asif: Political pressure and Feudalism.

Case No.122/91 Colony Police Station Civil Line Dera Ghazi Khan, its chalan and its transfer from the High Court level to the Supreme Court level is a clear proof of lawlessness, injustice, chieftaincy and feudal system and violation of the Constitution.

"On 29-06-2019 I was performing my duty as SHO Police Station Civil Line Dera Ghazi Khan. The deceased was neither arrested nor taken to the police station nor subjected to any interrogation. It was Muharrar Sajjad Hussain who abused the deceased and took illegal measures to hide his cowardice in the dark of the night. He was not investigated and neither his DNA nor that of the deceased was conducted, and who was close to the deceased in the last moments of his life and what he was doing has been kept under wraps till today. The Supreme Court and the High Court also did not consider it worthy of attention that the real accused was made accused it 122/91, then arrested and later fled so that 5 innocents could be hunted instead of real accused. Huge sums could be collected from them, which were behind this whole game, the Khosa brothers etc. The strategy of the Khosa brothers was that what would they get from the constables, on other side they get huge sums from the police officers. Secondly, The SHO's should also be given a lesson that there is a system of chieftaincy in this constituency and without them neither justice nor any decision can be made. Immediately before this case, I was the SHO of the police station Kala. Where the robbery took place. The five accused, mostly from the Khosa ethnic group, were involved who were brought to court after recovering the motorcycle. Immediately after that, the plaintiff was threatened and his statements were made in favor of the accused and the servant was transferred and MNA Amjad Khosa threatened revenge and then took revenge by controlling the entire family of the

deceased. They used them against us at will. The real culprit was saved from the challan by bribery and was used to humiliate us. The real suspect was later killed in Rojhan. Surprisingly, the case was heard in DG Khan and the Additional Sessions Judge acquitted me. When the decision was not digested by the chiefs, I was deliberately sentenced to 25 years by the High Court one year before my pension. Since I did not bow down to the chieftaincy system, these people had no recourse except through conviction."

4.6.1 The Court Judgement

In this case, Shabbir Asif has been sentenced to life imprisonment, but several discrepancies and shortcomings in the prosecution's case have been highlighted. The FIR was lodged two hours after the occurrence, without mentioning the appellants or their descriptions. No identification parade was conducted during the investigation. Eleven months later, the complainant filed an affidavit claiming identification of the accused in court, but no documentary proof was provided. The prosecution relies on witnesses who are closely related to the deceased, raising concerns about their credibility as interested parties. The independent witness, a driver, was not produced and was given up by the prosecution. Medical evidence does not support the prosecution's version, as the complainant's statement suggests different wounds from different weapons. The alleged recovery of a weapon from the accused lacks supporting evidence from the crime scene. Based on these factors, it is concluded that the prosecution has failed to establish its case beyond a ***Reasonable Doubt*** *against the appellant.*

Experience of Exoneree Muhammad Amin

We were convicted and sentenced in case / offence 362 Hadood Ordinance. We were six people/ co- accused who were involved in this case. There was an enmity

in the village due to land that was purchased by our father against the "boli" of numberdar of that village. Basically, we were laborers and we purchased this piece of land where we are residing now. The "**Numberdar/ Choudhary**" of this village was against us due to this grudge. Numberdar said they were labourers and they are coming face to face with us. They decided to harm us so that we couldn't compete them. We were seven brothers along with other relatives who were living together in this village with unity. The numberdar was very influential and he made this self-made occurrence against us. We were poor people and earning the livelihood of our children. The numberdar prepared a plan against us. He prepared a woman of two children to blame us for rape. They lodged on FIR against six persons, three of which were my brothers, one our sister-in-law and two other relatives. The police raid early in the morning and we were arrested. neither we had committed any offence nor we knew about this occurrence. Even the Vicinity of village was not aware about this occurrence. The enquiry was held at police station but they prepared false eyewitness to protect the evidence. Police did not listen to us because they had taken bribe from the Numberdar/ Choudhary of the village. Basically, we were living independently and numberdar intended to compel us for his slavery. We were earning our own. We provided the police all the evidences but they did not listen to us. They were politically very strong, so police did not cooperate with us. They had lawyer of their own. The medical report was prepared and delivered after seventeen days. In medical report the occurrence took place was done seventeen days ago and the girl that was prepared for this purpose was married. We were sentenced to 25 years in this self-made occurrence by the Court of Session Judge Bahawalpur. The Lahore High Court maintained our sentence. The case then started in August in the Supreme Court. We spent more than 11year in jail and then released from jail after completing our

sentence. After two months of our release in August Supreme Court acquitted us from the charge that was not committed by us and it became possible after completing all the sentence. In August Supreme Court acquitted us with the remarks that this occurrence was baseless and sentence in this occurrence may be of three years maximum then how Session Court had sentenced 25 year/ life imprisonment in this case. The occurrence was fabricated and was day time but in FIR there was difference so in August supreme court it was proved that this occurrence was self-made and evidences provided in court were not sufficient for life imprisonment.

Another Experience of Exoneree Muhammad Bilal

"I was sentenced to death for a crime I didn't commit at the age of 20 and was given an honorable discharge after serving 17 years of life. I and three innocent people besides me were implicated in the fake incident and the real culprit who had killed was acquitted from the police station. Due to political reasons, our area chairman, who belonged to the Chaudhry group, deliberately involved us". The reason for the outrage was that we did not vote for them in the election, for which they took revenge by wrongfully punishing us. A person was killed in the incident and the person who killed was released from the police station after paying a huge amount of money. A few unknown persons were implicated in the FIR and later the police caught them and tortured them a lot and tortured them a lot to convince them of the murder. We had no enmity with the murdered man and we had never seen him."

Experience of Muhammad Ramzan Exoneree

"I was ex-resident of R/O Muhammadi Mohallah, Pappu Kiryana Store Peeran Ghaib Multan. I was 18 years old and running my own kiryana store before occurrence of crime. I was involved in an FIR that was chalked out on 21-06-2004 against the unknown person. After recovery of dead body, the complainants doubted

on me because dead body was covered with Gattu upon which my shop's name was written. On the basis of this doubt, they involved me in the case. I was arrested by police. Police nominated me in that FIR which was firstly lodged against unknowns. I ensured the police about my innocence but they didn't listen. The factors behind my wrongful conviction were, the complainant party was the worker of Syed Wajahat Hussain Gillani, who was a Land Lord and politician and complainant party worked in his lands. He pressurized the police for nominating me. Police physically tortured me to confess the murder. They took my finger print on a white paper and prepared all witnesses having no relation/ presence at the time of occurrence. self-made evidence was prepared by police against me."

Legal Opinion of Rana Zulifqar (Advocate SCP)

In current situations influence of all types is prevailing in our justice system. Political pressure can have significant implications for the criminal justice system, including the potential for wrongful convictions. When politicians exert pressure on law enforcement or the judiciary to secure convictions or promote a particular agenda, it can undermine the fair administration of justice. Political pressure can influence law enforcement agencies and prosecutors to focus on specific individuals or groups as potential suspects, even in the absence of sufficient evidence. Wrongful convictions are a serious issue that undermines the integrity of the justice system. When political pressure influences the legal process, there is a higher risk of wrongful convictions occurring. For example, pressure to solve high-profile cases quickly or to secure convictions for political gain can lead to rushed investigations, biased prosecutions, or the suppression of exculpatory evidence.

4.7 Mala-fide Intentions: The Experience of Muhammad Afzal's Wrongful Conviction

Corruption is considered one of the leading factors of wrongful conviction in Pakistan, but there are many other issues faced by the criminal investigation and justice system in the country. Bibi, S., Hongdao, Q., Ullah, N., Khaskheli, M. B., & Rehman Saleem, H. A. (2019). Common person in Pakistan believe that the government official are highly involved in the corrupt practices. Police is viewed as the most involved institution in corruption, 73% of the people think that all the policemen are involved while 27% have the opinion the some are involved. In addition the perception about local/national government officials and legislators are not good. Furthermore judges are perceived to be least involved in the corrupt practices. (The Dawn, 2018)

Corruption increases the risk that the persons prosecuted are those who are unable or unwilling to pay bribes, regardless of the weakness of the evidence uncovered against them. Lack of training and funding for prosecutors like state-appointed defence counsel, government prosecutors are also underfunded and often poorly trained, and this exacerbates the lack of police accountability. According to one former prosecutor, often "prosecutors do not speak to witnesses until the case comes to court . . . making them over-dependent on the police (Garrett, 2020). Police use torture as well as physical and psychological abuse to obtain confessions from the accused, a practice that often leads to false confessions. When a crime occurs; the victims can experience physical, financial, emotional, psychological, social, and spiritual consequences that can last year (Klaus, 1994).

In a harrowing tale of injustice and resilience, Muhammad Afzal, a 35-year-old married man from a joint family, endured a decade-long wrongful conviction for a

crime he did not commit. His case sheds light on the flaws within the criminal justice system and the profound impact that wrongful convictions have on innocent individuals and their families. Despite the hardships he faced, Muhammad Afzal's journey serves as a testament to the strength of the human spirit and the unwavering pursuit of truth.

"My nightmare began when I was accused and subsequently convicted of a murder in which I had no involvement. The lack of media attention surrounding my case prevented the widespread awareness that could have garnered support for my cause. Throughout the trial and subsequent imprisonment, I maintained my innocence, refusing to accept a fate I did not deserve. Several factors played a role in my wrongful conviction, exposing the systemic flaws present within the criminal justice system. Biased police investigations tainted the case, as false First Information Reports (FIRs) were registered against him, and the police demanded bribes from his family. Political interference further muddied the waters, as individuals manipulated the justice system for personal or political gain. The discrediting of prior evidence, potentially due to manipulation or lack of proper evaluation, cast doubt on the prosecution's claims. Furthermore, judicial misconduct, such as bias or negligence, exacerbated the wrongful conviction. My socioeconomic status likely influenced the biases and unfair treatment I faced within the criminal justice system, highlighting the need for greater equality and access to legal representation for all individuals, regardless of their financial standing. My wrongful conviction had far-reaching consequences, profoundly affecting both on me and my family. During my time in jail, I endured harsh treatment, suffered financial losses, and experienced social isolation and disrespect from the community. The wrongful conviction strained relationships

within my family, and my family struggled to cope with the emotional and financial burdens imposed upon them."

4.7.1 The Court Judgement

The court Judgement in Muhammad Afzal's case played a crucial role in recognizing the insufficiency of the prosecution's evidence and ultimately led to his acquittal. By thoroughly evaluating the prosecution's case, applying the benefit of doubt, and considering the circumstantial evidence, the court recognized the weakness of the prosecution's claims. The court's emphasis on the need for proof beyond a ***Reasonable Doubt*** *ensured justice prevailed.*

For Muhammad Afzal, readjusting to society after his wrongful conviction will undoubtedly be a challenging journey. Overcoming stigma, finding stable employment, addressing emotional and psychological trauma, rebuilding relationships, and securing suitable housing are just a few of the hurdles he will face. The support of family, friends, support organizations, and the wider community will be pivotal in aiding his successful reintegration. Muhammad Afzal's Experience is a powerful reminder of the flaws and challenges that persist within the criminal justice system. His wrongful conviction highlights the dire consequences innocent individuals and their families face, including emotional, financial, and social hardships. It is essential that we address the systemic issues that contribute to such injustices and work towards a fairer and more equitable system.

Experience of Exoneree Muhammad Sultan

"The incident happened in such a way that I was married for 15 years and had no children. I told my in-laws that I want to remarry. I also got my test done which was positive. Hearing this, my in-laws came to my house and began to misbehave and beat me and my brothers because they were illiterate people. My brother and some

friends went to their house in anger, there was a fight and firing and my one in-law was killed on the spot. I was neither present at the spot nor had any weapon and no FIR was registered against me earlier. Because all this happened because of me, they made me and my three brothers and father also involved in the case. Although only my brother and two friends were actually present at the incident. They left my friends and involved my whole family and the police took money from both sides. The policemen deliberately framed me and my father at the behest of the plaintiff to collect more money. And then they charged 10 to 12 lakh rupees to dismiss the case. We sold our property and paid the police to prove us innocent. The Session Judge sentenced me to death despite the innocence of the police and sentenced one of my brothers to 25 years and one brother to 10 years and my father was honourably acquitted. This incident is from 2012. I served death sentence for more than eight years and in 2022, the High Court exonerated me after 12 years. In total, 99% of the FIRs that the police register, they know that we are filing a wrong FIR. No matter how you polish a lie, gaps remain in it. And the session court gives the death sentence to please the plaintiff, the mare does not see the impact on the life of the innocent person they are punishing."

Legal opinion of police misconduct and judicial misconduct with special reference to the Opinion of Malik Naseer Ahmad Thaheem senior Advocate of Supreme court described as

During investigation the liabilities of the police is that they do not investigate the matter on merit by different reasons they are under the political pressure, under greasing of boss, malafied intentions and many other factors they do not investigate the matter on merit and according to FIR they corroborate the evidence and due to that reason police did not perform their liabilities honestly. Unluckily in our country

there is only paper justice. Courts does not go to the root causes of the case, if a guilty person is produced before the court and actually, he had committed the offence but prosecution failed to produced his case behind the shadow of doubt there he will be acquitted. If an innocent person is produced before the court for trial but prosecution prove his case chain to chain although they are false witnesses but court has no options except to convict wrongfully convict the accused instead of acquitting due to paper justice system. Due to delayed reports courts cannot decide the cases timely. There is famous maxim that *"Justice delayed is justice denied"*

4.8 Fabricated Evidence: An Experience of Mr. Liaqat Ali's Wrongful Conviction and Resilience

A confession often serves as one of the most powerful pieces of evidence against an individual. However, research again has identified issues regarding the reliability of confessions. In particular, research has illustrated that suspects can be coerced into confessing crimes they did not commit.. Additionally, interrogation tactics, such as isolation, long periods of interrogation, repeated accusations, deception, use of fabricated evidence, fear or experience of violence, and threats of harsh sentences or promises of leniency can also lead to false confessions (Kassin et al., 2010).

Experience of Exoneree Amir:

"I was resident of Layyah and was student of civil engineering before this occurrence. It was start of Musharraf regime and was the boom of 'Jihadi Tanzeems'. I was attached with a Jihadi Tanzeem. At that time, Jihadi organizations had great respect in the society and people looked at them with great respect, people were very supportive and the government also helped them.I also belonged to a Jihadi organization and there was a robbery and murder in our area in which a woman was

killed, which was blamed on me and a friend of mine. The police caught us and implicated us wrongly in the case. My family had to leave the area. People started talking over us. During the same days, I got married which ended due to the accusation of this case. We had no family background, so the police deliberately implicated us in this case. There was an FIR against unknown persons but the police caught us and beat us a lot. So that we can confess but we did not confess. The police did not let us sleep for two days. I had already told the police that I did not commit this crime; the identity given to the police was also not proved in the identification parade. The judge also did not listen to us, there was no recovery on us and no weapons were recovered, the police produced witnesses themselves. And we were challaned, the Session Court sentenced us to death and then the High Court sentenced us to twenty-five years. And later after 14 years the Supreme Court exonerated us. This is the mindset of our lower courts that the person has to be punished and in 99% of the cases the punishment is given. And after spending a long time, the High Court or the Supreme Court acquits them. In our police stations, there is often one such person who is handling all the affairs of the area by bribing the police. The same thing happened in our case; the Chairman of our area deliberately made us involved in the case". Factors affecting the police lead to wrongful convictions. Political interference in the matters of police actually leads to wrongful convictions."

The Judgment of Court

In this case, the appellant claims to have been falsely implicated in a murder and theft case. They argue that the prosecution's evidence is fabricated and lacking direct evidence against them. The appellant raises concerns about inconsistencies in the investigation process, including the absence of a test identification parade and questionable behavior of the eyewitnesses. They dispute the recognition of recovered

gold bangles and challenge the absence of documentary proof regarding their alleged sale to the deceased. Additionally, they question the origin of the blood found on a weapon that was allegedly recovered from them. The appellant's counsel contends that the prosecution has failed to meet the burden of proof required for a conviction beyond a ***Reasonable Doubt*** *and requests their acquittal. The outcome of the case will depend on the specific details and legal proceedings involved.*

4.9 Injustice, Redemption and Wrongful Convictions

The police is viewed as the most involved institution in corruption, 73% of the people think that all the policemen are involved while 27% have the opinion the some are involved. In addition the perception about local/national government officials and legislators are not good. Furthermore judges are perceived to be least involved in the corrupt practices (The Dawn, 2018). The WJP Pakistan report 2017 and other source such as newspapers (The Dawn news) and TV channels like British Broadcasting Channel (BBC), Abdul Razzaq Yaqoob (ARY) reported that high corruption in the police department in Pakistan highly leads to wrongful convictions in the country.

In a society where justice is supposed to prevail, there are times when innocent individuals are wrongfully convicted, their lives are shattered by a system that is meant to protect them. One such case is that of Muhammad Tariq, whose harrowing experience of a wrongful conviction serves as a stark reminder of the flaws that exist within the criminal justice system.

"My experience of wrongful conviction was a harrowing and life-altering ordeal. It began when I found myself ensnared in a false accusation of rape (Rape 365A) that turned my world upside down. Despite maintaining my innocence, I was unjustly convicted and sentenced to a 10-year prison term. The foundation of my wrongful conviction was rooted in a personal grudge held by my wife's relatives.

These individuals, driven by malice and ill-intent, conspired with the police to fabricate a case against me. They manipulated the system, using their influence and bribery to ensure my wrongful arrest and subsequent conviction. The investigation into the case was riddled with flaws and irregularities. DNA testing, a crucial tool in establishing innocence or guilt, was not conducted, denying the opportunity to present concrete evidence of my innocence. Moreover, prior evidence that could have exonerated me was discredited, further undermining my defence. The police investigation itself was marred by allegations of bribery and faulty practices, suggesting a lack of impartiality and professionalism. I firmly believe that the police did not cooperate with me because I could not offer bribes. Additionally, false eyewitnesses were used to construct a false narrative against me, distorting the truth and presenting a distorted version of events. These factors, combined with a perceived bias in favor of wealthy individuals within the criminal justice system, contributed to my wrongful conviction."

The consequences of this wrongful conviction were far-reaching and devastating for me. My family life crumbled as my wife left me during my imprisonment, leaving me without the support of my nuclear family. Tragically, I also endured the loss of my parents while incarcerated, further compounding my grief and isolation. In the absence of familial support, I had no choice but to migrate to another city, severing ties with my previous community and leaving behind any semblance of a stable life.

During his imprisonment, Muhammad Tariq faced numerous challenges and hardships. Separated from his loved ones, he experienced profound emotional distress, grappling with the disbelief, anger, and sadness of being wrongfully accused and convicted. The loss of freedom, the strain of the legal process, and the emotional

toll of incarceration inflicted deep trauma upon him leaving lasting scars on his psyche.

Upon my eventual exoneration, I expected a sense of relief and justice. However, readjusting to my community posed a whole new set of challenges. My wife had divorced me, exacerbating my isolation and leaving me without any close family members for support. Additionally, my age, lack of education, and poor health hindered my ability to find gainful employment, further perpetuating my dire economic situation.

Socially, *"I faced immense pressure and stigma from society" Despite my exoneration, I was still viewed as a criminal, labeled a "psycho patient" by others"* This unwarranted judgment and discrimination isolated me from my community, making it difficult for me to rebuild my life and establish meaningful relationships.

In short, Muhammad Tariq's wrongful conviction was a profound injustice that disrupted every aspect of his life. From the personal grudge and false accusation to collusion with the police, flawed investigations, and biased practices, multiple factors contributed to his wrongful conviction. The consequences extended beyond his own experiences to affect his family members, who endured emotional distress, financial hardship, strained relationships, and social stigma. Rebuilding his life after exoneration proved to be an arduous task, marked by economic instability, social isolation, and the ongoing psychological effects of trauma and injustice.

The experience of Muhammad Tariq stands as a stark reminder of the flaws that can exist within the criminal justice system. His wrongful conviction not only shattered his life but also had far-reaching consequences for his family and community. It serves as a call to action, urging society to address the systemic issues that lead to such injustices and strive for a fair and equitable legal system where

innocence is truly presumed until proven guilty. As Muhammad Tariq continues his journey of redemption, his experience serves as a symbol of resilience, strength, and the enduring pursuit of justice.

4.9.1 The Court Judgement

In this case, Muhammad Tariq has been convicted and sentenced to death for the Rape. Inconsistencies exist between the FIR and the medical examination report, weakening the prosecution's case. The alleged motive for the murder is based on oral assertions without solid evidence presented by the prosecution. Considering the doubts and weaknesses in the prosecution's evidence, it is concluded that the case has not been proven beyond a ***Reasonable Doubt****. The prosecution is responsible for establishing its case independently and cannot rely on the weaknesses of the defense case.*

In a society that upholds the principles of justice and fairness, there are instances where the system fails, leaving innocent lives shattered in its wake. Liaqat Ali, a 25-year-old factory worker, became a victim of such a failure when he was wrongfully convicted of a murder he did not commit. His harrowing experience serves as a stark reminder of the flaws within the justice system and the profound impact it can have on the lives of innocent individuals and their families.

Liaqat Ali's life took an abrupt turn when he found himself at the centre of a criminal investigation.Despite evidence pointing to his innocence, biases stemming from his middle-class background seemed to have influenced the course of justice. Furthermore, the pervasive influence of politics in the police administration and the lack of cooperation from the authorities added to the injustice he faced. Though the real culprit was eventually identified, the damage had already been done.

A 25-year-old married man with a young daughter was working as a factory worker, earning a modest monthly salary. I led a simple life, focusing on providing for my family and dreaming of a better future. However, my dreams were shattered when I became the target of a wrongful conviction.

"During the police investigation, the actual offender was identified, but due to a series of unfortunate circumstances, I found myself in the crosshairs of the justice system. I believed that several factors contributed to my wrongful conviction. My middle-class background seemed to have played a role, as biases and prejudices often pervade the criminal justice system. Additionally, political influence and the lack of police cooperation further hindered his chances of receiving a fair trial. After spending an agonizing period behind bars, the truth finally came to light, and I was exonerated of the crime. However, the aftermath of my exoneration brought a new set of challenges and struggles into my life. "The emotional impact of the wrongful conviction left me with feelings of anger and impulsiveness, stemming from the deep sense of injustice I experienced."

The consequences of my wrongful conviction extended beyond financial struggles. Friends, relatives, and even my community turned their backs on me after my exoneration. The stigma associated with being wrongfully convicted, coupled with the community's suspicion and judgement, intensified my sense of isolation. I felt abandoned and misunderstood, grappling with feelings of loneliness and despair.

The weight of these experiences had a profound impact on my mental well-being. Stress, anxiety, and depression became constant companions, affecting my ability to find peace and regain my footing in life. The trauma inflicted upon me by the wrongful conviction had left deep emotional scars that would take time to heal.

In the face of these challenges, I propose that the government should provide assistance to individuals like me who have suffered the consequences of a wrongful conviction. I suggest support in the form of loans, vocational training, and skill development could help victims reintegrate into society and rebuild their lives. By addressing the immediate impacts and facilitating the readjustment of wrongfully convicted individuals, society can play a role in alleviating their hardships and promoting a fair and just society.

My experience serves as a stark reminder of the profound consequences of wrongful convictions. It highlights the urgent need for reform within the criminal justice system to ensure that innocent individuals are not unjustly punished. Additionally, my experience underscores the importance of providing comprehensive support and resources to help wrongfully convicted individuals navigate the challenging journey of reclaiming their lives and finding their place back in society.

In conclusion a tragic reminder of the imperfections that exist within the justice system. My wrongful conviction and subsequent struggles expose the dire consequences innocent individuals and their families face when justice goes astray. By listening to voices like me and advocating for systemic changes, we can work towards preventing such miscarriages of justice and supporting the recovery and readjustment of wrongfully convicted individuals. Only then can we strive toward a society where fairness, empathy, and true justice prevail.

4.9.2 The Court Judgment

In this case, Mohammad Liaqat has been sentenced to Death Penalty, but several discrepancies and shortcomings in the prosecution's case have been highlighted. The FIR was lodged without mentioning the appellants or their descriptions. No identification parade was conducted during the investigation. The prosecution relies

on witnesses who are closely related to the deceased, raising concerns about their credibility as interested parties. The independent witness closely relative of Complainant, and Medical evidence does not support the prosecution's version, as the complainant's statement suggests different wounds from different weapons. The alleged recovery of a weapon from the accused lacks supporting evidence from the crime scene. Based on these factors, it is concluded that the prosecution has failed to establish its case beyond a ***Reasonable Doubt*** *against the appellant.*

4.10 Egoistic, Biasness and Wrongful Conviction

The study of wrongful convictions is difficult. There is no one, simple explanation for why the number of wrongful convictions is a dark figure, there are many reasons. First, there is no way of knowing how many people have been wrongly convicted but have never had their name cleared through exoneration. Second, there are no official records kept of exonerations. One cannot merely ask for a list of exonerations in a city, county, or state because such lists do not exist. Someone who has been exonerated based on factual innocence is "a defendant who was convicted of a crime and was later relieved of all legal consequences of that conviction through a decision by a prosecutor, a governor or a court, after new evidence of his or her innocence was discovered" (Gross & Shaffer, 2012, p. 15). However, in law, a wrongful conviction also results from appellate court reversals based on procedural errors that negate the fair trial pre-requisite of the Constitution (Zalman et al., 2008). A person who is acquitted in this way is said to be *legally innocent.* In acquittals based on legal innocence, the defendant's guilt or innocence has never been established.

Experience of Exoneree Abdul Khaliq; he was a skilled businessman and family man, was thrust into a nightmare when he found himself at the centre of a

wrongful conviction case. His experiences highlight the flaws within the criminal justice system and the devastating impact such injustices can have on innocent lives. This study delves into Abdul Khaliq's experience, shedding light on his struggle, resilience, and the need for reforms in the pursuit of justice. It so happened that my plaintiffs were cousins of my wife. When I started getting married, their financial situation was very bad and they stopped me from getting married and threatened me with serious situations. At that time the financial conditions of my plaintiffs were very weak and they used to sell snow to earn a living.

"It was in 1993 when I got engaged and married, meanwhile they migrated from here and shifted to Lahore and started property work there and became financially strong by fraud. After 15 years their financial situation became very strong and after 15 years, they conspired against me and implicated me in a false case of child molestation. They themselves deliberately hid the child and later blamed it on me and alleged kidnapping for ransom of thirty lakh rupees. Meanwhile, I went to their house and asked about the child, and how did it happen? They did not give me any answer and right after two days, the child was found from an unknown place. They filed an FIR against me. The police caught me and arrested four other people with whom they had bad relations. The police kept us at the camp of different landlords for a few days. The police released some people from the police station on the request of the plaintiffs. After keeping me and my wife's brother in the police station for two months, the police produced us in the terrorism court."

They also bribed the cops enough. When the terrorism court asked the kidnapped child, the child told that no one kidnapped me. I was at my uncle's house. My parents promised that we will bring you toys. You have to tell the court about this guy that he kidnapped me. On the statement of the child, the honourable judge

scolded the plaintiff party that you people deliberately want to trap an innocent person.

Due to the influence of the plaintiff party, the terrorism judge sentenced me to fifty years and despite the statement of the child, the plaintiff party obtained a stay against the statement from the High Court.Later, after two months, the child was trained and his statements were changed and he was told to name the man who was handcuffed as the one who kidnapped him. Both statements of the child are part of the record and the High Court acquitted me after almost ten years.

The then Chief Justice Asif Saeed Khosa remarked that despite being so transparent and after the first statement of the child, this illegal punishment falls under the category of cruelty. And he said that were the courts drunk that they punished an innocent person for fifty years without any evidence and wasted ten precious years of his life.

Three main factors as per exoneree, Abdul Khaliq; Due to family resentment my wife's cousins wrongly convicted me for this crime to gratify their personal ego due to my marriage. The people of the area begged him that this man was not like that, yet they persisted and wasted ten precious years of my life.

The police conducted a poor investigation and deliberately framed me in this case by accepting bribes. The dignitaries of the area went and told the police that this person is innocent and no FIR was registered against me before that time, yet the police unjustly accused me. The entire area testified that I had no criminal history as the police collected a large amount of bribe money from the plaintiff party as they named me and forcibly issued a challan.

The most wrong thing was done especially by the lower courts, Session Court and High Court who wrongly convicted me for the false statement of a two and half

year-old child which was rejected by the Supreme Court and citing the law that a two and half year-old child has no standing as a witness and the witness must be at least seven years old, The Supreme Court formally remarked that a man's precious ten years were wasted on the basis of a false testimony.

Now after losing ten precious years of my life, I am starting my life afresh. I observed that almost too many people in prison are innocent. Those who are financially strong live comfortably in prison by paying some monthly amount and those who do not have money go through torture every day. I was educated and had passed FA before prison, so I was a teacher in prison, I had some respect, otherwise prison is no less than hell for a common man.

"*The flaws in my case extended beyond the investigation. The lower courts, influenced by the complainant and swayed by personal prejudices, failed to make decisions based on factual evidence. Their biased rulings led to my wrongful conviction, resulting in a devastating sentence of imprisonment and the forfeiture of my property. The absence of a fair trial and the disregard for his innocence had a profound impact on my life*"

4.10.1 The Court Judgment

The appellant, Abdul Khaliq, and his co-accused were charged with kidnapping a minor for ransom. The alleged incident occurred in 2008, and the minor was privately recovered after a ransom payment. The appellant was convicted and sentenced to life imprisonment and property forfeiture, while his co-accused were acquitted. The appellant appealed his conviction, arguing that there were serious doubts about the evidence presented against him. The court reviewed the case and found that the alleged kidnapping was unwitnessed, no ransom money was recovered from the appellant, and there was no concrete evidence linking him to the crime. The only

evidence relied upon was the statement of the minor, which was found to be unreliable, inconsistent, and possibly coached by his parents. Due to the lack of reliable evidence and serious doubts, the court extended the ***Benefit of Doubt*** *to the appellant and acquitted him of the charges. The solitary connection between the appellant and the alleged offence was through the statement of the alleged kidnappee but the said statement has not been found by us to be reliable or trustworthy on a charge like the one levelled in the present case. For what has been discussed above we have found the case against the appellant to be replete with serious doubts and the benefit of doubt has to be extended to him. This appeal is, therefore, allowed, the conviction and sentence of the appellant recorded and upheld by the courts below are set aside and he is acquitted of the charge by extending the benefit of doubt to him. He shall be released from the jail forthwith if not required to be detained in connection with any other case.*

4.11 Biased Investigation, Corruption and Wrongful Conviction

Corruption is considered as one of the leading factors of wrongful conviction in Pakistan, but there are many other issues faced by the criminal investigation and justice system in the country (Bibi et al., 2019). Common persons in Pakistan believe that the government officials are highly involved in the corrupt practices. The police is viewed as the most involved institution in corruption, 73% of the people think that all the policemen are involved while 27% have the opinion the some are involved. In addition the perception about local/national government officials and legislators is not good. Furthermore judges are perceived to be least involved in the corrupt practices (The Dawn, 2018). The WJP Pakistan report 2017 and other source such as newspapers (The Dawn news) and TV channels like British Broadcasting Channel

(BBC), Abdul Razzaq Yaqoob (ARY) reported that high corruption in the police department in Pakistan highly leads to wrongful convictions in the country.

"I was a 20-year-old male from a rural area when I found myself caught in a web of injustice and wrongful conviction. Uneducated and coming from a joint family with four brothers and a sister, my life took a tragic turn when I became entangled in a murder case that changed my life forever. I belong to a family that mostly relied on agriculture for their livelihood, owned a small piece of agricultural land. With an income of around 40,000 to 50,000 rupees, we lived a modest but stable life. However, everything changed when I was accused of a heinous crime that I did not commit."

The financial impact of the case was devastating for me and my family. My family was forced to sell two acres of their land to fund their legal battle, and they took loans from both banks and local family members. As the case dragged on, their assets dwindled, and they struggled to make ends meet. Tragically, I also lost my parents during this difficult period, compounding the emotional toll I endured.

Despite maintaining my innocence, I faced a flawed investigation marred by bias and corruption. The police, acting under the direction of a local chairman with political influence, subjected me and my family to torture in an attempt to extract a false confession. No evidence linking me to the crime was ever recovered, yet I found myself entangled in a web of political involvement and false accusations.

"The political pressure surrounding the case was undeniable. Powerful individuals in the area, motivated by personal grudges and seeking to maintain their vote banks, manipulated the criminal justice system to target innocent individuals like me". The police, swayed by bribes and political references, did not cooperate with me and instead played a role in perpetuating my wrongful conviction.

The entire experience left my disillusioned with the justice system and highlighted the urgent need for reform. I firmly believe that political interference and reliance on faulty police investigations are major contributors to wrongful convictions. I emphasize the importance of eliminating police pressure and ensuring that courts rely on solid evidence rather than being swayed by external influences.

During my time in prison, I experienced mixed treatment from the police. Thanks to a political reference, I was transferred to a different jail, where some police staff showed cooperative behavior. However, the overall impact on my life was devastating. Before the occurrence, I had been earning a reasonable income, but the ordeal left me struggling to survive, living hand to mouth and burdened by loans.

My road to recovery has been arduous. I am currently working in the fields to earn a meaner income, and recently got married and became a father. However, the financial strain and the stigma attached to my wrongful conviction have made it challenging for me to rebuild my life. Community members still hold negative perceptions of me, and even the prospect of marriage remains elusive due to the lingering mistrust.

Throughout this difficult journey, my only support has come from my blood relatives. My immediate family and a few relatives have stood by me, providing minimal financial assistance and emotional support. However, the wider community has largely turned its back on me, with few willing to offer assistance or trust in my innocence.

"My experience is a stark reminder of the flaws within our criminal justice system and the devastating consequences of wrongful convictions. I have lost precious years of my youth, my family's property, and my parents, leaving deep emotional scars". Despite the challenges I faced, I am determined to live as a simple citizen,

hoping for some form of justice and compensation from the government for the tremendous expenses incurred during my legal battle."

As we reflect on Bilal's experiences, it serves as a call to action to address the systemic issues that lead to wrongful convictions. Reforms in the criminal justice system, including unbiased investigations, reduced political influence, and fair trials, are essential to ensure that innocent individuals like Bilal do not suffer the same fate. Only by doing so can we protect the principles of justice, uphold the rights of all individuals, and prevent the irreparable damage caused by wrongful convictions.

4.11.1 The Court Judgement

In this case, Bilal Ahmed has been convicted and sentenced to death. The FIR states that the appellant became enraged when he was informed that the complainant's vehicle was out of order. It is alleged that the appellant, along with his co-accused and two unknown individuals, forcibly entered the complainant's house and started firing, causing injuries to multiple individuals. However, upon examination, it is found that the specific injuries mentioned in the FIR and the statements of the eyewitnesses are not supported by medical evidence. The motive alleged by the prosecution is not adequately proven, as the complainant did not claim to witness the entire occurrence in relation to the motive. Moreover, there is no mention of a light source in the FIR or the statements, despite the incident occurring in the evening. Additionally, the complainant and eyewitnesses implicate two unknown individuals in the FIR and their statements, but no description or identification of these individuals is provided. Considering these factors and the overall circumstances of the case, it is concluded that the prosecution has failed to prove the case against the appellant beyond ***Reasonable Doubt****. Therefore, the appellant is acquitted of the charges and should be released unless held in connection with any other criminal case.*

4.12 Political Pressure and Police Mala-fide Intentions

Frank (1930) considered that rational element in law is an illusion. Frank argued that judicial outcomes depend on many factors, most of which can be extra-legal; judge's personality, political preferences, mood, racial views, etc. On the other hand, Frank pointed out that a judge, after arriving at the conclusion, can consult with the general rules and principles to see if it is acceptable. So in a sense, Frank did not say that legal rules do not matter; instead, his point was that they were not leading to the decision, but they could provide guidance to a conscientious judge as a check-up.

Muhammad Ramzan, an 18-year-old male, has endured a harrowing journey through the dark realms of wrongful conviction. Despite being of a middle-class background, Ramzan's life took a devastating turn when he became entangled in a murder and rape case that shattered his future and tore his family apart.

"*An unmarried individual working at my own shop, enjoyed a stable income ranging from 70,000 to 80,000 rupees. I lived in a joint family in our own house, and life seemed promising. However, everything changed when I was falsely accused of murder and rape crimes, I vehemently denied. The impact of the wrongful conviction was profound. I belonged to a poor background, struggled to afford legal representation and was left at the mercy of the criminal justice system. My family faced immense pressure and hardship, both emotionally and financially, throughout the ordeal. The untimely death of my parents and the lack of support from close family members further exacerbated their plight. My innocence was overshadowed by a community plagued by a trust deficit. Despite being innocent, my impoverished status and the heinous nature of the crimes led people to believe in my guilt. The burden of being falsely accused weighed heavily on men and my family, isolating them from their community and leaving them without a support system.*"

The factors contributing to my wrongful conviction were numerous. Police misconduct, political pressure, and a flawed investigation process marred my case. Delaying tactics, misidentification by eyewitnesses, and false confessions obtained through torture further compounded the injustice. The influence of powerful political figures, such as the Gillani family, and personal grudges played a significant role in my ordeal.

"*I firmly believe that political pressure is the main cause of wrongful convictions in the justice system. I witnessed firsthand how police failed to cooperate due to political influence, and even my cousin in the police force was involved, driven by personal grudges. The manipulation of the investigation process based on political motivations and the lack of merit-based evaluation are glaring issues that must be addressed.*"

To prevent such injustices, I advocate for a thorough and unbiased investigation process, devoid of political pressure. I emphasize the need for the police to conduct investigations based on facts rather than relying on physical pressure or political interference. Reforms that promote transparency and eliminate corruption are crucial to ensuring justice for all.

The time which I spent in prison was filled with mistreatment and discrimination. I faced constant abuse from the police due to my inability to offer bribes. My once-stable business crumbled, and I now work as a daily wage laborer in someone's else shop to make ends meet. The loss of my assets, the death of my father, and the abandonment of my wife during my death sentence left me shattered and struggling to rebuild my life.

I was in profound isolation.My family members have moved on with their lives, leaving me without any significant support. While my immediate family stands

by me, other relatives and friends abandoned me during my darkest days. The community's perception of toward me as the actual culprit, despite my innocence, continues to haunt me, making it challenging to find employment or reintegrate into society.

The impacts of my wrongful conviction are far-reaching. I lost valuable years of my youth, along with my parents, wife, property, and societal respect. The emotional toll and the loss of hope for a better future have plunged me into depression and a sense of despair. My plea for justice and compensation from the government is a desperate cry for acknowledgment of the injustice I suffered and the need for reform to prevent similar cases.

As we contemplate Ramzan's experience, it is imperative to recognize the prevalence of wrongful convictions and the devastating consequences they have on innocent lives. The case of Muhammad Ramzan serves as a stark reminder of the flaws within the criminal justice system and the urgent need for reforms. Only by rectifying the systemic issues, addressing political interference, and ensuring unbiased investigations and fair trials can we hope to prevent the wrongful conviction of innocent individuals like Ramzan and provide them with the justice and compensation they deserve.

4.12.1 The Court Judgement

The appellant, Muhammad Ramzan alias Pappu, was convicted in a case involving the alleged murder of a minor girl. He appealed his convictions and sentences, arguing that the evidence presented by the prosecution was insufficient. The main piece of evidence, an extra-judicial confession, was found to be unreliable due to the absence of any suspicion or charges against the appellant at the time of the alleged confession. The conduct of the witnesses who heard the confession also raised doubts

about their reliability. The circumstantial evidence and recoveries made during the investigation were deemed questionable and insufficient to support the charges. Considering the lack of substantive evidence and the doubts surrounding the witness statements and circumstantial evidence, the court extended the ***Benefit of Doubt*** *to the appellant. As a result, the convictions and sentences were set aside, and the appellant was acquitted of all charges. If not required in any other case, the appellant was to be released from jail immediately.*

4.13 Coercive Confessions, Prosecution Errors and Wrongful Conviction

Horowitz et al. (1977) argued that law frequently equates the dominant power in society with pervasive economic interests. During the incipience of the USA legal realism movement in the nineteenth century, USA was transformed from a static agrarian economy into a dynamic industrial market. Realists asserted that USA common law facilitated this transformation in a number of ways.

Muhammad Amin, a 40-year-old married man from a middle-class background, has endured a devastating ordeal of wrongful conviction. Accused of rape and various other charges, Amin, along with five other family members, was falsely implicated in a case that stripped them of their livelihood and tore their family apart.

"I have four sons and one daughter, and I lived in a joint family in a rural area, relying on agriculture for their sustenance. Before the occurrence that led to our wrongful conviction, we owned substantial agricultural land, which provided us with stability and economic security. However, our lives took an irreversible turn when we were accused of heinous crimes they vehemently deny committing. I along with my family members, faced financial ruin as we lost everything we had built over the years. The occurrence not only impacted them individually but had a profound

effect on the entire family, including the education and future prospects of our young children. I firmly believe that the occurrence was fabricated, orchestrated to target and suppress us. I have lack knowledge of the specific motivations behind the occurrence but points to the feudal system and political pressure as contributing factors. The misuse of power and influence by local landlords and political figures in rural areas perpetuates such injustices to maintain their control and authority."

The investigation conducted by the police was riddled with dishonesty and lack of diligence. I allege that political pressure and bribes were used to manipulate the case and secure false evidence against us. The evidence presented in court was insufficient and appeared to be fabricated, further highlighting the flaws and misconduct within the investigation process.

My case is not an isolated incident. I firmly believe that political pressure plays a role in the majority of wrongful convictions, particularly in rural areas where maintaining political influence is paramount. The police's lack of cooperation and misconduct, along with judicial biases influenced by political figures, contribute to the prevalence of wrongful convictions.

During my time in jail, I and my family were treated with relative respect due to their close-knit nature and satisfactory behavior. However, our economic stability was shattered, and our property was lost. The family suffered emotionally and mentally, and the children's education was severely disrupted. Despite our innocence, they continue to bear the burden of the wrongful conviction, with limited avenues for recourse.

My community, although aware of their innocence, supported the complainant due to my political influence. The stigma of being wrongfully convicted has affected

their standing in society, further isolating them. Amin laments the loss of trust, respect, and support from the community they once knew.

The impact of the wrongful conviction has left him in a state of despair. As he reaches the age of 54, he finds himself physically unwell and devoid of purpose. The family has endured immense suffering, with their property and assets lost, their familial bonds strained, and their children are forced to earn a living through daily wages.

Upon my exoneration, they hope for readjustment within the community. While my immediate family continues to support them, they struggle to regain economic stability and the trust and respect they once enjoyed. The lingering sense of deprivation and guilt from the wrongful conviction casts a shadow over their lives.

I acknowledge the limited support received from close relatives who believe in their innocence, but many others abandoned them during their challenging circumstances. I call for justice to be served, not only in their case but also for those responsible for orchestrating the occurrence and causing their suffering.

In their quest for justice, He and his family demand that the government provide restitution for the assets they lost during their wrongful conviction. They seek acknowledgement of their innocence and accountability for those responsible for perpetrating this injustice upon them.

The tragic experience of Muhammad Amin serves as a stark reminder of the urgent need to address the flaws within the criminal justice system, combat political interference, and ensure the fair treatment and protection of innocent individuals who fall victim to wrongful convictions. Only through comprehensive reforms can we hope to prevent such miscarriages of justice and offer solace and compensation to those whose lives have been unjustly shattered.

Opinion of Lawyer related to Prosecution error in justice system

"In a state case prosecution is ultimately incharge of the case and the complainant counsel is only to assist him hence, a great responsibility lies upon his shoulders. He shall be vigilant law knowing, well acquaintance with the CrPc procedure, Qanoon –e- Shahadat 1984 and Police Rules 1934. He shall monitor all the proceedings and get record the prosecution witnesses in his presence with all his abilities while prosecuting a case. Where the prosecutor is not properly briefed with the facts of case then he leaves lacunas which ultimately are resolved in favor of accused. The prosecution shall arrange consultation meetings, training sessions and shall built a mechanism based on research officers to assists the courts of law in any question of law and fact. The prosecution act empowers a prosecutor to file a memorandum upon receipt of indictment U/s 173 Crpc and returned the same to investigation officer to do the need full for what he objective. He shall inspect the indictment & its accompanying record before commencement of a trial & these to proceed without any dely."

4.14 An Experience of Loss, Injustice, and a Broken System

A wrongful conviction is a failure of justice in the most fundamental sense. An innocent person has been erroneously convicted of a crime that he or she did not commit (Henry, 2018). In many instances, this has resulted in long and difficult years of incarceration. This is most disturbing in the face of Canada's strong and robust system of checks and balances in the criminal justice system, which includes the Canadian Charter of Rights and Freedoms, the tradition of the Crown as an independent quasi-judicial officer and the police community as fair and impartial investigators (Gray, 2017). Public confidence in the administration of justice is

fostered by demonstrating that participants in the criminal justice system are willing to take action to prevent future miscarriages of justice.

Naveed Ahmad, a 32-year-old uneducated married man with four children, has suffered through a devastating ordeal of wrongful conviction. With no criminal record, Naveed's life took an irreversible turn when he was accused of murder, a crime he vehemently denies committing. As a result, he has endured approximately 11 years of imprisonment, experiencing significant financial loss and personal hardships.

Before the occurrence that led to my wrongful conviction, I was an economically stable individual, earning a reasonable income through cultivation. However, the false accusation and subsequent conviction shattered my life. I lost all my property, including agricultural land, livestock, and my wife's ornaments. The financial stability I once had vanished, pushing me and my family into poverty and struggle.

The factors associated with my wrongful conviction reveal a deeply flawed system. The police, under political pressure from influential landlords, failed to conduct a thorough investigation. Despite lack of evidence, I was declared guilty after a prolonged and biased investigation process. False statements from eyewitnesses and negative reports from the Punjab Forensic Science Agency (PFSA) further undermined my defense.

"*I believe that the political system, particularly in rural areas, is a primary cause of wrongful convictions. The pervasive influence of politics seeps into every aspect of society, including law enforcement. Police officers succumb to political pressure, leading to miscarriages of justice like Naveed's case. I experienced a lack of cooperation from the police, who accepted a bribe of 1 million rupees and ultimately implicated me in the crime. When the police is involved in false cases, it becomes*

incredibly challenging to escape the clutches of a broken system. I also want to highlight the influence of feudalism and societal pressures as factors contributing to wrongful convictions. In a society where the innocents are easily tagged as criminals, it becomes difficult to regain trust and respect."

During my time in jail, I faced further hardships. Jail staff frequently blackmailed prisoners for bribes, and only the wealthy inmates received favorable treatment. My family suffered immensely during my imprisonment. My wife fell seriously ill due to the prolonged suffering and stress, adding to their already dire circumstances.

My community, instead of supporting me, perpetuated the stigma of being a prisoner, regardless of innocence. The wrongful conviction not only affected me but also casted a shadow on my entire family. They experienced social isolation, economic hardships, and the loss of community respect.

The impact of wrongful convictions extends beyond the individual. My family bore the brunt of the injustice, suffering economically, psychologically, and socially. Our lives were disrupted, and ourr dignity and self-esteem were shattered.

In the face of a broken system, I feel helpless and unable to fight against the injustices I endured. I highlight the disparity in the system, where justice seems to favor the wealthy while the poor are left to suffer. My parents and my wife stood by my side, providing the only support I received during my difficult times.

Now, as contemplates life after exoneration, I grapple with the immense challenges that lie ahead. I have lost valuable years of my youth and the opportunity for education and meaningful employment. I call upon the government to financially support innocent individuals like myself and compensate them for the years they have lost due to false imprisonment.

Naveed's experience is a tragic reminder of the urgent need for comprehensive reforms within the criminal justice system. It sheds light on the flaws, corruption, and political interference that perpetuate wrongful convictions, leaving innocent individuals like Naveed to suffer the consequences of a broken system. Only through meaningful change we can hope to prevent such miscarriages of justice and provide solace and compensation to those wrongfully convicted.

4.15 An Experience of Injustice and Lost Opportunities

Muhammad Amir, a 23-year-old unmarried man with a diploma, had his life turned upside down when he was wrongfully convicted of murder. Despite his innocence, he endured a 10-year imprisonment, facing immense challenges and hardships along the way. The impact of his wrongful conviction extended beyond himself, affecting his family and future prospects.

My case highlights the flaws in the justice system, where innocent individuals can be falsely implicated. I was subjected to police torture and pressure to confess to a crime I did not commit. The police, influenced by political pressure, wrongly involved my in the case, shielding the actual culprit, who had political influence and power.

One of the factors contributing to my wrongful conviction was the disregard for prior evidence during the investigation. The police failed to conduct a fair and unbiased inquiry, succumbing to external pressures and neglecting their duty to seek the truth.

The influence of politics on the police department emerged as a significant cause of wrongful convictions. The police, motivated by personal gain, demanded bribes and were swayed by political interference. This corruption within the system undermines the credibility and integrity of the criminal justice process.

To prevent wrongful convictions, it is essential for the police to remain impartial and follow proper investigation protocols. They should be shielded from political pressure and focus on uncovering the truth without bias. Implementing strict mechanisms and checks can help ensure a fair and unbiased investigation.

4.15.1 The Court Judgement

In this case, the appellant claims to have been falsely implicated in the crime of murder and theft. They argue that there is no direct evidence against them and that the prosecution's evidence is false and fabricated. The appellant points out various inconsistencies and shortcomings in the investigation and the evidence presented. They claim that they were not subjected to a test identification parade, and question the behavior of the eyewitnesses who allegedly let them go without involving the police. The appellant disputes the recognition of recovered gold bangles and challenges the lack of documentary proof regarding their sale to the deceased. Additionally, they question the origin of the blood found on a weapon allegedly recovered from them. Based on these arguments, the appellant's counsel contends that the prosecution has failed to prove the case beyond a ***Reasonable Doubt*** *and requests the appellant's acquittal. The final outcome of the case would depend on the specific details and legal proceedings involved.*

4.16 Impacts of Wrongful Convictions on Victims (Socio-economic, Socio-Cultural, Socio-psychological Impacts on Victims and Family)

Exonerees also suffer from devastating financial consequences. They have great difficulty finding employment due to a combination of the stigmatizing effects of their criminal records, many of which are not expunged despite their exoneration; their lack of meaningful job training while incarcerated; and the aforementioned

psychological consequences, which may make them less than ideal employees (Santos, 2007)

Stigma prevented exonerees from finding a job, being incarcerated contributed to stigma-by-association fears, people may have doubts surrounding the wrongful conviction (contributing to stigmatization) which all have been noted by exonerees (Grounds, 2005; Vollen & Eggers, 2005; Westervelt & Cook, 2008).

Experience of Exoneree Abdul Khaliq

"Before I went to prison, I had five children, during which my family, especially my wife and children, endured many hardships. During this time, my children's education was affected and my good agro-medicine business was destroyed, due to which my family was financially devastated. During this time, my family was completely destroyed economically and had no source of income and had to live a life of hunger and poverty. Even my children subsisted on a loaf of bread from a date seed. During these ten years of imprisonment, I have suffered losses that are impossible to repair. As my younger brother died and my parents, my mother-in-law died. Meanwhile, my entire business was ruined. The tractor, car and some agricultural lands were also sold and above all my wife and children had a very hard time."

Experience of Muhammad Afzal Bodla Exoneree

Prison had a positive impact on my life and I studied a lot while in prison and wrote a lot on religion and poetry. During this time I converted from Fiqh Hanafia to Fiqh Jafaria. Today is a scientific age, the government should in principle punish those who have committed a mistake and even if the institutions know that there is a fault in the FIR, wrong punishment is given. Our FIR system is flawed and needs a lot of improvement.

The element of stigma varies, if the person is rich, when he has served his sentence, the society honors him and encourages him. And if he is poor, then the society looks down on him and no one is ready to stand with him.

A prisoner is like an animal to the prison staff, 90% of the staff are almost unsympathetic. There is no morality in jail, for those who have money, jail is easy, otherwise jail is no less than hell.

When there is a death sentence, people think that this person will never come back and even your close relatives and close friends leave you who are very close to us. During imprisonment, the true meaning of life comes out and you get to know yourself and others. Hazrat Ali said that a person never forgets two people, one who helps in adversity and one who leaves in adversity.

Experience of Exoneree Muhammad Amin

"We were six accused who were involved in this case. Our whole family suffered during this course of law. We gained education in jail during imprisonment. The education of our children suffered during this period because when head of family is not in home then automatically problems occur. We have lost a lot during this period and now are feeling that we are twenty years behind than other society and relatives. Now we are over aged and are having no source of income. Our all the properties and assets have been sold in pursuing the case. According to our opinion police is the main cause of this wrong conviction. The second cause of this wrong conviction is misidentification of eyewitnesses. Eyewitnesses are creating the problems in conviction; police know the faults but ignores. Influential people are also having their role. Almost 50% of prisoners in jails are wrongfully convicted."

Delay in the system is becoming cause of wrongful convictions and accused persons suffer a lot of time behind the bars. Early decisions can save the precious time

of innocent persons imprisoned in jails. Compensation should be given by Government to prisoners who are wrongfully conviction according to the criteria after exoneration.

Experience of Exoneree Ayyaz

"When I was involved in this case, I had a daughter and I was working hard to support my family. I had two younger brothers but they couldn't earn. I spent a very tough time in jail and my parents did not have money to visit me. My parents used to visit me after a month and my wife worked hard to educate my daughter. I used to earn my livings in the prison by doing hard work of the other inmates. Finally High court released me after 10 years."

Experience of Bilal Exoneree

"I was sentenced to death for a crime I didn't commit at the age of 20 and was given an honorable discharge after serving 17 years of life. During the incident, all the deposits were spent. The two-acre land was also sold and my parents died in shock."

Experience of Muhammad Irshad Exoneree

"I had elderly parents and small children at home when the punishment was given. Imagine for yourself what will happen to the family of a person who is the sole breadwinner and is sentenced to 25 years. My father cried in front of me and his condition became bad and I did not know whether my child had eaten anything today or not. I was sentenced to 25 years for doing what I should have been rewarded for."

In the first year after the sentence in prison some friends visit, from the second year the family visits and from the third year only the wife and children visit. Apart from this, no one comes to visit in the prison. Imagine how painful the situation is when the wife comes for a visit in jail and tells about the situation at home that the

children have no school fees and nothing to eat. Those were very painful days, one day was equal to a year. When a close friend died, I was not known even for years. My mother died during the imprisonment and that was the worst day of my life that I couldn't see my mother's face for the last time.

Those were the days of 2010. There was loadshedding and there was no electricity for the whole day and the water in the jail was so hot that you could not touch it with your hands. At night, I used to see the grave in my dream and used to sit separately and cry. All the prisoners knew that I was innocent and they used to pray for me that God forgive him and set him free.

After eight years we filed an appeal in the High Court and in eight years we appeared in court five hundred times. We often heard that today there is no judge and sometimes that there is no lawyer. The lawyers robbed us so much and used to take 10 to 15 thousand for each appearance. My land was sold, my wife's jewels were sold and the children lived a very miserable life.

How can I tell how much suffering I and my family lived. We spent about one crore on this case. No one knows how much money it takes from the police station to the court. A father whose son is in prison or a wife whose husband is in prison is ready to sell everything to free their man.

I used to work in a leather factory in Lahore and also did leather business. Whatever savings I had were exhausted to the extent of the police station and my wife's ten tolas of gold was spent on inquiries and lawyers' fees. Then when we went to the High Court for bail, four acres of land was also sold for the lawyer's fees and house expenses.

I was released from prison after almost ten years. When I came out of jail, I couldn't believe it. Everything had changed. Those who were children had become

young and those who were young had become old. I thank God Almighty that I was released from jail. I have seen many innocent people being hanged in jail. And have seen many criminals and people involved in eight or ten murders acquitted with honor. And those who don't even know how it happened, I have seen them being hanged.

Experience of Exoneree Nawaz from Gujrat

"I served 17 years for a crime that was not committed. The whole incident was politically motivated and I and my two friends were wrongly accused. Meanwhile, my father died. I spent seventeen years as an innocent prisoner during which I paid a fee of eight lakh rupees to the lawyer Khawaja Sultan, who died later. Later we gave another Rs 5 lakh to his son Khawaja Haris, he fought our case. Khawaja Haris was the lawyer of Ex-PM Nawaz Sharif in the Panama case those days who could not appear in the court and due to his busy schedule, our work got delayed. Finally, when the case was heard, Justice Asif Saeed Khosa remarked that the case was baseless and acquitted me honourably. I spent seventeen years in prison during which I faced many economic and social losses. My three-acre land was sold. All the savings of the house were spent on me. The attitude of the jail staff was very strict and no work was done without bribery."

Experience of Exoneree Ramzan

"I suffered a lot during my imprisonment. My parents sold all my property for pursuing my case. All our relatives left us during this hard time. After bearing a lot of pain and social pressure my parents died before my exoneration. Now I have no property and I am working at the shop of someone with cheap package. Before this occurrence I was unmarried and was independent. After my imprisonment and the death of my parents, all my family members left me alone. Every person is busy in his

social life. Even my friends and community members are not accepting me. I am spending an isolated life now."

Experience of Shabbir Asif Exoneree

"I was deliberately sentenced to 25 years by the High Court one year before my pension. Since I did not bow down to the chieftaincy system, these people had no recourse except through conviction."

Most importantly, an officer who served justice to the people throughout his lifetime was met with injustice. I could not rise to the rank of SSP with my fellow officers who were far below me in qualification or skill. I could not benefit from the salary increase and the pension which could have covered lakhs could not be received due to wrongful conviction. And I was stamped in the society as a tainted police officer who would not be able to participate in any future service or any election.

"The morale of the family, which had been enhanced by means of resources and positions, was destroyed. The education of the children who were supposed to study in the top institutions of the country and take up the country's top-level jobs was not completed so that all the children could not progress as much as the children of their fellow officers. The whole family was deprived of the last fruits of employment, a position and a handsome amount and even the old age support of any worker called pension was also deprived".

The fellow officers, who are receiving a pension of 70 to 80 thousand rupees per month and are also serving in various institutions due to being untainted, are receiving millions as a monthly salary. And there is no such institution in the country that can speak at any level about the judges, the High Court and the Supreme Court In this regard, the decree of the founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah, is presented:

"When wealth is lost, nothing is lost

When health is lost, something is lost

When character is lost, everything is lost" (p. 21.)

Case study of Tanveer Exoneree

After spending a long period in jail, the high court granted bail and then I was absolved by the court. The life of jail is totally different as compare to normal life. Those who have lots of money, exist well is jail. I was the only sustainer of my family. My father passed away when he listened the news regarding my life imprisonment. My brother sold the property to compete my case in court. They all got married and survived in their lives. The jail management pays regard to those who have money/assets. There is no any complaint response mechanism for prisoners. They consider us as beast.

The jail superintendent claims that he never remained corrupt but his whole subordinate staff collected extorted money from the prisoners and gives him.

> *"When I came back to my home, everyone knew that I am innocent. However, the society look down on/to see with humility and did not agree to make relationships with me as marriage. In our system, when a man convicted sinners, the society never accept him/her at any cost. I feel that the system spoiled my precious 15 years without any guilt. In my Opinion, our police system in very unsatisfactory. It requires year and years to prove innocence and many innocents are hanged for gallows."*

Experience of Yasir Bajwa

There is no justice department that can pay back all these bribes and arrest and punish all these people so that they meet their end and the people get a relief. Our society is a feudal society, why will they make such a law where bribery can end and

real justice can be given. And if any officer or official or lawyer or judge takes a bribe, then that bribe should be recovered from him and returned to the poor and oppressed. And the officers and officials who are harassing innocent people should be punished.

At first, the session courts sentenced us to life imprisonment, then we served 10 years of innocent imprisonment and returned home with an honorable acquittal. Who will compensate for the agony of these ten years? Who will compensate the family who suffered for 10 years? This is the result of ending the fight. The real culprits fled the scene and could not be arrested till now. On the side where the law should show real performance, there is no performance and arrest other people and bring them to trial.

Case of Azam feudalism and political pressure

"My commitment to justice was overshadowed by the corrupt influence of the feudal system that plagued the area. Powerful individuals with political connections exerted their control, manipulating the course of the investigation and targeting me as a scapegoat. Falsified evidence and false witnesses were produced to incriminate me, painting me as a criminal instead of a dedicated police officer. The impact of the wrongful conviction extended beyond myself. My family suffered tremendously, both emotionally and financially. The loss of income plunged them into a state of poverty, struggling to make ends meet. My children, who once had hopes and dreams of education, were denied opportunities and faced a bleak future."

The prison walls became me new reality as I spent years behind bars, locked away for a crime I did not commit. Inside those walls, I faced the harsh reality of the criminal justice system. Although I received some cooperation from the jail staff due

to my previous law enforcement background, the pain of wrongful imprisonment and the sense of injustice lingered.

Upon my eventual exoneration, I emerged a changed man. The experience had left me with a deep-rooted anger towards the system that had failed me and shattered my life. I turned to cultivating my father's land as a means of survival, but the scars of the wrongful conviction remained.

In the eyes of the community, I was forever labelled as a corrupt officer, despite I proven innocence. The trust I once enjoyed was replaced by suspicions and ostracization. The struggle to reintegrate into society was arduous, and I felt the weight of the stigma that had been unfairly thrust upon me.

My fight for justice did not end with my release. I realized the urgent need for reforms in the judicial system, advocating for the elimination of political interference and the creation of an unbiased and impartial judiciary. I yearned for my reinstatement in my former position, along with the restoration of my lost benefits, as a symbolic acknowledgment of the grave injustice I had endured.

Malik Naseer Ahmad Thaheem views on Reintegration.

When a person spends long time in jail, he loses trust on judicial system and feel loneliness and feeling of revenge produced permanently in his personality and he became isolated from society. His thought become change and he do not belief on system because he had suffered a lot due to this system. Because no one support him from community side , law maker's and overall system during his hard days, so it is very difficult to reintegrate in society. Community should must agitate when a person is falsely convicted. In this society power elites enjoy the law in his own way. In out society majority support the cruel, powerful, political and economically high class instead of true person/ innocent person. Society should condemn the guilty persons

and morally encourage the innocent persons so that their belief on justice system may restored. When a person is stigmatized then he became permanent member of crime world and there are very rare chances of his reintegration in society.

4.17 Reintegration/Readjustment of Victims of Wrongful Conviction

Reintegration: Lack of Support from Family

Upon their release, many exonerates face considerable obstacles when it comes to re-joining society post-exoneration (Westervelt & Cook, 2008). Westervelt and Cook (2010) argued that the wrongly convicted are often re-victimized after their exoneration because the government fails to provide them with meaningful assistance. The consequences of an exoneree's wrongful conviction can lead to poor health, lack of marketable job skills, unstable employment, feelings of bitterness and anger, fear of re-victimization, stifled family relationships, financial dependency, and stigmatizing labels (Westervelt & Cook, 2008).

Wrongful convictions have severe impacts on the victims and their families. In jail, the treatment and reformation efforts by the administration should prioritize the well-being of prisoners. Unfortunately, the system often fails to provide adequate support for rehabilitation.

The need for counselling has been suggested because wrongly convicted individuals have noted psychological distresses (fear of public spaces) in terms of readjusting to everyday life post-incarceration. In addition, pervasive issues have also been reported when it came to exonerees 'social and/or familial relationships (Campbell & Denov, 2004; Grounds, 2005; Westervelt & Cook, 2010). Looking at an exoneree 's social and/or family relationships, it takes a significant amount of time and trust for a wrongly convicted person to learn to be close to others outside the prison environment (Campbell & Denov, 2005). Family members of wrongly

convicted individuals have discussed how shocked they were when their loved one struggled to cope with life as well as the extensive changes (e.g., different personality, increased anger and aggression) they observed as a result of the wrongful conviction (Campbell & Denov, 2005). One mother said, —No one realized how distant we would be...Everyone thought we could slot into a happy family routine and it's been a great shock to everyone concerned that it hasn't worked out like that—nowhere near! (Grounds, 2005, p.19).

Experience of exoneree Nawaz

"*Now I don't even have my own house and I don't even have clothes to wear. People don't trust me because of poverty and this uncommitted crime. No one is even willing to give me employment. I got engaged three times but when it was found out that I had been imprisoned for 17 years, the engagement broke off. No one is willing to give me his/her daughter. I am now working as a servant for my brother to take care of the animals and support myself. Our courts, police system and political interference are major causes of wrongful convictions in our country. Currently, about 75 percent of people are serving innocent sentences. I have spent 17 precious years of my life in jail for which the government has no redress. I was sentenced to 17 years imprisonment by the Trial Court and the Supreme Court acquitted me after 17 years. If I had been acquitted from the beginning, precious years of my life would not have been wasted and I would not be in this situation today.*"

The tragic case of Syed Zulqarnain shah: serves as a stark reminder of the flaws within the criminal justice system. It emphasizes the urgent need for comprehensive reforms to address corruption, misconduct, and political interference.

Prior to the wrongful conviction, my family was economically stable due to their agricultural lands. However, the unjust conviction shattered their stability,

leaving us with significant financial losses. My prime years of youth were wasted, and the emotional toll on me and my family was immense. The repercussions of a wrongful conviction extend far beyond the individual. The negative label of being a murderer and the resulting stigma inflict lasting damage on social relationships and reputation. Society tends to treat exonerated individuals with hate and suspicion, making it challenging for them to reintegrate into the community.

After exoneration, readjustment in the community becomes a daunting task. My father was a source of support during my ordeal, but the stigma of being a criminal and the fear of separation continue to haunt him. Society is often unforgiving towards those involved in crimes, even if they have been proven innocent.

I suggest for government intervention to provide compensation and support to innocent individuals who have suffered due to wrongful convictions. Financial restitution alone is insufficient; moral, social, and psychological support is crucial to help them rebuild their lives and reintegrate into society.

Experience of Muhammad Zafar

"The impacts of the wrongful conviction on me and my family is significant. My family faced financial hardships, with all their property being sold to cover legal expenses. My children were unable to receive education and struggled to find employment. I became a diabetic patient due to the trauma of the situation. Upon exoneration, I and my family have faced difficulties in readjusting community. I have experienced social isolation, with community members avoiding them and taunting their sons. The lack of employment opportunities and housing has further added to their challenges. The need for support from the government in terms of compensation for the years i spent wrongfully incarcerated and for the overall support of innocent individuals who have suffered similar circumstances. It is important to note that this

is a fictional scenario created based on the information provided. Real-life cases of wrongful convictions can vary in their specifics and complexities. Seeking assistance from legal professionals, support groups, or advocacy organizations specializing in wrongful convictions would be advisable for individuals in similar situations to navigate the legal process and seek appropriate remedies."

Experience of exoneree Afzal regarding re integration

Moreover, the lack of support from relatives and friends added to their sense of isolation and vulnerability. My exoneration brought relief, but readjustment to society presented its own set of challenges. The stigma associated with my wrongful conviction, difficulties in finding employment, and the lasting emotional and psychological impact posed significant obstacles to his reintegration.

Experience of Abdul Khaliq regarding Impacts

My wrongful conviction had far-reaching consequences, affecting both me and my family. The financial impact was significant, as my family was forced to sell their assets, and their once-thriving business came to a halt. They struggled to meet their basic needs and faced the daunting task of rebuilding their lives. The emotional toll was equally severe, with feelings of anger, helplessness, and depression haunted me throughout my imprisonment.

Despite the immense challenges, I refused to succumb to despair. I utilized my education and skills to teach fellow inmates during my time in jail, finding solace in helping others. Upon my release, I embarked on a journey to rebuild my life, starting from scratch with meager resources. Supported by my family and the goodwill of my community, I managed to restart my business, although the scars of my wrongful conviction remained.

My experience serves as a stark reminder of the flaws within the criminal justice system. It highlights the urgent need for reform, including fair investigations, unbiased courts, and support systems for those wrongfully convicted. My experience underscores the importance of upholding the principles of justice, ensuring that innocent lives are not shattered due to the inadequacies of the system.

My wrongful conviction represents a grave injustice that should not be overlooked. My experience serves as a rallying cry for reform and a reminder of the immense strength and resilience of individuals who endure such hardships. It is imperative that we strive for a fair and just society, where the innocent are protected, the guilty are rightly punished, and the lives of those wrongfully convicted are restored. My journey is a testament to the indomitable human spirit and the unwavering pursuit of justice.

The impact of wrongful conviction on victims and their families is profound. In jail, the treatment and cooperation of the staff is often influenced by the wealth and social status of the prisoners. Those without financial means face additional challenges and are deprived of equal treatment.

I and my family experienced significant financial and social damage due to the wrongful conviction. Prior to the ordeal, we were financially and socially stable, but afterward, we lost all our assets and were forced to start a new life. The stigma attached to a wrongful conviction also affected our social standing and relationships.

The psychological and emotional toll on the victims and my family cannot be overlooked. My family suffered immensely, with my mother passing away from cancer during my imprisonment. The disruption caused by the wrongful conviction shattered our lives and left lasting scars.

Readjustment in the community after exoneration is a complex process. Despite being proven innocent, the social and economic pressures persist. The community may continue to view the exonerated individual with suspicion and distrust, making it challenging to rebuild their lives and regain trust.

My case exemplifies the feeling of deprivation and disparity that arises after exoneration. While my classmates and relatives enjoy a luxurious life and social respect, I feel left behind with nothing to show for the years lost in prison. The lack of support from the community and the pressure from the police further compound me to challenges.

Although my family stood by me during my difficult times, my friends and close acquaintances abandoned me. The support system shattered, leaving me isolated and facing an uphill battle to reintegrate into society.

Government support is crucial in the aftermath of a wrongful conviction. Financial compensation alone is not enough to heal the wounds inflicted on the innocent and victims' families. Moral and social support, along with opportunities for employment and education, is essential to help them rebuild their lives and restore their dignity.

I call upon the government to recognize the injustices I endured and provide not only financial compensation but also employment opportunities. Being overage for government jobs due to the years lost in prison poses an additional hurdle in my journey towards a stable future.

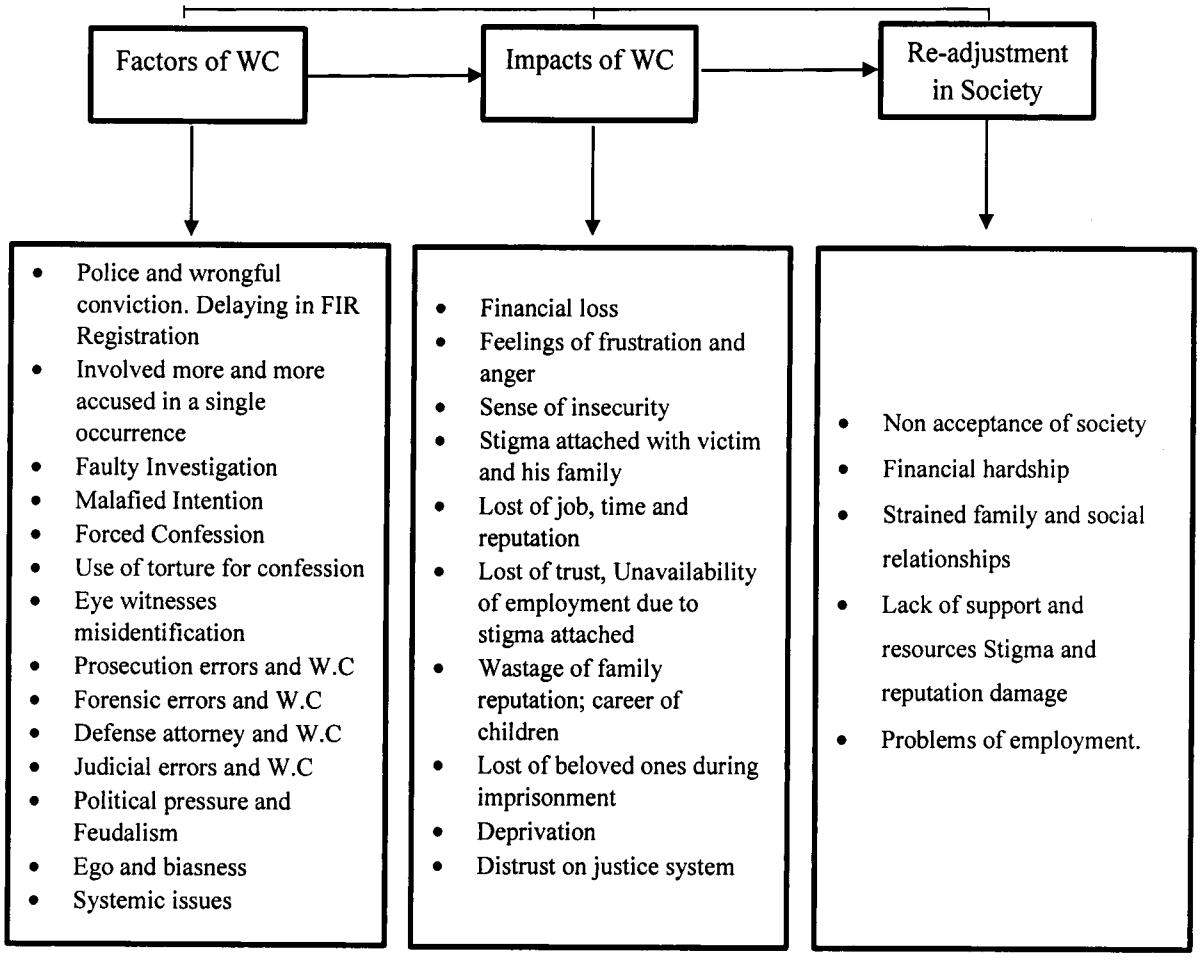
> *"My case underscores the urgent need for comprehensive reforms within the criminal justice system. Society must support and empower those who have been wrongfully convicted, helping them reintegrate and regain their rightful place in society."*

Opinion regarding reintegration of wrongful convicted victims in society after exoneration.

Syed Badr Gillani (Advocate SCP)

When a person spends long time in jail, he loses trust on judicial system and feel loneliness and feeling of revenge produced permanently in his personality and he became isolated from society. His thought become change and he do not belief on system because he had suffered a lot due to this system. Because no one support him from community side, law makers and overall system during his hard days, so it is very difficult to reintegrate in society. Community should must agitate when a person is falsely convicted. In this society power elites enjoy the law in his own way. In our society majority support the cruel, powerful, political and economically high class instead of true person/ innocent person. Society should condemn the guilty persons and morally encourage the innocent persons so that their belief on justice system may restored. When a person is stigmatized then he became permanent member of crime world and there are very rare chances of his reintegration in society.

Thematic Analysis Model of Wrongful Convictions



Chapter Five

Wrongful Convictions and Opinions of Lawyers

The interviews of lawyers explored various aspects of the justice system and its potential impact on wrongful convictions. These factors include concerns about the misuse of FIRs, liabilities of the police and the need for proper training and unbiased investigations, the role of the judicial system in ensuring active involvement and impartiality, the importance of thorough prosecution and reliance on reliable evidence, the influence of social, political, economic, and religious factors, challenges faced by wrongfully convicted individuals, the lack of compensation, and the general trend of distrust towards the judicial system.

The overarching main aim is the pursuit of justice, fairness, and the prevention of wrongful convictions. These lawyers critically analysed different components of the legal system, from initial FIR registration and police conduct to the role of the prosecution, judges, and forensic evidence. They highlight potential flaws, biases, and systemic issues that may contribute to wrongful convictions and advocate for reforms and improvements to uphold the principles of justice.

5.1 Socio Demographic Profile of Lawyers (Study Participants for Legal opinions)

Sr#	Name of Lawyers	Experiences as Lawyer.	Years Practicing as Layers	Levels of Practice
1	Malik Naseer Ahmad Thaheem	Criminal	30	Supreme Court of Pakistan
2	Syed Badr Gillani	Criminal	25	Supreme Court of Pakistan
3	Sajjad Hussain Zaigham	Criminal	15	High Court of Pakistan

4	Syed Muhammad Najam Ul Saqib.	Civil & Criminal.	12	High Court of Pakistan
5	Malik Muhammad Younis	Criminal	22	High Court of Pakistan
6	Muhammad Akmal Khan	Criminal	24	High Court of Pakistan
7	Muhammad Ishfaq	Criminal	38	Supreme Court of Pakistan
8	Muhammad Ramzan Khalid (Joiya)	Criminal	40	Supreme Court of Pakistan
9	Rana Asif Saeed	Criminal	32	Supreme Court of Pakistan
10	Khawja Qasir (Butt)	Criminal	30	Supreme Court of Pakistan

They revolved around addressing the factors that can lead to wrongful convictions, seeking accountability, and ensuring a just and equitable legal system for all individuals involved in criminal proceedings. In this study 10 interviews were conducted by the researcher to explore the factors that contribute in wrongful conviction.

5.1 Misuse of FIR by Police Department

The procedure of First Information Report (FIR) the moment an FIR is registered and if it is a cognizable offence, the investigating officer gets the power to arrest the accused (Rana & Imran, 2023). It is a routine practice; the officer will go and arrest the accused person and the moment the arrest takes place the onus gets transferred to the accused person to show his innocence and get bail from the court (Ibrahim, Bashir, & Nadeem, 2023). This practice is inherently flawed because an FIR is only the First Information Report. Unfortunately, the practice of arrest at FIR stage has become a standard operating procedure. The alleged crime takes place (I put great emphasis on the phrase The *alleged*) since no offence is proved and if it has caught the attention of the media or is of a political nature, then the arrest of the accused is

inevitable since the investigating officer cannot simultaneously afford their wrath. The result is simple arresting the accused gets you the headline and not arresting the accused gets you the ridicule (Abbas & Jabeen, 2023). So, if you are a police officer with ambitions, arrest becomes the order of the day. Once the arrest takes place, the court also becomes very reluctant in granting bail since the onus to prove shifts on the accused and the same is not very easy until evidence is recorded by the court. Since courts do not proceed with matters so expeditiously, the end result is the *miscarriage of justice* which people keep reading about in the newspapers these days (Bibi et al., 2019).

Ramzan Khalid is an advocate of the High Court and Supreme Court of Pakistan, with around 26 years of experience in handling criminal cases. As a dedicated legal professional, Ramzan Khalid holds certain views and opinions on wrongful convictions and various aspects of the justice system. The First Information Report (FIR) is a crucial element in the criminal justice system. According to the law, an FIR should include the time and place of the offense, the type of offense, the tools used, any eyewitness accounts, and other relevant information. However, in many of our FIRs, some of these informations are missing when the police registers the FIR. The police often pressurize the victim to delay filing the FIR, which leads to the misleading of the investigation and an inability to answer the defence lawyer's questions. This is one of the most common mistakes made by the investigative authorities, which can result in wrongful convictions.

According to ACT-161, it is the responsibility of the police department to collect facts and evidence from the scene of the offense. ACT-173 further requires the police department to present a Challan within 14 days. However, due to the high

crime rate in our society, the police department is often unable to perform their duties effectively and provide accurate investigation reports. These factors create a gap between the investigation and the trial, which can lead to wrongful convictions.

To reduce this gap, it is necessary to take steps to reform the police department and the justice system. I suggest that the law must be equal for both the rich and the poor; currently, there is a difference in how the law is applied. There is a need to provide proper training to investigation officers to ensure they conduct investigations in a thorough and unbiased manner. Additionally, new techniques and advancements in science and technology should be incorporated into the investigation procedures. Our judicial system heavily relies on investigation reports.

In many cases of wrongful conviction, the lives of the victims are wasted, and they often suffer psychological trauma. In some cases, victims may seek revenge. The forensic report is a critical piece of evidence, but due to political and economic pressures on investigation officers, it can be manipulated to suit certain requirements in our society.

The accused person's feelings are deeply impacted when they face the *Sentence of Death* for a crime they did not commit or were not involved in. The *Sentence of Death* not only has an economic and psychological impact on the accused but also affects their family. Our society does not accept individuals with a criminal record or activity. Although we have laws, we have failed to deliver justice to our society without unbiased investigations.

5.2 Importance of Evidence in Criminal Cases

The law does not take into account the sufferings of the victim of wrongful prosecution, the malice of complainant, the mala fide or negligent role of police and prosecution in the conduct of the case and lack of due care attention of the magistrates while deciding the cases. Due to all these factors, the victims spend years of their lives behind bars before being finally exonerated by the High Court and Supreme Court of Pakistan (Farhat & Yasmin, 2023). These courts only acquit the accused stating that the prosecution failed to prove the cases, or the police did not conduct the proper investigation or the lower courts failed to evaluate the evidence properly. The decision of the court, exonerating the accused, neither provides any penalty to the wrongdoer nor any compensation to the victim. It is worth mentioning that in all the cases where the accused is finally exonerated one is always left without compensation (Bibi et al., 2022). An effective response from the state to the victims of wrongful prosecution is lacking in the criminal justice system of Pakistan, as it stands today. There is no statutory or legal scheme articulating the state's response on the issue; hence, this research which is explorative theoretical and analytical (Foundation for Fundamental Rights, 2019).

Syed Muhammad Najmul Saqib is an experienced advocate practicing at the High Court level in Pakistan. With 17 years of legal experience, he has handled a wide range of cases, including civil, revenue, and criminal matters. As a dedicated legal professional, Syed Muhammad Najmul Saqib holds certain views and opinions on wrongful convictions and various aspects of the justice system.

Regarding the First Information Report (FIR), he acknowledges that in some cases, an FIR can be misused to wrongfully convict individuals. The potential for

false accusations, the planting of false evidence, prejudiced investigating officers and misleading information within the FIR are factors contributing to wrongful convictions.

Recognizing the importance of impartial investigations, he believes that the police bear a responsibility to conduct fair investigations, aim to minimize the risk of wrongful convictions. He emphasizes that the wrongful conviction of individuals poses a significant threat to society and should be avoided.

Regarding the judicial system, he emphasizes its pivotal role in delivering criminal justice and preventing wrongful convictions. He believes that judges must ensure that the prosecution does not overstep its authority, provide adequate legal representation for the accused, and rely on trustworthy evidence, including forensic evidence, to support their decisions. The significance of medical forensic evidence in criminal cases, recognizing its role as supportive evidence. He emphasizes the importance of such evidence being trustworthy and free from doubts to ensure fair and just convictions.

Syed Muhammad Najmul Saqib holds the view that social, political, economic, and religious factors should not influence the dispensation of criminal justice. He believes that judges must remain impartial and not allow these factors to compromise the fairness of their decisions.

In terms of the general trends of the justice system, I believe that it should be above reproach and free from criticism. He considers the justice system as a litmus test for societal development, emphasizing the need for its integrity and accountability.

He supports the provision of compensation for wrongfully convicted individuals, as outlined in the penal provisions of the Pakistan Penal Code and Code of Criminal Procedure. He believes that these provisions should be implemented in their true spirit to provide justice to those who have been wrongly convicted.

Additionally, Syed Muhammad Najmul Saqib recognizes the challenges faced by wrongfully convicted individuals after their exoneration. He highlights the difficulties of reintegrating into society, the societal stigma they may face, financial hardships, and potential grievances against the judicial system.

Overall, Syed Muhammad Najmul Saqib's years of legal experience and his views on wrongful convictions and the justice system reflect his commitment to ensuring fairness, integrity, and justice in the legal system of Pakistan.

5.3 False and Fabricated Eye Witness Testimonies

Eyewitness evidence can be inherently unreliable. There is no denying the powerful impact at trial of a witness for the prosecution stating with confidence and conviction that the accused was the person observed committing the crime. However, experience has shown that erroneous and mistaken identifications have and do occur, resulting in the wrongful conviction of the factually innocent as per U.S Department of Justice (Cianci, 2023).

Malik Naseer Ahmad Thaheem is a highly experienced and esteemed legal professional practicing at the Supreme Court of Pakistan. With an impressive career spanning 30 years, he specializes in handling criminal cases. Throughout his practice, Malik Naseer Ahmad Thaheem has developed a unique perspective and a range of

personal views and opinions on various aspects of the justice system, including wrongful convictions.

Regarding the First Information Report (FIR), he believes that it can be misused to wrongfully convict innocent individuals. He emphasizes the danger of false and fabricated eye witness testimonies, which can lead to the wrongful conviction of innocent people. He points out the difference in practices between Pakistan and some foreign countries, where evidence is collected before the arrest of the accused. The Supreme Court of Pakistan has clarified that an FIR alone is not sufficient grounds for arrest and that concrete evidence of the offense is required.

When discussing the liabilities of the police during investigations, the lack of merit-based and unbiased examinations of cases. How political pressure, corruption, and other influences can hinder the police from performing their duties honestly and impartially.

In terms of the liabilities of the judicial system, he raises significant concerns. He believes that the justice system in Pakistan often falls short of delivering justice, with courts failing to deeply analyze the root causes of cases. In his point of view the prevalence of paper justice, where guilty individuals may be acquitted due to the prosecution's failure to prove their case beyond a reasonable doubt. On the other hand, innocent individuals may be wrongfully convicted if the prosecution presents a false chain of evidence. The delays in court proceedings also contribute to inefficiency, leading to the maxim of *Justice delayed is justice denied.*

Discussing the role of the prosecution, the importance of presenting cases based on facts and assisting the court. However, he notes that in practice, prosecutors

sometimes align themselves with the complainant's side, misleading the court and potentially contributing to wrongful convictions.

When considering medical forensic evidence, the need for defense counsels to have a thorough understanding of medical and forensic science. He believes that inadequate knowledge and effort on the part of defense lawyers can lead to the misuse of medical and forensic evidence and, consequently, wrongful convictions.

The influence of various social, political, economic, and religious factors in the justice system. The concern about the impact of these factors, as they can undermine the impartiality of courts and lead to injustices. Regarding the general trends of the justice system, he questions the validity of using Call Detail Records (CDRs) as evidence in criminal cases. There is need of forensic analysis of CDRs to address any potential editing methods that may exist in such records.

While compensation for wrongfully convicted individuals is not currently addressed in Pakistani law, he suggests that the principles of Islam, as a complete code of conduct, emphasize a reformatory system of justice.

Lastly, the challenges faced by wrongfully convicted individuals after their exoneration. These challenges include a loss of trust in the judicial system, feelings of loneliness, and a sense of revenge. Reintegration into society becomes difficult due to the lack of support from the community and the lasting stigma associated with wrongful convictions.

His extensive legal experience and thought-provoking opinions contribute to his commitment to promoting fairness, justice, and reform within the Pakistani justice system.

5.4 Role of the prosecution in criminal cases

The bench observed that the material evidence produced by the prosecution had contradictions, and did not corroborate with the prosecution's story. The order of the court surely must have brought a smile on the face of the accused. However, is it not unfair that this order came after 20 years? Is it fair that the three accused had to suffer in jail for 20 years before they got justice? Is it fair that even 20 years later, we still haven't been able to find the actual killers? There are numerous such stories that people keep reading about in the news, where the SCP has ordered acquittal or release of a person from jail who is no longer alive or who has already been executed by hanging. Though one must appreciate that justice finally was done but there is also a very famous legal maxim that *justice delayed is justice denied,* and in my opinion such omissions truly are a travesty of justice.

Sajjad Hussain Zaigham is an experienced legal professional with 12 years of practice in both criminal and civil matters. Throughout his career, he has handled a diverse range of cases, gaining valuable insights and expertise in the field. With a focus on delivering justice and upholding the rule of law, Sajjad Hussain Zaigham has developed a unique perspective on various aspects of the legal system, including wrongful convictions.

As a practitioner, he recognizes the significance of the First Information Report (FIR) in the criminal justice system. The flaws and discrepancies in the procedure and practice of lodging FIRs in Pakistan, which can contribute to wrongful convictions. He highlights the need for improvements to ensure that FIRs are accurate and reliable.

Regarding the liabilities of the police, he emphasizes their pivotal role in handling criminal cases. From the inception of the case through the investigation and collection of evidence, the police play a crucial part. However, he notes that issues such as incompetence, biases, and external pressures can compromise the police's ability to carry out their responsibilities effectively, leading to wrongful convictions.

In terms of the judicial system, its central duty is dispensing justice impartially. However, the concerns about the excessive workload, misinterpretation of evidence, lack of expertise in specialized areas such as medical and forensic testing, and the influence of biases and pressures. The need for improvements in the system to ensure fair and just outcomes, and to prevent wrongful convictions.

There is significant role of the prosecution in criminal cases. Like negative and malafide role that the prosecution can sometimes play, which can contribute to wrongful convictions. There is a need for the prosecution to adhere to principles of fairness, objectivity, and presenting evidence accurately.

In discussing medical forensic evidence, he has concerns about its reliability and fairness. The forensic officials and workers can be influenced through various means, compromising the accuracy and integrity of the evidence. There is need for measures to ensure the trustworthiness of forensic testing and evidence.

There are always various influences like social, political, economic, and religious factors in the justice system. The potential for these factors to manipulate the system and influence outcomes, leading to wrongful convictions. The importance of an impartial and unbiased justice system that is not swayed by external influences.

Based on his experience, Sajjad Hussain Zaigham points out the challenges faced by wrongfully convicted individuals even after their exoneration. He emphasizes the need for their restoration and rehabilitation, as well as the support of the community to reintegrate them into society. He recognizes the psychological impact and fear of a bleak future that wrongfully convicted individuals may experience. Overall, Sajjad Hussain Zaigham's extensive experience in criminal and civil matters has provided him with valuable insights into the legal system. His commitment to justice and his understanding of the complexities and shortcomings within the system make him a respected and knowledgeable legal professional.

5.5 Understanding of the challenges faced by clients and the intricacies of the law

Corruption increases the risk that the persons prosecuted are those who are unable or unwilling to pay bribes, regardless of the weakness of the evidence uncovered against them. Lack of training and funding for prosecutors like state-appointed defense counsel, government prosecutors are also underfunded and often poorly trained, and this exacerbates the lack of police accountability. According to one former prosecutor, often "prosecutors do not speak to witnesses until the case comes to court . . . making them over-dependent on the police (Garrett, 2020).

Rana Zulfiqar Ali is an experienced legal professional with 18 years of practice as an Advocate in the High Court. Throughout his extensive career, he has handled a wide range of cases, including criminal and civil matters. His experience has provided him with a deep understanding of the intricacies of the legal system and the complexities involved in delivering justice.

With his years of practice, Rana Zulfiqar Ali has accumulated a wealth of knowledge and expertise in navigating the legal landscape. He has developed a keen understanding of the challenges faced by clients and the intricacies of the law. This experience has equipped him with the ability to analyze cases thoroughly, identify key issues, and devise effective legal strategies.

Rana Zulfiqar Ali has honed his skills in both criminal and civil matters. He has successfully represented clients in various legal proceedings, including trials, appeals, and negotiations. His versatility allows him to handle a diverse range of cases, ensuring that his clients receive comprehensive legal support and representation.

Throughout his career, Rana Zulfiqar Ali has demonstrated a strong commitment to upholding justice and ensuring the fair treatment of his clients. He believes in the importance of transparency, integrity, and thoroughness in the legal process. His dedication to his clients' well-being and rights is evident in his tireless efforts to advocate for their interests.

With his extensive courtroom experience, Rana Zulfiqar Ali is skilled in presenting arguments, cross-examining witnesses, and meticulously examining evidence. He is well-versed in the procedural aspects of the law, enabling him to navigate complex legal systems efficiently. His ability to analyze complex legal issues and provide sound legal advice has garnered him a reputation for excellence in his field.

Moreover, Rana Zulfiqar Ali's experience has allowed him to develop strong relationships within the legal community. He is respected by his peers and esteemed

by his clients for his professionalism, knowledge, and dedication to his craft. His reputation as a skilled advocate has led to a successful and thriving legal practice.

In conclusion, Rana Zulfiqar Ali's extensive experience as an Advocate in the High Court has shaped him into a seasoned legal professional. His commitments to justice, meticulous approach to legal matters, and dedication to his clients have contributed to his success. With his wealth of knowledge and expertise, he continues to make a positive impact in the legal field and provide valuable guidance to those seeking legal assistance.

5.6 Reputation and Role of Defense Lawyer

The majority of such cases have arisen from violations of the Brady right (Garrett, 2005) which requires prosecutors to provide the defense with all exculpatory evidence, and prohibits law enforcement from misrepresenting, failing to document, or hiding evidence from the defense. Ineffective assistance of counsel has also been cited in a number of civil cases as the court has ruled that municipalities responsible for assigning legal representation in criminal cases can be held liable (Garrett, 2005).

Muhammad Ramzan Khalid is an experienced legal professional with 10 years of practice in both criminal and civil law. Throughout his career, he has gained valuable experience and knowledge in handling a wide range of cases. His expertise lies in criminal law, where he has represented clients in various legal proceedings.

With a decade of experience, Mian Khalid Gohar has developed a deep understanding of the intricacies of the legal system. He has honed his skills in analyzing cases, conducting thorough investigations, and crafting effective legal strategies to ensure the best possible outcome for his clients. His expertise in criminal

law allows him to navigate complex legal issues and provide sound advice to his clients.

Mian Khalid Gohar is known for his commitment to justice and fairness. He recognizes the importance of ensuring that all individuals receive equal treatment under the law and that their rights are protected. Throughout his practice, he has strived to uphold the principles of justice and fight for the rights of his clients.

During his career, Mian Khalid Gohar has represented clients in various criminal cases, including theft, assault, fraud, and drug-related offenses. He has extensive experience in trial advocacy, presenting persuasive arguments, cross-examining witnesses, and presenting evidence to support his clients' cases. His courtroom skills and attention to detail have earned him a reputation for being a skilled and effective advocate.

Mian Khalid Gohar also understands the importance of continuous learning and staying updated with the latest developments in the legal field. He regularly attends seminars, workshops, and legal conferences to enhance his knowledge and keep abreast of changes in legislation and case law. This commitment to professional growth allows him to provide the highest quality legal representation to his clients.

Throughout his career, Mian Khalid Gohar has demonstrated a strong commitment to his clients and their well-being. He approaches each case with empathy and dedication, understanding the impact that legal issues can have on individuals and their families. He strives to provide personalized attention and support to his clients, guiding them through the legal process and fighting for their rights.

In conclusion, Mian Khalid Gohar's experience as an advocate in both criminal and civil law has equipped him with the skills, knowledge, and expertise to effectively represent his clients. His commitment to justice, continuous learning, and dedication to his clients' well-being have earned him a respected position in the legal community. With his vast experience and unwavering advocacy, he continues to make a positive impact in the field of law.

5.7 Influence of Medical Forensic Evidence

Reporting a crime can be an anxiety provoking experience for a number of reasons; victims may worry that they will not be believed, be embarrassed about being victimized or about details of the crime, doubt that anything will result from them reporting the crime, fear retaliation, or be uncertain about whether the offense was a crime punishable by law (National Centre for Victim Crime, 2011). During the investigation, victims may come into contact with medical, legal, law enforcement, advocacy, and forensic science professionals. These individuals are tasked with identifying, collecting and preserving evidence to support the identification and successful prosecution of offenders. As part of the investigation, victims typically participate in one or more interviews where they are asked to provide detailed information of the crime as well as a description/identification of the perpetrator. Medical personnel may also examine the victim to collect evidence and assess the extent of injury. Victim advocates and community-based service providers will often be called upon to provide support and services to victims and accompany them to appointments as necessary and desired (Nugent et al., 2006).

Muhammad Farooq is an experienced legal practitioner with a focus on criminal and civil cases. With a remarkable career spanning 20 years, Farooq has

established himself as a seasoned lawyer in the field. His expertise primarily lies in handling cases related to narcotics and murder, which require a deep understanding of complex legal frameworks and a keen eye for detail.

Throughout his career, Farooq has encountered numerous challenges and has developed a comprehensive understanding of the intricacies of the justice system. He has witnessed firsthand the consequences of wrongful convictions and the impact they have on individuals and their families. This has shaped his strong opinions on the subject and fuels his drive to advocate for justice and fairness.

Farooq's experience has exposed him to various facets of the legal process, from initial police investigations to courtroom proceedings. He has witnessed instances where innocent individuals have been falsely implicated in narcotics cases, often as a result of police misconduct or a desire to showcase progress. Such experiences have made him acutely aware of the need for training and accountability within law enforcement agencies to prevent wrongful convictions.

In his interactions with the judicial system, Farooq has observed the importance of judges playing an active role in evaluating cases. He believes that judges should not solely rely on police reports but should approach each matter with enthusiasm and a commitment to uncovering the truth. This perspective reflects his dedication to ensuring a fair trial for every individual, regardless of the charges they face.

Moreover, Farooq understands the significance of effective prosecution in safeguarding against wrongful convictions. He emphasizes the need for thorough investigations by the prosecution, carefully scrutinizing the evidence presented by the

police. This approach ensures that cases are built on a solid foundation and reduces the risk of innocent individuals being wrongfully convicted.

In his years of practice, Farooq has also recognized the potential influence of medical forensic evidence on wrongful convictions. He understands that inaccurate or misinterpreted reports can have severe consequences, further emphasizing the need for precision and expertise in handling such evidence.

While acknowledging the societal factors that can influence the justice system, such as social, political, economic, and religious factors, Farooq believes that these external influences do not directly impact the occurrence of wrongful convictions. Instead, he identifies the ignorance of the law and the presence of feudal systems as the primary causes behind wrongful convictions in his country.

Farooq's experiences have made him acutely aware of the challenges faced by wrongfully convicted individuals. After spending significant time in jail, these individuals and their families encounter hardships when attempting to reintegrate into society. Such challenges include societal stigma and prejudice, which can hinder their ability to resume normal lives even after being exonerated.

In light of his experiences and observations, Farooq offers insightful suggestions for improving the justice system. He believes that providing proper training for judicial officers is crucial to ensure their competence and understanding of legal complexities. Additionally, he emphasizes the need for an adequate number of judicial officers to handle cases promptly and effectively. Farooq also recognizes the importance of technological advancements, suggesting enhancements to computer

programs and training for judicial officers and their staff to streamline processes and facilitate efficient administration of justice.

Muhammad Farooq's wealth of experience, coupled with his passion for justice and fairness, positions him as a respected legal practitioner who strives to protect the rights of individuals and prevent wrongful convictions. His deep understanding of the challenges faced by wrongfully convicted individuals and his commitment to improving the justice system make him a valuable advocate for justice in his field.

Chapter Six

Discussion, Conclusions and Recommendations

Chapter four and five presented the experiences of wrongful convicted individuals and lawyers' opinions regarding the wrongful convictions. In this chapter, researcher attempt to explore how the study identified the research questions. This part of study includes the conclusion drawn from the study and bring the recommendations to address the issue of wrongful conviction in Punjab Pakistan.

The research study aims to explore the experiences of victims of wrongful convictions through a qualitative research design. The rationale for employing qualitative methods is discussed, highlighting the comprehensive understanding it can provide and its ability to address the factors associated with wrongful convictions and miscarriages of justice. The study focuses on four regions of Punjab prisons in Pakistan, specifically looking at cases of death sentence or life imprisonment where a minimum of ten years has been spent in jail, including cases of exoneration or wrongful conviction.

The sampling technique used is purposive sampling, with a total of 30 respondents selected, including 20 exonerees and 10 lawyers. Data collection was conducted using an interview guide. Thematic analysis is the primary method of data analysis, involving six phases: becoming familiar with the data, generating initial codes, searching for themes, reviewing themes, defining themes, and writing up the analysis. Additionally, content analysis is mentioned as a method to analyse written, verbal, or visual communication messages.

The evaluation of judgments in the study focuses on factors contributing to wrongful convictions, grounds for declaring guilt or innocence, case motives and brief

facts, and the evaluation of judgments based on legal procedures, language, and evidence. Reliability and validity in qualitative research are briefly mentioned, emphasizing the importance of consistency and accurate representation.

6.1 Contributing factors in Wrongful Convictions

The proposed study on wrongful convictions in Punjab, Pakistan, and its focus on the factors, impacts, and social adjustment of wrongfully convicted victims raises several important points for discussion. One significant aspect of this study is the examination of factors that contribute to wrongful convictions in the Pakistan criminal justice system. Eyewitness errors and misidentifications are also contributors to WC. The eyewitness identification errors due to tunnel vision, stress, fear, and other cognitive factors, such as unconscious transference, are common factors for false accusations and convictions (Sonenshein & Nilon, 2010). In the courtroom, eyewitness memories can be corrupted by misinterpretations, leading questions and their own outlooks and beliefs (Laney & Loftus, 2016). Eyewitness misidentification is identified as a leading cause of wrongful convictions, accounting for a significant percentage of the cases studied (Grunewald, 2023). In the cases of Yasir Bajwa and Ghulam Gillani caused lack of eyewitness or misidentification leads them imprisonment of almost 10 to 12 years, mistaken identifications can be unreliable, and erroneous eyewitness testimony can lead to the wrongful conviction of innocent individuals. Statistics showed that the leading cause of approximately 70% of the acquitted death penalty cases by the Pakistan Supreme Court was unreliable eyewitness testimonies provided at the lower courts (Shahid, 2019). Coerced confessions, psychological pressure, or misunderstanding can lead innocent individuals to admit guilt falsely. the second most infuential contributor to WC is

police errors and misconduct. Similarly, Aftab Bahadur was tortured by the police and confessed to a murder at the age of 15, and was executed after spending 22 years in prison (JPP & Reprieve, 2014). As one of the most widely feared, complained against, and least trusted government institutions in Pakistan, the police are reportedly responsible for numerous cases of extrajudicial killings of criminal suspects, torture of detainees to obtain confessions, and harassment and extortion of individuals who seek to fle criminal complaints against police officers (Watch, 2016). The cases of Shafqat Hussain and Aftab Bahadur are good examples of police-biased investigation, torture, and false confession (Allard, 2016; Bibi et al., 2019). Shafqat Hussain was merely 14 years old when he was sentenced to death by an anti-terrorism court for the alleged charges of murdering and kidnapping. Shafqat was convicted based on a forced confession obtained by police in 9 days through violent torture. Before the court, no other evidence associated Shafqat with the accused crime (JPP & Reprieve, 2014). Even the victim's father did not recognize Shafqat's voiceas the one he had heard during multiple calls demanding a ransom (JPP & Reprieve, 2014). The use of informant's plays a role in some wrongful convictions, accounting for a percentage of the cases studied (Grunewald, 2023). The reliability and credibility of informants can be questionable, leading to the wrongful conviction of innocent individuals. Due to slow and outdated judicial proceedings and an incompetent judiciary, wrongfully convicted sentences are often completed, especially in death penalty cases, before the acquittal decision arrives (Bibi et al., 2019).

The research highlights various factors such as faulty police investigations, prosecutorial misconduct, false confessions, eyewitness misidentification, judicial errors, forensic misinterpretation, and weak defense lawyering. Discussing these factors can shed light on systemic issues that undermine the fairness and accuracy of

criminal trials. Understanding these factors can inform policy and procedural changes aimed at preventing future wrongful convictions. Police malpractices and misconduct may lead to wrongful arrests and increase the likelihood of false conclusions (Ramsey & Frank, 2007). In the case of Muhammad Amin, the defense lawyer was not highly paid, but the other party member was a lawyer and they are also having their strong financial background. Weak defense is one of the leading causes behind the wrongful convictions. Muhammad Amin spend most fruitful time of his life in imprisonment due to grudge of Numberdar. This study found that economic status and social relationships of individual were have the strongly influence on prosecution in our justice system. If an individual belongs to higher income level had the strongly influence on the investigation team have chance to easily move out from any troubles. Discussing these factors can shed light on systemic issues that undermine the fairness and accuracy of criminal trials. Understanding these factors can inform policy and procedural changes aimed at preventing future wrongful convictions. Police malpractices and misconduct may lead to wrongful arrests and increase the likelihood of false conclusions (Ramsey & Frank, 2007). Police misconducts such as exaggerated testimony, coercing witnesses and suspects for confession, fabrication of evidence, improper handling of evidence, tampering with evidence, and overzealousness are primary sources of WCs (Huf, 2002; Times, 2018). One aspect to consider is the potential for police misconduct or errors during the investigation process. This can include instances of coerced confessions, mishandling of evidence, biased investigations, or tunnel vision, where investigators focus solely on a single suspect without considering alternative. Judicial errors and biases are also linked with WC (Huf, 2002; Ramsey & Frank, 2007). Judges may allow inadequate police investigation, prosecutors' overzealousness, incompetent defense, problematic

witness testimonies, and questionable forensic evidence (Ramsey & Frank, 2007). In countries where federal judgeship is a political appointment, judges are influenced by political, ideological, religious, and financial factors (Sherrer, 2003). Judicial decisions may also be influenced by personal biases, constitutional errors, and a broken justice system. Relevant literature categorized judicial errors and misconduct into three groups: (a) neglect of duties, (b) judicial biases, and (c) technical errors (Ramsey &Frank, 2007). Based on the literature, we conceptualized the antecedents of different kinds of errors and misconducts leading to WC.

6.2 Impacts of Wrongful Convictions on Victims and Families

The study is the exploration of the impacts of wrongful convictions on victims and their families. Wrongful convictions have profound emotional, psychological, and social consequences for those who have been unjustly imprisoned. Discussing these impacts can create awareness about the human cost of wrongful convictions and the need for support mechanisms for affected individuals and their families. It also highlights the importance of providing compensation and rehabilitation services to assist wrongfully convicted individuals in reintegrating into society. Wrongful convictions result in the denial of justice for innocent individuals who are wrongly convicted and punished for crimes they did not commit. According to Bibi et al. (2022), the families of wrongfully convicted individuals experience significant emotional distress as they witness their loved ones being punished for crimes they did not commit. They endure the pain of seeing their family member unjustly imprisoned and may suffer from feelings of helplessness, frustration, and anger. It is evident that the consequences and sufferings of wrongful conviction do not end when the innocents are released from prison; the consequences for the innocent are life-lasting (Clow et al., 2011). Apart from these emotional sufferings, they suffer economically

as they lose their job, employment, business, opportunities, and the age of getting any reasonable source of income.

In the present study almost all the respondents face socio-economic, socio-cultural, socio-psychological losses. They have wasted their golden time of age, properties their employment, and above all their families suffered a lot during this course. The element of stigma attached to exonerees families is a main deprivation. , exonerees also suffer from devastating financial consequences. They have great difficulty finding employment due to a combination of the stigmatizing effects of their criminal records, many of which are not expunged despite their exoneration; their lack of meaningful job training while incarcerated; and the aforementioned psychological consequences, which may make them less than ideal employees (Santos, 2007). Few exonerees receive significant financial compensation for their experiences of wrongful conviction (Bernhard, 1999; Campbell & Denov, 2004; Westervelt & Cook, 2008). Exonerees also experience severe difficulties re-integrating into society. Exonerees after spending a lot of time in jail nothing received any thing as a compensation. They live like an animal in jail. Wrongfully convicted individuals experience the loss of personal freedom as they are incarcerated and deprived of their liberty for a crime they did not commit. This can result in a significant emotional and psychological toll. As in earlier study, the wrongful conviction of a family member can strain relationships within the family. The stress and emotional toll of the situation can lead to conflicts, communication breakdowns, and a sense of isolation. Families of wrongfully convicted individuals may also face social stigmatization and prejudice from their communities. Bibi et al. (2022) subjected to judgment, gossip, and ostracism, adding to the emotional and psychological strain they experience.

Wrongful convictions can cause immense emotional and financial hardships for the wrongfully convicted individuals and their families. They may suffer from trauma, depression, and anxiety, and may also face financial burdens due to legal fees, loss of income, and difficulties in finding employment after release. Wrongful convictions undermine public trust in the criminal justice system. When innocent individuals are convicted, it raises concerns about the reliability and fairness of the system, leading to a loss of faith in its ability to deliver justice. Wrongful convictions can cause severe financial hardships for the families of the victims. They may have to bear the costs of legal representation, court proceedings, and supporting their loved ones during incarceration. Additionally, the loss of income from the wrongfully convicted individual can create a significant burden on the family (Bibi et al., 2022).

It is crucial to recognize and address the impacts of wrongful convictions on the families of the victims. Providing support services, counseling, and financial assistance can help mitigate the hardships they endure. Additionally, advocating for reforms in the criminal justice system to prevent wrongful convictions and promote fairness and justice is essential to prevent further suffering for these families (Bibi et al., 2022).

6.3 Readjustment of victims into society

The social adjustment of wrongfully convicted individuals after their exoneration is an essential aspect of the study. Wrongfully convicted individuals often face significant challenges when reintegrating into society, including stigma, loss of social connections, and difficulties in finding employment and housing. Discussing these challenges can highlight the need for comprehensive support systems, including counseling, vocational training, and community reintegration programs, to aid the

transition of exonerees back into society. It also emphasizes the role of society in facilitating the reintegration process and combating social exclusion and discrimination. Exonerees also suffer from devastating financial consequences. They have great difficulty finding employment due to a combination of thes stigmatizing effects of their criminal records, many of which are not expunged despite their exoneration; their lack of meaningful job training while incarcerated; and the aforementioned psychological consequences, which may make them less than ideal employees (Santos, 2007). Few exonerees receive significant financial compensation for their experiences of wrongful conviction (Bernhard, 1999; Campbell & Denov, 2004; Westervelt & Cook, 2008). Exonerees also experience severe difficulties re-integrating into society.

Stigma prevented exonerees from finding a job, being incarcerated contributed to stigma-by-association fears, people may have doubts surrounding the wrongful conviction (contributing to stigmatization)— which all have been noted by exonerees (Grounds, 2005; Vollen & Eggers, 2005; Westervelt & Cook, 2008).

Present study explored that exonerees need to be provided with meaningful services (employment training) for two important reasons. First, it repays them for the non-monetary injuries they have experienced as a result of their incarceration (e.g., lost family ties). And second, services are needed to help them reintegrate back into society (Chunias & Aufgang, 2008). Exonerees do not have the benefit of preparation for their release (rehabilitation programs, drug and alcohol treatment, etc.) while in prison (Westervelt & Cook, 2008). Therefore, they are unlikely to have the opportunity to participate in work-release or other programs geared towards re-entry (Chunias & Aufgang, 2008).

Table No. 6.1 Themes, Findings and comparison with Existing Literature

No	Themes	Findings of the study	Comparison with Existing Literature
1	Police and Wrongful conviction. a) Delaying tactics in FIR registration. b) Involve multiple accused in a single occurrence. c) Faulty Investigation. d) Malafied intention. e) Coerced confession.	Findings of the study explores that in majority of the cases police was responsible behind wrongful convictions, police used delaying tactics, involved multiple accused in a single occurrence and used torture in investigating crime. In most of the case police received / demanded a huge amount of bribe money. In many cases police used Torture for confession of crime. So, this study indicate that faulty police investigation is major cause of W.C in Criminal justice system of Pakistan. In this study the cases of exonerees, Yasir Bajwa , Muhammad Ameen, Muhammad Ayaz , Muhammad Ramzan, Zulqarnain Haider shah, Muhammad Amir , Naveed and Muhammad Afzal Bodla , shows police misconduct that become cause of W.C. This study found that the blackmailing of the investigation team or investigation process was the cause of their wrongful conviction.	Situational and dispositional factors also play a role when it comes to an individual falsely confessing. Situational factors include issues at the time of the interrogation itself, such as hunger, thirst, feeling unwell and so on (Hasel & Kassin, 2010). Dispositional factors include things such as mental illness, intellectual impairments, higher levels of anxiety, depression, delusions as well as other psychological disorders (Gudjonsson, 2003). Generally, false confessions can take three forms: voluntary, compliant and internalized. First, voluntary false confessions are those in which people claim responsibility for crimes they did not commit without any pressure from the police (Hasel & Kassin, 2010). According to Hasel and Kassin (2010), there are many reasons why innocent people voluntarily confess, including the perception of tangible gain (e.g., going home after one confesses) and the desire to protect a loved one (e.g., parent, child). Second, compliant false confessions occur when the suspect agrees to confess to the police in hopes of escaping a stressful situation, avoiding an unexpected punishment, or gaining a promised or implied reward (Hasel & Kassin, 2010). Finally, internalized false confessions occur when individuals are exposed to highly suggestive interrogation tactics and are manipulated into

			believing that they actually did commit the offence (Kassin, 2007). As one of the most widely feared, complained against, and least trusted government institutions in Pakistan, the police are reportedly responsible for numerous cases of extrajudicial killings of criminal suspects, torture of detainees to obtain confessions, and harassment and extortion of individuals who seek to fle criminal complaints against police officers (Watch, 2016). The cases of Shafqat Hussain and Aftab Bahadur are good examples of police-biased investigation, torture, and false confession (Allard, 2016; Bibi et al., 2019). Police misconducts such as exaggerated testimony, coercing witnesses and suspects for confession, fabrication of evidence, improper handling of evidence, tampering with evidence, and overzealousness are primary sources of WCs (Huf, 2002; Times, 2018).
2	Eye Witness Misidentifications.	Research data shows that eye witness misidentifications is also a big cause of W.C. In Many cases, wrong eyewitnesses' testimony become cause of W.C. Eye witness are produced by the complainant and couched by the police for fabrications of self-made evidence. The cases of Muhammad Ameen, Yasir Bajwa, Muhammad Ramzan. Layaqat Ali , Zafar Iqbal and Ghulam Gillani represent misidentification of eye witnesses that further become cause of W.C. Exoneree Zafar almost spend almost 15 years in imprisonment due to eye witness misidentification, the eye witness identified him in darkness.	Mistaken eyewitness identification has been cited as one of the most frequent causes of wrongful convictions (Devenport, Penrod, & Cutler, 1997; Gross et al., 2005; Scheck et al., 2000). The Innocence Project (2011b) estimated that eyewitness misidentification contributed to more than 75% of convictions that were subsequently overturned through post-conviction DNA testing. Eyewitnesses tend to be problematic due to issues surrounding the accuracy of their identification and the frequency of misidentifications (Wells et al., 2010). Statistics showed that the leading

			cause of approximately 70% of the acquitted death penalty cases by the Pakistan Supreme Court was unreliable eyewitness testimonies provided at the lower courts (Shahid, 2019).
3	Prosecution / Defense Lawyering Errors and W.C.	According to content analysis data of all the cases shows that prosecution has failed to prove the case beyond reasons able doubts and benefit of doubts always goes to accused but according to legal opinions of lawyers and experiences of exonerees shows that in majority of the cases police misconduct and other factors becoming cause of W.C. The actual task of prosecution and defense lawyers is like a bridge between police and Judiciary. In Pakistani Courts there is a paper justice and courts believe on evidence produced by police. Courts don't apply legal mind in decision and at the end blame on prosecution that, prosecution has failed to prove the case. The Judgments of all the cases shows prosecution errors behind W.C. This study found that economic status and social relationships of individual were have the strongly influence on prosecution in our justice system. If an individual belongs to higher income level had the strongly influence on the investigation team have chance to easily move out from any troubles.	It can be argued that this environment, and the structure of the court system itself (e.g., competitive adversarial system), inadvertently pressures prosecutors to act in these ways (e.g., Giddens, 1984; Pettigrew, 1987). Subsequently, this desire to win may cause prosecutors to engage in questionable or dishonest tactics (e.g., illegally withholding exculpatory evidence from defence), leading to wrongful convictions (Anderson & Anderson, 2009; Clayton, 1995; Ferguson-Gilbert, 2001; Rosenberg, 2002; Schoenfeld, 2005).
4	Forensic errors and W.C.	Data shows that Forensic errors in evidence is also becoming cause of W.C. The defense council did not know the forensic medical evidence, a medical jurisprudence so that W.C occurs. The data also shows that the political pressure and use of bribe also influence the forensic medical evidence and during sample collections. The data also shows that delaying medical reports leads towards lengthy trials that become	

		suffrage of an innocent person for longtime, the case of Muhammd Ameen , Muhammad Amir, Muhammad Ramzan, Naveed , and Muhammad Rafiq also represented the forensic errors.	
5	Judicial Errors and W.C.	The research data shows that our judicial system is also becoming cause of W.C. The judicial system is under the influence of political system. Unfair means is most commonly talked about the subordinate judiciary. The data of research also shows that courts are relying on paper justice and not facts. The cases of Muhammad Ramzan , Layaqat Ali , Abdul Khaliq, Muhammad Nawaz , Muhammad Bilal , Muhammad Amir , Syed Zulqarrnain Ali Shah depicts the pits and falls in the judicial system. The data shows that lower courts are blind in providing the justice they sentence to death in almost 90% cases and later on Higher courts converted into life imprisonment or in complete acquittal. The judicial system is totally depending on investigation report which was presented by the investigation team, there is no other source which was used to verify the reports.	Judicial errors and biases are also linked with WC (Huf, 2002; Ramsey & Frank, 2007). Judges may allow inadequate police investigation, prosecutors' overzealousness, incompetent defense, problematic witness testimonies, and questionable forensic evidence (Ramsey & Frank, 2007). In countries where federal judgeship is a political appointment, judges are influenced by political, ideological, religious, and financial factors (Sherrer, 2003). Judicial decisions may also be influenced by personal biases, constitutional errors, and a broken justice system. Relevant literature categorized judicial errors and misconduct into three groups: (a) neglect of duties, (b) judicial biases, and (c) technical errors (Ramsey &Frank, 2007).
6	Political Pressure / Feudalism and W.C.	The data of research shows that Political pressure/ feudalism is the second most cause of W.C. In Pakistani society political pressure influence the all-stake holders of criminal justice system like police, prosecution, judiciary. The cases of exonerees Shabir Asif, Muhammad Ramzan Zafar Iqbal Muhammad Ameen, Muhammad Bilal, Muhammad Nawaz were intervein by the local political leaders. Our police culture is mostly influenced by the political system that become the directly or indirectly cause of	Individual's socioeconomic status may also contribute to the wrongful conviction of a defendant (Anderson & Anderson, 2009). Specifically, research has found that an individual's socioeconomic status may affect their ability to afford satisfactory defense counsel (Campbell & Denov, 2005). Public pressure on the criminal justice system can be a contributing factor in wrongful convictions (e.g., Borchard, 1932; Huff et al., 1996; MacFarlane,

		W.C. The study found that the majority of the exonerees were the victims of political pressure and feudalism. The politicians and feudalist have strong impact on the investigation process and team. These two factors have deep rooted influence on the criminal justice system.	2006).
7	Ego and Biasness	The research data shows that ego and personal biasness is also a cause of W.C in criminal justice of Pakistan. The cases of Abdul Khaliq , Muhammad Bilal , Muhammad Ameen and Shabir asif exonerees shows that the personal biasness of relatives and local politically influenced persons involved for W.C. Exoneree Abdul Khaliq spend 15 years in imprisonment due to ego of close relative. They themselves deliberately hide the child and later blamed and alleged kidnapping for ransom of thirty lakh rupees. The police conducted a poor investigation and deliberately framed Abdul Khaliq in this case by accepting bribes.	Marginalized groups (ethnic minorities, people with criminal records, low socioeconomic classes) are frequently targeted by the criminal justice system and, thus, are disproportionately wrongfully convicted (Anderson & Anderson, 2009; Bedau & Radelet, 1987; Blume, 2008; Borchard, 1932; Huff et al., 1996; Rattner, 1988; Scheck et al., 2000). These systematic biases are examples of _dark currents' (Giddens, 1984) as they are inherent within the social structure—in this case, the criminal justice system—and may subconsciously influence its agents and produce unintended outcomes (e.g., wrongful convictions).
8	Socio-economic impacts. a) Loss of property. b) Loss of jobs/employment.	Data shows that exonerees lost their whole properties, business during wrongful imprisonments for a long period of time they sell their properties in pursuing the cases. Research data shows that they lost their whole savings and resources during this lengthy process. Their families sold their land, gold, vehicles and other asserts to fight for justice but did not successes against the bad investigation system, depending justice system and higher level of involvement of bribes and political authorities.	

9	Socio-Cultural Impacts. a) Stigmatization b) Reputation Deficit. c) Familial suffrage.	The study findings shows that when an innocent person is involved in a W.C then his identity in society spoiled and label of criminality is attached to his identity. The whole prestige and reputation destroyed due to this stigma. Exonerees not only facing this stigma but their whole family suffered due to this curse. The reputation of whole family destroyed. The family of exonerees suffered a lot during this course through educational careers of children's, employability, social acceptance due to stigma of crime. No one is willing to give the employment and no one is willing to help them financially. Exoneree Yasir Bajwa Family also face the harassment from police and jail staff. This study found that exoneree's reputation, children education, unable to fulfill left behind family members daily basic needs.	Stigma prevented exonerees from finding a job, being incarcerated contributed to stigma-by-association fears, people may have doubts surrounding the wrongful conviction (contributing to stigmatization)— which all have been noted by exonerees (e.g., Grounds, 2005; Vollen & Eggers, 2005; Westervelt & Cook, 2008).
10	Socio-Psychological Impacts. a) Feeling of frustrations and anger. b) Wastage of time. c) Deprivation due to loss of beloved ones. d) Feelings of distrust on state institutions.	Research data shows that psychological impacts faced by victims and his immediate family members are long lasting. When a person spends long time in jail, he loses trust on judicial system and feel loneliness and feeling of revenge produced permanently in his personality and he became isolated in society, his thought become change and he do not belief on system because he had suffered a lot due to this system, during jail no one supported him from the community side, law makers and overall system during his hard days so it is very difficult to reintegrate in society. Most of the exonerees stated that they had frustrations and anger on this system because this system has lost their golden period of time behind the bar and during this period of time, they had lost their beloved ones and even they could not see their last faces during this wrongful	Wrongfully convicted people may also suffer ongoing emotional effects from the conviction and the disengagement from society that it brings. Fear of physical and/or sexual assault may cause some people to develop physically aggressive/ intimidating character traits as a coping mechanism. Grounds A 2004. Campbell K & Denov M 2000 The consequences of an exoneree's wrongful conviction can lead to: poor health, lack of marketable job skills, unstable employment, feelings of bitterness and anger, fear of re-victimization, stifled family relationships, financial dependency, and stigmatizing labels (Westervelt & Cook, 2008). The consequences and sufferings of wrongful conviction do not end

		imprisonment. The data shows that when a person is imprisoned for life then even life partners /wife's of exonerees left them and break the relationship. This study found that this wrongful conviction has the social and psychological impact on the victims and victim's families, the victims have anger and feeling of frustration due to wastage of their golden time in imprisonment, lack of proper care of their children and family, they reported their children education, health, and growing also effected. This study also found that the victims have the feeling of distrust on the police and justice system.	when the innocents are released from prison; the consequences for the innocent are life-lasting (Clow et al., 2011).
11	Non-Acceptance of society. a) Lack of support from family, friends and relatives. b) Strained family and social relations ships due to stigma attached.	The research findings shows that victims of wrongful convictions face different challenges during reintegration in society after spending a decade of time behind the bar. The challenges include lack of support from family, friends and relatives due to stigma of criminality, even their children's social life become challenging in society no one is ready to give him employment and not ready to trust him. All his family members leave him isolated to survive in society. Government do not support him for financially and not provide him any services for their reintegration in society. Most of the exonerees spend remaining life without personal home. This study found that the exoneree's reported that the most of their relatives and family friends left them after their wrongful conviction and they tried to avoid to meet their family members. All the time they feel stress due to their family life's which are in threat due to his conviction and stigma attached or associated with them due to him.	Upon their release, many exonerees face considerable obstacles when it comes to rejoining society post-exoneration (Campbell & Denov, 2004; Westervelt & Cook, 2008). Westervelt and Cook (2010) argued that the wrongly convicted are often re-victimized after their exoneration because the government fails to provide them with meaningful assistance
12	Financial Hardships. a) Problems of employment and	The finding of research data shows that the victims of wrongful convictions face financial hardships	Few exonerees receive significant financial compensation for their experiences of wrongful

lack of resources.	during reintegration in society during this course they had lost all their properties and resources. After spending a lot of time in jails they are unable to work due to poor health conditions and there is no any mechanism to support the financially from government side. The data shows that the victims of W.C faced difficulties in seeking employment due to stigma of criminality attached with them. Exoneree's were faced the economic hardship they lose their business, employment and cultivated land during this period. After released from jail they have no resource left and face financial hardship	conviction (Bernhard, 1999; Campbell & Denov, 2004; Westervelt & Cook, 2008). Exonerees also experience severe difficulties re-integrating into society. **Stigma** prevented exonerees from finding a job, being incarcerated contributed to stigma-by-association fears, people may have doubts surrounding the wrongful conviction (contributing to stigmatization)— which all have been noted by exonerees (e.g., Grounds, 2005; Vollen & Eggers, 2005; Westervelt & Cook, 2008). Once the wrongfully convicted are released these factors can lead to homelessness, poverty, self medication with drugs and alcohol, as well as social alienation (Weigand, 2009). Therefore, Westervelt and Cook (2008) suggest that reintegration programs and services are needed and should be in partnership with innocent projects in order to assist exonerees with rebuilding their lives

6.5 Conclusions

Wrongful convictions are a serious and deeply troubling issue within the criminal justice system. They occur when innocent individuals are wrongly found guilty of crimes they did not commit, leading to devastating consequences for the wrongfully convicted individuals and their families. Wrongful convictions not only result in a miscarriage of justice but also undermine public trust in the legal system and the belief in its ability to deliver fair outcomes. In Pakistan, the problem of

wrongful convictions is a pressing concern that requires attention and comprehensive reforms. Factors such as police misconduct, flawed investigations, inadequate legal representation, and flawed forensic evidence contribute to the occurrence of wrongful convictions. According to (AFP, 2018) many individuals in Pakistan cannot afford quality legal representation, which puts them at a disadvantage in the criminal justice system. This lack of access to competent lawyers can lead to ineffective defense and increase the risk of wrongful convictions.

This study also found the influence of political pressure and the misuse of the criminal justice system these factors, raising questions about the impartiality and fairness of the system. Because, it highlights the weaknesses in the police service, lack of independence in the judiciary, corruption, coercion, and intimidation of witnesses.

This study explored also emphasizes the role of different stakeholders, such as police officers, prosecutors, eyewitnesses, defense attorneys, and forensic experts, in the occurrence of wrongful convictions. According to Bibi et al. (2019) Pakistan's judicial system is often characterized by delays in the resolution of cases. Lengthy trials and the slow pace of the courts contribute to wrongful convictions, as innocent individuals may spend years or even decades in prison before being exonerated.

One aspect that stands out in the findings is the issue of eyewitness misidentification. It's astonishing to think that such a critical piece of evidence can be unreliable and lead to wrongful convictions. The fallibility of human memory and the influence of external factors, like suggestive questioning or biases, can significantly impact an eyewitness's ability to accurately identify a suspect. This highlights the need for implementing reforms in eyewitness identification procedures and educating

both law enforcement and the public about the limitations of such testimony. According to Bibi et al. (2019) Pakistan's criminal justice system can be biased against certain groups, such as minorities or marginalized communities. This bias can result in wrongful convictions based on prejudice rather than solid evidence, further highlighting the contribution of the judicial system to these injustices. Another crucial point is the use of coerced confessions and torture. The reliance on forced confessions extracted through torture or coercion is not only morally wrong but also highly unreliable. It is disheartening to think that individuals may admit to crimes they did not commit out of fear, pain, or desperation. Strict prohibitions against such practices and the introduction of safeguards, like video recording of interrogations and access to legal counsel, are essential to prevent false confessions and subsequent wrongful convictions.

Additionally, systemic issues within the criminal justice system play a significant role in wrongful convictions. Inadequate training, lack of resources, and structural flaws can create an environment where errors and biases thrive. Addressing these systemic issues requires comprehensive reforms, such as increasing funding, improving training programs, and establishing oversight mechanisms to ensure fairness and accountability.

Furthermore, the role of defense attorneys and their ability to provide effective representation is crucial. In many cases, individuals facing wrongful convictions lack the resources to hire competent defense counsel, leading to imbalanced trials and unfair outcomes. Ensuring equal access to qualified defense attorneys and providing necessary support for post-conviction challenges are vital steps toward preventing wrongful convictions.

One significant contribution of the judicial system to wrongful convictions in Pakistan is the lack of an effective response to victims of wrongful prosecution. The system fails to provide adequate compensation and penalties to the wrongdoers, leaving the victims without justice and redress (Bibi et al., 2022). Ultimately, combating wrongful convictions requires a multifaceted approach that involves reforms in investigative practices, prosecutorial ethics, forensic science standards, judicial independence, and systemic issues. It demands a commitment to the pursuit of truth, fairness, and the protection of individual rights throughout the criminal justice process. As previously reported by Farhat and Yasmin (2023) the judicial system's reliance on flawed investigation techniques and inadequate evaluation of evidence can contribute to wrongful convictions. When investigations are conducted improperly or evidence is not thoroughly evaluated, innocent individuals may be wrongly convicted.

6.6 Concluding Remarks of Lawyers about Wrongful Conviction

The interview with lawyers revealed concerns about the prevalence of the wrongful convictions in Pakistan one lawyer noted "In my experience eyewitnesses misidentifications and false confessions are common causes of wrongful convictions." Another lawyer emphasized the need for criminal justice reform, stating, "Until we improve investigation and trial practices wrongful convictions will continue to occur."

One of the senior most lawyer of the supreme court concluded that "Unfair means is most commonly talked about the subordinate judiciary which includes social, political monetary influences & the same can be easily redacted from the system by way at a supervision by a judge of honorable superior courts who shall made himself available to the complaints against parietal Districts & also shall ensure a secret investigation & ultimately take the same to task if proved. Exemplary punishment will do the magic."

Another lawyer concluded about reintegration of exoneree that "When a person spends long time in jail, he loses trust on judicial system and feel loneliness and feeling of revenge produced permanently in his personality and he became isolated from society. His thought become change and he do not belief on system because he had suffered a lot due to this system. Because no one support him from community side, law makers and overall system during his hard days, so it is very difficult to reintegrate in society. Community should agitate when a person is falsely convicted. In this society power elites enjoy the law in his own way. In our society majority support the cruel, powerful, political and economically high class instead of true person/ innocent person. Society should condemn the guilty persons and morally encourage the innocent persons so that their belief on justice system may restored. When a person is stigmatized then he became permanent member of crime world and there are very rare chances of his reintegration in society."

Another lawyer concluded about Prosecution "In a state case prosecution is ultimately incharge of the case and the complainant counsel is only to assist him hence, a great responsibility lies upon his shoulders. He shall be vigilant law knowing, well acquaintance with the CrPc procedure, Qanoon –e- Shahadat 1984 and Police Rules 1934. He shall monitor all the proceedings and get record the prosecution witnesses in his presence with all his abilities while prosecuting a case. Where the prosecutor is not properly briefed with the facts of case then he leaves lacunas which ultimately are resolved in favor of accused. The prosecution shall arrange consultation meetings, training sessions and shall built a mechanism based on research officers to assists the courts of law in any question of law and fact. The prosecution act empowers a prosecutor to file a memorandum upon receipt of indictment U/s 173 Crpc and returned the same to investigation officer to do the need full for what he objective. He

shall inspect the indictment & its accompanying record before commencement of a trial & these to proceed without any dely."

6.7 Suggestions and Recommendations

To address these systemic issues and reduce the occurrence of wrongful convictions, the passage suggests various recommendations. These include promoting transparency and accountability within law enforcement agencies, implementing reforms to prevent police misconduct and errors, improving training for police officers, enhancing the use of forensic science, establishing conviction integrity units, updating the criminal procedure code, and ensuring competent defence representation.

- By addressing these recommendations and implementing necessary reforms, Pakistan can work towards creating a fairer and more reliable criminal justice system. It is to protect the rights of individuals, uphold justice, and minimize the occurrence of wrongful convictions. By doing so, Pakistan can strive towards a system where all citizens are equal before the law and where the innocent are not wrongly convicted or punished.
- The study highlights significant flaws within the criminal justice system, including biased investigations, police misconduct, judicial biases, corruption, and political pressure. These flaws contribute to wrongful convictions and undermine the credibility and integrity of the system. According to Kakar (2023) corruption is prevalent in many parts of Pakistan's criminal justice system. This corruption can lead to the fabrication or manipulation of evidence, which undermines the integrity of the judicial process and contributes to wrongful convictions.

- The Governing principle behind the process of investigation in accordance with the police rules (1934), The Investigation officer shall be an expert to investigate a particular crime. They shall at very outset secure the crime scene, collect the evidence from the crime scene including sample for the modern forensic analysis. He shall have forensic department/available at his disposal to secure sensitive specimens which disseminate after a lapse of time. The Investigation officer without being prejudice to the content of FIR he shall independently apply his mind to the circumstances of the crime may be a homicide for example and then in accordance with the training and expertise resolve the same. The Investigation officer shall not tilt himself in favor the either of the party rather shall commit himself to unearth the hidden truths in the crime he encountered.
- This research opens a discussion for future researchers to work out ways to promote the mechanism of questioning in the pre-trial stage. Article 164 of the QSO 1984 discussed that modern methods, tools, devices, video recording, and forensic reports may be used as evidence in the justice system. Further, there is a need to amend the provisions in Cr. P.C. 1898 to overcome the weaknesses of extra-judicial confession in police custody. Moreover, the procedure to record confessions in the pre-trial stage should change or upgrade and avoid irregularities before the police officer. The Investigation Officer (IO) should write the memorandum of the suspect before recording his declaration in police custody. It is the responsibility of police officers to convince the court regarding confession in police custody. The IO should follow the guidelines provided by the apex court's judgments while recording confessions to increase the credibility of confession in the justice system. The courts and police

officers should remember that wrong and retracted confessions recorded in police custody may cause wrongful convictions, which ultimately will be a miscarriage of justice. Finally, confession is a good piece of evidence if it is recorded by following the rules and regulations of the provided law but in otherwise case, it must be corroborated to prove its value beyond the shadow of a doubt.

- There is need to provide comprehensive and ongoing training to police officers on proper investigation techniques, evidence handling, and ethical conduct. Implement mechanisms to hold law enforcement accountable for any misconduct or negligence during investigations. Scientific evidence/ training to all concerned especially investigating agencies like police, courts even defense council.
- Prohibit the use of torture and other forms of coercion to obtain confessions. Implement safeguards such as video recording of interrogations, access to legal counsel, and independent oversight to prevent the use of forced confessions.
- Implement best practices for eyewitness identification procedures, such as blind administration, sequential lineups, and providing clear instructions to witnesses. Educate law enforcement and the public about the fallibility of eyewitness testimony and the potential for misidentification.
- The trial Court upon taking cognizance of a crime after summoning the accused shall record all the proceedings in a congenial environment. It is the duty of trial courts to record the proposed evidence against an accused and also provide opportunity of cross examination by the defense lawyer in whole of the process. The learned trial court is not supposed to sit as a spectator only but on

the contrary, shall involve itself by way of not allowing irrelevant /out of pre-text questions avoiding lengthy cross examination.

- There shall be a mechanism to supervise the number of judgments set a side against every judge of trial court and their ACR's is to be incorporated in the said terms. This process of supervision by a judge of superior court will ultimately enhance the quality of judgment and also will ensure stopple against wrong full convection.
- Unfair means is most commonly talked about the subordinate judiciary which includes social, political monetary influences & the same can be easily redacted from the system by way at a supervision by a judge of honorable superior courts who shall made himself available to the complaints against parietal Districts & also shall ensure a secret investigation & ultimately take the same to task if proved. Exemplary punishment will do the magic. Judicial independence from external influences, such as political pressure or personal biasness, Promote transparency, accountability, and continuing education for judges to uphold fair trial rights and prevent wrongful convictions.
- Forensic experts shall follow the directives issued by the Chief medico legal Surgeon and shall fulfill the stipulated requirements in SOR's and directives. They shall conduct the medico legal examination/ autopsy upon the deceased at very first instance when they received the body and immediately call for relevant record from the local police which they are authorized under the law. A poor & faculty examination ultimately cressets in to acquittals. Invest in forensic science research, training, and accreditation programs to improve the reliability and accuracy of forensic evidence. Implement quality control

measures to minimize errors and establish clear guidelines for the collection, analysis, and presentation of forensic evidence in court.

- When a person spends long time in jail, he loses trust on judicial system and feels loneliness and feeling of revenge produced permanently in his personality and he became isolated from society. His thought becomes change and he does not belief on system because he had suffered a lot due to this system. Because no one support him from community side, law makers and overall system during his hard days, so it is very difficult to reintegrate in society. Community should agitate when a person is falsely convicted.In our society majority support, the cruel, powerful, political and economically high class instead of true person/ innocent person. Society should condemn the guilty persons and morally encourage the innocent persons so that their belief on justice system may restore. When a person is stigmatized then he became permanent member of crime world and there are very rare chances of his reintegration in society.
- State compensation is critical in helping wrongful convicted victims to start a new life after their exoneration. Unfortunately, state compensation law is complex and the process of obtaining state compensation can be extremely complicated and frustrating. Offering financial compensation to victims due to wrongful state actions is a relatively new phenomenon in Pakistan. Implementing these recommendations can help reduce the occurrence of wrongful convictions, ensure the fair administration of justice, and restore public trust in the criminal justice system.

- This study is based on small sample; a quantitative study with a large sample would provide an opportunity to generalize the study findings. Further research can be based on a large sample covering the other provinces of Pakistan.

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INTERVIEW GUIDE

VICTIMS EXPERIENCES OF WRONGFUL CONVICTIONS IN PUNJAB PAKISTAN.

OBJECTIVES OF THE STUDY.

1. To explore the factors responsible for wrongful convictions.
2. Impacts of wrongful convictions on victims and their immediate family members.
3. Evaluating the judgments of courts for establishing the main reasons of wrongful convictions.
4. Readjustment of victims in society.

Demographics.

1. The Gender of the victim. (M/F)
2. The age of victim at the time of crime.
3. The victim's estimated family income / financial conditions at the time of crime.
4. Residential setting in at the time of crime.
5. Nature of offence (Aggravated assault, Murder, Robbery, Rape, Other please mention.)
6. Time spent in Jail
7. You know the convicted individual prior to crime.
8. If yes what relationship did the victim have to convicted individual?
9. The impact of crime on the victim.(Financial , social, Spiritual and Psychological)
10. Your feeling during conviction (Guilt , Innocent)
11. The reason behind your faulty investigation of crime.
12. As per your observation political system of our society is main hindrance behind wrongful conviction.

13. How police cooperate with you during trial and investigation.
14. According to your opinion which institution is most responsible for your wrongful conviction?
15. Your suggestion to overcome the wrongful convictions.

Impacts of wrongful convictions on victims and family member.

16. Financial conditions before and after the exoneration.
17. What you lose during your imprisonment describe briefly?
18. Are you feeling anger?
19. If yes, according to you who is responsible behind this
    a) Police system
    b) Judicial system
    c) Prosecution
    d) Prisons
    e) Society itself
    f) Any other please describes.
20. How you will pass/spend your remaining life?
21. Do you have any feelings of revenge to this prevailing /existing system?

Readjustment in community after exoneration.

22. Did your family support you and your children after the occurrence of crime?
23. Did your friends /neighbor support you after exoneration?
24. Your children getting education or not.
25. Did government provide you any kind of compensation?

26. What are your economic conditions now and before the occurrence of crime?
27. According to your opinion what should government do in reintegration /rehabilitation of victims in society?

INTERVIEW GUIDE FOR LAWYERS HAVING EXPERIENCE OF WRONGFUL CONVICTIONS.

VICTIMS EXPERIENCES OF WRONGFUL CONVICTIONS IN PUNJAB PAKISTAN.

OBJECTIVES OF THE STUDY.

Name of Lawyer

Duration of practice

Nature of case s handling

Place of practice

Personal views about factors responsible for wrongful convictions.

- According to your opinion how process of FIR registration became cause of wrongful conviction?
- Explain the role of eyewitnesses of crime in wrongful conviction.
- Explain the liabilities of police in wrongful conviction.
- Liabilities of judicial system in wrongful conviction.
- Liabilities of prosecution in wrongful conviction.
- What are your views about medical/ forensic evidence regarding wrongful conviction?
- According to your opinion how social, political, economical and religious factors influence the criminal justice system that becomes the cause of wrongful conviction?
- What are general trends of justice system regarding wrongful conviction?
- According to your observation how exonerees feel about criminal justice system?
- How exonerees can be integrated in society after serving a lot of time in jail after exoneration?
- Is there any system of compensation for exonerees existing in our justice system?
- According to your opinion which component of criminal justice system is most responsible for wrongful conviction.

- Need for improvement /betterment in any specific area of criminal justice system of Pakistan.
- Any other suggestion for improvement of research work?