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MEDIA NARRATIVES AS CATALYSTS FOR PRISON REFORM: HOW PUBLIC DISCOURSE SHAPES ALTERNATIVE JUSTICE MODELS

~Tanishq Agrawal

ABSTRACT

*Criminal justice systems rarely evolve in isolation; they are shaped within a continuous dialogue between law, society, and the narratives that mediate public perception. Among these forces, media occupies a uniquely powerful yet insufficiently interrogated position. This influence is not merely theoretical in nature as it is evident when in May 2025, verified investigations by The Guardian and the Al Jazeera Media Institute documented how unverified social media claims were taken into mainstream television news coverages during India–Pakistan military tensions, with speculative reports aired as “breaking news,” which resultant in public anxiety and political rhetoric. This paper examines how media narratives shape public opinion, legislative reform, and punishment philosophies, and asks a central question: **Can the same media force that fuels punitive excess also catalyze rehabilitative justice?***

The paper starts with a brief historical analysis of the evolution of media’s influence from a source of information circulation to an agenda-setting force within criminal justice discourse. It evaluates how media-driven moral panic, narrative framing and sensational crime reporting shape public fear and political incentives, that will further contribute to harsher sentencing policies and the expansion of carceral systems.

Furtherance on this framework, the paper undertakes a comparative study of three jurisdictions exhibiting sharply contrasting punishment philosophies and what is the role of media in. The United States exemplifies a media-supported and commercially entrenched model of mass

incarceration, where sensational crime narratives intersect with private prison incentives to sustain punitive sentencing practices. Singapore uses an ultra-deterrent regime in which media is controlled state and reinforces policy coherence and legitimises severe punishments. India, by contrast, presents a contested a free press that frequently amplifies sensationalism and public outrage, while simultaneously operating within a constitutional system that permits judicial experimentation and reform.

It is within this contested Indian space that the paper locates its central contribution. By analysing some bail and sentencing orders of Justice Anand Pathak of the M.P. High Court, it highlights emerging rehabilitative justice initiatives that substitute incarceration community-oriented rehabilitative conditions such as, public service, and social contribution, revealing a parallel trajectory of reform largely overlooked by mainstream media narrative.

The paper concludes that media narratives do not merely reflect criminal justice policy but shape its possibilities. While sensationalism has historically driven punitive reforms, responsible coverage of judicial innovation could recalibrate public perception, enabling movement toward alternative justice models. By repositioning media as a conditional catalyst, the paper offers a normative framework for reimagining the sentencing policy.

Keywords: Media influence, criminal justice system, public opinion, rehabilitation, reform

THE MEDIA-POLICY PARADOX – FROM PUNITIVE SPECTACLE TO RESTORATIVE INNOVATION

In the phase where media is flooded by sensational criminal trial where a profound disconnect often unfolds. In a quiet courtroom where judge is scrupulously weighing evidence an analogous trial rage is going on in a public sphere. News commentators, scrolling tickers, and viral hashtags have repeatedly moving not only beyond reporting the news but also deciding the verdict long before the gavel strikes. By the time when the judgement is given, the court of public opinion has already executed its own form of justice.

In the present administration of criminal justice, the gavel often strikes first in the court room is of the public opinion long before it echoes within the formal courtroom. In the evolving digital era where the role of media has become increasingly crucial, as it is dominant not only in shaping public opinion but also welding a significant impact on the decision-making process of the

legislature and the criminal justice system. As people are naturally attracted to subjects and issues that are mysterious and which are beyond their everyday experience so, the criminal justice system, crime, prison life falls under this category.¹ And the media through their sensationalized narratives and Agenda-setting theory which selectively prioritize violent crimes which frequently supersede the logic of jurisprudence, establishing a feedback loop where punitive optics are prioritized over rehabilitative efficacy.

While most existing scholarly works revolve around how the media has deleteriously encroached on a due process right and the presumption of innocence such as conducted by “trial by media,” a significant lacuna remains regarding the *positive* potential of this influence. In the past few decades, there has been an exponential increase in the media’s coverage of high-profile criminal cases in India. Sensational incidents like 2008 *Arushi Talwar murder case*, the 2010 *Jessica Lal case* the 2012 *Nirbhaya gang rape case* have dominated news media coverage, which later consequently led to legislative reforms such as a shift towards the adoption of a more rigorous, evidence-based approach in criminal justice after the Arushi Talwar murder case.

Afterwards, this paper shifts from critique to construction, investigating the core paradox i.e. “whether the same media force that historically drives carceral expansion can be recalibrated to catalyze restorative justice or alternative justice modal? To answer this question, this study employs a comparative tripartite framework, by analyzing the United States, Singapore, and India as distinct case studies of media-state alignment.

The United States exemplifies a “commercial-punitivism” model, where media amplifies moral panics intersecting with privatized prison incentives to sustain mass incarceration. On the other hand, Singapore is an example of a state-deterrence mode, in which state-controlled media supports a monolithic account of zero tolerance and justifies ultra-deterrence by maintaining a coherent policy environment. India, on the other hand, is a paradigm of contention, where a free of press is within the constitution, and this vibrant press often has its way by summoning the outrage of the people to seek even more severe punishments, yet operates within a constitutional framework that simultaneously permits, and sometimes mandates, judicial innovation.

¹ Milena Milićević & Nikola Drndarević, *Media Portrayals of Prison Life and Criminal Justice: A Narrative Literature Review on Shaping Public Perceptions and Policy Implications*, 42 ZBORNİK INSTITUTA ZA KRIMINOLOŠKA I SOCIOLOŠKA ISTRAŽIVANJA 75 (2023).

Moving beyond the well-documented phenomenon of media trials, the portion highlights a rehabilitative approach often marginalized in mainstream media i.e. the emergence of "creative jurisprudence" as a tool for decarceration. This section is based on the recent judgements and sentencing orders of the High Court of Madhya Pradesh, particularly the innovative jurisprudence of Justice Anand Pathak, who has substituted penal populism with a community service-oriented approach. This study identifies a judicial experiment in restorative justice that operates largely outside of the media spotlight.

Henceforth, this paper argues that if the media is already acting as a mirror reflecting penal policy, it posits that while media sensationalism has historically been an engine of punitive excess. A strategic change in the media's focus from the spectacle of crime to the substantive outcome of restorative alternatives represents an essential, yet underutilized, pathway.

1. THE MEDIA – POLICY NEXUS: THE ARCHITECTURE OF INFLUENCE AND LEGISLATIVE VELOCITY

The media plays a significant role in shaping public perception on various social issues and criminal policies in a democratic country like India where legislative and judicial decisions are often influenced by public opinion and perception of crime and punishment.² Media is one of the most prominent ways through which information is disseminated, particularly crime-related news, through television, digital platforms, newspaper, and social media.³ This media not only provide the information about the crime but also influence how crime is to be understood, feared and responded to at both the social and policy level.⁴

According to the Centre for the Study of Developing Societies (CSDS), 57% of Indians aged 15–34 watch television news multiple times a week, 53% read newspapers, and 18% consume news through online sources. WhatsApp alone has over 230 million users in India, many of whom rely on it as a primary news source.⁵ A 2024 Times of India report, based on a University of Madras study involving 2,033 schoolchildren, revealed that over 34% of children who binge-watched crime

² Swati Kaushal et al., *Percepciones del Público sobre la Justicia: Un Análisis Socio-Jurídico de los Factores de Influencia*, 14 REVISTA DE DERECHO 468, 470 (2025).

³ *Id.* at 474.

⁴ Priya Kala, *Criminal Justice System in India: Need for Systemic Changes*, 5 GNLU L. REV. 221 (2018).

⁵ CENTRE FOR THE STUDY OF DEVELOPING SOCIETIES, INDIA POLITICAL AND SOCIAL ATTITUDES SURVEY (2016).

shows for more than two hours a day experienced symptoms of anxiety, fear, or nightmares about personal safety.⁶ These findings point out the stretching intersection between media exposure and psychological distress among the peoples. The relationship between media and policy making or legislative reforms is also not merely a correlation but has been a distinctively casual. This section presents a theoretical framework which is termed as the “*Triad of Influence*” to explain how media narratives transcend mere reporting to become a driven force for penal populism and legislative velocity.

1.1 THEORETICAL ARCHITECTURE: THE TRIAD OF INFLUENCE

Media influence operates not by telling *what* the public has to think, but by controlling the parameters of *what* to think and *how* to evaluate it. Through this media not only plays a crucial role in shaping public opinion but through influencing the public opinion shaping the trajectory of the political decision-making within a democratic society. As media influence significantly contribute to the formation and dissemination of public opinion.⁷ Public opinion encompasses the attitude, belief, and general preferences of the general population on various political issues.⁸ Public opinion serves as a critical input in the decision-making processes. Many scholars emphasize the importance of understanding how public preferences influence policy outcome in democracy, as public opinion is often considered as a significant force influencing political decision making.⁹ This is important because policymakers often consider public sentiments, and media plays a role in shaping the policy agenda by influencing what issue are prioritized.¹⁰ This media act as a mediator between political elites and the public, influencing the decision-making calculus of policymakers based on perceived public preference.¹¹ Media serve as a powerful tool in shaping the narratives that encounters individual and lead to influence their perceptions and attitudes.

A seminal study conducted by Sun, Pan & Shen in 2013 investigating the role of media framing

⁶ Ram Sundaram, *Binge-Watching Crime Content Triggers Fear in Youth: Report*, TIMES OF INDIA (May 9, 2024), <https://timesofindia.indiatimes.com/city/chennai/binge-watching-crime-content-triggers-fear-in-youth-report-ai-image/articleshow/109974009.cms>.

⁷ Charles Okechukwu, *Media Influence on Public Opinion and Political Decision-Making*, 1 INT’L J. POL. SCI. STUD. 13 (2023).

⁸ JOHN R. ZALLER, *THE NATURE AND ORIGINS OF MASS OPINION* (Cambridge Univ. Press 2012).

⁹ BENJAMIN I. PAGE & ROBERT Y. SHAPIRO, *THE RATIONAL PUBLIC: FIFTY YEARS OF TRENDS IN AMERICANS' POLICY PREFERENCES* (Univ. of Chi. Press 2016).

¹⁰ W. LANCE BENNETT & SHANTO IYENGAR, *THE CHANGING POLITICS OF THE NEWS: THE NEWS MEDIA AND THE CONSTITUTION OF DEMOCRACY* (Routledge 2012).

¹¹ FRANK R. BAUMGARTNER, SUZANNA L. DE BOEF & AMBER E. BOYDSTUN, *THE DECLINE OF THE DEATH PENALTY AND THE DISCOVERY OF INNOCENCE* (Cambridge Univ. Press 2014).

and shaping public opinion during political campaign by examining the news articles and social media posts. The study find out that media framing significantly influences public’s perception of political candidates, with certain having greater impact on shaping favorable or unfavorable opinions.¹² On the same line another study conducted by Simth & Jones in 2015 delved into the mechanisms by which media influence converted into political decision making, find out that policy makers often took media narratives into consideration while making decisions, with the tone and framing of news stories influencing policy priorities.¹³ Another study conducted by Ahmed & Kim in 2019 investigating the influence of social media on public opinion and political decisions in Nigeria, find out that social media plays a significant role in shaping public discourse and had a measurable impact on policy making and even policy makers taking sentiments expressed on social media into consideration.¹⁴ So the process of Triad of influence is best understood through three interlocking sociological framework lens of *Agenda-Setting Theory*, *Farming*, and *Cultivation Theory*.

A. AGENDA-SETTING: THE ALLOCATION OF PUBLIC SALIENCE

Maxwell McCombs and Shaw’s Agenda-Setting Theory, posits that the news media act as a gatekeeper in determining which issue attain the status of ‘national priority’, asserts that the media has the power to influence the salience of issues un the public’s mind by selecting, emphasizing and sensationalizing certain topic over others.¹⁵ In criminal law, this means the media outlets has a potential to elevate isolated criminal incidents to such level that indicate it as a ‘systemic crisis’ through selective saturation. The media through this selection and framing of issues, set the agenda for public discourse, influence the issue that become prominent in the public’s mind.¹⁶ By disproportionately covering violent, sexual or sensational crimes which consequently lead to procedural stagnation or prison overcrowding, the media creates a skewed reality. Overall, the theory postulates that the media act as a powerful gatekeeper in determining which issue receives

¹² Lei Sun, Zhongdang Pan & Lijiang Shen, *Media Framing and Public Opinion during Political Change: A Content Analysis*, 63 J. COMM. 1031 (2013).

¹³ Okechukwu, *supra* note 7, at 18.

¹⁴K. Ahmed & Y. Kim, *Social Media Influence on Public Opinion during Elections: A Case Study of Nigeria*, 69 J. COMM. 153 (2019).

¹⁵ Maxwell E. McCombs & Donald L. Shaw, *The Agenda-Setting Function of Mass Media*, 36 PUB. OPIN. Q. 176 (1972).

¹⁶ Oluwatomisin Ajayi, *The Power of Narrative Influence: How Strategic Storytelling Can Drive Policy Reform* (Feb. 10, 2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5131011

attention and necessarily has an impact on public opinion and political decision making.

B. FRAMING THEORY: THE DICHOTOMY OF DEVIANCE

Once an issue is as per the agenda the Framing theory dictates how the public should interpret it. Parallely Indian media like news channels or television shows like *Crime Patrol* and *Savdhaan India* dramatize real events, often reinforce a simplistic dichotomy by portraying law enforcement as heroic saviors and criminal as moral deviants.¹⁷ And these over simplified systemic issues within the criminal justice system reinforces the public perception that crime is a problem of individual moral failure rather that societal neglect which lead to the public demand for the harsh punitive measures.

C. CULTIVATION THEORY: THE MEAN WORLD SYNDROME

George Gerbner's Cultivation theory posits that heavy media users whose prolonged exposure to sensationalized crime content led to the "*Mean World Syndrome*". This syndrome led to the development of the perception of the world that diverge from reality, aligning more with the world depicted in the media.¹⁸ This distorted image creates a climate of fear, which is the primary fuel for 'penal populism', a strategy where policymakers compete to enact harsh laws to appease an anxious electorate, regardless of empirical crime rate.

1.2 EMPIRICAL EVIDENCE 1: THE DUAL ENGINE OF REFORMS

The validation of media's legislative power in modern India can be demonstrated by the two landmark cases first *Nirbhaya case* which led to reforms in substantive law and *Jessica Lal case* which led to reforms in procedural accountability. These cases serve as empirical evidence providing that when media unifies public opinion, it compels the state to act.

The *Mukesh & Anr. v. NCT of Delhi, 2017* (*Nirbhaya case*)¹⁹ represent the Zenith of legislative reforms. The brutal gang rape of 16.12.2012 which was converted from a heinous criminal event into national trauma by the 24x7 news cycle. The saturated coverage ranging from candlelight vigils to sensational prime time debates created a discursive urgency that the government was unable to ignore. The media generated pressure directly led to the formation of *Justice Verma*

¹⁷ Sinsa Elizabeth Sunny & Alan Alex, *Influence of Media on Public Perception of Crime and Criminal Justice System*, 7 INDIAN J.L. & LEGAL RSCH. 7418 (2023).

¹⁸ *Cultivation Theory*, SCIENCEDIRECT, <https://www.sciencedirect.com/topics/social-sciences/cultivation-theory> (last visited Feb. 12, 2026).

¹⁹ *Mukesh v. NCT of Delhi*, AIR 2017 SC 2161 (India).

Committee and the subsequent passing of the *Criminal law (Amendment) Act, 2013* which is also known as *Nirbhaya act*. This act is introduced sweeping changes including the expansion of the definition of rape and stricter sentencing protocols.

Conversely, in *State (GNCT of Delhi) v. Sidhartha Vashisht, 2010* (Jessica Lal case)²⁰ illustrates the power of media as a “surrogate for accountability”. Following the initial acquittal of an accused, media framed this as system failure to hold the elite accountable. There is, however, a danger of conducting a “trial by media” in order to appease a passionate public. To say that sensationalism is not uncommon in the free press would be an understatement.²¹ Under this case later on lead to the conviction by the High Court. Here, media did not change the but altered the application of law.

1.3 EMPIRICAL EVIDENCE 2: THE PARALLEL TRIAL

The *Arushi Talwar* case i.e. *Dr. Nupur Talwar v. State of U.P. (2014)*²² illustrates the complex phenomenon naming “Parallel Trial” where media conducted a concurrent investigation and where a ‘Trail of Two Narratives’ which demonstrates the feedback loop where media scrutiny forces a shift towards procedural rigor but at the cost of the due process of law. While this “trial by media” risked prejudicing the accused, it acted as an involuntary audit mechanism. The criminal justice system to confront its own inefficiencies because of intense scrutiny by the media. Afterwards, the contribution of this case led to a push toward a more rigorous evidence-based approach in criminal investigation. This case serves as a cautionary paradox i.e. media acted on a reality that is distorted, still acts as an inevitable audit mechanism, that nonetheless forced procedural modernization.

2. COMPARATIVE JURISPRUDENCE AND MEDIA ECOLOGY

2.1 THE UNITED STATES: COMMERCIAL – PUNITIVISM AND THE PROFIT-DRIVEN FEEDBACK LOOP

The United States exemplifies a “Commercial – Punitivism” modal, where media narratives are driven by the commercial incentives that favour high – arousal conflict. The media landscape functions as a profit-driven ecosystem fostering a mean world syndrome, convincing the electorate of pervasive danger. Consequently, this feedback loop has produced mass incarceration and

²⁰ *State (GNCT of Delhi) v. Sidhartha Vashisht, 2010 AIR 2352* (India).

²¹ Lisette Alvarez, *Justice for Jessica: A Human Rights Case Study on Media Influence, Rule of Law, and Civic Action in India* 9 (2011) (Honors thesis, Fla. State Univ.).

²² *Nupur Talwar v. State of Uttar Pradesh, 2017 (10) ALR 584* (India).

mandatory minimums.

This severity is deeply rooted in history. Legal scholarship notes that the historical specificities of imprisonment that would differ significantly from Foucault's include "slavery and the ways in which, after Abolition, the prison system... absorbed or took over some of the social, political and economic functions that the slave system had fulfilled."²³ This legacy fueled the modern "prison-industrial complex," where media narratives intersect with commercial interests to legitimize carceral expansion. Media coverage also tends to be focused on under-punishment of criminal.²⁴ And this is evident from the criminal justice survey which suggests that the public generally prefers harsh sentences in the USA.²⁵ Even in an International report which mentioned that "President Obama acknowledged that torture had been carried out following the 11 September 2001 attacks (9/11) under a secret detention programme authorized by his predecessor and operated by the Central Intelligence Agency (CIA)" and also mentioned that "Thirty-three men and two women were put to death in 2014... bringing to 1,394 the total number of people executed since the US Supreme Court approved new capital laws in 1976."²⁶

By reframing prisons as investment assets rather than institutions of social harm, discourse on privatization shifts the debate from structural inequality to economic efficiency, thereby legitimizing mass incarceration and rendering penal reform politically fatal.

2.2 SINGAPORE: STATE-DETERRENCE AND MONOLITHIC NARRATIVE

In stark contrast, Singapore operates under a "State-Deterrence" model, wherein state-controlled media is primarily used as an instrument of governance to enforce social stability. The media's role is not to interrogate power, but to legitimize a monolithic narrative of zero tolerance. It consistently frames ultra-harsh penalties such as the mandatory death penalty for drug trafficking and corporal punishment as essential components of national survival and order.²⁷ The severity of punishment here is extreme and administratively efficient. Unlike the US, Singaporean media is driven by obedience. However, rehabilitation potential is theoretically and practically blocked by these

²³ Amy Allen, *Justice and Reconciliation: The Death of the Prison?*, 30 HUMAN STUD. 311, 313 (2007).

²⁴ Claire S.H. Lim, *Media Influence on Courts: Evidence from Civil Case Adjudication*, 17 AM. L. & ECON. REV. 87 (2015).

²⁵ *Id.*

²⁶ AMNESTY INT'L, THE STATE OF THE WORLD'S HUMAN RIGHTS 393 (2014/15 ed.).

²⁷ Tsun Hang Tey, *Confining the Freedom of the Press in Singapore: A "Pragmatic" Press for "Nation-Building"?*, 30 HUM. RTS. Q. 876 (2008).

monolithic narratives as the media justifies harsh punishment as necessary for rehabilitation.²⁸ Consequently, the media does not allow space for questioning the efficacy of incarceration, there is little impetus for restorative justice, and harshness remains the only socially acceptable definition of justice.

2.3 INDIA: THE CONTESTED PARADIGM AND THE POTENTIAL FOR CREATIVE JURISPRUDENCE

India presents as a unique contested paradigm where a free and vibrant press that frequently clashes with an independent judiciary. The media type is pluralistic but often sensationalist, oscillating between its role as a fourth pillar of democracy or as a watchdog and as a purveyor of penal populism. As already seen in the case of *Nirbhaya* and *Jessica Lal* case where the media sensationalism and influence have driven to such extent that the public is demanding for the punishment reforms towards harsh punishment which led to severe legislative response like the capital punishment and stricter sentencing policy. These media practitioners recognize that this push to sensationalize the story to increase the readership although sometime come with the expenses of accuracy and balance of information and rational application of law.

However, unlike the US and Singapore, India possess a high rehabilitation and reform potential precisely because of its constitution architecture. Despite the media's push and sensationalization which resulted in harsh punitive reforms, the Indian constitution grants judge significant independence to innovate beyond public sentiments. It also evident that the policy maker is also directing towards rehabilitative approach by adding community service under Section 4(f) of BNS, 2023 and within this contested space the creative jurisprudence emerges can be exemplified by the order passes by the *Justice Anand Pathak* of Madhya Pradesh High Court. While the media brush aside or marginalizes these developments that judiciary is actively working on alternative justice modal i.e. on rehabilitative approach rather than deterrence by substituting incarceration with community services, tree plantation, and social work. This proves that in India's contested system, while pulling media toward severity, the constitutional pull of judicial orders enables the criminal justice system for experimental restorative justice which offers a viable pathway for reforms that is legally protected but currently media-starved.

²⁸ CHERIAN GEORGE, *FREEDOM FROM THE PRESS: JOURNALISM AND STATE POWER IN SINGAPORE* (NUS Press 2012).

3. THE INDIAN IMPERATIVE: OPERATIONALIZING RESTORATIVE JUSTICE THROUGH CREATIVE JURISPRUDENCE

India, unlike US and Singapore, presents a distinct trajectory towards creative jurisprudence. Where Indian media often fuels penal populism, the judiciary leverages constitutional autonomy to operationalize *Therapeutic Jurisprudence*. The most compelling empirical evidence is found in the orders of *Justice Anand Pathak*, he pioneered the transformation of bail conditions into constructive social contribution by substituting incarceration with obligations like tree plantation, water harvesting and volunteering public health centers. He reimagined the the offender as a resource of societal repair rather than a fiscal burden.

These orders are not merely a Judicial Activism but also anchored the Article 21 i.e. right to life and also legislatively vindicated by section 4(f) of *Bhartiya Nayaya Sanhita, 2023* which recognizes community service as a valid punishment. Some orders like in the case of *Anoop Tyagi v. State of M.P.* (2023) where bail was granted with a personal bond of Rs. 50,000 and marking presence at police station every Sunday as part of community service.²⁹ The court emphasized that the bail was granted based on the case made out for bail and the applicant's willingness to undertake social causes, but not solely due to the intent to serve social causes.³⁰ And in a case of *Rinku Sharma v. State of M.P.* (2022) where court granted bail with the direction of planting and maintaining 10 saplings for 6 months.³¹ In the case of *Jitendra Paribar v. State of Madhya Pradesh* (2020) where the bail applicant was charged with the offence of rape the court grant bail on the condition of installing a water harvesting/recharge system at the complainant's residence.³² In the case of *Rishi Ahirwar v. State of M.P.* (2017) where bail was granted on the with a personal bond of Rs. 2 lakhs with a voluntary blood donation as to perform community service.³³ All these rulings settled the fact of judiciary's approach towards rehabilitative justice.

²⁹ *Anoop Tyagi v. State of Madhya Pradesh*, 2023 SCC OnLine MP 2296 (India).

³⁰ *Madhya Pradesh HC Granted Bail on Merit, Not Solely on Intent to Serve Social Cause*, SCC ONLINE BLOG (Aug. 11, 2023), <https://www.sconline.com/blog/post/2023/08/11/madhya-pradesh-hc-granted-bail-on-merit-not-solely-on-intent-to-serve-social-cause/>.

³¹ *Rinku Sharma v. State of Madhya Pradesh*, MCRC No. 17464/2022 (India).

³² *Tree Plantation, Water Harvesting, and More: How Community Service Plays into Bail Orders by MP HC's Justice Anand Pathak*, BAR & BENCH (last visited Feb. 26, 2026), <https://www.barandbench.com/news/litigation/tree-plantation-water-harvesting-and-more-how-community-service-plays-into-bail-orders-by-mp-hcs-justice-anand-pathak>.

³³ *Madhya Pradesh High Court Imposes Community Service Bail Condition Sexual Abuse Accused*, BAR & BENCH (last visited Feb. 26, 2026), <https://www.barandbench.com/news/madhya-pradesh-high-court-imposes-community-service-bail-condition-sexual-abuse-accused>.

Crucially, this jurisprudence contends with a "Media Blindspot," where sensational coverage eclipses restorative efficacy, perpetuating a punitive discourse that blinds the electorate to viable alternatives. Consequently, Justice Pathak's empirical "proof of concept" remains politically marginalized by its invisibility, demonstrating that the media not the law constitutes the definitive structural barrier to penal reform.

4. The Discursive pivot: Reengineering the media-policy nexus

The legitimacy crisis identified by the Auld and Halliday report, where the public is "sick and tired" of a sentencing system that "does not make sense,"³⁴ stems primarily from an information asymmetry perpetuated by the media's current blind spot. In India, public perception of crime is often created more by media and political rhetoric than the actual realities. Studies show that the public tends to overestimate crime because of the media coverage that leads to non-uniform opinions on sentencing policy that mix correctional and preventive approaches.³⁵ By selectively highlighting perceived "leniency" while obscuring restorative justice. By lime lighting Justice Pathak's judgements not merely seen as an alternative to incarceration but as sophisticated forms of "societal debt repayment," the media have a capacity to reconstitute restorative justice as a hallmark of strong governance rather than weak deterrence driven law. Therefore, the primary recommendation is a normative recalibration of the narrative axis: pivoting from punitive optics to "Restorative Legitimacy." Media must reframe innovations like environmental remediation not as softness, but as accountability engineering that satisfies the public's desire for tangible consequences while advancing judicial efficiency, thereby solving the "muddled" perception of justice because incarnation alter more than just the physical freedom of individual, it also redefines their social identity, dismantles relationships and embeds trauma deeply within the self.³⁶

In the white paper, Justice for All which states that Prison can break up families, impede resettlement and place children at risk of an intergenerational cycle of crime: 43% of sentenced prisoners and 48% of remand prisoners say they have lost contact with their families since entering prison. Over 125,000 children are affected by the imprisonment of parent each year in UK.³⁷

As the main purpose of incarnation is to reduce crime so the sentencers to consider the best way

³⁴ STEVE UGLOW, CRIMINAL JUSTICE 355 (2d ed. 2002).

³⁵ Swati Kaushal et al., *Percepciones del público sobre la justicia: Un análisis socio-jurídico de los factores de influencia*, 14(1) REVISTA DE DERECHO 468, 484 (2025).

³⁶ Sushmita Hoshi Nongmeikapam, *An Examination of Incarceration-Induced Trauma in the Prison System of Manipur*, 43(11/12) INT'L J. SOC. & SOC. POL'Y 1239 (2023).

³⁷ HOME DEP'T, JUSTICE FOR ALL, 2002, Cm. 5563, ch. 5 (UK).

of preventing crime when they pass sentence. We have to ensure that the bases of sentencing practice is on what has been shown to work in reducing reoffending.³⁸ Yet the community services are still not tough enough nor do they allow the sentence to be matched to the individual offender. We need effective sentences in the community which are flexible enough to meet the particular needs of a case, where the courts are not forced to choose between options.³⁹

To dismantle this pathology, legal journalism must transition to "Outcome-Oriented Reporting." Strategically, this transition demands "Outcome-Oriented Reporting" to eliminate the current "Media Blindspot." Legal journalism must evolve from incident-based crime reporting to longitudinal tracking of restorative outcomes. By systematically reporting on the survival of planted trees, the efficacy of water harvesting, or the rehabilitation of offenders via public service, the media can generate a "Restorative Feedback Loop." This explicit evidence of efficacy presents as the counter-narrative to the "Mean World Syndrome," proving to the electorate that safety and reform are not mutually exclusive. At last, this paper suggests that the "Creative Jurisprudence" has to be treated as a distinct beat within legal reporting, ensuring that the successes that is achieved by the judiciary through judicial activism is amplified enough to match the noise of the crimes, so that it will harmonize the public demand with the judicial mandate for a humane, decarcerated future.

³⁸ *Id.* ch. 5.

³⁹ HOME DEP'T, *supra* note 37, ch. 5.