

PENAL POPULISM IN INDIA: THE EXPANSION OF THE DEATH PENALTY AND THE RISE OF EXTRAJUDICIAL JUSTICE

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I. Abstract

This paper explores the rise of penal populism in India, characterized by political efforts to respond to public fear of crime by imposing harsher punishments, often at odds with expert recommendations. Drawing on two case studies—(i) the expansion of the death penalty for sexual offences in the aftermath of the Nirbhaya and Kathua rape cases, and (ii) the rise of extrajudicial practices like bulldozer demolitions and police encounter killings in Uttar Pradesh—the paper illustrates how penal populism has influenced both substantive and procedural aspects of Indian criminal law. While public outrage, fuelled by media sensationalism, has led to the expansion of the death penalty, extrajudicial actions are justified as necessary for swift justice, bypassing established legal procedures. The paper argues that penal populism often undermines the integrity of the justice system by prioritizing public approval over expert-driven policy solutions. It calls for a renewed focus on public education and greater accessibility of legal knowledge to counter populist narratives and restore balance in penal policymaking.

Keywords: Penal populism; Death penalty; Nirbhaya case; Extrajudicial justice; Bulldozer demolitions; Police encounter killings.

II. Penal Populism- Introduction

In 1995, the British penologist Anthony Bottoms coined the term 'populist punitiveness' in reference to the phenomenon of politicians taking advantage of the favourable attitude of the public towards increasing the penalties for those who commit crimes.¹³¹⁵ The term was employed by Bottoms to describe politicians capitalizing on the punitive attitudes of the public for their own electoral goals, which he thought was an important factor influencing the modern criminal justice system. The idea of populist punitiveness gained widespread currency among penal policymakers and the term 'penal populism' eventually became more common in the discourse surrounding this

phenomenon after it was used by Oxford professor of criminology, Julian V. Roberts.¹³¹⁶

Penal populism can thus, be described as a process wherein political parties compete with one another in being 'tough of crime' in response to the widespread notion among the general public that crime was 'out of control'.¹³¹⁷ The public's disillusionment regarding the law-and-order situation plays a key role in the generation of penal populist politics, which in turn leads to the party in power formulating penal policies that increase the stringency of the penalties for crimes that are believed to be at a rise. However, it is pertinent to note that in most cases, the public's fear of increasing crimes in society, does not arise at a vacuum. It is often manufactured by politicians, especially

¹³¹⁵ Pratt, J., & Miao, M, *The end of penal populism: the rise of populist politics*, ARCHIVES OF CRIMINOLOGY IN POLAND, XLI (2), 15-40 (2019).

¹³¹⁶ *Ibid.*

¹³¹⁷ John Pratt and Hun-young Lee, *Penal Populism*, ELGAR ENCYCLOPEDIA OF CRIME AND CRIMINAL JUSTICE (2024).

those in the opposition resorting to fearmongering in order to damage the credibility of their political rivals in government on their track record in combatting crimes.¹³¹⁸ Provocative tabloid headlines and incendiary television reportage of crimes often aid in the fearmongering and the opposition party promises to impose the most extreme punishment for the crime if elected to power, even when its ill-advised and contrary to the opinions of penologists and legal practitioners.¹³¹⁹ Penal populism is thus characterised by two main features- the increasing influence of the media on criminal lawmaking and the decreasing voices of 'the experts', i.e., the academia and penal policy experts.

III. The declining voice of 'the experts'

As seen with other forms of populist narratives, penal populism generates a dichotomy between 'the elites' and the non-elite ordinary public as groups with opposing interests, in this case the 'elites' being the legal practitioners and penologists and the 'ordinary public' being the actual and potential victims of the crime. The populist politician, presenting themselves as the protector of the 'non-elite, ordinary public' purports to represent the views and interests of the latter group. The widespread stance of the public in favour of long prison sentences is dubbed as common sense while the opinion of the experts is perceived as being out of touch from the ground realities and suffering of the victims.¹³²⁰ Penal populist policies or legislations are thus performative and symbolic in nature as it targets public approval rather than desirable policy outcomes. A case in point in the Indian context is the criminalization of Triple Talaaq. Criminalizing the practice of Triple Talaaq was a prominent electoral promise of the Bharatiya Janata Party

(BJP).¹³²¹ Despite the Supreme Court outlawing the practice in 2017,¹³²² which meant no further legislation on it was required, the government in its bid to expand its voter base by 'protecting' Muslim women, proceeded with an Ordinance criminalizing the practice and imposing a penalty up to three years of imprisonment,¹³²³ a penalty that in the Indian Penal Code was provided for offences such as violent rioting. This was despite various legal academics advising against the criminalisation of Triple Talaaq due to the disproportionate nature of imposing a criminal penalty for an already outlawed practice within the domain of family law.¹³²⁴

It is also pertinent to note the change in tone of the discourse on crime enforcement due the rise of penal populism. While the expert's narrative generally employs a detached and unemotive professional tone with reliance on empirical data while discussing crimes and putting forth their suggestions on penal policies, the penal populist discourse embodies the angry public and their sentiments of moral outrage arising out of the victims' suffering.¹³²⁵ Instead of discussing their agenda of tackling crimes in terms of a policy issue, the penal populist goes on a crusade against the 'evil' criminals appearing as the messiah of the public in fighting injustice. Nuance and divergence of opinions is viewed in bad faith in what is considered a cause for justice.

While popular opinion has always been a factor in any field of policymaking in most democratic societies, until the 21st century, the expert opinion was usually the dominant force in policymaking with respect to criminal law. In Western Europe, the reforms to the criminal justice system in the 20th century led to policies favouring the

¹³¹⁸ DAVID GARLAND, CRIME, JUSTICE, AND SOCIAL ORDER: ESSAYS IN HONOUR OF A. E. BOTTOMS 249–272 (Oxford University Press 2022).

¹³¹⁹ *Ibid.*

¹³²⁰ *Supra*, note at 4.

¹³²¹ *BJP marks anniversary of passage of triple talaq law as Muslim Women's Rights Day, Union ministers hail PM Modi*, HINDUSTAN TIMES (Dec. 3, 2024, 7:15 PM), <https://www.hindustantimes.com/india-news/bjp-marks-anniversary-of-passage-of-triple-talaq-law-as-muslim-women-s-rights-day-union-ministers-hail-pm-modi/story-0ro4MBT23QUiYpkQAla8IK.html>.

¹³²² *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

¹³²³ The Muslim Women (Protection of Rights on Marriage) Ordinance 2018, No. 7 of 2018.

¹³²⁴ *Ibid.*

¹³²⁵ *Supra*, note at 4.

'correctionalist' ideas of sentencing (penalties aimed at correcting the offender's character that led to criminal conduct) instead of 'retributionist' ideas of punishment.¹³²⁶ Capital punishment was abolished in several jurisdictions¹³²⁷ and paroles in light of 'good conduct' was encouraged.¹³²⁸ This period also saw the bureaucratization and rationalisation of the criminal justice system which led to a rise in trained legal experts and criminologists. The experts generally avoided engaging public opinion due to concerns that it would lead to irrational, retributive discourse, and public participation was considered a barrier to progressive decision making on penal policy.¹³²⁹ Thus, the parole boards and prison management officials were allowed to modify the duration of sentences in a discretionary manner and their decisions were often concealed from the public eyes.¹³³⁰

IV. Role of Mass Media

In the 21st century, with the digital age transforming and democratising the transmission of information, the experts' gatekeeping of the penal policy discourse became increasingly difficult. The medium of communication that played a major role in bringing about this transformation is the television media. Prior to the 1980s, across the world, majority of the television news networks were state owned. As a result, the reportage on crimes was largely factual and impersonal in nature, largely catering to niche audiences with an academic interest in penal policy. However, the subsequent deregulation of the media led to the rise in privately owned commercial media networks which had to compete with one another by providing sensationalised version of the news in order to gain more viewership. The

style of reportage on crime now became more personalized, the focus of the media's analysis of crimes being the experiences and suffering of the victims and their families rather than expert opinions and data, in order to cater to wider audiences.¹³³¹ The gory details of the crimes are discussed at length on television leading to outrage among the public along with piqued interest in crime reportage.

The increasing public interest in news on crimes is also sustained by selective reportage of the most outrageous and violent of crimes, particularly those relating to sexual violence, crimes against minors and narcotics related offences, instead of reporting on burglaries or street crimes despite the latter being statistically more common.¹³³² This is because, incidents that are bizarre or out of the ordinary or large scale captures the attention of the masses easily due to very nature of these incidents being rare. However, due to focus of crime reporting being largely limited to violent and shocking crimes, the consumption of such content inadvertently generates fear and the belief that such crimes are a widespread or regular occurrence in society. Further, the nature of the reportage on the trial and on the convicts undergoing their sentences undermines the public's faith on the criminal trial mechanism and the prison systems. For instance, an article from a prominent New Zealand newspaper described prison conditions by noting that, with perks like free meals, toiletries, ample leisure time, no obligations, access to computers and gyms, part-time paid work, student loans, and even opportunities for sex, drugs, and gambling, life in jail might not appear so harsh.¹³³³ Such reportage generates the perception that undertrials and convicts are living a comfortable life and facing no significant consequences for their actions, leading to public demands for stringent punishment. In turn, political actors also

¹³²⁶ *Supra*, note at 4.

¹³²⁷ COUNCIL OF EUROPE, <https://www.coe.int/en/web/abolition-death-penalty/abolition-of-death-penalty-in-europe#:~:text=In%201983%2C%20the%20Council%20of,by%20all%2046%20member%20States>. (last visited Oct. 13, 2024).

¹³²⁸ *Supra*, note at 4.

¹³²⁹ John Rappaport, *Some Doubts About 'Democratizing' Criminal Justice*, UNIVERSITY OF CHICAGO LAW REVIEW (Dec. 3, 2024, 6:00 PM), <https://lawreview.uchicago.edu/online-archive>.

¹³³⁰ *Supra*, note at 4.

¹³³¹ JOHN PRATT, *PENAL POPULISM* 66-93 (Routledge 2007).

¹³³² Leon R. Yankwich, *Sensationalism In Crime News: Newspapers And The Administration Of Justice*, AMERICAN BAR ASSOCIATION JOURNAL 19, 51-53 (1980).

¹³³³ *Supra*, note at 17.

respond to the transformation of the crime reportage by promising to be 'tough on crime', aligning themselves with the popular opinion rather than the policy recommendations of the experts.

V. The Rise of Penal Populism in India

The decade post 2004, was marked by significant events in the realm of crimes and crime reportage which had a great influence on the political discourse. The 2008 Terrorist attacks in Mumbai and the subsequent conviction of Ajmal Kasab, the anti-corruption protests in 2011 and the Nirbhaya rape case in 2012, followed by prolonged trials for these cases, generated a deep dissatisfaction among the public in existing criminal justice system. The debate surrounding the death penalty gained momentum during this period as the public demand for immediately carrying out the death sentences for Ajmal Kasab as well the convicts in the Nirbhaya case, were not being fulfilled due to procedural delays.

By this period, the media landscape in India had also become privatized and highly competitive with hundreds of news channels in English, Hindi and other regional languages. The style of journalism also underwent drastic change with debate hours becoming increasingly popular across news channels and several news anchors gaining prominence for their aggressive and pompous tone of news reading and conducting debates. These anchors and media outlets advertised themselves as the people's voice and claimed to 'speak truth to power'.¹³³⁴

Thus, in the general elections of 2014, imposing stringent punishment for sexual offenders and terrorists and fighting against corruption became important points of contestation between political parties. Further, the rise of

right-wing populism in the following decade due to the Bharatiya Jananta Party's electoral success and the projection of Prime Minister Narendra Modi as a strongman leader, led to increased public support for a tough, strongman approach of fighting crime. The resultant rise in penal populist discourse has influenced both substantive and procedural aspects of criminal law.

To illustrate the impact of penal populism on substantive criminal law, this paper analyses the expansion of the death penalty for sexual offences in the subsequent section, while the rise in extrajudicial justice by means of bulldozer demolitions and encounter killings are used as case studies highlighting the effects of penal populism on the procedural aspects of criminal law.

A. CASE STUDY I: Expansion of Death Penalty in the Aftermath of Sexual Violence Cases

The existing jurisprudence on death penalty is based on the 'rarest of the rare' doctrine, established in the landmark case of *Bachan Singh v. State of Punjab*.¹³³⁵ According to the doctrine, death sentence was to be imposed only in exceptional cases after weighing the aggravating and mitigating factors. In the aftermath of the Nirbhaya case, massive protests in New Delhi and other major Indian cities led to the government immediately constituting a committee under Justice Verma to suggest reforms to the existing laws on sexual violence. While the Verma Committee Report, published in 2013, suggested increasing the sentence to a minimum of 20 years for cases resulting in persistent vegetative state, the report explicitly opposed the imposition of the death penalty for rape, even in the rarest of the rare cases, due to its findings that it did not act as a deterrent against rape. Other recommendations of the committee included criminalisation of marital rape and amending provisions of the Armed Forces Special Powers

¹³³⁴ Sevanti Ninan, *How India's news media have changed since 2014: Greater self-censorship, dogged digital resistance*, SCROLL.IN (July 5, 2019), <https://scroll.in/article/929461/greater-self-censorship-dogged-digital-resistance-how-indias-news-media-have-changed-since-2014>; INDIAN MEDIA STUDIES, <https://indianmediastudies.com/history-of-tv-journalism-in-india/#1995-2000> *Rise of Private News Channels in India* (last visited Dec. 3, 2024).

¹³³⁵ *Bachan Singh v. State of Punjab*, AIR 1980 SC 898.

Act to take action against military personnel against whom sexual assault complaints were raised by civilians.¹³³⁶ Contrary to the Verma Committee's suggestions against the death penalty, the 2013 Criminal Law Amendments passed by the Parliament incorporated death penalty as a prescribed punishment in cases which resulted in the death of the victim, when the rape victim was in a persistent vegetative state or in case of repeat offenders.¹³³⁷ Thus, the ruling Congress Government, owing to increased political pressure due to the forthcoming General Elections in 2014, acted against the recommendations of the committee constituted by the Government itself.

There were several factors that influenced the Amendments contrary to the committee report which indicate the influence of penal populism. Public interest in the 'Nirbhaya case' escalated rapidly, transitioning from mere attention to widespread outrage. Unlike many other incidents that quickly fade from focus, this case continued to shape both national and global discourse. Protests began just three days after the incident, with people across various cities expressing solidarity in different ways. The protests, which began in Delhi, soon spread to other major cities and grew more intense. Although the protests were mostly peaceful, demonstrators demanded stricter laws and chants of 'death to rapists' were widespread in the protests, with some sections of protestors even calling for extreme punishment, such as public hangings.¹³³⁸ Echoing the sentiments of the public, a senior BJP politician, criticizing the Congress government for its 'indecision and inaction' suggested "*maximum punishment to the rapists, death penalty or emasculation*

(chemical castration of the rapist)."¹³³⁹ Furthermore, the prime ministerial candidate of the BJP, Narendra Modi, then Chief Minister of Gujarat, in a rally ahead of the 2013 Delhi Assembly Elections invoking the Nirbhaya case to remind the public of the ruling government's failure in acting against sexual offences, remarked, "*It (Delhi) has earned bad name as rape capital. When you vote, do not forget this. Remember Nirbhaya for a while.*"¹³⁴⁰ Such comments from senior opposition party leaders in line with the public outrage in favour of death penalty meant that acting on the Verma Committee Report, contrary to the public opinion led to fears among the ruling party of adverse electoral consequences. Thus, the expansion of death penalty via the 2013 Criminal Law Amendments in the aftermath of the Nirbhaya case and the ensuing protests, were a result of penal populist rhetoric.

The Nirbhaya case however, continued to influence penal populist rhetoric even post the 2013 Amendments. It led to increase in the media's attention and coverage of brutal incidents of rape with explicit and detailed reportage on such crimes. The persistent media attention on violent cases of rape,¹³⁴¹ has thus furthered the cause of retributive justice for rape victims among the public, leading to demands for death penalty for rapists even in cases that did not meet the 'rarest of the rare' threshold. The impact of such narrative is evident from the further expansion of the death penalty to cases where the victim was a minor aged 12 or below, in the aftermath of the Kathua rape case when the Government passed an Ordinance to that effect. The Government acted in accordance with the public opinion that

¹³³⁶ Shemin Joy, *Justice Verma committee, Law commission opposed death penalty to Nirbhaya case convict*, DECCAN HERALD (Oct. 13, 2024, 8:30 PM), <https://www.deccanherald.com/india/justice-verma-committee-law-commission-opposed-death-penalty-to-nirbhaya-case-convict-815696.html>.

¹³³⁷ Criminal Law (Amendment) Act, No. 13 of 2013, Acts of Parliament, 2013 (India).

¹³³⁸ Abdelwahed, Tamara, et al., *The Influence of Public Outrage on Law Making: The Example of Indian Rape Cases*, VERFASSUNG UND RECHT IN ÜBERSEE / LAW AND POLITICS IN AFRICA, ASIA AND LATIN AMERICA 51, no. 4, 478–98 (2018).

¹³³⁹ *Delhi gang-rape case: BJP suggests chemical castration, death penalty for rapists*, THE ECONOMIC TIMES, <https://economictimes.indiatimes.com/news/politics-and-nation/delhi-gang-rape-case-bjp-suggests-chemical-castration-death-penalty-for-rapists/articleshow/17830236.cms?from=mdr> (last visited Oct. 13, 2024).

¹³⁴⁰ *Narendra Modi in Delhi: Remember Nirbhaya when you go to vote*, INDIA TODAY, <https://www.indiatoday.in/elections/story/delhi-polls-modi-attacks-congress-on-graft-security-of-women-219290-2013-11-30> (last visited Oct. 13, 2024).

¹³⁴¹ SWETA SINGH, *GENDER SENSITIVITY AND THE COVERAGE OF RAPE IN THE INDIAN NEWS MEDIA: TEN YEARS AFTER THE NIRBHAYA CASE* (2022).

death penalty itself would serve as a sufficient deterrent despite the expert opinion from the 262nd report of the Law Commission and the Verma Commission Report saying the exact opposite.¹³⁴²

The public outrage after the R.G Kar rape incident in 2024 leading to the passage of the Aparajita Women and Child Bill by the West Bengal Government¹³⁴³ is a further testimony to the influence of penal populism in India's anti-rape laws. The Chief Minister of West Bengal, criticizing the Union Home Ministry for "not been able to implement effective legislations to safeguard women"¹³⁴⁴ sought to mitigate the public outrage and criticisms against her own Government by passing the Bill which called for mandatory capital punishment for a rape convict if the assault results in the death of a victim or leaves her in a vegetative state, and life sentence without parole for any other sexual offender.¹³⁴⁵ The changes introduced by the Aparajita Bill, despite being in violation of established legal principles and expert recommendations was hence, pushed forth as a result of the populist Chief Minister's bid to regain the trust of her electorate by appearing to be 'tough' on sexual offenders.

B. CASE STUDY II: The Rise of Extra-judicial justice in Uttar Pradesh

Apart from its influence on substantive criminal law in increasing the stringency of penalties, penal populism has also led to a dangerous trend of undermining established criminal procedures, as political leaders and the public

increasingly call for swift, extrajudicial justice. Such discourse is built on the belief that traditional legal processes being 'slow and lenient', compliance with the procedure allows criminals to manipulate the system and escape punishment. The judiciary and legal practitioners are portrayed as 'the elitists' who enable this miscarriage of justice through corruption or inefficiency. This has resulted in support among sections of the public for a stronger executive that bypasses procedural norms and delivers immediate, stringent justice to the accused.

A key example of this is the Uttar Pradesh government's use of "bulldozer demolitions" under Chief Minister Yogi Adityanath. The practice of demolishing properties of alleged criminals, particularly members of mafia groups, has earned Adityanath the nickname "Bulldozer Baba."¹³⁴⁶ These demolitions have become symbolic of his administration's hardline stance on law and order. The narrative that the well-connected mafia groups often manipulate witnesses, delay trials, and secure acquittals has been used to justify bypassing courts and traditional procedures. Bulldozer demolitions, conducted without due process, despite being a clear subversion of criminal procedure, is framed as a necessity to counteract the perceived inefficacy of the legal system.

Similarly, the rise in police encounter killings under Adityanath's leadership showcases another form of extrajudicial justice. More than 10,000 encounters have taken place during his tenure, with over 1,100 occurring in just the first 10 months of his government.¹³⁴⁷ These encounters are promoted as a fulfilment of his electoral promise to crackdown on crime, with the government and police announcing brazenly

¹³⁴² *Should Those Who Rape Minors Get Death Penalty?*, THE HINDU, <https://www.thehindu.com/opinion/op-ed/should-those-who-rape-minors-get-the-death-penalty/article23686547.ece> (last visited Oct. 13, 2024).

¹³⁴³ *What does Bengal's 'Aparajita' Anti-Rape Bill entail?*, THE HINDU, <https://www.thehindu.com/news/national/watch-what-does-bengals-aparajita-anti-rape-bill-entail/article68620694.ece> (last visited Oct. 13, 2024).

¹³⁴⁴ *Mamata demands resignation of PM, HM, CMs of BJP-ruled states over 'ineffective anti-rape laws'*, THE ECONOMIC TIMES, <https://economictimes.indiatimes.com/news/politics-and-nation/mamata-demands-resignation-of-pm-hm-cms-of-bjp-ruled-states-over-non-effective-anti-rape-laws/articleshow/113018962.cms?from=mdr> (last visited Oct. 13, 2024).

¹³⁴⁵ Jhuma Sen, *The Aparajita Bill: Legislative Populism Unvanquished*, LIVELAW (Dec. 13, 2024, 6:30 PM), <https://www.livewall.in/articles/rg-kar-medical-college-rape-case-and-west-bengal-aparajita-woman-and-child-bill-2024-269325#:~:text=The%20recently%20passed%20Aparajita%20Woman,hasty%20response%20to%20public%20outrage>.

¹³⁴⁶ *How the Yogi government's 'Mission Punishment' is turning up the heat on the UP mafia*, INDIA TODAY, <https://www.indiatoday.in/india-today-insight/story/how-yogi-governments-mission-punishment-is-turning-up-the-heat-on-up-mafia-2286920-2022-10-18> (last visited Oct. 13, 2024).

¹³⁴⁷ *In 6 years, Uttar Pradesh recorded 10000 police encounters; 30% of them in Meerut Zone*, THE TIMES OF INDIA, <https://timesofindia.indiatimes.com/city/lucknow/in-6-years-uttar-pradesh-recorded-10000-police-encounters-30-of-them-in-meerut-zone/articleshow/98707835.cms>, (last visited Oct. 13, 2024).

that criminals could “either surrender or face deadly force”.¹³⁴⁸ The widespread media coverage and support of these encounters, often framed as successes in reducing crime, has bolstered public support for such actions. Headlines such as: “Yogi model is the biggest remedy to crime and criminals”; “Yogi ji had said we will destroy the mafia, he did it”; “Who else wants Atiq Ahmed’s encounter?” displayed on local news channels in the aftermath of the encounter killings of the Samajwadi Party (SP) leader Atiq Ahmed and his son Asad indicate the brazen media justification of encounter justice,¹³⁴⁹ thereby leading to increased public approval of such extrajudicial measures.

The government with the help of the media’s support, taking advantage of the public’s frustration with slow legal processes and the perceived impunity enjoyed by criminal gangs under the previous government, justifies bulldozer demolitions and police encounter killings, despite its extrajudicial nature, by resorting to penal populist rhetoric that ‘tough’ extrajudicial measures are needed to subdue criminals who due to their connections with opposition political groups might get away if given the opportunity of trial under the established criminal procedure. The Yogi government’s re-election with increased seats in Legislature in an election campaign that focused on its ‘tough stance’ on crime which was hailed as a positive model of governance¹³⁵⁰ is indicative of the alarming trend of public approval of extrajudicial justice in Uttar Pradesh as a result of penal populism.

VI. Conclusion

Penal populism stems from belief that the introduction of harsher laws, would lead to a

society with lower crime rates. However, the fact that reducing crime requires not only severe punishments but also the consistent and fair application of the law is often overlooked. If laws impose disproportionately strict penalties, there is in fact a lower chance of criminals being convicted. Thus, penal populism allows governments to shift their focus from genuine crime prevention efforts to creating flashy policies aimed at appeasing voters.

In India, the rise of penal populism was effectuated by increased media coverage of violent crimes which has led to expansion of stringent sentences such as the death penalty, contrary to the opinions of expert commission set up the government itself. In the case of procedural law, penal populism has led to increase in some governments resorting to extra-judicial encounter killings and bulldozer demolitions as a means of tackling crime, seeking legitimacy in the public’s approval of its actions by virtue of the populist rhetoric. In Uttar Pradesh, such subversion of criminal procedure risks turning law enforcement into an unchecked power that heeds to the demands of the political majority, compromising the integrity of the justice system.

Educating the public and enabling them to form informed opinions by making active efforts to popularise the suggestions of experts in penology could help address this issue. This can be effectuated only by preventing the gatekeeping of legal and academic knowledge by the professionals in the field and instead encouraging greater public engagement and allowing increased accessibility of legal knowledge to the general public.

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¹³⁴⁸ Sushmita, *Killing Crime with Crime: Yogi’s UP Police on an Encounter spree*, CITIZENS FOR JUSTICE AND PEACE (Oct. 13, 2024, 7:20 PM), <https://cjp.org.in/killing-crime-with-crime-yogis-up-police-on-an-encounter-spreec/>.

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