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BEYOND BARS: UNCOVERING THE HIDDEN BARRIERS TO EFFECTIVE CRIME PREVENTION

~ *Selgin. B*

Abstract

Punishment and incarceration are only two aspects of crime prevention. Beyond Bars: Uncovering the Hidden Barriers to Effective Crime Prevention explores the institutional, legal, social, and structural barriers that compromise the efficacy of modern crime prevention tactics. The report contends that an over-reliance on punitive measures hides more fundamental causes of criminal behavior, such as systematic discrimination, socioeconomic inequality, a lack of educational and career opportunities, insufficient community policing, and ineffective rehabilitative frameworks. It also identifies important but frequently disregarded obstacles to long-term crime control, such as policy gaps, inadequate interagency collaboration, and low public participation. The study emphasizes the importance of restorative practices, community-based interventions, and preventive justice by using an interdisciplinary approach that incorporates criminology, sociology, and legal theory. The abstract states that in order to effectively prevent crime, a paradigm shift from reactive incarceration-centric models to proactive, inclusive, and evidence-based policies that protect social justice and human rights while addressing the underlying causes of crime is necessary.

INTRODUCTION

Over the years, crime in India has changed dramatically, falling into two main categories: traditional crimes and contemporary social crimes. Indian civilization has always been plagued by traditional crimes including murder, theft, assault, and dacoity, which are usually driven by personal animosity, retaliation, or money. Modern social crimes, on the other hand, include transgressions that have arisen or intensified as a result of urbanization, technological growth,

and changing social standards. These include organized corruption, drug and human trafficking, financial fraud, cybercrime, and internet harassment.

According to the National Crime Records Bureau (NCRB) 2023 report, India witnessed over 60 lakh reported crimes, with a sharp rise in cyber offenses (increased by 23.5% from the previous year), and consistent numbers in violent crimes like rape and murder. India has indeed seen a marked increase in cyber-crimes, with a significant rise from 9,622 cases in 2014 to over 77,000 in 2024. While law enforcement agencies continue to focus on prosecution and punishment, crime prevention remains riddled with systemic challenges.

According to government data, effective crime prevention is still elusive even with increased monitoring, tougher regulations, and digital policing. Preventive measures are nonetheless hampered by issues like inadequate departmental coordination, a lack of community involvement, undertrained staff, and antiquated infrastructure. Furthermore, the invisibility of social crimes especially those that impact vulnerable digital users and disenfranchised groups indicates a more serious dilemma in which societal awareness, legislation, and policy have not kept up with the evolving nature of crime.

This article delves into the hidden barriers that lie beyond prisons and punishment, and explores why traditional crime in India, continue to struggle with sustainable and proactive crime prevention.

BARRIERS TO EFFECTIVE CRIME PREVENTION IN INDIA: A THEMATIC BREAKDOWN

Crime prevention is influenced by the larger political, social, cultural, and judicial environment and is not just a legal or administrative responsibility. A fair and efficient criminal justice system in India is hampered by a number of visible and structural obstacles. These are covered in the following:

1. Political Interference in Law Enforcement in India

In India, political meddling in law enforcement agencies is a significant and persistent problem. It compromises the impartiality and independence of constitutional agencies, such as the police and investigative units. Political pressures frequently affect law enforcement authorities, particularly in high-profile or delicate cases. This can result in selective enforcement, evidence tampering, biased investigations, and the suppression of First Information Reports (FIRs). This

interference is driven by various factors such as monetary influence, political favouritism, hierarchical pressure, ideological alignment, and systemic dependency. As a result, the public loses trust in law enforcement institutions, and the core democratic principle of the rule of law is compromised.

2. Inefficient Implementation of Crime Policies

Even though India has a number of laws and regulations aimed at preventing crime, their application is sometimes ineffective and uneven. Even though the law appears to be robust, ineffective enforcement raises crime rates, delays justice, and erodes public trust in the judicial system. This inefficiency results from a number of administrative, political, and systemic problems that impair the efficacy of local crime programs.

A prime example of this inefficiency is the landmark Supreme Court ruling in *Prakash Singh v. Union of India*¹, the Court established seven directions for police reforms in order to guarantee operational autonomy, set tenures for key officials, keep investigative and law enforcement activities separate, and protect officers from political pressure.

However, the majority of Indian states, have either partially or completely disregarded these legally enforceable directives (report by the Commonwealth Human Rights Initiative (CHRI), 2020–2021²). A number of states have also passed laws that weaken or avoid the spirit of the ruling. This ongoing non-compliance demonstrates how attempts at police reform have been hampered by a combination of political opposition, bureaucratic hold-ups, and institutional inertia.

3. Lack of Legal Awareness

The general public's ignorance of the laws, rights, and legal procedures that regulate their daily lives is a significant barrier to justice and good governance in countries like India, whose legal frameworks are large and usually complex. The right to legal aid, the right to be free from unjust detention, and the right to redress in cases of abuse or discrimination are among the core constitutional rights that many people are unaware of.

¹ 2006 (8) SCC 1

² CHRI, Efforts to implement Supreme Court directives on police reforms 'largely regressive', Frontline (Sept. 24, 2020).

This ignorance makes it difficult for people to report crimes, seek redress, or defend themselves against exploitation, particularly in rural areas, underprivileged communities, and among women, Dalits, and Adivasis. Corruption, power abuse, and rights breaches by state actors, employers, or landlords are made possible by a lack of legal literacy. Additionally, it results in an excessive reliance on middlemen or local power structures, many of whom have the potential to deceive or take advantage of people who lack legal expertise.

This negligence is made worse by restricted outreach programs, language obstacles, and a lack of legal education in schools, which deprives present and future generations of civic knowledge. Legal literacy camps and legal assistance clinics are examples of programs that exist, however they are frequently underfunded, inconsistent, or inaccessible to the most disadvantaged populations. Underreporting of crimes, the normalization of caste-based or domestic violence, and reliance on unofficial dispute resolution processes like community panchayats—which do not adhere to constitutional or rights-based frameworks—are some of the repercussions.

Research indicates that institutional apathy, fear, or ignorance may be the main reasons why women, migrant workers, Dalits, and Adivasis are discouraged from using formal legal systems. For example, according to Common Cause & Lokniti CSDS's 2019 Status of Policing in India Report, about 28% of police officers cited political pressure as a major barrier to criminal investigations. This suggests that citizen complaints may also be repressed due to ignorance or fear of retaliation.³ Achieving inclusive justice reform requires closing this awareness gap through community outreach by legal services authority, increased legal aid, and rights education in schools.

5. Hesitation and Fear in Reporting Crimes

In India, fear and reluctance to report crimes continue to be major obstacles to justice, especially when it comes to cases involving caste-based atrocities, domestic abuse, and sexual assault. Victims—particularly women, Dalits, Adivasis, and LGBTQ+ people—frequently avoid calling the police out of fear of societal rejection, reprisal from offenders, or institutional

³ Status of Policing in India Report 2019: Police Adequacy and Working Conditions, Common Cause & Lokniti-CSDS (Aug. 2019), at xxx (finding ~28% of police personnel believe pressure from politicians is the biggest hindrance in crime investigations)

indifference⁴. Low conviction rates, tough cross-examinations in court, and the impression of police bias—particularly when the accused is a powerful figure in politics or society—all contribute to this anxiety. According to the National Family Health Survey-5 (2019–21), less than 1% of women who were victims of physical or sexual abuse went to the police, and only 14% of them ever sought assistance⁵. The 2023 Dalit gang rape case in Madhya Pradesh is a recent incident, where the victim's family was first reluctant to disclose the crime because of threats from upper-caste offenders. Only upon national media attention and Dalit rights organizations' engagement were FIRs filed.

Similar to this, the early release of Bilkis Bano's convicted rapists in the 2022 case caused national indignation, demonstrating how the state's support for remission might coerce additional victims into remaining silent. These incidents demonstrate how crime reporting is still discouraged by mistrust of the legal system and fear of retaliation, especially in marginalized areas. Addressing this systemic fear and enhancing access to justice require bolstering victim protection measures, guaranteeing expedited trials, and raising awareness among police officers.

6. Gender Discrimination

In India, gender discrimination still poses a serious obstacle to effective crime prevention, impacting not only women and LGBTQ+ people but also men, particularly when it comes to incidents of sexual assault, domestic violence, or custodial abuse. The very authorities tasked with protecting victims frequently engage in victim-blaming, institutional indifference, and moral policing. Particularly in patriarchal or conservative areas, police officers may downplay allegations, refuse to register First Information Reports (FIRs), or force victims into informal settlements. The 2022 Shraddha Walkar murder case is a stark example, when police allegedly disregarded Shraddha's repeated domestic abuse accusations against her live-in husband in spite of grave warning signs⁶. A trans woman was allegedly attacked by police officers for her "indecent appearance" in the 2021 Madurai transgender harassment case, demonstrating how LGBTQ+ people are still exposed to misgendering, stereotyping, and public humiliation even

⁴ Uttar Pradesh police shielding accused in rape, murder case of Dalit woman, says fact-finding report, *The Hindu* (Dec. 1, 2023).

⁵ "Nearly 1 in 3 women have suffered spousal sexual, physical violence: Family Health Survey," *The Times of India* (May 11, 2022) (citing NFHS-5 data).

⁶ Shraddha Walkar Murder: Why No Action on Shraddha's Complaint?, *NDTV* (Nov. 24, 2022), <https://www.ndtv.com/india-news/shraddha-walkar-murder-d-fadnavis-assures-probe-on-police-inaction-to-2020-letter-3548001>

in legal institutions⁷. When reporting crimes like domestic violence or sexual assault, men are also frequently stigmatized by society. Many male survivors are discouraged from coming forward because they fear mockery, emasculation, or lack of belief, and laws and processes frequently do not provide them with sufficient protection⁸.

Furthermore, a lot of honor killing instances go unreported because of police slowness and family complicity. For example, in the 2023 Hyderabad intercaste murder, the woman's father was suspected of planning the murder of her boyfriend, and police were accused of disregarding earlier threats⁹.

The deterrent effect of law enforcement is weakened, victims are retraumatized, and crime reporting is discouraged by these institutional prejudices. In order to combat them, police must get gender-sensitization training, inclusive law reform that safeguards all genders, and accountability procedures to rebuild public confidence in the judicial system.

7. Normalization of Everyday Crimes

A subtle but widespread threat to social justice and public safety is the normalization of commonplace crimes in India, including verbal threats, caste-based abuse, dowry demands, domestic violence, street harassment, and small-time thefts. These crimes have profound psychological and cultural repercussions, despite the fact that they are frequently non-lethal or viewed as "minor" by society and occasionally even by law enforcement. Eve-teasing, stalking, public molestation, and verbal abuse are examples of behaviours that are commonly written off as unimportant or "part of daily life," which results in egregious underreporting and desensitization. In many patriarchal or conservative societies, domestic abuse is justified as a "private matter," and women are frequently dissuaded from getting assistance in order to protect the reputation of the family.

Similarly, a culture of impunity is reinforced in rural and semi-urban regions by the normalization of caste slurs, threats, or social boycotts, especially directed toward Dalits and

⁷ Trans Woman Alleges Police Harassment in Madurai, The News Minute (Mar. 15, 2021), <https://www.thenewsminute.com/article/trans-woman-alleges-police-harassment-madurai-files-complaint-145130>

⁸ Saurabh Sharma, Why Male Victims of Sexual Assault Stay Silent, The Swaddle (Jan. 2022), <https://theswaddle.com/why-male-victims-of-sexual-assault-stay-silent/>

⁹ Hyderabad Inter-Caste Murder: Father Arrested, India Today (Mar. 16, 2023), <https://www.indiatoday.in/india/story/hyderabad-honor-killing-father-kills-daughters-husband-arrested-2347387-2023-03-16>

tribal populations. The notion that such actions are acceptable or unavoidable is further cemented by the authorities' inaction in the face of such atrocities. In addition to causing psychological anguish to victims, normalization creates a slippery slope that allows minor crimes to develop into more serious ones if left unchecked. It erodes the rule of law and upholds power disparities, especially against women, castes that are marginalized, and economically disadvantaged groups. Zero-tolerance policing, increased enforcement of current laws, community sensitization, and legal literacy are crucial in the fight against this. Normalizing commonplace crimes is a sign of systemic failure rather than resiliency, and ending this loop is essential to long-term justice reform and crime prevention.

8. Caste-Based Discrimination

In India, caste still has a big impact on how crimes are reported, looked at, and prosecuted—especially in rural regions. Police and municipal authorities frequently ignore, dilute, or incorrectly report crimes against Dalits and Adivasis in order to support the dominant castes. Constitutional safeguards are compromised by this pervasive prejudice, which also increases public distrust of government agencies.

In the Hathras case (Uttar Pradesh, 2020), Upper-caste guys viciously attacked and gang-raped a 19-year-old Dalit woman. Despite her assertion that she was dying, the police delayed filing a case under the SC/ST Prevention of Atrocities Act and forcibly burned her remains at night without her family's permission. The incident revealed how upper-caste prejudice impedes Dalit justice and caused national indignation. Before a judicial investigation refuted police accusations, a Dalit boy in Villupuram, Tamil Nadu (2024), was detained and tortured in detention for having a sexual involvement with a female from a dominant caste. His death was initially ruled suicide. These incidents highlight the ways in which caste not only influences the probability of victimization but also skews the state's response, from the inquiry to the trial.

9. Language and Literacy Barriers

A critical but often overlooked barrier to equitable justice in India is linguistic inaccessibility. Many victims and witnesses, particularly from rural, tribal, or non-Hindi speaking communities, struggle to understand legal proceedings conducted in English or formal Hindi, marginalizing them within the judicial process. Courts frequently rely on English for pleadings, orders, and judgments languages that litigants from states like Odisha, Chhattisgarh,

Jharkhand, and the Northeast do not understand. A 2022 study revealed that over 70% of undertrial prisoners were unaware of the charges against them in a language they spoke, largely due to the absence of interpreters and translated documents.

In response, the Supreme Court and Chief Justice of India have advocated for the wider use of regional languages in legal education and documentation. Justice D.Y. Chandrachud urged law universities and legal aid clinics to teach laws in regional languages so students can better assist local communities. Despite these calls, the use of local languages in High Courts remains severely limited. As of late 2024, only four states Rajasthan, Madhya Pradesh, Uttar Pradesh, and Bihar have authorized Hindi in High Court proceedings, and none have been permitted regional languages like Tamil, Kannada, or Bengali.

Voices from practitioners underscore the everyday injustice: amid session court hearings conducted in Kannada, litigants have been forced to sign affidavits in languages they cannot read, with no translation provided unless privately arranged. This linguistic exclusion not only impedes substantive access but also reinforces procedural inequity, weakening the laws protecting marginalized populations.

10. Judicial Delays

One of the most persistent barriers to justice in India is the extraordinary delay in the judicial process. With over 5.2 crore (52 million) pending cases across the Supreme Court, High Courts, and subordinate courts as of June 2025, the sheer volume has led to inordinate delays that can span years or even decades. Victims often grow disillusioned with the system, as cases of rape, murder, corruption, and caste atrocities move sluggishly through the courts. This inertia not only discourages the filing of new complaints but also emboldens perpetrators, who act with confidence that justice will be indefinitely delayed.

The situation is particularly grim in lower courts, where over 90% of all pending cases lie, often exacerbated by vacancies in the judiciary, poor infrastructure, and excessive procedural adjournments. In one stark example, the infamous Hashimpura Massacre case (1987), where 42 Muslim men were killed by police in Uttar Pradesh, took 31 years to deliver a judgment most survivors and families had died or aged by the time justice arrived. Delays are even worse for marginalized groups, who lack the financial and social capital to sustain long legal battles.

Although recent reforms, such as e-courts and virtual hearings, have sought to ease the load, they remain unevenly implemented and technologically inaccessible for rural populations.

Thus, until judicial infrastructure is strengthened and procedural efficiency improved, judicial delay remains one of the most formidable barriers to crime prevention and justice delivery in India.

11. Repetitive Court Hearings and Emotional Burnout

Victims and witnesses in criminal cases are frequently subjected to prolonged legal proceedings that demand their presence in court multiple times over several years, often with little to no progress due to frequent adjournments. This not only leads to financial strain from travel, lost wages, and legal expenses, but also causes severe emotional distress and trauma. The judicial expectation of repeated appearances, without guaranteeing meaningful advancement in the case, often leads to witness fatigue and withdrawal, weakening the prosecution's case and undermining justice.

A 2023 study by Common Cause and Lokniti-*CSDS* revealed that over 60% of witnesses in criminal trials felt harassed or pressured during court processes, and many reported making dozens of visits to the court over the span of years. In the Kathua rape and murder case (2018), the victim's family had to relocate and appear repeatedly, facing threats and public scrutiny, which not only compounded their trauma but also delayed the pace of justice. These repeated court appearances, compounded by lack of institutional support, erode trust in the legal system and deter future complainants.

12. Low Conviction Rates

India's criminal justice system suffers from alarmingly low conviction rates, largely due to weak investigations, procedural lapses, and witness hostility. Investigating officers are often overburdened, inadequately trained, or influenced by political or social pressures. Critical evidence may be lost or mishandled, and witnesses especially in high-profile or communal cases are intimidated or bribed, leading them to turn hostile. These systemic failures weaken the prosecution's case, resulting in acquittals of even clearly identifiable offenders. As a result, the law's deterrent effect is severely compromised, allowing repeat offenders to act with impunity.

For instance, in the 2021 Lakhimpur Kheri violence case, where a Union Minister's son was accused of mowing down protesting farmers, several witnesses turned hostile, reportedly under

pressure. Though the Supreme Court eventually cancelled the bail granted by the High Court, the trial delays and witness intimidation highlighted the deep flaws in the investigation and prosecution process. According to the National Crime Records Bureau (NCRB), the conviction rate for crimes under the Indian Penal Code stood at less than 50% in 2022, with rates dropping even further in cases of sexual violence or caste-based crimes. This erodes public confidence in the system and emboldens offenders, particularly those with power or influence.

13. Understaffed and Undertrained Police Forces

There are still significant manpower and infrastructure shortfalls in many Indian police stations. With only 155 police per 100,000 people—far less than the UN-recommended 222—nearly 22% of police positions are still unfilled, according to the Indian Justice Report 2025. This shortfall makes the public more vulnerable and impairs law enforcement's ability to do its job. Particularly lacking are forensic and cybercrime capabilities. According to the same survey, 17% of employees said they had no access to the CCTNS facility, and 42% of staff claimed forensic tools were never available. In addition, there are just 0.33 forensic specialists for every 0.1 million people in India, compared to 20–50 in wealthy nations. The quality of investigations into digital crimes like data theft and online fraud is strongly impacted by these limitations.

14. Digital Illiteracy and Inadequate Cybercrime Response

Victims often don't know how to file cybercrime complaints, while police personnel may be ill-equipped to handle digital evidence or online offenses. Many police stations lack trained cyber cells, digital forensic tools, and the procedural clarity required to address internet-based crimes effectively. This gap contributes to the rapid rise of unchecked cybercrimes across India, including financial fraud, cyberstalking, and identity theft. Without systematic training and public awareness initiatives, both detection and prosecution of such offenses remain weak.¹⁸

Technological Backwardness

Law enforcement often lags behind criminals in using advanced tools like AI, digital surveillance, and data analysis. The absence of modern policing tools limits preventive efforts.

Witnesses often turn hostile due to threats or lack of protection, resulting in weak prosecution and increased acquittals.

CONCLUSION AND SUGGESTIONS

Despite a strong legal and institutional framework, crime persists in India, indicating that the true problem is not a lack of laws but rather their uneven and weak implementation. Political meddling in criminal investigations, as demonstrated in recent high-profile cases, erodes the impartiality of law enforcement and erodes public trust in the administration of justice. At the same time, corruption, bureaucratic red tape, and a lack of accountability further widen the gap between law and practice. Social and cultural issues that normalize violence against vulnerable groups, including women, Dalits, LGBTQ+ people, and tribal tribes, and perpetuate inequality are equally important. Gender violence, caste-based atrocities, and honor killings are not just isolated crimes; they are manifestations of ingrained biases that are frequently accepted or minimized by the very institutions designed to safeguard victims.

Institutional deficiencies further aggravate the problem. Undertrained police forces, inadequate forensic and cybercrime expertise, and an overburdened judiciary delay justice and discourage victims from seeking legal recourse. Even reforms such as the introduction of regional languages in courts have limited impact when procedures remain complex and inaccessible, especially for marginalized populations. The consequence is a culture of silence and underreporting, where fear of retaliation, financial strain, and emotional exhaustion prevent victims from pursuing justice.

Addressing these barriers requires a holistic and intersectional approach that goes beyond legislative reform. Political and institutional accountability must be strengthened to insulate law enforcement from external pressures and to ensure impartiality in investigations. Simultaneously, modernization of police infrastructure, coupled with specialized training in forensic and digital crime detection, is vital for effective crime control. Judicial reforms aimed at reducing delays, expanding access to legal aid, and simplifying procedures can bridge the gap between law and justice. Just as importantly, deeper social change is needed—public awareness campaigns, community-based interventions, and sustained educational efforts must challenge patriarchal, casteist, and discriminatory mindsets that fuel crime.

True crime prevention in India, therefore, demands more than the punitive function of prisons. It requires a coordinated effort that combines political will, institutional reform, and cultural transformation. By integrating victim-centered approaches, strengthening community trust, and ensuring accountability at every level, India can move towards a justice system that is not only legally sound but socially responsive and accessible to all. Only then can the promise of equal protection under law evolve from a constitutional ideal into an everyday reality.

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