



## Habitual Criminality And Legal Framework Under The Bharatiya Nyaya Sanhita 2023

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### ABSTRACT

*Crime is a global and societal phenomenon that perpetually evolves alongside technological improvements. The techniques for perpetrating crimes have evolved considerably, rendering offenders more adept and merciless. The researcher underscores the necessity for a proficient police system and the implementation of robust legislation. Nonetheless, inefficiencies within the police system and legal ambiguities have led to a rising crime rate. Among the diverse manifestations of criminal behaviour, habitual criminality is notable for its persistence, defined by an individual's recurrent involvement in illegal acts.*

*The researcher attributes habitual criminality to an individual's extended engagement in anti-social behaviour, shaped by diverse social and environmental influences. The influence of environmental factors, economic circumstances and upbringing is essential in determining criminal inclinations. The penal laws of a nation primarily seek to safeguard society by penalising offenders and encouraging their rehabilitation; yet, the researcher observes that legal measures alone frequently prove inadequate in managing habitual criminals.*

*India has always acknowledged the problem of recurrent criminality, resulting in the development of laws aimed at regulating and rehabilitating repeat offenders. The researcher intends to explore the evolution of law relating to Habitual Offenders in India and analyses The Karnataka Habitual Offenders Act, 1961, as a crucial legislative initiative designed to regulate and rehabilitate chronic offenders by imposing restrictions on their movements and activities. The recent modifications of criminal law necessitate an analysis of provisions relating to habitual offenders under Bharatiya Nyaya Sanhita 2023. Nevertheless, the study aims to analyse the legal framework regulating habitual criminals in India.*

**KEYWORDS:** *Crime, Habitual Criminality, Habitual Offender, Recidivist.*

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## I. Introduction

Crime, an enduring societal evil, disrupts harmony and undermines the fabric of communities. Across all civilizations, criminal behavior remains an inevitable phenomenon, reflecting the complexities of human nature and socio-economic dynamics. The distinct psychological mindset of criminals, often characterized by persistent offending tendencies, sets them apart from the general population.

While crime directly harms its victims, its ripple effects destabilize societal order.<sup>3</sup> Modern advancements in technology and the increasing accessibility of knowledge have inadvertently facilitated the emergence of habitual criminality, enabling certain individuals to view criminal activity as a viable professional livelihood. This trend heightens the difficulties encountered by the criminal justice system in managing both urgent crimes and their wider societal consequences.

Individuals convicted of repeated criminal acts, despite prior corrective measures, are classified as habitual offenders or career criminals.<sup>4</sup> Habitual criminality represents a pattern of sustained engagement in anti-social activities, ultimately molding an individual's identity around unlawful behavior. When such individuals reoffend after serving sentences for previous crimes, the phenomenon is referred to as recidivism, which derives from the Latin term *recidivus*, meaning "recurring."<sup>5</sup>

Émile Durkheim, the eminent sociologist, aptly observed that crime evolves in tandem with the socio-economic development of societies.<sup>6</sup> His perspective highlights the interplay between societal progress and shifting criminal patterns, highlighting the necessity for flexible approaches within the justice system.

The legal system, through its dual objectives of punitive and rehabilitative measures, strives to deter individuals with prior convictions from reoffending. However, its efficacy is often questioned. Critics point out that not all ex-offenders achieve successful societal reintegration. While some relapse into criminal behavior due to systemic shortcomings or entrenched tendencies, others face significant challenges in meeting societal expectations, particularly regarding stable employment and lawful living. This dual struggle underscores the systemic gaps that hinder comprehensive reformative outcomes.

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<sup>3</sup> Mohd. Shahabuddin v State of Bihar, AIR (2014),4, SCC 653.(per Dalveer Bandari)(India).

<sup>4</sup>Dr.Raj Kumar,*Habitual Offenders and the Law*,1,(2017).

<sup>5</sup> Wikipedia.org, <https://en.wikipedia.org/wiki/Recidivism>,( Last Visited Date 05/04/2025).

<sup>6</sup>Study Smarter UK, <http://www.studysmarter.co.uk>, (Last Visited 05/04/2025).

The shift toward reformatory justice in modern criminology, there has been a paradigm shift from retributive to reformatory justice. Emphasis now lies on prevention, rehabilitation, and the reintegration of offenders into society. This transition reflects a growing recognition of the multifaceted causes behind habitual criminal behavior. The shift necessitates a nuanced understanding of contributing factors, ranging from psychological and socio-economic influences to systemic disparities.

John W. Manner's insights into recidivist tendencies shed light on common traits such as anti-social behavior, apathy toward societal well-being, ruthlessness, and egotism. These characteristics, while significant, are part of a broader matrix of factors that criminologists and policymakers must address to curtail recidivism effectively.<sup>7</sup>

Individuals with extensive criminal histories marked by multiple convictions and recurrent imprisonment represent a significant threat to the stability and safety of civilized society. Such persistent offenders challenge not only the criminal justice system but also broader social structures aimed at maintaining harmony and order.

The Oxford Dictionary defines *recidivism* as the tendency of individuals to revert to criminal behavior after having been sanctioned previously.<sup>8</sup> The *Encyclopaedia Britannica* describes it as a persistent cycle of criminal activity, characterized by multiple arrests and incarcerations. This concept broadly applies to individuals who continue to offend despite undergoing legal sanctions and corrective interventions.<sup>9</sup>

**Distinguishing Recidivism from Habitual Offending:** While the terms recidivism and habitual offending are often used interchangeably, they denote distinct phenomena within the broader spectrum of repeated criminal behavior.

### **i) Recidivism**

- o Refers to the general tendency of individuals to reoffend after previous convictions.
- o Includes a varied spectrum of repeat offenders, such as habitual lawbreakers, career criminals, and professional offenders.

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<sup>7</sup> Prof. N.V. Paranjape, *Criminology & Penology with Victimology*,677,(17),2017.

<sup>8</sup> Oxford English Dictionary, <https://www.oed.com>( last visited 07/04/2025)

<sup>9</sup>Britannica, <https://www.britannica.com/topic/recidivism>( last visited 07/04/2025)

- o Does not necessarily imply a systematic or patterned approach to criminal activity.

## **ii) Habitual Offending**

- o Refers specifically to individuals who engage in systematic and frequent criminal behavior, often following a discernible pattern of offending.
- o Represents a subset of recidivism that is more persistent and harmful due to higher rates of conviction and sustained engagement in unlawful activities.

In the Indian context, habitual offenders are legally classified based on repeated criminal conduct, while in many other jurisdictions, the term recidivism broadly encompasses all forms of repeated criminal behavior. Despite their conceptual overlap, habitual offending remains a more specific category within the broader framework of recidivism.

The Role of the Law Commission of India, recognizing the challenges posed by recidivism and habitual offending, is significant, and the Law Commission of India has extensively studied these phenomena. Through its recommendations, it has emphasized the need for a multidimensional approach to address habitual criminality:

- **Rehabilitative Measures:** Strengthening programs aimed at reintegrating offenders into society, focusing on skill development and emotional support.
- **Post-Incarceration Support Systems:** Developing robust mechanisms to mitigate the socio-economic vulnerabilities that often lead to reoffending.
- **Early Intervention Frameworks:** Implementing structured legal provisions to identify and prevent habitual offending at an early stage.

The Commission's recommendations have led to significant amendments and modifications in criminal laws, most notably under the *Bharatiya Nyaya Sanhitha, 2023*. These reforms mark a progressive shift in Indian jurisprudence, emphasizing preventive and reformatory justice over purely punitive measures.

## **II. Understanding the Persistence of Habitual Criminality**

The prevalence of habitual offending underscores systemic gaps within the criminal justice system. Despite substantial investments in prisons and correctional frameworks, many individuals experience cyclical patterns of arrest, imprisonment, release, and rearrest. Others evade punishment, exploiting weaknesses in investigative and judicial processes.

Key factors contributing to habitual criminality include:

- **Addiction to Criminal Patterns:** Repeated engagement in specific crimes leads to deeply ingrained behavioral tendencies, referred to as "habits" in psychological terms.
- **Lack of Deterrence or Reform:** Punishments that fail to address root causes of criminality, such as socio-economic deprivation or psychological trauma, often result in recidivism.

**Challenges and the Way Forward:** Overcrowded prisons, congested courtrooms, and a high number of undertrial cases reflect the immense burden on the justice system. These challenges necessitate comprehensive solutions to manage and rehabilitate offenders effectively.

One approach commonly adopted in India involves reliance on profiling known offenders and their methods, operating on the assumption that past behaviors can predict future crimes. However, this investigatory focus must be complemented by long-term solutions that prioritize offender reintegration and societal acceptance.

Key strategies for addressing habitual offending include:

- Expanding research on recidivism to include follow-up studies of rearrested individuals and their rehabilitation outcomes.
- Enhancing community-based interventions to ensure successful reintegration.
- Strengthening societal acceptance of rehabilitated offenders through awareness programs and employment opportunities.

### **III. Meaning of Habitual Offender**

The English word "habit" is derived from the French term *habere*, meaning "to have or consist of." When an individual repetitively engages in specific actions, these behaviors

evolve into habits. Consequently, individuals who recurrently commit crimes as part of ingrained behavior patterns are categorized as habitual offenders.<sup>10</sup>

While habitual offenders may be mentally normal, there are cases where psychological abnormalities contribute to their unlawful behavior. For offenders with mental deviations, punitive measures alone are insufficient; corrective interventions must address their underlying psychological needs.<sup>11</sup>

The *New Encyclopaedia Britannica* describes habitual offenders as individuals frequently apprehended and convicted for criminal activities, exhibiting a persistent pattern of unlawful behavior that poses a systemic threat to societal safety.<sup>12</sup>

#### **IV. Theories Explaining Habitual Criminality**

Several criminological theories attempt to explain the causes behind habitual criminal behavior. Two prominent contributors, Cesare Lombroso and Walter Reckless, offer foundational insights:

##### **i) Cesare Lombroso's Environmental Perspective**

Lombroso argued that habitual criminals are not inherently predisposed through abnormal heredity but are shaped by environmental influences. Key factors contributing to habitual criminal behavior include:<sup>13</sup>

- o Unhealthy childhood habits,
- o Inadequate home or school education,
- o Poverty and economic deprivation,
- o Parental abandonment,
- o Exposure to negative influences, and
- o Emotional disturbances during formative years.

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<sup>10</sup> Quora, <https://www.quora.com/What-is-the-root-word-of-habit> (Last visited Date: 08/04/2025).

<sup>11</sup> J.P.S. Sirohi, *Criminology and Criminal Administration*, 157, (4<sup>th</sup> ed.1992).

<sup>12</sup> The New Encyclopaedia Britannica, 603, (15<sup>th</sup> ed.2002).

<sup>13</sup> Parvesh k. Atri, *Sociology of Crime and Criminology*, 234. (1<sup>st</sup> ed.1998,).

## ii) Walter Reckless and the Concept of Career Criminals

Walter Reckless introduced the idea of "career criminals" to categorize habitual offenders. He identified several distinguishing traits:

- o These individuals earn their livelihood primarily through criminal activities.
- o Their criminal conduct often begins during a troubled youth, reflecting early vulnerability.
- o Long-term imprisonment serves as an opportunity to acquire advanced criminal skills and forge networks, rather than fostering reform.
- o They exhibit a mindset that opposes societal norms and law enforcement, rationalizing their unlawful actions.
- o Despite their criminal tendencies, they are often psychologically normal, lacking distinct markers that differentiate them from non-criminals.

The habitual criminal consciously chooses a life of crime, justifying their actions through attitudes shaped by experience and environment.<sup>14</sup>

## V. Legal Framework in India: Addressing Habitual Criminality

India has enacted numerous state-specific legal provisions under the *Habitual Offenders' Acts* to manage and reform individuals exhibiting repeated criminal conduct. These laws define criteria for identifying habitual offenders and implementing rehabilitative or restrictive measures. Key legislative examples include:

- The Karnataka Habitual Offenders Act, 1961  
Defines a habitual offender as an individual convicted and sentenced on at least three separate occasions for scheduled offenses over five years after the age of 18, with convictions unaltered on appeal or revision.<sup>15</sup>
- Himachal Pradesh Habitual Offenders Act, 1969  
Contains provisions similar to the Karnataka Act, emphasizing distinct offenses committed within five years after adulthood.<sup>16</sup>

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<sup>14</sup> Barnes & Teeters, *New Horizons in Criminology*, (3<sup>rd</sup> ed.1955,).

<sup>15</sup> The Karnataka Habitual Offenders Act, 24,1961.

<sup>16</sup> The Himachal Pradesh Habitual Offenders Act, 08,1969.

- Punjab Habitual Offenders (Control and Reform) Act, 1952  
An individual is classified as habitual if convicted of multiple scheduled offenses within five years, resulting in imprisonment for at least 12 months cumulatively.<sup>17</sup>
- Uttar Pradesh Habitual Offenders Restriction Act, 1952  
Defines habitual offenders as those convicted on three separate occasions for scheduled offenses, either before or after the Act's implementation.<sup>18</sup>

Despite minor differences, state laws share common criteria:

- The individual must have been convicted at least three times.
- Each conviction must pertain to offenses listed in the schedule of the Act.
- Offenses must be distinct and not part of the same incident.
- The offender must be 18 years or older.

## **VI. Judicial Interpretation of Habitual Offenders**

Indian courts have offered significant clarification on the term "habitual offender" in key rulings:

- Mohan Parmanand v. M.G. Ingle (2004)  
The court ruled that a "habit" implies frequent repetition of acts, sufficient for a reasonable observer to infer a consistent pattern of offending behavior.<sup>19</sup>
- Dulal Nishad v. State of Jharkhand (2002)  
This case emphasized that the term "habitually" refers to a sustained tendency demonstrated by recurring offenses. Isolated incidents are insufficient to establish habituality; only a series of similar acts can provide evidence.<sup>20</sup>
- Subhayam Achari Gopalanachari v. State of Kerala (1981)  
The court described a "habit" as a settled tendency or practice arising from repeated actions, which reflects an inherent inclination toward unlawful conduct.<sup>21</sup>These

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<sup>17</sup> The Punjab Habitual Offenders (Control and Reform) Act, 1952.

<sup>18</sup> The Uttar Pradesh Habitual Offenders Restriction Act, 1952.

<sup>19</sup> Mohan Parmanand v. M.G Ingle, 2004,(1), MHLJ,524,(per L.G. Chitre, J.) (India).

<sup>20</sup> Dulal Nishad v. State of Jharkhand, 2002, AIR, JHAR. H. C. R. 630 , (per Vikramaditya Prasad,J.) (India).

<sup>21</sup> Subhayam Achari Gopalanachari v. State of Kerala,1981, (1),SCR,1271,(per Krishnaiyer VR. J.).

interpretations underscore that habituality requires a comprehensive assessment of patterns and evidence, distinguishing habitual offenders from isolated reoffenders.

## **VII. Characteristics of Habitual Criminals**

Walter Reckless' categorization of habitual offenders as *career criminals* highlights the following characteristics:<sup>22</sup>

- **Crime as Livelihood:** Habitual offenders often rely on criminal activities as their primary means of sustenance.
- **Juvenile Delinquency:** Many habitual offenders display delinquent behavior in youth, signaling early tendencies.
- **Criminal Skill Acquisition:** Instead of reforming during imprisonment, they often learn advanced criminal techniques and expand their networks.
- **Hostility Toward Society:** They develop adversarial attitudes toward legal and societal norms, viewing themselves as outcasts or opponents.

## **VIII. Historical Background of Habitual Criminality in India**

The phenomenon of repeat offenders has a deep-rooted history in India, dating back to the medieval period, when crimes such as theft, robbery, and dacoity were rampant. These unlawful activities surged during the eighteenth century, particularly as societal structures underwent changes.

Highway crimes were a prominent issue even before the advent of the Company rule. Travelers during the late seventeenth century frequently voiced concerns about the perilous nature of their journeys, as robberies often disrupted commerce and personal travel. The roads surrounding Delhi and Agra were notoriously unsafe, even during the height of the Mughal Empire's reign. As the Mughal Empire waned, the British Empire rose to dominance, and crimes like theft and robbery remained prevalent. In response, British authorities categorized certain groups of individuals as "Criminal Tribes," marking them as habitual

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<sup>22</sup>Barnes & Teetors, *New Horizons in Criminology*, 234, (3<sup>rd</sup> ed.1955).

offenders. This stigmatizing classification extended to wandering criminals, particularly the infamous thugs, who were labeled as savage and ruthless by the colonial administration.

To address habitual criminality, the British enacted the *Criminal Tribes Act, 1871*. The law underwent several revisions, culminating in the *Criminal Tribes Act, 1924*. Following independence, the unconstitutional practice of categorizing entire tribes as "criminal" was abolished due to its discriminatory nature, as it violated the principles of fundamental rights and individual dignity outlined in the Constitution of India. Consequently, the Act was abolished in 1952, and its legacy is viewed as a precursor to modern State Habitual Offenders' Laws.<sup>23</sup>

## IX. Constitutional Validity of Criminal Classification in India

The classification of prisoners based on habitual behavior has been a topic of discussion since the Prison Conference of 1877. Initially, the conference did not endorse the segregation of prisoners based on habitual conduct. However, subsequent deliberations prompted the Government of India to formally define habitual offenders and implement measures to classify and address such individuals.<sup>24</sup>The classification of prisoners plays a critical role in ensuring effective treatment, safety, and rehabilitation.

However, such classification must be grounded in scientific assessments of individual character and nature to avoid discriminatory practices. Indian judicial authorities have consistently emphasized the importance of categorizing offenders based on psychological and biological factors to facilitate individualized treatment and reformation.

The concept of *habit*, reflecting repetitive tendencies, is pivotal in understanding the behavioral patterns of criminals.<sup>25</sup>Justice V.R. Krishna Iyer famously argued against classifications based on social or economic status, stating that such classifications infringe upon the right to equality guaranteed by Article 14 of the Indian Constitution. He further noted that these classifications contravene Articles 5 and 10 of the *Universal Declaration of Human Rights (UDHR)*.<sup>26</sup>

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<sup>23</sup>History for Peace,<https://www.historyforpeace.pw/post/casteist-carcerality-everyday-policing-of-habitual-offenders-in-india> . (Last Visited Date 10/04/2025)

<sup>24</sup> Amarendra Mohanty & Narayan Hazary, *Indian Prison Systems*,80,(1990).

<sup>25</sup>Sunil Bathra vs Delhi Administration,1978,(2)SCR,557,(per V.R. Krishnaiyer J.)(India).

<sup>26</sup> Prem Shankar Shukla vs Delhi Administration,1980, (3),SCR, 855, (per Chinnappa Reddy J.)(India).

In *Nishan Singh v. State of Punjab*, AIR 2008 SC 166, the Supreme Court reaffirmed that the social status of offenders cannot serve as a basis for their classification. Instead, Section 27 of *The Prisons Act, 1894* provides the legal foundation for prisoner classification in India. This has been supplemented by updated guidelines under the *Model Prison Manual, 2016*, ensuring standardized prison administration while respecting human rights. Convicted prisoners are broadly classified into two categories:

1. First-Time Offenders
2. Habitual Offenders

## **X. Causes of Habitual Criminality**

A. Biological Causes: While crime is not an inherited trait, certain biological abnormalities can influence criminal behavior. Habitual offenders may exhibit physical prowess but often lack emotional and moral maturity, indicating developmental deficits.<sup>27</sup>

B. Socio-Economic Factors: Social interactions and economic conditions profoundly shape an individual's personality, contributing to recurring criminal behavior.<sup>28</sup>

a) Family-Background:

Criminologist E.H. Sutherland identified key familial influences that foster habitual criminality:<sup>29</sup>

- o Engagement of family members in immoral or criminal activities.
- o Parental separation or neglect.
- o Overcrowded and inadequate living conditions.
- o Lack of parental care or guidance.
- o Financial hardship and poverty.
- o Harsh or irritable parental behavior.

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<sup>27</sup> W.C Reckless, *The Crime Problem*, 380. (1971).

<sup>28</sup> Peter B & Ainsworth, *Offender Profiling and Crime Analysis*, 33. (2001).

<sup>29</sup> E.H. Sutherland, *Principles of Criminology*, 159, (4<sup>th</sup> ed. 1947).

b) Community Influence

Living in delinquent neighborhoods exposes individuals to environments where crime is normalized, reinforcing criminal tendencies.

c) Education Deficiency

Education serves as the foundation for moral and character development. A lack of proper education prevents individuals from developing ethical values, increasing the likelihood of repeated offenses.

d) Economic Factors: Poverty, unemployment, and inadequate resources are significant drivers of criminal behavior. Many habitual offenders turn to crime as a means to meet basic survival needs.

C. Psychological Causes: Emotional instability, aggression, mental conflicts, and psychosis play a crucial role in shaping a recidivist mindset. Such internal factors hinder the development of positive personality traits, leaving individuals vulnerable to repeated unlawful conduct.

D. Inadequacy of Reformative Techniques: Despite the existence of parole, probation, and other reformation programs, these measures often fail to achieve desired outcomes. Research indicates that nearly half of crimes are committed by individuals who have previously undergone correctional interventions. Strengthening preventive measures and support systems is essential for reducing recidivism and enabling offenders to rebuild their lives.<sup>30</sup>

## XI. Measures to Control Habitual Offenders in India

Effective management of habitual offenders requires a blend of punitive and preventive strategies, emphasizing rehabilitation over mere incarceration.

1) Enhanced Punishments:

Under Chapter XII and Chapter XVII of the IPC, repeat offenders face extended sentences, with enhancements prescribed by Section 75. This has been carried forward under Section 13 of the *Bharatiya Nyaya Sanhita, 2023*.<sup>31</sup>

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<sup>30</sup> GOV UK, <http://www.gov.uk/government/policies/reducing-reoffending-andimproving-rehabilitation>,(Last Visited Date 11/04/2025)

<sup>31</sup>The Bharatiya Nyaya Sanhita, 45, 2023. Section 13.

2) Tracking Movements Post-Release:

Section 394 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* empowers authorities to monitor residential movements of released offenders to mitigate the risk of recidivism.<sup>32</sup>

3) Security for Good Behavior:

Section 129 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* introduces preventive actions aimed at safeguarding society against habitual offenders.

4) Externment:

Externment means the restriction of the offenders from a particular area or locality for a specific duration.<sup>33</sup>In 1980, the concept of habitual offender was popularized and penal laws provided maximum imprisonment but it was not accomplished without the removal of the offender from Society.<sup>34</sup>Restricting offenders from specific areas or localities prevents community-level disruptions. Externment provisions exist under various Police Acts.

5) Surveillance:

Routine monitoring of habitual offenders acts as a deterrent against future crimes, ensuring accountability and preventing absconding.

## **XII. Legal Frameworks and Recent Amendments**

Initially formulated by the First Law Commission of India under Lord Macaulay, the Indian Penal Code has been extensively modified to address modern challenges. Major criminal laws were updated in 2023, introducing:

- Bharatiya Nyaya Sanhita, 2023 (formerly IPC),
- Bharatiya Sakshya Adiniam, 2023 (formerly Evidence Act), and
- Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Cr.PC).

These updates aim to simplify procedures and ensure faster justice, reflecting the evolving nature of crime and its impact on society.

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<sup>32</sup> For more details See, The Karnataka Habitual Offenders Act, 24,1961, Chapter II.

<sup>33</sup> Lexology, <https://www.lexology.com> (Last visited Date 14/04/2025)

<sup>34</sup>Dr.Raj Kumar,Habitual Offenders and the Law,3,2017.

## Strengthening Law and Order: Updated Legislation in India

The recent revisions in India's criminal laws aim to fortify law and order, address contemporary challenges, and uphold citizens' rights and liberties. These updated legal frameworks reflect a progressive shift toward addressing habitual criminality, safeguarding society from persistent offenders, and promoting justice.

### **Key Provisions Relating to Habitual Criminality Under the Bharatiya Nyaya Sanhita (BNS), 2023**

The Bharatiya Nyaya Sanhita introduces several critical provisions designed to curb habitual offending and ensure stringent punitive measures for repeat offenders. The most significant sections include:

1. Section 13: Punishment for Repeat Offenders
  - o Individuals convicted under Sections 64, 65, 66, or 70 who commit repeat offenses face severe penalties, Encompassing penalties such as life imprisonment for the entirety of an individual's natural lifespan or capital punishment.
  - o This provision reflects the law's emphasis on deterring habitual and egregious offenders.
2. Section 145: Habitual Dealing in Slaves
  - o Engaging in the systematic buying, selling, or trading of slaves is punishable by life imprisonment or imprisonment for up to ten years, alongside fines.
  - o This measure underscores India's commitment to eradicating exploitative practices and ensuring human dignity.
3. Section 293: Continuance of Public Nuisance after Injunction
  - o Individuals who persist in causing public nuisances despite lawful injunctions face up to six months of simple imprisonment, fines up to ₹5000, or both.
  - o The provision aims to curtail recurring disruptions to public order.
4. Section 310(6): Dacoity

- o Habitual offenders involved in organized dacoity face rigorous imprisonment for up to ten years, life imprisonment, and fines.
  - o The section targets organized criminal groups engaged in violent thefts.
5. Section 313: Membership in Gangs of Robbers or Thieves
- o Members of gangs involved in theft or robbery (excluding dacoity) face imprisonment for up to seven years and fines.
  - o This addresses group-based criminal activities that undermine societal security.
6. Section 317(4): Habitual Dealing in Stolen Property
- o Habitual receivers and dealers of stolen property are subject to life imprisonment or imprisonment for up to ten years, along with fines.
  - o This provision seeks to dismantle networks profiting from stolen goods.

### **XIII. State-Specific Legislation for Habitual Offenders**

Under Schedule VII of the Indian Constitution, prison systems fall under state jurisdiction, granting states the authority to enact legislation tailored to local challenges. Various states have introduced Habitual Offenders' Acts, each establishing unique procedures and criteria for identifying and managing repeat offenders.

Example: Karnataka Habitual Offenders Act, 1961

The Karnataka Habitual Offenders Act, enacted on November 21, 1961, outlines the following:

- Procedures for registering habitual offenders.
- A schedule specifying 56 distinct offenses under the Indian Penal Code (IPC).
- Criteria for registration include repeat convictions for scheduled offenses.

Habitual offenders committing these listed offenses within a defined timeframe may be registered under the Act, subjecting them to heightened scrutiny and corrective measures.

Key Contributions of the Updated Laws

The revisions under the Bharatiya Nyaya Sanhita, 2023, embody a contemporary strategy for managing habitual criminality through preventive measures, strict penalties, and rehabilitation efforts. These initiatives are vital in addressing the systemic issues caused by repeat offenders and ensuring community safety.

#### **XIV. Conclusion & Suggestions**

Habitual criminality, deeply rooted in historical and socio-economic contexts, poses significant challenges to societal harmony and the justice system. India's approach to habitual offenders has transformed over the centuries, shifting from the colonial-era Criminal Tribes Act, 1924, which marginalized entire communities, to state-specific Habitual Offenders' Acts and personalized rehabilitative measures aimed at addressing individual behavioral patterns.

The updated legal framework, reflected in the *Bharatiya Nyaya Sanhita, 2023*, demonstrates India's commitment to addressing contemporary challenges posed by habitual offenders. Provisions like enhanced punishments for repeat offenses, tracking post-release movements, preventive security measures, surveillance, and externment, aim to create a robust mechanism for managing habitual offenders while safeguarding societal interests. These measures also align with constitutional principles of equality, dignity, and rehabilitation.

Criminological insights into habitual criminality reveal that biological, socio-economic, and psychological factors converge to influence repeated unlawful behavior. Family background, educational deficits, poverty, and emotional instability emerge as significant contributors, highlighting the need for systemic reforms that address root causes rather than merely penalizing offenders. This understanding underscores the importance of prevention and rehabilitation over retribution.

While imprisonment serves as a deterrent, it alone cannot reform habitual offenders. Strengthening rehabilitative measures, enhancing post-incarceration support systems, and fostering societal acceptance of rehabilitated individuals are imperative for breaking the cycle of criminal behavior. Reformatory justice, grounded in principles of human dignity and equity, must replace punitive approaches to achieve long-term results.

Habitual offenders should be tried without unnecessary delay, and speedy trials and rehabilitation must be given utmost importance. States must take initiatives to use advanced technology for monitoring habitual offenders. There is a need for special measures to

rehabilitate habitual offenders. In their reformation period, the State should provide opportunities to learn various life skills that help them to settle into their life after release from prison.

The integration of updated laws, scientific offender classification, and holistic reformatory techniques represents a significant stride toward reducing habitual criminality. A more inclusive justice system that prioritizes rehabilitation and reintegration can not only address habitual offending but also promote broader societal well-being. As Nelson Mandela aptly expressed, the treatment of offenders reflects the true character of a nation. India's legislative and reformatory efforts aim to uphold this principle by balancing public safety with individual rights and dignity.