

Habitual Offender Laws in India

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Habitual Offender Laws in India: A Legacy of Criminalization

Context

A **habitual offender** is a person **repeatedly convicted** of crimes. Historically, laws like the **Criminal Tribes Act (1871)** targeted entire communities. Though repealed in **1952**, similar state-level laws persist. The **Supreme Court (2024)** has questioned their **constitutional validity**.

Current Status

- **NCRB 2022: 1.9% of 1.29 lakh convicts** classified as habitual offenders.
 - **Delhi (21.5%)** has the highest proportion.
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Historical Evolution

- **1793:** British granted powers to imprison communities **based on suspicion**.
 - **1860-61:** Registers for “dacoits and thugs” led to the **Criminal Tribes Act (1871)**.
 - **1924:** Law extended across India, increasing criminalized communities.
 - **1952:** Repeal of CTA, affected groups classified as **Denotified Tribes (DNTs)**.
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State-Level Habitual Offender Laws

- Despite repeal, laws like **Madras Act (1948)** were adopted by multiple states (**Rajasthan, Karnataka, UP, etc.**).

- Shifted focus to **conviction-based classification** but continued to **stigmatize communities**.
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Current Legal Status

- **14+ states/UTs enforce these laws**, including **Gujarat, UP, Goa, Delhi**.
 - **Punjab, Andhra Pradesh, Odisha** claim laws are redundant.
 - **9 states (WB, Assam, Bihar, etc.) never enacted them**.
 - **Haryana, Ladakh repealed them**.
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Supreme Court (2024) Verdict

- Calls the law “**constitutionally suspect**”, citing **vague definitions** and **bias against DNTs**.
 - Asks states to **reconsider its necessity**.
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Way Forward

- **Review relevance** of these laws.
 - **Shift to individual-based policing**, not community stigma.
 - **Rehabilitate offenders** instead of over-policing.
 - **Train police** to prevent discrimination.
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Calls for Repeal

- **NHRC (2000), UN (2007), B.S. Renke Report (2008), Xaxa Committee (2014)** all

recommended **abolishing habitual offender laws**.

Conclusion

These laws **perpetuate discrimination** and **violate constitutional rights**. India must **repeal or reform** them to ensure justice.



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