

India's Habitual Offender Laws: A Legacy of Discrimination

March 21, 2025 • vajiramandravi.com



What's in Today's Article?

- Habitual Offender Laws Latest News
- Habitual Offender Laws
- Historical Roots: From Criminal Tribes to Habitual Offenders
- Supreme Court's Intervention and Recent Developments
- Crimes Under the Habitual Offender Tag
- Impact on Denotified and Nomadic Tribes
- Current Status Across States
- Importance of Repeal
- Conclusion
- Habitual Offender Laws in India FAQs

Habitual Offender Laws Latest News

- Recently, the Government of India has revealed in Parliament that laws which declare a section of criminals as “habitual offenders” continue to operate in as many as 14 States and Union Territories.

Habitual Offender Laws

- Habitual offender laws in India allow state authorities to identify and monitor individuals convicted of certain crimes repeatedly.
- These laws were intended to control repeat offenders, but have come under heavy criticism for **institutionalising discrimination**, especially against **denotified, nomadic, and semi-nomadic tribes (DNT, NT, SNT)**—communities historically labelled as “criminal tribes” during British rule.
- As of March 2025, the Government of India confirmed in Parliament that such laws continue to operate in **14 States and Union Territories**, despite the **Supreme Court’s recent observations** questioning their constitutional validity and discriminatory application.

Historical Roots: From Criminal Tribes to Habitual Offenders

- The origins of these laws date back to **colonial legislation**:
 - **Regulation XXII (1793)** granted magistrates power to imprison or force labour on certain communities based merely on suspicion.
 - This evolved into the **Criminal Tribes Act (CTA) of 1871**, which allowed the British to declare **entire communities as “criminal by birth”**.
 - The CTA was extended in 1924 to cover all of colonial India.
- Post-independence, following the **Criminal Tribes Enquiry Committee Report (1949-50)**, the CTA was repealed in **1952**, and communities previously criminalised were officially **denotified**.
- However, states soon introduced **Habitual Offender Acts**, which, while framed around individual behaviour, continued to disproportionately target DNTs.

Supreme Court’s Intervention and Recent Developments

- In **October 2024**, the Supreme Court expressed concern over the habitual offender classification while addressing caste-based discrimination in jails.
- The bench, led by then-Chief Justice **D.Y. Chandrachud**, highlighted that:
 - *“A whole community ought not to have either been declared a criminal tribe in the past or a habitual offender in the present.”*
 - The court “urged” states to review the relevance and application of these laws, especially when they appear to be **tools for profiling entire communities**.

Crimes Under the Habitual Offender Tag

- State laws define habitual offenders based on prior **convictions for specific offences**, including:
 - “Being a thug”

- “Belonging to a gang of dacoits”
- “Living on the earnings of prostitution”
- Various forms of “lurking”
- These laws typically involve maintaining **registers of such offenders**, which continue to echo the registration practices under the CTA.
- In states like Rajasthan, prison manuals even **explicitly link habitual offender status to denotified communities**.

Impact on Denotified and Nomadic Tribes

- Despite formal denotification, DNTs remain vulnerable to police surveillance, social ostracization, and **systematic exclusion**.
- In 1998, the **custodial death of Budhan Sabar**, a member of a denotified tribe, sparked national outrage and gave rise to the **Denotified and Nomadic Tribes Rights Action Group (DNT-RAG)**.
- Activists like **Mahasweta Devi** and **G.N. Devy** worked to document the injustice, prompting action from the **NHRC**, and later, the **United Nations Committee on the Elimination of Racial Discrimination**, which called for repeal of these laws in **2007**.
- Several reports, including the **B.S. Renke Commission (2008)** and the **Xaxa Committee (2014)**, have emphasized how the **stigma of criminality persists**, further marginalising DNTs from education, employment, and social integration.

Current Status Across States

- Reactions from states to the Supreme Court’s observation have been mixed:
 - **Punjab** and **Odisha** report no active use of the law in recent years.
 - **Andhra Pradesh** has no inmates under the law currently.
 - **Gujarat** and **Goa** support retaining the law, claiming it is not used to target DNTs.
 - **Uttar Pradesh** subsumed these provisions under its **Goondas Act**.
 - **Delhi** leads in application: as per **NCRB 2022**, **21.5%** of its convicts were classified as habitual offenders, **the highest in the country**.

Importance of Repeal

- Critics argue that the habitual offender laws:
 - **Perpetuate colonial-era stigma** and discrimination.
 - Enable **targeted policing** of marginalised communities.
 - Violate **fundamental rights**, including equality (Article 14) and freedom of movement (Article 19).
 - Contradict India’s commitments to **racial and caste-based non-discrimination** under international human rights law.
- A **uniform repeal** across all states would be a **long-overdue step** toward justice and inclusion for DNT, NT, and SNT communities.

Conclusion

- India's **habitual offender laws** may appear neutral on paper, but their **colonial legacy and discriminatory enforcement** have made them tools of oppression against vulnerable communities.
- With growing judicial scrutiny and consistent recommendations from rights commissions, the time has come for a **nationwide review and repeal** of these outdated laws.
- Empowering denotified and nomadic tribes requires not just policy reforms, but a **conscious dismantling of inherited prejudices**, starting with the **removal of systemic legal discrimination**.

Habitual Offender Laws in India FAQs

Q1. What are habitual offender laws?

Ans. These are state-level laws that target individuals with multiple criminal convictions, often disproportionately affecting denotified tribes.

Q2. Why are these laws considered discriminatory?

Ans. They trace back to colonial-era classifications of communities as “criminal tribes”, perpetuating caste and community-based profiling.

Q3. What did the Supreme Court say about habitual offender laws?

Ans. The Court questioned their constitutional validity and urged states to review and repeal such laws.

Q4. Are these laws still in use?

Ans. Yes, as of 2025, habitual offender laws remain active in 14 states and union territories.

Q5. Which states have the highest number of habitual offenders?

Ans. According to 2022 NCRB data, Delhi had the highest proportion—21.5% of its convict population were classified as habitual offenders.

Source: TH

Source: <https://vajiramandravi.com/current-affairs/indias-habitual-offender-laws-a-legacy-of-discrimination/>

© Vajiram & Ravi. For personal use only.