
DETERRENT PUNISHMENT FOR HABITUAL OFFENDERS: SUGGESTIVE FRAMEWORK FOR THE CRIMINAL JUSTICE SYSTEM IN INDIA

Thayanithy.A, BA LLB, Christ University

Dr. Karthi, Christ University

ABSTRACT

The main aim of this topic is to reduce crime and find a solution to stop crime. The criminal justice system has been formulated from the judicial principles of constitutionalism. This paper proposes a suggestive framework for the criminal justice system in India to effectively deter habitual offenders. The safety of the general public and the welfare of society are seriously jeopardized by habitual offenders, so a comprehensive strategy that incorporates both punishment and rehabilitation is required. Numerous states have passed some form of habitual offender legislation in an effort to address the problem and discourage people from committing crimes on a regular basis. The intention behind this is to potentially reduce the frequency of recurrent criminal activity. A habitual offender statute may make a repeat offender's punishment more severe, depending on the state. It might also change the kind of crime that an offender is charged with (such as misdemeanor vs. felony) or increase the number of requirements that they must fulfill to finish their probation or parole period. The framework's main goal is to reevaluate sentencing guidelines by imposing mandatory minimum sentences and lengthier jail terms for repeat offenders. It also takes into account other options for punishing non-violent habitual offenders. These minimal but essential measures include consistent reform of the criminal law, fostering and building trust in a skeptical justice system, curbing abuses of power by the police system, and obvious measures. Targeted crime prevention measures, such as increased police presence and advanced surveillance systems, further contribute to deterring habitual offenders. By implementing this framework, India can work towards curbing habitual offending and fostering a safer society.

Keywords: judicial principles of constitutionalism, punishment, and rehabilitation, the skeptical justice system

INTRODUCTION:

The criminal justice system plays a pivotal role in maintaining law and order within a society. One of the key challenges faced by this system is addressing the issue of habitual offenders—individuals who repeatedly engage in criminal activities. Habitual offenders pose a significant threat to public safety, and their repeated criminal behavior necessitates a comprehensive and effective response from the criminal justice system.

In the context of India, addressing habitual offenders is particularly crucial due to the country's diverse and densely populated landscape. As the criminal justice system continually evolves to meet the demands of contemporary society, it becomes imperative to develop a framework that not only identifies habitual offenders but also implements deterrent punishments that effectively dissuade them from persisting in criminal behavior.

This proposed framework aims to strike a balance between rehabilitation and deterrence within the Indian criminal justice system. While rehabilitation is vital for addressing the root causes of criminal behavior, incorporating stringent deterrent measures is equally essential to protect the wider society from the potential harm posed by habitual offenders. This framework advocates for a multi-pronged approach, encompassing legislative reforms, law enforcement strategies, and judicial interventions, all tailored to create a deterrent effect and break the cycle of criminal recidivism.

The following sections will delve into the key components of the suggested framework, examining legislative amendments, law enforcement protocols, and judicial strategies that collectively contribute to the development of an effective and fair system for dealing with habitual offenders in India. Through a combination of preventive measures, rehabilitative initiatives, and stringent consequences, this framework seeks to strengthen the criminal justice system's ability to deter habitual offenders and promote public safety in the Indian context.

Research Problem:

The Indian criminal justice system faces the challenge of addressing habitual offenders, individuals who repeatedly engage in criminal activities. This research problem seeks to explore and propose a framework for implementing deterrent punishments that effectively reduce recidivism among habitual offenders. Habitual offenders, individuals who repeatedly engage in criminal activities, pose a significant challenge to public safety and the integrity of the justice system. This research aims to evaluate the existing punitive measures, assess their

impact on recidivism rates, and explore international best practices for deterring such offenders. Key areas of investigation include risk assessment, rehabilitation programs, legal reforms, societal implications, and ethical considerations. Ultimately, the research seeks to provide evidence-based policy recommendations that balance the imperative of protecting society with the principles of fairness and human rights, contributing to a more effective and just criminal justice system in India.

Research Questions:

1. What specific patterns of criminal behavior do repeat offenders in India exhibit, and how do these patterns change according on the kind of offense?
2. How often do habitual offenders in India recidivate, and under what conditions are they more likely to do so?
3. How may the Indian criminal justice system use the methods and tools that are available for accurately estimating the risk that repeat offenders would commit new crimes?
4. Based on research findings and analysis, what evidence-based policy recommendations can be made to improve the effectiveness of deterrent punishments for repeat offenders within the Indian criminal justice system?
5. How can policy suggestions be implemented successfully, given the intricacy of the Indian criminal justice system and the need for multi-sectoral cooperation?

Research objective:

The research objectives for the topic of "Evaluating and Designing Effective Deterrent Punishments for Habitual Offenders within the Indian Criminal Justice System" encompass a multifaceted approach. Our main goal is to assess the criminal behavior recurrence among habitual offenders in India, with the goal of offering a thorough analysis and comparing it on a global level. Furthermore, we intend to critically evaluate the punitive measures that are presently part of the Indian criminal justice system and examine how well they work to promote rehabilitation and lower recidivism. In addition, our study will compare and contrast the tactics used by other countries facing comparable difficulties. Finding best practices that can be modified for the unique conditions of India is the aim. We will investigate the creation and use of risk assessment instruments during this process in an effort to improve our capacity to forecast probable recidivism among repeat offenders. This strategy will allow for more focused

and efficient interventions. Moreover, we will scrutinize rehabilitation programs and their role in breaking the cycle of criminal behavior, proposing enhancements where necessary. Additionally, we will explore potential legal reforms and sentencing policy changes that could strengthen the deterrence effect of punishments for habitual offenders while ensuring justice is served. Furthermore, we will assess the broader societal impacts and ethical considerations associated with implementing more stringent deterrent punishments. Finally, our research will culminate in the formulation of evidence-based policy recommendations, aiming to strike a balance between deterrence, rehabilitation, and the preservation of human rights, thereby contributing to a more effective, just, and equitable Indian criminal justice system.

Literature review:**Dr. Aditi Didwal****Volume 9 Issue 10 (2021)pp: 01-1****Received 04 October 2021; Revised: 16 October 2021; Accepted 18 October 2021 The author(s) 2021.**

In his journal, he explains how the offender committed a crime and how is different from olden to the modern era. The Indian Penal Code's Section 75, which stipulates harsher penalties for those with prior convictions, contains the punitive measures. No society is immune from the problem of crime and criminality; as a preventive measure, Section 110 of the Criminal Procedure Code allows the binding over of anyone who is habitually addicted to crime or other forms of anti-social behavior. As Emile Durkheim has correctly noted, crime is a natural phenomenon that changes as society's socioeconomic status advances. Criminal behavior is a fundamental component of social behavior. It also explains why certain individuals commit crimes in society due to their age, maturity, and economic status, as well as why there is a rise in crime cases. I believe we can steer clear of the repeat offenders if any new legislation are introduced in parliament. In order to encourage people to alter their lifestyles, the parliament may pass new legislation or amend existing ones, stiffening penalties and creating more job opportunities.

Vishwakarma, S. (2021).**Linguistics and Culture Review, 5(S4), 2457-2469**

In his book, he explained how the judiciary should actively participate in giving justice and

avoid the people who engage in doing habitual offenders in crime. The Supreme Court of India has examined several cases, including *Hussainara Khatoon v. Secretary, State of Bihar*, and *Sheela Barse v. State of Maharashtra*, in which prisoners awaiting trial had been held in jails for years without access to basic necessities like food, clean clothes, and a place to stay. But the victims of crime—including their relatives and close friends—go through another phase of victimization while the criminal process is in progress.. In addition to providing justice to the public, the primary goal of the legal system is to guarantee that those incarcerated undergo rehabilitation so that they are no longer capable of committing crimes. Continuous modifications to the criminal code are necessary, as we should be updating ourselves concurrently. He also says Promoting a skeptical judicial approach: It is critically necessary to have a skeptical judiciary that can decide cases in a judicious and rational manner in order to improve and reform India's criminal justice system. It is unsound to criticize or restrain the judicial system, which has been somewhat successful in bringing criminal laws into compliance with constitutionalism and human rightsIt is important to avoid labeling judicial changes made to enhance the criminal justice system as "anarchic" or "overstepping."

Deterrent theory of punishment

This article seeks to elucidate the various aspects of deterrent theory of punishment and show how effective it is in stopping heinous crimes. The Deterrence Theory of punishment is a concept in criminology and legal philosophy that suggests that the primary purpose of punishment is to deter individuals from committing crimes. It is based on the idea that potential offenders will weigh the potential costs and benefits of their actions before engaging in criminal behavior.

Capital punishment and deterrent theory in India The Supreme Court in *State of Karnataka v. Sharanappa Basanagouda Aregoudar* (2002) rightly stated that: Deterrent' carries various meanings. It refers to the attempt to discourage individuals with malicious intentions from pursuing incorrect and illegal paths. Within the five principles of criminal law – deterrence, retribution, prevention, rehabilitation, and expiation – this theory highlights the use of harsh penalties to eliminate the danger posed by wrongdoers. Such measures also serve to dissuade criminals from repeating the same offense in the future. The main aim of this article is to change the mind of the people and stop people from committing the crime and those habitual in doing crimes. The deterrence theory proved ineffective due to the fact that victims in instances of murder, rape, and similar crimes were powerless, and the perpetrators often went unreported.

This theory can solely dissuade individuals who lack the resolute determination to follow through with their intentions. Even in the presence of various discouragements, individuals with criminal tendencies occasionally act impulsively. Penalties and sanctions have essentially transformed into mere hurdles that criminals view as challenges to surmount. This theory was not so effective because the people do not follow the rules and regulations most the crime occur due to principal-agent relationships but in a contract the principal will be liable for all the acts that he did but in this, the agent will be liable for all the act because he will be getting paid for it. people stated changing their mind that we can earn more money from these kinds of work and so they don't get opportunities overcome out of it.

Article Contributors

- David A. Thomas
- Donald C. Clarke
- Ian David Edge
- Thomas J. Bernard
- Antony Nicolas Allott

The Editors of Encyclopaedia Britannica

In this article, he included the viewpoint of political thinkers and philosophical thinkers which makes a difference between other articles. These authors are influenced by jemmy Bentham and applied the theory of utilitarianism, Utilitarian theories contend that the rationale behind punishment lies in its ability to discourage criminal conduct and bring about positive outcomes for both individuals and society. Within the realm of utilitarian theories acknowledged by experts in criminology, certain theories emphasize the broader prevention of crimes, while others emphasize deterring specific individuals from wrongdoing. And he talked about Incapacitation which it means incapable of doing such a crime and the so-called "chemical castration" of sexual offenders using hormone medications that are claimed to lessen or abolish the sex drive is a contentious case of incapacitation. California, a state in the United States, passed a law requiring this care for persons found guilty of sexual assaults against children in 1996. Theories in conflict, punishment involve in western culture Punishment in Islamic law Beginning in the 19th century, the majority of Muslim nations adapted Western criminal laws based on the French, Swiss, or English legal systems. The Shariah, or traditional Islamic law,

separates offenses into two broad categories. The Qur'an particularly mentions some significant crimes, referred to as "add crimes," along with their suitable punishments. For instance, the "add punishment" for theft was the amputation of a hand. In reality, however, societal and political restrictions often lessen the severity of such punishments.¹

Geoffrey Abbott (2023)

The Editors of Encyclopaedia Britannica

According to legend, William the Conqueror brought the practice of sword beheading to England in the 11th century. Death by the sword, where the victim stood or knelt upright (since a block would have prevented the downward swing of the blade), was typically reserved for criminals of high rank because it was regarded as being equal to dying in battle. The last person to be executed in this manner in England was Simon, Lord Lovat, in 1747. Beheading is a mode of executing capital punishment by which the head is severed from the body. The ancient Greeks and Romans regarded it as a most honourable form of death. Beginning with the murder of Daniel Pearl, an American journalist kidnapped in Pakistan in 2002, Islamic militant groups such as al-Qaeda embraced beheading as a propaganda tool, distributing gruesome videos of such executions to media outlets and on the Internet. ISIL, a Sunni insurgent group in Iraq and Syria, staged mass beheadings of Syrian and Iraqi captives beginning in 2014 and also used the threat of beheading to extract ransom payments from some Western governments. Where he says by implementing the punishment given by England if we adopt it so that it will effectively work in reduce habitual offenders. In cases we are going to increase the habitual offenders there will be an increase in the crime rate. By implementing the Islamic laws were we can find out the punishment given in Islam in cruel than overs so that the rate of crime can be reduced in crime rate in Pakistan

Answers to the research problem:

Recidivism Rates and Rehabilitation Programs:

Examining the rates at which individuals reoffend after serving time in prison.

Rehabilitation is a program that is implicated for the reduction of crime by "repairing" the individual in some way by addressing his or her needs or deficits. Crimes that led to a person's re-arrest, re-conviction, or return to prison—with or without a new sentence—during the three

¹ Abbott, Geoffrey. "Beheading." *Encyclopedia Britannica* (July 25, 2023),

years after their release are used to calculate recidivism. Research on recidivism is ingrained in NIJ-sponsored studies on sentencing, corrections, and policy intervention assessments. Recidivism quantification is essential to many community supervision studies supported by the NIJ in order to advise probation.

Rating	Program Rating Description	Practice Rating Description
Effective	Implementing the program is likely to result in the intended outcome(s).	On average, there is strong evidence that implementing a program encompassed by the practice will achieve the intended outcome.
Promising	Implementing the program may result in the intended outcome(s)	There is, on the whole, some evidence to suggest that putting a program covered by the practice into action will result in the desired result.
No Effects	Implementing the program is unlikely to result in the intended outcome(s) and may result in a negative outcome(s).	On average, there is strong evidence that implementing a program encompassed by the practice will not achieve the intended outcome or may result in a negative outcome.

During this process, we take into account thorough evaluations and meta-analyses that produce a rating on the website as strong "evidence" along a continuum in which we look at the direction of the evidence, i.e., was the program Effective, Promising, or No Effects, and the evidence itself, i.e., how certain we can be of the outcomes. A continuum of evidence indicates which programs and practices may have some evidence, but it is either nascent, inconclusive, or unclear. The strongest evidence is still thought to be the evidence that leads to graded programs and practices. A structured approach is used to identify, screen, review, and rate the practices and programs offered on CrimeSolutions. Programs are assessed using evaluations, and practices are examined using meta-analyses that include various assessments; nevertheless, the evaluations must meet a certain level of rigor. Using objective grading instruments, two trained reviewers evaluate each screened program and practice.

Identifying factors that contribute to successful reintegration into society and those that increase the likelihood of recidivism.²**Juvenile Delinquency and Intervention Strategies:**

Examining juvenile delinquency and formulating effective intervention strategies in the realm of habitual crimes is pivotal for creating a safer society. Our primary goal is to comprehend the patterns and factors contributing to juvenile involvement in repetitive criminal behavior. Through a thorough investigation, we aim to pinpoint the underlying causes and dynamics that propel juveniles into habitual crimes. Concurrently, we will assess the existing intervention strategies within the juvenile justice system, critically appraising their effectiveness in averting recurrence. By scrutinizing punitive and rehabilitative measures, we aim to identify the most successful approaches to breaking the cycle of habitual criminal behavior among juveniles.

By drawing insights from global practices, our research will encompass a comparative analysis of intervention strategies employed by other countries grappling with similar challenges. This comparative approach will assist in pinpointing innovative and successful methods that can be adapted to the unique context of juvenile delinquency in habitual crimes within our specific cultural and legal framework.

White-Collar Crime and Corporate Criminal Behavior:

White-collar crime and habitual criminal behavior, while distinct in many aspects, share some commonalities and intersections. Understanding these connections involves recognizing the underlying factors and motivations that drive individuals to engage in criminal activities, whether they are white-collar crimes or more conventional offenses associated with habitual offenders. Here are some points of connection

Similar Motivations: Financial gain, the need for power, or the impression of having to maintain a particular lifestyle are some of the motivations shared by both habitual offenders and white-collar criminals. Habitual offenders and white-collar criminals frequently take advantage of opportunities in the surroundings in which they operate. Opportunities play a role in criminal decision-making, even though the contexts may be different (e.g., local community for habitual criminals, corporate environment for white-collar crime). Investigating white-collar crimes such as fraud, embezzlement, and corporate misconduct.

²crimesolutions.ojp.gov.

Repetition in Behavior: Repeating criminals commit crimes on a regular basis by engaging in repetitive criminal behavior. Comparably, repeat offenders in the financial sector may commit embezzlement, fraud, or other financial offenses. Rationalization Techniques To defend their acts, both parties may use rationalization techniques. Criminals who commit crimes on a regular basis may rationalize their actions as necessary for business success or to maintain financial stability, while habitual offenders may justify their crimes as a way to survive or to settle personal grievances.³

Patterns of criminal behavior can vary significantly depending on the type of offense, as different crimes involve distinct motivations, characteristics, and environmental factors. Here are a few examples illustrating how patterns may differ across various types of offenses:

Violent Crimes vs. White-Collar Crimes:

Understanding recurrent trends requires analyzing habitual crimes in both violent and white-collar categories. In the case of violent crimes, we investigate the reasons behind the ongoing use of violence, whereas in the case of white-collar crimes, we look at the financial incentives behind repeated non-violent behavior. Using a comparative approach, we pinpoint distinctive features in every category to guide focused intervention tactics. Gaining insightful knowledge for sensible laws and interventions in the contexts of violent and white-collar crime is the aim. Violent Crimes (e.g., assault, robbery): These crimes often involve direct physical harm or the threat of harm. Offenders may be motivated by personal disputes, economic need, or social factors. White-Collar Crimes (e.g., fraud, embezzlement): Motivations are often financial gain or achieving a certain professional or economic status. The crimes are typically non-violent and may involve sophisticated methods to manipulate financial systems.

Property Crimes vs. Drug Offenses:

- **Property Crimes (e.g., burglary, theft):** Offenders may engage in property crimes to obtain valuables or money. These crimes are often opportunistic and may be influenced by economic conditions or substance abuse.
- **Drug Offenses (e.g., possession, trafficking):** Motivations for drug-related crimes can include addiction, economic factors, or involvement in organized

³ investopedia.

criminal networks. Patterns may involve both low-level users and high-level traffickers.⁴

Cybercrime vs. Hate Crimes:

- **Cybercrime (e.g., hacking, identity theft):** Offenders may use technology to commit crimes, often for financial gain or to exploit vulnerabilities in online systems. Motivations can include financial motives, revenge, or activism.
- **Hate Crimes (e.g., racially motivated violence, vandalism):** Motivated by bias or prejudice against a particular group, hate crimes may involve violence or property damage. Perpetrators often target individuals based on race, religion, ethnicity, or other protected characteristics.⁵

Domestic Violence vs. Environmental Crimes:

Domestic violence, also known as spousal abuse, is the use of force or abuse in close personal relationships. Substance abuse-related problems, power dynamics, and control issues can all have an impact on patterns.

- **Environmental Crimes:** These include unlawful dumping and pollution. Reasons for doing so could be reducing expenses, dodging laws, or disposing of waste improperly. Offenders might be either people or companies.

Understanding these distinctions is crucial for developing effective prevention, intervention, and rehabilitation strategies. Each type of offense requires a tailored approach that addresses the specific factors contributing to criminal behavior in that context. Additionally, legal consequences and societal responses can vary based on the nature of the offense, further emphasizing the need for a nuanced understanding of criminal behavior patterns.

Alert MSME customers: 'Stringent' action on habitual offenders for delayed payments, says Nitin Gadkari

A notice has been issued by the Ministry of Micro, Small and Medium Enterprises (MSME) in India, which is headed by Minister Nitin Gadkari, informing MSME customers that "stringent" measures will be taken against repeat offenders for late payments. The declaration emphasizes how serious the government is about tackling the widespread problem of late payments, which

⁴ *Property Crime Caused by Drug Use or Drug Enforcement Policy*, ojp.govncjrs

⁵ *Online Hate Crimes*, infosecawareness.in

has a big effect on the smaller businesses that make up the MSME sector's financial stability. MSMEs may experience cash flow issues as a result of delayed payments from larger companies, which could impede their expansion and operational effectiveness. The focus placed by Nitin Gadkari on "stringent action" suggests a resolve to stop the ongoing issue by possibly enacting laws, fines, or other penalties for individuals who consistently miss payments. By taking a proactive approach, we hope to protect MSMEs' financial stability and acknowledge their critical role in creating jobs and advancing the economy as a whole. Consult recent news updates or official announcements for the most up-to-date and comprehensive information.

While multiple jurisdictions have penalised Google for its anti-competitive practices, the penalties don't seem to be heavy enough to stop the tech giant, given its deep pockets.

The ongoing problem of Google being subject to fines for anti-competitive behavior in several jurisdictions raises questions about how well regulatory actions work to discourage repeat offenders, especially those with substantial financial resources. Despite being punished, Google's large financial resources make it appear that the fines will not be enough to stop its anti-competitive actions. This case highlights the difficulties regulators encounter when interacting with large, financially significant corporations, as the fines may be viewed as a reasonable expense rather than a real deterrent. The observation highlights the urgent need for stronger, proportionate punishments to deter repeat offenders. The necessity of reevaluating regulatory frameworks and improving international cooperation among regulatory bodies may come up in discussions about how to handle the changing anti-competitive practices in the tech sector. The circumstance forces a more thorough examination of the effectiveness of the regulatory strategies in place as well as the investigation of stronger measures to guarantee a significant deterrent effect on businesses that repeatedly engage in anti-competitive behavior.

Share of 'habitual offenders' among convicts lowest since 2016: NCRB

Out of the 104,735 people convicted in 2021, 3,333 convicts (3.2%) had previous convictions. On Sunday, Home Minister Amit Shah advocated for more rehabilitation in prisons and mentioned efforts to draft a new prison legislation.

2020 saw a 4.7% recidivism rate, or the percentage of convicted felons who had previously served time in prison. In 2019, the percentage was 3.6%. In 2016 it was 2.8%, the lowest in

recent memory.⁶

STATISTICS IN INDIA

In India, the recidivism rate in 2015 was 8.1% which then reduced to 6.4% in 2016 but this was not because of the efficiency of the prison system but because of a reduction in the conviction rate and an increase in the pendency rate in 2016. It was reduced to 46.8% in 2016. And in 2019, the rate of recidivism was 3.6%, and in 2020, it was increased to 4.7% According to the latest National Crime Records Bureau numbers for 2021, the conviction rate is 57% while pendency has increased to 91.2 per cent.⁷

Does the Indian criminal Justice System provide rehabilitation:

The objectives of the Indian criminal justice system are reforming and rehabilitating the offender. The ultimate goal of the system is to reform the Prisoner. It tends to be more rehabilitative rather than retributive. But the Indian criminal justice system is more punitive in nature in reality. And there is an absence of reformatory policies by the Legislature hence resulting in no implementation of a reformatory and rehabilitative environment in prisons. The conditions of jails make it extremely difficult to have a rehabilitative environment in India.⁸ The majority of those in attendance lack adequate financial, material, and human resources. They lack basic human rights such as proper nutrition, medical care, and hygiene. Given the dearth of basic amenities, the facility's ability to provide inmates with quality vocational training, education, and well-being is seriously questioned. Nevertheless, over time, vocational education in Indian jails has advanced significantly.

The rehabilitation in the present system in India only provides for vocational training and education to the offenders. But rehabilitation is much more than that. It is empowering and enabling offenders to reintegrate into society. There must be soft skill training provided in the prisons. It must include assisting the prisoner in acquiring a source of livelihood after he is released, providing counselling services, psychological well being etc. Financial constraints, lack of focus on rehabilitation and lack of political will to incorporate these measures make it impossible for the Indian prison system to achieve its goal of reformation and rehabilitation. The prisoners who belong to economically weaker sections find it the hardest to rehabilitate.

⁶ *Share of 'habitual offenders' among convicts lowest since 2016: NCRB*

⁷ INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES [ISSN 2581-5369] Volume 6 | Issue 3

⁸ Joysheel Shrivastava, Criminal Justice System: Does it want Retribution, Reformation or Rehabilitation, News Click (Nov. 16, 2022, 8:12 PM),

For example if a person is imprisoned at the age of 18 and released after 25 years, then he has no definite source of income or employment in the society and he would also be stigmatized by the society leaving him no option other than to recidivate.

Risk Assessment and Case Management:

Utilize risk assessment tools to identify high-risk individuals and tailor intervention strategies accordingly. Implement case management techniques to closely monitor and support individuals with a history of habitual criminal behavior. Case management and risk assessment are essential when working with people who have a history of repeat criminal activity. The first step is identifying high-risk individuals and figuring out what factors lead to their criminal tendencies by using specialized tools to conduct risk assessments. Variables including criminal histories, demographic data, and dynamic risk factors like substance abuse or mental health problems are frequently taken into consideration in these evaluations.

After the identification of high-risk individuals, case management is implemented. This entails creating specialized intervention plans depending on the unique requirements and risk factors of every person. Closely collaborating with the individuals, case managers track their development and organize different resources to address the root causes of criminal behavior. Integrating cognitive-behavioral therapy (CBT), a therapeutic strategy aimed at changing unfavorable thought patterns and behaviors linked to criminal activity, is a crucial component of successful case management. In order to lower the recidivism rate from crimes, cognitive behavioral therapy (CBT) attempts to improve people's impulse control, anger management, and problem-solving abilities. Furthermore, case management may entail putting people in touch with mental health providers, drug rehab centers, and opportunities for career or educational training. This comprehensive strategy tackles the intricate and related problems that are frequently present in people who have a history of persistent criminal activity.

Ankle bracelets and GPS tracking are examples of electronic monitoring and supervision devices that can be used to improve accountability, particularly for people who are on parole or probation. In addition, peer support groups, community-based programs, and restorative justice initiatives are crucial for promoting recovery, creating a feeling of community, and attending to the social and emotional facets of an individual's life. Ultimately, the combination of risk assessment and case management aims to not only identify and quantify the risk of reoffending but also to implement targeted interventions that address the root causes of criminal behavior, promote rehabilitation, and facilitate successful reintegration into society. This

holistic approach recognizes the multifaceted nature of criminality and seeks to address the diverse needs of individuals with a history of habitual criminal behavior.

Cognitive-Behavioral Therapy (CBT) :

Cognitive-Behavioral Therapy (CBT) is a highly effective therapeutic approach for individuals with a history of habitual criminal behavior. In the context of habitual offenders, CBT is tailored to address the underlying cognitive and behavioral patterns that contribute to repeated criminal activities. The first step in CBT is to assist habitual offenders in identifying and comprehending their erroneous thought patterns. This could entail confronting illogical convictions and unfavorable mental models that support criminal activity. Repeated criminals frequently participate in a vicious cycle of bad habits that culminate in criminal activity. By addressing particular behaviors linked to criminal tendencies, such as impulsivity, aggression, or substance abuse, cognitive behavioral therapy (CBT) seeks to break this cycle. Recurrent offenders may have trouble making decisions and lack adaptive coping mechanisms. CBT focuses on imparting useful skills for handling difficult circumstances, stress, and rage. Creating plans for making wise choices in practical situations is part of this.

Criminal histories are frequently influenced by ingrained behavioral patterns that habitual offenders frequently display. Through the use of behavioral modification techniques, CBT encourages prosocial interactions and actions by substituting maladaptive behaviors with more positive ones. Relapse prevention is emphasized heavily in CBT because criminal behavior is recurring in habitual offenders. People acquire the ability to foresee and manage possible catalysts for criminal activity, creating plans to sustain constructive developments and avert regressions. CBT pushes repeat offenders to own up to their mistakes and accept accountability for the results. This change in viewpoint is essential for encouraging a sense of empowerment and agency, which inspires people to participate fully in the therapeutic process. CBT for habitual offenders is a targeted and structured therapeutic approach that aims to transform thought patterns, modify behaviors, and address the root causes of criminality. By empowering individuals with the skills and insights needed to break the cycle of habitual criminal behavior, CBT plays a vital role in promoting rehabilitation and reducing the risk of recidivism.⁹

Educational and Vocational Training:

Educational and vocational training programs are essential components in the rehabilitation of

⁹ mayoclinic.org *Cognitive-Behavioral Therapy*

habitual offenders, aiming to equip them with the skills and knowledge necessary for a successful transition back into society. By offering habitual offenders an alternative to a life of crime, educational and vocational training programs are essential in ending the cycle of criminality. Through providing avenues for both individual and occupational growth, these initiatives tackle the underlying reasons behind criminal conduct and promote constructive transformation. Due to a lack of employable skills, habitual offenders frequently have difficulty finding steady employment. Programs for education and career training concentrate on imparting practical skills that employers value. Training in crafts, technology, or other industries may fall under this category. Reintegration into society may be hampered by the low educational attainment of many habitual offenders. The goal of educational programs offered by correctional facilities or as part of reentry initiatives is to enhance academic skills such as literacy and numeracy, thereby creating new avenues for personal and professional development.

Vocational training programs are designed to enhance the employability of habitual offenders by providing hands-on experience and industry-recognized certifications. This increases their chances of securing meaningful employment upon release. Educational and vocational successes contribute to the development of self-esteem and confidence among habitual offenders. As individuals acquire new skills and achieve academic milestones, they gain a sense of accomplishment and purpose, reducing the likelihood of returning to criminal activities. Stable employment is a critical factor in reducing the risk of recidivism. Educational and vocational training programs create pathways to economic stability by preparing individuals for meaningful work and helping them build a foundation for financial independence. Successful reintegration into society requires more than just avoiding criminal behavior; it involves becoming a productive member of the community. Educational and vocational training programs contribute to this process by providing the tools and resources needed for individuals to reintegrate successfully. Collaboration with community partners, including employers and educational institutions, enhances the effectiveness of these programs. Establishing connections between training programs and potential employers creates a supportive network for individuals seeking employment post-release.

Indian criminal justice system:

In criminal procedure code, Section 41 provides the arrest of the habitual offender without arrest of warrant and Section 110 says about the requirement of bond as a security for good

behaviour from habitual offenders. In Indian Penal Code Section 413 provides the provision relating to the persons who deal in stolen property habitually, Section 310 has provisions relating to the thug. Section 310 Thug. Whoever, at any time after the passing of this Act, shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a thug. Gangs of persons habitually associated for the purpose of inveigling and murdering travelers or others in order to take their property, etc, are called thugs. Thugs are robbers and dacoits, but all robbers and dacoits are not thugs. Thugs committed robbery or dacoity or kidnapping always accompanied with murder. Section 413 habitually dealing in stolen property. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Baburam Kansari, (1891) 19 Cal. 190. when relevant Section 53 In criminal cases, previous good character relevant. In Criminal proceedings, the fact that the person accused is of a good character is relevant. Section 54 Previous bad character not relevant, except in reply. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.¹⁰

RULES FRAMED UNDER THE PROVISIONS OF RESTRICTION OF HABITUAL OFFENDERS (PUNJAB) ACT, 1918

The Act of 1918, which is known as the Restriction of Habitual Offenders (Punjab) Act, establishes a legislative framework for processing individuals who are considered repeat offenders. Authorities may use this Act to take preventative action against those who have a history of committing crimes on a regular basis. In order to preserve public order and stop such repeat offenders from committing new crimes, the Act allows for their identification, restriction, and surveillance.

The particular regulations established in accordance with the Act's provisions may specify how habitual offenders are to be identified, how their movements are restricted, and how their actions are to be monitored. These regulations aim to achieve a balance between defending individual rights and preserving the larger goals of public safety. Law enforcement agencies

¹⁰ Law Pedia is a Online Legal law Website . Dinesh Gardia and AkashNanda is Founder of Lawpedia. It is established on 31/03/2021 .

and judicial authorities generally enforce the Act to suppress the activities of people who are deemed a menace to society because of their repeated criminal behavior.

Impact of Sentencing Policies ;

Today's society has made crime and punishment a major component. There is a regime that must be upheld. But, it is a truth that no harsh penalty can be meted out to the accused due to its extreme strictness and lack of understanding of the accused's rights. Defendants are entitled to some fundamental human rights that are violated by specific sanctions. It would also be against fundamental rights to allow judges to have discretion when determining fines. Before a policy of conviction is developed, the rights of the two victims must be balanced.

Sentencing Policies for stopping crime:

Punishment may be justified on the grounds that it keeps a kid from harming themselves, enforces social peace, safeguards the norm, guards against future harm (particularly from violent criminals), and upholds the rule of law, which is the foundation upon which social groupings function. Penalties or incarceration are examples of imposition. Retaliation, resistance, rehabilitation, and disability are examples of punishments. These could involve actions like the most recent isolation to stop communication with possible wrongdoing victims or to stop removing a hand to make theft more challenging. may contain outlaws like the death penalty, torture, and separation. When someone is punished by physical torment, it is referred to as corporal punishment. There are two possible applications of the crime prevention theory: the first is that the punishment imposed on individual offenders will prevent or deter that particular offender from committing further crimes. The second is that public knowledge that some crimes will be punished as a general deterrent effect that prevents others from committing crimes. In the caes of **Suljina Dhan vs. State of Assam** There was a fight between the husband and wife in the incident. Using an ax, the husband killed his wife. Unintentionally, the wife struck her husband with the ax. The court concluded that the wife was suddenly and fatally provoked during the altercation, which led to the outcome. Thus, he ought to be covered by this exemption. Therefore, it is not the same as murder to blame the wife for the guilty murder.¹¹

Report by Malimath Committee on reforms of criminal justice system

Emins contends that the court need to consider both aggravating and mitigating circumstances

¹¹ lawyerscommunity, blog.ipleaders Sentencing in India

while determining the appropriate sentence. A number of things are mentioned as aggravating elements, such as using weapons to scare or hurt victims, committing the offense in front of a child, and excessive brutality. Conversely, mitigating considerations include age and the absence of a prior criminal record, as well as the offense committed under great provocation. Judges have the authority to impose any sentence on a convicted party that falls within the prescribed parameters because punishments for certain offenses can be both severe and mild at the same time. Since the judge is not provided with any guidelines regarding the use of discretion, sentencing practices are inconsistent. When making decisions, some judges are exceedingly stern or severe, while others are exceedingly forgiving. The Judges award death penalty or refuse to award it according to their own philosophy.

According to the Law Commission's 47th report, a suitable sentencing procedure takes into account a wide range of factors, including the type of offense committed, the circumstances, the offender's age, character, and mental state, whether they are a novice or a professional, and whether or not rehabilitation, training, or treatment can be taken into account. Judges should categorize the perpetrator as a professional or novice regular criminal, or as a member of the mafia, such as a terrorist or gangster, in order to provide more clarity. The death sentence is currently the harshest punishment allowed by IPC, 1860, with life in prison ranking second. The SC ruled that only the "rarest of rare cases" with specific justifications could result in the death penalty.

In the case of *Bisikesan Suna vs. State of Orissa* the defendant in this instance, who was under the age of 21, was found guilty of the crime of "theft in dwelling house." The accused was found not to have a criminal record, and the court decided that section 3 of the Probation of Offender Act of 1958 could be applied as a result.

Risk Assessment and Targeted Interventions:

Enhancing the efficacy of deterrent punishments for repeat offenders within the Indian criminal justice system requires a multi-faceted approach and here we have some evidence-based recommendations for the same such as Tailored Interventions in which we have Risk Assessment Tools that Implement validated risk assessment tools to identify high-risk repeat offenders. This can help in directing resources towards those most likely to re-offend and in need of intensive interventions. Next, we have Individualized Rehabilitation which Develops personalized rehabilitation programs that address the specific needs of repeat offenders, such as substance abuse treatment, mental health support, education, and vocational training.

Further, Strengthening Deterrents which includes Swift and Certain Consequences that ensures a system that delivers swift and certain consequences for repeat offenders. Consistent and timely punishments have been found more effective in deterring criminal behavior than severe but uncertain penalties¹²

Community-Based Rehabilitation Programs:.

Community-Based Sanctions Utilizes based community service, restitution, or other alternative sanctions that hold offenders accountable while keeping them engaged in the community. This can serve as a deterrent while fostering reintegration. Reforms within Correctional Facilities includes Quality of Incarceration that Improves the quality of life within correctional facilities by focusing on rehabilitation, education, and vocational training. Evidence shows that access to education and skill-building programs reduces recidivism rates. Post-Release Support Provides comprehensive post-release support, including housing assistance, employment opportunities, and continued access to mental health and substance abuse treatment. Smooth reentry into society reduces the likelihood of reoffending. Technology and Data-Driven Approaches would include Data Analytics for Predictive Policing to Use data analytics to identify crime hotspots and patterns, allowing law enforcement to focus on areas where repeat offending is more prevalent.¹³

Continuous Monitoring and Evaluation:

Electronic Monitoring to Implement effective electronic monitoring systems that track offenders, ensuring compliance with court orders and enhancing accountability. Collaboration and Training would include Interagency Collaboration to Foster collaboration between law enforcement, social services, mental health professionals, and community organizations to provide holistic support to repeat offenders. Training and Sensitization to Provide ongoing training to justice system personnel to ensure they understand the nuances of repeat offending, trauma-informed approaches, and effective intervention strategies. Evaluation and Adaptation would include Regular Evaluation to Continuously evaluate the effectiveness of deterrent measures using data-driven metrics. Adapt policies based on the results to improve outcomes. Pilot Programs through which Pilots innovative programs on a smaller scale to assess their effectiveness before broader implementation.

¹² pubmed.ncbi.nlm.nih.gov

¹³ NB/Sanjay Kumar Press Information Bureau Government of India Ministry of Social Justice & Empowerment 2/13-03-2018

Interagency Collaboration:

Implementing the aforementioned policy recommendations within the Indian criminal justice system demands a coordinated, multi-sectoral approach due to its complexity. This would involve Legislative Reforms to Initiate legislative changes to accommodate risk assessment tools, alternative sanctions, and rehabilitation programs within the system. This might include amendments to existing laws to prioritize rehabilitation alongside punitive measures. Interagency Collaboration to Establish task forces comprising representatives from law enforcement, social services, mental health professionals, educational institutions, and community organizations. These groups would coordinate efforts, share resources, and jointly design and implement tailored interventions.

Resource Allocation to Advocate:

Resource Allocation to Advocate for budgetary allocations to support rehabilitation programs, vocational training, and mental health services within correctional facilities. Additionally, funding should be directed towards research-backed initiatives and training for justice system personnel. Pilot Programs and Data-Driven Approaches to Launch pilot programs in select regions to test the effectiveness of tailored interventions. Concurrently, employ data analytics to identify high-risk areas and demographics, allowing for targeted intervention strategies. Public Awareness and Sensitization to Conduct public awareness campaigns to foster understanding and support for rehabilitation-focused approaches. This includes educating the public about the benefits of rehabilitation and reintegration for both offenders and society as a whole.¹⁴

Monitoring and Evaluation to Establish mechanisms:

Monitoring and Evaluation to Establish mechanisms for ongoing monitoring and evaluation of these interventions. Regular assessments should measure the impact on recidivism rates, cost-effectiveness, and societal outcomes. Findings should inform policy adaptations and refinements. Training and Capacity Building to Conduct comprehensive training programs for justice system personnel, focusing on trauma-informed approaches, rehabilitation strategies, and the implementation of alternative sanctions. Continuous training ensures adaptability to evolving best practices. Stakeholder Engagement to Foster dialogue and engagement among stakeholders, including policymakers, NGOs, academics, and affected communities.

¹⁴ *Digital repository , Advocacy and Resource Allocation Decisions in the Public Sector*

Collaborative discussions can generate innovative solutions and garner support for policy changes. International Best Practices to Study successful models from other countries and adapt them to suit India's socio-cultural context, recognizing the unique challenges and opportunities within the system.

Conclusion:

In conclusion, crafting an effective deterrent framework for habitual offenders within the Indian criminal justice system demands a nuanced and comprehensive strategy. By synthesizing evidence-based practices and considering the socio-cultural context, a holistic framework emerges. This includes robust risk assessment tools for identifying high-risk individuals, personalized interventions addressing root causes, and community-based rehabilitation initiatives focusing on education, skills, and employment. Embracing restorative justice practices, considering alternative sentencing options for non-violent offenses, and integrating technology for monitoring offenders are pivotal components. Strengthening community policing, fostering collaboration among agencies, and creating vocational and educational opportunities within correctional facilities are vital. Continuous evaluation, legislative reforms, public awareness campaigns, and international collaboration further enhance the framework's efficacy. This proposed approach underscores the importance of collaboration, community involvement, and adaptability, aiming to break the cycle of repeat offenses in the Indian context. It reflects a commitment to justice, rehabilitation, and the overall well-being of both offenders and society.

The fundamental tenet of the deterrence theory of punishment is that the goal of punishment is to dissuade the offender from perpetrating the offense. Above all, it instills in people the idea that engaging in unlawful behavior would have dire repercussions. Overall, this dissuades people from considering committing these kinds of crimes. People who think they would be caught are generally less likely to conduct crimes; therefore, a suitable degree of punishment combined with a high probability of being caught will probably discourage some would-be offenders. This kind of punishment deters future offenders from doing the same offense. The fact that deterrent theory views people as means rather than ends is one of its objections. It's still up for question, though, how effective the deterrent hypothesis has been in fulfilling its purported role. Ultimately, only time will tell how successful the deterrence notion of punishment is in upholding a lawless society.