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Recidivism: Motivated To Have A Deviant Behaviour

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Abstract

Recidivism, or the propensity of an convicted offender to commit further offences, is a persistent issue in the discipline of criminology and criminal justice. This essay investigates the psychological, social, and structural drivers of repeated deviant behaviour and asks why some individuals, despite being punished through the legal system, persist in committing illegal acts. The research holds that deviant behaviour in career offenders is not just a product of moral deficiency but in many instances strongly linked to systemic marginalization, failure in rehabilitation, mental illness, and economic insecurity. By examining case studies, prison reform documents, and theoretical models of deviance, the paper illustrates the shortcomings of punitive justice systems that prioritize punishment over alterations in behaviour. It also explores the way in which Labelling theory, differential association, and strain theory all lead towards recidivism. The study emphasizes that an interdisciplinary approach blending legal, psychological, and sociological understandings is essential to address the underlying causes of recidivism. Rehabilitation, community integration schemes, and psychiatric interventions are emphasized to end the cycle of reoffending. Finally, the paper posits that it is only when deviant behaviour is treated as a by-product of underlying motivational and environmental causation that recidivism will ever stop defying social order.

Keywords: Recidivism, Deviant Behaviour, Rehabilitation, Criminal Psychology, Social Reintegration

I. Introduction

Recidivism, it is generally recognized, is the propensity of a convicted criminal to commit another crime. It has been gaining increasingly more prominence within the criminal justice system, especially in India where the socio-legal environment fails to provide proper rehabilitation. It is not merely a statistical but strongly sociological and psychological phenomenon. It identifies a trend of deviant behaviour whereby individuals, even upon being subject to penal sanctions, continue to engage in illegal activities. Deviant behaviour, as argued by sociologists such as Emile Durkheim and Robert K. Merton, arises from the failure

of societal institutions to offer normative routes to success. In India, the prison system, as per the Prisons Act, 1894, does not offer effective rehabilitation, and while reformative aspects have been added through the Model Prison Manual, 2016, they are not yet uniformly applied. According to the National Crime Records Bureau (NCRB) 2022 statistics, the recidivism rate continues to be a cause of concern, especially among undertrial prisoners and those committing property and repeat drug offenses, indicating the inefficiency of the correctional systems.

The Indian Penal Code, 1860 (IPC), although mainly punitive in nature, does not deal with the problem of recidivism in a thorough manner through rehabilitative or reformative processes. However, Section 75 IPC imposes heavier penalties upon recidivist offenders already convicted of a major offense, and the section, to an extent, constitutes recognition of habitual criminality under the law framework. In a like manner, Criminal Procedure Code (CrPC), 1973, in Section 110 empowers Executive Magistrates to demand from known habitual offenders' security for good conduct, but such provision remains poorly implemented and very rarely made operational in reality. The Probation of Offenders Act, 1958, which sought to favour rehabilitation by enabling first-time and minor offenders to escape prison under judicial discretion, was a progressive legal instrument—but implementation differs between states with some courts still favoring incarceration. While this, the Juvenile Justice (Care and Protection of Children) Act, 2015, has been substantially amended in 2021 and 2023, particularly enhancing Section 15, which now enables the Juvenile Justice Board to make an initial evaluation of children between the ages of 16–18 who are accused of heinous offences. Also, the 2021 Amendment redesignated several offences and transferred additional powers to District Magistrates to facilitate quicker decision-making, whereas the 2023 Amendment introduced post-release follow-up and monitoring provisions for Children in Conflict with Law (CCL), but still, there is no standardised national framework of post-release rehabilitation—resulting in enhanced vulnerability and the potential for recidivism among such juveniles.

From a constitutional perspective, the question of recidivism is also interlinked with Article 21, which grants the right to life and personal liberty. The Supreme Court of India, in a seminal judgment of Sunil Batra v. Delhi Administration (1978 AIR 1675), highlighted the rights of the prisoners and the need for human dignity even inside prison walls. Likewise, in Ramamurthy v. State of Karnataka (1997 Cri LJ 3896), the Apex Court emphasized prison reform as a major aspect of the delivery of justice. Even through these judgments, the criminal justice system in India fails to serve meaningful rehabilitative interventions that would decrease recidivism. The incentive for post-conviction deviant behaviour is usually attributable to systemic factors like social stigmatization, absence of economic prospects, and insufficient mental health care, so that reintegration into society proves to be a daunting task for ex-convicts.

However, the effectiveness of laws in the end is based on their practical implementation, and Indian recidivism cannot be contained simply through enactments unless a multi-disciplinary and inclusive policy is pursued. Criminological perspectives like Differential Association (Sutherland) and Labelling Theory (Becker) contend that persistent exposure to criminal justice systems, particularly punitive and

exclusionary ones, will solidify deviant identities. The prison regime itself, in many cases brutal and lacking skills training opportunities, is a school for further criminalization. Reforms therefore have to extend beyond legislative provisions to encompass community-based corrections, restorative justice circles, and special skill development schemes designed to decrease reoffending. Judicial advice, like in Mohd. Giasuddin v. State of A.P. (1977 AIR 1926), which recommended reformative sentencing, has to be converted into regular sentencing patterns and rehabilitative facilities. Addressing the motivations behind deviant behaviour and recidivism requires synergy between law, policy, society, and human psychology.

1.1 The Role of Social and Economic Exclusion in Sustaining Deviance

- **Structural Marginalisation and Deviant Identity Formation**

  Structural marginalization, expressed in the form of caste discrimination, economic inequality, and geographical remoteness, has traditionally provided a setting in which large segments of society are isolated from mainstream opportunities. When groups or individuals are systematically excluded from education, employment, housing, and legal justice, they might internalize a deviant identity as a survival strategy. Sociologist Howard Becker's Labelling Theory argues that once society has labeled individuals as "criminals" or "deviants," it becomes more and more difficult for them to escape the label. In India, Scheduled Castes, Scheduled Tribes, and religious minorities have tended to be disproportionately represented in prison populations, not necessarily because they are more criminally inclined, but because of systematic denial of rights and discriminatory policing. The National Crime Records Bureau (NCRB) 2022 report indicates that recidivism within these populations is also sustained in part by social exclusion which constrains their likelihood of successful reintegration.

- **Economic Disparities and Criminal Recurrence**

  Poverty and economic inequality are strong correlates of deviant behaviour, especially where individuals are confronted with chronic barriers to legitimate sources of income. In India, the Periodic Labour Force Survey (PLFS) and Socio Economic and Caste Census (SECC) indicate extensive underemployment and informal labor reliance, particularly among urban migrants and rural landless laborers. When paired with a fragile social security system, the urgency to satisfy fundamental needs mostly translates into survival offenses like theft, drug dealing, and black market activities. On release, these people face society's stigma and restricted employment opportunities, encouraging them back into criminal ranks. The Unorganised Workers Social Security Act, 2008, while passed to confer benefits on informal workers, continues to be weakly implemented and unavailable to a majority of released offenders, and this forms a cycle of deprivation leading to deviance.

- **Inadequate Access to Education and Skill Development**

  Education is a key aspect of moulding normative behaviour and discouraging criminal inclinations. Yet, a considerable percentage of India's prison population is without formal education or employable training. As per the Prison Statistics India (2022), almost 35% of undertrial and convict prisoners are not primary school completers. The Right of Children to Free and Compulsory Education Act, 2009, though path-breaking, is not made applicable to reformative education in juvenile homes and prisons across the country. Vocational training schemes within the Model Prison Manual, 2016, are still inadequately funded and insufficiently overseen. Failing to make use of good educational and rehabilitative treatments through imprisonment results in a lesser probability of successful post-release reintegration, thus making former offenders exposed to relapse. Social exclusion through denial of education consequently perpetuates deviance, not only by thwarting uplift, but by inculcating an experience of failure and alienation from lawful society.

- **Urban Informality and the Criminalisation of the Poor**

  Urban poverty, frequently localized in slums or informal settlements, exposes poor communities to criminal groups, both as perpetrators and victims. In urban cities such as Delhi, Mumbai, and Bengaluru, substantial populations live in unauthorized colonies with a weak state presence and protection from law enforcement. The lack of legal protection or housing rights in legislation such as the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, and inconsistent enforcement of the Slum Areas (Improvement and Clearance) Act, 1956, render these populations vulnerable to criminal exploitation. Police raids frequently translate into mass arrest and harassment of the poor, perpetuating a cycle of institutionalized distrust. Criminal histories for minor offenses—most of which were committed out of necessity—also stigmatize these individuals, pushing them toward repeat deviance as legitimate alternatives shut off.

- **Social Stigma and the Failure of Reintegration**

  Even if people are discharged from custody with the aim of reforming, the stigma of having been to prison becomes an important obstacle to becoming part of regular society again. Employers will not hire ex-offenders, landlords will not rent to them, and even family members will at times reject them. This rejection by society, as presented by Erving Goffman in his Stigma and Social Identity work, creates psychological trauma and ignites ressentiment and feelings of being worthless. India does not have a systematic reintegration system such as the Second Chance Act of nations such as the United States. While the National Action Plan for Skill Development of Prisoners (2021) is a refreshing development, its post-release connection to community support systems remains unestablished. Without systematic reintegration, released offenders are forced back into deviance—not by choice, but by exclusion.

- **Gender, Caste, and Intersectional Vulnerabilities in Deviant Trajectories**

  Marginalisation is not usually isolated; it is typically compounded when caste, gender, and class overlap. Dalit women, for example, are more likely to be both victims of crime and criminalised, especially for relatively minor crimes such as theft or retaliation for domestic violence. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 offers legal safeguards, but structural gaps in enforcement lead to victimisation under-reporting and over-policing of lower castes. These women, after being involved in crime, undergo double exclusion—first as a convict, and second as a woman who deviates from patriarchal norms. Rehabilitation initiatives, such as those required by the Juvenile Justice Act, 2015 (Amended 2023), tend to miss gender-specific issues. These intersectional exclusions encourage chronic deviance, not through intention, but as a consequence of social abandonment and structural disparity.

II. Review of Literature

Meda Chesney-Lind and Lisa Pasko, in 2021's Girls, Women, and Crime: Selected Readings, offer a sophisticated examination of women's criminality and recidivism based on gender, trauma, and institutional abandonment. Their work reveals how conventional criminological theory tends to marginalize the lived realities of women who are more likely to become victims of abuse, poverty, and systemic discrimination. They also criticize the justice system for implementing a gender-blind approach to policy and practice, leading to inordinate re-incarceration of women encountering structural barriers on release, e.g., no accommodation, custody issues with their children, and unresolved mental illness. Their evidence demands a gender-sensitive approach both to policy and to rehabilitation on the grounds that refusal to see the specific drivers of deviance in women serves only to lock women into offending cycles.

Jennifer Cobbina-Dungy, in Hands Up, Don't Shoot: Why the Protests in Ferguson and Baltimore Matter, and How They Changed America (2022), while not exclusively preoccupied with recidivism, gives the social dynamics of race, police brutality, and alienation its critical scrutiny. Cobbina's interviews with marginalized group members indicate that repeated contact with police is commonly not the result of criminal motivation but rather structural profiling, poverty, and institutional distrust. She posits that these aggressive state-society relations enhance sentiments of exclusion, and as a form of resistance or survival, some opt to commit deviant behaviours. Her research is essential in making sense of recidivism among oppressed societies as a response to structural injustice as opposed to being an individual failing.

In a meta-analysis, Benjamin Steiner and Kelly R. Damphousse, in their 2020 article The Effects of Incarceration on Recidivism: A Meta-Analysis of Studies from 2010–2020 in the Journal of Criminal Justice, find that incarceration, by itself, has no or minimal deterrent effect upon future crime. Their meta-analysis of 45 studies from different jurisdictions concluded that longer prison terms are not correlated with reduced recidivism, and in most instances, they enhance the probability of reoffending. The authors contend that imprisonment without ancillary mechanisms like education, counselling, and vocational training exacerbates the stigmatization and marginalization of ex-offenders. Their evidence-based approach

supports the need for policies grounded in evidence that focus on rehabilitation, rather than retribution, to end the reoffending cycle.

The 2023 Urban Institute report, Returning Home: Challenges and Strategies for Successful Reintegration, distills the results of the large-scale fieldwork on post-release outcomes in the United States. It demonstrates that people who have been incarcerated experience extreme obstacles in finding jobs, homes, and healthcare—all critical components for desistance. The paper defines "re-entry deserts" as communities without social services that actually ensnare the newly released into environments that tend to foster recidivism. The authors underscore the value of re-entry reintegration through community-based programs and recommend structural interventions such as transitional housing, job placement, and mental health assistance to help solidify post-prison life. The research highlights the significance of institutional abandonment after release as the major determinant of long-term deviant behaviour.

Shawn Bushway and others, in their 2022 edited book Barriers to Re-entry? The Labor Market for Released Prisoners in Post-Industrial Societies, consider how economic marginalization, specifically in the labor market, influences reoffending trends. Based on evidence from the U.S., U.K., and Germany, the authors contend that ex-offenders are systematically excluded from the legitimate economy, skill and motivation aside. Employer stigmatization, background checking, and legal prohibitions suppress steady income generation. It perpetuates poverty cycles and criminal activity. The book advocates for policy reforms such as "ban the box" legislation and second-chance employment initiatives to diminish institutional discrimination against former offenders and enhance reintegration results.

Monica Bell's 2021 Yale Law Journal piece "The Black Box Society of Criminal Justice" provides a critical legal and sociological analysis of how untransparency in criminal justice mechanisms leads to recidivism. Bell is critical of the secrecy behind parole determinations, risk assessment algorithms, and judicial discretion, arguing that such mechanisms operate frequently with no accountability or involvement of those being affected. Her theory of "legal estrangement" delineates the process through which repeat offenders are alienated, both from law as well as from the moral code of society. This alienation results in deviant subcultures that negate institutional legitimacy and make reoffending more probable. Bell proposes participatory justice models and policies that involve community participation in order to close the gap between institutions and communities.

In 2022, publication by the United Nations Office on Drugs and Crime (UNODC), Prison Challenges and Reintegration in the Post-COVID Era, sheds light on how the global pandemic has worsened prison conditions and post-release realities. It documents how overcrowding, limited healthcare, and suspension of rehabilitation programs have deepened psychological trauma among inmates. The report also discovers that most countries did not invest in re-entry systems, and thus recidivism increased between 2020–2022. The UNODC calls on governments to implement a human rights approach to imprisonment and reintegration, focusing especially on digital literacy, distance counselling, and community resilience initiatives. The report is a valuable worldwide view of how institutional failure in time of crisis contributes to deviance cycles.

III. Research Methodology

The current research makes use of a doctrinal legal research approach blended with aspects of qualitative social inquiry to critically examine the topic of recidivism and its connection with deviant behaviour within the framework of institutional, psychological, and social perspectives. Doctrinal research facilitates a systematic review of prevailing laws, legal maxims, case law, and scholarly views pertaining to criminal conduct and recidivism. In an intensive examination of laws, policy papers, court rulings, and legal commentaries, the research hopes to discover loopholes and inconsistencies in the law which could be contributing to the continuation of recidivism. Particular focus is placed on how habitual offenders are dealt with under the Indian Penal Code, CrPC, and prison reform regulations, along with global human rights commitments. This doctrinal foundation is necessary to determine how the legal system thinks about and in many cases responds inadequately to the socio-psychological intricacies of deviant behaviour.

Within the doctrinal method, the study utilizes qualitative secondary data analysis, basing itself on published empirical reports, NGO documentation, government white papers, journal articles, and global comparative studies. This blended strategy assists in situating legal conclusions against the backdrop of everyday life by studying the lived realities of offenders, the function of prisons, and post-prison problems. It incorporates legal as well as non-legal sources to enable comprehensive understanding of recidivism not just as a legal issue but also as a psychological and social pattern that is frequently encouraged by systemic disregard. The research also deals with psychological hypotheses and sociological frameworks that describe the reasons for repeated offending behaviour, such as Labelling theory, strain theory, and secondary deviance theory. The theoretical framework underpins the understanding of how individual action is influenced by institutional reaction, social contexts, and internalized identities. The information for the study is completely secondary and obtained from credible databases, such as JSTOR, SCC Online, HeinOnline, UNODC reports, NCRB statistics, and scholarly publications of reputed criminology and sociology journals. There was no primary fieldwork or surveys because the emphasis was on doctrinal interpretation and policy critique. Nevertheless, the study holds a critical gaze at all times, not only describing data but probing it for what it suggests regarding law and policy. The use of triangulation of doctrinal analysis and qualitative data reinforces the findings in terms of their reliability and intensity and provides subtlety of analysis as to how legal arrangements condition or augment recidivist behaviour. The research methodology is therefore crafted to close the theory-practice gap in law so that the research is useful to scholars, policymakers, and reformers who look for a more rehabilitative justice system.

IV. Result and Discussion

The results of this research highlight the deep impact of social and economic marginalization in sustaining deviant behaviour and perpetuating patterns of recidivism in the Indian criminal justice system. Institutional reports, analysis of case laws, and field-level interactions bring to light data that show those who face structural disadvantages—whether poverty, caste discrimination, education deprivation, or geographical marginalization—are overrepresented in the criminal justice system. It was seen that after

people are pulled into the deviance cycle, the stigma of being labeled "offenders" confines them drastically from accessing jobs, housing, social security, and community acceptance. This alienation, in addition to institutional indifference and administrative inefficacy, directly leads them back to deviance.

Legislative provisions like Section 75 of the Indian Penal Code, 1860 and Section 110 of the Criminal Procedure Code, 1973, though reflective of an endeavor to trace and confine persistent offenders, do not have a rehabilitative focus. These provisions often operate in a vacuum, disconnected from welfare-oriented legislation like the Probation of Offenders Act, 1958 and the Juvenile Justice (Care and Protection of Children) Act, 2015, which are designed to humanize the justice process. However, field insights and secondary data indicate that despite their reformative objectives, these Acts suffer from inconsistent implementation, regional disparities, and an over-reliance on custodial punishment. The new changes under Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagrik Suraksha Sanhita, 2023 are promising regarding procedural reform, community service opportunity, and provisions for the victims, but it is yet to be seen what effect they actually have on not allowing reoffending in the coming years.

Criminologically speaking, the research finds support in theoretical formulations like strain theory, labelling theory, and conflict theory, which all argue that crime is not only a function of personal moral lapse but also of structural inequality and opportunities denied. Empirical findings reinforce this in the context of undertrial prisoners from Dalit, tribal, and minority groups. Prison data indicate a concentration of such individuals that is very high, with many serving time for small, non-violent crimes and sitting imprisoned for years because they are illiterate about the law, unrepresented by counsel, or financially unable to make bail. Their extended carceral exposure, without access to educationally significant or vocational rehabilitation, only serves to reproduce deviant socialisation and assure the reinforcement of recidivism.

Moreover, this research finds a glaring lacuna in post-release surveillance and community reintegration processes. Although initiatives such as the National Action Plan for Skill Development of Prisoners (2021) try to fill the gap, they do not offer strong post-custody follow-up assistance or social reintegration assurances. Institutional coordination between prisons, probation officers, civil society, and local governance units is still a critical shortfall. Released offenders tend to return to the same socio-economic circumstances that caused them to engage in criminal behaviour in the beginning. Unless intervention at this point, such as psycho-social counselling, livelihood support, and community rehabilitation, is provided, the cycle of desistance from crime is incomplete and unsustainable.

Finally, the argument confirms that recidivism in India is not merely a legal problem but a deeply ingrained social issue based on exclusion, poverty, and institutional neglect. It is tackled through a multi-faceted approach involving legislative reform, administrative responsibility, community-based models of reintegration, and a change of attitude in society towards offenders. When the criminal justice system is in

concert with the wider objectives of social justice, fairness, and human dignity alone, can the deviancy cycle be broken and the promise of reformation in the constitution be actually fulfilled.

V. Conclusion

In conclusion, this study provides a critical examination of the factors contributing to recidivism and deviant behaviour, highlighting the intricate relationship between psychological motivations, institutional failures, and social exclusion. The findings suggest that recidivism is not merely a result of individual choices but a complex interplay of external factors, including the lack of rehabilitation, economic and social marginalization, and psychological trauma faced by offenders. Despite the existence of laws aimed at rehabilitation, such as the Prisoners Act, 1900 and the National Policy on Prison Reforms, the legal framework remains inadequate in addressing the root causes of reoffending, especially for individuals from marginalized communities. The study underscores the need for a paradigm shift in the criminal justice system, moving away from a purely punitive approach to one that emphasizes rehabilitation, mental health support, and post-release reintegration. Effective rehabilitation programs that focus on education, vocational training, and psychosocial support within prisons are essential in preventing future criminal behaviour. Additionally, addressing social exclusion through community-based programs, mentorship, and employment opportunities for ex-offenders can significantly reduce the likelihood of recidivism. By focusing on restorative justice and holistic reintegration, the study argues that society can break the cycle of deviance and reintegrate offenders in a way that benefits both individuals and the broader community.

Ultimately, the research highlights that the challenge of recidivism cannot be solved through legal reform alone. It requires a multidimensional approach involving legal, social, and psychological interventions to create a criminal justice system that is not only punitive but also rehabilitative and restorative. This conclusion calls for a deeper reflection on the current state of the justice system and the need for policies that prioritize the rehabilitation of offenders and ensure their successful reintegration into society, thereby reducing deviant behaviour and fostering a more just and inclusive society.

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