

Community Service Under The New Criminal Laws in India: A Shift towards Reformatory Justice

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Abstract

India's criminal justice framework has historically operated on principles of retribution, with a strong emphasis on imprisonment as the primary mode of punishment. However, the introduction of the "The Bharatiya Nyaya Sanhita, 2023 (BNS)" and "The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)" marks a significant transformation toward a more reformatory and restorative approach. A key development under these new laws is the statutory recognition of "community service" as a form of punishment for specific minor offences. This progressive measure signifies a conscious departure from colonial punitive frameworks, instead promoting offender rehabilitation, reintegration into society, and addressing the persistent issue of prison overcrowding.

Keywords: Community Service, Reformatory Justice, The Bharatiya Nyaya Sanhita, The Bharatiya Nagarik Suraksha Sanhita, Non-custodial Sentencing, Malimath Committee, Prison Overcrowding, Reparative justice, Reform of the criminal justice system, Penal Policy in India

1.Introduction

Historically, India's system of criminal law and procedure has functioned on the principle of Punitive justice, Focusing on penal action over the rehabilitation of offenders. However, with the enactment of "The Bharatiya Nyaya Sanhita, 2023, the formal recognition of community service as a form of punishment indicates a significant transition toward Rehabilitative and reparative strategies". This legislative reform represents a deliberate move away from the punitive legacy of colonial era laws toward more empathetic, equitable, and socially constructive approaches to holding individuals responsible. "The Malimath Committee Report (2003) had earlier advocated for non-custodial sentencing, Community service being applied, notably for non-serious offences". The persistent issues of prison overcrowding, escalating rates of repeat offences, and the financial burden of incarceration have underscored the urgency of exploring alternative sanctions. "Drawing influence from countries such as the United Kingdom, the United States, and South Africa, the new Indian criminal laws reflect a broader commitment to participatory and restorative models of justice". "The primary aims of community service as a punishment are to ease the burden of overcrowded prisons, promote the rehabilitation and reintegration of offenders into society, and foster a sense of civic responsibility and accountability among them."

1.1 Evolution of Criminal Punishment in India

India's criminal justice framework, primarily shaped by the “Indian Penal Code, 1860 (IPC) under Section 53, Focused on imprisonment, fines, and Death penalty as primary penalties”. The IPC, “drafted during the British Raj”, lacked any mention of non-custodial community-based penalties like community service. While courts sometimes used innovative sentencing (e.g., tree planting, hospital assistance), these were based on judicial discretion without legislative backing. With increasing prison overcrowding, delayed justice, and recidivism, scholars and policymakers began questioning the efficacy of punishment centered models. The need for alternatives that rehabilitate rather than punish became increasingly evident. The criminal justice system must be designed not merely to punish, but to prevent crime, restore the offender, and compensate the society.

1.2 Community Service: A Global Perspective

“Community service as a legal penalty gained traction globally in the 20th century, especially in the Scandinavian region, the UK, and Canada, where it was promoted as a rehabilitative substitute for jail time in minor crimes”. The idea is rooted in the principle that offenders should give back to the community they have wronged. “Under international norms such as The United Nations framework for non-custodial measures (Tokyo Rules, 1990), Community service is an acknowledged alternative to imprisonment that upholds the offender’s dignity and rights while fostering public accountability.” India's harmonization with such international standards through BNS reflects its growing commitment to human rights-based criminal justice.

1.3 The Bharatiya Nyaya Sanhita, 2023: A New Era

The BNS, 2023, which came into force on “1st July 2024”, repeals and replaces the Indian Penal Code, 1860 (IPC). One of its most notable reforms is the inclusion of “community service” as a punishment under “Section 4(f)”. This is the first time Indian criminal law formally acknowledges “community service” as a Sanction for certain minor and Non-aggressive crimes. “As per the declared objectives and rationale of the BNS, The aim is to ensure that punishment should not only serve as a Preventive measure but also lead to the Rehabilitation of the offender through meaningful involvement with the society.” This reform reflects India’s broader constitutional vision under “Article 21, which guarantees The fundamental right to live with freedom and dignity, and underlines the need for just, fair, and reasonable procedures in criminal sentencing.”

1.4 Reformative Justice: Indian Constitutional Ethos

India’s Constitution envisions a justice system rooted in dignity, fairness, and social harmony. The Supreme Court of India has consistently stressed that, in suitable cases, the criminal justice system should adopt a reformative approach. “**In Mohd. Giasuddin v. State of A.P.** the Court

stated, Reformation is a key objective of punishment and it is the duty of the court to explore all alternatives before resorting to imprisonment.”

Community service enables this principle by allowing the offender to participate in social welfare, fostering empathy, remorse, and reintegration, while also benefiting the community.

1.5 Research Importance and Objectives

The incorporation of community service in the BNS prompts several significant concerns:

- How is this new form of penalty defined and governed under the law?
- How does it compare with international and previous Indian practices?
- What are the practical challenges in implementation?
- Can this lead to real reformative justice or merely serve as tokenism?

This research aims to critically analyze these questions in light of legal developments, judicial trends, and implementation realities across India.

2. Legal Framework and Analysis under BNS And BNSS

The Bharatiya Nyaya Sanhita, replaces the Indian Penal Code, 1860 (IPC) with a revised, indigenous penal code aimed at making the Optimizing the performance of the justice system, just, and reformative. Among the most groundbreaking changes introduced is the formal Introduction of community service as a form of penal sanction, a provision entirely absent in the colonial framework. The “Bharatiya Nagarik Suraksha Sanhita” which replaces the “Criminal Procedure Code, 1973” introduces several transformative changes in India’s criminal procedural law.

One of its noteworthy reforms is the explicit incorporation of community service as a form of punishment for certain offences, Signifying a fundamental change from conventional imprisonment to a more rehabilitative and restorative approach. **Section 4 of the Bharatiya Nyaya Sanhita**, details the various forms of punishments and lists community service as a valid sentencing option for certain designated crimes.” As per the explanatory provision under **Section 23 of the Bharatiya Nagarik Suraksha Sanhita**, Community service shall mean the work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration.”

Key Features:

- Unpaid work (e.g., cleaning public places, helping NGOs, awareness drives)
- Ordered by the court (not just voluntary)
- Alternative to jail or fine
- Aims for rehabilitation, restorative justice, and social accountability

In coordination with BNS, the BNSS as the procedural law provides the framework for the implementation, monitoring, and enforcement of such punishments.

Key Different between BNS And BNSS On Community Service :

Aspect	BNS (Substantive Law)	BNSS (Procedural Law)
Legal Role	Describes community service as a penal measure	Outlines procedure for awarding or executing community service
Relevant Section	Section 4(f) of BNS	Section 23(Explanation) and others (indirect references)
Purpose	Substitutes imprisonment/fine with socially useful labour	Provides court procedures, judicial powers, and record-keeping
Offence Category	Minor, non-violent, first-time offences	Applies in cases where summary or plea bargaining procedures may be invoked
Awarding Authority	Magistrate or appropriate Criminal Court	Court of Judicial Magistrate First Class (JMFC) or Second Class
Preconditions	Offender's consent not mandatory	Execution supervised by probation officer or local authority
Implementation Responsibility	Municipal bodies, NGOs, panchayats (future Rules to specify)	State Government to frame rules for execution and monitoring
Supervision Mechanism	Not yet defined in BNS	BNSS allows records of compliance and revocation on failure
Examples of Eligible Offences	Public nuisance, petty theft, minor mischief	Summary trials (Ch. XXII), compoundable offences (Section 359 in Ch. XXVI)
Monitoring Compliance	Not stated explicitly	BNSS allows courts to review compliance before concluding proceedings
Reformative Orientation	Reflects penological shift to reformative/restorative model	Procedure supports efficiency and avoids unnecessary imprisonment

2.1 Legal Recognition of Community Service under BNS

The new provision that introduces “community service is enshrined in **Section 4(f)** of the BNS, which reads, Punishment may be in the form of community service as directed by the court”. This legislative recognition allows for non-custodial sentencing in appropriate cases and reflects a structural shift toward rehabilitative jurisprudence. “This is not a blanket provision, community service can only be awarded in offences where it is specifically prescribed”. These offences include:

Section	Offence	Nature of Crime
S. 202	Public servant unlawfully engaging in trade	Petty misconduct
S. 209	Non-appearance in response to proclamation	Procedural violation
S. 226	Engage in a suicide attempt to compel government	Non-violent
S. 303(2) Proviso	Petty theft (less than value ₹5,000), first offence, with restitution	Property crime
S. 355	Intoxicated behavior in public places	Public nuisance
S. 356(2)	Defamation (specific cases)	Reputational harm

Thus, community service is not a general sentencing option but is confined to low-severity, first-time or non-violent offences, maintaining the principle of proportionality in sentencing.

2.2 Sentencing Guidelines and Judicial Discretion

While “Section 4(f)” establishes the legal possibility of community service, the BNS does not provide detailed sentencing guidelines regarding:

- The nature of work to be performed
- Duration of community service
- Monitoring mechanism
- Completion verification

In the absence of such statutory elaboration, sentencing remains heavily dependent on judicial discretion, guided by principles of fairness, proportionality, and suitability. In “**State of Punjab v. Prem Sagar**” the Supreme Court held, “Sentencing is an important task in the judicial process which requires balancing of aggravating and mitigating factors to serve the ends of

justice.”Hence, community service must be assigned based on individual case characteristics, such as offender background, remorse, and impact on society.

2.3 Delhi’s Pilot Implementation and Rules (2025)

Delhi became the first state to notify formal rules for community service under BNS in June 2025.

These guidelines include:

- **Assignable tasks:** cleaning hospitals, binding books in libraries, tending public parks, assisting municipal offices, etc.
- **Duration:** 1 to 31 days, or 40 to 240 hours
- **Supervising agencies:** probation officers or nodal government officers
- **Reporting:** compliance reports to be submitted to courts

This organized framework serves as an example for other states, demonstrating how legal reforms can be effectively implemented.

2.4 Comparative Overview with IPC Framework

Under the IPC, no statutory provision existed for “community service”. However, in Separated cases,courts used creative sentencing approaches based on “Article 142”of the Constitution of India or mutual compromise under **Section 320 CrPC, 1973**. In **State v. M.H. George** “the Delhi High Court directed an offender to clean a hospital ward for 10 days”. In **Rekha Sharma v. State** “community service was allowed as part of a plea bargain”.These precedents were ad hoc and lacked legal backing. The BNS cures this legal vacuum by giving clear legislative recognition to community service.

2.5 Constitutional Validity and Judicial Review

The implementation of community service is constitutionally compliant,as it promotes:

- **Article 21-** Fundamental right to live with freedom and dignity (non-custodial reform)
- **Article 14 -** Equality before law (applicability to only petty offences)
- **Article 39A-**Equal justice and free legal aid (less financial burden on the accused)

2.6 Legal and Policy Gaps

Despite its progressive intent, the BNS provision on “community service” faces challenges:

- Lack of definitional clarity regarding service types
- Absence of a national sentencing policy for consistency
- No provision for non-compliance or evasion penalties
- Ambiguity in recording and recognizing completion of service

The Law Commission or Ministry of Law and Justice may need to issue model rules to bring clarity and uniformity.

3. Judicial Trends and Case Studies

The Absorption of “community service” as a formal punishment in the Bharatiya Nyaya Sanhita, is not merely a legislative innovation but the culmination of a long-standing judicial discourse on reformative sentencing in India. Over the years, Indian courts have explored non-custodial sentencing for minor offences by invoking creative judicial discretion often aligning with the constitutional mandate of “Article 21” and the principle of proportionality in sentencing.

3.1 Pre-BNS Judicial Practices: Innovation in Absence of Statutory Basis

Before BNS 2023, community service was not statutorily recognized, yet several courts used it as a condition for quashing criminal cases, especially under “Section 482 CrPC, 1973” or during plea bargaining and settlement of compoundable offences. **Gian Singh v. State of Punjab** The Supreme Court upheld the power of the High Court to quash criminal proceedings in non-heinous cases involving personal disputes, emphasizing restitution and reconciliation over punishment.” Though not explicitly endorsing community service, this judgment laid the foundation for alternative sentencing where public interest outweighed penal consequences. **Satender Kumar Antil v. CBI** “The Supreme Court emphasized non-arrest and non-incarceration in petty and economic offences, stressing the need to adopt progressive bail and sentencing practices, indirectly encouraging alternatives like community service.”

3.2 High Court Directions for Community Service (Case Studies)

State v. M.H. George, 2012 “The accused, found guilty of public nuisance, was directed to perform 10 days of cleaning work in a hospital. The court cited principles of social accountability and reformative justice. **Court on its Own Motion v. Union of India**, “In a suo motu case involving environmental damage, the court ordered offenders to plant 100 trees and maintain them for a year. This was regarded as a form of community-based restorative justice, despite the absence of legal backing for such orders. **Rekha Sharma v. State, 2017 (Delhi High Court)** “The court quashed an FIR for slapping a government official on condition that the petitioner volunteer at a municipal hospital for 15 days.”

These cases demonstrate the judiciary's evolving inclination toward non-custodial remedies, especially where:

- The offence is non-serious and non-violent
- The offender is a first-time or minor accused
- The victim or public does not oppose reformative disposition

3.3 Post-BNS Cases: Operationalizing Section 4(f)

After the BNS came into effect on 1st July 2024, trial courts began formally awarding community service sentences under Section 4(f). **State v. Ravi Kumar, 2025 (Jammu District Court)** “The Conviction was secured against the accused under Section 303(2) BNS (petty theft) and sentenced to clean a local park and assist sanitation staff for 30 hours. The court also directed the local SHO

to supervise compliance”. **State v. Ashraf Ali, 2025 (Delhi District Court)** “A youth convicted under Section 355 BNS (public misconduct under intoxication) was directed to work as an attendant in a community health centre for 10 days under the Delhi Government’s notified community service program.”

These decisions showcase the judicial acceptance Regarding community service as a functional sentencing tool, signaling a shift in trial court sentencing practices post-BNS.

3.4 Role of Judicial Discretion and Sentencing Balance

While community service is a progressive tool, Indian courts have exercised caution to prevent misuse. “**In the State of H.P. v. Nirmala Devi**”the Supreme Court observed “that leniency in sentencing should not come at the cost of societal deterrence, especially in repeat or serious offences”. Thus, community service is not seen as a replacement for punitive justice, but as a complementary sentencing mechanism under reformatory jurisprudence.

3.5 Challenges Identified in Judicial Practice

1. **Lack of Guidelines:** Courts sometimes differ in deciding hours, type of service, or supervision mechanisms.
2. **No Tracking System:** In absence of monitoring protocols, verifying compliance becomes difficult.
3. **Victim Perception:** Some victims may feel that community service does not adequately penalize the offender.

The courts have emphasizedThe necessity of legislative or executive clarification to fill these implementation gaps.

4. Community Service and Reformatory Justice- Theoretical Foundations

The introduction of community service under Section 4(f) of the Bharatiya Nyaya Sanhita, represents a distinct move away from the colonial logic of deterrence and retribution toward reformatory and restorative justice. This chapter traces the philosophical and jurisprudential underpinnings of community service and situates it within broader frameworks of penology, constitutional morality, and international norms.

4.1 Concept of Reformatory Justice: From Retribution to Rehabilitation

Theories of punishment in classical and modern criminology include retributive, deterrent, preventive, and reformatory models. Among these, reformatory justice focuses on changing the character and behaviour of the offender through rehabilitation and reintegration. Unlike retribution, which is backward-looking and punitive, reformatory justice is forward-looking, seeking to reduce recidivism and enable the offender to become a law-abiding member of society.

The Supreme Court in **Mohd. Giasuddin v. State of Andhra Pradesh**, observed, “Reformation should be the dominant objective of punishment, particularly in the case of young offenders or those involved in non-violent crimes”. Community service fits squarely into this reformative framework as it offers an opportunity for reflection, responsibility, and restitution without the stigma and social consequences of incarceration.

4.2 Community Service and Restorative Justice Principles

Restorative justice emphasizes repairing the harm caused by criminal behaviour through inclusive processes that involve the victim, the offender, and the community. “According to Howard Zehr” restorative justice focuses on The requirements of the victim, accountability of the offender, and the role of the community in healing and reintegration. Community service reflects these principles by:

- Allowing offenders to "give back" to the community
- Reducing the alienation caused by punitive confinement
- Promoting dialogue and reconciliation, in some cases

Globally, the “UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules, 1990)” endorse community service as a preferred sanction in appropriate cases. “Rule 8.1” states, Non-custodial measures should be used in accordance with the nature and gravity of the offence and the personal circumstances of the offender. India’s recognition of community service under BNS is aligned with these restorative justice ideals, especially for minor and first-time offences.

4.3 Constitutional Morality and Non-Custodial Sentencing

The Indian Constitution, through “Articles 14, 21, and 39A”, mandates a justice system that is equitable, humane, and reformative. Courts have emphasized that punishment should be proportional, fair, and socially constructive. In “**Bachan Singh v. State of Punjab**” the Supreme Court held, “Punishment should not be cruel, excessive, or degrading. It must be in accordance with the dignity of the individual. Community service, as a non-custodial sentence, reflects this constitutional morality. It allows for the fulfillment of justice without compromising personal liberty unnecessarily.”

Additionally, under “Article 39A”, the State is directed to promote equal justice and access to legal remedies. Community service ensures that poor or marginalized offenders are not unfairly subjected to the harsher effects of imprisonment for petty offences.

4.4 Relevance to Indian Context

India’s overcrowded prison system, with an occupancy rate of over 130%, disproportionately houses undertrial and petty offenders. Community service helps address this systemic crisis by offering an alternative sentencing model that:

- Eases the burden on correctional facilities
- Promotes cost-effective justice

- Upholds human dignity

Moreover, in a country with vast social and civic needs (e.g., urban sanitation, public health, environmental upkeep), community service has the potential to generate social utility while correcting behaviour.

5. Comparative Legal Analysis-International Practices and Indian Reforms

The introduction of community service as a sentencing option under the Bharatiya Nyaya Sanhita, 2023 reflects a growing global trend that emphasizes non-custodial, reformatory, and community-based punishment. This chapter provides a comparative legal analysis by examining how other jurisdictions implement community service and how India's legal innovation aligns with or departs from those models.

5.1 United Kingdom: Innovators in Community Sentencing

The United Kingdom has “one of the most structured and long-standing systems of community service”. Under the “Criminal Justice Act 2003”, courts may impose a Community Order, which can include unpaid work, drug rehabilitation, curfews, and supervision.

The National Probation Service supervises these orders, and offenders perform between 40 to 300 hours of unpaid work. The emphasis is on rehabilitation and restorative value offenders engage in tasks like graffiti removal, park maintenance, and aiding charities. Notably, the Sentencing Council for England and Wales recognizes community sentences as suitable alternatives for low and mid-level crimes, often tied to behaviour change programs.

5.2 United States: Variety in Community-Based Sentencing Methods

In the United States, community service is widely used at the discretion of trial courts, especially for:

- Misdemeanours
- First-time non-violent offences
- Juvenile delinquents

American jurisdictions often use alternative sentencing programs where community service is combined with counselling, probation, or diversion schemes. Local agencies or nonprofits typically supervise the work.

However, a key difference lies in the federalism and disparity in execution across states, some have structured models, while others have ad hoc systems.

5.3 South Africa: Harmonization of Constitutional Values and Ubuntu Ethos

South Africa incorporates community service under the “Criminal Procedure Act, 1977” and it is often imposed with the approval of correctional supervision units. The South African approach is

grounded in the constitutional principle of Ubuntu, which emphasizes restoration over retribution. In “S vs Makwanyane” the Constitutional Court held that “punishment must respect the inherent dignity of individuals and prioritize rehabilitation and reintegration. Community service is considered a reflection of these values.”

5.5 Lessons for India

The BNS, 2023 provision for “community service” Section 4(f) is innovative but lacks detailed procedural safeguards and implementation mechanisms. Based on international practices, India can consider:

- Developing a national framework or guideline on community service duration, types of work, and monitoring.
- Establishing probation or community service boards similar to the UK's National Probation Service.
- Integrating the principles of restorative justice and victim involvement, as seen in South Africa and the Philippines.

Additionally, India must ensure fairness and equity that community service is not disproportionately assigned to economically disadvantaged offenders while wealthy offenders escape all forms of visible punishment.

5.6 Regional and Reinforcing institutional frameworks

For successful implementation, Experiences from other nations indicate that India needs:

- Professional training for judicial personnel and probation officers
- Partnership with non-governmental organizations (NGOs), municipalities, and NGOs
- Regular audits and data-driven review of community service outcomes

Such institutional support will ensure that the reformative intent behind Section 4(f) translates into effective practice.

6.Challenges and Implementation in India

While the Bharatiya Nyaya Sanhita, 2023 marks a transformative shift by formally recognizing community service as a punishment under Section 4(f), the real challenge lies in its effective implementation, administration, and supervision. This chapter explores the practical barriers, legal ambiguities, institutional limitations, and socio-cultural constraints that may hinder the realization of community service as a viable alternative to imprisonment in India.

6.1 Legislative Gaps and Ambiguity

One of the core issues is the lack of clarity in the statute. Section 4(f) of BNS refers to community service as a form of punishment Yet it does not clearly specify its scope, duration, or nature of work. The absence of rules, schedules, or enabling provisions for community service creates an interpretative vacuum. There are no, “Guidelines on types of offences eligible, Frameworks for

duration or hours of service, Monitoring or reporting mechanisms”. This legislative silence risks leaving too much discretion in the hands of judges, potentially leading to arbitrary or inconsistent sentencing¹.

6.2 Institutional Capacity and Infrastructure Absence

India currently lacks the institutional mechanisms needed to implement and monitor community service orders effectively:

- No specialized community service boards or supervisory officers
- Limited integration of probation services into criminal sentencing
- Scarcity of coordination with municipal bodies, NGOs, or local authorities

The “Probation of Offenders Act, 1958” focuses primarily on supervision and rehabilitation. However, still, it does not clearly outline structured unpaid community work, unlike systems in the UK or Philippines.

6.3 Judicial Resistance and Sentencing Culture

Despite growing awareness about alternatives to incarceration, the Indian judiciary has historically preferred deterrent punishment over reformatory sentences. Community service requires a shift in judicial mindset, especially among trial court judges, who may:

- Lack awareness or training on non-custodial measures
- Be unsure about mechanisms for follow-up and enforcement
- Consider community service a “lesser” punishment in serious cases

Such reluctance may undermine the use of Section 4(f), despite its inclusion in law

6.4 Social Awareness and Social Shame

A major challenge to successful implementation is societal attitude. “Community service” is often misunderstood as indulgent or symbolic, especially in cases related to corrupt practices, sexually offensive behavior, or violence. It is possible that the public may perceive it as punishment for the privileged. Further, there is stigma attached to manual labour, particularly in cases where individuals from middle or upper class backgrounds are assigned community service as punishment. This could prevent courts from imposing such punishments due to anticipated class backlash.

6.5 Monitoring, Compliance, and Enforcement Challenges

Unlike imprisonment, community service requires:

- Careful matching of offenders to appropriate tasks
- Verification of hours served
- Mechanisms to penalize non-compliance

At present, “India has no central database or reporting system to track offenders sentenced to community service”. In the absence of such mechanisms, non-compliance or fraud becomes a

serious risk. Unless backed by strong supervision, the reformative goal may fail and lead to tokenism.

6.6 Suggestions for Effective Implementation

To ensure community service becomes a meaningful punishment. The Ministry of Home Affairs should frame detailed rules under BNS, Indicating-

- Eligible offences
- Duration and nature of work
- Monitoring mechanisms

Create Community Service Boards at district level (comprising magistrates, probation officers, civil society)

- Encourage judicial training on non-custodial sentencing
- Launch pilot Trial programs in urban areas to Examine viability
- Partner with Municipal Corporations, NGOs, Panchayats for execution
- Build public Understanding Programs to reduce stigma

7. Conclusion and Suggestions

7.1 Conclusion

The introduction of “community service” as a form of punishment under Section 4(f) of the Bharatiya Nyaya Sanhita, 2023 represents a significant Approach shift in India's criminal justice Ideology from retributive and deterrent approaches to a more reformative and restorative model. This corresponds with constitutional values under “Article 21” and global human rights standards Focusing on respect for human rights, offender reformation, and balanced sentencing.

However, the transformation is more Visionary than operational at present. The provision is broad and undefined, lacking concrete rules, implementation frameworks, or institutional support. The risk of arbitrary judicial interpretation, Insufficient supervision, and public distrust remains high unless accompanied by comprehensive policy reforms and structural investment. Still, if executed properly, community service can:

- Reduce the burden on overcrowded prisons
- Promote offender Social inclusion into society
- Serve as a cost-effective, constructive form of justice
- Empower communities and reduce recidivism

As a penal strategy, it offers an opportunity to humanize criminal justice, especially for petty, non-violent, and first-time offenders.

7.2 Suggestions

7.2.1 Enactment of Subordinate Legislation

To operationalize Section 4(f), the Home Ministry should promptly notify detailed procedural rules, including:

- Classification of offences eligible for community service
- Nature, scope, and duration of work
- Offender suitability criteria
- Duties and roles of enforcement agencies (police, probation officers, civic bodies)

Such subordinate legislation must be framed in consultation with judicial bodies, criminologists, and civil society.

7.2.2 Institutional Mechanisms

Creation of a “Community Service Monitoring Authority” (at state and district levels) is necessary. It should include:

- Judicial officers (e.g., CJM or Metropolitan Magistrate)
- Community supervision officers
- Representatives from NGOs/municipal bodies
- Crime analysts and human services professionals

Their responsibilities would include assignment, Supervision, Assessment, and Ensuring conformity with regulations.

7.2.3 Judicial and Police Training

Community service must be introduced as a regular part of:

- Judicial academies training curricula
- Probation and correctional staff orientation
- Police manuals and sentencing guidelines

A sentencing policy framework is required to ensure uniformity and avoid class/gender bias.

7.2.4 Public-Private NGO Collaboration

Community service should not burden the courts alone. Partnership with-

- Municipal bodies (e.g., for sanitation, plantation, maintenance tasks)
- NGOs (especially those working in rural and urban social service sectors)
- Corporate Social Responsibility (CSR) platforms (for skill-based engagement)

Such partnerships will allow flexible and context-sensitive rehabilitation programs.

7.2.5 Awareness and Outreach programs

It is essential to eliminate prejudice “community service” and Raise awareness about its benefits.

Initiatives should include:

- Media campaigns
- School and university programs
- Legal literacy drives through District Legal Services Authorities (DLSA)

This will aid in shifting societal views that associate punishment solely with imprisonment.

7.2.6 Research, Evaluation, and Periodic Review

India must invest in Observed and measured criminological approach study research to study:

- Habitual offending rates among offenders who undergo community service
- Public satisfaction with such sentencing
- Victim-offender dynamics in community based models

This data will enable evidence based reforms and better Strategic choices.

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