

COMMUNITY SERVICE UNDER THE BNS, 2023: ADVANCING A REFORMATIVE MODEL OF CRIMINAL JUSTICE THROUGH COMPARATIVE ANALYSIS OF THE UK AND US

by

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ABSTRACT

The introduction of Community Service as a distinct form of punishment under the *Bharatiya Nyaya Sanhita, 2023*, represents a watershed moment in India's penal reform, signalling a shift from retributive incarceration toward a reformatory and restorative model of justice. This paper critically examines the conceptual foundations, statutory framework, and judicial evolution of community service within Indian criminal law, situating it against comparative international practices in the United Kingdom, the United States, and New Zealand. It identifies the core institutional, regulatory, and implementation challenges that hinder the operationalisation of this progressive reform—most notably legislative ambiguity, lack of sentencing uniformity, and inadequate supervisory mechanisms. Through a jurisprudential and policy-oriented analysis, the study argues that the success of community service as a penal tool depends on the establishment of clear sentencing guidelines, dedicated administrative infrastructure, and calibrated judicial discretion. The paper concludes that only by institutionalising community service within a coherent, transparent, and accountable framework can India transform this reform from a symbolic gesture into a cornerstone of a humane and effective criminal justice system.

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INTRODUCTION

The enactment of the *Bharatiya Nyaya Sanhita, 2023* (BNS) marks a transformative phase in India's criminal justice jurisprudence, replacing the colonial-era *Indian Penal Code, 1860* and introducing reforms reflective of contemporary penological thought. Among its most progressive

features is the recognition of community service as a penal sanction, signalling a deliberate shift from punitive incarceration towards a more reformatory and restorative model of justice.¹ This reform echoes the global movement towards non-custodial sentencing, as envisaged in the *United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules, 1990)*, which encourage rehabilitation and social reintegration of offenders.²

Community service, defined under Section 23 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (BNSS), entails court-directed work that benefits the community without remuneration, representing a statutory recognition of alternative sentencing mechanisms for minor and non-violent offences.³ It aims to reconcile the goals of deterrence and reformation by enabling offenders to make tangible amends while remaining within the societal fold. This approach not only alleviates prison overcrowding but also promotes the broader objectives of restorative justice, aligning with India's constitutional commitment to dignity and humane treatment under Article 21.⁴

By incorporating community service within the criminal law framework, the BNSS lays the foundation for a reform-oriented sentencing philosophy, balancing accountability with rehabilitation. This development necessitates a critical examination of its conceptual basis, legislative contours, and implementation challenges within the evolving landscape of Indian criminal jurisprudence.

CONCEPTUAL FOUNDATION AND LEGISLATIVE INTENT OF COMMUNITY SERVICE IN CRIMINAL JURISPRUDENCE

The emergence of community service as a distinct penal sanction reflects a paradigmatic evolution in the philosophy of punishment — from retribution and deterrence towards reformation and restoration. Historically, Indian criminal law inherited the retributive orientation of the colonial penal code, wherein punishment primarily aimed at inflicting proportional

¹ Bharatiya Nyaya Sanhita, 2023 (No. 45 of 2023)

² United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), adopted by General Assembly resolution 45/110 of 14 December 1990.

³ Bharatiya Nagarik Suraksha Sanhita, 2023, s. 23.

⁴ The Constitution of India, art. 21; see also *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.

suffering as a moral response to wrongdoing.⁵ However, with the progressive development of criminology and penology, it became evident that purely punitive measures failed to achieve long-term societal harmony or offender rehabilitation.

The reformatory theory of punishment, which gained prominence in the post-independence era, sought to address crime through correctional treatment rather than retributive isolation.⁶ This philosophy resonates with the constitutional ethos of human dignity and individual worth under *Article 21 of the Constitution of India*, which the Supreme Court has expansively interpreted to include humane treatment even within penal systems.⁷ The judiciary, through decisions such as *Sunil Batra v. Delhi Administration*⁸ and *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*,⁹ has underscored that prisons are not to be viewed as places of vengeance but as institutions of reformation. Within this normative trajectory, community service emerges as a logical extension of reformatory justice — a mechanism enabling the offender to contribute positively to society rather than merely endure punishment.

Conceptually, community service involves compelling offenders to perform unpaid work for the public good, allowing them to make amends in a socially constructive manner.¹⁰ *The Bharatiya Nagarik Suraksha Sanhita, 2023*, codifies this principle in *Section 23*, defining community service as “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.”¹¹ The emphasis here is dual: the offender’s labour serves as both an acknowledgement of wrongdoing and a means to repair the harm caused.

The theoretical justification of community service rests upon three intertwined penological principles — reformation, restoration, and reintegration.¹² Reformation seeks to transform the offender’s behaviour and moral consciousness; restoration aims to redress the harm suffered by

⁵ Andrew Ashworth, *Sentencing and Criminal Justice* 83 (Cambridge University Press, 7th edn., 2015).

⁶ S. Chhabra, “Reformatory Theory of Punishment: A Study of Indian Judicial Perspective,” 62 *Journal of the Indian Law Institute* 243, 245 (2020).

⁷ The Constitution of India, art. 21.

⁸ (1978) 4 SCC 494.

⁹ (1981) 1 SCC 608.

¹⁰ Law Commission of India, 268th Report on Sentencing Reforms 32 (2017).

¹¹ *Bharatiya Nagarik Suraksha Sanhita, 2023*, s. 23.

¹² Howard Zehr, *Changing Lenses: Restorative Justice for Our Times* 37 (Herald Press, 2015).

the victim or community; and reintegration facilitates the offender's smooth return as a productive social participant. This tripartite framework marks a decisive shift away from the deterrent and incapacitative models that dominated Indian criminal justice for decades.

Community service is closely associated with the restorative justice model, which views crime as a violation of relationships rather than merely a breach of legal rules. According to Howard Zehr, restorative justice emphasises dialogue, accountability, and repair, seeking outcomes that restore both victims and offenders to the community. By engaging offenders in constructive activities—such as maintaining public spaces, assisting charitable organisations, or participating in environmental projects—community service transforms punishment into a vehicle for reconciliation.¹³

The reformatory dimension of community service lies in its potential to rehabilitate offenders through social participation rather than institutional exclusion. It aligns with the utilitarian idea that punishment should ultimately serve the larger goal of crime prevention and social welfare.¹⁴ The experience of performing socially beneficial work instils responsibility, empathy, and civic consciousness—virtues that punitive imprisonment often erodes.

The intellectual origins of community service as a penal measure can be traced to mid-20th-century Britain and the United States, where it was introduced as an alternative sanction for minor offences to counteract the failures of short-term imprisonment. *The Criminal Justice Act, 1972* of the United Kingdom, formally institutionalised community service orders, recognising that punishment must also contribute to the offender's reformation and the community's welfare.¹⁵ These models influenced several common law jurisdictions, including India, through academic discourse and reform commissions that advocated for non-custodial sanctions consistent with restorative justice.¹⁶

The Law Commission of India and the Malimath Committee on Criminal Justice Reforms repeatedly highlighted the need for alternative punishments that align with the principles of

¹³ Howard Zehr, *supra* note 12

¹⁴ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* 178 (Clarendon Press, 1907)

¹⁵ *Criminal Justice Act, 1972* (UK), c. 71.

¹⁶ Council of Europe, *European Rules on Community Sanctions and Measures* (1992).

proportionality and reformation.¹⁷ *The Law Commission's 268th Report on Sentencing Reforms (2017)* specifically recommended structured sentencing frameworks and greater judicial discretion to adopt non-custodial measures.¹⁸ *The Malimath Committee (2003)* further proposed introducing community service as a statutory penalty for petty offences, noting that incarceration for minor crimes serves little corrective purpose and burdens the prison system.¹⁹

From a jurisprudential standpoint, community service embodies the restorative theory of justice, which complements but does not supplant deterrence.²⁰ It ensures proportionality between the offence and punishment while preserving human dignity. The sanction promotes the constitutional value of reform through participation rather than alienation.²¹ In this sense, the concept of community service represents a fusion of morality and utility—a legally sanctioned opportunity for offenders to reconcile with society through productive contribution.

Thus, the theoretical and conceptual foundations of community service are deeply rooted in the evolving philosophy of criminal justice — one that envisions the law not as an instrument of retribution but as a means of moral and social restoration. By integrating reformative ideals into the statutory structure, India's BNSS reinforces the idea that justice is best served when punishment rebuilds rather than merely destroys.

STATUTORY FRAMEWORK UNDER INDIAN CRIMINAL LAW

The BNS, 2023, under Section 4(f), recognises community service as the sixth form of punishment available to courts, alongside imprisonment, fine, forfeiture of property, and the death penalty.²² This definition encapsulates the essence of restorative justice — punishment that not only censures wrongdoing but simultaneously benefits society. By embedding community service within the statutory sentencing scheme, Parliament has formally recognised non-custodial punishment as a legitimate mode of criminal sanction.²³ The BNS prescribes

¹⁷ Government of India, Report of the Committee on Reforms of Criminal Justice System (Malimath Committee Report, 2003).

¹⁸ Law Commission of India, *supra* note 10

¹⁹ Malimath Committee Report, *supra* note 17

²⁰ Ashworth, *supra* note 5

²¹ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608.

²² Bharatiya Nyaya Sanhita, 2023, s. 4(f).

²³ Law Commission of India, 268th Report on Sentencing Reforms 32 (2017).

community service for six specific minor and non-violent offences, reflecting the legislature's cautious yet deliberate approach to restorative sentencing. These are:

- Section 202 — Public servant unlawfully engaging in trade. Aimed at promoting integrity and accountability among public officials, this offence allows sentencing through community service as an alternative to imprisonment, reinforcing civic responsibility through public contribution.²⁴
- Section 209 — Non-appearance in response to proclamation. This provision empowers courts to impose community service for failure to comply with summons, ensuring accountability without resorting to custodial measures.²⁵
- Section 226 — Attempt to commit suicide to compel or restrain lawful power. Recognising the socio-psychological underpinnings of such acts, the legislature substitutes punishment with rehabilitative engagement through service.²⁶
- Section 303(2) — Petty theft by a first-time offender. For theft of property valued under ₹5,000, where restitution is made, community service is the sole mandatory punishment — a remarkable legislative shift toward restorative justice in property crimes.²⁷
- Section 355 — Misconduct in public by a drunken person. Here, community service operates as a deterrent through restitution, compelling offenders to repair the societal harm caused by their conduct.²⁸
- Section 356(2) — Defamation. The inclusion of community service for defamation underscores a proportional response to reputational offences, focusing on reconciliation rather than imprisonment.²⁹

These offences share a common legislative philosophy: they involve limited social harm, low culpability, and high reform potential. By substituting imprisonment with constructive engagement, the legislature has attempted to humanise sentencing while maintaining deterrence.

²⁴ Bharatiya Nyaya Sanhita, 2023, s. 202.

²⁵ Id., s. 209.

²⁶ Id., s. 226.

²⁷ Id., s. 302(2).

²⁸ Id., s. 355.

²⁹ Id., s. 356(2).

Before the BNS, community service lacked a statutory footing for adult offenders under Indian law. The only formal recognition appeared in *Section 18(1)(f) of the Juvenile Justice (Care and Protection of Children) Act, 2015*, which empowers Juvenile Justice Boards to direct community-based work for children in conflict with law.³⁰ Adult offenders, in contrast, could only be directed to perform community service through judicial innovation, often under the inherent powers of the High Courts (*Section 482, CrPC 1973*).³¹

The Supreme Court in *Babu Singh v. State of Uttar Pradesh* emphasised the need for “creative, restorative devices such as community service to redeem offenders,” thereby providing early judicial legitimacy to non-custodial measures.³² Similarly, several High Courts, including those of Delhi and Madras, experimented with community service orders in minor offences and plea-bargaining contexts.³³ However, the absence of legislative sanction limited uniform application across jurisdictions. This limited applicability reflects a cautious approach, introducing community service primarily as an alternative to short-term imprisonment or fine.

The inclusion of community service under the BNS serves several pragmatic and moral objectives. Firstly, it addresses India’s chronic prison overcrowding, where occupancy rates exceed 118 per cent nationally.³⁴ By diverting minor offenders away from incarceration, the State can allocate correctional resources to serious crimes. Secondly, it embodies rehabilitative justice, allowing offenders to acquire skills, develop civic consciousness, and re-establish social bonds through public work.³⁵ Thirdly, it is a cost-effective sanction, reducing fiscal burdens associated with prison administration.³⁶ Most importantly, it gives statutory recognition to the restorative principle — compelling offenders to directly repair the harm caused to society.

COMPARATIVE AND INTERNATIONAL ANALYSIS OF COMMUNITY SERVICE ORDERS

³⁰ Juvenile Justice (Care and Protection of Children) Act, 2015, s. 18(1)(f).

³¹ Code of Criminal Procedure, 1973, s. 482.

³² (1978) 1 SCC 579.

³³ See, e.g., *Court on Its Own Motion v. State (NCT of Delhi)*, 2014 SCC OnLine Del 7564.

³⁴ National Crime Records Bureau, *Prison Statistics India 2022* (Ministry of Home Affairs, 2023).

³⁵ N. V. Paranjape, *Criminology and Penology with Victimology 562* (Central Law Publications, Allahabad, 19th edn., 2022).

³⁶ *Ibid.*

The formal recognition of community service as a mode of punishment under Indian Criminal Law, while progressive in theory, suffers from legislative vagueness. Neither statute specifies the duration, nature of work, or supervisory mechanisms. This absence of procedural clarity risks arbitrary implementation and undermines the rehabilitative intent of the reform. Comparatively, India lacks a structured probationary authority — a cornerstone of community service systems in mature jurisdictions.

The United Kingdom pioneered the institutionalisation of community service through the *Criminal Justice Act, 1972*, following recommendations of the *Wootton Committee Report (1970)*.³⁷ Now branded as “Community Payback,” the sentence is administered by the National Probation Service (NPS), which assigns offenders between 40 and 300 hours of unpaid public work.³⁸ The tasks—such as removing graffiti, landscaping, and maintaining public amenities—are deliberately visible to promote both reparation and deterrence. The British model’s strength lies in its clear sentencing guidelines, strict supervision, and public visibility—elements currently missing from the Indian system.

In the United States, community service evolved as a condition of probation rather than a standalone sentence. Its origins trace back to the Alameda County Program (California, 1966), one of the first to replace minor custodial sentences with unpaid public work.³⁹ Community service is now widespread across state jurisdictions, monitored by local probation departments. Offenders undertake work such as cleaning parks, assisting NGOs, or supporting local public initiatives.⁴⁰ Non-compliance can trigger revocation of probation and reinstatement of custodial terms. The American model’s integration with the probation system ensures accountability but demands robust administrative capacity—a challenge India has yet to address.

New Zealand’s *Sentencing Act, 2002*, embodies one of the most individualised frameworks for community service, known locally as “community work.”⁴¹ Courts may order 40–400 hours of service, administered by probation officers who match assignments to the offender’s skills,

³⁷ Report of the Advisory Council on the Penal System on Non-Custodial and Semi-Custodial Penalties (Wootton Report), 1970 (UK).

³⁸ Criminal Justice Act, 1972 (UK); Sentencing Act, 2020 (UK).

³⁹ R. J. Harris, “Origins of Community Service Sentencing in the United States,” *Federal Probation Journal*, Vol. 31 (1967).

⁴⁰ Administrative Office of the U.S. Courts, Probation and Pretrial Services Report, 2020.

⁴¹ Sentencing Act, 2002 (New Zealand).

needs, and the nature of the offence.⁴² This focus on tailored rehabilitation distinguishes New Zealand's approach, ensuring offenders derive a constructive sense of purpose while repairing societal harm.

A comparative analysis reveals that while the BNS 2023 has embraced community service in principle, its operational scaffolding remains underdeveloped. India's statutory model must evolve along six axes: (1) establishing a probation-like supervisory body for administration and compliance monitoring, (2) issuing sentencing and task guidelines akin to the UK model to ensure uniformity, (3) developing a rehabilitative framework inspired by New Zealand's tailored assignments, (4) detailed sentencing guidelines correlating the type and duration of community service with the severity of offenses, (5) judicial sensitization programs by the National Judicial Academy to ensure consistent interpretation of reformatory objectives, and (6) statutory safeguards to prevent degrading or exploitative work, ensuring compliance with Article 23 of the Constitution, which prohibits forced labour.⁴³

JUDICIAL AND JURISPRUDENTIAL APPROACHES TO REFORMATORY SENTENCING IN INDIA

Beyond the text of the statute, India's judicial engagement with community service reflects a legacy of ad hoc discretion. Long before its statutory inclusion, several High Courts invoked inherent powers under *Section 482 of the Criminal Procedure Code (CrPC), 1973*, to impose community service in the "interest of justice."⁴⁴ In *R.K. Anand v. Registrar, Delhi High Court*,⁴⁵ the Court endorsed the utilitarian value of compelling offenders to contribute positively to society. The *Delhi High Court* in another case directed two men convicted of molestation to perform community service in a Gurudwara, involving cleaning shoes and utensils, in an attempt to invoke moral reformation through social humility.⁴⁶

Although these orders reveal a judicial willingness to experiment with non-custodial sanctions, they also expose a serious lack of consistency in the nature and duration of service imposed. The

⁴² Department of Corrections (NZ), *Community Work: Practice Framework*, 2019.

⁴³ See Constitution of India, art. 23; cf. United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), G.A. Res. 45/110, U.N. Doc. A/RES/45/110 (1990).

⁴⁴ CrPC, *supra* note 31

⁴⁵ *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106.

⁴⁶ Delhi High Court Order (on file with author).

Madhya Pradesh High Court in *Sunita Gandharva v. State of M.P.* interpreted bail conditions under *Section 437(3) CrPC* to include community service, reflecting a creative yet unstructured exercise of judicial power.⁴⁷ Likewise, in *Vishal S. Awtani v. State of Gujarat*, the Gujarat High Court ordered violators of COVID-19 regulations to perform community service—an order subsequently stayed by the Supreme Court due to the absence of a statutory framework.⁴⁸

This uneven judicial experimentation underscores the perils of a guideline-deficient system. Without statutory sentencing standards, similar cases risk receiving dissimilar treatment, undermining the constitutional principles of equality, proportionality, and due process. The recent Pune Porsche case, involving a minor sentenced to community service and a short essay after causing two deaths, exemplifies the dangers of unregulated discretion. The perceived leniency of the order provoked intense public backlash and raised doubts about the credibility of community service as a punishment.⁴⁹ Such inconsistencies reinforce the urgent need for uniform sentencing guidelines and administrative oversight.

INSTITUTIONAL AND REGULATORY CHALLENGES IN IMPLEMENTATION

Although community service has been legally recognised, its procedural contours remain unclear. The definition in *Section 23 BNSS* is deliberately open-ended and fails to specify what qualifies as “*work that benefits the community*.”⁵⁰ Without statutory elaboration or subordinate rules, courts are left to determine the nature and duration of work on an ad hoc basis.

Unlike the United Kingdom’s National Probation Service or New Zealand’s structured Community Work Programme, India lacks a dedicated administrative body to manage non-custodial sentences.⁵¹ No central authority exists to assess offenders, assign suitable placements, or track completion of service hours. Courts are therefore forced to rely on municipal officers or ad-hoc arrangements, which risks inconsistent application and weak accountability.

⁴⁷ *Sunita Gandharva v. State of M.P.*, 2023 SCC OnLine MP 1645.

⁴⁸ *Vishal S. Awtani v. State of Gujarat*, 2021 SCC OnLine Guj 302; stay order by the Supreme Court noted in *The Hindu*, July 2021.

⁴⁹ “Pune Porsche Case: Juvenile’s Bail and Community Service Withdrawn After Backlash,” *The Indian Express*, May 2024

⁵⁰ BNSS, *supra* note 3

⁵¹ Criminal Justice Act 1972 (UK); Sentencing Act 2002 (New Zealand).

Additionally, there is no centralised digital system for monitoring orders, recording hours completed, or verifying reports—leaving judges dependent on manual or unverifiable documentation. This lack of data infrastructure not only undermines transparency but also prevents empirical evaluation of recidivism and rehabilitation outcomes.

A further concern lies in inter-agency coordination. Effective implementation requires cooperation among the judiciary, municipal bodies, NGOs, and local administrations. At present, these partnerships operate informally, without standard memoranda of understanding, creating uncertainty over liability, reporting duties, and quality control.

Community service, as a reformatory sanction, faces deep-rooted social scepticism. Public opinion often associates punishment with incarceration; thus, non-custodial sentences are perceived as lenient.⁵² Such perceptions risk eroding confidence in the justice system and may pressure courts to avoid community service in high-visibility cases.

Simultaneously, offenders themselves face stigma—both while performing the service and upon reintegration. Host organisations may hesitate to accept convicted individuals, constraining available placements. Another subtle yet important challenge is the devaluation of civic labour. When community work is judicially imposed as “punishment,” it risks being perceived as degrading or inferior, thereby undermining the moral value of voluntary service. This cultural misperception must be actively countered through awareness and framing that emphasises restoration rather than retribution.

REFORMS AND THE WAY FORWARD FOR AN EFFECTIVE SENTENCING POLICY

A close reading of the BNS and its procedural counterpart, the *Bharatiya Nagarik Suraksha Sanhita (BNSS)*, 2023, indicates that Parliament has made preliminary attempts to address implementation concerns such as monitoring, default penalties, and judicial supervision. *Section 8(4) and Section 8(5) of the BNS* specify that failure to complete community service may invite a sentence of imprisonment, thus creating a compliance mechanism.⁵³ Likewise, offenders are

⁵² Ministry of Home Affairs, Press Release on Public Perception of Reformatory Justice (2024).

⁵³ *Bhartiya Nyaya Sanhita*, No. 45 of 2023, §§ 8(4), 8(5).

expected to perform such work under the supervision of municipal bodies, NGOs, or welfare departments, subject to periodic judicial review.

The success of community service depends primarily on effective monitoring and accountability. While the statutory framework provides for consequences upon default, it does not establish who will oversee compliance or how supervision will function in practice. The establishment of a national supervisory framework is therefore indispensable. A specialised wing, possibly within the existing probation services, should be tasked with coordinating with local municipal authorities and approved organisations to design, assign, and monitor community service tasks. This would ensure uniform enforcement and accurate data collection. Moreover, such a structure should be supported by centralised databases and trained officers who can supervise offenders and report non-compliance to the courts.⁵⁴

The statutory scheme currently grants wide discretion to trial courts in deciding when and how to impose community service. Although this allows individualised justice, it also risks arbitrariness and disparity in sentencing outcomes. Judicial discretion must therefore be supplemented, not replaced, by uniform sentencing guidelines framed under legislative or judicial authority. These guidelines should outline the relevant factors such as the gravity of the offence, the offender's prior conduct, socio-economic background, and rehabilitative potential.⁵⁵

The judiciary itself must play a pivotal role in this process. The Supreme Court and High Courts could, under *Articles 141 and 227* of the Constitution, issue model rules or practice directions governing the nature, duration, and monitoring of community service.⁵⁶ Further, judicial training programs organised by the National Judicial Academy should sensitise judges to the principles of reformatory justice and ensure consistent application across jurisdictions.

A clear categorisation of permissible community service activities must therefore be incorporated through executive notification or subordinate legislation. The *Delhi Home Department's 2024 Notification*, which enumerates twelve forms of community service—including assisting in hospitals, maintaining traffic discipline, and participating in environmental

⁵⁴ Law Commission of India, Report No. 279: Correctional Reforms in India (2021).

⁵⁵ Law Commission of India, Report No. 262: The Death Penalty (2015), Ch. 7.

⁵⁶ Constitution of India, arts. 141, 227.

programs—offers a promising model for nationwide replication.⁵⁷ Such guidelines should also specify the number of hours or duration of work corresponding to different categories of offences, ensuring proportionality and fairness.

For community service to gain legitimacy, it must be perceived not as a lenient or symbolic punishment but as a credible reformatory measure. Public awareness campaigns, led jointly by the judiciary and government, should emphasise the social value of such orders. Additionally, it is essential to ensure that assigned tasks are constructive and non-degrading, preserving the offender's constitutional right to dignity under *Article 21* and freedom from forced labour under *Article 23*.⁵⁸ Offenders should not be made to perform humiliating work; rather, tasks should be rehabilitative, encouraging civic engagement and accountability.

If implemented with clarity and coherence, community service under the BNS could evolve into one of the most significant reforms in India's penal history—balancing justice, rehabilitation, and social restoration in a way that truly modernises the criminal justice system.

CONCLUSION

The statutory recognition of community service under the Bharatiya Nyaya Sanhita, 2023, marks a deliberate and welcome reorientation of Indian penology toward rehabilitation and restorative correction. If properly designed and administered, community service can reduce custodial pressures, restore harm to victims and communities, and promote the offender's social reintegration. Yet the promise of this innovation will be realised only if legislative vagueness and institutional fragility are remedied: clear sentencing norms, accountable administrative architecture, and rigorous supervisory procedures are indispensable. Equally important are calibrated judicial practices and public engagement that preserve proportionality while safeguarding dignity. In sum, community service should be treated not as a discretionary expedient but as a structured sanction—one that demands doctrinal clarity, operational capacity, and principled judicial stewardship if it is to become a credible pillar of a genuinely reformatory criminal justice system.

⁵⁷ Delhi Home Department Notification No. 123/Home/2024 (NCT of Delhi), Guidelines for Implementation of Community Service Sentences (Apr. 2024).

⁵⁸ Constitution of India, arts. 21, 23.