
IMPACT OF COMMUNITY SERVICE AS A REFORMATIVE PUNISHMENT THROUGH BHARATIYA NYAYA SANHITA, 2023

Aasmi Saxena, SVKM's Jitendra Chauhan College of Law, Mumbai

The best way to find yourself is to lose yourself in the service of others

- Mahatma Gandhi

ABSTRACT

With formal inclusion of Community Service as a legal form of punishment, the Bharatiya Nyaya Sanhita, 2023 represents a drastic transition in respect to the intersection of the criminal justice system in India towards reformative justice from traditionally punitive methods of punishment. This paper investigates the implications and effects of community service as a reformative punishment as prescribed under the BNS 2023, within the context of previous practices in which courts adjudicating criminal matters have ordered community service, despite the lack of legal authority to do so. Through doctrinal and analytical research methodologies, this study undertakes a review of applicable legislation regarding community service; an evaluation of case law concerning community service and a comparative study of community service as a sentencing option to assess the goals, parameters and effectiveness of community service as a sanction. The paper further evaluates the utility of community service in terms of reducing imprisonment; facilitating the rehabilitation of offenders; and enhancing social accountability and further identifies operational and administrative barriers to implementation of community service. The paper concludes by observing that the formal statutory recognition of community service as a punishment in accordance with the Bharatiya Nyaya Sanhita, 2023 is consistent with contemporary principles of penology as a progressive reform in Indian criminal law if therefore there exist guidelines to support; institutional capacity to administer; and effective mechanism to monitor the community service penalty.

INTRODUCTION

With the amendment of the criminal laws in India, an impactful shift was made through the Indian Penal Code 1860 to Bharatiya Nyaya Sanhita 2023. The impact was not just created by criminalisation of petty offences, but also by introducing a Reformatory Punishment for those petty offences. The advent of 'Community Service' to the newly amended criminal laws emphasizes on the reformatory approach of the offender, based on the principle of 'abhor the crime and not the criminal'.¹

Considering the five famous theories of punishment, the 'Reformatory Theory' finds a place in the Indian Judiciary system even before the advent of the amended criminal laws through an observation made by Justice Krishna Iyer where, The Honourable Supreme Court in *Mohammad Giasuddin vs State of Andhra Pradesh* (1977) 3 SCC 287 has observed as under: It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturation. Therefore, the focus of interest in penology is the individual, and the goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defence. We, therefore, consider a therapeutic, rather than an in terrorem outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind.² Community Service is the practice where the offender is made to reconnect with humanity through serving the society. This service enriches the values of self-realisation, building blocks of awareness, responsibility and humanity towards their surroundings. The United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) encourages community service as an alternative option in sentencing and hence makes an offender contribute to society without going to prison. It calls for rehabilitation and social reintegration to ensure offenders take responsibility for action without such confinement.³

¹ <https://nualslawjournal.com/2024/12/07/assessing-community-service-implementation-as-punishment-inindia-is-it-truly/#:~:text=Incorporating%20community%20service%20in%20the,the%20welfare%20of%20the%20commu nity.>

² https://delhihighcourt.nic.in/app/showFileJudgment/68905122025CRLA4282004_164029.txt

³ <https://www.ojp.gov/pdffiles1/Digitization/147416NCJRS.pdf>

RESEARCH QUESTIONS

1. What is the society's perception of offenders performing community service? Does this form of punishment help in repairing the harm caused to the society?
2. What are the practical and legal challenges in implementing community service in India under the BNS, given the lack of clear guidelines for its monitoring and enforcement?
3. What should be the permissible quantum and nature of imprisonment for a convict who defaults on performing community service?

RESEARCH OBJECTIVES

1. To analyse the judicial evolution of community service as a form of punishment in India prior to its statutory incorporation, with reference to landmark Supreme Court and High Court decisions.
2. To evaluate the effectiveness of community service as a reformatory and restorative punishment in addressing minor and non-violent offences, particularly in terms of offender rehabilitation and social reintegration.
3. To identify the legal, administrative, and practical challenges in the implementation, supervision, and enforcement of community service orders under the Bharatiya Nyaya Sanhita, 2023.
4. To assess the role of community service as an alternative penal response in sensitive contexts such as attempted suicide and juvenile justice, in light of constitutional values, mental health jurisprudence, and international standards.

History of Community Service in India

The idea of incorporating community service into India's penal policy predates its statutory introduction. The Indian Penal Code (Amendment) Bill, 1978 proposed inserting Section 74A to formally recognise community service as an alternative punishment. Although passed by the Rajya Sabha, it lapsed upon dissolution of the Lok Sabha in 1979.

Subsequently, the Law Commission of India, in its 156th Report, revisited the idea of

introducing community service as an alternative punitive measure. While recognising its potential to promote reformatory justice, the Commission expressed reservations about its practical implementation, particularly with respect to the need for continuous monitoring and administrative supervision of offenders undergoing such service.⁴

Existence of Community Service Through The Juvenile Justice Act -

Community Service existed through the court's discretion but found a statutory recognition after the Delhi Gang Rape case in The Juvenile Justice (Care and Protection of Children) Act, 2015. Therefore, prior to the amendment of the Criminal Laws (Bharatiya Nyaya Sanhita, 2023), the only statutory provision explicitly recognising Community Service in India was Section 18(1)(c) of The Juvenile Justice (Care and Protection of Children) Act, 2015 that states, "order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board."⁵

Community Service under Bharatiya Nyaya Sanhita

Under **Section 4(f)** of the BNS, "Community Service" is recognized as a distinct form of punishment alongside death, imprisonment for life, imprisonment- rigorous or simple, Forfeiture of property and fine. It is imposable in respect of six specified offences –

1. Section 202 BNS: Public servant unlawfully engaging in trade;
2. Section 209 BNS: Non-appearance in court in response to a proclamation under Section 84 of BNSS;
3. Section 226 BNS: Attempt to commit suicide to compel or restrain exercise of lawful power;
4. Section 303(2) BNS: Theft where the value of the stolen property is less than Rs.5000 and a person is convicted for the first time and returns or restores the value of property;

⁴ <https://www.livelaw.in/articles/reformatory-dimension-of-community-service-bharatiya-nyaya-sanhita-analysis-516964>

⁵ https://www.indiacode.nic.in/show-data?actid=AC_CEN_13_14_000010_201602_1517807328168§ionId=12738§ionno=18&orderno=18

5. Section 355 BNS: Misconduct in public by a drunken person;
6. Section 356(2) BNS: Defamation.

It is pertinent that community service is an alternative punishment for offences under Sections 202, 209, 226, 355, and 356(2) of the BNS, as indicated by the conjunction “or” in these provisions. Interestingly, under Section 303(2) of the BNS, community service is not just an alternative punishment for theft; it is the sole mandatory punishment that the court must impose for this specific offense.⁶

Moreover, courts have given community service as a punishment under Section 482 of The Code of Criminal Procedure, 1973 (“CrPC”), which gives the High Courts inherent powers to secure the ends of justice.⁷

Pre-BNS Practice of Awarding Community Service

Before the statutory recognition of Community Service as a reformatory punishment under the newly amended criminal laws, Bharatiya Nyaya Sanhita 2023, it was awarded as a punishment through the court’s discretion. Some of the following precedents established the same in the Supreme Court and various High Courts -

Supreme Court’s Judgments on Community Service Pre-BNS -

In the Infamous Drunken BMW Driving - Sanjeev Nanda Case, Criminal Appeal No. 1168 of 2012, decided on 03.08.2012, titled as State Vs. Sanjeev Nanda, seven people were hit by a black BMW car in Delhi on Jan 10, 1999. The initial testimonies and a 30-minute film recorded next morning led the police to conclude that the hit-and-run was caused by three young drunk men. These three people were Siddhanth Gupta, Manik Kapoor and the alleged driver Sanjeev Nanda, who is the grandson of former Navy Chief Admiral S.M. Nanda and son of arms dealer Suresh Nanda. While Nanda and several related parties were initially acquitted and released in a trial in 1999, Nanda was later found guilty in 2008 and sentenced to two years in prison, which was reduced to time served, a large fine, and two years of community service by the Indian Supreme Court in 2012.⁸ It was held, “ (2) The Accused would do Community Service for

⁶ https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf

⁷ <https://nliulawreview.nliu.ac.in/blog/community-service-under-the-bns-progress-pitfalls-and-potential/>

⁸ <https://abhasingh.in/sanjeev-nanda-hit-and-run-case/>

two years which will be arranged by the Ministry of Social

Justice and Empowerment within two months.”⁹

In *Narotam Singh v. State of Punjab* (1978 AIR 1542), the Supreme Court established that the primary aim of criminal law should be a "Reformative approach to punishment," ensuring offender rehabilitation without compromising community conscience and thereby securing social justice. Furthermore, in *Babu Singh v. State of Uttar Pradesh* (1978) the court emphasized that justice must prioritize restorative measures—such as community service and personal development—with the goal being reform rather than mere punitive action.¹⁰

The Supreme Court in *Solemen SK v. State of West Bengal* [SLP (Crl.) No. 709/2019, order dated 12.07.2019] ordered the release of a convict who was later found to have been a juvenile at the time of the offence. Instead of referring the matter to the Juvenile Justice Board, the Court directed him to plant 100 trees within one year as a form of community service.

Various High Courts Judgment on Community Service Pre-BNS -

In *Vishal Awtani v. State of Gujarat* [W.P. (Crl.) 116/2022] the Gujarat High Court directed the State Government to frame a policy mandating that all individuals caught without wearing masks during the COVID-19 pandemic perform compulsory community service at designated COVID-19 care centres.

Similarly, in *Mohd. Umair @ Umer v. State (Govt. of NCT of Delhi) & Anr.* [Crl. M.C. 674/2021, decided on 21.03.2021], the Delhi High Court directed a 21-year-old accused to perform one month of community service at Gurudwara Bangla Sahib while quashing the FIR on the ground that the parties had amicably settled the dispute.

In *Manoj Kumar v. State (Govt. of NCT of Delhi) & Anr.* [W.P. (Crl.) 116/2022] the Delhi High Court directed an accused, who had forcefully kissed a woman and thereby outraged her modesty, to undertake community service at Lok Nayak Jai Prakash Narayan Hospital every Saturday and Sunday.

⁹ <https://api.sci.gov.in/jonew/judis/39459.pdf>

¹⁰ <https://www.livelaw.in/articles/reformative-dimension-of-community-service-bharatiya-nyaya-sanhita-analysis-516964>

Likewise, in *Narendra Upadhyay v. Narendra Singh & Ors.* [Misc. Criminal Case No. 43706 of 2023], the Madhya Pradesh High Court, while restoring a criminal case filed in 2013, directed the defaulting lawyer to perform one hour of community service at a Mercy Home, observing that litigants should not be made to suffer for their counsel's lapses.

In *Dr. Ekta Singh* [Criminal Contempt Petition No. 8 of 2023; 2023 LiveLaw (Kar) 378], the Karnataka High Court dropped contempt proceedings against a doctor who tendered an unconditional apology and volunteered to engage in community service for one day every month at a government hospital in Bengaluru.

Similarly, in *SB v. State of Madhya Pradesh* [Misc. Criminal Case No. 48759 of 2023; 2024 LiveLaw (MP) 29], the Madhya Pradesh High Court compounded a case of ragging after the senior student expressed remorse for his conduct, directing him to perform seven days of community service in the university library.

Pune Porsche Case -

In a recent case reported in the media in Pune, popularly known as Pune Porsche Case, a minor driving a Porsche car caused a fatal accident resulting in two deaths. The Juvenile Justice Board initially sentenced him to 15 days of community service, requiring him to assist the traffic police and write an essay on road accidents. The decision invited widespread public criticism for being unduly lenient, and the Board subsequently revoked his bail order.¹¹

Does Community Service act as a Support Mechanism for Attempt to Suicide cases?

Criminalising attempted suicide contributes to a culture that places blame on individuals who contemplate suicide, discouraging them from seeking professional help. Another worrying consequence is that it deters individuals from reporting such incidents due to the fear of social stigma and legal repercussions. This, in turn, prevents accurate collection of data that is essential for developing suicide prevention strategies.

Subjecting an individual with suicidal tendencies to potential imprisonment or fines only results in further deterioration of their mental health crisis. The previous criminal laws (Indian Penal Code) reflected a colonial mindset but with changing societal conditions, the

¹¹ <https://www.livelaw.in/articles/reformative-dimension-of-community-service-bharatiya-nyaya-sanhita-analysis-516964>

jurisprudence is inclined towards changing of laws in accordance to the change in society. The law allowing the victim of a mental tragedy to reconnect with life through ‘community service’ will only result in the betterment of the conditions of the individual.

In this context, the explicit decriminalisation of attempted suicide by the BNS is a welcome step towards destigmatisation of suicides and attempted suicides. The new act removes section 309 of the IPC entirely. This means attempted suicide will no longer be a criminal offence. However, attempted suicide as a means of preventing a public servant from carrying out their duty is still a punishable offence.

Section 224: Whoever attempts to commit suicide with the intent to compel or restrain any public servant from discharging his official duty shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both or with community service.

A notable point is that in this section of the BNS, community service is provided as an alternative punitive option, a less severe form of punishment than imprisonment or fines.¹²

Past attempt to reduce severe punishment for Attempt to Suicide

In an old case of Sharanya v. State of Kerala [CRL.A NO. 1374 OF 2018], the Kerala High Court has held that the Mental Healthcare (MH) Act, 2017, overrides the Indian Penal Code (IPC) and bars the prosecution of individuals for offences committed during the same transaction as a suicide attempt unless it is proven that the person was not under severe stress. Referencing the Apex Court’s ruling in Common Cause v. Union of India & Anr (2018), the court noted: “a person who attempts to commit suicide is suffering severe stress (unless the contrary is proved) and he shall not be tried and punished under the Penal Code.” It further reinforced that individuals under severe stress deserve treatment and rehabilitation rather than punishment. Furthermore, the appellant invoked Section 115 of the Mental Healthcare Act, 2017, which provides protection to individuals under severe stress from prosecution, including for offences committed during a suicide attempt. The court also highlighted Section 120 of the MH Act, which ensures the Act’s provisions override any conflicting statutory provisions. Ultimately, the court found that the MH Act came into force on July 7, 2018, during the pendency of the trial. In light of these findings, it held that the Trial Court should have ceased the proceedings under Section 115. Accordingly, the court declared all proceedings against the

¹² <https://cmhlp.org/imho/blog/decriminalising-attempted-suicide-in-india-the-new-penal-code/>

appellant as illegal, and set aside her conviction and sentence.¹³

Obstacles in Implementation of Community Service

As community service initiatives grew, they encountered obstacles in putting them into action, overseeing them, and making sure the efforts made were significant and advantageous to the community. Over the years, these initiatives have been adjusted by setting explicit rules, providing education for judges and probation officers, and forming collaborations with local groups. Reviews of community service initiatives across different nations have typically shown their success in lowering the rate of repeat offenses and aiding in the rehabilitation of offenders, while also proving to be a more economical option than imprisonment for specific crimes.

India has pioneered the idea of community service as retribution in the Indian legal system by incorporating it into the *Bhartiya Nyaya Sanhita* (BNS). This issue of the Law Commission of India, though breaking conventions all around, is just another example of that point. It highlights the shift from traditional measures to new methods with rehabilitation applications that affect social change. Rehabilitation itself for any penal act must take into account India's social backwardness. This raises the question of how issues can be implemented quickly and efficiently. If there are corrections available to perpetrators who have committed crimes, through community service, suitable monitoring systems and methods for the coordination of different programs, then this attempt at re-education may well succeed. These efforts have ushered in a new era of legal social education and social work that promises a more efficient form of rehabilitation for criminals.

How are stakeholders trained?

Implementation of community service orders is a multi-tiered approach. The judiciary works cooperatively with local administrative bodies and non-governmental organizations (NGOs) to generate service opportunities appropriate at each location. When the partnership acts as both personal assistant and policeman. Community service is both productive and efficiently inspected. A probation officer critically monitors the enforcement process, ensuring that community service achieves the rehabilitative and reparative purposes it seeks. By asking offenders to choose their own work, and lining up jobs just for them off-line? Subsequent

¹³ <https://lawbeat.in/news-updates/even-20-years-of-litigation-cant-dilute-sarfaesi-discipline-says-kerala-hc1561536>

progress reports and periodic reviews judge the effectiveness of community service. This enables the justice system to decide in light of factual information whether an offender's period should be extended, changed or ended entirely. One effective strategy is to highlight the positive outcomes of community service through case studies and success stories. This can help build public trust and confidence in the system, demonstrating that community service can be an effective and humane alternative to incarceration.

Education Campaigns and Engagement -

Public education campaigns can also play a key role in increasing awareness and acceptance. These campaigns can be conducted through various channels, including social media, television, radio, and community events, to reach a broad audience and promote the benefits of community service. Community involvement and engagement are also essential. Encouraging community members to participate in and support community service programs can help build a sense of collective responsibility and foster a positive attitude toward rehabilitating and reintegrating offenders.

How should Community Service impact the convicted persons?

Community service programs should be tailored to effectively tackle the root causes of criminal behavior, particularly among disadvantaged populations. This involves integrating educational and vocational training into community service initiatives, equipping offenders with the essential skills and opportunities required to carve out a better future. These programs should also actively address the social and economic factors that contribute to criminal behavior, including poverty, lack of education, and unemployment. By addressing these underlying issues, community service can significantly contribute to breaking the cycle of crime and fostering enduring positive change. For the successful introduction of community service as a sentencing option for non-violent offenders in India, the legal system needs to undergo substantial reforms. These reforms should ensure a fair and streamlined process, establish clear criteria for appropriate community service, and put in place effective monitoring and enforcement mechanisms. Furthermore, the reforms should prioritize the rehabilitation and reintegration of offenders over punitive measures.¹⁴

¹⁴ <https://thelawwaywithlawyers.com/concept-of-community-service-as-punishment-under-bns-2023-aboon-or-bane/>

Minor Offenders -

In India minor offenders sometimes must perform community service as a penalty, according to the Bhartiya Nyaya Sanhita (BNS). BNS is not made to spell out every possible infraction giving rise to community service. But they do indicate the kinds of minor crimes that might beat this fate and set forth examples of ways in which someone might find himself or herself consigned for some time in an unknown village where there is no one to speak with but cows, buffaloes, and sheep at the edge of one 'borderline' ocean below all navigable oceans.¹⁵

Does Community Service help in reducing Prison Overcrowding?

As per the statistics published by the National Crime Record Bureau, as on 31.12.2022, there were 573220 prisoners in various prisons of the country against its total authorized capacity of 436266 prisoners. Out of this, the number of undertrial prisoners was 434302 which constitute 75.8% of the total prison population. The prisons in India are overcrowded to the extent of 131.4%. Overcrowding has adverse effects on basic needs of prisoners, such as healthcare, food, and accommodation. The basic rights of prisoners, including the right to have adequate standards of living and the right to the highest attainable standards of physical and mental health are affected by overcrowding.¹⁶

As per reports¹⁷, the education profile of the convicts in India was found below class X (42.02%), above class X but below graduation (21.84%), graduate (6.41%), and illiterate (26.81%). This means that a significant percentage of the convict population is below class X in terms of education. For young people with potential, imprisonment can be very detrimental to future career prospects. In contrast, community service is a more cost-effective and constructive alternative.¹⁸ In conclusion, the introduction of community service is a critical strategic necessity to alleviate the profound crisis of systemic overcrowding in Indian prisons. Traditional punitive systems that focus solely on incarceration often overlook the root causes of minor criminal behaviour, exacerbate the cycle of re-offending, and contribute to the immense strain on correctional resources. Community service offers a path to systemic relief

¹⁵ <https://www.ijllr.com/post/community-service-as-a-form-of-punishment-under-the-new-criminal-laws>

¹⁶ <https://bprd.nic.in/uploads/pdf/202401261018569615566Overcrowding23.01.2024.pdf>

¹⁷ <https://ruralindiaonline.org/or/library/resource/prison-statistics-india---2020/>

¹⁸ <https://nliulawreview.nliu.ac.in/blog/community-service-under-the-bns-progress-pitfalls-andpotential/>

by diverting minor, non-violent offenders away from congested jails.¹⁹

Community Service under BNSS

While the BNS provides the statutory authority for community service, the procedural framework, which dictates how the sentence is implemented, monitored, and completed, resides within the Bharatiya Nagarik Suraksha Sanhita (BNSS). The definition of "Community Service" is located in the Explanation to BNSS Section 23. A first-order finding of this doctrinal critique is the critical vagueness of this procedural lacuna. The BNSS explanation fails to specify essential operational details necessary for judicial consistency and administrative execution. These missing elements include: clear guidelines on the minimum and maximum hours to be served, the specific schedule for completion, acceptable types of work that qualify as constructive societal benefit, and, most crucially, a transparent mechanism for monitoring compliance and certifying successful completion. This legislative incompleteness carries immediate consequences for the criminal justice system. By introducing a new sentencing category without adequate procedural scaffolding, the legislature has effectively delegated the complex task of creating comprehensive operational rules back to the judiciary and disparate state authorities. The inherent vacuum guarantees non-uniform application across various benches and jurisdictions. When vague statutory definitions interact with necessary judicial discretion in sentencing, the outcome is guaranteed inconsistency. This lack of uniformity directly undermines the foundational constitutional mandate for "even-handed and non-discriminatory" justice, eroding the legitimacy and social trust in institutionalized punishment. The BNSS's procedural vagueness is thus an accelerant for judicial disparity.²⁰

Suggestions and Conclusion

The analysis of community service as an alternative form of punishment (reformatory) under the Bharatiya Nyaya Sanhita, 2023 illustrates that India's sentencing philosophy has undergone transformative change from traditional retributive approaches (seeking to punish wrongdoers through harsh penalties) towards innovative reformatory and restorative methods (seeking to rehabilitate offenders and reintegrate them into society). The statute provides for recognition of prior judicial experiments in this area (which have existed informally) and brings criminal

¹⁹ <https://www.lawjournals.org/as/2025/vol11issue2/11278.pdf>

²⁰ <https://www.lawjournals.org/assets/archives/2025/vol11issue2/11278.pdf>

law into line with contemporary theories of punishment (penology), which emphasize rehabilitation, social reintegration and proportionality in the imposition of sentence. Although the goals of the law are progressive, the effectiveness of community service will depend on the clarity of the language of the statute, the manner in which the law is implemented, and the institutional support that will be provided to implement community service. This necessitates implementation reforms that are both pragmatic and balanced in order for community service to accomplish the stated goals.

1. Requirement for Statutory Guidelines of Submission of Community Service

The first recommendation of this study is the necessity of having statutory guidelines prepared for the imposition of community service as a punishment. Although community service is recognized as a punishment under the Bharat Nyaya Sanhita (BNS), 2023, it does not provide the criteria regarding the nature, duration and conditions under which community service can be imposed for different categories of offences. Having appropriately drafted legislative/subordinate legislation/guidelines will assist judges with their discretion when sentencing by providing clarity on how to exercise discretion consistently; preventing any inconsistency in terms of how sentences are imposed for offences that would be subject to community service.

2. Structured Judicial Discretion and Criteria for Sentencing

This research recommends that the award of community service should be subject to certain clear criteria and that judicial discretion exercised in awarding community service should be structured accordingly. This includes taking into account all the relevant factors including the seriousness of the offence (nature of the conduct resulting in harm), degree of harm suffered by the victim, the character/history of the offender, whether the offender had a prior criminal record, and the offender's ability to be rehabilitated. By having structured judicial discretion exercised when imposing community service sentences, community service remains a sanction which is both a proportionate and meaningful sanction (particularly for first-time and/or minor offenders) versus being a mere form of symbolic punishment and/or significantly lenient punishment.

3. Institutional Mechanisms for Supervision and Enforcement

For community service to succeed, there must be strong institutional mechanisms for the supervision, monitoring and enforcement of this penalty. This study shows that designated authorities (i.e. probation officers, tribal governments or correctional services) are needed to ensure compliance with this penalty, keep appropriate records, and provide reports of non-compliance to the courts. If a system of effective enforcement does not exist, then once again, the credibility of community service will suffer in the criminal justice system due to the likelihood that such penalties will not be enforced.

4. Integration with Reformative and Restorative Justice Principles

Community service must have a meaningful connection to both reformative and restorative justice principles. Wherever possible, the nature of community service should be aligned with the offence committed. This will promote accountability and social responsibility in the offender. By implementing the principles of MSA, the offender will be able to understand the effects of their behaviour in the community and foster rehabilitation instead of punishment. This will benefit both the offender as well as the community.

5. Increasing Awareness and Capacity

The study has also shown the need for increased awareness and capacity-building initiatives with regard to both judicial personnel, enforcement officials, and members of the general public if there is to be a change in the way these various stakeholders understand the underlying philosophy and implementation of community service. Increasing awareness through sensitization programs and training can create an environment in which people no longer think of community service as being of little value or as an inferior form of punishment, but rather as a positive and valuable way to reduce crime.

To conclude, the statutory recognition of community service introduces a new development into the Indian Criminal Justice System under the *Bharatiya Nyaya Sanhita, 2023*, and reinforces the transition to reformative justice. Community service

is intended to work alongside, rather than in place of, traditional forms of punishment. By providing rehabilitative and socially responsible approaches to sentencing, and decreasing reliance on incarceration, community service will provide Indian Judges with a valuable tool to use effectively as part of a comprehensive sentencing option. The research shows community service can be successful as a reformatory punishment in India's evolving Criminal Justice System by providing judicial statutes with clearly defined guidelines, ensuring effective and adequate institutional resources are available, and having consistency amongst Judicial systems throughout India. With these three requirements met, Community Service can contribute to a meaningful, equitable, and impactful form of reformatory punishment within India's Criminal Justice System.