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A Comparative Study of Sentencing Reforms under the Bharatiya Nyaya Sanhita, 2023 and the Indian Penal Code, 1860: The Introduction of Community Service

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ABSTRACT

Community service is a non-custodial sentencing measure through which a convicted person performs unpaid work that benefits the community. The Bharatiya Nyaya Sanhita, 2023 marks an important change in Indian substantive criminal law by expressly recognising community service as a form of punishment under section 4(f). The Bharatiya Nagarik Suraksha Sanhita, 2023 further defines community service in the Explanation to section 23 as work ordered by a court as punishment that benefits the community and for which the convict receives no remuneration. This study distinguishes the statutory position under the repealed Indian Penal Code, 1860, the present framework of the Sanhitas, and the established models of England and Wales, the United States and South Africa. The Indian Penal Code did not include community service in its general list of punishments under section 53. The Bharatiya Nyaya Sanhita, by contrast, creates an express statutory category and identifies specific offences for which community service may be imposed. The study examines the statutory framework, relevant Indian judicial developments, comparative case law, implementation problems, proportionality, supervision, default and safeguards. The comparative analysis shows that India has taken the first legislative step but has adopted a narrower offence-specific model than the more structured community-order systems found in England and Wales and the probation-based federal model in the United States. South Africa provides a particularly useful comparison because it combines correctional supervision, community corrections, defined hours, and placement and supervision mechanisms. The study concludes that India requires uniform rules on assessment, hours, placement, supervision, compliance, default and judicial reasons if community service is to become a consistent reformatory sentencing measure.

Keywords: *Bharatiya Nyaya Sanhita 2023, Indian Penal Code 1860, Community Service, Non-Custodial Sentencing, Reformatory Justice, Restorative Justice, Comparative Criminal Law, Sentencing Reform*

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I. INTRODUCTION

Sentencing determines the legal consequences that follow a finding of guilt. Traditional penal policy in India relied heavily upon imprisonment and fines, but modern criminal justice increasingly recognises that punishment should be proportionate, individualised and capable of promoting rehabilitation. The Supreme Court has long treated a holistic, realistic and humanistic approach to punishment as a legitimate sentencing consideration.¹

Community service occupies an intermediate position between purely monetary punishment and imprisonment. It imposes a real burden on the offender while allowing that person to remain in the community, maintain family and employment ties, and undertake socially useful work. In international usage it is understood as an unpaid, court-ordered sanction rather than as voluntary civic service.²

The Bharatiya Nyaya Sanhita is significant because it changes the statutory vocabulary of Indian punishment. Section 4 lists community service alongside death, imprisonment for life, imprisonment, forfeiture of property and fine.³ The reform should not, however, be overstated. Community service is not a general sentencing power available for every offence; it operates where the particular offence provision authorises it, subject to the conditions of that provision.

II. HISTORICAL AND PHILOSOPHICAL BACKGROUND

A. From the Indian Penal Code to the Bharatiya Nyaya Sanhita

The Indian Penal Code was enacted in the colonial period and remained India's principal substantive penal statute for more than 160 years. Section 53 of the Code set out the recognised punishments but did not include community service among them. The Bharatiya Nyaya Sanhita replaced the Code and came into force on 1 July 2024.⁴

The introduction of community service should also be read against earlier Indian reform proposals. The Indian Penal Code (Amendment) Bill, 1978 proposed to add community service to the punishments listed in section 53, along with disqualification from office, orders for payment of compensation and public censure; the Bill was passed by the Rajya Sabha but lapsed on the dissolution of the Lok Sabha in 1979.⁵ The Law Commission of India returned to the

¹ *Narotam Singh v. State of Punjab*, (1979) 4 SCC 505 (India).

² *United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)*, G.A. Res. 45/110, r. 8.2(i) (Dec. 14, 1990).

³ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, § 4 (India).

⁴ The Indian Penal Code, 1860, No. 45 of 1860, § 53 (India); The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023 (India) (brought into force on 1 July 2024).

⁵ The Indian Penal Code (Amendment) Bill, 1978 (India) (proposing to add community service, disqualification from office, orders for payment of compensation and public censure to the punishments listed in § 53; passed by

proposal in its 156th Report, recognising its reformatory potential but recording reservations about the continuous monitoring and administrative supervision that such a sentence would require.⁶ The Committee on Reforms of the Criminal Justice System later supported wider recourse to non-custodial measures, particularly for first-time and non-violent offenders.⁷

B. Reformatory and restorative rationale

Reformatory theory seeks to change the offender's behaviour and to facilitate reintegration rather than treating punishment as an end in itself. Restorative justice emphasises repairing harm and rebuilding relationships between offender, victim and community. Community service can reflect both approaches where the work is meaningful, proportionate and linked to the offender's rehabilitation.⁸

The principal policy objectives include reducing unnecessary short-term imprisonment, encouraging responsibility, maintaining social ties, easing pressure on prisons, and producing a visible benefit to the community. These objectives are of particular importance in India because prison overcrowding remains a structural problem. The National Crime Records Bureau recorded 5,30,333 inmates in Indian prisons at the end of 2023, an occupancy rate of 120.8 per cent.⁹

III. STATUTORY FRAMEWORK UNDER THE SANHITAS

A. Community service as a punishment under section 4(f)

Section 4(f) of the Bharatiya Nyaya Sanhita recognises community service as one of the punishments to which offenders are liable. This is the central statutory innovation. It places community service at the same legislative level as the other listed punishments, but it does not by itself authorise community service for every offence.¹⁰

B. Definition and magisterial powers under section 23 of the Bharatiya Nagarik Suraksha Sanhita

The Explanation to section 23 of the Bharatiya Nagarik Suraksha Sanhita defines community service as the work which the court may order a convict to perform as a form of punishment that benefits the community and for which the convict is not entitled to any remuneration.

the Rajya Sabha and lapsed on the dissolution of the Lok Sabha in 1979).

⁶ LAW COMMISSION OF INDIA, THE INDIAN PENAL CODE, Report No. 156, vol. 1 (1997).

⁷ COMMITTEE ON REFORMS OF THE CRIMINAL JUSTICE SYSTEM, REPORT, vol. 1 (2003) (India) (the Malimath Committee).

⁸ HOWARD ZEHR, CHANGING LENSES: A NEW FOCUS FOR CRIME AND JUSTICE (1990); Tokyo Rules, *supra* note 2, r. 1.5.

⁹ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, PRISON STATISTICS INDIA 2023 (2025).

¹⁰ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, § 4(f) (India).

Section 23 also fixes the sentencing powers of Magistrates. A Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding three years, or of fine not exceeding fifty thousand rupees, or of both, or of community service; a Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding ten thousand rupees, or of both, or of community service.¹¹

C. Specific offences under the Bharatiya Nyaya Sanhita

The Sanhita presently makes express provision for community service in six offence provisions: section 202 (a public servant unlawfully engaging in trade); section 209 (non-appearance in response to a proclamation issued under section 84 of the Bharatiya Nagarik Suraksha Sanhita); section 226 (attempt to commit suicide to compel or restrain the exercise of lawful power); section 303(2) (specified first-time petty theft); section 355 (misconduct in public by a drunken person); and section 356(2) (defamation).¹²

D. The special position of petty theft under section 303(2)

Section 303(2) is of particular importance. Where the value of the stolen property is less than five thousand rupees, the offender is convicted for the first time, and the property or its value is returned or restored, the proviso prescribes community service as the punishment. Unlike provisions that offer community service as one alternative among several, this provision gives it a direct role in the statutory response to minor theft.¹³

In *P. Rashidulla v. State of Andhra Pradesh* the Andhra Pradesh High Court read section 303(2) together with the procedural code and held that theft of property valued below five thousand rupees is non-cognizable, so that the police may neither register a first information report nor investigate without an order of the Magistrate. The Court observed that where the value of the stolen property does not exceed five thousand rupees, the property is restored or returned, and the conviction is a first conviction, the punishment prescribed is only community service.¹⁴ The decision illustrates how far the new sentencing architecture departs from the treatment of theft under the repealed Code.

¹¹ The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023, § 23 and Explanation (India).

¹² The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, §§ 202, 209, 226, 303(2), 355, 356(2) (India).

¹³ *Id.* § 303(2) proviso.

¹⁴ *P. Rashidulla v. State of Andhra Pradesh*, CrI. Petition No. 10465 of 2025 (Andhra Pradesh High Court, Jan. 6, 2026) (India).

IV. COMPARATIVE STUDY OF THE INDIAN PENAL CODE AND THE BHARATIYA NYAYA SANHITA

The central difference is not merely the addition of a new phrase. The Bharatiya Nyaya Sanhita creates a statutory sentencing category where the Indian Penal Code did not. At the same time, the Sanhita should not be described as creating a universally available community-service sentence: the power arises from the individual offence provisions.

Parameter	Indian Penal Code, 1860	Bharatiya Nyaya Sanhita, 2023	Legal effect
General punishment list	Section 53 did not include community service.	Section 4(f) expressly includes community service.	Statutory recognition is newly explicit.
Availability	No general statutory community-service punishment.	Available only where the offence provision permits it.	The Sanhita remains offence-specific.
Petty theft	Theft was punishable under sections 378 and 379; there was no community-service category.	Section 303(2) provides community service for specified first-time theft below ₹5,000 where the property or its value is restored.	Greater scope for non-custodial treatment of specified minor theft.
Judicial discretion	Courts could use probation and other lawful measures, but community service was not a general punishment under the Code.	Courts may select community service only within the statutory offence provision.	Discretion is broadened but legally bounded.
Rehabilitation	Developed primarily through probation legislation and sentencing jurisprudence.	Rehabilitation receives express statutory recognition through a punishment category.	Greater legislative visibility.
Implementation	No framework under the Code for supervising community service as a punishment.	The Sanhitas recognise the concept, but detailed implementation depends on rules and administrative arrangements.	Implementation remains the critical issue.

Table 1: Community service under the Indian Penal Code, 1860 and the Bharatiya Nyaya Sanhita, 2023

V. INDIAN JUDICIAL DEVELOPMENTS AND RELEVANT CASE LAW

A. *Narotam Singh v. State of Punjab*

In *Narotam Singh v. State of Punjab* the Supreme Court permitted composition of an offence of bigamy on terms that included compensation to the first wife, and endorsed what it described as a holistic, realistic and humanistic approach to punishment. The decision is useful in

understanding the jurisprudential foundation for non-custodial and rehabilitative responses, even though it predates the Bharatiya Nyaya Sanhita and was not a case under section 4(f).¹⁵

B. *Solemen SK v. State of West Bengal*

In *Solemen SK v. State of West Bengal* the Supreme Court, having found that the appellant was a juvenile at the time of the offence, directed him to plant one hundred trees within one year rather than remitting the matter to the Juvenile Justice Board. The order illustrates the Court's willingness, in an appropriate procedural context, to use constructive service benefiting the community as part of a reformatory response.¹⁶

C. *Vishal Awtani v. State of Gujarat*

In *Vishal Awtani v. State of Gujarat* the Gujarat High Court directed that persons found without masks during the COVID-19 pandemic perform compulsory community service at designated COVID-19 care centres. The decision illustrates judicial experimentation with non-custodial and socially useful measures before the Bharatiya Nyaya Sanhita came into force.¹⁷

D. *Mohd. Umair v. State (NCT of Delhi)*

In *Mohd. Umair v. State (NCT of Delhi)* the Delhi High Court directed a twenty-one year old accused to undertake one month of community service at Gurudwara Bangla Sahib while quashing the first information report after a settlement. Indian courts had therefore already used community service as a condition attached to judicial relief, although such orders must be distinguished from a sentence imposed on conviction under section 4(f).¹⁸

E. *Manoj Kumar v. State (NCT of Delhi)*

In *Manoj Kumar v. State (NCT of Delhi)* the Delhi High Court, in proceedings arising from an allegation of outraging the modesty of a woman that ended in quashing, directed the accused to undertake community service at Lok Nayak Jai Prakash Narayan Hospital every Saturday and Sunday. The case shows community service being used as an accountability and reformatory measure before the statutory framework existed.¹⁹

F. *Babu Lal Meena v. State of NCT*

In *Babu Lal Meena v. State of NCT* the Delhi High Court quashed a first information report on terms that the petitioner perform fifty hours of community service at Lok Nayak Jai Prakash

¹⁵ *Narotam Singh* (n 1).

¹⁶ *Solemen SK v. State of W.B.*, 2019 SCC OnLine SC 2436 (India).

¹⁷ *Vishal Awtani v. State of Gujarat*, 2020 SCC OnLine Guj 2814 (India).

¹⁸ *Mohd. Umair v. State (NCT of Delhi)*, 2021 SCC OnLine Del 2933 (India).

¹⁹ *Manoj Kumar v. State (NCT of Delhi)*, 2022 SCC OnLine Del 5323 (India).

Narayan Hospital within thirty days, report to the Medical Superintendent for the assignment of duties, and file with the Registry a completion certificate issued by that officer. Any absenteeism, default or misconduct was to be reported at once to the police station concerned and could lead to revival of the first information report.²⁰ The order is a useful practical example of supervision and verification, although it too arose from discretionary relief rather than from a conviction under section 4(f).

VI. COMPARATIVE JURISDICTIONS

A. England and Wales

England and Wales offers a mature community-sentencing model. Under the Sentencing Code a community order may contain specified community requirements, among them an unpaid work requirement. The framework is built around judicially imposed requirements, proportionality and supervision by a responsible officer.²¹

An unpaid work requirement must specify a number of hours which, in aggregate, is not less than forty and not more than three hundred. That range is fixed by the Sentencing Code itself.²² The Sentencing Act 2026 has since amended the same Part of Schedule 9: it removes the requirement that the specified hours be worked within twelve months and introduces an automatic reduction in the hours to be performed where the offender demonstrates compliance.²³ The English framework is therefore considerably more detailed, both legislatively and administratively, than the present Indian offence-specific model.

Recent case law illustrates the punitive character of unpaid work and the importance of proportionality. In *R v Scamp* the Court of Appeal quashed an eighty-hour unpaid work requirement imposed on a young offender who had spent 277 days on remand, holding that the imposition of a punitive element by way of unpaid work was manifestly excessive where the appellant had already served appreciably more time on remand than an immediate custodial sentence would have required; the time served, the Court said, more than sufficiently reflected the punitive element.²⁴ In *R v Hajdaraj* the Court substituted a conditional discharge for an eighteen-month community order, describing unpaid work as a punitive measure, distinguishing

²⁰ *Babu Lal Meena v. State of NCT*, CrI. M.C. No. 1908 of 2025 (Delhi High Court, July 11, 2025) (India).

²¹ Sentencing Act 2020, c. 17, § 200, sch. 9, pt. 1 (UK).

²² Sentencing Act 2020, c. 17, sch. 9, pt. 1, para. 1 (UK).

²³ Sentencing Act 2026, c. 2, §§ 36-37 (UK) (amending sch. 9, pt. 1 of the Sentencing Act 2020; Royal Assent 22 January 2026).

²⁴ *R v Scamp* [2025] EWCA Crim 765 (Eng.).

it from rehabilitative requirements, and holding that a further punitive element was disproportionate where remand and curfew had already exceeded the applicable range.²⁵

B. United States

The United States uses community service primarily within probation and supervised-release structures rather than as a single uniform federal punishment category. Federal law permits a sentencing court to require that a defendant on probation work in community service as directed by the court.²⁶

This model gives courts substantial discretion, but that discretion is controlled by the statutory purposes of sentencing and by constitutional limits. Community service may be combined with restitution, treatment, employment requirements or other conditions.

In *United States v. Gementera* the Ninth Circuit upheld a condition of supervised release requiring a defendant convicted of mail theft to perform one hundred hours of community service, of which one eight-hour day was to be spent outside a postal facility wearing a signboard acknowledging the theft. The court held that the condition, as modified, was reasonably related to rehabilitation and deterrence and was integrated with other reintegrative measures.²⁷ The case matters because it shows that community service must serve a legitimate sentencing purpose and must not become gratuitous humiliation.

The Supreme Court's description of probation in *Griffin v. Wisconsin* places it at one point on a continuum of possible punishments ranging from solitary confinement in a maximum security facility to a few hours of mandatory community service, which confirms the recognised punitive character of community-based sanctions.²⁸

C. South Africa

South Africa offers a particularly useful statutory comparison. The Correctional Services Act 111 of 1998 defines community service as compulsory work for a community organisation, or other compulsory work of value to the community, performed without payment, and provides a detailed community-corrections framework involving supervision, placement and conditions.²⁹

Section 276(1)(h) of the Criminal Procedure Act 51 of 1977 allows a court to impose correctional supervision as a sentence in its own right, while section 276(1)(i) provides for a

²⁵ *R v Hajdaraj* [2025] EWCA Crim 443 (Eng.).

²⁶ 18 U.S.C. § 3563(b)(12) (permitting a court to require that the defendant “work in community service as directed by the court”).

²⁷ *United States v. Gementera*, 379 F.3d 596 (9th Cir. 2004).

²⁸ *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987).

²⁹ Correctional Services Act 111 of 1998 §§ 1, 60 (S. Afr.).

sentence of imprisonment from which the prisoner may later be placed under correctional supervision. Community service may operate as a component of correctional supervision or as a condition attached to a suspended or postponed sentence, depending on the statutory route taken.³⁰

In *S v Van Wyk* the Free State High Court distinguished correctional supervision from community service and emphasised that a report from a correctional official should be obtained before sentence is imposed. The Court held that the Department of Correctional Services cannot monitor community service unless it is set as part of community corrections under section 60 of the Correctional Services Act, and that where community service is imposed as a condition of community corrections the order must stipulate the number of hours to be served, which may not be less than sixteen hours per month unless the court directs otherwise.³¹ The judgment shows how an order can specify the nature, place, duration and supervision of community service.

VII. COMPARATIVE OVERVIEW OF THE FOUR JURISDICTIONS

The table below summarises the four frameworks considered above.

Feature	India	England and Wales	United States	South Africa
Nature	Express punishment, but limited to specified offences.	Community order requirement in the form of unpaid work.	Condition of probation or supervised release.	Community corrections and correctional supervision, of which community service may form part.
Scope	Six offence provisions of the Bharatiya Nyaya Sanhita.	Broad sentencing framework subject to seriousness and statutory criteria.	Broad judicial discretion within statutory sentencing limits.	Structured non-custodial sentencing framework.
Hours	No general statutory hour range in the Sanhita.	Not less than 40 and not more than 300 hours under Schedule 9 to the Sentencing Code.	No federal statutory range in the probation-conditions provision.	Not less than 16 hours per month where community service is a condition of community corrections, unless the court directs otherwise.
Supervision	Requires further rules and administrative arrangements.	Responsible officer within the probation framework.	Probation officer and supervision framework.	Correctional officials, social workers and designated institutions.

³⁰ Criminal Procedure Act 51 of 1977 §§ 276(1)(h)-(i), 276A, 297 (S. Afr.).

³¹ *S v Van Wyk* (53/2015) [2016] ZAFSHC 59 (7 Apr. 2016) (S. Afr.).

Feature	India	England and Wales	United States	South Africa
Default and compliance	Section 8 addresses default imprisonment, but the operational questions remain open.	Breach procedures and enforcement within the community-sentence framework.	Violation of probation or supervised release may lead to modification or revocation.	Detailed statutory supervision and breach mechanisms.
Policy orientation	Emerging reformatory model.	Established community punishment and rehabilitation model.	Probation-centred alternative to custody.	Strong correctional-supervision model.

Table 2: Community service in India, England and Wales, the United States and South Africa

VIII. COMPARATIVE CASE-LAW ANALYSIS

Three principles emerge from these decisions. Community service is treated as a real punishment rather than a symbolic or voluntary activity, and *R v Scamp* and *R v Hajdaraj* show that unpaid work must be brought into the totality and proportionality analysis.³² Community service must also pursue a legitimate sentencing purpose: *United States v. Gementera* shows that rehabilitation and reintegration can justify carefully designed conditions, whereas gratuitous humiliation invites challenge.³³ Effective implementation, finally, depends on clear supervision, and the South African material shows the importance of specifying hours, place, programme and supervising authority.³⁴

India's decisions from before the Bharatiya Nyaya Sanhita are useful but must be classified accurately. Orders made while quashing first information reports, granting bail or exercising other inherent powers are not the same as a sentence imposed on conviction under section 4(f). They are best treated as evidence of judicial acceptance of constructive community-based measures rather than as precedents on the statutory meaning of that provision.

IX. IMPLEMENTATION CHALLENGES UNDER THE BHARATIYA NYAYA SANHITA

A. Absence of a uniform national framework

The Sanhita establishes the punishment but does not itself provide a single detailed national code governing the nature of the work, assessment, hours, placement, monitoring and completion. State-level guidelines and administrative arrangements therefore carry much of the weight, with the attendant risk of divergence between States.

³² *Scamp* (n 24); *Hajdaraj* (n 25).

³³ *Gementera* (n 27).

³⁴ *Van Wyk* (n 31); Correctional Services Act 111 of 1998 § 60 (S. Afr.).

B. Judicial consistency and proportionality

Unstructured discretion can produce unequal outcomes. A sentencing court should record why community service is proportionate, what objective it serves, the number of hours, the nature of the work, and how compliance will be verified. The Supreme Court's sentencing jurisprudence supports reasoned and individualised sentencing, and community service should not be an exception to that requirement.

C. Supervision and institutional capacity

Community service cannot function if courts have no reliable institutions or officers to supervise it. Hospitals, public libraries, parks, government offices and environmental projects may all provide placements, but a responsible authority must verify attendance and performance if the sentence is to mean anything.

D. Default and enforcement

Section 8 of the Sanhita provides that imprisonment imposed in default of community service shall be simple where the offence is punishable with fine or community service, and caps the default term at two months where the amount of the fine does not exceed five thousand rupees, four months where it does not exceed ten thousand rupees, and one year in any other case. The Sanhita does not state how default is to be established, whether the service may be re-performed, or what becomes of the default sentence if the service is later completed.³⁵ Those questions require judicial and administrative clarification, and any enforcement mechanism must comply with legality, proportionality and procedural fairness.

E. Dignity and non-stigmatisation

Community service should not become degrading or discriminatory labour. The reasoning in *United States v. Gementera* shows why constructive accountability has to be distinguished from humiliation.³⁶ Work should be safe, meaningful and proportionate, and compatible so far as possible with the offender's legitimate employment, education and family responsibilities.

F. Vulnerable offenders

Courts should consider age, disability, health, employment, caregiving responsibilities and the nature of the offence before fixing the service. The aim is constructive accountability, not an arbitrary burden falling hardest on those least able to bear it.

³⁵ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, § 8(4)-(5) (India).

³⁶ *Gementera* (n 27).

X. RECOMMENDATIONS

Uniform national minimum standards for community-service sentencing should be adopted, while leaving States free to designate suitable local institutions.

Every community-service order should specify the number of hours, the type of work, the place of service, the supervising authority, the completion period and the reporting mechanism.

A pre-sentence assessment or probation report should be used in appropriate cases to determine suitability, capacity and risk.

A digital completion and verification system should be created, through which the supervising institution issues a certificate and reports default.

Sentencing guidance on proportionality and totality should be developed so that community service is not excessive in relation to imprisonment, fines or time already spent in custody.

Community service should remain unpaid but must not be unsafe, degrading or discriminatory, and should not displace ordinary paid employment where that can be avoided.

Clear statutory or procedural rules for default are needed, including notice, an opportunity to explain non-compliance and proportionate consequences.

The use of community service should be expanded gradually to suitable minor offences, with priority to first-time and low-risk offenders and with legislative safeguards.

Judicial reasons should distinguish a sentence under the Sanhita from community service imposed as a condition of bail, quashing or other discretionary relief.

National data should be collected on orders made, hours completed, default rates, recidivism and community outcomes, so that the measure can be evaluated rather than assumed to work.

XI. CONCLUSION

The Bharatiya Nyaya Sanhita represents a genuine statutory development in Indian sentencing law by expressly recognising community service under section 4(f). The Bharatiya Nagarik Suraksha Sanhita complements that reform by defining community service and identifying the Magistrates' sentencing jurisdiction. The principal distinction from the Indian Penal Code is therefore clear: community service was not part of the Code's general punishment list, whereas the Sanhita now expressly recognises it.

The comparative study nevertheless shows that statutory recognition is only the beginning. England and Wales has a mature community-order framework with defined unpaid-work requirements and detailed sentencing principles. The United States integrates community

service into probation and supervised release, with judicial discretion constrained by statutory purposes and proportionality. South Africa offers perhaps the closest institutional lesson for India, because it combines community service with correctional supervision, specified conditions and active correctional administration.

Indian courts have shown an emerging willingness to use constructive community service in appropriate cases. Those decisions are valuable evidence of reformatory judicial thinking, but they should not be conflated with statutory sentencing under the Sanhita. The next stage of reform must focus on implementation: clear rules, trained supervisors, suitable placements, judicial reasons, reliable verification, proportionate default mechanisms and protection of dignity.

If those safeguards are developed, community service can become more than a new entry in section 4(f). It can operate as a credible sentencing measure that balances accountability, rehabilitation, social responsibility and the legitimate interests of the community.
