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## THE PUNISHMENT COMMUNITY SERVICE UNDER THE BHARATIYA NYAYA SANHITA, 2023: AN INSTRUMENT FOR AGRARIAN REFORM AND RURAL REHABILITATION

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**AUTHOR'S NAME – Dr. Amitesh Anand.**

**AFFILIATION OF AUTHOR – Associate Professor, College of Law, IIMT University, Meerut.**

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### **ABSTRACT:**

The recently enacted Bharatiya Nyaya Sanhita, 2023, has introduced community service as a form of punishment, a provision notably absent in the Indian Penal Code, 1860. In a densely populated country like India, this initiative by the Government of India marks a progressive shift towards restorative and rehabilitative justice. This paper analyzes the legal provisions related to community service under the Bharatiya Nyaya Sanhita, 2023, and attempts to examine the potential of integrating community service into rural and agrarian contexts of India as a means of contributing both criminal rehabilitation and the upliftment of rural communities with existing agrarian reform programs. It further examines the scope of implementing community service punishments in rural agrarian contexts and highlights the socio-legal challenges in enforcing this provision, including administrative gaps and community acceptance. This study ultimately demonstrates whether this integration can transform punitive justice into socially constructive engagement while addressing India's agrarian and rural welfare needs, and proposes a model for restorative justice through rural rehabilitation initiatives.

**Keywords:** Bharatiya Nyaya Sanhita, Community Service, Restorative Justice, Agrarian Reform, Rural Rehabilitation, India.

### **INTRODUCTION:**

The recently enacted *Bharatiya Nyaya Sanhita, 2023*, has introduced community service as a form of punishment as an alternative punishment for certain minor offences in India's criminal justice system, a provision notably absent in the Indian Penal Code, 1860. This initiative by the Government of India reflects a progressive shift towards restorative and rehabilitative justice and its potential for agrarian reform and rural rehabilitation. However, in the new Sanhita, there

exist no concrete policy guidelines and **a clear operational framework** linking it to agrarian reform initiatives, particularly in rural and agrarian contexts where such programs could have significant rehabilitative and social impact, and hence criticized that seems to be a symbolic rather than a transformative measure in rural India. Given that nearly 65% of India's population resides in rural areas, integrating community service into agricultural and rural welfare programs can address both criminal rehabilitation and rural development simultaneously. The Indian villages still today face challenges such as **agrarian distress, shortages of labor, unemployment, and infrastructure deficits**. At the same time, in comparison to international jurisdictions that have effectively integrated community service into agricultural and public welfare projects, the Indian offenders who are convicted of minor crimes have limited scope for rehabilitation, and often also remain unproductive in custodial environments. Thus, in India, the lack of well-defined, legally sanctioned community service programs signifies a missed opportunity for meaningful reforms. In light of this, *the hypothesis of this paper study is to elaborate on how community service as a criminal punishment, if integrated with agrarian reform and rural development programs, may contribute significantly to rural rehabilitation and offender reintegration in India*. The idea of community service as a non-custodial and restorative form of punishment has been widely explored in countries like the United Kingdom, South Africa, and the Philippines, where community work often involves environmental management, public infrastructure maintenance, and agricultural labor.<sup>1</sup> In India, however, the idea of community service has, as a formal legal recognition, come only with the enactment of the *Bharatiya Nyaya Sanhita, 2023*, reflecting a modern turn in criminal jurisprudence.<sup>2</sup> In India, academic studies on restorative justice have mostly explored victim-offender mediation and reconciliation practices, with limited attention to community-based sentencing.<sup>3</sup> Meanwhile, agrarian research has consistently highlighted the persistent ongoing issues of workforce scarcity, infrastructural inadequacies, and community-based welfare challenges prevalent in rural India.<sup>4</sup> However it has been suggested by scholars that the integration of

<sup>1</sup> Braithwaite, J., *Crime, Handbook on Restorative Justice Programmes*, UNODC (July 10, 2025, 8:00 P.M.) [https://www.unodc.org/documents/justiceandprisonreform/2001146\\_Handbook\\_on\\_Restorative\\_Justice\\_Programmes.pdf](https://www.unodc.org/documents/justiceandprisonreform/2001146_Handbook_on_Restorative_Justice_Programmes.pdf)

<sup>2</sup> *The Bharatiya Nyaya Sanhita, 2023*, 3, No. 45 of 2023, Act of Parliament (India).

<sup>3</sup> Simran Mor, Dr. Harshita, Evaluating the Introduction of Community Service as a Form of Punishment in India: Legal Framework, Social Impact, and Comparative Analysis with Global Practices, IJRPR (July 10, 2025, 8:00 P.M.) <https://ijrpr.com/uploads/V5ISSUE10/IJRPR34440.pdf>

<sup>4</sup> Ministry of Agriculture & Farmers Welfare, <https://agriwelfare.gov.in/en/Annual> (last visited on July 10, 2025).



criminal justice reforms with rural employment and social welfare schemes. Scholars have suggested integrating criminal justice reforms with rural employment and welfare schemes could serve as a dual approach to reduce poverty in rural areas and prison overcrowding.<sup>5</sup> In this purview, the paper takes a doctrinal research method to analyze the legally structured provisions related to community service under the Bharatiya Nyaya Sanhita, 2023, which proposes to communicate that-

- How can this legal provision contribute to rural rehabilitation and social reintegration of offenders ? ;
- In linking community service to rural and agrarian welfare, what is the scope of implementing community service punishments in rural agrarian contexts ? ;
- What are the challenges and opportunities that may occur? ;
- How does this legal provision have the potential to help mitigate labor shortages in agriculture, support community-driven initiatives like water conservation, soil management, and farm infrastructure development? and
- How may this legal provision contribute to crime reduction in rural areas by adopting restorative and rehabilitative practices? Etc.

Further, the paper explores this intersection by identifying a research void in understanding how recently enacted community service measures could contribute to agrarian reform and rural rehabilitation in India. Finally, the study also examines both national and international practices, pointing out the absence of practical systems linking criminal justice reforms with rural development policies, and also, if this provision is effectively implemented, will it establish a synergy between changes in criminal law and rural advancement strategies in India?

#### AGRARIAN REFORM AND RURAL REHABILITATION IN INDIA:

##### **India is a land of villages – Pandit Jawaharlal Nehru**

Jawaharlal Nehru famously said, “*India is a land of villages*.” At the time of independence, there were 5,62,000 villages in India. Over **82% of the population lived in rural areas** (Census 1951). Keeping it in mind in Early Planning’s i.e., under the First and Second Five-Year Plans of the 1950s–60s, community **development programs**, land reforms, and Gram

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<sup>5</sup> Desai, R., *Integrating Criminal Justice Reform with Rural Employment Schemes: A Dual Approach to Address Poverty and Prison Overcrowding*, UNODC (July 10, 2025, 8:00 P.M.) [https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global\\_Study\\_on\\_Legal\\_Aid\\_-\\_FINAL.pdf](https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global_Study_on_Legal_Aid_-_FINAL.pdf)

Panchayat institutions were focused. In the 1971 Census, over 70% agriculture are agricultural population of India's workforce resided in 80.1%. Villages remained the socio-economic backbone. At the time of Liberalization, when economic reforms began, the **rural-urban divide widened** the urban areas saw faster development, while rural poverty remained around 37%. In the 2001 Census, schemes like *Pradhan Mantri Gram Sadak Yojana (PMGSY)* were introduced, and the GOI mainly focused on rural infrastructure for the 72.2% rural population of India. The rural population accounted for 68.84%, with a total of 6,40,867 villages, in the 2011 Census, indicating that despite growing urbanization, rural India remained dominant. As per the latest estimates (Ministry of Rural Development, 2023), there is a 64% rural population which is living in 6,49,481 villages. Hence, the main focus of the Government is on schemes like *Digital India, Jal Jeevan Mission, MGNREGA, and rural health programs to provide the amenities to the rural population* and community Service under *Bharatiya Nyaya Sanhita, 2023*, recognized for rural welfare integration.

#### The Agrarian reforms in India:

Agrarian reform in India has historically been a cornerstone of rural policy and social justice efforts. These aimed at addressing **land inequities, agricultural productivity, and rural poverty**. In the immediate post-independence period, the Government of India launched several land reform initiatives focusing on the **abolition of intermediaries, land ceiling legislations, and tenancy reforms** to empower the peasantry and redistribute land.<sup>6</sup> While these reforms achieved partial success in some states, issues of **land fragmentation, disguised unemployment, and rural poverty** persisted. In the late 20th and early 21st centuries, policy focus shifted towards **rural development programs** targeting employment generation, infrastructure, and welfare services. Programmes such as the *Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA)* aimed to provide livelihood security through guaranteed wage employment while simultaneously creating durable assets for rural communities.<sup>7</sup> This rights-based framework has been widely regarded as one of the world's

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<sup>6</sup> Desai, M., *Rural Development in India: Past Strategies and Future Approaches*, Sage Journal (July 10, 2025, 8:00 P.M.)  
<https://journals.sagepub.com/doi/abs/10.1177/0169796X20912631#:~:text=Abstract,agrarianization%20of%20the%20Indian%20economy.>

<sup>7</sup> Government of India, [https://nregarepl.nic.in/netnrega/MGNREGA\\_new/nrega\\_home.aspx](https://nregarepl.nic.in/netnrega/MGNREGA_new/nrega_home.aspx) (last visited on July 10, 2025).

largest social security initiatives.<sup>8</sup> **Rural rehabilitation** has also been addressed through schemes for displaced persons, drought-affected regions, and backward area development.<sup>9</sup> However, persistent challenges remain, particularly in **rural labor shortages, agrarian distress, and inadequate infrastructure**. Recent policy debates have argued for integrating **criminal justice reforms** like community service sentencing into rural rehabilitation frameworks to address these gaps.<sup>10</sup> Such integration can help to utilize underemployed rural labor, to support community-driven development projects, and to rehabilitate minor offenders in a socially constructive manner. The contemporary policy environment, especially with the advent of the *Bharatiya Nyaya Sanhita, 2023*, offers a renewed opportunity to bridge criminal law reforms with rural welfare strategies, thereby aligning restorative justice principles with India's agrarian and social development goals.

### COMMUNITY SERVICE: THE MEANING AND THE BACKGROUND:

Community service, as a legal concept, refers to a **non-custodial sentencing option where an offender performs unpaid work for the public benefit** as a part of their punishment. It is typically employed for **minor, non-violent, or first-time offenders**, aiming to balance penal accountability with opportunities for **rehabilitation, offender reintegration, and community welfare enhancement**. Community service is considered a **restorative and rehabilitative justice measure**, designed to compensate the community harmed by the crime while avoiding the negative consequences of incarceration, such as prison overcrowding and social stigma.<sup>11</sup> The idea of community service as an alternative to imprisonment emerged in several countries during the mid-20th century as part of broader **penal reforms advocating for restorative justice principles**. In the *United Kingdom*, community service orders were formally introduced through the *Powers of Criminal Courts Act 1973*, allowing courts to assign community-based work as a sentencing option for eligible offenders.<sup>12</sup> In *South Africa*, integrated community service within its criminal justice system post-apartheid aims to address prison overpopulation and promote offender rehabilitation.<sup>13</sup> The *Philippines* introduced

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<sup>8</sup> *Id* at 2376.

<sup>9</sup> NITI Aayog, <https://www.niti.gov.in/annual-reports> (last visited on July 10, 2025).

<sup>10</sup> Simran Mor, *Supra* Note 3 at 2373.

<sup>11</sup> *Id* at 2376.

<sup>12</sup> Legislation UK, <https://www.legislation.gov.uk/ukpga/2003/44/contents> (last visited on July 10, 2025).

<sup>13</sup> South African Law Reform Commission, <https://www.justice.gov.za/salrc/projectlist.htm> (last visited on July 10, 2025).



community service sentencing in place of imprisonment for minor crimes under its *Probation Law of 1976* and later expanded its scope through the *Community Service Act, 2019*.<sup>14</sup> International guidelines, such as those from the *United Nations Office on Drugs and Crime (UNODC)*, have recommended the inclusion of community-based alternatives to imprisonment as effective mechanisms for restorative justice and offender reintegration.<sup>15</sup> In India, while the idea of **restorative justice** has historically existed in informal community dispute resolution systems like **panchayats**, community service had no formal legal recognition under the **Indian Penal Code, 1860**. The concept has primarily been discussed in academic circles and policy recommendations as a means to address **prison overcrowding**, to promote **rehabilitative sentencing**, and to link penal labor with **public welfare activities**. The *Bharatiya Nyaya Sanhita, 2023*, for the first time, formally recognizes *community service as a statutory punishment* under Section 4(f). This inclusion reflects India's gradual move towards international restorative justice norms while offering innovative possibilities to integrate criminal justice administration with **rural development and public welfare initiatives**.<sup>16</sup> Scholars like Singh<sup>17</sup> have argued for community service sentencing in India, emphasising its potential to not only reform offenders but also to address rural infrastructural gaps, environmental challenges, and social welfare needs.

### THE INTERNATIONAL PRACTICES OF COMMUNITY SERVICE:

The use of **community service as a non-custodial, restorative sentencing option** has been extensively adopted across jurisdictions as an alternative to imprisonment for minor, non-violent, and first-time offenders. Several international models offer valuable insights into how India might operationalise and strengthen its newly introduced provision under the *Bharatiya Nyaya Sanhita, 2023*. For example, in the *United Kingdom*, to prohibit prison overcrowding and provide rehabilitation through the *Criminal Courts Act 1973*, the community service orders were introduced. These orders typically involve several unpaid works for public benefit, such as environmental clean-ups to help in projects of public health. Further, the *Criminal Justice Act, 2003*, made community sentences more streamlined by bringing them under **Community**

<sup>14</sup> Republic of the Philippines, [https://lawphil.net/statutes/repacts/ra2019/ra\\_11362\\_2019.html](https://lawphil.net/statutes/repacts/ra2019/ra_11362_2019.html) (last visited on July 10, 2025).

<sup>15</sup> United Nations Office on Drugs and Crime, [https://www.unodc.org/documents/justice-and-prison-reform/20-01146\\_Handbook\\_on\\_Restorative\\_Justice\\_Programmes.pdf](https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf) (last visited on July 10, 2025).

<sup>16</sup> *The Bharatiya Nyaya Sanhita, 2023*, 3, No. 45 of 2023, Act of Parliament (India).

<sup>17</sup> Simran Mor, *Supra Note 3* at 2377.

**Orders**, where courts can impose a mix of punishments, rehabilitation programs, and activities to repair the harm done.<sup>18</sup> *South Africa* introduced community service sentencing through its **Criminal Procedure Act, 1977**, viewing it as a valuable way to promote restorative justice and social reintegration, especially in areas struggling with poverty and unemployment. Community service often involves work in public hospitals, schools, and local government services.<sup>19</sup> Similarly, in *the Philippines*, the community service was introduced by **Republic Act No. 11362 (2019)**, also known as *the Community Service Act*. This legislation allows courts to sentence minor offenders to community service instead of sending them to jail for short-term imprisonment. Moreover, the Act outlines clear procedures for supervision, types of permitted activities, and offender assessment, making it a model for structured community service legislation.<sup>20</sup> Similarly, the *United Nations Office on Drugs and Crime (UNODC)* has consistently advocated for community-based sentencing alternatives as part of its **Handbook on Restorative Justice Programmes (2020)**. The handbook highlights that community service can both repair harm to society and aid offender rehabilitation, particularly when integrated with community development projects and victim-offender mediation.<sup>21</sup> Comparative evidence suggests that effective implementation of community service sentencing requires **clear legal frameworks, sentencing guidelines, trained probation services, and public awareness initiatives** to overcome societal stigma. These international practices reflect a consensus that community service, when properly managed, reduces recidivism, relieves pressure on correctional facilities, and contributes to public welfare. As India incorporates community service into its penal code for the first time, these international examples offer useful templates for operational frameworks, supervision protocols, and offender reintegration strategies, ensuring that sentencing reforms meaningfully align with restorative justice objectives.

## LEGAL PROVISIONS OF COMMUNITY SERVICE UNDER THE BHARATIYA NYAYA SANHITA, 2023:

### THE NATURE, SCOPE AND POLICY IMPERATIVES:

The *Bharatiya Nyaya Sanhita, 2023 (BNS)*, which replaces the colonial-era Indian Penal Code, 1860, for the first time formally introduced *community service as a recognized form of*

<sup>18</sup> Legislation, <https://www.legislation.gov.uk/ukpga/2003/44/contents> (last visited on July 10, 2025).

<sup>19</sup> Republic of the Philippines, [https://lawphil.net/statutes/repacts/ra2019/ra\\_11362\\_2019.html](https://lawphil.net/statutes/repacts/ra2019/ra_11362_2019.html) (last visited on July 10, 2025).

<sup>20</sup> Platomartinez, <https://platomartinez.com/articles/community-service-act> (last visited on July 10, 2025).

<sup>21</sup> United Nations, *Supra Note 15 at 2378*.



*punishment* in India's criminal justice system. **Section 4(f) of the Bharatiya Nyaya Sanhita, 2023**, classifies *community service* as one of the types of punishments courts can impose.<sup>22</sup> The Sanhita does not prescribe specific offences for which community service is mandatory but empowers courts to award it as an alternative punishment for offences where appropriate, typically for **minor, non-violent, first-time, or petty offences**. **Implementation frameworks** like types of community service, duration, monitoring mechanisms, and eligible offences are expected to be elaborated through future subordinate legislation, rules, or state notifications. It marks a **paradigm shift towards restorative and rehabilitative justice** and provides an alternative to short-term imprisonment or fines. It can potentially be aligned with **rural employment, agrarian labour, environmental work**, or welfare services, addressing both criminal rehabilitation and rural development. **The community service as a form of punishment under Section 4(f) of Bharatiya Nyaya Sanhita, 2023**, aligning with international jurisdictions, likewise the United Kingdom and South Africa, marks a distinct shift and landmark reform from India's traditional criminal justice system and provides a *restorative and rehabilitative justice model*.<sup>23</sup> Theoretically, community service provides several social and developmental benefits as a reduction in prison overcrowding, rehabilitation, improved public services, and support for the rehabilitation of offenders. In India, where more than 68.84% of the population resides in rural this form of punishment could fill gaps in farming, rural infrastructure development, etc.<sup>24</sup> However, despite its progressive aspects, the provision suffers from the absence of a detailed operational framework, obscure scope, nature, eligibility, or supervision of community service, leaving its practical application ambiguous. This legal gap creates the risk of uneven decisions by judges, slow administrative action, and potential misuse. Moreover, India does not have a proper system in place to manage and oversee community service sentences while linking such sentencing options with existing rural job schemes like MGNREGA.<sup>25</sup> Without proper legal awareness, public sensitization, and active community involvement, the goals of restoring and rehabilitating through this provision might not be achieved.

<sup>22</sup> *The Bharatiya Nyaya Sanhita, 2023*, 3, No. 45 of 2023, Act of Parliament (India).

<sup>23</sup> Braithwaite, J., *Crime, Shame and Reintegration*, Cambridge University Press, (July 10, 2025, 8:00 P.M.) <https://www.cambridge.org/core/books/crime-shame-and-reintegration/5F40BF6C9DFC3D5752888BC73034A1BA>

<sup>24</sup> Simran Mor, *Supra Note 3* at 2379.

<sup>25</sup> *Id* at 2379.

## THE CONTEMPORARY RESTORATIVE JUSTICE POLICY AND COMMUNITY-BASED ALTERNATIVES POLICY MECHANISMS IN INDIA:

Contemporary Indian criminal justice policy documents such as the *Malimath Committee Report (2003)*, the *Draft National Policy on Prison Reforms (2007)*, the *Law Commission of India's 268th Report (2017)*, the *Criminal Procedure (Identification) Act, 2022*, the *Bharatiya Nyaya Sanhita, 2023*, *NITI Aayog's recent discussion papers (2021–2023)* have gradually acknowledged the value of **restorative justice mechanisms** and **community-based sentencing alternatives**. The *Malimath Committee Report (2003)*<sup>26</sup> was among the earliest policy recommendations advocating alternatives to imprisonment for minor and first-time offenders through mediation, reconciliation practices, and **community service orders** as alternatives to incarceration to reduce prison overcrowding and promote offenders' social reintegration. Yet, despite its far-sighted proposals, the report faced criticism for lacking actionable frameworks and institutional strategies for implementation. Further the *Draft National Policy on Prison Reforms (2007)*<sup>27</sup> which was drafted by the *Bureau of Police Research and Development (BPR&D)* recommended **non-custodial punishments** as a means to humanize penal practices was a progressive gesture hence advocated the need of **community-based sentencing alternatives** such as community service and probation, particularly for petty and non-violent offences, but remained largely advisory in nature, without follow-up legislation or pilot programs. Also, there were no structural mechanisms or sentencing guidelines proposed for community service administration. Moreover, in its report on the *Death Penalty*, the *Law Commission of India's 268th Report (2017)*<sup>28</sup> indirectly supported restorative justice by recommending expansion of **non-custodial sentencing options** to address the disproportionate use of imprisonment, particularly for non-violent crimes. However, it too refrained from laying down a detailed model for enforcing community service as a punishment. Furthermore, the *Criminal Procedure (Identification) Act, 2022*,<sup>29</sup> while primarily aimed at modernizing offender identification processes, indirectly signals a shift towards **data-driven, rehabilitative justice frameworks**. Yet it omits explicit reference

<sup>26</sup> Byjus, <https://byjus.com/free-ias-prep/malimath-committee/#:~:text=penalty%20for%20rapists.-,The%20report%20states%20that%20wherever%20the%20death%20penalty%20is%20a,the%20police%20from%20political%20pressure>. (last visited on July 10, 2025).

<sup>27</sup> Ministry of Home Affairs, [https://www.mha.gov.in/en/divisionofmha/Women\\_Safety\\_Division/prison-reforms](https://www.mha.gov.in/en/divisionofmha/Women_Safety_Division/prison-reforms) (last visited on July 10, 2025).

<sup>28</sup> Law Commission of India, [https://lawcommissionofindia.nic.in/report\\_twentyfirst/](https://lawcommissionofindia.nic.in/report_twentyfirst/) (last visited on July 10, 2025).

<sup>29</sup> *The Criminal Procedure (Identification) Act, 2022*, No. 11 of 2022, Act of Parliament (India).

to restorative sentencing options, thereby limiting its direct relevance to restorative justice policy & similarly, *the Bharatiya Nyaya Sanhita, 2023*,<sup>30</sup> for the first time, legislatively incorporates **community service as a sentencing option under Section 4(f)**. This development signifies a long-awaited policy shift aligning India with international restorative justice trends. However, the law is yet to be supplemented by **sentencing guidelines, eligibility criteria, monitoring protocols, or offender reintegration schemes**, which are essential for ensuring fairness, consistency, and efficacy in application. Lastly, *NITI Aayog's recent discussion papers (2021–2023)*<sup>31</sup> have advocated community-based sentencing reforms and alternatives to imprisonment, notably in the context of judicial efficiency and criminal justice reform, particularly for non-violent offenders, aligning with restorative justice principles but their recommendations yet lack an operational blueprint, reducing their impact to policy discourse rather than legal reform. No doubt, all these policies had great potential, but there were many challenges in putting the introduced reforms into practice. Similarly, this introduced penal reform under the new **Bharatiya Nyaya Sanhita, 2023** has also been incorporated with similar objects, but the careful analysis of them reveals that while conceptual support exists, practical implementation remains uneven and limited in scope.

#### THE OPPORTUNITIES & THE CHALLENGES FOR INTEGRATION UNDER NEW BHARATIYA NYAYA SANHITA, 2023:

**The opportunities-** The incorporation of **community service punishments under the Bharatiya Nyaya Sanhita, 2023**, also opens an opportunity to integrate criminal justice reforms with India's ongoing **rural rehabilitation and agrarian development initiatives of the GOI**. As far as **68.84% of India's population resides in rural areas of India**, and rural infrastructure and welfare programs remain vital for national development,<sup>32</sup> this provision of new criminal law has the potential to tackle the overlapping of socio-economic and legal challenges. Community service punishments can be designed to assist **labour-intensive agricultural** activities, **especially** during critical periods like sowing and harvesting, while also contributing to **public** infrastructure projects such as water conservation, soil management, and rural road development.<sup>33</sup> International practices, including the *United Kingdom's Community*

<sup>30</sup> *The Bharatiya Nyaya Sanhita, 2023*, 3, No. 45 of 2023, Act of Parliament (India).

<sup>31</sup> NITI Aayog, <https://niti.gov.in/> (last visited on July 10, 2025).

<sup>32</sup> Government of India, <https://rural.gov.in/en> (last visited on July 10, 2025).

<sup>33</sup> Ministry of Agriculture & Farmers Welfare, <https://agriwelfare.gov.in/Documents/annual-report-2021-22.pdf> (last visited on July 10, 2025).



*Payback schemes* and *South Africa's supervised offender labor programmes*, demonstrate how community-based punishments can rehabilitate offenders and address essential public welfare needs.<sup>34</sup> Moreover, integrating the community service **punishments** with existing programmes such as *MGNREGA* could also grow rural employment opportunities while helping reduce the prison population. Experts have suggested these reforms with two goals in mind, seeing them as an effective and long-lasting approach to tackle both rural poverty and minor crimes at the same time.<sup>35</sup>

**The challenges:** The main issue in this provision is *the lack of comprehensive sentencing guidelines and operational procedures*, which could result in uneven or inconsistent application. In the absence of clear legal rules to specify which define eligible offences, what types of work are allowed, and who will supervise the offenders, and many more responsibilities, there's a risk that judges might hesitate to use it or that the system could be potentially misused.<sup>36</sup> Secondly, the *institutional capacity constraints, such as* insufficient probation services, insufficiency of well-trained supervisors, and weak monitoring infrastructure in rural areas, could also create obstacles in the effective implementation of community service orders. Moreover, the ongoing social stigma against the wrongdoers and limited public awareness of restorative justice practices can also create hindrances in might community acceptance.

## CONCLUSION AND RECOMMENDATIONS:

In summary, it may be concluded that within India's criminal jurisprudence, the inclusion of community service as a punishment provision under the *Bharatiya Nyaya Sanhita, 2023*, marks a progressive step towards embracing restorative justice principles in India. However, its success seems doubtful in the face of certain shortcomings as clear eligibility criteria, clear operational and sentencing guidelines. But it is also the truth that, being in the nature of reformatory provision, if it is implemented thoughtfully, this provision could address **prison overcrowding, rural labor shortages, and underutilized welfare schemes** through an integrated sentencing framework. By aligning penal reform with agrarian and rural welfare priorities, India has the opportunity to reduce recidivism, enhance public trust in the justice

<sup>34</sup> Legislation of UK, <https://www.legislation.gov.uk/ukpga/2003/44/contents> (last visited on July 10, 2025).

<sup>35</sup> Desai, M., *Supra Note 6* at 2382.

<sup>36</sup> Simran Mor, *Supra Note 3* at 2382.

system, and contribute to community welfare. However, success depends on **robust legal frameworks, institutional capacity-building, and public sensitization measures**. Drawing lessons from international best practices and adapting them to India's socio-legal context will be critical in realizing the dual objectives of justice reform and rural development. Global examples such as the Philippines' Community Service Act of 2019, task assignment, and supervision protocols, can serve as useful operational models.<sup>37</sup> Additionally, the earlier absence of structured, community-based punishments in India's legal framework has been another overlooked aspect. Community service sentencing, however, offers significant potential for tackling issues like rural labor shortages, promoting environmental protection, and supporting agrarian infrastructure. To enforce this opportunity, it is essential for India to integrate community service initiatives with existing rural employment and welfare planning, ensuring that restorative justice practices actively contribute to broader national development goals. Key to this process will be capacity building, raising public awareness, and sensitizing the judiciary to help reduce social stigma against offenders and promote community acceptance. Fundamentally, this provision serves a dual purpose as a vital connection between criminal justice reform and rural development policy- a prospect that, if implemented with caution, can advance both penal reform and agrarian rehabilitation in the current scenario in India. In view of the evolving landscape of criminal law reforms in India, this paper underscores the pressing need to strengthen restorative justice frameworks, particularly through the effective implementation of community service sentencing. While the *Bharatiya Nyaya Sanhita, 2023* marks a significant legislative milestone by formally incorporating community service as a punishment, in this situation it is recommended that to tailor the rural contexts the Government of India and state authorities should formulate the **comprehensive sentencing guidelines, work protocols and eligibility criteria** should be issued to ensure fair, consistent, and proportionate use of community service orders. These guidelines should clearly identify the types of offences and categories of offenders eligible for community service sentencing, and ensure that the provision is applied appropriately, without misuse or overextension. Further, a **national operational framework for community service sentencing** should be developed, specifying types of work, duration, supervisory authorities, and monitoring protocols. This framework should be closely aligned with existing **rural**

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<sup>37</sup> Republic of the Philippines, [https://lawphil.net/statutes/repacts/ra2019/ra\\_11362\\_2019.html](https://lawphil.net/statutes/repacts/ra2019/ra_11362_2019.html) (last visited on July 10, 2025).

**development schemes and public welfare** programs, enabling community service to make a tangible contribution to rural infrastructure, environmental conservation, and agrarian rehabilitation projects. Third, **capacity-building programs and judicial training should be launched for judges, probation officers, panchayat local administrators, and prison authorities** to familiarize them with restorative justice principles. Further, the government should initiate public **awareness campaigns, pilot district-level community service projects, and public consultation** forums to build community support for rehabilitative justice, diminish prejudice against offenders, and encourage active community involvement in their reintegration. Etc. By adopting these measures, it is hoped that India can effectively connect criminal justice reforms with rural development policy, realizing the full potential of restorative justice within its modern legal framework.

