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COMMUNITY SERVICE

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ABSTRACT

I have done research on community service, covering its history, decrease in crime as result of coming into existence, giving landmark cases & coverage in Indian legal perspective. We learnt about historical background of this concept followed from Ancient Vedic, Medieval & Mughal Period and then to British rule. Here, get aware about the term 'Seva' i.e. from where it first started i.e. starts from United States, thereby goes to establishment of American Red Cross and appointment of Hindu Rajput to high posts in Mughal forces by Mughal Rulers. In Ancient period, Gurukuls came into existence providing free education to children and various movements started by our historical benefactors who worked for Societal benefit. Thereafter, analysed position of community services in criminal law of United States and United Kingdom. Then, discussed Lawmakers objectives behind choosing punishment of community service such as reforming criminals and to make them do services for welfare of society. It was elaborated further. Thereafter, discussion was made regarding how judges apply community service where we stated certain case laws of different states & what are benefits of this type of service to society and offenders. After that, observed that due to introduction of community service, there was great impact on crime rates as there has been a significant reduction in crimes and increase in crime reporting followed in states like Maharashtra, Kerala & so on. We talked about procedure by legal Authorities to implement such retribution. At last, mentioned my perspective in this regard where I supported Community Service and it proved to be beneficial for the Nation by introducing in new Act enforced on 1st July, 2024 called Bhartiya Nyaya Sanhita. As this idea not prevalent only in India but throughout the world & it comprised great results over offenders, encouraging me to write.

KEYWORDS

1. Community Service
2. Reformation
3. Offenders
4. Benefactors
5. Bhartiya Nyaya Sanhita
6. Seva

INTRODUCTION

Community service can be defined as any work done without any paid by person or group of people for benefit of community and people who are executing such work, most of the time are asked as a result of punishment granted to them.¹ There are various reasons like in many countries, Government started certain programs based on community service and also to get citizenship as well as receiving some sort of benefits has been linked to community service. That's why it is different from the concept of volunteering. Community service also refers to form of punishment that is imposed by Court or other regulatory Authority where offender performs some honorary work to better the community. This form of punishment used as an alternative sentence in criminal law for first-time or less serious offenders for their reformation so that they do not commit such offence or any other in future, for instilling sense of service towards the community within themselves and also to penalize them. It even grants some form of benefits to the society such as providing labour force for charitable or voluntary organizations and relieving financial pressure on the prison system. There are many types of community service that includes cleaning and maintenance tasks (such as maintenance of public parks, cleaning streets), charitable work (like contributions to food bank, shelters, NGO's), providing education to young people or conducting certain educational programs, environmental conservation work and services regarding public health such as camps related to hygiene or programmes to provide vaccines. Community service may be ordered instead of other penalties like jail, fines, trials or compensation by the Court. In recent years, we have observed that these kind of services spread worldwide. Pune Porsche accident case can be an important illustration that discusses Community Service punishment followed in India where a child less than 18years caused serious mishap while Court laid down such punishment and it

¹ Ken La Mance, "Community Service Law", Legal Match Law Library, What Is Community Service and How Does It Work? | Legal Match (11 August 2024).

came into large discussion.²

Section 18 of Juvenile Justice Act, 2015 empowers Juvenile Justice Board the power enabling teenager to execute volunteering service as per guidance of organization when petty/ serious offences committed, keeping in mind, the circumstances in social investigation report and child's previous conduct.³ Concept of support services were introduced in IPC as amendment specified in Section 536. Bill expired due to dissolution of Lok Sabha. Clause 27 of this Bill introduced community service without payment with certain terms and conditions imposed for offences where not more than three Years jail shall be awarded to offenders who comes under 18years of age taking into account the capability of such offender that whether they are able to perform the work or not and under proper supervision by the State. The Suggested working hours varied from 40 to 1000 hours and Law Commission of India in its 156th Report gave suggestion that was against the implementation of such form of sentence as it requires involvement of executive department.

RESEARCH METHODOLOGY

In this paper, I want to state that topic for my research is Community Service since it has become a global topic since the last decades and it has also been introduced as form of punishment in the new amended law of our nation i.e. in Bhartiya Nyaya Sanhita, so that's why I have chosen this topic. This form of penalty proved to be fruitful for criminal in their reformation because they contribute to the community or society through donations or activities like serving old-age home, cleaning streets or roads etc. as per the offence they have committed. This had a very great impact on them as it has been rightly said by Lord Krishna that for hurting others one requires strength but for stopping that hand which is going to hurt others or for serving others one requires much more strength, courage, determination and mind control that also reforms that person. While working on this paper, I worked on main questions like Community service comes under which section, what are Law-Makers objectives behind including this, How Judges apply it, benefit of such services to the Society and offenders, effects on crime rate and what is my point of view on it. I have preferred both qualitative and quantitative methods i.e. going from where this concept has evolved, who are participants involved, its impacts and then following statistical data i.e. the change in crime rates due to

² Perez, "Community Service", Wikipedia, [Community service - Wikipedia](#) (12 August 2024).

³ Khushi Bagaria, "Analysing the Significance of Volunteering" Vol2 Special Issue Human Rights Law Review, 193 (2024).

introduction of community service. I even supported my subject with certain landmark cases. Now you must be wondering that how come I formulated those research questions, the answer to which is that when I thought of this topic, firstly I made a flowchart in my mind that what all things can be made out from this, then I wrote them out in a paper and gave them the shape of question-answer type. While executing my research, I found out some reports published by community organizations that I also referred for my study and key point which I analysed from those report was included in review paper. Though the help of various resources such as Blog I pleaders, Encyclopedia.com website, criminal justice site, online sites of United States and United Kingdom & many others, I was able to write the paper. Many a times I faced difficulties like doing a lot of research requires lot of patience and determination and it took very much time. At a moment, I felt that this work will not be completed but hopefully I was able to complete. I took support of my faculty, so they were quite busy often, so I have to struggle a lot.

HISTORY

⁴The Usage of community service has been consistently increased during last five decades specially in the United States and United Kingdom. It was introduced for the first time in House of Correction situated in London (1553) for countering idleness and homelessness through allotment of tasks to people suffering from such situations. Till the time Second World War was going on, community service was mandatory and Statute of Alaska State in 1949 started following State Constitution allowing Courts formulating circumstances of detention for offenders. This document also termed as “Wootton Report” supporting non-custodial measures supported through argument stating part-time community job acts as better option where imprisonment has been granted. This is the beginning of community service in England and Wales. In the year 1949, Pakwasa Committee analysed Community service importance suggesting employment of inherent persons as road workers and thus, practise of remuneration introduced. Imprisonment flaws stated in Indian Jail Committee 1980-83 Report advising government to adopt initiatives such as Community service. In Babu Singh versus Uttar Pradesh⁵, where decision made regarding rejuvenating measures for the reformation of

⁴ Philanthropy, “Exploring the History of Volunteerism and Community Service”, We-chronicle, <https://wechronicle.com/philanthropy/exploring-the-history-of-volunteerism-and-community-service-across-different-time-periods-and-cultures/> (20th Aug 2024).

⁵ Naveen Talawar, “Revolutionising of Justice: Emergence of Community Service Punishment in Indian Criminal Justice System”, Verdictum.in, [Revolutionising Justice: Emergence Of Community Service Punishment In The Indian Criminal Justice System](https://verdictum.in/revolutionising-justice-emergence-of-community-service-punishment-in-the-indian-criminal-justice-system/) (verdictum.in) (21st Mar 2024).

criminals should be developed such as Community service, mediation practice and study sessions. Afterwards, the Malimath Committee worked on Community service adoption and Clause 18 of IPC Amendment Bill, 1978 presents Government-provided service with other substitutes mentioned in Section 53 of IPC, 1860. As per S.74A of Bill, Court prescribed time period for community service i.e. 40 to 1000 hours for offenders who are above 18 years engaged in crimes punishable with less than three years. It was first step taken towards Volunteering in the field of the System of Justice being rejected through 156th Law Commission Report arguing about Non-Practicability of Community Service and said that only Juvenile Justice Act of 2015 contains provisions related to community service.⁶ Concept of Community Service started from the Ancient period and then followed to the recent time.

Moving from Ancient Period, the term 'Volunteerism' came from the early civilizations where various kinds of services were offered by individuals to society without expecting any form of gains. Concept of selfless service regarded as traditional component of Hindu religion throughout centuries⁷. Lord Buddha taught us significance of helping other persons.⁸ In Ancient Greece, individuals perform duties for common good whether we talk about military service or projects based on public work. Whereas in Rome, concept of good acts involved the duty to serve the state following necessary laws. Similarly, in United States, rise of Civil War became turning point in Volunteerism as females participated to provide services to Military and American Red Cross development existed in 1881 enhanced volunteer work.⁹ It has also brought changes in the fields of environmental conservation and social justice. Then it further moves to the Later Vedic Period. Brahmins conducted rituals and ceremonies for the kings so that they could gain success in war and for themselves so that no harm is caused to them by the kings. If we talk about the role of Brahmins in imparting education, there was free education starting from Upanayana that occurs between the age of 4-9 years. After that, student was sent to Gurukula¹⁰ for study purposes where Acharya provided education, training and guidance to the students as per their interests as students had the freedom to choose the specialisations

⁶ Riya Ranjan, "Community Sentencing in India", Blog. I pleaders, blog.ipleaders.in/community-sentencing-india-remedies-reforms/#How_does_Community_service_reduces_burden_on_the_system_of_incarceration (4th Mar 2021).

⁷ Sanskriti Magazine, "Seva-Selfless Practice: Hinduism and Indian Culture", SanskritiMagazine.com, [Seva – Selfless Service | Sanskriti - Hinduism and Indian Culture Website \(sanskritimagazine.com\)](http://SanskritiMagazine.com) (Aug23, 2024).

⁸ Sukhomal Chaudhuri, "The Exemplary of Selfless Service in Buddhism", Vedanta.org, [The Ideal of Service in Buddhism | Vedanta Society of Southern California](http://The_Ideal_of_Service_in_Buddhism) (1st May 2001).

⁹ Wikipedia, "American Red Cross", Wikipedia.org, [American Red Cross - Wikipedia](http://American_Red_Cross_-_Wikipedia) (14th Aug 2024).

¹⁰ R.K. Mukherjee, "Brahmanical System of Education", Wikipedia.org, https://en.wikipedia.org/wiki/Brahmanical_System_of_Education (20th Aug 2024).

according to their own will and in this education system, caste system and karma-based principle has no effect. Students has to spent time in the Gurukul for 12years period and it is based on the principle of simple life and high thinking. According to Atharvaveda, proper education and environment is very beneficial for the students. After Upanayana ceremony, students are expected to maintain strict discipline which helped in control of the mind and senses that helps in development of personality of the student. While the second class Kshatriyas deals with physical matters such as of administration and taking war decisions and Brahmins has control over religious matters and these two classes were given higher advantages as compared to vaishyas and shudras. Role of kings in this period is to provide justice to his subjects through regulation of power towards Adhyakshas but Gramyavadin known as Village judge in villages and Sabha decide harsh sentence on cases.

During the Mughal period¹¹, Appointment of Hindu Rajput leaders in Mughal forces was promoted and it was great step taken to maintain good relationship between Mughal absolutism and local despotism. The Rajput chiefs in this period were treated as Zamindars or landlords by the Mughals who used to pay to the king either in cash or kind. Akbar expanded Mughal power among all the Rajput kingdoms and warriors and it constitutes mainly Central Asians, Iranians, Afghans, Indian Muslims and Rajput. Akbar managed his revenue administration under the guidance of Todar Mal which was great system and his efforts to make his revenue system a remarkable one proved to be beneficial not only to the peasants but also to the state. System of zabt was introduced where revenue fixed in accordance with the soil quality and cultivation ranging from one-third to one-half of whatever produced and was paid in copper coin and it was applied in northern India, Malwa and in parts of the State of Gujrat. Akbar not only maintained the status of Muslim ruler but also known for his tolerance to get support from Non-Muslims and for such thing, he had to first deal with Muslim priests and lawyers who were not supporting his few decisions made in favour of Hindus as they were more concerned about their community involving the game of politics. Decisions such as abolishment of Jaziya and practice of forcing war prisoners and Hindus to convert their religion and follow Islam. Akbar has also taken several steps for reformation of the bad administration in terms of taking grants in the form of coins by Hindus during pilgrimage visits.

¹¹ A.L. Srivastava & Romila Thapar, "Aurangzeb of India", Britannica, <https://www.britannica.com/place/India/Aurangzeb> (20th Aug 2024).

Moving towards the British Period¹², when British colonies came to India, it has produced group of bureaucrats and professionals like lawyers, teachers and doctors who were trained in Western medicine that started since 1600 with arrival of medical officers in India besides British East India Company's squadron in the form of surgeons to cure diseases and illness commonly termed as 'Middle Class' and 'Elite'. In 1757, English Company set up its rule that led to civil and military development. Then, health department in Bengal established to supply medical support to armed forces and servants of company with four head, eight assistant surgeons with 28 companions in 1764. Thereafter, in 1775, Hospital Boards created European medical institutions. Health sector provided in three presidency towns namely Bengal, Madras and Bombay. Hospital Councils converted to medical Committee to control civil related matters in medical sections. With abolishment of presidential system, medical departments merged in 1896 to constitute Indian Medical Services (IMS)¹³ and after that, duties towards Royal Military forces executed by its Medical department. Montgomery-Chelmsford 1919 Reforms resulted in conveyance of people's health and hygiene. It was first step taken towards Separation of health Ministry from India. From 1920, District and Act of Local Panel passed enlisting legal provisions enhancing public health during period of 1920-21. The Madras Public Health Act introduced in 1939 and Health Survey & Development Committee in 1946 commonly known as 'Bhore Committee' scheduled through Government of India to assess of present health composition besides making recommendations for future developments. For insane persons, medical institutions developed under 1858 Act that was managed by Civil Surgeon. Central asylums established in Bengal, Bombay, Madras and Punjab. The historical background of hygienic work in British period began by Royal Commission Reports in 1859 who submitted its report on Army's Sanitary conditions. After a lapse of years, in 1870, Sanitary department amalgamated with section granting immunization for central sanitary department and according to India's Governor General, Health Engineers Employment existed.

When we talk about Community Service in Manusmriti¹⁴, it was not clearly explained in this. Manusmriti has been the centre point for social reform movements in India. Various reformers like Raja Ram, Ishwar Vidyasagar with the support of Lord William Bentick brought necessary

¹² Vikram Rana, "Rise of Professional Classes in British Colonial Rule in India", historydiscussion.net, <https://www.historydiscussion.net/articles/rise-of-professional-classes-in-british-colonial-rule-of-india/2067> (8th Aug 2015).

¹³ Muhammad Umair Mushtaq, "Public Health in British India: A brief account of the history of Medical services and Disease Prevention" V.34(1) NCBI, 6-14 (2009).

¹⁴ The Editors of Encyclopaedia Britannica, "Manusmriti", Britannica, <https://www.britannica.com/topic/Manusmriti> (17th July 2024).

changes such as abolition of the Caste System, bringing norms and rules for gender equality and Strengthening of Marginalized Communities. The teachings of Manusmriti promotes social progress and made good efforts to form society with values such as equality. The text talks about noble deeds such as charity, performance of essential rites and ceremonies, doctrine of Karma and the concepts of Soul & Hell. It also highlights the importance of education for the young children and encourages them to gain knowledge outlining duties of teachers and pupils. Education, here, is seen as mode of enlightenment and personal growth.

COMMUNITY SERVICE IN CRIMINAL LAW OF UNITED STATES¹⁵

During the Renaissance period, Intellectual and Cultural transformation came into face that has influenced the social position towards justice and along with this, humanist philosophies highlighted the capability of recuperation and retrieval countering fact of Retributive Punishment. Insight thinkers like Cesare Beccaria supported comparable and tolerant punishment. Ongoing perspective plays role in the transformation from social attitudes to conditional discharges with increasing admission that Recovery and community engagement can be fruitful way to address criminal behaviour. Period of 20th Century noticed ratification of community service with U.S. legal framework. Here, landmark Judgements like People versus Turner plays crucial part in development of right and feasibility of Volunteering service. Court decided that community service allowed as per the Constitution for the purposes of incarceration and act as indication for withdrawing of strict penal measures. Case laws like turner established existing judicial decisions involving community service later turned into sentencing options for wide range of crimes. After 20th Century, growing of diverse Senatorial initiatives that aims in the promotion of alternatives ranging to traditional confinement. Sentencing Reform Act of 1984 provided Judicial Officers the power to increase the options in the field of sentencing authorising in permitting public service as beneficial, practicable options.

From the above, we can conclude that community service in U.S. started through historical precedents combination, through landmark cases, legislative initiatives and the shift that took place of certain social viewpoints. It led to wide changes regarding community involvement, interpretation of justice, foreground on rehabilitation and identification stating punishment

¹⁵ Criminal Justice, "Community Service and Alternative Sentences", I-Researchnet.com, <https://criminal-justice.iresearchnet.com/criminal-justice-process/sentencing-and-punishment/community-service-and-alternative-sentences/> (8th Jan 2024).

extends from confinement to re-integration and restitution. In terms of optional punishment under 18 U.S.C. Section 356 (3)(b) (12)¹⁶ where Court can pass order against defendant to work in community service with other alternative sentence such as trials, fines and deferred sentence as punishment for committing certain wrong. Judicial discretion remains key factor in community service administration. Here, Judges and armed forces having information collected for determination of suitability of individual to carry out volunteer work. Court gets engaged with non-profitable associations, charity foundations and social service agencies granting opportunities to encourage offenders for participation in such kind of community services. Various provisions provided where working hours were fixed for community service as clearly mentioned in Section 137.131 which states that:

1. Court imposes community service when individual is charged of criminal mischief and for causing any sort of damage or disturbance to other's property.
2. Community service shall include removal of graffiti either created by defendant or by another person or by both.

In some educational institutions in the United States, it is mandatory for students to do community service from high school to graduation level. While in some high schools of Washington just take an example, students have to complete 200 hours of community service for getting diploma. If a high school student takes Advancement Via Individual Determination (VID) course, then in such case, community service is often needed. In the case of *Immediato versus Rye Neck School District*¹⁷, Issue was raised that whether American public schools need volunteer hours to complete high school graduation but court found no violation.

COMMUNITY SERVICE IN CRIMINAL LAW OF UNITED KINGDOM¹⁸

England and Wales with similar Judicial System but it's different for Scotland and Northern Ireland. Major English Cases decided by three unpaid volunteers in Magistrate courts while serious offence cases where verdict given by Judicial Officers and jury in Court houses. Age limit required in UK¹⁹ to be held for criminal responsibility is 10 while persons between the

¹⁶ Wex Definitions Team, "Community Service", Law.cornell.edu, https://www.law.cornell.edu/wex/community_service (June 2021).

¹⁷ *Immediato versus Rye Neck School District*, 1996 U.S. No. 94 Civ. 2831, CLB 846.

¹⁸ Nikolaos Theodorakis, "Crime and Punishment in the United Kingdom", Online library Wiley, <https://onlinelibrary.wiley.com/doi/full/10.1002/9781118519639.wbecpx245> (2nd Oct 2015).

¹⁹ Malcolm Davies, "Comparative Criminal Law and Enforcement: England and Wales", Encyclopedia.com, <https://www.encyclopedia.com/law/legal-and-political-magazines/comparative-criminal-law-and-enforcement-england-and-wales> (20th Aug 2024).

ages of 10-17 handled through Special Young courts. For promoting Public Welfare Sentencing, Criminal Justice & Court Services Act 2000 instituted Drug Abstinence & Exclusion Orders that was changed to Community Rehabilitation Orders. As per current legal statistics (2013), current prison population evaluated 72.2% of males, 4.1% of defendants found guilty are minors. Further, it was found that Prisons in the United Kingdom are used fully but 8% sentences led to instant charge and 26% to deferred sentence. There has been the facility based on voluntary sector like Magistrate's Association that helps in shaping policy developments. These voluntary organizations played crucial part on cooperative projects and schemes for helping sufferers through Victim Support. Two main volunteer associations are Howard League for Penal Reform & NACRO (National Association for the Care and Resettlement of offenders). Community punishments was changed under Criminal Justice Act 2003 that came into force in April 2005. After that, Community Reconstruction and Voluntary punishment removed & replaced by single community order for period of up to three years.

LAWMAKERS OBJECTIVE TO INCLUDE COMMUNITY SERVICE

A Study stating that some Indian States have specific laws for regular offenders, all above that, India developed certain innovations like phased program allowing facilities of free-living conditions and open-air prisons used by all types of criminals. As stated by practising advocate based in Chennai named Akila RS that prison sentencing can also develop dangerous criminals into the system. Reconstruction and Healing are two important objectives. US and UK where Government-provided services is followed with other punishments such as imprisonment, fines and trials. The purpose of community service is to benefit the public in large number and not only presenting it as feasible option in case of minor offences for avoiding overcrowding in prisons. So, in order to bring this punishment, a proper law must be made. According to Akila RS, Justice aims to punish as well as reform offenders. One of primary objectives to suppress and bring wrongdoer on right track. Community service acts as a valuable concept for restoring the image of police forces and bring about changes in internal procedures and communication between police and public. Establishing relationship of trust between law enforcement agencies and the Society encouraging good relations with the Police department.²⁰

²⁰ Muhammad Imran Wahab, "Analysing Community Service as mode of punishment in BNS", Legal Service India, <https://publications.parliament.uk/pa/cm201012/cmselect/cmjust/519/51904.htm> (20th Aug 2024).

HOW LAWMAKERS EXECUTE COMMUNITY SERVICE²¹

In Satto versus Uttar Pradesh, it was highlighted that past and history of criminal is important to determine that whether he is capable or not to mend his ways while releasing such person out of detention bases on the fact. The value of reformation is one of the important factors that has been recognised by supreme Court while awarding death penalty. The restorative model of justice suggested by the Malimath Committee is one of the important models. Further, in Sunita Gandharv versus Madhya Pradesh, community service taken into account after bail is granted to the accused person. In this, the court has analysed that when offender is released on bail, provided the condition that if such person is ordered to execute community services like plantation of sapling or providing services to the hospital or carrying out any related work, then in such case, person shall be considered to be inside boundaries may not assumed to be danger to sufferer. In Mahender Singh Alias Sunny versus The State, Delhi HC held that community service can only be imposed to young people above Eighteen Years age. Then, in R.K. Anand versus Registrar Delhi HC supporting to allow the person to do something beneficial for the society against whom the trial goes in court and is later found guilty instead of putting him behind bars.

Section 23 of Bhartiya Nyaya Sanhita, 2023 talks about the sentencing powers about CJM, Magistrate of first and second class in this regard where Sub-section (2) and (3) entitles the Judicial Magistrate of first and second class to allow community service besides other type of punishment. One of the serious concerns regarding imprisonment of person/persons convicted of petty or minor offences including first-time offenders is that what is the effect on treatment of such person due to overcrowding, poor infrastructure and facilities of Indian prisons. Such conditions pose a great impact on the health on such class of prisoners. So, in order to counter it, Community Service serves as an effective way to protect such prisoners from conditions of prisons and at the same moment provide them with productive and refreshing devices for societal benefits. Community service shall prevent such inmates from poor treatment done by the hands of cruel criminals who are also in prisons for some or other crime.

²¹ Advocate Darpan Magon, "Concept of Community Service as punishment in BNS", Myjudix.com, <https://www.myjudix.com/post/concept-of-community-service-as-a-punishment-in-bharatiya-nyay-sanhita-community-service-bns> (21th Feb 2024).

BENEFITS TO THE SOCIETY AND OFFENDERS²²

Community service may be beneficial to both the offender and society. As followed, in Ramraja versus State of Madhya Pradesh, Court passed order for serving hospital situated in the remote area. But later it was discovered that there was shortage when comes to provide health that is due to the language obstacles and hence, Court advised the hospital to develop the administrative structure further. Similarly, it also improves the bad jail conditions for long-term prisoners. As soon as the number of convicts become sufficient and the ratio of prisoners to staff is maintained then number of prisoners can be easily lowered and better facilities shall be provided to them. Supreme Court acknowledged the fact that community service is not real punishment as stated in State Tr. P.S. Lodi, New Delhi versus Sanjeev Nanda²³ creating a more reformatory method. Community service provides speedy justice in many cases and is less time-consuming & cost-effective. Some other benefits of community service to society and offenders were as follows:

1. **Reduction in Violent Crimes:** Communities with well implemented community policing have witnessed a decrease in violent crimes such as homicides, assaults and robberies. Community fosters strong and positive relationship between law enforcement officers and community with residents trust and collaborate with the police, they are more likely to report crimes, share information and cooperate with investigations. This trust building aspects is particularly vital in reducing violent crimes as it encourages community members to work with police to prevent and address such incidents.
2. **Lowers property crime rates:** It helps in lowering the property crime rates. There has been a decline in Property crime like burglaries, theft and vandalism in areas where community policing is strong & visionary engagement of police officers and community members in prevention of crime often results in the decline of crime rates. Through these services, we see that police officers in community policing models are more visible and attainable within the public and thus, more likely to report crimes or suspicious activities & this reporting supports law enforcement to respond immediately and effectively, preventing any other criminal incidents.

²² Priyal Palak, "Community Service in the Indian Criminal Judicial System" Vol.3 Issue1 Indian Journal of Integrated Research in Law, 1-9 (2024).

²³ State through Police Station Lodi, New Delhi versus Sanjeev Nanda, 2012 SC 405.

3. **Faster Response timing:** In Community areas, police force is connected to needs and concerns of Community and Community model helps in preventing the growing issues that can be deterrent.
4. **Preventive measures:** In several cases, community members can participate in crime prevention initiatives by organizing neighbourhood watch programs, supporting young mentorship schemes and getting involved in conflict resolution. This approach helps in identifying and countering factors that causes criminal behaviour.

EFFECTS ON CRIME RATE DUE TO COMMUNITY SERVICE²⁴

The holding of Indian prisons accounted over 120% in 2019 and towards the end of 2020, prison occupancy rates has analysed a great increase in its percentage. According to the report of Commonwealth Human Rights Initiative between December 2019 to November 2021, prison tenancy rate elevated to 133%. Introduction of Community service for minor crimes led to the decrease in India's prison population. As per the data given by National Crime Records Bureau in 2016, we noticed that that 6.4% people were repeated convicts out of the total number of people arrested. Data showed that elevation in reoffending meaning there might be possibility that punished wrongdoer may repeat same crime once more whose data increases from 3 to 6.4% in 2015 & 2016. Twenty- year study conducted under purview of New York University with 100,000 residents where it was found that Slaughtering rate decreased by 9%, violent wrongs went down to 6% and property crimes by 4%. Crime rates provided by National Crime Report Bureau for the years 2016-2020 are as follows: -

1. In State of Kerala, after implementation of community policing, crime in 2016 was around 7 Lakhs and crime rate was 1980.3 that was reduced to 1818.4 in 2017 that further decreases to 1463.2 in 2018 and later on, in 2020, approximately 5 Lakh cases were reported. As we observed from data stated above that crime rate in Kerala deduced from 2016 to 2020, thus, it would be regarded as well-established model of community policing.
2. In State of Maharashtra, total number of cases reported was approx. 4 lakhs in 2016 while crime rate was 357.4 that elevated to 383.4 in 2017 and further increased to 424.8 and later on, it was 435.8 and crimes registered was around 5 lakhs in 2020.
3. Therefore, in Tamil Nadu, crime were 4lakhs in 2016 and till 2020, it became thirteen lakhs and rate was around 1808.8.

²⁴ Prerna, "The Impact of Community Policing initiatives on crime prevention in India" Vol.5 Issue4 International Journal of Law, Policy and Social Review, 67-70 (2024).

Therefore, we can conclude by this that execution of the system of community policing caused to appreciative reduction in the crime rates in some states and crime reporting was raised in almost all states. This data Analysis proved that community service not only minimized unreported crime but also strongly indicated that our future will bring appreciating developments in this regard.

LANDMARK JUDGEMENTS

- 1. Vishal S. Awtani²⁵:** It argued what type of community service punishment must be awarded (out of Sentencing or reformation or indemnification) where concluded that it is sort of indemnity. Benefits of Volunteering as sentence made inclusive & ordered people not wearing masks and breaching provisions provided under Covid-19 guidelines shall be compelled to perform tasks in range of community services. The decision received support from Supreme Court of India.
- 2. Dr. Neha Padam v. Central Bureau of Investigation²⁶:** Petition filed under Sec. 482 of C.R.P.C. holding petitioner i.e. postgraduate medical student for execution of community service at Government Primary School but disagreed due to spread of Covid-19 pandemic. CBI orders claimant to work in Community health centre situated at Indore District on sequential Sundays in such circumstance.
- 3. Salmanul Farish v. State of Kerala²⁷:** Appellant, who is underage convict, in accordance with sections 454, 461 & 380 of I.P.C. Sent to Unique home for three Years period. Now, he is 25years married man with unmarried sister and mother. As per Supervisory officer's report who along with Public Prosecutor advised him in regards to do Social service two hrs a day till one year in Palliative Care Institution stating claimant at present, lives civilized life.

CONCLUSION

Community Service is a way forward as alternative form of punishment that helps in reforming the criminals and by this way, these offenders can be prevented from committing crimes in future. The Concept of community service played crucial part in criminal justice system through promoting justice, rehabilitation & reintegration of offenders. It provides speedy justice, reduces time and prevents high costs. Through Community service, offenders bestow

²⁵ Vishal S. Awtani versus State of Gujrat, (2020) C/WPPIL/108.

²⁶ Dr. Neha Padam versus CBI, (2022) M.Cr.C.61314.

²⁷ Salmanul Farish versus State of Kerala, (2019) CrI.Rev.Pet.No.392.

in a positive manner to the society, thus, reducing recidivism rates in the society. Section 23 of BNS covers Community service authorising CJM, Judicial Magistrate of first and second order the powers in this regard. It also helps in maintenance of social harmony and benefitting society or community to a great extent. As per my perspective, Community Service proved to be beneficial not only for the State but also for the Nation as one of the primary objectives of it is to help the criminal to reform by serving to the society and make contributions. When we analyse the crime rates, we see that there is vast decline in crimes due to this type of punishment. As sometimes, person compelled to commit the wrong on observing the circumstances and health of an individual, so this form of punishment empowers preventing jail sentence and in place of that grant community service on observation of the case that we have stated in certain case laws in this paper covering not only India but in US and UK also.

