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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL**Judicial Department****Writers' Buildings****Kolkata-700 001****NOTIFICATION**

No. 1686-JL/JD/16M-20/2025

Dated 09.09.2025.

Whereas, the following Acts of Parliament namely, THE BHARATIYA NYAYA SANHITA, 2023 (Act 45 of 2023), and THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (Act 46 of 2023) have received the assent of the President of India on the 25th December, 2023 and have been enforced on and from 01st July, 2024; And

Whereas, Section 4 clause (f) of the Bharatiya Nyaya Sanhita (BNS) 2023 has prescribed Community Service as punishment which can be imposed for commission of certain offences under the Bharatiya Nyaya Sanhita (BNS) 2023; And

Whereas, there is a need to prescribe necessary guidelines on how to apply the provisions of Bharatiya Nyaya Sanhita (BNS) 2023 together with the Bharatiya Nagarik Suraksha Sanhita, 2023 (8N55);

THEREFORE, in exercise of powers conferred by clause (1) of Section 4 of the Bharatiya Nyaya Sanhita, 2023 (No. 45 of 2023) and relevant Section of Bharatiya Nagarik Suraksha Sanhita 2023 (No. 46 of 2023) the State Government after consultation with the High Court at Calcutta, hereby, makes the following guidelines for award of Community Services as punishment.

1. (i) These rules shall be called the “West Bengal Rules for Community Service”, 2025
(ii) These rules shall come into force from the date of publication in Kolkata Gazette.
2. **Definitions.**— In these Rules, unless the context otherwise requires :
 - (i) **“Authorizing Officer”** means and includes any person who has been authorized by the Court for facilitating due execution of the Community Service ordered by the Court.
 - (ii) **“Court”** means any Court as defined in the **Bharatiya Nyaya Sanhita (BNS) 2023** and shall include a physical Court or a virtual Court.

- (iii) **"Exceptional circumstances"** include illustratively a pandemic, natural calamities circumstances implicating law and order and matters relating to the safety of the convict
- (iv) **"Probation Officer"** means an officer as defined in The Probation of Offenders Act, 1958.

3. General principles to be followed while imposing Community Service as punishment—

The Court while imposing Community Service as punishment shall be guided by the following fundamental principles, namely:—

- (i) **Principle of dignity and worth:** All human beings shall be treated with equal dignity and rights.
- (ii) **Tailoring Community Service to reformative Needs:** The imposing of Community Service should be designed in a manner that promotes the reformation and rehabilitation of the offender while simultaneously benefiting the community.
- (iii) **Principle of safety:** All measures shall be taken to ensure that the offender is not exposed to any abuse or maltreatment while rendering Community Service.
- (iv) **Principle of equality and non-discrimination:** There shall be no discrimination against an offender on any grounds including caste, ethnicity, place of birth and equal treatment shall be provided to every offender.
- (v) **Principle of right to privacy and confidentiality:** Every offender shall have a right to protection of his/her privacy and confidentiality, by all means and throughout the process of Community Service.

4. Guidance on imposition of sentence of Community Service—

- (1) In exercising the discretion whether to impose a sentence of Community Service, the following factors may be taken into consideration by the Court:
 - a. The gravity of the offence;
 - b. Whether the nature and circumstances of the case is appropriate for the offender to be held accountable to the community by making compensation to it in the form of work, in addition to, or instead of imprisonment;
 - c. Whether the sentence is appropriate having regard to the offender's character and personal history, and to any other relevant circumstances;
 - d. The offender's personal history, physical and mental capabilities and how the offender could benefit from learning work habits or skills through the sentence;
 - e. The welfare of the society;
 - f. The reasonable probability that the offender shall not violate the law while rendering the service, and
 - g. Any other relevant circumstances.
- (2) The table as provided in Schedule-I, of these rules may be taken as guidance while specifying the type of work that an offender may be required to perform for the purposes of a sentence of Community Service.
- (3) A sentence of Community Service is inappropriate if the Court is satisfied that—
 - (a) the offender has alcohol, drug, psychiatric or intellectual problems that indicate that it is unlikely that he or she would complete a sentence of community work, or
 - (b) for any other reason it is unlikely that the offender would complete a sentence of community work.

5. Order of Community Service— (1) The Community Service order shall provide for the following:

- a. The details of the Community Service program;
- b. The specific number of hours to be accomplished and period within which to complete the service,
- c. A direction requiring the concerned Officer to provide a final report on the offender's compliance with the program within 5 (five) calendar days from expiration of the period and recommendation if applicable;
- d. The initial reporting obligations of the offender; and

- e. The date on which the sentence commences; and
 - f. The obligations to comply with the instructions of the probation officer and the terms of the sentence.
- (2) The Community Service order shall take effect upon its pronouncement in open court. The court shall inform the offender of the consequences thereof and explain that failure to comply with the terms or commission of another offence during Community Service, by the offender shall expose him/her to serve further punishment.
- (3) After promulgation of judgment or order where the imposable penalty for the crime committed by the offender is Community Service, it shall be the Court's duty to inform the offender in a language which is understandable to him/her, that he/she has right to challenge the order/judgment and he/she has a right to avail of legal aid from the appropriate legal services authority if he intends to assail the conviction.
- (4) A copy of the order/judgment shall also be communicated to the victim.
- 6. Length of sentence of community work.**— (1) If the Court imposes a sentence of Community Service of 100 hours or less, that sentence must be served within 03 (three) months from the date of passing such order.
- (2) If the Court imposes a sentence of Community Service of more than 100 hours, the offender must serve at least 100 hours in every 03 (three) month period from the date on which the order of sentence has been passed, until the number of hours imposed under the sentence has been served.
- 7. Report to Probation Officer.**— (1) An offender who is subject to a sentence of Community Service must report in person to a Probation Officer in which the offender resides—
- (a) as soon as practicable, and not later than 72 hours, after the sentence is imposed or, if the start date of the sentence has been specified by the Court, within 72 hours of the specified start date, and
 - (b) as directed at any other time during the sentence for the purpose of monitoring the sentence by the Probation Officer.
- (2) if an offender who is subject to a sentence of Community Service moves to a new residential address, the offender must, within 72 hours, notify the Probation Officer of the offender's new residential address
- 8. When community work must be done.**— (1) If Community Service is to be done on placement with a government organization, the days on which and the times at which the offender will do the work must be fixed by authorizing officer and notified in writing to the offender.
- (2) If the community work is to be done on placement at a non-governmental organization, the days on which and the times at which the offender will perform the work must be determined by the head of such organization and notified in writing to the offender.
- (3) it is not necessary for all the periods of work to be of the same duration, but no period may be longer than 04 hours and no offender may be required to do more than 24 hours of community work per week
- (4) The times at which the offender is required to report, and the periods during which he or she is required to do Community Service, must be such as to avoid interference, so far as practicable, with the offender's attendance at any place of education or employment, or with his or her religious observances.
- 9. Supervision of offender while doing community work.**— (1) An offender who is directed to do Community Service shall be subject to the control, direction, and supervision of the Probation Officer at all times while the offender is doing the Community Service.
- 10. Offender excused from reporting in certain circumstances.**— (1) An offender who is subject to a sentence of Community Service may be excused from reporting during any period when the place of rendering Community Service to which he or she is required to report is closed.
- (2) In exceptional circumstances, a probation officer may excuse an offender from reporting on any day or during any period.
- (3) Without limiting subsection (2), if an offender is unable to report on any day or during any period because of illness or injury, a Probation Officer must, on being satisfied (whether before or after the failure to report) with the circumstances of the case, excuse the offender from the requirement to report on that day or during that period.

- (4) for the purpose of determining whether or not to excuse an offender under sub-section 13 the Probation Officer may require that the offender obtain a certificate from a registered medical practitioner as to whether the offender is, will be, or was unfit to report on the day or during the period
- (5) A certificate obtained in accordance with subsection (4) is not conclusive as to whether the offender is, will be, or was unfit to report.
- (6) To avoid doubt, if an offender is excused under this section from reporting, that does not have the effect of remitting any of the hours of community work required to be done under the sentence.
- 11. When hours of community work not be counted.**— (1) If an offender fails to carry out any work under a sentence of Community Service to the satisfaction of the authorizing officer, the authorizing officer shall report the same to the Probation Officer and the Probation Officer may, subject to sub-section (2), refuse to treat that work as work undertaken under the sentence.
- (2) The number of hours that the probation officer may refuse to treat as work undertaken under the sentence must not exceed 10% of the total number of hours under the sentence.

Schedule I

Sl. No.	Community Services	Place/Office of service	Authorizing officer	Monitoring Authority	Duration of Community Service
1.	Cleaning/maintenance of wards and restrooms and peripherals	Government Hospital	RMO/Dean or Designated Officer	District Probation Officer or any other appointed or designated officer by the State Government for the purpose	One day to thirty-one days OR Forty hours to two hundred forty hours.
2.	Casualty/OP Management	Government Hospital	RMO/Dean or Designated Officer	-do-	-do-
3.	Trolley/Movement assistance	Government Hospital	RMO/Dean or Designated Officer	-do-	-do-
4.	Any other duties identified by RMO/Dean which requires mere special/ medical knowledge	Government Hospital	RMO/Dean or Designated Officer	-do-	-do-
5.	Cleaning/maintenance of study area, stock area, restrooms and peripherals	District Taluk Any Govt. Library	Librarian/In-charge Officer	-do-	-do-
6.	Arranging of Books/Listing of Books or any clerical assistance or Binding	District Taluk Any Govt. Library	Librarian/In-charge Officer	-do-	-do-
7.	Cleaning of classrooms, library, labs, grounds and restrooms.	Govt. Educational Institutions	HM / Principal or Designated Officer	-do-	-do-
8.	Cleaning/maintenance along with Municipal/Corporation cleaning staff	Corporation / Municipality / Panchayat	Respective Commissioner/BDO or Designated officer	-do-	-do-
9.	Removal of weeds from water bodies and roadsides	Corporation / Municipality / Panchayat	Respective Commissioner/BDO or Designated officer	-do-	-do-

Sl. No.	Community Services	Place/Office of service	Authorizing officer	Monitoring Authority	Duration of Community Service
10.	Any Cleaning or maintenance of public buildings	Public Offices	Concerned Officers	-do-	-do-
11.	Traffic regulation, crowd regulation, premises/station cleaning, comunes areas maintenance	Police Station	SHO / Designated Officer	-do-	-do-
12.	Cleaning/Maintenance	Public Parks/Space & Beach of Corporation Municipality Panchayat	Respective Commissioner BDO of Designated officer	-do-	-do-
13.	Cleaning/Maintenance	Old age homes/ Hostels/social welfare department boildings	Warden/In-charge officer or Designated Officer		
14.	Tree Planting, watering, weed removal and maintenance work	Forest Department	Ranger/In-charge Officer Designated Officer	-do-	-do-
15.	Cleaning/Maintenance of clerical assistance	Zoo/Museums	Curator/In charge officer/Designated Officer	-do-	-do-
16.	Any other duty as part of community service which the court deems fit in the given case	Concerned Department	Concerned Officer	-do-	-do-

By order of the Governor,

SIDDHARTHA KANJILAL

Principal Secretary to the Government of West Bengal.