



Agnipath Scheme and Doctrine of Promissory Estoppel

For Prelims: [Supreme Court](#), [Agnipath Scheme](#), Doctrine of Promissory Estoppel

For Mains: Supreme Court's Stand on Doctrine of Promissory Estoppel

Why in News?

The [Supreme Court](#) has recently dismissed petitions challenging the **Delhi HC's judgement that upheld the Agnipath scheme for recruitment** to the armed forces.

- An argument on **Doctrine of Promissory Estoppel** was floated in the Supreme Court related to petitions of shortlisted candidates in the earlier recruitment process to Army and Air Force **which was cancelled when Agnipath scheme was notified.**

What is the Doctrine of Promissory Estoppel?

- **About:**
 - Promissory estoppel is a concept developed in **contractual laws. It prevents a "promisor" from backing out of an agreement** on the grounds that there is no "consideration."
 - The doctrine is invoked in court by a plaintiff (**the party moving court in a civil action**) **against the defendant** to ensure the execution of a contract or seek compensation for failure to perform the contract.
- **Related Case:**
 - In the **Chhaganlal Keshavalal Mehta v. Patel Narandas Haribhai (1981)** case, the **Supreme Court** listed out a checklist for when the doctrine can be applied.
 - Firstly, there must be a **clear and unambiguous promise.**
 - Secondly, the plaintiff must have **acted relying reasonably on that promise.**
 - Thirdly, the **plaintiff must have suffered a loss.**
- **Current Stance of SC over Agnipath Petition:**
 - The Supreme Court pointed out that **"promissory estoppel is always subject to overarching public interest".**
 - It also added that **"this is not a contract matter where promissory estoppel in public law was applied, it is a public employment"** and that "the question of applying this principle will not arise in this case".

What is the Agnipath Scheme?

- **About:**
 - It allows **patriotic and motivated youth to serve in the Armed Forces** for a period of **four years.**
 - The **youth joining the army will be called Agniveer.**
 - Under the new scheme, **around 45,000 to 50,000 soldiers will be recruited annually.**
 - However, after four years, **only 25% of the batch will be recruited back into**

their respective services, for a period of 15 years.

▪ **Objectives:**

- It is expected to bring down the **average age profile of the [Indian Armed Forces](#) by about 4 to 5 years.**
 - The scheme envisions that the **average age in the forces is 32 years today, which will go down to 26 in six to seven years.**

▪ **Eligibility Criteria:**

- It is only for **personnel below officer ranks** (those who do not join the forces as commissioned officers).
 - **Commissioned officers** are the army's highest ranked officers. They hold an **exclusive rank in the Indian armed forces**. They often hold a **commission under the [president's sovereign power](#)** and are officially instructed to protect the country.
- Aspirants between the ages of **17.5 years and 23 years** will be eligible to apply.

▪ **Benefits for Agniveers:**

- Upon the completion of the 4-years of service, a **one-time 'Seva Nidhi' package of Rs 11.71 lakhs** will be paid to the Agniveers that will include their **accrued interest thereon.**
 - They will also get a **Rs 48 lakh life insurance cover for the four years.**
- In case of death, the payout will be over **Rs 1 crore**, including pay for the unserved tenure.
 - The government will help rehabilitate soldiers who leave the services after four years. **They will be provided with skill certificates and bridge courses.**

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