
AGNIPATH AT FOUR: LEGAL FAULT LINES AND THE COMING REWRITE OF INDIA'S MILITARY RECRUITMENT CONTRACT

Adv. Anshika Yadav, B.A. LL.B. (Hons), GITAM School of Law, GITAM University,
Visakhapatnam

ABSTRACT

The Agnipath initiative, which was introduced by the government on June 14, 2022, is about to enter the stage that will determine if it continues in its current shape for another four years. The Department of Military Affairs is considering measures that go well beyond minor adjustments as the first cohort of Agniveers is scheduled to conclude its four-year service in October 2026. There are proposals for lifetime medical coverage for the disabled, retention ceilings, and family recompense for troops murdered while serving.

This article examines the legal framework that underpins Agnipath's tense relationship with international labor standards and constitutional guarantees. It also follows the strategic recalibration that is currently taking place within the Ministry of Defense, based on the most lucid account of the scheme's origins that is currently available: the memoir of former Army Chief General M.M. Naravane, *Four Stars of Destiny*.

The Legal Terrain

A soldier's traditional expectations of service, a pensionable career, job security, and gratuity have always been at odds with the brief, contract-like involvement Agnipath offers. This has always been the scheme's primary legal risk. After four years, about three out of four recruits go with a lump sum payment but no pension; this arrangement raises concerns under both international labor standards and India's constitutional protections.

For most new hires, the model is based on short-term, non-pensionable participation, which conflicts with the standards of the International Labour Organization on social protection, job stability, and fair working conditions. Article 14 (equality before the law) and Article 21 (the right to life, interpreted broadly to include livelihood) are pertinent touchstones at home. Opponents contend that a program that offers no assurance of long-term absorption and no organized re-employment assistance for those released exposes discharged Agniveers to financial instability that may violate their Article 21 rights and that favoring short-tenure entrants over those pursuing a full military career may constitute a classification issue under Article 14.

When the argument was put to the test, it failed. After considering twenty-one petitions against the initiative, a division bench of the Delhi High Court ruled in February 2023 that the government's goal was not arbitrary nor discriminatory, characterizing Agnipath as a thoughtful policy choice based on national security. The court relied on a well-established body of precedent that states that unless a policy choice is clearly discriminatory, arbitrary, or violates a particular statute or constitutional provision, courts will not question it. Two months later, the Supreme Court dismissed additional petitions and affirmed that candidates who had passed pre-Agnipath recruiting rounds had no vested right to appointment once the scheme replaced the previous procedure, declining to overturn that conclusion.

That resolves the constitutional issue for the time being, but it does not resolve the underlying policy conflict that the litigation revealed. In order for a plan to pass judicial review and still leave unresolved issues about labor protection, pension parity, and reintegration support that a legislator, not a court, would have to address, courts evaluate policy using a low bar of logic rather than justice or generosity. Since the current framework was constructed under the assumption that the majority of Agniveers leave without long-service entitlements, any move to extend tenure, raise the retention ceiling, or introduce family compensation and disability

coverage all of which are currently under active discussion will probably require amendments to service rules as well as possibly to pension and gratuity statutes.

How Agnipath Was Actually Built

The most comprehensive documented account of the scheme's beginnings is provided by General Naravane's memoir, which challenges the widely held belief that Agnipath emerged fully formed from the South Block. He claims that shortly after becoming Army Chief in early 2020, he presented the Prime Minister with a much more limited proposal: a soldier-level short-service option based on the officer corps' current Short Service Commission, in which a small number of jawans would serve a fixed tour with the option to re-enlist.

Before coming back from the Prime Minister's Office in a much more broad version that covered all three services and placed an entire annual intake on short-service terms, the notion remained largely dormant throughout the early months of the pandemic and the Galwan clash. Naravane has stated unequivocally that the Navy and Air Force, who were not involved in the initial discussion, were completely taken by surprise and that the Army was unprepared for the scope of that expansion. Only when the plan made it to a full ministerial-level meeting in November 2020 were the names of the project and its recruits, Agnipath and Agniveer.

It was really challenging to figure out the math underlying retention. The Army's initial stance favored releasing a smaller percentage of recruits while keeping the remainder; subsequent reports indicate that the initial pitch was closer to 10%. Later, the numbers were reversed, with planners briefly considering a two-stage retention model that would have reduced the percentage from 50% after three years to 25% after five. According to Naravane, the concept is practically unfeasible since basic training and deployment alone take six to eight months, and a release procedure would require an additional six. This means that a soldier would only have two effective years of duty before a decision about retention would need to be made. Separately, the Air Force said that the three-year period was insufficient to prepare staff for the technical upkeep of complicated systems. He said that rather than being a design selected from the ground up, the four-year, single-decision-point model that resulted was a compromise made under such limitations.

This improvisational past is relevant to the current discussion. Before the plan was finalized at its present dimensions in 2020 and 2021, the services themselves voiced concerns about a

number of issues that are currently driving the push for reform: inadequate combat experience, weak technical competence, and rapid turnover.

The 2026 Reckoning

The Department of Military Affairs, led by Chief of Defence Staff General Anil Chauhan, is examining a proposal centered on three changes: a significantly higher retention ceiling, lifetime financial support for the families of Agniveers who die in service, and lifetime medical coverage for those who are disabled while serving. The first batch is about to be discharged. The present regulations do not provide for a pension equivalent for the family of an Agniveer killed on duty, which has been a source of ongoing concern since 2022. None of these are included in the program as initially drafted.

In terms of retention, the services have advocated for a ceiling of 50% for all trades and 60% for technical trades. They contend that a quarter-retention model is insufficient to maintain institutional expertise due to the increasing reliance on drones, radar monitoring, and rapid-response air defense systems, the kind of capability demonstrated during Operation Sindoor. The proposal is not new; as early as September 2024, sources in the defense ministry proposed a comparable 50% number. The feeling of urgency has shifted, and the Army's leadership has taken care to avoid making a choice in advance. In March 2025, Army Chief General Upendra Dwivedi informed reporters that the question was still too early and that a more definitive picture would probably not become apparent until December 2026, which coincides with the discharge of the first cohort. Throughout this review time, recruitment has proceeded according to the original terms. The 2026 cycle began accepting applications in February, administered the Common Entrance Exam nationwide from June 1 to June 15, and released Army Recruiting Office-specific merit lists starting in late May. Approximately 25,000 positions were targeted for the Army alone this year, with chosen recruits going on to 31 weeks of training. Until the DMA review is completed, the pay structure and the tax-free Seva Nidhi corpus, which is now frequently stated as around ₹11.71 lakh on exit and is developed via matching payments by the recruit and the government, stay intact.

Political Pressure Has Not Faded

Even when the courts blocked the constitutional path, the plan has never been politically resolved. Citing concerns among candidates in recruitment-heavy areas like Uttar Pradesh,

Bihar,

Haryana, Uttarakhand, and Himachal Pradesh, allies within the ruling coalition itself, such as the Janata Dal (United) and the Lok Janshakti Party (Ram Vilas), have occasionally advocated for a review. The reaction has been far less measured. The Congress party has frequently called for the plan to be reversed, claiming that a four-year tour damages military unity and the morale of long-serving regulars who continue to get full pay, vacation, and pensions while Agniveers do not.

From a different perspective combat preparedness rather than politics retired military chiefs have given weight to that criticism. Admiral Arun Prakash, who succeeded former Navy Chief Admiral Karambir Singh as a public voice on the matter, has maintained that any reform to recruitment should be evaluated solely on whether it strengthens or weakens combat effectiveness, regardless of the savings involved. According to Singh, the scheme's main goal is to keep the defense pension bill under control, even at the expense of combat capacity. Together with General Naravane, both men have highlighted a more specific issue: Agniveer basic training, which lasts about six months, is shorter than the eleven-month course that was previously required for regular recruits. This, according to critics, leaves less room for error in units that increasingly consist of a mix of short-service Long-term regulars and agniveers work side by side.

Where This Leaves the Scheme

Agnipath has passed its constitutional test, but the deeper debate was never really about Article 14 or Article 21 in the abstract; rather, it was about whether a four-year, largely non-pensionable engagement is fair to the recruits who bear the uncertainty of that model and whether it is compatible with the kind of institutional memory and technical depth a modern military needs. The DMA's family-welfare and retention proposal and the government's own internal review, which was prompted by an Army survey of recruits, unit commanders, and training personnel, indicate that the answer inside the establishment is a qualified no: the framework needs to change, even if the courts found nothing illegal about its origins.

Agnipath in 2027 will change significantly from the plan that two courts upheld in 2023 if the retention ceiling is raised to the fifty to sixty percent level under consideration and if death and disability payments are included. That would be a subtle admission that the 2022 version asked

too much of too many recruits for too little security in return, but it wouldn't reverse the legal precedent. A policy might be legitimately issued and still be significantly amended. The final decision, which is anticipated around the time the first Agniveers finish their term in October, will reveal a lot about whether the government created a four-year experiment that is currently being discreetly rebuilt in response to the friction it caused or a long-lasting reform of India's military recruitment.

References:

1. *'Agnipath has an objective of creating an Armed Force which is agile, youthful, physically fit, and mentally alert; Delhi High Court upholds the constitutional validity of Agnipath scheme'* SCC Online Blog (28 February 2023)
<<https://www.sconline.com/blog/post/2023/02/28/delhi-high-court-upholds-constitutional-validity-of-agnipath-scheme-and-cancellation-of-recruitment-process-in-2019-due-to-induction-of-scheme-promissory-estoppel-legalnews-legalupdates-legalawareness/>> accessed 1 June 2026.
2. *'Agnipath scheme well thought policy decision with national security at its heart: Delhi High Court'* Bar and Bench (28 February 2023)
<<https://www.barandbench.com/news/litigation/agnipath-scheme-well-thought-policy-decision-national-security-delhi-high-court>> accessed 1 July 2026.
3. *'Supreme Court Says Centre's Agnipath Recruitment Scheme Valid, Not Arbitrary'* Zee News (10 April 2023) <<https://zeenews.india.com/india/supreme-court-says-centres-agnipath-recruitment-scheme-valid-not-arbitrary-2593324.html>> accessed 03 June 2026.
4. General M.M. Naravane, *Four Stars of Destiny* (Konark Publishers 2024), as reported in Press Trust of India coverage of the memoir's release.
5. *RNA Desk, 'Major Agnipath Overhaul On The Cards: Increased Retentions, Financial Aid To Lifetime Care For Agniveers'* RNA Media (2025)
<<https://www.rnamedia.in/army/agnipath-scheme-overhaul-increased-agniveer-retentions-financial-aid-lifetime-care-indian-armed-forces/10647>> accessed 3 June 2026.
6. *'MoD mulls retaining more Agniveers'* The Tribune (17 November 2025)
<<https://www.tribuneindia.com/news/top-headlines/mod-mulls-retaining-more-agniveers/>> accessed 3 June 2026.
7. The Tribune (n 6).
8. *'Agnipath scheme: Defence ministry to revise Agniveer benefits, increase retention'* Business Standard (5 September 2024) <<https://www.business-standard.com/external->

affairs-defence-security/news/agnipath-scheme-defence-ministry-to-revise-agniveer-benefits-increase-retention-124090500450_1.html> accessed 10 June 2026.

9. *'Agnipath proving to be a great success': Army chief says leave, casualty benefits, age limit under review'* Business Today (11 March 2025) <<https://www.businesstoday.in/india/story/agnipath-proving-to-be-a-great-success-army-chief-says-leave-casualty-benefits-age-limit-under-review-467567-2025-03-11>> accessed 18 June 2026.
10. *'Agnipath Scheme Recruitment 2026 – Notification (Out)'* Careers360 (30 April 2026) <<https://competition.careers360.com/articles/agnipath-scheme-recruitment>> accessed 27 June 2026.
11. *'Indian Army Agniveer Result 2026 Out, Download ARO Wise Merit List PDF'* Karmasandhan (26 May 2026) <<https://www.karmasandhan.com/indian-army-agniveer-result-2026/>> accessed 27 June 2026.
12. *'Indian Army Agniveer Exam Date 2026 OUT, Check Schedule'* Testbook (2026) <<https://testbook.com/indian-army-agniveer>> accessed 28 June 2026.
13. *'Agnipath Scheme 2026 – Agniveer Salary, Seva Nidhi, How to Apply'* Knowledge Kendra (2026) <<https://knowledgekendra.com/yojana/agnipath-scheme>> accessed 28 June 2026.