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## Agneepath Scheme



- Recently the government has unveiled the Agneepath scheme for the recruitment of soldiers in all the three services (Army, Navy and Air Force).

### **Agneepath Scheme:**

- It allows patriotic and motivated youth to serve in the armed forces for a period of four years.
- Under this scheme, the youth joining the army will be called Agniveer and the youth will be able to join the army for some time.
- Under the new scheme, about 45,000 to 50,000 soldiers will be recruited annually and most will leave the service in just four years.
- However, after four years only 25% of the batch will be re-admitted to their respective services for a period of 15 years.

### **Eligibility criteria:**

- It is only for personnel below the rank of officer (who do not join the army as commissioned officers).
- Commissioned officers are the highest rank officers of the army.
- Commissioned officers hold a special rank in the Indian Armed Forces. They are often commissioned under the sovereign power of the President and are officially instructed to defend the country.
- Candidates between the age of 17.5 years to 21 years will be eligible to apply.

### **Purpose:**

- It aims to provide an opportunity to the patriotic and motivated youth to join the armed forces with 'Josh' and 'Passion'.
- This is expected to reduce the average age profile of the Indian Armed Forces by about 4 to 5 years.
- The scheme envisages that the average age at present in the Armed Forces is 32 years, which will be reduced from 6-7 years to 26 years.

### **Benefits to Agniveers:**

- Agniveers on completion of 4 years of service will be paid a lump sum 'Seva Nidhi' package of Rs.11.71 lakh which will include interest earned by them.
- They will also get a life insurance cover of Rs 48 lakh for four years.
- In case of death an amount exceeding Rs.1 crore including salary for the unpaid tenure.
- The government will help in the rehabilitation of soldiers who leave the service after four years. They will be provided with skill certificates and bridge courses.

## **Related concerns:**

### **Difficult to find another job:**

- In the first year of the 'Agneepath' scheme, about 45,000 soldiers in the Army, Navy and Air Force will be recruited on short-term contracts of four years. Apart from 25% of them, the rest will have to be released from military service after the completion of the contract.
- Four years of service would mean that other jobs would be out of their reach after that and soldiers who completed four years would not be eligible for re-service.

### **No Pension Benefit:**

- Jawans appointed under the Agneepath scheme will be given a lump sum amount of little more than Rs 11 lakh at the end of their four-year term.
- Although they will not receive any pension benefits, in such a situation it will be necessary for most to find another job to support themselves and their families.

### **Training remaining unused:**

- The army will lose experienced soldiers.
- Soldiers joining the Army, Navy and Air Force will be given technical training to support ongoing operations but these men and women will be out of service after four years, which can create a void.

## **Importance of such a step for the country:**

### **Future Ready Soldier:**

- It will create "future ready" troops.
- More job opportunities:
- This will increase employment opportunities and due to the skill and experience gained during the four years of service, such soldiers will get employment in various fields.

## Highly Skilled Workforce:

- This will also lead to the availability of a highly-skilled workforce for the economy, which will lead to productivity gains and overall GDP growth.

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## Remission



- The Ministry of Home Affairs has issued guidelines to states and union territories to give special exemption to prisoners on the occasion of 75th year of independence.

### Guidance:

#### Special Avoidance:

- A certain category of prisoners will be given special exemption as part of Azadi Ka Amrit Mahotsav celebrations. These prisoners will be released in three phases.

#### Eligibility:

- Female and transgender prisoners aged 50 years and above and male prisoners aged 60 years and above.
- These prisoners will have to complete 50% of their total sentence without counting the period of normal remission earned.
- Physically handicapped prisoners with a disability of 70% or more who have completed 50% of their total sentence.

- Critically ill convicted prisoners who have completed two-thirds (66%) of their total sentences.
- Poor or impoverished prisoners who have completed their sentences but are still in jail for not paying the fines imposed on them.
- Persons who have committed an offense at a young age (18-21) and have no other criminal involvement or case against them and have completed 50% of their term of sentence will also be eligible.

### **Prisoners excluded from the scheme:**

- Persons convicted with a sentence of death or where the sentence of death has been commuted to imprisonment for life or has been convicted of an offense for which the death penalty is specified as one of the punishments is.
- Persons convicted with a sentence of imprisonment for life.
- Offender or convicted person involved in terrorist activities – Terrorist and Disruptive Activities (Prevention) Act, 1985; Terrorist Prevention Act, 2002; Unlawful Activities (Prevention) Act, 1967; Explosives Act, 1908; National Security Act, 1982; Official Secrets Act, 1923 and Anti-hijacking Act, 2016.
- Protection of Child Sexual Offenses (POCSO) Act, 2012 to make punishment for dowry death, counterfeit notes, sexual offenses against children more stringent; Immoral Trafficking Act, 1956; Offenses against the State (Chapter-VI of the IPC) in the case of persons convicted of offenses under the Prevention of Money Laundering Act, 2002 etc. and any other law which the State Governments or Union Territory Administrations may deem fit to exclude, are not eligible for special exemption.

### **Remission:**

- Remission is the complete cessation of a punishment or punishment at a point. Remission differs from both furlough

and parole in that it is a reduction in punishment as opposed to a break from prison life.

- In avoidance the nature of the punishment remains untouched, while the duration is reduced, i.e. the remaining punishment does not need to be passed.
- The effect of remission is that the prisoner is given a fixed date on which he will be released and will be a free person in the eyes of the law.
- However, in case of breach of any condition of the remission exemption, it shall be quashed and the offender shall serve the full term for which he was originally sentenced.

### **Background:**

- The avoidance system is defined under the Prisons Act, 1894, a set of rules in force for the time being, which regulates prisoners in prison to assess their behavior and consequently reduce punishment.
- In *Kehar Singh Vs Union of India* (1989) it was observed that the Court cannot refuse to consider a prisoner for exemption from sentence.
- The refusal by the court will make the prisoner to remain in jail till his last breath, he cannot be expected to be free.
- This would not only be against the principles of reform, but it would push the offender into a dark environment without a glimmer of light till the end of his life.
- The Supreme Court also observed in *State of Haryana Vs. Mahendra Singh* (2007) that even though it is not a fundamental right to remit a convict, the State has to take into account each individual case while exercising its executive power of remission. Considering the relevant and relevant factors should be considered.
- Apart from this, the Court was also of the view that the right to be considered for exemption should be treated as legal.

- This provision has been made keeping in mind the constitutional safeguards for the guilty under Articles 20 and 21 of the Constitution.

### **Constitutional Provisions:**

- Both the President and the Governor have been given the sovereign power of pardon by the Constitution.
- Under Article 72, the President can pardon, commute, suspend or suspend or suspend or reduce the sentence of any person.
- It may in all cases be done for any person convicted of any offence, where:
  - Punishment by court-martial, in all cases where the punishment is in relation to an offense under any law relating to the executive power of the Central Government and in all cases of capital punishment.
  - Under Article 161, the Governor can pardon, suspend, suspend or remit a sentence, or suspend, remove or reduce the sentence.
  - It can be done for any person convicted under any law in a matter falling within the executive power of the State.
  - The ambit of the pardoning power of the President under Article 72 is wider than the pardoning power of the Governor under Article 161.

### **Statutory Power of Remission:**

- The Code of Criminal Procedure (CRPC) provides for remission of prison sentence, which means that the whole or a part of the sentence can be revoked.
- Under section 432 the 'appropriate Government' may suspend or waive any punishment in whole or in part, with or without conditions.
- Any punishment under section 433 can be commuted by the appropriate government.
- This power is available to the State Governments to order the release of prisoners before completing their jail term.

## Terminology:

- **Pardon** - In this both punishment and imprisonment are removed and the guilty is completely freed from punishment, punishments and disqualifications.
- **Commutation** - It means to change the nature of punishment such as changing the death sentence to rigorous imprisonment.
- **Remission** - Change in the period of punishment such as changing the rigorous imprisonment of 2 years to 1 year of rigorous imprisonment.
- **Respite** - Reducing the punishment due to special circumstances. For example, due to physical disability or pregnancy of women.
- **Reprieve** - The process of postponing a punishment for some time. For example, postponing the hanging for some time.

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