



Gilgit-Baltistan and Pakistan: A Constitutional Dilemma in the Shadow of Kashmir

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Abstract

This article examines the constitutional status of Gilgit-Baltistan (GB) within Pakistan, focusing on the governance challenges and ambiguities stemming from its association with the Kashmir dispute. Despite GB's distinct historical and political trajectory, its constitutional position remains undefined. The region achieved independence through a local uprising shortly after Pakistan's inception and voluntarily acceded to Pakistan on November 16, 1947, following a brief period as an autonomous state. In contrast, Azad Jammu and Kashmir (AJK) gained autonomy through the Pakistan-India war and operates under its own constitution (enacted in 1974). Gilgit-Baltistan, however, remains neither a province nor an autonomous region. It is governed through presidential orders that have established a legislative assembly with limited powers and

judicial bodies such as the Chief Court and Supreme Appellate Court. These courts lack constitutional authority, as GB falls outside the ambit of Pakistan's 1973 Constitution. The GB Governance Order, therefore, functions as the region's supreme law, while the 1973 Constitution is selectively applicable and requires formal validation for enforcement. The constitutional ambiguity surrounding GB is closely tied to the unresolved Kashmir conflict. This article proposes that granting GB provisional provincial status with enhanced legislative and administrative powers could serve as an interim solution, addressing the aspirations of its residents while preserving Pakistan's diplomatic stance on the Kashmir issue.

Keywords: *Gilgit-Baltistan, constitutional ambiguity, governance, Kashmir dispute, provisional provincial status, Pakistan.*

Introduction

Gilgit-Baltistan (GB), formerly known as the Northern Areas, is a region characterized by limited autonomy and self-governance. Spanning an area of 72,971 square kilometers,¹ GB comprises three divisions and ten districts. Historically, the region's journey toward integration with Pakistan began in 1947 when the people of GB revolted against the rule of Maharaja Hari Singh under the leadership

¹ Muhammad Shafique and Gohar Ali Iftikhar, "Regional Dynamics of China Pakistan Economic Corridor: The Case of Gilgit-Baltistan," *Journal of Historical Studies* 3, no. 2 (2017). https://jhs.bzu.edu.pk/upload/vol%2011-17_2.%20Cepec%20Article.pdf_17.pdf

of Colonel Mirza Hassan Khan and other prominent figures. On October 31, 1947, Brigadier Ghansara Singh, the Maharaja's Governor of the Gilgit Agency, was taken into custody, and the region declared its independence on November 1, 1947. For 16 days, Gilgit functioned as a sovereign state with Shah Raees Khan as its president and Colonel Mirza Hassan Khan as the army chief of the Gilgit Scouts, a precursor to the modern-day Northern Light Infantry Regiment. On November 16, 1947, the leadership of Gilgit voluntarily acceded to Pakistan unconditionally. However, the region's constitutional ambiguity persists due to its connection with the Kashmir dispute.²

Renowned for its breathtaking natural beauty, GB lies at the confluence of three major mountain ranges: the Himalayas, Karakoram, and Hindukush. Geographically, it shares borders with Afghanistan to the north, China to the northeast, Khyber Pakhtunkhwa to the west, and Azad Jammu and Kashmir (AJK) to the southeast. The current political structure of GB was formalized in 1970 under the leadership of Prime Minister Zulfikar Ali Bhutto, who merged the Gilgit Agency, Baltistan Agency, and the princely states of Hunza and Nagar into a single administrative unit, dismantling the

²M. M. Asghar, Yasmin Roofi, Sarfaraz Batool and Muhammad Rauf, "Sectarian Diversity in Gilgit-Baltistan and Role of Successive Governments in Resolving the Conflict and Improving Harmony within the Region," *PalArch's Journal of Archaeology of Egypt* (2020).

https://scholar.google.com/citations?view_op=view_citation&hl=en&user=IX_uOvUAAAAAJ&citation_for_view=IX_uOvUAAAAAJ:3fE2CSJlr8C

feudal system and the Frontier Crimes Regulation (FCR). Despite these reforms, GB remains entangled in constitutional ambiguity due to its association with the Kashmir conflict, a legacy of its inclusion in the princely state of Jammu and Kashmir under the Treaty of Amritsar in 1846.

GB's governance is currently regulated by the "Gilgit-Baltistan Governance Order 2018," which serves as the region's supreme law. This order provides limited legislative and administrative powers while excluding local institutions from amending the governance framework. The constitutional status of GB remains a point of contention, as the region falls outside the scope of Pakistan's 1973 Constitution, leaving its residents as de facto, but not de jure, citizens of Pakistan. The absence of constitutional integration has resulted in administrative challenges and limited representation in Pakistan's federal institutions.

In November 2021, the Gilgit-Baltistan Legislative Assembly (GBLA) unanimously passed a resolution demanding constitutional recognition, either as a fully integrated province or as an interim province with representation in Pakistan's Parliament. However, these demands remain unmet, leaving GB without voting representation in federal legislative bodies. Comparatively, non-voting representation exists in democratic states like the United States, where Puerto Rico's Resident Commissioner participates in Congress.

The constitutional ambiguity of GB is further underscored by Article 257 of Pakistan's Constitution, which outlines the prospective relationship between Pakistan and Jammu & Kashmir upon the resolution of the Kashmir dispute, as per the aspirations of the region's people. However, Article 1(2) of the Constitution excludes GB and AJK from Pakistan's territorial framework, leading to conflicting interpretations of their status. Some argue that the regions are "otherwise included" under Article 1(2)(d), while others contend this interpretation is legally inaccurate. Notably, Article 257 envisions a "future" relationship contingent on the resolution of the Kashmir issue.³

Additionally, the violation of the State Subject Rule (SSR) of 1927 has exacerbated the socio-political challenges faced by GB. The SSR, originally designed to safeguard the rights of permanent residents of Jammu and Kashmir, prohibited non-residents from owning property, voting, contesting elections, or securing government jobs and scholarships. Its enforcement in GB historically protected local demography and resources. However, the rule's violation has led to concerns over land ownership, electoral rights, and access to public resources. Reinstating and enforcing a modified version of the SSR could restore public confidence and safeguard the rights of GB's

³ Nadeem Shaukat, & Pakistan. The Constitution of the Islamic Republic of Pakistan, 1973, 20th amendment. Legal Research Centre, (2012). <https://sbplibrary.sbp.org.pk/book/detail/89792/1>

residents, addressing their longstanding grievances and ensuring constitutional and socio-political stability.⁴

In the context of international law, GB's unresolved status remains subject to the United Nations' resolutions on Jammu and Kashmir. Granting the region conditional constitutional recognition, either through devolution of powers to local institutions or provisional provincial status, could address its administrative challenges and align with broader international obligations.

Historical development in the Status Quo of Gilgit-Baltistan

The history of Gilgit-Baltistan can be categorized into four distinct eras: the Ancient Era, spanning from the BC era to the 7th century; the Medieval Era, from the 8th to the 18th century, during which Islam was introduced to the region; the Dogra Rule, lasting from 1840 to 1947-48; and the Post-Liberation phase, from 1947 to the present.⁵

Between the 7th century and early 19th century, various dynasties ruled Gilgit-Baltistan, including the Tarkhans, Maghlots, Ayashos, Burshais, Maqpoons, Anchans, and Yabgos. The last Buddhist ruler,

⁴Review of *State Subject Rule*. 1927.

https://www.satp.org/satporgtp/countries/india/states/jandk/documents/actsandordinances/State_Subject_Rules.htm.

⁵ Hussain Abadi, Muhammad Yousuf. *Baltistan Book Depot* (Skardu). Skardu, Pakistan: Baltistan Book Depot (Skardu), 2003. http://116.0.36.99:8080/cgi-bin/koha/opac-detail.pl?biblionumber=21653&shelfbrowse_itemnumber=21402

Sri Badat, During his rule, Islam began to operate in Gilgit.⁶ Prior to 1874, GB (Gilgit-Baltistan) and Jammu & Kashmir were distinct entities, ruled by a Hindu dynasty until the 14th century, and later by a Muslim dynasty until 1841. By 1842, Sikh rule extended to Gilgit after Raja Karim Khan of Nagar invited the Sikh ruler of Punjab to occupy the region, and the sikh ruler accompanying with Dogra commander Colonel Nathe Shah with forces to capture it.⁷ The Treaty of Amritsar in 1846 transferred GB's sovereignty to Maharaja Gulab Singh, marking the beginning of Dogra rule. The region's natural beauty, resources, and strategic importance attracted British interest, leading to the First Anglo-Sikh War and solidifying the Treaty of Amritsar.⁸ In 1937, British officials, wary of Russian expansion, convinced the Maharaja of J&K to relinquish civil and administrative authority to them. At independence, the province was returned to the Maharaja, amid ongoing regional instability.⁹ The region was recaptured by Maharaja Ranbir Singh in 1860, which annexed it to the state of Jammu and Kashmir and established a Wazarat in Gilgit in 1866.¹⁰ With the awakening of Muslims across the subcontinent,

⁶ Singh 1995,p.30,New Delhi

⁷ FM Hussain, the northern gate of India, p. 150

⁸ John F. Riddick, "The History of British India," *Praeger* (2006), <https://www.abebooks.com/9780313322808/History-British-India-Chronology-Riddick-0313322805/plp>

⁹ Pushpam, Akshat , and Ramesh Kumar. Review of *Strategic Importance of Gilgit - Baltistan in India's*

NeighborhoodForeignPolicy. *ResearchGate*,(October), 2021.

https://www.researchgate.net/publication/363611069_Strategic_Importance_of_Gilgit_-Baltistan

¹⁰ ICG,Asia Report 31, 11 2007 p. 3

the people of Gilgit-Baltistan also rose against Dogra rule. They successfully defeated the Dogras on November 1, 1947, in Gilgit and declared their accession to the newly established state of Pakistan.¹¹ The rulers and people of the majority states like state of Hunza, Nagar, Yasin, and the tribal areas of Darel and Tangir also voluntarily acceded to Pakistan. The liberation struggle persisted, and on August 14, 1948, the Dogras were defeated in Baltistan (now the districts of Skardu, Ghanche, Shigar, and Kharmang), leading to the region becoming part of Pakistan.¹²

After gaining independence, Gilgit-Baltistan (GB) experienced various changes in its administrative and political status. Initially, the newly-formed Republic of Gilgit opted to accede to Pakistan, although the princely states of Hunza and Nagar within GB retained their autonomy until their formal annexation by Pakistan in 1974. Pakistan's strategic control of the region was motivated by its significant location between China, Afghanistan, and India. To manage the region's administration, Sardar Alam Khan was appointed as a political agent, and the area was governed under the Frontier Crimes Regulation (FCR) and other laws to maintain law and

¹¹ Brown, William. "Gilgit Rebellion : The Major Who Mutinied over Partition of India." Pen et Sword, 2014. http://www.worldcat.org/title/gilgit-rebellion-the-major-who-mutinied-over-partition-of-india/oclc/900436370&referer=brief_results

¹² Afridi, Banat Gul. Baltistan in History. 1St ed, Emjay Books International, 1988. <https://books.google.com.pk/books?id=mQFuAAAAMAAJ>

order.¹³ Notably, Hunza, Nagar, and Baltistan remained independent for a period, maintaining diplomatic relations with Kashmir and China. Over time, however, these regions joined the Gilgit Agency and became part of Pakistan.

The political awareness of GB's residents remained limited until the completion of the Karakoram Highway in 1970, which increased connectivity and visibility for the region. Following the 1948 Kashmir war, which arose from Pakistan's objection to Maharajah Kashmir's unilateral accession to India, the Kashmir dispute remained unresolved. India's submission of the case to the United Nations (UN) led to a ceasefire and the adoption of two UN resolutions, declaring Kashmir and GB as disputed territories and calling for a plebiscite to determine their future. Both India and Pakistan failed to comply with the UN's directive to withdraw forces from these areas, and the status of GB remained unchanged, leaving its people deprived of basic and fundamental rights.¹⁴

In 1949, Pakistan signed the Karachi Agreement, granting administrative control over GB while also granting state status to Azad Jammu and Kashmir (AJK). However, this agreement was

¹³ Javaid Shaheen Sardar, and Rehman Ali. "Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional." *Taylor & Francis*. Taylor & Francis, February 1, 2013.

<https://www.taylorfrancis.com/books/mono/10.4324/9780203824344/indigenous-peoples-ethnic-minorities-pakistan-shaheen-sardar-ali-javaid-rehman>

¹⁴ UNSC Resolution 38, 39, 47, 51 (1948), 229th, 230th, 286th, 312th meetings of the Security Council.

controversial, as the people of GB had no direct involvement in the decision, and it denied them the right to self-rule. The situation persisted for decades until significant changes occurred in the 1970s.¹⁵ In 1972, under Prime Minister Zulfikar Ali Bhutto, the government abolished the FCR and feudal systems that had previously dominated the region¹⁶, establishing the Northern Areas Advisory Council with 16 elected members. This council functioned until 1999 when it was reorganized as the Northern Areas Legislative Council (NALC), with expanded powers to manage relations with the federal government and address GB's legislative and administrative needs.¹⁷

During General Zia-ul-Haq's rule from 1977 to 1988, the region's administrative structure was reorganized into three districts, and the imposition of martial law further consolidated central control over the area. This led to a movement advocating for GB's constitutional integration into Pakistan, with demands for the right to vote, the release of political prisoners, fair pay for civil servants, and equal opportunities for students. Despite these demands, the Northern Regions were still designated as a separate martial law zone, and their

¹⁵ Karachi Agreement between Pakistan and Azad Jammu and Kashmir (AJK), 1949.

¹⁶ Singh, Priyanka. *Gilgit Baltistan: Between Hope and Despair - IDSA*. Institute for Defence Studies and Analyses, 2013. Last modified 2013.

https://www.idsa.in/monograph/GilgitBaltistan_psingh

¹⁷ Hermann Kreutzmann, "Kashmir and the Northern Areas of Pakistan: Boundary-Making along Contested Frontiers," *Erdkunde* 62, no. 3 (2008).

<https://www.erdkunde.uni-bonn.de/article/view/2611>

representatives in the Majlis-i-Shura (National Assembly) were granted observer status only.¹⁸

In 1988, Prime Minister Benazir Bhutto implemented reforms in GB, replacing two advisors with the Northern Areas Council. Subsequently, in 1994, the Legal Framework Order was introduced, transforming the Northern Areas Council into the Northern Areas Legislative Council, but with limited legislative powers. Under this new structure, the chief executive of the Northern Areas was appointed by the federal government.¹⁹

Further changes occurred under General Pervez Musharraf's leadership, particularly after his visit to the Northern Areas in 2006. In 2007, Musharraf established the Northern Areas Legislative Assembly (NALA), granting it more authority, including the power to collect taxes. The leader of the house became the chief executive, and the minister for Kashmir Affairs and Northern Areas assumed leadership of the legislative assembly. In 2009, Prime Minister Yousaf Raza Gilani renamed the legislative body as the GB Legislative Assembly (GBLA) and established the Gilgit-Baltistan Council (GBC) through the GB Empowerment and Self-Governance Order. However, the Council, which was headed by the Prime Minister of Pakistan, held more power than the GB Legislative

¹⁸ Jamil Nagri and Tariq Naqash, "Almost' Pakistan: Gilgit-Baltistan in a Constitutional Limbo," Dawn, 2015, <https://www.dawn.com/news/1198967>.

¹⁹ Parliament. Northern Areas Legal Framework Order 1994.

Assembly, and the ability to amend the Legal Framework Order was eliminated.²⁰

In 2015, the government formed a committee under the supervision of Foreign Minister Sartaj Aziz to address the constitutional rights of GB. This committee recommended granting provisional constitutional rights and representation in the National Assembly and Senate. However, by 2017, the federal government altered these recommendations, ignoring both the committee's report and the Supreme Court's advice in the Al-Jahed Trust case. Instead, the government implemented the GB Governance Order of 2018, which was criticized for centralizing power under the Prime Minister of Pakistan and failing to provide sufficient local empowerment.²¹

The historical development of GB's status reveals a complex and evolving relationship with Pakistan, characterized by periods of limited autonomy, external intervention, and ongoing struggles for greater self-governance and constitutional recognition. Despite various administrative changes, the region continues to face challenges in securing full political rights for its people, who remain subject to a status quo that remains largely shaped by Pakistan's broader geopolitical concerns and administrative priorities.

²⁰ Parliament. Empowerment and Self-Governance Order 2009

²¹ PLD 2019 Supreme Court of Pakistan PARA 18.

1947	Frontier Crimes Regulations (FCR) implemented
1949	Karachi Agreement GB administration to federal government.
1950	Ministry of Kashmir Affairs and NA created Affairs of NA handed Over to the Ministry of Kashmir Affairs and NA (KANA).
1952	Political Resident was Appointed who have excessive legislative, judicial and administrative powers over NA.
1967	Political Agents appointed KANA and inherit powers of the High Court and Revenue Commissioner to the Resident and appointed two Political Agents for two divisions.
1970	Established Advisory Council for Northern Areas Council included 21 members headed by resident as chairman.
1975	The Advisory Council for NA was replaced by Northern Areas Council Framework Order 1975, Jagirdari nizam and FCR was abolished.
1977- 1988	Zia-ul-Haq's rule dividing the Northern Regions into three districts. Declared martial zone and representation in Majlis-i-Shora as observer status.
1988	Prime Minister Benazir Bhutto reforms in GB by replacing two advisors with the NA Council.

1994	Northern Areas Council(NAC) Legal Framework Order of 1994, Replaced NA Council into Na Legislative Council
1999	Al Jihad Trust judgment (1999 SCMR 1379) directed the federal government to ensure fundamental rights as provided to Pakistani citizens within six months.
1999	NA Council Legal Framework (Amendment) Order, 1999 The NAC was renamed as the NA Legislative Council (NALC) and powers to legislate on 49 subjects.
2006	General Musharraf visited the Northern areas he established the Northern-Area Legislative Assembly (NALA) in 2007,
2009	Prime Minister Yousuf Raza Gilani renamed the GB Legislative Assembly (GBLA) and Gilgit-Baltistan Council (GBC) through the GB Empowerment and Self-Governance Order 2009. The governor and chief minister were also given new titles and introduced de-facto province
2015	A committee were constituted for reforms in GB headed by sirtaj aziz
2018	Introduced GB governance order 2018 and empower GB with more powers
2019	GB resident challenged the 2018 order and appellate court suspended the order on appeal before supreme

court full bench and SC recommended some reforms in judiciary and other sub-constitutional bodies and proposed new order which is still not implemented.

Ambiguity in current status of Gilgit Baltistan

In the past seven decades, Gilgit-Baltistan has undergone a phased development in its constitutional and administrative structure. Despite India's position on the matter, Pakistan has consistently treated Gilgit-Baltistan as distinct from Azad Jammu and Kashmir²² Gilgit-Baltistan is a diverse society, characterized by multiple sects, ethnicities, languages, and cultures. The region is home to seven primary languages: Shina, Balti, Burushaski, Khowar, Wakhi, Domaki, and Gojri due to which GB remained as an ethical and religious conflicts within the region for a long periods of year.²³

Gilgit-Baltistan (GB) remains in a state of constitutional ambiguity, which has resulted in several governance challenges. The region's legal status is not fully integrated within the framework of Pakistan's Constitution, leaving the GB Legislative Assembly with limited powers. While the Assembly is an elected body, its ability to independently address issues such as healthcare, education, and

²² Khan, Mirza Hasan Colonel., "Shamsheer Se Zanjeer Tak". 3rd edition Northern Printing Press, 2010. <https://books.google.com.pk/books?id=Gcq0YgEACAAJ>

²³ Ehsan Mehmood Khan, "Constitutional Status Of Gilgit- Baltistan: An Issue of Human Security,"

<https://margallapapers.ndu.edu.pk/site/issue/download/12/128>

infrastructure is constrained by the need for approval from the federal government and the Ministry of Kashmir Affairs. This reliance on federal approval for both developmental and non-developmental budgets has led to a lack of autonomy in governance and widespread dissatisfaction among the people of GB. Furthermore, the 2018 Governance Order has not yet been sufficiently discussed or addressed at the constitutional level, contributing to the uncertainty surrounding GB's political and legal status.²⁴

The constitutional framework governing Gilgit-Baltistan is distinct from that of Azad Jammu and Kashmir (AJK), which enjoys a higher degree of autonomy. AJK has its own constitution and a self-governing system that allows for amendments through its Legislative Assembly and the AJK Council. In contrast, the GB Governance Order of 2018 limits the legislative power of the GB Assembly, transferring the authority to amend laws solely to the federal government.²⁵ Similarly the constitution of AJ&K could be amended by the assembly of AJ&K itself with exception to certain articles which includes 31, 33 and 56 by the assembly and after assent of president it would be considered constitutional amendment prima Facie denotes its autonomy within the region.²⁶ This disparity

²⁴ Ibid

²⁵Government of Gilgit-Baltistan Order, 2018. n.d. Vol. section 60(3,4). <https://gilgitbaltistan.gov.pk/storage/downloads/J5bZOpu8knGg1TjybOLGjDqZsJfCvW-metaR0IgtT3JkZXIgmjAxOC5wZGY=-.pdf>

²⁶AJ&K Interim Constitution, 1974. n.d. Vol. section 33 ,34.

<https://ajkassembly.gok.pk/wp-content/uploads/2022/04/Act-1974.pdf>.

highlights the unequal political and legal status of the two regions, despite both being administered by Pakistan. The lack of local autonomy in GB has become a central issue, particularly as the region continues to seek constitutional rights similar to those enjoyed by AJ&K.²⁷

A significant issue under the 2018 Governance Order ²⁸is the centralization of power in the hands of the Prime Minister of Pakistan. The order designates the Governance Order as the supreme legal authority, sidelining the Constitution of Pakistan as the ultimate law for the region. This has led to a situation where the GB Legislative Assembly has limited legislative authority, and the Prime Minister possesses the power to override the Assembly's decisions. This centralization contrasts with the autonomy granted to Pakistan's provinces, where provincial assemblies have a more significant role in legislative affairs. The Prime Minister's control over judicial

²⁷ Ibid

²⁸ In the judicial system of GB, the appointment of judges, even at the apex courts we have seen practically is based on religious base always in ratio rather than merit. An interesting provision in the 2018 order states that the Chief Justice of the Supreme Appellate Court(SAC) must be a retired judge from the Supreme Court of Pakistan or a retired Chief Justice from the High Court of the Islamic Republic of Pakistan, as specified in section 75(7) of the Order. Unfortunately the citizens cannot be judges in other provinces due to disputed status of territory but people of other provinces can be a chief justice in disputed territory without any hurdle, Instead of that the Chief Justice and judges of the SAC is appointed based on seniority basic from chief court as in other courts of Pakistan, under the Constitution of Pakistan. These controversial clauses in the GB governance order of 2018 have faced strong opposition from the people, as they are deemed unacceptable. See, Parliament. Gilgit-Baltistan Governance Order 2018. Vol. PART. XI-THE JUDICATURE section 75.

appointments, as well as other administrative matters, undermines the democratic principles of local representation and accountability, leaving the people of GB without a direct say in the decisions that affect their daily lives.

The issue of citizenship in Gilgit-Baltistan has also become a contentious point under the 2018 Governance Order. While the Citizenship Act of 1951²⁹ does not recognize the people of GB as citizens of Pakistan, the Governance Order of 2018 defines citizens of GB as anyone with a domicile or residence in the region.³⁰ This provision has raised concerns about the changing demographic composition of GB, as the influx of non-locals may dilute the political rights of the indigenous population. Critics argue that this approach undermines the region's claim to self-determination and weakens the local community's control over their political future. The ongoing demographic shifts, compounded by the lack of full constitutional integration, further complicate the region's quest for autonomy and fair representation.³¹ There are some exceptions in laws of Pakistan for citizenship that individuals from Kashmir (AJK and GB) who migrate to Pakistan for residence until the Kashmir dispute is resolved are considered full citizens of Pakistan while residing in

²⁹ Pakistan. 1954. The Pakistan Citizenship Act, 1951. Act No. II of 1951.

³⁰ Yasir Abbas, "Governance of Gilgit Baltistan: Issues and Solutions" (Research Society of International Law, October 2022). <https://rsilpak.org/2022/governance-of-gilgit-baltistan-issues-and-solutions/>

³¹ Tariq Naqash, "AJ&K Govt Opposes Moves to Convert GB into Province," Dawn, 2016. <https://www.dawn.com/news/1232018>

Pakistan. Secondly the people of Kashmir living abroad are considered as pure citizens of Pakistan.³²

Similarly due to ambiguous status of Kashmir (GB and AJK) they are none a member of NFC award due to which it face difficulty to grant of fund from federal government and due to lengthy and needless procedures that have been operating for decades, even a simple routine such as transferring development money from the Centre to Gilgit-Baltistan might take up to 40 days . According to the records money from Centre to AJK it takes only ten days to transfer on the account within 10 days.³³ Due to lack of proper procedure for the release of funds for GB it affects the Gilgit-Baltistan administrative affairs. The system of grant for GB always creates problems due to the lack of fund for GB.³⁴ It is suggested that GB and PAJK be named permanent members of the NFC award. The calculation indicates that there is no discernible difference between the two territories' shares of the "proposed" horizontal distribution and the ad hoc federal grants. Increasing the share of vertical distribution to the quantity of each territory in the "proposed" horizontal distribution is the best way to accommodate this³⁵

³² *Citizenship Act*. 1951. Vol. section 8 and 14-B.

³³ Hyder, Wajiha. 2018. "The Award and the G-B Problem | Special Report <https://www.thenews.com.pk/tns/detail/566553-award-g-b-problem>.

³⁴ *Ibid*

³⁵ Khan, Naimat Ullah. 2019. "Vertical Distribution of Divisible Pool of NFC Award for Azad Jammu Kashmir (AJK) and Gilgit-Baltistan (GB)." December 31, 2019.

Decisions of Apex courts on GB status

The constitutional status of Gilgit-Baltistan (GB) has been the subject of significant judicial scrutiny over the years, with decisions from Pakistan's Apex courts shaping the legal framework governing the region. The first landmark case regarding the constitutional status of GB was presented before the Supreme Court of Pakistan in 1994, through two constitutional petitions. The petitions, filed by the inhabitants of the Northern Areas and the Al Jihad Trust, sought clarity on the constitutional position of GB in Pakistan. On May 28, 1999, the Supreme Court delivered a historic ruling affirming that the residents of the Northern Areas (now Gilgit-Baltistan) were Pakistani citizens, entitled to the same fundamental rights as other citizens of Pakistan.³⁶ The Court recognized their right to participate in local governance, access an independent judiciary, and enjoy fundamental freedoms such as the right to life and property. It also emphasized the need for legislative amendments to ensure that these rights were fully protected. The Court ordered that within six months, the federal government should take necessary steps to amend the Constitution to grant provisional constitutional status to GB. However, despite the Court's clear directive, the federal government has not yet followed

https://www.researchgate.net/publication/341105864_Vertical_Distribution_of_Divisible_Pool_of_NF_C_Award_for_Azad_Jammu_Kashmir_AJK_and_Gilgit-Baltistan_GB

³⁶ Al-Jehad Trust Case Paragraph 16 Supreme Court (PLD 1999,1379). <http://nasirlawsite.com/historic/aljihad.htm>

through on these recommendations, citing various reasons over the years.³⁷

In 2018, the federal government issued the controversial GB Governance Order, which was challenged in the Supreme Appellate Court of GB. The court initially suspended the order until the completion of the tenure of the GB Legislative Assembly,³⁸ but the federal government appealed this decision. On January 17, 2019, the Supreme Court of Pakistan, in a detailed ruling, reinstated the GB Governance Order 2018, albeit with modifications. The Court upheld the legality of the order but recommended that the federal government take further steps to grant GB a provisional constitutional status with enhanced rights, subject to the holding of a plebiscite in line with the United Nations' resolutions on Kashmir. The Court emphasized that granting rights to the people of GB would not affect the resolution of the Kashmir dispute, which requires a joint plebiscite between India and Pakistan. The ruling reiterated that residents of GB are entitled to fundamental freedoms, local governance, and access to an independent judiciary as Pakistani citizens. However, despite these recommendations, the federal government has once again failed to implement the Supreme Court's directions, leaving the constitutional status of GB unresolved.

³⁷ Ibid

³⁸ Dawn Newspaper. "Court Strikes down GB Order 2018", July 14, 2018. <https://www.dawn.com/news/1419991>

From the above discussion it is *Res ipsa loquitur* that the GB court does not have jurisdiction to entertain the matter outside GB or which does not fall in the ambit of Order 2018. The apex courts of GB are the constitutional court to the extent of GB order only to interpret it and the said court can never set aside the order and question on validity of laws enforced by federal government through presidential order³⁹ according to section 118 Court, including the Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan High Court, shall call into question or permit to be called into question, the validity of this Order.

In a related development, the High Court of Azad Jammu and Kashmir (AJK) also examined the status of GB, challenging Pakistan's direct administrative control over the region. The court ruled that Islamabad had no legitimate authority to exclude GB from the administrative control of AJK, as both regions were considered integral parts of Kashmir, sharing the same political and legal status. The High Court directed the AJK government to take administrative control of GB and integrate it into the AJK administration. The court also ordered the Pakistan government to facilitate this transition.⁴⁰ In response, the federal government appealed the decision to the Supreme Court of AJK, which ultimately overturned the High Court's ruling. The Supreme Court held that while GB is indeed part of

³⁹ Review of *GB Constitutional Status Case*. 2019.

https://www.supremecourt.gov.pk/downloads_judgements/Const.P._50_2018.pdf

⁴⁰ 1993. AJK High Court.

Jammu and Kashmir, it is not a part of AJK. Therefore, the federal government was not obligated to follow the direction to transfer administrative control of GB to AJK. This legal conflict highlights the complex and contradictory nature of GB's status, as various judicial bodies and political actors present divergent views on its future and its relationship with both Pakistan and AJK.⁴¹

The decisions of the Apex courts of Pakistan and AJK reveal the ongoing ambiguity surrounding the constitutional status of Gilgit-Baltistan. Despite clear judicial rulings affirming the rights of the people of GB and calling for their integration into Pakistan's constitutional framework, political and legal obstacles persist, preventing any meaningful change. The failure to implement these rulings has left the people of GB in a state of uncertainty, with no clear path toward achieving the political and constitutional rights they have long been promised. As the legal and political discourse surrounding GB continues, it remains to be seen whether the federal government will take concrete steps to resolve the region's ambiguous status in accordance with the directives of the Apex courts.⁴²

⁴¹ Samuel, Northern Area, jackboot pp 147-67

⁴² Gilgit-Baltistan Tribune, History & Dispute <http://gbtribune.blogspot.in/p/historydispute.htm>

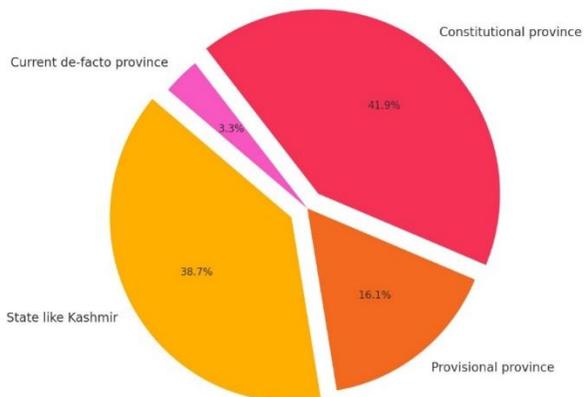
Public Survey about GB Status Quo

For this research study a public survey conducted exclusively among the residents of Gilgit-Baltistan (GB) to gather their perspectives on the region's status quo, the authority of institutions, and other related issues. A total of sixty-four individuals participated in the survey, responding to a series of specific questions outlined below.

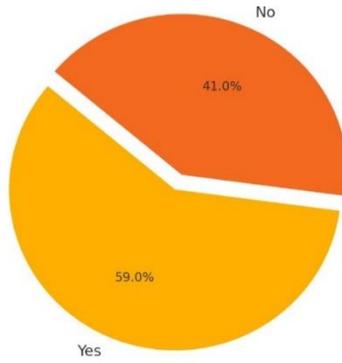
Satisfaction with the Current Status of GB



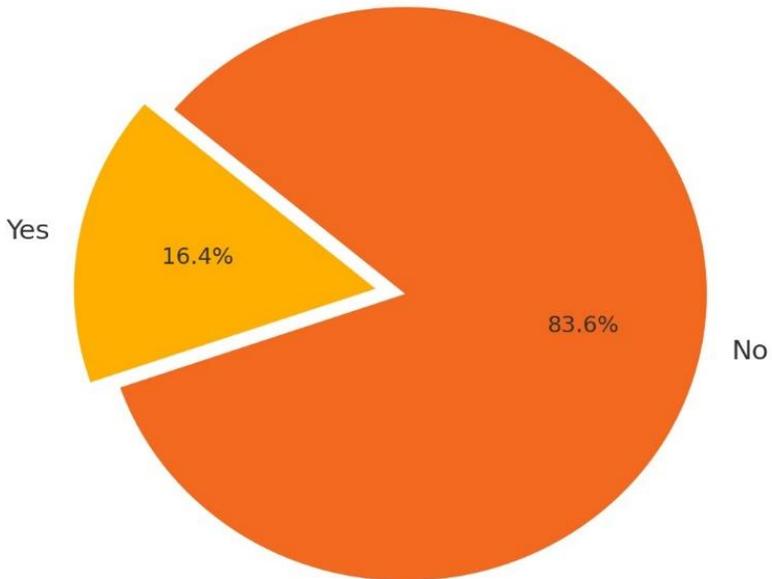
Preferred Status for GB



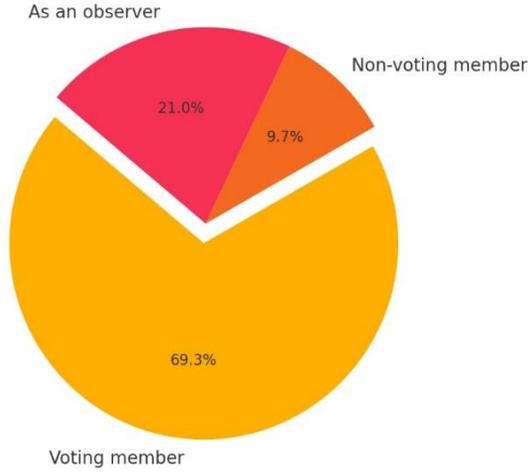
Opinion on Reforms (Order 2018) for Future Legal and Constitutional Development of GB



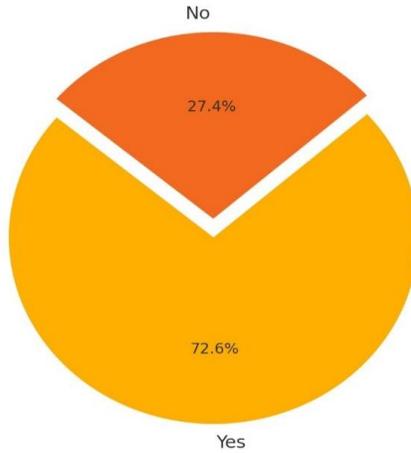
Satisfaction with the Power of GB Assembly



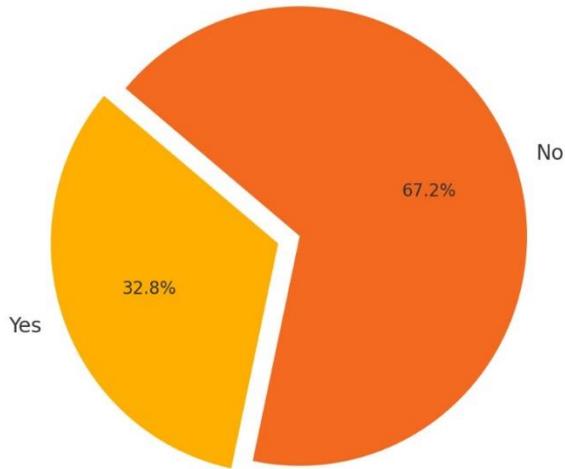
Preference for GB Representatives in Parliament and Constitutional Bodies



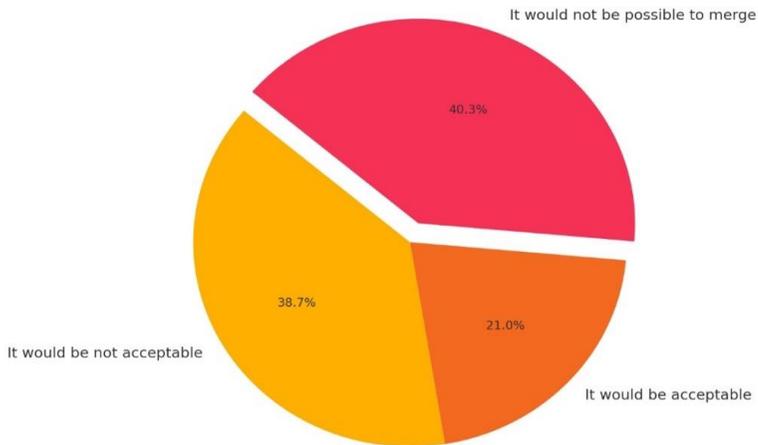
Recommendation for GB to Be an Independent State



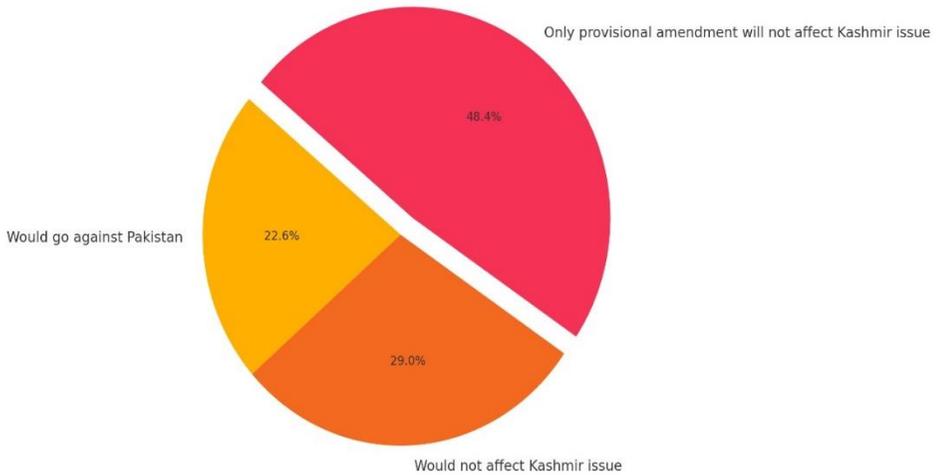
Willingness to Wait for Rights Till the Solution of Kashmir Issue



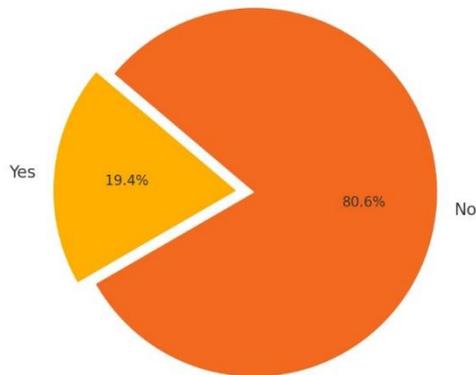
Opinions on GB Being Part of Kashmir (AJ&K) After Resolution



Impact of Bringing GB into Constitutional Framework on Kashmir Issue



Satisfaction with the Appointment Procedure in GB Judiciary and High Officials



In view of the persistent challenges surrounding the constitutional status of Gilgit-Baltistan (GB), the following recommendations aim to address the grievances of its people by resolving legal, political, and administrative ambiguities while safeguarding their interests and

ensuring equitable representation in Pakistan's governance framework.

To respect the sensitivities surrounding the Kashmir dispute, a constitutional amendment should be introduced to grant GB provisional provincial status within Pakistan. This could involve amendments to Articles 51 and 57 of the Constitution, enabling GB to have representation in Pakistan's Parliament and key constitutional bodies such as the National Finance Commission (NFC), Council of Common Interests (CCI), and National Economic Council (NEC). Care should be taken to ensure these amendments do not alter the preamble or Article 1 of the Constitution, which delineates Pakistan's territorial boundaries in line with United Nations resolutions. This provisional arrangement would empower the people of GB to participate in national decision-making processes while maintaining the legal status quo of the Kashmir issue.

In scenarios where GB continues to be administered through a presidential order, it is imperative to strengthen the autonomy of local institutions, particularly the GB Legislative Assembly. Legislative authority should be devolved to the Assembly to ensure that decisions directly affecting the people of GB align with their customs, preferences, and socio-economic priorities. The Assembly should have exclusive jurisdiction over matters such as education, health, local economic development, and natural resource management. Moreover, the Assembly, composed of elected representatives, should be the primary body accountable to the people of GB, minimizing undue influence from federal authorities.

Alternatively, GB could adopt a governance framework similar to Azad Jammu and Kashmir (AJK), granting it substantial self-governance while the federal government retains authority over critical areas like foreign affairs, defense, currency, and international

trade. Such an arrangement would strike a balance between regional autonomy and the strategic interests of the federal government, enabling GB to exercise control over its internal matters.

GB's government must be actively involved in discussions and decision-making processes related to significant national projects, such as the China-Pakistan Economic Corridor (CPEC), the Diamer-Basha Dam, and policies on tourism, natural resources, and environmental management. Members of the GB Legislative Assembly, being directly elected by the people, are best positioned to represent regional interests and ensure that these projects align with the socio-economic aspirations of the local population.

GB currently operates as a tax-free zone. However, if granted provisional representation in Pakistan's Parliament, the federal government should consider introducing a tax system in the region. The inclusion of GB in national decision-making bodies would justify taxation, as the people of GB would have a voice in fiscal policies affecting their contributions and expenditures. The implementation of such a system must be gradual, transparent, and designed to build public trust while ensuring revenues are reinvested into the development of the region.

To address questions regarding GB's constitutional status, a referendum should be held under the supervision of neutral international observers. This democratic process would provide the people of GB with an opportunity to express their views on their future governance. A referendum would strengthen trust between GB's residents, the federal government, and international stakeholders. Additionally, it would bolster confidence in projects like CPEC, ensuring sustainable development in the region.

To ensure equitable recruitment in civil services, a Gilgit-Baltistan Service Commission (GBSC) should be established. Modeled on provincial service commissions such as the Punjab Public Service Commission (PPSC) or Sindh Public Service Commission (SPSC), the GBSC would prioritize local candidates and align recruitment with the region's socio-economic and administrative needs. This initiative would create greater opportunities for GB's residents to join the public sector, contributing to the region's governance and overall development.

These recommendations provide a structured and inclusive framework for addressing the constitutional, political, and administrative challenges faced by Gilgit-Baltistan. By granting provisional provincial status, enhancing legislative autonomy, or adopting a governance model akin to AJK, Pakistan can ensure that GB's people have a meaningful role in shaping their future. Implementing these measures would foster equitable governance, strengthen national unity, and contribute to the broader goal of resolving the longstanding issues surrounding GB's status within the country.

Conclusion

The constitutional ambiguity surrounding Gilgit-Baltistan (GB) has persisted for decades, deeply rooted in the region's historical and geopolitical entanglements, particularly its connection to the unresolved Kashmir dispute. This liminal status is exacerbated by the unimplemented United Nations-mandated plebiscite, which remains unenforced due to a lack of international mechanisms. Legal scholars, such as Barrister Aitzaz Ahsan, have argued that Pakistan should consider integrating GB into its constitutional framework, separate from the Kashmir issue, to guarantee the region's political rights and address longstanding grievances. However, despite such

recommendations, successive governments in Pakistan have lacked the political will to take meaningful action, often relegating promises of reform to electoral rhetoric with little tangible progress.

Granting GB comprehensive political representation could unlock substantial opportunities for the region's development, leveraging its rich potential in agriculture, tourism, and other economic sectors. Enhanced representation and resource allocation would promote equitable growth and improve the quality of life for GB's residents. However, progress is frequently hindered by resistance from the Azad Jammu and Kashmir (AJK) government, which has historically opposed measures aimed at advancing GB's constitutional rights. This resistance, combined with the federal government's inertia, perpetuates the region's marginalized status and inhibits the establishment of a stable governance framework.

The international significance of GB has grown with projects such as the China-Pakistan Economic Corridor (CPEC). Strategic stakeholders, including China, have increasingly emphasized the need for a clearly defined constitutional status for the region to ensure the protection of foreign investments and Pakistan's sovereignty. In this context, a well-structured governance framework for GB is not only a national priority but also an international imperative, aligning with economic and geopolitical stability.

International precedents offer potential models for resolving GB's constitutional status. For instance, Puerto Rico, a territory associated with the United States under the Treaty of Paris, provides valuable insights. While Puerto Ricans cannot vote in U.S. presidential elections, they participate in primary elections and are represented by a non-voting delegate in the U.S. House of Representatives. Puerto Rico governs itself under its constitution, with certain rights reserved for the federal government. This model demonstrates how a region

can achieve a degree of political representation and self-governance while remaining tied to a broader national framework.

Another illustrative case is Transnistria (or Gagauzia), a region with significant autonomy within Moldova. Transnistria retains control over local governance while delegating specific national responsibilities to the central government. This arrangement highlights how regional autonomy and federal oversight can coexist to accommodate diverse political and administrative needs.

These examples suggest that a flexible and pragmatic solution for GB is achievable, one that balances its aspirations for self-governance with Pakistan's national interests and the unresolved Kashmir dispute. By adopting a similar framework, Pakistan could grant GB enhanced political representation in the National Assembly and Senate, coupled with greater administrative autonomy. Such a solution would ensure GB's residents have a meaningful voice in the country's decision-making processes while preserving its unique status.

Implementing these measures would contribute to a more stable and prosperous future for GB, addressing its residents' longstanding grievances and fostering a stronger integration within Pakistan's national framework. This approach would not only advance the well-being of the region's population but also bolster Pakistan's position on the international stage, ensuring the alignment of regional governance with both domestic and global priorities.



Modernization vs Preparedness: Indian Armed Forces in a transforming Military Landscape

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Modernization vs Preparedness: Indian Armed Forces in a transforming Military Landscape

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Abstract

The Indian government's efforts in military modernization are shaped by a complex geopolitical environment, influenced by doctrinal shifts such as the Sunderji Doctrine, the Cold Start Doctrine, the Joint Armed Forces Doctrine, and the Land Warfare Doctrine, which collectively reflect India's commitment to offensive realism. These shifts contribute significantly to regional security dynamics, particularly in light of India's strategy of preparing for a potential two-front war. Under Prime Minister Modi's leadership, India's offensive military strategy has been reinforced by policies such as the Defense Procurement Procedure and the Make in India initiative, aimed at structural transformation within the defense sector. However, these initiatives have had limited impact on improving the operational preparedness of the military. This paper critically examines the challenges facing India's defense sector, including

dissatisfaction within the armed forces over inadequate defense budgets, political sensitivities, the implications of the Russia-Ukraine conflict on defense partnerships, concerns over obsolete weaponry, and the readiness of the armed forces. These challenges raise crucial questions about whether the Indian armed forces can effectively perform in a high-stakes conflict, even if the military modernization goals are fully realized.

Keywords: *Military Modernization, India, Offensive Realism, Sunderji Doctrine, Cold Start Doctrine, Defense Procurement Procedure, Geopolitics.*

Introduction

The Indian government views military modernization as a key component of national security and a means to enhance the capabilities and readiness of the armed forces. Military modernization drive started on the pretext of emerging geo-strategic environment. Owing to its offensive approach, India aims to get itself prepared for a two front war. The Indian government has outlined its vision for military modernization in several key policy documents, such as the Defense Procurement Procedure (DPP), the Defense Production Policy, and the Defense Production and Export Promotion Policy. According to these documents, the objective of Indian military modernization is to ensure that the armed forces are equipped with the latest weapons, equipment, technology, and are capable of fulfilling the country's defense needs in a rapidly changing security

environment. The Indian government emphasizes the importance of indigenous defense production and the development of a robust defense industrial base in order to reduce dependence on foreign suppliers and increase self-reliance. The Indian government's approach to military modernization is guided by the principle of Make in India drive started in September 2014¹ with aim to promote the development of a strong domestic defense industry and encourage the participation of private sector companies in the defense production sector. Later on, re-designated as “*Atma Nirbhar Bharat*” in May 2020 amid Russia-Ukraine war.² The Covid-19 and Russia-Ukraine war has affected the economy worldwide that has implications for India too as Russia is one of the major defence partners of India. India’s strive for military modernization has implications for South Asian region as it creates security dilemma in the neighboring states. The purpose of this research is to evaluate Indian ambitions for military modernization drive. This research highlights how lack of commitment, obsolescence of Indian weapons, Russia-Ukraine war, and Indian economic potential have implications for India to achieve their objectives. Moreover, the modernization drive by India

¹ PMINDIA , *PM launches ‘Make in India’ global initiative*, (India, 2014), https://www.pmindia.gov.in/en/news_updates/pm-launches-make-in-india-global-initiative/.

² Sumana Nandy, "PM Modi's Push for Atmanirbhar Bharat with Reference to Russia-Ukraine War in Victory Speech," *India Today*, March 10, 2022, <https://www.indiatoday.in/india/story/pm-modi-push-for-atmanirbhar-bharat-with-reference-to-russia-ukraine-war-in-victory-speech-1923951-2022-03-10>.

highlights its offensive approach towards South Asian region in pursuit of becoming regional hegemon.

Devious Warfare (*Kutayuddha*)

Indian Military Modernization drive can be better explained under the concept of Kutayuddha (Devious Warfare) forwarded by Chanakaya Kautilya in his famous book Arthashastra. The concept of Kutayuddha is based on self-aggrandizement and professing the neighbors with lens of hostility.³ It particularly targets Pakistan and China; the neighbors of India who are taken as enemy. Indian self-aggrandizement is to pursue hegemonic ambitions and prepare itself for two front war. To achieve the target it is working on devious warfare through military modernization drive. As per Kautilya, Kutayuddha refers to form of warfare where deceitful tactics including conspiracy, spells, charms, and other lethal weapons were used against the enemy.⁴ India's subsequent false flag operations against Pakistan such as Balakot strike, surgical strikes 2016, and the Brahmos Missile incident appear to be inspired by Kutayuddha in which striking the adversary in stealth and silence is considered as an honorable method.

³ Col Harjeet Singh, "The Kautilya Arthashastra a Military Perspective," *Manekshaw Papers*, no. 38 (2013), https://www.claws.in/static/MP38_The-Kautilya-Arthashastra-A-Military-Perspective.pdf.

⁴ Sandeep Balakrishna, "The Hindu Code of War Ethics and Jihad," *The Dharma Dispatch*, last modified October 6, 2018, <https://www.dharmadispach.in/culture/the-hindu-code-of-war-ethics-and-jihad>.

Doctrinal Shifts in Indian Military Modernization Drive

The defeat in 1962 war was the first to draw Indian attention towards modernization and expansion of its military. Later on during the 1980s the Indian military General Sunderji came up with the first military doctrine. In accordance to this doctrine seven defensive 'holding corps' with relatively limited offensive power, were deployed near Pakistan's border while Indian Army retained its offensive capabilities in the 'Strike Corps' made up of mechanized infantry. Since then, India has remained in the process of doctrinal transformation, the Sunderji doctrine, Cold Start Doctrine, Joint Doctrine (Indian Armed Forces), and Land Warfare doctrine all aim at launching an offensive against Pakistan. To supplement India's ambitious aims in the region, India has frequently introduced innovative war-fighting doctrines. The Indian military's aggressive approach towards the region reflects India's adherence to the principles of offensive realism. Indian military modernization proceeded with the doctrinal shift from Sunderji's Doctrine of deeper thrusts to the Cold Start Doctrine, which India continuously denied until openly announced in 2020 by the Chief of Army Staff. Indian Armed forces in the pursuance of its military modernization geared up with subsequent doctrines, Joint Armed Forces Doctrine in 2017 followed by Indian Army Land Warfare Doctrine in 2018.⁵

⁵ Joy Mitra, "India's Land Warfare Doctrine 2018: Hoping for the Best, Preparing for the Worst," *The Diplomat*, January 3, 2019,

Joint Doctrine of Indian Armed Forces 2017

Joint Doctrine of Indian Armed Forces (JDIAF) 2017 essentially acts as the bedrock for coaction of the three services of the Indian military. The doctrine grounded on a continental view of threats approach. It further focuses on the impending conflict environment varying from nuclear to all other sources of conflict.⁶ The defining premise of this doctrine is establishing an offensive mode against prime foes, China and Pakistan. The very features of the JDIAF depict a typical Hindutva mindset inspired by Modi led BJP regime, eyeing hostility with the immediate neighbors. The Kautaliya's *Arthshastra* provides empirical substantiation of creating animosity against the neighbors by employing *Kutayuddha* (devious warfare) as a preferred mode of warfare for self-aggrandizement.⁷ The doctrine has also endeavored to further deepen the nuclear arms race in the South Asia by modifying the concept of credible minimum deterrence to credible deterrence. It also brazenly vows to militarize space and other battle domains such as cyber warfare.

The concept of Theatre Command is part of JDIAF, introduced by Gen. Bipin Rawat Chief of Defence Staff in January 2020. It

<https://thediplomat.com/2019/01/indias-land-warfare-doctrine-2018-hoping-for-the-best-preparing-for-the-worst/>.

⁶ Ankit Panda, "India's 2017 Joint Armed Forces Doctrine: First Takeaways," *The Diplomat*, April 28, 2017, <https://thediplomat.com/2017/04/indias-2017-joint-armed-forces-doctrine-first-takeaways/>.

⁷ Col Harjeet Singh, "The Kautilya Arthaśāstra a Military Perspective," *Manekshaw Papers*, no. 38 (2013), https://www.claws.in/static/MP38_The-Kautilya-Arthashastra-A-Military-Perspective.pdf.

conceptualizes the phenomenon to integrate the potential of the three war domains (army, air force, and navy) of the Indian armed forces. The idea of theatre command aims to utilize the resources of either domain of warfare with specific units placed under the Theatre Commander who will be an officer from either the Army, Navy, or Air force. The string of reforms process initiated take account of the establishment of a new department of military affairs under MOD and the appointment of the Chief of Defense Staff. Moreover, it aims to restructure military operational setup into theatre command embracing Integrated Battle Groups. The concept of IBGs is to assimilate the energies of the three domains of warfare (Land, Air & Sea) for Operational, Intelligence, and Logistic support.⁸ As India is integrating three forces of different domains together, working along each other would endure cooperation challenges for the forces from three domains. It might create mess and haphazardness in Indian forces.

Land Warfare Doctrine 2018

The Land Warfare Doctrine (LWD) 2018 is an extension of the Indian military strategy based on a wide range of threats. The striking features of this doctrine can be summarized into three groups: the multi-front environment, hybrid warfare (contact or non-contact

⁸ Maj Gen JKS Parihar, "Integrated Battle Groups in Armed Forces: Gain and Concern," *The Daily Guardian*, January 16, 2023, <https://thedailyguardian.com/integrated-battle-groups-in-armed-forces-gain-and-concern/>.

confrontation) and the introduction of new technologies in the battle. The doctrine pursues the aims of a quick, swift, and forceful limited war alongside agile forces and Integrated Battled Groups to carry out limited incursions below the nuclear threshold of Pakistan. The doctrine pigeonholes the Pakistani border for the swift damages imposition. These aggressive doctrines are going to threaten the already volatile stability of South Asia region.⁹

Indian Military Modernization

To supervise military modernization drive, Gen. Bipin Rawat was appointed as the first Chief of Defence Staff of the Indian armed forces on January 01, 2020. His charter of duty was the creation of theatre command within the next three years. Gen. Narvane succeeded him as Chief of Army Staff with having an ample experience of doctrines and war concepts. The seat of Chief of Defence Staff remained vacant for nine months after the death of Gen. Bipin Rwat.¹⁰ It depicts lack of commitment towards Indian military modernization drive. Till January 2023, on the completion of the defined time period to form theater command, there was nothing significant to showcase. However, under phase-I India has now

⁹Yasir Hussain, "India's Pakistan-Specific Land Warfare Doctrine: An Overview," *South Asian Voices*, March 15, 2019, <https://southasianvoices.org/indias-pakistan-specific-land-warfare-doctrine-an-overview/>.

¹⁰ "New Chief Of Defence Staff (CDS) Is Lt General Anil Chauhan (Retired)," *NDTV*, September 28, 2022, <https://www.ndtv.com/india-news/lt-general-anil-chauhan-retired-is-named-chief-of-defence-staff-nine-months-after-bipin-rawats-death-3385802>.

carved out two Integrated Battle Groups from nine Corps against Pakistan, while in phase-II, on eastern border five IBGs created from 17 Mountain Strike Corps against China.¹¹

India has announced the creation of three Integrated Theatre Commands that would be functional by 2025. However, defense analysts, retired and serving military commanders have differing views on the creation of ITCs. Former Chief of Army Staff General Naravane emphasized about the clearly articulated National Security Strategy is pertinent for the formation of theaterisation. He further suggested the formation of Higher Defense Organization (HDO) to connect government with Integrated Theater Command. After the establishment of HDO and NSS, India could start thinking about theaterisation.¹² Though Naravane was the one who frequently endorsed the need of theaterisation and boasted the progress India is making in process of theaterisation. While, his successor COAS General Manoj Pande in same occasion took a contrary stance to that of Naravane. He highlighted the readiness of Army towards theaterisation and supportive of efforts towards creating Integrated Theater Commands. Though the majority supported General Naravane's top-down strategy for establishing costly joint service

¹¹ Rajat Pandit, "New government to decide on Army's integrated battle group plan," *The Times of India*, June 10, 2024, <https://timesofindia.indiatimes.com/india/new-government-to-decide-on-armys-integrated-battle-group-plan/articleshow/110854869.cms>.

¹² Rahul Bedi, "Why General Naravane's Criticism of Approach To Integrated Theatre Commands Is Significant," *The Wire*, January 6, 2023, <https://thewire.in/security/general-naravane-theaterisation-criticism-significance>.

commands that would permanently change the makeup of the armed forces. It appears that the administration chose the ITCs without conducting enough research, consultation, or laying the groundwork for them. Moreover, the matter of the operational control over the theatre command is also posing concerns among the tri-services. There are also apprehensions regarding assets division among the theatre commands. Such as, IAF has only 21 operational squadrons while the requirement is of 42 forcing it to struggle in its fulfilling of Station command's operational hardware requirement. Army would have more operational superiority amid its presence in all domains of war. It appears to be collectively hobbled by hierarchical inter and intra services rivalries, conflicts of interest as well as personal choices. Competing interests make it difficult to resolve this critical concern swiftly. The recent halt in the instituting of ITC by the Chief of Defence staff General Anil Chauhan substantiates the presence of tug of war surrounding the overall operational control of the proposed formations.¹³ The measures taken by Modi government under the modernization drive has further complicated the process. As per new rules, Defence Secretary leading Department of Defence would be serving as a linchpin for inter-departmental co-ordination. Chief Defence Staff, being senior to the Defence Secretary has to report to him. The rank consciousness has created a clash between the two. It

¹³ "What's Holding Back the Military's Plan to Institute Integrated Theatre Commands?," *The Wire*, <https://thewire.in/government/whats-holding-back-integrated-theatre-commands-plan>.

is noted that the meetings called by Defence Secretary are not attended by CDS, preferred to send his representative.¹⁴

Russia-Ukraine War Implications for Indian Military Modernization Drive

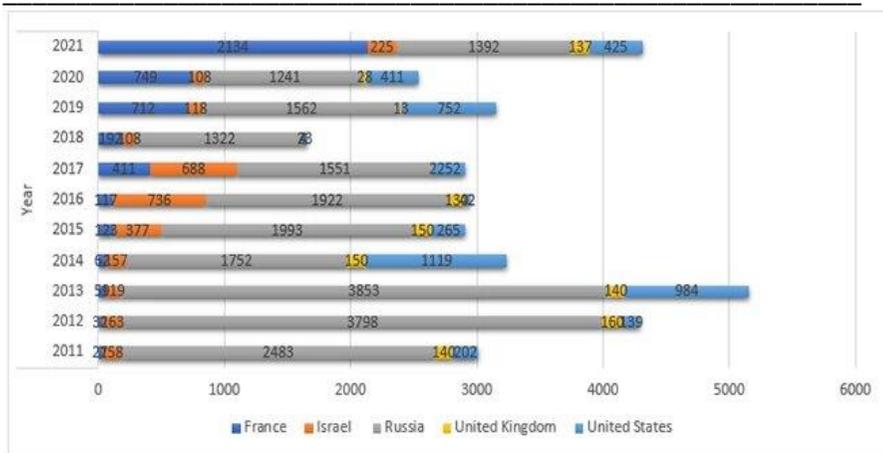
Indian Military Modernization drive used to be heavily dependent on Russia due to their defence ties and strategic alignments that started from the Cold War era. Their partnership deepened particularly after Sino-Soviet ideological clash. Russia later on proved to be an ideal defence partner of India due to the affordable pricing, requisite training, supply of up-dated technological systems, platforms for joint-production and transfer of technology.¹⁵ Resultantly their defence equipment to be nearly 70 percent of being Soviet origin.¹⁶

India is the largest importer of Russia defence supplies along with France, Israel, UK and the United States. The imports of India from Russia remain high relative to other major exporters to India.

¹⁴ Dr. Ladhu R. Choudhary, "India's Military Modernization Efforts Under Prime Minister Modi," *South Asian Voices*, May 22, 2024, <https://www.stimson.org/2024/indias-military-modernization-efforts-under-prime-minister-modi/>.

¹⁵ Aditi Malhotra, "Russia-Ukraine War: Military Modernization and Operational Challenges for India," *South Asian Voices*, *South Asian Voices*, May 17, 2022, <https://southasianvoices.org/russia-ukraine-war-military-modernization-and-operational-challenges-for-india/>.

¹⁶ Dipanjan Roy Chaudhury, "More than 60-70% of India Armed Forces Equipped with Russian Origin Weapons: Indian Envoy," *The Economic Times*, July 11, 2020, <https://economictimes.indiatimes.com/news/defence/more-than-60-70-of-india-armed-forces-equipped-with-russian-origin-weapons-indian-envoy/articleshow/76903811.cms>.



Source: [SIPRI Arms Transfer Database](#), figures in millions of dollars¹⁷

The chart above discloses that from 2011-2021, Russia had the largest share in India’s defence imports with no other country exceeding it except France in 2021 at US \$2.1 billion. The US in 2014 exceeded Russia by US\$1.1, while Russia managed to supply over US \$1billion. India’s reliance on Russia resulted in their defence equipment to be nearly 70 percent of being Soviet origin.¹⁸

With the change in geo-strategic environment, there is possibility of long term implications of Russia-Ukraine war on the defense ties between Russia and India. The priority for Russia in coming years

¹⁷ Kartik Bommakanti and Sameer Patil, "Explained: India’s arms imports from Russia," *Observer Research Foundation*, May 17, 2022, <https://www.orfonline.org/expert-speak/indias-arms-imports-from-russia>.

¹⁸ Dipanjan Roy Chaudhury, "More than 60-70% of India Armed Forces Equipped with Russian Origin Weapons: Indian Envoy," *The Economic Times*, July 11, 2020, <https://economictimes.indiatimes.com/news/defence/more-than-60-70-of-india-armed-forces-equipped-with-russian-origin-weapons-indian-envoy/articleshow/76903811.cms>.

would be to overcome the losses.¹⁹ Without taking into account the outcome of war, Russia would be less privileged as an arms supplier. As the sanctions imposed on banking system and ban on semi-conductors in Russia would deter its ability to deliver a continuous supply of critical defence equipment, spares and essential support in co-production.²⁰ It would negatively affect India's arms purchases from Russia. Moreover, the recent official statement by Indian Air Force confirmed that Russia cannot fulfill its commitment of delivery of weapons because of ongoing war with Ukraine.²¹ The modernization drive of India might be affected adversely, as it would not be able to get the desired weapons delivered from Russia.

The Obsolete Indian Weapons

More than half of Indian defence equipment is of Russian origin. The bleak performance and hefty losses of Russian defence equipment in the Russia-Ukraine war raised questions on the quality of their defence equipment. As their equipment was not practiced in battle fields for some time, in the Ukraine war there are reports of destruction of many

¹⁹ Carlos Coelho, "Why Is Russia Losing So Much Military Equipment In Ukraine?," *Radio Free Europe*, May 13, 2022, <https://www.rferl.org/a/russia-ukraine-war-military-equipment-losses/31847839.html>.

²⁰ Jeanne Whalen, "Sanctions Forcing Russia to Use Appliance Parts in Military Gear, U.S. Says," *Washington Post*, May 12, 2022, <https://www.washingtonpost.com/technology/2022/05/11/russia-sanctions-effect-military/>.

²¹ Krishn Kaushik, "Russia cannot meet arms delivery commitments because of war, Indian Air Force says," *Reuters*, March 23, 2023, xx, <https://www.reuters.com/world/india/russia-cannot-meet-arms-delivery-commitments-because-war-indian-air-force-says-2023-03-23/#:~:text=India-,Russia%20cannot%20meet%20arms%20delivery%20co>

Russian T-90 main battle tanks with Man pads and knocking down Su-30 fighter jet.²² Accidents happen in all the air forces around the world, but frequency of such incidents in India happened quite often. In January 2023, their Sukhoi-30 (made in Russia) and Mirage 2000 crashed in eastern India during routine exercise.²³ In another incident, two Indian air force fighter jets crashed, colliding in the mid-air during exercise. This incident happened when the Indian government is enroute to its modernization drive. Their Cheetah helicopter also came down resulting in death of pilot. From 2018 to 2023 in a span of just five years 50 aviation crashes have been reported, among them the majority of them were of Russian origin. An indigenous Dhruv advanced light helicopter got crashed in May 2023 just at the age of six months raising concerns about the durability of the indigenous production of the military goods. Since the induction of the idea, the Indian military has commenced the intensification of the purchase of local defense products. However, Hindustan Aeronautics Limited has a very squat production rate with only eight Tejas Jets or roughly a half squadron annually. Recently the production rate of Tejas jets is doubled.²⁴ These Tejas are not ready to survive in the event of war in

²² "Ukraine Shoots Down Russian Su-34 Fighter Jet, Says Air Force Commander," *Radio Free Europe*, February 27, 2024, <https://www.rferl.org/a/ukraine-shoots-down-russia-su034-jet/32837137.html>.

²³ "IAF's Sukhoi-30, Mirage 2000 Aircraft Crash in Madhya Pradesh; One Pilot Killed," *The Times of India*, January 28, 2023, <https://timesofindia.indiatimes.com/india/sukhoi-30-mirage-2000-aircraft-crashes-in-madhya-pradesh-morena/articleshow/97392771.cms>.

²⁴ Swarajya , "HAL Doubles LCA Tejas Production Capacity, Sukhoi SU-30 MKI Repair And Overhaul Capability Enhanced," *Swarajya*, July 18, 2019,

contested air space. These concerns were raised by Indian Air Force to the Indian government, though these are less expensive than international competitors.²⁵

Indian Air force and Navy is still dependent on light helicopters designed in France, among which 80% have already outlived their life span of more than 30 years. Single-engine choppers have to be grounded by 2026 with no prospects of domestic production till 2030.²⁶ General Bipin Rawat, Chief of Defence was in Russian-made Mi-17 it crashed resulting in his death along with 13 others while carrying him to an air force base.²⁷ India's Cheetah and Chetak helicopters are also obsolete from long time and required to be replaced by their indigenous Light Utility Helicopter and it is going to take a long time to develop. The Russian made Mi-8 and Mi-26 helicopters need replacement for being old vintage.²⁸ The meager performance of

<https://swarajyamag.com/insta/hal-doubles-lca-tejas-production-capacity-sukhoi-su-30-mki-repair-and-overhaul-capability-enhanced>.

²⁵ Rahul Bhatia, "Why the Indian Air Force's Modernization Process Has Stumbled," *Carnegie India*, April 4, 2022,

<https://carnegieendowment.org/posts/2022/04/why-the-indian-air-forces-modernization-process-has-stumbled?lang=en>.

²⁶ Laxman Behera, "High on Revenue, Low on Capital: India's Defence Budget 2023-24," *Observer Research Foundation*, no. 614 (February 2023)

²⁷ "Two Indian military jets crash, one pilot killed," *Arab News*, January 28, 2023, <https://www.arabnews.com/node/2240421/world>.

²⁸ Debalina Goshal, "India's Modernisation Challenge," *Asian Military Review*, March 13, 2019, <https://www.asianmilitaryreview.com/2019/03/indias-modernisation-challenge/>.

Russia defence systems would be taken into account in future defence deals with Russia.²⁹

Several incidents also raise serious concerns regarding the Indian command and control system. The most worrisome development was the accidental fire of their Brahmos cruise missile into Pakistani territory. This was attributed to “technical malfunction” nevertheless; the ground realities do not corroborate the official explanation of Indian government. It raises concerns about the operational safety procedures in India that has deployed its offensive strike missiles in launch-ready position.³⁰ Recently, in March 2023, during military exercises that took place in Pokhran, three missiles were misfired due to some technical glitch.³¹ It raises questions on Indian command and control system.

Indian Navy vessels are also facing series of such accidents over the years resulting in a huge loss. The INS Brahmaputra capsizing at dockyard on July 2024 is another pearl in string of naval accidents. According to 2017 report by Comptroller and Audit General, the Indian Navy reported 38 incidents involving ships and submarines

²⁹ Aditi Malhotra, "Russia-Ukraine War: Military Modernization and Operational Challenges for India," *South Asian Voices*, May 17, 2022, <https://southasianvoices.org/russia-ukraine-war-military-modernization-and-operational-challenges-for-india/>.

³⁰ Daryl G. Kimball, "India Accidentally Fires Missile Into Pakistan," *Arms Control Association*, April 2022, <https://www.armscontrol.org/act/2022-04/news/india-accidentally-fires-missile-pakistan>.

³¹ Priya Raghuvanshi, "3 missiles misfire during an Army exercise in Jaisalmer, probe ordered," *Business Today*, March 25, 2023, <https://www.businesstoday.in/latest/trends/story/3-missiles-misfire-during-an-army-exercise-in-jaisalmer-probe-ordered-374798-2023-03-25>.

between 2007 and 2016. According to the survey, which examined a number of naval mishaps over a nine-year span, fire, explosions, or water caused 39% of them. Thirty-three soldiers, including six officers, lost their lives because of these incidents. Moreover, sixteen percent of the mishaps involved ships making contact with the seabed, sixteen percent involved collisions, and the remaining twenty-nine percent involved a variety of mishaps such as unintentional stranding, gas leaks, and equipment damage. The report criticized the safety procedures of the navy, blaming material failure and personnel mistake for numerous incidents. Despite expert recommendations and corrective steps being offered by many audit findings and recommendations, the Indian navy failed to avoid such incidents from happening. Furthermore, these are the peacetime military losses raising questions on their capacity to stand in a battlefield.

As per IISS Military Balance report 2024, India has sixteen operational submarines comprising four German Shishumar-class, five Indo-French Kalvari-class, and seven Russian Sindhughosh-class vessels.³² Out of these submarines Russian Sindhughosh and German Shishumar class submarines are vintage of early 80s and late 90s. Out of those operational submarines two have suffered peacetime military losses. These aging fleets contribute to more accidents. The incidents so far faced by the Indian navy raised questions on its naval preparedness.

³² International Institute for Strategic Studies, *The Military Balance 2024*, (International Institute for Strategic Studies, 2024), <https://www.iiss.org/en/publications/the-military-balance/>.

The naval mishaps faced by Indian navy questioned the professionalism of its naval officers as most of these peacetime military losses reveals the sheer negligence responsible behind those incidents. The navy with record of violating Standard Operating Procedures would it be able to survive in a contested ocean. This also shattered the claims of being a net security provider. Since Indian Navy has a significant role in the operationalization of ITCs, the current Naval preparedness suggests it to be at odds.

India's Economic Potential

Owing to COVID-19, the economy of India contracted by 6.6 percent, with GDP growth by 8.7% it has recovered notably in 2022.³³ However the progress has lessened, in spite of that India's economy is in spot light owing to bleak global economy outlook tattered by the aftermath of pandemic, Russo-Ukraine war and subsequent price hike in essential merchandises like fuel, food and fertilizers. Economic Survey 2022-23 data depicted that Indian economy was perhaps growing at 7 percent in fiscal year 2023 making India 5th major economy. Furthermore, it also highlighted that in 2023-2024 there was an increase in economy of India from 6 to 6.8% with 6.5% GDP growth.³⁴

The high deficit financing on budget front, which the government of India applied as soon the COVID pandemic blowout in 2020 to push-

³³ Ministry of Finance, Government of India, *Economic Survey 2022-23*.

³⁴ Ministry of Finance, Government of India, *Economic Survey 2022-23*, p. 23.

major monetary activity, resulted in price hike. It ruined the tolerance level of ± 4 percent set by the Reserve Bank of India. In April-December 2022, the consumer price index reached 6.8%.³⁵ The ascendant track announced by the Finance Minister for fiscal consolidation in her early budgets, has tapered the government's overall borrowings from 6.4 percent in 2022-23 to 5.9 percent of GDP in 2023-24.³⁶ The Indian economic muscles are not strong enough to pursue modernization drive.³⁷

Indian Defence Budget

India is bidding to boost the economy with huge infrastructure investments, in 2023-24 defence budget there was 13 percent increase that was an additional INR 683.7 billion amount. It would be remarkable particularly when GDP is expected to grow by 10.5%. Nonetheless, the additional allocations failed to satisfy the defence establishment, owing to the resource restraints it has been facing for some time. As in the past six years, Indian Ministry of Defence, has continuously fallen short of the predicted resource requirements by

³⁵ Government of India, *Economic Survey*, (2023),

<https://www.indiabudget.gov.in/budget2023-24/economicsurvey/index.php>.

³⁶ Press Information Bureau, "Highlights Of The Union Budget 2023-24," Press Information Bureau, last modified February 1, 2023,

<https://pib.gov.in/PressReleasePage.aspx?PRID=1895315>.

³⁷ Sudhi Ranjan Sen, "India Military Sees Tiny Budget Rise Despite Modernization Plan," *Bloomberg*, February 1, 2022,

<https://www.bloomberg.com/news/articles/2022-02-01/india-military-sees-tiny-budget-rise-despite-modernization-plan>.

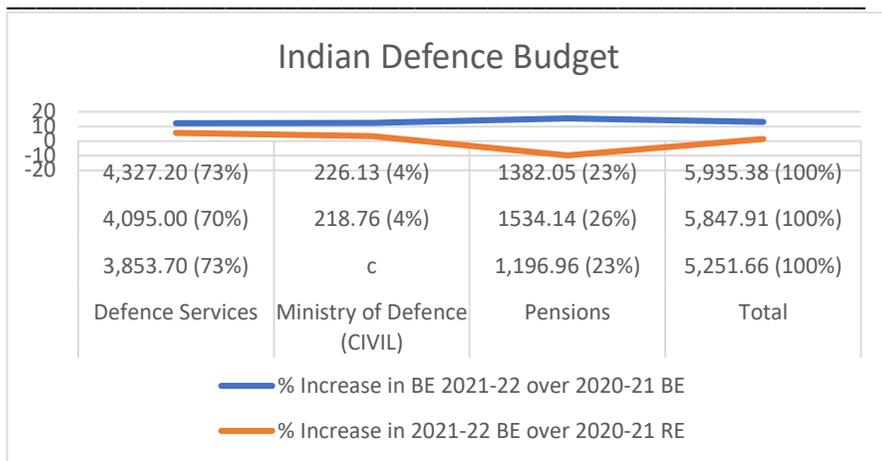
over INR 100 billion, or 17 to 23%.³⁸ The dissatisfaction carried over to the new budget year because the increased money supplied in the current budget does not completely address the shortages of the previous budget.³⁹ The budget for 2024-25 fiscal year, highlights further increase of 4.7 percent in the defence budget that is 6,21,541INR.⁴⁰ by The effort to modernize the armed forces would suffer as a result of the additional procurement budget allocations not addressing the gaps in the prior budget. Specified that the supplementary allocations for procurement have not filled the deficiencies in the preceding budget, this would have negative consequences on the modernization initiative of the Indian armed forces. Furthermore, the growing geopolitical challenges on Indo-China border and the Indian Ocean, 4.7 percent increase in the budget would not be suffice to meet the challenges.

³⁸ Ministry of Defence, *Demands for Grants (2022-2023)*, (Lok Sabha Secretariat, 2022), https://loksabhadocs.nic.in/lssccommittee/Defence/17_Defence_27.pdf.

³⁹ Laxman Behera, "High on Revenue, Low on Capital: India's Defence Budget 2023-24," *Observer Research Foundation*, no. 614 (February 2023)

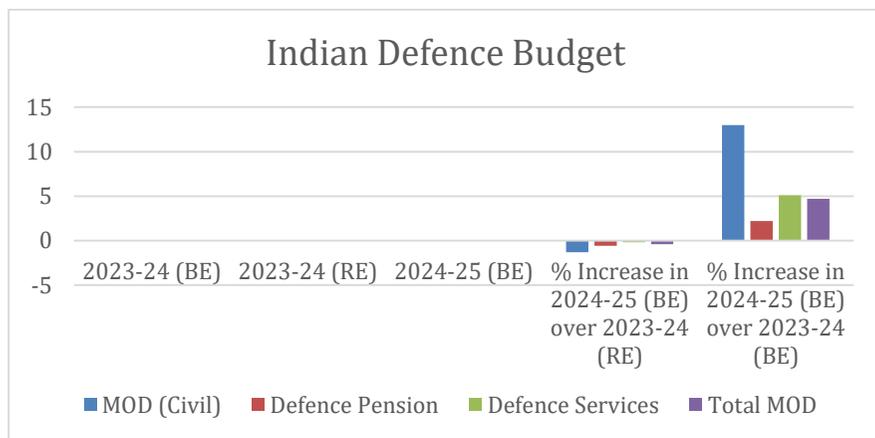
https://www.orfonline.org/wp-content/uploads/2023/02/ORF_IssueBrief_614_Defence-Budget.pdf.

⁴⁰ Laxman Kumar Behera, "Examining India's Interim Defence Budget 2024-'25," *Observer Research Foundation*, February 2024, xx, <https://www.orfonline.org/research/examining-indias-interim-defence-budget-2024-25>.



Source: The data is based on Indian Budget 2023-24⁴¹

BE and RE represent Budget Estimates and Revised Estimates, respectively; Percentage figures in parentheses show the respective shares in Indian MoD’s total.



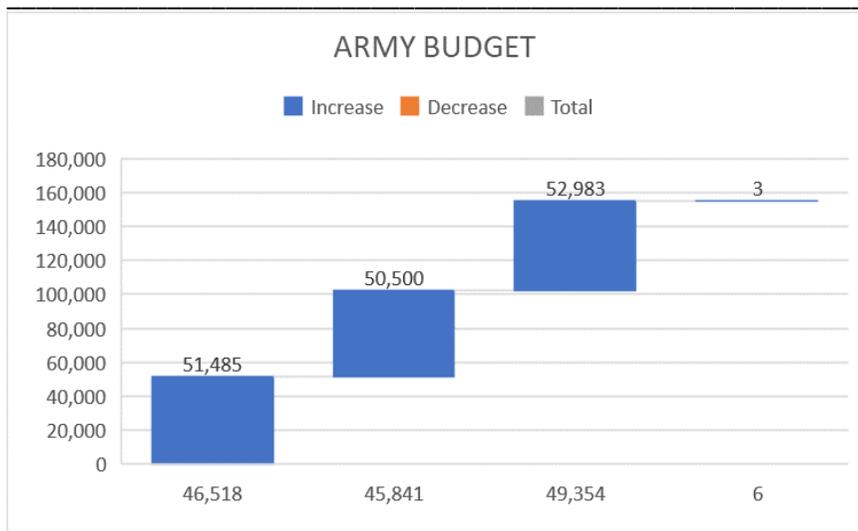
Source: The data is based on Indian Budget 2024-25⁴²

⁴¹ “India Budget | Ministry of Finance | Government of India,” accessed March 13, 2023, <https://www.indiabudget.gov.in/>.

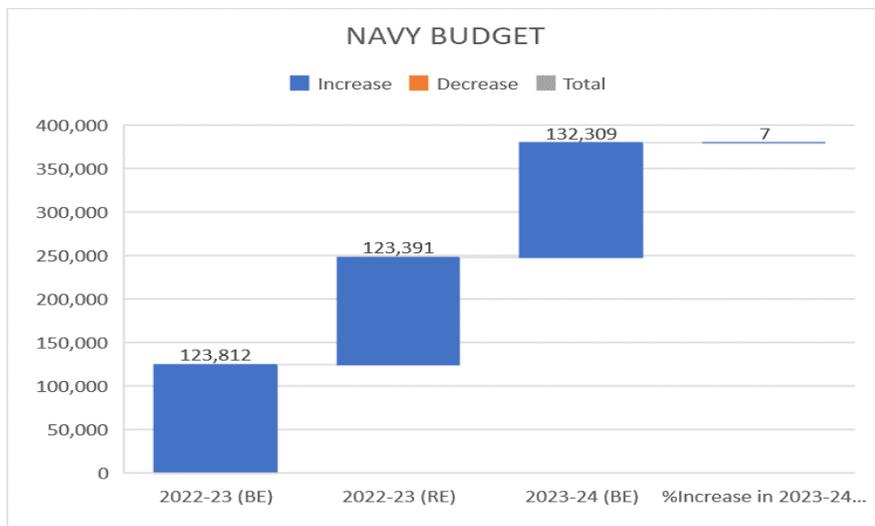
⁴² *India Budget*, (Government of India, 2024), <https://www.indiabudget.gov.in/>.

Although Indian MoD's most recent budget is 4.7%, more than the year before, the rise in the most recent allocations is 6,21,541 INR when compared to the RE for 2022–23, which was 13%. (INR 596.25 billion). Defence Services, Defence Pension, and Ministry of Defence (Civil) are the three main components of Indian Defence Budget. These components have made upward adjustment contributions in revised estimate (RE) budget. The significant increases are the result of increases in pensionary benefits and non-salary revenue expenditures of the defence services. The modification of pensionary benefits under the One Rank One Pension Scheme, is a major factor in the mid-year revisions of the pension, which alone account for 57% (INR 337.18 billion) of the overall Indian Defence budget increases. The unexpected and significant increase in the allocation of pension resulted in an evident jump in its part in the Indian Ministry of Defence's revised budget to 26%, before decreasing to 23% in the new budget. Despite the substantial increases in the revised estimates, they fall short of the MoD's predicted needs. As was previously indicated, the MoD has been experiencing a persistent lack of resources to achieve its budgeted expenditures. Increasing the interim allotment by 4.7% would not solve the problems. The increase in defence budget is not going to meet the demand to achieve military modernization.⁴³

⁴³ Laxman Kumar Behera, "Examining India's Interim Defence Budget 2024-'25," *Observer Research Foundation*, February 2024, xx, <https://www.orfonline.org/research/examining-indias-interim-defence-budget-2024-25>.



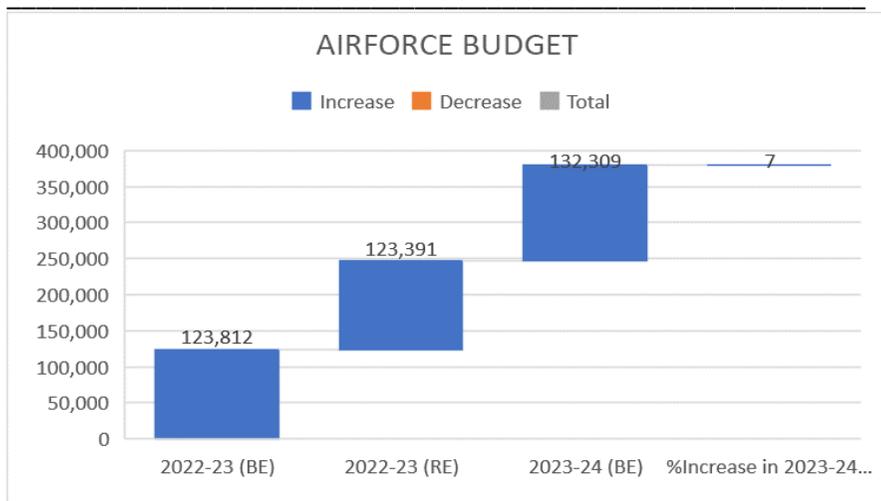
Source: *The data is based on Indian Budget 2023-2024⁴⁴*



Source: *The data is based on Indian Budget 2023-2024⁴⁵*

⁴⁴ “India Budget | Ministry of Finance | Government of India,” accessed April 1, 2023, <https://www.indiabudget.gov.in/>.

⁴⁵ “India Budget | Ministry of Finance | Government of India.”



Approximate figures

Source: *The Data is based on Indian Budget 2023-24*⁴⁶

All three services saw double-digit increases in the 2023–24 budget. However, the rise is subdued at a total of 7% when it comes to modernization or capital acquisition. The other two services' budgets, with the exception of the Army, have seen single-digit growth. This surge in budget is not reasonable in pursuing Indian military modernization drive. The Indian economic muscles are not strong enough to meet the demands of modernization goals and there is dissatisfaction in Indian Military.⁴⁷ In 2024-25 budget, the distribution between the armed forces is not mentioned.

⁴⁶ “India Budget | Ministry of Finance | Government of India.”

⁴⁷ Sudhi Ranjan Sen, "India Military Sees Tiny Budget Rise Despite Modernization Plan," *Bloomberg*, February 1, 2022, <https://www.bloomberg.com/news/articles/2022-02-01/india-military-sees-tiny-budget-rise-despite-modernization-plan>.

To reduce defense expenditures, India has announced Agniveer scheme.⁴⁸ While, there is resentment among youth regarding this scheme owing to the lack of monetary benefits. The youth registered their protests via blocking roads, burning trains and ransacking public property to get the scheme rolled back.⁴⁹ Indian Army has made fewer recruitment since COVID-19 resultantly 1.55 lac posts are vacant in three forces of Indian army which is expected to further increase in future.⁵⁰

Conclusion

India's military modernization journey is driven by a complex interaction of geopolitical, economic, and strategic factors, positioning the nation at a critical crossroads in its pursuit of enhanced national security. Central to this effort is the understanding that a technologically advanced military is essential for safeguarding India's sovereignty and asserting its influence in a multipolar world. The introduction of doctrines such as the Joint Armed Forces Doctrine (JDIAF) and the Indian Land Warfare Doctrine (LWD) reflects India's commitment to modernizing its military and recalibrating

⁴⁸ Government of India, *Agnipath Yojana*, (2024), <https://www.mygov.in/campaigns/agniveer/>.

⁴⁹ Hanan Zaffar, "‘We have been cheated’: India's youth reject new army jobs scheme," *AlJazeera*, June 20, 2022, <https://www.aljazeera.com/news/2022/6/20/we-have-been-cheated-indias-youth-reject-new-army-jobs-scheme>.

⁵⁰ "Over 1.55 Lakh Posts Vacant in Three Forces, Maximum in Army, Says Govt," *The Economic Times*, March 27, 2023, <https://economictimes.indiatimes.com/news/defence/over-1-55-lakh-posts-vacant-in-three-forces-maximum-in-army-says-govt/articleshow/99039745.cms>.

strategies to meet contemporary security challenges. The establishment of the Theatre Command within the JDIAF highlights a significant shift toward a more integrated and synergized approach to warfare across land, air, and sea, reinforcing India's broader strategic vision.

However, India's defense strategy has traditionally been reliant on its partnership with Russia, which has provided cost-effective military technology and collaborative production opportunities. The ongoing Russia-Ukraine conflict has added uncertainty to this relationship, forcing India to reassess its defense partnerships and explore alternative sources of military technology. This evolving geopolitical dynamic, combined with India's emphasis on strategic autonomy, complicates its defense procurement strategy and calls for a careful balance between traditional alliances and emerging partnerships. Concurrently, the economic challenges exacerbated by the post-COVID-19 landscape have further strained India's defense budget, limiting the resources available for modernization and capital acquisition. Despite some increases in defense allocations, the budgetary constraints persist, posing obstacles to the pace and scope of India's military transformation.

Despite the progress in indigenization and technology transfer under initiatives like "Atmanirbhar Bharat," significant hurdles remain in developing sophisticated military platforms. India continues to face challenges in producing advanced systems such as twin-engine fighter jets and diesel-electric submarines, which necessitate ongoing

reliance on foreign technology. Additionally, concerns about the preparedness of India's armed forces, particularly the failures in command and control systems evidenced by missile incidents and losses in the Navy and Air Force, raise critical questions about the effectiveness of India's modernization efforts. As India navigates these challenges, its military modernization trajectory will have broad implications for regional security dynamics and global power structures. The success of India's defense strategy will hinge on its ability to balance modernization with economic constraints and geopolitical realities, ultimately determining its role in the international security landscape.
