Reforms Without Legislation?
Securing India's Defence Transformation Beyond Executive Action

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Introduction: Reform at an Inflection Point

India's designation of 2025 as the 'Year of Reforms' reflects that its defence transformation has entered another critical phase. The reforms, however, did not begin in 2025, nor did they originate solely with the executive. The post-Kargil reform period has witnessed a continuous foundational process of institutional review involving the Kargil Review Committee (KRC), the Group of Ministers (GoM), subsequent expert committees, parliamentary deliberations and executive implementation. The KRC report was tabled in the Parliament in February 2000,[1] while the GoM process examined and produced sets of recommendations on 'internal security, border management, intelligence apparatus, and management of defence'.[2] The Ministry of Defence (MoD) in May 2012 reported that Chapter VI of the GoM report 'contains 75 recommendations, of which 63 recommendations have been implemented'.[3] The Naresh Chandra Task Force[4] in 2012 and the Shekatkar Committee[5] in 2016 subsequently revisited important aspects of these reform trajectory.

Against this background, the period from 2014 to 2024 witnessed significant changes in Indian defence modernisation and institutional reform,

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including the creation of the Chief of Defence Staff (CDS), the Department of Military Affairs (DMA), a renewed push towards Integrated Theatre Commands (ITCs), and wide-ranging procurement reforms. However, major institutional changes have been implemented through executive decisions, administrative rules, and policy instruments rather than through dedicated parliamentary legislation.

This distinction matters because India's defence reforms are not non-legal, but largely non-legislative. They operate within constitutional and administrative frameworks, with executive action playing a central role. The central question is, therefore, not simply whether executive-led change is legitimate or whether legislation is inherently superior. Rather, it is whether executive and administrative instruments provide sufficient institutional clarity, continuity and durability for reforms expected to shape India's defence architecture for decades.

Executive Reform as the Engine of Transformation

India's recent defence reforms, particularly between 2014 and 2024, illustrate both the strengths and the structural logic of the executive-led implementation. In regards to the creation of CDS in 2019, it was long recommended, but never implemented, and it achieved through the decision of the Cabinet Committee on Security (CCS).[6] Besides the many functions of CDS, as the Permanent Chairman of the Chiefs of Staff Committee, the CDS will also serve as the Defence Minister's Principal Military Advisor on all tri-service matters.[7] While the three Chiefs will continue to advise the Defence Minister on matters specific to their respective Services, the 'CDS will not exercise any military command, including over the three Service Chiefs, so as to be able to provide impartial advice to the political leadership'.[8] This careful setting reflects a politically negotiated balance between jointness and service autonomy.

In parallel, the DMA was established within the Ministry of Defence with the CDS serving as its secretary. Unlike the CDS post, the DMA's authority was formally established through the Second Schedule to Government of India (Allocation of Business) Rules, 1961.[9] This provision gives the DMA a broad scope, including monitoring of the armed forces, integration of service headquarters, promotion of joint procurement and training, facilitation of theatre command reorganisation and support of indigenisation.

This distinction in the CDS and DMA establishment is analytically important. While the CDS was established through executive political

decision, the DMA was implemented through administrative rule-making. Together, on a broader pattern, it clearly signals that India's defence reforms are not non-legal, but non-legislative, relying on executive authority rather than parliamentary statute. This creation was also the culmination of a much longer process of political and institutional deliberation dating back to the Kargil reforms.

A similar pattern is evident in defence procurement, where the Defence Acquisition Procedure (DAP) operates primarily as a policy instrument without specific statutory backing. This structure has given the government considerable flexibility to modify procurement procedures without repeated legislative amendment. The executive-led approach offers three principal advantages. First, it enables iterative adaptation: the Defence Procurement Procedure (DPP), introduced in 2002, underwent successive revisions before being restructured as DAP-2020. Second, it allows political leadership to align procurement priorities with broader strategic objectives, including indigenisation under 'Atmanirbhar Bharat'. Third, its policy-based structure facilitates adjustments to measures such as offset provisions and indigenous content requirements without the procedural demands of legislative reform.

Executive action has been crucial both to initiating reform and to maintaining its momentum through ongoing adaptation within a system in which reform has historically evolved through successive adjustments. The question is not whether this flexibility should be discarded, but whether flexibility alone is sufficient for the institutional consolidation of long-term transformation.

The Emerging Limits of Executive-Led Reform

As the reform process moves forward to maturity, i.e., from inception to implementation, the limitations of this model are becoming more apparent particularly on two key factors—particularly with regards to authority without legal clarity and reversibility risk. What initially facilitated speed and decisiveness is now progressively shaping the restrictions within which reform must operate.

It is not to underline that executive authority is illegitimate, nor does it suggest that every reform requires statutory backing. Rather, it concerns those areas of Higher Defence Management (HDM) where limits are structural rather than procedural, limiting authority, longevity, and internal coherence that requires predictable decision-making arrangements.

Authority Without Legal Clarity

The CDS's authority illustrates this tension. The 2019 Cabinet decision explicitly mentioned that the 'CDS will not exercise any military command, including over the three Service Chiefs, so as to be able to provide impartial advice to the political leadership'.[10] This careful setting enabled the government to introduce a new coordinating institution without immediately replacing the established command structure of the Services, while remaining politically pragmatic to balance between jointness and service autonomy. At the same time, this arrangement creates ambiguity between coordination and authority. The CDS is also responsible for 'assigning inter-service prioritisation' for capital acquisitions.[11] Yet without statutory backing or command authority, the mechanism through which competing Service priorities are ultimately converted into national capability priorities remains unclear. The Services retain distinct operational responsibilities, institutional cultures, and capability requirements, creating competing demands under finite budgets.

These competing priorities illustrate this challenge, and are evident in the modernisation requirements of the three Services. The Indian Air Force (IAF) has faced the requirement to maintain and modernise its fighter fleet;[12] the Indian Navy (IN) has advocated for sustained investment in maritime capabilities, including aircraft carriers and submarines;[13] while the Indian Army (IA) has had to respond to the changing operational environment along the northern frontier following the Galwan crisis.[14] These are not merely differences in procurement preferences but competing strategic requirements with significant resource implications.

In this circumstance, the core institutional question is, therefore, not whether the CDS possesses authority in an absolute sense, but how decision rights operate when national capability priorities compete with Service-specific requirements. In the absence of clearly binding decision rights, prioritisation may remain substantially a coordinating process rather than a fully directive one. The issue is, thus, less about creating a stronger CDS in the abstract and more about clarifying the mechanisms through which national capability priorities are established and implemented.

Theatre Commands: Reform Without Settled Command Structures

The continuing effort to establish ITCs demonstrates the limits of the executive-led coordination.[15] While the CDS has been tasked with driving

the successful creation of the ITCs to enhance jointness, the IAF has raised doctrinal and operational concerns, and instead prefer to have an alternative model centred on a joint planning and coordination centre, with centralise planning, and de-centralised execution of tasks.[16] This alternative approach is not just disagreement; however, it reveals the institutional limit: the CDS can coordinate and recommend, but it cannot impose a final command structure. Jointness, therefore, is still a negotiated process, with the CDS's role in restructuring military commands is facilitative rather than directive in the absence of legally/clearly defined command authority.

India's experience with the functional joint command under the Andaman and Nicobar Command (ANC), established in 2001, further illustrates that formal integration does not automatically produce operational jointness. Even within this formal joint structure, institutional cultures and priorities persist.[17] Service-specific control over assets remains, and the full integration of logistics and operations remains limited.[18] The lesson from ANC is, therefore, not that the executive authority has failed, but that institutional integration requires more than the creation of a formally joint structure. Similarly, for the ITC, effective reform depends on settled command relationships, doctrinal agreement, resource allocation, and institutional acceptance. Executive action, therefore, can initiate reform; but institutional consolidation is necessary to sustain it.

DMA: Expansive Mandate, Contingent Authority

The DMA presents a related institutional question. Established in 2020 under the Second Schedule to the Government of India (Allocation of Business) Rules, 1961, with the CDS serving as Secretary, the DMA was assigned extensive responsibilities related to HDM and military integration.[19] Yet its authority derives from the Allocation of Business Rules, an executive framework rather than a statutory law, and their provisions can be changed without parliamentary approval.

This creates an institutional paradox: the DMA may exercise significant administrative authority, while the framework defining those responsibilities remains comparatively flexible. Therefore, the issue is not the absence of authority, but the durability and clarity of the institutional basis through which that authority is exercised.

Reversibility Risk: Reform without Institutional Lock-in

A second limitation is the absence of mechanisms for institutional lock-in. Defence reforms operate over extended periods, often spanning multiple planning cycles, and political administrations, while the executive mechanisms through which they are implemented can be altered more quickly. This temporal asymmetry can create uncertainty for long-term planning, potentially encouraging institutional actors to adopt risk-averse behaviour and limiting organisational adaptation.

The relevant distinction is, therefore, between adaptability and uncertainty. Adaptability allows institutions to respond to new circumstances; while uncertainty arises when actors cannot clearly determine which authority will prevail, how competing priorities will be resolved, or which institutional arrangements are likely to endure. The evolution of DPP from 2002 through 2005, 2006, 2008, 2011, 2013, 2016, and transition into DAP in 2020 illustrates both sides of this tension. Repeated executive revision has allowed procurement policy to respond to changing requirements, but may also make long-term institutional continuity more difficult. Similarly, the continuous evolution of proposals for ITCs, including pauses arising from inter-Services disagreements, reflects an ongoing process of institutional experimentation that is not inherently undesirable, but where reforms require sustained investments in organisational structures, doctrine, personnel and capabilities, and prolonged uncertainty which can impose its own costs.

The issue, therefore, is not complete institutional lock-in, which could itself constrain adaptation, but selective institutional durability. Defence institutions must remain capable of responding to changes in technology, tactics and strategic circumstances, while providing sufficient continuity for long-term institutional transformation.

Comparative Perspective: Why Legislation Matters

International experience suggests that defence reform rarely follows a single model. The United States (US) provides an important example of legislative intervention through the Goldwater–Nichols Act, Public Law 99-433-OCT.1, 1986 which addressed inter-service rivalry by codifying jointness and clarifying command authority.[20] Its significance lies in the fact that key principles of defence organisation, joint command, and the responsibilities of combatant commanders were incorporated into federal law under the Goldwater–Nichols Act, Public Law 99-433 (100 Stat. 992), particularly Title II, Section 211, giving them a statutory basis that could not be altered

solely through executive administrative action.[21] However, Goldwater–Nichols did not end defence reform in the US, and subsequent organisational, doctrinal, and force-structure reforms continued as strategic circumstances and technology changed.

The United Kingdom (UK) offers a different experience. The Levene Reforms (2011) was implemented through administrative restructuring, governance structures, and delegated authority, rather than passing new laws. The reforms clarified roles, improved accountability systems, and institutional changes, including the formation of Joint Forces Command (later Strategic Command), through formal governance and operating models rather than statute.[22] The approach demonstrated the advantages of flexibility and delegated responsibility, but subsequent experience highlighted difficulties in balancing delegated authority to the individual Services with the need for effective defence-wide coordination and central direction.[23] Later assessments identified weaknesses arising from the delegation of authority without a corresponding strengthening of central defence-wide authority, while subsequent UK defence reform processes have moved away from aspects of the Levene model.[24]

These cases illustrate that the core issue is not whether the defence reform is taken through legislation or execution action in absolute term. Rather, it concerns how authority, responsibility, jointness and institutional durability are attached within the defence governance system. The following comparison in Table 1 highlights these differences between the United States, the United Kingdom, and India.

Table 1 Institutional Pathways of Defence Reform

Dimension	United States	United Kingdom	India
Primary institutional basis	Statutory framework, particularly Goldwater–Nichols	Executive and administrative reform, particularly Levene reforms	Executive decisions, administrative rules and policy instruments
Key reform example	Goldwater–Nichols Act, 1986	Levene Defence Reform, 2011	CDS and DMA, 2019–2020
Jointness and command	Statutory clarification of command relationships and responsibilities	Greater delegation to Service Chiefs and Commands	CDS promotes jointness and integration but does not exercise military command over Service Chiefs
Authority	Key command responsibilities established in federal law	Authority substantially reorganised through executive reform	Authority primarily established through executive and administrative instruments
Institutional durability	Strong statutory anchoring; changes require legislative action	Greater flexibility, but subsequent restructuring remains possible	Greater flexibility and adaptability, but greater scope for executive modification
Adaptability	Subsequent legislative and organisational reforms have modified the framework	High adaptability, with later reassessment of the model	High adaptability through executive and administrative reform
Principal institutional question	How to align authority with responsibility within a statutory framework	How to balance delegated authority with central defence-wide oversight	How to consolidate jointness, authority and accountability without excessive rigidity

Source: Author's analytical synthesis based on the literature and policy documents reviewed.

The comparison does not suggest that statutory institutionalisation produces superior defence outcomes, nor that executive-led reform is weaker. What can be understood is that, the British experience demonstrates that non-statutory reform can provide considerable flexibility, while the American experience demonstrates the value of statutory clarity in defining enduring command relationships. In the case of India, as demonstrated, it combines elements of both approaches but has relied predominantly on executive and administrative instruments for many of its major institutional reforms. The question, therefore, is not whether every aspect of defence reform should be legislated, but whether certain foundational relationships of authority and responsibility would benefit from greater statutory anchoring.

In the post-Kargil reform trajectory, the creation of CDS and DMA represented a significant institutional step towards greater integration, while the continuing evolution of procurement policy, joint structures, and HDM demonstrates the adaptability of the executive-led approach. At the same time, the absence of statutory framework for some relationships leaves questions concerning their long-term institutional durability as organisational responsibilities evolve and successive governments reassess defence priorities.

The 'Year of Reform': From Expansion to Consolidation

The designation of 2025 as the 'Year of Reforms' marks not the beginning of India's defence transformation, but its transition into a more demanding and complex phase-towards institutional consolidation. The KRC and GoM established the initial reform trajectory. Subsequent expert committees revisited unresolved questions; Parliament and its Standing Committee on Defence continued to deliberate on defence preparedness, modernisation and procurement; and successive governments translated many recommendations into administrative and organisational measures such as in the form of creation of CDS, DMA, procedural reforms in procurement, and renewed emphasis on ITCs. These developments have addressed a longstanding gap in the HDM, and the fact that reforms have survived changes in government is itself a very significant foundation that the defence transformation possesses a degree of political continuity. So, it cannot be simply characterised as an executive implementation lacking broader support.

At the same time, political continuity does not automatically resolve institutional questions. The fact that successive governments have continued to modify defence institutions and procedures demonstrates both the flexibility of the reform agenda and the continuing need for institutional

adaptation. The changing strategic environment reinforces this point. The security environment that shaped the Kargil reforms was centered primarily on Pakistan; however, India's strategic challenge today is much broader, including the military rise of China, the contested Himalayan frontier, the maritime competition, and the continue threat from Pakistan.

Operation Sindoor from May 2025 provides a recent illustration of the importance of agility, centralised strategic planning, intelligence integration, precision capabilities, and technological adaptation in contemporary conflict. While a single operation cannot establish the effectiveness of an institutional model in general, it does indicate that the absence of fully consolidated institutional arrangements does not necessarily prevent effective strategic and operational coordination. At the same time, the operation should not be interpreted as a definitive proof that India's existing institutional arrangements are optimal, and it should not be used to dismiss the case for further structural reform. Rather the institutional agility should be preserved while pursuing deeper integration.

The lesson is particularly relevant to the legislative question, for defence reform must remain capable of responding to changes in technology, strategic geography, and the character of warfare. Operational effectiveness and institutional consolidation are not mutually exclusive. The objective should be to create institutions that are sufficiently stable to support long-term planning while sufficiently adaptable to respond to changing forms of warfare. It represents a critical moment of institutional consolidation, and the objective should, therefore, be durable principles, not permanent procedures.

Policy-Forward Recommendations

The next phase of reform should not replace executive flexibility with rigid legalism or perpetuate institutional ambiguity. Instead, it should balance adaptability with durability and consolidate reforms accumulated since Kargil. Four priorities follow:

- First, India could consider selective codification of foundational institutional principles. This would not require an omnibus defence-reform law but could clarify relationships requiring long-term authority and accountability, particularly in HDM and inter-service decision-making.
- Second, India should strengthen legislative oversight of long-term defence transformation. Regular reporting and organised assessment

of important reforms could increase democratic ownership while maintaining operational autonomy.

- Third, institutional and doctrinal clarity must follow organisational restructuring. The functions of CDS, Service Chiefs, DMA, and future theatre commands should be sufficiently defined to reduce uncertainty while allowing adaptation.
- Finally, integrated capabilities planning should better align with strategic priorities, military requirements, and resource allocation. The goal should be to gradually shift by ensuring that limited national resources are directed towards nationally prioritised capabilities rather than primarily reflecting Service-specific requirements.

Conclusion: Beyond the Executive–Legislative Binary

India's defence transformation since Kargil has evolved through parliamentary deliberation, expert review, political decision-making and executive implementation. The central question is not whether defence reform should be legislated, but what should remain adaptable and what should become institutionally durable. Executive flexibility remains essential for responding to changing technologies, operational requirements, and strategic circumstances, while foundational relationships of authority, accountability, and responsibility may require greater continuity and selective codification.

India's next phase should move from reform initiation to institutional consolidation. This requires neither legislative rigidity nor unchecked executive discretion, but a hybrid approach combining executive agility, parliamentary deliberation, expert review, and selective codification.

The question posed by 'Reforms Without Legislation?' thus has no simple legislative or executive answer. The objective should be to ensure that India's defence institutions remain adaptable enough to respond to change, yet durable enough to sustain reform over time.

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