



# CENTRE FOR AIR POWER STUDIES (CAPS)

Forum for National Security Studies (FNSS)

## INDO-PACIFIC NEWSLETTER



A Monthly Newsletter on Security and Strategic Issues on Indo-Pacific Region from  
Centre for Air Power Studies

### From the Editor's Desk

*While global attention remains fixated on Ukraine, its impact is reverberating across the Indo-Pacific, threatening to further exacerbate regional tensions. In this issue, we look at India's geopolitical calculus amid the Ukraine crisis and difficulties with China, how Australia and New Zealand could counter China's moves in the Solomon Islands, what the BrahMos deal means for the Indo-Pacific, and employing 'lawfare' tactics to nudge states towards resolving the South China Sea dispute. Our curated cherry picks feature a selection of astute research papers on several understudied topics – such as, the perspectives of Indo-Pacific island states and a new framework for understanding and countering China's ever-growing gray zone tactics. Lastly, for an in-depth exploration into the implications of the Ukraine war on the region, do check out our SM corner, containing numerous brilliant debates and discussions, and our new CAPS Experts In Focus section that looks at the Ukraine crisis' fallout on the Indo-Pacific, why Taiwan will not be another Ukraine, and Kishida's recent visit to India.*

Jai Hind

Vol 1, No 11, 07 April 2022

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### PEEP-IN

*China builds up blue-water presence as world focuses on Ukraine*

Read on more about it at :-

<https://asia.nikkei.com/Politics/International-relations/Indo-Pacific/China-builds-up-blue-water-presence-as-world-focuses-on-Ukraine>

### QUOTE

*“India has always been in favour of resolving differences and disputes through dialogue and diplomacy.”*

– EAM S. Jaishankar in meeting with Russian counterpart

## Opinions/Review/Expert View

## Australia And New Zealand Can Make Solomon Islands A ‘Pacific Family’ Offer China Can’t Match

Source: Rod Nixon, *The Strategist*, ASPI

<https://www.aspistrategist.org.au/australia-and-new-zealand-can-make-solomon-islands-a-pacific-family-offer-china-cant-match/>. 01 Apr 2022.



The announcement by the Solomon Islands government that it intends to ‘broaden its security and development cooperation with more countries’ has provoked a rash of commentary from Australian and New Zealand journalists, academics, think-tankers and politicians. Amid the calls to ‘amass an amphibious invasion force’ or offer the Solomons an Australian naval base, is there potential for a ‘Pacific family’ solution?

The commentary erupted on 24 March after a leaked draft security agreement between Solomon Islands and China was circulated online. Controversial elements of the document include the following two provisions:

Solomon Islands may, according to its own needs, request China to send ... armed police, military personnel and other law enforcement and armed forces to Solomon Islands to assist in maintaining social order ...

**An APMI Partners survey carried out in the Solomons in December found that 91% of respondents preferred their nation ‘to be diplomatically aligned more towards ... liberal democracies’.**

China may, according to its own needs and with the consent of Solomon Islands, make ship visits to, carry out logistical replenishments in, and have stopover and transition in Solomon Islands, and the relevant forces of China can be used to protect the safety of Chinese personnel and major projects in Solomon Islands.

The agreement also features a confidentiality clause that says: ‘Without the consent of the other party, neither party shall disclose the cooperation information to a third party.’

While the deal has now been ‘initialed’ by Chinese and Solomon Islands officials, it is still yet to be formally signed.

Reflecting the possibility of secretive negotiations for a Chinese naval base in Solomon Islands, reactions from commentators covered the spectrum from ‘wake-up call’ to Australia’s own ‘Cuban missile crisis’.

Notwithstanding different positions along the alert–alarm spectrum, there’s broad agreement among commentators that Australia’s foreign policy approaches have proved inadequate, regardless of the funds spent on programs.

Meanwhile, a statement on Solomon Islands issued jointly by Australia’s foreign minister and minister for international development and the Pacific gave little indication of alarm, but within 417 words made five references to Australia’s ‘Pacific family’, with whom Australia stands ‘shoulder-to-shoulder ... through good times and bad’.

The statement affirmed that Australia respects ‘the right of every Pacific country to make

sovereign decisions’; referred to \$22 million Australia has provided to the Solomons for budget support and record regional development assistance; and pledged that Australia would ‘be transparent and ... continue supporting peace, economic prosperity, stability and democratic values across our region’.

A higher level of concern was articulated in an ABC article that quoted Solomon Islands opposition leader Matthew Wale saying he had warned Australian officials in late 2021 that ‘China would likely try to establish a military presence in Solomon Islands ... but the Australian government did nothing about it’. The article also quoted Australian international affairs expert Clinton Fernandes warning that the same factors could well play out in Papua New Guinea.

Perhaps the big question is why the government of Manasseh Sogavare, on record for wanting to cooperate with China ‘to build a world that is fair and just’, was negotiating a security agreement with Beijing without first seeking the endorsement of the people of Solomon Islands? An APMI Partners survey carried out in the Solomons in December found that 91% of respondents preferred their nation ‘to be diplomatically aligned more towards ... liberal democracies’.

Insight into this question may be provided by a case study by Indo-Pacific researcher Cleo Paskal titled ‘How China buys foreign politicians’. Paskal presents what appears to be evidence of August 2021 payments originating from China to ‘39 of the [Solomons] Parliament’s

50 MPs’. According to Paskal, all of these MPs were ‘supporters to one degree or another, of the Prime Minister’. Alluding to Article 61 of the Solomons constitution, Paskal notes that 39 votes would be sufficient ‘with a small buffer’ to pass an alteration and push through Sogavare’s plan to delay the 2023 election until 2024. ‘And who knows what else he and/or Beijing would like to “adjust”?’ she asks.

We get now to the heart of the problem. As Australia and New Zealand emphasise

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transparency, sovereignty and democratic values and spend big on multimillion-dollar development projects, the geopolitical landscape may be rearranged by a series of budget bribes to members of Pacific parliaments. For, as Fernandes suggests, there’s no reason to think this vulnerability will be restricted to the Solomons.

Many Pacific islanders have strong links with Australia and New Zealand through education and family dating back to pre-independence times. If the APMI survey data is anywhere near accurate, Solomon Islanders remain strongly drawn to the liberal democratic model. Should, therefore, the leading democracies of the region respond to the strategic competition from China by seeking to make the much-vaunted ‘Pacific family’ more of a reality?

In other words, what policy options might be offered to Solomons government MPs such that alliance with the leading liberal democracies of the region becomes a permanent policy setting? What could be so attractive to the entire Solomons electorate that going against it even for money



politics would be unthinkable?

The answer may be something Australians and New Zealanders enjoy most days of their lives—namely, access to a developed job market, education and healthcare. Establishing a path for greater integration of the Solomons and other Pacific island states into a ‘Pacific family’ led by Australia and New Zealand, in return for a common security policy, could settle for good the partner-of-choice question for these states. At the same time, increased opportunities for Pacific workers could provide badly needed labour and help stimulate a regional industrial revival.

Steps towards greater integration of Pacific states would represent a substantial change for Australian and New Zealand foreign policy. However, the audacious geopolitical manoeuvre by China calls for an equally innovative response from the region’s leading liberal democracies.

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## What BrahMos Deal With

### Philippines Means For Indo-Pacific

Source: Niranjana Chandrashekhara Oak, IDSA

<https://www.idsa.in/idsacomments/brahmos-deal-with-philippines-means-for-indo-pacific-ncOak-230222>. 23 Feb, 2022.



The US\$ 375 million BrahMos deal between India and the Philippines signed on 28 January 2022 is not just a one-off arms deal, but a milestone in

India’s relations with the Indo-Pacific region. The deal posits a complex geopolitical picture in the region. For the Philippines, the missile batteries will equip the country’s naval forces with much-needed deterrent capacity against China, thus tilting a favourable balance of power towards Manila, contributing to the stability of the Indo-Pacific.

Further, the agreement is a testimony to India’s shining record as an adherent of international law. Moreover, it marks a convergence between India’s Act East and Defence Export policies by increasing India’s profile as a defence trade partner of medium/high technology products. The BrahMos Aerospace chief, Atul Dinkar Rane, described the deal as “the first export deal that India had signed for a full major weapon system and would pave the way for many more to come forward”. Thus, it would be prudent to take a closer look at the BrahMos missile deal to understand its ramifications for the region.

### Complex Geopolitics

The BrahMos agreement between India and the Philippines indirectly involves players beyond the two countries. The BrahMos Aerospace is a collaboration between Defence Research and Development Organisation (DRDO), India and Joint Stock Company “Military Industrial Consortium” “NPO Mashinostroyeniya”, Russia (earlier known as Federal State Unitary Enterprise NPOM of Russia) with 50.5 per cent and 49.5 per cent stakes respectively. The Philippines is a treaty ally of the United States (US), and the agreement is aimed at China which is a close partner of Russia in the current times. Thus, the deal can be read in multiple ways. It shows an urge to diversify the defence hardware on Manila’s part. Further, the Philippines’ choice of India—a partner of both Russia and the US—has exhibited the country’s sagacity in selecting strategic partners. As is apparent from the recently published Indo-Pacific strategy, the US perceives India positively, and China’s muted reaction owes to its close partner Russia. By selling defence equipment to China’s adversaries, Russia has sent a subtle message to China that it be treated as an equal. Despite its economic woes, Kremlin remains a force to reckon with.

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### **Balance of Power in Indo-Pacific**

The BrahMos deal—a part of the Philippines’ modernisation efforts under Horizon 2 (2018–2022)—is a way for the Philippines to maintain a positive balance of power in its favour. The contract signed between Defence Secretary of Philippines Delfin N. Lorenzana and BrahMos Aerospace Pvt. Ltd aims to supply three batteries of an anti-ship variant of

the missile to the Philippines Navy. The agreement also includes training for operators and an integrated logistics support package. In the past few years, the Philippines has been under intense pressure from China vis-à-vis its sovereignty and territorial integrity in the South China Sea (SCS), also known as the West Philippines Sea in Manila. The Permanent Court of Arbitration, The Hague ruling in favour of the Philippines, has failed to restrain China from challenging the country’s territorial sovereignty. To maintain the balance of power in the region, the Philippines, like other member states of the Association of Southeast Asian Nations (ASEAN), rely on external as well as internal balancing. While externally Manila has decided to continue its alliance with Washington, the country is on the path to modernise its armed forces.

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The deployment of the world’s fastest supersonic cruise missile on the western flank of the archipelagic nation will provide the Philippines an option to employ an anti-access/area denial strategy to safeguard its territorial integrity, especially its exclusive economic zone. Thus, the BrahMos deal is likely to enhance the deterrence capabilities of the Philippines, contributing to the stability of the Indo-Pacific. Although three batteries of shore-based BrahMos is too small to deter the mighty Chinese Navy, it shows intent on the part of Manila to defend its territory in the worst-case scenario. Moreover, robust intelligence, surveillance and reconnaissance (ISR) capabilities with the help of the US will increase the effectiveness of the missile system manifold.

## Convergence of India's Act East and Defence Export Policy

The culmination of the BrahMos deal is a crucial milestone in India's endeavour to give substance to the Act East policy in the security and defence realm. During the 9th East Asia Summit (EAS) in 2014, Prime Minister Narendra Modi had declared India's intention to graduate from Look East to Act East policy, indicating a proactive approach towards Southeast Asia. Hitherto, the India–Southeast Asia defence relations were restricted to training, port visits, bilateral/multilateral military exercises and export of low-end technology weapons and non-lethal military equipment. However, with the operationalisation of the Act East policy, India's defence ties with Southeast Asia have matured to include defence trade of medium/high technology items.

India has extended defence-related Line of Credit to ASEAN countries such as Vietnam and the Philippines in the past few years. Vietnam has already decided to purchase high-speed guard boats while the Philippines has gone for BrahMos cruise missiles. Manila is interested in more BrahMos missiles for its army under Horizon 3 (2023–2027) and is expected to order the same in the coming months. In 2017, India had exported Advanced Light Torpedo 'Shyena' to Myanmar. Moreover, the ASEAN

countries like Vietnam, Indonesia, Malaysia, Thailand and the Philippines are eyeing export-ready Indian medium/high technology products such as Light Combat Aircraft 'Tejas', Advanced

**The MTCR is a multilateral export control regime “to restrict the proliferation of missiles, complete rocket systems, unmanned air vehicles, and related technology.” It is applicable for systems that are “capable of carrying a 500-kilogram payload at least 300 kilometres (km), as well as systems intended for the delivery of weapons of mass destruction (WMD)”.**

Light Helicopter 'Dhruv' and a medium-range surface-to-air missile 'Akash' for their respective armed forces. India's draft Defence Production and Export Promotion Policy 2020 is likely to further boost indigenous defence production and export. Although many of these deals have not been clinched yet, India is certainly increasing its profile in the region as a reliable defence trade partner.

## India Walks the Talk on International Law

The recently held Quad summit emphasised international law and rules-based order. According to the joint statement, the “Quad partners champion[ed] the free, open, and inclusive rules-based order, rooted

**More ASEAN countries are likely to be interested in the missile system if the deal meets Manila's expectations. Moreover, India's Indo-Pacific formulation includes Africa's east coast and parts of West Asia. Thus, the defence market in this part of the world also awaits India's medium/high technology defence products.**

in international law, that protects the sovereignty and territorial integrity of regional countries.” For India, the “international law” and “rules-based order” are not just words, as is evident from the export of BrahMos missile to the Philippines, which is consistent with the Missile Technology Control Regime (MTCR) guidelines. The MTCR

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500-kilogram payload at least 300 kilometres (km), as well as systems intended for the delivery of weapons of mass destruction (WMD)". Although India has developed an extended-range version of BrahMos after entering into MTCR in 2016, India's export variant of BrahMos cruise missile has a range of 290 km, in conformity with the regime's restrictions. Moreover, even before becoming a member of MTCR, India had harmonised its policies according to MTCR guidelines in 2005.

## Conclusion

The significance of the BrahMos deal could be gauged from the fact that the signing of the deal was followed up by the External Affairs Minister of India S. Jaishankar's visit to the Philippines on 13–15 February 2022. The two maritime nations recognised the importance of maintaining stability in the Indo-Pacific. Moreover, the Philippines recognised India as a "partner in promoting peace and security in the region, as well as in advocating the rule of law in the face of armed ambition and the anarchy that follows it". More ASEAN countries are likely to be interested in the missile system if the deal meets Manila's expectations. Moreover, India's Indo-Pacific formulation includes Africa's east coast and parts of West Asia. Thus, the defence market in this part of the world also awaits India's medium/high technology defence products. By establishing itself as a trustworthy defence partner and a responsible international actor, India stands a chance to play a more significant role in the Indo-Pacific.

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## "Lawfare" in the South China Sea disputes

Source: Tara Davenport, *The Interpreter*

<https://www.lowyinstitute.org/the-interpreter/debate/maritime-security-southeast-asia>. 01 Apr 2022



A jurisdictional hearing in July 2015 in the arbitral proceedings Philippines vs China (PCA-CPA)

The term "lawfare", and its etymology in the term warfare, has traditionally been perceived as negative, based on the notion that it meant the misuse of law or legal institutions to achieve a military or operational objective. Law as a "weapon of war" inevitably conjured up images of the law being deliberately exploited to achieve certain strategic objectives against an adversary.

**Not all uses of the law and or legal institutions to achieve certain objectives are necessarily harmful, and indeed "lawfare" can play a useful role in contentious state disputes.**

However, not all uses of the law and/or legal institutions to achieve certain objectives are necessarily harmful, and indeed "lawfare" can play a useful role in contentious state disputes.

In the context of the South China Sea, claimants and extra-regional actors have undoubtedly used various legal mechanisms and fora to pursue different objectives. This includes the extended continental shelf submissions by Malaysia and Vietnam to the Commission on the Limits of the Continental Shelf (CLCS) in 2009 and 2019 (and accompanying diplomatic notes from various states) and the 2016 Annex VII arbitral

proceedings initiated by the Philippines against China, legal actions grounded in the 1982 UN Convention on the Law of the Sea (UNCLOS).

Some commentators have questioned the value of these steps given that the CLCS is unable to consider Malaysia and Vietnam's submissions due to the objections of China and the Philippines, and the fact that China has rejected the 2016 Award as null and void. Others have asked whether the utilisation of "lawfare" has further exacerbated the disputes in the South China Sea. While an extensive cost-benefit analysis of these actions would take more space, several brief points warrant note.

First, the CLCS process and the 2016 arbitral proceedings have served as an important means of communication of claims which have consequently led to a certain degree of clarification of maritime claims in the South China Sea.

Prior to 2009, there were several legal uncertainties including the nature and status of Spratly Islands features and the precise ambit of the maritime claims generated from these features. None of the claimants had explicitly claimed an exclusive economic zone (EEZ) and continental shelf from the Spratly Island

features and China's claim was said to be "deliberately" ambiguous. After the CLCS submissions in 2009, it was clear that Malaysia and Vietnam did not claim an EEZ and continental shelf from the Spratly Island features. China's response to the CLCS submissions was also illuminating as it was the first time that China had articulated its claims in an international forum.

**UNCLOS provides that arbitral awards are final and shall be complied with by the parties to the dispute even if one of the parties does not participate – China's characterisation of the award as non-binding does not deprive the award of its effect under international law.**

Equally as important was the process of the arbitral proceedings. The Philippines prepared voluminous submissions to substantiate its case, including data and expert reports on the features in the Spratly Islands. China did not participate but prepared a position paper where it articulated its position using legal arguments to justify its stance. The preparation of a legal case forces a more thorough examination of the issues, all of which allows parties to have a better understanding of the respective merits of each other's position.

The interaction with these legal mechanisms has inevitably compelled the claimants to examine its legal position in the South China Sea and communicate them. This has led to an incremental (albeit incomplete) clarification of maritime claims from the Spratly Islands and is an important step in dispute settlement – without knowing the scope of the dispute, how can one hope to resolve it?

Second, the 2016 arbitral award has shed light on important legal issues that were previously subject to uncertainty, including historic rights in the EEZ and Article 121 (3) definitions of a "rock" incapable of sustaining human habitation or an economic life of its own.

UNCLOS, negotiated over nine years, is a combination of both legal principle and political compromise. Certain provisions were imprecise because to endow them with more detail would scuttle the conclusion of a binding treaty. Other issues were not comprehensively addressed as it was not possible to deal with every issue pertaining to the law of the sea. Negotiators delegated to



the various UNCLOS courts and tribunals the authority to interpret and resolve legal disputes on the interpretation or application of UNCLOS.

Accordingly, one of the more important functions of the 2016 arbitral award is that it sheds light on critical legal issues that have previously been uncertain. UNCLOS provides that arbitral awards are final and shall be complied with by the parties to the dispute even if one of the parties does not participate – China’s characterisation of the award as non-binding does not deprive the award of its effect under international law.

Moreover, the award is a subsidiary means of determination of the rules of international law and can be relied upon by states and other international courts and tribunals. While the extent to which the award will be relied upon by other actors is still evolving (there appears to be steadily increasing support for the award), the importance of the clarification of legal norms cannot be underestimated. For example, even though the United States withdrew from the merits proceedings after it lost the jurisdictional challenge in the *Nicaragua v. United States* case before the International Court of Justice (ICJ), the ICJ’s rulings on the use of force and the UN Charter have permeated our understanding of international law.

The use of “lawfare” in the South China Sea disputes has unsurprisingly prompted strong reactions from claimants, ranging from diplomatic notes to adoption of national legislation to displays of naval strength and other actions aimed at reinforcing their respective claims.

While these reactions will raise tensions and impact the status quo, this is part of the iterative process of claim and counter-claim in international law. Such actions will not be a panacea to resolving the multi-faceted South China Sea disputes but they can certainly nudge states along the journey towards a final resolution.

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## Social Media Corner

### Cherry-picks of the Month

1. What Island Nations Have to Say on Indo-Pacific Geopolitics - <https://carnegieendowment.org/2022/03/23/what-island-nations-have-to-say-on-indo-pacific-geopolitics-pub-86700>
2. The Middle Power Dynamic in the Indo-Pacific: Unpacking How Vietnam and Indonesia Can Shape Regional Security and Economic Issues - <https://www.airuniversity.af.edu/JIPA/Display/Article/2927137/the-middle-power-dynamic-in-the-indo-pacific-unpacking-how-vietnam-and-indonesi/>
3. A New Framework for Understanding and Countering China's Gray Zone Tactics - [https://www.rand.org/pubs/research\\_briefs/RBA594-1.html](https://www.rand.org/pubs/research_briefs/RBA594-1.html)
4. The US Indo-Pacific Strategy 2022: An Analysis - <https://maritimeindia.org/the-us-indo-pacific-strategy-2022-an-analysis/>
5. US Grand Strategy After Ukraine: Seven Thinkers Weigh In - <https://foreignpolicy.com/2022/03/21/us-geopolitics-security-strategy-war-russia-ukraine-china-indo-pacific-europe/>

### CAPS Experts In Focus

1. PM Kishida's Maiden Visit to India - <https://capsindia.org/pm-kishidas-maiden-visit-to-india/>
2. Why Taiwan Will Not Be Another Ukraine - <https://capsindia.org/why-taiwan-will-not-be-another-ukraine/>
3. Geopolitical Fallout of the Ukraine Crisis for India and the Indo-Pacific - <https://capsindia.org/geopolitical-fallout-of-the-ukraine-crisis-for-india-and-the-indo-pacific/>

### Lectures and View Points

1. The Impact of the War in Ukraine on the Indo-Pacific Region: Japan, the EU and the Indo-Pacific by Prof. Yuichi Hosoya - <https://www.youtube.com/watch?v=IRySM-nNrSU>
2. An Indian vision of China's political trajectory under Xi Jinping by Shri Jayadev Ranade - <https://ecfr.eu/event/india-china-luncheon-lectures-an-indian-vision-of-chinas-political-trajectory-under-xi-jinping/>

## Debates and Discussions

1. The War in Ukraine: Implications for the Indo-Pacific - [https://www.youtube.com/watch?v=S\\_ioMh-d4n8](https://www.youtube.com/watch?v=S_ioMh-d4n8)
2. Russia's Attempted Invasion of Ukraine: The Changing Geopolitics - <https://carnegieindia.org/2022/03/09/russia-s-attempted-invasion-of-ukraine-changing-geopolitics-event-7829>
3. Geopolitical crossroads: Australia, AUKUS, and the new uncertainties - <https://www.chathamhouse.org/events/all/research-event/geopolitical-crossroads-australia-aukus-and-new-uncertainties>

## Podcasts

1. Assessing China's Growing Air Incursions into Taiwan's ADIZ: A Conversation with Kenneth W. Allen, Gerald C. Brown, and Thomas J. Shattuck - <https://www.csis.org/node/64702>
2. China's Ukraine Propaganda with NPR's Emily Feng - <https://carnegieendowment.org/the-world-unpacked>
3. Line of Advantage: Japan's Grand Strategy in the Era of Shinzo Abe with Andrew Schwartz and Michael Green - <https://www.csis.org/node/64616>
2. Japan's outer space ambitions with Dr Suzuki Kazuto and Dr Bleddyn Bowen - <https://www.iiss.org/blogs/podcast/2022/03/japans-outer-space-ambitions>



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