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Repair work in Dima Hasao to take time

Landslides caused massive infrastructure damage

R DUTTA CHOUDHURY

GUWAHATI, May 18: Infrastructure in the Dima Hasao district has taken a massive hit in the landslides and it will take some time to repair the damages. However, the priority of the Government is to restore the communication network as it not only affects Assam but also the neighbouring states.

Highly placed official sources told *The Assam Tribune* that it would take some time and investment of substantial amounts of funds to repair the damages. Sources said that essential medicines and food items have been



sent by flight to Kumbhirgram airport today and from there, Indian Air Force choppers would carry it to Haflong. As per an assessment, the district has food stock to last for four to five days and restoration of the road communication is a priority.

Air Force choppers are

also evacuating stranded passengers from Dima Hasao but the problem is that it is risky for the choppers to fly on hilly terrain in bad weather and it is still not known when the evacuation process will be completed.

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RailTel's wi-fi at stations helps train passengers connect with families

NEW DELHI, May 18: More than 1,000 passengers on board the Guwahati Express and the Guwahati-Silchar Express trains, which were stuck in the flood-hit areas of Assam, were helped by the RailTel's wi-fi facility at stations, where there was a complete breakdown of the mobile network, the rail PSU said on Wednesday.

RailTel made special arrangements for providing communication using station wi-fi to the stranded passengers of the two trains stuck on the Lumding-Badarpur hill section in Assam last week because of heavy rains that led to a total breakdown of mobile services of all operators in the affected area.

The affected area falls under the Lumding railway division of Northeast Frontier Railway (NFR). The passengers could communicate with their families using this special arrangement. The railway administra-

Assam floods

tion also used this connectivity facility for organising the relief-and-rescue operation effectively.

Inclement weather and incessant rain caused massive landslides and waterlogging at several locations of the Lumding-Badarpur hill section. This resulted in damage to the railway track, bridges, road and communication network in this hilly terrain.

The NFR zone had geared up its entire machinery and controlled train services over the affected section due to this serious condition. However, two trains got stranded in these flash floods, each with about 1,400 passengers. One was train number 15616 Silchar-Guwahati Express at the Ditokcherra station and another was train number 15615 Guwahati-Silchar Ex-

press at the New Haflong station in Assam's Dima Hasao district.

The railway administration launched a massive evacuation operation with the help of the Air Force, the Railway Protection Force (RPF), the National Disaster Response Force (NDRF), the Assam Rifles and locals.

But another big challenge



was the total breakdown of mobile services of all operators in the affected area, which left the passengers and the railway administration isolated from the world.

"In this difficult situation, the wi-fi facility already available at railway stations provided by RailTel Corporation

proved very useful in providing connectivity. Special arrangements were made for passengers to use station wi-fi to contact their families.

"The railway administration also used this connectivity facility for organising the relief-and-rescue operation effectively. This special arrangement was made by temporarily suspending the requirement of OTP on the mobile phone of a user, as required under standard procedure for authentication purpose as mobile services were down in that area," the company said.

This connectivity was provided at Ditokcherra (station code: DTC), New Harangjiao (station code: NHGJ), New Haflong (station code: NHLG) - all in Dima Hasao district - and at Damcherra (station code: DCA) in Cachar district of Assam falling under the Lumding division of the NFR. - PTI

NDMA Guidelines for Flood Management

| STRUCTURAL | NON – STRUCTURAL |
|---|---------------------------------|
| Reservoirs, dams, other water storages | Flood plain zoning |
| Embankments/flood walls | Flood proofing |
| Drainage improvement | Flood management plans |
| Desilting/ dredging of rivers | Integrated watershed management |
| Diversion of flood water | |
| Afforestation/ catchment area treatment | |

NDMA Guidelines for Landslides –

- Landslide Hazard, vulnerability and Risk Assessment
- Multi – Hazard Conceptualisation
- Landslide Remediation practice
- Research and Development, monitoring, and early warning
- Knowledge network and management
- Capacity building and Training
- Public awareness and Education
- Emergency preparedness and response
- Regulation and Enforcement

Centre identifies 65 locations for viewpoints in NE



A CORRESPONDENT

NEW DELHI, May 18: In an attempt to explore the tourism potential of the North East, the Centre has identified as many as 65 locations including four in Assam for developing as 'viewpoints' along the National Highways.

The Union Tourism Ministry has already arrived at an understanding with the National Highway Authority of India (NHAI)

and National Highway Infrastructure Development Corporation Limited (NHID-CL) to implement this mega project.

"All the states in the North East have very rich scenic beauty. And if we can create 'viewpoints', it will certainly attract more tourists both domestic and international," a senior official in the Tourism Ministry told *The Assam Tribune*.

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In an effort to enhance tourist infrastructure in the country, state owned entities under ministry of road transport and highways including NHAI, NHML, National Highways and Infrastructure Development Corporation (NHIDCL) have signed a MoU with ministry of tourism for developing Way-Side Amenities (WSAs) and View-Points at tourist places. The viewpoints are expected to attract tourists, thereby helping the region in tourism developments.

Centre sanctions Rs 8,000 cr to APDCL

Revamp of
transmission
R DUTTA CHOU



GUWAHATI, May 24: Centre has sanctioned an amount of Rs 8,000 crore to Assam to revamp the power transmission lines and install smart meters. Due to some stringent measures taken by the Government, the revenue collection by the Assam Power Distribution Company Limited (APDCL) also increased by over Rs 100 crore per month in the last one year.

Talking to *The Assam Tribune*, Power Minister Bimal Bora said that immediately after he assumed office last year, he held a meeting with the senior officers of the APDCL and "found that the monthly collection was very low and the grant given by the Government to upgrade the power distribution system was used for making payments to the generation companies." The APDCL was also paying penalties to the power generation companies for their failure to make the payments on time and the penalties per month went up to crores of rupees. The technical and commercial loss was as high as 35

Mitigating Assam's poor power scenario

■ Nipan Deka

The power scenario in Assam is grim. If we take calculated risks and establish power plants that can mitigate carbon and, at the same time, produce green power, the initiative will mechanically fit into the Prime Minister's commitment of 'Panchamitra' at the COP26 conference. The best option is to go for thorium-based power plants. India has the most technically ambitious and innovative nuclear energy programme in the world. Dr Homi Bhabha designed a three-stage nuclear power programme through the use of uranium and thorium with the ultimate focus on utilising thorium reserves (India is bestowed with huge reserves of thorium) to meet the energy requirements. We are in the second stage of the programme. The third stage may come up only after achieving about 50 GW through fast breeder reactors and hence, most likely by 2050.

Conversely, considering the delayed time-frame, our country is looking for new reactor designs that allow more direct use of thorium along with the sequential three-stage programme as a parallel approach.

Nuclear reactors are not nuclear bombs. Nuclear reactors are intelligently designed to harness the benefits of atoms to generate heat and not designed to blast. In a typical nuclear power plant, the radioactive fission products are bound inside ceramic/graphite pellets which are packed inside sealed zirconium alloy tubes to form fuel rods. These fuel rods are confined inside a large steel pressure vessel with walls up to 30 cm thick associated with substantial prima-

ry cooling pipework. All these in turn, are enclosed inside an extremely strong reinforced concrete structure with walls of at least one metre thickness. This amounts to three significant barriers around the fuel, which itself is very stable up to high temperatures which are monitored continuously by measuring various parameters. Beyond the control rods which are inserted to absorb neutrons and regulate the fission process, the main engineered safety provisions are the back-up emergency core cooling system to remove excess heat and the concrete structure. In other words, nuclear power plants are based on 'defence in depth approach' which means there are 10 safety measures placed one after another to mitigate a core accident in a nuclear reactor.

However, no industry is immune from accidents, but we learn from them. In civil aviation, there are accidents every year and each is scrupulously analysed and manufacturing or management lapses if any, are rectified. The Bhopal gas tragedy is yet to be erased from our memory. There have been two major reactor accidents in the history of civil nuclear power - Chernobyl and Fukushima Daiichi. These are the only major accidents to have occurred in over 18,500 cumulative reactor years of commercial nuclear power operation in 36 countries including India. The Fukushima accident in Japan took place because there was an earthquake due to

which the nuclear reactor was shut down. However, the reactor takes time to cool down despite the cooling systems remaining on. About 45 minutes after the earthquake the tsunami struck, flooding the plant and damaging the entire power system including the back-ups. There was a complete blackout which resulted in the shutdown of the cooling system (electric mo-

The simple thorium gas-cooled reactor, a high temperature helium-cooled reactor which is a combined heat and power plant, is the best choice for Assam...with such carbon mitigation technology Assam can conserve its fragile ecology, render potable water to the surrounding populace, use gamma rays even for medical purposes and at the same time, harness quality power.

tors, pumps, etc.) that led to overheating of the reactors and thus, there was core meltdown.

It is a fact that there is wide public acceptance that the risks associated with non-nuclear industries are an acceptable trade-off for our dependence on their products and services.

With nuclear power, the potential hazard has always been factored into the design of nuclear power plants. The few accidents that have been spectacular and newsworthy in terms of human fatalities. The innovation value and hence, newsworthiness of nuclear power accidents remains high and there ensues panic in contrast to other industrial accidents, which receive comparatively little news coverage.

Convincingly, it seems now that

the simple thorium gas-cooled reactor (STGR), a high temperature helium-cooled reactor which is a combined heat and power (CHP) plant, is the best choice for Assam.

The fuel of the STGR is the graphite fuel pebble containing about 10,500 TRISO (TRISO stands for TRi-structural ISotropic particle fuel). Each TRISO particle is made up of a uranium/thorium, carbon and oxygen fuel kernel. The kernel is encapsulated by three layers of carbon and ceramic-based materials which prevent the release of radioactive fission products. The particles are incredibly small (about the size of a poppy seed) and very robust. TRISO particles cannot melt in a reactor and can withstand extreme temperatures that are well beyond the threshold of current nuclear fuels. Advanced nuclear technology is the call for this kind of fuels) fuel kernels. Each pebble has a fuel life-span of three years. The STGR has no refuelling stop. The design of the fuel is such that apart from thorium, many other fuel types can be used in the TRISO fuel kernel. These, combined with the preferred fuel thorium, solve expensive storage problems for dangerous materials. Furthermore, in the STGR the MOX (mixed oxide) elements give a much higher burn-up, better fuel efficiency, when compared with LWR (light water reactors). Because of this, the STGR is an inherently safe reactor; this means that a core damage accident is not possible in the STGR (because of the new fuel pebble design, the core damage frequency

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(CDF=0) is zero or no core meltdown). The pebble temperature will, by the design of the reactor, not exceed 1100°C while graphite remains stable up to about 2500°C.

The international nuclear industry has prepared criteria for Generation IV nuclear reactors to be on the market by 2030. When the Generation IV criteria are applied to the STGR, the STGR is a Generation V reactor. Use of thorium in the STGR will guarantee minimal long-living radioactive waste production. This kind of nuclear power plant can either be installed on land or on berg. The land plant can be of around 20 MW capacity and produce 50,000 litres of high quality water per day. The likely project cost will be about US\$ 130 million including the multi effect distillation (MED) unit. Likewise, on the berg-mounted plant, the capacity of power could be from 100 MW to 200 MW. A 100 MW (likely project cost of about US\$ 650 million) will also produce 250,000 litres of high quality water per day. Since these plants can be ordered in modular form also, the space required on land for a 20 MW plant is about 100m x 100m (7.67 bighas) only. With higher efficiency, producing saleable power and clean water, the project becomes very viable with cheap power cost.

After three years the pebbles used in the reactor are a good source of gamma rays whose technology is proven for use in agricultural produce, food preservation and other areas. Thus, with such carbon mitigation technology Assam can conserve its fragile ecology, render potable water to the surrounding populace, use gamma rays even for medical purposes and at the same time, harness quality power.

What are the Challenges Faced by the Power Sector DISCOMs?

■ The discoms suffer Aggregate Technical and Commercial (AT&C) Losses.

- Technical Loss: It is due to the flow of power in transmission and distribution systems.
- Commercial Loss: It is due to the theft of electricity, deficiencies in metering, etc.

India, US announce tie-ups in critical areas



Timely initiative

TOKYO, May 24: India and the US on Tuesday announced a major partnership to boost cooperation in critical and emerging technologies between their National Security Councils after Prime Minister Narendra Modi and President Joe Biden vowed to work together for a more prosperous, free, connected and secure world.

In a meeting with Biden on the sidelines of the Quad summit in Tokyo, Modi described the India-US relationship as truly a “partnership of trust” and said he was confident that the friendship will continue to be a “force

for good” for global peace and stability as well as for the well-being of mankind.

On his part, the US President told the Prime Minister that he is committed to making America’s partnership with India among the closest on earth, saying there is so much that the two countries “can and will do together”.

The Ministry of External Affairs (MEA) said the meeting “resulted in substantive outcomes” which will “add depth and momentum” to the bilateral partnership.

In another move, India and the US also extended

the longstanding Vaccine Action Programme (VAP) until 2027. Separately, the White House announced India joining the Combined Military Forces-Bahrain as an associate member.

A White House readout said Biden condemned Russia’s “unjustifiable war” against Ukraine and that the leaders discussed how to cooperate to manage disruptions caused by the war, especially the rise in energy and food prices to protect their respective citizens and the world.

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For quite some years nations like India in Asia, as all countries in the West, have been watching with disconcertion as China rolled out its One Belt One Road (OBO) policy, designed to economically connect Eurasia, Africa and Oceania through two routes, overland and maritime: The land route envisages creation of an economic trade corridor extending from China’s west through Central Asia to Europe. The maritime route entails China’s development of ports and hubs across the Indo-Pacific: Australia, Malaysia, Indonesia, Bangladesh, Sri Lanka, Myanmar, Pakistan, Kenya, Tanzania, Oman and Djibouti to provide it with maritime access and economic bene across the Indian Ocean. The rationale behind China’s move is its realisation that wielding economic power over states is as important as forming military alliances, and with that aim it has been giving enormous amounts of soft loans to some countries to develop necessary infrastructure. The result has been that a number of them, including island states in Oceania and Asian ones like Sri Lanka and Bangladesh, have been caught in vicious debt traps which have enhanced China’s influence over them. Though the US has been entering into bilateral trade agreements with some nations including India and Australia, it had not attempted to form a multilateral economic bloc to counter China’s OBO policy. But now US President Joe Biden has used the Quad Summit in Tokyo to rectify this lacuna.

The outcome is the rollout of the Indo-Pacific Economic Framework for Prosperity (IPEF), an effort by the US backed by the other Quad members India, Japan and Australia, to push forward a strong economic policy for the Indo-Pacific to counter China’s aggressive strategy on trade in the region. IPEF enfold in its ambit countries such as Brunei, Indonesia, South Korea, Malaysia, New Zealand, Philippines, Singapore, Thailand and Vietnam and aims to enhance resilience, sustainability, inclusiveness, economic growth, fairness and competitiveness in the Indo-Pacific region. The participant countries make no secret of the fact that the IPEF has been forged as a counter to China’s trillion-dollar OBO development strategy which has already overwhelmed the Eurasian heartland, the South Pacific western Africa, and Latin America, and threatens to undermine the security and economic architecture of the international order. Thus, IPEF has come none too soon a will, hopefully, be able to garner support with numerous other nations who have belatedly realised the insidious intention behind the Chinese game-plan. It will also assist countries like India to collaborate with partner countries and work towards advancing economic connectivity, integration and boosting trade and investment within the region. In addition, the announcement of the IPEF is as much a declaration of a collective desire to make the Indo-Pacific region an engine of global economic growth, as also a strategy to counter growing Chinese influence.

What is IPEF?

- The grouping, which includes seven out of 10 members of the Association of South East Asian Nations (ASEAN), all four Quad countries, and New Zealand, represents about 40% of global GDP.
- The negotiations for the IPEF are expected to centre around four main pillars, including trade, supply chain resiliency, clean energy and decarbonisation, and taxes and anti-corruption measures.
- Countries would have to sign up to all of the components within a module, but do not have to participate in all modules.
- The “fair and resilient trade” module will be led by the US Trade Representative and include digital, labor, and environment issues, with some binding commitments.

Four pillars of IPEF

1. **Trade** that will include digital economy and emerging technology, labour commitments, the environment, trade facilitation, transparency and good regulatory practices, and corporate accountability, standards on cross-border data flows and data localisations;
2. **Supply chain resiliency** to develop “a first-of-its-kind supply chain agreement” that would anticipate and prevent disruptions;
3. **Clean energy and decarbonisation** that will include agreements on “high-ambition commitments” such as renewable energy targets, carbon removal purchasing commitments, energy efficiency standards, and new measures to combat methane emissions; and
4. **Tax and anti-corruption**, with commitments to enact and enforce “effective tax, anti-money laundering, anti-bribery schemes in line with [American] values”.

Efforts on to increase coal output: Coal ministry

NEW DELHI, May 24: The coal ministry on Tuesday said all efforts are being made to further boost output and dispatch of coal, and that production of the dry fuel jumped over 36 per cent in the first half of May.

The ministry's statement comes against the backdrop of certain parts of the country grappling with power outages due to shortage of coal for power plants.

"During the first half of

May 2022, total coal production increased to 33.94 million tonnes (MT) achieving a growth of 36.23 per cent over the production of 24.91 MT during the same period last year," the ministry said in a statement.

The dispatch of the dry fuel also increased 15.87 per cent to 37.18 MT in the first half of the current month over the corresponding period of the last fiscal.

The coal ministry "is con-



tinuing all efforts to further enhance coal production and

dispatch to meet the increasing power demand in the

country due to sustained economic growth and also the seasonal factors".

Total coal dispatches were at 71.77 MT in April, registering a rise of 9.39 per cent on a year-on-year basis. The country's coal production rose to 67 MT in April.

Coal India Ltd (CIL), which accounts for over 80 per cent of the domestic coal output, has played main role in augmenting production and recorded its highest monthly

coal output of 53.47 MT in April. The total dispatches of the dry fuel from CIL increased to 57.50 MT in April from 54.23 MT in the year-ago period. This represents a growth of 6.03 per cent.

As per the consolidated figures, overall dispatches (including non-CIL production) to the power sector have been at the level of 61.69 MT as compared to 52.32 MT in April 2021, an increase of 17.91 per cent. - PTI

Coal in India was **first mined in 1774** by East India Company in **Raniganj Coalfield** along the Western bank of Damodar River.

Today, India has the **fifth largest coal reserves in the world**.

India is the **second largest producer of coal in the world**, after China.

Why does India import coal when it has enough?

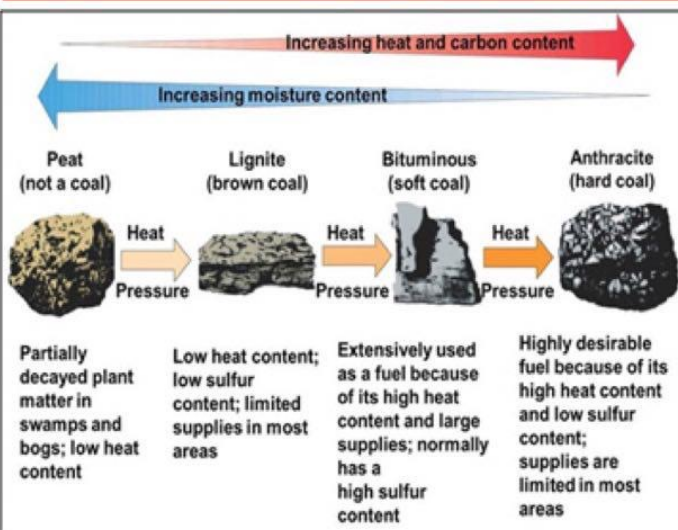
India **does not have enough reserves of good quality coal especially coking coal** that is used as a raw material in steel making and allied industries.

Most of it is imported from Indonesia, South Africa, Russia and Australia.

Thus, the imports are mainly to compensate the lack of good quality coal, especially coking coal.

Plus, there is a gap between demand and domestic production capacity.

In FY19, the country produced around 730 mt of coal, while the consumption was close to 965-970 mt.



Types of coal on the basis of Time period:

Gondwana coal: Around **98 per cent of India's total coal reserves are from Gondwana times**. This coal was formed about 250 million years ago.

Tertiary coal/Lignite is of younger age. It was formed from 15 to 60 million years ago.



PM-headed Inter-State Council reconstituted

NEW DELHI, May 23: The Inter-State Council, which works to promote and support cooperative federalism in the country, has been reconstituted with Prime Minister Narendra Modi as Chairman and Chief Ministers of all States and six Union ministers as members.

Ten Union ministers will be the permanent invitees to the Inter-State Council, according to an official notification.

The government has also reconstituted the Standing Committee of the Inter-State Council with Union Home Minister Amit Shah as Chairman. While the Prime Minister is the Chairman, Chief Ministers of all States and Union Territories having

a Legislative Assembly and the administrators of UTs not having a Legislative Assembly have been made members.

The Union ministers who were made members of the council are: Rajnath Singh, Amit Shah, Nirmala Sitharaman, Narendra Singh Tomar, Virendra Kumar, Hardeep Singh Puri, Nitin Gadkari, S Jaishankar, Arjun Munda, Piyush Goyal, Dharmendra Pradhan, Pralhad Joshi, Ashwini Vaishnaw, Gajendra Singh Shekhawat, Kiren Rijju and Bhupinder Yadav.

The mandate of the council is to create a strong institutional framework to promote and support cooperative federalism in the country, ac-

tivate the council and zonal councils by organising its regular meetings.

It also facilitates consideration of

Amit Shah-led standing panel to have CMs of Assam, Andhra, Bihar, Gujarat, Maharashtra, Odisha, Punjab, UP as members

all pending and emerging issues of the Centre-State and inter-State relations by the zonal councils and In-

ter-State Council and develop a sound system of monitoring the implementation of the recommendations of the Inter-State Council and zonal councils.

In a separate notification, the Union Home Ministry said the composition of the Standing Committee of the Inter-State Council will be: Amit Shah (Chairman) while members include Union ministers Nirmala Sitharaman, Narendra Singh Tomar, Virendra Kumar and Gajendra Singh Shekhawat.

The Chief Ministers of Andhra Pradesh, Assam, Bihar, Gujarat, Maharashtra, Odisha, Punjab and Uttar Pradesh are also members of the Standing Committee of the In-

ter-State Council.

The Standing Committee will have continuous consultation and process matters for consideration of the council, process all matters pertaining to Centre-State relations before they are taken up for consideration in the Inter-State Council.

The Standing Committee also monitors the implementation of the decisions taken on the recommendations of the council and considers any other matter referred to it by the Chairman or the council. The Standing Committee may, if necessary, invite experts and eminent persons in specific fields to have the benefit of their views while deliberating upon the related subjects. – PTI

Genesis of ISC

- The Constitution of India in Article 263, provides for the establishment of Inter-State Council (ISC).
- The objective of the ISC is to discuss or investigate policies, subjects of common interest, and disputes among states.

Temporary or permanent?

- The articles says that ISC may be established "if at any time it appears to the President that the public interests would be served by the establishment of a Council".
- Therefore, the constitution itself did not establish the ISC, because it was not considered necessary at the time the constitution was being framed, but kept the option for its establishment open.

Establishment as permanent body

- This option was exercised in 1990.
- The ISC was established as a permanent body on 28 May 1990 by a presidential order on the recommendation of the Sarkaria Commission.
- It had recommended that a permanent Inter-State Council called the Inter-Governmental Council (IGC) should be set up under Article 263.
- It cannot be dissolved and re-established.
- Therefore, the current status of ISC is that of a permanent constitutional body.

Arrest, custody, rule of law, etc



■ Mirnmoj Dutta

Arrest is not defined under the Code of Criminal Procedure, 1973. As per *Black's Law Dictionary*, arrest means the taking or keeping of a person in custody by a legal authority, especially in response to a criminal charge. The arrest can be made by the police, a magistrate and even a private person. It is the duty of the police officer to inform the arrested person of his rights as soon as he is brought to the police station. Section 60A of the Code of Criminal Procedure, 1973 mentions that no arrest shall be made except in accordance with the provisions of the Code of Criminal Procedure, 1973 or any other law in force for the time being.

The Supreme Court of India time and again in several judgements held that no arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. When a person is arrested, it brings humiliation, curtails freedom and casts scars upon him forever. Therefore, the Law Commission of India, the Police Commission and the courts in a large number of judgements have emphasised the need to maintain a balance between individual liberty and societal order while exercising the power of arrest. In consideration of these aspects, in 2019 Section 41A was inserted by amending the Code of Criminal Procedure, 1973.

The main purpose of insertion of Section 41A was to avoid unnecessary arrest. On 02/07/2014, the Supreme Court of India in the case of *Arnesh Kumar Vs State of Bi-*

har (reported in (2014) 8 SCC 273), passed certain directions in order to ensure that police officers do not arrest any accused unnecessarily and magistrates do not authorise detention casually and mechanically. But, in the present-day context, notwithstanding the safeguards mentioned in the Code of Criminal Procedure and the Constitution of India, the fact remains that the power of arrest is wrongly and illegally exercised in a large number of cases all over the country. Nowadays, it has also become a very common practice for the government, with the help of police, to arrest large numbers of people for apparently nothing more than raising the ante against the government. We have also witnessed many arrests by the 'governments' just to suppress dissenting voices.

On many occasions police slap sedition charges against the dissenters treating them as enemies of the state. If such arrests continue then we would be compelled to say that we are living in a state of unhealthy democracy.

On February 24, 2020, at an event organised by the Supreme Court Bar Association, Justice Deepak Gupta, former judge of the Supreme Court while delivering a lecture, stated that there can be no democracy without dissent. Dissent is essential in a democracy. If a country has to grow in a holistic

manner where not only the economic rights but also the civil rights of the citizen are to be protected, dissent and disagreement have to be permitted, and in fact, should be encouraged. It is only if there are discussions, disagreements and dialogues that we can evolve better ways to run the country.

The law expressly provides that once a person is arrested, it is the

clues the arrested accused. Thus, it is the duty of the police to make sure that they are treated fairly according to the procedure established by law and not harassed unnecessarily. It is the right of every arrested person to consult a legal practitioner of his own choice. The treatment of an arrested person has to be humane and, in the manner prescribed by law.

Our criminal jurisprudence is based on the principle of presumption of innocence. On the other hand, the main function of the police is to establish and maintain the rule of law. The term 'rule of law' is nowhere defined in the Constitution of India but is often used by us. As per rule of law, it is required that the people should be governed by the accepted rules rather than the decisions that are arbitrarily taken by the rulers. In Assam since the new government took charge, we have seen many incidents of deaths, injuries etc., during police custody. In almost all such incidents, the police gave similar statements that the accused tried to snatch service revolvers of the police personnel etc., and that the police had to retaliate in self-defence and kill or injure the alleged criminal. As per official data, in the last 20 years, 1,888 custodial deaths have been reported across India. In 883 of these instances, cases were registered against police personnel. A total of 358 police personnel were charge-sheeted in cases of custodial deaths in this period. However, only 26 police per-

sonnel have been convicted for custodial deaths in the country in the last 20 years. According to National Human Rights Commission (NHRC) data, the break-up of deaths in police custody in Assam is as follows: 9 deaths in 2016-2017, 11 deaths in 2017-2018, 5 deaths in 2018-2019, 2 deaths in 2019-2020, 1 death in 2020-2021 and 8 deaths in 2021-2022 (up to February 28, 2022). The break-up details of deaths in judicial custody are as follows: 26 in 2016-2017, 29 in 2017-2018, 30 in 2018-2019, 32 in 2019-2020, 18 in 2020-2021 and 13 in 2021-2022 (up to February 28, 2022). This goes to show that Assam records the highest number of custodial deaths in the North East.

No democratic person can support extra-judicial killings. In matters of police encounters, an FIR needs to be registered and thereafter, the government should ensure that the standard procedure for a thorough, effective and independent investigation is conducted as the killings in police encounters affect the credibility of the rule of law and the administration of the criminal justice system. In order to advance the rule of law, we primarily need to create a society where rule of law is respected and cherished. The mandate of our Constitution is to work tirelessly to surpass our own expectations, to make India a country wherein rights are cherished, and which sets an example for other countries to follow. Therefore, considering all aspects, it is advisable that the police leave the trigger-happy approach towards alleged criminals and avoid making unnecessary arrests as the same have no place in a society governed by rule of law.

Nowadays, it has also become a very common practice for the government, with the help of police, to arrest large numbers of people for apparently nothing more than raising the ante against the government. We have also witnessed many arrests by the 'governments' just to suppress dissenting voices.

responsibility of the arresting and detaining authority to ensure the safety and well-being of the detainee. For example, if the police arrest a heart patient who is not allowed to take his medicines with him at the time of his arrest and no medicines are provided to him in spite of his asking and he dies, or a person suffers a heart attack and no reasonably prompt steps are taken for providing medical aid, etc., by the authorities concerned and the person dies, then in such a situation, the state would be liable for damages. It is the first and foremost duty of the police to protect all individuals and their society which also in-

cludes the arrested accused. Thus, it is the duty of the police to make sure that they are treated fairly according to the procedure established by law and not harassed unnecessarily. It is the right of every arrested person to consult a legal practitioner of his own choice. The treatment of an arrested person has to be humane and, in the manner prescribed by law.

What is the Arnesh Kumar vs Government of Bihar judgment about?

In 2014, the Supreme Court was hearing a petition in a dowry harassment case by a man seeking anticipatory bail apprehending arrest following a complaint by his wife. The court noted that there had been an increase in matrimonial disputes in recent years, including pendency before courts. It also dealt with a larger issue of arrest noting that it brings 'humiliation, curtails freedom and casts scars forever'. Emphasised the need to adhere to the norms it had laid down in ***Arnesh Kumar vs State of Bihar (2014) case***.

- Under this case, the police were asked not to effect unnecessary arrests, especially in cases that involve jail terms **less than seven years**.

- The term 'rule of law' was first coined in England, and India has adopted it. Article 13 of the Indian Constitution, it refers to the law of the land.
- To put it simply, rule of law means that no one is above the law and that everyone, regardless of their position or status, is subject to the authority of ordinary courts of law.
- The concept of the rule of law also stipulates that no one should be subjected to arbitrary or harsh treatment.
- The word 'law' in rule of law signifies that an individual or a community must be controlled by law rather than a man or ruler.

According to Black's Law Dictionary: "Rule of Law" means legal principles of day-to-day application, approved by the governing bodies or authorities and expressed in the form of a logical proposition.

According to Oxford Advanced Learner's Dictionary: "Rule of Law" means the situation in which all the citizens, as well as the state, are ruled by the law.

Manipur issues Monkeypox advisory



CORRESPONDENT

IMPHAL, May 23: To create awareness on Monkeypox which has been reported from a few countries, the Manipur health authority on Monday said the disease has not been reported in India even as it advised travellers with health issues to report to the nearest health facility.

In a press release, the State Mission Director for National Health Mission, Manipur said that Monkeypox was a viral zoonotic disease that occurs primarily in central and west Africa. Its clinical features are fever, rash and swollen lymph nodes and it may lead to a range of medical complications.

The disease is said to be usually a self-limited disease with the symptoms lasting from 2 to 4 weeks, but can be severe in children and immunosuppressed individuals.

Stating that the disease is said to be transmissible from animals to humans as well as from human to human, it said the animal-to-human transmission occurs through bite or scratch, wild meat preparation,

direct contact with body fluids or lesion material and indirect contact with lesion material.

It said that human-to-human transmission occurs through respiratory droplets, direct contact with body fluids or lesion material, indirect contact with lesion material, such as through contaminated clothing of an infected person. An infected person may transmit the disease from 1-2 days before the appearance of the rash and remain contagious till all the scabs fall off.

It advised people to wash hands frequently with soap and water, especially after caring for or visiting sick people, not to share bedding, clothing, towels or utensils with sick people, maintain respiratory etiquette, thoroughly cook meat before eating, avoid contact with wild animals especially those found sick or dead.

Persons with an otherwise unexplained rash and who have travelled in the last 21 days to a country that recently had confirmed or suspected cases of Monkeypox have been advised to report to the nearest health facility.

Monkeypox is a **viral zoonotic disease that occurs primarily in tropical rainforest areas of Central and West Africa** and is occasionally exported to other regions. Monkeypox is caused by **monkeypox virus, a member of the Orthopoxvirus genus in the family Poxviridae**. The clinical presentation of monkeypox **resembles that of smallpox**, a related orthopoxvirus infection which was declared eradicated worldwide in 1980.

Transmission:

- Monkeypox virus is **mostly transmitted to people from wild animals such as rodents and primates, but human-to-human transmission also occurs**.
- Monkeypox virus is transmitted from one person to another by contact with lesions, body fluids, respiratory droplets and contaminated materials such as bedding.

Outbreaks:

- **The first case of monkeypox was reported in 1958 in monkeys and in humans in 1970 in the western Africa.**
- Nigeria witnessed the **biggest outbreak of the disease in 2017**.
- Thereafter, the disease has been reported in many countries including the USA, Singapore, UK.

How is it different from smallpox?

- The main difference between symptoms of smallpox and monkeypox is that the **latter causes lymph nodes to swell** (lymphadenopathy) while smallpox does not.

Factors leading to Dima Hasao havoc



■ Prof Parag Phukon

Downslope movement of rock and soil mass due to the downward pull of gravity may be imperceptibly slow resulting in sinking zones or exceedingly fast (mudflow) like a torrential river depending upon the type of material in motion, slope and water content. An all-encompassing term for such phenomena is 'mass movement', but 'landslide' is the commonly used popular word although by definition, it includes only the perceptible form of movement of rock, debris or soil mass. As a natural slope modification process landslides occur in all environments but may be more localised in areas of intense anthropogenic activities. In general, susceptibility to landslide is determined by the slope, vegetation cover, geology, hydrology and land use. However, impulsive factors in the form of rainfall, earthquake or human intervention are required to actually trigger a landslide. World over thousands of people die and property worth billions of dollars is lost due to landslides. In India in the year 2005 alone landslides claimed more than five hundred lives besides causing profound economic losses. This shows the enormity of the problem. An assessment by the National Disaster Management Authority (NDMA) shows that about 15 per cent of the land in India is landslide-prone, most of which is in the Himalayan domain, the NE region and along the Nilgiri Hills. Every monsoon death and destruction are a common sight in Arunachal Pradesh, Meghalaya, Mizoram, Manipur, Sikkim and in some parts of Assam in-

cluding Guwahati urban area. In June-July 2020, as many as twenty-two people died in Barak Valley and four in Kamrup (M), all following incessant monsoon rains.

This year massive landslides/mudflows on May 13 and 14 – that continued intermittently till May 20 – caught the people unaware in Dima Hasao district, the erstwhile NC Hills of Assam. The large-scale devastation that followed snapped road and railway links to the south Assam districts in Barak Valley, the states of Tripura and Mizoram and part of Manipur, with the total area affected being about 39,000 sq km. At the same time, landslides also caused havoc along the National Highway 6 in East Jaintia Hills of Meghalaya, bordering Cachar district, disrupting vehicular traffic along this strategic road.

While relief and rehabilitation works are continuing and many landslide-affected areas still remain cut off, the magnitude of devastation in terms of damage to road and railway infrastructures, houses, power lines, etc., will come to light only after a detailed post-disaster assessment. Although landslide is not a new phenomenon in this hill district of Assam, – in June 2012 many landslides ravaged parts of Haflong and its surroundings and four people died from a single landslide at Mahadev Tila – this time it surpassed all previously known landslide-induced devastations.

Historical data shows landslides are triggered mostly during the monsoon season (June-September), with their obvious link to rainfall. However, this year the pre-monsoon rainfall has been unusually intense, following a dry spell with 100 per cent deficit till March 23. Monthly rainfall record from the India Meteorological Department (IMD) shows Dima Hasao

between Balachera and Ditokchera as many as twelve landslides were recorded, most of which were induced by hill cutting for road construction, damaging plantations/forests upslope and retaining walls downslope. But damage was limited to the roadsides since they were primarily dry mass displaced to the toe of the slope. The problem was magnified with manifold damage potential once the pulverised rock mass became slurry of mud and silt and found their way downslope following incessant rains.

As previously mentioned, the preparatory susceptibility factors for landslides are the slopes, geology, land use and hydrological conditions while rainfall, seismicity or human interventions act as the triggering factors. Dima Hasao district is sitting over a geologically fragile terrain composed of weak rocks dominated by shale, fine siltstone and sandstone which are highly deformed and inclined. Presence of weak zones due to major dislocation fractures like the Haflong-Disang thrust and associated faults are also well documented in literature. This, together with high topographic slope and profuse surface drainage obviously increases the susceptibility of the region to landslides. Further, presence of the railway line and road through this terrain expectedly enhances susceptibility due to slope modifications. However, all these do not explain the devastation of the magnitude that was witnessed on May 13 and

14. Due to lack of deterministic localisation of the Haflong-Disang thrust vis-à-vis the landslide incidence and in absence of any evidence so far to suggest that it got activated in recent times, the latest landslide episode cannot be directly attributed to its mere presence. There was also no record of earthquake in the region during this time except one recorded by the United States Geological Survey (USGS) of magnitude 4.1 at 9.47 pm of May 15 near Morigaon, two days after the peak of landslides in Dima Hasao. As witnessed by the author, landslides were continuing even during the dry season (February-March) triggered by slope cutting along the E-W corridor which was managed by the authorities concerned as part of the road construction activities. Thus, the road section between Silchar and Haflong was already vulnerable, so were the slopes around Haflong and the torrential rain acted as the last straw triggering the debris and mudflows. Adding to the woes, in Barak Valley, where the river Barak has its northern tributary basins draining from Dima Hasao and Jaintia Hills, flood fury is continuing unabated even today.

At this juncture therefore, there is an urgent need for policy interventions, development of predictive tools with solid scientific research, not considering it merely as an engineering problem, to avert such catastrophe in future. Whether there has been a shift in monsoon rainfall pattern as a result of climate change with consequent disasters as it happened in Dima Hasao this May will also be a pertinent question to be addressed expeditiously.

Dima Hasao district is sitting over a geologically fragile terrain composed of weak rocks dominated by shale, fine siltstone and sandstone which are highly deformed and inclined.

district experienced weekly excess (20 to 59 per cent) to large excess (60 per cent or more than normal) rainfall since end of March.

During May 1-20 rainfall was particularly heavy, with 476.9 mm of actual rainfall against a normal of 156 mm, a whopping 205 per cent excess from normal. Similarly, in Jaintia Hills excess to large excess rainfall started from the first week of April and it received as much as 1242.1 mm against a normal rainfall of 332.5 mm till May 20.

A field investigation by this author along the Silchar-Haflong road section from February to April this year revealed the precarious near-vertical slopes cut along the under construction, often realigned E-W corridor (NH-27). Within 30 km

major factors

- heavy rainfall in May
- near vertical slopes, cut under construction.
- presence of weak zone due to fractures

Mass movements, also known as slope movements or mass wasting, can be slow or fast, influencing shallow to deep columns of material and working creep, flows, slide, and fall. Gravitational attraction exerts its force on bedrock as well as weathering products.

Rise in natural gas price: Tea industry seeks concessions from government



STAFF REPORTER

GUWAHATI, May 25: The tea industry has sought concessions from the government in view of the rising prices of natural gas that has shot up the cost of production.

In a representation to the managing director of Assam Gas Company Limited, Tea Association of India secretary general PK Bhattacharjee said the Ministry of Petroleum and Natural Gas in March had raised the prices of domestic natural



gas by more than 110 per cent to USD 6.1 per mmbtu (metric million British thermal unit) for the first half of FY23, (April 2022 - September 2022), compared to the October 2021-March

2022 period.

“It is understood that natural gas pricing is a function of market supply and demand. Tea industry in upper Assam is dependent upon gas supply by AGCL and

this abrupt increase in price of natural gas has put the industry in jeopardy which has resulted in steep rise in cost of production of made tea,” he said.

The per 1,000 scum rate of natural gas, supplied to tea gardens, has gone up by four times during the last 10 months, resulting in an increase in the cost of production of made tea from Rs 12 per kg to Rs 20 per kg on account of the steep hike in natural gas.

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Market Size of Tea Industry in India

- In 2020, nearly 1.10 million tons of tea was consumed in the country.
- The market in the country is projected to witness a further growth in the forecast period of 2022-2027, growing at a CAGR of 4.2%. In 2026, the tea industry in India is expected to attain 1.40 million tons.

High production costs problems

- Low yields and High production costs are pulling the legs of Small Tea Growers backward.
- Even the corporate companies are slowly exiting out of the industry and were concentrating only on the retailing part instead of production.

- Tea is a beverage made from the *Camellia sinensis* plant. It is the world's most consumed drink, after water.

Origin:

- It is believed that tea originated in northeast India, north Myanmar and southwest China, but the exact place where the plant first grew is not known. There is evidence that tea was consumed in China 5,000 years ago.

Conditions of Growth:

- **Climate:** Tea is a tropical and sub-tropical plant and grows well in hot and humid climates.
- **Temperature:** The ideal temperature for its growth is 20°-30°C and temperatures above 35°C and below 10°C are harmful for the bush.
- **Rainfall:** It requires 150-300 cm annual rainfall which should be well distributed throughout the year.
- **Soil:** The most suitable soil for tea cultivation is slightly acidic soil (without calcium) with porous sub-soil which permits a free percolation of water.

GST council recommendations not binding on Centre, States: SC

NEW DELHI, May 19: The Supreme Court on Thursday ruled that the Goods and Service Tax (GST) council's recommendations are not binding on Union and States but have a persuasive value as the country has a cooperative federal structure.

A bench of Justices Dhananjaya Chandra Chaudhary, Chandrachud, Surya Kant, and Vikram Nath also held that the Centre and State governments have simultaneous powers to legislate on GST but the council must work in a harmonious manner to achieve a workable solution.

The bench said that as per Article 246A, both Parliament and the State legislature have equal power to legislate on matters of taxation.

"Article 246A treats Centre and State as equal and Article 279 of the Constitution says that Centre and State cannot act independently of each other", it said.

The top court said that recommendations of the GST council are a product of collaborative discussions between the Centre and States and it is not imperative that one of the federal units must possess a higher share.

It said that Indian federalism is a dialogue between cooperative and non-cooperative federalism and the Centre and States always engage in dialogue. – PTI



Article 246 (A)

This is a new article inserted in the constitution via 101st amendment. It says that (1) *Notwithstanding anything contained in articles 246 and 254, Parliament, and, subject to clause (2), the Legislature of every State, have power to make laws with respect to goods and services tax imposed by the Union or by such State.* (2) *Parliament has exclusive power to make laws with respect to goods and services tax where the supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.*

Notable Points from Article 246A

- Both Union and States in India now have "concurrent powers" to make law with respect to *goods & services*.
- The intra-state trade now comes under the jurisdiction of both centre and state; while inter-state trade and commerce is "exclusively" under central government jurisdiction.

Article 279-A:

This article provides for constitution of a GST council by president within sixty days from this act coming into force. The GST council will constitute the following members:

- Union Finance Minister as chairman of the council
- Union Minister of State in charge of Revenue or Finance
- One nominated member from each state who is in charge of finance or taxation

What does the SC ruling mean?

- The latest SC ruling means that the Indian importers who had not paid the tax on import of service will not be required to pay the tax and those who had such a tax will be eligible for a refund.
- The value of imported goods generally includes the Cost, Insurance and Freight components along with Customs Duty and GST. However, the Central Board of Indirect Taxes and Customs also sought to levy 5 percent IGST on the value of imported goods, considering 10 percent of the value of imported goods as deemed ocean freight.
- The importers had challenged this decision as it meant double taxation by the CBIC on the same value of imported goods, once by considering it as goods and second by considering a portion of the same value as services of transportation of goods.

GST Council Voting Power

The decisions in the GST Council are taken by a majority of not less than three-fourths of weighted votes cast. While the centre holds one-third weightage of the total votes cast, all states take up two-thirds of the weightage of the total votes cast. The GST Council takes all its decisions through consensus.

Refreshing change



That two Assamese films – *Boomba Ride* and *Baghjan* have been selected for the prestigious Cannes Film Festival has come as a refreshing change in the otherwise gloomy world of Assamese cinema. The depressing scenario concerning Assamese cinema, however, has more to do with the general commercial failure of the movies rather than the dearth of quality films per se. The films chosen for Cannes deal with real-life situations combined with a matching thematic treatment. While the former is about the languishing government-run school education in Assam, the other depicts the catastrophic Baghjan oil blowout and its aftermath. While the good news has stirred the film fraternity, it is time the stakeholders in the industry and the government did some retrospection and put their act together in bailing out the ailing film industry. The Assamese film industry which was a popular form of mass entertainment till the late 1980s found the going tough since, notwithstanding the occasional success of one or two films.

This prolonged predicament of the industry has a sense of irony, given that the visionary Rupkonwar Jyotiprasad Agarwala had come up with his pioneering initiatives in making the first Assamese film *Joymoti* way back in 1935, followed by *Indramaloti*. He braved all odds of those restrictive times to realise his dream of taking the State's culture to a new high through his path-breaking ventures and with such a solid launch pad, the Assamese film industry should have been having a rollicking time in the subsequent decades. Unfortunately, those following in his footsteps were not quite up to the task and coupled with the challenges brought by the changing times in the form of a proliferating entertainment media in varied hues, Assamese cinema failed to adapt to the changing times. While it is enduring all the predicaments crippling regional cinema in general, some peculiar problems have compounded matters. Reluctance of the distributors and exhibitors to screen Assamese films even when those are drawing audiences is a serious issue. The government authorities need to take up this issue. Changing tastes of the audience who have greater exposure to diverse satellite channels and myriad forms of entertainment have made many people, especially the new generation, techno-savvy and selective. Our filmmakers will have to keep this in mind while making films. The government would also do well to consider the interventions the State's film fraternity has been demanding. The ASFFDC, in particular, can come up with some meaningful steps to help ease the situation for the industry. With technologies effecting sweeping changes in the way films are made, it is also imperative that the government assist the filmmakers in being a part of the technology transformation vis-à-vis filmmaking. The ASFFDC can take effective steps towards setting up filmmaking training institutes. While we have seen a few Assamese films earning accolades and awards at national and international fora, what we need are films with wholesome entertainment value and an audience capable of enjoying and appreciating good films.

The Ministry of Information and Broadcasting on Recently released the name of six feature films including Assamese film 'Boomba Ride' that are set to be screened at Cannes 2022.

Also, another Assamese bilingual movie – 'Baghjan' got selected for the Marche du Film which is the business counterpart of the prestigious 'Cannes Film Festival' in France.

The Assamese film industry has seen many fold changes since 1935 with the movie *Joymoti* directed by Jyotiprasad Agarwala.

1950's marked the beginning of a new wave in the history of Assamese cinema. 'PiyoliPhukan', directed by PhaniSarma fetched the National Award for best regional language film (APSC2020)

1959, Prabhat Mukherjee's 'Puberun' succeeded in fetching international recognition for the first time. The screening of 'Puberun' in the Berlin Film Festival opened doors to an international platform for Assamese cinema.

Dr BhadendraNathSaikia's 'SandhyaRaag', are few of the prominent films of the era, which won Best Regional Film National Awards.

Recently, Assamese movie 'Village Rockstars' was selected as India's official entry to the Oscars 2019 (91st Academy Awards) under Foreign Language Film category.

40 more highlands built in Kaziranga, other forests to shelter animals during floods



STAFF REPORTER

GUWAHATI, May 18: The forest department has built around 40 additional highlands for providing shelter to animals during floods in the Kaziranga National Park and Tiger Reserve (KNPTR) and other national parks and wildlife sanctuaries of the State.

Disclosing this, Environment and Forest Minister Parimal Suklabaidya today said his department was in a complete state of preparedness to rescue wildlife from the onslaught of ongoing floods in Kaziranga and other



protected forest areas.

“We have successfully completed the construction of around 40 highlands for tackling the prevailing flood situation in Kaziranga and other national parks and wildlife sanctuaries,” he said.

The new highlands have been designed scientifically with provision for adequate grass, and plants yielding fruits such as elephant apple and Indian gooseberry, he said. “These highlands have enabled us reduce animal

casualty during the annual floods”, he added.

Suklabaidya, who is closely monitoring the flood situations in the national parks and wildlife sanctuaries, said the forest department was fully geared up to deal with the ongoing flood situation.

“Kaziranga bears the brunt of floods every year, be it small or big. We are fully equipped to tackle any sort of exigency along with food arrangements for officials and forest personnel deployed for rescue operations of animals in Kaziranga,” he said.

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Combating Floods in Kaziranga

- The authorities keep a **cautious check on flooding levels** in Brahmaputra throughout the year.
- They also take help from NGOs and local people to run **awareness and vaccination campaigns** on floods and diseases proliferated by flooding.
- Whenever floods hit, **Section 144 of Cr.pc** is imposed along NH-37 which helps in minimising man-animal conflict.
- **Barricades** are used to help animals smoothly cross NH -37 and reach Karbi Anglong.
- **Artificial Highlands** are created within the park so as to cut on transition time and provide a refuge to the old animals who don't have the vigour to travel to Karbi Anglong.

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