

Headlines

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A delimitation red flag - Page No.8 , GS 2

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India's justice system - Page No.9 , GS 2

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**Never give up on a dream just because
of the time it will take to accomplish it.
The time will pass anyway.**

Earl Nightingale





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- In the early hours (IST) of March 19, a SpaceX crew capsule bearing NASA astronauts Sunita Williams, Barry Wilmore, Nick Hague, and Roscosmos cosmonaut Aleksandr Gorbunov splashed down off the Florida coast. Ms. Williams and Mr. Wilmore had returned to the earth after nine months in the International Space Station (ISS), whereas they had originally been expected to spend eight days in the course of testing Boeing's Starliner crew capsule.
- Following Starliner's launch in June 2024, a series of malfunctions left Ms. Williams and Mr. Wilmore onboard the ISS before the capsule returned empty to the ground in September.
- A SpaceX Crew Dragon spaceship
- Wilmore and Williams' 286-day stay exceeds the usual six-month ISS rotation but ranks only sixth among U.S. records for single-mission duration. Frank Rubio holds the top spot at 371 days in 2023, while the world record remains with Russian cosmonaut Valeri Polyakov, who spent 437 consecutive days aboard the Mir station.

With reference to the International Space Station (ISS), consider the following statements:

1. The ISS is jointly developed by NASA, Roscosmos, ESA, JAXA, and CNSA.
2. The ISS orbits the Earth approximately every 90 minutes.
3. India has its own independent space station that operates alongside the ISS.

How many of the above statements is/are correct?

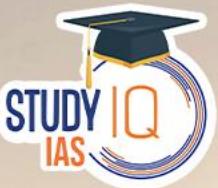
- (a) Only one
- (b) Only two
- (c) All three
- (d) None

Answer:

 **Correct Option: (A)**

Explanation:

- **Statement 1 is incorrect:** The ISS is a collaborative project involving NASA (USA), Roscosmos (Russia), JAXA (Japan), ESA (Europe), and CSA (Canada). **China's CNSA is not a part of the ISS.**
- **Statement 2 is correct:** The ISS orbits Earth approximately **every 90 minutes** at an altitude of around **400 km**.
- **Statement 3 is incorrect:** **India does not yet have an independent space station**, but ISRO plans to launch one by 2035.



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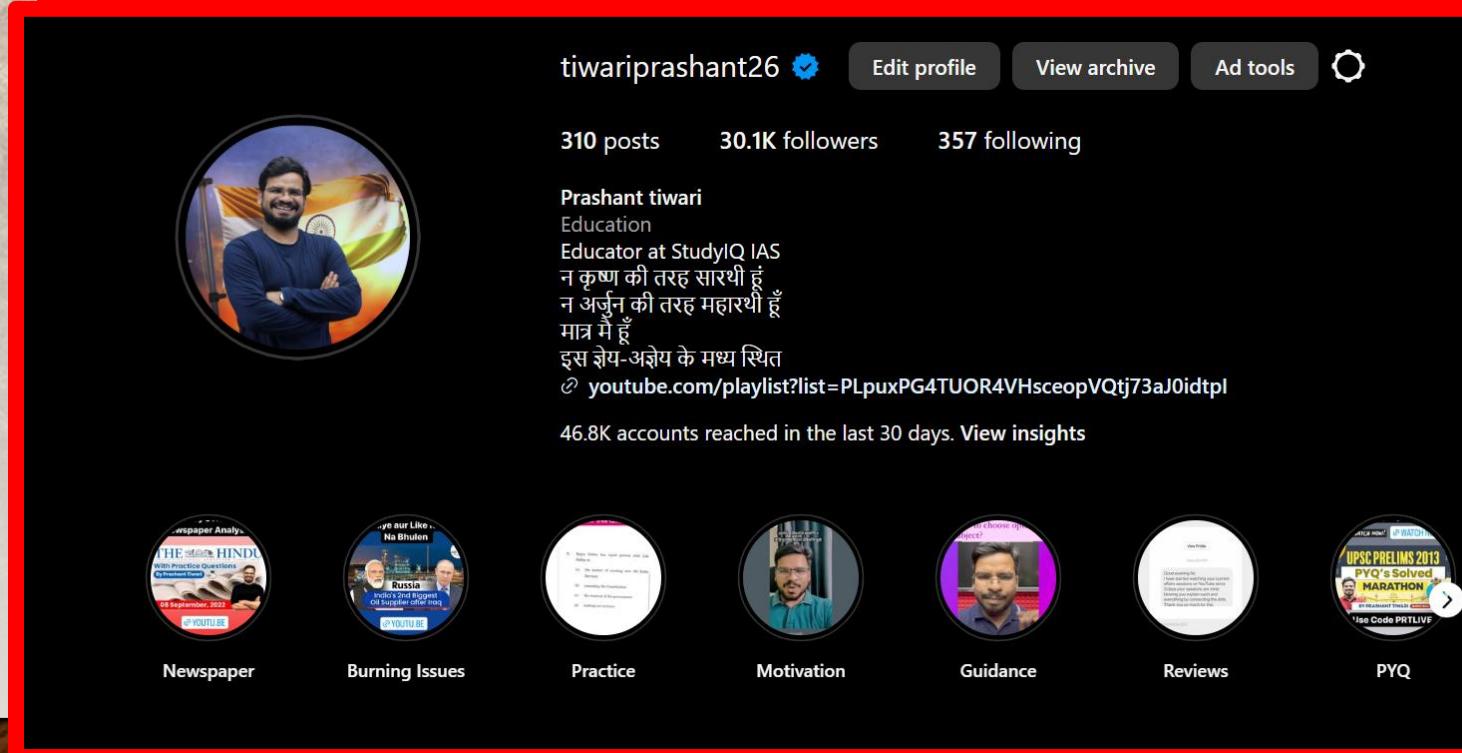
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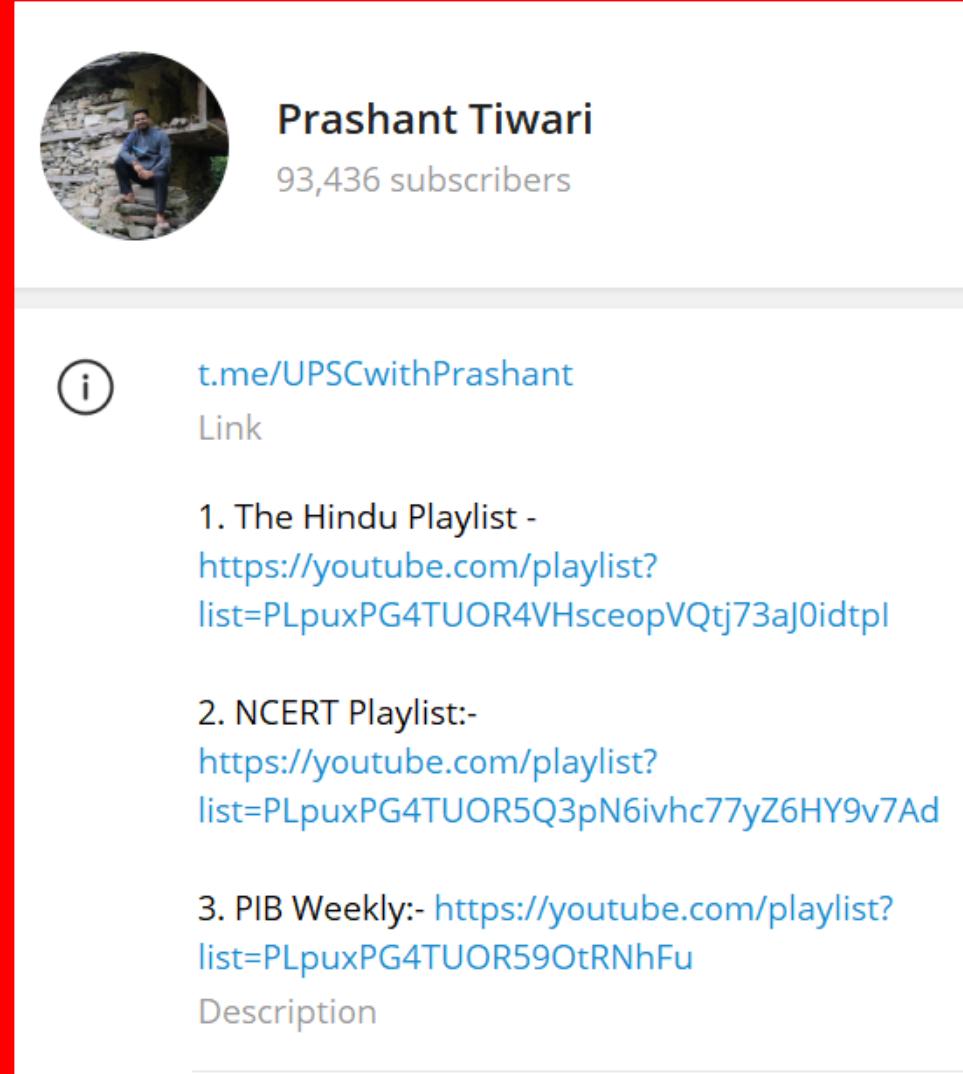
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Description

V-P calls for debate on freebies, policy on efficient use of public investments

The Hindu Bureau

NEW DELHI

Criticising the culture of “freebies”, Vice-President and Rajya Sabha Chairman Jagdeep Dhankhar on Wednesday called for a Parliament debate on it, saying there was an urgent need for a national policy so that all investments of the government were used in a structured manner.

His remarks came after Samajwadi Party MP and floor leader Ramgopal Yadav, during Zero Hour, demanded that the MP Local Area Development Scheme (MPLADS) funds should be increased to ₹20 crore a



Jagdeep Dhankhar

year from ₹5 crore.

“On placatory mechanisms, on appeasement, which is often known as freebies, this House needs to deliberate... Because the country grows only with capex being available. Electoral process is such that these have become electoral allurements and thereaf-

ter the governments that came in saddle found themselves very uncomfortable, so uncomfortable that they wanted to revisit their thoughts. There is an urgent need for a national policy so that all investments of the government in any form are used in a structured manner for larger good,” Mr. Dhankhar said.

Subsidies, if required, he said, should be direct as was the case in developed countries. “I checked with the U.S. mechanism. The U.S. has one-fifth of the farm households as our country, but the average income of a U.S. farm household is more than the gen-

eral income of a U.S. household, and that is because the subsidy to the farmer is direct, transparent, without intermediary,” he said. If the leaders of both sides agree, there could be a discussion, he said, adding this was a very serious issue.

Mr. Yadav said MLAs in Uttar Pradesh got ₹5 crore for constituency development and those in Delhi had ₹10 crore at their disposal. The cost of construction had risen in the past two decades, making the current outlay inadequate. He demanded that MPLADS funds be exempted from GST.

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- Criticising the culture of “freebies”, Vice-President and Rajya Sabha Chairman Jagdeep Dhankhar on Wednesday called for a Parliament debate on it, saying there was an urgent need for a national policy so that all investments of the government were used in a structured manner.
- His remarks came after Samajwadi Party MP and floor leader Ramgopal Yadav, during Zero Hour, demanded that the MP Local Area Development Scheme (MPLADS) funds should be increased to ₹20 crore a year from ₹5 crore.
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Central Sector Scheme
formulated by the GoI
in **1993-94**.

Allows MPs to **recommend**
developmental work in
their constituencies.

Emphasising creating
durable community assets
based on **locally felt needs**.



Nodal Ministry: Ministry of Statistics and Programme Implementation (MoSPI)

- policy formulation
- release of funds
- monitoring



Members of Parliament
recommend works based on
local needs of the selected
constituency

Completed and Ongoing
works listed at **DA's office**
and on www.mplads.gov.in



District Authorities (District Collectors)

- sanction eligible works
- select implementing agency
- responsible for implementation

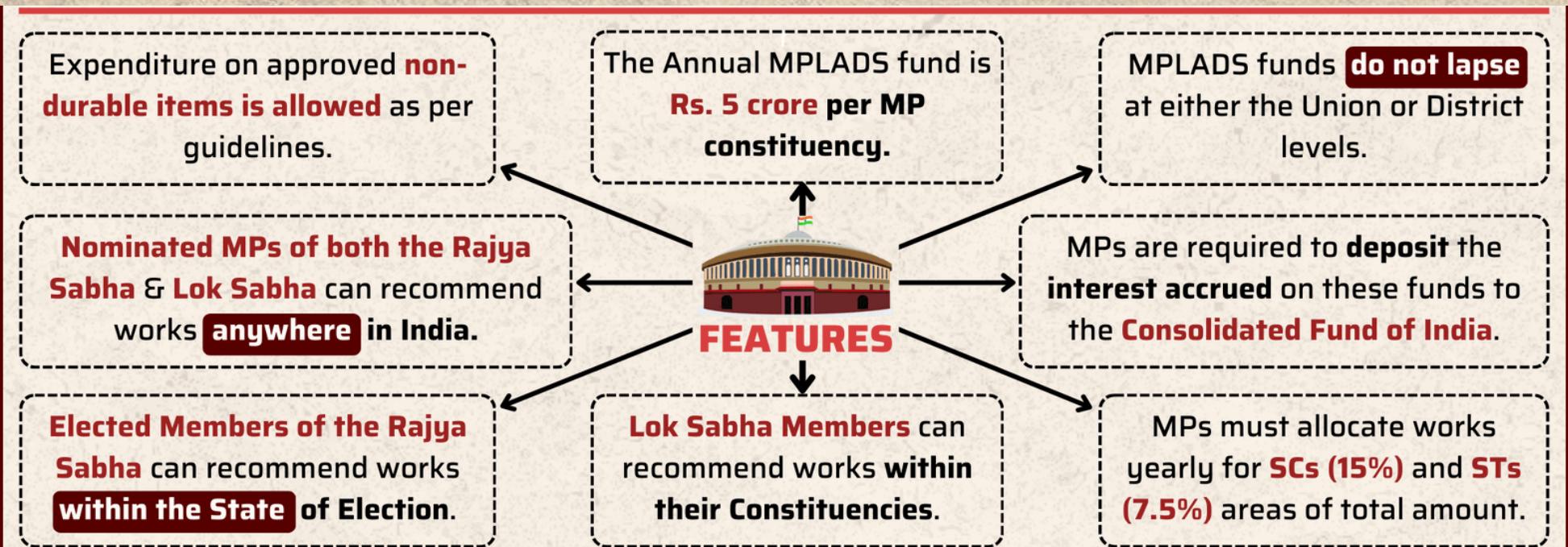


Government of India
**Ministry of Statistics and
Programme Implementation**

Ministry of Statistics and Programme Implementation (MoSPI): Central Government

- formulates MPLADS Policy
- release ₹ 5 crore annually, in installments of ₹ 2.5 crore directly to District Authority
- establishes monitoring mechanisms

Citizens can **file RTI** to know
about status of works and funds



Issues with MPLADS

MPs are **not** required to provide detailed fund utilization **reports.**

No mechanism to track project progress or assess impact.

Limited community involvement results in resentment and distrust.

Not backed by any legislation makes enforcement of rules difficult.

No independent oversight body to monitor the scheme.

Recommendations can be made **without assessing actual need**, leading to neglect and overfunding.

With reference to the concept of a **Welfare State**, consider the following statements:

1. A Welfare State ensures social security, economic equality, and public welfare through government intervention.
2. The Directive Principles of State Policy (DPSP) in the Indian Constitution reflect the idea of a Welfare State.
3. The term "Welfare State" is explicitly mentioned in the Indian Constitution.

How many of the above statements is/are correct?

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

Answer: B

✓ Correct Option: (B) Explanation:

- **Statement 1 is correct:** A Welfare State aims to **promote social justice, economic security, and equal opportunities** through active government policies, ensuring well-being for all, especially the marginalized.
- **Statement 2 is correct:** The **Directive Principles of State Policy (DPSP) in Part IV** of the Indian Constitution provide guidelines for establishing a Welfare State, emphasizing economic justice, social security, and education.
- **Statement 3 is incorrect:** The term "**Welfare State**" is not explicitly mentioned in the **Indian Constitution**, but its idea is embedded in the **Preamble and DPSPs**.

With reference to the **Members of Parliament Local Area Development Scheme (MPLADS)**, consider the following statements:

- 1.The scheme is fully funded by the Central Government.
- 2.Under the scheme, each Member of Parliament (MP) can recommend projects in any constituency across India.
- 3.The scheme is implemented by the Ministry of Rural Development.

How many of the above statements is/are correct?

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

Answer:

 **Correct Option: (A)**

Explanation:

- **Statement 1 is correct:** MPLADS is a **Central Sector Scheme**, meaning it is **fully funded by the Government of India**.
- **Statement 2 is incorrect:** **MPs can only recommend projects in their own constituencies.** However, **Rajya Sabha MPs can recommend works anywhere within their respective states, and Nominated MPs can recommend works anywhere in the country.**
- **Statement 3 is incorrect:** The scheme is implemented by the **Ministry of Statistics and Programme Implementation (MoSPI)**, not the Ministry of Rural Development.

Philippines keen on India joining the Squad: Gen. Brawner

The Hindu Bureau

NEW DELHI

The Philippines is keen on India and South Korea joining the Squad – the maritime grouping of Australia, Japan, the Philippines, and the U.S. in the South China Sea, General Romeo S. Brawner, Chief of Staff of the Philippines armed forces, said at the Raisina Dialogue on Wednesday.

Terming China the common enemy of both India and the Philippines, he called for greater cooperation between the two countries.

“I will be raising the topic of India joining the Squad during a meeting with Chief of Defence Staff (CDS) Gen. Anil Chauhan in the afternoon today,” Gen. Brawner said on the sidelines of the Raisina Dialogue.

Later in the day, the Integrated Defence Staff said on X, “Discussions held on ongoing military cooperation, maritime security and defence technology partnerships. Both leaders reaffirmed commitment to deepening engagements, including joint training, capability enhancement and focusing on strategic collaboration in the Indo-Pacific.”



General Romeo S. Brawner

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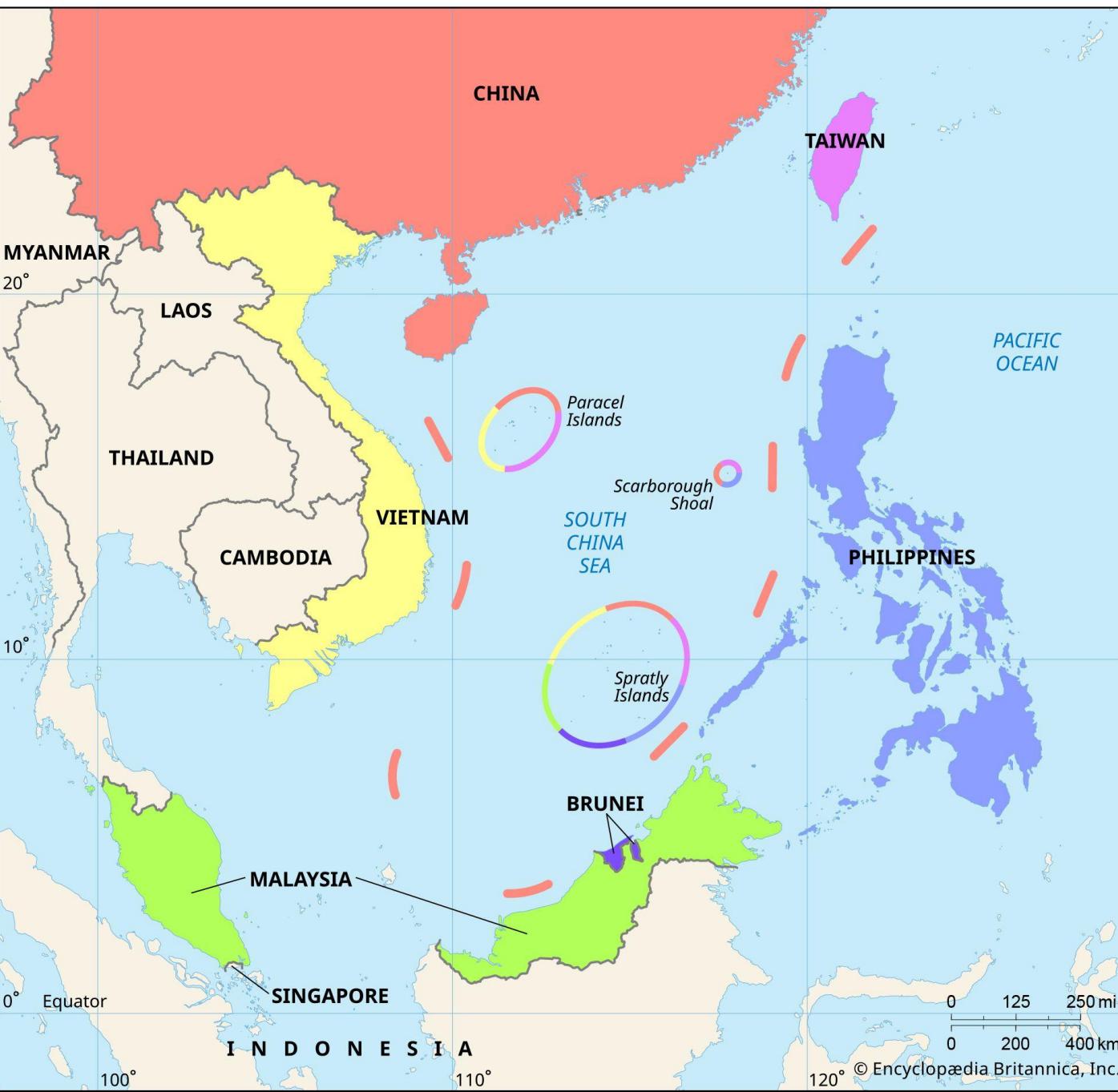
Speaking in the same session as the Philippines General, Indian Navy chief Admiral Dinesh K. Tripathi said three key elements – geopolitics, technology, and tactics in the security domain – had been in a state of flux which had become faster or accentuated in the past three or four years. He said the Indian Navy was working with partners and learning the best practices from them in all domains, while also stressing on the importance of “self-reliance”.
Speaking on the Chinese aggression against their exclusive economic zone, Gen. Brawner said it was their belief that China would try to take control of the entire South China Sea. “We consider ourselves the forefront of U.S.-China competition, but we leverage our partnerships. We couldn’t do it alone,” he stated.

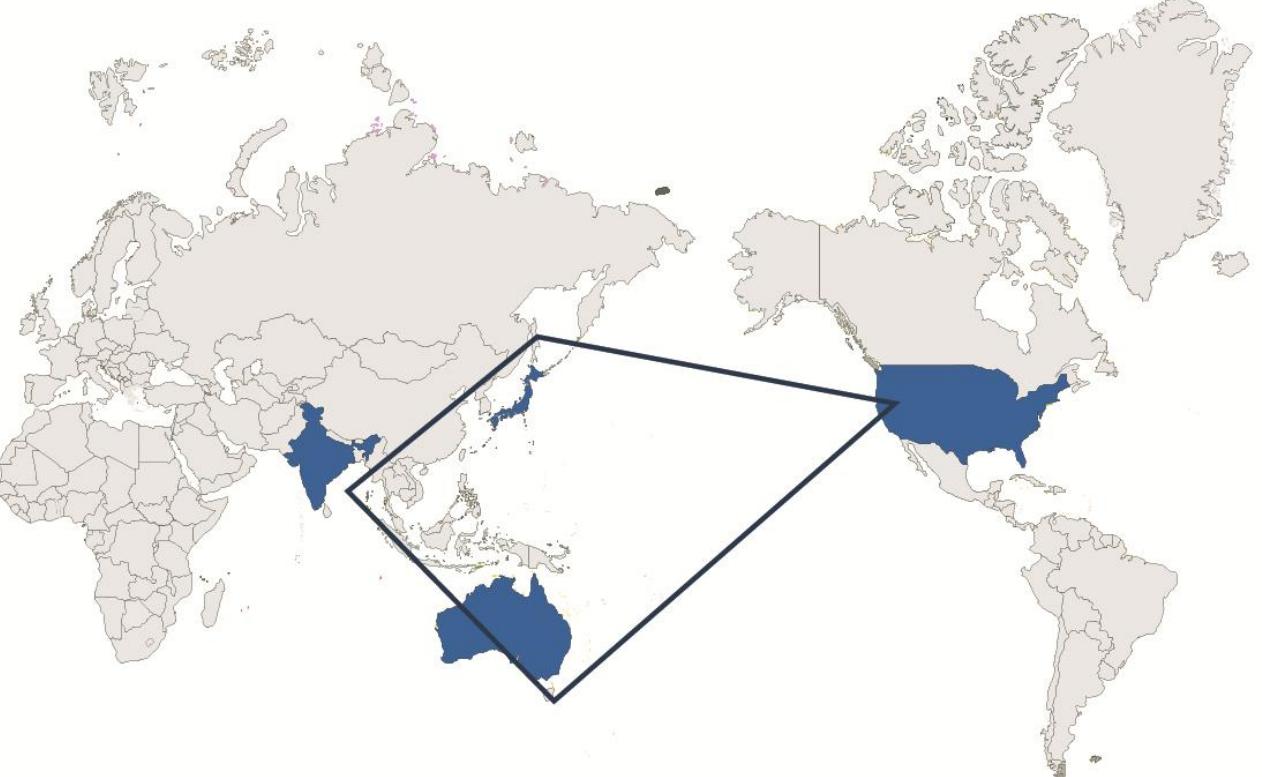
Content.

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- Terming China the common enemy of both India and the Philippines, he called for greater cooperation between the two countries.



CHINA'S NINE-DASH LINE





QUAD represents



**24% of the
world's
population**



**35% of the
world's
GDP**



**18% of
global
trade**

Torture shadows India's justice system

The ruling by the King's Bench Division of the High Court of Justice in London on February 28 in the Sanjay Bhandari extradition case, upholding the fugitive's defence against extradition, and the proceedings in Tahawwur Rana's appeal in the U.S. Supreme Court challenging the latter's extradition are significant judicial developments with larger implications for a constitutional state. Hopefully, these proceedings will spur the government to reinforce India's claim as a professed defender of human rights by enacting a comprehensive law against torture, enabling it to ratify the United Nations Convention against Torture (UNCAT).

This is because the defence of Bhandari, facing Indian prosecutors for tax evasion and money laundering, and of Rana, whose extradition is sought for his role as a conspirator in the 26/11 Mumbai terrorist attack, is premised essentially on credible evidence of endemic custodial torture in India including its non-ratification of the Convention.

In Bhandari's case, Justices Holroyde and Steyn, while denying the Indian government's plea for extradition, found that Bhandari faced a real risk of custodial torture in Indian jails and that India had not ratified the UNCAT.

Rana, in his renewed application for a stay on extradition to India pending the decision of his *Habeas Corpus* petition, has cited the U.K. judgment and its reasoning. Other fugitives from Indian law have also challenged the government's extradition request on similar grounds, exposing a legal lacuna that has compromised the effectiveness of the country's criminal justice system.

Although one of the earliest Unilateral Declarations against Torture (Resolution number 32/64) was initiated by India in the UN General Assembly and has ratified several other international treaties against torture, including the Universal Declaration of Human



Ashwani Kumar

Senior Advocate,
Supreme Court and
Former Union Minister
for Law and Justice
Views expressed are
personal

Rights (1948) and the International Covenant on Civil and Political Rights (1976), its ambivalence in ratifying the UNCAT is confounding. Articles 51(c), and 253 of the Constitution mandate respect for international treaties to which India is a party (*NALSA* (2014), *Vishakha* (1997) et al. Regrettably, India finds itself in the company of discredited non-ratifying dictatorial regimes such as Angola, Brunei, Comoros, the Gambia, Haiti, and Sudan.

Judicial abdication

Reflecting a broad political consensus on the outlawing of torture based upon deeply felt popular sensitivities, the Select Committee of the Rajya Sabha had recommended a comprehensive anti-torture legislation as early as 2010. The Law Commission also recommended this in its 273rd Report (2017) and furnished a draft of the proposed law for consideration. The Human Rights Commission of India has similarly supported a stand-alone domestic law against torture.

In an expansive interpretation of Article 21 of the Constitution, the Supreme Court has declared that torture in any form is an unacceptable infringement of the sacrosanct right to dignity and privacy (*D.K. Basu* (1997), *Puttaswamy* (2017), *Nambi Narayanan* (2018), *Romila Thapar* (2018)). Even so, in *Ashwani Kumar* (2019), the constitutional court found itself unable to even nudge the government to consider enacting the requisite law, despite its several pronouncements suggesting suitable laws on different subjects (*Tehseen Poonawalla* (2018), *Ranveer Allahabadi* (2025), etc.). The Court failed to appreciate that "a lack of legislation may be contrary to the principle of legal certainty," that 'it is the function of the court to provide effective remedy' and that 'it is legitimate for constitutional courts to caution legislatures against their failure to introduce what they consider as adequate legislation.' [Opinion No.18 [2015] Consultative Council

of European judges]. Nor did it heed D.Y. Chandrachud's declaration in *jeet S. Bish* (2007) that the doctrine of separation of powers" allows methods to be used to prod and communicate to an institution either its shortfalls or excesses in discharging its duties..." Even as the Court cautioned in *Sharaya Bano* (2017) that constitutional rights can be defeated through inaction, indifference, or ambivalence on the part of other organs of the State, its failure to facilitate the enactment of a comprehensive law against torture is an impermissible abdication of its remit.

In these premises, the extradition cases raise profoundly important questions about a democratic State baulking at fulfilling its compelling constitutional and international obligations. Surely, the price of security cannot be an unconscionable brutalisation of the incarcerated. Whether a democratic State can, by its inaction, demonstrate a brazen disdain for national consensus on a core humanitarian issue is a disconcerting interrogatory. India's continued failure to enact a credible anti-torture law indicates the impoverishment of our politics and the indifference of political parties as democratic agents, to mediate fundamental policy choices in furtherance of the republic's core values.

Whether or not the cited cases validate Professor Harold Laski's profound insight that "ideas must wait upon events that give them birth," only time will tell. Wiser with the lesson of Guantanamo Bay that torture in State custody irretrievably dents democracy's soft power, the Indian State is expected to vindicate the republic's foundational principles by ratifying the Convention. It is time for a nation wedded to democracy and seeking a role as the world's moral arbiter to recognise that a flailing democracy is antithetical to a resurgent Bharat and that torture in any form is "... a wound in the soul so intangible that there is no way to heal it..."

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Content.

- **custodial torture in Indian jails and that India had not ratified the UNCAT.**
- **United Nations Convention against Torture (UNCAT)**
- **Although one of the earliest Unilateral Declarations against Torture (Resolution number 32/64) was initiated by India in the UN General Assembly and has ratified several other international treaties against torture, including the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1976), its ambivalence in ratifying the UNCAT is confounding.**
- **Articles 51(c), and 253 of the Constitution mandate respect for international treaties to which India is a party (NALSA (2014), Vishakha (1997) et al. Regrettably, India finds itself in the company of discredited non-ratifying dictatorial regimes such as Angola, Brunei, Comoros, the Gambia, Haiti, and Sudan.**

Content.

- Reflecting a broad political consensus on the outlawing of torture based upon deeply felt popular sensitivities, the Select Committee of the Rajya Sabha had recommended a comprehensive anti-torture legislation as early as 2010.
- The Law Commission also recommended this in its 273rd Report (2017) and furnished a draft of the proposed law for consideration. The Human Rights Commission of India has similarly supported a stand-alone domestic law against torture.
- In an expansive interpretation of Article 21 of the Constitution, the Supreme Court has declared that torture in any form is an unacceptable infringement of the sacrosanct right to dignity and privacy (D.K. Basu (1997), Puttaswamy (2017), Nambi Narayanan (2018), Romila Thapar (2018).

United Nations Convention Against Torture (UNCAT)

- The UNCAT is an international human rights treaty, under the review of the UN and was adopted in 1984.
- It aims to prevent torture and other acts of cruel, inhuman, or degrading treatment or punishment around the world.
- The convention requires states to take effective measures to prevent torture in any territory under their jurisdiction and forbids states to transport people to any country where there is reason to believe they will be tortured.
- Since the convention's entry into force, the absolute prohibition against torture and other acts of cruel, inhuman, or degrading treatment or punishment has become accepted as a principle of customary international law.
- India signed the convention in 1997 but it remains among a handful of countries including Pakistan and China which are yet to ratify the convention.
- India is in the company of 25 other nations which have not ratified.

A delimitation red flag – the lessons from J&K, Assam

As the debate on a fresh delimitation of legislative constituencies heats up, a number of concerns have been aired along with their solutions, including the very sensible proposal to freeze the number of parliamentary seats but increase the number of Assembly seats in States whose population has grown. That is the more democratic formula since Members of the Legislative Assembly are the first port of call for their constituents whereas Members of Parliament represent their constituents on national policy (broadly speaking).

There are, too, other ways to accommodate the well-founded fears of the southern States that an expanded imbalance of power that a fresh delimitation will create. For example, Rajya Sabha seats could be redistributed in equal measure to the northern, central, eastern, western and southern States, which are already grouped into these five geographic zones, in theory each with its own zonal council. Most of these have not met since 2023, with the exception of the Western Zonal Council, which met in February 2025, while the Southern Zonal Council has not met since 2022, though a meet was planned in Chennai in January 2025.

Naysayers will argue that the zonal councils were intended to settle disputes between States while the Inter-State Council could deal with both State-State and Centre-State relations. In practice, however, the councils take up a series of issues, from Aadhaar to good governance. Given their range, perhaps they need to be freed from the mantle of the Home Ministry. Zonal councils could coordinate with the Union executive through the now dormant Inter-State Council (according to its website, it last met in 2016), which requires greater authority as well as permanence.

The case of Jammu and Kashmir

If combined, the two proposals above would deepen both electoral representation and federalism. But there are other potential pitfalls for the delimitation in 2026 that require guarding against. Two State-level delimitations have been recently carried out: the first was in Jammu and Kashmir in 2022, and the second in Assam in 2023. Each emits warning signals for the exercise in 2026.



Radha Kumar

is a historian and policy analyst, whose most recent book is 'The Republic Relearnt: Renewing Indian Democracy, 1947-2024'

The Jammu and Kashmir delimitation was widely criticised by all the political parties in this former State, barring the Bharatiya Janata Party (BJP). Numerically, its addition of six seats for Jammu and one seat for the valley gave a Jammu elector's vote the weight of 1.2 as against one for the Valley elector. It created new constituencies which made no administrative or geographic sense. Indeed, its inclusion of Jammu's Poonch and Rajouri into the valley's Anantnag Lok Sabha seat created both administrative and geographic difficulties given that the former are part of the Pir Panjal range, and the latter is in the Jhelum valley.

Worse still, the redrawing of Assembly constituencies suggested that the Delimitation Commission used communal criteria for demarcation. All six of the new constituencies, i.e., Jasrota, Ramgarh, Ramnagar, Vaishno Devi, Padder-Nagseni and Doda West, are Hindu majority.

Further, Muslim majority Kishtwar was turned into a Hindu majority constituency by adding areas of the former Inderwal constituency. Vaishno Devi, Padder and Doda West have electorates as small as 50,000 in comparison to Muslim majority constituencies such as Dooru (1.92 lakh) and Surankote (1.77 lakh). Neither of the three is geographically distinct from other parts of its district.

In Assam

The Assam delimitation followed a slightly different pattern with similar outcomes. The number of Assembly seats was frozen, but the Assam cabinet pre-emptively folded four districts back into the districts from which they had originally been separated, reducing the number of districts from 35 to 31. The merger led to a loss of as many as 10 Muslim majority constituencies – South Salmara, Barpeta (two seats), Darrang, Nagaon, Dibrugarh, Sibsagar, Jorhat, Hailakandi and Karimganj – while Hindu and tribal seats increased. As in Jammu and Kashmir, the Assam delimitation also created constituencies of a vastly different population size.

In other words, population bias is not the only danger that opponents of the delimitation exercise in 2026 should fear. As the Jammu and Kashmir and Assam examples suggest, recent delimitation commissions have not hesitated to

create small population constituencies alongside large population ones when it has served the communal purpose of further marginalising minorities. Is there any reason to believe that the same tactic will not be deployed during the delimitation in 2026?

Danger of polarisation

Surprisingly, the Opposition has not focused on this danger as yet. It should. All the Opposition-ruled States have large minority populations, mostly Muslim. True, regional identity outstrips communal identity in most – for example, the majority of Bengali or Tamil Hindus, Muslims and Christians voted for their relatively secular regional party, respectively, namely, the Trinamool Congress and the Dravida Munnetra Kazhagam, in previous Assembly and parliamentary elections. But there is no guarantee that this non-communal voting pattern will continue. On the contrary, the communal demarcation of constituencies is likely to polarise voters even in the southern States. It certainly had that impact in Jammu and Assam, where almost all the new constituencies voted for the BJP.

We tend to believe that the Union administration's policies in border States will not be replicated in the heartland. That used to be true, but is no longer so. The use of draconian legislation against dissent used to be most common in conflict areas, especially on the borders; it has now spread across the country. The maltreatment of minorities has similarly multiplied.

The power imbalance between the large northern States and the rest that will result from a purely population-based delimitation is, undoubtedly, a clear and present danger. But it should not be allowed to overshadow the other clear and present danger – of communal demarcation of electoral constituencies. Each threatens the unity of this country in a different way. The first step divides the more developed States from the less developed States by further reducing the influence of the more developed States in the union. The second step divides the people by religion. Together, step one and step two constitute a formidable attack on the foundations of our pluralist federation. They must be halted.

Content.

- **Rajya Sabha seats could be redistributed in equal measure to the northern, central, eastern, western and southern States, which are already grouped into these five geographic zones, in theory each with its own zonal council.**
- **Naysayers will argue that the zonal councils were intended to settle disputes between States while the Inter-State Council could deal with both State-State and Centre-State relations. In practice, however, the councils take up a series of issues, from Aadhaar to good governance.**
- **Delimitation means the process of fixing the number of seats and boundaries of territorial constituencies in each State for the Lok Sabha and Legislative assemblies.**
- **It also includes determining the seats to be reserved for Scheduled Castes (SC) and Scheduled Tribes (ST) in these houses.**

Fact

- This ‘delimitation process’ is performed by the ‘Delimitation Commission’ that is set up under an act of Parliament.
- Delimitation Commissions have been set up four times — 1952, 1963, 1973 and 2002 under the Acts of 1952, 1962, 1972 and 2002.
- The last delimitation exercise that changed the state-wise composition of the Lok Sabha was completed in 1976 and done on the basis of the 1971 census.
- The Constitution of India mandates that the allocation of seats in the Lok Sabha should be based on the population of each state so that the ratio of seats to population is as close as possible to being equal across all states.

- To avoid these consequences, the Constitution was amended 42nd Amendment Act of 1976 froze the allocation of seats in the Lok Sabha to the states and the division of each state into territorial constituencies till the year 2000 at the 1971 level.
- The 84th Amendment Act of 2001 empowered the government to undertake readjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 1991 census.
- The 87th Amendment Act of 2003 provided for the delimitation of constituencies on the basis of 2001 census and not 1991 census.
- However, this can be done without altering the number of seats allotted to each state in the Lok Sabha.
- Under Article 82, the Parliament enacts a Delimitation Act after every Census.
- Under Article 170, States also get divided into territorial constituencies as per Delimitation Act after every Census.

Fact

- five Zonal Councils were set up under the States Re-organisation Act, 1956.
- Zonal Councils are the statutory and not the constitutional bodies.

The five councils are:

- The Northern Zonal Council; The Central Zonal Council; The Eastern Zonal Council; The Western Zonal Council; The Southern Zonal Council.
- The North Eastern States are not included in the Zonal Councils.
- Their special problems are looked after by the North Eastern Council, set up under the North Eastern Council Act, 1972.

Fact

- Chairman
- The Union Home Minister is the Chairman of each of these Councils.
- Vice Chairman
- The Chief Ministers of the States included in each zone act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time.
- Members
- Chief Minister and two other Ministers as nominated by the Governor from each of the States and two members from Union Territories included in the zone.

Telecom tribunal reforms to handle data protection pleas

In early January this year, the Ministry of Electronics and Information Technology (MeitY) released the draft Digital Personal Data Protection Rules, 2025 (Rules) under the Digital Personal Data Protection Act, 2023 (Act). Several criticisms of this draft have emerged, which include the Union government's discretion to appoint members to the Data Protection Board (DPB or Board). Since the DPB has quasi-judicial functions, the control of the executive over appointments to the DPB have raised concerns on the separation of powers and the independence of the DPB.

The Act and draft Rules also state that appeals from the DPB's decisions will be filed in digital form before the Telecom Disputes Settlement and Appellate Tribunal (TDSAT). The TDSAT must dispose of appeals within six months. The feasibility of this dispute resolution mechanism is questionable. However, there are three institutional reforms that will equip the TDSAT to handle appeals from the DPB. These are the appointment of a technical member with expertise in data protection; increased capacity to swiftly dispose of appeals, and, technological updates to process digital filings.

Need for a specialist

First, there must be a technical member with expertise in data protection on the TDSAT. Tribunals are seen as better equipped to handle sector-specific matters, since they have technical members with sectoral expertise. Section 14C of the Telecom Regulatory Authority of India Act, 1997 states that a member of the TDSAT should have been a Secretary to the Government (or the equivalent thereof) for at least two years or have expertise in "technology, telecommunications, industry, commerce or administration". The TDSAT is ostensibly equipped to handle appeals under the TRAI Act and the Telecommunications Act, 2023.

However, the increasingly important field of data protection poses a unique set of concerns and challenges, and matters relating to telecommunications are fundamentally distinct



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from matters concerning privacy and data protection. Such appeals may involve understanding and applying legal provisions on consent, access to personal data, and the processing, storage, transfer and unauthorised use of personal data. These issues are substantially different from issues in the telecom sector, which underscore the need for specialised knowledge in data protection laws and privacy principles. Any such appointment will require an amendment to Section 14C of the TRAI Act to necessitate the appointment of a technical member with expertise in data protection and privacy.

The burden of cases

Second, any move to designate the TDSAT as an appellate tribunal must consider its capacity to hear and dispose of appeals. Interestingly, the TDSAT was not always envisaged to be the appellate body for the DPB. The 2018 Bill on personal data protection proposed the establishment of a new tribunal, consistent with the recommendation of the Justice B.N. Srikrishna committee report to set up a new tribunal or confer powers to an existing tribunal. This changed in 2022, when another Bill proposed that appeals be filed with High Courts. This may have been counterintuitive, as the increasing workload of High Courts has, over time, translated into the proliferation of tribunals.

The TDSAT is, however, combating its own overburdened docket. Of the cases filed between February 2020 to February 2025, there are still 3,448 that are pending. Appeals under the newly enacted Telecommunications Act will also increasingly occupy the TDSAT's time. In this broader context, it is unrealistic to expect the TDSAT to dispose of appeals as per the Act's timeline, i.e., within six months. In January 2025, the TDSAT had only one member, a technical person, on its sole bench. The absence of a judicial member is concerning, as the Supreme Court of India has reiterated that judicial members are essential on tribunals' benches.

It is, therefore, unclear how the TDSAT, with

its current capacity, will keep up with appeals from the DPB timelines in the draft Rules. Increased budget allocations, and, consequently, more benches of the TDSAT, may alleviate some of this caseload.

Updating digital infrastructure

Third, the TDSAT must undertake technological updates to satisfy the provisions of the Act. The draft Rules propose that appeals will be filed in digital form. However, the TDSAT's website does not instil public confidence, and the TDSAT will, therefore, need to significantly update its website for smoother navigation, increased access to information on pending and completed cases, and efficient systems for digital filings. The TRAI Annual Report for 2023 indicates that the TDSAT has implemented a new "legal cases management system" but the status of implementation and impact of this system on the TDSAT's caseload is unclear. A robust digital infrastructure is critical to support the complexity, and potentially large volume, of data protection appeals.

The TDSAT must undertake institutional reforms to effectively discharge its functions under the Act. These include the appointment of a technical member with expertise in data protection, increasing its capacity to dispose of appeals, and updating its technological infrastructure. The TDSAT must also be accountable in each of these respects. One way of ensuring accountability is through the publication of annual reports, which should include information on the number of appeals filed, the number of appeals allowed or dismissed, the number of pending appeals, and key issues involved in each appeal. This information should be provided for each type of matter –for example telecom, broadcasting, and data protection. As data protection takes on a more critical role in India's digital governance framework, the TDSAT's ability to effectively manage such matters will be key to ensuring the rule of law and protecting individual rights.

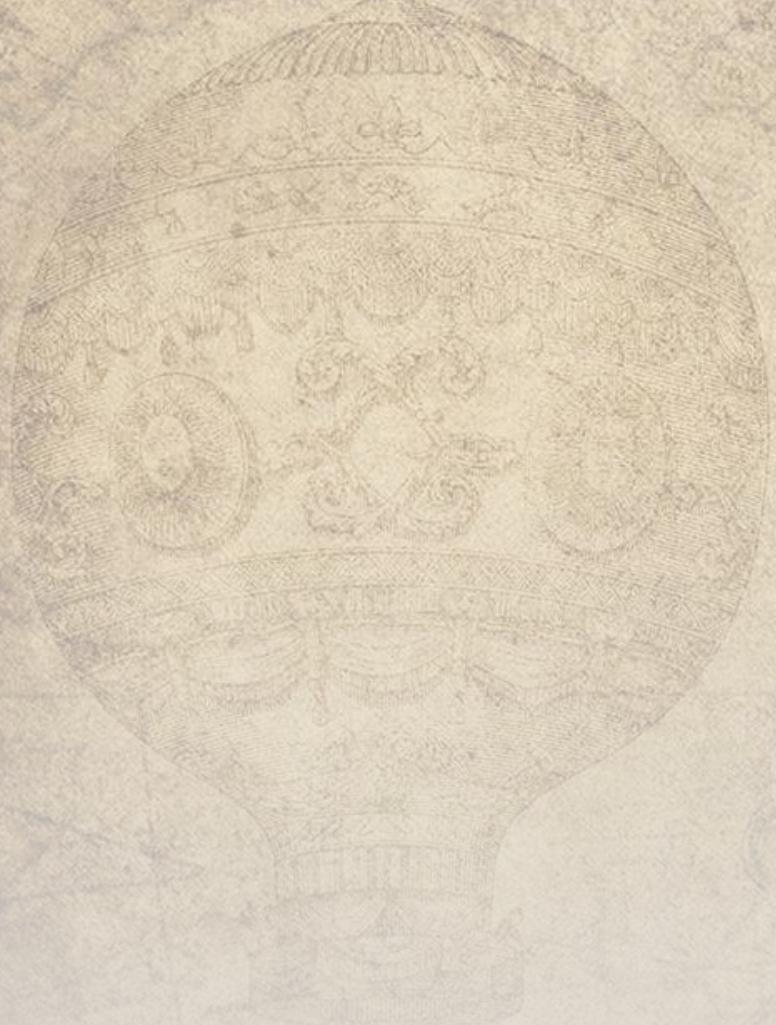
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Content.

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Fact

- First, there must be a technical member with expertise in data protection on the TDSAT.
- Second, any move to designate the TDSAT as an appellate tribunal must consider its capacity to hear and dispose of appeals.
- Third, the TDSAT must undertake technological updates to satisfy the provisions of the Act. The draft Rules propose that appeals will be filed in digital form.
- However, the TDSAT's website does not instil public confidence, and the TDSAT will, therefore, need to significantly update its website for smoother navigation, increased access to information on pending and completed cases, and efficient systems for digital filings.





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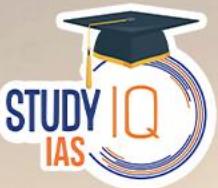
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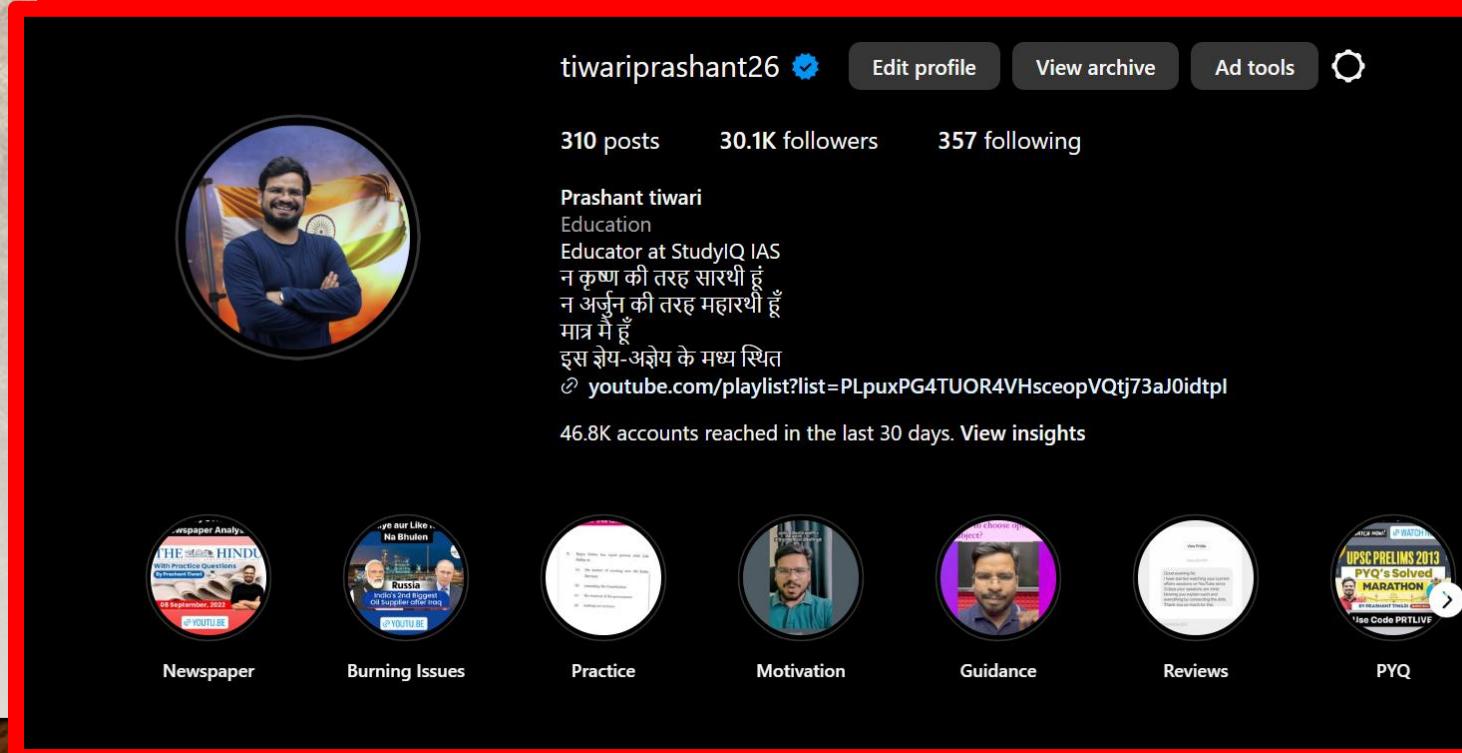
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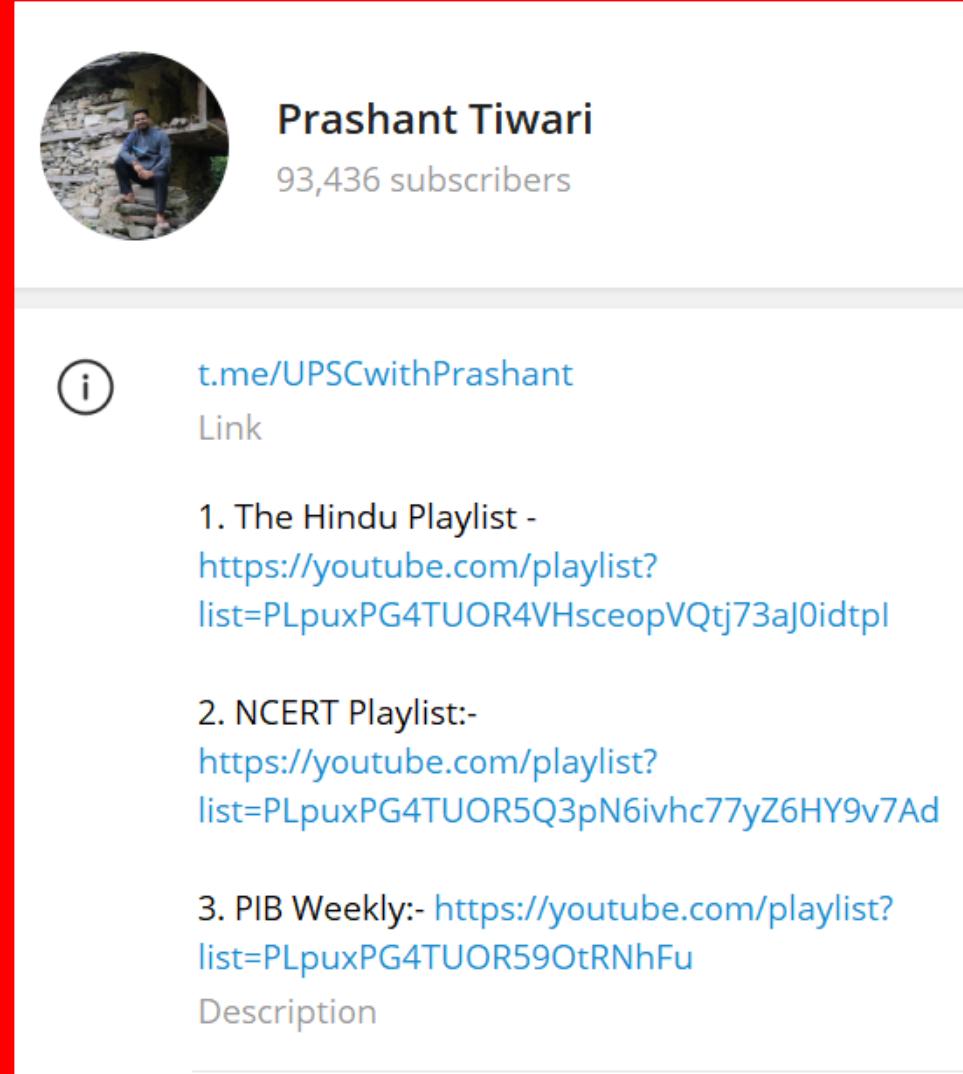
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