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1. Calling out the criticism of the Indian Judiciary Pg-6
2. Reforming passive euthanasia in India Pg-7
3. Crimes against children surge in Assam, Rajasthan and Kerala Pg-7
4. Nobel Prize Pg-6

Calling out the criticism of the Indian Judiciary

Reality of the Judiciary

- **High workload:** Judges handle 50–100 cases per day, requiring extensive pre-reading, drafting, and research.
- **Vacations and breaks:** Essential for completing reserved judgments; not signs of inefficiency.
- **Lower judiciary stress:** District courts face the highest pressure, impacting citizens' direct interactions with justice.

Root Causes of Judicial Delays

- **Poorly drafted laws:** Ambiguities, exceptions, and archaic provisions increase litigation.
- **Government litigation practices:** Ministries, public enterprises, and tax authorities frequently file or prolong cases unnecessarily.
- **Structural inefficiencies:** Outdated infrastructure, vacancies, and insufficient accountability mechanisms compound delays.

Calling out the criticism of the Indian judiciary

Societies in search of a quick fix often look for a scapegoat. In today's India, for much of the ruling class, it is the courts which don the role. Public policy advisers are quick to point the judiciary as obstructionist and somehow responsible for stalling India's otherwise grandiose plans for economic prosperity.

Not for the first time, Sanjeev Sanyal, a member of the Prime Minister's Economic Advisory Council, pointed to the courts as the chief roadblock to the country's development. "We effectively have somewhere between 20-25 years to become Viksit Bharat," he said. "The judicial system and the legal ecosystem, but the judicial system in particular, is now, in my view, the single biggest hurdle to [India] becoming Viksit Bharat and growing rapidly."

Misinformation, vague censure is no solution Leaving aside what Viksit Bharat might, in fact, mean, these comments once again reduce the judiciary to a caricature. Mr. Sanyal's speech, delivered at the Nyaya Nirman conference last month, recycles familiar tropes about judges working short hours and going on vacations. Mr. Sanyal, perhaps justifiably, claims that we must stop being self-congratulatory when it comes to analysing the workings of our legal processes. But the solution is not misinformation or vague and hazy censure.

India's judicial system is far from perfect. But to brand its imperfections as the "single biggest hurdle" to growth distorts its place in India's democracy. What is true is that our courts are overstretched and under-resourced, but other wings of government scarcely consider these to be issues of priority. In reality, the courts mirror the failures that mire the rest of India's governance.

Mr. Sanyal's own example undercuts his case. He cites the enforcement of Section 12A of the Commercial Courts Act, 2016, which makes pre-suit mediation mandatory. He says that in Mumbai, most of such mediations fail, demonstrating that the courts are imposing an ineffective procedure. But what this ignores is that it is not our courts that dreamt up Section 12A. Parliament wrote it into law. Judges are bound to enforce what legislators enact. If a provision is poorly designed, the failure lies with the drafters, not with those applying it.

Mr. Sanyal also invokes what he calls the "99-to-1 problem": In his telling, most of India's rules and regulations are drafted to guard against the abuse of laws by a small fraction of people – exceptions, which he argues, should be left to the courts to resolve. "Because I do not think it will get sorted out there, the rest of the 99% of laws and rules end up being complicated to address that 1%, feeding back into a spiral," he says. The



Sanjeev Sanyal
is an advocate practicing in the Madras High Court

precise meaning of this formulation is difficult to pin down, but what it points to, once again, is less a judicial failing and more a familiar malaise of Indian law-making – that is, imprecision in drafting.

He further suggests that this 99-to-1 problem manifests in the court's inability to enforce contracts efficiently. But this too is a superficial critique which ignores how the country's largest contractors, the Union and State governments, behave. Tender documents are riddled with arbitrary conditions, routine processes are overlooked, and legal rights are treated as discretionary favours. It is easy to speak about judicial delays without emphasising on the role played in it by India's biggest litigant – the government.

Tax authorities file appeals against routine orders as a matter of course, often dragging disputes all the way up to the Supreme Court of India. Ministries fight over simple contractual matters that they ought to honour. Public enterprises sue with little thought, squandering judicial resources. Citizens, pensioners, teachers, public service employees and doctors serving the state are forced to litigate for simple benefits that they are entitled to in the ordinary course. If efficiency is our concern, then we must ask ourselves why successive governments – both at the level of the Union and the States – have been unwilling to discipline their own litigation practices.

The system, the reality

Another easy target is court sittings. The visible part of the job might run only from 10:30 a.m. to 4 p.m. in the case of the Supreme Court and a little longer in the case of the High Courts. But judges may hear anywhere between 50 to 100 cases during this window. It is a difficult job to do well.

Behind those hearings lie hours of preparation: reading briefs, drafting and signing orders, and considering precedents. Much of judicial work requires cerebral thought and happens behind closed doors, in the early hours of the morning or late into night and certainly across weekends.

Vacations too are misunderstood. Their colonial origins make them an easy target. But courts have benches sitting through vacations too, and the holidays that other judges get is meant for a little relaxation but for the most part to complete their reserved judgments. India's judges are already working against improbable odds. They face one of the heaviest caseloads in the world, a fact that is only compounded by continuing vacancies. To deny them structured breaks would only undermine the cause of justice.

What Mr. Sanyal's lament also ignores is that

much of the judiciary's burden comes from laws that are misconceived, vague, and designed for optics rather than clarity. The government's much vaunted criminal law reforms went little further than changing the names of India's age-old criminal legislation. For the most part, they recycle the colonial framework, if merely converting what were codes into statutes, leaving judges and lawyers grappling with decades of precedent with newly rebranded sections.

The new Income-Tax Act, which will come into force next year, is another case in point. Its enactment has been touted as an effort at simplification. But a reading of its provisions suggests that it is old wine in a new bottle. Explanations, exceptions and provisos have been removed and inserted as new sections, only likely leading to a new wave of litigation.

The word "notwithstanding" used in many places in the existing income-tax law has been replaced with the word "irrespective". The first word has deep legal roots. There is a mountain of case law on how phrases such as "notwithstanding anything contained in any other statute" should be interpreted. In theory, the word "irrespective" is meant to serve as a simpler substitute. But how exactly does this change make the law any clearer for the everyday taxpayer? If anything, it swaps one piece of legal jargon for another. For the ordinary taxpayer, the law is, at best, differently obscure.

None of this is to deny that the judiciary needs reform. Delays are real, infrastructure is outdated, and accountability mechanisms are weak. But lampooning the system as the "biggest hurdle" to our development only clouds the debate.

Most acute in the lower judiciary

It is no doubt politically convenient to cast the judiciary as the culprit. Doing so allows governments to deflect their own failures – both administrative and legislative. But our disputes drag on for the most part, not because judges are out vacationing, but because our laws are poorly framed, governments have an endless appetite for litigation, and dockets remain overloaded even as vacancies persist. These pressures are felt most acutely in the district courts, where most Indians encounter the justice system.

India's constitutional democracy is not designed for speed alone. Courts were never meant to be rubber stamps for governance but independent checks on executive power. To weaken them is to chip away at the very foundation of what distinguishes its in its truest sense ought to mean. The judiciary is not flawless. But if we are serious about reform, we must look beyond distortions on vacations and delays and confront the structural failings that lie elsewhere.

India's judicial system only mirrors the failures that mire the rest of its governance

Misconceptions

- Court timings, vacations, or mediation failures are often cited as the main problems — this oversimplifies the issue.
- Delays are largely systemic, not due to judges shirking work.

Need for Effective Reform

- Focus must be on **structural solutions rather** than blaming judges:
 - ◆ Simplify and clarify legislation.
 - ◆ Reduce frivolous government litigation.
 - ◆ Strengthen judicial infrastructure and accountability.
 - ◆ Ensure faster disposal of cases, especially in district courts.

Reforming passive euthanasia in India

Context

The UK recently passed the **Terminally Ill Adults (End of Life) Bill**, allowing **physician-assisted dying** for mentally competent adults with less than six months to live.

This has reignited global discussions on euthanasia.

In India, **passive euthanasia** is legally recognised, but active euthanasia is not permitted due to ethical, cultural, and socio-economic considerations.

Current Status in India

- **Passive euthanasia:** Withdrawal of life-support when treatment only prolongs suffering.
- **Legal recognition exists**, but procedural hurdles (advance directives, dual medical board clearance, occasional judicial oversight) make access **slow and cumbersome**.
- Families often make informal decisions, putting doctors in legal uncertainty.

Reforming passive euthanasia in India

In June, the U.K.'s House of Commons passed the **Terminally Ill Adults (End of Life) Bill**, reigniting a global conversation about euthanasia. The proposed law permits physician-assisted dying for mentally competent adults expected to live fewer than six months, subject to medical certification and oversight by a national panel. While it is awaiting approval from the House of Lords, the Bill marks a bold legal and moral step that many western countries have embraced.

While India has recognised passive euthanasia through a series of Supreme Court judgments, it has consciously drawn a line against active euthanasia. Cultural values, institutional capacity, and socio-economic conditions make it unlikely that India will mirror the U.K.'s path. But that does not mean it should remain static.

Practical inaccessibility
Passive euthanasia permits the withdrawal of life-sustaining treatment when it merely prolongs suffering. It is not an act of killing but an allowance for death to take its natural course. Yet, despite legal recognition, procedural requirements, such as advance directives, dual medical board clearance, and occasional judicial oversight, make implementation painfully slow.

For patients in terminal stages or their families, these delays amount to cruelty. The law, though sound in principle, is often hollow in practice. Reports from tertiary hospitals suggest that in most cases, families are forced to make decisions informally and outside the legal framework, thus placing doctors in a difficult legal position. The absence of an efficient implementation system erodes the very dignity the law was intended to preserve.

The U.K. model, while progressive, rests on strong institutional supports such as the National Health Service, universal access to general practitioners,



K. Kannan
former judge, Punjab and Haryana High Court, and author, *Medicine and Law* (2025)

and a reliable regulatory framework. India's healthcare system is fragmented, uneven, and under-resourced. Moreover, its societal context — marked by deep family involvement, religious sensitivities, and varying literacy levels — makes end-of-life choices more complex. Introducing active euthanasia, even with safeguards, may inadvertently pressure the elderly, disabled, or financially dependent to opt for death. As medical care is expensive and palliative care underdeveloped, this could produce ethical dilemmas of coercion.

There are also jurisprudential concerns. While Article 21 of the Constitution guarantees the right to life and has been interpreted to include the right to die with dignity, this cannot be stretched to mean a right to be killed. The Supreme Court has been cautious in maintaining the distinction between omission and commission, between allowing death and causing death. The Indian approach reflects a careful ethical conservatism suited to the realities of the country.

Charting its own course
Rather than expanding into active euthanasia, India should focus on refining its passive euthanasia protocol. A humane, efficient system can be built by leveraging digital tools and streamlining procedures. There is already growing consensus among medical professionals and legal scholars that the present system is too cumbersome.

Advance directives should be registered on a national digital portal, linked with Aadhaar for biometric verification. This system should allow patients to create, update, or revoke their directives easily. A treating physician should validate the patient's mental capacity and intent online.

Hospital ethics committees, consisting of senior doctors, a palliative care specialist, and a neutral third party, should be empowered to authorise withdrawal of life support within

48 hours. Exceptional cases can be flagged for further scrutiny.

Although a State-level ombudsman was initially proposed for oversight, India's experience with ombudsman schemes in banking and insurance has been mixed. Delays, limited enforcement powers, and public unfamiliarity have marred their effectiveness. Instead, a more transparent, decentralised review mechanism — perhaps built into hospital networks and monitored through digital dashboards — may be more suitable. Independent medical auditors or health commissioners with statutory backing could be alternatives worth exploring.

Mandatory safeguards, such as a seven-day cooling-off period, psychological counselling, and palliative care review, should remain part of the process to prevent misuse and ensure decisions are fully informed. These align with international best practices and help address fears of abuse, especially among vulnerable populations.

The way forward
India's constitutional promise of dignity in life must extend to dignity in dying. Reforming passive euthanasia does not require India to imitate the U.K.'s active euthanasia model, but it does compel it to make the current framework workable.

Digitally driven procedures, local hospital-based ethics review, and effective (but not burdensome) oversight can make end-of-life decisions more accessible and humane. This path is consistent with Indian values, safeguards against abuse, and empowers patients without risking exploitation. In addition, medical education must integrate training on end-of-life care, including ethical and legal components. Public awareness campaigns are essential to normalise discussions on advance care planning.

Without public trust and awareness, even the best laws will fail to serve their purpose.

Recommendations for India

- Focus on **streamlining passive euthanasia** rather than introducing active euthanasia.
- Digital tools and simplified procedures:
 - ♦ Advance directives registered on a **national digital portal**, linked to Aadhaar for verification.
 - ♦ Treating physician validates mental capacity and intent online.
- **Hospital ethics committees:**
 - ♦ Include senior doctors, palliative care specialist, and a neutral third party.
 - ♦ Authorise withdrawal of life support within **48 hours**; exceptional cases flagged for review.
- **Oversight mechanism:**
 - ♦ Decentralised review integrated into hospital networks, monitored via digital dashboards.
 - ♦ Independent medical auditors or health commissioners could supplement oversight.

Crimes against children surge in Assam, Rajasthan and Kerala

- According to **National Crime Records Bureau (NCRB) 2023 data**, cases of crimes against children have risen sharply in certain states.
- **Three states stand out:** Assam, Kerala, and Rajasthan.
- **National trend:** Overall crimes against children in India increased by **25%**, but the surge in these three states was much higher.

Three States, one trend

The data for the charts were sourced from the National Crime Records Bureau (NCRB) from 2020 to 2023

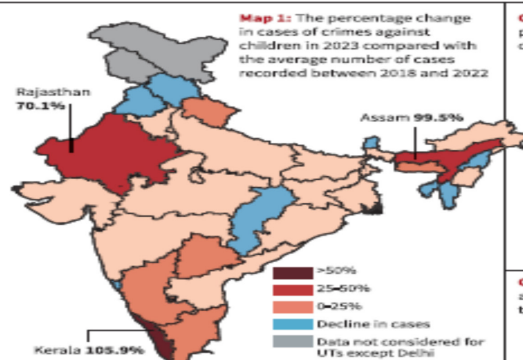
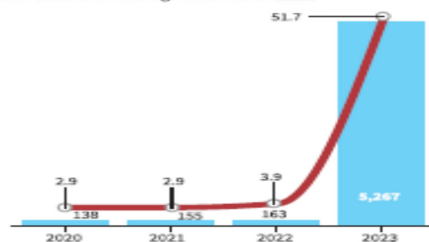


Chart 2: The number of cases registered under the Prohibition of Child Marriage Act in Assam, and its share (%) in total cases of crimes against children



It is important to note that the rise in cases, particularly those involving crimes against children, may indicate improved reporting, rather than a genuine increase in the incidence of such crimes

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Chart 3: Cases registered under various POCSO provisions in Rajasthan, and its share (%) in total cases of crimes against children

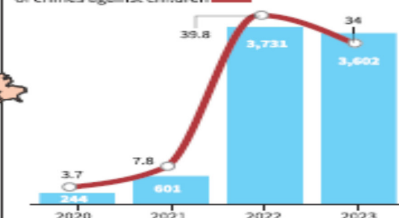


Chart 4: Cases registered under kidnapping and abduction of children in Rajasthan, and its share (%) in total cases of crimes against children

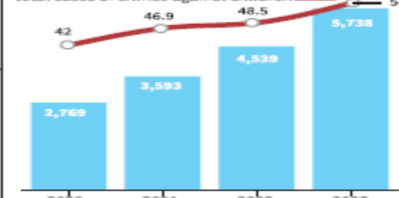


Chart 5: Cases registered under various POCSO provisions in Kerala, and its share (%) in total cases of crimes against children



State-wise Analysis

State	Increase in 2023	Key Reasons
Assam	~100% (from ~5,100 to 10,000 cases)	Major crackdown on child marriage under the Prohibition of Child Marriage Act, 2006. Cases under this Act rose from ~150 annually (2020–22) to 5,267 in 2023, making up 52% of crimes against children.
Rajasthan	70% (from ~6,200 to 10,500 cases)	Reclassification of offences: shift from IPC Section 376 to POCSO Act Sections 4 & 6, leading to better reporting of child sexual offences. Spike in kidnapping and abduction cases, which accounted for over 54% of total crimes against children in 2023
Kerala	106% (from ~2,800 to 5,900 cases)	Increase linked to more accurate classification under POCSO and higher reporting of offences.

Nobel Prize

- The Nobel Prize 2025 honours discoveries that transformed understanding of **autoimmune regulation**.
- Nobel Laureates: **Mary Brunkow, Fred Ramsdell, and Shimon Sakaguchi**.

Practising restraint

Mary Brunkow, Fred Ramsdell, and Shimon Sakaguchi won the 2025 Nobel Prize for medicine/physiology for revealing how the body restrains its own defences to stay healthy



Mary Brunkow | Fred Ramsdell | Shimon Sakaguchi

■ The immune system must distinguish the self from invaders to avoid attacking the body itself



■ Shimon Sakaguchi discovered regulatory T-cells that calm immune reactions and preserve self-tolerance

■ Mary Brunkow and Fred Ramsdell traced the scurfy mouse's fatal autoimmunity to a faulty Foxp3 gene

■ They linked FOXP3 mutations to human IPEX syndrome, proving its vital role in tolerance

■ Together, their work revealed FOXP3 controls regulatory T-cell development and prevents immune 'mutiny'

■ Today, the findings guide new therapies for autoimmune disease, cancer, and transplantation

Image Credit: Nobel Prize Outreach

Scientific Background

- **Problem:** Even healthy individuals have autoreactive T-cells; central deletion during T-cell maturation could not explain their persistence.

Sakaguchi (1995):

- Identified a **subset of CD4+ T-cells** (Tregs) in mice.
- Removing these cells → multiple autoimmune disorders.
- Restoring them → prevented disease.

Brunkow & Ramsdell:

- Studied **scurfy mice** with lethal multi-organ autoimmunity.
- Identified mutation in a previously unknown gene FOXP3 on the X chromosome.
- Loss of FOXP3 → immune collapse.
- Mutations in FOXP3 also found in human boys with fatal autoimmune disorders.