

Judicial Independence vs Parliamentary Supremacy: Reignition of debate vis-à-vis Israel and India

Rakesh Ranjan Kumar

Department of Law, Central University of Haryana, Mahendergarh, Haryana, India

ARTICLE INFO

*Correspondence:

rr11795@gmail.com
Department of Law,
Central University
of Haryana,
Mahendergarh,
Haryana, India

Dates:

Received: 15-04-2023
Accepted: 05-06-2023
Published: 30-06-2023

Keywords:

Parliament, Judicial
Independence,
Parliamentary
Supremacy, Judicial
Review, Israel, India

How to Cite:

Kumar, R.R. (2023)
Judicial Independence
vs Parliamentary
Supremacy: Reignition
of debate vis-à-vis Israel
and India. *DME Journal
of Law*, 4(1), 71-77.
doi: 10.53361/dmejlv4i01.09

Abstract

Huge demonstrations are going on in State of Israel against the Judicial reforms being proposed by the PM Netanyahu led Government.¹ In India also war of words is ongoing between senior government functionaries and Higher Judiciary over the collegium process and its impact. Per se the healthy discussion and negotiation between different organs of the government is not bad but it should not be with an aim to reduce their importance. Judicial independence is the hallmark of Rule of Law in any democracy.² It only protects individuals' liberty but also keeps a check on the state excesses or biasness. Indisputably, the parliament has an exclusive right of law making but the moot question remain whether power to amend includes power to destroy. There must be checks and balances on all the three organs of the government. Even Judiciary cannot be allowed free run without any accountability and reforms must keep going but any Judicial reforms cannot be allowed to strike at the root of Judicial independence itself as it would destroy the institution. In this paper I have tried to explain the current situation in Israel where the proposed reforms being brought in the name of Judicial accountability and Judicial reform threaten the very concept of judicial independence. It strikes at the very basic theorem of separation of Power and would promote autocracy and dictatorship in the long run. As Israel is a parliamentary democracy, the executive heads already influence the decisions of the Knesset in a major way & if they get to have the same in Judicial appointment then the political leaders ruling the State of Israel will have all the powers with very less accountability. In comparison the situation in India is different. While verbal arguments are going on between Judiciary and Executive it is more or less limited to Judicial appointment with others spheres of Judicial independence like Judicial Review not part of the public debate. The paper also argues about the need for Judicial independence in a democracy and the Power of Parliament to amend is not absolute and unlimited.

1 Bateman, T. (2023, January 21). *Israelis stage giant protest against Netanyahu court reform*. BBC News. <https://www.bbc.com/news/world-middle-east-64362652>.

2 Thio, L. (2003). RULE OF LAW WITHIN A NON-LIBERAL 'COMMUNITARIAN' DEMOCRACY: The Singapore experience. In Randall Peerenboom (Eds.), *Asian Discourses of Rule of Law* (1st ed.). Routledge.

INTRODUCTION

Days after days, weeks after weeks, Hundreds and thousands of Israelis citizens are protesting across the length and breadth of their country against a proposed Judicial reform initiated by the Prime Minister Netanyahu's govt

in Israel. Thousands of Miles away in India, senior government officials including Vice-President of India & Union Law Minister from executive branch of the government are issuing statements against the collegium system that currently selects the judges in the higher Indian judiciary.¹ The comparison between both becomes necessary as they are flourishing democracy where separation of power remains an essential feature. The conflict between the institutions of the state not only results in erosion of faith in institutions but also affect national unity and integrity. Both the countries are simultaneously hitting headlines due to ongoing tussle between the Judicial and other wings of the government related to their powers and limitations thereof. All these issues are related to a tussle between the notion of Judicial independence and Parliamentary supremacy. The legislature, executive & judiciary are three important organs of the state and all three have their pre-defined role in any democracy. However, even then the constant friction and tussle for influence is regular everywhere. Beyond doubt, it is very necessary to have an independent judiciary that would protect the basic fundamental rights of the citizens against any arbitrariness and excesses of the state.

Despite not having a written constitution, with the passage of time the Supreme Court in Israel started to use the power of Judicial review based on Basic laws and international conventions to check the arbitrariness of the legislative and executive branch of the government. The Chief Justice Aharon Barak took an activist approach in this regard by elevating the Basic laws to supremacy over other ordinary legislations passed by the legislature.² Even recently, when Mr. Netanyahu came to power, ten out of eleven judges in a special judicial panel ruled against the appointment of noted ultra-orthodox leader and close Netanyahu ally Aryeh Deri as the member of Israeli cabinet as he already has been

1 (2023, March 19). *Constitution has to evolve through Parliament, not executive or judiciary: Vice President Jagdeep Dhankhar*. The Tribune. https://www.tribuneindia.com/news/nation/constitution-has-to-evolve-through-parliament-not-executive-or-judiciary-vice-president-jagdeep-dhankhar-489494#google_vignette.

2 *Israel Supreme Court: The Power of Judicial Review*. (2023, June 11). <https://www.jewishvirtuallibrary.org/israel-s-supreme-court-and-the-power-of-judicial-review>.

convicted in a tax fraud case.³ Interestingly, Israeli PM Netanyahu who himself is facing criminal charges in the court of law while firing his minister Mr. Aryeh Deri vowed to explore legal ways to ensure his ally continue to serve the state of Israel.⁴ On the other hand, In India due to judicial decisions in the third Judges transfer case to Keshwanand Bharti case,⁵ it has become mostly clear about the approach to be taken between the judiciary and legislature in regards to the judicial independence and constitutional interpretation. The NJAC constitutional amendment bill which modified the way of selection of judges was quashed by the Supreme court of India. But now the political statements have kept the issue alive and burning in public discourse. If we see the current situation of the globe, the authoritarianism is on rise and the basic reason for the same is unchecked power of the government which is monopolised in the hand of very few who run the entire show. But these unchecked powers are antidote of individual rights and even human rights. So, in my view an independent judiciary is very necessary for the protection of the advances we have made in the previous century as regards to the basic human rights. These advances were not a gift by the oppressors' class rather a result of hard struggle and endless sacrifice. Now, we would see the ongoing charges that are proposed to be done in the state of Israel regarding the powers of the Judicial system.

THE ONGOING TUSSLE IN ISRAEL

Israel is one of the few democracies in the arid regions of Middle east where the Rule of law can be claimed to be in practice. Despite the nation built after a genocide and continuous religious conflict, Israel has successfully managed to not only nurture proper democratic roots in their nation

3 Keller-Lynn, C. (2023, January 22). *Netanyahu fires Deri 'with a heavy heart' after High Court nixes convicted minister*. The Times Of Israel. <https://www.timesofisrael.com/netanyahu-fires-deri-with-a-heavy-heart-after-high-court-nixes-convicted-minister/>

4 Keller-Lynn, C. (2023, January 22). *Netanyahu fires Deri 'with a heavy heart' after High Court nixes convicted minister*. The Times Of Israel. <https://www.timesofisrael.com/netanyahu-fires-deri-with-a-heavy-heart-after-high-court-nixes-convicted-minister/>

5 AIR 1973 SC 1461

but also progress and move forward serving as an inspiring example to other nations. Israel does not have its own properly written constitution but to protect the right of the citizens and to regulate state arbitrariness during many sittings of Knesset, they have passed special laws also named as 'Basic Laws' which in most cases need simple majority to be altered.⁶ As Israel does not have written constitution many judges like former Chief Justice Aharon Barak have implied the Basic laws itself to act as the Israeli constitution.⁷ Many judgements of the Israeli Supreme Court have established that Human rights form an important part of Israeli jurisprudence.⁸ So, the absence of written constitution and a relatively new nation devoid of conventions could have ensured a autocracy as any who gets majority or power in Israel will have the right to make any law. But the timely & wilful assertion by the Supreme court of Israel stopped this from happening in Israel. But this assertion also brought them in conflict with the political parties especially the right-wing parties who promote the concept of majoritarianism.

THE PROPOSED CHANGES

The Israeli supreme court empowered by the Basic laws and concept of human rights have taken many decisions which brought it in direct conflict with the political leadership in the nation controlling the executive and legislative branch of the government. It all is said to be started from Prime Minister Netanyahu himself was accused of fraud and bribe by the attorney general and charges were brought against him.⁹ The proposed changes not only target the independence of Judiciary but also reduce the status of law officers of government from neutral gatekeepers to Political appointees by the government. The Proposed changes are:

6 Fuchs, D.A. (2021, January 5). *The Frequent Changes to Israel's Basic Laws*. <https://en.idi.org.il/articles/39441>

7 United Mizrahi Bank v. Migdal Cooperative Village CA 6821/93

8 Human Rights Law in Israel: How Israel's legal system protects human rights and basic freedoms. (2023, April 9). <https://web.archive.org/web/20131216082737/http://www.israelhumanrights.com/humanrightsisrael.html>

9 *Israeli prosecutors spell out allegations against Netanyahu*. (2021, January 4). AP. <https://apnews.com/article/israel-media-middle-east-indictments-benjamin-netanyahu-abccb3bf0fb0198df416dc78d48b750>

- **Shuffling the structure of Judicial Appointment commission:** Currently in Israel the procedure to select the Judges is being followed as per Basic laws and is in practice from 1953. The Judicial appointment committee is made up of a total of nine people which includes two government ministers including the Minister of Justice, Supreme court president, two additional supreme court judges, two representatives from Israeli parliament also known as Knesset and two representatives of Bar Association of India. The new draft wants to reduce the legal representation and that would ensure that the government would have the practical majority in the Judicial selection committee as they also control the Knesset. The control of this committee would ensure the government indirectly will have absolute control over appointment, promotion and transfer of the judges.
 - **Change in Status of Government law officers from Neutral Gatekeepers to Political felicitators:** This is another far reaching proposal that would change the way of governance in the state of Israel. Currently as per Israeli laws the post of attorney general and other Israeli law officers is independent in usage of their power. They give binding advice and ensure the integrity of the governance. However, the new proposals would transform the post from neutral gatekeepers to Political felicitators where their role would be to advise the government. The members of executive branch will have complete freedom to employ private law firms to defend them in court. This will increase the scope of arbitrariness in the government and another check on the powers of the executive branch will be demolished.
 - **Reducing the Scope of Judicial Examination of Bills passed by Knesset:** The Courts in Israel have come in conflict many a time with lawmakers when they have declared many legislations as unconstitutional when they came in conflict with the Basic laws especially the notion of Human dignity and Liberty.¹⁰ This use of the power of judicial reviews by the Israeli courts have nullified many legislative overtures on many issues. The Courts using their powers have struck down more than a dozen statutes as they were
- ¹⁰ Wattad, M.S. (2018). Israel at 70: The Rule of Law and the Judiciary. *Israel Studies*, 23(3), 172-179.



infringing the rights provide in the Basic laws. The proposed changes may also a retaliation of the same as it would cripple the Power of Judicial review exercised by the Israeli supreme court. In addition to extension of override clause to the Basic laws itself, the parliament wants to carve out provision where Israeli Supreme Court can declare any law as unconstitutional only when it gets the consent of all the 15 judges present. Even after that if so, happens the Knesset can override that judgement only by a simple majority in the house by voting and that would not be open to any judicial review. Basically, this means death to the very concept of Judicial review in Israel.

- **Reducing the scope of Judicial Review of Executive branch:** Recently, after an observation by Israeli supreme court, one of the very influential ministers of PM Netanyahu cabinet has to resign. Then Netanyahu had vowed to get ways to bypass it. These proposed provisions attempt to implement same. It would eliminate the 'reasonability' criteria from the review of administrative branch of the government. Thus, now the court will not be able to comment or discharge its opinion on any wrong appointments of any minister or any administrative decisions that may be against the principals of natural justice or violative of the basic laws or human rights.

THE CURRENT SITUATION

The two initial bills that aimed to change the way Judicial powers are exercised in the state of Israel were passed in their first reading on 20th February 2023. However, the proposed Judicial changes in Israel has developed unprecedented pushback from all sections of the society.¹¹ Continuous demonstrations are happening against it. Even Israeli President who is normally not an active participant in the Political discourse of nation condemned the proposed judicial reforms by the Netanyahu government.¹² Recently,

¹¹ *Israeli Knesset approves judicial overhaul bill at first reading despite protests* (2023, March 14). THE NEW ARAB. <https://www.newarab.com/news/israel-knesset-passes-justice-overhaul-bill-first-reading>

¹² Boxerman, A. (2023, March 9). Israel's President Condemns Netanyahu's Proposed Judicial Overhaul. *THE WALL STREET JOURNAL*. <https://www.wsj.com/articles/israels-president-condemns-netanyahus-proposed-judicial-overhaul-7a2ae645>

American media reported that USA had received intelligence that the premier intelligence agency of Israel Mossad allowed its employee to protest against the proposals which was refuted by Israeli PMO.¹³ Even the elite Israeli fighter pilots in charge of defence of nations' sky refused to take part in practice session over their protest to the proposed reforms.¹⁴ Due to continuous protests against the proposed reforms, the PM Netanyahu postponed it for the time being as according to his words he wanted to avoid a 'civil war' in the nation at any cost. However, in the same address he also said that the majority are supporting his reforms and the reform in judiciary is much needed & there will be no surrender on this issue by the government further intending that the bill is postponed not taken back. In addition, the coalition partners have claimed that PM Netanyahu has promised to bring the same bill in the next session of the Knesset. So, this can be considered a tactical rollback for the time being.

The proposed reforms are very dangerous to day the least. In the name of fighting Judicial overreach, it strikes at the root of the separation of power and Judicial independence. It will severely cripple the ability of the judges to keep any check on legislative or executive excess by the people in power against the ordinary citizens of the nation further degrading the rule of law and promoting autocracy and consolidation of power in the hand of very few at top. Further step to overrule Judicial decision by a simple majority also shows the intent of the lawmakers where they want absolute and complete control without any check and balance. The same is true to the amendment of the rules of the appointment and powers of attorney general and government law officers as I have mentioned above.

THE INDIAN STORY: THE TUSSELE FOR SUPREMACY

As we are contemplating the issues related to relations between Judiciary and legislature, it

¹³ Horovitz, M. (2023, April 9). *US intel says Mossad heads stirred anti-overhaul protests; PMO: 'Completely false'*. The Times Of Israel. <https://www.timesofisrael.com/us-intel-reports-say-mossad-heads-stirred-anti-overhaul-protests-experts-unconvinced/>

¹⁴ Dellatto, M. (2023, March 5). *Elite Israeli Air Force Pilots Vow To Sit Out Training In Protest Of Netanyahu's Judicial Changes*. *Forbes*. <https://www.forbes.com/sites/marisadellatto/2023/03/05/elite-israeli-air-force-pilots-vow-to-sit-out-training-in-protest-of-netanyahus-judicial-changes/?sh=59ffb3db429e>

becomes necessary to compare the judicial system of both the nations. This is necessary as this will give us an idea about the evolution of the Judiciary & the quest for Judicial independence. . We have seen the same amount of conflict in our country during the interpretation of Article 368 of our constitution. The Supreme court in India has slowly asserted itself and worked hard to ensure the Independence of the Judiciary through Judicial review. However, the scene of India and Israel is different. India has a written constitution and the Constitution specifically gives the power of Judicial review to the Courts to protect the rights of the people. In the landmark case of Golaknath¹⁵ where the supreme court of India for the first time asserted the non-amenability of certain provisions of the Indian constitution. The Parliament responded by Passing 24th Constitutional amendment asserting the supremacy of the Parliament.¹⁶ The cases again came in challenge before the court in Keshavanand Bharti case¹⁷ where Court propounded the Basic structure Doctrine thereby allowing the courts final say in interpretation of the constitution. The Indian court has already ruled that Power to amend is not power to destroy. Due to the above judgements delivered by the Apex court of the country, the powers of the Supreme court & other constitutional courts related to Judicial review is now almost settled in India due to many authoritative judgements by the courts. Right now, we cannot find any legislative or political pushback against it. But another issue related to appointment of Judges is being actively pursued. The Supreme court by interpreting the Constitution devised a collegium system which was to select judges for the higher judiciary in our nation. The second judges' case¹⁸ and the third case judges' case¹⁹ allowed the formation of collegium system which in a way removed the Government from active judges' selection process. Even the appointment of the Chief justice of India was made a routine procedure based on seniority instead of out of turn promotion powers with the government.

15 L.C. Golak Nath v. State of Punjab, AIR 1967 SC 1643

16 The Constitution (Twenty-Fourth Amendment) Bill, 1970.

17 Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1461.

18 Supreme Court Advocates-on Record Association vs Union of India (1993) 4 SCC 441.

19 In re Special Reference 1 of 1998

THE ONGOING WAR OF WORDS

The Political class did not like the complete removal of Legislature and executive from the Judge selection process and the discussion in different public platforms continued. Finally, the Parliament passed the NJAC amendment bill²⁰ allowing creation of a new committee to select judges with selective participation of the government. However, the Supreme Court struck the amendment bill as unconstitutional as it violates the Basic structure of the Constitution in the landmark case²¹ by 4:1 majority. However, even after that the government has not attempted to pass any new bill changing the structure of the Judiciary selection process but the war of words has escalated. The former law minister Ravi Shankar Prasad asserted the government role in Judicial appointment by claiming we are not a post office which will imply with any recommendation from the Collegium system without applying our own minds.²² Even now the current Law minister Kiren Rijiju has criticised the collegium system and have given many arguments against it like Judges don't have to face election, Judges selection keeps them busy affecting their primary Judicial work etc. Even the Supreme court in a case hearing shot back that Government may be holding few of the collegium recommendations as they may be unhappy over NJAC being declared unconstitutional by the apex court. Even the Chief Justice of India had to come out in favour of the Collegium.²³ As of now there is no official bill pending by the government of India to amend the exiting collegium process.

THE POWERS OF PARLIAMENT TO AMEND: ABSOLUTE OR LIMITED

Time keeps changing and the same way the nation also has to change & transform. The Parliament has the

20 The Constitution (Ninety-Ninth Amendment) Act, 2014.

21 Supreme Court Advocates-on-record Association & Anr. vs. Union of India (2016) 5 SCC 1

22 Law ministry not a post office, but a stakeholder in judicial Appointments: Ravi Shankar Prasad. (2019, June 3). *The Times Of India*. https://timesofindia.indiatimes.com/india/law-ministry-not-a-post-office-but-a-stakeholder-in-judicial-appointments-prasad/articleshow/69632766.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

23 *CJI Chandrachud defends collegium system, calls it 'best system' for appointment of judges*. (2023, March 18). The Print. <https://theprint.in/india/collegium-best-system-we-have-developed-for-appointment-of-judges-cji-chandrachud/1454157/>



undisputed power to frame the laws and even amend the constitution but the tussle always happens on the point on whether it is absolute or limited. Initially, there was difference of opinion between experts on the issue on whether the Parliament has the power to amend any part of the constitution to unlimited extent. As and when populist governments come to forefront they try to mould the constitution into their majoritarian concept of governance but that is always detrimental to the interests of minority. Thus, this defeats the very essence of democracy. But, as of now, globally a concept is being accepted that the power of amend cannot include power to destroy & abrogate beyond recognition. Every constitution has certain basic principles and amendments should be done to ensure advancement of the same not to lead the destruction of the basic ideals that founded the nations.

If we see in Indian Context the Basic structure doctrine was propounded by the Supreme Court in the landmark and important case of *Keshwanand Bharti* where the court accepted the legislature argument that all parts of the constitution are amendable but effectively put a blockage on further amendments that violate the Basic structure of the constitution of India. It remains as a fact that Basic structure is completely judicial intervention and nowhere in the constitution it has been mentioned. The basic structure doctrine has been expanded from time to time in multiple case in order to reduce the legislative overreach. The implementation of the basic structure doctrine has expanded its horizon from Indian courts to Judiciary of many other nations like Bangladesh, Pakistan, Malaysia, Uganda etc. The Islamic republic of Bangladesh have gone a step further to incorporate the Basic structure doctrine in its constitution. Even in Israel courts started treating Basic laws as the constitution in absence of written constitution. In United Kingdom courts use convention to strike down bad laws.

However, with the advent of Judicial review as a established practice in almost all democracies including nations where there is no written constitution, one can safely conclude that the Power of parliament to amend is not absolute or without any check or balance. Certain basic issues cannot be changed. The Indian Supreme Court clearly as ruled that the Power to amend does not means the Power to destroy.

THE NEED FOR JUDICIAL INDEPENDENCE IN A DEMOCRACY

In any democratic society the Rule of law is the most important and distinct feature that is necessary. Rule of Law anywhere does not mean that the rule should be according to the laws prevalent because that law itself can be arbitrary, harsh or targeting a few.²⁴ The Rule of law should be reasonable, fair and not discriminatory towards anyone. To ensure Rule of Law a free and independent Judiciary accessible to all the citizens and every human being is extremely necessary. For Judicial independence, it is necessary to ensure the independence in many other features like from the appointment of the judges, to protection of their tenure, promotion, pay and pensions, Protection against Legal intimidation etc. In democracy a government is formed by the majority but the rule or governance is being done on all the citizens. Therefore, there is a chance for the minority oppression or cases where individual rights are being harmed. In those circumstances the Judiciary has to come to rescue.

The role of judiciary is in protecting the basic human rights against arbitrary and excessive behaviour. When the state itself through its action indulge in gravest violence of individual rights of its people, the victims can find refuge and solace in Judiciary only if the judicial system is independent & judges are able to apply the law and principals of justice independently. A judge must be given complete freedom in surrounding circumstances to ensure that his longevity on his post is not dependent on the pleasure of the government. It is better to abolish such judicial institutions itself which takes dictations from the ruling class. Overall Judicial independence helps in ensuring that decisions made by the government or other branches of the government and even private sector to a certain extent if are in breach of law or even against the principals of natural justice, they can be quashed and appropriate remedy may be given to affected individuals. The same happen with the laws

24 Jain, M.P. (2014). *Indian Constitutional Law* (7th edn.). Lexis Nexis

passed by the legislature. When an act passed by the legislature in violation with the constitutional principles or the basic laws of the nations, the court reserves the right to strike down those provisions. Former Chief Justice of India Ranjan Gogoi called the independence of Judiciary as the very soul of any functional judiciary.²⁵

TOOLS OF JUDICIAL INDEPENDENCE

Judicial independence is a complex issue needing multi-dimensional approach towards it. Till all the axis related to Justice delivery mechanism are not addressed it would be very hard to maintain the independence of the judiciary. Judicial independence is not only related to judgment but it includes the entire ecosystem related to a judge. Some of them are as follow:

- Selection of the Judges
- Pay and Perks of the judges
- Protection against Criminal charges
- No pressure for favourable Judgements

If we fail in ensuring any aspect of the Judicial independence there remains a fair probability of the compromised Judiciary which will be extremely detrimental to the National interests. Judges must be given absolute freedom in the boundaries of the law to give their judgments. This in no way means unchecked powers to the judiciary or they being unaccountable to nation.

CONCLUSION

The situation in both India and Israel is relatively similar where there is an ongoing vocal assertion by the governments and ruling Political parties asserting their primacy when it comes to its law-making powers without it being curtailed by the Judiciary. However, the Judicial independence

²⁵ Gogoi, R. (2019, June 20). *Independence of judiciary is not a one-time pill, it's a state of affairs, says CJI Gogoi*. The Print. <https://theprint.in/judiciary/independence-of-judiciary-is-not-a-one-time-pill-its-a-state-of-affairs-says-cji-gogoi/252273/>

enjoyed by the Judiciary checks the absolute power of the legislature and Executive. However, even with the above-mentioned similarity, the situation of the powers of Judiciary differs in both the nations. In India the basic power of Judiciary to do Judicial review not only originates from the Constitution itself but as of today it is a settled issue as there are no public demands or opposition or any legislative step to curtail that. The entire conflict in India is about the government participation in the selection of Judges where government claims it wants its own representation while in Israel the situation is different. Currently, the government has a voice in the 9-member Judicial Selection Committee as two of them are from executive branch and as Israel has a parliamentary form of democracy, two members representative of Knesset also are influenced by the government but now the Netanyahu government wants majority control of Judicial Selection committee. This will completely turn the tide in favour of the Political leaders who can appointment their people on the bench. In addition, as they will also control promotion and transfer, any judges wanting to ride the ladder would not like to go against any majoritarian concept. In addition, the proposed amendments also reduce the scope of Judicial review powers of the Israeli Judiciary.

The quest or tussle between Judiciary and Legislature or Executive is not a new thing and I would also dare to argue that it is not bad thing always. A healthy discussion on any organ of the government if taken in right spirit will always help in improvement of the institution that would be beneficial to the people in general. Like in India, collegium system may also have pitfalls and if criticised on merit will allow the process to be more refined. It would also stop any arbitrariness. But, any attempt to degrade the Judicial independence and make it a puppet of the Political masters ruling the nation would be very unhealthy for any democracy and suicidal for individual liberty and Human rights. Unfortunately, the bill proposed for consideration in state of Israel takes us in that direction.

