JUST BECAUSE IT'S NEVER BEEN DONE DOESN'T MEAN IT CAN'T BE DONE.

ROBIN SHARMA
Israel’s continuing land grab

- Passage of legislation by Israel that would legalise nearly 4,000 Jewish settler homes on private Palestinian lands in the West Bank.
- UN Security Council demanded that Israel stop all settlement activity in the Occupied Territories, and an international conference attended by more than 70 countries urged both sides in the conflict to resume talks.
- The legislation allows the Israeli government to expropriate (जब्त करना) private Palestinian land if the land-owners are unknown- If known, they will be compensated in cash or kind.
- However, the legislation, which for the first time since the annexation of East Jerusalem seeks to extend Israeli law to the West Bank, can be overturned (पलट जाना) by the judiciary.
- Israel’s Attorney-General [Q-Who+Article] has said he wouldn’t defend the bill in the high court as it is “unconstitutional and violates international law”.
- However, this is unlikely to stop the ideology-driven settler movement and the government of Prime Minister Benjamin Netanyahu from taking more Palestinian land.
- Since Israel occupied the West Bank and East Jerusalem five decades ago, about 140 settlements have been built in Palestinian territories that house more than 600,000 Jews.
Despite frequent international criticism, successive governments have thrown their weight behind the settlement lobby.

Mr. Netanyahu, who is dependent on the right-wing coalition parties for his government’s survival, has played along.

Last month, his government approved plans for 2,500 new settler homes in the West Bank.

Israel still says it is committed to the two-state solution.

But how will the two-state solution stay relevant if it continues to grab Palestinian land where an independent Palestinian state is supposed to come up?

The Netanyahu government has shown no particular interest in resuming negotiations, while its right-wing allies are boasting of expanding Israeli sovereignty to “Judea and Samaria”, the biblical names for the West Bank.

Israeli authorities feel emboldened by the election of Donald Trump as U.S. President.

He has promised to move the U.S. embassy from Tel Aviv to Jerusalem, a disputed city- Obama administration for not using its veto powers in the UNSC over the settlement resolution in Dec 2016

Mr. Netanyahu, facing pressure from coalition partners, may be hoping to continue the status quo of occupation, provided Mr. Trump offers the protection to Tel Aviv that he promised during the campaign.

That would make peace yet more distant in West Asia.
Looking beyond our own species- Jallikattu

Q- Do animals have rights? If so, how are these rights to be administered, and against whom can they be enforced? If not, do human beings nonetheless (फिर भी) owe an obligation (कर्तव्य) to treat animals with care and compassion (दया)?

What extent can our Constitution be extended to include within its mandate a binding duty to ensure the safety and security of animals?

These questions are likely to be at the core of the Supreme Court’s consideration, when it hears arguments on the validity of Tamil Nadu’s new law that permits the practice of jallikattu in the State.

Despite the court’s judgment in 2014, in Animal Welfare Board of India v A. Nagaraja, where it struck down an earlier effort to legalise jallikattu.

The new law presents distinct and complex constitutional problems, and the questions it raises don’t have easy answers.

But whichever way the decision goes, if the present dispute shows us anything, it is this:
1) That the existing legal regime governing animal welfare in India is woefully (बुरी तरह) inadequate and
2) Too easily malleable (लचीला) to accord animals even a reasonable guarantee of dignity and respect.

What we need today, therefore, is a more sustained and more intellectually rigorous debate on how best to improve the welfare of our animals.
Rukmini Arundale’s efforts

The movement in India for better animal protection laws began soon after Independence - then a nominated member of the Rajya Sabha, introduced a private bill in 1952 that intended to replace the existing colonial era statute of 1890.

Prime Minister Jawaharlal Nehru, in response to her bill.

Ultimately Nehru requested Arundale to withdraw her bill, assuring her that his government would establish a committee to study the subject thoroughly, promising to introduce appropriate legislation at a future date.

However, in 1960, when the Prevention of Cruelty to Animals Act (PCA Act) was enacted, some of the fundamental tenets of Arundale’s bill were missing — for example, the law created a blanket exception for experiments conducted on animals with a view to securing medical advancement - it was based on an underlying belief that it was morally wrong for humans to inflict unnecessary pain on animals.

Australian utilitarian philosopher Peter Singer first published his book, Animal Liberation, generally considered the foundational work behind the modern animal welfare movement.
His arguments were built on a similar thesis: that basic principles of ethical behaviour called for an end to the causing of avoidable suffering to animals.

Animals too, much like human beings, can suffer and feel pain.

Singer’s arguments can be best understood through an example he provides. “If I give a horse a hard slap Horse vs Baby.

American philosopher Tom Regan- At one extreme end are arguments that treat animals as property, as capable of being freely exploited by humans for selfish purposes.

In his definitive 1983 book, The Case for Animal Rights, Regan argues that animals, at least sentient ones, possess basic moral rights, since they possess an inherent value, much like humans.

This conflict, on the true nature of animal rights, will likely be at the heart of the arguments to be advanced by both those for and against the new jallikattu law.

Although the Supreme Court, in A. Nagaraja, appeared to suggest that animals possess a right to life, much like that guaranteed to human beings under Article 21 of the Constitution. [Q- FRs, DPSP & FD-?]
State vs Centre
✓ Under India’s constitutional structure, both the Central and State governments can make laws on animal cruelty.
✓ This statute, which secured the President’s assent on January 31, amends the PCA Act and creates a specific exception for jallikattu.
✓ Steven Wise, an American lawyer, have made precisely such an argument- In his book, Rattling the Cage.
✓ Holy book of the Sikhs, the Guru Granth Sahib.
✓ Wise’s argument were to be extended to the level of constitutional interpretation, were we to treat animals as our equals under Article 14.

Best practices elsewhere
✓ The German example might provide us with some solutions- In 2002, Germany amended its Constitution to specifically mandate the state to legislate and protect animal rights within the framework of the constitutional order.
✓ Therefore, now, any legislative exception to animal rights — whether this involves slaughtering for food, or the use of animals for producing dairy — would have to be narrowly tailored(smart), ensuring that animals’ welfare is protected to the greatest extent possible.
✓ It’s clear that we need something similar in India to make rights of animals.
✓ Martha Nussbaum, an American philosopher, has observed, the pursuit of global justice has required the inclusion of many people that were previously excluded as “fully equal subjects of justice”: the poor, ethnic, religious and racial minorities, women, the disabled, and immigrants, among others.
✓ Why we ought not to Qbasic entitlements of justice.
The Attorney General of India - Mukul Rohatgi is the Indian government's chief legal advisor, and its primary lawyer in the Supreme Court of India.

He is appointed by the President of India under Article 76(1) of the Constitution and holds office during the pleasure of the President.

The two-nation theory was the basis for the partition of India in 1947. ... Tutti The two-nation theory was a founding principle of the Pakistan Movement, and the partition of India in 1947.

The ideology that religion is the main factor in defining the nationality of Indian Muslims was used by Muhammad Ali Jinnah.

A private member's bill in a parliamentary system of government is a bill (proposed law) introduced into a legislature by a legislator who is not acting on behalf of the executive branch.

The designation "private member's bill" is used in most Westminster System jurisdictions, in which a "private member" is any member of parliament (MP) who is not a member of the cabinet (executive).

Other labels may be used for the concept in other parliamentary systems; for example, the label member's bill is used in the Scottish Parliament and in the Parliament of New Zealand. In presidential systems with a separation of the executive from the legislature, the concept does not arise since the executive cannot initiate legislation, and bills are introduced by individual legislators (or sometimes by popular initiative).


Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.