

# The Daily Star

FOUNDER EDITOR  
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## Sput of extremist activity

### Cannot let down our guard

**I**n the last seven days there have been three major extremist-related incidents, which luckily did not cause much casualty, although the aim of the aborted attempt to enter RAB premise in Uttara, where a mosque is located, on a Friday, is very clear. And if there is a message in the spiked extremist activities in the recent times, it is that we have not seen the end of them, not as yet. But there are other indicators too, and cognisance of which should help reposition our counter and anti-terror efforts.

It should not escape anyone's eyes that the extremists are targeting the security forces for very obvious reasons, luckily without much success. It is also apparent that the extremists have sought to spread out their bases and training grounds to outside Dhaka which compels dissipation of the state resources of counter terror efforts. What is also very apparent is that they are choosing populated areas to set up base hoping to merge with the people. Change of extremist operation mode should be exploited to our advantage.

And not surprisingly, IS has sought credit for all that have occurred recently. But that should not influence the conduct of our efforts; and we should not be wasting time on proving or disproving the presence of IS in this country. There are well trained and organised people motivated enough to sacrifice their lives for their 'cause'. And that is what must occupy our minds so as to be able to preempt any destructive act or reduce the effect of such act by heightened level of caution and capacity to respond quickly to any terrorist act. We cannot afford to let our guards down.

## Assessment of telecom service quality

### A welcome move

**I**t is a heartening to hear that the Bangladesh Telecommunication Regulatory Commission (BTRC) has appointed an organisation for independent assessment of the service quality of mobile operators in the country. Quality monitoring and enforcement, when it comes to the service provided, is much needed in Bangladesh. The BTRC's move is a right step towards ensuring consumer rights.

As of August 2016, according to BTRC, the number of mobile phone subscriptions in Bangladesh was 117.758 million. In 2016, the number of mobile internet users crossed 60 million. Clearly, the market is huge, and growing. Associated services, such as 3G internet, are also gaining greater number of users. In this context, it is unfortunate that complaints about the service quality of these operators have persisted. Disruptions, call drops, lack of coverage and low call quality -- these complaints span across all operators. The users of even the most successful operator are still plagued by frequent call drops.

Till now, the BTRC had to rely on reports by the operators themselves to judge the quality of service. We hope that this independent assessment will provide the BTRC with the information needed to get a proper picture. It has been reported that the operators have asked to be consulted before the parameters for measuring quality are set, which we feel may hamper the objectivity of the assessment.

We look forward to a successful fruition of this assessment drive. However, BTRC should be wary that this positive step does not become a tool for harassment of the service providers. We hope that the companies themselves see the assessment as an opportunity to improve the valuable service they provide and do their part to ensure the rights of the consumers they serve.

## LETTERS TO THE EDITOR

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### Save your daughters, contest the "Special Provision"

After years of struggle, we should be ashamed of what we have achieved in terms of women empowerment in Bangladesh. With respect to the special provision in the Child Marriage Restraint Act 2016, I ask the people who came up with such a deadly way of saving the "virtue" of the girls of our country -- "Would any of you marry your daughters off at the age of 13?" If your daughters got their best chance, you shall provide the same for our daughters!

I used to take pride in the strides Bangladesh has taken in reducing sex selective abortion compared to our neighbours in India. But this special provision negates all those efforts. Instead of using social and legal institutions to create safe spaces for our daughters, we have legalised their marriage to rapists. Even if my daughter were to fall pregnant through her own error in judgment, I would never marry her off to a rapist. Any parent who values their daughters should speak out against the special provision of the Child Marriage Restraint Act 2016.

The fight for equal opportunities for girls has always been against the politics of patriarchy. Structural inequalities along with the patriarchal institutions have led to the oppression of women for decades. We have achieved a mix of successes and failures in addressing these issues, but we must not rest. If we fail today, we kill the hope of giving our daughters a peaceful and prosperous future.

**Ishret Binte Wahid**  
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# The failure of the Happiness Index

### OPEN SKY



BIRU PAKSHA PAUL

**M**Y next-door neighbor in upstate New York was an old woman named June. Her husband Herbert was housed in a care centre for the elderly. They had grown-up kids living in different states of the US from where they made rare visits to their parents. June was more attached to my wife and kids. She loved us very much. We used to invite her anytime we had some kind of festivities. As I came to know later, one midnight June had chest pain but did not want to disturb anyone. She braved to drive the car to the nearby hospital, where she breathed her last. My family could not resist a tearful outburst when we came to know that June left us silently. How happy was June living in a country like the US that ranked 14th in the latest Happiness Index 2017?

The death of June was akin to that of Sharatchandra's Devdas, who had no one at his side to shed tears for him when he was departing the world. Poor Devdas was unfortunate because he was deprived of Parvati's love. Poignant isolation and dry individualism -- common features in Western societies -- deprived June of love. We will see many Junes in countries like Norway, Denmark, and Iceland that ranked number 1, 2, and 3, in that so-called happiness index. Bond and love are the main ingredients of happiness -- a subject area of literary thinkers, psychologists, and philosophers -- but suddenly hijacked by some economists like Richard Easterlin some 40 years ago and later on, mishandled terribly by his disciples.

The concept of 'happiness' in economics has drawn little attention in the years since, and probably no curiosity from mainstream economics because defining the richer as happier violates some principles of diminishing marginal utility. However, the recent happiness ranking by the Sustainable Development Solutions Network and surprisingly by the United Nations has added some fun to an otherwise dry world of economics. It is hardly different from the UNDP's human development index (HDI), which is much superior in its treatment to the

word, 'development.' The ranking in the HDI has a consistent pattern of evolution for countries without adding any sarcastic rise and fall of countries. Seeing Pakistan as a much happier country than Bangladesh, Sri Lanka, and even India is nothing but a joke.

In economics, utility or satisfaction cannot be measured like money, rather it can be ordered. Although happiness is linked to satisfaction, the properties to measure utility do not necessarily apply for happiness. One property of utility says that more of two goods, say, x and y, will deliver a higher level of utility. This is not necessarily true for happiness, which is based on subjective perception and thus is quite individualistic.

variables may show their econometric acumen, but they fail to capture the real flavour of happiness. In our school life, we read the poem of Alexander Pope who said 'Happy the man' who treasures simplicity with peace of mind. Some five thousand years ago as mentioned in *Mahabharata*, Yudhishira defined a happy man as the one who has no loan or indebtedness and who is not a migrant -- lives in his/her motherland. Pope echoed the same note by saying, "Content to breathe his native air in his own ground." Bengali poet D. L. Roy defines the happy feeling of a patriotic man who desires to die in the same land he/she was once born.

Rabindranath Tagore warns that your



Therefore, measuring a country's happiness is a silly desperation. The index makers are trying to sell the concept of economic prosperity in the name of happiness. While austerity may be a preference for happiness in many superscripts, India's *Charvaka* philosophy advises to be happy at any cost even by borrowing from others to purchase *ghee* -- a tilt toward consumerism.

What the happiness index-makers could do is to rely on perception through surveys instead of adding a bunch of prosperity criteria: income, life expectancy, having someone to count on, generosity, freedom, trust, health, and good governance. Happiness resides in simplicity. A complicated array of

happiness may evaporate if you are venturing for love with the craving for happiness. In the story, "How much land does a man need?" Leo Tolstoy showed how hankering after too much wealth not only damages happiness, but also ruins someone's life. Let happiness be there in the lap of literature or in the sublime domain of human psyche. Economists need not encroach on all areas like Dhaka's land grabbers. My American neighbour June had a high per capita income, but did not have anyone to count on in time of troubles. Rather, the poor girl Durga of *Pather Panchali* had at least her mother beside her bed while dying from high fever. Who is happier? What is the role of good

governance here?

It does not mean that we do not advocate for proper institutions and good governance. They may explain affluence or the level of prosperity. But they do not directly interpret happiness. Nor does social support guarantee a higher degree of happiness. Japan with excellent institutions and marvellous social support has one of the highest suicide rates in the world. The Golden Gate of San Francisco -- a sign of prosperity -- once turned into a launching pad for suicides. Did they 'happily' commit suicide?

Are not these people of the super-rich nations less happy than the poor boatmen in the rivers of the Padma or Meghna -- who struggle to live happily every day? How societies with high divorce rates -- particularly evident in richer nations -- can be happier than societies with high family ties? Is divorce a source of happiness? It is surprising to see how economists no less than Jeffrey Sachs and John Helliwell are invading the territory of psychiatrists. Economists had never been that predatory; nor was economics this diluted in the past.

On disembarking from the flight, I get my luggage at John F. Kennedy after, say, 15 minutes. However, I get the same luggage at the Dhaka airport after, say, 120 minutes (on a lucky day). It does not mean I am [120/15 =] 8 times unhappy in Dhaka's case. My rational expectations operate in such a way that I feel like a prince once I get my luggage back after 2 hours and I feel like a king if I find the locks unbroken. Thus, a state of institutions may not necessarily translate everything mechanically and proportionately into happiness. People redefine happiness adaptively and dynamically.

My son once drew my attention to a story which showed that couples who got married during the Great Depression hardly resorted to separations. Why? They were more committed to the bond that embraces genuine feelings, constant adjustments, sacrifice, and deeper love -- the unending recipes for happiness, which the so-called index cannot capture at all.

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## Independent judiciary a must for democracy

### STRAIGHT LINE



MUHAMMAD NURUL HUDA

**W**ISE politicians and erudite jurists have time and again observed that an independent judiciary is the very heart of a republic. This is so because the foundation of a democracy, the source of its perennial vitality, the conditions for its growth, and the hope for its welfare -- all lie in that great institution, an independent judiciary. In Bangladesh, however, it has taken a painfully long time to at least formally separate the judiciary from an overbearing executive despite the constitutional commitment to do so.

That the situation on the ground has not meaningfully changed following the aforementioned separation is candidly borne out from the recent remarks of the Honourable Chief Justice when he poignantly says that the perception -- judiciary a rival of the administration -- is completely wrong. He had to be categorical to say that "The judiciary has never been a rival of the administration and government." The head of our apex court hoped that the government and the administration would realise the present situation prevailing between the government and the judiciary.

The Chief Justice, as the guardian of the constitution, very rightly reminded that the boundary of functions for both a political government and the judiciary

are clearly marked adding that the judiciary will interfere whenever a political government's activities will be unconstitutional.

Indeed, the media has expressed its concern over the supposedly uneasy relationship between the judiciary and the executive by observing that alleged tactics such as delay in promotion, posting and transfer of district judges and not issuing the gazette on the rules of determining the discipline and

and 133 of the constitution to give effect to the policy enunciated in article 22 of the constitution.

We have to remember that the judiciary is that branch of the State which adjudicates upon conflicts between State institutions, between State and individual, and between individuals. The judiciary is independent of both parliament and the executive. In fact, it is this feature of judicial independence which is of prime importance both in

philosophy of the ruling party."

One would agree that specifically relevant to the position of judges and their independence -- a crucial aspect of the separation of powers -- is the appointment system. The fact that the executive appoints judges does not, of itself, signify a threat to judicial independence. Nevertheless, judicial independence may be threatened by a judge's awareness of the power the executive holds over his or her judicial



Bangladesh Supreme Court in Dhaka.

PHOTO: STAR

*At this point in time, we need to remind ourselves that independence of judiciary is a basic feature of our constitution, and separation of powers, as contemplated under article 22 of the constitution, is a sine qua non for such independence.*

conduct of lower judges are subverting the process of separation of the judiciary. It rightly adds that the absence of effective separation will surely hinder the proper functioning of the judicial organ.

At this point in time, we need to remind ourselves that independence of judiciary is a basic feature of our constitution, and separation of powers, as contemplated under article 22 of the constitution, is a sine qua non for such independence. However, though the constitution required separation of the judiciary from the executive, no step whatsoever was taken by the legislative or executive branch of the government and in such a situation the Appellate Division gave direction to Parliament and to the President to enact laws and promulgate rules in terms of article 115

relation to government according to law and in the protection of liberty of the citizen against the executive. In this distinct and separate existence of the judicial power reposes the main preservative of public liberty. Such liberty cannot subsist long in any State unless the administration of justice is effectively separated from the legislative and from the executive power.

It is perhaps time to ponder if we are unwittingly devaluing our judiciary. It is also pertinent to ask if instead of defending our judges against political pressures, instead of insisting upon integrity and impartiality in judicial appointments, we are permitting the executive to enunciate and apply the astounding doctrine that it is at liberty to appoint personnel who "subscribe to the

career. It is only proper to recognise that at the root of the subject of judicial independence and public confidence in the impartiality of the judiciary, lies the system of appointments and promotions.

There is no denying that the judiciary, as the conflict resolution mechanism in a democratic polity, needs to be upright and unfettered. There is wisdom and circumspection in the speech of Pandit Jawarharlal Nehru when on May 24, 1949 he stated in the Constituent Assembly that our judges should be "first-rate" men of "the highest integrity" who could "stand up against the executive government and whoever may come in their way."

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