

# THE LAW OF HAPPINESS

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Happiness has come to be accepted as a goal of public policy. And this discourse has given a fillip to a new narrative where the interconnections between law, governance and happiness are being searched. Why do these connections matter? Experiences from several nations confirm that the countries with higher GDP and higher per capita income are not necessarily the happiest countries and there exists a link between the state of happiness and rule of law.

The World Happiness Report (WHR) 2018, which ranked 156 countries, placed India at the 133rd place on the index of global happiness. While India's performance on this can be attributed to several factors, there's no denying the fact that there is an intrinsic relationship between law and people's happiness. The WHRs, over the years, confirmed that people tend to have poor mental health, a low score of subjective well-being and poor perception about the governance and law and order, despite high income levels.

The curious question in this discourse is how the law is linked with happiness. In an environment in which laws are gradually becoming reactive, regulatory and penalising, this question needs some probing.

Jeremy Bentham said the object of the law should be the maximum happiness of the maximum number. Going by popular perceptions, laws and legal regimes are the distributors of unhappiness in many ways. We have about 3.3 crore cases pending in various courts in the country. How does unhappiness emanate from these cases? Each case is not a mere number — it involves tension, anxiety and deprivation to all those associated with it. A group of people — family members, relatives, friends and others of the parties involved — are necessarily affected because of such cases. If we presume that there are about 20 persons in each case belonging to one or the other parties, we get a number of about 64 crore. Interestingly, none of them would be in a state of happiness on account of being linked to the case. Inevitably, the criminal justice administration for these people is a source of unhappiness.

Moreover, not more than 30 per cent people approach the courts in India. There is a visible decline in civil litigation, which suggests that a large number of people in the country are living with unresolved conflicts. This too dents the state of happiness in general.

Criminal justice has far-reaching consequences for the lives of people — it brings difficulties when it does not act, it causes turbulence when it does. Millions of accused, victims, suspects, witnesses and others have poignant tales about the actions and inactions of the criminal justice administration. The satisfaction level of people is far too low in this country when it comes to the police and courts.

The relationship between crime and happiness offers some interesting insights. Vesna Nikolic, a noted victimologist, says that making people happy is the best crime prevention. Do happy people become victims less often than unhappy people, and if so, why? Do happy people commit crimes, or do people commit crimes in order to achieve happiness? The connection between crime and happiness is understandable from the experience of Bhutan, which introduced Gross National Happiness (GNH) as a measure of good governance. The data show that a great majority of the Bhutanese population are happy (of whom 41 per cent are extremely

happy), and only 4 per cent reported being victimised by crime over the last 12 months. Further, the crime rate in Bhutan is extremely low. A negative correlation between crime/victimisation and happiness is observed.

The World Reports on Happiness in selected countries and their crime and victimisation data present remarkable trends. The impact of criminal victimisation on happiness is often negative. Analysis from six nations, namely, Finland, Denmark, Philippines, South Africa, India and Sri Lanka shows that at least one of the four crime variables share an inverse relation with the happiness score of the respective nation. This leads to the conclusion that individuals living in nations with high crime rates are less happy and satisfied than individuals living in nations with a comparatively lower crime rate.

Does rule of law make you happy? The countries scoring high on the Rule of Law Index, a measure used by the World Justice Project, are those who are higher on the index of happiness as well. Among these countries are Denmark, Sweden, Finland, Norway, the Netherlands and Austria. The fact that happiness ought to be part of the agenda to improve rule of law, and vice versa, is a new thrust in the emerging policy discourse in many jurisdictions. The institutionalisation of a happiness framework as a measure of achievement for policy goals is now being debated. Madhya Pradesh has set up a Happiness Department to achieve such objectives.

It is probably time to change the narrative — to shift the discourse of policy making towards the larger satisfaction of the people with the public institutions they have to regularly approach for various purposes.

The ideologies promoted by the government also have an effect on the overall satisfaction of the people. Besides poverty, unemployment and other issues of sustenance, the outlook of the government on religion, gender, sexuality, etc. also determine the contentment of the governed. For example, in India, increasing incidents of cow vigilantism, communal and gender bigotry, ultimately make the society intolerant and dissatisfied. It is, perhaps, time to turn the narrative of law, policy and development, towards building a happier society.

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