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If any machine is misused the moral
evil is in the man who misuses it,
not in the machine itself.

It is said that the U.S.
dropped atomic bombs over Japan in
August, 1945 not to expedite surrender
but to ensure its undisputed dominance
in post world war 2 order. Japanese
were about to surrender after the fall
of Germany anyway. This shows misuse
of nuclear power for pride as well
as self aggrandisement.

The same nuclear power
and technology has been used by
countries like France and Japan for
powering their economies and lifting
millions out of poverty. This shows
use of nuclear technology for human
welfare.

The above examples show if

machine is misused it is due to poor morals not inherent bad in machine which can be used for good too.

In this essay we will explore more such instances of abuse and possible good use. We will see why does it happen and consequences. We shall conclude by looking at solutions.

Before we proceed let's see what we mean by machine and misuse. Machine can be anything that is created by humans or even natural systems that sustain human lives and make it easier/comfortable. Misuse can be overuse, non-intended use or unlawful, unethical use.

We see misused machines like nuclear technology, dual use technologies like chemical weapons (eg. phosgene gas - industrially useful but used in world war 2 as weapon).

Similarly, weapons of mass destruction in wars are manifestation of misuse of technology.

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Poor morals like greed for wealth and oil, lust for power as well as excessive pride in self or country and jingoistic nationalism lead to wars and misuse of weapons.

While the same technologies could be used for human welfare like explosives for mining, chemicals for industrial production, GPS for navigation and non-military/surveillance use. Values like humanism, respect for rights of all would help.

Similarly, today we see abuse of latest cyber technologies/machines like computers, internet for crimes like financial crimes, theft, stalking, pornography, intrusion into privacy as well as psychological exploitation. Abuse also takes place at organisational level like cyber espionage and national level like state sponsored attacks like stuxnet attack on Iran, cyber warfare by China.

These are again driven by poor moral values of individual, organisations and nations as a whole. Fall of values like honesty, respect for privacy, as well as respect for women and equity in global governance as seen in Chinese/Pakistan attacks on websites in India are the cause.

The same cyber technology driven by values of respect, integrity, privacy, data sovereignty as well as transparency could lead to economic growth, as well as shrinking of globe in a close knit village

Social media today has especially emerged as a point of concern - use of whatsapp groups for rumour mongering, radicalisation, as well as for exploitation of children like in 'blue whale challenge' again reflects abuse driven by poor morals of man. The same social media used with morality can become a pillar of democracy and a 'harbinger of equality'.

Latest technologies like artificial (5) intelligence (AI) have been shown vulnerable to abuse from weaponisation in the form of 'unmanned signature strike weapons' to new avenues for discrimination by transfer of human biases. In the hands of terrorists it can become ~~tools~~ for design of new biological chemical weapons.

Reason being immoral use of artificial intelligence for unbridled ambition and greed for wealth.

The same AI has shown potential to end human miseries in the form of early diagnostics in health, medical research, disaster preparedness, crime control, better teaching suit to pupils needs (e.g. ELIAS robot used in Finland). Need is for moral use of technology for inclusive growth and human welfare.

Having seen the domain of conventional definition of machinery let's see other machines like society,

polity, economy.

Society is very much a machinery where every group or class cooperates for growth of all. However misuse of social bodies/ institutions like family, friend circles, religious bodies by few vested interests can drive the society to evils of racism, communalism, fundamentalism and religious extremism and xenophobia and cause violence due to riots, terrorism, casteism etc.

This was seen Muslim/ Hindu middle classes in colonial India used social bodies for promoting self interest in the name of communal interest leading to partition, bloodshed in 1947.

This was due to fall of values like peace, justice, competitiveness as well as tolerance and harmony.

Some social bodies today see abuse by vested interests to promote 'sons of soil' ideas in

in India and hate crimes to migrants in west. ①

In domain of education the education machinery if abused can lead to a generation of poor values as was seen in rise of 'Nazis' in Germany under Hitler and military worship in Japanese youth so indoctrinated after Meiji restoration in 1860s.

The Some social bodies can be used to preach tolerance and religious harmony as envisioned by Gandhiji in idea of 'Sarva dharma sambhav' and 'Wardha' Scheme of education for community service

Similarly political domain can see abuse of government machinery by 'power hungry' to violate rights of minorities using state power as seen in operation search light in East Pakistan in 1971. Rohingya issue of Myanmar as per UN reports shows.

similar abuse.

Similarly, state machinery like police, judiciary as well as legislature could be abused to curb civil liberties, make repressive laws, violate human rights and deny natural justice and rule of law instead rule by law. This was seen in British Raj in India which was marked power hungry, greedy as well as irresponsible administration - all evil of man.

Even today election machinery is abused by populists to grab power as seen in Cambridge Analytica case - where social media and internet together with democratic machine ~~system~~ was abused.

The same government machinery can be used for inclusive growth and citizen centric governance.

This is seen in preamble of India to promise justice liberty equality as

our Cardinal values and base of constitutional morality. These form the base of policies like affirmative action and welfare for inclusive growth in India. ⑨

Moreover, economy as a machine where components cooperate in give and take driven by self's national interest is abused by monopolistic practices, practices like hoarding, black marketing, Railways as a component of economy was abused by British to drain wealth from India. APMC in Indian agri market are abused by traders. Similarly, land market is abused for tax evasion. All this is due to poor morale of actors like dishonesty, greed, sloth and disrespect for law.

The same economic machinery could also be a tool for rapid economic growth and socio-economic equality as seen in Scandinavian countries - like Denmark, Finland - driven by ideas

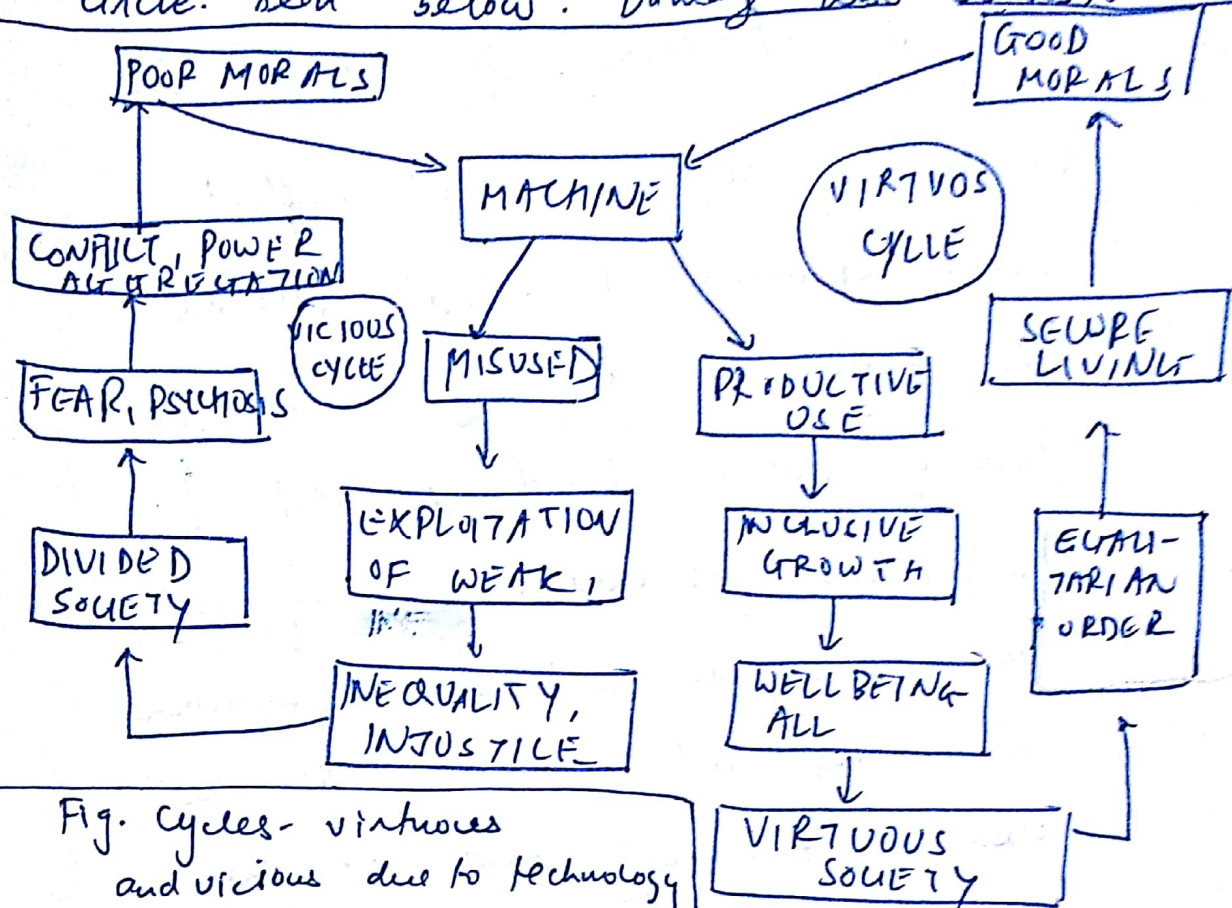
like class collaboration and trusteeship.

In the international domain, global trade and negotiation machinery is abused by powerful to wrest deals favourable to them like Treaty of Sevres after world war I. Lately WTO, IMF, World Bank have been accused to push 'Washington Consensus' this driven by fall of values like universalism, humanism and respect for peace and equity.

These bodies could have been used for welfare of all humanity be reducing global inequality - if driven by ideas like 'vasuchhaiva kurtumbakam' as seen in success of Montreal Protocol.

Having looked at how poor morality leads to abuse of machinery - social, technological, economic or international. Let's see the consequences. Long term consequences are poverty,

resentment, inequality, violence, and breakdown of peace. This stokes further, exclusion, abuse and causes a vicious circle. seen below. Damage also ~~causes to environment~~



Thus, in analysis we see the biggest machine whose abuse can cause lapse of egalitarian society in the human brain itself. The best way to ensure human brain is used in society, economy, polity environment to nourish it with values of wisdom, justice, courage, temperance, humanism, universalism,

place.

Gandhiji said If you want real peace in the world start with the children. This is where our focus should be to ensure value based education to our children. - So that values determine use of technology not other way round.

Further government need to separation of power to ensure publicly accountable use of technology - for power corrupts and corruption brings abuse of technology.

Furthermore, control on technology can be best achieved by empowering all to use them. The more people use it the better would be oversight and its accountability as seen in blockchains. Equality in governance of technology could lead to accountable and egalitarian use. NDCs like 17 for change have been working with this aim.

Technology has always been
an enabler of human growth. But
tempered by poor morals have brought
humanity to extinction - as seen
in global nuclear stockpiles. Let's
vow to develop our morals so
that technology is governed by concern
of welfare of last person. This would
ensure the world is a safe and
more equitable place for us and our
progeny

Independence of Judiciary is the hallmark of democracy. ①

It was the 1970s. The Indira Gandhi government having recently won over Pakistan in 1971 was at peak of its fame. However was struggling with problems of unemployment, poverty, recession as well as hunger and corruption in government. To push radical socio-economic reforms it ran into judiciary due to violation of fundamental rights. It was then when Judiciary passed the 'Kesavananda Bharati' judgment which has formed the base of Indian democracy and delineated the powers of legislature to violate fundamental rights - the guarantee given by constitution in India to every citizen.

The above incidence clearly, shows that in a democracy rule by people can immediately turn into

rule against people themselves on
the back of populism and popular
challenges. It is the judiciary which
stands guard against such instances.

In this essay, we shall see more
such instances how independence judiciary
is necessary for democracy, how it is
threatened and what are the possible
solutions.

Before we proceed we should
look at democracy briefly. It can be
easily said rule of for and by people as
said by Abraham Lincoln. Further it is
a system where not just political equality
but socio-economic rights and equality
is envisioned and realised for the
last person at the bottom of the
pyramid.

Today in democratic govern-
ments around the world in, for
instance, India, U.S., U.K., France

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Germany etc. we see independent judiciaries always looking over the executives as well as legislatures actions to ensure that they are in compliance with their respective constitutions.

For instance in India judiciary through the mechanisms of Article 13 (Judicial Review) and Article 32, 226 (Writ jurisdiction) ensures that executive does not violate fundamental rights. This was seen in judgments like Mandla Gandhi case as well as Puttaswamy case in India

Further, democracy essentially entails the right for constructive criticism of the government. The people being source of power have the right to analyse the actions of government. Independent judiciary stands guard to freedom of press, criticism.

This was seen in Shreya Singhal Case in India where Section 66A was struck down due to 'chilling effect on free speech'. Similarly, the restricted interpretation of Section 124A on sedition also provides avenue for criticism so long as they don't incite violence.

Welfare of minorities and their protection against majoritarian tyranny is yet another feature of democracy. Independent judiciary ensures that majority does not abuse its numbers to give democratic sanction to communal excesses.

This is seen in how Supreme court in India has called the Babri Masjid dispute a land right dispute and not religious dispute. Similarly the institution of Public

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Interest litigation is meant to ensure that justice is delivered to minorities and judiciary is accessible for support of poor - by suo moto or by initiative of others.

Moreover, the realisation of self government - as envisioned in democracy stands threatened when central government uses its unitary powers to the disadvantage of state government. This is seen in president's rule in India as seen in Arunachal Pradesh as well as Uttarakhand.

Here judiciary helped protect democratic governments by overruling the president's rule and restoring governments that were dismissed. This was given form in Bommai case in India and followed by Nabam Tuli Case recently.

Independent judiciary stands in guard to violation of human right to life of citizens against state excesses. Right to life being democratic guarantee - the judiciary in India has helped to protect it as seen in recent ruling of SC on 'Armed Forces special powers act' - and how every instance must be investigated.

Moreover, democratic as well as authoritarian governments stand vulnerable to ~~klept~~ kleptocracy where corrupt elements capture power and exploit countries resources for self aggrandisement. However democracies with promise of economic welfare of all have independent judiciary to avoid this. For instance, 2G, coal scam ruling of Indian supreme court have protected countries' resources

against abuse. BCIT reform is another case. (1)

Furthermore, an independent judiciary also promotes social reform for social welfare of neglected and deprived citizens. Negligences due to political cost by governments in a democracy are made good by judiciary for eg. Shah Bano case in India on maintenance of Muslim divorcee women and recent triple talaq ruling address hitherto neglect areas of women empowerment. Similar moves in Sabarnamala and Haji Ali dargah entrance judgments.

Independent judiciary also concerns itself with reform of laws, which might not be politically palatable, for realisation true socio-economic democracy. This was seen in 'creamy layer' judgement of supreme court to ensure benefits of reservation

are equitably distributed among OPCs in India.

Constitutions of democracies always provide for amendments to ensure that law of land is in tune with time. However, sometimes legislature might not exercise such powers due to vested interests. Judiciary comes to rescue.

This was seen in Mandla Gandhi case when judiciary enlarged 'procedure established by law' idea in Indian Constitution to 'due process of law' to ensure 'rule of law' not 'rule by law'.

On the other hand, often time usurpation of power by executive for eg. abuse of ordinance power was regulated in India by D.C.

Wadhwa judgment - to be used as exception not rule with regard to

Ordinance power of executive.

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Free and fair elections are one trademark of democracy. Independent judiciary in India has ensured this by rulings in cases like Association for Democratic reform case (Criminal precedents of candidates to be declared), Lily Thomas (disqualification on conviction), Public Interest foundation case (Expedited Completion of trial by high courts) and PUCL case (NOTA).

Furthermore social reform like Section 377 ruling as well as common cause ruling for living wills is also brought by judiciary.

Interstate litigation as units of federal polity is also a feature of democracy. Independent judiciary ensures justice to states without

interference by centre thus ensuring justice to all people as seen in Kaveri water dispute case

Having seen how independent judiciary is a hallmark of democracy let's see how absence of independent judiciary reflects in undemocratic governments.

British Raj was essentially an undemocratic government. This was supported by a judiciary which was often inaccessible to people and often prevailed on government for discriminatory rulings towards white being favoured over Indians. Judicial power to executive was another feature of undemocratic government.

Similarly - in countries like Pakistan today where writ of deep state runs subverting the democratic order ruling based on dubious evidence are frequently passed as seen in Kulbhushan Jadhav case.

Similarly, in Maldives independence of judiciary was compromised in recent emergency which was criticised as undemocratic which reminds us of undemocratic orders of Stalin's Russia and Stalin Germany.

The question arises what threats arise to independence of judiciary in undemocratic order? There will need to be guarded for in democracies.

Threats range from court packing to underfunding to delays

in appointments. Intrusion of executive by creation of tribunals packed with executives as seen in India tribunals. Further poor support by states' investigative machinery cause lapse of judicial independence. Calls by government for committed judiciary as well as favouritism in appointments it get another cause of lapse of independence.

Further, easy removal of judges can cause harassment and compromised independence. Varying terms of service has same effect.

Finally, Having seen how judicial independence can safety of democracy we must also realise that 'excess of everything can be bad'

Excessive judicial independence can cause and bring order of Britannia where judiciary forms third chamber of legislature - thus violating the doctrine of separation of power and engendering judicial overreach. This was seen in NJAC law being overruled in India, frequent to liberal use of special use petition - Article (136).

Judgments like mandatory singing of national anthem in cinema halls as well as mandating government servants to send their children to public schools are yet another incidences of flaw of too much independence to judiciary. This itself can threaten democratic order.

Thus, we have seen ⑧
that independence of judiciary is
a trademark of democracy - socio-
economic and political. This has to
endure by optimum independence and
cooperation between all the branches
of government to bring in true
democracy.

Steps like RTI in judiciary,
right to service by judiciary, judicial
accountability bill as well as

Judicial Appointment bill to ensure
entire transparency in appointments
with popular involvement as seen in
Britain and Germany are needed.

Thus, democracy can bring
true welfare of people when all
three organs cooperate to earn trust
of public and collaborate to engender suraj
or good governance to wipe every tear from every