Modernization And Its Sociological Connotations And Trends With Reference To India

Jamshed Ansari

Asstt. Professor (Guest Faculty), Faculty of Law, University of Delhi, Delhi (INDIA)
E-mail: jamshedansari024@gmail.com

Abstract: The author has aimed to define and evaluate the concept of Modernization and its sociological connotations and trends with reference to India. He attempts to underline the forces of Modernization through the period of British contact and the impact of Modernization on the Indian Constitution. The Issues that have to be discussed in the paper are as what is meant by Modernization? Why is Modernization a value? How have the processes of Sanskritization, Westernization and Little and Great Traditions affected social change in India? What are the challenges in the process of change resulting in a homogenous social order and what are the reasons for emergence of Post Modernism. The author proceeds with the hypotheses that the process of Modernization in India began with the British contact. The dynamics of the processes of change are not mutually exclusive. Though we have modernized to a considerable extent, there are still sections of society which have not transformed owing to lack of structural adjustments and government initiative. The Indian Constitution engrafts modern policies and directives and is a beautiful example of a secular document based on modern, humanistic and welfarist doctrines. It is a dispassionate discussion of the topic and value-judgments regarding 'traditional' being good and 'modern' being bad, or vice-versa, should have no place.

Key Words: *Modernization, Sanskritization, Westernization, Social Change, Value, Society etc.*

1.   Introduction:

Social change is an inevitable phenomenon, it occurs with the growth of every society. As the developments in political, economic and science and technology come through, the society adapts to these changes. Clearly, no society can remain stagnant and isolated; without contact with other societies or socio-politico-economic systems. Also there is always an inherent desire to in every group or a society to grow and move ahead. In the process, a society undergoes transition from a simple to a complex system of organization, values, institutions, customs etc.

The change differs in volume, pace and quality from society to society depending upon the factors that kickstart the change and the prevailing general cultural circumstances in which factors happen to operate. The recent trends of change in societies has been due to man-made factors like industrialization and resultant commercialisation, urbanization and more recently the phenomenon of Globalisation, which has been the catalyst in a quick and speedy transformation of the Third World societies.

The study of social change, in view of the nebulous nature of its theory is a difficult task, and more difficult in case of a society like India, which has not only a fathomless historical depth and plurality of traditions but is also engulfed in a movement of nationalistic aspirations under which concepts of change and modernization are loaded with ideological meanings.[1]

2.   Modernization and Its Connotations:
2.1.   Modernization:

Modernization is a kind of social change in where a traditional society inclines to develop new patterns of conduct in response to new challenges of the new age.[2] Modernization is a process, the social phenomena of becoming modern and rational or the journey from premodern to modern. It means change not only in the external nature of social institutions, but also in the internal attitudes and beliefs in correspondence with the external change. Thus the emotional, intellectual and spiritual levels of members in the society also change. It is a change in whole attitude towards life's problems, the society and the universe. According to Anthony Giddens: "Modernity refers to modes of social life or organisation which emerged in Europe from about seventeenth century onwards and which subsequently became more or less worldwide in their influence." [3]

Modernity assumes that local ties and parochial perspectives give way to universal commitments and

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[1] Singh Yogendra, *Modernisation of Indian Tradition,* Rawat Publications, Jaipur, ed. (1996) p.1
[2] Rudolph, L.I. and Rudolph S., *Modernity of Tradition: Political Development in India,* University of Chicago Press, Chicago (1984) p. 10
[3] Giddens Anthony, *The Consequences of Modernity,* Stanford University Press, California (1990) p. 1

cosmopolitan attitudes. Modernization is characterized by the rise of industry, cities, market capitalism, growing secularization, democratisation etc.

2.2.   Conceptual Analysis

In a modern society, the values of rationality, utility, calculation and science take precedence over emotions, sacred and the non-rational. Individual rather than the group becomes the unit of consideration. The associations in which men live and work are democratic and their membership is based on choice and not birth, e.g. stratification based on caste is replaced by class stratification. The identity is chosen and achieved and not ascribed and affirmed, work is separated from the family, residence and community i.e. there is no family occupation, the place of work is different from the residence, professions and occupations are more formalised and there is no restriction other than merit and suitability to joining a profession. The individuals orient their attitude towards the material and the human environment, instead of spiritual and metaphysical powers, thus trying to master the events in their life instead of fatalism.

There is a shift from hierarchic, holistic and religion motivated society to an individualistic, rational and materialistic one. In course of time, there is growth of universalistic legal norms, educational modernization, expansion of communication networks, technologies, urban centres and above all, the emergence of modern political institutions.[4] With urbanization, there is growth in literacy and enhancement of media exposure resulting in wider economic participation measured through Per Capita Income and political participation measured through awareness of rights, adult suffrage etc. Modernization also implies social mobility. "A mobile society has to encourage rationality for the calculus of choice shapes individual behaviour and conditions its rewards. People come to see the social future as manipulable rather than ordained and their personal prospects in terms of achievement rather than heritage." [5] Modernization is rooted in a scientific world view, it has deeper and positive relationship to technological associations and knowledge, scientific temper and rational instead of emotional response. It necessitates adoption of new systems, beliefs and laws when the old ones cease to serve the needs of growth and transformation. e.g. the new economic order and consumerism necessitates that both husband and wife earn, especially in metropolitan cities. If the proliferation of women in workplaces is responded to in an emotional manner, it shall not be in consonance

with the goals and ideals of equality envisaged by the Indian Constitution besides not auguring well for the development of the society, the rights of the female section and at the micro level, the sustenance and opportunities for the family. Therefore, a rational outlook is required and emotional cling to certain values may not be fit for the changing circumstances.

In the new States, there are trends of accretion and transmutation of old customs and values rather than their total replacement through modernization. There are new roles and continuation of old structures in accordance with the trends of change.

2.3.   Modernization as a Value:

Modernisation involves the "rationalization of ends", according to Bellah, which mean that the goals chosen by a society should be "rational" and the subject of discussion. [6] Rationality can only be predicated of the means but not of the ends of social action.[7]

As a value, modernization includes secularization of familial bonds; in traditional Indian society, the younger family members and women did not participate in the decision –making process, they had to observe certain norms of conduct while in the company of elders, they had to abide by whatever was predicated by the senior members of the family and the like. In the present Indian set up, these issues are secularized; women are taking active part in the family decision making and are bread earners. Children also have a greater degree of autonomy and say in family matters, especially those concerning their own interest. This is a desirable change brought about by modernization. The quintessential gender divide has been diluted in the matters of education, health, economic independence and domestic rights, particularly in urban areas. Percentage of girls attending schools and colleges has increased. The Indian government is even making special schemes and allocations for education of the girl child.[8] The Constitution of India also prohibits discrimination on the basis of sex. It also directs the State to ensure equal pay for equal work, and same opportunities for women as for men. Various laws also reflect the initiative on the part of the State to bring parity among the two sexes.[9] The education based on science and technology is fostering changes in the beliefs, creating

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[4] *Supra*, note 1

[5] See Lerner D., *The Passing of Traditional Society,* Glencoe Publications, Illus. (1958) p. 48.

[6] Bellah R.N., *Epilogue to Religion and Progress in Modern Asia,* ed. R. N. Bellah Glencoe Publications, Illus. (1965) p. 227.

[7] *Ibid*.

[8] The Kishori Samriddhi Yojna, The allocation of loans and scholarships for the deserving candidates and even declararyion of the year 1990 as the Year of the Girl Child can be cited as a few examples.

[9] See the amendments to section 6 of Hindu Succession Act 1956 made in 2005, the provision for night shift for men under the Factories Act 1948, divorce by mutual consent under section 13(b) of JHindu Marriage Act, 1955 etc.

a readiness in people to contribute to the development and progress of the nation. Virtue of hard work that leads to prosperity of the nation is emphasized. The need for achievement, according to David C. McClelland, has been found to be the chief characteristic of modernizing societies.

According to Yogendra Singh, Modernization "involves attributes which are basically universalistic and evolutionary; they are pan-humanistic, trans-ethnic and non-ideological……" it is a "level at which institutionalization of a higher order of culture is possible."[10] Since modernization involves a universal strategy for economic development and growth, it is a coveted value.

3. Study of Modernization in India:

Before discussing about the trends of modernization, it is important to mention that the process of modernization in India operates at two levels; i.e. at the level of
i.   Social Structure, and
ii.   Tradition
Modernisation in these systems begins either from the emergent and endogenous sources i.e. from the society itself when undergoing social evolution, or through contact with forces outside systems when it is influenced by ideologies of other societies. These are the two bases of initiation of social change. Some major approaches and concepts in social change in India are:
1)   Sanskritization and Westernization
2)   Little and Great Traditions
i.   Process of Parochialisation and Universalisation
ii.   Dialectical Approach

3.1. Sanskritization:

This term was first used by M.N. Srinivas to describe the process of cultural mobility in traditional Indian social structure. He defines the term as "a process by which a *'low' caste Hindu*, or tribal or other group, changes its customs, ritual, ideology, and way of life in the direction of a high, frequently *'twice born' caste*. Generally such changes are followed by a claim to a higher position in the caste hierarchy than that traditionally conceded to the claimant caste by the local community."[11] In his study of Coorgs in Mysore he found that lower castes, in order to raise their position in caste hierarchy, adopted some customs and traditions of the Brahmins and gave up their own, which were considered to be impure by the higher castes. For example, they gave up eating of meat, consumption of liquor and animal sacrifice to their deities and imitated Brahmins in dress, food and

rituals. By doing so, within a generation or so, they could claim higher positions in the caste hierarchy. The socio-economic deprivation of the backward sections of the society makes them to endeavour to level up their situation. In many cases, these higher castes were non-Brahmins, they were Kshatriyas, Vaishyas, Jats etc. in many regions of the country.[12] The hierarchy of the *Varna System* was: Brahmins, Kshatriyas, Vaishyas and the Sudras. According to the Varna model, the Harijans or the Untouchables were outside the Caste System and contact with the Harijans polluted the other four Varnas.

The upward caste mobility resulting from Sanskritization leads to only *positional changes* and not *structural changes*. The system itself does not change. In the social structure of the caste system, the hierarchy of social positions coincided with the hierarchy of expectations about the conformity to ideal Hindu conduct-norms. Status being ascribed by birth in caste, the chances of smooth mobility to higher castes were restricted; sanskritization was the informal method of social and cultural mobility in this closed system. The nature of this process is not uniform because the customs may be imitated from Hindu, tribal or even Islamic traditions.

Here the feature of political and economic domination also assumes importance. If there are locally dominant castes in the village, which may be Jats, Rajputs or Vaishyas, the tendency is to emulate their customs and habits; even though they may not be the higher caste. This stresses the importance of the dominant caste in the process of cultural transmission. Srinivas also relates caste mobility to the 'fluidity of the political system' in India at various levels of political organization. He says that many dominant castes in the past have risen to higher positions either through royal decrees or usurpation of power from the lower castes. He cites the eminent historian K.M. Pannikar to support his contention. Thus the process of sanskritization is multi-stemmed and serves as a useful general reference to explain the changes in lifestyle and ideologies of people within a society. Srinivas himself says, "it is an extremely complex and heterogeneous concept. It is even possible that it would be more profitable to treat is as a bundle of concepts than as a single concept. The important thing to remember is that it is only a name for a widespread cultural process." [13] Srinivas does not elucidate the concept, making it useful only for explaining certain trends. Some sociologists even argue that the concept of sanskritization is obsolete and has restricted

[10] *Supra*, note 1 p. 61
[11] Srinivas M.N., *Social Change in Modern India,* Orient Longman Limited, University of California Press, Los Angeles (1966) p.6

[12] See Singh Yogendra, *Modernisation of Indian Tradition,* Rawat Publications, Jaipur, ed. (1996) p. 5
[13] Srinivas M.N., "*A Note on Sanskritization and Westernization*" in *Caste in Modern India and other Essays* Asia Publishing House, London, (1962) p. 42

application and have relegated it to being only of academic importance.

3.2.   Westernization:

Westernization is defined by M.N. Srinivas as " the changes brought about in the Indian society and culture as a result of over 150 years of British rule, the term subsuming changes occurring at different levels…….technology, institutions, ideology and values."[14] The British rule produced radical changes and this period witnessed a revolution in technology, communications and thus the lifestyle of Indians. These changes also enabled the British to integrate the country like never before. During the nineteenth Century, the British slowly laid the foundations of a modern state by having new systems of land revenue and settlement, bureaucracy, army, police, law courts and codification of British laws. Roads, canals, press, educational institutions, posts and telegraph all led to a new pattern of thinking, working and livelihood. Knowledge was transmitted among a large number of Indians and could no longer be the privilege of select few. The schools in India earlier imparted only traditional knowledge; now they started imparting both western education and values. The newspapers helped in transmission of news in different parts of the country and there was exposure to the events of the world. Other positive changes were abolition of sati, female infanticide, slavery and human sacrifice. The result was establishment of new institutions as well as fundamental change in the old ones. Thus the impact was manifold and influence of the Western systems percolated through every strata of the society.

According to Srinivas, the increase in westernization does not retard sanskritization; both go simultaneously and sometimes increase in westernization accelerates sanskritization. It means that they co-exist and mutually interact to catalyse social change.

Emphasis on humanism and rationality is a part of Westernization and rise of nationalism; new political leadership and democratic polity are all by-products of this phenomenon. The concern for welfare of all human beings, irrespective of caste, economic position, religion, age and sex was embodied in legal, political, social and other institutions making them secular and egalitarian. The reforms introduced by the British through Civil, Criminal and Procedural law put an end to certain inequalities that were a part of Hindu and Islamic jurisprudence. e.g. In traditional Hindu Law, the punishment varied according to the caste of the victim and the offender. In Islamic law, the evidence given by a non-Muslim was inadmissible. The introduction of British judicial system helped in creating a consciousness of positive rights. This process was however slow because there was an abject submissiveness of the lower classes which prevented them from taking advantage of the equal laws even after they were created and it took them a lot of time to assert their equal rights. After independence, there has been a genuine leap forward towards the realization of these values.

The term Westernization is not without complications. It is necessary to distinguish it from Industrialisation and Urbanisation. The former led to development and growth of big cities in turn leading to Urbanisation. While the most industrialized groups are found in big cities, it is not apt to equate Urbanisation with Westernization. Even in a country like India, t is possible to come across groups in rural areas which are more westernized in lifestyle than urban groups. The former are to be found in areas where plantation or commercial crops are grown or which have a tradition of supplying recruits to the Indian Army.[15]

Srinivas equates the term Westernization with the British influence in India. However, post independence; there has been a greater influence of the Russian and American versions of Modernization. This form of change has also not been free from implicit ideologies, e.g. policy of privation of industries. There is a persistent controversy in India regarding the public versus the private management, as also the long term effects of privatization and influx of multinational corporations. These value conflicts form the integral aspect of change and modernization in India and cannot be accounted for by only Westernization.[16] Thus it is more appropriate to study these changes using the concept of Modernization.

3.3.   Little and Great Traditions:

This concept was floated by Robert Redfield in his studies of Mexican communities. Milton Singer and McKim Marriott were influenced by him and conducted some studies of social change in India using this conceptual framework. It assumes that tradition in a society grows in two stages: One, through the orthogenetic or indigenous evolution and second through heterogenetic evolution or contact with other civilizations. There are at one level the folks and the peasants and at another, the elite or the educated class. The culture of the folks is orthogenetic or the Little Tradition, which consists of folklore, artists, medicine systems, proverbs and stories etc., while that of the elite is Great Tradition comprising of castes, sects, ritual leadership etc. there is always an interaction between the two traditions leading to changes in their cultural system. It gives rise to integration and continuity of cultural changes. The

[14] *Supra*, note 11, pp 50

[15] *Supra*, note 6 pp 50-51
[16] Supra, note 1, p. 12

process of change however moves from the orthogenetic to the heterogenetic as it is assumed that all societies start from orthogenetic stage and eventually transform themselves through contact with other civilizations into a heterogenetic one. Finally they lead to a global, universalised pattern of culture, through cross-contacts among civilizations. The recent phenomena of Globalisation and the modernisation of the Third World countries can be easily explained via this model.

Milton Singer has applied this concept to India and found that it also holds true for India. He says that India had a primary or indigenous civilization fashioned out of pre-existing folk and regional cultures. There were diverse cultures, religions, castes and thus Little Tradition and Great Tradition co-existed. Subsequent studies have revealed that the Little and Great Traditions in India not only interact, but are also interdependent and the forces of modernization are accepted and absorbed by the traditional way of life. [17] McKim Marriott who conducted his studies in a village of Kishan Garhi in north India says that the elements of the Little Tradition and indigenous customs move upward to the level of

Great Tradition and are identified with its legitimate forms. This he calls *Universalization*. Likewise some elements of Great Tradition move downward to become part of the Little Tradition and lose much of their orifinal form in th process. This is called *Parochialization*. [18]

3.4.   Dialectical Approach:

This approach, inspired by Marxian thought, can be used to analyse the stages of social development in India, guided by economic institutions. D.P. Mukherjee says that the encounter of Indian tradition with that of the West unleashed many forces of cultural tradition and gave rise to a new middle class. The rise of these forces, he says, generates a dialectical process of conflict and synthesis. This synthesis emerges from the interplay and conflict of the contradictory systems of values and class interests. This process began with the Islamic contact and continues uptill today. The British influence created a new historical contingency in India by creating a middle class with its roots neither completely in tradition nor in modernity. [19]

A.R. Desai adopted Dialectic approach in study of nationalism in India. He says that nationalism is a product of the British economic policies which led to economic disintegration as well as economic reforms which gave rise to new social consciousness and class structure from which nationalism followed. The economic relationship is a stabilizing factor in the continuity of traditional institutions in India, which would also change once the relationships change. This he says, will be true about caste, which will eventually disintegrate with the creation of new material conditions and economic freedom. [20] In present circumstances, this may not be true for India, because though the economic conditions have undergone a sea change and we have cosmopolitan culture in many cities of India, the caste system has not been eradicated. But this is not a consequence of modernization, rather due to lack of harmonization of institutional changes required to assimilate modernization.

The limitation of Dialectic approach is lack of empirical data in support of its major assertions. Despite this limitation, some studies conducted using this model have given useful hypotheses which can be later tested in further studies on the subject.

4.   Dichotomies in Modernization in India - The Challenges:

In India, the process of Modernization is facing numerous challenges – *political, economic and cultural*. In fact, these are not exclusive problems, but are interlinked with each other. The political challenges are being witnessed in the form of a threat to the unity and integrity of the nation, because the socio-cultural ethos of all the classes is not the same. When our political leaders envisaged political freedom, it was necessary for them to elicit the support of the common people, who had the least idea of what political freedom was or for whom intended. The people who could modernize in the period of nationalist struggle were the intelligentia and the intellectual class who were influenced by or worked for freedom with Mahatma Gandhi, Sardar Patel and other leaders. They were an elite group and their role was seminal in the ushering in of New India. The entire population of the country was not enlightened about these ideals. A dichotomy was thereby created, between the small section of educated, modernized or partly modernized leaders and their large section of followers, who were mainly tradition bound people. The changes introduced by the State via the Constitutional measures took time to materialize, thus breeding discontent among various strata of people. In most of our states, citizens are illiterate, women are not empowered and equality as envisaged under Article 14 of the Constitution has not been achieved.

[17] *Ibid.*
[18] Marriot McKim, *Little Communities in an Indigenous Civilization in Village India*: *Studies in the Little Communities,* University of Chicago press, (1955) passim:
[19] Mukherjee D.P., *Modern Indian Culture,* People's Publishing House, New Delhi (1942) p.76

[20] Desai, A.R.,*Social Background of Indian Nationalism,* Popular Book Depot, Bombay, (1959) p.146

The guarantee of local self government, universally acclaimed declaration of Human Rights, Adult Suffrage are meaningless without adequate measures relating to education, livelihood, health and dignity of individual. These constitute the basic infrastructure for the realization of the lofty goals of the Constitution. Moreover, people in the society are still stuck with old social values and resist these egalitarian and welfare measures, making the task of modernization an uphill one.

The economic challenges relate to mechanization, globalization, consumerism, market economy being appreciated by only the higher rungs of the society, in fact these phenomena are serving only them and not the poor strata. The failure definitely lies with the government policies and the implementation status of these structural changes. The result is that the less privileged sections of the society fail to derive any benefit and also are not able to appreciate the utility of these policy measures. There is a discernable alienation of the farmers, the lower middle class and other under- privileged sections from these economic phenomena. The basic economic infrastructures, minimum wages, eradication of poverty, purchasing power parity are only a few hurdles in realization of a self-reliant, progressive and welfare economy. We have not been able to modernize our systems as we have modernized our economic institutions. We are going for universal banking, foreign investment, listing Indian Companies like Wipro on the American stock exchanges, but we fare poorly in the Human Development Index generated by the World Bank.

As far as cultural challenges are concerned, they are most numerous. The Indian society is pluralist, like a mosaic of different cultures. To bring these cultures in conformity with the laws is not an easy task. Again the changes creeping into the Indian society were not uniform in spread and intensity. The flux in the Indian society in the nineteenth and the twentieth centuries was so quick that it imbibed so many diverse cultures, sub-cultures, values and mores and the diverse fabric of culture became more diverse. The predominant colour was nevertheless provided by the Hindu socio-cultural traditions. This creates hurdles in legislation and social order, for what may be just for one section is refutable by another. There has been no uniformity in personal laws, and the efforts to enact a uniform civil code have been stifled time and again. Even though it is a directive principle, indicating a desirable goal of the society, it becomes difficult to gather a uniform public opinion on it. On one side, we have the upper class, which is a true replica of the western lifestyle, on the other hand we have the fundamentalist class, which tries to assert regressive measures for social control. On one hand

we have people with choices in life, on the other; we have a section of population ordained to live in shadows of religious and social fetters.

Thus the law makers and enforcers have a herculean task ahead to bring these aberrations in line with the policy of the State and modernize in the true sense of the term.

5.   Modernization and the Law:

Modernization has given rise to the concept of 'welfare state'; there has been proliferation of governmental responsibility and a growth of new areas of law. There has been a reception, especially in the developing and least developed nations of the ideals of Democracy, Humanism, Welfarism and Constitutionalism. New constitutional models have emerged with the sanction of Fundamental Liberties to the citizens unencroacheable by the State, Check on the powers of the state, ideals of Sovereignty and Secularism knitted into the fabric of the constitution and the wave of reform and rationalization.

In both older and newer nations, the development, expansion and consolidation of these national legal systems seem to involve certain common directions of change. Laws are applied over wider spatial, ethnic, and class areas; personal law is replaced by territorial law, special law by general law, customary law by statute law. This has a unifying effect, because earlier, law and justice were, in good part, local concerns. Corporate rights and responsibilities are replaced by individual ones. Religious sanction and inspiration are replaced by secular motives and techniques; moral intuition is replaced by technical expertise. Law making and law applying move from authorities with local accountability and diffused responsibility to specialized professionals representing central national power. [21] There is an all India legal system which handles local disputes in accordance with uniform national standards. Thus, the Indian citizens, despite caste, language, religion and other ethnic differences, share a common legal culture which is put in the service of a wide variety of local interests. These rules are administered by a hierarchy of courts, staffed by professionals, organized bureaucratically and employing rational procedures. [22] The system has definite or recognized modes of amendment of laws and procedures. Galanter observes, "although, in many cases, the importation of western law seems to serve the stimulus for such development, it does not imply Westernization. Nor do I mean to imply that the

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[21] Galanter Marc, *The Modernisation of Law* in *Modernization T he Dynamics of Growth,* Basic Books Inc. New York/London (1966) p. 154
[22] Galanter Marc, *The Displacement of Traditional Law in Modern India*, Journal of Social Issues, Vol. 24, (1968) p. 65

processes of modernization proceed relentlessly till they produce as legal system which corresponds to the model in every detail. A society becomes modernized in other spheres, new kinds of diversity and complexity generate pressures for differentiation and flexibility in law. Modern societies develop new methods of making law flexible and responsive, e.g. administrative agencies, arbitration, juvenile courts. Modern law as depicted here is not a destination, but a focus or vector towards which societies move."[23]

5.1. Modernization and The Indian Constitution:

Constitution is an instrument of social transformation. It spells out the broad objectives and policies of the State, at the same time, has the capacity to infuse change in the society by incorporating relevant provisions. Since it is the fundamental document, the policy choices become binding and subsequent laws are framed accordingly. With the coming into force of Indian Constitution, we have imbibed a large number of modern values and tried to do away with the ones that impeded the establishment of a just and universalistic society. The Constitution establishes a democratic and federal set up with a strong central government. The right of effective access to justice has gained importance because we adopted the model of a 'Welfare State'; which means that it is the duty of the State to see that rights of all individuals are protected.

The Preamble to the Constitution sets out the basic features of the Constitution and provides that the sovereignty rests with the people of India. It is a modern philosophy and a marked departure from the earlier monarchical and imperial regime. It further declares India to be a socialist, secular, democratic republic. The features of modernization have thus been introduced in the very object of Constitution. The features of religious tolerance, welfare of all people, elected government and its responsibility towards the electorate are the fundamental principles upon which the Constitution functions. The liberty of thought, expression, faith, belief and worship and equality of status and opportunity are sine qua non of a democracy and are provided for in the Constitution. Since modernization postulates rationalization and meaningful existence, the Preamble also assures that the dignity of individual, social, economic and political justice shall be the premise of all the rights granted under the Constitution. This document is not a mere law, but the machinery by which laws are made. It is an organic document and the fundamental law of the land.

The conception of a nation, the values of unity and integrity of the country, and the power to alter state boundaries and create a new state being vested in the Parliament, all owe their origin to modernized thinking. Thus local ties and parochial perspectives give way to universal commitments and cosmopolitan attitudes.

In my opinion, the Constitution of India is a living modern document which captures modernity in its essence and ensures the establishment of a just and fair society. The features of modernization can be found in all parts, however, here I shall discuss only those provisions which have a marked influence and stand out in substance in imbibing modern values.

The chapter on Fundamental Rights is a striking feature of a modernized civilization. Its provisions seek to break away from the past and endeavour to build a new edifice which is desirable and conducive to modern society. Starting from Article 14, which guarantees equality before law and equal protection of laws, the chapter enunciates a category of rights unencroacheable by the State. There is an attempt to equalize all by clarifying that there shall be no discrimination on the basis of caste, creed, religion, race, sex and place of birth(Article 15). There are also provisions for Protective Discrimination for levelling up of the oppressed classes, which is a radical method of bringing about modernity. (Article 16). There is categorical abolition of untouchability vide Article 17. The caste system is a misfit for a welfare state. The practices of untouchability and commodification of suppressed classes is the culmination of caste disabilities. A wide range of private conduct, involving the assertion of precedence or the imposition of disabilities- including venerable usages which had previously enjoyed religious and sometimes legal sanction are outlawed.[24] These were efforts to set up a non-communal society. The law is not the instrument of any dominant group of caste or religion, rather it is an expression of aspirations of all groups irrespective of their religious, social and economic status.

The government is enjoined by these provisions to be indifferent to particularistic and ascriptive characteristics eg. race, religion, caste etc. in its dealings with citizens, whether as electors, employees or subjects.[25]

The freedoms enshrined in Article 19 are the touchstone of democracy. They ensure that the personality of an individual comes out to its fullest. At the same time, limiting religious freedom [26], prohibiting forced labour and trafficking in human beings[27] ensures order in society. We have to limit the

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[23] *Ibid*.

[24] *Supra*, note 21 p. 79
[25] *Supra*, note 21 p. 78
[26] Articles 25-28
[27] Article 23

exercise of volition conducive to well being of others. At the same time, certain provisions like Article 29 and 30 emphasise continuity. They provide for preservation of culture, language, script and traditions which are in minority, thus ensuring place for all under the sun. In fact, providing for religious freedom itself is an attempt to maintain continuity. Hence, there is scope in Part III of the Constitution for modernity as well as tradition.

The Directive Principles of State Policy in Part IV are a set of guidelines for the effective policy formulation by the government. They are fundamental in governance of the country, and it shall be the duty of the State to apply them in framing of laws. They call for reconstruction of the society and the government on the lines of a modern welfare state. Article 38 and 39 enjoin a duty upon the State to ensure welfare of all citizens by trying to minimize inequalities of income, provide equal opportunities of employment opportunities and equal pay and maintenance of the health and strength of the workers. Article 43 A provides that the State has to take measures for participation of workers in the management of industries. This is a progressive step towards empowerment of the working class. Making it a duty of the State to provide for maternity relief, minimum wages, public assistance in old age and unemployment has lead to improving the employer-employee relationship. Also providing for management of agriculture and animal husbandry on modern and scientific lines ensures that the benefits of science reach these facets. Here it is essential to maintain interplay between the traditional knowledge of agriculture and modern methods because all that is modern may not be good. In accordance with these provisions, the central as well as State governments have enacted a large number of legislations for economic development and social reform. Many areas have been taken up by the State which were previously under private control. eg. industries, nationalization of banks, land reforms etc. in fact, there has been extensive regulation of land holdings and religious endowments. Education as a means of modernization has also found its place under Article 45, which talks about free and compulsory education for children upto the age of 6 years, the education from 6 to 14 years being a fundamental right under Article 21 A.

Modernization through a uniform civil code is also stated by Article 44, though it has not been put into practice.

At the same time traditional values have been retained by Articles 40, which talks of village panchayats, article 49- preservation of monuments of historic value. The idea was to synthesize continuity and change.

The Fundamental Duties under Article 51A also have this aspect of synthesization. Article 51A (h) makes it a duty of people to develop scientific temper, humanism and spirit of enquiry and reform. Article 51A(j) makes it a duty to strive for excellence in all spheres of individual and collective activity, for upgradation of the competence of the nation. The traditional aspects include cherishing and following noble ideas which inspired the struggle for freedom[28], valuing and preserving the rich heritage of our composite culture[29], protection of environment and wildlife[30]. We have to infuse cosmopolitan values into a tradition bound hierarchic society, which is a challenge of modernization.

5.2.   Resistance to Change- Post Modernism:

When a society modernizes itself, it sheds certain old beliefs, principles and values and adopts new, more scientific and material conceptions. Thus there is always a resistance to this new order from the adherents of old order. In case of modernism, this resistance to change emerged in the form of Post-Modernism as a reaction to the drawbacks and ill-effects of materialism and scientific process. Such functionalization of science, coupled with its leanings towards capitalism, drastically truncated its potential for emancipatory rationalization of individual and collective life. The scientific knowledge, in certain spheres started acting to the detriment of people and produced manacles that were far from emancipation from the old order. It was just that the nature of shackles were modified, the binding effects were the same. There has been degradation of the nature of modern industrial work, growth of totalitarianism, the threat of environmental damage and the alarming development of military power and weaponry. e.g. the Green Revolution introduced new agricultural techniques and methods; one of these was the use of new and more effective pesticides. Over a period of time, these pesticides were found to pollute water resources, contaminate the food because some quantities of pesticides were found in crops also. Thus they became harmful for human life and even deteriorated the quality of soil.

The post –modernists also question the speed and indiscriminate loyalty towards modern lifestyle, which may not be a healthy one. "Modern law was entrusted with the task of guaranteeing the order needed by capitalism, whose development occurred in the midst of a social chaos, in part of its own making. Modern law thus became a second rate ratioalizer of social life, as a kind of surrogate scientificization of society, the closest we could get- at least for the time being- to the

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[28] 51A (b)
[29] 51A (f)
[30] 51A (g)

full scientificization of society, which could only be brought about by modern science itself." [31] The paradigm of modernity, as if animated by a laser beam effect, narrows the scope of its accomplishments at the same time as it intensifies them.[32] There has been a short-sighted approach towards development- economic, social and scientific, or in other words, there have been unintended consequences of knowledge. These consequences are deemed to be resolved in the future by a better science and in the meantime by law, thus leaving the gaps to be resolved by law, which itself is a product of this jagged growth.

Thus the post- modernists insist on going back to tradition, rejecting the modern inputs and loyalty towards old system of values, which they assert were serving the society better. Their proposition is that the indiscriminate entry of new social, economic and scientific inputs is generating a chaos in the society, it is leading to misery and exploitation of certain sections e.g. commodification of women and exploitation of the economically weaker sections. They discount technological developments, free enterprise, globalization and individualism because these inputs are not harmonious to human values. They thus emphasise taking of natural, traditional and communitarian social inputs in as much as modernization has taken us to a trajectory of social order not conducive to human well being.

In the writings of Mahatma Gandhi, we can find the longings to cling to tradition together with acceptance of the winds of change, which were imperative for establishment of a just and principled society. He held liberal and modern views on caste, women emancipation, governance and education. Among writers of the west also, the notion of holding fast to tradition was clearly visible, e.g. Bernard Shaw's 'Back to Methuselah' and Thomas Hardy's 'Under the Greenwood Tree: Return of the Native'. Sometimes modernism prevails, sometimes post- modernism and sometimes a synthesis between the two prevails in a society. Where modernization means only an increased effectiveness in goal attainment with no increase in the rationalization of the goal- setting process, very serious pathologies can result. Empirically, such pathologies of modernization have occurred, but they are the result of partial or disturbed modernization, not the inevitable result of modernization itself.[33]

Giddens says that we do not as yet live in a post- modern world. The distinctive characteristics of our major social institutions in the closing years of twentieth century suggest that, rather than entering into a period of post- modernity, we are moving into a period of "high modernity" in which the consequences of modernity are becoming more radicalised and universalised than before.[34] A post-modern social universe may eventually come into being, but this yet lies on the other side of the forms of social and cultural organisation that currently dominate world history.[35]

Conclusion:

While the forces of modernization are changing many aspects of Indian society and culture, they have not destructed its basic structure. They have afforded Indians new choices of values and lifestyle but the structure of Indian culture is so rich and flexible that Indians have accepted many modern innovations without loss of their Indianness. Modernity is a double-edged phenomenon. The development of modern social institutions has created a great number of opportunities for human beings and accorded them more flexibility and freedom. But modernity also has a somber side that has become very important in the present century. The ill-effects of modernization are a cause for concern and we must deal with these changes in a strategic manner to achieve full benefits of modernization.

Any society can truly progress if it retains its tradition at the same time it modernizes. Adopting everything that is new without keeping the valuable old will only add to chaos. This judgment is critical to the reinventing and revitalization of the society. The law develops according to the needs of the society; if the needs command change in laws, it shall follow the change. It is pertinent here to understand that both continuity and change are needed for law to develop, nourish and grow. The change is required so as to keep in line with the novel aspirations and obligations, at the same time, it should be stable so as to be comprehensible. The three basic requirements of any law are: Certainty, Predictability and Uniformity. These can be fulfilled only when law is stable for a reasonable period. The growth of law has to be coincident with the growth of society and it has to be responsive to changing ideology. We must not forget that the role of law as an instrument of social change shall be effective only when law follows the change; it shall be coercive and less efficacious when change follows the law.

[31] Santos Boaventura De Sousa, *Towards A New Common Sense Law Science and Politics in the Paradigmatic Transition*, New York p. 58
[32] *Supra*, note 31 p.72
[33] *Supra*, note 4, pp 195-196.

[34] Giddens Anthony, *The Consequences of Modernity,* Stanford University Press, California (1990) passim.
[35] *Ibid.*

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