

YourLawArticle

Open Access Law Journal, ISSN (O): 3049-0057

Editor-in-Chief - Prof. (Dr.) Amit Kashyap; Publisher - Reet Parihar

Modernisation And Equality: An Essence Of Indian Constitution In Modern Era

Megha Birring, L.L.M, UGC-NET, Ph.D Scholar, Assistant Professor in Laws at K.C.L Institute of Law, Jalandhar, Punjab

Dr. Daljit Riyat, LLM, M.com, M.Phil (Com.), Ph.D (Law), Principal, KCL Institute of Law, Jalandhar, Punjab

Published on: 11th March 2025

Abstract

In today's contemporary world every distinct person is engaged in gratifying his or her own desires. Not even a single individual is willing to work solely for the cause of humanity. "Dr. B.R Amedkar," the Architect of the very foundation of our nation, "The Constitution of India," had always shown his keen interest for the amelioration of the miseries of the poor, weaker and backward sections of the pre as well as post-independent India. Despite of being India's first law and Justice Minister, he had always placed modernization and equality in the equilibrium place. History reveals that his efforts were always directed towards the elate of the rights and interests of the backward class thereby awakening the elite class of the society, enabling them to Imbibe with the changing wave of benevolence, which has aided today in placing modernization and equality in the same cart with the two distinct casters. This paper will follow up such modernised trends which has woven the equality prevailing in the modern scenario. The prime focal point of this paper will be bringing into lime light the consensus between these two terms, which is the foundation of the today's civilized society. Followed by, this paper will also reflect the considerable impacts of the initiatives taken by the modern day forerunners of the post-independent nation. Lastly the authors by virtue of this paper will bring out certain modern day instances placing modernization and equality at equal footing, which are the glared matters of the daily headlines.

Keywords: Modernisation, Equality, consensus between these two terms, initiatives taken by the modern day forerunners, instances placing them at equal footing.

Introduction

In the modern era of 20th century, modernization and equality are considered as the two different sides of the same coin. As per the foundation of the democratic nation like India, every individual is given the equal opportunity or rather considered as equal in the eyes of the law. Modernization means the overall development of the nation. It includes development in terms of technology, in terms of economy, which is the financial security of the nation, also development in terms of social and political aspects. Since the post-independence period, India has traced the curve of economic inequality. During pre-independence period, Indian society was divided into four sections on the basis of the cast system. Top place was occupied by Brahmins, then comes Kshatriyas, followed by them it was Shudras and last but not the least comes the Vaishyas. During that period also what be the wave of development for one may be the reign of devastation for another clan.¹

Consequently, only those who have the dominion recognition in the society during the past century will have the greater say in the decision making processes. Therefore it may be more likely to get the major policies in favour of those recognized class of the society. It may not be wrong to give acclamation to education, which plays a major role in spinning the wheel of the modernization. But today the major question that strikes inside the head of the common mass is that whether the ingress of the modernisation has impacted the development of the in an affirmative or a negative manner.²

Due to the tremendous efforts of the" *Dr. B.R Amedkar*," the Pioneer Architect of the very foundation of our nation, "The Constitution of India," had fallen off the giant wall of inequality prevailing in the different sections of the society. Due their countless efforts women can stood in a same row as that of men in today's modern scenario. They are today given equal say in the decision making processes. Henceforth it can be said that the major credit in emerging the nation in terms of equality goes to all those pioneers who had contributed every single bit of their lives in creating the today's modern democratic nation.³

Significance Of Modernization

Modernisation is that process of development which has interests of the diversity of the people as a pedestrian for forming the united class, who ultimate aim is to work for the betterment of the every single individual dwelling in the society. During the budding stage of the modernization, the

¹ Foreign Affairs, Inequality and Modernization, *available at:*

https://www.foreignaffairs.com/articles/2015-12-14/inequality-and-modernization (last visited on Mar.2,2020).

² Alamdar Hussain, Naveed Ahmad, Raghib Manzoor, Mehtab Hameed, "Impact of Modernization on the Equality" 52 *International Letters of Social and humanistic Sciences* 15-22 (2015).

³ Nina Hansen, Tom Postmes, K. Annika Tovote, "How Modernization Instigates Social Change" 45 Sage Journals of Cross-Cultural Psychology 1229-1248 (2014).

forerunners of the nation had to face heaps of the problems associated with the creation of modern day transformations as well as the transitions taking the graph of the development of the particular nation to the new heights. The portrait of the present day development has covered so many different aspects and concepts under its veil. Therefore, each and every individual who is forming the part and parcel of the society may not be able to avail the benefits of the modernized economy at the same level.⁴

Globalization tends to play the significant role in bringing the modernization at the door step of each developing and the underdeveloped nation. It is prominently new in terms of modernization. Globalization has enabled the transformation in the modern day society in terms of social, economic, modern and institutional values as well. Most of the times both the developed as well as the underdeveloped nations seeks the assistance of the developed nations to prosper and begin to change their existing structure of the governance thereby trying to fit in the frame of the modernized world.⁵

With the advent of the modernization the consumption rate of the natural resources is also rising to the height of the seven skies. Unlike the developed nations like U.S.A and Great Britain have the technologies to renew the resources at the same rate with the same pace as that of their rate of consumption. So the globalization plays the significant role in developing the modernized equality as well, like that development in other fields, it assists the developed as well as underdeveloped nations to flourish at their fullest.⁶

Modernization As A Means To Equality In The Society

The modernization is a means of development as in the terms of political, economic and cultural advancement. Since the time immemorial in the Indian civilization, the people belonging to the lower caste often experiences the brutal caste injustices from the hands of the people belonging to the elite class of the society. The basic essence of the modernization theory is to display the dynamic aspect of the society. It reflects the movement of the society which tilts from the simplicity to the complexity. This shift ranges from homogeneity to heterogeneity and last but not the least from traditional to modernization. Meaning thereby there is ingress of the western culture into the Indian societies. This ingress is not restricted to the adoption of western clothing styles, food habits but also includes the aspect of equality. Thereby, placing both men and women at equal

⁴ *Id*.

⁵ Anastasiia Moskvina, Olena Voronina, "Evolution of Modernization and Transition to New values and Development Goals" 5 *International Journal of engineering Technologies and Management Research* 113-123 (2018).

⁶ Ronald Inglehart and Pippa Norris, "Modernization and gender Equality" 1 *Cambridge Journals* 482-492 (2005).

footing.7

However it is not always the legislature or the executive components of the government of the democratic nation plays the role in bring the modernized aspects. The Judicial wing of the republic nation also contributes bringing up the modernization in the thoughts of the policy makers. The judiciary complements the process of reduction of the racial discrimination and segregation. Modernization however acts as connecting bridge, thereby reducing the distance and enabling the passage from segregation to desegregation. However unlike any other new change in the society, this dynamic aspect of the development also has to face the huge critics. It is not welcomed hospitably in its beginning years. Since its evolution modernization has been in a constant quarrel with that of cultural ideas. Some of the political thinkers have considered that adoption of the modernized concepts will diminishes off the adherence of the individuals towards their cultural heritage. Therefore there is a dire need of the universal acceptance of theses growing dynamic forces.⁸

The Constitution Of India Complementing The Concept Of Modernization And Equality

There are several provisions enshrined in the "Constitution of India" supporting the concept of modernity. The Directive Principles of the State Policies puts an obligation on the states to confirm with the principles enshrined in the "Constitution of India". The forerunners of the states are under the duty to adhere to the provisions so constituted in the "Constitution of India". It aims in bringing the modernization or rather development of the nation by bringing out the balanced equilibrium consensus. The "Constitution of India" dictates the policies are to be framed by keeping in mind the objectives which are to be achieved. Particularly, it focuses in giving the equality in terms of each and every opportunity which is aiming in developing the nation as a whole. The "Constitution of India" believes in the principles of the "unity as strength". It has also described India as Union of States.⁹ This signifies nothing beyond as its believed principle. However it cannot be ignored that this equality in opportunities can only be provided if the state is well funded with the resources. This is stresses on the adherence of the principle of sustainable development. Therefore the state authorities have to make the sustainable use of the available resources. This use has to be in such a way that all the present needs are to be fulfilled by keeping the resources available for the future

⁷ ResearchGate, Modernization and Gender: A Critique of Modernization Theory, *available at:* <u>https://www.researchgate.net/publication/270127943_Modernity_and_Gender_A_Critique_of_Modernization_Theory</u> (last visited on Mar. 03, 2020).

⁸ California Digital Library, Social Change: The System of Equality and Inequality, *available at:* <u>https://publishing.cdlib.org/ucpressebooks/view?docId=ft6000078s&chunk.id=d0e4469&toc.id=d0e4469&brand=ucpres</u> <u>s</u> (last visited on Mar. 03, 2020).

 $[\]frac{1}{9}$ The Constitution of India, art.1.

generation as well. The state can provide equality in opportunities only if it will be constantly backed up by the economic resources particularly. Moreover state has to keep the constant check by taking the affirmative actions for the adherence as to the concept of equality. However one cannot place the sole responsibility over the shoulders of the forerunners of the nation. People forming the part and the parcel of the republic also have to accept the dynamic aspect, focusing in bringing the radicle change in the society. If the dwellers of the nation will not show their acceptance as to the changes and will not associate themselves with the modernized concept then it will become very difficult for the state to bring in the concept of equality. Unless and until people are neither willing nor mentally prepared to shun the practices of the discrimination in every aspect no government can be successful in bringing out the equality in each and every opportunity.¹⁰

Modernization And Equality : Two Casters Of The Same Cart

As we all know that change is the law of the nature. It includes each and every type of the change is it in terms of social dimensions, political dimensions, economic dimensions. The meeting point of the each and every dynamic aspect will bring the development in the society on a whole. The level of the contribution of mass will likely to affect the pace of the development. If the people will depict their wide range of the approval towards the changing norms of the society, then the hop of the development will up to the height of the seven skies. However if the people will not be portraying their hospitable character then there is likelihood of mushrooming of the wide range of the problems. Once the common mass will begin to realize that these new standardized norms will likely to bring on the equality in the opportunities for each every strata of the society then this concept of modernization can grow to its fullest.¹¹

However modernization is not only accompanied by the developmental aspect but also it has established the concepts of counter-modernization as well as anti-modernization. Both the concepts have been raised by supressed working class, which is being ruled by the elite class since the time immemorial. What may be the development for one may not be the affirm transformation for another strata of the society. The ruling class tends get all the policies, laws, rules and regulations being the product of the modernization into their favour itself. The people belonging to the elite class have the power preserved into their favour. These people shows there adherence in preserving their culture and national specifics of the country. They believing in extracting the opportunities with the assistance of all including both the working as well as the elite class but does not believe in

¹⁰ Samuel P. Huntington, "The Change to Change: Modernization, development and Politics" 3 *Journal on Comparative Politics* 283-322 (2017).

¹¹ Modernization and its Discontents, *available at:* <u>https://www.wider.unu.edu/sites/default/files/WP33.pdf</u> (last visited on Mar. 03, 2020).

sharing the equality of the opportunities. The concept of the modernization has contributed a lot in bridging the gap between the above stated rich and the working class. It has also interjected a lot in providing the equal opportunities to all regardless to their status or the designation.¹²

Modernizationation Complementing The Principle Of Equal Opportunity

The Constitution of India, the grundnorm of all the existing laws of India has created the equal rights as well as opportunities for both men as well as women residing inside the country. These rights include all the fundamental rights which are guaranteed to all the citizens of the country. For an instance the above stated rights includes the rights ranging from right to equality to rights as to the constitutional remedies. Had not there been any efforts made by the freedom fighters of our nation too liberate India from the unjust clutches of the British Empire, India would not have been competing in the race of development as it is striving in the present days. Prior to the Independence of the nation India was known by the name not more than as one of colonies ruled by the British Empire.¹³

As described by the Karl Marx, It is the duty of the state runners to provide the opportunities to all the people in accordance with their capability as well as ability. In addition to it calibre is also be one of the aspect which is to be determined at the time of providing the opportunities of the development. Not only this, the reliance is also required to be placed on the basis of the needs and aspirations of the individuals on a whole. Since the time immemorial, equality has its roots associated with that of idea of freedom as well as that of individualism on a whole.¹⁴

Modernization has brought equality in terms of income, equality in terms of employment opportunities and respecting the rights of the individuals. It is only with the advent of an idea of the modernization that empowerment of the women on a whole has even thought of. During preindependence period women had often been designated as only meant for the household works. But it was only due the endless efforts and initiatives of many prominent women who had contributed a lot but unfortunately are today been forgotten or rather had never got any recognition from the nation ever. There are total fifteen women leaders who had sacrificed their lives in order to bring the revolutionary change in the society but had never been acknowledged ever.¹⁵

¹² Modernization Theory and the Comparative Study, *available at:*

http://www.brooklyn.cuny.edu/web/aca_socialsciences_polisci/150422_IA_Comps_Modernization-Theory-Comparative-Study-Of-Societies.pdf (last visited on Mar. 03, 2020).

¹³ Modernization as a means to Equality, *available at:* <u>https://www.sciencedirect.com/topics/social-sciences/modernization</u> (last visited on Mar. 04,2020). ¹⁴ *Id.*

¹⁵ Sheroes, India's Unknown Freedom Fighters, *available at:* <u>https://sheroes.com/articles/indian-women-freedom-fighters/NzYzNg==</u> (last visited on Mar. 04, 2020).

Conclusion

It is not always necessarily required that in order to build a modernized nation, the said nation is required to be well worse with the technology as well. But what essentially required is that the replacement of the obsolete mechanisms with that of available innovations. However it is often observed that what may be the best may not always be expensive. In order to ease the process of the development of the nation, the thoughts of the forerunners of the nations are required to be modernized. The nation can be known as better modernized if it is able to satisfy the contentions of the present generation without cooperating with the needs and aspirations of the future generation. It is often recognized that development is bypassing the concept of the modernization. However the sole aim of the modernization is take care of the rights and interests of all the individuals without discrimination. But since the time immemorial some political thinkers has believed in a notion that modernization is always found to be the quarrel with cultural as well as the national traditions of the country on a whole. the reason behind such belief is that what may be the development for the one section of the society may not be the elevation at the same level for another strata dwelling in same society. Therefore in order to provide the equal opportunities to all the individuals at the same level then the modernization of the society should has to be cordially welcomed by each and every occupants of the society. Because if the growth of the modernized concepts has been accepted by each dweller only then the respective nation can prosper up to the heights of the seven skies.

References

- 1. Ambedkar, B. R. The Annihilation of Caste. New Delhi: Verso, 1936.
- 2. Austin, Granville. *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, 1966.
- 3. Basu, D. D. Introduction to the Constitution of India. LexisNexis, 2020.
- 4. Chakrabarty, Bidyut, and Rajendra Kumar Pandey. *Modern Indian Political Thought: Text and Context.* Sage Publications, 2009.
- 5. Dumont, Louis. *Homo Hierarchicus: The Caste System and Its Implications*. University of Chicago Press, 1970.
- 6. Galanter, Marc. Law and Society in Modern India. Oxford University Press, 1997.
- 7. Lohia, Ram Manohar. Marx, Gandhi and Socialism. Nav Hind, 1963.
- 8. Nehru, Jawaharlal. The Discovery of India. Penguin, 2004.

- 9. Sen, Amartya. *The Argumentative Indian: Writings on Indian Culture, History, and Identity.* Penguin Books, 2005.
- 10. Singh, Mahendra Prasad. Indian Political System. Pearson, 2016.
- 11. Tharoor, Shashi. Inglorious Empire: What the British Did to India. Penguin, 2017.
- 12. Upadhyay, C. S. Social and Political Thoughts of Dr. B. R. Ambedkar. Gyan Publishing House, 2009.
- 13. Articles from *The Hindu*, *Economic and Political Weekly*, and *Indian Journal of Constitutional Law* (as cited in the paper).
- Judgments from the Supreme Court of India relating to modernization and equality (e.g., Kesavananda Bharati v. State of Kerala, 1973; Indra Sawhney v. Union of India, 1992).