

The Illusion of Indian Values

-A deconstruction of the Colonial Morality that Indian Values are yet to be liberated from-

by

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It all started at 4:30am.

On Monday, the 26th of January, a flight to Delhi left me with a question that I had never truly pondered. On the way to the airport, a highway billboard displaying an advertisement caught my eye. Boldly displayed on it was a “tag line” which included the phrase "Indian values". That made me pause, because this phrase is something that we hear everyday steeped with the colours of nationalism and pride, it is used by politicians and parents to anchor us to a certain moral seabed, and it is spoken like the gospel truth. But what really are Indian values? How can something that we have instilled in the breath of every child born on this soil be something so elusive and hard to define, and how many of these Indian values have remained untouched by our painful colonized past.

So I started reading, and with every page I realized that a lot of the Indian values we speak of today, values that have the power to land people in courts, and behind bars are values that are not Indian at all but ideals that have been colonized and never liberated. In our fight for independence from Colonial rule, we forgot to liberate our Indian Values, values such as modesty, sexuality, and the treatment of the Transgender community which in reality is a show of colonial morality parading as Indian tradition.

On September 6th, 2018, the Supreme Court of India decriminalized consensual same-sex relations by partially striking down Section 377 of the Indian Penal Code (Bharatiya Nyaya Sanhita, 2023)¹. Section 377, was one that the British had transplanted into India's legal system as a reflection of the British 1553 Buggery Act². This Section imposed in India a rigid Victorian moral code that went against the beliefs and practices of pre-colonial India³. In pre-colonial India, homosexuality was neither shunned nor seen as a taboo, but regarded as just another expression of human desire. Although some religious texts do contain qualms with the practice of homosexuality, it was largely accepted⁴. A number of stories in Indian Mythology speak of homosexual deities and various sites of worship including the two UNESCO world heritage sites, the Khajuraho Group of Monuments in Madhya Pradesh and the Konark Sun Temple in Odisha, display sculptures of homosexual as well as heterosexual acts, displaying to us the medieval Indian standard of acceptance and understanding.

The introduction of section 377 by the British colonizers was just one page in the Odyssey of stifling Victorian standards of morality and normativity. These standards instilled a degree of shame to the topics of sex and desire,

¹ *Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

² Alok Gupta, 'Section 377 and the Dignity of Indian Homosexuals' (2006) 41(46) *Economic and Political Weekly* 4815.

³ Douglas Sanders, '377 and the Unnatural Afterlife of British Colonialism in Asia' (2009) 4 *Asian Journal of Comparative Law* 1.

⁴ Ruth Vanita and Saleem Kidwai (eds), *Same-Sex Love in India: Readings from Literature and History* (Palgrave Macmillan 2000).

a shame that was not recognized by a Pre-Colonial India, but one that Post-Colonial India is ruled by. A Victorian ideal misremembered as Indian⁵.

The status of the Trans community was also tainted by the waters of Victorian morality.

In present day, Post-Colonial India, the Transgender community faces discrimination socially, economically, medically, politically, etc. They are viewed as deviant and face marginalisation as well as abuse in many cases that often go unreported due to the deeply instilled fear of retribution or further discrimination⁶.

The discrimination against the Trans community has become a subliminal norm, one that results in guidelines such as banning Trans people from donating blood. The 2017 guidelines given by the National Blood Transfusion Council (NBTC) and the National Aids Control Organization (NACO) ban Trans people from donating blood as it hinges on the assumption that this group has a higher risk of HIV/AIDS, something that many activists find unscientific and discriminatory⁷. Blood that has been donated is always screened for diseases such as these, and assuming the possibility of contracting a disease such as HIV/AIDS will be higher due to one's gender identity defies logic and functions purely on the principles of isolation and ostracisation⁸.

These guidelines are present in a country that before colonial domination saw the Trans community as sacred and auspicious. Trans people were once in important positions entrusted with the collection of taxes for the Sultanate and Mughal Courts⁹. India's rich mythology mentions the Trans community as well, never once with the aim to ostracize.

In the Puranas, there are mentions of Ardhanarishvara, a form of lord Shiva, in which Shiva and Parvati unite to form a single perfect composite that symbolises the male and female principle as inseparable¹⁰, and in the Ramayana when lord Rama was exiled and told the procession accompanying him that all the “men and women” must go back to Ayodhya, it was people belonging to the Transgender community who remained with him, and being greatly moved by their devotion, Lord Rama bestowed upon them the power to offer blessings on auspicious occasions¹¹.

From respected and recognized to overlooked and ostracized. We see the truly traditional Indian Values which were almost lost in the torrid waters of colonial principles.

The principle of modesty is another strong example of the lack of emancipation of values post India's colonization. Pre colonial India was one of the few civilizations which saw the female body as a symbol of divinity, fertility, and most importantly strength. Goddesses were presented in their unashamed forms, and the concept of the divine feminine was an essential tenet to the culture as a whole. Clothing was about worshipping the form of the body and focusing on comfort and functionality, thus clothing like sarees, which were draped around the woman without

⁵ Douglas Sanders, '377 and the Unnatural Afterlife of British Colonialism in Asia' (2009) 4 *Asian Journal of Comparative Law* 1.

⁶ Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South India* (University of Chicago Press 2005).

⁷ National Blood Transfusion Council and National AIDS Control Organisation, *Guidelines for Blood Donor Selection and Blood Donor Referral* (Government of India 2017).

⁸ Oxford Human Rights Hub, 'Discrimination in Indian Blood Donation Policy' (2019).

⁹ Serena Nanda, *Neither Man nor Woman: The Hijras of India* (Wadsworth Publishing 1999).

¹⁰ Stella Kramrisch, *The Presence of Shiva* (Princeton University Press 1981).

¹¹ Ruth Vanita and Saleem Kidwai (eds), *Same-Sex Love in India: Readings from Literature and History* (Palgrave Macmillan 2000).

the addition of today's blouse, were one of the uniforms which were designed to suit the warm climate of India. The lack of blouse was due to the fact that it was found to be unnecessary as the purpose of clothing was to adorn the body, not to appease the thoughts of some lustful men. Women were in fact seen as "Shakti" which is known in English as the divine feminine power.

Morality never had a stake in clothing as it was customary for both Men and Women to leave their torsos uncovered as proved by the discovery of multiple ancient structures, paintings, as well as iconography with bare torsoed deities celebrating the human form found in places such as Ajanta and Konark. The human body was seen by Pre-Colonial India as an instrument of worship and expression that rather than lust, attracted the energy of life.

This changed however, with the beginning of invaders and foreign rule. As women became more vulnerable to violence, the freedom of which garments were worn reduced as fear led to more restrictive norms in order to be safe from violence and exploitation. This was not a choice but a defensive measure to survive.

This shift was crystalized by the British colonizers who set down their rigid Victorian ideals of modesty and modernity. The female body which was once celebrated as divine was now covered and treated with secrecy and shame. Blouses and other garments which were more covering were deemed to be respectable, thus repressing the free woman under the guise of it being a social marker of status and power¹².

As the sands of time slipped through the gaps of change, these Victorian ideals stood strong and became misremembered as Indian Values. Victorian Ideals which no longer exist in a "Modern Western World" and are seen as regressive by the very ones who imparted it upon a once Modern land. The true Indian Values which rang with the clarendon call of spirituality and acceptance were submerged by the tempestuous currents of Victorian Ideals, but unlike the submerged city of Atlantis, the true Indian Values are not completely lost but pulse silently beneath the veneers of the colonial legacy left behind, waiting for the day that the gossamer will fall to reveal a truly Modern Indian Nation.

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¹² Nira Wickramasinghe, 'Clothing and Identity in Colonial India' (2003) 37 *Journal of Social History* 55.