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LEGAL NOTICE TO WENDY DONIGER

# **Sh. DINA NATH BATRA SEND LEGAL NOTICE TO WENDY DONIGER**

**Posted on** April 14, 2010 in [The Hindu An Alternative History](#) | by [Bharatiya Shiksha](#)

**Monika Arora**

**337, Lawyers Chambers,**

**Advocate**

**Delhi High Court,**

**Supreme Court of India**

**New Delhi.**

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Ref No.254/LN/0310

Dated: 03.3.2010

**Regd. A.D.**

1. Wendy Doniger,

Author,

The Hindus: An Alternative History.

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2. Penguin Group (USA) Inc.,

375 Hudson Street,

New York-110014,

USA

3. Penguin Books India Pvt. Ltd.,

11 Community Centre,

Panchsheel Park,

New Delhi-110017,

India

**LEGAL/DEMAND NOTICE**

Under instructions from, for and on behalf of my client Sh. Dina Nath Batra, Convener of Shiksha Bacho Andolan office at ..... Lajpat Nagar, New Delhi, aged 58 years, I serve upon you this legal notice for the following reasons and purposes:

1. That my client is an educationist and is associated with many religious, educational and social institutions and organizations and institutions.
2. That my client came across the book namely “The Hindus: An Alternative History” authored by YOU NOTICEE and published by Noticee No.2 and Noticee No.3 (India).
3. That my client is also aware of the fact that you have written a number of books on Hinduism namely Siva, the Erotic Ascetic, The Origins of Evil in Hindu Mythology, Dreams, Illusion, and Other Realities, Splitting the Difference: Gender and Myth in Ancient Greece and India and have done Translations of The Rig Veda, The Laws of Manu and Kamasutra.
4. That my client has read the book authored by you namely the Hindus: An Alternative History. That after reading the book my client found it to be a shallow, distorted and non serious presentation of Hinduism. That it is a haphazard presentation riddled with heresies and factual inaccuracies.
5. That after reading the said book my client is of the opinion my client states that the aforesaid book is written with a Christian Missionary Zeal and hidden agenda to denigrate Hindus and show their religion in poor light.
6. That the entire list of the books authored by YOU NOTICEE shows that YOU NOTICEE concentrate, focus and write on the negative aspects and evil practices prevalent in Hinduism. That the words used by YOU NOTICEE for referring to various Hindu Gods are highly objectionable.
7. That on the book jacket of the book Lord Krishna is shown sitting on buttocks of a naked woman surrounded by other naked women. That YOU NOTICEE have depicted Lord Krishna in such a vulgar, base perverse manner to outrage religious feelings of Hindus. That YOU NOTICEE and the publisher have done this with the full knowledge that Sri Krishna is revered as a divinity and there are many temples for Sri Krishna where Hindus worship the divinity. The intent is clearly to ridicule, humiliate & defame the Hindus and denigrate the Hindu traditions.
8. That YOU NOTICEE has herself stated that the said book is based on pick & choose method and has selective quotes. That you further state:

“Such a luxurious jungle of cultural phenomena, truly an embarrassment of riches, necessitates a drastic selectivity. I have therefore provided not detailed histories of specific moments but one or two significant episodes.”

9. That YOU NOTICEE has yourself stated at page 15 that your focus in approaching Hindu scriptures has been sexual.

“The Sanskrit texts [cited in my lecture] were written at a time of glorious sexual openness and insight, and I have focused precisely those parts of the texts.” So the approach of YOU NOTICEE has been jaundiced, your approach is that of a woman hungry of sex.

10. That YOU NOTICEE should be aware that in Hinduism linga is an abstract symbol of God [shiva] with no sexual connotations but YOU NOTICEE emphasizes only those texts which portray linga as erect male sexual organ [page 22]. This shows your shallow knowledge of the Great Hindu religion and also your perverse mindset.

11. That YOU NOTICEE at page 25, incorrectly state that “there is no Hindu canon”. That YOU NOTICEE should know the basic fundamentals of Hindu Religion which hold Vedas to be the Hindu canon as these are revered & respected by all Hindus as divine revelations.

12. That YOU NOTICEE at page 40 has written:

“If the motto of Watergate was ‘Follow the money’, the motto of the history of Hinduism could well be ‘Follow the monkey’ or, more often ‘Follow the horse’.” This shows the malice and contempt YOU NOTICEE have for Hinduism.

13. That YOU NOTICEE do not inform your readers in your voluminous 779 page book the most basic principle that for all Hindus Vedas are the supreme scripture and supersede anything and everything which is in conflict with Vedas. In Mahabharata [1-V-4] it is stated:

“Whenever there is conflict between what is declared in the Vedas and provisions in any of the Smritis, Puranas etc. what is declared in the Vedas shall prevail.”

14. That YOU NOTICEE should be aware that as all books on Christianity cannot be treated at par with the Bible similarly all Sanskrit texts cannot be equated with Vedas. That YOU NOTICEE have committed a basic blunder to treat all books written in Sanskrit by all and sundry as sacred scriptures at par with the Vedas, and, without applying mind YOU NOTICEE have liberally quoted one against another just to belittle and distort the Hinduism in eyes of readers. In this process YOU NOTICEE have ended up confusing your readers about Hinduism. That YOU NOTICEE is lost in what you yourself call ‘cultural jungle’ as you have not fully grasped Hinduism yourself.

15. That YOU NOTICEE at many places has made factually incorrect assertions about Hinduism. Such as at page 680, YOU NOTICEE inform in the present tense that:

“To this day horses are worshipped all over India by people who do not have horses.....”

In fact no Hindu worships horses. Terra cotta horses are made for some deities so that they can symbolically mount horses. My client further states that everyone loves his animals, cars, yatches but that does not mean that one worships all of them.

16. That YOU NOTICEE at page 79 claims that the “Great Bath in the citadel of Mohenjo Daro resembles the ritual bathing tanks of Hindu temples that began to appear in the subcontinent in the first few centuries CE and because such a tank reflects a concern with ritual purification through water, an important idea in Hinduism. Four thousand years later, indeed, every temple has its tank.” That my client further states that you should be aware of the simple fact that not all Hindu temples have tanks for example the famous Kashi Vishwanath Temple and Sankat Mochan Temple of Varanasi, UP do not have tanks.

17. That YOU NOTICEE show your shallow understanding of India when you assert that RSS is the militant branch/wing of the Bhartiya Janata Party [pages 14 and 663]. That it is a factually incorrect assertion. RSS was created many decades before the BJP was set up in 1980. That YOU NOTICEE claim to be a scholar and yet you do not know or care to verify the facts before including them in your book.

18. That YOU NOTICEE has at many places made incorrect political statements aimed at creating disharmony and promoting enmity among various religious sections of Indian people making yourself and your publisher vulnerable u/s 153A of the IPC. At pages 14 YOU NOTICEE allege that Hindu fundamentalists are against Muslims, Christians and wrong sort of Hindus. That YOU NOTICEE name RSS, BJP, VHP and ABVP in this context.

19. That YOU NOTICEE at page 31 has asserted:

“Yet Hindu nationalists have used the geographical implications of the word [Hindu] to equate Hinduism with India and therefore exclude from the right to thrive in India such people as Muslims and Christians: in 1922, VD Savarkar coined the term “Hindutva” to express this equation.”

20. That YOU NOTICEE at page 667 have denigrated Ramayana too and have stated that political use of Ramayana is to make India free of Muslims and Christians and any Others. That YOU NOTICEE have further written that:

“Repressive telling of the myth use the mythological moment of Ram-raj [Rama’s reign] as an imagined India that is free of Muslims and Christians and any others, in the hope of restoring India to the Edenic moment of the Ramayana.”

21. That YOU NOTICEE has hurt the religious feelings of millions of Hindus by declaring that Ramayana is a fiction.

“Placing the Ramayan in its historical contexts demonstrates that it is a work of fiction, created by human authors, who lived at various times.....” (P.662)

This breaches section 295A of the Indian Penal Code (IPC).

22. That YOU NOTICEE has rightly stated [page 106] that text of Vedas did not undergo any change or corruption during thousands of years. When text remains the same it is obvious that its meaning & message have remained the same. Therefore the core principles of Hinduism have

remained the same as enunciated in Vedas. In other words core principles of Hinduism are eternal [sanatan]. Distortions and deviations do not constitute the core of any religion. That YOU NOTICEE has made basic blunder of equating and mixing core principles of Hinduism with stray distortions.

23. That YOU NOTICEE has used stray & obscure distortions to hit the pillars of Hindu beliefs. That YOU NOTICEE have written about sex between Sita and Laxman which is pure and total blasphemy attracting penalties under section 295[A] of the Indian Penal Code.

24. That YOU NOTICEE at page 669 quote a version of Ramayana in which Rama asks Laxman “do you love Sita?” in sexual sense. That YOU NOTICEE attributed this version to tribal people known as the Rajnengi Pardhan at Patangarh, Mandla district and claim that it was published in 1950. Before quoting such a distortion you and the publisher ought to have examined whether this was spread by tribals converted into Christianity as Christian missionaries are known to smear other religions.

25. That YOU NOTICEE at page 14 has cited a passage from Valmiki’s Ramayan in which Sita accuses Laxman of wanting her for himself but has not mentioned that very passage from Valmiki Ramayana in your book.

26. That YOU NOTICEE at page 36 has written:

“The women were forbidden to study the most ancient sacred text, the Vedas.” It is another totally false statement as there are at least 29 women risikas whose compositions are there in Rig Veda. Atharva Veda [XI.5.18] expressly sanctions study of Vedas by female. Details may be seen in book ‘Vedic Equality & Hinduism.’ [ISBN: 81-7822-285-x].

27. That YOU NOTICEE have devoted one full chapter [No. 22] on Suttee but have not informed your readers that it has no sanction in Vedas and no sanction even in Manusmriti. That this shows & proves that YOU NOTICEE by the said book aim at giving a distorted and perverted view of Hinduism.

28. That YOU NOTICEE at page 82, confirm your anti-Hindu bias where you have talked about the ‘perceived need’ to follow a pre-determined line. YOU NOTICEE have written: “The fascination with IVC comes in part from the intrinsic appeal of its artifacts but also from a perceived need to find non-Vedic, indeed pre-Vedic source for most of Hinduism—for Shiva and goddess worship and all the rest of Hinduism that is not attested in the Vedas.”

29. That YOU NOTICEE at page 112, hold the flag of cow slaughter and beef eating in ancient India write:

“One verse states that cows were not to be killed [aghanya: 7.87.4] but another says that a cow should be slaughtered on the occasion of marriage [RV 10.85.13]” But in her own book ‘The Rig Veda’ [Penguin Classics] translation for [10.85.13] at page 268 is: “When sun is in the Agha they kill a cattle”. In other words no cow is slaughtered in [10.85.13] your own book ‘The Rig Veda’ but there is cow slaughter under the same verse in the book of YOU NOTICEE under challenge.

The point is that a cattle is not necessarily a cow, it could be goat, buffalo, deer etc. That YOU NOTICEE is confused between cattle and cow. Self contradiction in translation of RV[10.85.13] shows your deliberate, malicious and conscious intention to outrage religious feelings of millions of Hindus which calls for action against you and your publisher u/s295A IPC.

30. That YOU NOTICEE on the question of eating beef, have written that Gandhi was also ambivalent (page 625) but has not given any proof of Gandhi's alleged ambivalence.

31. That YOU NOTICEE at page 44 have shown your confused thinking. That YOU NOTICEE has written that a Hindu bride will often bring into the home a religion different from that of her husband's. Hindu brides do not bring any different religion but may bring different customs or different rituals.

32. That YOU NOTICEE has written in the said book that in Hinduism, Gods have no castes. But at page 130 insinuates that Hindu gods are caste specific. "And most of the gods are closely associated with particular social classes: Agni is the Brahmin, Varuna the Brahminical sovereign, Indra the warrior, and the Ashwins the Vaishyas. There are no Shudra gods in the Vedas." At page 684 YOU NOTICEE say that Krishna and Shiva are gods of the upper caste Hindus. But Krishna was born in yadava family and was dark skinned.

33. That YOU NOTICEE has written that Kunti was raped by sun god Surya. "But Kunti had already had one son, secretly, out of wedlock. When she was still a young girl, she had decided to try out her mantra, just fooling around. The sun god, Surya, took her seriously; despite her vigorous protests and entreaties, he raped her and afterward restored her virginity. She gave birth to Karna, whom she abandoned in shame." (p.295).

That YOU NOTICEE also know that in Christianity too Jesus is believed to be born to Virgin Mary by blessings of God. Do YOU NOTICEE suggest/admit that God raped Mary? In the Bible it is said that Elizabeth was barren but was bestowed with a son [Luke 1.7, 1.13]. Does it mean Elizabeth was raped by God? Test tube babies are born without any rape.

34. That YOU NOTICEE presenting divine blessings for birth of children again and again as rape by gods in Hinduism attracts penalty under section 295A.

35. That my client has got the following information from Santiarts- a Computer Graphics Company which is cited as the source for the jacket painting of your book. That this painting is not from Puri, Orissa as is falsely claimed by your book.

Raasa Leela

Serigraphed in 13 Colours

Size 29" x 21"

Code: APP 251 (included in the attached catalog received from santiarts.com).

That this is a painting horizontally flipped and used on the book jacket by YOU NOTICEE.

That the Publishers through the author seem to have acquired the serigraph without verifying the source.

That my client states that if the abovesaid is true, then YOU NOTICEE and the Publisher i.e. Penguin Group have used a plagiarized version, selectively chosen, chosen with deliberate intent to cause religious tension between Hindus and non-Hindus, invading the sacredness attached to Sri Krishna as an Avatara, a divinity worshipped in temples. That the abovestated act of YOU NOTICEE alongwith your Publisher is liable to attract penalty under section 153A and 295A of IPC.

That the Hon'ble Supreme Court in the case of Veerabadram Chettiar – vs – V. Ramaswami Naicker & Ors. Reported in A.I.R. 1958 S.C. 1032 at page 1035, paragraph 7 has also held that:

“Any object however trivial or destitute of real value in itself, if regarded as sacred by any class of persons would come within the meaning of the penal section. The section has been intended to respect the religious susceptibilities of persons of different religious persuasions or creeds. Courts have got to be very circumspect in such matters and to pay due regard to the feelings and religious emotions of different class of persons with different beliefs, irrespective of the consideration whether or not they share those beliefs, or whether they are rational or otherwise, in the opinion of the Court.”

36. That YOU NOTICEE at page 687, chapter 25 has given a quote from a book ‘We, Our Nationhood Defined’ [48-49] by MS Golwalkar. Attributing this quote to Golwalkar is factually incorrect and academic dishonesty as Golwalkar only translated this work which was originally written in Marathi by Balarao Savarkar. It does not necessarily mean that Golwalkar, as the translator, endorsed or espoused all the ideas presented by Balarao Savarkar.

37. That YOU NOTICEE incorrectly inform your readers that RSS was responsible for assassination of MK Gandhi. In fact years ago a judicial Commission has exonerated RSS of any complicity in murder of Gandhi. That YOU NOTICEE by misrepresentation of facts and by giving false facts has also exposed yourself to defamation proceedings both civil and criminal under Indian Laws.

38. That YOU NOTICEE- the author, the University and the Publisher (Penguin, USA and Penguin, India) should be concerned that they are creating and spreading pornographic and hate literature while defaming the Hindus and Hinduism.

39. That the University of Chicago should be aware and cautions in allowing an author to spread pornography and hate literature in the University. The author, University and the Publisher alike are accountable to the law as well as to the Society. This book is a disgrace on the academic reputation of the University of Chicago.

40. That my client states that everybody has a right to profess, practice and propagate religion of one's own choice but nobody has a right to insult and repudiate other religions.

41. That YOU NOTICEEs being the author and Publisher of the aforesaid offending book have intentionally, deliberately and maliciously hurt the religious sentiments of the Hindu Community.

42. That YOU NOTICEEs have wantonly indulged in unlawful act by showing photograph of Hindu God sitting on the lap of a naked woman & surrounded by naked women and thereby have tried to provoke people intending and knowing that it is likely to cause the offence of rioting.

43. That both YOU NOTICEEs have published the said photograph to increase the readership of your book by creating and promoting enmity between different groups on the ground of religion and thus have done an act prejudicial to maintenance of communal harmony.

44. That your aforesaid book has deliberately and maliciously intended to outrage religious feelings of Hindus by insulting their God and wounding their religious belief.

45. That YOU NOTICEEs by the aforesaid book have intended to cause fear and alarm among the Hindus that their religion and religious beliefs are not safe any more and can be trampled with and denigrated, distorted & insulted and hence you have intended to induce and incite them to commit offences against the State and against Public Tranquility.

46. That the above said acts of YOU NOTICEEs are offence punishable under the provisions of Section 153, 153A, 295A, 298, 505(2) of Indian Penal Code and for the commission of this offence all of you can be imprisoned for a term which may extend to 3 years and with fine.

47. That my clients and many other social and religious activists have already sent their representations to you with the request to immediately tender an unconditional apology to the people of India and to the millions of Hindus all around the world; to withdraw the said objectionable parts from your book and to undertake not to offend the religious sentiments of the Hindus in future.

Kindly note that if you do not comply with the demand of my client within clear 30 days of the receipt / first tender of this legal notice failing which legal action would be taken against all of you under the provisions of Section 153, 153A, 295A, 298, 505(2) of Indian Penal Code without any further notice to you all in this regard. That my client being an educationist and convener of Shiksha Bacho Andolan may also consider meeting like minded people and building a consensus to boycott the books published by Penguin Books India Pvt. Ltd. and by Penguin Group worldwide for spreading hate literature defaming Hinduism.

Therefore, YOU NOTICEEs are hereby advised/directed to tender an unconditional apology to my client and also to Hindus worldwide; withdraw the said objectionable portions from the said book and to undertake not to offend religious sentiments of Hindus in future failing which I have clear instructions from my client to initiate appropriate legal proceedings against all of you at your own risk, cost and consequences.

Copy of this legal notice has been kept for record.

(Monika Arora)

Advocate