

# THE PARSEE VOICE

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For Private Circulation

## Reflections On A Century That Has Gone By & The Lessons To Be Drawn Therefrom

As the year 2003 takes a bow, we cannot but reflect on **the** one main factor that has taken a heavy toll of the Zoroastrian religion and its practitioners, the Parsees of India, in the last century... That bane of the community has been the **Juddin** (non-Zoroastrian) element that gnawed at its very vitals!

In the 19th century, there were very few surreptitious back-door entrants in our religion and community, in the form of children of a handful of Parsee men, who had kept mistresses.

Then came the dawn of the 20th century, which brought with it its Western (British) mores and manners, to which a few Parsees got addicted. It was the era of materialism and rationalism. Queen Victoria ruled over the Empire on which the sun never set. Go West, my son, said the father, who belonged to one of the wealthy Parsee families – the Petits, the Tatas, the Readymoneys, etc. When the sons took their parents' advice seriously, they landed in Blighty and were bowled over by, what they felt, were a bevy of British beauties!

No one then dreamt that just one liaison between a Parsee gentleman, bearing the surname Tata and a French lady, would sound the death knell of a unique, upright community that had withstood the slings and arrows of outrageous fortune for nearly 12 centuries!

Hereafter, we shall give in points-form the main events pertaining to interfaith "marriages" of both Parsee men and women, that have led to the attenuation and denudation of our community.

### The Case Of The Rajput Lady

● In 1904, a Rajput woman, living with a Parsee, bore him three children, and had her "Navjote" performed at the age of 58, as she desired that her body be consigned to the Tower of Silence after her death (Justice Dinsha D. Davar alluded to this instance in

his judgement in the "Parsi Punchayet Case"). The Bombay Parsi Punchayet was taken off-guard! For, in the same year, the committee appointed to report if Juddins can be admitted in the Zoroastrian faith, had hit a stalemate! The Secretary of the BPP, Dr. Jivanji Modi, asked for instructions from the Trustees what he was supposed to do, if the relatives of the Rajput woman wanted her body to be consigned in a **Dakhma**, after her death!! The Trustees asked for the opinions of barristers Basil Scot (Advocate General) and Dinsha Davar, which were further vetted by Senior Counsel, Inverarity.

Since, a year earlier, Ratan D. Tata had "married" the French lady and her "Navjote" had been performed, both these cases were clubbed together when the opinions were sought. It's a treat to read the opinions of the learned legal men as they answered the 27 queries raised by the BPP Trustees. Of course, all the three differed in their opinions. A year later, barrister Dinsha D. Davar became a judge of the Bombay High Court, and three years later, in 1908, delivered the famous judgment in the *cause célèbre*. **All the three counsels, however, agreed on one point, that, the Querists (BPP), should "resist all attempts by alien converts to participate in the benefits of the Trust Funds or property", as Inverarity put it.**

### BPP Trustees' Notification

● Before the "Parsi Punchayet Case" began in 1906, on 9th February, 1905, the BPP trustees had rightly issued a notification in Gujarati, to the effect that, "We, the undersigned Trustees of Funds and Properties of the Parsee Punchayet, do hereby notify for the information of the public that we are advised by learned Counsel that the Funds and Religious Properties under our charge – such as, Towers of Silence, Dharamshalas, Nasakhanas, Fire Temples, etc. – are held by us for the benefit of those only, who are Parsees by birth and at the same time Zoroastrians by religion..."

Queries were then raised about those born of Parsee fathers and alien mothers, who were very very few in number. **Yet, the then BPP trustees bungled, presumably under pressure, and got another notification issued over their Secretary's (Jivanji Modi's) signature that they, too, were entitled to the benefit of their funds and properties! 98 years later, this colossal blunder, which was also perpetuated in their affidavit before the High Court in the Parsi Panchayet Case, has become a huge thorn in the fabric of our community, giving Parsee men a veritable licence, to go ahead and enter into alliances with non-Parsee women, brazenly!**

### **Davar-Beaman Judgment**

● The Suit No.689 was filed in the Bombay High Court, in 1906, under Sec. 539 of the Civil Procedure Code. Ironically, this suit was not filed by the aggrieved party, the French lady, but by a set of individuals, who were strongly influenced by the materialistic winds from the West. Again, in the beginning, the case was to be heard by Dinsha Davar alone! The plaintiffs, however, felt that the case should be heard by a bench of two. The defendants (BPP) opposed. Justice Davar himself recommended to the Chief Justice to appoint another colleague with him. So, Justice Beaman was appointed.

The case came up for hearing two years later, in 1908 and two concurring judgments were separately delivered on 27th November, 1908.

### **Only Two Points At Issue**

The judges decided only on, (a) whether the BPP Trustees were validly appointed; and (b) whether a non-Parsee Zoroastrian "converted" to Zoroastrianism is entitled to the benefit of the religious institutions and funds mentioned in the plaint.

As regards the latter, Davar J. maintained that, the right to file a suit vested only in the person that is wronged, whereas, the plaintiffs were all Parsee Zoroastrians by birth. His judgment ran into 121 pages, which is considered "a treatise on the legal and religious rights and customs and the social fabric of the community."

Justice Davar's concluding remarks were : "The Parsi community consists of Parsis who are descended from the original Persian emigrants, and who are born of both Zoroastrian parents, and who profess the Zoroastrian religion, the Iranis from Persia professing the Zoroastrian religion, who came to India, either temporarily or permanently, and the children of Parsi fathers by alien mothers, who have been duly and properly admitted into the religion."

From this brief history of the judgment, two-three fallacies that are being trotted out today, need to be emphatically mentioned: (1) **There is no judgment which states that children of Parsee fathers and alien mothers can be accepted in the religion. This big mistake was already made in the affidavit filed before the learned judges, by the Bombay Parsi Panchayet.** (2) **Even before the actual hearing, the Samast Anjuman Meeting of 16th April, 1905, called by the BPP, refused to accept any concessions in Juddin marriages and Navjotes, which decision was alluded to by Justice Davar in his judgment.** (3) **The learned judge had made it categorically clear that, on the evidence placed before him, a mere Navjote cannot permit the child of a non-Parsee mother to be admitted in the Zoroastrian religion. Notice the words used: "duly and properly admitted into the religion".**

### **Women on the Warpath**

● Just 10 years later, in 1918, the BPP Trustees were confronted with a new, unprecedented problem: A Parsee woman Soonabai Edulji Mehta, taking a leaf out of some of her male confrères book, had "married" one Mr. Underwood, under the Indian Christian Marriage Act, 1872, which required only one of the spouses to be a Christian. Mrs. Underwood, so her relatives claimed, had kept up her religion until she died in 1918! They wanted her body to be consigned to the Towers of Silence. The Secretary, Dr. Jivanji Modi, was stumped! He consulted the then Trustees **and got the body consigned to the chotra** (an unconsecrated **Dakhma**: there is a square one at Mumbai's Doongerwadi).

The trustees consulted the Advocate General, Sir Thomas Strangman, who confirmed the step. **His argument was that, even if she continued to remain a Zoroastrian, she went out of the community having married a non-Parsi.**

The argument was based on the judgment of Justice Beaman in the Parsi Panchayet Case, that, **"after they settled down in India, the Parsees came to regard themselves as a caste ... Marriage by a female member of the community with an outsider would, therefore, ipso facto, place her outside the community."** Sir Strangman went on to add that **Justice Davar "would not have regarded Mrs. Underwood as a member of the Parsee community."** Had Mrs. Underwood married under the Special Marriage Act of 1872, she would have automatically renounced her religion.

● Again, 10 years later, in 1928, another Parsee woman, had married a Frenchman in the American Christian

Church and became Madame Guevret! The fascination for French women and men with some Parsees of those days, is fascinating, indeed! This Mithibai Guevret (how did the "natives" pronounce her name?) asked Sir Dinshaw Mulla's opinion about her status. He felt that "she is, therefore, still a Parsi by Race and a Zoroastrian by religion... unless it be shown that either according to the tenets of the Zoroastrian religion or according to the custom of the community she ceased to be a member of the community on a marriage with one outside the community."

**A thousand pities that instead of settling the matter there and then, by adducing incontrovertible evidence from Zoroastrian texts, traditions and practices, in a court of law, the elders of the community, including the BPP trustees and the leading Athornans, including the High Priests, dragged their feet by merely passing resolutions at Samast Anjuman and other meetings!**

In the meanwhile, there was the Bella case of Rangoon, in the twenties, the Bansda Navjotes, of the forties, etc. The small crack in the door at the time of the Parsi Punchayet case, had been converted into a yawning

chasm by the time India got its independence. Many children of non-Parsee mothers had got entry into the community, without as much as a "by your leave.."

#### **Special Marriage Act, 1954**

● After independence, the alarm-bells were sounded in the form of the above Act, which did away with the renunciation of one's religion at the time of the civil marriage, a clause which was there in the earlier Act of 1872. At that time, the BPP trustees were earnestly urged by right-thinking orthodox Parsees to seek exemption from this Act.

But, as we know today, no one batted an eyelid. The floodgates of inter-married Zoroastrians had opened! The downright **dadagiri** of Parsee women marrying outsiders, with trustees of **Agiaries/Atash Behrams** and the trustees of the BPP, had begun!

*(TO BE CONTINUED)*

*(In our next issue, "The Hypocrisy of Parsees married outside..")*

[We regret, that the sequel to the article, "BPP, FPZAI & The World Body", has to be postponed to our next New Year issue, because of constraints of space. – Editor].

## **You're Telling Us!**

[The following letter, written by **Ms. Yasmin Pavri**, goes well with our lead article in this issue. This is how an average Parsee feels about Parsee women marrying outside the community. She addresses the letter to those contemplating non-Zoroastrian marriages].

Dear Friends,

At one time in your life, you decided to marry a person of your choice – who happened to be a 'non-Parsi', a 'non-Zoroastrian', a worthy person no doubt, practising his own good religion. But, each religion, community has its own codes, rules, which are in-built or practised over centuries – they must be understood and respected. No religion tolerates violation of these.

At the time you made your decision, and probably, also married as per the rites of the religion of your spouse, you must have been aware – as you should have been – that, this action of yours would entail giving up your rights as a Parsi Zoroastrian, of entry into our fire temples, partaking in or presence at religious ceremonies and entry into the Dokhma after death. Yet you opted for the "marriage" of your choice, thereby, relinquishing your rights to the religious institutions, places of worship of the religion into which you were born and into which you were initiated at the time of your 'Navjote'.

Yet, now, you desire to assert your right and adoration for your religion – at what expense? Have you for a moment

considered the consequences to the religion and the community? Have you examined your own desires, motives with a sincere heart and mind, that you with to tear asunder the tradition and the community so that you get the satisfaction of visiting the fire-temple, or being present at a ceremony once in a way?

When you implicitly gave up your rights to marry, knowing the rules of the community, you did not think seriously. **So now, why create havoc for all else? What self interest prompts you to do so? Remember, our ancestors who forsake everything to preserve their faith which has survived** – which mainly due to our strict regulatory codes and discipline stands to this day! Do you realize what your acts of transgression can do?

If you have accepted your spouse with his worthy religion, why can't you accept the same for your child? Do you want a 'Navjote' for the grand function which goes with it?

If you desire to 'gate-crash' or have a 'back-door' entry, remember, you are causing a grave disturbance and you will be fooling neither God nor yourself.

**You have made a bed of roses for yourself, be happy and content therein** and let us remain happy and undisturbed in ours!

**Yasmin Pavri**

## એક સદીથી થતાં આવેલાં જુદીન લગ્નો અને નવજોતોએ પારસી કોમને સત્યાનાશીની ખાઈમાં ધકેલી દીધી છે!

અમો આજે જે કહેવા માંગીએ છીએ, તે અગાઉ ઘણીવાર ચર્ચાઈ ગયું છે. તે છતાં, જ્યારે હાલમાં મળેલી પારડોલીમાં ફેડરેશનની સભામાં, કોઈ ભાઈઓએ વીર્ય બેંક (Sperm Bank) તેમજ ફલિત કરવાની ક્રિયા માટેની ક્લિનિક (Fertility Clinic) ઊભી કરવાની વાત વહેતી કરી, તેમજ કોઈ બીજાઓએ કુટુંબદીઠ ૩-૪ ફરઝંદો ઊભા કરવાની વાત કરી, કે જેથી પારસી કોમની આબાદી વધે, ત્યારે અમને સાચી રીતેજ આશ્ચર્ય લાગ્યું! કારણ કે આ બધાં ફોકટનાં ફાંફાંજ છે, એટલુંજ નહિ, આમાંની કોઈક જરથોશ્ટી ધર્મની પણ વિરૂધ્ધની પ્રવૃત્તિઓ છે.

આ ભાઈઓ પોતેજ કબુલ કરે છે કે કોમમાં કુંવારાપણું અને મોટી ઉંમરે થતા લગ્નોનું પ્રમાણ ઘણું વધી ગયું છે, તો પછી, ૩-૪ બચ્ચાંઓ કુટુંબદીઠ ક્યાંથી ઊભાં થઈ શકે?

અમારી નાચીઝ અક્કલ પ્રમાણે તો જે તાતી જરૂર છે તે કોઈ પણ ભોગે, જુદીન લગ્નો થતાં અટકાવવાની. આ દિશામાં ઘણું લખાયું અને બોલાયું છે, પરંતુ, જે વાત અમો આજે દોહરાવવા માંગીએ છીએ તે એ કે, જરથોશ્ટી બાનુઓ જેઓ જુદીન લગ્ન કરે છે તેઓને કોઈ પણ હિસાબે વાળવા યા કોમ બહાર રાખવા. આજનાં જમાનામાં તે કેમ કરવું, તેની અદના કોશિશ અમો અત્રે કર્યે છીએ.

(૧) પરકોમને પરણેલી જરથોશ્ટી બાનુઓ ઉપર અગાઉ કેટલાક પ્રતિબંધો હતા. જે શિસ્ત તે વેળાનાં વાળીઓ, મા-બાપો પોતાનાં ઘરમાં રાખતા હતા તેમજ જે સંયમ તે વેળાનાં મુંબઈ પારસી પંચાયતનાં ટ્રસ્ટીઓ તેમજ અગિયારી આતશબહેરામ નાં મુતવહીઓ પોતાની સંસ્થામાં લાવ્યા પ્રયત્ન કરતા હતા, તેને લીધે આવી ઓરતો અંકુશમાં રહેતી હતી.

(૨) આજે તે વખત નથી રહ્યો. આજે તો બસ “લાવ છરી, નાક કાપું!” ની વર્તણુંક જોવા મળે છે. “તમે કોણ અમને કહેવાવાળા! વધુ અવાજ કરશો, તો નોટિસ મોકલાવીશ!” આવી ખોટી ધમકીથી, કમનસીબે, આપણાં પાક મકાનનાં ટ્રસ્ટીઓ ડરી જઈ નમતું જોખે છે!

(૩) આ જુદીન લગ્ન કરનાર બાનુઓ એટલા ભૂલાવામાં પડેલાં છે કે તેઓને એટલી સરળ વાતની ખબર નથી હોતી કે “બાળકનો ધાર્મિક એતેકાદ ઊભો કરવાનો કુદરતી હક બાપના બુનનેજ મળેલો છે. જ્યારે બાપનો ધર્મ જુદો હોય, ત્યારે બાળકનો ધાર્મિક એતેકાદ બાપનું બુનજ મુકરર કરે છે.”

(૪) પરકોમી મદો સાથે જાતિય ભોગવટો કરવાથી, ખોરેહોની ભેળમભેળ પેદા પડે છે. મદનું ખોરેહ, ઓરતનાં ખોરેહ ઉપર ગાલેબ આવવાથી, તે જરથોશ્ટી બાનુનું ખોરેહ જે નવજોત વખતે મેળવેલું હતું, તે નષ્ટ થતું જાય છે!

(૫) આવી અનેક બાબતો જે જરથોશ્ટી દીનમાં પડેલી છે, તેના કાર્યમાં કાર્ય અભ્યાસ વગર, આજે, પરકોમી મદોને પરણેલી જરથોશ્ટી ઓરતો, મનમાં એવા ફાંકાઓ રાખીને, અમુક ધુંધમાં ફરે છે કે, “અમો સદરો-કશ્ટી પહેરીએ છેએ, એટલે અમો જરથોશ્ટીજ કહેવાઈએ.” આવી ખોટી ઉદ્ધતાઈને વળી, ભાંગા વાસનાં ટેકો આપનારાઓની પણ કમી નથી!

(૬) જ્યાં સુધી મુંબઈની પારસી પંચાયતનાં તેમજ ધાર્મિક મકાનોનાં ટ્રસ્ટીઓ, નૈતિક હિમત બતાવી, આવી પરકોમમાં પરણેલી ઓરતોને તેમજ તેઓનાં બાળકોને કોમની ધાર્મિક સંસ્થાઓમાંથી બાકાત રાખશે નહિ, તો આ ગંભીર પ્રશ્ન વધુ વિકસશે. આમાં જરૂર છે ફક્ત નૈતિક બળનો.

અમને ભારપૂર્વક કહી દેવા દો કે આજે જે આવી ઓરતો ધમકીઓ આપે છે, તે સાવ પોક્કળજ છે! જો એઓ કોર્ટ જવાની ધમકી પણ આપે, તો તેમ કરવા દો! એઓ કદી ફાવવાનાજ નથી! આ એકજ સહેલી ચીજ છે જેનેથી કોમની ઓછી થતી વસ્તીનો સવાલ નો કેટલે અંશે જવાબ મળી જશે.

વાંચકોને અમો વિનંતિ કર્યે છીએ, કે “પારસી વૉઈસ”નાં આવતા અંકમાં નો અંગ્રેજી લેખ, જે આ બાબત પર વિસ્તારીને પ્રકાશ નાંખશે, તે જરૂર ધ્યાનથી વાંચે, અને પારસી કોમ માંથી એવો કોઈ સપૂત ઊભો થાય જે કોઈ પણ જાતની આ બાનુઓની પોક્કળ ધમકીઓથી ડરે નહિ! આ કામ ધારવામાં આવે છે એવું અઘરું છેજ નહિ!

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