

## Dastoorji Dr. Hormazdiyar Mirza's reply to BPP (1964)

On our about 31.7.1964, the then Joint Secretaries of the Bombay Parsi Panchayat, addressed a letter and a questioner to the Dastoor, Scholars and Lawyers. The main question was ***whether a Parsi who marries a non-Parsi under the Special Marriage Act (1954) continues to be a Parsi entitled to the use of the Parsi Religious Institutions like the Fire-temples and the Dokhma; and whether there is any distinction, in this behalf, between a male Parsi and female Parsi.***

Given below is the full text of Dastoorji Dr. Hormazdiyar Mirza's reply dated 15th September 1964. Two points are to be kept in mind while reading the reply. One is that Dastoorji's opinion was given in 1964 i.e. after the new Special Marriage Act 1954 had come into force. The second point is that it is a Religious opinion which gives profound and excellent reasons based upon the Religious Scriptures, tenets, traditions, customs of the Parsi Religion and community.

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September 15, 1964

The Joint Secretaries Parsi Panchayat  
209 Dr. D. Navroji Road, Bombay  
Dear Sirs,

Re Your letter No. Gen. 81431514104, dated 31st July 1964, questionnaire re. Inter-Communal Marriages

### GENERAL OBSERVATIONS

1. The Navjote and marriage ceremonies are important ceremonies of Zoroastrian Religion. According to our ancient custom and practice, the important religious ceremonies (Navjote, Navar, marriage, Nirangdin) were performed in the presence of the Anjuman. The marriage ceremony was also performed in the presence of the Anjuman (Pazand: anjuman just estat). The leaders of the Anjuman had a right to prevent objectionable ceremonies. Even at present generally the Anjuman assembles when the marriage ceremony is performed in the cities of Gujarat. A few decades ago the trustees of the Parsi Panchayat at Bombay also used to attend TO witness the marriage ceremonies as the leaders of the community.

2. ***According to the Zoroastrian Religion marriage is NOT a civil contract. It is a religious sacrament.*** A Zoroastrian (Male or Female can marry only according to 'the law and practice of the Mazdayasni Religion' (Pazand: Awar dad u ain i din i mazdayasni), and in no other way. The Parsi marriage and divorce act also requires that the marriage of a Zoroastrian couple is valid and legal only if the ceremony is performed according to the Zoroastrian rites. If a Zoroastrian (Male or female) marries in any other way, he or she discards the important sacrament of the Zoroastrian Religion, and thus forsakes the religion and community.

3. ***The Zoroastrian religion strongly denounces and condemns the inter-communal marriages (Vandidad -Videvdat XVIII 62-66).***

4. If a member (male or female) of a Zoroastrian Family adopts an alien religion, he or she is no longer regarded as a member of the family (*Videvdad XII 21-24*). If a person who is born of a Zoroastrian parents and who is duly admitted to the Zoroastrian religion, adopts an alien religion, he or she ceases to be a member of his Zoroastrian family, how can then a born and avowed non-Zoroastrian male or female become a member of a Zoroastrian family? If a Zoroastrian male or female contracts marriage with a non-Zoroastrian, he or she is *ipso facto* forsakes both the Zoroastrian religion and the Parsi community, and goes out of the Zoroastrian fold and community.

5. Zoroastrian religion is to be practised in daily life. We observe in our daily life, the rules of purity generally known as Asha (the laws of Ashoi). They are handed down to us from ancient times as religious customs and practices, and they include the rules of observing ritual purity. **According to these rules, the Zoroastrian religious places are consecrated places and only qualified Zoroastrian can enter these places.** Even a Zoroastrian duly admitted to the Zoroastrian religion, cannot enter a fire-temple or attend a religious ceremony unless he has taken bath and has performed the Kushti ceremony. If a Zoroastrian has not done so, he or she is not qualified to enter a fire-temple or to attend a religious ceremony. Again, a Zoroastrian woman, who is duly admitted to the religion, can in no circumstances enter a fire-temple or attend a religious ceremony if she is in her menses.

6. Further even a Zoroastrian (Male or Female), duly qualified to enter a fire-temple and to attend a religious ceremony is in no circumstances allowed to enter the 'Sanctum' where the holy fire burns. Similarly, even such a qualified Zoroastrian is not allowed to enter the sanctified place (demarcated by Karsa, Kas) where the ceremonies of high orders are performed. Only specially qualified priests, properly dressed and after performing qualifying ceremony, can enter the sanctum, and the sanctified place set apart for higher ceremonies.

7. The principles of ritual purity, handed' down to us as religious customs and practices, have been corroborated by the use of the Avesta terms Asha -(from which the term Ashoi is derived) and 'Yaozda'. The Avesta term Asha does not mean only 'Truth', Right as it is generally believed, but it stands for 'the holy law of God'. Similarly, Avesta 'Yaozda' is not simply 'Cleansing', 'purifying', but is stands for ritual purity. These Avesta words have been thus explained by Professor Christian Bartholomae in his Avesta Dictionary (*Altiranisches Wörterbuch, Strassburg 1904 abbreviation Wb. - in English translation*):

(1) Avesta Asha: 'What is real and true, the Ahurian Dominion of truthfulness and its order, holy eternal law, Godly order' (Wb. 229-30).

(2) Avesta Asha -with Pao, Pantan -: 'the path of Asha-: the path of holy law (Wb. 231-32).

(3) Avesta arta, areta -, reta -(variants of Asha); 'Law, holy law'.

(4) Avesta Yaozda -: 'to make whole, to make healthy, to make perfect to make pure, to purify ritually, to make ritually perfect, to prepare according to religious instructions, to set in proper position, to bring back in normal position. (Wb.1233).

According to these rules of ritual purity, which have been handed down to us from ancient times as religious customs and practices and observed by us since ages a Zoroastrian male or female while performing a Kusti ceremony and while reciting his or her daily prayers must not come in contact with a non-Zoroastrian. If he or she comes in contact with a non-Zoroastrian the ritual purity is vitiated and the prayer and the ceremony are annulled.

9. We can, therefore, conclude:

***If a Zoroastrian male or female, who marries according to the rules regulations not acceptable and opposed to the Zoroastrian religion, customs and practices, comes in marital intercourse with a non-Zoroastrian he or she cannot observe the rules of ritual purity of Zoroastrian religion, cannot perform Kushti ceremony, cannot offer Zoroastrian prayers, cannot enter the fire-temple, cannot attend the religious ceremonies. Such a person goes out of the Zoroastrian fold and the Parsi community.***

10. The term Parsi includes the Zoroastrians of Iran. Originally the Parsi (meaning a resident of 'Pars' a province in Iran) is a racial term, but later on, particularly after downfall of the Sasanian Empire about the middle of the seventh century, the term 'Parsi' acquired a religious connotation also, and the term 'Parsi' (or its variant) was applied to those Zoroastrians of Iran who adhered to their ancestral religion (namely Zoroastrian religion), to distinguish them from those Iranians who adopted Islam. The term Parsi means who belongs to the original Iranian stock and professes the Zoroastrian religion. Hence, in Parsi marriage and divorce act also the term Parsi is explained 'A Parsi-Zoroastrian'.

### **ANSWER TO QUERIES**

11. On the strength of what has been stated above, the answers to the questions raised in the questionnaire are:

***(1) According to the religious text books and the tenets of the Zoroastrian religion applicable to the Parsis of India and Iran, a Zoroastrian male or female cannot marry under the Special Marriage Act of India (1954) or any other Act not accepted by Zoroastrian religion customs and practices. If a Zoroastrian male or female marries a Non-Zoroastrian, he or she cannot perform Kushti Ceremony, cannot offer prayers according to the Zoroastrian religion, cannot enter the fire-temple, and the Dungarwadi bungli when the ceremonies are performed and cannot attend the Zoroastrian religious ceremonies. He or she cannot continue to be a Parsi or a Zoroastrian, and cannot remain in the Zoroastrian fold. Such a person cease to be a Parsi and Zoroastrian and goes out of the Zoroastrian fold and Parsi community.***

***(2) There is nothing in the religious laws of the Parsi to distinguish between such a male and such a female marrying a non-Zoroastrian.***

(3) The question does not arise.

(4) In my opinion such a female, who has married a non-Zoroastrian, cannot practice the Zoroastrian religion, and on her death her body cannot be consigned to the Tower of Silence generally used for other Zoroastrians.

Sd/- H. K. Mirza

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***Further reading:***

<http://tenets.parsizoroastrianism.com/Strong%20Reaction.pdf>