



Overview About Zoroastrian Personal Law

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ABSTRACT

The law governing marriage, divorce, succession etc. in Zoroastrians i.e. Zoroastrian society. According to their religion, homeland and tradition, they have the features of Zoroastrian society. It is known as 'Parsi Marriage and Divorce Act 1936'. It is applicable in all other regions of the country except the territory of the state of Jammu and Kashmir.

The population of the Parsi community is mainly concentrated in Mumbai and Pune in Maharashtra and Navsari, Surat, Ahmedabad, Vadodara, Valsad, Bilimora and Udwara in Gujarat. The Parsi population is scattered abroad and in other cities of India.

According to Zoroastrian Marriage Law, Zoroastrian marriage is a marriage in which both the groom and the bride follow Zoroastrianism and the ceremony is performed by Gore Zoroas Dastoor or Mobed. Unceremonious marriage and marriage with a non-religious person are not preferred in Parsi society. Mostly it is opposed. There is a fierce dispute among the people of that community whether a child born of such a marriage should be considered a Zoroastrian or a Zoroastrian or not. Most of the Mobedos are not ready to perform the new birth ceremony of such children. Navjot is the first rite of initiation into Zoroastrianism. However, some Mobedos in big cities also perform this ritual.

KEYWORDS: Zoroastrian Wedding, Parsi personal law.

INTRODUCTION

There is no unanimity in this matter even in the Parsi Panchayats or Anjumans. Places with a large Parsi population have Parsi Anjums. The decision given by the Anjum regarding the questions of the society cannot be overruled. A majority of Anjums are opposed to admitting the children of a Parsi woman and a heathen man into Zoroastrianism. They are also opposed to any convention giving concessions in this regard, such as entry into the shrine. The practice has been that Parsi women who are married to an outsider themselves do not insist on going to shrines to avoid such disputes. On one such occasion, a Zoroastrian who died on the side of a heathen husband was a lifelong follower of Zoroastrianism at the time of the death of his Zoroastrian wife and requested that her funeral be conducted according to Zoroastrianism, which was rejected by the Mumbai Zoroastrian Panchayat and the opposite party. Evidence was sought in confirmation of the matter. Some Parsi women married to non-religious men sought the help of the courts to protect their religious rights, in whose judgments the courts upheld the right of women.

MARRIGE AND DIVORCE

Parsis do have cases of divorce, but the divorce is valid only if it is done according to Parsi law. Special Parsi Courts hear both the parties and decide according to custom in respect of divorce petitions. Before 1955, jury system was prevalent for disputes in sessions-courts. Mumbai, Kolkata and Chennai have chief matrimonial courts and other important cities have district matrimonial courts. The system of appointing a delegate in place of the jury has been introduced to assist the presiding judge in making his decision. It is a rule that such representatives must be Parsis. They sit in hearing disputes. They hear the submissions of both the parties and at the end of it they give their decision. The decision is taken unanimously or by majority vote. The final decision is given by considering the presiding judge's guidance on matters of statutory interpretation and procedure. On any occasion, when the delegates are equally divided, i.e. when there are equal votes in favor and against, the presiding judge examines the details of the dispute and gives his separate decision and that decision is considered final and binding on all the parties. Appeal against this is allowed in the high court. Its rights are limited in the subject-matter of appeals to the High Court; The High Court can intervene only in cases where the decision of the lower court is not in accordance with the process of law, the decision is not supported by law, the decision is contrary to the provision of law, there is a material error in the case or procedural error at the time of giving the decision.

In the early years of the twentieth century, a controversy in the Bombay High Court caused great excitement. During the hearing of that dispute, the earlier decisions were also overruled. Thirty-six points were presented for consideration as a conclusion. The first of the two important points was whether, supposing a heathen later converted to Zoroastrianism, he would be entitled to the benefits offered by the Zoroastrian religious institutions or not? The precedent was that a person who became a Parsi by conversion could not get any such benefit. The right of a heathen to convert to Zoroastrianism was upheld by the judgment in this case. But Justice Davar made it clear in his judgment that the Indian Parsis made no efforts to convert the heathens to Zoroastrianism and that no talk of conversion was supported or encouraged by the Parsi religion. Pardharimi is not admitted to the Zoroastrian funeral rituals of taking the corpse to Dokhma for burial after death; Not only that, but the chance or opportunity to see the face of the dead body is not given to the heathen. Such prescribed limits are strictly and scrupulously observed by the Parsis. That is why Justice Davar has expressed the opinion that a heathen can be considered to have entered Zoroastrianism only when that person has gone through all the religious rituals related to Zoroastrianism.

A child born into the Zoroastrian religion of Zoroastrians is formally initiated into the religion through a ritual called 'Navjot'. Other rituals include Sudreh (a robe of muslin) for a child born in a Parsi community (lun) and kasti or kusti (kandoro) woven from wool, worn by Mobedos chanting the sacred chants of Avasta. Navjot-kriya takes place when the child is 7, 9 or 11 years old. The Navjot ceremony of a girl is performed before her menstruation.

Rituals are performed according to Parsi Samvat. According to the sect, three slightly different types of Kadami, Shehanshahi and Fasli are prevalent in Parsi Samvat. Generally 365 days are taken in a year. A month is counted as 30 days according to the motion of the moon. After 360 days 5 days are added to the saga to get the year. The imperial year begins when one month of Kadami New Year is completed. One day is added to the Fasli Samvat every four years. According to the Hindu samvat, the year is counted from Chaitra Pratipada to Mesharambha, which day falls on 21st March according to the Christian samvat. Parsi Navroj is also celebrated in the same way.

Parsi marriages are bound by custom as well as by law. Some details of this practice are interesting: D. E.g., than parents before choosing a bride; Now they do it themselves. Some people insist on Rashi and Grahamela. The groom sends clothes, fish and curd to the bride. The bride wears the clothes sent. The bridegroom gives ring-tiger to Sama Paksha. Some people add Shubh Muhurat. Some of the old-fashioned Parsees, after making a mandaparo, bathe the bride and rub her back. The pillar of the mandapa is circumambulated by Varakanya. On the morning of the wedding day, the dressing ceremony takes place. In the evening, the women of Kanyapaksha escort the groom home. It contains clothes, utensils etc. The mother of the bride greets him and accepts. Prosperity increases. He gives it to the bride's sister or another woman by putting money in the water of the pond. When the time of marriage comes, the bridegroom arrives at the bride's house with a challo, a necklace, and a srifal in his hand. Sajanmahajan supports in life or horse. The bridegroom is allowed to enter by taking shripal kutari, ovarna. After that the women enter. In the first ceremony, a gap is kept between the bride and groom. Both are bound by a thread of thread. Mutual akshatarsha is done. Mobedo pronounces blessings in Zand and Sanskrit language. Marriage requires the mutual consent of the bride and groom. The bride's sister washes the groom's feet with milk. Kansarprashan is performed by the bride and groom. Ekibeki is played. After giving blessings again, the bride is pampered. Kanyapaksha sends furniture there to the groom. On the eighth day, the bride returns to her father's house in the evening with wheat filled with copper and wheat. There is monogamy among the Parsees; But widows and widowers can remarry.

In the field of succession there are two systems among the Parsis. In cases where a will or testament is made, there is hardly any room for dispute. The estate of the deceased is disposed of according to his will but in the absence of such clarification at the time of death, the provisions of the Indian Succession Act, 1925, particularly Sections 50 to 56 of Chapter III, as last amended in 1991, apply.

Section 50 thereof does not distinguish between inheritance born during the lifetime of the deceased or conceived after death. If any of the children of the deceased predeceased him and there is no widow or widower, the succession of such predeceased children is not considered. If there is a widow or widower in the estate of the deceased, if he marries another during the lifetime of the deceased, his succession to the property of the deceased is not recognized.

The 1991 amendment added a new single section 51 in place of the old sections 51 and 52. Accordingly, if both or any one of the parents of the deceased is alive, their inheritance is accepted, but its proportion is fixed at half of what each of the children gets. The widow or widower of the deceased gets the same share as the children.

Section 53 provides for application in cases where the children of the deceased have died during his lifetime. In such a case, the deceased's children are considered to be in existence and their share is apportioned. His widow and his children get a share out of it. If this child is a daughter, then her children get a share. Here the relatives of the remote generation inherit but if they die before this, they are also considered as heirs of the deceased as if they were alive at the time of death.

Article 54 contains a special provision regarding succession of generational descendants. If there is no generational heir behind the deceased, then the deceased's widow or deceased's widower gets half of the property. If a generational widow or widower survives, then the widow or widower of the deceased gets one-third and the generational widow or widower collectively gets a third. Out of this third part comes the share of generational widows or widowers. If there is no widow or widower of the deceased, but there are generational widows or widowers, then one-third of the property of the deceased is divided among them all. The remaining assets are distributed as per Section 1 of Schedule 2. In this section the officers are mentioned in order, according to attendance; mother and father, if not relatives siblings and children, if not grandparents and grandchildren, if not their descendants. And so the list goes on. Section 55 further extends such provision. When the deceased does not have a lineal descendant, a widow or a widower or a lineal descendant's widow or widower, the property of the deceased is distributed in accordance with section 2 of Schedule 2. Parents, siblings are placed in this order according to section 1. In practice such circumstances are extremely rare. Finally in Article 56 any of the above clauses It provides that if there is no heir, then the property will be distributed among the relatives who are related to the deceased.

CONCLUSION

Zoroastrian marriage, as defined by Zoroastrian Marriage Law, is a union in which the bride and groom are both Zoroastrians and the ceremony is officiated by a Gore Zoroas Dastoor or Mobed. The Parsi culture discourages arranged marriages and unions with non-religious partners. Most people oppose it. There is a heated debate within that community as to whether or not the kid of such a marriage should be regarded as a Zoroastrian. The majority of Mobedos are not prepared to conduct the new birth ceremony for such kids. The first ceremony of initiation into Zoroastrianism is called navjot. However, some Mobedos also carry out this ceremony in large cities. In the Parsi Panchayats, there is disagreement on this issue as well.

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