

Inter - Religious Marriages Forbidden By The Zoroastrian Religion

From the Gathas to the Vendidad, and the Pahlvi texts and Pazend Ashirvad ceremony and Setayeshes to Firdausi's Shah Nameh, it is not at all difficult to prove that marriages with non-Zoroastrians are completely taboo in our religion. According to the canonical laws and/or ecclesiastical practices, any Mazdayasni gets automatically ex-communicated as soon as he/she marries a non-Mazdayasni. This assertion stems from the categorical averment in the Vendidad, chapter 18, according to which any physical union between a mazdayasni and non-Mazdayasni tantamounts to adultery. And Ahura Mazda specifically tells Prophet Zarathushtra that such a person is His enemy, who causes Him the greatest anguish.

Thus, having voluntarily opted to marry a non-Mazdayasni, thereby flouting one of the fundamental principles of the Zoroastrian religion the option is not theirs whether to retain the religion or not. Those ignoramuses, who glibly talk about the "spirit of the Zoroastrian Religion", should first learn to have at least a nodding acquaintance with their Religion. This is the Zoroastrian credo and no court of law can interfere with it.

What's more, for a Zoroastrian, marriage is not a mere contract or a union of physical bodies,

but a sacrament, a sacred covenant entered into in the name of Ahura Mazda. Marriage for a Mazdayasni Zoroastrian can be only between a male and a female, who profess and practise the Zoroastrian religion. This is the only lawful and valid marriage. Any other form of marriage is ab initio null and void.

Again, for a lawful marriage, the marriage ceremony, consisting of the Nahan (spiritual ablution) and the Ashirwad ritual or the Nuptial Benedictions, has to be performed by qualified and lawfully ordained priests. The Ashirwad ceremony has compositions which are mostly Pazend Manthra. To them have been added two very potent Avesta Nirangs, as cream is added to milk for enrichment. In the Ashirwad ceremony itself it is very categorically stated that : Avar - daad va aeen - i - Deen - i Mazdayasni = "According to the foremost law and creed of the Mazdayasni Religion (Faith) (this lady is offered as a wife..")

To reiterate the facts, therefore, a Parsee girl who has married an alien has irrevocably left the Zoroastrian religion. Her claim that she continues to retain the Zoroastrian Religion is thoroughly incongruous and untenable. The Special Marriage Act may give such women a status contemplated by the secular law, but after such alien marriages,

she cannot continue to be a Zarthoshti, according to the Mazdayasni Zarthoshti Deep. And no court in our country can and will go into the veracity or merits of any religious tenet or traditions.

The Sanctity of The Dakhmas

Like our Atash-Behrams and Agiaries, the Dakhmas, with their pavis, their talismans and the magnetic circuit operating in each pavi, because of the plethora of Baaj, Masna and Vendidad ceremonies performed during their construction, are fully CONSECATED religious institutions of the Zoroastrians. Even the corpse of the most devout and pious Zoroastrian cannot be consigned to a Dakhma, unless two very vital ceremonies, namely the Sachkar and the Geh Sarna are performed on it. On account of these two indispensable prerequisites which only the dead body of a Zoroastrian is entitled to benefit from, the putridity called "Druj-e-Nasu" that emanates from a corpse, is confined and limited to a very limited area around the body, and its force and potency are considerably reduced. It is only then that the consecrated Dakhmas are ready to receive the dead bodies of the Zoroastrians, and the talismanic circuits start operating. Since the erstwhile Parsee girl, who has married an alien, automatically ceases to be called a Zoroastrian, no eschatological rites can be performed on her dead body, which in turn, cannot be consigned to the Tower of Silence.

The Special Marriage Act (1954)

It all began with a Britisher, Sir Henry Maine, who, for the first time, more than a hundred years ago, egged on by the so-called reformist ideology of the Brahmo Samaj introduced the draft of a secular marriage law in the form of the Special Marriage Bill in the central legislature. Among other things, it proposed that any two citizens of India should have the freedom of adopting the proposed secular law, in place of their respective personal laws.

But the Bill was opposed both on the floor of the legislature as well as outside it. The Government was accused of gross interference in the religious affairs of the natives. While the Bill was still pending in the legislature, Maine left India and was succeeded by James Stephens. Gauging the strong feelings of various religious communities, he agreed to restrict the application of the Bill only to those Indians who were not Hindu, Buddhist, Sikh, Jain, Muslim, Christian or Parsee. In this weakened form, the Bill was enacted as the Special Marriage Act, 1872. In practice, the Act furnished a law under which two persons belonging to different religions could marry by declaring their complete severance from their respective faiths. This was in consideration of the feelings and sentiments expressed by the orthodox section of the society.

But Maine's ghost continued to stalk the corridors of those Indians who had been swayed by

British influence and education. On February 26, 1972, Bhupendra Nath Basu introduced a bill seeking an amendment to the Act of 1872, in order to make its provision available to any two Indians intending to marry, irrespective of their religion or faith.

But Basu had not reckoned with the storm of opposition his bill would evoke from the Muslims, the Hindus and the Parsees. The then doyen of Zoroastrian orthodoxy, Mr. Jehangir J. Vimadalal, spearheaded the Parsee attack. He informed the community that when the Bill of 1872 was being discussed, Zoroastrians had vigorously fought against it and thus the Parsees were exempted from its operation. All this would be nullified if the Basu bill were allowed to go unchallenged. It would encourage civil marriages which would put the community and religion in jeopardy. A huge meeting was held in the Framji Cowasji Institute at Dhobi Talao, in which the stalwarts of the community made thundering speeches and passed resolutions against the Bill. Eventually, the Basu Bill was rejected by the legislature.

Maine's spirit, however, was not to be allayed so easily. In 1921, another attempt was made by Hari Singh Gaur for the removal of the condition of renunciation of religion impliedly imposed under the SMA, 1872.

One again, among others, Mr. Vimadalal led the campaign against it. This time, besides meetings and newspaper articles,

Jahangirji wrote to various national leaders and legislators why Parsees were opposed to it. So effective was his campaign, that the well-known patriot Pandit Madan Mohan Malviya wrote to Jahangirji. "I honour your community for its desire to keep up its purity of blood and its tenacious strength and character which have enabled it to live and flourish so long with distinction". Mr. Basu himself, in the next session, assured that religious communities other than Hindus would be excluded from its purview. Thus the Special marriage (Amendment) Act, 1923 came to be adopted.

Alas ! Seven years after independence, the wind of secularism had so assailed the thinking of our legislators, that it was felt that the time was ripe to implement the proposal regarding the extension of the secular laws of marriage and succession. Opposition against the new Bill was negligible, except from the Muslim community. At 209, Dr. D. Naoroji Road, the Rip Van Winkles did not bother to shake a leg.

The Bill mustered the necessary support in Parliament and was enacted in 1954 as the new Special Marriage Act. For the Parsees, the Act, as visualised by Mr. Vimadalal, opened the floodgates of civil marriages, thereby becoming the bete noir of the faithful of the community. The architects of the SMA, 1954, were simply obsessed with the idea of inter-religious marriages. The Act only provides a protective umbrella

for those who want to transgress their religion. It violates the sanctity of the Ashirwad ceremony and encourages rank hypocrisy among most Parsee women who are married under it.

But the vital issues concerning this Act, which are deliberately obfuscated by vested interests including many Parsee legal experts, should be made clear :-

(1) The Special Marriage Act, 1954 neither gives any special right nor privilege to Zoroastrians entering into civil marriage with non-Zoroastrians, as far as the Zoroastrian Religion is concerned, to accept them as Parsee Zoroastrians after their "marriage".

(2) All laws of civil marriage

by their very nature apply only to the civil or legal aspects and not to the religious aspects. In religious matters, including the administration and management of our religious institutions, the community is governed by the religious laws, customs and practices.

(3) From the point of view of the secular state, civil marriage is merely a partnership contract, which could be dissolved like any other partnership contract. Herein lies the fundamental difference between the religious and the legal points of view. Thus a marriage contracted under civil law is not a legal marriage either under the Zoroastrian religion or the Parsee personal law.

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