

DADY SETT AATASH BEHRAM

[Edirot's Note : It has been the stated intention and policy of the Dini Avaz Committee since inception, that this publication will be used only to preach and explain the esoteric knowledge of Khshnoom and not to enter in community politics of any kind whatsoever. Many of our esteemed readers, especially of late and many of our personal well-wishers genuinely interested in Khshnoom have suggested that debating on matters concerning the community or Zoroastrian religion, especially in esoteric matters with Khshnoomic explanations should not be construed as indulging in community politics. The Committee has had occasion to debate this again recently, in the wake of the public meeting held in Mumbai in the matter of constructing a seven storied building in place of the existing two storeyed structure in the Dadysett Aatash Behram compound.

While the Committee has decided not to treat the magazine as a reporting journal, it collectively felt that the readers may be informed of the Resolution passed at the said meeting merely to keep our esteemed subscribers who may not have attended the said meeting, as also our outstation readers, informed of the developments taking place in this vital area concerning the orthodox community. The decision is taken only as an exception and a one time decision, and that too, only after the Committee realized that this same matter was discussed by none other than Dr. Saheb Framroz Chiniwalla in his book નવાં ફસલી આતશ કદેહ..... printed way back in 1940. This would be of even major interest to our discerning readers and hence we reproduce relevant excerpts of the same.

“કદીમી સાહેબો જેઓએ દાદીશેઠના આતશબહેરામ ઈજ્યા તેઓએ એવી રીતથી ઘણીજ પરહેજગારીથી ઈજેલા છે. તે સાહેબો તો અમલદાર હતા - નીરંગવર કરવા જેવી કંઈક શક્તિ રાખતા હતા માટે તે સાહેબોએ દાદીશેઠનાં ફરમાનથી સ્થાપેલા પાદશાહના તખ્ત નીચે એક વર તલેસમ બાંધેલો હતો કે જેથી તે પાદશાહ શાદમાન અને સચેત અને પુરા રથેસ્તાર હોઈ દુઆને ઘણી જલ્દીથી ફળીબુદ કરાવી શકતા હતા. પણ અજ્ઞાનતાના દેવે આજે તે તલેસમનો ભંગ કીધો છે કેમકે જ્યારે તે પાદશાહને વગર કારણે - દુન્યાની શોભણ શાભણના ખોટા ખ્યાલથી હામી જઈને જ્યારે ઉચકવામાં આવ્યા હતા ત્યારે તે ખોઆનને તોડ્યો હતો એટલે તે તલેસમ બરબાદ ગઈ છે. આ ખરેજ કમનસીબી છે.

ત્યારે આ સંસ્થાઓ કાયદાસરની જ છે. દસ્તુર મુલ્લા ફીરોજે ઈરાનમાં બરશનુમ લીધેલા હતા. તેવાજ ઈરાનમાં નાવર મરાતબ થઈને ઈરાનની દસ્તુરીનાં કેહર્પને પોતાના દમમાં ઉશ્તાનમાં જોડેલો હતો. તે કદીમ પાવ મહેલની અને તે માહેલા સરેદના કેશ્તાની અને તે કદીમ બરશનુમની શક્તિઓથી કાયદેસરનું કામ કીધેલું હતું જેની ઉપર ખોટી રીતે આંગળી કરવે ગુનાહ ઉભો થાય છે.”

The Resolution passed at the public meeting held on Thursday, 10th June 2004 at Framji Cawasji Hall, Opp. Metro Cinema at Mumbai is reproduced :

“RESOLVED THAT the Parsee/Irani Zoroastrian community strongly disapproves of and rejects the attempts being made by the Trustees of the Dadyseth Charity Trust to “develop” or “redevelop” the property forming part of the Dadyseth Atash Behram Complex by demolishing the two-storeyed building housed therein called ‘Dadyseth House’ and several other structures and areas in the Atash Behram Complex and reconstructing in its place another building consisting of seven storeys, with a view to sell or lease or otherwise deal with the flats/premises therein.

RESOLVED FURTHER THAT this meeting conveys to the Trustees that their project of the alleged “development” and “redevelopment” is in gross violation of the objects of the Trust and the intention of the donors as expressed in the original Instruments of Trust and culminated in the Decree passed by the Hon’ble Justice Sir Dinshah Davar in the Bombay High Court Suit

No. 423 of 1906 Advocate General of Bombay V/s Hirjee Ardeshir Dadi and Kharshedji Rustomji Cama, and amounts to serious Breach of Trust.

RESOLVED FURTHER THAT this Meeting expresses and conveys to the Trustees and the concerned authorities that the proposed project is in gross violation of the Fundamental Rights conferred on the Parsee Community under Article 26 of the Constitution of India.

RESOLVED FURTHER THAT this Meeting conveys to the Municipal Corporation of Greater Mumbai (MCGM) that Intimation of Disapproval (IOD) dated 4th October, 2002 issued to the Trustees is founded on misrepresentations made by them to the MCGM and in particular on suppression of the material fact that the alleged development was in gross violation of the religious objects of the Trust for which the whole Atash Behram Complex is held by the Trustees and requests MCGM to cancel the IOD on that ground alone, as also other grounds which will be brought before MCGM.

Resolved Further That this Meeting earnestly requests the Hon'ble Chairman and members of the The Mumbai Heritage Conservation Committee to review and cancel their permission for demolition of the aforesaid building in the Holy Complex on the grounds, *inter alia*, that the same was obtained by mistrepresentation and suppression of material facts and points of law, and also requests the Committee to upgrade the status of the Atash Behram Complex from grade III to grade II B.

RESOLVED FURTHER THAT if the Trustees of the Dadyseth Charity Trust decide not to proceed with their "development" or "redevelopment" plan, they must record their decision in a proper resolution and also give such proper undertakings to the community as also to the judicial and other concerned authorities to the effect that no present or future Trustees of the Dadyseth Charity Trust will ever attempt to disturb the whole or part of the Dadyseth Charity Trust will ever attempt to

disturb the whole or part of the Dadyseth Atash Behram Complex with all its structures and areas in violation of the (i) Donors' intention, (ii) objects of the Trust, (iii) tenets and traditions of the Zoroastrian religion and (iv) the will, views and the constitutional rights of the Parsee Community.

RESOLVED FURTHER THAT this meeting calls upon the Trustees of the Dadyseth Charity Trust to take all necessary steps to undo the damage already done to the Holy Complex structures and areas in breach or violation of the Trust.

RESOLVED FURTHER THAT this meeting disapproves of and denounces any attempt being made or sought to be made in future by any Trustees of any Fire Temple in India to adopt any such 'development' or 'redevelopment' plans in respect of the whole or any part of the complex held in Trust, including the building housing the Holy Fire and any of the structures and areas situated therein in violation of the (i) Donors' intention, (ii) objects of the Trust, (iii) tenets and traditions of the Zoroastrian religion and (iv) the will, views and the constitutional rights of the Parsee community.

RESOLVED FURTHER THAT this Meeting earnestly requests the Hon'ble Chairman and members of the The Mumbai Heritage Conservation Committee to upgrade the status of all the Fire Temple Complexes in India from Grade III to grade II B.

RESOLVED FURTHER THAT the organisers of this meeting be and are hereby authorised to take all such steps as may be necessary to ensure implementation of this Resolution now or in the future with any Corporation/Association/Committee/Individual/appropriate authority and to take such advice from the High Priests, Scholar priests and other religious scholars, as they may deem fit, in this matter."