

# RELIGIOUS CONCEPT OF PALAK AND ADOPTION

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In the Parsi community the only custom which comes near to the concept of Adoption is to designate a "Palak" son.

The Religion of the Parsis has two sides: (i) scriptural and (ii) traditional. The Holy Avesta Scriptures left with the Parsis are only about 1/20th of the original, which were called Nasks and were 21 in number. With this scanty remainder, not all that the Parsis do or practise in matters of Religion, is found in the existing Scriptures. A large part of our Religion is founded on tradition, custom and usage which are established and practised for thousands of years. For instance, a Parsi is commanded by Religion to wear the sacred garment and girdle — Sudreh and Kushti, and untie and tie the girdle in a particular prescribed way, reciting the prescribed 'Mantras'. There is no direct reference to this religious command in the existing Holy Avesta Scriptures; yet the Parsis practise it since ages. There are several other such traditions and customs practised and followed since a very long time. These are not merely external rituals structured for worldly pomp and show; they have a spiritual and mystical background and form an essential and integral part of the Parsi Religion. A very important limb of these traditions is to have the religious ceremonies for the soul of a deceased Parsi, performed by his or her living relatives; and the concept of Palak is related to this tradition.

The Palak adoption is not in the sense of a child being taken in a family with all the rights, social, religious or civil, of the adoptive father. It is not by way of conferring any right on the "adopted" son, but it is the imposition of a duty on him — the duty of getting performed the after-death ceremonies of the "adoptive" father for the progress and on-

ward journey of his Ruvan (soul) in the next world. The elements of the Palak adoption are:

- (i) The Palak must be a near relative of the person whose palak he becomes.
- (ii) The Palak must be a Parsi Zoroastrian, who alone is entitled and qualified, and has the religious sanction, to get the death ceremonies performed.
- (iii) On the Palak is imposed the duty of getting the death ceremonies performed; no rights are intended to be conferred on him.
- (iv) Palak can be appointed by a childless Parsi during his life time; or if he has not done so, the near relatives appoint for him a Palak from amongst themselves, in consultation with the family Dastoor, and announce the appointment before the assembly gathered at the time of the performance of the Uthamna ceremony, on the third day after death.
- (v) The Palak does not cease to be the son of his natural father.

This special type of "adoption" (if you can call it one) is referred to in two Pahlavi works: "Matikan-i-Hazar Dadistan" and "Dadastan-i-Dinik", and the Persian 'Rivayats', and is running as a custom particularly amongst the Parsi priestly class.

The concept of Palak tried to enter the statute Book in 1885. In the report of the Commission then appointed to draft the Bill of Intestate Succession amongst the Parsis, a suggestion was made to make a provision to that effect, "that nothing herein contained shall prevent the adoption by any Parsee

of a Palak in his life time nor the appointment after his death of a Dharmaputra for the performance of his funeral ceremonies". This was however not incorporated. In the custom there was, and is, no distinction between Palaks appointed before and after death, and it was not necessary to bring on the Statute a matter, which was not to affect any civil rights. The fact, that the provision was not incorporated and no provision validating civil adoption was incorporated, signifies that the civil adoption was not a custom amongst the Parsees and the Government had accepted this position.

