

THE OTHER SIDE OF THE JUDDIN CASE

The strictures of High Court of Bombay against the important witness of the Reformist in the well-known Juddin Case.

By Savak S. Madon (Navsari)
M.A. LL. B.

The plaintiffs (the so-called Reformists) tried their level best, to convince the bench of Hon. Justice Davar and Hon. Justice Beaman of High Court of Bombay that there is a custom among the Parsis to convert aliens to their own fold and in their support, they called certain persons as witnesses to support this claim. Now let us see its legal value, as found in the judgement of these learned Judges.

1. One such witness "by far the most important witness called on behalf of the Plaintiffs from their standpoint was Mobed Sorabji Bamanji Panthaki of Surat. Hon. Justice Davar says that, "mostly the priestly class of the Parsis are religious minded and lead their life according to their conscience paying due respect and obeisance to Ahura Mazda, but as is common amongst all communities, there are some black sheep amongst them who are always ready to subordinate their conscience to mundane considerations and to almost anything for money and the Plaintiffs' witness, Sorabji Bamanji Panthaki is a typical instance of the latter class. If I have formed a low estimate of this man's morality and honesty, he himself is responsible for it..... This is the only man who has attempted to besmirch his own class before the Court..... the whole story told by this witness was proved to be at times of most impudent falsehoods..... This witness, Sorabji Bamanji Panthaki, invented lying stories and told wilful untruths."

Hon. Justice Davar further remarks that "I have no doubt he acted upon the principles which he pithily summarised in the single sentence— "the work of he who pays is always done" which remark was followed immediately by a very candid query. "Why should I do work without payment?"

2. Another witness — Sunabai of Surat. Hon. Justice Davar very clearly says that if certain incidences regarding this Sunabai are real, these "reflect no credit to the Plaintiff's case". This Sunabai born of Juddin parents gives evidence to the Court to the effect that she has visited Anjuman's Atash Beheram, Wadiajis Atash Beheram and Kadmi Atash Beheram after she received subpoena from the Court and none has objected to her entering the above mentioned Atash Beherams.

Hon Justice Davar remarks that "They (Plaintiffs) must have known that if any one had known that this woman was born of Juddin parents, as they say she was she would never have been allowed to enter the precincts of any one of these Fire Temples in spite of the Navjote Ceremony being performed on her and in spite of her having a Sudra and Kusti. It would be idle to disguise that this woman was made to go into the Fire Temple Funds for the purpose of creating evidence in the case".

Hon. Justice Davar, regarding this Sunabai finally, remarks that "I cannot sufficiently express my sense of disapprobation of tactics such as these."

3. And now lastly, about Ervad Sheriarji Bharucha, the Avesta Pahlavi scholar, called by the Plaintiffs to support their case.

Commenting on the evidence of Ervad Sheriarji Bharucha that any Mobed can convert a Juddin, Hon. Justice Davar holds that:

“.....He (Ervad Bharucha) never seemed to realize that he was putting the whole community at the mercy of such blacksheep when he advocated wholesale conversion without enquiry and without permission of any responsible person..... He bases most of his opinions on Rivayats, which in another case, he said, were compilations of third rate authoritysuch blind and erratic advocacy is not likely to help the cause advocated. This witness more than any one else has succeeded in demonstrating to my mind how very unreasonable is the attitude adopted by the Plaintiffs on the question of the conversion of Juddins.”

And the Court finally came to the conclusion that the Zoroastrians, ever since their advent into India 1200 years ago, have never attempted to

convert anyone into their religion, that there is not a single instance proved before the Court etc. etc. etc.....

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