

The Prayer Hall Services and Maintenance Trust

Registration No. E – 31041 (Mumbai) dated 13-03-2015

C/o The WZO Trust Funds,

C-1, Hermes House, 3rd floor, Mama Parmanand Marg, Opera House, Mumbai 400 004.

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August 05, 2020

**Mr. Jehangir Gai,
Mumbai.**

By E-Mail to: jehangir_gai@hotmail.com

Dear Mr. Gai,

1. At the outset, I would like to reiterate what I have stated in my earlier email dated August 03, 2020 (15:52) and in my WhatsApp messages sent to you. For the sake of brevity, I am not reproducing the same herein.
2. Before responding to your email, allow me to clarify the situation for you once again.
3. The Prayer Hall Services and Maintenance Trust ("**the Trust**") is a public charitable trust. The object of the Trust is to assist the members of the Parsi / Irani Zoroastrian community in using the Prayer Hall and its cleanliness and upkeep.
4. The Prayer Hall is owned by the Brihanmumbai Municipal Corporation ("**the BMC**") and is meant for gratis use by persons of all religions, faiths and communities. The Trust is not entitled to and does not charge for use of the Prayer Hall. The Trust does not have any kind of proprietary or other rights over the Prayer Hall at all, and the same can be used by any member of the public for the purposes of offering prayers for deceased persons. The next of kin / family members of a deceased person are free to appoint priests of their choice for performing the obsequies, should they so desire.
5. At a sensitive time of bereavement by death of a loved one, it may not be conducive or convenient for some to directly make arrangements for use of the Prayer Hall for the funeral. In furtherance of its object of providing assistance to those who want it, the Trust has appointed Er. Framroze Mirza to act as a coordinator. There is a phone number which has been circulated by the Trust, which members of the public can call in case they wish to use the Prayer Hall for the purposes of offering prayers for a deceased. Er. Mirza's role as coordinator requires him to receive such calls from persons who wish to have the obsequies of a deceased family member performed at the Prayer Hall and to facilitate the same. This includes arranging for an ambulance or hearse, preparing the Prayer Hall, arranging for the various items required for the ceremonies such as flowers, fruits, etc. and assisting with documentation required by the municipal authorities. The scope of his work also includes ensuring the maintenance, cleanliness and upkeep of the Prayer Hall.
6. Er. Mirza is himself also a practicing priest. He is, in fact, one of the few priests who is willing to perform prayer ceremonies at the Prayer Hall. He does so for families

who either do not have a priest or whose priest is not willing to perform prayer ceremonies at the Prayer Hall. Most priests who work at Doongerwadi or in Agiaries or Atash Behrams are not willing to do so. While Er. Mirza is answerable to the Trust for his work as coordinator, his work as a priest does not fall within the scope of his appointment with the Trust.

7. The Trust has over the years provided guidance in terms of the maximum amount which Er. Mirza or the priests who work with him at the Prayer Hall may charge in respect of various prayer ceremonies. This has been done to ensure some sort of parity between what is charged at the Prayer Hall and by other priests performing similar ceremonies at Doongerwadi or in any Agiary or Atash Behram and is for the obvious benefit of community members. In fact, you will note that these rates are on the lower side.
8. It is pertinent that a Parsi / Irani Zoroastrian who wants to hold any prayer ceremony at the Prayer Hall is not bound to request Er. Mirza to perform the same. Such person is free to have such ceremony performed by any priest/s of his / her choice. In such a scenario, what is to be paid to such priest/s is a matter between the concerned parties. It is only with the intention of providing assistance for ease in making funeral and related arrangements at a difficult time for families, that the Trust has appointed Er. Mirza as the coordinator. The Trust DOES NOT charge or receive any consideration for providing this service.
9. Coming to the matter at hand, prior to the Covid 19 pandemic, Er. Mirza and the priests who work with him at the Prayer Hall were providing the option of conducting even a single prayer ceremony. During the Covid 19 pandemic, however, a large number of bodies of persons who have died of Covid 19 are brought to the crematorium, which is right next to the Prayer Hall. If the body is that of a Parsi / Irani Zoroastrian whose Geh Sarna ceremony has to be performed, the same has to be done in the parking lot outside the Prayer Hall with the body in the ambulance / hearse. This is in accordance with the directions issued by the BMC.
10. During normal times, most Agiaries and Atash Behrams refused to perform the first four days' prayers for persons who had opted for a system of disposal of the body other than Dokhmenashini. In the current scenario, however, the High Priests have issued a dispensation permitting Agiaries and Atash Behrams to conduct the first four days' prayers for persons who were compelled by law to opt for cremation / burial since these are the only options for persons who have died of Covid 19. Consequently, many families opted to get only the Geh Sarna ceremony performed at the Prayer Hall / in its parking lot and had the remainder of the first four days' prayers performed in Agiaries or Atash Behrams of their choice. However, the Agiaries or Atash Behrams do not send priests for performing such Geh Sarna. In these circumstances, it is justifiably Er. Mirza's view and that of the priests who pray with him at the Prayer Hall that since they are putting themselves at risk each time they conduct a prayer ceremony at the Prayer Hall or in its parking lot, while the pandemic continues they will perform all the ceremonies for the first four days or none at all. It is of course open for any family who does not wish to avail of their service to bring any priest/s of its choice to carry out the Geh Sarna and / or other ceremony.

I will now deal with your email paragraph wise.

11. With reference to the first paragraph of your email, in view of the clarifications given above, the question of any person or family being compelled to make any payment does not arise. Since the Trust neither employs any priests nor provides the service

of conducting prayer ceremonies at the Prayer Hall, the question of the Trust being liable, vicariously or otherwise, for any unfair or restrictive trade practice or otherwise under the Consumer Protection Act also does not arise. As is clear from the above, no payment is received by the Trust. With regard to the threat of someone filing a case against the Trust, I hope that wiser counsel will prevail. Be that as it may, if such a situation does arise, the Trust will defend the same at the risk of the complainant as to costs and consequences.

12. With reference to the second paragraph of your email, as mentioned above, the Trust and the priest/s are in fact separate entities. It is correct that the advertisements given by the Trust contain the mobile number of Er. Mirza. This is in his capacity as the coordinator appointed by the Trust at the Prayer Hall. The question of the Trust being vicariously liable for any act of any priest/s or being in collusion with any priest/s does not arise. The correct position in this regard is set out above. I reiterate the same here. Your allegation of collusion is most unfortunate.
13. With reference to the third paragraph of your email, for the reasons set out above, the Trust cannot compel Er. Mirza or any other priest/s to perform only one out of the first four day prayer ceremonies. The same would amount to a transgression. I will not dignify your allegation of extortion with a response.
14. I would request you to also direct your concern and empathy towards the plight of a handful of priests who are willing to risk performing prayer ceremonies at a dangerous venue in these dangerous times when none else will do it. It is because of persons like them that family members of Parsi / Irani Zoroastrians who have died of Covid 19 are able to give their dear departed family member a dignified farewell.

Very Sincerely,

**Dinshaw K. Tamboly
Chairman**