Good Deeds: Parsi trusts from ‘the womb to the tomb’

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Abstract

Parsis (Indian Zoroastrians), a small traditionally endogamous group, are well known in India for their philanthropic giving. The Parsis of Mumbai are beneficiaries of hundreds of Parsi public charitable trusts today, and this article will show how trusts, as particular forms of giving, establish perpetual communal obligation connecting the past and present. It will show how the circulation of personal assets through customary inheritance within a family is replaced by the trust with the circulation of communal obligations in perpetuity. While this mechanism of giving has a marked endurance, what has changed is what constitutes ‘the good’ within these deeds. Moving away from traditional philanthropic practices of subsidizing education, medical care, and welfare to the poor, the focus of giving has shifted to the pursuit of communal reproduction, both biological and social.

Introduction

I met Tanaz*1 at a dinner party of some common friends in Mumbai. She had heard that I was researching Parsis and trusts and wanted to learn more about my work. Sitting next to me on a sofa, she sat up to the edge of the seat and asked eagerly, ‘You work on trusts? My mother just established one!’ She explained that her mother was widowed quite young and remained very wealthy. Tanaz was an only child and,

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*1 Denotes that the person’s name was changed to protect their confidentiality. Other persons named in the text have explicitly given consent or are public figures.
now in her forties, was dating a non-Parsi man she met through her work. They both approached me at the party and we exchanged stories about graduate school, traffic, and the current controversies over trust real estate in the city. ‘Can you believe her mother just wants to give all her money away!’ said Tanaz’s boyfriend. They exchanged glances making me aware that this was part of a longer disagreement between them. ‘Well it’s her money and she can do what she likes’, said Tanaz, who as a professional woman seemed to have a good income herself. ‘This way her money goes to poor people and can really make a difference, she is setting it up for medical care funds for Parsis who can’t afford operations and such. This is important to her’. While Tanaz affirmed her mother’s decision, her partner seemed to question the entire enterprise. He insisted that immediate family were the ones who should inherit a person’s fortune. I imagined that I was meant to arbitrate somehow, but decided to stay out of the disagreement, at least in that moment.

Parsis (Indian Zoroastrians), a small traditionally endogamous group, are well known in India for their philanthropic giving. Descended from Zoroastrian migrants from Iran from the eighth century onwards, Parsis settled in southern Gujarat until further migrations brought them to urban areas, especially Bombay. While it is estimated that more than half of the city’s inhabitants live in its streets or footpaths, or for the most part in informal settlements, Parsis, a relatively wealthy group in Mumbai, have been spared these issues through their historical access to space. In contrast to the burdens of overcrowding and poverty faced by other communities, Parsis are a numerically declining minority (around 50,000), with high access to space in the city, through subsidized housing, their temples and funerary grounds and various other charitable benefits.

Parsi wealth and charity was deeply imbricated in the formation of the original Bombay Settlement in the seventeenth century. After much success in shipbuilding and trade in rural Gujarat, many wealthy Parsis were bequeathed lands by the British in the island city. Names of philanthropists like Jeejeebhoy, Tata, Godrej, Cama, and Petit remain inscribed in the very city-scape of Mumbai—on its streets, hospitals, colleges, and schools. The British legal instrument of the trust mapped particularly well onto existing Zoroastrian practice of charitable giving and allowed property to be endowed for very specific social or religious purposes beyond the inheritance practices of an

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[2] This article will use Bombay to refer to the city before 1995 when its name was officially changed to Mumbai.
individual family. Framed and managed by the instrument of the charitable trust, specific modes of giving have shaped the settlement of the city and continue to shape the contours of Parsi life. While many other Indian communities employ trusts or trust-like endowments to manage their religious institutions and charities, I argue in this article that charitable giving through the mechanism of trusts is a qualitatively different phenomenon within the community as it permeates almost every aspect of communal life, governance, and history for Parsis in the city.

Based on 16 months of ethnographic field research in Mumbai as well as analysis of legal documents, this article will show how trusts, as particular forms of giving, establish perpetual communal obligation connecting the Parsi past and present. It will show how the circulation of personal assets through customary inheritance within a family is replaced by the trust with the circulation of communal obligations in perpetuity. As a legal form of charitable giving, however, the content of these obligations is subject to changes in law, politics, and shifting understandings of who is worthy of charity. By focusing on Parsi charity in Bombay-Mumbai through its organizational form, I hope to shed light on giving as part of religious and economic practice, and also on the institutional logics of giving in South Asia.

The charitable trust, as an organized form of giving, transmits a particular constellation of ‘the good’ that should be detailed in the settlor’s wish, through the assets, to beneficiaries. This article will analyse these ‘good deeds’ both in the sense of works of charity as well as the beneficence of trust deeds themselves as material documents. The article will first detail giving practices within the community and the Zoroastrian form of endowment, which predates the modern form of the trust. It will then turn to the late nineteenth century and the British colonial introduction of legislation on endowments, which legalized a particular notion of good charitable practice. The article will move on to analyse a specific housing trust, its founder and the management of its communal obligations under conditions of demographic crisis. While giving through the trust has a marked endurance, this article will show that what has changed is what constitutes ‘the good’ within these deeds.

**Giving in Zoroastrian practice: from Iran to India**

Charitable giving is seen to be one of the pillars of Zoroastrianism, where the acquisition of wealth is righteous if earned honestly and
shared liberally.\(^3\) In Zoroastrian theology, Ahura Mazda, the all-knowing supreme deity is opposed to his chief adversary, Angra Mainya. The latter is responsible for bringing suffering, pollution, and evil into the world.\(^4\) Human beings are entrusted to make the right choices and follow the Prophet Zarathustra’s teachings with ‘good thoughts, good words, and good deeds’ (\textit{humata}, \textit{hukhta}, \textit{huwareshta}), to eventually vanquish Evil. The aspiration to this triad is central to the way that contemporary Parsis describe their everyday relationship with their religious tradition. Conducting charitable works on a small scale is practised at all class levels in the community and is incorporated into several ritual practices, such as \textit{jashans} (thanks-giving occasions), \textit{ghambars} (community feasts), and \textit{muktads} (annual remembrances for the dead).

Pious foundations were also part of the Zoroastrian tradition well before the migration to India. During the Sasanian period in Iran (224–651 CE), pious foundations were established by individuals for the benefit of deceased souls as well as for the performance of religious rituals and charitable acts. Divided into three types, a whole category of inherited property was reserved for the ‘preservation of the soul’.\(^5\) This fund set aside by the settlor of the foundation was called the ‘property of the soul’. Maria Macuch relates how specific formulas within wills allowed for different kinds of uses and rights of trusteeship within these practices. The assets set apart consisted of a principal (\textit{bun}), which was usually some productive property, and the income (\textit{bar}) generated from the \textit{bun}. Only the \textit{bar} generated from the \textit{bun} could be used for the foundation’s expenses, while the principal itself could never be alienated. Endowments, like


temples, which could generate no income, had other productive assets attached to the original principal and could not be separated from it. These endowments were registered and secure from government confiscation. In Sasanian legal terminology there was no distinction made between family endowments and those designated to benefit the public.

During the Islamic era (seventh century onward) in Iran, these foundations became subsumed under the law as *waqf* and were often used by Zoroastrians to protect their property. A single person, if converted to Islam, was entitled to inherit the entire family estate, so in order to retain the family property many Zoroastrians settled a foundation and registered it with the Muslim authorities. The foundation in this period was utilized to preserve and protect assets within a community that had newly become a minority. This and other forms of religious and economic persecution encouraged many Zoroastrians to flee Iran. Their story in India begins around the eighth century, when boatloads of Zoroastrian settlers, referred to as ‘Parsis’, migrated from Iran to India’s west coast to seek new opportunities. Legal historian Mitra Sharafi has noted that there is a large gap in our historical understanding of Zoroastrian and Parsi law between the Sasanian period in Iran and the development of Parsi personal law in India during the colonial period. Hence, our understanding of the regulations and practices of early Parsi charitable forms is largely left to other kinds of historical material. Most historians of the community in India turn to the *Parsi Prakash*, a kind of almanac of community events compiled in Gujarati in seven volumes beginning in the late 1870s at the initiation of Bahmanji Behramji Patel. The *Prakash* is actually a compilation of benevolent practices and the concomitant successes and failures of this micro-community. Even within historiography, charitable giving comes to stand in for the relations between past and present.


7 Macuch, ‘Charitable Foundations’.


Early Parsi charity in India after settlement in Gujarat was employed largely in the service of the poor, enabling them to be initiated into the faith, and for *ghambars* (communal feasts). Rustum Manock of Surat (1635–1721) became renowned for his philanthropy after becoming one of the first brokers to early British merchants. He used his wealth to aid the poor and paid the *jezya* (the poll tax levied on non-Muslims) for the entire Parsi community in the area. His descendants were key figures in constructing much of the communal infrastructure necessary for Parsi settlement in Bombay. White shows how Rustum Manock’s charitable giving corresponded to various moments of crisis that obtained in Surat, and how his charity went directly to the recipient without the aid of formal intermediaries. In contrast, his grandson established institutional giving through the Parsi Punchayet. His charitable works focused on Parsis alone, and aspired to aid community definition rather than be a response to crises. Manock’s heirs:

helped to create the institutional structures within which Parsis conducted community affairs, while those very structures served to create a minimum set of religious and social criteria, adherence to which defined one as a Parsi in the more complex setting of Bombay.

From the above examples we can see that from the time Zoroastrians experienced minority status, first in Iran and then in India, charitable giving was a way to help the poor as well as to maintain religious boundaries. Several authors, like White, have written very convincingly of the role of charity as a mode of communal identity preservation amongst the Parsis. I wish to take this a step further and show that it is not only the funds and services, but the very organizational form of charity, through the trust, that has very particular effects on social relations within the community today.

11 Ibid., p. 318.
Charitable trusts as moral instruments

While Zoroastrians were practising charitable giving through various organizational forms, in colonial India these narrowed into the form of the public charitable trust. Very generally, a trust creates a relationship in which trustees hold property but administer it either for the benefit of someone else or to further a particular (lawful) purpose. Trusts are initiated by a settlor, who in the establishment of a deed and the naming of beneficiaries transforms moveable and immoveable property into a trust. They are today the legal foundation of mutual funds, provident and pension funds, and of course more explicitly for the endowment of assets for a particular purpose. For the eminent legal historian F. W. Maitland, the trust was ‘the greatest feat that men of our race [had] performed in the field of jurisprudence’. What was deemed so ingenious about the trust was that it was a legal technique that made it possible to accomplish objects that circumvented the default law. What could and ought to be left to one’s heirs, confiscated by the state, or subject to tax, could now be re-dedicated to another purpose or for another group. This mode of circumvention, shifting personal assets to common or communal assets, is critical to the efficacy of trusts as a form of giving.

Within English law, trusts are considered unique instruments within the body of principles known as equity, but the mechanism has resemblances with endowment forms in several other legal systems. The practice of waqf within the Islamic tradition allows great insight into an analogous endowment structure and the particular effects of British colonialism on forms of giving. Waqf continue to be used all over the Muslim world and can be established for myriad reasons that cut across strict divisions of public and private use and familial or

15 Trusts are analogous to other forms like the Islamic waqf and Hindu endowment, a distinction being in the latter two, the ‘owner’ of the asset is God or a deity, respectively. Within legal systems that derive from the Roman law tradition, the trust-like device is the fidei commium, see R. Helmholz and R. Zimmermann, Itinera Fiduciae: Trust and Treuhand in Historical Perspective (Berlin, Duncker & Humblot, 1998) for an overview. Jany, ‘The Idea of Trust in Zoroastrian Law’, provides a comparison of the Zoroastrian trust and the fidei. Furthermore, besides religious endowments there are various other organizational forms of charitable giving, for instance non-governmental organizations. For more on the latter see E. Bornstein, Disquieting Gifts: Humanitarianism in New Delhi (Stanford: Stanford University Press, 2012).
charitable benefit. The word derives from the Arabic root word, *waqafa*, which means to stop, hold, or tie-up. When it refers to a piece of land or asset, that property is stopped or held outside market circulation. The *waqf* divests him- or herself of formal rights of possession of moveable or immoveable property, but retains the right to appoint a custodian, or *matuwalli* (literally, one who is trusted), to manage the property, as well as beneficiaries of its yields. In practice, a *waqf* was often established as a means to protect an estate from confiscation by the state or disintegration due to succession by strict following of Sharia. Once a *waqf* was established, it was in most cases safe from seizure by authorities or creditors, and thus became a favoured instrument of property management during times of political turmoil or regime change.

In India, this practice of endowment was utilized by individuals in opposition to Muslim personal laws of succession that were being further codified during colonial rule. The *waqf* countered the strict division of property among ‘rightful heirs’ that was enforced and reified by the British using very strict interpretations of more fluid Islamic practices; it furthermore ‘provided a rubric for addressing issues of land through personal law’. An endowment allowed for the transmission of the income of an intact inheritance or offered the founder the ability to distinguish amongst family members. The property could still be ‘in the family name’, with its concomitant status associations, while select family members could remain beneficiaries in perpetuity.

Returning to our opening vignette, while Tanaz would not gain the immediate wealth of her mother per the succession laws of her

community, she was named as one of the trustees of the newly settled public charitable trust named after her family. Rather than specific assets, her mother would bequeath her obligations. In this way, the trust served as a way of bypassing the norms laid out by succession laws in which Tanaz, as an only child, would have inherited all her mother’s wealth. By setting up the trust within her lifetime, Tanaz’s mother also avoided any future conflict between her legal will and her charitable intention. She may have thought that her only daughter might not have any children, or that they would not be counted as Parsi if their father were non-Parsi.\(^{22}\) Endowing the trust was a way of transmitting her family name and fortune into the future for her community, past the natural lives of her blood relatives.

However, this begs the question of trust in another form—does it not display a lack of trust in Tanaz, to fulfil her mother’s wishes without a formal legal mechanism? Without knowing more about the specifics of their relationship, or her mother’s ‘true’ intentions, one can only speak in the abstract. Yes, scholars have shown that at least one reason to endow property is to alleviate the fear that one’s legal heirs will be unable to do so (for example, because they are minors), or that they will be unwilling to manage the property wisely or carry out certain intent.\(^{23}\) Embedded in the purpose of the trust is the fulfilment of a particular intention to be carried out over time, but embedded in the practice of endowment itself are values concerning what constitutes good or proper relations toward these assets. By opting for this form of wealth transmission, Tanaz’s mother gave to her community over her immediate kin, and furthermore privileged perpetual giving over immediate direct giving. Her wish would be congealed in a trust while her wealth would be invested and then slowly disbursed over time.

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\(^{22}\) Children of intermarried Parsi women have varied status within the community in Mumbai, as to whether they are counted as Parsi and what benefits they may claim as such. This has been the source of several intense disputes, which have been taken to court. Sharafi, *Law and Identity*, deftly details the legal and social aspects of these before independence. Since 2009, a further case has been underway after an intermarried Parsi woman sued her local trust claiming gender discrimination after they denied her access to sacred space. The case is currently being reviewed by the Indian Supreme Court. L. Vevaina, ‘She’s Come Undone: Parsi Women’s Property and Propriety Under the Law’, *Political and Legal Anthropology Review* 41/1 (2018), forthcoming.

The birth of a trust is itself temporal, spatial, and material. The settlor of a trust, while divesting their ownership rights over the trust assets, preserves his/her charitable intention in perpetuity. That is, while its original ownership relation is lost at the moment of endowment, a trust’s obligation to fulfil its objects endures. The written deed is a unique kind of document, as it not only serves as a ‘script for the collaboration between two parties’, but is also a debt, an obligation not from one party to another, but to an object, a purpose or ideal. Legal texts refer to a trust document as the first material instantiation of the ‘obligation attached to the ownership of property’. The trust, as a legal entity, may buy and sell assets in order to pursue its objects, although for charitable trusts these decisions are closely regulated by charity and tax law. Beyond social and religious understandings, how charity is defined and to whom it is owed has been explicitly framed by the laws governing charities as endowments and other organizational forms with philanthropic purposes. Therefore, this legal obligation is fundamentally also a moral obligation, as it is framed by and through very particular understandings of charity. This obligation cannot be separated from the property once the trust is established. It is only as moral instruments to promote ‘the good’ that charitable trusts are an exception to the rule against perpetuities, and do have a perpetual nature.

The trust mechanism transforms the property relation between owner and asset into a bifurcated relation of obligation and use with the trustees and beneficiaries. Ownership is divided between the fiduciary owner, the trustee(s), and the beneficial owner, the beneficiaries. Assets that could have been disbursed through traditional inheritance practices are now pulled into another circuit wherein they become assets with obligations. Thus the circulation of material assets, once endowed, becomes replaced with the circulation of this moral obligation through successive generations. The obligation however is not held by the beneficiary of the trust, but actually by the trust itself. In theory, the beneficiary may choose to receive and enjoy

26 The settlor of a trust no longer pays taxes on those assets, as he or she is completely divested of them.
27 See Friedman, *Dead Hands*, pp. 125–139, for more on the rule against perpetuities.
the trusts’ assets and obligation, but need not; he or she has no burden (tax or otherwise) of duty or responsibility within this relationship. What this article will show, however, is how the understanding of ‘the good’ in these obligations is subject to change, while the obligations themselves remain perpetual. While a beneficiary of a charity flat may choose to move out for example, the trustees must still provide the flat if that is stipulated in the deed. While the charitable trust’s obligations remain, what is subject to interpretation is who is worthy of the trust’s charity. To remain a beneficiary, a person must prove themselves worthy, by fitting a certain criterion or ‘proper’ mode of behaviour.

The ‘good’

Fundamental to the establishment of any charitable trust is an obligation to provide ‘the good’, and the achievement of this end through the disbursement of assets over time. As such, it is thoroughly an econo-legal instrument with an explicit conception of what constitutes proper charity.28 Through the introduction of legislation in the late nineteenth century, ‘the good’ and proper charitable purpose came to be defined through concepts like ‘general public utility’ and away from private giving within families as well as giving to solely religious purposes.

Trust law was formed in India at the same time as the growing city of Bombay was shifting to industries like cotton production and trade in the mid to late nineteenth century. Ritu Birla has shown the ways in which the colonial government in this period began to carve out preferred avenues of philanthropy through legal regulations on giving (and keeping) and in doing so reaffirmed notions of public and private.29 Through acts like the Charitable Endowments Act (1890) as well as the Income Tax and Companies Act (1886), only charitable giving that fell under the rubric of ‘general public utility’

28 Sociologist Andrew Sayer defines the moral as that which ‘concerns lay norms (informal and formal), conventions, values, dispositions and commitments regarding what is just and what constitutes good behavior in relation to others, and implies certain broader conceptions of the good or well-being’. Quoted in K. E. Browne and B. L. Milgram, Economics and Morality: Anthropological Approaches (Lanham: Altamira, 2008), p. 2.

was considered tax-exempt. These regulations conveyed a particular legal strategy to legitimize and delegitimize wealth accumulation within certain spheres of life. Here ‘good’ charitable objects included education, medical relief, and relief of the poor, as well as any other object of general public utility. They explicitly did not cover any purpose exclusively for religious teaching or worship. The Companies Act clearly defined the not-for-profit limited liability company as distinct from a public charitable organization, as the benefits of the former were only directed at its members, while the latter was for ‘the public’.

Furthermore, in 1894, the Privy Council confirmed several Indian High Court decisions, which further limited Muslim religious endowments. The Council associated the concept of *waqf*, which has two usages, one for a family and one for charity, with its latter usage mainly delegitimizing the former. This was another process of ‘legal mitosis’ privileging public giving over private. Hence, the complex customary practices entailed in *waqf* were also shifted to the criteria of general public utility. Through the management of proprietary objects, the colonial state attempted to produce ‘proper’ subjects. These legal regulations formalized and incentivized a particular notion of ‘the good’, wherein building a school or hospital was encouraged over a family temple, for example. Birla notes that charity in the service of:

an abstract public offered a new social welfare model for a variety of modernizing elites, who supported a host of public charitable purposes: philanthropic concerns for education, scientific and economic progress, and the health and order of the civic body.

Nineteenth-century Parsis were eager endowers of their assets through the instrument of the trust, and for a multitude of reasons. Mitra Sharafi has shown that, in a larger sense, Parsis did not avoid interacting with the colonial state, but pushed through it ‘protect[ing] community interests to a significant degree by embracing the methods

30 Ibid., pp. 103–139.
31 Ibid., p. 78.
32 Ibid., p. 99. G. Kozłowski relates that the underlying premise of such court decisions was that Muslims ought to follow their own scriptures, which were clear on the division of inheritance (*Muslim Endowments and Society*, p. 5). See also A. Qadir, *Waqf*, p. 148, Beverly, ‘Property, Authority and Personal Law’; A. Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: SUNY Press, 2002); and Singh, ‘Zamindars’, 2015.
of colonial law and infiltrating its institutions’. This was a time of great wealth accumulation for many in the community, as they migrated from Gujarat to Bombay and shifted from traditional occupations like farming and weaving into commerce and trade. Enormous fortunes were made in the China trade and invested in real estate, both private and for religious purposes such as temples. In addition to their immediate purposes, the ‘promotion of charity and the development of “cooperative” institutions may have aided the development of commercial networks’. These networks were key conduits of commerce, especially in light of the fierce competition in mid-nineteenth-century Bombay between Parsis, Khojas, and other native elites, who were vying for profitable alliances in overseas trade. Philanthropic giving was also a way to connect the giving of native elites with the civic projects of empire—what Preeti Chopra has called the ‘joint enterprise’. As urban land and real estate became popular and stable sources of investment, they also became targets of colonial revenue collectors who had formerly concentrated on rural revenue. Trusts, if charitable in intent, could avoid the reach of the Raj’s tax regime. The evaluation of which assets the state allowed to be exempt from taxes was and remains a powerful indicator that these assets were viewed as being used for proper charitable purposes.

Many early Parsi trust deeds list several powerful merchants, industrialists, and barristers as trustees, who would jointly decide on the fate and financing of their trusts. Settlors like the Petits, Jeejeebhoyes, Camas, Wadias, Adenwalas, and Chinoys endowed lands, buildings, and funds to the Parsi community. Homi Bhabha claims that through philanthropic action, the Parsis were able to wield ‘soft power’, and manufacture consent amongst urban Indians for the project of modernity, by showing that important institutions of native civil society could exist and thrive in India. Their largess allowed for the migration of their poorer co-religionists from Gujarat to Bombay

34 M. Sharafi, Law and Identity, p. 9.
37 M. Dossal, Theater of Conflict, City of Hope: Mumbai 1660 to Present Times (Mumbai: Oxford University Press, 2010), Section I. ‘Land into Private Property’.
city and built hospitals and schools, as well as supporting other public works. These founders accrued immediate social capital and prestige, but also longevity, as their legacies remain imprinted in the streets and buildings of the city.

The understanding of ‘the good’, here—defined through the criteria of general public utility—in many ways falls within that of traditional philanthropy: to take care of the public or a subset of the public, like a minority group or the poor, through subsidizing essential needs like medical care and education. In India, trusts were allowed to define beneficiaries as a subset of the public, for instance a religious group. Trusts are apt instruments for this kind of targeted giving, as they are inherently discriminatory mechanisms. By this I mean that charitable trusts must have designated beneficiaries: ‘an uncertain and fluctuating body of persons forming a considerable section of the community’ and must direct their assets to a distinct purpose.\(^{39}\) As we move on to explore one of the oldest and largest trusts dedicated to all Parsis, we will see how it is the very configuration and execution of ‘the good’ that begins to change into the twenty-first century.

**The Bombay Parsi Punchayet**\(^{40}\) (BPP)

The BPP offices are on Dadabhai Navroji Road, near the Chatrapati Shivaji Terminus, one of Mumbai’s main train stations. The building is an imposing structure, with wide curving staircases, a large lobby, and high ceilings. The trust occupies the third and top floor, and the large staircase opens out onto a lobby area with a huge sign for the BPP, with its insignia of Persianate winged-bulls flanking the trust’s initials. The main office space is quite large, with high ceilings, the ubiquitous whir of ceiling fans, and rows of desks with piles and piles of paper files. The ‘cabins’ or enclosed office rooms, are along the perimeter, and mostly serve as offices for the CEO and upper-level management. The seven trustees actually do not have their own offices on the premises. The BPP office resembles any older bureaucracy in India: loud and dusty with many office helpers running back and forth. Many beneficiaries wait restlessly in the lobby for their name or case number to be called.


\(^{40}\) While the common orthography in English is *panchayat*, I reproduce the spelling usage of the institution itself.
On the other side of the lobby area is the conference room, which holds the BPP’s library and hosts the weekly trustee meetings. Even though there are multitudes of Parsi trusts in Mumbai, which provide a variety of subsidized housing for Parsis, I concentrate on the Bombay Parsi Punchayet (BPP), mostly because of its prominence in Mumbai city as its second largest landowner after the Bombay Port Trust, and also because of its role in the governance of the community at large. As an amalgam of several smaller trusts and funds that were once personal and familial assets, the BPP today is an example of how the trust mechanism stands to professionalize and bureaucratize religious giving.41

The BPP, as an endowment, was first established through the creation of a property trust in 1884 to preserve Zoroastrian funerary grounds in Southern Bombay.42 As a governance structure, however, the Punchayet has been traced as far back as 1725 if not earlier. There is some disagreement about the origins of the BPP, but in my view, this has to do with the varying forms and functions of the Punchayet. As a committee overseeing aspects of communal life, the Punchayet may well date back to the seventeenth century, and the BPP holds its origins to 1681. However, as a formal legal endowment, the trust as we know it today, was settled in 1884.43 S. F. Desai, in his internal account of the BPP as its Secretary, notes that by 1732 there were some funds being dispersed but ‘we do not have a clinching record to show how the money was collected and who kept it and dispensed it’.44 It has moved through various phases of being a quasi-religious and powerful body to a much-reduced administrative institution. In the 1830s, the leadership became formally hereditary, and many donors and lay Parsis saw this as delegitimizing its charitable goals, causing Sir Jamshed Jeejeebhoy, powerful industrialist and trustee, to found a rival institution, the Parsi Benevolent Institution, in 1849. Then in 1851, the two bodies were merged, with Jeejeebhoy at the head.

41 A very fruitful avenue of future research on charities would be to follow in the line of scholars like Matthew Hull who have analysed the constellation of authority and practice of South Asian bureaucracies, their paper forms, and the effects of professionalization. See M. S. Hull, Government of Paper: The Materiality of Bureaucracy in Urban Pakistan (Berkeley: University of California Press, 2012).
43 Palsetia, The Parsis of India, p. 66.
44 Desai, History of the Bombay Parsi Punchayet, p. 129.
This later became the contentious basis of the famous suit, Petit v. Jeejeebhoy in 1906–08.\textsuperscript{45} After the turn of the century and this landmark civil case, the BPP’s role was reduced and redefined to be the custodians of the funds and properties of the trust(s) under its purview, and to represent the community before the government. At different times since its initial inception, the BPP has faced legal challenges concerning the definition of the community it represents: who it includes and excludes as its beneficiaries, and what rights beneficiaries have to the trust properties.\textsuperscript{46} In a very fundamental way, all these cases seek to define who is a Parsi, and what claims to trust assets may one make as a Parsi.\textsuperscript{47}

The critical material for these claims is the deed itself and its interpretation by the courts, via the office of the Charity Commissioner.\textsuperscript{48} Today, within three months of establishment in Mumbai, a new public charitable trust must submit a copy of its deed to the Charity Commissioner and register in the Directory of Public Trusts. Since the Directory only began with the Bombay Public Trust Act (1950) in 1953, many of the Parsi trusts settled in the nineteenth century have 1953 as their start date. Kept in the trust’s library, the original documents serve as a kind of security of a promise once made. The Commissioner’s office keeps the trust deed in an open file, ready to accept the annual financial reports, addendums, and other documents that keep the trust alive. As recent high-profile cases were under litigation,\textsuperscript{49} however, copies of the General Trust Deed of the BPP had a new life too, they circulated via email and one was handed to a nosy anthropologist over tea. Lay Parsis and Parsi periodicals discuss

\textsuperscript{45} For more on this case and its ramifications see M. Sharafi, ‘Judging Conversion to Zoroastrianism: Behind the Scenes of the Parsi Panchayat Case (1908)’, \textit{Parsis in India and the Diaspora}, pp. 159–180.

\textsuperscript{46} The 1908 case Petit v. Jeejeebhoy and Kanga v. The Funds and Properties of the BPP (Bombay High Court, Appeal 256 of 2010) are just two examples of cases brought to court to interpret and delimit the functioning of the trust.

\textsuperscript{47} See M. Sharafi, \textit{Law and Identity}, for a fascinating and thorough analysis of legislation and case law in the colonial period and their relationship to the formation of Parsi communal identity.

\textsuperscript{48} In states with a Charity Commissioner, all public charitable trusts are required to register their deeds, file annual audit reports, and get special permissions if any changes to their structure or their holdings occur.

\textsuperscript{49} During my fieldwork there were two Parsi trust cases being reviewed by the Indian Supreme Court. Kanga v. BPP was settled through mediation, and Gupta v. Pardiwala (Gujarat High Court, Special Civil Application 449 of 2010) is still pending review.
the language and intention of these deeds and the kinds of claims on trusts that they legitimize.

The General Trust Deed is documentary evidence of the ‘alignment of kinship with contract’, i.e. the transformation of personal and familial assets into communal obligation through the trust. The biggest ‘donation’ the BPP ever received was the entrustment of five distinct plots from the Wadia family in the 1950s. Jerbai Wadia (1852–1926), the widow of wealthy industrialist N. N. Wadia, endowed five enormous properties and accompanying funds in the name of her husband and sons, in lieu of her children directly inheriting the assets. The five estates were dedicated as Parsi housing colonies in the 1920s and 30s, through separate trust agreements. The first, in the name of her husband, the Nowrosjee Nusserwanjee Wadia Trust Buildings for Parsees, was endowed in 1916 after his death as ‘residences exclusively for the use and occupation of poor and middle class Parsees professing the Zoroastrian faith’. This housing colony was named Nowroze Baug, and still stands in the Lalbaug section of Parel. Rustom Baug, another of her endowments, named after her youngest son who died in 1919, had as its objects the provision of clean comfortable and inexpensive residential quarters for poor and middle class members of the Parsee Community professing the Zoroastrian faith and in connection therewith to afford to such persons facilities and conveniences for the performance of funeral and other ceremonies medical relief instruction and recreation and for such other purposes as the Trustees may think directly or indirectly conducive to the comfort and well being of the said persons and upon further trust to maintain, improve, develop, control and manage the said Institution.

Jerbai remained the managing trustee of all the funds, and each deed stipulated that her sons and their heirs would remain trustees. They further maintained that if there shall be any difference of opinion among the Trustees for the time being of these presents that of the majority shall prevail but this proviso

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50 Birla, Stages of Capital, p. 105.
51 Cusrow Baug, Ness Baug, Rustom Baug, Jer Baug, Nowroze Baug, with 1545 flats in total.
52 Trust Settlement—The Nowrosjee Nusserwanjee Wadia Trust Buildings for Parsees. 16 August 1916, p. 3.
53 Trust Settlement—The Rustomji Nowrosjee Wadia Trust Building for Parsees. 10 November 1921, p. 5.
is subject to the express condition that the wishes of the said Bai Jerbai N. Wadia during her lifetime shall prevail.

So through these legal agreements, Jerbai’s wish and charitable intent remained paramount. She further ensured her obligation would be carried out by placing her own kin as trustees. As per these original deeds, the estates were then handed over, or ‘donated’, to the BPP in the 1950s, when it was agreed that the properties would be best managed by the Punchayet, albeit with the guardianship of the Wadia Committee of Management, which includes her descendants to this day. At the turn of the century, Jerbai wished to encourage more Parsis to emigrate from rural parts of Gujarat to Bombay for better economic prospects. She deemed that providing subsidized housing in clean and communal quarters would be the proper incentive. A manager at the Committee of Management intimated that Jerbai might have had a double purpose with her generous donations. Another factor in Jerbai’s beneficence was the controversial conversion to Christianity of two of her sons, Sir Ness and Sir Cusrow. Endowing the assets allowed Jerbai to remove the possibility of her sons inheriting her estates and assets as per the succession rules of her community. By establishing trusts, Jerbai was able to devote her estates to the welfare of the community, whilst naming the trust in honour of her husband and three sons. The transfer of her assets through inheritance to her kin was substituted with the circulation of her wishes and charitable obligation to her community. By channelling her charitable intentions through the instrument of the trust, Jerbai was able to expand the reach of her assets to successive generations of her kin and community. Her sons were not only honoured by name, but their descendants would remain trustees—guardians of her wishes. Rather than the hundreds of receivers of charity she could have reached through direct giving in the 1920s, Jerbai is still able to aid thousands of Parsis through her trust’s perpetual communal obligation.

54 The Nowrosjee Nusserwanjee Wadia Trust Buildings for Parsees. 16 August 1916, p. 16.
55 Sir Ness’s son, Neville Wadia, was given a Navjote and ‘converted’ back to Zoroastrianism (not without controversy) late in his life. He was married to Dinah Wadia, the daughter of Mohammed Ali Jinnah, and spearheaded the success of The Bombay Dyeing Corporation, one of India’s largest textile concerns until his death in 1996. See J. R. Hinnells, The Zoroastrian Diaspora: Religion and Migration (Oxford: Oxford University Press, 2005), pp. 129–135.
By 1953, of the 5,003 registered charitable trusts in Bombay, 935 were Parsi.  Today there are over 3,000 Parsi charitable trusts in the city. Apart from aid from the Punchayet, hundreds of other trusts were founded to aid Parsis to support medical care, educational costs, and social welfare, including funds for navjotes (initiation ceremonies), ghambars (feasts), muktads (remembrance ceremonies), and funeral services for those who cannot afford them. With few exceptions, most funds for clinics and hospitals have ‘cosmopolitan’ (Parsi and non-Parsi) beneficiaries. Parsi General Hospital, a renowned Parsi-only hospital, was endowed by the Petit family, who had previously endowed a cosmopolitan hospital. Similarly, Parsis founded many schools and colleges, and established scholarship funds. While many have cosmopolitan beneficiaries from their establishment, others have ‘gone cosmopolitan’ since there are fewer and fewer Parsi students to fill their roles.

From the mid-nineteenth century until the post-World War II period, Parsis were a small but highly successful community, not only in their own estimation but in that of colonials and other Indians. Several Parsis were heralded as captains of industry, especially in sea trade, ship-building, and textiles, some of colonial India’s most profitable sectors. At its peak, the Parsi population of Bombay reached over 100,000 and the city was teeming with public works and settlements founded or managed by Parsis. Many of Bombay’s schools, hospitals, and roads bore Parsi names, and the community was known for its philanthropy for both communal and cosmopolitan purposes. But as much as Parsi identity and status were at one time marked by economic success and philanthropy, by the end of the World War II, a new imaginary took hold. Tanya Luhrmann’s ethnography addresses the transformation of the community self-perception from that of

56 Ibid., p. 66.
57 Directory of Public Trusts: Greater Bombay and Bombay Suburban District, Section-C, Parsi, Charity Commissioner Maharashtra.
58 This is common use of the word ‘cosmopolitan’ at least in Mumbai, meaning for all communities. For example, a residential building, which houses all communities is known as a ‘cosmopolitan’ building. Trust managers I interviewed used this distinction to describe the intended beneficiaries of their trusts.
59 For example, the various schools and colleges endowed by Sir. Jamsetjee Jeejeebhoy, C. J. Readymoney’s large endowment to Bombay University, and various Tata scholarship funds. See the appendices in Hinnells, ‘Flowering of Zoroastrian Benevolence’, for the numerous listings.
contributor to Indian modernity to one saturated with the sentiment of decay and anxieties about community decline. Indeed, since the 1980s this trope of decline has been evoked in all kinds of media relating the ever-decreasing numbers of Parsis in Mumbai and the world: ‘The Parsi Crisis’, ‘Dire Demographics of Parsi Zoroastrians’, ‘Why is India’s wealthy Parsi community vanishing?’. Several theories about the demographic decline of the Parsis circulate, including low fertility rates and the genetic consequences of endogamy, and Paul Axelrod notes that the Parsis of India have experienced one of the most dramatic declines in population ever recorded outside of Europe. In his study, Axelrod found that Parsis have a history not only of late nuptiality, but also of low nuptiality. Seeing a close correlation between marriage practices and levels of education, Axelrod found that 35 per cent of those educated above high school never married, and the average age of marriage for women who have completed college was 27.1. This late age for marriage can be seen as early as the 1890s. In contrast to such local cultural factors, high levels of emigration and exogamy make demographic figures problematic. Younger community members are increasingly internationally mobile, creating relatively large diasporic communities in North America and Europe. Furthermore, it is estimated that one in three Parsi women marry out of the community. In many cases, exogamy, especially by Parsi women, is for all practical purposes equivalent to excommunication, and any children born to such unions are literally not counted, for instance by the PUNCHAYET.

65 See Hinnells, *Zoroastrian Diaspora*, for a comprehensive overview of various diaspora communities across the world.
66 The effect of intermarriage for Parsi women’s communal membership is varied in the diaspora and even in India today. The community in Mumbai remains the strictest or most orthodox in their exclusion of intermarried women and their children.
Parsiana, a very popular Parsi-centred periodical with global circulation, actually publishes the names of children born and the names of the deceased in every issue in the last pages of the magazine. 67 This might not be unusual for a community periodical, but the deaths are listed not only as obituaries, but rather in the style of a ledger, with the deaths outnumbering the births almost three to one. This is accompanied by a table of statistics and marked by an asterisk:

These figures pertain to information provided to and collected by Parsiana. They do not represent the total number of births, marriages and deaths in the Zoroastrian community in India and Abroad. 68

Demography here is ‘not a question of obscure statistical analysis, but a prominent element in Parsi consciousness and debate’. 69 Notwithstanding the disagreement about causes and extent of decline, the overall sentiment of demographic crisis was ubiquitously expressed in my interviews and is a vivid part of Parsi self-perception in Mumbai. Older Parsis joke wistfully that one should touch a Parsi for good luck before they are extinct, like the white tiger. During my fieldwork while I did encounter sentiments that echoed Luhrmann’s analysis, more often my interlocutors spoke of crisis and decline in ‘real’ terms: census figures and counts. If we see crisis as a ‘prognosis’ of time, these calls to crisis by the BPP and echoed by the media, at once denote a history of better times and a present and future that is growing more uncertain. 70 The very particular minority-hood experienced and understood by Parsis today has congealed around this condition of demographic decline.

The continuing discourse of demographic crisis brings forth specific kinds of productions of knowledge and in turn unique interventions. From its inception, the BPP has managed sacred space and funds for medical and educational support for its beneficiaries, that is, Bombay Parsis, especially the care of widows, disabled, and poor Parsis who receive a kind of dole each month. In the 2000s, the ubiquitous discussion of community crisis was given further fuel with the results of the 2001 census. The BPP shifted the focus of much of its giving away from welfare programmes targeting poor and elderly Parsis toward increasing the population of Parsis. Various initiatives were

68 Ibid., last page of each issue.
69 Hinnells, Zoroastrian Diaspora, p. 54.
announced to reverse the trends of Parsis marrying late, having few children, or marrying out of the community all together. To encourage young Parsis to marry each other early and have as many children as possible, the BPP had already instituted a ‘Three-child policy’ in 1993 wherein a family would receive monthly aid for their third child and any subsequent children. This policy was amended to award families for even their second child in 2009. The Punchayet continued to increase efforts to promote positive demographic growth through forms of giving.

As a BPP official once told me, the trust serves a Parsi ‘from the womb to the tomb’. ‘It begins as such’, he explained by holding up his hand and enumerating on his fingers, as he recounted the following: first, if a Parsi couple is experiencing difficulty becoming pregnant, the Parsi wife is entitled to free IVF treatments. Once pregnant, she is offered help with nutrition and medical visits including the obstetrician fees at a hospital. The growing family receives free baby food, a monthly allowance beginning with the second child, and then all educational expenses. Costs of the navjote (Zoroastrian initiation) are subsidized or completely paid for. The trust also offers scholarships for college, an employment bureau, a youth wing named ZYNG (Zoroastrian Youth for the Next Generation), a matrimonial bureau, housing, care for widows, an old-age home, and a final resting place at Doongerwadi, the Tower of Silence funerary complex in Mumbai. The official noted however, that ‘every step has an application’. Most of the above are based on income, but all require one to be Parsi and most importantly for Parsi women, to be married to a Parsi man. So while the list of services on offer is indeed expansive, every beneficiary must prove himself or herself worthy of the benefit or service. While White showed Parsi charity shifting from crisis to community definition, the contemporary shift now reveals crisis as community definition, a condition that is reshaping the content of ‘the good’ and hence the contours of who is worthy of the Punchayet’s charity.

‘No house, no spouse’

The population statistics discussed above have legitimated the BPP’s policies to turn to providing housing, the trust’s most valuable and productive asset, as the cure for the current crisis. As a former BPP

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71 White, ‘From Crisis to Community Definition’.
Chairman put it to me, ‘no house; no spouse’, relating the reluctance of many young Parsis to marry without neo-local housing. It was seen as the first step toward increasing communal reproduction. Another former BPP official was insistent that there was only a small window within which the BPP had to work. With a pencil and paper, he jotted something down and pondered aloud:

‘We have late marriage because we educate our girls, they keep their careers so a child is possible only in their thirties, then early menopause too, much earlier than the Indian average. So, how many childbearing years?’ He never finished the calculation but only held up his hand with his thumb up and waved it back and forth with a glum expression, a sign that it was a ‘no-go’; not working. In addition to this truncated reproductive window, my interlocutors believed living within housing colonies was itself critical to the retention of everyday Parsi customs and reproduction of community norms and codes. A Parsi priest encapsulated this sentiment best: ‘when we distribute ourselves thinly in cultureless, concrete structures, there is no life in that. Intermingling leads to dilution of cultures’.72 So the population growth sought by the Punchayet for the community is not about sheer numbers, but also about the quality of the community. They remain within the frame of endogamy, at least for Parsi women, and a preference for Parsis living amongst one another. By 2009, the BPP remained the largest private landowner in the city, with large chunks of real estate concentrated especially in the hugely expensive southern part of the peninsula. The discourse around demographic decline amongst the Parsis in India had reached a fever pitch, and in a major media announcement, the Punchayet proposed to build 3,125 new flats for Parsis in the city.73 Therefore, while it may seem questionable that a trust with dwindling beneficiaries should spend millions to construct more housing, the Parsis and charity officials I interviewed took the new housing projects as a logical response to demographic decline.74 The demographic crisis narrative allowed a

reshuffling of who was prioritized as being worthy of the trust’s good deeds.\textsuperscript{75}

To rent a flat, a Parsi might either inherit the rent certificate from a parent, child, or sibling, or make a fresh application to the Punchayet. Shifting away from the ‘poor and needy’ Parsi who used to receive priority for charity housing, the BPP now employs a ‘Merit Rating Scheme’ and gives first priority to young couples of childbearing age, many of whom are brought together through its matrimonial services and meet-ups. I met Behram\textsuperscript{∗}, at a colony fair, where several residents were selling their homemade crafts to earn money for some sporting equipment for the colony youth. An office clerk in his forties, Behram recounted how he had successfully applied and received housing from the BPP through the scheme. ‘You see, my brothers and I lived in a “red-light” area’, he exclaimed with emphasis, ‘and we all applied in our twenties after becoming engaged. They [the Punchayet] met with us and checked all our documents and letters to make sure we were serious about marriage’. Behram and each of his brothers received a charity flat. They have since each married their respective betrothed, and had children. ‘Many people try to trick, you see, but our case was real.’

I visited the BPP Housing Manager in his office cabin one evening, and he motioned for me to sit down and ask him questions quickly. The trustees were in a meeting and he had to wait around in case he was called in on a specific issue. ‘So how does one apply for a flat?’ I inquired. ‘Why, are you interested?’ ‘No’, I replied, ‘I just want to understand the process’. He explained that a new applicant must pick up a form and submit it between 2:30–4:30 any day that the office is open. They must submit all their details, and provide an income certificate. Then they get issued a card with the application/case number and it is up to them to renew the form every three years. Unlike other trusts that I visited, the BPP keeps a running waitlist and not a list per available flat. Since the onus is on the applicant to renew the form, it could be possible that the applicants currently on the waitlist were not all worthy candidates for a flat. The BPP’s new scheme has caused much controversy and even litigation, as the criteria and point system remain opaque, with

\textsuperscript{75} This redistribution of attention and funds did not go without controversy, and several suits brought forth by self-defined ‘watch-dog’ groups took the BPP to court over what they claimed were mismanagement of charitable funds.
cries of corruption when it is perceived that flats were allotted out of application order.\textsuperscript{76}

Priority is given to Parsi couples engaged to be married. The Housing Manager estimated about 20 per cent of applicants were in this category. They do ‘jump the queue’, but they must produce a marriage certificate before they may take possession of the flat. In the past many men would pretend to be engaged to get the flat, ‘but now we investigate every case’, he says. When a flat becomes vacant, or the turn arrives, he inquires ‘is the form alive?’ and then a literal investigation is conducted in which a BPP official physically visits the current residence of each party, conducts interviews, and checks up on financials. Once a flat is granted, a notice is published in several Parsi periodicals giving the name of the new resident and asking for any evidence in objection to the application. The new allotment scheme of prioritizing those of child-bearing age over the more general category of the ‘poor and needy’ caused many to bring the Punchayet before the Charity Commissioner in suit.

I met Niloufer* in 2011, at her place of business, and I agreed to not use her name at all in my research as she was part of an on-going case against the Punchayet and feared backlash from her Parsi employers. In 1991, she was married, and she and her husband were forced to move within the circuit of Parsi sanatoria housing every four months. Parsi sanatoria were originally built in the city to house sick and recovering patients temporarily. To the dismay of their trustees, they have evolved into extremely low-cost albeit rundown permanent housing options for poorer Parsis. The various residents of Parsi sanatoria were required to move rooms or leave the residences every four months, so that they would not have any case to claim tenancy and therefore legal permanence under the Rent Act.

In 1992, when her daughter was born Niloufer filed her first application with the Bombay Parsi Punchayet for charity housing. As of 2007–08 she and other Parsi families had not moved off the waiting list for housing that had stretched to 3,000 applicants. Eventually they joined together with others and became the ‘104’ families who sued the BPP with the help of community advocates, who assisted them

\textsuperscript{76} The opaque criteria as well as the high value of these flats make corruption allegations almost endemic to the system of allotment. A formal investigation was underway in 2014 as Rupees 210,000 were uncovered in the cupboard of the BPP CEO who had recently died. Allegations also circulate frequently in the Parsi press and conversation about individual trustees, and how much they have to gain from favourable flat allotments.
legally and financially through the process. According to the trust’s selection guidelines she should have had first preference, being newly married with a child on the way, but ‘people with money got the flats first’ she says, referring to alleged bribes being paid along with the application. ‘That’s how some applications rise to the top of the pile’.

In 2008, Niloufer and a block of applicants on the waitlist filed a court case to force the BPP to reveal how and why they had allotted certain flats. The case was finally resolved when the Bombay High Court appointed a former Supreme Court Justice to carefully go through all 104 cases and determine who ‘deserved’ flats under the scheme. From the vantage of the current trustees, the case stems from a dispute in the scheme of allotting flats between the old (pre-2008) trustees and the new. Officially, the BPP claimed that they gave priority to marrying couples, priests, and those, like Behram, who needed to be relocated from ‘red light areas’. The 104 applicants, however, claimed that others applications were ‘put at the top of the stack’—that is, given flats out of turn—through bribery or curryng favour with the BPP administration or trustees, and that they too were worthy of the trust’s benefit.

After the 104 case was settled in 2010, many families like Niloufer’s were not ‘viable candidates’ for charity housing anymore. Niloufer was no longer newly married nor expecting children and was subsequently denied a charity flat. Saddened and deflated by the whole experience, Niloufer related:

Imagine what it’s like having to shift flats every four months. My children could not even stay in the same schools because of the distances. We did it because people like us [the 104] have no choice in these things.

Meeting Niloufer and other lower-income Parsis who relied on trusts like the BPP for their residence, income, or medical care during my fieldwork kept me wondering how, in a community so well-endowed in land and real estate and so renowned for its philanthropy, so many people fell through the cracks. After all, the BPP is a large landowner, with real estate for housing, schools, and hospitals all reserved for Parsis. Yet, as I found, by redefining the notion of good charity, these policies privilege certain forms of giving and transfers that are slowly having dire effects on the more underprivileged segments of the community—ironically the very segments that were to be the beneficiaries of charitable trusts in the first place.

Of the 104, one trustee told me that about 64 are still ‘good’ candidates for flats, but the other 40 are not. One of the problems
in this case was that because of the temporal delay from application to decision, many who were eligible and would have had the priority were no longer eligible. The reproductive window of Parsis like Niloufer had closed. Moving away from traditional philanthropic practices of subsidizing education, medical care, and welfare to the poor, the BPP has now focused on the biological within their pursuit of communal reproduction.

Conclusion: trustworthiness

By focusing on the organizational form of Parsi charity this article has shown how trusts transform familial and personal assets into communal obligations. As these assets are pledged to charitable purposes and legally sanctioned notions of ‘the good’, they are rewarded with perpetuity. This longevity in giving has played a critical role in nurturing and preserving the communal identity and relative wealth of this micro-minority. Bornstein and others have described the ‘moral onus’ of charity in terms of the burden on the recipient of the gift to be worthy. Legally speaking, and in the past, the onus was on the trust and trustees to fulfil the wishes of the settlor. Through the legal deed the settlor could still theoretically exert control from beyond the grave, permanently marking the property with his or her charitable intent through time. It was for the trustees to carry out these wishes properly, and in the case of the BPP to provide for the ‘poor and needy’ through the proper management of the trust’s assets. What this article has shown, however, is that with the new merit rating scheme, the moral onus is increasingly on the beneficiary, people like Behram and Niloufer, who fit all the criteria of beneficiaries—married to Parsis and low income—to prove that they are worthy of the trust benefit. So, while the BPP retains Jerbai’s perpetual obligation, by redefining its good deeds, it has moved from modes of traditional philanthropy to communal reproduction. The prioritizing of its most valuable asset, housing, toward endogamy and child-bearing shows how biological reproduction has become the primary criteria of worthiness. This case shows the complex potential of giving within communal philanthropy.

Many scholars of South Asia have shown how laws introduced by the British relating to charities and native inheritance practices have had large and lasting effects on communities, including notions of the family, women’s property, and the relationships between generations. Even within native instruments like waqf and Hindu endowments, as well as informal practices of giving, these regulations redirected the aims and scope of giving. Singh has shown the ways and degree to which assets accumulated or disbursed through legal instruments can have lasting effects on the relative wealth and poverty of a community. This article has shown how giving through the aegis of trusts has such a broad and lasting influence on the Parsi community. Beginning in the nineteenth century Parsi wealth was consolidated and preserved into real estate and funds through charitable trusts, and the intergenerational commitments of these obligations continues to this day. We must understand the relative wealth of this community not simply as a product of its own ‘industriousness’, but also as a result of the widespread utilization of a wealth accumulating and preserving mechanism: the trust. Through their intense entanglement with community history, the city, wealth, and now biological reproduction, the ‘good deeds’ of trusts are firmly entwined with the fate of the Parsis, in perpetuity.
