

BULLETIN OF THE SYRO-MALABAR MAJOR ARCHIEPISCOPAL CHURCH

## PARTICULAR LAWS OF THE SYRO-MALABAR CHURCH

front inside

### SYNODAL NEWS

BULLETIN OF THE SYRO-MALABAR MAJOR ARCHIEPISCOPAL CHURCH

Vol. 11

No. 1

May 2003

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## CONTENTS

Editorial.....	3
Preamble .....	5
Major Archbishop, Metropolitan, Bishops, Exarchs and the Organs Assisting the Eparchial Bishop in the Governance of the Eparchy .....	10
Clerics in General .....	12
Permanent Diaconate .....	17
Monks and Other Religious as well as Members of other Institutes of Consecrated Life .....	25
Secular Institutes .....	27
Societies of Apostolic Life .....	28
Evangelization of Nations .....	32
Divine Worship and Especially on Sacraments .....	33
Feast and Penance .....	36
Marriage .....	37
Acquisition and Administration of Temporal Goods .....	49
Laws on Baptized Non-Catholics coming into full communion with the Catholic Church, Ecumenism.....	51
Persons and Juridical Acts .....	51
Hierarchical Recourse .....	51
Trials .....	51

Palliyogam – Procedure Rules .....	53
Statutes of the Synod of Bishops .....	79
Statutes of the Permanent Synod .....	98
Statutes of the Superior Tribunal .....	106
Statutes of the Major Archiepiscopal Tribunal .....	116
Statutes of the Major Archiepiscopal Assembly .....	128
Decree Promulgating Laws on Permanent Diaconate .....	136
Guidelines for Editing Particular Laws into one code .....	137

## EDITORIAL

The work on the particular laws of the Syro-Malabar Church got under way not long after the promulgation of the *Code of Canons of the Eastern Churches* (CCEO) even though at that time the Syro-Malabar Church was not yet a *sui iuris* Church as envisaged in the Code. The erstwhile *Syro-Malabar Bishops' Conference* (SMBC) appointed a committee of experts for this purpose. On 16 December 1992 the Church was raised to the major archiepiscopal status although with restricted powers. A major archiepiscopal commission for particular law was soon constituted and the members of the committee appointed by SMBC were approved as its consultors. Under the direction of Archbishop Abraham Kattumana the late Pontifical Delegate who was appointed by the Roman Pontiff to bring into effect the administrative structures of a major archiepiscopal Church in the Syro-Malabar Church, the commission worked with vigour and enthusiasm. The sudden and unexpected demise of the Pontifical Delegate in 1995 slowed down considerably the pace of activities in the Church in its new-found status including that of the commission for particular laws. Nevertheless, owing to the enthusiasm and determination of the chairmen who led the commission from time to time and of the secretary as well as of the sub-committees that did most of the groundwork, the commission managed to complete the work it was entrusted with. The texts prepared by the commission were discussed and re-discussed in the synod which ultimately approved all of them and recommended to the Major Archbishop to promulgate them. As the readers can verify from the previous issues of *Synodal News* all the texts except that on the Permanent Diaconate have already been promulgated and are in force. Recently the Major Archbishop has promulgated also the laws on Permanent Diaconate.

As the first phase of the work on the particular laws has come to an end the Major Archbishop has authorized the commission to edit the hitherto promulgated laws into one book and to publish it in *Synodal News* so that the readers may be able to point out errors, if any, in the

texts which can be rectified in the final text to be published. According to the guidelines given by the Major Archbishop the central committee of the commission painstakingly went through the entire text and produced it in the present format. The readers are welcome to point out the errors, in case they come across any, in the text and bring them to the notice of the secretary of the commission. It may however be borne in mind that what is expected at this phase is not amendments but only errors that are of a technical nature.

Obviously, there is yet room for improvement in the laws already promulgated and there are yet other areas where more particular laws are to be formulated. That process which will take place at the second phase is not included in the mandate given to the present commission. As and when requested by the Major Archbishop the commission will undertake that task too. It may also be noted that one may not find coherence and continuity of ideas in the present text if it is approached as an independent instrument. Since it has been made in accordance with the requirements of the various canons of CCEO one should have also the text of CCEO beside it in order to understand the logic and sequence of the articles. The rules of *Palliyogam*, Statutes of the Synod of Bishops, Permanent Synod, Major Archiepiscopal Assembly, Superior Tribunal and Major Archiepiscopal Tribunal are given separately for obvious reasons. The readers are requested to pay attention to the amendment made in the Statutes of the Major Archiepiscopal Assembly by the synod in its session held in November 1999 (cfr. *Synodal News*, vol. 7, Nos. 1 & 2, December 1999, p. 63).

Chief Editor

## PREAMBLE<sup>1</sup>

### PART 1

The Church of St Thomas Christians is an apostolic Church founded in India by St Thomas, one of the twelve Apostles of Christ. Based on ancient, strong and continuous tradition, it can be reasonably believed that St Thomas landed at Kodungalloor (Muziris). After preaching and establishing Christian communities in different parts of India, he suffered martyrdom at Mylapore. The Church of St Thomas Christians, later came into life-relation with the Christian communities which came to be known as the East Syrian Church. This relationship made the Thomas Christians share the liturgical, spiritual and other ecclesiastical traditions with the East Syrian Church. At the same time Christians of St. Thomas kept their distinctive character especially in Church administration and socio-cultural and ascetico-spiritual life.

The head of the St Thomas Christians had the title “Metropolitan of All India.” A St Thomas Christian priest with the title “Archdeacon of All India” played the role of the effective leader of the community (*Jathikukarthavyan*). The archdeacon carried out the administration through general and local assemblies (*Palliyogam*). Their socio-cultural life was fully Indian and in their life of worship they adopted certain elements of this life. Their ascetico-spiritual life reflected Indo-oriental tradition. The sum total of this life was called the Law of Thomas (*Mar Thoma Margam*).

In the 16<sup>th</sup> century the Portuguese who reached India under the *Padroado* agreement with the Holy See encountered with the Law of Thomas. In the beginning the encounter was cordial, but it developed into a confrontation because they in general failed to accept a Christian life different from theirs. Hence they launched a programme to systematically make the St Thomas Christians conform to the

<sup>1</sup> Text discussed and approved in the synod held from 7 to 23 November 1994.

western form of Christian life. They attempted to execute this programme through the decrees of the synod of Udayamperoor (Diamper -1599). Soon after the synod the Church of St Thomas Christians was brought under the Portuguese *Padroado* regime. The St Thomas Christians were internally least prepared to accept the changes brought about by the decrees of the synod and their reaction erupted in a revolt (Koonan Cross Oath, 1653) against the *Padroado* rule. This resulted in the division among the St Thomas Christians. At this stage the Holy See intervened and introduced also its direct rule through the Congregation for the Propagation of Faith (Propaganda Fide). Although this was conceived as a provisional arrangement it lasted for over two centuries. As the policy established by the western missionaries in the 16<sup>th</sup> century continued under the rival regimes of *Padroado* and Propaganda, the St Thomas Christians gradually intensified their resistance. This situation impeded also the attempts of reunion of all the St Thomas Christians made by such eminent personalities as Mar Joseph Kariattil and Thomas Paremmakkal. Despite conflicts and tensions, the St Thomas Christian community also profited in theology, spirituality and discipline from their encounter with the Western Church.

The struggle of the St Thomas Christians for self-rule entered a definitive stage towards the end of the 19<sup>th</sup> century. By this time a part of the St Thomas Christians were no more in communion with the Church of Rome; those in communion with Rome found themselves divided under the *Padroado* and Propaganda rules. At the same time the attempts of the St Thomas Christians to have a bishop who could celebrate according to their own traditions, made them to have recourse to the Chaldean Patriarch whose intervention resulted in further schism among the St Thomas Christians. In 1886, with the institution of the Indian Latin Hierarchy all the St Thomas Christians came under the Latin Archbishop of Verapoly and the title "Metropolitan of Cranganore" formerly carried by the metropolitan of the St Thomas Christians was given *ad honorem* to the bishop of Damno. Later,

when the see of Damno was joined to that of Goa the Goan Archbishop began to carry the title of Cranganore also. In 1887, as the struggle for self-rule continued, the St Thomas Christians who were deprived of their ancient Metropolitan See together with its all India jurisdiction, were reorganized under two Vicariates, Kottayam and Trichur. In 1896, when the St Thomas Christians obtained bishops of their own rite and nation, they were further reorganized into three Vicariates, Trichur, Ernakulam and Changanacherry. On December 21, 1923, a hierarchy on the Latin ecclesiastical polity was instituted for them. Simultaneously Ernakulam was raised to metropolitan status and the eparchies of Trichur, Changanacherry and Kottayam (1911) were made its suffragans. In 1956, Changanacherry also was raised to the status of metropolitanate. By the end of 1956, the number of eparchies for the St Thomas Christians had increased to seven. In the meantime the name of the Church by usage in the official documents was changed to Syro-Malabar Church.

The Syro-Malabar Church thus found itself in a canonically anomalous situation of having two metropolitans and without a common head. Besides the nine eparchies outside these provinces, which were erected from the year 1962 onwards, were not suffragans of any of these two but were *ad instar* suffragans of the nearby Latin archbishoprics. As the *Code of Canons of the Oriental Churches* (CCEO) was promulgated in 1990 it became imperative to rectify this anomaly. Thus on December 16, 1992, Pope John Paul II raised the Syro-Malabar Church to the status of a Major Archiepiscopal *sui iuris* Church with the title of Ernakulam-Angamaly. Mar Antony Padiyara, the then Metropolitan of Ernakulam was appointed its Major Archbishop. The *territorium proprium* of the Major Archbishop was determined to be the then existing two provinces of Ernakulam and Changanacherry leaving out the eparchies that were not their suffragans. They continue till day as suffragans of their Latin archbishoprics as before and are outside the *territorium proprium*, even though they are within India. Lately an eparchy was erected in Chicago which is directly under the Holy See.

## PART II

The sources of the present Code of Particular Law of the Syro-Malabar Major Archiepiscopal Church are many and varied. They have become complex owing to the different jurisdictions over the St Thomas Christians during their Indian, Chaldean, Latin and Syro-Malabar periods.

The first Indian Christian community which responded to the call of the Apostle in its particular socio-cultural environment, received the identity of an Apostolic and Indian Church. Here we find the first stage. Its particular law which originated in the response of the first Christians to the teaching of the Blessed Apostle came to be known as the “Law of Thomas.” We may suppose that such a law consisted of the legacy which the Apostle Thomas left to this Church. The customs and the traditions which grew as a response of the local people to his teaching, the rites and the rubrics in the administration of the sacraments, the christianized laws of the existing society and culture and so on went into its making. The copper plate grants to the St Thomas Christians by the local rulers, ancient literature, cultural and art forms etc. are indicative of the ancient laws and customs of the people. The *Yogam*, in its triadic forms – *Pothuyogam*, *Desiyayogam* and *Edavakayogam* – was the system of administration.

During the Chaldean period, the St Thomas Christians shared some of the East Syrian rules and regulations. It is supposed that the East Syrian prelates also brought with them some of the East Syrian law codes.

During the Latin period, after the 16th century, many Western Church laws were introduced in the Syro-Malabar Church. The synods of Angamaly (1583 and 1603), the synod of Diamper which was invalidly held, the Statutes of Bishops Francis Ros (1606) and the Statutes of Archbishop Mellano (1879) were the most important canonical sources of the period. From the writings of the western missionaries, the decisions of the Synods and other works, the system

and practice of the Law of Thomas during the period in question can be understood.

Many canonical enactments were made during the Syro-Malabar period starting from 1887. Almost all the Syro-Malabar eparchies enacted eparchial statutes. The “Book of Decree” of Mar Mathew Makil (1903), is the first among them. The documents from the Apostolic See regarding the erection of the Syro-Malabar Vicariates, exarchies, eparchies, provinces and the hierarchy, the documents of Second Vatican Council and post conciliar documents, the four *Motu Proprios* of the Oriental Canon Law, the Statutes of the Bishops’ Conferences, etc., form the vital part of the juridical sources of this Church.

The present Code of Particular Law has been made in the light of the provisions of the *Code of Canons of the Oriental Churches* (CCEO). On 30<sup>th</sup> November 1990 the erstwhile Syro-Malabar Bishops’ Conference (SMBC) appointed a Committee to draft the Code of Particular Laws of the Syro-Malabar Church. Guidelines also were given for the same. As the Syro-Malabar Church was raised to the status of Major Archiepiscopal *sui iuris* Church, the Synod of Bishops in its first session held from 20 to 25 May 1993 re-constituted the said Committee as the “Commission for Particular Law.” However, in accordance with the provisions of the common law except the bishop-members all other members of the previous committee were given the status of consultors of the commission.

The Commission continued the work of the Committee and presented to the synod the drafts of the particular laws on the various topics after the discussion on them at different levels was over. The synod after having made the necessary changes approved the texts and the Major Archiepiscopal Authority promulgated them as recommended by the synod. The laws that this Code contains are already in force. The Code is the edited version of the same laws in one volume.

**Major Archbishop, Metropolitan, Bishops,  
Exarchs and the Organs assisting  
the Eparchial bishop  
in the governance of the Eparchy**

Art. 1 - With due regard for the right and obligation of the eparchial bishop to canonically visit his own eparchy, the major archbishop has the right and obligation to conduct a pastoral visitation of the same eparchy once in ten years (c.83§1).

Art. 2 - The major archbishop can commit a function of conducting affairs which regard the entire major archiepiscopal Church to any cleric, whether eparchial or religious, or of societies of common life in the manner of religious with the consent of the eparchial bishop or the major superior as the case may be; he can also subject the cleric immediately to himself while exercising this function (c. 89§2).

Art. 3 - The major archbishop must celebrate Holy *Qurbana* for the entire Church on all days of obligation of the Syro-Malabar Major Archiepiscopal Church (c. 94; Article 156§1).

Art. 4 - All and solely the ordained bishops of the Syro-Malabar Major Archiepiscopal Church whether eparchial, titular or emeritus, constituted inside or outside the *territorial limits* of the Syro-Malabar Major Archiepiscopal Church, excluding those mentioned in c.953 §1 or those who are punished by canonical penalties mentioned in cc. 1433 and 1434 are members with deliberative vote in the Synod (c 102 §§ 1, 2; 150 §1, 211 §1; *Statutes of the Synod of Bishops*, Art. 3:1).

Art. 5 - For the effective carrying out of certain matters, the major archbishop, with the consent of the permanent synod, can invite others, especially hierarchs who are not Bishops and experts to give their opinions to the bishops in the synod with due regard for c. 66 §2 (c. 102 §3; *Statutes of the Synod of Bishops*, Art. 3:3).

Art. 6 - The term of office of the major archiepiscopal finance officer shall be five (5) years. The same person shall not be appointed for more than two terms consecutively (c. 122§2) .

Art. 7 - During a vacancy of the patriarchal see, the administrator of the major patriarchal Church is the senior Bishop according to Episcopal ordination among the bishops of the patriarchal curia or, if there are not any, among the bishops who are members of the permanent synod (c. 127; *Statutes of the Synod of Bishops*, Art 6:2:3 §2).

Art. 8 - The eparchial bishop can confer ecclesiastical dignities recognized by the synod of bishops to clerics subject to him in consultation with the college of eparchial consultors (c. 194).

Art. 9 - The eparchial bishop shall celebrate Holy *Qurbana* for the people of the eparchy entrusted to him on all days of obligation of the Syro-Malabar Major Archiepiscopal Church (c. 198; Article 156 §1).

Art. 10 - The administrator of an eparchy has the right to an allowance as per custom of the Syro-Malabar Major Archiepiscopal Church (c. 230 §1).

Art. 11 - The manner of election and the number of the delegates to the eparchial assembly, from the pastoral council, deacons, superiors of monasteries *sui iuris* and superiors of other institutes of consecrated life which have houses in the eparchy, are to be determined by the eparchial bishop (c. 238 §1, . 7,8,9).

Art. 12 - The eparchial bishop shall communicate the text of the laws, declarations and decrees which have been decided upon at the Eparchial Assembly to the Major Archbishop (c. 242).

Art. 13 - The eparchial bishop shall establish a finance council which shall consist of a president, who is the eparchial bishop himself, and of other suitable persons including experts in civil law if possible, appointed by the eparchial bishop after consulting the college of eparchial consultors (c. 263 §1).

Art. 14 - Not less than 50% of the members to the presbyteral council shall be elected according to the eparchial statutes (c. 266 §1).

Art. 15 - The office of protopresbyter shall be joined in a stable manner to the office of the parish priest of a certain parish (c. 277 §1) .

Art. 16 - The term of office of a protopresbyter shall be as that of the parish priests of the eparchy (c. 277 §2) .

Art. 17 - Besides the powers and faculties bestowed upon him by common law the protopresbyter shall have the power, of installing a newly appointed parish priest in his district, to give dispensation from two marriage banns (Art. 175 §2) and to preside over the periodic meetings of the clergy of the district (c. 278 §1).

Art. 18 - There is to be generally only one parish priest in a parish. However, in special situations when a parish is entrusted to several priests, the letter of appointment must determine accurately the rights and obligations of the moderator, who directs the common action and reports on it to the eparchial bishop and the obligations of the other presbyters (c. 287 §2) .

Art. 19 - The parish priest acquires the care of souls by canonical provision; however, he is not allowed to exercise his office unless he has taken canonical possession of the parish by recording the same in the *yogapusthakam* on the date prescribed in the order of appointment in the presence of two witnesses, preferably *kaikkarans*, unless otherwise stipulated by the eparchial statutes. The order of appointment shall be read out publicly during Holy *Qurbana* on the subsequent Sunday. The assistant parish priest shall take charge of office by presenting the appointment order to the parish priest (c. 288).

Art. 20 - An exarch may retain his insignia and privileges, even after the expiry of his office (c. 321 §2).

### **Clerics in General**

Art. 21 - §1. There shall be a synodal commission of vocations for the Syro-Malabar Major Archiepiscopal Church (c. 329 §2).

§2. Every eparchy shall have a vocation commission for the promotion of vocations which shall function in close collaboration with the synodal commission (c. 329 §1 n. 3; 195; 380; 585 §4) .

§3. The activity of the eparchial vocation commission shall be coordinated by an eparchial director of vocations appointed by the eparchial bishop.

§4. Vocations shall be promoted according to the possibilities and needs of the eparchy, taking also into account the specific call of each candidate and the needs of the universal Church in general and of the Syro-Malabar Major Archiepiscopal Church in particular.

Art. 22 - § 1. Those who recruit candidates to institutes of consecrated life and societies of apostolic life shall do so in consultation with the eparchial director of vocations and the Parish priests concerned.

§ 2. Vocation promoters from outside the proper eparchy shall recruit candidates only with the written permission of the eparchial director of vocations.

§ 3. The eparchial director of vocations shall see to it that the candidates recruited for service in other *sui iuris* Churches have a basic formation in the Rite of the Syro-Malabar Major Archiepiscopal Church.

Art. 23 - Recruitment of candidates for countries other than India shall be done with the permission of the local hierarch.

Art. 24 - Candidates who go outside India for religious training shall have undergone at least two years of religious formation in India.

Art. 25 - § 1. All vocation promoters shall see to it that the names of candidates selected are registered in the office of the eparchial director of vocations.

§ 2. In case, any of the selected candidates happens to discontinue, the matter shall be reported to the office of the eparchial promoter of vocations in writing by the authorities concerned.

Art. 26 - The Syro-Malabar Major Archiepiscopal Church shall have a Charter for Priestly Formation which takes into consideration the



local situation, the ecclesial patrimony and the Church's missionary objectives.

Art. 27 - Minor seminaries shall admit only those candidates who show positive signs of vocation to priesthood.

Art. 28 - During the philosophy and theology courses an appropriate period should be set apart for strengthening pastoral formation (c. 353).

Art. 29 - §1. The minor orders in the Syro-Malabar Major Archiepiscopal Church are *karoyusa* and *heupadiaknusa*.

§ 2. The recipients of the above orders are *karoya* and *heupadiakna* respectively.

Art. 30 - After considering the report of the rector of the seminary where the candidate pursues the studies, the proper hierarch may approve the candidates for the reception of the minor orders of *karoyusa* and *heupadiaknusa*. These orders are conferred during or after the course of the first and second year of theology respectively.

Art. 31 - § 1. Those who are in minor orders shall learn to celebrate the liturgy of the hours and to nourish their spiritual life by them.

§ 2. Those who are in the minor order of *karoyusa* have the right and duty to be the official readers of the Old Testament.

§ 3. Those who are in the minor order of *heupadiaknusa* have the right and duty to assist at the liturgical celebrations as per liturgical norms: to take care of liturgical vessels, the church doors, the sanctuary lamp, order and decorum in the church, to read the prophetic books and to incense and to minister at the sacred altar.

§ 4. Clerics in minor orders may be deputed by the eparchial bishop as extraordinary ministers for distributing the Holy Eucharist when the service of the ordinary ministers is not available or is not sufficient.

Art. 32 - In the Syro-Malabar Major Archiepiscopal Church one is ascribed as cleric in an eparchy through diaconal ordination (c. 358).

Art. 33 - An annual spiritual retreat for at least four days shall be made by all clerics. They shall also make monthly recollections in accordance with the eparchial norms.

Art. 34 - § 1. To excel in the virtue of chastity clerics shall follow the means taught by the holy fathers and the masters of spiritual life (c. 374).

§ 2. Candidates proceeding to the order of priesthood shall freely declare in writing regarding their commitment to a state of celibate life before receiving the order of diaconate.

Art. 35 - The clerics in major orders shall celebrate the liturgy of the hours, preferably together (c. 377).

Art. 36 - The laudable practice of celebrating daily the Holy *Qurbana* with adequate preparation, due devotion and thanksgiving has to be maintained (c. 378).

Art. 37 - Clerics shall abstain from everything unbecoming to the clerical state and Christian witnessing: in particular, public dissent against the teaching of the magisterium, superstitious practices, frequenting unbecoming shows, use of alcohol, associating themselves with groups and organizations that stand against the causes of the Church and Christian values and the like (c. 382).

Art. 38 - Clerics are forbidden to take an active part in political parties or in the supervision of labour unions except with the permission of the eparchial bishop and the approval of the major archbishop (c. 384 §2).

Art. 39 - Clerics are forbidden to exercise by themselves or through another any business or trade whether for their own benefit or for that of another, except with the permission of the eparchial bishop or major superior as the case may be (c. 385 §2).

Art. 40 - Clerics ascribed to an eparchy shall not leave their eparchy for more than a week without the permission of the local hierarch. In case of an absence for more than three days the eparchial curia shall be informed. The same applies also in the case of absence from the place of work (c. 386 §1).

Art. 41 - The clerical dress shall be the cassock. While traveling and on informal occasions trousers and light coloured shirt or light coloured *kurta* with a cross shall be worn as casual wear (c. 387).

Art. 42 - § 1. Every eparchy shall have its own priests' welfare organization with approved statutes that provide for the social security and medical assistance of its priests. Ample provision for individual care and nursing in an invalid state or old age must be made. All priests ascribed to the eparchy shall contribute to the welfare fund of the above-said organization according to the norms specified in the statutes (cc. 1021 §2, 390 §2, 297 §2) .

§ 2. In keeping with the age-old tradition of the Syro-Malabar Major Archiepiscopal Church, before receiving major orders, clerics shall register the document of their 'patrimony' if eparchial norms demand it.

Art. 43 - Priests not ascribed to the eparchy but serving the eparchy have the right to medical assistance as per contract during their service in the eparchy.

Art. 44 - Priests incardinated in an eparchy and serving the same eparchy have the right to an annual vacation of 30 days with allowance. The arrangement for their substitute must be done in collaboration with the local hierarch. With regard to the time of their vacation, however they shall get his prior approval. The allowance of the substitute shall be paid from the parish or the institution concerned.

Art. 45 - § 1. Taking into account the long standing practice and the present exigencies of the Syro-Malabar Major Archiepiscopal Church the following are the norms for the appointment and transfer of priests from parishes and offices.

§1. One shall be appointed parish priest only after five years of his priestly ordination.

§2. Parish priests shall be appointed for a period of not less than three years which could be further renewed or extended at the discretion of the eparchial bishop. He shall continue in office, however,

until he receives the order for renewal, extension or transfer (cc. 284 §3 n.4, 1388).

Art. 46 - The eparchial finance officer is to be appointed by the eparchial bishop for three years; but when this period has expired he may be appointed for further terms of three years (c.262 §2).

Art. 47 - Transfer of a parish priest before the completion of the term assigned shall be effected only after hearing the person concerned and if necessary in consultation with two parish priests according to the norms of c. 1399 §1.

Art. 48 - Confidential intimation regarding the order of appointment or transfer is to be served at least two weeks in advance of the date of order except in case of necessity to be determined by the local hierarch in consultation with at least two members of the college of eparchial consultors.

Art. 49 - If a priest in office requests a transfer before completion of the term of office the eparchial bishop decides on it taking into account the reasons for the request and the good of the Church.

Art. 50 - The eparchial bishop is competent to grant permission to a cleric for licit transfer to an eparchy of another Church *sui iuris* (c. 365 §2).

Art. 51 - A cleric takes possession of his office as per eparchial norms with due regard for the norms on Major Archbishop, metropolitan and bishops (c. 288).

Art. 52 - Parish priests are bound to celebrate the Holy *Qurbana* for the people entrusted to their care on ten days specified in the eparchial norms. This obligation cannot be fulfilled by binations or trinations (c. 294).

### **Permanent Diaconate**

Art. 53 - §1. Permanent deacon is a sacred minister ( c. 323)who according to the grade of his ordination (cc. 324-326), strengthened

by sacramental grace and in communion with the bishop and the presbyterate serves the people of God in the various ministries especially of the liturgy, Word of God and charity.

§2. In conformity with the recommendation of the Second Vatican Council, the tradition of the early Church as well as the practice of the East Syrian Church and the St. Thomas Christian Church the ministry of permanent diaconate shall be restored and promoted in the Syro-Malabar Major Archiepiscopal Church.

Art. 54 - The Eparchial bishop having considered the need of the eparchy and having consulted the eparchial pastoral council and presbyteral council decides whether permanent deacons are to be ascribed to his eparchy.

Art. 55 - Candidates for permanent diaconate shall:

1. be male Catholics (c. 754);
2. be free from the impediments mentioned in c. 763;
3. have passed the Higher Secondary or its equivalent;
4. be men of good character and reputation who have appropriate relationship with their own families (c. 344 §1);
5. submit to the proper hierarch a written application, duly signed by the candidates themselves, along with the recommendation of the respective parish priest.

Art. 56 - The candidates for permanent diaconate shall have adequate humane, spiritual, doctrinal, intellectual and pastoral formation.

Art. 57 - § 1. There shall be training centres erected by the competent ecclesiastical authority for the training of the candidates to permanent diaconate.

§ 2. These centres can be attached to a major seminary or be a separate institute or a common institute for the whole Syro-Malabar Major Archiepiscopal Church.

§ 3. Candidates shall get inscribed to such centres where they may gather together for classes and community experience.

Art. 58 - The centres or Institutes shall prepare a syllabus according to the guidelines given by the synod of bishops.

Art. 59 - § 1. The candidates shall undergo at least three years of philosophical and theological studies (cc. 354, 760 §2).

§ 2. In the case of members of institutes of consecrated life and societies of apostolic life the studies and formation they have undergone in their institutes could be considered.

Art. 60 - The course could be either regular or by correspondence. In both cases the approved syllabus shall be followed.

Art. 61 - In the correspondence course adequate provision shall be given for contact classes and living together in view of spiritual and ecclesial formation.

Art. 62 - § 1. The candidates are to be trained to imbibe fully the spirit of the liturgy so that they may love the liturgy as the source and summit of their lives (c. 354).

§ 2. They are to be familiar with the liturgical discipline and be able to render their services in the liturgical celebrations in the most worthy manner.

§ 3. They should be enabled to live a life according to the faith tradition they solemnly celebrate in the Syro-Malabar Major Archiepiscopal Church.

§ 4. They are to be initiated into devotions which are in consonance with the teachings of the Church and are to be trained to practise them in the manner related to the liturgical cycle of the Syro-Malabar Major Archiepiscopal Church.

Art. 63 - Each candidate shall seek the guidance of a spiritual director appointed by the competent authority.

Art. 64 - § 1. The candidates are to grow in all the virtues related to their vocation especially kindness and readiness to care for the poor and marginalized (cc. 346, 353).

§ 2. The formation should help them to be diligent, committed and zealous in their ministry.

§ 3. The candidates shall be trained in such a way that they are enabled to relate with others in a humane manner and to acquire skill of social apostolate and social communications including the auxiliary disciplines like psychology and pastoral sociology (c. 352 §2).

§ 4. The candidates shall be trained to be mature persons capable of regulating their emotions and temperament befitting to sacred ministers.

Art. 65 - The candidates shall be provided with opportunities to get in touch with the pastoral problems and be trained to evaluate them impartially and to solve them equitably.

Art. 66 - The candidates shall be instructed in catechetics and homiletics with occasional exposure for preaching and catechesis (c. 352 §2).

Art. 67 - The following are the requirements for licit ordination to diaconate:

1. Reception of the sacraments of initiation (cc. 754, 769 §1 no.1);
2. Moral, physical and psychological qualities in harmony with the sacred order (c. 758 §1 no. 2);
3. 30 years of age;
4. Sufficient intellectual, spiritual, canonical and pastoral formation and successful completion the three years of studies (c. 758 §1.n.4) ;
5. A declaration signed in his own hand, in which he undertakes that he will, of his own accord and freely, receive the sacred order and accept the obligation attached to it and that he will devote himself

perpetually to the ecclesiastical ministry, requesting at same time to be admitted to receive the sacred order (c. 761);

6. Celibacy for the unmarried and the widowed;

7. Reception of the minor orders of *karoyusa* and *heupadiaknusa* (c. 758 §1, n. 5), preferably observing reasonable intervals.

Art. 68 - For grave reasons dispensation from the requirement of age and the duration of studies can be granted by the Major Archbishop with due regard for c. 759 § 1.

Art. 69 - § 1. The following are impeded from receiving the sacred order of diaconate (c. 762 §1):

1. a person who labours under some form of insanity or other psychic defect due to which, after consultation with experts, he is judged incapable of rightly carrying out the ministry;
2. a person who has committed the delict of apostasy, heresy or schism;
3. a person who has attempted marriage, even only a civil one, either while he was impeded from entering marriage due to an existing matrimonial bond, sacred orders or a public perpetual vow of chastity, or with a woman bound by valid marriage or by the same type of vow (c. 762 §1 no.3);
4. a person who has committed voluntary homicide or who has procured a completed abortion and all persons who positively co-operated in either;
5. a person who has seriously and maliciously mutilated himself or another person or a person who has attempted suicide;
6. a person who has performed an act of sacred orders which has been reserved to those who are in the order of episcopacy or presbyterate while the person either lacked that order or had been forbidden its exercise by a canonical penalty;

7. a person who holds an office or position of administration which is forbidden to clerics and for which he must render an account until he becomes free by relinquishing the office and position of administration and has rendered an account of it;

8. a neophyte, unless he has been sufficiently proven in the judgment of the hierarch.

§ 2 . The acts which are mentioned in §1, nn. 2 – 6 do not produce impediments unless they were serious and external sins perpetrated after baptism (c. 762 §2).

Art. 70 - The following are impeded from exercising the sacred order of diaconate (c. 763):

1. a person who illegitimately received sacred orders while under an impediment from receiving sacred orders;

2. a person who committed a crime or an act which is mentioned in Article 69 § 1, nn. 2 – 6 (c. 762 §1, nn. 2-6);

3. a person who is afflicted with insanity or with another psychological illness which is mentioned in Article 69 § 1, no 1(c. 762, §1, n.1), until the hierarch, after consultation with an expert, permits the exercise of that sacred order.

Art. 71 - With regard to dispensation from the above said impediments the norms of common law (cc. 767 & 768) shall be followed.

Art. 72 - The authority who admits a candidate for sacred ordination shall obtain:

1. the certificate of baptism and chrismation with holy myron (c. 769 §1 no. 1);

2. the declaration which is mentioned in Article 67 no 5 (c. 761) and a certificate of the minor orders (c. 769 §1 no. 1);

3. If the candidate is married, a certificate of marriage and the written consent of his wife (c. 769 §1 no. 2);

4. a certificate of completed studies (c. 769 § 1 no. 3);

5. testimonial letters of the rector or director of the formation centre or the superior of the institute of consecrated life or the society of apostolic life as the case may be, of the good morals of the candidate (c. 769 § 1 no. 4);

6. testimonial letters about the morals and life of the candidate from the pastors who made the banns as per Article 74 and cc.771 § 3, 769 § 1, n. 5;

7. testimonial letters, if it is considered expedient, of other eparchial bishops or superiors of institutes of consecrated life or societies of apostolic life as the case may be, where the candidate resided for some time, concerning the qualities of the candidate and his freedom from canonical impediments (c. 769 §1 no. 6).

§ 2. These documents are to be kept in the archive of the same authority (c. 769 §2).

Art. 73 - The ordaining bishop presented with legitimate dimissorial letters stating that the candidate is suitable to receive the sacred order, can abide by this attestation, but is not bound to do so. If indeed in conscience he considers the candidate unsuitable, he is not to ordain him (c. 770).

Art. 74 - § 1. The names of the candidates for sacred order are to be made known publicly in the parish church of each candidate on two consecutive Sundays or days of obligation (c. 771§§ 1-3; Art. 148).

§ 2. All the Christian faithful are bound by the obligation to disclose any impediment, if they know, to the eparchial bishop or to the pastor before the sacred ordination (c. 771 §2).

§ 3. The eparchial bishop shall entrust the pastor who gives public notice and, if it seems expedient, also another presbyter, to inquire diligently about the life and conduct of the candidates from trustworthy persons and to send testimonial letters to the eparchial curia concerning that inquiry and notice.

§ 4 - The eparchial bishop shall not omit to make other investigations, even private, if he judges it opportune.

Art. 75 - Every candidate for sacred ordination must make a spiritual retreat of four full days (c. 772; Art 149).

Art. 76 - The rite of ordination is the same as that of the rite of ordination for deacons in preparation to priesthood. The candidate, however, shall have made the profession of faith using the formula prescribed for priestly ordination.

Art. 77 - The ascription of permanent deacons is as per norms of c. 357 § 1.

Art. 78 - In addition to those given in cc. 367 – 393, PermanentDeacons have the following rights and obligations:

1. to assist at the liturgical celebrations officially, preach homilies, to read the Scriptures except the Gospels, announce the *Karozusa* and diptychs, hold the chalice at the communion and distribute Holy Communion;

2. to be well versed in all the liturgical books prescribed for the liturgical service;

3. to be ministers of para-liturgical services(c. 608);

4. to visit the sick, prepare them for Holy Communion and administer Communion;

5. to impart religious instruction, conduct Bible Services and lead family unit gatherings;

6. to assist at the charitable works in the parish;

7. to have their representatives in the Eparchial Pastoral Council;

8. to be an ex-officio member of the parish *prathinidhiyogam*.

Art. 79 - Deacons are obliged to put on clerical habit while officiating at sacred services.

Art. 80 - Permanent Deacons in the exercise of the ministry of preaching the Word of God during the Eucharistic celebrations shall

follow the directives of the principal celebrant. In other cases they shall observe the instructions of the competent authority of the place.

Art. 81 - With due delegation Permanent Deacons may officiate at sacramentals except those reserved to higher orders by common law. But they shall not impart a blessing with the sign of the cross which is reserved to priests.

Art. 82 - Eparchial bishop shall make provision for allowance according to the nature of the service of the deacons.

Art. 83 - It is the duty of the proper hierarch to take special care for the ongoing formation of the deacons.

Art. 84 - § 1. The proper hierarch shall see to it that at least once in two years, the deacons undergo refresher programmes on sacred sciences and on spiritual disciplines.

§ 2. These programmes may be conducted under the direct supervision of the centre erected by the competent authority.

§ 3. Special attention shall be given to biblical, liturgical, pastoral, catechetical and canonical matters so that they may get updated.

### **Monks and Other Religious as well as Members of other Institutes of consecrated life**

Art. 85 - All Christian faithful have the right to choose a religious state and this is to be promoted by all.

Art. 86 - § 1. Every Institute of Consecrated Life/Society of Apostolic life - herein after referred as Institute in this title- belonging to Syro-Malabar Major Archiepiscopal Church can receive candidates from among the Christian faithful of this Church with due regard to Articles 21-25.

§2. Institutes of other *sui iuris* Churches not having formation houses in the Syro-Malabar Church can also receive candidates from this Church with the written permission of the local hierarchy.

Art. 87 - The Eparchial Vocation Director shall assist the Vocation Directors of Institutes in selecting suitable candidates.

Art. 88 - All Institutes in the Syro-Malabar Major Archiepiscopal Church shall provide in its statutes whether houses with less than six members should have a council or not.

Art. 89 - Bishops, Parish priests and Superiors shall ensure that the faithful who wish to join Institutes of another *sui iuris* Church are aware of their obligation to observe their own Rite and that there is provision in such institutes for them to follow the ecclesial heritage of the Syro-Malabar Major Archiepiscopal Church.

Art. 90 - The formation in the Institutes in the Syro-Malabar Major Archiepiscopal Church must be in accordance with the liturgical, theological, spiritual and disciplinary tradition of this Church and the charism of the each institute.

Art. 91 - The study of the *Code of Canons of the Oriental Churches* (CCEO) as well as the particular law of the Syro-Malabar Major Archiepiscopal Church should form part of the curriculum in the Institutes.

Art. 92 - §1. When it is found necessary and feasible, parishes could be erected attached to the houses of clerical Institutes.

§2. When found necessary, the eparchial bishop may permit Sunday Liturgy celebrated in the churches of the Institutes with the parish community participating in it. But this is to be under the direction of the parish priest concerned and without prejudice to the pastoral guidelines given by the Major Archbishop.

Art. 93 - Major superiors of Institutes of the Syro-Malabar Major Archiepiscopal Church may meet together in conference so that by combined effort they may work to achieve more fully the common

purpose of the Syro-Malabar Major Archiepiscopal Church in general and the Institutes in particular. They can also deal with affairs, which are common to all Institutes and work to establish suitable co-ordination and co-operation with the Synod of Bishops and with the eparchial bishops.

Art. 94 - The conference of the major superiors of the institutes in the Syro-Malabar Major Archiepiscopal Church is to have its own statutes, which must be approved by the Major Archbishop with the consent of the Synod of Bishops.

Art. 95 - The Institute that allows eremitical life shall make provisions to direct such life and provide for the needs of those leading eremitical life. The superior of the concerned Institute shall intimate this to the eparchial bishop.

Art. 96 - Those ascetics, who imitate eremitical life without being attached to an Institute shall get the permission of the eparchial bishop of the place and it shall be the duty of that Bishop to direct their lives and to provide for their needs.

Art. 97 - It is the competence and the duty of the eparchial bishop of the place to prescribe norms for consecrated life of widows and virgins who profess the vow of chastity.

### **Secular Institutes ( C. 569)**

Art. 98 - The life and the apostolate of the members of the Secular Institutes are expressions of their consecrated life in the Church. This way of life is to be promoted by all.

Art. 99 - The curriculum of formation in Secular Institutes in the Syro-Malabar Major Archiepiscopal Church shall include the rich spiritual and ecclesial patrimony of this Church.

Art. 100 - If members of the Secular Institute have to reside in a house of their own, care shall be taken that the number of resident members does not exceed the limits of a small group.

Art. 101 - The members of the Secular Institutes living alone in secular conditions shall take care that they lead a life of prayer and carefully fulfill their spiritual obligations. They must maintain their kinship and their bond to their fraternal group.

Art. 102 - The competent ecclesiastical authority shall ensure that the initial formation in the Secular Institutes does not assume the pattern of a Religious Institute.

### **Societies of Apostolic Life (C. 572)**

Art. 103 - Societies of apostolic life are governed by the laws given by the Apostolic See, the particular laws of the Syro-Malabar Major Archiepiscopal Church and their own Statutes and Directory.

Art. 104 - A Society of Apostolic Life is of Pontifical, Major Archiepiscopal or Eparchial right in accordance with the norms of c. 505 § 2. It is clerical according to the norm of c. 505 §3. It is dependent on the ecclesiastical authority as Congregations are dependent in accordance with the norm of cc. 413-415 and c. 419.

Art. 105 - The eparchial bishop in consultation with the Major Archbishop may erect a Society of Apostolic Life and approve its statutes. The Major Archbishop with the consent of the Permanent Synod may establish a Society of Major Archiepiscopal right or recognize such a society and approve its statutes.

Art. 106 - Without prejudice to the right of the Apostolic See, only the Major Archbishop in consultation with the Apostolic See and with the consent of the Permanent Synod, and after having consulted the interested parties, may suppress a Society of Apostolic Life whether of Major Archiepiscopal or Eparchial right and dispose of the property of the suppressed society, without prejudice to the wishes of the donors.

Art. 107 - The statutes of the Society shall determine the different units of the society or its houses and the competent authority to erect them. However, the written consent of the eparchial bishop is required for establishing any house in his eparchy.

Art. 108 - §1. The statutes of each society shall specify the authority who can suppress a house or other unit of a Society and the manner of doing it. However, this authority shall not fail to consult the eparchial bishop of the place before such suppression.

§2. Unless otherwise determined in the statutes, it is for the General Moderator with the consent of his or her Council to make provisions concerning the property of the suppressed houses or other units of the Society, with due regard for justice and the wishes of the donors.

Art. 109 - The statutes shall specify the nature and apostolic purpose of the Society, the norms for admission and formation, the bond of incorporation and its juridical effects, the life and discipline of the members, their rights and obligations, as well as the government of the Society.

Art. 110 - Without prejudice to the right of the Society to add more conditions to the statutes, the following persons are not validly admitted to the Society:

1. Non-Catholics;
2. Those who have been punished with canonical penalties except those mentioned in c. 1426, §1;
3. Those who are under imminent threat of serious penalty on account of a crime of which they are legitimately accused;
4. Those who are under 18 years of age;
5. Those who are bound by a religious profession or by a sacred bond to an Institute or those incorporated into another Society of Apostolic Life;
6. Those who enter the Society induced by force, grave fear or fraud or those who are admitted by the moderator who has been induced in the same way.

Art. 111 - Members of another *sui iuris* Church cannot licitly be admitted to a Society of Apostolic Life of the Syro-Malabar Major Archiepiscopal Church without the permission of the Apostolic See (c. 451).



Art. 112 - The statutes of each Society shall stipulate the period and stages of formation of the members; but with respect to the formation of the members who are destined for holy orders, the canons on the formation of clerics shall also be followed.

Art. 113 - Unless otherwise stated in the statutes, the definitively incorporated clerical members of the Society shall be ascribed as clerics into the Society by the diaconal ordination, or in the case of a cleric already enrolled in an eparchy, by the perpetual incorporation.

Art. 114 - The General Moderator of the Society and others designated in the statutes may issue dimissorial letters for the Sacred Orders to be conferred on the members. These letters shall be addressed to the eparchial bishop of the place in which the candidate has a domicile; or to another Bishop, if the eparchial bishop has given permission (c. 537 §2).

Art. 115 - The government of the Society is to be determined by the statutes of each Society with due regard for the following articles.

Art. 116 - Moderators and Synaxes in Societies of apostolic life have that power which is determined in the statutes. In clerical Societies of apostolic life of Pontifical or Major Archiepiscopal right, moreover, they possess power of governance for both the external and internal forum, in conformity with the statutes.

Art. 117 - In a Society of Apostolic Life, the General Synaxis has the highest internal authority in accordance with the statutes. It is to be composed in such a way that it represents the whole Society. It elects the General Moderator and deals with matters of greater importance in accordance with the statutes. Its composition, the manner and frequency of its meeting and norms concerning the election shall be dealt with in detail in the statutes.

Art. 118 - Ordinarily the highest authority in the whole society is exercised by the General Moderator in accordance with the statutes.

Art. 119 - §1. The General Moderator shall be designated by election to be conducted in accordance with the statutes.

§2. In addition to the qualifications required by the statutes, he/she shall be a perpetually incorporated member of the Society and shall have completed 35 years of age.

§3. There shall be a General Council elected by the General Synaxis in accordance with the statutes to assist the General Moderator in the administration of the Society.

§4. The other Moderators are designated in accordance with the statutes.

Art. 120 - §1. There shall be a Finance Officer for the administration of the temporal goods of the Society who shall discharge this office under the direction of the General Moderator.

§2. The Finance Officer shall be elected or appointed as per the norms of the statutes.

Art. 121 - §1. The Societies and, unless the statutes provide otherwise, their constituent parts and houses are juridical persons. As such they are capable of acquiring, possessing, administering and alienating temporal goods in accordance with the canons in CCEO Title XXIII and their own statutes.

§2. The members of the Societies are also capable, in accordance with the statutes, of acquiring, possessing, administering and alienating temporal goods. However whatever comes to them in view of the Society is acquired for the Society.

Art. 122 - A member can obtain an indult to leave the Society from the General Moderator with the consent of his or her Council, unless it is reserved to a higher authority. This means his or her rights and obligations deriving from the incorporation cease. However, a perpetually incorporated member in Sacred Orders will remain bound by the clerical obligations and cannot exercise the Sacred Orders until he has found a benevolent eparchial bishop to receive him.

Art. 123 - §1. Observing the prescriptions of canons 500-503 and without prejudice to canons 497 and 498, the General Moderator is competent to dismiss a perpetually incorporated member from the

Society. A temporarily incorporated member is to be dismissed in accordance with canon 552.

§2. A temporarily or definitively incorporated member can be dismissed from the Society by the competent authority according to the statutes for grave reasons and according to the procedure laid down in the same statutes. The reasons for the dismissal must be made known to the member and he/she shall be given full opportunity for defence. In the case of a definitively incorporated member, the decree of dismissal cannot be executed unless approved by the ecclesiastical authority to whom the society is immediately subject.

§3. A recourse against the decree of dismissal has suspensive effect.

Art. 124 - By lawful dismissal all rights and obligations stemming from incorporation into the Society cease by law itself. If the member had been definitively incorporated into the Society and is in Sacred Orders, Art 122 and canon 494 shall be observed.

Art. 125 - §1. One who lawfully departs or who was lawfully dismissed from the Society cannot claim anything from it for any kind of work performed therein.

§2. The Society, however, shall observe equity and charity toward a member who is being separated from it.

### **Evangelization of Nations (cc. 587 §3, 591)**

Art. 126 - Those who desire to join the Catholic Church shall submit a written request to the local hierarch with the recommendation of the parish priest of the place of domicile and two witnesses.

Art. 127 - The intention and genuineness of the catechumen's motivation is to be evaluated by the ecclesiastical authority.

Art. 128 - The catechumens shall undergo an appropriate period of training, the duration of which is to be stipulated in the eparchial statutes.

Art. 129 - The names of the catechumens are to be enrolled in a separate register, to be maintained in the eparchial archives.

Art. 130 - Catechumens are to be given an ecclesiastical burial, unless the family members object to it.

Art. 131 - Just remuneration to the catechists who train the catechumens shall be fixed by the eparchial statutes.

### **Divine Worship and especially on Sacraments**

Art. 132 - § 1. A Catholic building or church may be given for the use of worship of the members of other episcopal churches with the consent of the eparchial bishop, provided dangers of error, indifferentism or scandal are avoided.

§ 2. In case of urgent need the eparchial bishop may permit the burial of other Christians in the Catholic cemeteries (c. 670 §2).

Art. 133 - Administration of sacraments to non-Catholics shall be according to the ecumenical directory and the agreement reached with the Churches concerned (c. 671 §5).

Art. 134 - § 1. Ordinarily the parish priest of the person to be baptized is the competent minister of baptism.

§ 2. If the person to be baptized is below 14 years of age the parish priests of the father's and of the mother's actual parishes are competent ministers of baptism.

Art. 135 - § 1. Besides the qualifications mentioned in c. 685 to act as godparents, one shall have completed the age of 18.

§ 2. Godparents from outside the parish of the place of baptism shall present testimonial letters from their own parish priests.

Art. 136 - Only for a just and grave reason shall baptism be administered in private houses (c. 687 §2).

Art. 137 - § 1. The sacrament of Holy Eucharist is to be solemnly administered at the age of reason. There is however provision for giving Holy Eucharist earlier together with baptism.

§ 2. The sacraments of baptism and chrismation are to be administered together as per norms of canons 694-695 and according to the prescriptions in the liturgical text.

Art. 138 - Regarding the active participation of the Christian faithful other than Bishops, presbyters and deacons in the Divine Liturgy, the prescriptions of official liturgical books and the eparchial norms are to be followed.

Art. 139 - Eucharistic bread shall be made of wheat flour and shall have sufficient thickness.

Art. 140 - The vestments approved by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church are to be used for the liturgical celebrations.

Art. 141 - Holy *Qurbana* is to be celebrated only in churches as per c. 869. In other places celebration shall be as per eparchial norms.

Art. 142 - Regarding the time of the celebration of the *Qurbana* the eparchial norms are to be followed.

Art. 143 - Though only a fasting for one hour is obligatory before receiving the Holy Eucharist the faithful are exhorted to have longer period of fasting and preparation before receiving the Holy Eucharist.

Art. 144 - Besides the reception of the Holy Eucharist in paschal times, its frequent reception, especially on Sundays and other days of obligation and solemn occasions, is to be fostered.

Art. 145 - Besides priests, deacons also distribute the Holy Eucharist.

Art. 146 - In case of necessity religious and trained lay persons, approved by the eparchial bishop, can distribute the Holy Eucharist.

§ 1. Only a priest has the right to take and receive the Holy Communion by himself.

§2. Whenever there are sufficient number of ordinary ministers, extraordinary ministers shall not be deputed to distribute the Holy Communion.

§ 3. The following categories of persons may be commissioned as extraordinary ministers.

1. Major Seminarians who have received at least the order of *Karoyusa*.

2. Religious Brothers who have made their final profession.

3. The superior or assistant superior of a convent or any religious sister who has made her final profession.

4. Lay people of good standing, generally acceptable to the parish priest and to the people.

§ 4. Religious brothers and sisters, and lay people who are to be extraordinary ministers of the Holy Communion must be presented by the parish priest and commissioned by the eparchial bishop.

§ 5. All extraordinary ministers of the Holy Communion should be given special training as decided by the eparchial bishop.

§ 6. All extraordinary ministers shall wear a special but simple vestment approved by the Bishop during the distribution of the Holy Communion.

§ 7. The extraordinary ministers shall perform their service according to the direction of the parish priest.

Art. 147 - With due regard for the decisions of the synod of bishops taken from time to time the norms in each eparchy are to be followed regarding the offering for the Divine Liturgy known as Mass stipends.

Art. 148 - § 1. The names of candidates to Sacred Orders whether eparchial or others are to be announced during the Sacred Liturgy on two consecutive days of obligation in the parish church of the candidate.

§ 2. This publication is to be made at least two months before the date of ordination.

§ 3. After the publication the parish priest shall submit a report about the candidate to the authorities concerned as early as possible.

Art. 149 - As preparation for the reception of the Sacred Orders the candidate is to make a spiritual retreat for at least four days.

Art. 150 - The Major Archbishop celebrates the Sacred Ordinations in another eparchy only after informing the concerned eparchial bishop.

Art. 151 - § 1. Prior to the reception of the Sacred Order of diaconate the candidate should have received the minor orders of *Karoyusa* and *Heupadiaknusa*.

§2. The minor orders are conferred by the eparchial bishop of the candidate or by any other Bishop of the Syro-Malabar Major Archiepiscopal Church with the authorization of the hierarch of the candidate.

Art. 152 - Ordinarily there shall be an interstice of six months between diaconate and priesthood.

Art. 153 - Bishops, priests and deacons are the ordinary ministers of sacramentals unless the nature of the sacramentals determines otherwise.

Art. 154 - § 1 - The parish priest can delegate the power of administering the sacramentals, except funeral - service, blessing of houses and exorcism, to minor clerics as per eparchial statutes.

§ 2 - When a deacon or a minor cleric is the minister of sacramentals, he can say the final prayer (*huttama*) but shall not impart the blessing with the sign of the cross which is reserved to priests (Article 81).

§ 3. The following are some of the sacramentals: dedication (*adima*), funeral service, office for the dead and exorcism.

Art. 155 - In all parishes a register for recording the deaths shall be maintained. The cause of death also shall be recorded in the column for remarks.

## Feast and Penance (cc. 880 §3; 882)

Art. 156 - § 1. The feast days of the Nativity of our Lord Jesus Christ, the Epiphany, the Ascension, the Dormition of the Holy Mary Mother of God (Assumption), Peter and Paul and the Martyrdom (*Dukhrana*) of St. Thomas the Apostle are to be celebrated as days of obligation.

§2. The obligation of the feasts of Epiphany, Ascension, Peter and Paul may be fulfilled on the following Sunday after the actual day.

§ 3. The feasts of the Blesseds and Saints of the Syro-Malabar Major Archiepiscopal Church are important and are to be celebrated with due solemnity.

Art. 157 - The observance of penance in the form of fast and abstinence in the Syro-Malabar Major Archiepiscopal Church is practised in the following manner:

§ 1. On days of Fasting only one full meal may be taken.

§ 2. Abstinence is observed by abstaining from meat and meat products.

Art. 158 - The following are the days fixed for Fasting: fasting is obligatory on the first day of Lent and on Good Friday. Fasting is recommended on all Fridays in Lent.

Art. 159 - The following are the days fixed for Abstinence:

§1. Abstinence is obligatory on all Fridays except the Friday/s between Christmas and Epiphany and the first Friday after Easter.

§2. Abstinence is recommended on all days of Lent, period of Annunciation, all days of *Moonnunombu*, *Ettunombu* and *Pathinanju nombu*.

## Marriage

Art. 160 - Prior to betrothal the parties shall fill in the prenuptial enquiry form in front of their respective parish priests in order to make sure that they enter into the marriage covenant with due preparation, knowledge and consent (cc. 782-785).

Art. 161 - §1. In connection with the celebration of marriage, the following *Kuries* (Forms) must be exchanged between the concerned parish priests:

§1. Form A - For betrothal.

§2. Form B – Information regarding the betrothal conducted and the proposed dates of the publication of banns and the celebration of marriage.

§3. Form C – *Desa Kuri* or *kettu kuri*, that is, no objection certificate for the licit celebration of marriage.

§4. Form D – Certificate for entering the details of the celebration of the marriage in the marriage registers of the parishes of the spouses as well as in the baptismal registers of the parishes where the baptism of the couple took place.

§5. Form E - Notification to be sent back to the parish priest of the place of celebration of marriage regarding the entry of Form D in the baptismal and marriage registers of the concerned parishes of the spouses (c. 841 §§1-2).

Art. 162 - §1. The parish priest shall either officiate at the betrothal ceremony or give Form A for betrothal to the parish priest of the other party only when he is morally certain that the party has at least a basic knowledge of Christian faith and morals and about the nature, purpose and essential properties of the Sacrament of marriage.

§2. The local hierarch shall see to it that in his eparchy marriage preparation courses are conducted and norms are set regarding the attendance at such courses.

Art. 163 - §1. Those who have lived for more than one year outside the eparchy after reaching marriageable age, should produce a free state certificate.

§2. If one has lived in different places after reaching the marriageable age, he/she should produce a free state certificate at least from the parish priest of that place where he/she lived for the last one

year. He/she also shall make an affidavit regarding his or her free state covering the period of his or her stay in other places.

§3. Though the certificate of the parish priest is normally required for this purpose, the certificates of civil authorities or other persons beyond suspicion may be accepted in case of the non-availability of the former.

§4. Exemption from the above norm may be granted only by the local hierarch of the party on any appropriate arrangement decided by him.

Art. 164 - The celebration of marriage shall be preceded by betrothal which is to be celebrated sufficiently in advance in order to give time for the publication of marriage banns.

Art. 165 - Betrothal is to be celebrated before the local hierarch or the parish priest of either of the parties or a delegated priest or deacon, in the presence of two witnesses in the parish church or with the permission of the parish priest at another church convenient to the parties. However, in places other than churches, it cannot be celebrated without the permission of the local hierarch.

Art. 166 - §1. Betrothal may be conducted only on obtaining the form A or an equivalent document.

§ 2. In cases of inter *sui iuris* Church marriages, the law or custom of the other party shall be respected regarding betrothal or engagement.

Art. 167 - The celebration of betrothal shall be entered in the register maintained for the purpose and be signed by the parties, witnesses and the officiating priest or deacon.

Art. 168 - After the celebration of the betrothal the parish priest of the other party should be intimated through Form B.

Art. 169 - In Forms A and B date of birth and date of baptism shall be entered.

Art. 170 - The betrothal should be solemnized according to the liturgical text.

Art. 171 - §1. The local hierarch of either of the parties may grant dispensation from betrothal for just and sufficient reasons on written application of both the parties.

§ 2. In case of need, the local hierarchs may grant permission to have betrothal in writing by the parties separately regarding their willingness for the proposed marriage before their proper parish priests in the presence of two witnesses. The parish priests shall communicate the matter to each other.

Art. 172 - If a party does not want to proceed to marriage after betrothal, he/she shall obtain permission from the local hierarch in order to enter marriage with another person (c.782 §2).

Art. 173 - §1. Marriage banns are published in order to bring to the notice of the parish community the proposed marriage and to give the community an opportunity to bring to the attention of the parish priests impediments, if any, which would impede the valid and licit celebration of the said marriage.

§2. Permission may be granted by the local hierarch of either of the parties for the publication of banns even before betrothal on written application of both the parties.

Art. 174 - Banns are to be published on three Sundays or days of obligation during the Sacred Liturgy in the parish churches and if needed also in the filial churches of the parishes of the parties concerned. Alternatively they may be announced once and published on the notice board of the church for a period covering two more days of obligation.

Art. 175 - §1. For just and sufficient reasons, the publication of banns can be dispensed.

§2. The parish priest is competent to dispense from one of the banns and the Protospesbyter from two. Dispensation from all the three banns is to be granted only by the local hierarch.

§3. If banns are published only once, the marriage cannot be celebrated on the same day without the permission of the local hierarch.

§4. In the case of dispensation from banns as per §§ 2 & 3, either of the parties shall submit a petition, stating the reasons, to the competent authority of the place where the marriage is celebrated.

§5. If dispensation from banns is to be obtained, it shall be entered in the register for betrothal and in form B. If dispensation is received, the matter shall be communicated to the concerned parish priests.

Art. 176 - If the marriage did not take place within six months from the completion of the publication of banns, they shall be repeated unless the local hierarch dispenses from this norm.

Art. 177 - During the course of the publication of banns, if the existence of a public impediment comes to light, the publication of banns shall be stopped. If however the impediment is occult and dispensation is possible the publication of banns is to be continued and completed. The parish priest shall proceed to the celebration of the marriage only after the dispensation has been duly obtained.

Art. 178 - Marriage is lawfully blessed only after obtaining Form C.

Art. 179 - The spouses are to give marriage offerings or *vivahakkazhcha*, in connection with the celebration of marriage, to their respective parish churches according to the norms fixed in each eparchy. Regarding the utilization of this amount the prevailing custom and regulation in each eparchy shall be followed.

Art. 180 - §1. Immediately after the solemnization of marriage the details are to be carefully entered in the relevant parish registers and Form D must be filled in and sent to the concerned parish priests to be entered in the baptismal register and also in a marriage register specially maintained for the purpose. Form E shall be sent in return by the concerned parish priest to the parish priest of the place where the marriage took place.

§2. The priest who blesses the marriage or the parish priest of the place of marriage who discovers any error in the form or substance of any entry in the marriage register may, within one month of the discovery of such error, in the presence of the persons married or, in the case of their death or absence, in the presence of two other witnesses, correct the error by entry in the margin, without any alteration of the original entry and shall sign the entry in the margin and add thereto the date of such correction. Every correction shall be attested by the witnesses in whose presence it was made.

Art. 181 - Civil law must be followed as regards the marriageable age without prejudice to c. 800 §1. Accordingly in India men must have completed 21 years and women 18 years (c. 800 §2).

Art. 182 - §1. Marriage between two baptized persons, one of whom is Catholic and the other non-Catholic, is prohibited without prior permission of the competent authority (c. 813).

§2. For a just and reasonable cause the local hierarch can grant permission for a mixed marriage (c. 814).

§3. In granting the permission mentioned in §2, the agreements if any, made between the Catholic Church and a non-Catholic Church are to be followed.

Art. 183 - With due regard for the cases mentioned in Articles 182 §3 and 191, the local hierarch shall not grant permission for mixed marriages, unless the following conditions are fulfilled (c. 814):

§1. The Catholic party declares that he/she is prepared to remove dangers of falling away from the faith and makes a sincere promise to do all in his or her power to have all the offspring baptized and educated in the Catholic Church.

§2. The other party is to be informed at an appropriate time of these promises which the Catholic party has to make, so that it is clear that the other party is truly aware of the promise and obligation of the Catholic party.

§3. Both parties are to be instructed on the essential ends and properties of marriage, which are not to be excluded by either spouse (c. 814 §3).

Art. 184 - §1. In all cases of mixed marriages, the pastors shall make sure that the partners are duly prepared for the same.

§2. When the parties apply for a mixed marriage they should be told that the marriage within the same faith is better for the harmony of the family and the upbringing of the children.

§3. If they insist on conducting the mixed marriage they should be instructed properly about the faith of the couples, the celebration of marriage, the formation and practice of faith after marriage, the duties towards children and about the special agreements made between the Churches, if any.

§4. It should be stressed that while each partner holds his/her ecclesial faith as supreme or paramount, he/she should respect the ecclesial faith of his/her partner.

§5. A pre-marriage preparatory course and a premarital counseling session are highly recommended.

§6. The bride/bridegroom shall produce her/his baptism certificate.

§7. The priest must ensure that the bride/bridegroom is eligible for marriage.

Art. 185 - §1. For mixed marriage, with due regard for cases mentioned in Articles 182 §3 and 191, the parties shall submit a written petition together with the endorsement of the parish priest of the Catholic party to the local hierarch requesting permission for mixed marriage.

§2. Together with this petition, the Catholic party shall submit a written declaration regarding the promises and obligations mentioned in Article 183, §1 (c. 814 §1).

§3. Before endorsing the petition for permission for mixed marriage, the parish priest of the Catholic party shall inform the non-

Catholic partner about the above said declaration of the Catholic party and shall notify the matter in the petition. If the non-Catholic party has no objection, he/she may be invited to counter-sign the declaration of the Catholic party to the effect that he/she is aware of the promises of the Catholic party.

§4. The parties should, in the course of the contacts in this connection, be invited and encouraged to discuss the Catholic baptism and education of the children they will have, and when possible come to a decision on this question before marriage (c. 815).

Art. 186 - Betrothal and publication of banns may be allowed in these cases at the discretion of the local hierarch after duly considering the nature and circumstance of the petition; if these are allowed their form also shall be stipulated in the same rescript.

Art. 187 - §1. The form of the celebration of marriage prescribed by law is to be observed if at least one of the parties celebrating the marriage was baptized in the Catholic Church or was received into it (c. 834 §1).

§2. A marriage between a Catholic and a member of an Oriental non-Catholic Church is valid if it has taken place with the celebration of a religious Rite by an ordained minister, as long as all other requirements of law for validity have been observed. For lawfulness in these cases, the canonical form of celebration is to be observed.

§3. Canonical form is required for the validity of marriage between Catholics and members of non-Catholic and non-Oriental Churches and ecclesial communities.

Art. 188 - §1. With due regard for Articles 182 §3 and 191 §3, dispensation from the form for the celebration of marriage required by law is reserved to the Apostolic See or the Major Archbishop, who will not grant it except for a most grave reason (c. 835).

§2. Petition for this dispensation must have the endorsement of the parish priest of the Catholic party and of the hierarch of the place of marriage.

§3. Even if dispensation from the form of celebration of marriage is granted for a most grave reason, there should be a public form of celebration and a sacred Rite.

Art. 189 - §1. Before or after the canonical celebration of marriage, it is forbidden to have another religious celebration of the same marriage to furnish a new consent; likewise, a religious celebration is forbidden in which both the Catholic priest and non-Catholic minister ask for the consent of the parties (c. 839).

§2. However, avoiding scandal, the officiating Catholic priest may invite a non-Catholic minister to read a scriptural passage or to give a brief exhortation and to bless the couple. In like manner, the Catholic priest may participate in a mixed marriage with the dispensation from the form of the celebration of the marriage.

Art. 190 - §1. A mixed marriage celebrated according to the Catholic form ordinarily takes place outside the Eucharistic liturgy. However, for a just cause, the local hierarch may permit the celebration of the Holy *Qurbana*, if it is a marriage with a non-Catholic Oriental.

§2. There shall be no celebration of Holy *Qurbana* in connection with the marriage between a Catholic and a non-Oriental non-Catholic.

§3. The norm of c. 671 and special norms given by the Apostolic See or the synod of bishops, if any, must be observed regarding the reception of Holy Communion on the occasion of such marriages (c. 671 §§1,2,5).

Art. 191 - §1. For marriages between members of the Catholic Church and the Malankara Syrian Orthodox Church, the pastoral guidelines agreed upon by these two Churches are to be followed.

§2. Accordingly, as part of the preparation for these inter Church marriages, besides what is given in Article 184 §§ 1-7, the following norms are to be followed:



1. The priest should ensure that the bride/bridegroom has paid the donations due to the parish in connection with marriage according to the practice of the Churches.

2. The bride and bridegroom, after mutual consultation, may select the church in which the marriage is to be celebrated.

3. Written permission for inter-Church marriage from the respective Bishops should be obtained by the bride and the bridegroom.

4. Betrothal may be permitted according to the custom of the place.

5. Banns which also announce that it is an inter-Church marriage should be published in the respective parish churches.

6. Once permission is obtained from the Bishops, the respective parish priests are expected to issue the necessary documents for the conduct of marriage.

7. Marriage in lent or advent seasons is only to be conducted with the permission of the Bishops.

§3. The following norms for the celebration of the inter-Church Marriages are to be observed:

1. The liturgical minister should be the parish priest of the church where the marriage is celebrated or his delegate from the same ecclesiastical communion.

2. There is to be no joint celebration of marriage by the ministers of both Churches. The marriage is to be blessed either by the Catholic or by the Syrian Orthodox minister. However, there could be some kind of participation at the liturgical service by the other minister who could read a scriptural passage or preach a sermon.

3. On the occasion of these celebrations the couple, and any members of their families who belong to these Churches, are allowed to participate in the Holy Eucharist in the church where the sacrament of matrimony is being celebrated.

4. Proper entries must be made in the church registers and marriage certificates should be issued for a record to be made in the register of the other church.

§4. Regarding the pastoral care of the Catholic-Syrian Orthodox inter-Church Families the following guidelines are to be observed:

1. The Catholic partner is to be reminded that he/she has to commit himself/herself to imparting to their children proper Catholic formation, to the extent possible, in agreement with his/her partner. Such a formation should be fully in harmony with the Catholic tradition to which he/she belongs.

2. The pastors of both partners are bound in conscience to provide continued pastoral care to the inter-Church families in such a way as to contribute to their sanctity, unity and harmony.

3. Each partner is to be advised to attend the liturgical celebrations of his/her respective Church, but the couple may be allowed to participate jointly in the eucharistic celebration on special occasions when this joint participation is socially required.

4. Any declaration of the nullity of such marriages is to be considered only with the consent of the Bishops concerned from both Churches.

5. The funeral service should, as far as possible, be conducted according to the rite of the dead person's Church, even though he/she may be buried in either of the cemeteries, especially if the other partner is already buried there in a family tomb.

Art. 192 - For marriages with dispensation from the impediment of disparity of cult, the norms and conditions for mixed marriages between a Catholic and a non-Catholic non-Oriental are also to be fulfilled (cc. 803 & 814).

Art. 193 - Local hierarchs and other pastors of souls are to see to it that the Catholic spouse and the children born of a mixed marriage do not lack spiritual assistance in fulfilling their spiritual obligations, and

are to assist the spouse in fostering the unity of conjugal and family life (c. 816).

Art. 194 - Whenever a parish priest comes to know that a Catholic party of his parish has contracted marriage with a non-Catholic or a non-Christian without the required permission or dispensation, he shall report the matter to the local hierarch. Ecclesiastical penal action may be taken against those responsible for the transgression and scandal.

Art. 195 - §1. Marriage is to be celebrated in the parish church of either of the spouses according to the custom in the eparchy, or with the permission of the proper parish priest in any other church convenient for the parties.

§2. In extraordinary circumstances, the local hierarch may grant permission for the celebration of marriage at a suitable place other than the church.

Art. 196 - Marriage of persons other than parishioners, of whom at least one is a Syro-Malabarian, is lawfully blessed by the parish priest or his delegate only on receipt of Form C or a similar document from the concerned parish priests.

Art. 197 - Marriage through proxy is not allowed (c. 837 §2).

Art. 198 - In accordance with the tradition of the Church and keeping the penitential spirit of the liturgical seasons of annunciation (*suvara*) and Lent (*Sauma*), the celebration of marriage is prohibited from the 1<sup>st</sup> to 24<sup>th</sup> December and from 1<sup>st</sup> Monday of Lent until Holy Saturday both days inclusive. However, for just and sufficient reasons, the local hierarch of the place of celebration of marriage may give permission for marriage during these periods on written petition by either of the parties and on the undertaking that the marriage will be celebrated without pomp and show (c. 838 §2).

Art. 199 - The special regulations given by the eparchial bishops regarding the time of the celebration of marriage on certain days like Sundays, must be carefully observed.

Art. 200 - Marriages are to be celebrated according to the approved liturgical text (c. 836).

### **Acquisition And Administration of Temporal Goods**

Art. 201 - § 1. As the Christian faithful are obliged to assist with the needs of the Church in order to attain its proper ends, the Parish priest can with the consent of the *Palliyogam* and with the approval of the local hierarch levy a tax, even annually on physical persons (c.1025 §2).

§ 2. Regarding the contribution from Religious Institutes, the eparchial bishop may decide the amount in agreement with the major superiors concerned.

Art. 202 - § 1. Offerings for the celebration of the Divine Liturgy should be fixed for the whole Church by the Synod of Bishops. When it concerns the whole region, it shall be done as far as feasible in consultation with the Provincial Synod and also with other hierarchs, if any, of the region.

§ 2. Offerings for the administration of the Sacramentals should be fixed as per the eparchial statutes.

§ 3. The eparchial bishop in consultation with the eparchial consultors can fix a special allowance or fees for officiating at services at the request of the faithful outside the normal time and place (c. 1013 §§ 1-2).

Art. 203 - With due regard to Article 42, each eparchy shall have a special fund for the proper maintenance and security of the priests including medical care. This should be raised from:

§1. Contribution of priests in the manner fixed by the eparchial statutes.

§2. Remittance by priests of a percentage proportionate to the income accrued from various ministries such as teaching and the like, fixed by the eparchial statutes.

§3. Contribution from parishes on the basis of the annual income of the parish as per eparchial statutes.

§4. Contributions from institutions, fixed by eparchial statutes wherever the services of the priests are rendered.

§5. Stipends of the binated and trinated Masses in accordance with the eparchial statutes.

§6. A budgetary contribution from the eparchy as per the eparchial statutes (cc. 192 §5; 390 §§ 1&2; 1021 §§ 1&2).

Art. 204 - As the Church is missionary, a Sunday shall be set apart in order to raise funds for the missionary activities of the Syro-Malabar Major Archiepiscopal Church. The utilization of this fund may be decided by the synod of bishops.

Art. 205 - § 1. The annual budget of parishes and other juridic persons subject to the parish shall be passed by the *Palliyogam*/Parish council and approved by the local hierarch.

§ 2. Institutions and organizations directly under the supervision of the eparchy must have their annual budget and accounts scrutinized and passed by the eparchial finance council and approved by the local hierarch (c. 1022 §2).

§ 3. The eparchial finance committee approves the annual budget and accounts of the eparchial assets prepared by the finance officer and gets them ratified by the college of eparchial consultors.

Art. 206 - In accordance with the directives of the eparchial bishop, financially well off parishes should help the needy ones.

Art. 207 - The term of perpetual foundations shall be for a maximum period of 25 years. Afterwards it shall be made use of for religious and charitable purposes (cc. 1047 §§ 1&2; 1048 §3) with the approval of the local hierarch.

Art. 208 - Alienation of property exceeding an amount of Rupees ten lakhs/one million (Rs. 10,00,000) up to one crore/ten million (Rs. 100,00,000) is to be done only with the consent of the finance council and the eparchial consultors. An amount exceeding rupees one crore/10 million up to two crores/20 million needs the consent of the Major Archbishop with the permanent synod (c. 1036 §§ 1,4,&6).

Art. 209 - A charity fund at the eparchial level may be raised from the parishes and institutions of the eparchy. There should be a separate committee set apart by the eparchial bishop to administer the fund.

### **Laws on Baptized non-Catholics Coming into Full Communion with the Catholic Church, Ecumenism**

Art. 210 - The Parish priest can receive individual lay persons into the Catholic Church. Those individual lay persons are to make a petition for the same to the local hierarch with a recommendation of the parish priest and obtain his permission (c. 898 §3).

Art. 211 - The norms contained in the Ecumenical Directory are to be followed as regards ecumenical initiatives (c. 904 §1).

### **Persons And Juridic Acts**

Art. 212 - Civil laws are to be followed as regards the rights of minors (c. 910 §2).

## Hierarchical Recourse (cc. 996-1006)

Art. 213 - The Synod of Bishops elects three Bishops for a term of 5 years to deal with cases of recourse. One of them will be designated President. They shall be assisted by a secretary.

### Trials (Titles XXIV and XXV)

Art. 214 - Notification of citations, decrees, sentences and other judicial acts are to be made through one of the safest of the following means:

§1. through public postal services, with an acknowledgement due or receipt card or under certificate of posting;

§2. through the services of parish priests or other reliable persons whose report regarding the acceptance or refusal are to be kept as part of the acts.

Art. 215 - Questioning of witness is conducted by the judge as per general law (c. 1242). The questions proposed by the promoter of justice, or defender of bond, or advocates are generally directed to the witness by the judge or the persons who take his place, after weighing the merit of the same. However, on special occasions, the promoter of justice or the defender of bond or the advocate can ask questions directly, if he is so allowed by the judge.

Art. 216 - As a rule, every tribunal should have a tariff regarding the stipends or allowance to be paid to the experts. However, considering the special nature of the case and the person concerned, a higher or lower amount may be paid as per the decision of the judge.

## PALLIYOGAM — PROCEDURE RULES

### Introducton

Whereas the system of *Palliyogam* is a laudable heritage of the Syro-Malabar Major Archiepiscopal Church by which she expresses in a tangible way the ecclesial communion of all Christian faithful in the Church;

And whereas, as per CCEO c. 295, a uniform particular law on the *palliyogam* applicable to all parishes in the Syro-Malabar Major Archiepiscopal Church is required;

Now, the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church, in exercise of its legislative power, hereby makes the following rules to regulate matters relating to the *palliyogam*.

### ***PART I***

#### ***PRELIMINARY***

##### ***Section I***

##### ***Title and Purpose***

1. Title: These Rules may be called *The Palliyogam - Procedure Rules - of the Syro-Malabar Major Archiepiscopal Church*.
- 1.1. These Rules apply to all parishes within the proper territory (*territorium proprium*) of the Syro-Malabar Major Archiepiscopal Church.
- 1.2. Purpose: *Palliyogam*, as an expression of the communion of the people of God in the parish, is intended to advise and help the parish priest and to work in co-operation with him, in exercising the pastoral ministry and administering financial matters of the parish.

## *Section II*

### *Definitions*

2. In these Rules unless context otherwise requires:-
- 2.1. ACCOUNTANT means the person who keeps the accounts and does other office duties of the parish regularly, with or without an allowance or remuneration, under the supervision of the parish priest and *kaikkârans*.
- 2.2. *ANDUTIRATTU OR VARSHIKATHIRATTU* means annual statement of accounts.
- 2.3. *ARDHAVARSHIKATHIRATTU* means half-yearly statement of accounts.
- 2.4. ASSISTANT PARISH PRIEST (vicarius paroecialis/assistant vicar) means a presbyter appointed by the eparchial bishop to assist in the proper pastoral care of the parish under the authority of the parish priest and, if need should arise, to substitute for the parish priest.
- 2.5. *ATMASTHITI /PARISH REGISTER* means the official register maintained in each parish church showing particulars relating to the members of the parish.
- 2.6. BUDGET means the official statement of the proposed programmes of the church showing the estimated income and expenditure for the ensuing financial year.
- 2.7. CHURCH PROPERTY OF THE PARISH means all movable and immovable properties, including all institutions belonging to the parish as a juridic person, subject to the provisions of cc. 920, 1007, 1008, 1009 and other relevant canons of the CCEO.
- 2.8. *DAIVALAYASUSR5SHI* (SACRISTAN ) means the person, appointed as per eparchial statutes and approved by the local hierarch to serve in the church assisting the sacred ministers at divine worship and other functions, with or without an allowance or remuneration.

- 2.9. EPARCHIAL BISHOP means a bishop who, as the vicar and legate of Christ, governs in his own name the eparchy entrusted to him for shepherding with legislative, judicial and executive powers as per CCEO and the Particular Law of the Syro-Malabar Major Archiepiscopal Church.
- 2.10. EPARCHY means a portion of the people of God, which is entrusted for pastoral care to a bishop with the co-operation of the presbyterium, so that adhering to its pastor and gathered by him in the Holy Spirit through the Gospel and the Eucharist, it constitutes a particular Church in which the one, holy, catholic and apostolic Church of Christ is truly present and operative.
- 2.11. FAMILY means, person or persons, residing within the territory allotted to each parish and entered as a family in the parish register maintained in the parish.
- 2.12. HEAD OF THE FAMILY is that senior member of the family, male or female, who is responsible for the running of the family and who has attained 21 years of age.
- 2.13. *KAIKKARAN* means a member of the parish, elected by the *potuyogam* or *pratinidhiyogam* and confirmed and appointed by the local hierarch, or directly appointed by him under special circumstances, to help the parish priest in keeping and administering parish properties and incomes according to the norms of ecclesiastical law and in conducting the programmes and affairs of the parish and to work in co-operation with the parish priest in exercising pastoral ministry and administering financial matters of the parish.
- 2.14. *KURUMTIRATTU* means quarterly statement of accounts.
- 2.15. LOCAL HIERARCH means in these rules, eparchial bishops, protosyncellus, syncellus and others mentioned in CCEO c. 984 § 2.
- 2.16. *MA SATHIRATTU* means, monthly statement of accounts.

- 2.17. MEMBERS OF A PARISH means the Christian faithful belonging to the same eparchy having domicile or quasi-domicile within the territory of the parish or those who have obtained membership through special orders by the eparchial bishop.
- 2.18. NALVAZHY (JOURNAL) means the book containing a record of each day's financial transactions entered datewise.
- 2.19. *PALLIYOGAM* in its two forms, namely *potuyogam* and *pratinidhiyogam* means the body constituted in the Syro-Malabar Major Archiepiscopal Church through tradition as a specific expression of the communion of the people of God in the parish, to advise and assist the parish priest, the president thereof, and to work in collaboration with him in exercising the pastoral ministry and administering the financial matters of the parish.
- 2.20. PARISH means a certain community of Christian faithful stably established in an eparchy, as a rule within a definite territory, the pastoral care of which community is entrusted to a parish priest.
- 2.21. PARISH CHURCH means a building exclusively dedicated for divine worship of the parish community by consecration or blessing.
- 2.22. PARISH PRIEST (parochus/vicar) means a presbyter, appointed by the eparchial bishop, to whom the care of souls in a given parish is entrusted as to its own pastor; he is the principal co-operator of the eparchial bishop in the parish under the authority of the same eparchial bishop.
- 2.23. *PEREDU* (LEDGER) means the book in which the itemwise entries based on the journal relating to income and expenditure are made.
- 2.24. *POTUYOGAM* means a body of all the heads of families in the parish and members of the *pratinidhiyogam* and others mentioned in Part II, Section II, n. 5.

- 2.25. *PRATINIDHIYOGAM* means a body consisting of those elected by the *potuyogam* or by the heads of families in the ward/family unit meetings, and others duly elected or nominated or posted ex-officio as members and approved by the local hierarch as per eparchial statutes.
- 2.26. *THIRATTU* means the statement of accounts showing the income and expenditure of the church.

## ***PART II***

### **STRUCTURE, FUNCTIONS AND DUTIES OF PALLIYOGAM**

#### ***Section I***

##### ***Palliyogam in General***

3. In every parish there shall be two forms of *palliyogam*, namely, *potuyogam* and *pratinidhiyogam*. In small parishes, however, the *palliyogam* may function as *potuyogam* alone, with the permission of the local hierarch. Similarly, for grave reasons or in big parishes, the *palliyogam* may function as *pratinidhiyogam* alone, with the permission of the eparchial bishop. In the latter case, the *potuyogam* has to be convened at least once a year for a general review.
4. The *potuyogam* and the *pratinidhiyogam* have also the right to form special committees or commissions for specified purpose and as soon as the purpose for which they were constituted has been achieved, such committees or commissions formed shall be dissolved.

#### ***Section II***

##### **The *Potuyogam* of the Parish**

5. MEMBERS: The following persons shall be the members of the *potuyogam*:

- 5.1. Parish priest.
- 5.2. Assistant parish priest(s).
- 5.3. Resident priests of the same eparchy serving in the institutions of the parish by appointment.
- 5.4. Priests from the parish incardinated in the same eparchy, present in the parish at the time of *potuyogam*.
- 5.5. Superiors of the houses of the institutes of consecrated life/ societies of apostolic life.
- 5.6. Heads of families: Ordinarily only the head of the family shall represent the family in the *potuyogam*. However, the husband and wife can mutually agree who is to represent the family in the *potuyogam* on a stable basis and that has to be communicated to the parish priest in writing. If the head of the family is permanently disabled to attend such meetings he/she can nominate on a stable basis another senior member of his/her family who is not below the age of 21 to attend such meetings, on behalf of the family. Any such nomination shall be communicated in writing to the parish priest in advance of seven days.
- 5.7. *Kaikkâ rans* of the year.
- 5.8. Members of the *pratinidhiyogam*.

## 6. DISQUALIFICATIONS AND DISPUTES

- 6.1. The following persons shall not be entitled to become members of any of the meetings of the *potuyogam*:
  - 6.1.1. Those who stand publicly against the faith and teachings of the Church, or
  - 6.1.2. Those who are under ecclesiastical censure, or
  - 6.1.3. Public sinners, or
  - 6.1.4. Persons convicted of offenses involving moral turpitude until reformed and certified by the parish priest, or
  - 6.1.5. Persons who have defaulted annual paschal duties, or

- 6.1.6. Persons who are of unsound mind, or
- 6.1.7. Willful defaulters of Church laws.
- 6.2. Known drunkards or those under intoxication shall not be permitted to participate in the meetings of the *potuyogam* and *pratinidhiyogam*.
- 6.3. The president of the *palliyogam* shall decide whether a person has to be excluded from a meeting of the *potuyogam* in accordance with these rules and the meeting shall be conducted according to the decision of the president.
- 6.4. If any dispute arises as to whether a person is a member of the parish or whether he/she is entitled to exercise any right in a meeting of the *Potuyogam*, the matter shall be settled as per n. 70 of this procedure rules after informing the eparchial curia.
7. The *potuyogam* shall exercise the following functions in conformity with the general pastoral plan of the eparchy.
  - 7.1. Make the parish community conscious that without the apostolate of the laity the pastor's work will not become fully effective and that the Church is not truly established and does not fully live, nor is a perfect sign of Christ unless there is a laity existing and working alongside the hierarchy;
  - 7.2. Prepare and launch a time-bound pastoral plan with the comprehensive vision of promoting the spiritual, social, cultural, biblical, catechetical and liturgical renewal of the whole parish;
  - 7.3. Promote active participation in the liturgy;
  - 7.4. Arrange to teach catechism to the children, youth and adults and to motivate others to do so;
  - 7.5. Proclaim the Gospel through word and witness;
  - 7.6. Promote vocations to priesthood and to institutes of consecrated life/ societies of apostolic life;
  - 7.7. Bring back to the Church those gone astray from the faith;

- 7.8. Give leadership in the forming and functioning of small Christian communities and family units;
  - 7.9. Take initiative in the forming and functioning of lay organizations and see that the whole youth are enlisted in one or other of the organizations in the parish;
  - 7.10. Animate the parish community to exercise their apostolate in the world through life and witness like a leaven so as to invite others into the fellowship with God through Christ in the Spirit;
  - 7.11. Organize the Christian community into a common forum to meet the challenges to faith and the violation of the fundamental rights through conscientisation and action;
  - 7.12. Divide the parish into wards/family units;
  - 7.13. Promote the welfare of the Church and community by inspiring it by the gospel spirit of sharing goods and services according to one's capacity.
8. *Potuyogam* has the following duties:
- 8.1. To pass the annual accounts for submission to the local hierarch's approval;
  - 8.2. To decide, subject to the eparchial statutes, the numbers of *kaikkârans*, auditors, church employees and the representatives from each ward/family unit;
  - 8.3. To elect, subject to eparchial statutes, *kaikkârans*, auditors, and the representatives from each ward/family unit;
  - 8.4. To discuss and pass the budget of the parish and to allot priorities of items of expenditure;
  - 8.5. To devise means of raising funds and to fix amounts of contribution by the parishioners for ordinary expenses and/or special projects, subject to eparchial rules;
  - 8.6. To fix, if needed, a gradation of contribution on the occasion of marriage etc. according to the financial capacity of the families, subject to the directions in each eparchy;

- 8.7. To fix the rate of fees for the use of the church paraphernalia and also the rate of offerings for taking devotional objects in procession, subject to the directives of the eparchial bishop;
- 8.8. To fix the rate of fee for graves and tombs and to fix the duration of their use, subject to the directives of the eparchial bishop;
- 8.9. To pass resolutions regarding construction of church, chapels and buildings for any of the parish institutions and buying or selling or borrowing or gifting of movable or immovable properties, subject to the provisions contained in n. 40 and eparchial statutes;
- 8.10. To decide on the number of the solemn celebration of feasts in the parish and to propose programmes for the same;
- 8.11. To deliberate upon matters of importance that affect the parish generally;
- 8.12. To establish special committees or commissions as and when needed and to choose members to the same;
- 8.13. To do other duties stipulated in the eparchial statutes or such other duties as are directed by the eparchial bishop.

### *Section III*

#### *Pratinidhiyogam*

9. MEMBERS: The following persons shall be the members of the *pratinidhiyogam*:
- 9.1. EX-OFFICIO MEMBERS
  - 9.1.1. Parish priest
  - 9.1.2. Assistant parish priest (s)
  - 9.1.3. *Kaikkârans* of the year
  - 9.1.4. Members of the pastoral council from the parish, if any
- 9.2. ELECTED MEMBERS



- 9.2.1. Elected representatives of the wards/units of families;
- 9.2.2. One representative of the parish educational institutions and one representative from other parish institutions, if any, who is a parishioner;
- 9.2.3. A representative of the Sunday school teachers;
- 9.2.4. Representatives of the recognized parish associations as per the eparchial statutes;
- 9.2.5. Representatives of the institutes of consecrated life/societies of apostolic life in the parish: one from men and one from women;
- 9.2.6. An elected representative of the eparchial priests from the parish, working in the same eparchy, subject to the practice of the eparchy.

### 9.3. NOMINATED MEMBERS

- 9.3.1. Persons including experts nominated by the local hierarch in consultation with the parish priest;
  - 9.3.2. In parishes with ten or more *dalit* Catholic families, they are to be represented by nomination by the parish priest, if not elected otherwise or as determined by the eparchial statutes.
- 9.4. The total number of the nominated members shall not exceed 1/3 of the total members.

10. ELECTION: The election to the *pratinidhiyogam* shall be as follows:

- 10.1. The *potuyogam* or the ward meetings/units of families shall elect representatives from every ward/unit in proportion to the number of families therein so that there shall be at least 10 and not more than 30 such representatives. In exceptional cases the local hierarch can fix a lower or higher number. Thirty percent of the members shall preferably be women; but the percentage of elected women representatives shall not be less than 10 percent;

- 10.2. The representatives of the men and women institutes of consecrated life/societies of apostolic life are elected at a meeting of the respective representatives of all the institutes of consecrated life/societies of apostolic life in the parish convened by the parish priest;
- 10.3. The parishioner representing the parish educational institutions is elected at a meeting of representatives of all parish educational institutions convened by the parish priest. In the same way, if there are other parish institutions, their representative is elected;
- 10.4. The teachers of the Sunday school shall elect one among them as their representative;
- 10.5. Members/representatives of parish associations elect their representative/s as per eparchial statutes;
- 10.6. As far as possible elections shall be by consensus; if not, by the majority of the members present;
- 10.7. Complaints if any about the elections shall be submitted to the protopresbyter or to the administrative tribunal mentioned in n. 70 through the eparchial curia.
- 11. Those who have any of the disqualifications mentioned in n. 6 cannot be members of the *pratinidhiyogam*.
- 12. The accountant and sacristan (*davâ layasusrûshi*) can attend the meeting of the *pratinidhiyogam* if so required to explain the accounts of the parish and to make a report of the meeting and other such matters; however, they shall not be members of *pratinidhiyogam*.
- 12.1. A secretary shall be chosen to prepare minutes and reports at the *pratinidhiyogam*. The term of office and other details shall be specified in the eparchial statutes.
- 13. The term of the *pratinidhiyogam* shall be three years, unless it is extended by the local hierarch in special circumstances.

14. Any member absenting from three consecutive meetings without sufficient reason and excuse in the judgement of the parish priest shall lose membership in the *pratinidhiyogam*.
15. If a member suffers from any of the disqualifications mentioned in n. 6, but known only after becoming a member, or suffers a disqualification during the term of membership, he/she ceases to be a member of the *pratinidhiyogam* and the matter must be brought to the attention of the *pratinidhiyogam* by the president. And if there is a dispute, the matter shall be referred to the administrative tribunal mentioned in n. 70 through the eparchial curia.
16. Vacancies arising in the *pratinidhiyogam* are to be filled within three months by election or nomination or ex-officio posting according to the nature of the vacant seat.
17. The *pratinidhiyogam* shall exercise the following functions and duties:
  - 17.1. To impart leadership by initiating active and constructive roles with a view to fostering, facilitating and promoting the spiritual, social, cultural, catechetical, pastoral, developmental and charitable activities and youth formation in the parish, having due regard to the religious atmosphere of the parish;
  - 17.2. To pass the *mâ sathirattu* or *kurumtirattu* or *ardhavâ rshikathirattu* (monthly, quarterly, half yearly statements of accounts);
  - 17.3. To prepare *ândutirattu* (annual statement of accounts) and budget and submit the same to the *potuyogam*;
  - 17.4. To propose the programmes of feasts other than the major feasts and to help in conducting all such feasts;
  - 17.5. To give guidelines on the general policies of administering the properties of the parish;
  - 17.6. To constitute committees and to elect members to them as and when needed and to dissolve them;

- 17.7. To elect, subject to eparchial statutes, the *kaikkâ rans*;
- 17.8. To do other duties specified in no 8.13.

### **PART III**

#### **THE PROCEDURE OF CONDUCTING THE MEETINGS OF THE *POTUYOGAM* AND THE *PRATINIDHIYOGAM***

18. Ordinarily the parish priest or the priest deputed by the parish priest shall announce on two consecutive Sundays or days of obligations during the Holy Mass at the parish church about the meeting of the *yogams* and the main items of the agenda unless after consulting with the *nadathukaikkâran*, it is considered that the announcement of any particular item in the agenda may be prejudicial to the best interest of the parish.
  - 18.1. In extraordinary situation only one announcement on a Sunday or on a day of obligation will suffice. In urgent matters where this announcement is impossible, the *yogam* may be conducted on any day by notice through appropriate means by the parish priest.
  - 18.2. If one-third of the members of the *potuyogam* or the *pratinidhiyogam* request in writing specifying the subject, the convening of the respective *yogam* the parish priest thereupon shall convene such meeting within two weeks from the date of receipt of such notice. If the parish priest is convinced that the conduct of such *yogam* is prejudicial to the good of the parish, he shall report the matter through the eparchial curia to the administrative tribunal mentioned in n. 70.
19. The local hierarch may at any time direct or prohibit the convening of a meeting of the respective *yogam*.
20. The *potuyogam* shall meet at least once a year; the *pratinidhiyogam* at least four times a year.
21. The *potuyogam* has no definite quorum unless determined by the eparchial statutes. The quorum for the *pratinidhiyogam*

shall be one-fourth of the total number of members, but quorum is not necessary when a *yogam* adjourned for lack of quorum is reconvened.

22. An attendance register shall be kept for all the meetings and the members present shall sign it before dispersal.
23. The parish priest is the president of the *potuyogam* as well as of the *pratinidhiyogam*.
  - 23.1. In the absence of the parish priest, with his authorization, the assistant parish priest can be the president of the meetings.
  - 23.2. The local hierarch personally or his delegate has the right to preside over the meetings.
24. There shall be a definite agenda for the *yogams*. With the permission of the president matters outside the agenda can also be discussed.
25. *The meetings of yogams* shall commence and end with a prayer.
26. All members shall participate in the *yogam* with a spirit of cooperation and service based on love for the glory of God and the real progress of the parish.
27. Personal vendetta, groupism, family feud, political difference and such other matters shall in no way influence the deliberations of the *yogams*.
28. A discussion on a decision of a previous *meeting of the yogam* already approved by the local hierarch shall be opened only after obtaining the prior permission of the eparchial bishop.
29. Statement or decision against the orders and directives of the eparchial bishop, or against the official teaching and canon law of the Church, is not permissible in the *yogams*.
30. All shall maintain decorum and discipline in the *yogam* and shall obey the rulings of the president.
31. In case of any improper comments or misbehaviour by any member in the *yogam* the president shall immediately warn and correct the member concerned. If such an erring

member continues it or remains recalcitrant, he can be suspended from that meeting of the *yogam*. He can attend the subsequent meetings of the *yogam* only with the permission of the president.

32. As far as possible decisions in the *potuyogam* and the *pratinidhiyogam* should be unanimous or at least by consensus. Serious differences of opinions in the *pratinidhiyogam* may be referred to the *potuyogam*. If the *potuyogam* fails to make a decision it may appoint a committee to study the case in detail and recommend means to resolve the problem. If no solution is reached the matter shall be referred to the administrative tribunal mentioned in n. 70 through the eparchial curia. In exceptional cases the president of the *yogam* can directly refer the case to the administrative tribunal.
33. If the resolution at the *yogams* is unacceptable to the president of the *yogam* he can write his note of dissent, and he shall refer it to the local hierarch.
  - 33.1. Members of the *yogam* having complaints against a resolution passed at its meeting may have recourse to the local hierarch within seven days.
34. All decisions by the *pratinidhiyogam* within its competence shall have the same force as the decisions of the *potuyogam*.
35. The resolutions of the *yogams* must be recorded in the book of resolutions (*yoga pusthakam*) and be signed by the president and members present.
  - 35.1. A minutes book of the *yogams* shall be maintained in which shall be recorded the proceedings of the meetings and they are signed by the president of the meeting.
36. To leave the meetings of the *yogams* without permission of the president and/or without signing the resolution is irregular.
37. If and when a meeting of the *yogam* cannot proceed peacefully, the president may dissolve it; in which case such meeting

may be reconvened within a month and if the reconvened meeting cannot be conducted peacefully the president shall dissolve the meeting and report the matter to the administrative tribunal through the eparchial curia.

38. The eparchial bishop has the right to add to or modify or annul a resolution passed at the meetings of the *potuyogam* and the *pratinidhiyogam* and his decision shall be final.

38.1. No resolution can be passed either in the *potuyogam* or *pratinidhiyogam* touching upon or derogatory to the powers vested in the eparchial bishop or the major archbishop or the Roman Pontiff under ecclesiastical laws.

39. Resolutions passed in meetings on matters requiring the approval by the local hierarch shall have effect and be executed only after such approval is granted in writing by the local hierarch.

40. Matters that require the approval of the local hierarch are:

40.1. Buying, selling, gifting, mortgaging or otherwise transferring of the immovable properties;

40.2. Constructing, reconstructing, renovating of churches, filial churches, wayside chapels and crosses or other buildings;

40.3. Establishing institutions to be run by the parish;

40.4. Demolishing of churches, filial churches, wayside chapels or crosses erected for public worship;

40.5. Exchange, sale or gifting or altering of objects of antiquity. Antiques for no reason shall be destroyed;

40.6. Establishing of libraries, recreation centers, stadia, play grounds, wells and the like for the public on lands belonging to the parish;

40.7. Leasing of or construction on or use of the land of the church for any public or private utilities;

40.8. Receiving of stipend for pious foundation or endowments and scholarships;

40.9. Works which will cost more than one-fourth of the annual income of the previous year of the parish or Rs. 50,000/- whichever is less or as the eparchial bishop decides from time to time;

40.10. Fixing of subscriptions from parishioners with obligation to pay arrears;

40.11. Lending or borrowing or gifting money by the parish beyond the amount fixed by the eparchial statutes;

40.12. Other matters determined in the eparchial statutes.

## **PART IV**

### **Section I**

#### ***Kaikkâ rans***

41. With due regard to n. 8.2, the *potuyogam* shall determine the number of the *kaikkâ rans* according to the size of the parish, subject to a minimum of two. One among them shall be *nadathukaikkâ ran* for an appropriate period to be decided among themselves and the parish priest. The other *kaikkâ rans(s)* shall be known as *kúttukaikkâ ran(s)* for the remaining period.

42. The *kaikkâ rans* shall be persons, not below the age of 21, who are faithful, honest, efficient, service minded and having no parish arrears, and who have the other qualifications specified in the eparchial statutes; they shall not have the disqualifications mentioned in n. 6. The accountant, the sacristan and others specified in the eparchial statutes shall not be elected to be *kaikkâ rans*.

43. The *kaikkâ rans* are elected for a one year term and can be re-elected for a second term; but not for a third consecutive term unless by postulation to the local hierarch.

44. The elected *kaikkâ rans* after being confirmed and appointed in office by the local hierarch, shall take charge receiving the keys from the parish priest at the sanctuary steps after making an oath of office. When their term of office is over

they shall entrust the keys and accounts to the parish priest likewise at the steps of the sanctuary, after settling the accounts.

45. The *kaikkâ rans* may divide the year into equal periods according to their number and each shall assume the main charge of the office in one of such periods according to age or convenience.
46. The parish priest may depute any one or more of the *kaikkâ rans* or any one or more from the *yogam* or any other competent person or persons to represent the parish or its institutions before courts, tribunals, in specific cases of legal or of similar nature after obtaining permission from the local hierarch.
47. The *kaikkâ rans* shall not receive remuneration or allowance. However, on days on which their presence is required for a long time, they are entitled to meet their daily expenses from the parish funds during the duration of such engagement. A budgetary provision may be made for the same.
48. It is the right of the local hierarch under emergency to accept the resignation of the *kaikkâ rans* or to remove a *kaikkâ ran* for reasons of negligence of duty, dishonesty, disability, financial misconduct, commission of offenses involving moral turpitude, after giving him an opportunity for being heard. In ordinary circumstances, the question of removal of *kaikkâ ran* shall be referred to the administrative tribunal mentioned in n. 70 through the eparchial curia.

## **Section II**

### **Administration of the Temporalities of the Parish**

49. The administration of the finance and other temporalities of the parish is to be done by the parish priest and the *kaikkâ rans*

with mutual understanding and co-operation and as per norms of common and particular law, as well as eparchial statutes.

50. The *nadathukaikkâ ran* and the parish priest shall maintain bills, vouchers and receipts regarding income and expenditure relating to the matters dealt with by them, respectively. The accounts of the parish shall be maintained on the basis of such bills, vouchers and receipts. The *kaikkâ rans* shall make available the accounts as and when required by the parish priest.
51. It shall be the responsibility of the parish priest and the *kaikkâ rans* to maintain *nâ lvazhy*, *peredu*, and *andutirattu* of the parish. *Mâsathirattu*, *kurumtirattu*, *ardhavâ rshikathirattu* shall also be maintained, if required by the eparchial statutes.
52. If discrepancies in the account or shortage of money is noticed resulting in loss to the parish the same shall be recovered from the respective *kaikkâ ran* or the parish priest whoever is responsible for the loss. However, as between them one shall not be responsible for the laches on the part of the other.
53. The chest (*bhandâ ram*) and boxes containing the offerings shall be opened and the offerings counted by the *nadthukaikkâ ran* in the presence of the parish priest or the *kûttukaikkâ ran* or anyone authorized by the parish priest. They shall keep a document or receipt regarding the amount of offerings signed by both of them.
54. All offerings in kind received in the church shall be sold in public auction. However, if it is found that sale without auction is more appropriate this can be done after mutual consultation between the parish priest and the *kaikkâ rans*.
55. All sales shall be made only on payment and receipt of all such amounts shall be entered on the same day in the books of

accounts of the parish. If any credit is given it shall be the responsibility of the persons giving such credit to reimburse the amount to the parish.

56. If and when lands or buildings of the parish are given on lease or rent, it shall be done only after observing all legal formalities and with the permission of the local hierarch, preferably after obtaining legal opinion.
57. The cultivation on lands belonging to the parish shall be got done by the *kaikkârans* in consultation with the parish priest.
58. The parish priest and the *kaikkârans* shall have the right to spend necessary amounts to meet the day-to-day expenditure of the parish.
59. Subject to n. 40.9, the expenditure necessary for the day-to-day worship and catechetical formation can all be incurred by the parish priest without discussion in the *potuyogam* or the *pratinidhiyogam*.
  - 59.1. Subject to n. 40.9, the expenditure necessary for essential furniture of the parish including those provided to the parish priest and the assistant parish priest(s) and for the maintenance of the church properties and their improvements can all be incurred by the parish priest and the *nadathukaikkâran* without discussion in the *potuyogam* or the *pratinidhiyogam*.
  - 59.2. The parish priest and the *kaikkârans* shall have mutual understanding and co-operation in respect of all such expenditure and all unnecessary luxury and extravagance shall be avoided.
60. The parish priest and the *kaikkârans* can jointly keep the cash required for a period of one week for day- to-day expenses. Surplus amounts however shall be deposited in a scheduled, nationalized or reputed co-operative bank or in permitted securities in the joint account of the parish priest and the *nadathukaikkâran*.

61. All valuable articles and antiques, documents and receipts shall be kept in a separate box in the safe room with double locks and keys and the parish priest and the *nadathukaikkâran* shall keep one key each of the box and of the room.
62. There shall be a *murichârthu* (inventory) (c. 1026) of all the movable and immovable properties of the parish classified into five heads, namely:
  - 62.1. A schedule of immovable properties;
  - 62.2. Those in the custody of the parish priest;
  - 62.3. Those in the custody of the *kaikkâran*;
  - 62.4. Those in the custody of the sacristan;
  - 62.5. Those in the custody of the heads of institutions.
63. The parish priests and *kaikkârans* shall have overall responsibility for all the properties of the parish and in particular for the equipments in the presbytery. The sacristan shall be responsible for the paraphernalia and other valuable things kept in the church and the heads of institutions for the articles belonging to and kept in such institutions.
64. Whenever new articles are acquired and any change is made, the same shall also be entered in the inventory maintained in the parish.
  - 64.1. A copy of the inventory of the ecclesiastical goods is to be kept in the eparchial archives.
  - 64.2. If any article is lost or damaged on account of culpable negligence, the person responsible for such negligence shall be liable for such loss.
  - 64.3. Unusable articles which are not of historical value shall be destroyed only with the consent of the parish priest and in consultation with the *nadathukaikkâran* and after having cancelled them from the inventory.

65. When any person in charge of the administration of the church properties is transferred, or has ceased to hold office, the new incumbent thereto, while taking charge, shall sign the list of articles handed over to him, after due verification.
- 65.1. When the parish priest is transferred, the accounts, pass-books and other documents as well as the balance cash and the list of movables shall be handed over to the *nadathukaikkâ ran*; as soon as the new parish priest has taken charge the said *kaikkâ ran* shall hand them over to the new parish priest. However, if there is an assistant parish priest, the parish priest who is under orders of transfer shall entrust all the administrative responsibility to the assistant parish priest and inform the *Nadathukaikkâ ran* accordingly. If any other custom or procedure is in vogue in any eparchy, the same may be followed.
66. The parish priest shall always pay attention to the proper and safe maintenance of the accounts and records of the parish and in these matters the *kaikkâ rans* and the accountant are bound to act according to the instructions of the parish priest.
67. No church record shall be taken outside the parish office without the permission of the parish priest.
68. All parish churches shall maintain the following registers, records, books and files:
- 68.1. Baptism register;
- 68.2. Confirmation register;
- 68.3. Betrothal register;
- 68.4. Marriage register;
- 68.5. Death register;
- 68.6. *Atmashiti* register/ parish register;
- 68.7. Minutes book of *potuyogam* and the *pratinidhiyogam*;
- 68.8. *Yogapusthakam* (register for decisions of *yogam*);

- 68.9. Subscription register (*variveetha* register);
- 68.10. *Kurippu*/account book;
- 68.11. Journal;
- 68.12. Ledger;
- 68.13. *Tirattu*;
- 68.14. Audit report;
- 68.15. Voucher file;
- 68.16. Canonical visit diary of the eparchial bishop;
- 68.17. Bounded copies of the eparchial bulletin;
- 68.18. Liturgical calendar;
- 68.19. Register relating to documents and records;
- 68.20. Books to copy the civil documents;
- 68.21. File containing pastoral letters and circulars;
- 68.22. File containing orders from the eparchial curia;
- 68.23. A schedule containing the details of immovable properties;
- 68.24. List of movable properties;
- 68.25. List of foundation Masses (This should be maintained in the sacristy also);
- 68.26. Diary (chronicles, “*nâ lâ gamam*”);
- 68.27. List of antiques;
- 68.28. Vocation register;
- 68.29. Announcement books;
- 68.30. Book of ecclesiastical censures;
- 68.31. Miscellaneous file;
- 68.32. Other registers as per eparchial statutes;
- 68.33. Inventory register (*murichâ rthu*).

69. No record and orders relating to the parish or the eparchy shall be produced in any court without prior permission of the local hierarch.

### ***Section III***

#### ***General and Transitory Norms***

70. All disputes and complaints with regard to the conduct, proceedings, resolutions, decisions and actions taken or adopted by the *potuyogam* or *pratinidhiyogam* shall be preferred by the aggrieved before the administrative tribunal constituted by the eparchial bishop for such purpose, within seven days from the date of such *yogam*. The tribunal shall dispose off the dispute or complaint within 30 days from the receipt of such complaints. A recourse shall lie on the decision of the tribunal to the eparchial bishop within 15 days of such decision of the tribunal. The eparchial bishop shall dispose off the recourse as expeditiously as possible and his decision shall be final.
71. For grave reasons the eparchial bishop can suspend a *potuyogam* or a *pratinidhiyogam* until further orders from him and make alternate arrangements according to his discretion for the administration of the parish.
72. Notwithstanding anything herein contained, on account of the requirement, the eparchial bishop, depending upon the special features, customs or practice of his eparchy may make necessary adaptations to these rules and the rules so adapted shall be binding on the parishes within the eparchy.
73. If any difficulty or doubt arises in giving effect to the provisions of these rules in a particular eparchy, the eparchial bishop may by order make such provision, not inconsistent with the purpose of these rules, necessary or expedient for the removal of the difficulty or doubt.

74. No Christian faithful shall challenge these rules or matters arising therefrom in any legal proceeding other than have recourse to ecclesiastical authorities.
75. These rules may be amended by the Synod of Bishops of the Syro Malabar Major Archiepiscopal Church.
76. The authentic interpretation of these Rules during the period between synods is the competence of the major archbishop having consulted with the permanent synod.
77. If there is any custom or practice in any particular parish inconsistent with the rules contained herein all such custom and practice will stand superseded as soon as these rules come into force.



**STATUTES OF THE SYNOD OF BISHOPS  
OF THE SYRO-MALABAR MAJOR ARCHIEPISCOPAL  
CHURCH**

**Name and Nature**

Art 1. The name of the synod of bishops shall be: The Synod of Bishops of the Syro Malabar Major Archiepiscopal Church.

Art. 2. The Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church is the legislature, the superior tribunal and the electoral college of this Church as per canon 110 § 1, 2 & 3.

**Members**

Art. 3 §1 All and solely the ordained bishops of the Syro-Malabar Major Archiepiscopal Church whether eparchial, titular or emeritus, constituted inside or outside the territorial limits of the Syro-Malabar Major Archiepiscopal Church, excluding those mentioned in cc. 953 §1, 1433 and 1434 are members and they enjoy deliberative vote in the synod

§2 Bishops ascribed to the Syro-Malabar Major Archiepiscopal Church, whether in office or emeriti, of other *sui iuris* Churches will not have membership in the synod.

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\* Note: *In the draft of the Statutes published in Synodal News (No. 2, February 1994, pp. 53-67) as well as in the final copy sent to the members of the synod the name of the Syro-Malabar Church was given as Church of St. Thomas Christians (CTC) because there was a proposal to make such a change (cfr. Synodal News, No. 1, August 1993, p. 39 & No. 2, February 1994, p. 31). However for various reasons the proposed change did not take place. Therefore in the present version it has been reversed to the appellation "Syro-Malabar Church" with the addition "Major Archiepiscopal". Chief Editor.*

§3 For the effective carrying out of certain matters, the major archbishop, with the consent of the permanent synod, can invite others, especially hierarchs who are not bishops, and experts to give their opinions to the bishops in the synod with due regard for c.66 § 2

### Competence

Art.4 The Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church is competent:

- §1 to enact laws as per canon 110 § 1;
- §2 to administer justice as the superior tribunal as per c. 110 § 2, 1062;
- §3 to conduct the election of the major archbishop, bishops, and candidates for office mentioned in c. 149 as per c. 110 § 3;
- §4 To accept the resignation of the major archbishop after having consulted the Roman Pontiff, unless the major archbishop approaches the Roman Pontiff directly;
- §5 and to act in other matters according to the norms of the common law and the particular law.

### Objectives

Art. 5 The objectives of the synod shall include the following:

- §1 to help the Major Archbishop in the pastoral ministry of the Syro-Malabar Major Archiepiscopal Church;
- §2 to foster collegiality among its members;
- §3 to preserve and promote the patrimony of the Syro-Malabar Major Archiepiscopal Church adapting it to the life situation of the people of God;
- §4 to further collegial action with hierarchs of other Churches *sui iuris*;
- §5 to promote, preserve with authority and scrupulously defend the integrity and unity of faith and morals, even

disapproving, if need be, opinions that are contrary to them or warning about those things that can endanger them;

§6 to promote liturgical life of the faithful and to prepare liturgical texts according to c. 657;

§7 to promote proper and effective biblical and catechetical formation of the faithful and to have vigilance over the same;

§8 to foster basic Christian vocation and especially priestly, monastic and other religious vocations as well as vocations to other forms of consecrated and apostolic life and to see to their ecclesial formation;

§9 to promote the values of Christian family life and the formation of the laity and their apostolate;

§10 to ensure pastoral care of emigrants;

§11 to promote missionary consciousness, missionary vocation and the cause of evangelization as per canon 585;

§12 to promote ecumenical activities;

§13 to promote dialogue with people of other faiths and with non - believers;

§14 to promote means of social communication for the growth of the Kingdom of God and to have vigilance over the same;

§15 to promote social action guided by the teaching of the Church;

§16 and all other objectives that the CCEO or the particular law of the Syro-Malabar Church prescribes as well as the need of the time demands, having in mind always the salvation of souls and the public welfare, observing exactly the laws and legitimate customs, justice and equity.

### The Major Archbishop and his Election

Art. 6 §1 The major archbishop of the Syro-Malabar Major Archiepiscopal Church is the metropolitan of the See of Ernakulam - Angamaly and he presides over the entire *sui*

*iuris* Syro-Malabar Major Archiepiscopal Church as Father and Head.

§2 He will have all the prerogatives, rights and obligations determined by CCEO and the particular law of the Syro-Malabar Major Archiepiscopal Church.

§3 The major archbishop is elected by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church according to the norms of cc. 63-74; 110 § 3; 153; 947 - 957.

§4 To be elected major archbishop, the qualities mentioned in c. 180 are required.

§5, n. 1. To conduct the election of the major archbishop, the synod is convoked by the administrator of the Syro-Malabar Major Archiepiscopal Church within two months from the vacancy of the See, at the major archiepiscopal residence. Any other place may be designated by the administrator with the consent of the permanent synod.

n. 2. During a vacancy of the major archiepiscopal See, the administrator of the major archiepiscopal Church is the senior bishop according to episcopal ordination among the bishops of the major archiepiscopal curia or, if there are not any, among the bishops who are members of the permanent synod.

§6, n. 1 In the election of the major archbishop, all and only the members of the synod enjoy active voice.

n. 2 It is forbidden for anyone other than the members of the synod to be present in the synodal hall during, the election of the major archbishop, except those clerics who are admitted as tellers or notary of the synod according to the norms of c. 71 § 1

n. 3 It is not allowed for anyone either before or during the synod to interfere (*immiscere*) in the election of the major archbishop.

§7, n. 1 All bishops lawfully convoked are bound by grave obligation to be present at the election.

n. 2 If a certain bishop considers himself detained by a just impediment he is to submit his reasons in writing to the synod. The bishops who are present at the designated place in the first session of the synod are to decide upon the legitimacy of the impediment.

§8 Once the convocation has taken place according to the canons, if two-thirds of the bishops who are obliged to be present at the synod, excluding those who are detained by a legitimate impediment, are present at the designated location, the synod is to be declared canonical and can proceed with the election.

§9 The synod in its first session shall elect the one who is to preside over the synod for the election of the major archbishop; until then the presidency is reserved to the administrator of the Syro-Malabar Major Archiepiscopal Church.

§10 The presiding bishop with the consent of the permanent synod can allow a notary, and if needed two other clerics as tellers to help the members in the proceedings with due regard for cc. 66 § § 2,3, and 71.

§11 All those who are present at the synod are bound by serious obligation of observing secrecy concerning those matters that directly or indirectly concern the balloting.

§12, n. 1 During the ballot the one who obtains two-thirds of the votes is elected major archbishop; if after five ballots no one gets the required number of votes, absolute majority would be sufficient in the sixth and seventh ballots; but if no one gets absolute majority even in the seventh ballot according to c. 183 §§ 3&4, the votes are cast in the eighth ballot for only those two candidates who have secured the highest number of votes in the seventh ballot.

n. 2 If because of a tie vote, it is not established who the candidates are for the new ballot or who has been elected, the tie is resolved in favour of him who is senior according to episcopal ordination if both are bishops, and according to the presbyteral ordination if either of them is a priest. If no one precedes the other in episcopal/presbyteral ordination as referred, the one who is senior in age.

n. 3 If the election is not carried out within fifteen days from the opening of the synod, the matter devolves upon the Roman Pontiff.

§13, n. 1 If the one who is elected is at least a legitimately proclaimed bishop, the presiding officer, or if the presiding officer is elected, the senior bishop according to the episcopal ordination, in the name of the entire synod, is immediately to communicate the election to the one who is elected according to the formula and manner decided by the synod.

n. 2 However, if the one who is elected is not yet a legitimately proclaimed bishop, secrecy is to be observed by everyone who is in any way knows the result of the election even towards the one elected. Meanwhile the synod is suspended, and the intimation is made after executing all canonical requirements for the episcopal proclamation as per cc. 184 or 185.

§14 Within two available days after the intimation the one who is elected must inform in writing whether he accepts the election. If he does not accept or does not respond within two days, he loses all the rights acquired by the election.

§15 After the acceptance by the one who is elected the synod must inform the Roman Pontiff, through a synodal letter, of the canonical conduct of the election; the one who is elected must in a letter signed in his own hand,

request the confirmation of his election from the Roman Pontiff.

§16 After having obtained the confirmation, the one who is elected must, in the presence of the synod, make a profession of faith and promise to discharge faithfully his office; after that his proclamation and enthronement are to be carried out. In case, the one who is elected is not yet an ordained bishop, the enthronement cannot validly be done before he receives the episcopal ordination. If, however, the confirmation is denied, a new election is to be conducted within the time established by the Roman Pontiff.

### **The Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church**

Art. 7 §1 The major archbishop is to convoke the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church and to preside over it.

§2 All the bishops lawfully called to the synod are bound by serious obligation to attend the same, except those who have already resigned from office.

§3 If a certain bishop considers himself detained by a just impediment, he is to submit his reasons in writing to the synod of bishops, and the bishops who are present at the beginning of the first session of the Synod are to decide upon the legitimacy of the impediment.

§4 No member of the synod can send a proxy to the synod in his place nor can anyone have more than one vote in the synod with due regard for canon 924, n. 1

### **Frequency of the Synod**

Art. 8 §1 The synod must be convoked at least once a year.

§2 The synod must be convoked whenever:

- n. 1 Matters are to be decided which belong to the exclusive competency of the synod, or which in order to be done require the consent of the synod.
- n. 2 The major archbishop with the consent of the permanent synod judges it necessary.
- n. 3 At least one-third of the members request for it in a particular case, with due regard always for the rights of the major archbishop, bishops and other persons, established by the common law.

§3 The convocation letter is to be sent to the members three months in advance; but in urgent and extraordinary circumstances the synod could be convoked at short notice with the unanimous written consent of the members of the permanent synod, or with the written consent of one-third of the members of the synod.

### **The Venue of the Synod**

Art. 9 The synod shall be convened at the residence of the major archbishop, or at any other suitable place designated by the major archbishop with the consent of the permanent synod.

### **The Procedure**

Art. 10 §1, n.1 The major archbishop presides over the synod.

n.2 If the major archbishop is impeded to attend certain sessions of the synod, the one delegated in writing by the major archbishop or if none is delegated, the one who is senior in episcopal ordination among the members of the permanent synod presides over the synod.

§2 The major archbishop is to open the synod, also, with the consent of the same synod, to transfer, prorogue, suspend, or dissolve it .

§3..After hearing the members of the synod, the major archbishop is also to prepare the agenda as well to submit it for approval of the synod at the opening session.

§4 During the synod, the individual bishops can add other topics to the agenda, provided at least one-third of the members present at the synod consent to it.

§5 After the opening of the synod, none of the bishops is permitted to depart from the sessions of the synod unless it is for a just reason approved by the synod.

§6 The major archbishop may admit sufficient number of clerics to the synodal hall to help at the proceeding of the aynod according to cc. 66 §2 & 71 §1.

§7 The synod is to decide upon the observance of secrecy regarding acts and matters dealt with in the synod, with due regard for the obligation of observing secrecy in matters established by common law.

§8 The order of procedure of the synod shall as far as possible be as follows:

n.1 Solemn opening of the synod with Holy Qurbana or a prayer service.

n.2 Introductory words by the president.

n.3 Finalization of the agenda and disposal of matters mentioned in cc. 104 §2 & 68 §2.

n.4 Discussion on the issues arising from the decisions of the previous synod and evaluation regarding the carrying out of the same.

n.5 Sessions : Discussions and deliberations.

n.6 Reading of the report of the sessions by the secretary, preferably at the beginning of each day; but at least before the conclusion of the synod.

n.7 Reading of all the decisions taken by the synod by the secretary and signing the same by all (last day).

n.8 Fixing the time and mode for the promulgation of the laws and the publication of the decisions.

n.9 Fixing the dates for the next synod.

n.10 Concluding session

### **Canonicity of the Sessions**

Art. 11 §1 With due regard for cc. 69,149 and 183 §1 any session of the synod is canonical and any individual ballot is valid if the majority of the bishops who are obliged to attend the same synod is present.

§2 With due regard for cc. 72, 149 and 183 §§3 - 4, the synodal decisions acquire the force of law according to the following norms:

n.1 when the majority of those who must be called are present, that which is decided by an absolute majority of those who are present; has the force of law; if the votes are equal the person presiding is to break- the tie with his vote.

n.2 if acquired rights of individuals are affected, the consent of the each of them is required.

n.3 regarding elections, c. 956 is to be followed.

### **The legislative Role of the Synod**

Art. 12 §1 With due regard for the provisions of common law, the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church is exclusively competent to make laws for the entire Syro-Malabar Major Archiepiscopal Church which obtain force according to the norms of c. 150 § § 2&3.

§2, n.1. the synod determines the time and manner of the promulgation of laws and the publication of decisions.

n.2. unless otherwise provided for in the decree of the promulgation, the laws are published in the official organ of the SMMAC and will have force of law two months after the date of promulgation.

§3 The acts regarding laws and decisions are to be sent to the Roman Pontiff as soon as possible; certain acts or even all of them may be communicated to the patriarchs and major archbishops of the other Eastern Catholic Churches according to the discretion of the synod.

§4 The promulgation of the laws and the publication of the decisions of the synod are the competence of the major archbishop in accordance with c. 111 §1.

### **The Judicial Role of the Synod**

Art. 13 §1 The synod of bishops, with due regard for the competence of the Apostolic See, constitute the superior tribunal within the territorial limits of Syro-Malabar Major Archiepiscopal Church.

§2 The synod shall elect by secret ballot for a five-year term, and from among its members a general moderator for the administration of justice, as well as two bishops who together with him as president shall constitute a tribunal. However,if one of these three bishops is a party in the case or is unable to be present, the major archbishop with the consent of the permanent synod is to substitute another bishop in his place; similarly, in the case where an objection has been raised against any of the judges, the major archbishop is to act in like manner with the consent of the permanent synod.

§3 This tribunal is to judge the contentious cases either of the eparchies or of bishops, even titular bishops in accordance with the statutes of the tribunal.

§4 Appeal in these cases is to be made to the synod without any further appeal, with due regard for c. 1059.

§5 The general moderator of the administration of justice has the right of vigilance over all tribunals within the territorial boundaries of the Syro-Malabar Major Archiepiscopal Church, as well as the right of deciding when objections are raised against a judge of the major archiepiscopal ordinary tribunal.

§6 An annual report of the activities of the major archiepiscopal ordinary tribunal shall be submitted to the synod of bishops.

§7 The synod may if needed erect a tribunal of first instance for several eparchies within the territorial boundary of the Syro-Malabar Major Archiepiscopal Church as per c. 1067.

### **The Administrative Role of the Synod**

Art. 14 The synod of bishops is not competent for administrative actions unless the major archbishop determines otherwise for certain actions or common law reserves some actions to the synod, with due regard for the canons that require the consent of the synod.

### **Election of Bishops**

Art. 15 §1 The synod conducts the election of bishops and candidates to the office mentioned in c. 149 according to cc. 180-189 and 947-957

§2, n.1 Candidates suitable for episcopate can be proposed only by the members of the synod of bishops. The major archbishop and the bishops shall collect information and documents that are necessary to establish the suitability of the candidates according to the special procedural norms for this purpose, hearing, if they think it appropriate, secretly and individually, certain presbyters or also other

Christian faithful outstanding in prudence and Christian life.

n.2 As a part of preparing the list of candidates every eparchial bishop may propose, every three years three suitable candidates from his eparchy.

n.3 The bishops are to report their findings to the major archbishop at a suitable time before the convocation of the synod. The major archbishop, if the case warrants it, adding his own information, transmits the matter to all the members of the synod.

n.4 The synod is to examine the names of the candidates and compile a list of the candidates by secret ballot, which is to be transmitted through the major archbishop to the Apostolic See for the assent of the Roman Pontiff.

n.5 The assent of the Roman Pontiff once given for an individual candidate is valid until it has been explicitly revoked, in which case the name of the candidate is to be removed from the list.

§3 Once the convocation has been done canonically, if, after subtracting those prevented by a legitimate impediment, two-thirds of the bishops obliged to attend the Synod of Bishops of the Major Archiepiscopal Church are present in the designated place, the synod is to be declared canonical and the election can proceed.

§4, n 1 The bishops assembled in the synod are freely to elect the one whom before all others they consider worthy and suitable before the Lord.

n.2 For election, an absolute majority of votes of those present is required; after three inconclusive ballots, the votes are cast in the fourth ballot for only those two candidates who received the highest number of votes in the third ballot.

n.3 If in the third or fourth ballots, because of a tie vote, it is not clear who the candidate is for the new balloting or who has been elected, the tie is resolved in favour of the one who is senior according to presbyteral ordination. If no one precedes the others by presbyteral ordination, the one who is senior by age.

§5, n.1 If the one elected is on the list of candidates that the Roman Pontiff has already approved, he is to be informed secretly of his election by the major archbishop.

n. 2 If the one elected accepts the election, the major archbishop is to notify the Apostolic See immediately of the acceptance of the election and of the day of proclamation.

§6 If the one elected is not on the list of candidates already approved by the Roman Pontiff, the major archbishop is immediately to notify the Apostolic See of the election in order to obtain the assent of the Roman Pontiff, secrecy being observed by all who in any way know the result of the election, even toward the one elected, until notification of the assent has reached the major archbishop.

§7, n.1 If the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church cannot be convened, the major archbishop, after consulting the Apostolic See, can request the vote of the bishops by letter. In this case, the major archbishop must employ for the validity of the act the service of two bishops as scrutineers, who are to be designated by the major archbishop with the consent of the permanent synod.

n.2 The Scrutineers, observing secrecy, open the letters of the bishops, count the votes and along with the major archbishop sign a written report about the conduct of the balloting.

n.3 If one of the candidates obtains an absolute majority of the votes of the members of the synod in this one ballot he is elected and the major archbishop proceeds according to the norms of cc 184 and 185. Otherwise the major archbishop defers the matter to the Apostolic See.

§8 The synod of bishops, fulfilling the norms of the canons on the election of bishops, is to elect at least three candidates for filling the office of eparchial bishop, coadjutor or auxiliary bishop outside the territorial boundaries of the Syro-Malabar Major Archiepiscopal Church and through the major archbishop propose them to the Roman Pontiff for appointment; secrecy is to be observed by all who in any way know the results of the election, even toward the candidates.

§9 With the consent of the synod the major archbishop is competent to give to an eparchial bishop a coadjutor or auxiliary bishop, observing the norms of cc. 181 § 1, 182 - 187 and 212.

### **Erection of provinces and Eparchies and Transfer of Bishops**

Art. 16 §1 According to the urgency and seriousness of the matter, the major archbishop can with the consent of the synod of bishops and having consulted the Apostolic See, erect provinces and eparchies, modify their boundaries, unite, divide, suppress, and modify their hierarchical status and transfer the eparchial See.

§2 With the consent of the synod of bishops the major archbishop is competent to transfer, for a grave reason, a metropolitan, eparchial bishop or titular bishop to another metropolitan, eparchial or titular See; if the one who is to be transferred refuses, the synod is to resolve the issue, or defer the matter to the Roman Pontiff.

### **Permanent Synod**

Art. 17 §1, n.1 The synod of bishops is competent to elect three of the four bishops to the permanent synod among whom at



least two must be eparchial bishops as per c.115 §§1 & 2.

- n.2 At the same time and in the same manner the synod shall elect four bishops to substitute for the impeded members of the permanent synod in rotation and in the order of seniority in episcopal ordination.

### **Financial Administration of the Church**

Art. 18 §1, n.1 The synod of bishops can call for a report on the administration of finance as well as the budget and income and expenditure from the major archiepiscopal finance officer and subject the same to its scrutiny.

- n.2 The synod shall also give necessary directives, including laws for the financial administration of the Church and the expenses of the major archiepiscopal curia.

### **Commissions**

Art. 19 The synod of bishops may examine the annual reports of the various commissions and committees appointed by the major archbishop for specific activities of the Church.

### **The Eparchial Bishops outside the Territory**

Art. 20 §1 The bishops of the Syro-Malabar Major Archiepiscopal Church constituted in Syro-Malabar eparchies outside the territorial boundaries of the Syro-Malabar Major Archiepiscopal Church, will have all the synodal rights and obligations of those within the territorial limits of the Syro-Malabar Major Archiepiscopal Church with due regard for c. 150 §2.

- §2, n.1 Laws enacted by the synod and promulgated by the major archbishop, if they are liturgical, have the force of law everywhere in the world; but the disciplinary laws and other decisions of the synod have force of law within the territorial limits of the Syro-Malabar Major Archiepiscopal Church.

- n.2 The eparchial bishops of the Syro-Malabar Major Archiepiscopal Church constituted outside the territorial limits of the Syro-Malabar Major Archiepiscopal Church, who desire to do so, can attribute the force of law to disciplinary laws and other synodal decisions in their own eparchies, provided they do not exceed their competence; If, however, these laws or decisions are approved by the Apostolic See, they have the force of law everywhere in the world.

### **The Pastoral Care of the Emigrants of the Syro-Malabar Major Archiepiscopal Church**

Art. 21 Taking into consideration the report of the major archiepiscopal visitor and the commission appointed by the major archbishop, if any, the synod shall discuss matters regarding the pastoral care of the faithful outside the territory and propose opportune means to the major archbishop and the Apostolic See so that everywhere in the world the major archbishop might provide protection and increase of the spiritual good of the Christian faithful of the Syro-Malabar Major Archiepiscopal Church, even through the erection of parishes and exarchies or eparchies.

### **Evangelization, Ecumenism and Dialogue**

Art. 22 In the light of the report the commissions set up as per cc. 585 § 2, 904 § 2 and of other commissions, if any, the synod shall take necessary steps to promote evangelization, ecumenism and dialogue.

### **The Secretary of the Synod.**

- Art. 23 §1, n.1 The synod shall have a secretary elected from among the bishops. He shall:
1. Record the minutes of the synod and submit a report of the proceedings to the synod;

2. Help the major archbishop to coordinate the activities of the various preparatory commissions of the synod;
  3. Help the major archbishop to prepare the agenda of the synod;
  4. Keep the acts and documentation concerning the synod in the archives of the major archiepiscopal curia.
  5. Be responsible also for other duties that the synod may from time to time entrust to him.
- n.2 The term of office of the secretary shall be five years, but he can be re-elected by the synod for one more term.
- § 2, n.1 The major archbishop with the consent of the permanent synod may appoint an assistant-secretary who shall be either a priest or a deacon.
- n.2 He shall help the secretary with due regard for Art. 10 §§6 & 7; and the tenure of his office shall be determined by the major archbishop in consultation with the permanent synod.

### **The Preparatory Commissions**

Art. 24 The synod of bishops shall constitute preparatory commissions as and when required.

### **Amendments**

Art. 25§ 1 The members of the synod of bishops may propose amendments to the statutes in writing and submit them to the major archbishop at least three months before the commencement of the synod.

§2 The draft of the proposed amendments shall be circulated among the members at least two months before the commencement of the synod.

§3 For amendments of the synodal statutes, two-third majority of those present and voting in the synod is required.

### **Interpretation**

Art. 26 The authentic interpretation of the laws of the synod is the competence of the synod; when the synod is not in session it is the competence of the major archbishop in consultation with the permanent synod.

### **Repeal and Savings**

Art. 27 § 1 All other laws and regulations that are not in conformity with these statutes and CCEO, shall be deemed to be repealed by this statutes, without however any retrospective effects.

§ 2. All pending proceedings as on the date of commencement of this statutes shall be decided and disposed of in accordance with these statutes.

§ 3. For those matters which are not specifically provided for in these statutes the provisions of the CCEO as well as the particular law of the Syro-Malabar Major Archiepiscopal Church and the legitimate customs prevail.

§ 4. In all other matters which are not specifically provided for herein above the synod of bishops will have the power to take decisions and such decisions shall be final.

## STATUTES OF THE PERMANENT SYNOD

### Nature

Art. 1 As an abiding expression and organ of the collegiality of the bishops of the Syro-Malabar Church, the permanent synod, which is part of the major archiepiscopal curia, helps the major archbishop in matters of ordinary administration or in expediting urgent affairs, in accordance with the law.

### Constitution

Art. 2 The permanent synod consists of five bishops of the Syro-Malabar Church, including the major archbishop as its president.

Art. 3 §1 Three of the member bishops are elected by secret ballot by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church; among these, at least two must be eparchial bishops; and the fourth is nominated by the major archbishop.

§2 These four bishops are designated for a five-year term, but may be re-elected or appointed, as the case may be, for further five-year terms.

§3 At the same time and in the same manner four bishops are designated to substitute the impeded members, in rotation and in the order of seniority in episcopal ordination. The substitutes are designated for a five-year term (c. 115 §3) and may be re-elected or nominated as the case may be, for further five-year terms.

Art. 4 The members of the permanent synod belong by law to the curia of the major archbishop.

### Convocation and Sessions

Art. 5 §1 The permanent synod is convoked at fixed times, at least twice a year, and whenever the major archbishop deems it opportune or whenever business is to be transacted for which the consent of the permanent synod is required by common law.

§2 If only counsel is required by law, the permanent synod may be consulted by phone or letter without it being convoked to gather together for a meeting at a place.

Art. 6 The major archbishop convokes the permanent synod, as a rule at least by a two weeks' notice. The agenda is sent to the members well in advance.

Art. 7 In order to prevent undue inconvenience in convoking the permanent synod as far as possible, the members are to inform the major archbishop of their foreseeable absences in well in advance together with the information where and how they can be contacted.

Art. 8 §1 The major archbishop presides over the sessions of the permanent synod.

§2 If the major archbishop is impeded from attending the permanent synod, its sessions are presided over by the bishop who is senior by episcopal ordination after the number of members has been restored to five according to the norm of art. 3 §3.

Art. 9 When a business is transacted concerning the person, office or eparchy of a member bishop, he is to be heard, but in the permanent synod another bishop substitutes for him according to the norm of art. 3 §3.

Art. 10 The voting is by secret ballot when persons are concerned; in other cases, if at least one of the members expressly requests it.

Art. 11 If a business is to be transacted belonging to the competence of the permanent synod when the Synod of Bishops of the Syro-Malabar Church is in session, the decision is reserved to the permanent synod, unless with its consent the matter is committed by the major

archbishop to the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church.

Art. 12 The chancellor of the major archbishop functions as the secretary of the permanent synod. He has the responsibility of preparing the minutes of the sessions of the synod, unless in a particular case some other person is lawfully appointed for this purpose.

Art. 13 §1 After the president the members of the permanent synod have to put their signature to the acts of the synod.

§2 The minutes of a session are regarded as approved by the permanent synod, if the majority of the members present have passed it and the president and the secretary have signed it.

### Competence

Art. 14 In all matters which concern the entire Syro-Malabar Church over which he presides or in more serious as well as urgent matters, the major archbishop shall not fail to hear the permanent synod; similarly the permanent synod is to be ready to cooperate with him whenever its counsel or consent is sought as per norms of law.

Art. 15 In the event of the vacancy of the major archiepiscopal see, the senior bishop according to episcopal ordination among the members of the permanent synod becomes the administrator of the Major Archiepiscopal Church.

Art. 16 The permanent synod is to audit the annual accounts and pass the annual budget submitted by the major archiepiscopal finance officer.

Art. 17 The permanent synod is to be consulted by the major archbishop in the following cases:

- n.1 to admonish an eparchial bishop who does not faithfully fulfil his pastoral function or has gravely transgressed in some matter, unless there is danger in delay;
- n.2 to give an authentic interpretation of the laws enacted by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church;

- n.3 to determine the rights and obligations of a coadjutor bishop appointed by the major archbishop as per norms of c. 213 §2;
  - n.4 to appoint the administrator of an eparchy within a month of useful time from the reception of notice of the vacancy of the eparchial see, if there are no curial bishops for consultation;
  - n.5 to appoint a new eparchial finance administrator during the vacancy of the eparchial see or to have him elected when an eparchial finance administrator has ceased from office in any manner whatever, if there are no curial bishops for consultation;
  - n.6 to erect or approve an association which is open to all the christian faithful of the Syro-Malabar Church and which has its headquarters within the territorial boundaries of the same Major Archiepiscopal Church;
  - n.7 to suppress juridical persons that were erected or approved by the major archbishop, except for cases mentioned in common law;
  - n.8 to alienate the temporal goods of the Major Archiepiscopal Church, or that of the eparchy of the major archbishop, whose value is between the minimum and the maximum amount fixed by the Synod of Bishops;
  - n.9 to permit an eparchial bishop who cannot establish a collegiate tribunal to entrust to a single clerical judge cases for trial in the first instance;
  - n.10 to permit the appointment of non-clerical christian faithful as judges so that when necessary one of them may be employed to form a collegiate tribunal.
  - n.11 to act in other matters which require the consultation with the permanent synod as per common law and particular law.
- Art. 18 The consent of the permanent synod is needed in the following cases:
- n.1 for the administrator of the Major Archiepiscopal Church to convene the Synod of Bishops of the Syro-Malabar Major

- Archiepiscopal Church for the election of the new major archbishop, in a different place than the major archiepiscopal residence;
- n.2 for the major archbishop to conduct, for a grave reason either personally or through another bishop, an equipollent canonical visitation of an eparchy, a town or a church, apart from the regular pastoral visitation of the eparchies at the times fixed by particular law;
  - n.3 to erect, modify or suppress exarchies;
  - n.4 to exempt from the power of an eparchial bishop a place or a juridical person and subject it immediately to the major archbishop in accordance with c. 90;
  - n.5 to reserve to the major archbishop himself matters that concern several eparchies and involve the civil authorities, in accordance with c. 100;
  - n.6 to invite to the Synod of Bishops of the Major Archiepiscopal Church those who are not its members, in accordance with c. 102 § 3;
  - n.7 to convoke the Synod of Bishops of the Major Archiepiscopal Church outside the times prescribed by law if the major archbishop deems it necessary;
  - n.8 to nominate the major archiepiscopal finance administrator;
  - n.9 to remove from office the major archiepiscopal finance administrator during the term of office, if there is danger in delay;
  - n.10 to convoke the major archiepiscopal assembly outside the prescribed time if it is considered useful and necessary;
  - n.11 to designate two bishops as scrutineers for the election of bishops by letter when the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church cannot be held;

- n.12 to accept the resignation of an eparchial bishop unless he was invited by the Synod of Bishops of the /syro-Malabar Major Archiepiscopal Church to tender his resignation;
- n.13 to remove from office the administrator of an eparchy;
- n.14 to provide for the governance of an eparchy when the eparchial see is impeded in accordance with c. 233 §1;
- n.15 to appoint an exarch;
- n.16 to give the faculty to an institute or association to ascribe clerics;
- n.17 for the administrator of the Major Archiepiscopal Church to effect or permit the ascription of a cleric to an eparchy, or the issue of a dimissorial letter to terminate clerical ascription, or the granting of permission to a cleric to move out to another eparchy while retaining his ascription;
- n.18 to remove from the clerical state, if there is danger in delay, clerics who do not ask for a dispensation from their obligation to celibacy, in accordance with c. 397;
- n.19 to suppress a monastery that is not of pontifical law, whether it is *sui iuris* or is a filial monastery, whether it is of eparchial law or of major archiepiscopal law, in accordance with c. 438 §1;
- n.20 to dispose of the property of a suppressed monastic confederation;
- n.21 to grant the status of a stauropegial monastery to a new monastery in the act of its erection;
- n.22 to erect a religious order or congregation of major archiepiscopal law;
- n.23 to raise a congregation of eparchial law that has spread to several eparchies in the territory of the Syro-Malabar Church to the status of a congregation of major archiepiscopal law;
- n.24 to suppress a congregation of eparchial law or of major archiepiscopal law, although consisting of a single house, in accordance with c. 507 §2;

- n.25 to suppress associations other than those erected or approved by the Apostolic See, in accordance with c. 583 §2;
- n.26 to alienate or to transfer perpetually to another church well-known relics, icons or images kept in some church and are held in great veneration by the people;
- n.27 to authorize the alienation of the temporal goods of an eparchy or of any other juridical person situated within the territorial boundaries of the Syro-Malabar Major Archiepiscopal Church, whether it is subject to an eparchial bishop or not, and although it is of pontifical law, if the value of goods exceeds the maximum amount fixed by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church but is not double;
- n.28 to alienate the temporal goods of the Syro-Malabar Major Archiepiscopal Church, if the value of the goods exceeds the maximum amount fixed by the synod of bishops but is not double;
- n.29 to reduce, moderate or commute the dispositions of Christ's faithful who give or leave their goods to pious causes;
- n.30 to substitute with another bishop if one of the three bishops of the synodal tribunal is party in a case, or is unable to be present, or if any of them has been objected to;
- n.31 to appoint auditors, promoter of justice and the notary of the superior tribunal of the Syro-Malabar Major Archiepiscopal Church.
- n.32 to appoint the president, the judges, the promoter of justice, the defenders of bond as well as other necessary officials of the major archiepiscopal tribunal;
- n.33 to threaten by precept the penalties of deprivation of office, of title, of insignia or suspension beyond one year, demotion to a lower grade, deposition or major excommunication.
- n.34 to act in other matters which require the consent of the permanent synod as per common law or particular law.

### **General and Transitory Norm**

Art. 19 - These statutes may be amended by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church by an absolute majority of the votes of the members present and voting in a valid session.

## STATUTES OF THE SUPERIOR TRIBUNAL

### Nature

Art. 1 §1 The Synod of Bishops of the Syro-Malabar Church possesses, besides a legislative function and some executive function also a judicial function. In the exercise of its judicial function the same synod is a tribunal according to the norm of law (CCEO c. 110 §2). Its ministry of justice is exercised within the territory of the Syro-Malabar Church and subject to the vigilance of the Supreme Tribunal of the Apostolic Signatura, Rome.

§2 The Synod of Bishops of the Syro-Malabar Church is the superior tribunal of the Syro-Malabar Church. The synod exercises its judicial function either in full session or, ordinarily and in the first instance, through an elected portion of the same synod constituted as a tribunal, which represents the synod and actualizes its judicial function. The latter tribunal is called synodal tribunal in the present statutes.

### Constitution

Art. 2 The synodal tribunal of the Syro-Malabar Church is a collegiate tribunal of three judges established by the synod of bishops of the same Church.

Art. 3 The synod of bishops elects by secret ballot one of its members as the general moderator of the administration of justice in the Syro-Malabar Church and two other members as judges to form the synodal tribunal with him as the president. Regarding their substitutes, Art. 12 is to be followed.

### Competence

Art. 4 The synodal tribunal is competent to exercise the ministry of justice in the entire territory of the Syro-Malabar Church.

Art. 5 The synodal tribunal is competent to judge in the first instance contentious cases concerning eparchies, archieparchies, bishops whether eparchial or titular, and metropolitans.

Art. 6 The synodal tribunal may call upon the assistance of the major archiepiscopal tribunal or indeed of any other tribunal of any Church *sui iuris* in carrying out certain procedural acts, especially in collecting evidence, excepting always those acts which involve the decisions of the judges.

### The Composition and Officials in General

Art. 7§1 The synodal tribunal is composed of the following officials:

- three judges,
- auditors,
- a promoter of justice,
- a notary.

§2 The three judges are appointed in accordance with Art. 3.

§3 The auditors, promoter of justice and the notary are nominated by the major archbishop with the consent of the permanent synod.

Art. 8 - The officials mentioned in art. 7 are appointed for a period of five years, which is renewable following the same procedure.

Art. 9 §1 All the officials of the synodal tribunal, as well as those who assist it, must make a promise that they will fulfil their office faithfully.

§2 This promise is made before the major archbishop by the officials as well as their substitutes; before the presiding judge by the others.

Art. 10 §1 The judges of the synodal tribunal act collegially, conscious of representing the Synod of Bishops of the Syro-Malabar Church and with the utmost sense of responsibility when they are called upon to

judge their colleagues in the episcopal college, the sanctity of which they are to defend by condemning the offenders.

§2 If the judges themselves are found guilty of canonical offences, they are to be denounced to the Apostolic Signatura by the major archbishop after consulting the permanent synod; their resignation can be accepted by the major archbishop alone.

§3 Officials other than the judges and those who assist the tribunal, if found guilty of canonical offences, may be punished with suitable penalties by the presiding judge.

§4 The promoter of justice and the notary and their substitutes can be removed from office by the major archbishop with the consent of the permanent synod; their resignation can be accepted by the major archbishop alone.

### **Officials of the Synodal Tribunal in Particular**

Art. 11 The president of the synodal tribunal is *primus inter pares* among the judges of the tribunal.

Art. 12 §1 If one of the three judges is party in a case, or is unable to be present for whatever reason, or if any of them has been objected to, the major archbishop with the consent of the permanent synod substitutes another bishop. For this purpose the permanent synod may designate a panel of three substitutes from among the members of the synod of bishops for a period of three years, from whom one may be appointed by the major archbishop when the above said need arises.

§2 Substitutes of the promoter of justice or of the notary are nominated by the major archbishop with the consent of the permanent synod.

Art. 13 - From the roster of auditors approved by the major archbishop with the consent of the permanent synod, the president of the synodal tribunal may appoint auditors to instruct particular cases.

Art. 14 §1 As promoter of justice is appointed a presbyter of unimpaired reputation, who holds at least a licentiate in canon law, and proven in prudence and zeal for justice.

§2 The promoter of justice as well as the notary may fill the same offices respectively in the major archiepiscopal tribunal.

Art. 15 It is for the promoter of justice to represent and to be concerned with the public good connected with the eparchies. In particular,

- n.1 in the matter of complaints lodged against bishops or eparchies, he helps the major archbishop as required in deciding between the administrative way and the judicial way;
- n.2 when public good is at stake, which cannot be safeguarded otherwise, he initiates contentious cases against eparchies or eparchial bishops.

Art. 16 §1 It is for the notary to make a record of all the judicial acts.

§2 The notary is entrusted with the chancery of the tribunal and has the responsibility of registering the cases presented to the synodal tribunal, of preserving all the judicial acts and other documents in the archives of the tribunal, of making their copies and of mailing them. He (she) is directly responsible before the president of the tribunal.

§3 The notary is preferably to hold a licentiate in canon law.

### **Advocates and Attorneys**

Art. 17 §1 The synodal tribunal is served by a number of advocates and attorneys (procurators or proxies) approved for the purpose by the major archbishop. Their services may be enlisted by the parties, who are however free to conduct their cases personally, unless the judge decrees that the services of an attorney or of an advocate are necessary.

§2 Before entering upon their office they have to make a promise before the president of the tribunal that they will fulfil their duties faithfully.



Art. 18 §1 Advocates and attorneys must be persons of good reputation. All advocates must have a doctorate in canon law or be otherwise truly expert and must have the approval of the major archbishop. Generally the advocates and attorneys are those on the roster of the major archiepiscopal (ordinary) tribunal.

§2 A party may choose a suitable attorney who is not an advocate.

Art. 19 §1 Advocates and attorneys must observe the norms of canon law and of the statutes of the synodal tribunal.

§2 Those who have violated them may be censured, fined or suspended by the president of the synodal tribunal, or even entirely debarred with the assent of the major archbishop.

### **The Procedure in the Synodal Tribunal**

Art. 20 §1 The synodal tribunal, especially its president, is to strive earnestly, with due regard for justice, to ensure that lawsuits among the people of God are as far as possible avoided or are settled peacefully at the earliest by other means such as arbitration or, in controversies arising out of the exercise of the power of governance, through recourse to the higher authority in accordance with cc. 996-1006.

§2 At the beginning of the litigation, and indeed at any other time whenever some hope of a successful outcome is perceived, the president of the synodal tribunal is not to fail to exhort and to assist the parties to seek an equitable solution to their controversy by exchange of views; the president is also to indicate suitable ways of reaching the goal, even making use of the services of serious-minded persons to mediate.

§ 3. If the judicial procedure is unavoidable, the synodal tribunal follows the procedure prescribed in CCEO for contentious trials, under the supervision of the president of the same tribunal.

Art. 21 §1 The synodal tribunal holds its sessions ordinarily at the headquarters of the major archiepiscopal curia. If the case warrants otherwise, the president of the synodal tribunal, having consulted the

other judges, can determine any other convenient place within the territory of the Syro-Malabar Church, with due regard for c. 1128.

§2 As regards the time for holding the sessions, the president of the synodal tribunal determines it, after having consulted the other judges and heard the parties.

Art. 22 §1 If an exception of suspicion is raised against a judge, it is to be decided by the major archbishop with the consent of the permanent synod.

§2 If an exception of suspicion is raised against another official, it is to be decided by the president of the synodal tribunal.

Art. 23 §1 Appeal from the synodal tribunal is to the Synod of Bishops of the Syro-Malabar Church as the superior tribunal.

§2 Appeal from a sentence of the synodal tribunal is to be requested with a petition presented to the president of the same tribunal. If the claim to appeal is lawful, the presiding judge is to issue a rescript: "The appeal is admitted; further proceeding is to be notified to the court." If the claim is rejected, reasons are to be given in writing. If the rejection is contested, §1 is to be followed in accordance with c. 1313.

### **Procedure in the Superior Tribunal**

Art. 24 The Synod of Bishops of the Syro-Malabar Church sits as the superior tribunal in receiving an appeal from the synodal tribunal, and proceeds in accordance with cc. 1309-1321.

Art. 25 The synod is convoked and presided over according to its statutes; the major archbishop may, however, delegate someone else to preside over its sessions with the powers of the presiding judge as long as the synod functions as the superior tribunal.

Art. 26 Except the parties of the synodal tribunal, every lawful member of the synod of bishops, not excluding the three judges of the synodal tribunal, is a judge of the superior tribunal.

Art. 27 §1 The president of the superior tribunal nominates one of the members as the *ponens* of the case.

§2 The secretary of the synod of bishops functions as the notary.

§3. A promoter of justice may be appointed *ad casum*, if deemed necessary by the president of the superior tribunal.

Art. 28 Mindful of the fact that the members of the superior tribunal are obliged to pronounce their sentence sincerely, the president of the same tribunal is to ensure that they have complete freedom in expressing their mind. Wherefore,

- n.1 he asks the accused bishop, if present in the hall, to leave the hall for the time needed for the bishops to express and exchange their views freely;
- n.2 when he is readmitted, he asks the notary to read out the charges against him as formulated by the bishops, giving him full freedom to respond and to defend himself.

Art. 29 The superior tribunal entrusts three of its members to draw up the sentence, either singly or preferably in a unified text, in accordance with cc. 1290-1297 with the necessary adaptations. After the discussion of this text or these texts by all the members, the sentence of the superior tribunal is to be formulated by the *ponens* for the final voting of the same tribunal by secret ballot.

Art. 30 The sentence is to be intimated in accordance with cc. 1297-1299.

Art. 31 There is no appeal against the sentence of the superior tribunal, except for deferral to the Roman Pontiff but with effect in *devolutivo* only in accordance with c. 1059.

### **Judicial Expenses and Gratuitous Legal Aid**

Art. 32 As regards the judicial expenses and gratuitous legal aid, besides the cc. 1334-1336 of CCEO, appendix II must be observed.

Art. 33 The eparchies of the Syro Malabar Church contribute towards the expenses of the synodal tribunal and the superior tribunal, especially for the remuneration of the officials, as determined by the synod of bishops.

Art. 34 The rates of fees for judicial services, determined by a decree of the major archbishop and renewed periodically, are as per schedule annexed to these statutes. This schedule is to be made known to the party at the presentation of the libellus introducing a suit.

### **General and Transitory Norms**

Art. 35 §1 A doubt about the meaning of any of the articles regarding the synodal tribunal is to be resolved by the president of the same tribunal in consultation with the two judges on the bench; if it is not resolved, it may be submitted to the major archbishop for an authentic interpretation as per CCEO c. 112 §2.

§2 A doubt about the meaning of any of the articles regarding the superior tribunal is resolved by the same tribunal.

Art. 36 Amendments to these statutes may be effected by the Synod of Bishops of the Syro-Malabar Church with the favourable vote of more than half its members, always with due regard for the norms of CCEO.

## **Appendix I**

### **The General Moderator of the Administration of Justice**

The general moderator of the administration of justice in the Syro-Malabar Church is *ex officio* the president of the synodal tribunal. He keeps vigilance over the major archiepiscopal tribunal and other lower tribunals. In particular,

- n.1 he sees to it that a tribunal of first instance is duly established in every eparchy within the territory of the Syro-Malabar Church and that the judicial process is conducted properly;
- n.2 if an eparchy is not able to establish its own tribunal, he advises the major archbishop to erect an intereparchial tribunal with the consent of the eparchial bishops concerned;
- n.3 he is to ensure that the officials of the lower tribunals are well qualified and able to handle the judicial process efficiently; and where qualified personnel is wanting, he is to take measures that they are duly prepared;
- n.4 he is to keep watch that justice is rendered promptly and that cases are not prolonged unduly beyond one year in the first instance and six months in succeeding instances;
- n.5 he is to visit personally or through another the lower tribunals and inspect their working at least once every three years; normally he does so after issuing a one month notice.
- n.6 he is to keep the Synod of Bishops regularly informed about the administration of justice within the territory of the Syro-Malabar Church;
- n.7 he is to submit to the major archbishop at the beginning of the year an annual report about the administration of justice within the territory of the Syro-Malabar Church.

## Appendix II

### Rates of Judicial Expenses

(Art.32)

Fee for first instance	:	Rs. 5000/-
Fee for second instance	:	Rs. 2000/-
Fee for advocates	:	Rs. 2000/-

Additional expenses, if any, will have to be paid by the parties before the publication of the sentence.

## STATUTES OF THE MAJOR ARCHIEPISCOPAL TRIBUNAL

### Art. 1 Nature

The major archiepiscopal tribunal is a collegiate tribunal, erected in accordance with c. 1063 of CCEO, to exercise the ministry of justice within the territory of the Syro-Malabar Church. It serves especially as a tribunal of appeals from metropolitan tribunals, though it is competent also to adjudicate cases in the first instance according to the norm of law. It is subject not only to the vigilance of the Supreme Tribunal of the Apostolic Signatura, Rome, but also to the immediate vigilance of the general moderator of the administration of justice of the Syro-Malabar Church in accordance with c. 1062 of CCEO and the norms of the statutes of the superior tribunal of the Syro-Malabar Church. The major archiepiscopal tribunal is regulated by the following statutes, and is governed by the common law, especially as contained in CCEO.

### Constitution

Art. 2 The major archiepiscopal tribunal is the ordinary tribunal of the Syro-Malabar Church, and is composed of a certain number of judges and a suitable number of other officials appointed by the major archbishop in accordance with the statutes.

### Competence

Art. 3 The major archiepiscopal tribunal is competent to exercise the ministry of justice in the entire territory of the Syro-Malabar Church.

Art. 4 The major archiepiscopal tribunal is a tribunal of appeal from the metropolitan tribunals. It is competent in the following cases:

n.1 to judge in second and third instance, cases judged in first instance by the metropolitan tribunals;

n.2 to judge in third instance, cases judged in second instance by the metropolitan tribunals, which are competent to receive cases judged in first instance by the eparchial tribunals of their respective provinces;

n.3 to receive recourses from the metropolitan tribunals;

n.4 to receive recourses and appeals from inter-eparchial tribunals in accordance with c. 1067 §5.

Art. 5 The major archiepiscopal tribunal is competent to judge in the first and in succeeding instances the cases:

n.1 of exarchs and delegates of the major archbishop who are not bishops;

n.2 of physical persons below episcopal rank who are immediately subject to the major archbishop;

n.3 of juridical persons immediately subject to the major archbishop;

n.4 of institutes of consecrated life of pontifical right, not excluding the exempt institutes, with due regard for c. 1069;

n.5 of superiors of institutes of consecrated life of pontifical right, who do not have a superior of the same institute with judicial power;

n.6 of the supreme moderators and other major superiors of institutes of consecrated life of major archiepiscopal right;

n.7 of persons whether physical or juridical of the same institute of consecrated life, except secular institutes, in which though the superiors possess the power of governance, no judge or tribunal has been determined in the typicon or the statutes of the institute;

n.8 of persons whether physical or juridical, which, in special cases, the major archbishop may lawfully commit to the tribunal, especially as a help to eparchial bishops.

Art. 6 In order to carry out certain procedural acts, especially in collecting evidence, the major archiepiscopal tribunal has the right to

call upon the assistance of another tribunal of any Church, in accordance with c. 1071.

### **The Composition of the Tribunal and Officials in General**

Art. 7 §1 The major archiepiscopal tribunal consists of the following officials: the president, the judges, the promoter of justice, the defenders of bond, the notaries, and others nominated as needed especially as auditors or substitutes.

§2 The officials are chosen representing as far as possible the entire territory of the Syro-Malabar Church, though they may be selected from elsewhere also.

§3 It is the responsibility of the eparchial bishops and of the supreme moderators of institutes of consecrated life to propose and to make available suitable candidates to the offices of the major archiepiscopal tribunal, seeing that through it the Church carries out the ministry of justice.

Art. 8 §1 The officials are nominated by the major archbishop with the consent of the permanent synod after having consulted their eparchial bishops if they are eparchial clerics, their major superiors if they belong to institutes of consecrated life.

§2 If officials are selected from another Church *sui iuris*, the written consent of their eparchial bishops is required for eparchial clerics; of their major superiors, if they belong to institutes of consecrated life.

Art. 9 §1 The officials belong to the major archbishop's curia, including those who do not actually reside there; and they are immediately subject to him.

§2 At least the president of the major archiepiscopal tribunal and one notary are, as a rule, to reside in the major archbishop's curia.

Art. 10 All the officials, especially the nonresident ones, are to be free from other engagements to be able to devote due time to fulfil their office properly.

Art. 11 §1 All those who constitute the major archiepiscopal tribunal, or assist it, must make a promise that they will fulfil their task faithfully.

§2 This promise is made before the major archbishop by the president, the judges, the promoter of justice, the defenders of bond, the notaries, as well as their substitutes; before the presiding judge by others.

Art. 12 With due regard for art. 15, and except when a judge or a defender of bond is appointed for individual cases only, the officials are appointed for a definite term of five years; with the consent of the permanent synod, the major archbishop can prorogate their appointment or renew their term of office.

Art. 13 §1 Officials of the tribunal and those who assist it, if found guilty of canonical offences, may be punished with suitable penalties by the judge or the president of the bench; the judges themselves guilty of canonical offences may be punished with suitable penalties by the major archbishop after consulting the general moderator of the administration of justice, and with due regard for §2.

§ 2. The president, the judges, the promoter of justice, the defender of bond and their substitutes cannot be removed during their tenure of office except by the synod of bishops and only for a serious reason; their resignation can be accepted by the major archbishop alone.

§3 Officials other than those mentioned in §2 may be removed from office by the major archbishop with the consent of the permanent synod; their resignation can be accepted by the major archbishop alone.

Art. 14 Officials retire at the age of seventy-five years completed. Retiring judges become *emeriti* if they have served at least for ten years.

Art. 15 Officials whose term of office has expired continue in office till the expiry of their term is intimated to them in writing.

### Officials in Particular

Art. 16 At the head of the major archiepiscopal tribunal is its president. As the moderator of the major archiepiscopal tribunal, the president has the responsibility to ensure its proper functioning in accordance with the statutes of the tribunal; in particular he must see to it that all the other officials and others who assist it discharge their tasks properly.

Art. 17 There can be one or more vice-presidents who in the absence of the president, or when he is impeded, takes his place in the order of precedence.

Art. 18 §1 The judges of the major archiepiscopal tribunal must be presbyters of unimpaired reputation, possess at least a licentiate in canon law, and be persons proven for their prudence and zeal for justice. Preferably, they should be persons of mature age and experienced in jurisprudence.

§2 The major archbishop, with the consent of the permanent synod, may nominate as judges others also who are not presbyters but have the other qualifications mentioned in §1. From among them, as need arises, one can be taken by the president to form a collegiate tribunal.

§3 From a roster of auditors approved by the major archbishop with the consent of the permanent synod, the president of the major archiepiscopal tribunal may appoint auditors to instruct particular cases.

Art. 19 Auditors and judges are to ensure that, with due regard for the rights of the parties, cases are speedily brought to their completion.

Art. 20 §1 The seniority of the judges is determined by the date of their appointment; in case of appointment on the same date, by the priority of their ordination; and failing even this to be decisive, by their age.

§2 After the president, the judges sit in the order of their seniority.

Art. 21 §1 Judges guilty of canonical offences may be admonished by the general moderator of the administration of justice of the Syro-Malabar Church.

§2 In more serious cases, they may be fined or suspended by the major archbishop. A special tribunal of three or more judges is to be set up for this purpose by the major archbishop.

§3 In very serious cases, they may even be removed from office by the synod of bishops.

Art. 22 §1. The promoter of justice and the defenders of bond may be chosen not only from among clerics but also from members of institutes of consecrated life or lay people; they must be of unimpaired reputation, hold at least a licentiate in canon law, and must be persons proven for prudence and zeal for justice.

§2 Preferably, they are to hold a doctorate in canon law, be persons of mature age and be experienced in jurisprudence.

§3 In cases about sacred ordination, the defender of bond is to be preferably a priest.

§4 The promoter of justice is appointed substitute defender of bond; and the defender of bond is appointed substitute promoter of justice. They cannot, however, fill both the roles in the same case.

Art. 23 §1 It is for the notaries to make a record of all judicial acts.

§2 One of the notaries, who is entrusted with the chancery of the tribunal and who may be called the registrar or chancellor of the tribunal, has the responsibility of registering the cases presented to the tribunal, of preserving all the judicial acts and other documents in the archives of the tribunal, of making their copies and of mailing them. The registrar has also the charge of the tribunal library. He (she) is directly responsible before the president of the tribunal.

§3 One of the notaries, who may be the registrar, is also entrusted with the responsibilities of the treasurer.

§4 The notaries are preferably to hold a licentiate in canon law.

### **Advocates and Attorneys**

Art. 24 §1 The major archiepiscopal tribunal is served by a number of advocates and attorneys (procurators or proxies) approved for the purpose by the major archbishop. Their services may be enlisted by the parties, who are however free to conduct their cases personally, unless the judge decrees that the services of an attorney or of an advocate are necessary.

§2 Before entering upon their office they have to make a promise before the president of the tribunal that they will fulfil their duties faithfully.

Art. 25 Advocates and attorneys must be persons of good reputation. All advocates must have at least a licentiate in canon law or be otherwise truly expert.

Art. 26 §1 The major archiepiscopal tribunal avails itself of the services of a certain number of experienced advocates and attorneys enrolled on a permanent basis on its roster and remunerated.

§2 They are obliged to render their services free of charge to the poor who are declared by the judge eligible for gratuitous legal aid. It is for the president of the tribunal to see to it that the assignment of such “pro bono” cases is done in rotation, so that each advocate approved for the tribunal obtains a fair share of this work.

§3 A party may choose a suitable attorney who is not an advocate.

Art. 27 Advocates and attorneys must observe the norms of canon law and of the statutes of the major archiepiscopal tribunal. Those who have violated them may be censured by the president of the major archiepiscopal tribunal, fined or suspended with the consent of the general moderator, or even entirely debarred with the assent of the major archbishop.

### **The Procedure**

Art. 28 §1 The major archiepiscopal tribunal follows the procedure prescribed in CCEO, under the supervision of the president of the same tribunal.

§2 It is the responsibility of the same president to prepare the judicial calendar determining the periods for the sessions of the tribunal.

Art. 29 §1 The president of the major archiepiscopal tribunal sets up the tribunals, in respect of which he has the powers of the judicial vicar, mentioned in cc. 1090 & 1091.

§2 While setting up a collegiate tribunal, the same president nominates also the president of the bench, and follows the order of successive benches of judges (*turnus*) on the stable list.

Art. 30 §1 In cases in which the law requires a collegiate tribunal of three judges, the judges of the major archiepiscopal tribunal sit in benches of three in the first, the second and the third instances.

§2 A full bench of five judges may sit for an instance in exceptionally serious cases, as the major archbishop may decide.

Art. 31 §1 Appeal from one bench is lodged at the bench that immediately follows it, without prejudice to Art. 30 §2.

§2 Appeal is to be requested with a petition presented to the presiding judge of the tribunal which issued the sentence. If the claim to appeal is lawful, the presiding judge is to issue a rescript: “The appeal is admitted; further proceeding is to be notified to the court.” If the claim is rejected, reasons are to be given in writing. If the rejection is contested, §1 is to be followed in accordance with c. 1313.

Art. 32 §1 A person who has taken part in a case as judge, promoter of justice, defender of bond, procurator, advocate, witness or expert, cannot afterwards in another instance of the trial validly resolve the same case as a judge or act as an assessor in the same instance.

§2 If the case was heard in the first instance collegially, likewise in appeal it is to be tried collegially and not by a lesser number

of judges. If it was heard by a single judge, likewise in appeal it is to be tried by a single judge, except in cases concerning the bond of sacred ordination or of marriage and in penal cases for offences entailing the penalty of major excommunication, privation of office, reduction to a lower degree of sacred orders, or of deposition from the clerical state or from an ecclesiastical office.

Art. 33 It is for the major archbishop to prescribe, out of concern for the public good, the intervention of the promoter of justice in noncriminal cases, unless the intervention is required by the law itself or is evidently necessary by the nature of the matter.

Art. 34 §1. An exception of non-confidence or prejudice raised against the promoter of justice or defender of bond is decided in tribunal by the president, or by the judge in case of a single judge; such an exception raised against a judge is decided by the general moderator of the administration of justice.

§2 It is for the president of the major archiepiscopal tribunal to nominate the substitutes for those excepted, and also when a judge or promoter of justice or defender of bond is obliged to refrain from acting in accordance with c. 1106.

### **The Order of the Trial**

Art. 35 §1 The bill of complaint or libellus introducing the suit before the major archiepiscopal tribunal, or an appeal to it, is addressed to the major archbishop, but is to be submitted to the chancery of the tribunal.

§2 It is to be written in the prescribed form on the stamped paper of the major archiepiscopal tribunal.

Art. 36 §1 In case of appeals to the major archiepiscopal tribunal, the judge whose sentence is appealed must transmit three copies of the acts duly authenticated by the notary.

§2 If the appeal is lodged by the defender of the bond or by the promoter of justice, it can be renounced by the defender of the bond or by the promoter of justice of the major archiepiscopal tribunal, unless a common law provides otherwise.

Art. 37 If it emerges during a trial that in a lower grade of trial the summary process was followed in a case excluded by law, the major archiepiscopal tribunal must declare the nullity of the sentence and remand the case to the tribunal which passed it; if the discovery is made before the bench has been constituted, the declaration of nullity is made in a summary contentious process.

Art. 38 It is for the president of the respective bench to determine on what day and at what hour the judges are to gather for their deliberation, at which no one else may be present.

Art. 39 As regards the defense briefs and the number of copies to be submitted, the directives of the presiding judge are to be followed.

Art. 40 The conclusions of the judges and the sentence of the tribunal must be written in English.

Art. 41 It is the duty of the relator or *ponens* to write the sentence, drawing the reasons from those which the individual judges brought out in the discussion, unless a majority of the judges decide which reasons are to be preferred. Afterwards the sentence is to be submitted for the approval of the individual judges.

Art. 42 §1 The permanent time-table of the major archiepiscopal tribunal, after approval by the major archbishop, is annexed to these statutes as a schedule

§2 The annual time-table is prepared by the president of the major archiepiscopal tribunal after due consultation. A copy of it is to be exposed to the public view at the office of the tribunal.

§3 On the vacancy of the major archiepiscopal see, the major archiepiscopal tribunal does not cease; however, the tribunal goes into recession for three days. If needed, this period of recession may be prolonged for a few more days by the general moderator of the administration of justice.



### Judicial Expenses and Gratuitous Legal Aid

Art. 43 As regards the judicial expenses and gratuitous legal aid, besides observing the cc. 1334-1336, each case shall be considered on its own merit.

Art. 44 The eparchies of the Syro-Malabar Church contribute towards the expenses of the major archiepiscopal tribunal, especially for the remuneration of the officials, as determined by the synod of bishops.

Art. 45 The rates of fees for judicial services, determined by a decree of the major archbishop and renewed periodically, are as per schedule annexed to these Statutes. This schedule is to be made known to the party at the presentation of the *libellus* introducing a suit.

### Concluding and Transitory Norms

Art. 46 §1 An annual report about the major archiepiscopal tribunal is to be submitted in January every year by the president of the tribunal to the general moderator of the administration of justice. Two copies are to be submitted, one of which, with his own comments, is to be forwarded to the major archbishop by the general moderator.

§2 An annual report about the major archiepiscopal tribunal is to be submitted in January every year by the president of the tribunal also to the Apostolic Signatura.

Art. 47 If a doubt about the meaning of any of the articles of the statutes of the major archiepiscopal tribunal is not resolved by the bench in session, it may be submitted to the president of the major archiepiscopal tribunal, who together with the vicepresident, or another judge, and the bench in question seeks to resolve it. If the doubt still persists, it is to be submitted to the major archbishop for an authentic interpretation.

Art. 48 Amendments to these statutes may be proposed, after consultation with at least two other judges, by the president of the major archiepiscopal tribunal through the general moderator of the administration of justice to the major archbishop. Amendments are

decreed by the Major Archbishop, always with due regard for the norms of CCEO.

Art. 48 - These Statutes enter into force on the day they are promulgated.

## STATUTES OF THE MAJORARCHIEPISCOPAL ASSEMBLY

### Preamble

The Major Archiepiscopal Assembly of the Syro-Malabar Church is the gathering together of a representative cross-section of the same Church, integrating the spirit and dynamism of the ancient ecclesial institution of the Thomas Christians called *yogam*. In it is restored and updated that organ in fidelity to the tradition of the universal Church and in obedience to the legislation given by the Roman Pontiff to the Eastern Catholic Churches (*Code of Canons of the Eastern Churches*, canons 140-145), so that it is made to correspond to the changed historical situation and the new hierarchical status of the Syro-Malabar Church.

United in the spirit of prayer and reflection, and proclaiming and celebrating the great things God has done to the Church and through the Church, this Assembly strives to realize the high ideal of the Apostolic Church of one heart and one soul in fidelity to its own apostolic origins. Through mutual sharing of ideas, experiences and spiritual gifts (1 Cor 12: 4, 28; Eph 4:11) it seeks closer ecclesial integration and collaboration among the various members, organs or orders of the Church for the building up of the Body of Christ to its fullness (Eph 4:12, 13). Conscious of the Church's mission to announce the gospel and to promote unity in the pluralistic religious and ecclesial context of India as well as the larger worldwide diaspora, it pursues better understanding of and cooperation with the other Churches both within and without the Catholic communion, while promoting dialogue — inter-religious, inter-ecclesial, and inner-ecclesial. So that the kingdom of God may ever more potently leaven the mass of humanity, it reviews the various areas of the Church's apostolate and service to the world and explores more efficacious ways.

Thus, in the confession of the Lordship of Jesus Christ, the Major Archiepiscopal Assembly strives after the renewal of the Church and

closer fellowship with one another (1 John 1:3) for a growth that is from God (Col 2:19) by pursuing a deeper communion with the One who is the adorable Trinity, the Father, the Son, and the Holy Spirit.

### Article 1 Nature and Scope

- §1. As a representative organ of the Syro-Malabar Church, the Major Archiepiscopal Assembly is its consultative body to deal with matters of major importance for the Church and its mission in the pluralistic context of India with its several Churches and religions. It proposes in particular to help the Major Archbishop and the Synod of Bishops of the Syro-Malabar Church to suit the various kinds of apostolate and their methods as well as ecclesiastical discipline to the current and ever changing context and to the common good of the Syro-Malabar Church taking into account also the common good of the country as well as of the universal Church (CCEO c. 140).
- §2. The Major Archiepiscopal Assembly acts always in communion with and submission to the Synod of Bishops of the Syro-Malabar Church and the Major Archbishop, the father and head of the same Church.

### Article 2 Name and Designation

What is called in these Statutes the Major Archiepiscopal Assembly of the Syro-Malabar Church may be designated simply the Assembly.

### Article 3 Status and Function

- §1. The Major Archiepiscopal Assembly is an organ of ecclesial consultation so that decisions genuinely responding to the sense of the faithful and fully enlightened by the Holy Spirit, who animates the Church, may be taken by the competent authorities.

- §2. All the components of this Assembly have the function of helping to further the good of the whole Church, which is a body having various organs and members that are inter-dependent.
- §3. The competencies of the Assembly are those prescribed by law, both common and particular, and are specified and articulated in these Statutes.

#### **Article 4 Convocation**

- §1. The Major Archiepiscopal Assembly is convoked by the Major Archbishop every five years (c. 141). Such an Assembly may be called an ordinary assembly.
- §2. An extraordinary assembly may be convoked by the Major Archbishop whenever he deems it necessary or useful with the consent of the Permanent Synod or that of the Synod of Bishops of the Syro-Malabar Church (c. 141).
- §3. An ordinary Assembly is convoked at least six months in advance of its inaugural session; an extraordinary Assembly may be convoked with a shorter notice.
- §4. The five-year period for the convocation of the next ordinary Assembly runs from the last Assembly, whether ordinary or extraordinary.

#### **Article 5 The President**

- §1. The Major Archbishop is the ex-officio president of the Assembly.
- §2. In case the Major Archbishop is absent or impeded, a vice-president nominated by him substitutes him as president (c. 142 §1).
- §3. The president of the Assembly chairs the general sessions of the Assembly either personally or through another designated by him.
- §4. The president of the Assembly is competent to transfer, prorogue, suspend or dissolve the Assembly (c. 142 §1).

- §5. If the major archiepiscopal see becomes vacant, the Assembly is suspended *ipso jure* until the new Major Archbishop takes a decision on the matter (c. 142 §2).

#### **Article 6 Participants**

- §1. The following persons are to be convoked to the Major Archiepiscopal Assembly to participate in it *ex officio*:
- 1 eparchial bishops and other local hierarchs from both within and outside the territorial boundaries of the Syro-Malabar Church, including exarchs and apostolic administrators (if any), as well as protosyncelli and syncelli (cf. 984 §2);
  - 2 titular bishops, including coadjutor bishops, auxiliary bishops and retired eparchial bishops;
  - 3 superiors general of institutes of consecrated life, including religious orders and congregations, societies of common life in the manner of religious, secular institutes and societites of apostolic life;
  - 4 superiors of monasteries *sui iuris* and presidents of monastic confederations (if any);
  - 5 rectors of ecclesiastical universities and deans of faculties of theology and of canon law, which are located within the territorial boundaries of the Syro-Malabar Church, if they are Syro-Malabarians;
  - 6 rectors of Syro-Malabar major seminaries, and those of the inter-ritual seminaries within the territory of the Church if they are Syro-Malabarians.
- §2. The following persons are convoked to the Assembly as delegates sent by each of the eparchies whether inside or outside the territorial boundaries of the Syro-Malabar Church:
- 1 one presbyter from each eaprchy; if there are more than 100 presbyters ascribed to the same eparchy that eparchy can send one more presbyter-delegate each for every

additional 100 presbyters or the fraction thereof. The maximum number of presbyter delegates from an eparchy shall be five; at least two-third of them shall be parish priests;

- 2 one delegate of the institutes of consecrated life; if there are more than 500 professed members of institutes of consecrated life in the eparchy, that eparchy can send one or more delegate each for every additional 500 members or the fraction thereof. The maximum number of such delegates from an eparchy shall be three. In sending these delegates, care should be taken that there are proportionate representation of the institutes of priests, brothers and sisters;
  - 3 three lay persons from each eparchy; if there are more than 100,000 faithful in an eparchy, that eparchy can send two more delegates each for every additional 100,000 faithful or the fraction thereof. The maximum number of lay delegates from an eparchy shall be ten; at least one-third of them shall be women and adequate representation shall be given to the youth and *dalith* Christians.
- §3. The eparchial bishop is responsible for the participation of the delegates from his eparchy in the Major Archiepiscopal Assembly. With regard to the manner of designating the delegates from the eparchies the eparchial bishop shall follow the common law.
- §4 He is to forward to the Major Archbishop the names and addresses of the delegates from his eparchy as well as of their substitutes at least two months in advance of the inaugural session of the Assembly.
- §5 As many substitutes of the delegates mentioned in §4 are also to be chosen in the same manner to replace the latter in case these are impeded from attending the Assembly.

- §6. Eparchial bishops, if impeded, may send a proxy designated by himself (cf. c. 143 §2).
- §7. The delegates and their substitutes are chosen at least three months in advance of the inaugural session of the Assembly.
- §8. All who have been convoked to the Major Archiepiscopal Assembly must attend it unless they are detained by a just impediment, of which they must inform their substitutes and the eparchial bishop at the earliest. The eparchial bishop informs the Major Archbishop of the substitution as early as possible.
- §9. What is said in these Statutes concerning eparchies or eparchial bishops applies also to exarchies or exarchs (c. 313), if any, though with the consent of the Major Archbishop exarchies as well as small eparchies may send a smaller number of delegates.

### **Article 7**

#### **Guests and Observers**

- §1. Persons of another Church *sui iuris* may be invited to the Major Archiepiscopal Assembly by the Major Archbishop as guests to foster mutual ecclesial understanding and to promote pastoral cooperation (c. 143 §3). Rectors of inter-ritual seminaries and inter-ritual universities and deans of faculties of theology and canon law within the territory of the Church and who belong to other Churches *sui iuris* may be specially invited.
- §2. The Major Archbishop can invite some observers from other Churches or non-Catholic ecclesial communities to foster and promote ecumenical understanding and cooperation (c. 143 §4).

### **Article 8**

#### **The Agenda**

- §1. All the Christian faithful of the Syro-Malabar Church may propose topics to be placed on the agenda of the Assembly through those convoked as ex-officio participants or as delegates or through the secretariat of the Assembly.

- §2. The topics to be placed on the agenda are determined by the Major Archbishop in consultation with the members of the Permanent Synod, unless the selection has already been made by the Synod of Bishops of the Syro-Malabar Church.

### **Article 9**

#### **Experts, Resource Persons and Commissions**

- §1. It is for the Major Archbishop to see to it that through the services of suitable preparatory commissions and consultations, all the topics of the agenda are properly researched and studied and that the participants of the Assembly are informed in good time either directly or through suitable organs of publication sent to them (c. 144 §3).
- §2. From a list of names discussed with the members of the Permanent Synod the Major Archbishop may appoint some experts and resource persons to facilitate the conduct of the Assembly, its secretariate and its various commissions.
- §3. The Major Archbishop establishes the commissions for various matters (such as liturgy, evangelization, inculturation, education, communications and mass media, ecumenism, catechesis, caritative services, human and christian rights in the Church, family and social apostolates, other apostolates), taking into consideration the proposals and in view of the agenda that has been determined.

### **Article 10**

#### **The Procedure**

- §1. Though the Major Archiepiscopal Assembly is not a parliament or legislature of the Syro-Malabar Church, it is a forum for debate and the expression of views and desires in the spirit of Christian freedom and responsibility. It is for the pastors of the Church to discern them and to translate them into pastoral action.

- §2. If a vote is taken to ascertain the mind of the Assembly on a given issue, the bishops are excluded from the voting.
- §3. A resolution approved by the Assembly can acquire the force of law if it is ratified by the competent ecclesiastical authority (cc. 82, 150 §§ 2 and 3).

### **Article 11**

#### **The Acts of the Assembly**

The matters publicly discussed and the resolutions taken in the Assembly may be freely reported and made known to Christ's faithful even through the media of social communication; but the publication of the official acts of the Assembly is reserved to the Major Archbishop (c. 666 §2).

### **Article 12**

#### **Approbation and Amendment of the Statutes**

- §1. The Statutes of the Major Archiepiscopal Assembly need to be approved by the Synod of Bishops of the Syro-Malabar Church (c. 145).
- §2. Promulgated by the Major Archbishop, the Statutes constitute the particular law of the same Church (c. 110 §1).
- §3. To amend the Statutes two-third majority of the members of the same synod present at a session and voting is required, unless the proposal for the amendment has been approved already by a two-thirds majority of the Major Archiepiscopal Assembly, in which case an absolute majority of the votes of the members of the same synod present at a session and voting is sufficient.

## DECREE PROMULGATING LAWS ON PERMANENT DIACONATE

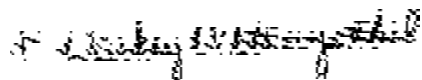
No. 3867/2003

### DECREE

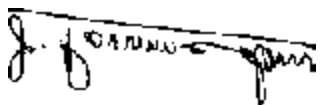
After having duly completed the discussion in the synod of bishops of the Syro-Malabar Church as well as in the other concerned forums and obtained the approval of the synod in its session held from 15 to 27 July 2002 the undersigned Cardinal Varkey Vithayathil, C.Ss.R., the Major Archbishop of the Syro-Malabar Church hereby promulgates the particular laws on the Permanent Diaconate in the Syro-Malabar Church as attached herewith\*. These laws come into force immediately.

All contrary dispositions notwithstanding.

Given from the Syro-Malabar Major Archiepiscopal Curia at Mount St Thomas on 31st March 2003.



Varkey Cardinal Vithayathil, C.Ss.R.  
Major Archbishop of the Syro-Malabar Church



Fr. Jose Porunnedom  
Chancellor of the Major Archiepiscopal Curia

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\* See the text of laws (Art. 53-84) on pp. 17-25 of this issue.

## Guidelines for Editing the Particular Laws of the Syro-Malabar Church into one Code

### 1. Structure

The Code of Particular Laws shall follow the sequence of the canons in the *Code of Canons of the Oriental Churches* (CCEO). However, the division of CCEO into titles, chapters etc. need to be mentioned only if it will further facilitate consultation of the Code.

### 2. Division

- a) The Code of Particular Laws shall have three parts in the following order:

Part 1: Particular Laws formulated according to the indications in CCEO. At the end of this Part the *Rules of Palliyogam* shall be inserted.

Part 11: Statutes of the various Institutions related to the Major Archiepiscopal Curia: Synod, Major Archiepiscopal Assembly, Permanent Synod, Major Archiepiscopal Ordinary Tribunal, Superior Tribunal.

Part III: Common Institutions of the Syro-Malabar Church: Major Seminaries, Liturgical Research Centre, etc.

- b) Each Part may be divided into Titles or Chapters if necessary.
- c) Titles or Chapters are to be divided into Articles, paragraphs, sections and subsections in such a way that quoting from the Code is made easy (Eg. Part 1, Article 1, Paragraph 5, section 2, subsection 4).

### 3. Numbering style:

- a) In Part I numbering shall be continuous

- b) In Parts II and III the style may be continuous or non-continuous.
  - c) Roman numbers shall be used for Parts and Arabic numerals for Articles, paragraphs, sections and subsections.
4. Articles shall be cross-checked and repetitions are to be avoided.
  5. Cross references shall be corrected according to the new numbering style.
  6. Linguistic corrections, without losing the meaning is permitted.
  7. Uniformity and consistency of expressions and phrases is to be effected.

(Sd/-)

Mount St Thomas      Varkey Cardinal Vithayathil, C.Ss.R.  
14-12-2002      Major Archbishop of the Syro-Malabar Church