

CONFERENCE OF CATHOLIC BISHOPS OF INDIA

COMPLEMENTARY LEGISLATIONS TO THE CODE OF CANON LAW

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Conference of Catholic Bishops of India
Complementary Legislations to the Code of Canon Law

Prot. N. 5220/94

Congregatio Pro Gentium Evangelizatione

Decretum

Eminentissimus ac Reverendissimus SIMON Cardinalis Pimenta, Archiepiscopus Bombayensis et Praeses Conferentiae Indianae Episcoporum Ritus Latini, ab Apostolica Sede postulavit ut decretal generalia, quae ad novi Codicis Iuris Canonici praescripta exsequenda a coetu plenario, ad normam Iuris, approbata sunt, rite recognoscerentur.

Quam petitionem haec Congregatio pro Gentium Evangelizatione re mature perpensa, libenter suscepit et, vigore facultatum a Sanctissimo Domino Nostro IOANNE PAULO Divina Providentia Papa II, sibi specialiter tributarum, praefata decretal probavit et iussit ut praesens ad rem Recognitionis Decretum promulgetur.

Contrariis quibusvis minime obstantibus.

Datum Romae, ex Aedibus Congregationis pro Gentium Evangelizatione, die 2 mensis Decembris a.D. 1994

Josephus Card. Tomko
Praefectus

Carolus A. Schleck,
Subsecretarium

DECREE OF PROMULGATION

The Second Vatican Council has declared, "It has come about through divine providence that, in the course of time, different Churches set up in various places by the apostles and their successors, joined together in a multiplicity of organically united groups which, while safeguarding the unity of the faith and the unique divine structure of the universal Church, have their own discipline,..." (Lumen Gentium, 23). And, further, "This multiplicity of local Churches, unified in a common effort, shows all the more resplendently the catholicity of the undivided Church". (ibid). The Council goes on to say, "In a like fashion the Episcopal Conferences at the present time are in a position to contribute in many and fruitful ways to the concrete realization of the collegiate spirit". (ibid).

Even though individual Bishops have full pastoral care of the portion of God's people entrusted to them (cfr. Lumen Gentium, 27), it is often necessary that in certain matters they act jointly, in consultation with the other Bishops of the region or nation so that coordination in the apostolate might assist the pastoral care of the faithful. In an Episcopal Conference, says the Council, "Bishops of a certain country or region exercise their pastoral office jointly in order to enhance the Church's beneficial influence on all men". (Christus Dominus, 38).

The Code of Canon Law, promulgated by the Holy Father on January 25, 1983, following this principle has in many matters, given general directives for the universal Church, and left their particular application to the local Bishop or to the Episcopal Conference. The Bishops of the Latin Rite in India, at their meetings at Nagpur 1984, Goa 1986, Kottayam 1988, Shillong 1989, and Bombay 1993, took up for discussion the matters in the Code that had to be adapted to India. The decisions taken at these meetings were transmitted by the CCBI (LR) to the Holy See for review in accordance with the requirements of the law. By its letter dated December 2, 1994, Prot. 5220/94, the Congregation for the Evangelization of Peoples, approved and confirmed the adaptations of the Latin Code of Canon Law to India.

Hence we hereby promulgate the following:

Canon 230

The requirements from the candidates for the conferral of the stable ministry of lector and acolyte are:

1. they should ordinarily have completed 21 years of age;

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2. they should have the needed human maturity, genuine piety, right intention and be acceptable to the community;
3. they should have the desire to serve in the pastoral ministry and be available for service in the diocese;
4. they should undergo an adequate doctrinal and liturgical formation to be determined by their Ordinary;
5. the lector must be able not only to read the Word of God but also to explain it, without prejudice to Canon 767 # 1. The acolyte must not only serve at the altar but also be a liturgical animator. Both of them must be true evangelizers and be capable of being leaders at prayer meetings.

(Approved at Kottayam, 1988)

Canon 236

Drawing the attention of all diocesan Bishops to Canon 236 which requires that young aspirants to the diaconate are to be trained in a special house unless the diocesan Bishop for grave reasons decides otherwise, the C.C.B.I. decrees that as for the spiritual, theological and pastoral formation of permanent deacons, the norms and directives contained in the programme submitted to the Holy See by the C.B.C.I. with the petition for permission to introduce the permanent diaconate in India be followed. (Permanent Diaconate in India, approved by the Congregation for the Evangelization of Peoples, Prot N.3046/83 dated 5th July, 1983). Each Bishop is free to decide whether the permanent diaconate is to be introduced in his diocese or not; however before doing so, he is to consult the bishops of the region (cfr. Letter of the Congregation referred to above).

(Approved at Bombay, 1993)

Canon 242 # 1

The programme for Priestly Formation in India is to be revised as soon as possible. Arrangements will be made for this by the Commission for Clergy and Religious.

(Approved at Nagpur, 1984)

Canon 276 # 2 & 3

Permanent deacons are obliged to recite every day the morning and evening prayer from the liturgy of the Hours. If a particular permanent deacon is unable to use any of the available translations, the Ordinary may substitute other suitable prayers instead of them.

(Approved at Nagpur, 1984)

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Canon 284

Clerics are to wear suitable ecclesiastical dress in accordance with the norms of each Regional Episcopal Conference (or its equivalent) and legitimate local custom, keeping intact, however, the prescriptions in this matter which are laid down for liturgical celebrations.

(Approved at Nagpur, 1984)

Canon 496

As for the norms to be laid down by the Episcopal Conference with regard to the statutes of the Council of Priests, the C.C.B.I. resolves that the norms given in the Code (Canons 495 - 502) are sufficient as basic directives.

(Approved at Goa, 1986)

Canon 502 # 3

The C.C.B.I. determines that it be left to the diocesan Bishop to entrust or not the functions of the College of Consultors to the Cathedral Chapter.

(Approved at Nagpur, 1984)

Canon 522

The C.C.B.I. decrees that diocesan Bishops may adopt limited tenure policies for Parish Priests. The term is to be not less than six years as far as possible.

(Approved at Nagpur, 1984 and amended in June 1994 at the instance of the Holy See)

Canon 535

The Episcopal Conference leaves it to the diocesan Bishop to prescribe the maintenance of any other registers besides the parochial registers of baptisms, of marriages and of deaths.

(Approved at Goa, 1986)

Canon 538

The C.C.B.I. determined that as regards the provision for appropriate maintenance and residence of Parish Priests who have resigned, the regulations for the social security of priests given in Canon 1274 are sufficient and are to be observed.

(Approved at Kottayam, 1988)

Canon 722 & 831 # 2

The C.C.B.I. exhorts the faithful to use every occasion available to spread the Good News of Jesus Christ through the media of Radio and Television. They are to unite themselves with all persons of good will to see to it that the programmes given are imbued with genuine human and Gospel values (cfr. also Can. 822 in this connection). Any priest or religious who has permission to preach can also do so on Radio and Television unless this is forbidden by his Bishops/Superior or by the diocesan Bishop of the place when the programmed is being recorded or aired.

(Approved at Bombay, 1993)

Canon 766

Competent lay people may be allowed to preach during liturgical services if on special occasions it is necessary or in particular cases it would be advantageous, keeping in mind the following criteria:

1. Lay people who are invited to preach are to be persons who are living exemplary Christian lives, known for their fidelity to the Magisterium of the Church and prepared through a formation in Christian doctrine or Scripture;
2. These lay people can be invited to preach on occasions such as:
 - a) when the liturgy of the Word is celebrated without the presence of the priest or deacon;
 - b) when there is no priest or deacon available who knows the language of the people, keeping in mind that the preaching is to be done at the end of the Eucharistic celebration;
3. Lay people can also be invited to speak to the assembly in certain special circumstances when it is deemed appropriate by the Parrish Priest. However, this type of preaching is to be done only at the end of the Eucharistic celebration and never instead of the homily, which is to be given by the priest or deacon after the Gospel in conformity with Canon 767.

(Approved at Goa, 1986 and amended in November, 1994 at the instance of the Holy See)

Canon 788

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Given the wide diversity in India among the people who desire baptism, the C.C.B.I. leaves it to (each region or) each diocese to issue rules and/or regulations regarding the catechumenate, contenting itself or to draw attention to the following general norms established but it:

1. The Obligations of Catechumens are as follow:
 - a. they should go through different distinct steps of the catechumenate;
 - b. **they should participate in the liturgy of the Word, preferably on Sundays and other holy days of obligation, with the community if possible;**
 - c. they will continually purify their motivation for baptism, live an upright life and to ready to witness to their conversion.

2. The Church accords Catechumens certain prerogatives proper to Christians:
 - a. to receive blessing in the Church;
 - b. to have god -parents who will accompany them on their pilgrimage of faith;
 - c. to be given a burial with Christian funeral rites.

(Approved at Kottayam, 1988 and amended in June 1994 at the instance of the Holy See)

Canon 804

Since there are sufficient directives in the Code clarifying the responsibilities of the diocesan Bishops in the matter of taking steps to ensure catholic religious formation and education in schools, the C.C.B.I. does not consider it necessary at present to issue any further general norms in its regard (cfr. Canon . 773 –780; 806; 827).

(Approved at Bombay, 1993)

Canon 844 # 4

The Episcopal Conference leaves it to the diocesan Bishops to decide, keeping in mind Church legislation in the matter, in which circumstances there is grave and pressing need sufficient to permit Catholic ministers to administer the sacraments of Penance, the Eucharist and the Anointing of the Sick to Christians not in full communion with the Catholic Church, and who are not member of the Eastern Churches.

(Approved at Goa, 1986)

Canon 851

In virtue of the faculty granted to the C.B.C.I. by the Congregation for Divine Worship (Prot. 689/80 dated 21.1.85) to delegate to the Regional Councils of Bishops its authority

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concerning liturgical adaptations and inculturation in India, the C.C.B.I. leaves it to the Regional Episcopal Conferences to adapt the Rite of Christian Initiation for Adults for their catechumenate. The C.C.B.I. wishes to draw the attention of the Regional Episcopal Conferences to the documents of the same Congregation on this matter. (De Initiatione Christiana Adultorum dated January 6, 1972).

(Approved at Bombay, 1993)

Canon 854

Baptism is to be conferred by immersion or by pouring. The C.C.B.I. leaves it to the local Ordinary to decide in which circumstances baptism by immersion is to be permitted.

(Approved at Goa 1986).

Canon 877 # 3

In the case of baptism of an adopted child, the names of the adopting parents are to be recorded in the register of baptisms. The names of the natural parents may be recorded if the adopting parents so desire and the natural parents have no objection.

(Approved at Goa, 1986)

Canon 891

The C.C.B.I. determines that the Sacrament of Confirmation can be conferred also later than the age of discretion, say at around the age of 12 –14 years, unless there is danger of death, or, in the judgement of the minister, a grave reason suggests otherwise.

(Approved at Nagpur, 1984)

Canon 895

The Episcopal Conference leaves it to the diocesan Bishop to decide whether the names of those confirmed, the minister, the parents, the sponsors and the place of confirmation are to be recorded in the confirmation register of the diocesan curia or in the register to be kept in the parochial archives.

(Approved at Goa, 1986)

Canon 964 # 2

The C.C.B.I. considers that the norms given in Canon 964 regarding the confessional are sufficient for the present.

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(Approved at Nagpur, 1984)

Canon 1062

The C.C.B.I. does not enact any particular law for engagement before marriage, but leaves the matter of engagement to the existing practices or to the local customs of the community or tribe, provided, in the judgement of the diocesan Bishop of the Regional Episcopal Conference, these are acceptable to the Church.

(Approved at Shillong, 1989)

Canon 1067

The C.C.B.I. decrees that proper religious instruction be given before marriage so that the parties become fully aware of the meaning and purpose as well as the obligations of Christian marriage.

As regards the questions to be asked of the parties before marriage, the C.C.B.I. directs that the prenuptial enquiry forms be filled in. Wherever necessary these forms should be brought upto date.

The Conference also decrees that at least two banns should be published before marriage. They may be read in the Church or they may be put up on the parish notice-board after making a reference to them in the announcements. Ordinarily the banns should be published at least two weeks before marriage. Dispensation from banns should normally not be given. In cases of necessity, dispensation from one bann may be given by the Vicar forane but dispensation from more than one bann must be obtained from the local Ordinary or his delegate.

The Parish Priest, after sufficient enquiry, may exempt from the reading of banns at all places where the parties have lost domicile.

In case no banns are read, the freedom of the parties to marry is to be established by taking a written oath of free state in the presence of two reliable witnesses. If one party is a non-Catholic, this party has also to obtain an affidavit or its equivalent, attesting to the free state.

The local Ordinary is to decide whether banns are to be read or not in mixed marriages.

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When the parties belong to different dioceses in India, it is not necessary that the marriage dossier be sent through the Diocesan Curia.

(Approved at Kottayam, 1988)

Canon 1112 # 1

In cases where no priest or deacon is available to assist at marriage, the C.C.B.I. leaves it to the diocesan Bishop to delegate a suitable lay person, meeting the requirements of Canon 1112, to assist at such marriages, after obtaining the permission of the Holy See.

(Approved at Kottayam, 1986)

Canon 1120

In virtue of the faculty granted to the C.B.C.I. by the Congregation for Divine Worship (Prot.689/80 dated 21.1.85) to delegate to the Regional Councils of Bishops its authority concerning liturgical and adaptations and inculturation in India, the C.C.B.I. leaves it to the Regional Episcopal Conferences to take up the matter of adapting the rite of marriage to the social and cultural needs of their own regions, keeping in mind the provisions of Can.1120 and consulting for this purpose both experts in the field and also persons in the active ministry, and some at least of the laity competent to give suggestions in this matter. A proper catechesis should be conducted before using the new rite, explaining its meaning and its need.

(Approved at Bombay, 1993)

Canon 1126

The declarations and promises fixed by Can.1125, which are to be made by the catholic party in a mixed marriage are to be made in writing. The non-Catholic party is to be informed about these declarations and promises in good time before the marriage. After having ascertained that these have been brought to the knowledge of the non-Catholic party, the priest should sign a statement to this effect. The declarations and promises of the catholic party and the signed statement of the priest should be preserved along with the marriage dossier so that there is proof of the same in the external forum.

(Approved at Bombay, 1993)

Canon 1127

The C.C.B.I. decrees that a dispensation from canonical form in mixed marriages may only be granted for grave reasons such as the following:

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Serious problems of conscience;

Compelling demands for the spiritual well-being of the parties and tranquility of the family relationship.

An important factor in the grant of the dispensation is the future well-being of the family: respect for the faith of the catholic party; assurance that the children will be brought up as Catholics; a founded hope that the parties may day by day achieve a holier and fuller family life.

In such cases, some public form approved by the local Ordinary is always to be observed. If such public celebration involves participation in the religious ceremonies of non-Catholics and specially non-Christians, the principles regarding "*communicatio in sacris*" should be observed. In the case of mixed marriage between a Catholic and a non-Catholic Oriental, the dispensation from canonical form must not include a dispensation from the sacred rite of blessing.

Care is to be taken that appropriate entries regarding the marriage celebrated with dispensation from form are made by the Parish Priest in the parish registers.
(Approved at Bombay, 1993)

Canon 1236 # 1

The table of a fixed altar is usually to be of a single natural stone. However, other worthy and solid materials may also be used.

(Approved at Nagpur, 1984)

Canon 1246

In accordance with the prescriptions of Canon 1246, the C.C.B.I. decrees that besides Sunday, the days of obligation to be observed in its territory are: Christmas and the Assumption of our Lady, The Epiphany, the Ascension of Christ and the feast of the Body and Blood of Christ are transferred to Sundays. The feasts of Mary the Mother of God, the Immaculate conception, St. Joseph, Saints Peter and Paul and All Saints are suppressed as days of obligation in India (cfr. Rescript from Holy See, Prot. 5780/83 dated December 12, 1983).

(Approved at Kottayam, 1988)

Canon 1249

All Christ's faithful are obliged by divine law, each in his or her own way, to do penance. However, so that all may be joined together in a certain common practice of penance, days of penance are prescribed. On these days the faithful are in a special manner to devote themselves to prayer, to engage in works of piety and charity, and to deny themselves by fulfilling their obligations more faithfully and especially by observing fast and abstinence.

The days of fast will be Ash Wednesday and Good Friday. The days of abstinence will be Ash Wednesday and all Fridays of the year.

This Conference decrees that our faithful fulfill the obligation of abstinence, besides the traditional one of abstinence from meat, by choosing at least one of the following forms of prayer/penance/works of charity:

1. attending Mass or making a 15 minute visit to be Blessed Sacrament or doing 15 minutes of reading of the Bible or a 15 minute meditation on the Passion of Our Lord or making the Way of the Cross;
2. missing breakfast or any one meal;
3. taking strictly vegetarian meals (avoiding fish and eggs as well);
4. abstaining from alcohol (for those who drink);
5. abstaining from smoking (for those who smoke);
6. abstaining from beverages (like tea/coffee between meals);
7. giving 10% of one's daily earnings in charity;
8. abstaining from meat for those for whom meat is part of their regular diet.

The Regional Episcopal Conferences or the diocesan Bishop may suggest other choices or restrict the above list as necessary.

(Approved at Nagpur, 1984)

Canon 1262

As all Christ's faithful have the obligation to provide for the needs of the Church (Canon 222), the C.C.B.I. decrees the following:

1. norms are to be drawn up at the regional or diocesan level specifying the minimum contribution to be made by each family for the support of the local Church e.g. at least one percent of the annual income or for the very poor one day's wages per year;
2. besides, parishes, institutions, priests and religious are reminded of their obligation to contribute for the support of the Church at the diocesan and national level according to their means.

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The funds from the above as also from Sunday collections, other offerings made by the faithful on the occasion of sacraments and sacramentals, as also extra-ordinary amounts collected as a result of special drives are to be so organized as to enable the Church in India to gradually become self-reliant.

(Approved at Kottayam 1988)

Canon 1274

Since at present some schemes of social security for priests are in vogue in the dioceses in India, the C.C.B.I. does not feel the need of establishing a fund of its own for this purpose. However, it directs that the organization of such schemes be done in a proper manner by having suitable rules drawn up in agreement with the priests. Such rules should specify provisions for the appropriate residence, maintenance and medical care of all diocesan priests in sickness, old age and retirement.

(Approved at Kottayam, 1988)

Canon 1277

The C.C.B.I. determines that any act of administration by the diocesan Bishop, involving an expenditure of Rs.4,00,000/- or more is to be considered as an act of extraordinary administration.

Donations or bequests which have recurring long term obligations (of over 20 years) are also to be considered acts of extraordinary administration.

(Approved at Bombay, 1993)

Canon 1292

The C.C.B.I. establishes that the approved minimum sum for the alienation of ecclesiastical goods is Rs.1,00,000/- and the approved maximum sum is Rs,10,00,000/-

(Approved at Goa , 1986 and amended in June, 1994 at the instance of the Holy See)

Canon 1297

In accordance with Canon 1297, the C.C.B.I. establishes the following norms for the leasing of immovable property:

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1. the written consent of the diocesan Bishop has to be obtained for every act of leasing;
2. the Bishop has to consult the College of Consultors and the Finance Committee if the value of the property to be leased is below the minimum approved by the Conference in connection with Canon 1292; if the value of the property is above the minimum amount, the Bishop has to obtain the consent of the College of Consultors and the Finance Committee;
3. **the document of lease should always be made out in the form of a contract, if possible in a format also valid in civil law.** It is recommended that every Bishop, with the help of the Finance Committee, should determine the criteria for leasing, drawing up a list of properties that may be leased and specifying which among these may be leased on a long term basis and which on a short term basis.

(Approved at Kottayam, 1988)

Canon 1421 #2

The C.C.B.I. permits diocesan Bishops to appoint competent lay persons as judges as per the norms contained in Canon 1421.

(Approved at Nagpur, 1984)

Canon 1714

The C.C.B.I. does not feel the need to give its own norms for agreements, compromises and arbitrations; and it decrees that the provisions of Canon 1714 are sufficient for this purpose.

(Approved at Kottayam, 1988)

Canon 1733

The C.C.B.I. at least for the present, does not prescribe that each diocese should establish a permanent Office or Council for seeking equitable solutions for problems. However, it advises individual Bishops to provide for fitting conciliation measures in each diocese so as to avoid conflicts within the Christian community.

(Approved at Kottayam, 1988)

These norms will come into force on 16th April 1995, Solemnity of the Resurrection of the Lord.

+ Simon Cardinal Pimenta
Archbishop of Bombay and

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President, CCBI

Given at Archbishop's House, Bombay
On 1st February, 1995