

# CONSTITUTION

## THE ST ALPHONSA SYRO-MALABAR PARISH TOWNSVILLE [ABN 43 213 966 469 ]

ADOPTED ON (DATE OF THE MEETING)

This constitution is based upon and is subject to Canon Law as varied from time to time.

This Constitution shall be read and construed in accordance with Canon Law and in the event of any conflict between Canon Law and this constitution, Canon Law shall prevail.

### Part I Preliminary

**Art. 1. Title:** The name of the Community is the St Alphonsa Syro-Malabar Parish Townsville (the **Community**) in the Syro-Malabar Eparchy of St Thomas.

**Art. 2. Competence:** These rules apply to the Community.

**Art. 3. Definitions:** In these rules unless context otherwise requires:-

- 1) ACCOUNTANT is 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 *kaikkarans*.
- 2) *ANDUTHIRATTU* OR *VARSHIKATHIRATTU* is the annual statement of accounts.
- 3) *ARDHA VARSHIKATHIRATTU* is the half yearly statement of accounts.
- 4) ASSISTANT PARISH PRIEST (*vicarius paroecialis*/assistant vicar)/ASSISTANT CHAPLAIN is a presbyter appointed by the eparchial bishop to assist in the proper pastoral care of the parish under the authority of the parish priest/chaplain and, if need should arise, to substitute the parish priest/chaplain (cc. 301, 302).
- 5) *ATMASTHITI*/PARISH REGISTER is the official register maintained in each parish showing particulars of the members of the parish
- 6) BUDGET is the official statement of the proposed programmes of the church showing the estimated income and expenditure for the ensuing financial year.
- 7) CANON LAW means the CCEO and subsequent universal law as well as particular law applicable to the Eparchy of St Thomas the Apostle of Melbourne of the Syro-Malabar enacted by the competent ecclesiastical authority.
- 8) CCEO means the Code of Canons of the Eastern Churches (Latin: *Codex Canonum Ecclesiarum Orientalium*).

- 9) CHAPLAIN is a presbyter, appointed by the eparchial bishop, to whom the care of souls in a given Parish is entrusted, with the rights and obligations of a parish priest.
- 10) CHURCH PROPERTY OF THE PARISH/ is all movable and immovable properties, including all institutions belonging to the parish/, subject to the provisions of canons 920, 1007, 1008, 1009 and other relevant canons of the CCEO.
- 11) COMMUNITY means the St Alphonsa Syro-Malabar Parish Townsville.
- 12) *DAIVALAYASUSRUSHI* (SACRISTAN) is the person, appointed as per eparchial norms and approved by the local hierarch to serve in the church, assisting the sacred ministers at divine worship and other functions, with or without allowance or remuneration.
- 13) EPARCHIAL BISHOP is 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.
- 14) EPARCHY is 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 (cf. c. 177 § 1).
- 15) *KAIKKARAN* is a member of the parish/, elected by the *potuyogam* and confirmed and appointed by the local hierarch, or directly appointed by him under special circumstances, to help the parish priest/chaplain in keeping and administering the properties and income of the parish/ according to the norms of ecclesiastical law and conducting the programmes and affairs of the parish/ and to work in cooperation with the parish priest/chaplain in exercising pastoral ministry and administering financial matters of the parish/.
- 16) LOCAL HIERARCH in these rules is, eparchial bishop, protosyncellus, syncellus and others mentioned in CCEO c. 984 § 2.
- 17) MEMBERS OF A PARISH/ are the Christian faithful belonging to the same eparchy having domicile or quasi-domicile within the territory of the parish/ (cf. cc. 912, 916) or those who have obtained membership through special orders by the eparchial bishop.
- 18) is a certain community of Christian faithful equivalent to a parish but has not been established as a parish by the eparchial bishop for some reason.
- 19) *NALVAZHY* (JOURNAL) is the book containing a record of each day's financial transactions entered date wise.
- 20) *PALLIYOGAM* in its two forms, namely *potuyogam* and *pratinidhiyogam* is the body constituted as a specific expression of the communion of the people of God in the parish/, to advise and assist the parish priest/chaplain, the president thereof, and to work in collaboration with him in exercising the pastoral ministry and administering the financial matters of the parish/.
- 21) PARISH is a certain community of Christian faithful stably established in an eparchy through the decree of the eparchial bishop, as a rule within a territory, the pastoral care of which community is entrusted to a parish priest (cf. cc. 279, 280).
- 22) PARISH CHURCH is a building exclusively dedicated for divine worship of the parish community by consecration or blessing (cf. c. 869).
- 23) PARISH PRIEST (*parochus*/vicar) is 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 cooperator of the eparchial bishop in the parish under the authority of the same eparchial bishop (cf.cc. 281, 284).

- 24) *PEREDU* (LEDGER) is the book in which the item wise entries based on the journal relating to income and expenditure are made.
- 25) *POTUYOGAM* is a body of all the members of the parish/ who have completed 18 years of age.
- 26) *PRATINIDHIYOGAM* is a body consisting of those elected in the ward/family unit meetings by the members of the respective ward/family unit who have completed 18 years of age and others duly elected or nominated or posted ex-officio as members and approved by the local hierarch as per eparchial norms.
- 27) *THIRATTU* is the statement of accounts showing the income and expenditure of the parish/.

**Art. 4. Purpose/Objectives:** *Palliyogam*, as an expression of the communion of the Syro-Malabar faithful in the Eparchy of St Thomas the Apostle of Melbourne, is intended to advise and help the parish priests/chaplains and to work in co-operation with them in the exercise of the pastoral ministry and in the administration of the financial matters of the parishes/s.

The Community has the following religious, cultural, social and educational objectives:

- 1) Operate as a non-profit charitable institution for the benefit of the whole community in the area of religious education and worship, community development and charitable activities.
- 2) Foster and promote faith and spirituality among the Syro-Malabar Catholics.
- 3) Promote scholarly study of the Bible in accordance with the spirit and instructions of the Catholic Church.
- 4) Support ecumenical activities of the Church.
- 5) Take an active role in furthering the interests of the Syro-Malabar Community and their culture and tradition.
- 6) Provide the Syro-Malabar faithful with places of worship, pastoral care, assistance and to look after their welfare.
- 7) Acquire such properties, real estate and other assets that are needed to advance the aims and purposes of the Church.
- 8) Help the migrants from Syro-Malabar Catholic community, from any part of the world, to integrate into the wider Australian Community.
- 9) Establish, develop and operate as a body for the benefit of its members and the Australian Community at large including, schools, child care and kindergartens, aged care, retirements homes, youth organizations, language study centres to foster faith and cultural activities and other services and organisations as the *potuyogam* deems necessary from time to time.

**Art. 5. Structure:** In the local parish/ level, there shall be two forms of *yogams*: *potuyogam* and *pratinidhiyogam*. In small s with less than 100 families, however, the *palliyogam* may function as *potuyogam* alone, with the per of the local hierarch.

**Part II**  
**POTUYOGAM**

**Art. 6.** Each Syro-Malabar community whether constituted as a parish or a , shall have its own general assembly (*potuyogam*) for the systematic organization and administration of the spiritual and temporal affairs of that community.

**Art. 7. Members:** the following persons shall be the members of the *potuyogam*:

- 1) Parish priest/chaplain and also the assistant parish priest/s or assistant chaplain/s.
- 2) Any member of the parish/ who has completed 18 years of age.

**Art. 8. Disqualifications and disputes.** The following persons shall not be entitled to become members of any of the meetings of the *potuyogam*:

- 1) Those who stand publicly against the faith and teachings of the Church, or
- 2) Those who are under ecclesiastical censure, or
- 3) Public sinners, or
- 4) Persons convicted of offenses involving moral turpitude until reformed and certified by the parish priest/chaplain, or
- 5) Persons who have defaulted annual paschal duties, or
- 6) Persons who are of unsound mind, or
- 7) Willful defaulters of the Church laws.
- 8) Alcoholics or drug addicts or those under intoxication shall not be permitted to participate in the meetings of the *potuyogam*.

**Art. 9.** The president of the *pallyogam* 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.

**Art. 10.** 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 the decision by the local hierarch.

**Art. 11. Functions:** The *potuyogam* shall exercise the following functions:

- 1) Make the local parish/ conscious that without the apostolate of the laity the pastors' work will not become fully effective (*Apostolicam Actuositatem* = AA 10) 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 (*Ad Gentes*= AG 21);
- 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/;
- 3) Promote active participation in the liturgy (AA 10; *Christifideles Laici*= CL33);
- 4) Arrange to teach catechism to the children, youth and adults and to motivate others to do so (AA 10; CL 33, 34);

- 5) Proclaim the gospel through word and witness (AA13; CL 33);
- 6) Adopt ways and means to strengthen the activities of the family apostolate (AA 11);
- 7) Promote vocations to priesthood and institutes of consecrated life/societies of apostolic life;
- 8) Bring back to the church those who have been distanced from faith and practice of religion (AA 10; CL 33);
- 9) Give leadership in the forming and functioning of small Christian communities and family units (CL 26);
- 10) Take initiative in the forming and functioning of lay organizations for men and women and see that the teenagers and the youth are enlisted in one or other of the organizations in the parish/(AA 29; CL 30);
- 11) Animate the members of the parish/ 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 (AA 2);
- 12) Organize the Christian community into a common forum to meet the challenges to faith and the violation of the fundamental rights through conscientization and action (AA 18);
- 13) Divide the parish/ into wards/family units;
- 14) 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.

**Art. 12. Duties:** The *potuyogam* is competent:

- 1) To pass the annual accounts for sub to the local hierarch's approval;
- 2) To decide the number of *kaikkarans* with due regard for Art. 49, auditors and church employees;
- 3) To elect *kaikkarans* and auditors;
- 4) To discuss and pass the budget of the parish/ and to allot priorities of items of expenditure;
- 5) To devise means of raising funds and to fix amounts of contribution by the members for ordinary expenses and/or special projects, subject to eparchial rules;
- 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 directives of the local hierarch.
- 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 local hierarch (CCEO, c. 1013);
- 8) 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;
- 9) To decide on the number of the solemn celebration of feasts in the parish/ and to propose programs for the same, in agreement with the directives of the local hierarch;
- 10) To deliberate upon matters of importance that affect the parish/ generally;
- 11) To establish special committees or coms as and when needed and to choose members to the same and to dissolve them;
- 12) To do other duties as directed by the local hierarch.

### Part III

**PRATINIDHIYOGAM (EXECUTIVE COMMITTEE)**

**Art. 13.** In every parish/ there shall be a local representative council (*pratinidhiyogam*) to assist the parish priest/chaplain in the day-to-day activities, decision making and functioning of that parish/.

**Art. 14. Members:** the following persons shall be the members of the *pratinidhiyogam*:

1) **Ex-officio members**

- a. Parish priest/chaplain
- b. Assistant parish priest/assistant chaplain (if any)
- c. *Kaikkarans* of the year
- d. Members of the eparchial pastoral council from the parish/ (if any)

2) **Elected members**

- a. One representative each from a ward/unit with less than twenty families and two representatives each from a ward/unit with twenty families and above;
- b. A representative of the Sunday school teachers;
- c. One representative each from the recognized pious associations in the parish/;
- d. Representatives of the institutes of consecrated life/societies of apostolic life in the parish/: one from men and one from women.

3) **Nominated members**

- a. The parish priest/chaplain can nominate experts from the parish/.
- b. The total number of the nominated members shall not exceed one-third of the total members.

**Art. 15. Election**

- 1) The ward meetings/units of families shall elect representatives from every ward with due regard for Art. 14.2.a. Thirty percent of the members shall preferably be women; but the percentage of elected women representatives shall not be less than 10 percent.
- 2) The teachers of the Sunday school shall elect one among them as their representative.
- 3) Each pious association elects a representative each.
- 4) The representatives of the institutes of consecrated life/societies of apostolic life of men and women are elected by the members of the respective institute of consecrated life/society of apostolic life in the parish/ at a meeting convened by the parish priest/chaplain.
- 5) As far as possible elections shall be by consensus; if not by the majority of the members present.
- 6) Complaints, if any, about the elections shall be submitted to the eparchial bishop as per Art. 85.

**Art. 16. Disqualifications and Dispute**

- 1) Those who have any of the disqualifications mentioned in Art. 8 cannot be members of the *pratinidhiyogam*.
- 2) If a member absents himself from three consecutive meetings without sufficient reason and excuse in the judgement of the president, the matter shall be brought to the attention of the *pratinidhiyogam* by the president. The president then shall declare that the person has lost his membership in the *pratinidhiyogam*. In case of a dispute, the matter shall be referred to the Eparchial Bishop as per Art. 85.
- 3) If a member suffers from any of the disqualifications mentioned in Art. 8, but known only after becoming a member, or suffers a disqualification during the term of membership, the matter must be brought to the attention of the *pratinidhiyogam* by the president. The president then shall declare that the person has lost his membership in the *pratinidhiyogam*. And if there is a dispute, the matter shall be referred to the Eparchial Bishop as per Art. 85.

#### **Art. 17. Tenure and Vacancies**

- 1) The term of the *pratinidhiyogam* shall be two years. No member can be elected or nominated for more than two consecutive terms.
- 2) A secretary shall be chosen from among its members to prepare minutes and reports at the *pratinidhiyogam*. The term of the office shall be same as that of the *pratinidhiyogam*.
- 3) 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.

#### **Art. 18. Functions and Duties:** The *pratinidhiyogam* shall exercise the following functions and duties:

- 1) To provide 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, family apostolate and youth formation in the parish/, having due regard to the religious atmosphere of the parish/;
- 2) To pass the *ardhavarshikathirattu* (half yearly statements of accounts);
- 3) To prepare *anduthirattu* (annual statement of accounts) and budget and submit the same to the *potuyogam*;
- 4) To propose the programmes of feasts other than the major feasts and to help in conducting all such feasts;
- 5) To give guidelines on the general policies of administering the temporal goods of the parish/;
- 6) To constitute committees and to choose members to the same as and when needed and to dissolve them.

### **Part IV**

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

**Art. 19.** Ordinarily the parish priest/the chaplain or the priest deputed by them shall announce about the meeting of the *yogams* on two consecutive Sundays or days of obligation during the Holy Qurbana at the parish church/in the immediately before their scheduled meeting stating the main items of the agenda unless after consulting with the *nadathukaikkaran*, it is considered that the announcement of any particular item in the agenda may be prejudicial to the best interest of the parish/.

**Art. 20.** In extraordinary situations 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/chaplain.

**Art. 21.** 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/chaplain thereupon shall convene such a meeting within two weeks from the date of receipt of such notice. If the parish priest/chaplain is convinced that the conduct of such *yogam* is prejudicial to the good of the parish, he shall report the matter to the local hierarch.

**Art. 22.** The local hierarch may at any time direct or prohibit the convening of a meeting of the respective *yogam*.

**Art. 23.** The *potuyogam* shall meet at least once a year; the *pratinidhiyogam* at least twice a year.

**Art. 24.** The *potuyogam* has no definite quorum. 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.

**Art. 25.** An attendance register shall be kept for all the meetings and the members present shall sign it before dispersal.

**Art. 26.** The parish priest/the chaplain is the president of the *potuyogam* as well as of the *pratinidhiyogam*.

**Art. 27.** In the absence of the parish priest/the chaplain, with his authorization, the assistant parish priest/the assistant chaplain can preside at the meetings.

**Art. 28.** The local hierarch personally or his delegate has the right to preside over the meetings.

**Art. 29.** There shall be a definite agenda for the *yogam*. With the per of the president matters outside the agenda can also be discussed.

**Art. 30.** The *yogam* shall commence and end with a prayer.



**Art. 31.** All members shall participate in the *yogam* with a spirit of co-operation and service based on love for the glory of God and the real progress of the parish/.

**Art. 32.** Personal vendetta, groupism, family feud, political difference and such other matters shall in no way influence the deliberations of the *yogam*.

**Art. 33.** A discussion on a decision of a previous *yogam* already approved by the local hierarch shall be opened only after obtaining the prior per of the eparchial bishop.

**Art. 34.** Statement or decision against the orders and directives of the local hierarch, or against the official teaching and canon law of the Church, is not permissible in the *yogam*.

**Art. 35.** All shall maintain decorum and discipline in the *yogam* and shall obey the rulings of the president.

**Art. 36.** In case of any improper comment or misbehaviour by any member in the *yogam* the president shall immediately warn and correct the member concerned. If such a member continues 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 per of the president.

**Art. 37.** 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 local hierarch.

**Art. 38.** If any resolution at the *yogam* is unacceptable to the president of the *yogam* he can write his note of dissent, and refer it to the local hierarch.

**Art. 39.** Members of the *yogam* having complaints against a resolution passed at its meeting may have recourse to the eparchial bishop as per Art. 85.

**Art. 40.** All decisions by the *pratinidhiyogam* within its competence shall have the same force as the decisions of the *potuyogam*.

**Art. 41.** The resolutions of the *yogam* must be recorded in the book of resolutions (*yoga pusthakam*) and be signed by the president and members present.

**Art. 42.** A minutes book of the *yogam* shall be maintained in which shall be recorded the proceedings of the meetings and they are signed by the president of the meeting.

**Art. 43.** To leave the meeting of the *yogam* without the per of the president and or/without signing the resolution is irregular.

**Art. 44.** 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 local hierarch.

**Art. 45.** The eparchial bishop has the right to add to or modify or annul a resolution passed at the meetings of the *potuyogam* or the *pratinidhiyogam* and his decision shall be final.

**Art. 46.** 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.

**Art. 47.** Resolutions passed in meetings on matters requiring the approval of the local hierarch shall have effect and be executed only after such approval is granted in writing by the local hierarch.

**Art. 48.** Matters that require the approval of the local hierarch are (CCEO cc.1014, 1015, 1022, 1024, 1035, 1036, 1045 and 1046):

- 1) Buying, selling, gifting, mortgaging or otherwise transferring of the immovable properties;
- 2) Constructing, reconstructing, renovating of churches or other buildings;
- 3) Establishing institutions to be run by the parish/;
- 4) Demolishing of churches or other buildings erected for public worship;
- 5) Exchange, sale or gifting or altering of objects of antiquity. Antiques shall never be destroyed;
- 6) Establishing of libraries, recreation centers, stadia, play grounds and the like for the public on lands belonging to the parish/;
- 7) Leasing of or construction on or use of the land of the church for any public or private utilities;
- 8) Receiving of stipend for pious foundations or endowments and scholarships;
- 9) Single financial transaction that exceeds \$ 50,000 or works which will cost more than the said amount;
- 10) Lending or borrowing or gifting money by the parish/ beyond the amount fixed by the local hierarch.

## **Part V**

### ***KAIKKARANS***

**Art. 49.** The *potuyogam* shall determine the number of the *kaikkarans* according to the size of the parish, subject to a minimum of two and a maximum of four. One among them shall be *nadathukaikkaran* for an appropriate period to be decided among themselves and the parish priest/chaplain. The other *kaikkaran(s)* shall be known as *kuttukaikkaran(s)* for the remaining period.

**Art. 50.** The *kaikkarans* shall be members of the parish/, not below the age of 21, who are faithful, honest, efficient and service minded. They shall not have the disqualifications

mentioned in Art. 8. The accountant, the sacristan and others specified in the eparchial statutes shall not be elected to be *kaikkarans*.

**Art. 51.** The *kaikkarans* 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.

**Art. 52.** The elected *kaikkarans* after being confirmed by the eparchial bishop shall take charge receiving the keys from the parish priest/the chaplain 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/the chaplain likewise at the steps of the sanctuary, after settling the accounts.

**Art. 53.** The *kaikkarans* 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.

**Art. 54.** The parish priest/the chaplain may depute any one or more of the *kaikkarans* 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 per from the local hierarch.

**Art. 55.** The *kaikkarans* 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.

**Art. 56.** It is the right of the eparchial bishop under emergency to accept the resignation of the *kaikkarans* or to remove a *kaikkaran* for reasons of negligence of duty, dishonesty, disability, financial misconduct, com of offenses involving moral turpitude, after giving him an opportunity for being heard.

## **Part VI ADMINISTRATION OF THE FINANCE AND TEMPORALITIES OF THE PARISH/**

**Art. 57.** The administration of the finance and other temporalities of the parish/ is to be done by the parish priest/the chaplain and the *kaikkarans* with mutual understanding and co-operation and as per the prescriptions of CCEO and eparchial norms.

**Art. 58.** With regard to the administration of temporalities and financial transactions in the parish/, besides the norms contained herein, each parish/ is to follow its own “Constitution of the [name of community] Syro-Malabar [parish/] [location]” according to any power of attorney issued from time to time by The Trustees of the Syro-Malabar Eparchy of St Thomas (ABN 67 291 009 733) and directives of Eparchial guidelines.

**Art. 59.** The *nadathukaikkaran* and the parish priest/the chaplain 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 *kaikkarans* shall make available the accounts as and when required by the parish priest/chaplain.

**Art. 60.** It shall be the responsibility of the parish priest/chaplain and the *kaikkarans* to maintain *nalvazhy* (journals), *peredu* (ledger), and *andutirattu* (the annual statements of accounts) of the parish/. *Ardhavarshikathirattu* (half yearly statements of accounts) shall also be maintained, if required by the eparchial norms.

**Art. 61.** If a discrepancy in the account or shortage of money is noticed resulting in loss to the parish/ the same shall be recovered from the respective *kaikkaran* or the parish priest/chaplain whoever is responsible for the loss. However, as between them one shall not be responsible for the lapses on the part of the other.

**Art. 62.** The chest (*bhandaram*) and boxes containing the offerings shall be opened and the offerings counted by the *nadathukaikkaran* in the presence of the parish priest/chaplain or anyone authorized by the parish priest/the chaplain. They shall keep a record regarding the amount of offerings, signed by both of them.

**Art. 63.** 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/the chaplain and the *kaikkarans*.

**Art. 64.** 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/.

**Art. 65.** If and when lands or buildings for/of the parish/ are purchased, sold, or given on lease or rent, it shall be done only after observing all legal formalities and with the per of the local hierarch, preferably after obtaining legal opinion.

**Art. 66.** The parish priest/the chaplain and the *kaikkarans* shall have the right to spend necessary amounts to meet the day-to-day expenditure of the parish/.

**Art. 67.** Subject to Art. 48.9 the expenditure necessary for the day-to-day worship and catechetical formation can all be incurred by the parish priest/chaplain without discussion in the *potuyogam* or the *pratinidhiyogam*.

**Art. 68.** Subject to Art. 48.9 the expenditure necessary for essential furniture of the parish/ including those provided to the parish priest/the chaplain and the assistant parish priest/s/chaplain/s and for the maintenance of the church properties and their improvements can all be incurred by the parish priest/chaplain and the *nadathukaikkaran* without discussion in the *potuyogam* or the *pratinidhiyogam*.

**Art. 69.** The parish priest/chaplain and the *kaikkarans* shall have mutual understanding and co-operation in respect of all such expenditure and all luxury and extravagance shall be avoided.

**Art. 70.** The parish priest/chaplain and the *kaikkarans* 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 bank or in permitted securities in the joint account of the parish priest/the chaplain and the *nadathukaikkaran*.

**Art. 71.** All valuable articles and antiques, documents and receipts shall be kept secure.

**Art. 72.** There shall be a *muricharthu* (inventory) (CCEO, c. 1026) of all the movable and immovable properties of the parish/ classified into five heads, namely:

1. A schedule of immovable properties
2. Those in the custody of the parish priest/chaplain
3. Those in the custody of the *kaikkaran*
4. Those in the custody of the sacristan
5. Those in the custody of the heads of institutions

**Art. 73.** The parish priest/the chaplain and *kaikkrans* shall have overall responsibility for all the properties of the parish/ and in particular for the equipments in the presbytery (*pallimuri*). The sacristan shall be responsible for the liturgical articles kept in the church.

**Art. 74.** Care is to be taken to update the inventory regularly.

**Art. 75.** All assets of the Community shall be purchased in the name of the Trustees of the Syro-Malabar Eparchy of St Thomas (ABN 67 291 009 733) who shall hold such assets on behalf of the Community. The liabilities of the Community shall be met from the assets held in the name of the Trustees of the Syro-Malabar Eparchy of St Thomas on behalf of that particular Community only.

**Art. 76.** A copy of the inventory of the ecclesiastical goods of the parish/ is to be kept in the eparchial archives (CCEO, c.1026).

**Art. 77.** If any article is lost or damaged on account of culpable negligence, the person responsible for such negligence shall be liable for such loss.

**Art. 78.** Unusable articles which are not of historical value shall be destroyed only with the consent of the parish priest/chaplain and in consultation with the *nadathukaiakkaran* and after having cancelled them from the inventory.

**Art. 79.** 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 the articles handed over to him, after due verification.

**Art. 80.** The parish priest/chaplain, before he is transferred, shall hand over the accounts, passbooks and other documents as well as the balance cash and the list of movables to new parish priest/chaplain.

**Art. 81.** The parish priest/the chaplain shall always pay attention to the correct and safe handling of the accounts and their auditing, and to proper the maintenance of the records of the parish/. In these matters the *kaikkarans* and the accountant are bound to act according to the instructions of the parish priest/chaplain.

**Art. 82.** No church record shall be taken outside the parish/ office without the per of the parish priest/chaplain.

**Art. 83.** The parishes/s shall maintain the following registers, records, books and files:

- 1) Baptism and chrismation register
- 2) Betrothal register
- 3) Marriage register
- 4) Death register
- 5) *Atmasthiti* register
- 6) Minutes book of *potuyogam* and the *pratinidhiyogam*
- 7) *Yogapusthakam*(register for decisions of *yogam*)
- 8) Subscription registers (variveetha register)
- 9) *Kurippu*/account book
- 10) Journal
- 11) Ledger
- 12) *Tirattu*
- 13) Audit report
- 14) Voucher file
- 15) Canonical visit diary of the eparchial bishop
- 16) Bounded copies of the eparchial bulletin
- 17) Liturgical calendar
- 18) Register relating to documents and records
- 19) Books to copy the civil documents
- 20) File containing pastoral letters and circulars
- 21) File containing orders from the eparchial curia
- 22) A schedule containing the details of immovable properties
- 23) List of movable properties
- 24) List of foundation masses (this should be maintained in the sacristy also)
- 25) Diary (chronicles, *nalaagaman*)
- 26) List of antiques
- 27) Vocation register
- 28) Announcement books
- 29) Book of ecclesiastical censures
- 30) Inventory registers (*muricharthu*)
- 31) Miscellaneous file
- 32) Other registers as per eparchial norms

**Art. 84.** No record and orders relating to the parish/ or the eparchy shall be produced in any court without prior per of the local hierarch.

## Part VII

## GENERAL AND TRANSITORY NORMS

**Art. 85.** All disputes and complaints with regard to the conduct, proceedings, resolutions, decisions and actions taken or adopted by the *potuyogam* or *pratinidhiyogam* shall be referred by the aggrieved before the eparchial bishop, within seven days to the date of such *yogam*. The eparchial bishop shall resolve the matter as expeditiously as possible and his decision shall be final.

**Art. 86.** For grave reasons the eparchial bishop can suspend a *potuyogam* or a *pratinidhiyogam* until further orders from him and make alternative arrangements according to his discretion for the administration of the parish/.

**Art. 87.** No Christian faithful shall challenge these rules or matters arising therefrom in any legal proceeding other than have recourse to ecclesiastical authorities.

**Art. 88.** These rules may be amended by the eparchial bishop.

**Art. 89.** If there is any custom or practice in any particular parish/ inconsistent with the rules contained herein is reprobated as soon as these rules come into force.

## Part VIII NOT FOR PROFIT AND WINDING UP

### **Art. 90. Not For Profit**

The income and property of the Community will only be applied towards the promotion of the objects of the Community set out in Art. 4.

No income or assets of the Community will be paid, transferred or distributed, directly or indirectly, by way of dividend, bonus or otherwise to any member of the Community (or equivalent). However nothing in this Constitution will prevent payment in good faith to a member (or equivalent):

- (a) in return for any services rendered or goods supplied in the ordinary and usual course of business to the Community;
- (b) of interest at a rate not exceeding current bank overdraft rates of interest for moneys lent to the Community; or
- (c) of reasonable and proper rent for premises leased by any member (or equivalent) to the Community.

### **Art. 91. Winding Up**

If any surplus remains following the winding up of the Community, the surplus will not be paid to or distributed amongst Members, but will be given or transferred in accordance

with the provisions of the CCEO to one or more institutions or corporations which meet the requirements set out at sub-clauses (i) to (iii) below:

- (i) has objects which are similar to the objects of the Community as set out in Art. 4;
- (ii) has a governing document which requires its income and property to be applied in promoting its objects; and
- (iii) a governing document which prohibits it from paying or distributing its income and property amongst its members (or equivalent) to an extent at least as great as imposed on the Community by Art. 90.

The identity of the corporation(s) or institution(s) is to be determined by the eparchial bishop in writing at or before the time of dissolution and failing such determination being made, by application to the Supreme Court for determination.

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