



DIOCESE OF ALLAHABAD

Bishop's House, #32 Thornhill Road Prayagraj - 211 002, (U.P.) INDIA

DIOCESAN CIRCULAR NO. 06/19

December 06, 2019



Most Rev. Raphy Manjaly

MY PROGRAMME

DECEMBER 2019

01	Blessing of the Church at Malipur
02	Annual Day Function at St. Thomas Inter College, Chunar
03	Parish Feast at S.F.X. Ashoknagar, Kanpur
06	Annual Day Function at St. Mary's 21, Prayagraj & Mass at Divya Jyoti School at 06:00 p.m.
08	Jubilee of St. Joseph's Church, Rihandnagar
12	Christmas Recollection for Clergy
14	Annual Day Function at St. Joseph's School, Shankargarh
15	Patronal Feast at Faizabad
17	Annual Day Programme at Ajuwa
18-20	Travel to Raipur
21-22	Annual Day Function at St. Joseph's School, Kodhar & Sunday Mass

My Dear Fathers, Sisters and Brothers,

Grace and peace from God Our Father and the Lord Jesus Christ!

I. Advent Thoughts

Advent is a time of expectation. It is a time of waiting.

For most people in the world, waiting is a way of life. We all get used to standing in line. We queue at government offices for permissions. We queue at supermarket checkouts, airport check-ins and at the counters of banks. We get stuck in traffic jams. Highly developed countries try to eliminate waiting. In poorer countries it is expected and taken for granted, it is a way of life. Poor people are used to waiting. It is the well-to-do people who get blood pressure when they are told to wait.

It is the vocation of the disciple to wait for the master. The reward for waiting is incalculable. Listen to Jesus in St. Luke's Gospel.

Be dressed for action and have your lamps lit; be like those who are waiting for their master to return from the wedding banquet, so that they may open the door for him as soon as he comes and knocks. Blessed are those slaves whom the master finds alert when he comes; truly I tell you, he will fasten his belt and have them sit down to eat, he will come and serve them. If he comes during the middle of the night, or near dawn, and finds them so, blessed are those slaves. (Luke 12;35-8)

This Advent reading refers exactly to the frame of mind we should now be entering into. A willingness for a peaceful, sustained waiting for the Lord to appear. And Advent is a microcosm of the whole of the Christian life. The whole of our life is a living on trust, and knowing neither the day nor the hour when our trust will be rewarded.

Advent is a waiting for Christmas. But the secular commercial machine has taken away the religious sense of the feast. "God so loved the world that He gave up His only begotten Son, that whoever believes in Him may not perish, but may have life everlasting" (Jn. 3:16). Because He so loved us, He became in His Son Jesus Christ a pilgrim like us.

24	Celebrates Vigil Mass at St. Joseph's Cathedral, Prayagraj
25-27	Christmas Mela

JANUARY 2020

12	Pastoral Visit to Ashoknagar, Kanpur
19	Capping Ceremony at Nazareth Hospital, Prayagraj
20-31	Classes at St. Joseph's Regional Seminary, Prayagraj
25	Vestition & First Profession of CSN Sisters at Mandar Mode

It seems that the early Christians expected the Second Coming to happen very soon, and that they were most disturbed when it did not take place. Now we have steeled down to a Second Coming which may be unimaginably remote. But what must enter into our serious and practical reckoning is the day of our own death, and this is going to arrive in the most unspectacular and matter-of-fact way, and we shall disappear from the surface of this planet leaving scarcely a ripple. This is a moment for which we are waiting, for which we are in perpetual Advent: the moment when we meet God face to face. Some people will be sorry and sad when we go; our colleagues will say Mass for us; our names will go into the diocesan ordo under the heading "Sleep in Christ". Some may remember us with love. Ultimately, however, our only security is in the Lord. We are waiting to meet Him who is our only enduring and eternal security. Maranatha, Come Lord Jesus, as a friend and a compassionate brother, come, as a merciful judge, come.

II. Diocesan Finance Committee (Can. 492, 493, 494)

I am happy to inform you that the **Diocesan Finance Committee** has been reconstituted and the following persons have been appointed as its members for a term of five years:

- Bishop of Allahabad - President
1. Rev. Fr. Isidore D' Souza - (Finance Administrator Cum Secretary)
 2. Rev. Fr. Louis Mascarenhas- Member
 3. Rev. Fr. Apolin Lobo - Member
 4. Rev. Fr. Reginald D'Souza - Member
 5. Rev. Fr. Thomas Kumar - Member
 6. Rev. Fr. Lawrence Fernandes- Member

Functions of the committee

- The finance committee has to prepare every year budget of income and expenditure for the coming financial year for the entire governance of the diocese according to the directions of the diocesan Bishop
- The plan and guidelines are given by the financial administrator and the committee has to monitor the financial administrator's implementation of its provisions and policies.
- The committee has to help the financial administrator to prepare the annual statement of income and expenditure, accounts and balance sheets at the end of each financial year.
- The financial committee has the very important work "Internal Auditing" that scrutinizes, reviewing and evaluating the already audited annual statements of accounts of the diocese and all the diocesan institutions and submitting its observations on the same to the diocesan bishop.

I thank the outgoing members for their valuable service and wish the new members the very best.

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III. Annual Day Cultural Programme.

I am happy to notice that in almost all schools the cultural programme is organized well. But most of them are too long. A programme of two to two and a half hours is ideal. Items presented should be inspiring, educative, capable of stirring the conscience and culturally rich.

I see that attending Annual Days costs a lot of time. So I would be happy if you spared me from attending them. At the most once in three years is enough. A pastoral visit is more useful and productive. This I shall do joyfully.

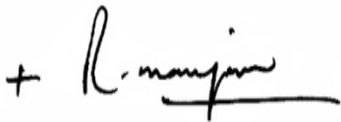
IV. Pastoral Handbook For The Clergy

CCBI Canon Law Commission is updating the old Pastoral Handbook For The Clergy. It is expected to be released during the CBCI Plenary Assembly to be held from 12-20 February, 2020. As soon as the new handbook is available I shall ensure that every priest in our diocese gets a copy. In the meanwhile I am sending you guidelines regarding the Sacrament of Marriage, which have been culled out from the Old Handbook. The rule of thumb is: when you are in doubt, do not act; go through the guidelines or consult a knowledgeable person.

V. Reminders Regarding Financial Matters

- All expenditure of our diocesan institutions- farming, repair of buildings, purchase of equipments, minor new constructions, etc. – should be included in the annual budget.
- To incur major expenditure in an institution/parish/mission station, written permission of the Bishop is necessary.

I wish each one of you A Holy Advent season and A Happy Christmas! May Jesus fill your heart with peace and joy and bless you with a tangible experience of his presence!



✠ **RAPHY MANJALY**
Bishop of Allahabad

Marriage

- 1. What is to be done when one Catholic party comes to a diocese in India from abroad without bringing any papers and wants to marry a Catholic in India?**

Unless the party from abroad brings a letter of free state, and an authorisation from his/her parish priest or pastor giving permission for the parish priest of the diocese in India to prepare the papers and conduct the marriage, such a request should not be entertained.

2. If two non-baptised persons who are validly married want to embrace the faith, is it necessary to renew their consent after their conversion?

No. If their marriage was valid and both parties embraced the Catholic faith, their marriage automatically becomes a sacramental marriage. (It is advisable in such cases to put a note in the remarks' column of the Baptism Register that the parties were validly married before their conversion.)

3. Can a non-catholic be a witness for a marriage?

Yes. A non-catholic can be a witness to a Catholic marriage.

(A) BANNS

1. Where are banns to be published and how many?

Banns are to be published in the place where the parties have their domicile or quasi-domicile. In places where the parties concerned have lost their domicile or quasi-domicile, the parish priest concerned can exempt the parties from the publication of banns provided that he is sure of his/her free state.

The CCBI has decreed 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 at Mass. Ordinarily, the banns should be published at least two weeks before marriage.

2. Can the parish priest dispense from one bann?

According to the norms given by the CCBI it is only the *Vicar Forane* (Dean) that can grant dispensation from one bann. If the Bishop of the place, however, has granted faculty to all parish priests to dispense from one bann, then the parish priest concerned can also do so. (In the Archdiocese of Bombay, the Archbishop has delegated to the parish priests the faculty to dispense from one bann.)

3. Can banns be published in the case of Mixed Religion marriages?

According to the directions given by the CCBI in adapting Canon 1067, the Local Ordinary is to decide whether banns are to be read or not in mixed marriages.

4. When is the oath of free state necessary?

Normally, the free state of a party is established by the publication of banns. But when banns are not being read, two trustworthy persons who know the party well should testify to his/her free state by a sworn testimony. If, however, it is not possible to get two persons to testify to a party's free state, the party himself/herself should be asked to take an oath of free state attested by two witnesses.

5. What is to be done to establish the free state of a non-catholic party in the case of a mixed marriage or a marriage of disparity of cult?

In the case of a baptised non-catholic, if the party can obtain a letter of free state from his/her pastor, this would suffice to establish the free state of the baptised non-catholic. In the case of a non-baptised party, he/she should be asked to sign an affidavit of free state.

B) MIXED MARRIAGES/DISPARITY OF CULT MARRIAGES

1. What is the difference between a mixed marriage and a disparity of cult marriage?

A *Mixed Marriage*, which is also known as a *Mixed Religion* marriage is, in the strict sense, one that is contracted between a baptised Catholic and a baptised non-catholic.

A *Disparity of Cult* marriage is one that is contracted between a Catholic and an unbaptised person.

2. What is to be done in mixed marriages/disparity of cult marriages, if the non-catholic party is unwilling to allow the children to be brought up as Catholics?

The Catholic party is bound to sign the usual promises but for good reasons the dispensation can be granted if, in the judgement of the Local Ordinary or his delegate, there is no danger of the Catholic party losing his/her faith and there is the founded hope of a happy marriage.

3. Is it permissible to celebrate a marriage between a Catholic and a non-Christian during Mass?

No, a marriage between a Catholic and a non-Christian cannot be celebrated during Mass. Even a marriage between a Catholic and a baptised non-catholic cannot be celebrated during Mass without the due permission of the Local Ordinary, as per the *motu proprio* "Determining Norms for Mixed Marriages" issued by Pope Paul VI on March 31, 1970.

4. In the case of mixed marriages, is it permissible to give communion to the baptised non-catholic party?

The provisions of Canon 844 §4 would apply to mixed marriages: if in the judgement of the Diocesan Bishop or of the Episcopal Conference, there is some grave and pressing need, Catholic ministers may lawfully administer communion to other Christians not in full communion with the Catholic Church, who cannot approach a minister of their own community and who spontaneously asks for communion, provided that he/she believes in the Real Presence and is properly disposed. These cases must be referred to the Diocesan Bishop for his permission.

5. Is double religious ceremony permissible in marriage?

Canon 1127 §3 clearly states that it is forbidden to have, either before or after the canonical celebration, another religious celebration of the same marriage for the purpose of giving or renewing matrimonial consent. Likewise, there is not to be a religious ceremony in which the Catholic assistant and a non-catholic minister each performing his own rite, ask for the consent of

the parties. However, there is no law forbidding a civil marriage before or after the Church marriage for reasons of obtaining passport, visa, etc.

6. If a dispensation from the Canonical Form of marriage is to be granted, what is necessary?

At times, for good reasons, the baptised non-catholic party insists on having his/her marriage celebrated only civilly or in a non-catholic Church. In such a case, it is possible to grant a dispensation from the Canonical Form of marriage – (Canon 1127 §2)

When applying to the Local Ordinary or his delegate for dispensation from the Canonical Form of marriage, the priest concerned must, in the first place, find out from the non-catholic party the reasons for the same. Without proper and grave reasons, a dispensation from the Canonical Form cannot be granted.

If the parties belong to two different dioceses it is for the Local Ordinary of the Catholic party to grant the dispensation. The dispensation, however, should not be granted without consulting the Ordinary of the place where the marriage is to be celebrated.

All the marriage papers should be kept in the files of the parish to which the Catholic party belongs.

The parish priest of the Catholic party should ask the Catholic party to obtain his/her Marriage Certificate and this should be registered in the parish Marriage Register with the remark that, with due dispensation from the Canonical Form of marriage, the marriage was celebrated in court/Church on (date) at (place).

7. If a Catholic party was married to a non-catholic party civilly or according to any other religious rite and the non-catholic party is unwilling for their marriage to be blessed in the Church. What is to be done?

In the case under consideration, where a Catholic party marries a non-catholic party without obtaining dispensation from the Form of marriage, it is still possible under certain conditions to have the marriage rectified by retroactive validation (cf. Canons 1161 & 1165). The Catholic party concerned should be referred to the Local Ordinary or his delegate.

8. In the case of a Mixed Marriage or a marriage of Disparity of Cult, if one party belongs to one diocese and the other to another diocese, what is to be done?

It is the duty of the parish priest of the Catholic party to see to it that all the preparatory documentation for the marriage is carried out. It is the parish priest of the Catholic party who should apply for dispensation from the impediment of Disparity of Cult or for permission for Mixed Marriage, following the normal requirements.

The parish priest of the Catholic party should then write to the parish priest of the place where the non-catholic party resides, to ascertain the free state, fill in the Pre-Nuptial Enquiry Form and to send all the required documents back to him. In the process of collecting this data, the parish priest should also instruct the non-catholic party about the purposes and essential properties of marriage, which are not to be excluded by either contractant. It is, however, recommended that

the parish priest of the Catholic party himself instructs and fills in the P.N.E. Form of the non-catholic party.

If the marriage is to take place in the diocese of the non-catholic party, then the parish priest of the Catholic party should complete the dossier of the Catholic party and send the same to the parish priest where the marriage is to be celebrated.

9. If a Catholic party who has contracted civil marriage wants to have his/her marriage celebrated in the Catholic Church, how should one proceed? Should the Civil Marriage Register be filled in and signed by the parties? Should the Civil Marriage Certificate be sent to the Registrar General of Births, Deaths and Marriages?

- a. *If a Catholic party has contracted civil marriage with another Catholic party, their marriage would be civilly valid but canonically invalid. Hence, the normal procedure for marriage between two Catholics is to be followed. However, with regard to the signing of the Marriage Register, the couple needs to sign only the Church Marriage Register.*

As far as the Civil Marriage Register is concerned, the parish priest must enter the details of the civil marriage on it, i.e., the names of the couple, the date of marriage, the Act under which the marriage was celebrated, etc. However, he is **not to send** this civil marriage certificate to the Register General of Births, Death and Marriages.

With regard to the serial number of such marriages, one should number it as follows: If the serial number of the previous entry in the Marriage Register is 21, then this marriage should be given the serial number 21A, and not serial number 22. In this way there will be no break in the numbering of the civil marriage certificates sent to the Registrar General of Births, Deaths and Marriages.

- b. *If a Catholic party has contracted civil marriage with a non-baptised person and now wants to get married to the same party in the Catholic Church. If they have contracted marriage under the Special Marriage Act or Indian Christian Marriage Act, follow the normal procedure for disparity of cult marriages, that is, apply for dispensation from the impediment of Disparity of Cult in the usual form and follow the normal procedures for such marriages.*

With regard to the signing of the Registers the same procedure as in the case of a Catholic marrying a Catholic is to be followed.

- c. *If the marriage has been contracted under the Hindu Marriage Act or in any other Religious Act, the presumption of law is that the Catholic party has been converted to Hinduism or to any other religion as the case may be. In this case the Catholic party must be told to make an Affidavit stating either that he/she had never intended to be converted to Hinduism or any other Religion, or, (if the party had actually converted and given up the Catholic Faith), that he/she wants to reconvert and be received into the Catholic Church, as the case may be. After this, he/she must first be received into the Catholic Church. [For Rite of Reception see Appendix II.] This would involve absolving the person concerned from any censures he/she might have incurred. Then, the normal procedure for disparity of cult marriages is to be followed.*

- 10. If two non-baptised persons married civilly or according to their religious rites and if a civil divorce has been obtained and the party now wants to marry a Catholic can this marriage be allowed?**

Such a marriage cannot be allowed unless the person who has been civilly divorced also obtains an annulment or dissolution of his/her marriage because the Church recognizes the marriage but not the civil divorce. The case should be referred to the Local Ordinary or his delegate.

11. What is Pauline Privilege?

Canon 1143 §1: In virtue of the Pauline privilege, a marriage entered into by two unbaptised persons is dissolved in favour of the faith of the party who received baptism, by the very fact that a new marriage is contracted by that same party, provided the unbaptised party departs.

§2: The unbaptised party is considered to depart if he or she is unwilling to live with the baptised party, or to live peacefully, without offence to the Creator, unless the baptised party has, after the reception of baptism, given the other just cause to depart.

These cases should always be referred to the Local Ordinary or his delegate.

12. What is Favour of Faith?

A marriage between two non-baptised persons or a marriage between a baptised and a non-baptised can be dissolved in Favour of Faith of the Catholic party if, after obtaining a civil divorce, one of them wants to marry a specific Catholic. Such a case should be referred to the Local Ordinary or his delegate so as to obtain dissolution of such a marriage from the Holy Father and to enable the person concerned to marry the Catholic.

13. If a person's marriage has been declared null & void or dissolved by the Church, is it still necessary to obtain a civil divorce?

Yes. According to the provisions of the Indian Christian Marriage Act of 1872, every Catholic priest is empowered to solemnise marriages where at least one party is a Catholic. But, whereas, the Catholic priest is empowered to solemnise marriages, civil law has given no competence to the Church authorities to either dissolve marriages or declare them null & void. Hence, although annulment/dissolution is granted by the Church and the parties concerned are free to remarry in the eyes of the Church, civilly their marriage stands and a remarriage would civilly amount to bigamy.