

# **THE CONSTITUTION OF THE MALANKARA ORTHODOX SYRIAN CHURCH**

## **1 DECLARATION**

1 The Malankara Church is a division of the Orthodox Syrian Church. The Primate of the Orthodox Syrian Church is the Patriarch of Antioch.

2 The Malankara Church was founded by St. Thomas the Apostle and is included in the Orthodox Syrian Church of the East and the Primate of the Orthodox Syrian Church of the East is the Catholicos.

3 The ancient and the real name of the Malankara Church is the Malankara Orthodox Syrian Church although it is also wrongly called 'The Jacobite Church', for the same reason for which the Orthodox Syrian Church has been also called so.

4 All men and women who have received Holy Baptism and believe in the divinity of the Holy Trinity, the incarnation of the Son, the procedure of the Holy Spirit, the Holy Church and the application of the Nicene Creed there-in-all, the divine inspiration of the Holy Traditions, the mediation of the Mother of God and the Saints, the commemoration of the departed ones, the administration of the seven sacraments and the Canonical observances like fasting etc and have accepted the obligation to observe them, will be members of this church.

5 The approved Canon of this Church is the Hudaya Canon written by Bar Hebraeus (the same Canon book as the one printed in Paris in the year 1898.)

## **2 THE PARISH CHURCH**

### **A. The Parish Assembly**

6. Every Parish Church shall have a Parish Assembly.

7. All men who confess and receive Holy Qurbana at least once a year, and who have completed the age of twenty one years may be the members of the Parish Assembly.

8. There shall be a Parish Assembly Register containing the names and particulars of Parish Assembly, and a Holy Confession Register containing the names and particulars of those who have confessed.

9. A member of one Parish Church can either become permanent member of another Parish Church or if he resides temporarily in another place for profession or other-wise become temporary member of the Parish Church there, with the permission of the Vicar of the Parish Church he joins and the respective Vicars shall report to the respective Diocesan Metropolitan about such leaving and joining. In the event of the Vicar refusing permission for such transfer the Diocesan Metropolitan may be petitioned and all concerned shall abide by his decision. Those who have joined a Parish temporarily will not have, as long as they continue so, the right to participate in the Parish Assembly of the Parish Church in which they are permanent members or exercise their vote there.

10. If a member of a Parish Assembly fails to pay for a period of six months any amount on any account due from him to the Parish or to the Church, that members will not have the right to take part or exercise his vote in any Parish Assembly. If he continues in arrears, without paying such amounts for one year his name shall be removed from the Parish Assembly Register. A member so removed from the Parish Assembly Register will forfeit the right to be a member either of his own or any other Parish Assembly, until he has paid up all his arrears. The Vicar of the Parish shall write to the Metropolitan of

the Diocese as to what shall be done thereafter with that member, and deal with him according to the written order of the Metropolitan.

11. A member who has been removed as above, as also a member who shall newly join a Parish, will not have the right to exercise his vote in the Parish Assembly before the expiry of three months after the former has paid up his arrears and the latter joined the Parish.

12. The Vicar shall convene the Parish Assembly Meeting by announcing in the Parish Church during service on two Sundays before the meeting, either by himself or as directed by him by the priest who conducts the service, about the meeting and the agenda thereof, and the meeting may be conducted either on the second Sunday of the announcement itself or any other day following. The Vicar or on his direction, the Secretary shall publish on the first Sunday of the announcement by posting on the notice board or otherwise, a list of those who have the right to take part and vote in the Parish Assembly Meeting. If needed, the Parish Assembly may be held after giving one week's notice in writing to all members of the Parish Assembly, by the Vicar or Secretary under the direction of the Vicar. If there be other churches or chapels under the auspices of the Parish Church, such churches or chapels shall be informed of the meeting in such manner as may be prescribed by the Parish Assembly. With the sanction of the Diocesan Metropolitan, the Parish may be divided into wards and members of the Parish Assembly from respective wards may elect one or more of them to represent them at the Parish assembly Meeting, and any decisions taken in the meeting of such representative shall be deemed to the decision of the Parish Assembly.

There shall be no quorum for the Parish Assembly Meeting.

13. The Parish Assembly shall meet at least twice a year. The Vicar shall convene the Parish Assembly Meeting when he deems it necessary or at the request of the Managing Committee or at that of twenty percent of the Parish Assembly Members. The Diocesan Metropolitan, if he finds it necessary, may after announcing in the Church himself or causing such an announcement to be made convene the Parish Assembly Meeting on any subsequent day and the Diocesan Metropolitan shall preside over the meeting so convened.

14. If the Vicar does not convene a meeting of the Parish Assembly at the request of any party entitled to make such a request, the Diocesan Metropolitan may be petitioned and the decision of the Diocesan Metropolitan shall be implemented.

15. The Vicar shall be the President and other Parish Priests if there are any, shall be the Vice-Presidents of the Parish Assembly. The Vicar shall preside over the Parish Assembly Meeting except when it shall be convened by the Diocesan Metropolitan, as stated in section 13 above or by the Malankara Metropolitan as stated in section 98 \*\*. If for any reason the Vicar is unable to preside, one of the Vice- Presidents present, and if there be no Vice-Presidents present, any member of the Parish Assembly, may on the direction in writing of the Vicar, may preside over the Parish Assembly Meeting.

** Section 98. The Malankara Metropolitan may officially visit all the Parishes of the Malankara Church and if found necessary, he may convene the Parish Assembly and the Diocesan Assembly after informing the Diocesan Metropolitan
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16. There shall be a Secretary for the Parish Assembly, who shall be elected by the Parish Assembly Meeting, and he shall record and maintain the minutes of the Parish Assembly Meeting. Without assigning any reason, the Parish Assembly with the approval of the Diocesan Metropolitan removes the Secretary from office. When the Diocesan Metropolitan shall come to the church on his Parish visit the minutes shall be got signed by him.

17. The duties of the Parish Assembly shall include the election of the 'Kaikaran'(lay steward),the Secretary and the members of the Managing Committee; the removal of

them if necessary with the approval of the Diocesan Metropolitan; the passing of the budget for the year; the appointment of auditor or auditors and the consideration of their report; the adoption of the yearly account and the consideration and decision on matters required for the Parish.

18. The Vicar shall send or cause to be sent by the Secretary the decisions of the Parish Assembly to the Diocesan Metropolitan whenever such are made.

19. The Diocesan Metropolitan may be appealed to against any decision of the Parish Assembly and the Vicar shall simultaneously be informed in writing of such appeal. If the Diocesan Metropolitan agrees with the decision of the Parish Assembly, he shall dismiss the appeal, but if he disagrees, he shall within three months after the receipt of the appeal, place the same before the Diocesan Council and he shall in consultation with the Council decide the appeal matter.

20. Until a decision is made on the appeal, the Diocesan Metropolitan may at his discretion stay the implementation of the decision of the Parish Assembly by sending stay Kalpana (order). The decision of the Parish Assembly, shall come in to effect, if the aggrieved party fails to inform the Vicar in writing about the appeal within five days after the decision of the Parish Assembly or if no order of stay is received within two weeks of it.

21. If the Diocesan Metropolitan is satisfied that the decision of the Parish Assembly is not right or that it is beyond the limits of the Parish Assembly, he shall have authority even if no appeal has been made, to adopt the procedures stated in sections 19 and 20 above with regard to such decision and settle the matter.

22. After setting apart the portion referred to in Section 122 \*\* hereunder, the balance shall be spent on the following items, in the following order of priority and only any balance remaining over may be spent for other needs of the Parish and the Church in general:-

- (a) Day-to-day expenses in connection with the Holy Qurbana, festivals and other ministrations of the Church.
- (b) Expenses in connection with the maintenance and upkeep of the Parish Church and other Parish buildings.
- (c) Salary of the Vicar, the other Priests, the Sexton etc;
- (d) Payments due to the Church Centre and the Diocesan Centre.
- (e) Expenses for the Schools, Charitable Hospitals, Orphanages, Sunday Schools, Prayer meetings, Gospel work and the like conducted by the Parish Church.

Section 122. Out of the annual gross income of a Church including its properties, 10% for the first Rs 500/-; and 5% for the remaining Rs 500/- to Rs 1500/- and 2 ½% for the amount above Rs 1500/- shall be sent every year to the Malankara Metropolitan. If the percentage as stated above of any church is less than Rs 10/-, not less than Rs 10/- shall be sent from that Church to the Malankara Metropolitan under this item.

23. The acquisition of any immovable property for the Parish Church or the sale or creation of any charge on the immovable property of the Parish Church, shall be in pursuance of the decision thereto made by the Parish Assembly and the written consent of the Diocesan Metropolitan and shall be done by the Vicar and the Kaikaran (Lay – Steward) jointly.

## **B. Parish Managing Committee**

24. For every Parish Assembly there shall be a Parish Managing Committee

25. The members of the Parish Managing Committee excluding the priests shall be elected by the Parish Assembly and their term of office shall be one year. Every Parish

Managing Committee shall have a minimum of 5 and a maximum of 15 members excluding the Priests. The Parish Assembly shall decide the needed number of members within these limits. If any Parish requires more than 15 members for its Parish Managing Committee, the Parish Assembly may with the approval of the Diocesan Metropolitan elect the additional members required. If the Parish is divided into wards as provided in section 12 above, the Parish Assembly may elect the Parish Managing Committee members on such ward basis. In the event of any vacancy arising in the Parish Managing Committee, the remaining members of the committee may fill up such vacancy by co-option from the members of the Parish Assembly.

If in any circumstances special to any Parish, it is found necessary to extend the term of the Parish Managing Committee, the Parish Assembly may with the special permission of the Diocesan Metropolitan extend the term of office of that Parish Managing Committee to a period for three years.

26. The Vicar shall be the President of the Parish Managing Committee; other Priests if any shall be the Vice-presidents. The Kaikaran and the Secretary for the current year and the outgoing Kaikaran of the previous year shall be members of the Parish Managing Committee.

27. The Vicar shall report to the Diocesan Metropolitan about the election of the Kaikaran, the Secretary and other members of the Parish Managing Committee within a week's time along with a copy of the Parish Assembly proceedings and his written approval obtained for the same. If no Kalpana (order) of approval of the Diocesan Metropolitan is received within three weeks of forwarding the report, it shall be deemed that the Diocesan Metropolitan has approved such election.

28. The Vicar or on his direction the Secretary shall convene the meeting of the Parish Managing Committee by giving written notice and the Vicar shall preside over the meeting. If for any reason the Vicar is unable to preside, one of the Vice-presidents, if any, and if there be no Vice-President a member of the Parish Managing Committee may on the direction in writing of the Vicar, preside over the meeting.

29. The Vicar shall convene the meeting of the Parish Managing Committee when he deems it necessary or when requested by the Kaikaran or at the request of one third of the members of the Parish Managing Committee or on the direction of the Diocesan Metropolitan. The Parish Managing Committee shall meet not less than four times a year. If found necessary the Parish Assembly may decide a quorum for the Parish Managing Committee meeting.

30. The Secretary of the Parish Assembly shall also be the Secretary of the Parish Managing Committee. The Secretary shall record and keep the minutes of the Parish Managing Committee, and when the Diocesan Metropolitan comes to the church on his Parish visit the minutes shall be got signed by him.

31. The duties of the Parish Managing Committee shall include the preparation of the yearly budget and the presentation of it to the Parish Assembly, the execution of the matters authorized by the Parish Assembly, the consideration and recommendation to the Parish Assembly of matters necessary for the Parish and the examination of the accounts presented by the Kaikaran.

## **C Kaikaran (Lay-Steward)**

32. Every Parish Church shall have a Kaikaran who shall be the joint-steward along with the Vicar of all the assets of the Parish Church. When the Kaikaran goes out of office his stewardship will also terminate. The Parish Assembly may, if found necessary, elect not more than two Kaikarans with joint responsibility. In all legal proceedings on behalf of the Parish Church it shall be sufficient if the lay-steward is made party. (If there

–be two Kaikarans for a Parish Church, any reference to one kaikaran in the constitution shall be deemed to apply to both the kaikarans).

33. The Kaikaran shall be elected by the Parish Assembly and his term of office shall be one year.

34. The Parish Assembly may without assigning any reason remove the Kaikaran from office with the approval of the Diocesan Metropolitan

35. The duties of the Kaikaran shall include recording and maintaining correct accounts of the Parish; receiving the income and making the expenditure of the Parish according to the direction of the Parish Assembly and the Parish Managing Committee; preparing the yearly accounts of the Parish every six months and presenting the same to the Parish Managing Committee and thereafter presenting the same to the Parish Assembly. When the Diocesan Metropolitan comes to the Church on his Parish visit the account books of the Parish shall be got signed by him.

36. The Vicar shall send or cause to be sent by the Secretary two copies of the summarized statement of accounts passed at the Parish Assembly to the Diocesan Metropolitan for his approval.

37. For every Parish there shall be a register of the movable and immovable properties of the Parish Church and it shall be made up-to-date every year and signed by the Vicar and the Kaikaran and kept in the custody of Kaikaran, and when the Diocesan Metropolitan comes to the Church on his Parish visit the same shall be got signed by him. All documents relating to the assets of the Parish and all records except those for the current year to be kept by the Secretary and the Kaikaran or those to be kept by the Vicar shall be kept under the joint-responsibility of the Vicar and the Kaikaran.

## **D Vicar**

38. There shall be a Vicar for every Parish Church; other Priests, if any shall be assistants of the Vicar.

39. The Vicar shall be the joint-steward with the Kaikaran of the assets of the Parish. The monies of the Parish shall be deposited in the joint names of the Vicar and the Kaikaran or in the name of any one of them with the consent of each other. But the Kaikaran may retain with him an amount as fixed by the Parish Managing Committee.

40. The Diocesan Metropolitan has authority to appoint, remove or transfer the Vicar or other priests. When the Vicar is so removed or transferred his stewardship will also terminate.

41. If a priest belonging to one Diocese is to be transferred to another Diocese, such transfer shall be decided by the Metropolitans of the two Diocese concerned in consultation with each other.

42. Deleted

43. In addition to the Baptism Register, the Marriage Register, the Burial Register, the Parish Assembly Register and Confession Register, there shall be a Parish Register containing the names and other particulars of all men and women of the Parish entered regularly under the responsibility of the Vicar and kept in his custody. When the Diocesan Metropolitan comes to the Church on his Parish visit these shall be got signed by him. The Vicar shall keep also the files of kalpanas (orders) and other documents received from higher authorities of the Church.

44. The Vicar shall be the custodian of the movable articles required for the day to day use in Church Services and those not so used shall be in the joint custody of the Vicar and Kaikaran.

### **3. DIOCESE**

#### **A. Diocesan Assembly**

45. Every diocese shall have a Diocesan Assembly.

46: The following shall be the members of the Diocesan Assembly, viz

a) A priest from each Parish Church elected by the Parish Assembly, provide that if in any Parish Church, there is only one priest, he shall be the priest representative of the Parish Church without the need of an election.

b) (i) One layman member elected by the Parish Assembly of each Parish Church whose membership does not exceed 100 members.

ii) One more additional layman member to be elected by the Parish Assembly of a Parish Church having a membership of more than 100 members but not exceeding 250 members.

iii) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 250 members but not exceeding 500 members.

iv) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 500 members but not exceeding 750 members.

v) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 750 members but not exceeding 1000 members

vi) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1000 members but not exceeding 1250 members

vii) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1250 members but not exceeding 1500 members

viii) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1500 members but not exceeding 1750 members

ix) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1750 members but not exceeding 2000 members

x) One more additional layman to be elected by the Parish Assembly of a Parish Church having a membership of more than 2000 members.

c) The term of members elected under clause (a) and (b) shall be five years.”

Members in the Article 46 as amended above refer to members as contemplated by and as mentioned in clause (7) of the 1934 Constitution (which deals with Parish Church and Parish Assembly)

Note: 1 Election of members of the Association and the Diocesan Assemblies shall take place on the basis of amended/substituted Articles 71 and 46 aforementioned on or before 30 April 1997.

Note: 2 The membership of each Parish Church shall be determined with reference to the entries in the relevant register maintained by each Parish Church as on the date of judgment of the Hon'ble Supreme Court of India in the Church case i.e. 20 June 1996.

47. Election of the Diocesan Secretary and the members of the Diocesan Council, appointment of auditor to examine the accounts of the income and expenditure of the Diocese, consideration of the auditors report, adoption of the Annual Accounts and consideration and decisions of matters necessary for Diocese are within the functions of the Diocesan Assembly.

48. The Diocesan Metropolitan shall convene the Diocesan Assembly.

49. The Diocesan Metropolitan shall be the President of the Diocesan Assembly and shall preside over the Diocesan Assembly.

50. There shall be a Secretary for the Diocesan Assembly who shall be elected by the Diocesan Assembly and such election shall be valid if confirmed by the Diocesan Metropolitan. The Diocesan Assembly may with approval of the Diocesan Metropolitan remove the Secretary from office without assigning any reason.

51. The duties of the Secretary include the recording and maintaining the correct accounts of the income and expenditure of the Diocese, preparing and presenting statements of accounts to the Diocesan Council at least twice a year and thereafter presenting the said Statement of Accounts to the Diocesan Assembly and the recording and keeping the minutes of the Diocesan Assembly and the Diocesan Council.

52. The Secretary shall get printed the Statement of Accounts passed by the Diocesan Assembly and forward a copy of such statement to every church within the Diocese and one copy to the Malankara Metropolitan.

53. The monies of the Diocese shall be deposited in the name of the Diocesan Metropolitan.

54. The acquisition of any immovable property for the Diocese or the disposal of or creation of any charge on any immovable property of Diocese shall be done by the Diocesan Metropolitan and the Diocesan Secretary jointly and in pursuance of a decision thereto made by the Diocesan Assembly and written consent of the Malankara Metropolitan.

55. The Diocesan Assembly shall meet at least once a year.

## **B. Diocesan Council.**

56. Every Diocese shall have a Diocesan Council.

57. Two Priests and four laymen elected by the Diocesan Assembly and the Diocesan Secretary shall be the members of the Council. Their term of office shall be three years. If in the meantime any vacancy arises in the Council the remaining members have the right to co-opt another instead.

58. The Secretary of the Diocesan Assembly shall be the Secretary of the council also.

59. The Diocesan Metropolitan shall convene the Council and shall preside over the meeting. The Metropolitan and three members shall constitute a quorum. The Diocesan Council shall meet at least twice a year.

60. In case any expenditure out of the Diocesan monies is to be made the Diocesan Metropolitan and the majority of the remaining members of the Council shall agree.

61. The Diocesan Council shall prepare a budget for the Income and Expenditure of the Diocese and the Secretary shall incur expenditure only as provided in the budget. If additional expenditure is to be made it shall be incurred only with the approval of the Council. But in the event of any urgency the Secretary may spend under the orders of the Diocesan Metropolitan an amount not exceeding Rupees two hundred. Any such expenditure incurred without authority of the Council shall be reported at the next meeting of the Council.

62. Appeal may be made to the Malankara Metropolitan against any decision of the Diocesan Metropolitan and the Malankara Metropolitan shall hear the appeal matter before his Advisory Council and make decision in consultation with the Council. If Malankara Metropolitan deems it fit, he may issue a stay order that the decision of the Diocesan Metropolitan shall not be implemented till the decision of the appeal matter, and the Diocesan Metropolitan shall abide by such order.

### **C. Diocesan Metropolitan.**

63. Every Diocese shall have a Diocesan Metropolitan.

64. The Catholicos in consultation with the Malankara Association Managing Committee and according to the recommendation of the Malankara Episcopal Synod allocate Dioceses to the Metropolitans.

65. Matters concerning faith, order and discipline shall, subject to the decisions of the Malankara Episcopal Synod, be under the control of the Diocesan Metropolitan

66. The Diocesan Metropolitan shall carry on the administration of the Dioceses under their care subject to the supervision of the Malankara Metropolitan.

67. The expenses of the Diocesan Metropolitan on his visit to the churches of his Diocese shall be borne by such churches.

68. A Diocesan Metropolitan has no right to ordain a member of another Diocese or perform any administrative act within the limits of another diocese without the request or consent of the Metropolitan of that Diocese.

69. If there be any personal acquisitions for a Diocesan Metropolitan at the time of his death which have not been included in his will, the same shall remain under the control of the Catholicos.

## **4 MALANKARA ARCH-DIOCESE**

### **A. Association.**

70 The Malankara Arch-diocese shall have an Association by name “Malankara Syrian Christian Association”.

71 The following shall be members of the Malankara Syrian Christian Association (Malankara Association) viz.

- a) Members of the existing Managing Committee

Provided that the nominated members of the Managing Committee, if any shallot be entitled to vote at the election of the Catholicos, Malankara Metropolitan or any other holder of office who is to be elected by the Association.

- b) A priest from each Parish Church elected by the Parish Assembly, provide that if in any Parish Church, there is only one priest, he shall be the priest representative of the Parish Church without the need of an election



c) (i) One layman member to be elected by the Parish Assembly of each Parish Church whose membership does not exceed 100 members.

ii) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 100 members but not exceeding 250 members

iii) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 250 members but not exceeding 500 members

iv) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 500 members but not exceeding 750 members

v) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 750 members but not exceeding 1000 members

vi) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1000 members but not exceeding 1250 members

vii) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1250 members but not exceeding 1500 members

viii) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1500 members but not exceeding 1750 members

ix) One more additional layman to be elected by the Parish Assembly of a Parish Church having membership exceeding 1750 members but not exceeding 2000 members

x) One more additional layman to be elected by the Parish Assembly of a Parish Church having a membership of more than 2000 members

d) The term of members elected under clause (b) and (c) above shall be five years.

e) The Managing Committee shall be elected every five years soon after the election of the member under clause (b) and (c).

Members in the Article 71 as amended above refer to members as contemplated by and as mentioned in clause (7) of the 1934 Constitution (which deals with Parish Church and Parish Assembly)

Note: 1 Election of members of the Association and the Diocesan Assemblies shall take place on the basis of amended/substituted Articles 71 and 46 aforementioned on or before 30 April 1997.

Note: 2 The membership of each Parish Church shall be determined with reference to the entries in the relevant register maintained by each Parish Church as on the date of judgment of the Hon'ble Supreme Court of India in the Church case i.e. 20 June 1996.

72. The Malankara Metropolitan shall be the President and the remaining prelates having administrative charge of Dioceses shall be Vice-Presidents of the Association.

73. The Malankara Metropolitan shall preside over meetings of the Association. When it is inconvenient for him one of the Vice-Presidents by his nomination, and if the office is vacant the Vice-President who is the "Senior Metropolitan" shall preside. In this constitution "Senior Metropolitan" means the Metropolitan who is oldest among the Vice-presidents.

74. The Malankara Metropolitan shall convene the Association and if the office is vacant, two of the Vice-Presidents or if they fail, half of the members of the Managing Committee may convene the Association.

75. There shall be a Secretary for the Association. The Association Managing Committee shall elect the Secretary and if the Malankara Metropolitan ratifies the election it shall be valid. The Association Managing Committee has the right to remove the Secretary from the office without assigning any reason.

76. There shall be a register for the movable and immovable properties of the Community and it shall be kept by the Secretary up to date and signed every year by the Malankara Metropolitan and two members of the Committee.

77. The duties of the Secretary shall include recording and maintaining of the accounts of the income and expenditure from the assets of the Community and the revenue of the Malankara Arch Diocese, preparing and presenting up to date Statements of Accounts at the meetings of the Association and the Managing Committee.

## **B. Association Managing Committee.**

78. There shall be a Managing Committee for the Association.

79. The members of the Managing Committee shall be, exclusive of the Association Secretary and the Community Trustees, 43 priests and 86 laymen elected by the Association. The term of office of the members of the Managing Committee shall be five years. The Association may at its discretion increase the membership of the Managing Committee. The Managing Committee may fill up any vacancy arising during its term of office by co-option. The Malankara Metropolitan may, if he feels it needed, nominate not more than 30 persons (10 priests and 20 laymen) as members. When the Association shall increase the number of members of the Managing Committee the number of the members to be nominated by the Malankara Metropolitan shall also be increased.

80. The Malankara Metropolitan shall be the President of the Managing Committee and the remaining prelates having administrative charge shall be Vice-Presidents.

81. The Malankara Metropolitan shall convene the Association Managing Committee and preside at the meeting. If the office of the Malankara Metropolitan is vacant, two of the Vice-Presidents or if they fail half of the members of the Committee may convene the Committee and in such cases the Senior Metropolitan among the Vice-Presidents shall preside. The Association Managing Committee shall meet at least twice a year.

82. The Association Secretary shall also be the Secretary of the Committee.

83. If any expenditure from the monies of the Malankara Diocese is to be made the majority of the Malankara Episcopal Synod and the majority of the Managing Committee members other than the Prelates shall agree.

84. For the income and expenditure of the Community a budget shall be prepared by the Committee in the beginning of the year and any expenditure exceeding the same shall only be incurred with the consent of the Committee. However in case of any urgency the Malankara Metropolitan may spend an amount not exceeding Five Hundred Rupees and such expenditure shall be reported to the Committee at its next session.

85. If any property is to be purchased for the Community or if any property of the Community is to be alienated or any charge created over the same it shall be so decided by the majority of the Managing Committee and the Malankara Episcopal Synod and the deed therefore shall be executed by the Malankara Metropolitan and the Associate Trustees if the property belongs to the Joint Trust properties and by the Malankara Metropolitan alone if it belongs to the Malankara Metropolitan Trust.

86. Sub-Committees may be appointed with the approval of the Malankara Episcopal Synod by the Managing Committee for education, finance and other similar matters needed for the church. The President of every such Sub-Committee shall be a Prelate.

87. The Association Managing Committee shall have a Working Committee consisting of not more than ten members and that body shall execute matters as decided by the Managing Committee. In case of urgent necessity the Working Committee may act on behalf the Managing Committee in anticipation of its approval. All matters so done shall be reported to the Managing Committee and its approval obtained. The President of the Working Committee shall be the Malankara Metropolitan. A Prelate elected by the Malankara Episcopal Synod, the Community Trustees and the Association Secretary shall be members of the Working Committee. The remaining members shall be appointed by the Malankara Metropolitan in consultation with them. Members of the Working Committee who are not already members of the Managing Committee, so long as they continue to be members of the Working Committee shall be members of the Managing Committee.

88. The Working Committee referred to in Section 87 shall also be the Consultative Committee of the Malankara Metropolitan.

89. The Association Secretary shall also be the Secretary of the Malankara Metropolitan's Consultative Committee.

90. The Malankara Metropolitan may have an Assistant. If such an Assistant is not elected by the Association, he may be nominated by the Malankara Metropolitan. The Assistant shall be ex-officio member of the Managing Committee and the Working Committee.

### **C. The Community Trustees.**

91. With the Malankara Metropolitan there shall be two persons, a priest and a layman who shall be the Trustees for the Vattipanam(Trust Fund) and the Kottayam Syrian Seminary and the income which have accrued or shall be accruing therefrom.

92. The Malankara Metropolitan shall be the Trustee for the rest of the Community properties if they are not subject to other special provisions.

93. The Association shall elect the Associate Trustees. The term of office of the Associate Trustees shall be co-terminus as that of the period of election of the Association members. The office of the associate trustee will continue until another trustee was elected and assumed office. The Association may remove them and appoint others without assigning any reason.

### **D. Malankara Metropolitan.**

94. The Prime jurisdiction regarding the temporal, ecclesiastical and spiritual administration of the Malankara Church is vested in the Malankara Metropolitan subject to provisions of this constitution.

95. In case it happens that there is no Diocesan Metropolitan in any Diocese that Diocese shall be under the direct administration of the Malankara Metropolitan.

96. Common institutions and similar matters in the Malankara Church which do not specifically belong to a particular Diocese shall be directly under the supervision of the Malankara Metropolitan.

97. The Malankara Metropolitan shall be elected to that office by the Association.

98. The Catholicos may also hold the office of the Malankara Metropolitan. As the Malankara Metropolitan he shall be the President of the Association and the Managing Committee and the Metropolitan Trustee of the Community properties. The Malankara Metropolitan may officially visit all the parish churches of the Malankara Church and if

found needed, he may convene the Parish Assembly and the Diocesan Assembly after giving information to the Diocesan Metropolitan. When the Catholicos and the Malankara Metropolitan happen to be two individuals, regulations needed shall be made about their respective rights and powers.

## **5. CATHOLICOS**

99. The throne of Catholicos was re-established in the Orthodox Syrian Church of the East which includes the Malankara Church in AD 1912 and this institution has been functioning ever since in the Orthodox Syrian Church of the East.

100. The powers of the Catholicos include the consecration of Prelates, presiding over the Episcopal Synod, declaring its decisions and implementing them, conducting administration as representative of the Synod and consecrating the Holy Mooron.

## **6. PATRIARCH.**

101. The Malankara Church shall recognize the Patriarch, canonically consecrated with the co-operation of the Catholicos.

## **7. EPISCOPAL SYNOD.**

102. There shall be an Episcopal Synod in Malankara.

103. All Prelates in Malankara shall be members of this Synod.

104. The Catholicos shall be the President of the Synod.

105. The Catholicos shall convene the Synod and preside over the Synod.

106. When there is no Catholicos or if there is any accusation against the Catholicos and the Catholicos does not convene the Synod for considering such accusation, the Senior Metropolitan shall convene the Synod and preside over the Synod.

107. The Episcopal Synod shall have the authority to decide matters concerning faith, order and discipline. When the Synod shall meet for this purpose the Synod may select such persons as the Synod may deem needed for consultation.

108. No one shall have the right to alter the faith of the Church. But in case there may arise any dispute as to what is faith, the Episcopal synod above said may decide the matter and the final decision about this shall vest with the Ecumenical Synod.

109. The Episcopal Synod may in consultation with the Association Managing Committee appoint sub-committees for the purpose of Theological Education, Mission Work, Sunday school and similar matters.

## **8. ORDINATION.**

### **A. Deacons and Priests.**

110. A candidate for ordination should have at least passed the Degree Examination.

111. Those desiring to be ordained shall on the recommendation of the Parish Assembly or on their own apply to the Diocesan Metropolitan and he after due inquiry if he feels no objection shall send them to the Malankara Metropolitan and he according to the convenience shall send them to the Theological Seminary of the community and if needed theological study the Principal of the Seminary certifies that they are fit for

ordination, the Diocesan Metropolitan or the Malankara Metropolitan will at their discretion ordain them. But after three years of theological studies if a certificate is issued by the Principal the ordination of Korooya (Reader) may be administered.

## **B, High Priests (Prelates)**

112. The Catholicos shall consecrate with the co-operation of the Episcopal Synod the required number of Bishops and Metropolitans for the Malankara Church. On the occasion of consecration of a Bishop or a Metropolitan such Bishop or Metropolitan shall submit a statement regarding faith and submission (Salmoosa) to the Catholicos, the President of the Synod. The Catholicos shall give a certificate of consecration (Sthathicon) to the Prelate so consecrated.

113. If any one is to be consecrated a Bishop or Metropolitan he shall be elected to such office by the Association. If such election is approved by the Episcopal Synod, the Catholicos shall consecrate the candidate canonically with the co-operation of the Synod. For such election by the Association, there shall be separate majority of the priests and of the laymen present at the Association.

114. If any one shall be consecrated as Catholicos he shall be elected to that office by the Association. If such election is approved by the Episcopal Synod, the Synod shall consecrate the person as Catholicos. If there be a Patriarch recognized by the Malankara Church the Patriarch shall be invited when the Catholicos shall be consecrated and if the Patriarch arrives he shall as the President of the Synod consecrate the Catholicos with the co-operation of the Synod.

## **9. COMPLAINTS AND DECISIONS.**

115. A complaint against a layman, a deacon or a priest shall be made to the Metropolitan of the Diocese to which he may belong.

116. The Metropolitan shall bring the complaint before the Diocesan Council and after giving notice to both parties and receiving their evidence and hearing arguments shall decide in consultation with the members of the Diocesan Council. Until such a decision is taken the Diocesan Metropolitan may take such actions by himself as he deems necessary.

117. Appeal may be made to the Malankara Metropolitan against the decisions of the Diocesan Metropolitan and he shall bring such appeal before the Episcopal Synod and after giving notice to both the parties and hearing them, the Synod shall pronounce the decision in accordance with the opinion of the majority of its members. While the Synod is in session for this purpose such members of the Managing Committee as are deemed needed may be invited for consultation. The Malankara Metropolitan may as provided for in Section 62 above issue a stay order against the decision of the Diocesan Metropolitan.

118. Complaint against prelates shall be made to the President of the Episcopal Synod and the President shall bring it before the Synod and after giving notice to both the parties and receiving evidence and hearing arguments the President shall pronounce the decision in accordance with the majority opinion of the Synod. If the complaint is against the Catholicos, the Patriarch if there is a Patriarch recognized by the Malankara Church, shall also be invited and in the event of his arriving he shall be the President of the Synod and if he does not arrive the Synod shall pronounce the decision. While the Synod meets for these purposes such members of the Association Managing Committee as are deemed needed may be invited for consultation.

119. When Prelates are tried two persons who have acquired proficiency in canons and Theology and two persons who are versed in law may be invited for consultation. They shall be members of the Malankara Orthodox Syrian Church.

## **10. INCOME.**

120. The Vicar of every Parish Church shall collect "Ressisa" at the rate of two annas every year from every male member who has passed the age of twenty one years, and shall send the same to the Catholicos.

121. The rates and similar matters regarding dues receivable by Churches or priests may with the approval of the Episcopal Synod be decided by the Managing Committee.

122. Out of the annual gross income of a church including income from its properties, 10% on the first Rs 500/-; and 5% for the remaining Rs 500/- to Rs 1500/- and 2 ½% for the amount above Rs 1500/-shall be sent every year to the Malankara Metropolitan. If the percentage as stated above of any church is less than Rs 10/-, not less than Rs 10/-shall be sent from that Church to the Malankara Metropolitan under this item.

123. The Malankara Metropolitan shall allot the income derived as above at the rate of 4 out of ten to the Diocesan Bishop, 2to the Diocesan Fund,1 to the Malankara Metropolitan and 3 to the Malankara Diocesan Fund.

## **11. MONASTERIES.**

124. Monasteries or similar institutions shall be established only with the approval of the Episcopal Synod and all such institutions shall be subject to the authority of the Episcopal Synod.

125. If any or all members of any of the above institutions leave this Church for another, all rights of such in the institutions or over other assets shall thereupon lapse and the institutions and their assets shall remain for ever in the ownership of this Church.

## **12. RULE COMMITTEE.**

126. There shall be a Rule Committee appointed by the Association Managing Committee to make amendments to this Constitution as are necessary to suit the times and the conveniences. The President of the Rule Committee shall be a Prelate.

127. The Rule Committee shall submit the amendments to the Association Managing Committee and those passed by the Association Managing Committee shall be in force till altered by the Association and the Episcopal Synod.

## **13. MISCELLANEOUS.**

128. The Parish Assembly, the Parish Managing Committee, the Diocesan Assembly, the Diocesan Council the Malankara Association or the Association Managing Committee shall have no authority to pass any resolution concerning faith, order or discipline.

129. Byelaws which are not inconsistent with the principles contained in this Constitution may be passed from time to time by the Parish Assembly, the Diocesan Assembly or the Diocesan Council and submitted to the Managing Committee through the Rule Committee and brought in to force with the approval of the Managing Committee.

130. Any body or office, although the Constitution provides for limitation of its duration, shall continue to function until such time the next body or office begins to function.

131. If elected members of a committee absent themselves continuously for three sittings of the committee without proper reason their membership shall be lost. Each such committee shall have the right to decide whether the reason is proper or not.

132. All agreements, offices and practices which are not consistent with the provisions of this Constitution are hereby made ineffective and are annulled.

133. In this Constitution the word 'Diocesan Metropolitan' shall denote any prelate who has administration of a Diocese.

134. Deleted

This Constitution first Brought in to force on 26<sup>th</sup> December 1934 And amended on 17<sup>th</sup> May 1951 And further amended on 14<sup>th</sup> April 1967 And approved by the Holy Episcopal Synod was promulgated by His Holiness Moran Mor Baselius Augen First. Catholicos of the East and Malankara Metropolitan per his order No 156/67 of 26<sup>th</sup> June, 1967.

Subsequently amended as per Orders of the Hon'ble Supreme Court of India Dated 25<sup>th</sup> March 1996 and 5<sup>th</sup> February 1997. And amended on 23<sup>rd</sup> November 2006 by the Decision of the Malankara Association Managing Committee