



## ARCHBISHOP ANDREWS THAZHATH

Ap. Administrator *sede plena* of the Archeparchy of Ernakulam-Angamaly

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Prot.no. AA36/2023

Date: 22 June 2023

### DECREE

To  
Msgr. Antony Nariculam  
Vicar & Parish Council Members  
St. Mary's Cathedral Basilica  
Ernakulam.

Ref.:

1. Decisions of the Synod of Bishops of the Syro-Malabar Church held during 12-16 June 2023, the Post-Synodal Circular dated 16-6-2023 and the Communication of the Major Archbishop to the Apostolic Administrator dated 19-6-2023;
2. The discussions held by the Synodal Committee of Archbishops (Abp. Mathew Moolakkatt, Abp. Andrews Thazhath, Abp. Joseph Pamplany & Abp. Kuriakose Bharanikulangara) at Major Archiepiscopal Curia on 14-6-2023 with you, two Kaikkars of Ernakulam Cathedral Basilica, Fr. Antony Poothavelil and Msgr. Varghese Pottackal and the agreement reached which was fully endorsed by the Synod of Bishops on 15-6-2023;
3. Statement dated 15-6-2023 of the Parish Council rejecting the above said agreement, and the statement of withdrawal from the agreement by the Vicar and Kaikkars of the Cathedral Basilica dated 16-6-2023;
4. Petition by some Ernakulam Cathedral Basilica Parishioners and others,
5. Consultation with the Permanent Synod held on 17-6-2023
6. The earlier communications to and from the Apostolic Administrator Archbishop Andrews Thazhath and Msgr. Antony Nariculam, Vicar of Cathedral Basilica.

Dear Msgr. Antony Nariculam,

Greetings in the Name of Our Lord Jesus Christ!

1. **Introduction:** I am writing this Letter and Decree in the light of the decisions and documents referred to above. The Synod of Bishops of the Syro-Malabar Church held during 12-16 June 2023 clearly reiterated the earlier decisions that the licit celebration of Holy Qurbana in the Syro-Malabar Church has to be as per the Synodal decision on uniform mode of celebration which was also approved by the Apostolic See and exhorted by the Holy



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Father. Pope Francis had written on 25 March 2022 specifically to the faithful of Ernakulam to promptly implement the Synodal decision on Liturgy in the Archeparchy of Ernakulam-Angamaly. The appointment order of the Apostolic Administrator dated 30 July 2022 had clearly stated that in the Cathedral Basilica, formation houses and main centres of pilgrimage in the Archeparchy of Ernakulam-Angamaly, only the uniform mode of celebration of Holy Qurbana is permitted. On the basis of this order and the letter of Dicastery for the Eastern Churches dated 24 August 2022, dispensation from the Synodal norm on the uniform mode of celebration of Holy Qurbana cannot be granted to the Cathedral Basilica of Ernakulam, especially from 27<sup>th</sup> November 2022 onwards. This mandate given to the Apostolic Administrator from the Apostolic See was implemented through a Circular dated 30 September 2022.

2. **Directives by the Ap. Administrator:** As written by the Ap. Administrator to you as the Vicar of the Cathedral Basilica of Ernakulam through the letters dated 26-10-2022, 27-11-2022, 18 -2- 2023 and 23-02-2023 and through the Circular dated 30 September 2022, you were clearly directed to implement the Synodal decision on the uniform mode of celebration of Holy *Qurbana* in the Cathedral Basilica. But you did not implement it till today.

In my letter dated 23-2-2023 I had clearly written: *“May I reiterate that you are duty-bound to implement the synodal decision on Holy Qurbana and to lead the faithful in accepting the decisions of the competent authorities. If you are not able to do that, you have to declare it and make the way for others who are ready to try for it. If the Parish Council members are not ready to accept the decisions of ecclesiastical authorities and are acting and protesting against the decisions, make them aware that they commit violations of law and are liable for canonical actions; such members cannot continue to be members of Prathinidhiyogam or Parish Council. May I hereby warn you that if the parish council is determined to reject the decisions of the authorities, the parish council will have to be dissolved”*. In that letter you were told: *“If you find that you are not able to implement the laws of the Church, especially in the Cathedral Basilica, you are to request to be relieved of your charges in the Cathedral Basilica and get transferred or take leave”*.

3. **Closing of the Cathedral Basilica:** As explained in the above said letters, the Cathedral Basilica was closed by the Police and District Administration in the background



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of the protest and agitations created by some people, mainly by those who came from outside the parish, blocking the Ap. Apostolic Administrator from celebrating Holy Qurbana on 27<sup>th</sup> November 2022 as scheduled after consultation with you. At the request of the Apostolic Administrator to the civil and Police authorities, the Basilica was opened before Christmas 2022 under the supervision of a Basilica Administrator Fr. Antony Poothavelil. Immediately, some priests and lay people forcefully occupied the Basilica. In the wake of the agitations against the continuous illicit and protest celebrations of Holy Qurbana by 32 priests during 23-24 December 2022 and stoppage of the celebrations by some lay people by pulling the altar to the side, the Basilica was again closed. This closure was made after discussions and understanding before the Police by representatives of the two groups led by you and Fr. Antony Poothavelil. Later on different occasions I exhorted the Basilica parishioners and concerned priests to accept the decisions of the Synod and the exhortations of the Holy Father, and to open the Basilica. The closure of the Basilica of Ernakulam, which is the Cathedral of the Major Archbishop, for more than 6 months, is a matter of great pain and shame for our Church.

**4. Decision of the Synod to open the Basilica and agreement to that effect with concerned persons:** The Special Synod of Bishops of the Syro-Malabar Church held during 11-16 June, 2023 sought permanent solution for the issues and division in the Archeparchy of Ernakulam. As suggested by the Synod, the Synodal Committee made discussions with you, the Kaikkars, Fr. Antony Poothavelil, the Administrator of the Basilica and Msgr. Varghese Pottackal, the Protosyncellus. After deliberations, an agreement was reached and it was signed by all the participants including you and the Kaikkars. You were authorised to convene the *Prathinidhiyogam* alias Parish Council of Ernakulam Basilica (which is not a body to decide on liturgical matters or to decide against the decisions of higher ecclesiastical authorities) only to get their support for the implementation of the agreement. The Synod endorsed the agreement and requested all those concerned to open the Basilica with the condition that if Holy Qurbana is celebrated it should be only in the uniform mode of celebration as approved by the Synod. Until it becomes possible, there shall not be celebration of Holy Qurbana, although the Basilica could be opened for prayers, celebration of other sacraments and Sacramentals.

But on the next day, 15-6-2023, the *Prathinidhiyogam* alias Parish Council of Ernakulam Basilica rejected the decisions and proposals of the Synod and the agreement



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referred to above. You forwarded to the Synod the statement of the Parish Council rejecting the synodal proposal and decisions. The matter was widely published in the media causing great harm to the unity of the Church and scandal to the people. In this background, the Synod again asked the Synodal Committee to hold discussions with the members of the participants of the meeting held on 14-6-2023 by which the agreement was reached. On 16<sup>th</sup> June 2023 by noon, you informed me that you are blocked at your room by some persons of the Parish Council members/ parishioners demanding that you should withdraw from the agreement. Later on that very day evening (16-6-2023) you and the two Kaikkars who signed the agreement earlier, wrote again that you withdraw from the agreement.

Let me quote here below the decision of the Synod of Bishops of the Syro-Malabar Church held at Mount St Thomas, Kakkanad, from 12 to 16 June 2023: "To endorse fully the agreement entered upon on June 14, 2023, between Synodal Commission of Bishops and those in immediate authority of St. Mary's Cathedral Basilica Ernakulam, regarding the reopening of the Basilica. If any priest, religious or lay person violates this agreement, canonical action is to be taken against that person by the Apostolic Administrator of the Archeparchy." (This decision was formally communicated to me by the Major Archbishop on 19<sup>th</sup> June 2023).

### 5. **Actions against the Laws of the Church by the Parish Council and the priests:**

The decision of the priests and Parish Council members to disobey the decisions of the Synod, local hierarch and the Apostolic See, especially on liturgical matters are violations of the laws in the Church and are liable for canonical disciplinary actions. The Statutes of the Archeparchy of Ernakulam-Angamaly (*Athiroopathaniyamavalay* = Statutes) and the Particular Law of the Syro-Malabar Church (= PL), which are made as per the Canon Law of the Church (CCEO) are very clear that the Synodal decisions on Liturgy are to be followed by all faithful in the Syro-Malabar Catholic Church (CCEO c. 150§2) and the eparchial bishop has to obligation to see that such decisions are implemented (CCEO c. 199§1).

### 6. **Prathinidhiyogam/Parish Council:** Some of the pertinent norms are the following:

- : *Prathinidhiyogam* alias Parish Council is only a body to advise and assist the Vicar/ Parish Priest (*Athiroopathaniyamavalay* = Statutes, Art. 24/1 & Particular Law = PL Art. 1.2);
- The local hierarch may at any time direct or prohibit the convening of the meeting of the respective Yogam (PL art. 20);



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- If the President does not agree with the decision, he should write his dissent or refer the matter to the decision of the local hierarch (PL 34);
  - No resolution can be passed in the *Pothuyogam* or *Prathinidhiyogam* touching upon or derogatory to the powers vested in the eparchial bishop or the Major Archbishop or the Roman Pontiff under ecclesiastical laws (Statutes art. 29 (page 197) & PL 39.1);
  - The local Hierarch has the right to add or modify or annul any decision passed by the *Pothuyogam* or *Prathinidhiyogam* and his decision shall be final (PL 39);
  - 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 (Statutes art 29; PL art. 40).

7. **Violations of Ecclesiastical Norms:** It is understood that (i) the priests who are associated with the Cathedral Basilica, especially in celebrating the Holy Qurbana against the laws of the Church and the directives of the Apostolic See, (ii) the Parish Council members and some parishioners and (iii) some of the supporting associations and persons (like *Almayamunnettom*, *AMT*, *Archdiocesan Protection Council*) have violated ecclesiastical laws.

Some of the main violations and the concerned laws (including the punishments) seen in the Code of Canons for the Eastern Catholic Churches - CCEO - are the following:

- Some moves by the laity, especially on liturgical matters are against the teachings of the Church (CCEO c. 1436);
- Some priests and lay faithful, including the Parish Council members are seen to be not subjecting themselves to the authority of the Church (c. 1437);
- Some of the priests who were celebrating Holy Qurbana the Cathedral Basilica parish and elsewhere are reported to be not commemorating in Liturgy the Major Archbishop and the Ap. Administrator in charge of Eparchial Bishop (c. 1438);
- It is reported that a lot of perjury and calumnious stories are spread through the media against the ecclesiastical authorities (c. 1444);
- In liturgical matters many are publicly disobeying the laws of the church and the directives and the Circular of the local hierarch (c. 1446);
- Many are found to be inciting sedition and hatred against ecclesiastical authorities (c. 1446 §1);
- Some of the parishioners are obstructing the freedom of ministry; when the Apostolic Administrator went to celebrate Holy Qurbana in the Basilica on 27<sup>th</sup> November 2022 he was



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obstructed; similarly the Basilica Administrator also was obstructed during 20-24 December 2022 (c. 1447§2),

- There have been several media activities against ecclesiastical authorities causing scandal (c. 1448§1),
- The organisations like *Almayamunnettom*, *AMT*, *Archdiocesan Protection Council*, etc. are seen to be vehemently opposing the directives of the Church plotting against ecclesiastical authorities. (c. 1448§2)
- There have been Physical and mental torture and harm against ecclesiastical authorities and others (cc. 1451; 1445),
- There have been many activities seriously injuring good name (c. 1452), with false accusations (c. 1454) and sometimes with falsification of documents (c. 1455).

**8. Directives to you being the Vicar, Administrator Fr. Antony Poothavelil, the Parish Council and the Parishioners of Ernakulam Cathedral Basilica:** In the light of the decisions of the Synod of Bishops, especially of the Synod in June 2023 Synod and the consultations in the Permanent Synod dated 17 June 2023, the following directives are given to the concerned persons, especially to the Vicar and the Parish Council.

- i) As per the agreement taken in the meeting on 14<sup>th</sup> June 2023 you shall see that Basilica is opened at the earliest before 2<sup>nd</sup> July 2023. As per the understanding reached on 14 June 2023, Fr. Antony Poothavelil, the Basilica Administrator, shall give the key of the Basilica for the celebrations as per the agreement.
- ii) Holy Qurbana in the Basilica can be celebrated only as per the Synodal Decision of uniform mode. Until that is possible, Holy *Qurbana* shall not be celebrated there. You and Fr. Poothavelil shall make sure that Holy Qurbana in the uniform mode is started in the Basilica at the earliest.
- iii) The Parish Council has no authority to take any decision regarding the celebration of the Holy Qurbana. The decision and statement of the Parish Council made on 15 June 2023 against the decision of ecclesiastical authorities are violations of law and has no validity. Therefore they are to follow ecclesiastical laws and obey the decisions of the Apostolic Administrator, the Major Archbishop, the Synod and the Apostolic See & Holy Father.
- iv) Since Parish Council has decided to disobey the laws of the Church (including the decisions of the Synod, Ap. Administrator and the Ap. See), disciplinary action will have to



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be taken, if the members do not retract from their stand and continue in indiscipline and disobedience leading themselves away from Catholic Communion.

- v) -You shall inform the Parish Council members of their violations of the laws of the Church and that if the members do not obey within 10 days, the Parish Council will either be freezed /suspended or dissolved without further notice.
- vi) In case you are not implementing the Synodal decision and the directives of the Ap. Administrator, you will be relieved of your Office of the Vicar and transferred to another place without further notice.
- vii) You are hereby asked to give a written reply to this Letter *cum* Decree within 10 days (before 2<sup>nd</sup> July 2023).
- viii) You shall communicate this matter to the parishioners quoting the decisions mentioned above.

9. Let us pray that Holy Spirit guide us so that the problems in the Archeparchy of Ernakulam-Angamaly and specifically in the Cathedral Basilica parish are resolved at the earliest and communion and peace is achieved. Let us invoke the blessings of the Sacred Heart of Jesus through the intercession of Blessed Virgin Mary.

With best regards,

Archbishop Andrews Thazhath  
Apostolic Administrator of Ernakulam-Angamaly.

### Copies to:

- (1) His Eminence Pietro Cardinal Parolin, the Secretary of State, Vatican
- (2) His Grace Archbishop Claudio Gugerotti, Prefect of the Dicastery for the Eastern Churches
- (3) His Grace Archbishop Leopoldo Girelli, the Apostolic Nuncio, New Delhi,
- (4) His Beatitude Cardinal Mar George Alencherry, Major Archbishop of the Syro Malabar Church
- (5) The Members of the Permanent Synod
- (6) Msgr. Varghese Pottackal, Archeparchial Curia of Ernakulam Angamaly;
- (7) Fr. Antony Poothavelil, Administrator of Ernakulam Cathedral Basilica

**NB.** This letter is sent by Email on 22-6-2023 and true copy will be handed over to you from the Curia.