

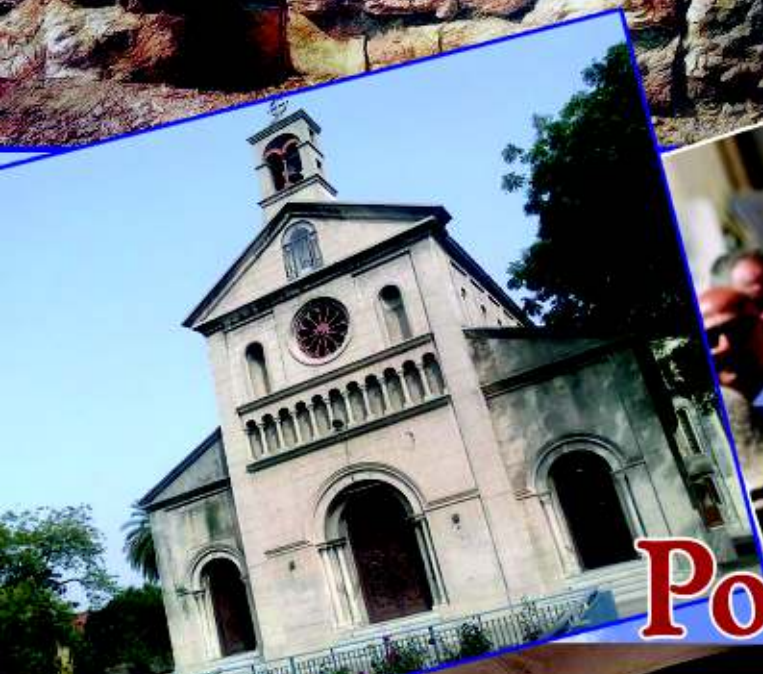
# Vishal Jagriti

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## Pope in Focus







**Jose Mavelly**  
Chairman, Janaseva Sisubhavan

*Our motto*  
*India without*  
*street children*

Every day lakhs of children in our country are forced to live in the streets, denied of their fundamental rights to the basic human necessities and forced to do begging, pick pocketing, street circus, hard work and other forms of exploitation. They are grow up to become criminals, drug addicts, patients and carriers of deadly diseases, who are in fact rejected by the public and pushed to the darker corners of the society.

Former Justice V.R. Krishna Iyer (Late) was the Ambassador of Janaseva Sisubhavan to put an end to this social evil that was started as a popular movement. Our very existence and functioning are made possible with the kind-hearted support and co-operation of the people from every walks of life, irrespective of caste, religion or politics. Our Aim is to create an India without street children.

During the past 20 years Sisubhavan tried to rescue more than 1500 children from the streets and provided them love, care and protection, including good food, shelter, education and medical care. This institution is now the

## “Save all the Children from the street and protect their rights”

- Jose Mavelly

‘Thuravadu’(Parental Home) for all these children. Sisubhavan takes up the responsibility of these neglected children, protecting them and bringing them up as self supporting, confident well mannered individuals, contributing their best to the society.

In 2008 Janaseva Sisubhavan started its own ‘Sports Academy’ for the entire development of our children. Its prime motive is to give better coaching to our children to mold them as proud citizens of India. Our children scored a remarkable status in state and district school level foot ball team. We introduced ‘Janaseva Sports complex’ to provide a full fledged coaching to the unprivileged students of our state. This project will enable the children to exploit maximum utilization of their talent.

Looking forward to your kind hearted support towards this noble venture and also request to forward this holy message to your Near and Dear. Open your mind to create an India without street children.



*When Janaseva rescued the begging children from the nearby places of Malayattoor Church.*



*They are now under the safe wings of Janaseva Sisubhavan doing their Schooling.*



## Our prayers and support for all your activities

By

**Benny Antony** (Angamaly Diocese)

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# Editorial...

## Papacy and Pope Francis



"When Christ at a symbolic moment was establishing His great society, He chose for its cornerstone neither the brilliant Paul nor the mystic John, but a shuffler, a snob, a coward – in a word, a man. And upon this rock He has built His Church, and the gates of Hell have not prevailed against it. All the empires and the kingdoms have failed, because of this inherent and continual weakness, that they were founded by strong men and upon strong men. But this one thing, the historic Christian Church, was founded on a weak man, and for that reason it is indestructible. For no chain is stronger than its weakest link." - G.K. Chesterton, English (Catholic) writer (1874-1936) in Heretics.

Pope Francis is God's gift to the Catholic world. He combines the simplicity of Peter with high intellectual sharpness. And he has some clear-cut views about his mission as reflected in the following quotes:

We must restore hope to young people, help the old, be open to the future, spread love. Be poor among the poor. We need to include the excluded and preach peace. – Pope Francis

I like it when someone tells me 'I don't agree.' This is a true collaborator. When they say 'Oh, how great, how great, how great,' that's not useful.- Pope Francis.

I am always wary of decisions made hastily. I am always wary of the first decision, that is, the first thing that comes to my mind if I have to make a decision. This is usually the wrong thing. I have to wait and assess, looking deep into myself, taking the necessary time. - Pope Francis.

Despite his admission of not taking decisions hastily, Pope Francis is adept at handling impromptu questions from the media without prevarication. Some such papal pronouncements come from his in-flight press conference when he travels with journalists in his plane. We have featured some such in our past issues and continue with this issue.

Our prolific columnist, Dr. John Dayal and another ex-president of AICU, Chottebhai, analyse the implications of Triple Talaq and Uniform Civil Code. These are highly debatable subject with far reaching impact on the lives of minorities in India. So, we invite readers to react and respond with their comments. It is our mission to evolve Vishal Jagriti into a pan-India forum to comment on issues affecting our religion and community.

We started with Pope and let us end with Pope – though in a lighter vein. A college student went to the library to get Pope's Rape of the Lock. The all-knowing librarian was absent. The stepney assistant responded: "There are 261 popes (then) and unless you tell me the number I can't help you. Besides, pope will not have anything to do with rape". The reference was to Alexander Pope, English poet (1688-1744). Incidentally, Pope Francis is the 266th pope.

Until next issue then.

- Lancy D'Cunha, Editor

# Pope Francis Says Women will never be Roman Catholic Priests

London, November 3, 2016 (The Guardian): Pope Francis has ruled out a woman ever serving as a priest in the Roman Catholic church.

The declaration is not a change in stance for the Argentinian pope, who has always said the door was closed on women being ordained as priests.

But when he was asked and then pressed on the matter by a Swedish journalist during a press conference onboard the papal plane, Francis suggested the ban would be eternal.

“Saint Pope John Paul II had the last clear word on this and it stands, this stands,” Francis said in his initial response, referring to a 1994 document stating that women could never join the priesthood.

“But for ever, for ever? Never, never?” the reporter asked in a follow-up question, as the papal delegation flew back to Rome from Sweden on November 1, 2016.

Francis replied: “If we read carefully the declaration by St John Paul II, it is going in that direction.”

The pope went on to say women did “many other things better than men”, emphasising what has been called the “feminine dimension of the church”.

“People ask me: ‘Who is more important in the theology or in

the spirituality of the church, the apostles or Mary, on the day of Pentecost?’ It is Mary,” he said. He then added: “More.”

But Francis’s praise of women will do little to comfort feminist Catholics who want women to have a broader role in the church, including ordination.

The church has always responded to criticism of the ban on women by pointing out that Jesus only chose men as his apostles. Proponents of a change argue, among other points, that the church is facing a shortage of priests.

Francis seemed to open the possibility that women might become ordained deacons earlier this year, when he commissioned a study of the role female deacons played in the early church.

Women have been barred from the priesthood for centuries. Under current rules, deacons are ordained similarly to ministers, and are men. While they cannot celebrate mass, they are allowed to preach and conduct some ceremonies, including baptisms, wakes and funerals.

The pope’s remarks came a day after he signed a joint declaration with Lutherans, which commemorated the Reformation and stated that the two Christian traditions had more in common



than differences. When he landed in Sweden, Francis was greeted by the female head of the Swedish Lutheran church, Antje Jackelén.

The issue of women’s inequality in the Catholic church remains a hot topic among activists, despite Francis’s position. At a recent gathering, representatives of Catholic priest movements and international lay organisations called for reform on issues including equality for women and LGBT rights.

In a statement released by organisers, Kate McElwee, the co-executive director of the Women’s Ordination Conference, said: “In this space, we wrestled with the damaging effects of oppressive structures, knowing that patriarchy and hierarchy hurt us all.

“We discovered, time and again, that by sharing as equals and asking hard questions, we can transform ourselves, our church and our world.”



# Pope at Malmö Ecumenical Event: Christian Unity a Priority

(Vatican Radio) Saying Christian unity is a priority, Pope Francis spoke on October 31, 2016 about the fruits of the ongoing dialogue between the Lutheran World Federation and the Catholic Church and said this mutual dialogue has “confirmed our desire to advance towards full communion.” Addressing an ecumenical event in the Swedish city of Malmö, the Pope also spoke about practical cooperation between the Catholic Church and the Lutheran World Federation exemplified by the signing of a joint statement between Caritas Internationalis and the Lutheran World Federation World Service (its charitable arm) to promote human dignity and social justice across the world.

Given below is an English transcript of the Pope’s prepared remarks at the ecumenical event in Malmö:

I thank God for this joint commemoration of the five-hundredth anniversary of the Reformation. We remember this anniversary with a renewed spirit and in the recognition that Christian unity is a priority, because we realize that much more unites us than separates us. The journey we have undertaken to attain that unity is itself a great gift that God gives us. With his help, today we have gathered here, Lutherans and Catholics, in a spirit of fellowship, to direct our gaze to the one Lord, Jesus Christ.

Our dialogue has helped us to grow in mutual understanding; it has fostered reciprocal trust and confirmed our desire to advance towards full communion. One of the fruits of this dialogue has been cooperation between different organizations of the Lutheran World Federation and the Catholic Church. Thanks to

this new atmosphere of understanding, Caritas Internationalis and the Lutheran World Federation World Service will today sign a joint agreed statement aimed at developing

and strengthening a spirit of cooperation for the promotion of human dignity and social justice. I warmly greet the members of both organizations; in a world torn by wars and conflicts, they have been, and continue to be, a luminous example of commitment and service to neighbour. I encourage you to advance along the path of cooperation.

I have listened closely to those who gave the witness talks, how amid so many challenges they daily devote their lives to building a world increasingly responsive to God’s plan. Pranita talked about creation. Clearly, creation itself is a sign of God’s boundless love for us. Consequently, the gifts of nature can themselves lead us to contemplate God. I share your concern about the abuses harming our planet, our common home, and causing grave effects on the climate. As you rightly mentioned, their greatest impact is on those who are most vulnerable and needy; they are forced to emigrate in order to escape the effects of climate change. All of us, and we Christians in particular, are responsible for protecting creation. Our lifestyle and our actions must always be consistent with our faith. We are called to cultivate harmony within ourselves and with others,



but also with God and with his handiwork. Pranita, I encourage you to persevere in your commitment on behalf of our common home.

Mgr Héctor Fabio told us of the joint efforts being made by Catholics and Lutherans in Colombia. It is good to know that Christians are working together to initiate communitarian and social processes of common interest. I ask you to pray in a special way for that great country, so that, through the cooperation of all, peace, so greatly desired and necessary for a worthy human co-existence, can finally be achieved. May it be a prayer that also embraces all those countries where grave conflicts continue.

Marguerite made us aware of efforts to help children who are victims of atrocities and to work for peace. This is both admirable and a summons to take seriously the countless situations of vulnerability experienced by so many persons who have no way to speak out. What you consider a mission has been a seed that has borne abundant fruit and today, thanks to that seed, thousands of children can study, grow and enjoy good health. I am grateful that even now, in exile, you continue to spread a message of peace. You said that everybody who knows you thinks that what you are doing is crazy. Of course, it is the craziness of love for God and our neighbour. We need more of this craziness, illuminated by

faith and confidence in God's providence. Keep working, and may that voice of hope that you heard at the beginning of your adventure continue to move your own heart and the hearts of many young people.

Rose, the youngest, gave us a truly moving testimony. She was able to profit from the talent God gave her through sport. Instead of wasting her energy on adverse situations, she found fulfilment in a fruitful life. While I was listening to your story, I thought of the lives of so many young people who need to hear stories like yours. I would like everyone to know that they can discover how wonderful it is to be children of God and what privilege it is to be loved and cherished by him. Rose, I thank you from the heart for your efforts and your commitment to encouraging other young women to go back to school, and for the fact that you pray daily for peace in the young state of South Sudan, which so greatly needs it.

After hearing these powerful witnesses, which make us think of our own lives and how we respond to situations of need all around us, I would like to thank all those governments that assist refugees, displaced persons and asylum-seekers. For everything done to help these persons in need of protection is a great gesture of solidarity and a recognition of their dignity. For us Christians, it is a priority to go out and meet the outcasts

and the marginalized of our world, and to make felt the tender and merciful love of God, who rejects no one and accepts everyone.

Shortly we will hear the testimony of Bishop Antoine, who lives in Aleppo, a city brought to its knees by war, a place where even the most fundamental rights are treated with contempt and trampled underfoot. Each day the news tells us about the unspeakable suffering caused by the Syrian conflict, which has now lasted more than five years. In the midst of so much devastation, it is truly heroic that men and women have remained there in order to offer material and spiritual assistance to those in need. It is admirable too, that you, dear brother, continue working amid such danger in order to tell us of the tragic situation of the Syrian people. Every one of them is in our hearts and prayers. Let us implore the grace of heartfelt conversion for those responsible for the fate of that region.

Dear brothers and sisters, let us not become discouraged in the face of adversity. May the stories we have heard motivate us and give us new impetus to work ever more closely together. When we return home, may we bring with us a commitment to make daily gestures of peace and reconciliation, to be valiant and faithful witnesses of Christian hope.

# Pope Francis Prays for Gift of Unity in Sweden

- By Hannah Brockhaus

Vatican City, Oct 31, 2016 / 11:34 am (CNA/EWTN News).- Hours after landing in Sweden Pope Francis said that without God we can do nothing, but with him Catholics and Lutherans can work toward greater unity – not in order to forget the past, but to heal it so all Christians can be better witnesses of God’s mercy.

“Jesus reminds us: ‘Apart from me, you can do nothing.’ He is the one who sustains us and spurs us on to find ways to make our unity ever more visible,” the Pope said on Oct 31.

“Certainly, our separation has been an immense source of

suffering and misunderstanding, yet it has also led us to recognize honestly that without him we can do nothing; in this way it has enabled us to understand better some aspects of our faith.”

The Pope’s homily was made jointly with a sermon by Rev. Martin Junge, General Secretary of the Lutheran World Federation, during a common prayer service between Lutherans and Catholics at the Lund Cathedral in Sweden.

Pope Francis was in Sweden Oct. 31-Nov. 1 as part of a joint commemoration of the 500th anniversary of the Reformation. The event also marked 50 years of ecumenical dialogue between

the Catholic Church and the Lutheran World Federation.

It is the first time a Pope has traveled to Scandinavia since St. John Paul II’s 1989 visit. Though only two days, following the ecumenical prayer at Lund’s Lutheran cathedral, the trip also included a larger, primary ecumenical event at the Malmö Arena in Malmö.

The two ecumenical events were be followed by an outdoor papal Mass the next day at the Swedbank Stadium in Malmö marking All Saints Day.

The common prayer service included religious songs, scripture readings and prayers by Cardinal Kurt Koch, president of the Pontifical Council for Promoting Christian Unity, and Pope Francis, alongside Lutheran Bishop Munib Younan, president of the Lutheran World Federation and Rev. Junge.

During the service Catholics and Lutherans also read out five joint ecumenical commitments, including the commitment to always begin from a perspective of unity. Pope Francis and Bishop Younan then signed a joint statement together.

The Pope’s sermon reflected on the 15th chapter of the Gospel of John, where it likens God the Father to the vine grower, “who



*Pope Francis embraces Bishop Dr. Munib A. Younan, President of the Lutheran World Federation during a joint prayer service at the cathedral in Lund on Oct 31, 2016.*

tends and prunes the vine in order to make it bear more fruit.”

Both sermons spoke about the image of the vine as indicating Christ’s desire for unity among his people. Just as Jesus, the “true vine,” is one with the Father, in order to bear fruit we must also be one with him, Francis said.

“The Father is constantly concerned for our relationship with Jesus, to see if we are truly one with him,” Pope Francis said. “He watches over us, and his gaze of love inspires us to purify our past and to work in the present to bring about the future of unity that he so greatly desires.”

The words spoken by Jesus at the Last Supper, “abide in me as I abide in you,” allow us to “peer into the heart of Christ just before his ultimate sacrifice on the cross,” he said.

“We can feel his heart beating with love for us and his desire for the unity of all who believe in him. He watches over us, and his gaze of love inspires us to purify our

past and to work in the present to bring about the future of unity that he so greatly desires.”

We must recognize, the Pope reminded, that the division existing between Catholics and Lutherans since the Reformation has been perpetuated throughout history by the powerful, while the intuition of the faithful is to yearn for unity.

“Certainly, there was a sincere will on the part of both sides to profess and uphold the true faith, but at the same time we realize that we closed in on ourselves out of fear or bias with regard to the faith which others profess with a different accent and language.”

Quoting St. John Paul II, Pope Francis said “we must not allow ourselves to be guided by the intention of setting ourselves up as judges of history but solely by the motive of understanding better what happened and of becoming messengers of truth.”

We shouldn’t be resigned to “division and distance,” but instead take this opportunity to

mend a “critical moment” in Lutheran and Catholic history by moving beyond “controversies and disagreements,” he said.

“Jesus intercedes for us as our mediator before the Father; he asks him that his disciples may be one, ‘so that the world may believe.’”

“This is the testimony the world expects from us,” the Pope said. As Christians we can only be credible witnesses of mercy to the extent that “forgiveness, renewal and reconciliation are daily experienced in our midst.”

“This is what comforts us and inspires us to be one with Jesus, and thus to pray: ‘Grant us the gift of unity, so that the world may believe in the power of your mercy,’” he said.

“Together we can proclaim and manifest God’s mercy, concretely and joyfully, by upholding and promoting the dignity of every person. Without this service to the world and in the world, Christian faith is incomplete.”

## What is the Gender of Computer?

A language teacher was explaining to her class that in French, nouns unlike their English counterparts, are grammatically designated as masculine or feminine.

"House" in French, is feminine - "la maison", while "pencil" in French is masculine - "le crayon."

One puzzled student asked, "What gender is a computer?" The teacher thought it would be a good exercise to have the students decide what they thought the gender should be.

So she split the class into two groups appropriately enough, by gender and asked them to decide whether "computer" should be a

masculine or a feminine noun. Both groups were required to give four reasons for their recommendation.

The men's group decided that computer should definitely be of the feminine gender ("la computer"), because: No one but their creator understands their internal logic.



# Vatican Clarifies the Rules for Cremation: Bury, Don't Scatter

- By Elisabetta Povoledo and Gaia Pianigiani

VATICAN CITY — Ashes to ashes is fine, the Vatican says, as long as you don't spread them around.

On November 1, the Vatican responded to what it called an “unstoppable increase” in cremation and issued guidelines barring the scattering of ashes “in the air, on land, at sea or in some other way.”

The Vatican decreed that the ashes of loved ones have no place in the home, and certainly not in jewelry. It urged that cremated remains be preserved in cemeteries or other approved sacred places.

The instructions, which reiterate the Roman Catholic Church's preference for burial over cremation, are in line with previous teachings. But local bishops' conferences had requested doctrinal clarification because cremation has become increasingly popular and because there were “no specific canonical norms” for preserving ashes, according to Cardinal Gerhard Ludwig Müller, the prefect of the Congregation for the Doctrine of the Faith, which drafted the guidelines.

The new guidelines, which Pope Francis approved this year, were released ahead of All Souls Day, which falls on Nov. 2 for Catholics, who are called to remember and pray for those who have died.

The church banned cremation for centuries, but began to allow the practice in 1963, as long as it is not done for reasons at odds with Christian doctrine. Burials are deeply embedded in Christian tradition, and in the United States and elsewhere many dioceses still run graveyards and cemeteries, though cremation and other alternatives are on the rise. “We are facing a new challenge for the evangelization of death,” Cardinal Müller said at a news conference on November 1, discussing the centrality of death and resurrection for Christians. He emphasized the church's “doctrinal and pastoral reasons” for burial, which it “continues to insistently recommend.”

Cardinal Müller added: “We believe in the resurrection of the body, so burial is the normal form for the Christian faithful, especially Catholics, whom we are addressing with this document.” In that spirit, the document explains, the church cannot “condone attitudes or permit rites that involve erroneous ideas about death, such as considering death as the definitive annihilation of the person, or the moment of fusion with Mother Nature or the universe, or as a stage in the cycle of regeneration, or as the definitive liberation from the ‘prison’ of the body.”

Beyond respect for the deceased, the document notes that burial in

a cemetery “encourages family members and the whole Christian community to pray for and remember the dead, while at the same time fostering the veneration of martyrs and saints.”

Burial prevents the forgetting of the loved one, as well as “unfitting or superstitious practices,” the document states.

For that reason, the Vatican said that cremation urns should not be kept at home, save for “grave and exceptional cases dependent on cultural conditions of a localized nature.”

But as Cardinal Müller acknowledged, the increasing use of cremations seems inexorable, and parish priests have been struggling with issues like the handling of ashes on a regular basis.

“I tell my parishioners that it's not opportune to do so,” said the Rev. Roberto Salsa, a parish priest in the Piedmont town of Verbania in Italy, when asked about the practice of scattering ashes.

A deceased loved one, said Father Salsa, should be in a place “accessible to everyone, where they can be venerated,” so a cemetery is preferable to a home. And scattering ashes can be “misunderstood as a sort of religion of nature, while we believe in resurrection,” he said.

Laws on cremation and the preservation of ashes vary. In

Italy, it is legal to spread ashes, according to the will of the deceased, with authorization and in areas that local authorities have approved for the purpose. Cremation has become increasingly popular in Italy, where 21 percent of the deceased in 2015 had opted for it. Rules vary by region and sometimes from town to town. Survivors may be allowed to bury urns inside cemeteries, keep them at home or scatter the ashes at sea or in private areas.

Other European countries are also rather liberal with the preservation of ashes. In France, relatives are allowed to spread ashes, but not keep them at home. In Switzerland, human ashes can be transformed into diamonds, as in some parts of the United States. State laws

regarding the disposition of ashes vary; many allow the scattering of ashes in parks or at sea, with various restrictions.

The Vatican document encourages the faithful to recall the significance of death and resurrection within the Christian tradition.

“The cadaver of a deceased person is not the private property of the family, but the deceased is the son of God, part of the body of Christ, of the people of God,” Cardinal Müller said. He added that public funerals expressed the spirit of communion.

“We have to overcome the thought of being too individualistic,” he said, calling the family unit “part of the great family of Christ.” Joshua Slocum, the executive director of the Funeral Consumers

Alliance, a nonprofit group in South Burlington, Vt., that combats exploitative practices in the funeral industry, said cremations in the United States began steadily rising in the early 1960s. By some estimates, he said, they may have surpassed traditional burials. “The traditional idea of everyone in a family being buried in one cemetery plot in a hometown really belongs to a different era,” he said.

The trend is likely to continue, he said, given that more Americans are opting not to affiliate with organized religions. “Of those who choose cremation,” he said, “I think we’ll see more people choosing to keep ashes at home or scattering them rather than placing them in cemeteries.”

## Catholics Advised to Utilise Karnataka Govt’s Development Fund

**Madikeri:** Karnataka Legislator J R Lobo advised Catholics to make use of the funds allotted by the state government for the community’s welfare.

“An amount of Rs 125 crores is set aside for the development of Catholic communities, and they must make the best use of it,” said MLA Lobo, who is the Vidhana Mandala Backward Class and Minorities’ Committee president.

He was speaking during a discussion held with the Catholic community leaders at St Michael School in the city on October 27.

“The government has announced several programmes for the development of society and a special grant in the budget. The amount of Rs 125 crores can be used for several pro community programmes,” he said.

“The government has created Catholic Development Committee for community development. It has appointed Bengaluru urban development minister K J George as the president and me as the vice president of the committee. It has also formed a subcommittee and appointed me as its president. Petitions for renovation or repairs of churches, cemetery, boundary

wall, skills training and other development work in the community can be submitted,” he said.

“Christians comprise 3.6% of the population in the state. The government has given special importance to their development, but the community lags behind in making use of government released funds,” MLA Lobo said.



# Experts Uncover Hidden Layers of Jesus' Tomb Site

- By The Associated Press

JERUSALEM — In the innermost chamber of the site said to be the tomb of Jesus, a restoration team has peeled away a marble layer for the first time in centuries in an effort to reach what it believes is the original rock surface where Jesus' body was laid.

Many historians have long believed that the original cave, identified a few centuries after Jesus' death as his tomb, was obliterated ages ago.

But an archaeologist accompanying the restoration team said ground penetrating radar tests determined that cave walls are in fact standing — at a height of six feet and connected to bedrock — behind the marbled panels of the chamber at the center of Jerusalem's Church of the Holy Sepulchre.

"What was found," said National Geographic archaeologist Fredrik Hiebert, "is astonishing."

The work is part of a historic renovation project to reinforce and preserve the Edicule, the chamber housing the cave where Jesus is said to have been entombed and resurrected. It is the centerpiece of one of Christianity's oldest churches and one of its most important shrines.

"I usually spend my time in Tut's tomb," said Hiebert about the Egyptian pharaoh Tutankhamun's burial site, "but this is more important."

National Geographic is partnering with Greek restoration experts to document the work.

A 12th-century building sitting on 4th-century remains, the Church of the Holy Sepulchre is the only place where six Christian denominations practice their faith at the same site.

The Edicule was last restored in 1810 following a fire, and is in need of reinforcement after years of exposure to humidity and candle smoke. A hulking iron cage built around the Edicule by British authorities in 1947 for support still stands, but is not enough.

Renovations at this holiest of spots require mutual agreement by the church's various custodians, and that is notoriously hard to secure. The denominations jealously guard different parts of the site and often object to even the slightest of changes.

Last year, Israeli police briefly shut down the building after Israel's Antiquities Authority deemed it unsafe. It prompted

the Christian denominations to green light the repairs, which began in June.

Pilgrims line up throughout the day for the chance to crouch in the Edicule's tiny room. They kneel before a white marble encasing, said to cover a surface hewn from the side of the limestone cave where Jesus' body was laid before his resurrection.

Church officials closed the Edicule to pilgrims beginning November 2 evening and workers used a pulley to slide open the marble slab, in hopes of reaching the burial surface. Hiebert said the slab hadn't been removed since the year 1550.

Underneath the marble was a layer of debris. By Thursday afternoon, workers had finished removing the debris, revealing something unexpected: another marble slab.

Hiebert said he thinks the second slab, which is grey and features a small etching of a cross, dates to the 12th century. It is cracked down the middle, and underneath it is a whitish layer.

"I don't believe... that is the original rock," Hiebert said. "We still have more to go."



The main Christian communities that govern the church have allowed the work crew only 60 hours to excavate the inner sanctum, Hiebert said. Experts are working day and night to reach the tomb's core and to analyze it.

"We will close the tomb after we document it," said Antonia Moropoulou, an architect at the National Technical University of Athens, which is supervising the renovation.

The restoration team wants to tightly seal the core of the tomb before injecting parts of the shrine with mortar for reinforcement, so the material doesn't seep inside what is considered to be the holy rock.

One part of the tomb will remain exposed. Experts on Thursday cut a rectangular window in one of the Edicule's marble walls, so pilgrims will be able to glimpse, for the first time, a part of the limestone wall thought to be the tomb of Jesus.

David Grenier, secretary of a group that oversees Roman Catholic church properties in the Holy Land, stood with a few other Franciscan friars, watching the work crew in awe.

"What happened here 2,000 years ago completely changed the history of the world," he said. "To be able to dig, let's say, to the rock where the body of Jesus was laid... it's overwhelming joy."

At one point, a National Geographic film crew documented the site as clergy burned incense around them in a daily church rite.

After the film crew cleared out, a pair of clergymen in brown frocks, and an Israeli policeman stationed at the church to help keep the peace, clambered over a pile of work tools, electrical wires and a yellow hard hat on the Edicule floor to lean into the inner chamber and snap cell phone photos of the exposed tomb.

"It's a historic moment, huh?" the policeman said.

*(Please read related story on Page 23)*

## Bishops wish Hindus for Diwali, Pray for Peace

**New Delhi:** India's Catholic bishops have extended their greetings to Hindus throughout the world during their popular festival of lights, urging them to work to end corruption and violence.

"As our skies sparkle with fireworks and homes in our country will be illuminated with bright decorative lights, may our hearts be filled with the light of goodness and our country be rid of the darkness of corruption, violence and divisive forces," the message said.

The Oct. 27 statement from the

Catholic Bishops Conference of India, also prayed that the feast would "usher in peace, progress and prosperity in our country and in the world."

"May the celebration of this 'festival of lights' re-illumine our minds and hearts that all of us, believers in the Supreme Light and people of goodwill, individually and together, strive always, even amidst difficulties and challenges, to live by and to stand for truth, light and life," said the bishops' statement.

Diwali celebrates mythical stories of the goodness of gods defeating dark forces of evil. The feast,



which transcends faiths, is celebrated across India with people illuminating their homes and sharing gifts, fruits and sweets.

Following a Hindu calendar, the feast comes on the new moon day of October-November heralding the onset of winter. It fell on Oct. 30 this year.

# Triple Talaq is an Anathema, and so is the Political Motive of the BJP Government

**Christians will not boycott the National Law Commission, but the questionnaire and the political inclination of the chair need close scrutiny**

- By John Dayal

For better or for worse, Religions in India are insulated from extreme trends in their faith groups in other continents.

This is true of Christianity, of course, where while any talk of women priests is all but proscribed in the Catholic denomination, and married clergy is suggested only in hushed tones, the Protestant expanse in Europe and North America sees gay Bishops, same-sex cleric couples, both men and women, and just about any LGBT+ variant one can think about.

Islam has its variants from liberals in several regions and varying shades of extreme orthodoxy in many others.

Hinduism and Sikhs too, though they have exported caste to North America and the UK, have nurtured many diverse trends, and western education and the market environment of North America shows classic migrant neuroses as much as it helps flower a happy syncretism.

In the hot house environment of India, religions show curious and contrasting evolution. The Christian faith has different people stoutly defending endogamous culture, and classic homophobia. One has been surprised at the mild Bahais

showing what would verge on Islamophobia. Honour killings cross many religious boundaries and so does caste. Zorashtrians are among those who show a very harsh attitude to their daughters who marry outside the religion-race-caste.

In fact, gender discrimination is about the only common bond between orthodox people of faith.

The degree of gender injustice is not dependent on numbers, or insecurity because of other reasons. It just exists. The cry for a gender just society must be inclusive.

So, therefore, how do we respond to the Law Commission's call for opinions and suggestions on the Common or Uniform Civil Code mandated by the Constitution, but not yet legislated despite 67 years of the Republic?

The Law Commission is not a law maker, and its reports are just that, reports which may or may not be picked up by the government for further proceedings. And once in a rare while, one report will be enacted into a law, or an amendment. Law commission chairpersons, and many members, are also sort of political appointees from among retired judges and jurists,

handpicked by the incumbent prime minister or political party. In the past, chairpersons are known to have listened more carefully to prime ministers and law ministers than to the communities, or the people impacted by laws that are coming up for scrutiny before the commission.

We welcome the Law Commission's invitation, of course.. It is the first time such as initiative has been taken. We will participate in the process.

I have been part of the group of Christians that has interacted with the first National Democratic Alliance of Mr Atal Behari Vajpayee from 1998 onwards at his invitation and met him and his two law ministers, Mr Ram Jaithmalani and Mr Arun Jaitley, several times as a member of the group led by the then CBCI president Archbishop Alan de Lastic, and representatives of Catholic and Protestant women groups. Our point had always been that the Christian church stood for the total emancipation of women, upheld the rights and dignity of the women, and recognised their role at the centre of the family and society.

Old Christian personal laws themselves needed reforms to

remove some issues in colonial legislation that were gender-unjust and incompatible with modern times. In other issues, Christian women needed the same rights as Hindu women. But having said that, the discussion on a common civil code could not be held in a vacuum. The government had to bring forward some draft to reveal its mind and to remove any apprehension that it wanted to enforce a Hindu law on religious minorities. The government had also to simultaneously remove religious bias from several laws including the Article 341 part 3 which discriminated against Christians of Dalit origin. Archbishop Alan said all this clearly, and forcefully. In 2016, the issues remain the same. If anything, the recent laws of a ban on beef and the violence unleashed by the self styled gau rakshaks or cow protectors sends unnecessarily wrong signals to the world. As did the initial move to enforce a National Education Policy that seemed rooted in the tenets of one religion. Thankfully that move was rescinded, if only in part. The singular focus on the triple talaq controversy of the Muslims and repeated public efforts to humiliate that community can only delay internal reforms, and alienate a section of the community.

The Directive Principles are home to many contradictions. They seek a Uniform Civil Code for the nation, but also lend support to upper caste Hindu demands of a total nationwide ban on cow

slaughter, and therefore beef as a food for religious minorities, Dalits and Tribal communities. It also calls for total prohibition. On the plus side, it calls for universal education and many socio economic reforms which remain still unfulfilled in the twenty-first century.

The Constitution still has several laws which favour the adherents of the Hindu faith, and also members of Sikhism and Buddhism which are deemed to be born of Hinduism. These include tax benefits under the Hindu Undivided Family laws, as well as affirmative action and political reservations for Dalits under Article 341 [111]. This law bans in perpetuity Muslim and Christian converts from the former untouchable castes, or Scheduled Castes, from reservation in seats in parliament, state legislatures and local self government institutions of the Panchayati Raj. It also bars Christian and Muslim Dalits from the protection of the law in targetted violence and hate crimes.

“Not Common Code, but a Uniform Code if necessary, which contained the best practices of all, and which communities could draw upon to govern themselves,”, Archbishop Alan D’Lastic had repeatedly said. It was also pointed out that the Goa Common Civil code enunciated by the Portuguese rulers, and ironically touted by the BJP government then as something worth considering, was

revealed not to be so gender just and equitable. A Hindu was allowed two wives if he so wished as his right. A Muslim husband was barred from a second marriage despite the Sharia law. The Nation Wants to Know and discuss all this, if only it is given a chance. The government in its haste and for its political compulsions does not want to give it the space it perhaps needs for a calm debate, and a just decision to ensure the liberty of women from centuries of tyranny.

The encouragement given to non-state actors of the Sangh Parivar to enforce the Directive Principle of State Policy on a ban on cow slaughter, sometimes with lynchings, was part of the process. The Uniform Civil Code banning triple-talaq by Muslims then becomes quite a part of the argument of the Sangh Parivar that Muslims are breeding all too fast because of their polyandrous lifestyle and large families, and would overwhelm the Hindus in a short while, reducing them to a minority in their only home on earth.

It is, to repeat a fact, not an issue of the Muslims alone as the focus on the triple talaq makes it seem. There is also demand for absolutely gender-just laws and equal rights within other religious groups, including Christians and specially Catholics, for reforms in marriage and inheritance laws so that daughters and widows get their share in property despite amendments to some of the laws.



The Supreme Court is hearing a petition from Mangalore seeking, in effect, Canonical provisions on dissolution of marriage to be enforced in civil law. This has been challenged by reform groups and women coalitions. Reformists in the Kananaya community have also demanded an end to current practices of excommunicating people who marry outside their denomination and racial group. The personal laws do not impact religious codes relating to ecclesiastic practices, and will not cover the issue of women clergy in the Catholic church, for instance.

Women activists have been unequivocal in saying every vestige of patriarchy and male dominance or favouritism must end sooner than later. There have also been calls for rights to single women to adopt children – or for that matter, even to single men – without having to take recourse to the special community-neutral laws under the Juvenile Justice act [which allows children to be taken in foster care as guardians till they become adults]. In the case of Parsees, where religion and race are combined, children of women who marry outside the community are excommunicated. The community is shrinking fast, and reformists say giving full communion to children born in mixed marriages will strengthen and rejuvenate the community.

Cardinal Cleemis, the president of the Catholic Bishops Conference of India and head of the Syro Malankara Catholic church, in a

statement said that the Centre should hold time-bound discussion with all religious groups in the country on the Uniform civil code issue. The country's unity should be protected as such. The Catholic church, he said, has an "open mind" to take part in the debate, but "Any discussion on the uniform civil code should be held ensuring the religious freedom guaranteed by the Constitution."

Hopefully, the Law Commission's process of devising its report after listening to stakeholders will be an opportunity to refresh the old questions and the old demands.

But the stake-holders interventions will depend on what the government thinks is the ideal Civil Code it seeks. Or the BJP-RSS want. There are more than two dozen reports of the Law Commission since its inception focussing on religious issues which also need to be taken into account together with various rulings of the High Courts and the Supreme court over the decades since Independence. High Courts can be very erratic in such things, and some rulings quite retrograde. The chairman of the Law Commission has in his early statements shown enthusiasm for the government position on the Uniform Civil Code. This is quite in line with position taken by the chairpersons of committees drafting the New Education Policy, and various similar bodies in the states. But this is the way almost all institutions function in India.

## Verapoly Gets New Archbishop

**Vatican City:** Father Joseph Kalathiparambil, currently secretary of the Pontifical Council for Migrants and Itinerant People, has been appointed the new archbishop of Verapoly in Kerala.

At the same time, Pope Francis also accepted the resignation of its current Archbishop Francis Kallarakal, as he has completed 75, the canonical age for retirement.

The announcements were made on Oct. 31 in the archdiocese as well as in Rome.

The Catholic Bishops Conference of India in a statement expressed happiness over the appointment and urged Catholics to pray "for the newly appointed archbishop as he prepares to take over his new mission."

The historic Verapoly archdiocese based in Ernakulum city is one of the two Latin rite archdioceses in Kerala. It was the metropolitan diocese of all Latin dioceses in the state until Trivandrum was elevated as an archdiocese in 2004.

Known as the Vicariate of Malabar in the 17th century, it administered Catholics of both Latin and Oriental rite until 1887 when the Catholics of the Syrian Rite were separated and the two Vicariates of Trichur and Kottayam were established for them.

# De-coding the Uniform Civil Code

(A background paper to assist stakeholders in responding to the Questionnaire prepared by the Law Commission)

- chhotebhai

**A. INTRODUCTION:** The Law Commission (LC) of the Govt of India (GOI), headed by retired Supreme Court judge, Justice Dr B.S. Chauhan, has on 7/10/16 issued an Appeal and prepared a Questionnaire with 16 questions; seeking a response from all stakeholders regarding the proposed/ intended Uniform Civil Code (UCC). Replies should reach the LC within 45 days, i.e. by 20/11/2016. Considering the diversity of religions, languages, castes, State Laws, tribal customs etc, it is an impossible task to submit cogent reforms from all the stakeholders at such short notice. Bearing in mind that the proposed/ intended UCC will affect the lives of each and every citizen of India, this consultation should go down to the grassroots level, and not be restricted to elite religious leaders. My first observation/ objection to the Questionnaire therefore is the limited time afforded for responding to it.

**B. THE CONTENT:** The Questionnaire has 16 questions. Most of them have a Yes/No option. We therefore need to recall the classic question that was asked with the Yes/No option only. "Have you stopped beating your wife"? This is a loaded question that necessitates a

response in a pre-determined format. Almost any answer given will be wrong. If one says "Yes" it implies that the respondent had been beating the wife upto now (regardless of whether the respondent has a wife, or is not even a male). If one says "No" it implies that the torture continues (again regardless of whether the respondent has a wife, or is not even a male)! This little illustration shows that the Yes/No format is inherently flawed. It is unthinkable that the LC would prepare a flawed Questionnaire. One is therefore constrained to conclude that the Questionnaire is not just flawed, but also malafide. This is potentially dangerous.

**C. THE INTENT:** Is it bonafide or malafide? The intent or purpose of the Questionnaire therefore comes under a cloud of suspicion. There seems more to it than meets the eye, with a possible hidden agenda, a suspicion that some sections of society have already begun to articulate.

**D. THE CONTEXT:** The Questionnaire has come in the backdrop of a case challenging Triple Talaq (TT) among Muslims in the Supreme Court (SC). This again is ominous, more so the timing, when several States are readying for crucial elections.

Granted that the UCC has been on the BJP's agenda for years, but why now? Other than targeting TT the right wing Hindutvawadis have also been questioning polygamy and the proliferation of progeny among Muslims. They say, "Hum do hamare do, unke panch aur pachees". This is an allusion to the Govt's family planning campaign for a couple to restrict themselves to two children, something that Hindus practice; whereas Muslims can have 5 wives and 25 children! This is alarmist and baseless. The Census of India figures do indicate that the Muslim Decadal Growth Rate (DGR) is higher than the national average, but they also show that this DGR has slowed over the previous decade.

Added to this are the beef bans and allegations of cow slaughter, and the context also becomes ominous. As an aside, the Census 2011 data has taken the heat off the allegation of mass conversions by Christians, because their percentage of the population has remained static at 2.3% since 1971.

## MY RESPONSE

Keeping in mind the above, I shall now attempt to answer the Questionnaire from the perspective of a secular minded Indian

Christian who loves his country. I am not a lawyer, but as the National President of the All India Catholic Union (AICU) from 1990-94 I had considerable interaction with the GOI on Christian personal laws pertaining to marriage, divorce, succession and adoption. I had also attended a consultation of the Law Ministry in circa 2000 that resulted in important amendments to the Indian Divorce Act 1869, in 2001, and since renamed as the Divorce Act (DA). The AICU also sought my opinion in 2012 when a petition was filed in the Supreme Court by Clarence Pais, a senior advocate from Mangalore. He had, inter alia, sought to have the Catholic Code of Canon Law declared as the personal law of all Christians in India. This paper therefore is intended to be a stimulus for an enlightened debate and discussion, particularly among the Christian community.

Those who would like to access the Questionnaire are requested to download the same from the website of the LC. My general observations and question wise responses are given below. The questions have been reframed to make them reader friendly without distorting their original content.

**THE APPEAL LETTER:** The covering Appeal Letter from Justice Chauhan seeks to contextualise the Questionnaire. It says that it seeks to address discrimination against vulnerable groups, harmonise various cultural practices, address social justice, women's' rights etc; so

that no one class, group or community dominates the tone and tenor of family law reforms (emphasis mine). This seems innocuous in itself, especially if the LC is committed to ensuring that there is no domination by powerful, vested interest groups in the intended UCC. I am deliberately using the word "intended" because as of now the GOI has not come out with any concrete proposal. It has not given even a preliminary indication of which specific personal laws, secular or religion specific, it seeks to subsume in the UCC. It is like putting the cart before the horse, or like Don Quixote, tilting at windmills!

Hindus have separate laws for marriage and succession. The Parsis got a new Succession Act in December 1991. There is a fat tome called Mohammedan Law written by Mullah, who despite the Muslim sounding name, was a Parsi. The Sikhs have their Shiromani Gurudwara Prabandhak Committee, the Hindus in the south have Devasom Boards for managing their temples. Christians have the DA and the Indian Christian Marriage Act 1872 (ICMA). There are also secular laws like the Special Marriage Act 1955 and the Indian Succession Act 1925. The Juvenile Justice Act was amended about 10 years ago to give all persons in India the right to adopt a child; even though adoption is prohibited in Islam. Unfortunately the notification issued by the Ministry of Child

Development dt 17/7/15 regarding adoption is so badly skewed that the Missionaries of Charity, who spearheaded adoption work in India, actually surrendered their licences to run adoption centres.

The LC has therefore embarked on a stupendous task, and 45 days are grossly inadequate to get feedback from the grassroots level upwards. ***The response period should be extended to six months.*** In the interim the LC should individually invite the disparate stakeholders like the Hindus, Muslims, Christians, Sikhs, Buddhists, Jains and Parsis, as also the dalits and tribals. After these group consultations there should be a general consultation of at least 3 days duration, where all issues could be discussed. If, after this exercise is completed, and there is a consensus, then, and only then, should the GOI move forward for a proposed UCC. That would in turn need to be circulated and debated. Only then would one be able to come up with an UCC that addresses gender, social and religious justice. Now let us address the 16 questions.

**Q1:** Are you aware that Article 44 of the Constitution of India provides that "the State shall endeavour to secure for the citizens a UCC throughout the territory of India"?

**R1:** This is part of the Directive Principles of State Policy that are not enforceable by any court (Art 37). Hence, if it is out of the purview of the judiciary, one



must proceed with abundant caution. In *Pannalal Bansilal Patel vs State of AP* (AIR 1996 SC 1023) ***the Supreme Court has held that the intended UCC should not be counterproductive to the unity of the nation.*** This warning should be heeded. The LC says that the UCC seeks to harmonise society. However, early indications are that the Questionnaire has had the opposite effect, generating more social disharmony than unity, and a very acrimonious debate.

The Directive Principles include such noble goals like equal pay for equal work, and equitable distribution of wealth and land (Art 39). The GOI has not shown the same enthusiasm for Art 39 as it is now showing for Art 44!

**Q2:** Should the UCC include/exclude all or any of the following: Marriage, Divorce, Adoption, Guardianship and Child Custody, Maintenance, Succession, and Inheritance?

**R2:** As already stated, there exist a plethora of laws, both religious and secular, covering this vast gamut of issues that affect the lives of citizens. Attempting to subsume them in one comprehensive UCC would entail a mammoth exercise like the Constituent Assembly that deliberated on the Constitution of India. Prima facie the LC seems to be biting off more than it can chew. ***The medicine seems worse than the disease.***

Recall how the Lok Pal Bill was hotly debated and hastily enacted (because of pressure from certain

quarters), as a panacea for ending corruption. It has since been consigned to the dustbin of history.

Indian courts are already overburdened with millions of cases pending. The UCC would open up a Pandora's Box of more litigation, because no matter how well a law is framed it is always subject to interpretation. Those adversely affected by the UCC would be swift to seek legal redress. In the circumstances ***it would be advisable to leave well enough alone.***

**Q3:** Should existing personal laws and customary practices be codified and replaced by a UCC to bring them in line with fundamental rights?

**R3:** This again is a loaded question that also proposes an answer. Yes, personal laws and customary practices should be codified in consultation with the affected parties/ stakeholders. A "dominating tone" should not be imposed on unwilling sections of society. It is better to identify specific issues that need urgent redress, rather than trying to solve all problems in one fell stroke. ***Casting one's net too wide could end up with the fisherman falling in the water rather than the fish falling into the net!***

It is ironic that though some questions are directed at the Hindu, Muslim and Christian communities, no issues have been raised regarding Sikhs, Buddhists, Jains, Parsis, dalits and tribals; all of whom have their own

"customary practices", as distinct from personal laws. The LC should be comprehensive, not selective if it has to be credible.

**Q4:** Will the UCC or codification ensure gender equality?

**R4:** Yes, gender equality is the need of the hour, but the UCC is not the answer. Codification, with the assent of the respective stakeholders, would be the more practical option.

**Q5:** Should the UCC be optional?

**R5:** When there is no proposed UCC this question is infructuous. However, if the UCC is not mandatory it would defeat its very purpose.

**Q6:** Should practices like polygamy, polyandry and friendship deeds be banned or regulated?

**R6:** This again seems aimed at the Muslim community. When we have such a poor male/female sex ratio, even among Muslims, polygamy would be a rarity. This was permitted in many ancient cultures because several men died in battle or when hunting for food. Females therefore outnumbered males, hence polygamy was considered socially equitable. Instead of making insinuations, ***let the GOI release data from Census 2011 on what percentage of various groups are practicing polygamy or polyandry.***

Today many persons in live-in relationships may be making a civil contract to avoid future complications. ***Why should the***

***Govt interfere in a private matter between consenting adults?***

**Q7:** Should TT be abolished in toto, retained or amended?

**R7:** This is specific to the Muslim community. Hence their views, including of their women, should be carefully considered. Nevertheless, in its current form TT seems to be an aberration of what is provided for in Islam. It considers marriage as a contract only, with terms and conditions set out at the time of marriage (nikahnama). Some enlightened Muslims say that adequate safeguards could be incorporated into the nikahnama, to protect the interests of women and children.

***Perhaps Muslims could also get their marriages registered under the Special Marriage Act.*** This would on the one hand protect religious sentiments, while on the other one's civil rights would also be adequately safeguarded. Muslim leaders should be brought on board to propagate this.

**Q8:** What steps should be taken to ensure that Hindu women get equal rights in property?

**R8:** Though Hindus constitute 85% of the population, and have many more "customary practices" than any other community, many of which are based on a patriarchal mindset, the LC has found only one issue to address this vast population. This smacks of selective amnesia!

From what I understand, and I could be wrong, Hindu women's rights to equality in succession are adversely affected by the provisions of the Hindu Undivided

Family (HUF). This has legal sanction and even tax benefits. This is highly discriminatory. ***The HUF provisions should be legally abolished.*** They have no place in modern society. No special tax benefits should accrue to it.

There are many other "customary practices" in Hinduism that warrant attention in order to promote gender justice. Be it women fasting for the longevity of their husbands on Karva Chauth, or being made to plough the fields naked to placate the rain God Indra, there is a vast area of customs that require reform. However, other than amendments to the HUF, I don't see the GOI as a moral science teacher. Social reform is the task of society, especially of enlightened religious leaders, and not that of the Govt. ***The GOI should not play GOD!***

**Q9:** Does the two-year waiting period for finalising divorce violate the Christian woman's right to equality?

**R9:** This is the biggest joke in the Questionnaire, and probably added as an afterthought to not make it look too Islam specific. This is again a loaded question. The two-year hiatus is not gender oriented. It is equally applicable to both men and women. Secondly, ***why is this "proposal" coming from the LC when there is no such demand within the Christian community?***

For the benefit of those who don't know, this is a reference to Section 10A of the DA that governs Christians. This pertains

to divorce by "mutual consent", hence there is no gender bias whatsoever. The Catholic Church considers marriage as an eternal bond. Even other Christian churches do consider marriage sacred, not something that one could flit in and out of like a butterfly. It is for this reason that earlier Sec 20 of the DA actually required that a decree of divorce granted by a lower court needed to be ratified by the High Court. This was an expensive and arduous process. Hence this section was repealed by Act 51 Of 2001, by the then NDA Govt, giving much needed relief to Christians caught in a failed marriage. It was for this reason that Sec 10A aforesaid was included. It seems a reasonable one, bearing in mind the Christian approach to marriage.

So we could say to the LC, "Thank you, but no thanks", because ***there is no need to create a controversy where none exists.***

It is also worth placing on record that the Christian community in India, and more particularly the Catholics, have always had a healthy respect for the law of the land, even though it has often been at the receiving end of the law.

As already mentioned there was urgent need of amending our personal laws pertaining to marriage, divorce, succession and adoption. They have been addressed in part. Few would know that u/s 213 of the Indian Succession Act 1925 Christians

had to pay huge amounts by way of stamp duty to get their Wills probated. This anomaly was removed through the concerted efforts of Adv Clarence Pais, who prevailed upon Sri George Fernandes, then a Union Minister, to get a suitable amendment passed in parliament. I have already touched on adoption so will not repeat it.

However, there are still many anomalies in the DA 1869 and the ICMA 1872 that need redress. For example, Sec 58 of the DA still refers to English clergymen. Sec 3 of the ICMA refers to the Churches of England, Scotland and Rome. The first two have long ceased to exist in India. The ICMA also does not apply to the erstwhile states of Travancore-Cochin, J&K and Manipur (Sec 1).

These acts, while recognising a Church marriage, do not recognise a Church annulment. There are very clear procedures for this in the Canon Law of the Catholics, but civil law does not recognise it. In effect this means that what is ecclesiastically acceptable is legally not maintainable. Hence a Catholic with an annulment, who does not also get a civil divorce or annulment, and enters into a second marriage, would be guilty of bigamy u/s 494 of the Indian Penal Code. This infact is the subject matter of a writ petition filed by the same Adv Pais in the SC, because one of his clients was booked for bigamy in Criminal Complaint case No 7/11 in a court in Mangalore.

Pais made the Catholic Bishop's Conference of India (CBCI) and the AICU respondents in the case. He had also prayed that the Code of Canon Law be made the personal law of all Christians in India. When the matter was referred to me I gave my considered opinion that Pais' petition was fundamentally flawed. Firstly, the Code of Canon Law 1983 is applicable only to the Latin Rite Catholics (Can 1). There is another "Code of Canons of the Eastern Churches" promulgated in 1990. Besides, Canon Law is not applicable to non-Catholic Christians.

We also need to understand that Jesus himself laid the foundation of modern day secularism when he said, "Give to Caesar what is Caesar's and to God what is God's" (Mat 22:21). St Paul also reminds us that "all authorities that exist are appointed by God" (cf Rom 13:1). Canon Law goes one step further. It unequivocally states that it "respects the competence of civil authority in respect of the merely civil effects of the marriage" (Can 1059). It further states that one should not celebrate a "marriage which cannot be recognised by the civil law, or celebrated in accordance with it" (Can 1071:2).

It is worth noting that the canonical age for marriage of Catholics is 16 for a boy and 14 for a girl (Can 1083:1). Can you believe that? As per the ICMA the legal age is 21/ 18; but Sec 65 says that this does not apply to Catholics, and Sec 88 says that

it respects personal law. Despite these provisions the CBCI, in its wisdom, has directed that we observe the provisions of civil law and the legal age for marriage in a church therefore is 21/18.

In the light of the above, instead of advising the Christian community, and more particularly the Catholic Church, *the LC and other communities in India should take a leaf out of our book, when it comes to the interface between personal law and civil rights.*

**Q11:** Should all religions have common grounds for divorce?

**R11:** Only some general principles based on gender equality and natural jurisprudence should be included. Muslims see marriage as a contract; Catholics see it as an eternal sacrament. Where the twain shall meet?

**Q12:** Would the UCC help divorced women to get proper maintenance?

**R12:** In the Shah Bano case of 1985 the SC actually decreed that the 69 year old, who had been married for 43 years, should get a monthly maintenance of Rs 500/-. All hell broke loose; and political greenhorn Rajiv Gandhi succumbed to pressure, negating the SC order through enactment of what is euphemistically called the "Muslim Women (Protection of Rights on Divorce) Act 1986". This closed the doors on maintenance u/s 125 of the CrPC. In the light of the above, any step, no matter how well intentioned, needs to be



thoroughly worked out, besides being socially acceptable. We cannot ram laws down peoples' throats.

**Q13:** How can compulsory registration of marriages be better implemented?

**R13:** This is one of the few practical questions raised by the LC. At present Goa, which still follows some colonial Portuguese laws, and not those of British origin, like the rest of India, has a provision for compulsory registration of all marriages, regardless of religion. ***This provision can be extended to the rest of the country.***

Incidentally, Sec 30 of the ICMA stipulates that marriages solemnised in a Catholic Church should be conveyed to the bishop, who in turn, shall file a quarterly return of all such marriages to the Registrar General of Births, Deaths and Marriages. ***So a marriage solemnised in a Catholic Church is a de facto and de jure registered one.***

**Q14:** What measures should be taken to protect couples who enter into inter-religious/ inter-caste marriages?

**R14:** They should be advised to register their marriages under the Special Marriage Act.

**Q15:** Would the UCC infringe on an individual's right to freedom of religion?

**R15:** In the absence of what the UCC actually is/ will be, ***this question is infructuous.***

**Q16:** What measures should be taken to sensitise society towards a common code, or codification of personal law?

**R16:** Here again two questions have been couched in one. This is most unprofessional and unbecoming of the LC. I have already spoken at length about the UCC, so there is no need to repeat it. But I do believe that ***reform of religious laws and practices is the better option.*** At present ONLY the Catholic Church has a Code of Canon Law, which though largely internal in nature, also has some external provisions, as shown aforesaid. It is easy to say that religious laws should be codified, but who will bell the cat? The UCC on the other hand could actually set the cat among the pigeons. Let us remember the old adage that fools will enter where angels fear to tread. So dear Justice Chauhan, do tread with abundant caution and ***ensure that no single group "dominates the tone and tenor" of what you are contemplating.***

#### CONCLUDING REMARKS

1. The LC should have at least 3 legal luminaries to monitor the intended UCC, including one each from the Muslim and Christian communities.
2. Remember that the Constitution makes several exceptions, respecting unity in diversity.
  - The controversial Art 370 limits the powers of parliament to enact legislation for J&K State

- Art 371 A(a)i-iv provides for respecting the religious and social practices of Nagas, the administration of civil and criminal justice involving Naga customary law, and ownership and transfer of land and its resources.
  - Art 371 G(a)i-iv has similar provisions for the Mizos.
3. Portuguese laws still hold sway in Goa
  4. There are also special provisions for the Santhal tribals. I am not sure if protective laws made by anthropologist Edwin Verrier still hold for the primitive tribes of Bastar region in Chhatisgarh, Andaman & Nicobar Islands and erstwhile NEFA region (now Arunachal Pradesh).
  5. The Khasis of Meghalaya are matrilineal, where the youngest daughter inherits the family property.
  6. We often accuse the erstwhile British rulers of divide and rule, but after their bruising in 1857 they learnt to respect the diversity of India. This is best exemplified in the army, where each regiment had its own customs. Sikhs were allowed to wear their turbans, and Muslims to grow their beards. With the West now being inundated by Muslim and Sikh migrants they too have permitted such diversity in their uniformed forces. We can even see hijab wearing women anchor on European

TV channels. When the world is respecting multi-cultural practices, can India afford to regress into putting everyone into a uniform - physically, culturally or legally.

7. Art 372 clearly states that existing laws would continue, even after the Constitution came into force.
8. I have earlier written that school children wear uniforms, because they are vulnerable and impressionable; hence need a distinct identity and

protection. However, when they grow into critically aware young adults entering college, they abandon their school uniforms. College campuses are a riot of colour, after the staid straight jackets of school kids. Is our country a mosaic of many colours, and a bouquet of several fragrances? Or is it a "one size fits all" like the RSS uniform that has been altered slightly from half pants to full length ones? The answer is more than obvious.

(Readers, especially community leaders, and heads of organisations could use this paper for discussions, and framing their responses to the LC. The responses must be sent so as to reach the LC before 20/11/2016, at: Law Commission of India, 14th Floor, HT House, Kasturba Gandhi Marg, New Delhi - 110001; or by email to [lcidla@nic.in](mailto:lcidla@nic.in). Those who are unable to download the Questionnaire may contact this writer at [noronha.kp@gmail.com](mailto:noronha.kp@gmail.com) or at 9415130822).

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## St. Mary's Church Survives Satan and More!

Wherever God erects a house of prayer

The devil always builds a chapel there;

And t'will be found, upon examination,

The latter has the largest congregation.

Daniel Defoe, English author (1661-1731) – now also an English proverb.

It should have applied to St. Mary's Church in Old Delhi which is set to celebrate 150 years of its existence on December 11, 2016. Against the danger of devil's chapel and the threat of its larger congregation, we have the promise of the Bible:

"Blessed are you, Simon son of Jonah! For this was not revealed to you by flesh and blood, but by My Father in heaven. And I tell you that you are Peter, and

on this rock I will build My church, and the gates of Hades (hell) will not prevail against it."

What if Nadir Shah of Persia, who invaded India, destroyed St. Mary's Church in 1739? God and faith are embedded in the hearts of men and women and cannot be destroyed as reflected in the vibrant St. Mary's Church of today, along with its allied school. Like the phoenix, it has risen and thriving and there is much to celebrate and thank God for it. It is the time to recall the martyrdom of Fr. Zachary and labour and sacrifices of his successors in building a thriving church and school. It is also the time to congratulate the parishioners and ecclesiastical superiors who stood by it and helped it to grow.

The physical destruction of the church structures has not stopped

Christianity. Tippu Sultan of Mysore destroyed all but one (Monte Mariano Monastery at Farangipet, near Mangalore, whose head, Goan priest Fr. Miranda was a personal friend of Tipu's father, Hyder Ali) churches in the whole of Canara in 1774 and took 60,000 Catholics into captivity for 16 years in Mysore. But, when Tipu was defeated by the British in 1799 and only a fourth of the surviving captives returned to their native land, things turned round, as in the case of St. Mary's Church, and today we have a vibrant Catholic community in Canara.

On behalf of All India Catholic Union I am happy to send the best wishes for the success of the projected celebrations and continued growth of St. Mary's Church and its allied institutions. *lancy D'Cunha President, AICU.*

# Looking beyond October 31st 2016

- By Fr Cedric Prakash SJ

**India: Come October 31st 2016:** (Thier column was written earlier) India remembers Sardar Vallabhai Patel who was born on this day in 1875 in Gujarat; he was more famously called 'the Iron Man of India'. As free India's first Deputy Prime Minister and Home Minister, he worked tirelessly for national integration, fully convinced that groups like the RSS (whom he banned) were doing their best to destroy the unity and secular fabric of the country. Unfortunately, today the 'powers-that-are' are doing great disservice to this visionary statesman and of all the values he embodied, by attempting to construct a so-called 'statue of unity' (at a scandalous cost and great profits), by displacing the poor tribals and destroying the environment and the fragile eco-system. We need to learn from Sardar Patel what unity, integration and service to the country is all about!

**Come October 31st 2016:** On this day, Indira Gandhi, the Prime Minister of India was assassinated in 1984; this heinous deed was condemned by all. What followed was even more gruesome, when thousands of Sikhs in India were massacred, burnt alive, brutalized, left homeless. Many of us were witnesses to those bloody days of India's history. Till today

several of those responsible for this communal carnage have not been brought to book. A Hindi film, '31st October', on the aftermath of Indira's assassination, has just been released in Indian theatres. Indira's 'emergency rule' and 'Operation Bluestar' will always be major blots on this two-time Prime Minister who did plenty of for the poor and marginalised of the country. We need to do much for justice for all- specially for the minorities and sub-alterns!

**Come October 31st 2016:** It is New Year Day for several Indians- especially for those from Gujarat and Rajasthan. It comes in the midst of the five-days of Diwali (the Festival of Lights), which is celebrated by a significant percentage of Indians. The 'light', which we need, to illuminate the darkness which engulfs us, which suffocates us; this darkness is reflected by divisiveness and discrimination; by hate and violence; by greed and corruption; by destruction and death. We celebrate the purging of all that is evil in society and in our own lives. We celebrate the importance of the newness of life. On these days we need to re-visit and to re-live the guiding principles of justice, liberty, equality and fraternity for all!

**Come October 31st 2016:** The Feast of St Alphonsus Rodriguez. He was a Jesuit brother from Spain who died on this day in 1617, almost four hundred years ago! His entire life was punctuated with several personal tragedies and disappointments. He was however, relentless in his pursuit of holiness. He was no intellectual but left a profound impact on everyone he came in contact with. He served as a doorkeeper in one of the Jesuit institutions, where he always warmly and lovingly welcomed those who knocked at the door- be it student or stranger. The Jesuit General Congregation in Rome will begin a crucial week this day. St Alphonsus with his humility, simplicity, availability and sanctity will surely be an important guide.

**Come October 31st 2016:** A historic day as Pope Francis goes to Sweden to mark the joint Lutheran-Catholic commemoration of the 500th anniversary of the Reformation. A gesture just unthinkable a few years ago. It will certainly go a long way in healing the wounds of centuries of acrimony and mistrust. It will be a much needed event for the whole world to realise that however painful the events of the past have been, they need to be addressed; the wounds need to



heal. Christians, above all, need to take seriously the prayer and mandate of their Master Jesus "that all may be one!"

**Come October 31st 2016:**

The 'prophets of doom' are now predicting that the world will 'surely' end on this day. They earlier predicted July 29th 2016 as the last day! Their original video (now with a new title) has apparently more than seven million views! They proclaim, "that the second coming of Jesus Christ will occur at the same time as the magnetic polar flip in a matter of minutes, which will cause a catastrophic global earthquake. The Earth will crack and shatter and split open!" People of faith, intellectuals and the vast majority, are certainly

not buying their doomsday prophecy. The world however has to pay greater attention to climatic changes: to the devastating earthquakes, hurricanes, cyclones and floods and pledge to do much more substantial action for the 'care of our common home'.

**Come October 31st 2016:**

Lebanon will hopefully have a new President after an agonising wait of more than two years; Pope Francis has invited all on that day to PRAY FOR SYRIA very specially. He will be doing so at the Ecumenical gathering in Sweden; let us pray much that peace actually returns to Syria and all other areas affected by war and violence; let us pray very specially for the millions

who are refugees and IDPs. It is 'Halloween' once again for the Americans. It is the end of another month, which for Catholics was dedicated to Our Lady of the Holy Rosary. It is not merely a day for tricks and treats. It is much more! It is a day on which we need to reflect and recollect; to repent and to reconcile; to renew and to recreate!

Above all, we all need to look beyond October 31st 2016!

*(Fr. Cedric Prakash sj is a human rights activist and is currently based in Lebanon and engaged with the Jesuit Refugee Service (JRS) in the Middle East on advocacy and communications).*

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## Re. Religion Today

- By Eduardo Faleiro

Over 90 percent of world population is affiliated to some religion or the other and for millions of people life would be unthinkable without the guidance of their religion. Religion provides a sense of peace and meaning to life and connects human beings to family and society.

Yet, in the present age, religion has emerged as a major source of conflict across the globe. Ideological strife has given place to the 'clash of civilisations' and it is felt that in the foreseeable future, religion will be a major source of conflict in and among nations. The possibilities of

conflict are greater in countries such as India where different religions and cultures meet. Such clashes can be prevented if appropriate strategies are formulated and implemented at an early stage so as to ensure religious harmony.

The spirit of the founders of the different religions was the same though rituals differ. All religions proclaim the same principles. Mahatma Gandhi, who devoted a large part of his life to the study of religion and to discussion with religious leaders of all faiths, affirmed that every scripture should be treated equally, that

there is no justification to the claim of supremacy of any one religion and that we are all children of the same God. He said: "What is needed is a living friendly contact among the followers of the religions of the world and not a clash among them in the fruitless attempt on the part of each community to show the supremacy of its faith over the rest" (Young India, 23-04-1937).

The Constitution of India provides that it is the fundamental duty of every citizen to promote harmony amongst all people of India transcending religious,

linguistic and regional or sectional diversities. Respect for religious diversity and interfaith dialogue is an essential and urgent need.

Religious education should be imparted to children in the schools. The basics of different religions should be taught to them from a cultural and

historical perspective without emotional involvement and in a manner children find interesting and will remember.

The major festivals of Diwali, Eid and Christmas ought to be honoured by all citizens. Deepawali is the festival of lights and signifies the victory of

good over evil. At this point of time, in many parts of India people of different religions celebrate Diwali. In some countries abroad, Diwali is also observed as a mark of South Asian identity.

*(The writer is a former Union Minister)*

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## Why Christianity's Holiest Shrine is Guarded by Two Muslim Families

Roman Catholic clergymen celebrate Holy Thursday Mass at the Church of the Holy Sepulchre in Jerusalem's Old City in March.

The Church of the Holy Sepulchre in Jerusalem's Old City is Christianity's most hallowed shrine. It's believed that the rock-cut tomb at the heart of the church was where the body of Jesus Christ was once laid.

Over the past week, for the first time in centuries, a team of conservationists and researchers removed a marble slab that lay in a rotunda, known as the Edicule, at the center of the complex. It's the spot, "where millions of pilgrims have knelt and prayed, where the salt of tears and the wet of sweat have smoothed and worried the hardest stone!.

After hours of careful examination, the team found what they believe was the limestone bed where Jesus could have been buried. National Geographic had

exclusive access to the project and published pictures and footage of its efforts.

"I'm absolutely amazed. My knees are shaking a little bit because I wasn't expecting this," Fredrik Hiebert, National Geographic's archaeologist-in-residence, is quoted by the publication's website. "We can't say 100 percent, but it appears to be visible proof that the location of the tomb has not shifted through time, something that scientists and historians have wondered for decades." They have now resealed the tomb in its original marble cladding.

**Thousands mark Greek Orthodox Holy Fire rite in Jerusalem:** In April, thousands of Christians celebrate Easter's Holy Fire Ceremony at the Church of the Holy Sepulcher in Jerusalem, packing the ancient church which they believe was built on the site

of Jesus' crucifixion, burial and resurrection.

The debate will go on about whether this is the true site of religion's most famous crucifixion, burial and resurrection. Whatever the provenance of the story — which, after all, led to the church's original construction some 1,600 years ago — it is now layered in centuries of real history.

Today, the site thrums with piety, but history knows it is soaked in blood. There have been at least four Christian chapels erected over the site. The first was by Emperor Constantine in the 4th century, who swept aside a pagan temple Hadrian built to the goddess Aphrodite — perhaps a move by Rome to deny early Christians a place of pilgrimage. The Holy Sepulchre was saved by the Muslim conqueror Omar in 638; destroyed by the Egyptian Caliph al-Hakim in 1009; rebuilt by the Crusaders who themselves

slaughtered half the city; protected again by the Muslim conqueror Saladin and laid waste again by the fearsome Khwarezmian Turks, whose horsemen rode into the church and lopped off the heads of praying monks.

And when the world surrounding the religious complex was not convulsed in chaos, tensions among the faithful worshiping within often boiled over. The church has been shared for centuries by six old Christian congregations — Latin (Roman Catholic), Greek Orthodox, Armenian Apostolic, Syrian Orthodox, Ethiopian Orthodox and Egyptian Copts.

Disputes among these sects over the sharing of the church have sparked skirmishes and street riots. Through the ages, clerics from the various orders have battled over the ritual sweeping of steps, the placing of carpets in front of altars, and even the right of walking in procession to the Edicule.

"The rival groups of worshipers fought not only with their fists, but with crucifixes, candle sticks, chalices, lamps and incense-burners, and even bits of wood which they tore from the sacred shrines," wrote historian Orlando Figes, when referring to a particularly pitched battle between Orthodox and Catholic clergymen in 1846. "The fighting continued with knives and pistols smuggled into the Holy Sepulchre by worshipers of either side."

The animosities linger to the present day and have inhibited much-needed repairs and structural improvements to the site. In 2009, a bloody brawl broke out between Armenian and Greek Orthodox priests and led to the church being flooded by Israeli riot police. Other recent incidents were summed up by a blogger at the time:

- In 2002, a Coptic monk whose job is to sit on the roof to express the Coptics' claims to the Ethiopian part of the roof (!) moved his chair into the shade. The Ethiopians objected to this, and a fight erupted that put 11 monks in the hospital.
- In 2004, an Orthodox monk allegedly left the door open to the Franciscan chapel after a procession. The Franciscans took this as a sign of disrespect, and several arrests were made after the ensuing fistfight.
- In April 2008, on Palm Sunday, another brawl broke out after an Orthodox monk was ejected from the building. When police arrived to stop the fighting, the monks went after them, too.

And this year, The Washington Post was on hand to watch scuffles break out between monks and onlookers observing the Miracle of the Holy Fire.

**Scuffle breaks out at Miracle of the Holy Fire celebration:** Priests and worshippers scuffled during the Miracle of the Holy

Fire celebration at the Church of the Holy Sepulchre in April. They were waiting for the bundles of lit candles that symbolize Christ's resurrection.

The intractable nature of these rivalries has led to a rather curious, unique arrangement that dates to the 12th century: Two Muslim families were entrusted by a presumably weary Arab potentate to be the gatekeepers of the church. The Joudeh family keeps the key, while the Nuseibeh family opens up the church door every morning and locks it in the evening.

In an interview with CNN earlier this year, Adeeb Joudeh, the current keeper of the key — an old, cast-iron object that's a foot long — considered his family's hereditary task to be a metaphor for religious tolerance.

"For me, the source of coexistence for Islamic and Christian religions is the Church of the Holy Sepulchre," he said.

His counterpart, Wajeeh Nuseibeh, described the vital role of these two Muslim families in Jerusalem to the San Francisco Chronicle in 2005.

"Like all brothers, they sometimes have problems," he said, referring to the feuding Christian sects. "We help them settle their disputes. We are the neutral people in the church. We are the United Nations. We help preserve peace in this holy place."

*(Please read related story on page 9).*



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