

Relation between the Bishop and Religious in the Particular Church

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Introduction

Relation between the Bishop and the Religious in their apostolate has been an area in which constant tension arises in day to day administration and which calls for a deeper reflection on the role of Religious in the Diocese and their relation with the Hierarchy. A correct understanding and perspective of the role of the Bishop and the role and place of Religious in the Universal and Particular Church would solve some of the conflicts and misunderstanding which might prevail on both sides.

1. Foundations of Working Together

1.1. Church as the Mystical Body of Christ

Christ mystically constitutes as his body those of Him who are called together from every nation. As all the members of the human body, though they are many, form one body, so also are the faithful in Christ. Also, in the building up of Christ's body, there is engaged a diversity of members and functions. There is one Spirit who, according to His own

richness and the needs of the ministries, gives His different gifts for the welfare of the Church (1Cor 12:1-11; *LG*, 7). In the Mystical body of Christ, there are different categories of members with different and unique functions. Based on the Institutional and charismatic nature of the Church, the members in the Mystical body are categorized as clerics, laity and the consecrated CIC c. 207/2. These three categories of the Faithful are called to a different state of life each with its own unique rights and obligations. This calls for the right of religious to live and work in the Church as they had received different gifts from the Holy Spirit.

1.2. Church as the People of God

God has willed to redeem not as individuals but as a people of God and strengthened by the means of salvation, whatever their condition or state be, they are called by the Lord to that perfection of sanctity (*LG*, 11). Besides, the Holy Spirit according to His Will distributes gifts and special graces for building up of the Church. These special gifts received by the Religious are called *Charisms* which they have to receive with thanks and consolation. Here we find the origin of different Institutes of Consecrated life, each receiving its unique charism, is called to live it and attain perfection. As part of the People of God, the Religious are called to get themselves inserted into the Church to live and grow in their Charism. They are for the Church and they are in the Church. Their existence has no relevance when they do not show their belongingness to the Church. Their charism has a greater meaning only when they are called to reach that perfection by living a particular way of life for the good of the Church.

1.3. Church as a Communion

Another very important concept which underlined the teachings of Vatican II on the Church is none other than Church as a communion of life, love and unity (LG, 8). Post-conciliar teaching clarifies that the communion has two aspects – vertical and horizontal. It is vertical to denote the relation between the Faithful with the Triune God. Communion itself is the gift of God and divine initiative fulfilled in the paschal mystery (Cong. for the Doctrine of Faith, *Letter to the Bishops: Certain Aspects of Communion*, 28, May 1992, n. 4-6). Further in its vertical aspect, communion would also signify the relation between the members of the pilgrim Church on earth and the Celestial Church i.e., communion of saints.

Horizontal aspect of communion explains the relation among the Faithful. It is the *Communio ecclesialis* or *communio ecclesiastica* as explained in cc. 96 & 205 by bond of profession of faith, of sacraments and supremacy of Roman Pontiff. Hierarchical communion is the relation between the Successor of St. Peter and all the Bishops (c. 204/2), Bishops among themselves and between Bishop and clerics. Charismatic communion is the term used to denote the relation between different Institutes of consecrated life and between their associations. The Religious are called as signs of communion and experts of communion (Cong. for the Institutes of Consecrated life and Societies of Apostolic life, *Congregavit nos*, Feb 2, 1994, n. 10). In his post-synodal document, Pope John Paul II explains how to be the signs of communion i.e., by fraternal life and adherence to the *Magisterium* (*Vita Consecrata*, 42). No member can exist in the Church without being in communion. The Religious, who are called to be

experts of communion are expected to foster such a communion in the Church by their being and doing – by their witnessing way of life and by their apostolate.

From the above discourse, it is clear that all Christ Faithful are in communion with the Triune God and with one another in the Church and everybody has to foster such a communion. Any member who is not in relation with the other members cannot grow in the Church. Church as communion highlights the importance of the three categories of Christ Faithful and different Institutes of Consecrated life to co-exist with their unique charism and work for the growth of the Church.

2. The Role of Diocesan Bishop

In *Lumen Gentium* No. 45, we find the basis for the interventions of the Bishop. It is the task of the Church's Hierarchy to feed the people of God and to lead them to good pasture. Accordingly, it is for the hierarchy to make wise laws for regulating the practice of the counsels whereby the perfect love of God and of our neighbour is fostered in a unique way. Here the role of the hierarchy is three fold:

- i. To make laws for regulating the practice of the three counsels.
- ii. To accept the regulation – constitution and approve it.
- iii. And to supervise and protect so that the Religious institutes may flourish in according with the spirit of the founders.

The Supreme Pontiff can exempt a Religious Institute from other local ordinaries and submit them to himself alone.

Exemption does not mean freeing an institute from the pastoral authority of the Diocesan Bishop. Instead, those religious have to show respect and obedience towards bishop in accordance with Canon Law. The theological foundation for such an understanding is laid in the same document as the Bishops exercise pastoral authority in their individual Churches and such is needed for unity and harmony in carrying out the apostolic work (LG, 45).

Ad Gentes, 30 speaks of the role of Bishops as the heads of the dioceses to promote, to direct and to cooperate the apostolate in the diocese. It is for the Bishops to plan out the apostolate in the diocese with the help of those Faithful and their different charisms available for the growth of the particular Church.

The exhortation, *Vita Consacrata*, 49 underlines the role of Bishops not only to accept and approve their charisms as authentic gifts but also to sustain and help them so that they may grow in communion with the Church and open new pastoral and spiritual areas according to the present need maintaining at the same time their fidelity to their original charism.

Nature of the Pastoral Authority of the Bishops

The Sacred Power in the Church is primarily a service to be rendered towards the Faithful so that unity and harmony may exist. It is an ability to make others function according to their vocation and status. It is received by the Bishops through their Episcopal ordination – it is making them participate in the triple functions of Christ – Sanctifying, teaching and governing. Even though they receive the necessary power through the ordination, the faculty to exercise it in a concrete situation comes only by Power of Jurisdiction

vested with the Supreme Pontiff, as the successor of St Peter and visible head of the Catholic Church (Cc. 375/2).

The *Lumen Gentium* uses the word pastoral authority (LG, 45) towards all Faithful. Hence it is more than suggestions, exhortations, persuasion and at times pastoral jurisdiction. The Bishops have pastoral authority which means to say that the Faithful are to obey. It is not only paying respect and reverence to them honouring their position and place in the Local Church, but following their directions and obeying them in accordance with the Universal and Particular Law.

3. The Role of Religious

3.1. Existence is felt only within the Church

The Religious have received special gifts from the Holy Spirit to lead a particular way of life practising the Evangelical counsels. Their calling, existence and working are meant for the growth of the whole Church LG, 43. It is not a particular gift only for the benefits of their religious institute but it is meant for the whole Church and is to be concretely lived in the Church. They need the Particular Churches for their existence and live their special calling. Their presence in the Local Church makes no relevance if their charism and apostolate are not carried out in the Local Church.

Their role in the Church is not submission to the Hierarchy because everybody has a right to participate in the triple functions of Christ but living in communion with all other members of Faithful in such a way they willingly contribute for the growth of the whole Church.

3.2. Being Part of the Church

They are called to feel that they are part of the Church and they have a duty to enrich the Church with their distinctive characteristics according to the particular spirit and a specific mission (*MR*, 14.b). The religious belong in a special sense to the diocesan family and render valuable help to the sacred hierarchy (*CD*, 34).

The Diocesan Bishop is the principle of unity in the Church. The Religious have the obligation to see and constantly check whether or not their presence and apostolate in a Particular Church contribute to the general plan and activities of the Diocese in general. A constant attempt should be made to verify that the role of religious in the diocese is contributing and not detrimental to their witnessing nature by conflicts.

3.3. *Sentire cum ecclesia*

As the Church is a communion and communion in turn generates communion among the Faithful, the Religious should feel one with the Church. All their efforts should not stop only with how best they can live their charism concretely but should go further in understanding the role and mission of Church and how best they are fit in living the missionary character of the Church. This is concretely seen in their adherence in spirit and in heart to the teaching of the Church (*Vita Consacrata*, 46). Such adherence is further elucidated in the same document in areas of theological research, teaching, publications, catechesis and social communication (*VC*, 46).

3.4. Attitude of Reverence

From Vatican II, all the documents of the Church use the word 'reverence' in underlining the attitude of religious

towards the Hierarchy *LG*, 45; *CD*, 35. It should be an attitude among the religious and is to be translated in action by their readiness to listen to the bishops, willingness to work along with the pastoral plan of the diocese and willingness to implement jointly with the diocese for a greater effectiveness of the plan of action.

3.5. Obedience to the Bishop

Obedience as practised by the Religious as an evangelical counsel is a way of witnessing their religious way of life. It is mainly to their superiors and to the Constitution and rules of their Institute. Their obedience to the Bishop is not same as obedience to their superiors. It is pastoral submission flowing from their very nature as part of the Church to which the Bishop is the visible head. It is more than a simple obedience shown by any lay faithful because the religious are called for a deeper witnessing life with a special form of life and with a special commitment to follow Christ more closely. It is not however a blind obedience to all that is said by the Bishop.

3.6. Mutual Collaboration & Coordination

Understanding the Church as communion further reveals the right of co-existence of different categories of Faithful with different charisms. The Hierarchy filled with permanent gift of discerning the other charismatic gifts has to respect the divine origin of their charism. This calls for mutual collaboration between hierarchy and religious. Collaboration has to be the guiding principle in planning, implementation and periodic evaluation.

3.7. Just Autonomy of the Religious Institutes

The Holy Spirit showers his special and unique gifts to every Institute through its founder and the gift is called

Charism, i.e., unique way of living their consecrated life. Such a way of life slowly makes them have their own patrimony. C. 578 speaks of patrimony as the mind of the founders, their dispositions, purpose, spirit and character of the institute. In order to safeguard their patrimony and to grow in their special gift, the Church recognises autonomy in each institute. It is a capacity to regulate their life without external interference. It is an inherent capacity and it is not granted by the Church but recognised by it. It is called a just autonomy to mean that it can be regulated by the Church. It is an application of the principle of subsidiarity allowing the Institute to regulate its life and mission by itself. It is exercised in matters of their life, their governance, and making proper laws (C. 586). The Hierarchy is to protect their just autonomy – allowing it to be exercised properly.

4. Specific Areas of Pastoral Submission to the Diocesan Bishop

The c. 678 is greatly inspired by Vatican II Documents – *Lumen Gentium*, *Christus Dominus* and *Ad Gentes*. The *Lumen Gentium*, 45 gives foundation insisting the role of Bishops as a source of unity in the Diocese. *Christus Dominus*, 35/4 fixes the areas in which the Religious of all types should be placed under the pastoral governance of the Bishop in areas of Apostolate. In fact the areas enumerated in *Christus Dominus* are many more than what is said in CIC. c. 678:

- Care of souls.
- Public worship.
- Preaching to the people.
- Religious and moral education.

- Catechetical instruction.
- Liturgical formation of children.
- Catholic schools run also by religious as regards to general policy and supervision.
- Following of all prescriptions of Episcopal councils and conferences.

CCEO 415/1: Here the canon is clearer than CIC 678 in the sense that it enumerates more concretely the areas in which all the religious are to be under the pastoral authority of the Local Hierarchy. It includes:

- Public celebration of divine cult.
- Preaching of the Word of God.
- Catechetical and liturgical instructions.
- Decorum of clerical state.
- Other works of apostolate.

Here the list is more explicit and concrete. It has retained the points spoken in *Christus Dominus*, 35.

But in CIC c. 678, all the above areas were grouped under three categories namely: a) *The Care of Souls*, b) *Public Exercise of Divine Worship* and c) *Other Works of Apostolate*. The first two categories are also in true sense of the word Apostolate. They are called sacred apostolate and they denote specific areas. The third category indicates all other forms of apostolate not included in the above two.

a. The Care of Souls:

In the Church documents it is called Sacred Apostolate (CD, 35; *Ecclesiae Sanctae*, 1,25), holy apostolate (*Perfectae Caritatis*, 8b). C. 519, while explaining the role of Parish Priest, remarks that care of souls involves in carrying out the triple

functions of Christ – Sanctifying, teaching and governing. Hence care of souls is a broader category of pastoral activities which a cleric does for the salvation of souls concretely participating in the triple functions.

Care of souls in Sanctifying Office:

Cc. 834 & 839 speak of four concrete ways of carrying out the care of souls:

- Sacred liturgy (C. 834).
- Prayer in which the Church asks God to make Christ's faithful holy (C. 839/1).
- Works of penance (C. 839/1).
- Works of charity (C. 839/1).

Care of souls in Teaching Office:

- Ministry of the divine word.
- Catechetical instruction.
- Missionary activities: Those activities aimed at those who have not yet heard the Gospel and those who are not yet formed into a Christian community.
- Catholic education: Faith imparting attempts to make the community grow in its Christian witness. Here the role of bishops on private schools run by Religious is only pastoral i.e., to make sure that they follow their charism. However, the Bishop can make general policies and they have to follow them in their own schools.
- Publication.

Care of souls in Governing Office:

- Here the clerics who hold the office as parish Priest, Asst. Parish Priest, Parochial administrator, Chaplin,

Moderator of group ministry (c. 517) carry out the care of souls.

- The Religious as clerics are under the pastoral authority of the Diocesan Bishop and other Religious in so far as they share in the Triple functions of Christ based on the common priesthood and by their religious consecration, come under the Diocesan Bishop.

b. Public Exercise of Divine Cult:

Here it means the public exercise of sacraments and sacramentals. Public exercise of divine cult is called so when

- It is conducted in the name of the Church.
- It is administered by persons legitimately designed and.
- It is carried out through liturgical norms approved (C. 834).

Divine cult in its very nature is public and done in the name of the Church even if it is conducted without people's participation. Hence Private Mass, Liturgy of hours etc. are public exercise of divine cult. In all these areas they are under the pastoral governance of the Bishop.

c. Other works of Apostolate:

The canon used the phrase 'other works of apostolate' to cover all works of charity and piety which were not covered in above two specific categories.

Kinds of Apostolate:

Common to all Religious

C. 673 recognises for all Religious a life of prayer and penance as the first form of apostolate as witness to their consecrated life.

Apostolate Proper to Religious Institute

Any religious institute, dedicated to works of apostolate, finds their specific form of apostolate as something integral and inherent to their charism without which their witnessing presence cannot be evident (Eg. Youth apostolate to Saletians, care of destitute to Sisters of Charity, Bl. Mother Theresa, Education to Jesuits, etc.). When their charism is received by the Hierarchy as authentic, the Church has approved also their apostolate to be carried out. Although it is an integral aspect of their charism, the specific apostolate is carried out by the Religious Institute in the name of the Church and in communion with the Church (Cong. for Consecrated life and societies of Apostolic life, *Directives*, 31, May 1983). The exercise of such an apostolate belongs to the internal affairs of the Religious Institute.

When the Bishop invites a particular Religious Institute dedicated to apostolate, he also gives permission to carry out their unique apostolate. But in carrying out such a unique apostolate in a particular way, the Bishop can lay down norms right at the time of granting permission by entering into an agreement. In so far as they do not meet out the expectation according to the agreement or whenever they go against the spirit and charism of their founders, it is the duty of the Bishop to take action.

Apostolate Entrusted by the Diocese & Agreement

The third category which is involved in c. 678, other works of apostolate, would mean any type of apostolate which the diocese entrusts to a particular Religious Institute or to a particular Religious. The apostolate may or may not become an integral aspect of their unique apostolate. Here it is mainly based on the need of the Particular Church. However, caution

is to be made not to entrust an apostolate which is totally far from their charism (E.g. Inviting a cloistered convent to run an English Medium School).

The guiding principle in carrying out such an apostolate is the agreement entered between the Diocese and the Religious Institute. The agreement should specify at least three points: the type of apostolate, the personnel needed and financial matter.

- The type of apostolate: The first point is the type of ministry or apostolate which the Bishop wants the religious to accomplish in his diocese or in a particular place (E.g. direct evangelization, youth apostolate among girls, prison ministry, health ministry, etc.).
- The personnel: The second point is about the number of religious required to accomplish the apostolate. The number of religious and their nature of work as full time or part time are to be specified.
- The financial aspect of carrying out the apostolate: It includes also the maintenance of the religious expected to undertake, finance to carry out the apostolate and viability of the programme. Normally the Bishop offers a few teaching posts in the diocesan schools as source of maintenance for the Religious devoted to apostolate. Viability of the programme is carried out either by foreign projects or by diocesan regular contribution.
- The agreement can be entered either for a specified period of years or on permanent basis. The Religious normally prefer to have an agreement on permanent basis so that they can invest further for the improvement of the apostolate.

A Few Practical Applications:

Problems occur mostly when income is involved in a particular place on account of apostolate. It might be either a shrine or an English medium school or other institutions which might fetch income.

Shrine:

In general, when a community of Religious is invited, they are also given permission to have their own chapel for their private use. In course of time, such a chapel is made for public worship for common people, such an attempt should not be done without explicit permission of the Bishop. Their private chapel is meant for the religious members and not for the public. Conducting novenas in the chapel with a view of attracting pilgrims and eventually making it into a popular shrine would be going against the mind of the diocese for which the religious community is invited.

Prayer Meetings:

It has become the order of the day to conduct Charismatic conventions, prayer meetings, night vigils, retreats etc., for the renewal of faithful. If any religious community without the specific permission of the Bishop involves itself with such activities, it is to be stopped from the beginning. If evangelization is going to be part of their apostolate and if they are invited into the diocese for such a purpose, the terms and conditions are to be laid down in the agreement.

Schools:

Religious Institutes were invited to start schools in the diocese. It was originally considered as an apostolate. The religious were allowed to invest and improve it. However, they are not allowed to start new sections, new schools, upgrading

of the old school without the permission of the Bishop. In granting the permission, the Local Bishop has to see how far such a new attempt is a needed apostolate in the area and how far it may not disturb the existing educational set up.

Problem Solving Techniques Suggested by the Code and Other Documents:

1. Mutual Consultation: with regard to the apostolate agreed upon, it is better to have periodic evaluation and mutual and healthy consultation to make sure how the hurdles involved can be overcome and how best the apostolate can be rendered in future.
2. Mutual Collaboration: It is the term very much used by the *Mutuae Relationes* of 1978. Collaboration means that both the parties contribute something to meet out the need and to achieve the end. Collaboration is effective if both co-operate at the level of planning, execution and monitoring.
3. Disciplinary Actions: For the removal of person from the office entrusted to religious, both the Bishop and the major superiors can act informing the other about the disciplinary action taken (C. 682/2).
4. If the presence of a religious in the diocese is very scandalous or for any gravest reason, the Bishop can forbid the religious from staying in his diocese only when the competent superior failed to take action (C. 679).
5. If any problem arises between any member of the religious institute involved in the apostolate and a priest, it can be resolved by the joint intervention of the Bishop and competent religious superior.

6. If the dispute is between the diocese and the religious institute, it can be resolved by the hierarchical superior in an administrative way making recourse to the Congregation for the Consecrated Life.
7. Further recourse can be made to *Signatura Apsotolica* if the award offered by the Congregation for the Consecrated life is not satisfactory.
8. The dispute can also be resolved judicially by the Diocesan Tribunal (C.1427/3).

5. Specific Interventions of the Bishop

5.1. Bishop and Religious Institutes of Pontifical Right

Although the Religious Institutes of Pontifical right are directly under the Apostolic See, the Local Bishop is authorized to do the following:

- i. He can visit the Churches, Oratories, schools and other religious and charitable institutes run by the religious in his diocese. However, it is not a canonical visitation. It is hierarchical supervision to make sure that they carry out their work in accordance with their constitution and charism (CIC, c. 683/1).
- ii. The Diocesan Bishop has the right to appoint religious priest as Parish Priest or chaplain presented by the Religious superior (C. 557/2).
- iii. He can incardinate or to take *ad expermentum* any clerical Religious after exclaustation (C. 686). According to CCEO, c. 491, an exclaustrated monk is under the authority of Eparchial Bishop in whose eparchy he resides and the candidate is under him

- also for the exercise of his vows. The Bishop can accept a monk either without condition in which case, he is incardinated into his eparchy right from the beginning or for an experiment of 5 years. At the end of the period, the monk is considered to be incardinated unless he is dismissed by the Eparchical Bishop in the mean time (CCEO c. 494/2).
- iv. He can remove any religious priest appointed by him. In doing so, he has to immediately inform the competent Religious superior about the removal (C. 682/2).
 - v. Consent of the Diocesan Bishop is needed for the following two instances:
 - a. Erection of religious house in the diocese (C. 609/1).
 - b. Destination of religious house to an apostolate which is different from what it was constructed (C. 612).

CCEO, c. 509/1: An order or congregation cannot erect a house in the eparchy without the written consent of the Eparchical bishop. If it is treated as the first house of an order or congregation of patriarchal right in an eparchy, the religious has to get consent also from the Patriarch and in other cases from the Apostolic See.

According to CIC, c. 611, giving consent to erect a religious house would imply also their right to apostolate proper to their Religious Institute except those conditions laid down in the consent. If it is a clerical institute, the consent would also imply right

to have a Church and to exercise the sacred ministry. In doing so, the religious should follow the norms laid down by the Universal Law and Particular Law. Even if the religious have received consent, they have to obtain permission before constructing a Church (C. 1215/3).

But CCEO, c. 437/2 is very specific in saying that they need a written consent from the Eparchial Bishop to open or construct a school, hospital or any other similar apostolate. It serves as an interpretation of the law avoiding in a way the lacuna of law in CIC, c. 611 (Cf. C.17).

- vi. The religious have to obtain consultation to suppress the religious house (C. 616/1).
- vii. The Diocesan Bishop can dispense the religious from observance of the Ecclesiastical laws not reserved to the Holy See or to any other authority (Cc. 85 & 87).
- viii. The Eparchial Bishop can erect a congregation after having consulted the Apostolic See and the Patriarch within the confines of patriarchate (CCEO c. 506/1).

5.2. Bishop and Sui Iuris Houses

Respecting the long standing monastic traditions, the Church wants to make the Monastic houses grow with special concern. Each house is called *Sui Iuris* House and its superior is called Major Superior. The female monastic houses are recommended to associate themselves with men monastic houses. Such an arrangement is for their spiritual utility.

Bishop's Interventions:

- i. To erect a Monastic *sui iuris* house in the diocese, the consent of the Diocesan Bishop is needed (C. 609/1; CCEO, 435/1).
- ii. *Sui Iuris* House un-associated:
 - a. To preside over election of their superior (C. 625/2).
 - b. To check their annual account (C. 637).
 - c. To alienate any property, a written consent is needed from the Diocesan Bishop (C. 638).
 - d. The indult of exclaustation for a temporarily professed is to be confirmed by the diocesan Bishop (C. 688/2).
 - e. For dismissal of a member, the final decision is given by the Diocesan Bishop (C. 699/2).
 - f. The Diocesan Bishop has the right to visit their houses even their formation house with regard to their religious discipline (C. 628/2).
- iii. Many *sui iuris* monasteries in the Eparchy can form a federation with the written consent of the Eparchical Bishop and it is up to him also to approve the statutes (CCEO 439).

5.3. The Special interventions of the Diocesan Bishop over Institutes of Diocesan right

- a) It is the Diocesan Bishop who erects the Religious Institute and approves its Constitution (CIC, 589; CCEO, 414/1).

- b) The Diocesan Bishop of the Principal seat of the Religious Institute will approve any modification of the constitution if made (CCEO, 414/1).
- c) Except for their just autonomy, they are under the special care of the Diocesan Bishop (CIC, 594).
- d) The Diocesan Bishop can grant dispensation from the constitution in particular cases c.595. Such dispensation can also be granted by other diocesan bishops in whose diocese the religious function (CCEO, 414/2).
- e) The diocesan Bishop has to make visit to all the houses of Religious in his diocese (CIC, 628/2; CCEO, 414/3).
- f) The Institute is obliged to render accounts to the Diocesan Bishop and give financial report of their institute (C. 637). Such an intervention is not for *Sui Iuris* Houses.
- g) A written consent is needed from the Diocesan Bishop for alienation of good or to make any financial transaction in which the patrimony is involved or if the transaction exceeds the limit fixed by the Episcopal conference (C. 1292) or if it is involved about something given based on vow or it is a precious object of art or of historical value (C. 638/1-3).
- h) It is reserved to the Diocesan Bishop to grant the indult of exclaustation for more than 3 years (C. 686/1).
- i) The Diocesan Bishop can impose exclaustation on a member for a grave reason and at the request of the Supreme moderator (C. 686/3).

- j) If any temporarily professed member wants to leave the institute, the indult given by the supreme moderator should be confirmed by the Diocesan Bishop of the diocese in which the member works (C. 688/2).
- k) Indult of leaving the congregation for a permanently professed members is given by the Diocesan Bishop (C. 691/2).
- l) The dismissal decree given by the Supreme Moderator should be confirmed by the Diocesan Bishop in whose diocese is the house to which the member belongs (C. 700).
- m) Diocesan Bishop's written consent is needed for erection of a new house in the diocese (C. 609/1).
- n) To alter a house to any other apostolate other than for what it was constructed, the consent of the diocesan bishop is needed (C. 612).
- o) Suppressing a religious house, the supreme moderator needs consultation from the diocesan Bishop (C. 616/1).

Critical Appraisal

In India, the CBCI and CRI have made general policy on education in 2007 - All India Catholic Education Policy. The document deals nothing more than explaining mutual respect, collaboration and agreement which are said in the earlier documents. The Education Policy deals more about the commitment towards poor and marginalized. Apart from this document, we do not have published direction and guidelines

to regulate the relation between the Bishop and the religious in India.

The 1983 Code is more general in categorizing the areas of apostolate under three headings, while the CCEO in c. 415/1 is more elaborate.

Respect for each other in the Particular Church and understanding the meaning of communion would solve many problems and tensions between the religious and the diocese. Unless both the parties willingly cooperate to solve the problem with a genuine spirit, nothing can be achieved by giving directions and framing policies both at the national and regional levels. However, there is a way to solve tensions and problems concretely if they follow the hierarchical recourse.

Attempting to solve the problem with the help of Civil court may not be prudent suggestion as often said by our civil and canon lawyers. Many problems may be solved if proper agreement is entered or renewed between the Diocese and the Religious.

Appendix

Model Agreement for Entrusting an Apostolate to Religious Institute

Between the diocese of
 in the person of its Bishop and the
 Religious Institute in the person of
 as its competent superior for
 entrusting Educational, Pastoral, medical and/or social
 apostolate in accordance with can.681, is entered this
 agreement on

1. The Diocesan Bishop invites the Religious Institute and gives his consent in accordance with can.609/1 to found their Religious House at and the Religious Institute in the person of as its competent superior accepts to undertake the Educational, Pastoral, medical and/or social apostolate in the parish of for a period of The Major Superior (Provincial) further gives Religious Priests/Brothers/Sisters to carry out the above said apostolate.

2. The above said apostolate is further specified concretely in

- a. Founding or running the English Medium School/ Educational Institution of
- b. Founding and running a dispensary or hospital or Medical or Paramedical institution of..... at
- c. Cooperation in pastoral ministry of
- d. Undertaking social work.

3. The above said apostolate is carried out under the direction of the diocesan Bishop, without prejudice to the vigilance of Religious Superior in accordance with c. 678. The administration of school / dispensary / medial and paramedical / social institution is vested with the Religious Institute without prejudice to the right of the diocesan Bishop to check it annually. The Remuneration for those Religious, who carry out the apostolate, is governed by diocesan norms.

4. If the Institution is to be registered as corporate body, the diocesan Bishop is its president and is administered according to its statutes.

5. The immovable property, in the form of land in survey no..... and building with the house no..... and the movable property enlisted in the inventory (A), are given to the Religious Institute.

6. In case, this agreement expires or is made null, all the properties and institutions belong to the diocese with a just compensation to be paid to the Religious for this investment.

7. This agreement can be at any time modified or made null and void with the mutual consent of both the parties or at the expiry of term with at least three months prior notice for its validity.

8. This agreement is said to be renewed if it is not withdrawn at the expiry of the term.

9. This agreement comes to effect from the time signed by the parties.

Signed by

Bishop

Provincial/General

Seal

Seal

Witnesses:

1.

2.

Attested by the Chancellor of the Diocese.