

SATURDAY | 29 JUNE 2019 | KOCHI

Some priests not to obey Cardinal

■ Openly call for non-cooperation with prelate

DC CORRESPONDENT
KOCHI JUNE 28

The imbroglio in Syro-Malabar Church over the sale of land belonging to the Ernakulam-Angamaly archdiocese showed no signs of abating despite the Vatican reinstating Cardinal Mar George Alencherry, major archbishop, as the administrator of the archdiocese with a section of priests openly calling for non-cooperation with the Cardinal.

A resolution passed by the priests at a meeting held on Friday stated that Oriental Congregation in Rome and Synod of the Syro-Malabar Church has the responsibility to inform the laity about the alleged irregularities and corruption in the land deal as detailed in the reports of KPMG and Dr Joseph Injodey Commission in the matter.

"The priests and laity could accept the leadership of Cardinal Alencherry only after getting absolute clarity in the matter," a release issued by representatives of the priests said.

The statement also questioned if the Vatican and bishops of the synod are



of the opinion that priests and laity here will be able to serve under Cardinal Alencherry, an accused in cases pending in the court connected with financial fraud linked to land deals.

Stating that the latest decision of Vatican has hit the laity hard, the statement said the latest moves by the Oriental Congregation will only cause a loss of faith by the laity in the church and synod. If the Oriental Congregation and the Syro-Malabar Synod fails to provide clear answers to the above mentioned questions the priests of the archdiocese will be holding a non-cooperative attitude with archbishop and his curia. We will not be in a position to cooperate with those ruling our archdiocese in unethical manner", the statement said.

Although the statement

CHURCH IMBROGLIO

■ A resolution passed by the priests stated that Oriental Congregation in Rome and Synod of the Church must inform laity about alleged irregularities in the land deal

was claimed to be issued by Fr Joseph Mundadan, pastoral council secretary, his name was not mentioned in the release.

A source close to the meeting held on Friday claimed that 80 per cent of the priests in the archdiocese supported the statement. The resolution adopted on Friday will be sent to Vatican, Oriental Congregation, Vatican representative in India and the Synod, the source said.

The priests, who met at nearby Aluva, also adopted a resolution slamming the Vatican's Oriental Congregation's decision to suspend two senior Bishops of the Archdiocese from the offices of the Auxiliary Bishops of the Archdiocese.

"This can be seen only as an act of vengeance," they said.

'We're sending a wrong message to the faithful'

Indian Express
29 June 2019

CONTINUED FROM P1

ANUJA SUSAN VARGHESE @Kochi

THE Rome-based Oriental Congregation's directive to reinstate Cardinal Mar George Alencherry comes after a detailed audit report on the controversial land deals of the Church in Ernakulam was submitted by Joseph Injodey-headed Commission appointed by Apostolic Administrator Bishop Mar Jacob Mananathodath to the Vatican.

"The decision to reinstate the Cardinal, who is accused in the controversial land deal, can't be accepted. We're sending a wrong message to the faithful. We believe it's a biased decision from their part. Is this the punishment they receive for cooperating with the voices raised against Cardinal?" asked a senior priest of the Church.

Syro-Malabar Church Bishop Mar Joseph Pamplany, the official church spokesman, said:

THE MURKY LAND DEAL

DECEMBER 2017 A major land scam involving Ernakulam-Angamaly Archdiocese surfaces

JANUARY 2018 An internal committee of the Church headed by Fr Benny Maramparambil submits a report on the land deal. The panel found the land deals involved black money

MARCH 2018 HC directs police to register criminal case against Cardinal Alencherry

MARCH 2018 Ernakulam witnesses massive protests seeking the removal of the Cardinal from the post

JUNE 2018 The Cardinal divested of all administrative powers as the head of the

Archdiocese by the Vatican

JUNE 2018 Bishop of Palakkad Mar Jacob Mananathodath appointed Apostolic Administrator of the Archdiocese

OCTOBER 2018 Apostolic Administrator appoints a commission headed by Joseph Injodey

NOVEMBER 2018 Commission approaches global consulting firm KPMG for auditing

APRIL 2019 Injodey submits reports to the Vatican

JUNE 2019 The Cardinal reinstated by the Vatican

"To avoid controversies, documents received from the Vatican have been uploaded on our

website. The decisions were taken by the Pope and if the priests continue their protest

against the pontiff, they're entitled to canonical actions," said Bishop Pamplany. He said the suspension was not part of any action taken against the Bishops, their new charges would be decided in the forthcoming Synod meeting. "If they're punished, they won't be entitled to new charges," added Pamplany.

Sources said as many as 13 cases have been registered against the Church by Kochi City Police, including for cheating, theft and criminal conspiracy. The trial of the cases is ongoing. The resolution passed in Aluva termed the decision by the Cardinal to announce his reappointment as administrative head of the Archdiocese on Wednesday night as "preposterous". "The Vatican has sought a report from the Church's internal committee after finding irregularities in its financial deals. Such an act from the Vatican can only be termed as an act of "vengeance".



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Alencherry faces 'rebel' trouble

TIMES NEWS NETWORK

Kochi: In a development that has no precedent in recent Syro Malabar church history in Kerala,



150 PRIESTS DEFY VATICAN

on Friday at least 150 priests of Ernakulam-Angamaly archdiocese publicly announced that they refused to cooperate with archbishop **George Mar Alencherry**, head of the Syro Malabar church, who was reinstated by the Vatican on Thursday as administrative head of the diocese.

Alencherry was removed from his position as administrative head of the archdiocese by Rome a year back after an internal commission appointed by the cardinal himself found irregularities in a few land deals done under him that

“ Was the unforgivable crime done by the bishops that they cooperated with the priests after knowing the truth? If that was the case, why did the authority that suspended the bishops not suspend the priests as well? — Draft resolution

caused huge financial loss to the archdiocese.

A draft resolution passed in the meeting of the priests (accessed by TOI), who met at Niveditha, a church institution near Aluva, says: “Does Vatican and the synod bishops think that priests and the laity will be able to work under an archbishop who is an accused in cases under consideration of courts for financial misappropriation in land deal cases? The new moves of the oriental congregation would only result in the laity losing belief in the synod and the church”.

► **Bishops' suspension, P 6**

Suspension of bishops the trigger?

Times of India 29 June 2019

► Continued from P1

The likely trigger for Friday's developments is the suspension of two auxiliary bishops - Bishop Sebastian Adayanthrath and Bishop Jose Puthenveetil - following Alencherry's reinstatement. The two bishops were cooperating with the priests during their campaign against alleged irregularities in the controversial land deal row.

The resolution also demanded to know the reason for the removal of the auxiliary bishops. "Why did the oriental congregation remove the bishops. What crime did they do? It was over 400 priests of the archdiocese that began this struggle to know the truth behind the land deals. Was the unforgivable crime done by the bishops that they cooperated with the priests after knowing the truth? If that was the case, why did the authority that suspended the bishops not suspend the priests as well," the resolution reads.

Sources said that the draft resolution would be submitted to the concerned authorities including the nuncio (Pope's representative) with the signature of all priests who attended.

The official order about Friday's removal of the auxiliary bishops from Rome were made public by the church in the evening. The order terms the situation in the Ernakulam-Angamaly archdiocese as a "grave situation of ecclesial division".

Palghat Bishop Jacob Ma-

THE STORY OF CHURCH LAND ROW

Syro-Malabar Church (SMC) row refers to the land deals involving **Cardinal George Alencherry**. According to a church-appointed enquiry committee, he was aware and involved in the sale of land by the Ernakulam-Angamaly archdiocese between April 1, 2015 and November 30, 2017 which resulted in a huge financial loss to the archdiocese

Latter half of 2017 | Laity and priests discuss land deals in public & private platforms, including social media

Dec 28, 2017 | Auxiliary bishop of the archdiocese Sebastian Adayanthrath writes a letter to priests saying that there is a moral dimension to the crisis as canonical laws were not followed and there was no transparency in the deal

Jan 2018 | A panel appointed by SMC finds that cardinal was involved in the sale of archdiocese's properties that resulted in huge financial loss. Priests write to the Pope about the deal

Feb 11, 2018 | Local church authorities, headed by Alencherry, temporarily entrusts administrative responsibilities of the archdiocese to Adayanthrath

Mar 6, 2018 | HC (single bench) orders police to register an FIR against SMC head Cardinal George Alencherry and three others. Though Central police registered an FIR, the order of



The headquarters of the Ernakulam-Angamaly archdiocese in Kochi

the single bench was later set aside by the HC

Jun 23, 2018 | Pope Francis appoints bishop Jacob Mananathodath as administrator, effectively divesting the Cardinal of his administrative powers. Mananathodath was directed to probe the land deals and file a report to Rome

Apr 2, 2019 | Thrikkakara magistrate court registers case against Alencherry and others for criminal breach of trust, criminal conspiracy and fraudulent execution of deed of transfer in the sale over 60 cents at Kakkanad. The court order was on a private complaint

Apr 5 | Bishop Mananathodath submits his report to Rome

Apr 9 | Central police registers a case against the Cardinal and others invoking IPC Sections 406 (criminal breach of trust), 379 (theft), 420 (cheating and dishonestly inducing delivery of property), and 120 B (criminal conspiracy) based on an order by another court in Ekm on another private complaint

Jun 27 | Alencherry gets administrative powers as Rome terminates the appointment of apostolic administrator. Auxiliary bishops Adayanthrath and Jose Puthenveetil removed from their offices

nathodath was appointed as Apostolic Administrator Sede Plena of the church by Vatican

in Alencherry's place. The Vatican had also asked him to probe the deals and file a re-

port. In April, the inquiry was completed and a report was submitted.

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Priests peeved at Vatican clean chit to Cardinal Mar Alencherry

ANUJA SUSAN VARGHESE @ Kochi

TROUBLE brewing in the ranks of Syro-Malabar Church turned murkier on Friday with a large number of priests belonging to the Ernakulam Angamaly Archdiocese refusing to accept the clean chit the Vatican gave to Cardinal Mar George Alencherry.

A resolution approved by more than 400 priests at a meeting held at Aluva also denounced the suspension of Auxiliary Bishops Mar Sebastian Edayanthrath and Mar Jose Puthenveetil.

Nearly 150 priests took part in it.

Presbyteral Council Secretary Fr Kuriakose Mundadan told *Express* the Vatican move to suspend the Auxiliary Bishops is shocking.

"There's no respite to the ongoing issues in the Church. We doubt whether Pope Francis is aware of the happenings here. If yes, the tale wouldn't have been the same," said Fr Mundadan.

• More on P4



Cardinal Mar George Alencherry

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Unbeaten 50s from Hashim Amla and Faf du Plessis took South Africa to victory by nine wickets. Sri Lanka are now almost out of the knockout stages.

TODAY'S FIXTURES

AFGHANISTAN VS PAKISTAN
Star Sports 1 @ 3.00 pm

NEW ZEALAND VS AUSTRALIA
Star Sports 2 @ 6.00 pm



India's jersey for the 'away' match against England on Sunday. Its orange colour has already created a controversy

Statement of Syro-Malabar Synod flayed

TIMES NEWS NETWORK

Kochi: A day after Syro-Malabar Church came out with a statement that the recently-concluded Synod had expressed its satisfaction on a police report that the accusations against the major archbishop with regard to the sale of properties in Ernakulam-Angamaly archdiocese do not merit any consideration, a priests' organization of the archdiocese criticized the statement.

"Syro-Malabar Synod is presently in a situation where it is unable to take honest and morally correct stand and there is a need for a strong interference from the Vatican in the Church due to the immature decisions of the synod," said the statement of Fr Jose Vailikodath, PRO of Athiroopatha Samrakshana Samiti.

"The police report on the land deals is not the last word. It is learnt from the conversations with bishops that many of the members of the synod—who expressed satisfaction over the report which is riddled with mistakes and errors—hadn't read or seen the report," the statement said.

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The new Indian Express Jan 19, 2021

SALE OF CHURCH LAND

Synod statement endorsing police report upsets priests

EXPRESS NEWS SERVICE@ Kochi

A section of priests belonging to the Ernakulam-Angamaly Archdiocese came out with a statement criticising the Syro-Malabar Church Synod for endorsing a police report which said the accusations against the Major Archbishop with regard to the sale of property did not merit consideration.

“The Syro-Malabar Synod finds itself in a situation where it is unable to take an honest and morally correct stand and there is a need for a strong interference from the Vatican in the af-

fairs of the Syro-Malabar Church due to the immature decisions of the Synod,” said the statement from Fr Jose Vailikodath, PRO of Athiroopatha Samrakshna Samithi, on Monday.

According to the statement, the priests and laity of the archdiocese will oppose the decision to pay off the debts of the archdiocese by selling a property at Kottapady which was purchased by the archdiocese instead of being provided with the restitution prescribed by the Vatican.

“The police report on the land deals is not the last word in any sense,” the statement said.

anything requires to be elicited by their custodial inter-

the like sum to the satisfaction of the investigating officer.

be replaced with smart meters. The CSML authorities said that even though the meter is changed, there will not be any change in the existing power tariff of the consumer.

rate (TPR) stood at 9.23 per cent workers and 10 migrant labourer. Meanwhile, 1,504 Covid patients. A total of 12,938 patients are un-Covid in the district.

The New Indian Express June 26, 2021

Church land deals: Audit report puts Cardinal George Alencherry in a spot

EXPRESS NEWS SERVICE @ Kochi

THE land deal row involving the Ernakulam-Angamaly Archdiocese of the Syro-Malabar Church has become the talking point once again after the report of a private audit firm surfaced on Friday. Soon after the 2019 report by KPMG Forensic came to light, laity activists demanded civil and legal proceedings on the issue and sought action against Cardinal George Alencherry, the head of the diocese. The confidential report says that an inquiry has found a lack of transparency in the appointment of agents in the land deals. The report was then submitted to the Vatican by the Apostolic Administrator of the Archdiocese, Mar Jacob Manantheodath.

The private agency was appointed to audit the financial transactions related to specific land deals executed by the office-bearers dur-



From what we understand, the Vatican's plan is to settle the loss through the deal by selling the property at Kottappady and Devikulam, which were registered in the name of the archdiocese as an assurance during the land deals

A source

ing the April 2013-March 2018 period. The report states that requisite approvals from canonical bodies were not obtained during the land transaction and that there was no rationale for the average rate decided for the sale of land. "No independent valuation was carried out at the time of sale, no communication was made to the Canonical Bodies on sale of land at a rate lower than the agreed upon rate and approval of sale deeds were made without adequate review. Further, no background checks were conducted on the buyers and there were delays

in collections from the sale of the land. A portion of the sale consideration was received from individuals who were not buyers of the land as per the sale deed and was adjusted against the sale consideration due from other buyers," the agency said in the report.

It also mentioned that, during discussion, the Cardinal accepted that requisite approvals from canonical bodies were not obtained and a feasibility study was not performed for the medical college project.

The Archdiocesan Movement for Transparency (AMT), a laity organisation, alleged that, as per the report, the Cardinal asked the middleman in the land deals to invest ₹10 crore in Deepika daily.

"Also, promises were made to make him the chairman of the daily. Saju Varghese, the middleman involved in the land deals, is

a benami of the Cardinal and therefore actions in line with the Indian civil law must be taken against him for financial misappropriation. The Cardinal's interactions with the real estate agent Saju is also mentioned in the report," said AMT spokesperson Riju Kanjookaran said in a statement.



The Syro-Malabar Church has not reacted officially on the issue. Despite repeated attempts, the church officials were unavailable for comment on the latest developments. However, sources said the church is of the view that the report in question was prepared by a private agency and hence has no legal validity.

Sources said that the report cannot be considered as the whole truth as it has been compiled through discussions with various persons by the private entity and not through any legal process.

ve could not name them then as
n any case," he said.

as a key link between the Cher-
pulassery gang and the Kodu-
vally syndicate. He is the broth-

and for whom the gold was be-
ing smuggled," he said. Shihab
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from

The New Indian Express, June 27, 2021

Land deals: Archdiocesan bodies to approach Vatican appellate authority

EXPRESS NEWS SERVICE @Kochi

THE Finance Council meeting of Ernakulam-Angamaly Archdiocese held in Kochi has decided to approach the appellate authority in Vatican against the Church's decision to implement restitution of the losses incurred by archdiocese in the controversial land deals by selling the properties at Kottapady and Devikulam.

According to senior priests, the canonical bodies of the Archdiocese — the Consulting Forum and the Finance Council — have unanimously decided to opt for the provision for recourse at the Supreme Tribunal of the Church, Apostolica Signatura, the highest judicial authority of the Catholic Church.

Normally regarding any administration proceedings or land alienation, an Archbishop



Selling of another property cannot be accepted in any way. As there is a provision for recourse, it gives an opportunity to share our concerns regarding the decisions. Also, the proceeding of sale will come to a halt till a new direction arrives from the Vatican regarding the matter

— Riju Kajookkaran of Archdiocese Movement for Transparency

requires the consent of canonical bodies, but in the Vatican's letter issued to Mar Antony Kariyil, Major Archiepiscopal Vicar of the Archdiocese it is mentioned that if the bodies are not giving the consent, then the Archbishop can proceed with the directions, said sources. In this scenario, the bodies have decided to approach the Supreme Tribunal for recourse.

The members are against sale of another property belonging to the Archdiocese, as it would call for more real estate issues relating to tax and also a likely possibility of foul play. "Selling of another property cannot be accepted in any way. As there is a provision for recourse, it gives an opportunity to share our concerns regarding the decisions. Also, the proceeding of sale will come to a halt till a new direction arrives from the Vatican regarding the matter," said Riju Kajookkaran, spokesperson of Archdiocese Movement for Transparency (AMT).

Also AMT has expressed disapproval to the approach of Mar Antony Kariyil regarding the issue. Riju added that as Vicar of the Archdiocese, Bishop Kariyil should have stood with priests and faithful but he chose to remain silent.

"It's easy to talk about ICU beds, ventilators and the machines we need to

should drive the expansion of access to healthcare.

"We need human capital,

an insurance scheme like Ayushman Bharat essential and digitising it is the

There's enough money, money is not the problem, it is the will, the mindset."

The Times of India, July 3, 2021

Church urges Rome to review plan

TIMES NEWS NETWORK

Kochi: Members of the college of consultors and the finance council of the Ernakulam-Angamaly archdiocese have written to the Congregation of Oriental Churches in Rome, urging it to review the proposed plan for restitution of the losses incurred by the archdiocese due to the controversial land deals by selling two other properties.

According to Canon law, consent of these two archdiocesan bodies are required for alienation of such properties. However, the congregation had decided to make an exemption so that the archbishop can go ahead with sale of properties at Kottapady and Devikulam even if the two bo-

dies are not collaborating. In the petition, the archdiocesan bodies have urged the congregation to review this decision.

The petition signed by the 12 priests of the college of consultors and the 14 members of the finance council, including four laity experts, was sent to

SALE OF CHURCH PROPERTIES

the apostolic nunciature in New Delhi and to the oriental congregation via email on Thursday, said a senior priest with the archdiocese on condition of anonymity. However, the major archiepiscopal vicar of the archdiocese, archbishop Mar Antony Kariyil is learnt to have refrained from signing the petition.

In a letter dated June 21, the congregation had instructed the two canonical bodies to collaborate with Archbishop Kariyil. Archdiocesan priests in the bodies, however, believe that the letter was canonically questionable. "The first process is to urge the entity which issued the order to review it and we have done that. Such a dicastery doesn't have the power to derogate from the Canon. Otherwise, the letter should have said that it was being issued after an audience with the Pope, showing that the order is in fact the will of the Pope," said the priest, adding that the process of the sale would have to be stayed as they have sought a review.

The priest added that ente-

ring into yet another real estate transaction would cast a shadow on the archdiocese's financial transparency. "The properties in Devikulam and Kottappady were bought with the money of the archdiocese. Nowhere it is written that the said property was a collateral. It is not logical to settle the losses incurred by the archdiocese by selling the property of the archdiocese itself. Also, selling it for a much higher amount than how much it was bought for, would invite unnecessary financial and legal hassles," said the priest.

The congregation, however, had said in the letter that the proposal of the permanent synod of the Syro-Malabar Church would definitively complete the restitution.



that he continued to jog daily
Chennai, Nikhil said. An

The New India
Express July 3, 2021

Controversial land deals: Plea to review proposal sent

EXPRESS NEWS SERVICE
@ Kochi

THE Ernakulam-Angama-ly archdiocese canonical bodies have written to the Congregation of Oriental Churches in Rome on Thursday, seeking a review and revocation of the plan approved by it. The letter issued by the Oriental Churches proposed a plan for restitution of the losses incurred by the archdiocese due to the controversial land deals by selling two other properties at Kottapady and Devikulam. The petition, signed by members of the canonical bodies — Consulting Forum and Finance council — of the archdiocese, urged the body to revoke its decision to make an exemption from Canon Law, enabling the major archiepiscopal vicar of the archdiocese to sell its properties at Kottapady and Devikulam without the consent of these two canonical bodies. The plea was sent to the Apostolic Nunciature in New Delhi and the oriental congregation via e-mail.

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Archdiocese to approach SC; laity group seeks cardinal's resignation

Synod cannot stay silent on issue, will have to hold discussions in its meeting, says a priest

EXPRESS NEWS SERVICE @Kochi

SYRO Malabar Church sources said an appeal will be filed in the Supreme Court against the High Court order which held that Cardinal Mar George Alencherry has to stand trial in connection with the controversial land deals. The HC order has been a setback for the head of the Syro Malabar Church. With the recent events in the Church, the Synod meet later this month will be crucial. "The Synod cannot stay silent any longer. They will have to initiate action now. Discussions should be held in the Synod," said a priest with the archdiocese.



In the wake of the HC order and income tax department issuing a tax notice to the archdiocese, the Almaya Munnetam, a body of laity belonging to Ernakulam-Angamaly Archdiocese, has demanded the cardinal to resign and face trial. They urged the Synod to approach the Vatican to expel the cardinal for his alleged involvement in the land deals.

"The faithful and priests belonging to the archdiocese should not be put to any insult in the public. The report of the IT department clearly reveals that severe discrepancies have occurred in the land deals and in assessing the tax. The archdiocese has already paid ₹2.48 crore so far. Again, the archdiocese is being put through further payments because of the actions of the cardinal. These cannot be allowed," said Riju Kanjoorkaran, spokesperson of Almaya Munnetam.

Remit ₹3.42 cr in tax, orders I-T dept

EXPRESS NEWS SERVICE @Kochi

DEMANDING the remittance of ₹3.42 crore in tax, the income tax department has issued a notice to Ernakulam-Angamaly Archdiocese after an inquiry into the controversial land deals of the archdiocese revealed underreporting of income. The July 6 notice has been issued on the land deals that took place in the 2017-2018 assessment year.

Senior priests said the archdiocese has submitted an appeal seeking a relook into the notice issued to the I-T department's Appellate Authority.

A long assessment detailing the events and scrutinising the

deals has been issued to the archdiocese.

"The assessee (Archbishop's House, Ernakulam) had taken a loan of approximately ₹58 crore from South Indian Bank for purchasing land near Mator in Aluva, wherein a medical college was proposed to be established. However, the project did not materialise and the interest on the loan became a burden on the archdiocese. Hence the assessee decided to sell land owned by it at various locations in Kochi city. These were sold by developing them, dividing them into plots through real estate agents who acted as intermediaries. The sale considerations in a number of transactions were accepted in cash and were also not used

for the objectives of the trust (archdiocese)," states the assessment order.

It says the sale consideration was used for purchase of another property.

"The assessee engaged in real estate business. The archdiocese's funds have not been used for its objectives, that means the funds have been diverted," the order states.

"The appeal was filed within the allocated period by the I-T department. The total remittance demanded was over ₹5 crore. We have already paid ₹2.48 crore. Since the archdiocese was not directly involved in the deals and they occurred through an individual, the notice should be sent to the person," said a senior priest.

Probe inaction of officials, court asks state

CONTINUED FROM P1

EXPRESS NEWS SERVICE @Kochi

THE firm stand taken by Cardinal Mar Alencherry was that being the spiritual head, he is bound by canonical law alone and not the general law with respect to the right of alienation or transfer of immovable properties held by the Church. The court said the religious supremacy vested with the bishop or apostolic succession is confined to religious matters governed by canonical law. This law cannot be applied in derogation



from the general law's requirements when the property held is in an endowment or trust. The court said the petitioner, who sold the property without complying with the Civil Procedure Code, cannot seek shelter under their constitution or the provisions in canonical law.

The government should carry out a probe to satisfy itself whether the settlement deed of 2007 was executed with respect to any government land or puramboke land. The inaction on the part of the officials concerned should also be probed, the court ruled.

Clear breach of trust by cardinal, says HC

The court said the sale deeds were executed unilaterally and arbitrarily transgressing the Civil Procedure Code (CPC). No notice was issued to the parishioners and no consent obtained since the land sold was not a property of a place of worship or religious or spiritual observances. "There is a clear breach of trust by the petitioner in the execution of sale deeds in favour of various persons. The persons, who had purchased the property, cannot take sanctuary pleading ignorance of the law when they had opted to purchase the said property," held the court.

HC dismisses cardinal's petitions

No Quashing Of FIRs Against Him, Alencherry Will Have To Face Trial

TIMES NEWS NETWORK

Kochi: The high court on Thursday dismissed a total of seven petitions filed by Cardinal George Alencherry to quash the cases related to Syro-Malabar Church land-sale row. This means the cardinal would have to face a trial.

LAND SALE ROW

Dismissing the petitions, Justice P Somarajan also ordered the state government to conduct an enquiry on whether one of the lands sold by the cardinal was originally government land and was encroached. The court issued the directive after noticing that the settlement deed by which the church acquired the property does not reveal how the right over the prop-

WHAT THE COURT SAID

- > Lands, properties held by a church are held under public trust, unless they are integral to religious worship
- > A church cannot divert its fund or property for non-religious purpose without complying with Section 92(3) of Civil Procedure Code
- > Non-religious purpose include establishing an educational institution or charitable organization
- > As per Section 92(3), a court's permission is needed for using funds or property of a charitable or religious trust for other purposes
- > Powers of a bishop over temporal and spiritual affairs of the church does not include the right to sell property that has the character of a religious endowment



Cardinal George Alencherry

erty was acquired. The court held that the cardinal cannot seek refuge under Canon Law, which is a personal law applicable to the church, to escape liability under general law of the land. "There is clear breach of trust by the petitioner

in the execution of sale deeds in favour of various persons," the court held.

That the lands were sold without any public auction or notice to the parishioners at a throw-away price shows criminal conspiracy, the court

said. The court also pointed out that money was paid to the bank account of the church only after a police complaint was filed by Joshy Varghese of Pulluvazhy about the land deals.

Through the judgment, the court also gave an important ruling that lands and properties held by a church are held under public trust, unless the properties are integral to religious worship. The court also held that a church cannot divert its fund or property for non-religious purpose, such as establishing an educational institution or charitable organization, without complying with Section 92(3) of Civil Procedure Code.

As per Section 92(3), a court has to grant permission if the funds or property of a charitable or religious trust is to

be used for purposes other than the one it was formed. The court also said the powers of a bishop in an Episcopal church over temporal and spiritual affairs of the church does not include the right to sell property that has the character of a religious endowment.

"The ecclesiastical law-Canon law cannot be applied in derogation of the requirement of the general law, when the property held is either in endowment or in trust," the judgment said.

Further, the court said in the judgment that it is unfortunate that no endowment legislation has been passed so far to address the various issues connected with the legal status of church authorities regarding properties held in public trust.

Church to move Supreme Court against HC order

TIMES NEWS NETWORK

Kochi: Even as Cardinal George Alencherry enjoys the support of most of the bishops of the Syro-Malabar Church, the synod set to start on Monday is likely to see crucial discussions in the aftermath of the developments in the land deal row. Church sources said an appeal would be filed in the Supreme Court against the high court order which held that Alencherry must face trial in the land deal case.

"The issues at Ernakulam Angamaly archdiocese were already settled by Rome. Hence, the synod is unlikely to discuss them further. These are cooked up allegations, which would be fought legally," said a senior priest close to the cardinal.

But a section of the laity in the archdiocese are up in arms again. 'Almaaya Munnetam', an organization of laity on Thursday issued a statement demanding the synod to approach the Vatican to take action against the cardinal in the wake of the high court order. Another matter which could be taken up for debate is the approval of the congregation of oriental churches in Rome to the synod's pro-

The church synod set to start on Monday is likely to see discussions in the aftermath of the developments in the land deal row

posed plan to make restitution of the losses incurred by the archdiocese in the sale of the its properties. However, the priests have filed an appeal against it. Sources indicated that a decision on the proposal will be made only after Rome finalises on the appeal filed by the Ernakulam priests.

The uniform mode of celebration of the Holy Qurbana in the church has also been a topic of discussion in the run up to the synod.

A singular mode of celebrating the mass has long been a bone of contention within the Syro-Malabar Church as various dioceses follow at least two different modes of celebrating the mass, an obvious difference being the priest facing the churchgoers during the ceremony in certain dioceses and facing the altar in certain other dioceses. The uniform mode would have the priest facing the faithful as well as the altar.

Income tax dept demands ₹3.42cr from archdiocese

TIMES NEWS NETWORK

Kochi: The income tax (I-T) department issued a notice on July 6 demanding a remittance of Rs 3.42 crore from Ernakulam-Angamaly archdiocese as tax after an enquiry into its controversial land deals in 2017-18 found that there was an underreporting of income. The archdiocese has submitted an appeal against the notice to the appellate authority of I-T department, said sources.

The notice was issued under Section 156 of the Income Tax Act, 1961. A copy of the 13-page long assessment, order scrutinizing the controversial land deals of the archdiocese, was also served to the archdiocese. The order, also dated July 6, states that the archdiocese itself is a trust established for religious and charitable purposes.

"The assessee (Archbishop's house, Ernakulam) had taken a loan of approximately Rs 58 crores for purchase of land near Mator, Aluva wherein a medical college was proposed to be established. However, the project didn't materialize and the interest on Rs 58 crore loan had become a burden on the archdiocese. Hence the assessee decided to sell land owned by it which were located at various locations in Kochi city... The property was sold by developing them through professional real-estate agents who act-



The notice was issued under Section 156 of the Income Tax Act, 1961

ed as intermediaries. The sale considerations in a number of transactions were accepted in cash and were also not utilized for the objectives of the trust," stated the order.

As per the order, the sale 'consideration' was used for purchase of another property. "Full consideration paid for purchase of this property was not disclosed in the books of accounts. The property thus purchased was to be developed and sold for further profit. Another property was also purchased at Munnar, the true value of which was not disclosed in the books of accounts. No clear source of payment has been provided for purchase of the second property. In effect the assessee engaged itself in real estate business. The funds of the archdiocese have not been used for its objectives, that is funds from the accounts of archdiocese have been diverted," the order stated.

The order also states that during the course of investigations evidence indicating suppression of the true value of land sale were recovered. "If you do not pay the amount of tax within the period specified above penalty (which may be as much as the amount of tax in arrear) may be imposed upon you after giving you a reasonable opportunity of being heard in accordance with Section 221," said the notice.

Meanwhile, an official archdiocese source said the appeal was filed within the 30-day allocated window. "The total remittance demanded from us on multiple occasions was over Rs 5 crores. We have paid a portion of it to be eligible to file an appeal. What we have highlighted in the appeal is that the archdiocese was not directly involved in these dealings but was deceived by certain others," said the source.

Cardinal has to face trial in land scam cases: Kerala HC

They pertain to sale of Syro-Malabar Church holdings

SPECIAL CORRESPONDENT
KOCHI

Cardinal Mar George Alancherry, Major Archbishop of the Syro-Malabar Church and head of the archdiocese of Ernakulam-Angamaly, will have to face trial in the criminal cases booked against him in connection with a land scam, the Kerala High Court said on Thursday.

Justice P. Somarajan, who dismissed six appeals filed by the Cardinal and one by another accused against a trial court order, also asked the government to probe a 2007 settlement deed, about which the court harboured a "reasonable doubt" of manipulation. The settlement deed was executed by Fr. Sebastian Vadakumpadan, the



George Alancherry

power of attorney-holder of the Religious Congregation of Brothers of the Roman Catholic community, Aluva. It is to be probed whether the title deed of a government property was manipulated, the court ordered.

The scam pertains to the sale of various holdings of the Syro-Malabar Church, allegedly flouting the bylaws

of the Church and causing heavy financial losses. The sale deeds were executed without conducting a public auction or public sale with notice to all concerned. The deal was thus executed solely for the purpose of "giving the property to certain selected persons at a throwaway price capriciously and at the whims and fancies of the Cardinal," the court said.

Meanwhile, close on the heels of the Income Tax (I-T) Department directing the Ernakulam-Angamaly archdiocese to remit ₹3.5 crore, citing capital gains the archdiocese made in land transactions, the Church has submitted an appeal before the I-T Appellate Authority, seeking a relook at the directive.

Income Tax dept archdiocese to re

SPECIAL CORRESPONDENT
KOCHI

Close on the heels of the Income Tax Department directing the Ernakulam-Angamaly archdiocese of the Syro-Malabar Church to remit ₹3.50 crore, citing capital gains the archdiocese made in land transactions, the Church has submitted an appeal before the I-T Appellate Authority, seeking a relook at the directive.

The assessment order dated July 6 says the proceeds in cash after the sale of land (totalling ₹3.06 acres) owned by the archdiocese in four places were used for purchasing alternative land in two other places. The Church land was sold citing the need to repay a ₹58-crore bank loan. The order was sent by the department's Central Circle.

Church sources said the I-T Department evaluated

The Hindu, August 13, 2021

HC dismisses plea of Cardinal Alencherry

The Hindu Bureau

KOCHI

The Kerala High Court on Wednesday dismissed a plea of Cardinal George Alencherry, Major Archbishop of the Syro-Malabar Church, seeking exemption from appearing in person before the Judicial First Class Magistrate Court, Kakkanad, in seven criminal cases filed in connection with the sale of Church property.

The cases were registered on a complaint filed by Joshy Varghese of Perumbavoor, alleging offences under Sections 406 (punishment for criminal breach of trust), 423 (dishonest or fraudulent execution of a deed of transfer containing a false statement of consideration), and 120 B (criminal conspi-

racy) read with 34 (acts done by several persons in furtherance of common intention) of the Indian Penal Code.

Dismissing his petition, Justice Ziyad Rahman A.A. observed that granting an exemption to the petitioner for the first appearance in these cases would send a wrong message to society. The petitioner sought exemption from his appearance on the ground that as a religious head, he was required to carry out functions in various capacities under the Church.

Meanwhile, Alamaya Munnettam, an organisation of lay people in the Ernakulam-Angamaly Archdiocese, demanded that the Cardinal immediately step down and leave the Church headquarters at Mount St. Thomas.

Cardinal has no special privilege, should appear in court: HC

EXPRESS NEWS SERVICE

@Kochi

THE KERALA High Court on Wednesday denied relief to **Cardinal Mar George Alencherry**, the major archbishop of Syro-Malabar Church, from appearing before the court in cases registered over sale of Church's land, saying he was not entitled to any special privileges.

Alencherry had sought exemption from appearing

before the Judicial First Class Magistrate Court, Kakkanad, in seven cases registered in connection

with the sale. In his plea, Alencherry said he was a religious head who was required to conduct several functions in various capacities under the Church.

Dismissing his plea, the HC said, "The accused is bound to appear before the court unless it exempts him." Justice Ziyad Rahman A A said granting the exemption would send a wrong message to society.

"The position he holds would not make him entitled to special privilege when he is brought before a court as accused. The statutory mandate is above the superiority the accused possesses or claims to have," the HC said.

● More on P4

Indian Express, 10/11/22

'Cardinal has no physical difficulty, can come to court'

CONTINUED FROM P1

EXPRESS NEWS SERVICE @Kochi

"THE petitioner is just an accused before the court, one who is not entitled to claim any special privilege and is required to face the proceedings just like any other citizen," said the HC.

The court added that the provisions of Code of Criminal

Procedure Code (CrPC) did not distinguish between ordinary citizens and persons holding superior positions in their religious, political, social, or other institutions.

"Equality before law, enshrined in Article 14 of the Constitution, is not confined to cases where one seeks to enforce his rights. It is equally applicable when a

person is proceeded against for violating the law or for committing an offence.

"No preferential treatment can be claimed by anyone for any reason unless the statute contemplates such privilege," said the court.

It also said Alencherry was admittedly attending meetings across the globe as part of administrative func-

tions, indicating he was not under any physical difficulty that prevented him from appearing before the court at least on one occasion to take bail and execute the bond.

However, the High Court observed that the magistrate court can consider his pending plea seeking exemption from personal appearance throughout the trial, after his first appearance before it.



not prefer stocking them as they the lone factor," she said.

Cardinal has to appear for trial, says high court

Kochi: A high court bench of Justice Ziyad Rahman AA on Wednesday dismissed a plea by Syro Malabar Church major archbishop Cardinal **George Alencherry**, seeking exemption from personal appearance for the trial in the cases related to church land-sale row. The court said the cardinal is not entitled to any special privileges and granting any such privilege would send a wrong message to society.



The plea had challenged the order by Judicial First Class Magistrate Court, Kakkanad insisting on personal appearance.

Denying the plea, the high court also said that granting exemption would lead to people losing faith in the administration of justice. The petitioner's position does not entitle him to any special privileges, the court said.

'NO SPECIAL PRIVILEGE'

"Irrespective of his position, he is just an accused before the court of law....," the HC judgment said.

Further, the court pointed out that the Code of Criminal Procedure does not distinguish between ordinary citizens and persons holding superior positions in their religious, political, social, or other institutions. The principle of equality before the law, under Article 14, is not only applicable while seeking enforcement of rights but also in proceedings for violating the law, the court added.

While the magistrate court has the power to grant an exemption, it can only be exercised in rare cases in which the accused would face extreme hardship if required to appear in person, the high court said. TNN

HC notice to actor Dileep

Kochi: The high court has directed for sending a notice to actor **Dileep** on a plea filed by the crime branch seeking cancellation of the bail granted to him in actress assault case.



Justice Kauser Edappagath issued the directive after considering a petition filed by the crime branch. The investigating agency has contended that it found evidence regarding attempts to influence witnesses and tampering of evidence during a further investigation conducted.

PLEA ON BAIL CANCELLATION

The probe team approached HC after the trial court dismissed the plea for cancelling the actor's bail. Questioning the lower court's order before the high court, the crime branch team has alleged that around 10 witnesses were attempted to be influenced and calls and other communication records of the actor and those close to him have been tampered with.

The lower court dismissed the plea for cancelling bail without properly appreciating these aspects, crime branch has alleged in the plea in the HC. The court will hear the case next week. TNN

Court grants bail to Cardinal Alencherry

Kochi: Major archbishop of the Syro Malabar Church Cardinal George Alencherry appeared before the judicial first-class magistrate court Kakkanad on Friday and he was granted bail in a case against him and others, connected with the controversial land deals of the Ernakulam Angamaly archdiocese.

The hearing in the case was reportedly advanced to Friday and the Cardinal appeared before the court. The complainant in the petition, Joshy Varghese, said that he came to know about the development only on Friday

night. "When I inquired about it, I came to know that he had come to the court around 3pm without inviting much attention to his visit. He seems to have filed a request to advance the hearing and executed bail," said Varghese. The case has now been posted to January 31.

The high court had earlier dismissed Alencherry's petition seeking exemption from personal appearance in the court and directed him to face trial. Later, an oral plea before the Supreme Court seeking a similar exemption was also reportedly declined. TNN

Call for Alencherry's resignation

The Hindu Bureau

KOCHI

Almaya Munnettam, an organisation of lay people in the Ernakulam-Angamaly Archdiocese of the Syro-Malabar Church, has demanded the resignation of Cardinal George Alencherry in the wake of the Supreme Court's dismissal of his plea to quash criminal cases against him over the alleged irregularities in the sale of properties belonging to the archdiocese.

It will be a blot to believers, if the Cardinal continued in the position while facing trial. Hence, he should relinquish all his duties and co-operate with the probe, said Jemy Augustine, convener of the forum, in a release.

The Vatican and the Syro-Malabar Church Synod should expel him, if he refused to relinquish his responsibilities, he said. Money given by the faithful as offerings was spent for meeting legal expenses in cases against the Cardinal, according to the forum.

al gain charges

Decree arrived at without proper trial: Petitioners

INDIAN

BY P... ..

EXPRESS NEWS SERVICE @Kochi

18-4-23

THE Archdiocese Protection Committee has disputed the news that Cardinal George Alencherry has been cleared of any wrongdoing in the illegal land deal issue. According to the committee, the Supreme Tribunal said the appeal was submitted late and the decree did not involve a trial or a judgment.

It added that the news being circulated on social media platforms that the Supreme Tribunal has given a clean chit to the Cardinal in the illegal land deal issue is baseless.

"The tribunal has clearly stated in the decree that the appeal was rejected due to late submission. Also, the tribunal did not hold a trial and pronounce judgment. It has been said the canonical councils of the Archdiocese can still approach the Tribunal again," said Fr Sebastian Thalian, convenor of the committee. According to him, the Apostolic Administrator has not officially announced the canonical councils like the Advisory and the Finance Council.

"It is understood the first meeting of the new advisory committee will be held on Tuesday. However, the Eastern Office has already said no land can be sold without the approval of these canonical committees. Moreover, land can be sold only as per the civil law of the country. The sale will not be easy for the Apostolic Administrator, as many criminal cases and civil cases are pending in the name of the land transaction," said Fr Jose Vailikodath. According to him, those who think they can fool the believers are the ones who have lost their sanity due to their obsession with power.

Meanwhile in response to the Supreme Tribunal's decision, the Joint Church Protection Committee has called for the resignation of the members of the curia and clergy of the Ernakulam-Angamaly Archeparchy and has also requested an apology to the faithful and Cardinal Mar George Alencherry.

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