

THE STATUTES



HOLY TRINITY PROVINCE
KARNATAKA, INDIA

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Preface

“We live in a world of lawless love and loveless law”, a sage friar of happy memory was given to repeat. St. Francis of Assisi was foremost among those who not only recognized this sad fact but also tried all through his life to live the one happy law of love. Through his close proximity to the gospel lived after the example of Christ he too tried to ‘redeem’ the world of his time from the clutches of lawlessness and lovelessness. Living of the gospel of Christ ‘to the letter, to the letter’ was the only rule that he gave to all those who desired to follow him. For him the simple law that reigned supreme was the love of God and love of all God’s creation.

The first Capuchin constitutions that go back to almost five centuries were the outcome of a conscious and serious effort in recapturing the spirit of St. Francis, the great founder of the Franciscan Order. During the course of this half a millennium the Order of Friars Minor Capuchin has tried its utmost to hold high the Franciscan banner of loving God and His people, constantly swimming against the strong currents of lawless and loveless world, albeit interpreting and re-interpreting, adapting and re-adapting itself “according to the signs of the time” and constantly changing situations in the world. However, there is no hiding the fact that there have taken place some dilutions and substitutions in the process of shifting and sifting, drifted by the tides of time.

The first ever statutes of the Holy Trinity Province of Karnataka are an outcome of deep meditation, long discussion and wise deliberation of all the friars of the province seeking to live the Franciscan Capuchin way of life, being honest to self and honest to God. It is an earnest effort to apply the more general concepts of the Capuchin constitutions to the more concrete situations prevalent in the province. Our constitutions are a set of rules and regulations written by the Capitular Brothers, which we have vowed to follow. Our statutes are norms, directives and guidelines we have drawn up for ourselves to be faithfully followed.

I am pleased to place in your hands the printed version of the statutes of the Holy Trinity Province of Karnataka approved by the provincial chapter of the same province on 7 June, 2001. They were approved by the General Minister, OFM^{Cap} with the consent of his definitory (cf. 009/52, 20/09/01) given on September 20, 2001 at Rome. I fraternally call on the spirit of fidelity of each brother to what the friars of the province have collectively fecundated and conjointly brought out.

Saccidananda, Bangalore
30 June 2004

(Sd.) Jossy Ferns., Capuchin
provincial minister

FOREWORD

A free and positive response that we, Franciscans, give to our religious call basically enjoins on us a life, lived according to the pattern of the holy Gospel of our Lord Jesus Christ. For St. Francis, the founder of the Brotherhood of the Order of Minors did write a Rule; however it was more a Rule of the Gospel itself rather than anything original. Francis was content to live the Gospel and nothing besides. He is therefore not so much a legislator to be obeyed as a model or an example to be followed. Our Constitutions accordingly invite us to adhere to the Gospel itself like Francis as a daring adventure of love and make every effort to respond to those who seek the hope of eternal life that is within us.

We however live today in a changed world and in different cultures. The circumstances of our life too are very much dissimilar than those at the time of Francis. However, as the Gospel can always be incarnated in any place or culture or situation, it is obviously possible to live the Rule of Francis too in any country, culture and circumstance of the world. All that we need do is to adapt it suitably to the diverse conditions, changed situations and other exigencies of human life. In fact, in this matter the Church itself and our Order have already given a lead, the former by enacting the universal law and the latter by formulating our particular Constitutions. Still one need acknowledge that the law of the Church and our own Constitutions cannot but prescribe in terms that are still to some extent universal and general. What we therefore stand in need of, are concretizations valid for our own provincial and local situations. Our constitutions in fact stipulate as much when they say, "Provincial Chapters... may enact special statutes ... so that the prescriptions of the constitutions may appropriately applied according to the circumstances of provinces and regions (Const.184.5).

In actual fact, right from the time of the implantation of the Franciscan Capuchin charism on the fertile religious soil of India, the Capuchins did strive to incarnate the Capuchin charism and array it with an Indian garb.

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typically native brand of Capuchin life has been emerging in the province ever since its inception, thanks to the specific perception the province entertained regarding the Poor-Little-Man of Assisi and the love and zeal it evinced to live

by and witness to the form of life, left behind by Francis as a Gospel legacy. Practically every provincial Chapter did persistently focus its attention on the adaptation of the Capuchin charism to the native situation of the province. I can confidently avow therefore that the Statutes we have today are nothing but the fruits of the deliberations of these Chapters. For they have been unsparing in their efforts to translate the Capuchin charism to our provincial situation. They have taken a lot of pains to apply the prescriptions of the Constitutions to the concrete provincial circumstances. Accordingly these statutes are to be understood as nothing other than the sum and substance of our lived Franciscan Capuchin life in the province, albeit now put down in black and white. I invite each and every brother therefore to accept them so that they from now on shape, mould and form his Franciscan capuchin life.

The universal law of the Church, the Rule of the Order of friars Minor, the Capuchin Constitutions and now these provincial Statutes shall from now on govern our life. Still there is something that we need obviously remember. All these provisions of law and norms notwithstanding, it is to be acknowledged that each and every case even as each and every exigency of life just cannot be covered by them, just because life is incredibly dynamic and exceedingly complex. It is imperative therefore that we turn again and again to the Holy Gospel itself, on the one hand, and to the mind and intention of St Francis, on the other, all in an effort to remain ever faithful to our wonderful Capuchin charism.

Saccidananda
Bangalore

(Sd.) Br. Andrew Anil Sequeira OFM Cap
Provincial Minister

THE STATUTES OF THE PROVINCE OF HOLY TRINITY

KARNATAKA, INDIA

I. PREAMBLE

1. The Holy Gospel of our Lord Jesus Christ, the source and pattern of the life of Brother Francis of Assisi, our Founder, is also for us, his followers, the fundamental Rule and Way of life. St. Francis was known to seek relentlessly the experience of God, the Father, as revealed by our Lord Jesus Christ, through the action of the Holy Spirit. Indeed he has bequeathed to us a spiritual patrimony of universal Gospel Brother-Sisterhood that is at once human and cosmic. Despite the lapse of centuries, this Poor Man of Assisi is seen to exercise a deep influence on people of all faiths, persuasions and cultures. In our own ancient and religious land of India, he is more readily accepted and without difficulty acknowledged as the authentic Man of God, a true *sadhu*, a genuine *sanyasin*, and a veritable *jeevanmukta*. This acknowledgment, however, while being Good News for us, poses at the same time a great challenge, namely to live and witness to a life that has to become once again life and light for all the brothers and sisters of our own country. Our option to live the Gospel of Jesus Christ, walking in the footsteps of Brother Francis, therefore, calls for an incarnation of the Franciscan Capuchin charism for today. To this end, the identity of a true Friar Minor need be suitably adapted to the times, to the life-situation and to the pluralistic faiths and multiform cultures of our country. It demands that our fidelity to the early form of Capuchin life, enable us to remain close to the people, even as we preach the word of God, minister the sacraments and assist them in building up communities of justice, peace, love and respect for creation. Accordingly these Statutes are to be understood as the concrete translation of the Rule and Constitutions of the Franciscan Capuchin Order for the situation of our own province of Karnataka, dedicated to the august mystery of the Most Holy Trinity (Cf.Const.184.5).

II. FIDELITY TO THE GOSPEL WAY OF LIFE

2. To remain ever faithful to the Gospel way of life, the brothers shall strive to be familiar with the message of the Gospel as understood and lived by St. Francis. Every fraternity shall see that it has a sufficient number of copies of the Bible, the Writings of Francis and the Capuchin Constitutions.
3. The brothers shall nourish themselves on these writings and foster experience of God by reading and reflecting on them both as individuals and as a fraternity, especially on the occasion of monthly recollection and the local Chapters.
4. The individual fraternities shall organize the public reading of Sacred Scriptures, the Franciscan Rule and the Capuchin Constitutions (Const.58.2).

- 5 To keep alive the flame of fidelity to our Franciscan Capuchin life and commitment, the brothers shall renew their religious profession on Fridays (Cf. Const.58.2).

III. FORMATION OF THE BROTHERS

- 6 The formation of the brothers shall primarily aim at facilitating them to follow Jesus Christ according to the form of the Gospel. It shall be conducted as per the norms and guidelines laid down in the provincial *Ratio Formationis*, (Formation Guidelines) taking into account the directives of the Church and the Rule, Constitutions and the Plenary Councils of the Order.
- 7 The *Ratio Formationis* shall elaborate a contextualized formation that is Human, Christian, Religious and Franciscan even as academic and professional. It shall be adapted and updated from time to time to suit the Franciscan Capuchin way of life in the changing circumstances of the Province.
- 8 There shall be a provincial Commission for Formation, consisting of the full-time Vocation Promoter, Novice Master, Directors/ Rectors of the various stages of formation and one of the provincial Definitors who shall be its chairperson and convener. It shall advise the provincial Minister and his Definitory concerning initial, special and on-going formation as well as the training of the formators in the province. (see Appendix I)
- 9 The commission shall meet at least once a year to evaluate the formation in the Province and submit a report together with its suggestions to the provincial Minister and his Definitory.
- 10 The chairperson of the Formation Commission shall convene at least once in a triennium a conference of all the formators of the Province to review the entire formation programme. He should also solicit, to this end, a feedback from all the brothers of the Province. The major superiors of the jurisdictions, participating in the formation programme of the Province, shall be the ex-officio participants of this conference.

A. CONCERN FOR VOCATIONS

- 11 All brothers shall have a genuine concern for vocations to the Order, even as they foster in themselves 'the spirit of the Lord and his holy operation'. The concern for vocation should arise above all from their own awareness that they live and offer to others a way of life that is extremely rich in human and Gospel values (Cf. Const.15.1).
- 12 Every fraternity shall make it a point to pray for vocations and to be readily available to young men seeking guidance and counsel for the choice of their life. The fraternity may have at its disposal some vocational material, describing the life and activities of the Order of Friars Minor Capuchin.
- 13 There shall be a Commission for vocation promotion, with one of the provincial Definitors as the chairperson. The full-time vocation promoter, the zonal vocation promoters and the Rector of the theological seminary shall be its members. The full-time vocation promoter shall be the convener of the

commission and the coordinator of all the work of promoting vocations in the province. The commission itself shall function in accordance with the terms of reference, given to it by the provincial Minister and his Definitory. (see Appendix II)

- 14 The main task of the commission however consists in contacting, knowing, screening and carefully selecting the candidates to be admitted to the Order. The commission shall seek for this purpose the assistance of other brothers, especially of those studying at the theological seminary.
- 15 While working for the promotion of vocations to the Order, priority shall always be given to the spiritual life and growth of the Franciscan Capuchin charism of 'Gospel Brotherhood' rather than the specific clerical or non-clerical dimension of our way of life.

B. INITIAL FORMATION

- 16 The initial formation of the brothers shall give priority to the Franciscan Capuchin way of life with the following goals and objectives at its various stages:
 - 16.1. **Orientation:** Meant to nurture the vocation of the candidates and to motivate them for a life in our Capuchin Order, it shall offer the candidates an opportunity to participate in our Gospel way of life and to the fraternity an opportunity to have the acquaintance and the understanding necessary for a proper discernment of their vocation (Cf. Const.16.4).
 - 16.2. **Postulancy:** It is a period of verification of the call to our Franciscan Capuchin religious life and of deepening the human Christian formation. It shall provide the postulants with all the help necessary to grow in the personal encounter with Christ, begun already during the period of Orientation, and to prepare themselves for the Novitiate. The duration of the Postulancy shall be one academic year.
 - 16.3. **Novitiate:** It envisages a more intense understanding and experience of our Franciscan Capuchin way of life as expounded in the Franciscan Rule and the Capuchin Constitutions. The novices shall strive to know and live the Gospel in its fundamental demands even as they strengthen their choice of the Capuchin way of life. The duration of the novitiate shall be one canonical year.
 - 16.4. **Post-Novitiate:** It is a time of continued growth in our Gospel way of life, but especially in adult Christian faith, affective and emotional maturity and the internalization of the fraternal and contemplative values of our Franciscan Capuchin life with due exposure and practical experience. This period of formation also aims at progressively enabling the brothers to make their choice intentional and definitive. The provincial Minister and his Definitory shall fix the duration of this period (Cf. Const.30.2).
- 17 Two psychological screenings (to be followed up with counseling sessions, if necessary) are recommended for every candidate to the Order during the formation period. It may preferably be conducted during the time of Postulancy and the first year of the theological formation (Cf. Const.17.2).

C. SPECIAL FORMATION

- 18 The Special Formation shall equip the brothers for the various ministries of the Order, the Church and the human society, in accordance with their specific talents, interests and abilities, even while continuing to lay emphasis on the living of Franciscan values, such as fraternal life, spirit of silence, prayer and contemplation, manual work etc. inculcated during the period of initial formation.
- 19 The special formation of the brothers called to Sacred Orders, shall include:
 - 19.1 **Formation in Philosophy**, integrated with university studies. It shall enable the brothers to have the knowledge and appreciation of the major world religions, especially those of India and a basic insight into the philosophical thought of both East and West. Spread over a period of three years, it should eventually facilitate the efforts of the brothers to live harmoniously our charism among people of differing faiths and cultures with constant dialogue.
 - 19.2 **A year to live and experience our Franciscan Capuchin way of life** in fraternities other than the formation houses. During this period the brothers may also be offered opportunities to develop certain useful skills as per their aptitudes.
 - 19.3 **Formation in Theology** integrated with pastoral ministry. It shall enable the brothers to delve into the mystery of God, Christ and Church both academically and spiritually. So that the brothers gain some pastoral experience, it shall be prudently integrated with some ministry as well. The formation shall conclude with the canonical period of diaconal ministry.
- 20 The brothers who, after their post -novitiate formation, opt for alternative Special Formation shall first undergo a course in Franciscan Spirituality. It shall then be followed up by other technical, social or even philosophical/theological studies according to their particular talents, aptitudes and ministry. If not provided otherwise, they too shall be given the opportunity to live and experience for a year our way of life in fraternities other than the formation houses.

D. RELIGIOUS PROFESSION AND PRIESTLY ORDINATION

- 21 The perpetual Profession and the priestly Ordination of the brothers shall be held at a time determined by the provincial Minister and his Definitory. They may be held at different centers in the State of Karnataka, taking into account the principal languages, Kannada and Konkani. Should any of the Ordinandi desire for some reason to receive the Ordination at some other place or time, they may do so in consultation with the provincial Minister.
- 22 The celebration of perpetual Profession, priestly Ordination and the First Thanksgiving Mass shall be simple in keeping with our Franciscan Capuchin tradition and way of life.
- 23 The newly ordained priests during the first years of their pastoral ministry shall be guided by the local Superior and provided with ample opportunities to preach retreats and conduct recollections.

E. ONGOING-FORMATION

- 24 All the brothers are strongly encouraged to pay due attention to their on-going formation whereby they make progress in the understanding and living of the Gospel through constant study and programmes of reflection. From time to time, they should undergo useful seminars or courses, relevant to our Franciscan Capuchin life and ministry at some recognized centres in India.
- 25 Some programmes of study and reflection on religious, Franciscan and pastoral matters may be arranged by the Formation commission of the Province either for certain special groups of brothers or for all the brothers of the Province.
- 26 Every fraternity need make special effort to read the circular letters of the provincial and general Ministers and the encyclical letters of the Pope so as to be rightly animated and to keep themselves abreast of times.
- 27 At least two years of intense pastoral ministry, after their priestly Ordination is obligatory for the brothers before they are asked to take up some higher studies or assigned some specialized task.

IV. LIFE OF GOSPEL BROTHERHOOD

- 28 The Gospel Brotherhood being the most vital element of our charism, mutual love, acceptance and encouragement shall be the hallmarks of our Capuchin style of life. All brothers shall live together as members of one family and strive to foster fraternal life by means of constant dialogue, ready availability, honest appreciation, regular punctuality and generous fidelity to the daily horarium of the house.
- 29 Every fraternity shall celebrate local Chapters frequently with a view to translating the Rule and Constitutions of the Order to the concrete place and situation of the fraternity and thereby incarnate locally the Franciscan Capuchin way of life. It is recommended that the agenda of the local Chapter is made known to the fraternity sufficiently in advance.
- 30 The local Chapters shall also be the fraternal means to share our different experiences, foster a sense of duty and co-responsibility, organize our ministries, resolve conflicts and clarify misunderstandings, if any.
- 31 It is advisable that the brothers in temporary profession are also invited to take part in the Local Chapters.
- 32 The Gospel Brotherhood is fostered when the confidential matters and fraternal secrets are strictly kept within the fraternities themselves. Any violation in this regard need be considered serious and the brother concerned fraternally corrected.
- 33 The sense of brotherhood is especially cultivated when brothers undertake and do ministries in a team spirit. While the local Superior bears the responsibility for the co-ordination of all activities and ministries of the brothers, the brothers themselves shall be responsible for maintaining the essential spirit of collaboration. There should always be a common sharing and discernment of the activities chosen even by individual brothers (Cf. VI PCO.15).

- 34 In keeping with our Indian tradition, the brothers shall show great courtesy, cordiality, availability and hospitality to all guests. The brothers who are guests however, are fraternally urged to respect and, whenever possible, participate in the life and service of the local fraternity.
- 35 The provincial news Bulletin, 'FRATERNITY', published quarterly, is an organ of fraternal communication, animation and formation within the Province as well as a means to foster our Gospel Brotherhood with other Indian and foreign Capuchin jurisdictions or friends of the Order. Every fraternity/individual brother should earnestly endeavour to send timely contributions of news, views and other write-ups regularly.
- 36 In every one of our houses, the provincial Minister in consultation with the local fraternity shall decide upon the enclosure or the area reserved for the brothers alone.
- 37 The celebration of the jubilees of religious Profession and/or priestly Ordination are to take place at the local level on a modest scale, obviously taking into consideration the sentiments and wishes of the jubilarian.
- 38 To take good care of the aged and sick brothers, adequate provision shall be made in our fraternities. To this end, the fraternities may employ even lay personnel. The provincial infirmaries are however intended only for those brothers who stand in need of intense medical care. To cover the extra -ordinary expenses of caring for the aged and sick brothers, recourse may be had to the provincial Fund.
- 39 The news of the demise of a brother is to be communicated immediately to all the fraternities of the Province (including those of the vice Provinces and the Custody) and to the brothers of the Province, working or studying abroad by the local fraternity. The local fraternity may well seek the assistance of other fraternities and the provincial curia for this purpose.
- 40 The funeral of the deceased brother should express our esteem for him and befit the simplicity of our Franciscan Capuchin brotherhood.
- 41 The local Superior shall see to it that a short necrology of the deceased brother is sent to the provincial curia at the earliest and all the valuable personal belongings of the deceased brother are entrusted to the provincial Minister.

V. LIFE OF PRAYER & PENANCE

A. PRAYER IN COMMON

- 42 All brothers shall make positive efforts to foster their life of prayer which is the way of growing in filial relationship with God, our Father, by modeling their lives on St. Francis who did not just pray but himself became a Prayer.
- 43 They shall offer authentic witnesses to prayer, especially by the meaningful celebration of the Holy Eucharist and the liturgical hours, by being faithful to the daily two periods of meditation (Cf.Const.54.3) and by a fruitful participation in the monthly recollection and the annual retreat.
- 44 They shall cultivate devotion to the Blessed Virgin Mary, St. Francis and the Saints of the Franciscan Order through practices and traditions proper to the Capuchins.

- 45 The Province shall have one or two hermitage -fraternities of recollection and contemplation, specifically designated as such, where the brothers can devote themselves to the spirit and life of prayer from time to time (Cf.Const.56.1 -2).
- 46 To maintain and foster the contemplative dimension of our life, the brothers shall esteem silence. Everything that disturbs/hinders the quiet atmosphere of the house and our presence at community prayer, like the use of TV, telephone, loud conversation/playing of musical gadgets, etc. shall therefore be strictly regulated.
- 47 The horarium of a house is to be so drawn up as to make it possible for all the brothers to be present at the hours of Divine Office. Wherever possible, the local Superior with the assistance of a small liturgical group should see to it that the common celebration of liturgy is meaningful and lively.
- 48 The brothers who regularly absent themselves from community prayer shall be fraternally reminded of their lapses. In case of a persistent absence, the matter is to be brought to the attention of the provincial Minister.
- 49 Every fraternity shall remember to pray daily for the benefactors, including the Seraphic Mission Association (SMA) donors. The provincial Minister and his Definitory shall give directions regarding the Masses to be offered by each of the fraternities/priest -brothers for the donors and benefactors of the Order.

B. FAST AND VIGILS

- 50 As brothers of penance, all shall promote in themselves continual renewal and conversion by means of an austere life of fast, abstinence and prayer. The local Chapters shall decide on the concrete norms of fast and abstinence, especially for the times of Advent, Lent and all Fridays of the year (Cf. Const.103.2).
- 51 The vigils of the feasts of Holy Trinity, the patron of the Province, of the Immaculate Conception of Mary, the patroness of the Capuchin Order, and of St. Francis of Assisi, the Founder, shall be observed in the Province as days of fasting and abstinence (Cf.Const.103.6). For the rest the brothers shall follow the norms of fast and abstinence given by the Conference of the Bishops for the Church in India
- 52 The solemn celebration of the feast of our Father Francis may begin with due spiritual preparation, such as novena, *triduum*, vigil service, *transitus* and the like.

C. SUFFRAGES

- 53 On the event of the death of the Roman Pontiff, of the general Minister and of former general Ministers of the order, the general Definitory and the former general Definitors who were responsible for our jurisdiction, one Holy Mass for the Deceased shall be celebrated by each of the fraternities (Cf.Const.49.2).
- 54 The brothers shall remember the deceased brothers of the Province in a special way on their anniversaries and on October 5, the Commemoration of all the Deceased of the Order.
- 55 On the event of the death of the brothers of our Province, every fraternity shall pray the Office of the Dead, and for the deceased parents/step -parents of the

brothers of the Province, special prayers shall be offered. Each brother -priest shall celebrate one Holy Mass (Cf.Const.49.3).

VI. LIFE OF POVERTY

- 56 In order to be faithful to our life of evangelical poverty according to the mind and spirit of St. Francis, the brothers shall strive 'to live in this world as pilgrims and strangers'. They shall be careful not to make anything their own, particularly while handling or making use of money. All emoluments, gifts, etc. they receive in cash or kind, or as donation or remuneration shall be handed over in entirety to the fraternity.
- 57 Before their perpetual vows, the brothers shall make an official renunciation of the goods and properties that might come to them from recognized inheritance or bequest/devise as the case may be. They shall try not to get involved in family disputes regarding goods and property.
- 58 The brothers may not receive as gifts whatever is contrary to our life of simplicity and gospel poverty. The liturgical vestments and other articles gifted to the brothers, in particular to the newly ordained priests, are to be given to the provincial Minister to be shared with the needy fraternities of the Province.
- 59 The brothers shall opt for a simple life-style that bears authentic witness to our religious and Franciscan Capuchin commitment.
- 60 Conscious of the obligation of solidarity and a life of option for the poor, every fraternity shall be generous and prompt in taking up and finding solutions to issues of the poor and the marginalized within the ambit of its locality.
- 61 The vehicles necessary for a fraternity shall always be purchased with the written permission of the provincial Minister and his Definitory. It is recommended that they be registered, wherever possible, under the title of the local Superior.

VII. FINANCE & ACCOUNTABILITY

- 62 There shall be a provincial finance commission consisting of the provincial Treasurer and two other members, appointed by the provincial Minister and his Definitory. It shall offer advice regarding all financial matters, especially when substantial expenditures are involved in buying of properties, construction and maintenance of houses, etc. (Cf.Const.72.1 -2). (See Appendix III)
- 63 The commission for finance shall do the internal auditing of the Province, prepare the annual budget, plan and evaluate the construction and maintenance of buildings, get ready projects for formation and pastoral needs to be sent to the funding agencies, in particular to the Office of Economic Solidarity of the Order.
- 64 The finance commission shall meet at least a month before the General Body Meeting of the Bangalore Capuchin Friars Minor Society, the Capuchin Friars Service Society and the Vimukti Charitable Trust in order to assist the secretaries of these provincial Societies/Trust to get ready the agenda.
- 65 For a greater accountability, credibility and transparency, there shall be in our fraternities, wherever possible, three signatories for the bank accounts so that any two of them could sign the cheque. In smaller fraternities of two or three

- brothers, the accounts are to be operated jointly. The parish accounts shall be under the purview of the rules, governing individual Dioceses (Cf. VI PCO. 30).
- 66 The local fraternities are to have only short -term capital deposits or cash in Bank. (Cf. VI PCO.33). The provincial Minister and his Definitory, in consultation with the local fraternity, shall determine the limit for this capital.
- 67 To meet the provincial financial needs of formation and the care of the sick and aged brothers, every fraternity shall contribute generously (a certain percentage of the gross income as determined by the provincial Chapter) towards the provincial fund. The minimum amount that must be sent by a local fraternity to the provincial fund shall however be determined by the provincial Minister in consultation with the local fraternity.
- 68 The brothers shall either celebrate the bination and trination Masses for the intention of the provincial Minister or transfer the stipend received for them to the provincial fund.
- 69 The brothers/fraternities shall always make the requests for financial assistance from the provincial fund in writing, addressed directly to the provincial Minister.
- 70 The local Superior before signing monthly returns need go through the vouchers, cash and ledger books of various departments.
- 71 The Account books of all fraternities, parishes and institutions are to be maintained correctly and up -to-date and should be made available for inspection to the provincial team, which does the internal auditing in the province once a year.
- 72 No brother shall maintain a private bank account. In case of manifest necessity, however, a joint account may be operated by the brother concerned together with the local Superior, and always with the written permission of the provincial Minister. Such permission is to be renewed after every ordinary provincial Chapter.
- 73 The brothers who are required to handle money by reason of some special apostolate shall maintain proper accounts and submit them to the local Superior. The provincial Minister too shall examine them at the time of the visitation.
- 74 The reports of all our social and charitable activities, together with the necessary details of donors and beneficiaries are to be strictly maintained, especially in view of the exemption to be obtained from Income Tax.
- 75 The local treasurer shall prepare the annual budget as per the prescribed form, in consultation with the local Superior. The budget proposals however are to be finalized in a Local Chapter before they are submitted to the provincial Minister at a time specified by him and his Definitory. (Cf. VI PCO. 32).
- 76 The local treasurer, after getting the accounts of the house audited, shall send a copy of the audited statement to the provincial treasurer. Likewise a copy of the yearly audited balance sheet of the parishes, schools and other institutions should be sent to the provincial treasurer.
- 77 The provincial finance commission shall annually prepare and submit the provincial budget for approval by the provincial Minister and his Definitory. The said commission shall also present a detailed financial statement for their perusal every six months.
- 78 As a mark of solidarity with the entire Order, all the brothers of the Province shall contribute their share of financial assistance for the maintenance and

upkeep of the General Curia and the worldwide Capuchin missions, as directed by the general Minister and his definitory.

VIII. CONSTRUCTION & MAINTENANCE OF HOUSES

- 79 The provincial Minister and his Definitory, after obtaining the consent of the provincial Chapter (Cf.Const.112.1), should see that the new houses to be constructed are conducive to prayer in common, work and fraternal life. They should also be suitable for the needs and ministries of the fraternity.
- 80 There shall be a commission to look after all the constructions, repairs and maintenance of buildings of the province, with one of the Definitors as its chairperson and convener. In case of additional constructions, repairs and maintenance of the houses, the chairperson of the commission shall work in liaison with the local fraternity and the provincial administration. (See Appendix IV)
- 81 All new establishments shall be planned and executed by the provincial Minister and his Definitory with the assistance of the building commission.
- 82 Before the commencement of any construction or repairs, the local fraternity shall ensure the availability of funds, procure all necessary permissions, like licenses, alienation document etc. from civil authorities, and furnish to the building commission clear technical and financial plans, after having discussed them in a local Chapter. The said projects concerning construction and repairs should figure also in the projected annual budget of a fraternity, giving appropriate and precise explanations.

IX. WORK, VACATION & TRAVEL

- 83 The brothers shall devote themselves to work, the fundamental means of our support, in keeping with our religious and Capuchin way of life so as to render the fraternities they live in, self-dependent and self-supporting, to the extent it is possible.
- 84 Every fraternity shall set aside a period of time in the daily schedule for manual labour, which is indispensable to build up a sense of fraternity, equality and mutual dependence. All brothers must joyfully share in the common performance of household chores, especially in doing such tasks as cleaning the house, church and sacristy, maintenance of the library, cultivation of the garden etc.
- 85 While being faithful to the grace of working, the brothers shall be attentive to avoid all kinds of activism, even of an apostolic type so that the spirit of prayer and devotion is ever kept alive in all fraternities.
- 86 All the brothers, including those in special formation, may take two weeks of vacation every year. The brother-priests, immediately after the priestly Ordination and non-clerical brothers after the perpetual Profession may have holidays for three weeks.

- 87 The permission to travel within India is granted by the local Superior for pastoral and professional reasons as well as to attend the priestly Ordination of brothers, religious Profession or marriage of brothers and sisters, jubilee celebrations or serious sickness of parents, brothers, sisters, and close relatives. For any other travel within India and for participating in conventions and formation meetings outside India, even as all continental and intercontinental travels which do not extend beyond three months, the permission of the provincial Minister is to be obtained. For all other travel recourse is to be had to the general Minister through the provincial Minister and his Definitory. (See Appendix V) The expenses of international travels are to be always met by the invitee.

X. ADMINISTRATION OF THE PROVINCE

A. AT THE PROVINCIAL LEVEL

- 88 The house 'Saccidananda' at Rajajinagar, Bangalore is the provincial Curia and the official residence of the provincial Minister, the provincial Secretary, Treasurer, Archivist and other brothers necessary to carry on the provincial administration.
- 89 The provincial Curia shall look after the correspondence, maintain the provincial archives, and administer the finances of Societies and Trusts under the direction of the provincial Minister and his Definitory. It shall also see to the execution of all building and welfare projects of the province, with the assistance and advice of the finance and building commissions.
- 90 The provincial Minister shall be the ex-officio President of all the Registered Societies and Trusts in Karnataka. He may however appoint any other suitable brother to be the president of these Societies and Trusts. The provincial Minister and his Definitory shall appoint the Secretary and the Treasurer of the Governing Bodies of all the Registered Societies and Trusts in Karnataka.
- 91 The two registered Societies, namely, the Bangalore Capuchin Friars Minor Society (BCFMS) and the Capuchin Friars Service Society (CFSS) and the Vimukti Charitable Trust (VCT) shall carry out the civil administration of the Provincial funds. The provincial Minister and his Definitory shall appoint the chief functionary and treasurer of these Societies and Trust.
- 92 Immediately after the ordinary provincial Chapter a meeting of the governing bodies of BCFMS, CFSS and VCT shall be convened to take the necessary resolutions for the civil and financial administration of the Province.
- 93 The president/ the chief functionary of a Society should be conversant with all the information of the 'Society Registration Act' and the Rules in force so as to comply with the requirements without fail.
- 94 The Province shall have a qualified and experienced legal advisor. For the settlement of a legal issue through court, the prior written permission of the provincial Minister is necessary.
- 95 In order to guarantee the necessary continuity in the administration, work and planning of the commissions, some of the members shall be re-appointed.
- 96 The provincial Chapter, both ordinary and extraordinary, shall be conducted following the same procedure, unless mentioned otherwise. The ordinary Chapter

shall include the procedure for the election of provincial Minister and his Definitory. (For Procedures for conducting the provincial Chapter see, Appendix VI).

- 97 The provincial Chapter shall be conducted with the delegate system, unless provided otherwise (Cf.Const.125.2).
- 98 The number of delegates shall be one-third of all the perpetually professed brothers, in addition to the ex-officio vocals, namely the provincial Minister and Definitors, the Vice-provincials, the regular Superior of the Custody, the provincial delegate of the Missions, the provincial secretary and the treasurer and the general Definitor from the Province.
- 99 To change a resolution, passed by the previous provincial Chapters, a two-third's majority is necessary.
- 100 As per the requirement of the Constitutions, the perpetually professed brothers of the Province shall elect the delegate/s to the general Chapter, preceded by a straw ballot (Cf.Const.117.3).

B. AT THE LOCAL LEVEL

- 101 To preserve the history and traditions of a fraternity, every fraternity shall maintain regularly and systematically the membership register, the minutes of the Local Chapter as well as a house chronicle.
- 102 The different offices, especially that of the local Superior and Treasurer are to be handed over to their successors with care, furnishing all the official documents, kept up-to-date, and introducing the incumbent in administration to the civil and ecclesiastical authorities, as deemed necessary.
- 103 In order to have a proper continuity in tried-policies, long-established customs and approved-traditions of a house, new office bearers of a fraternity are to be rightly introduced to their responsibilities by the out-going office-bearers.
- 104 In the absence of the local Superior and his vicar, the second counsellor of the house shall preside over the fraternity (Cf.Const.141.4).
- 105 Wherever we have parishes and schools, the brothers shall generally hold the office of the parish priest and the principal/headmaster for a maximum period of six years.
- 106 Prior permission of the local Superior is always to be obtained whenever the brothers have to absent themselves from the fraternity. In every fraternity there shall be some provision to inform the fraternity regarding departures and arrivals of brothers and guests.
- 107 The fraternities that possess agricultural land shall obtain the Record of Tenancy and Crops (RTC) and pay the Land Tax as per the government norms.
- 108 The local Superiors shall maintain up-to-date all the files and records pertaining to the house and its administration. Likewise the parish priests, local treasurers and directors of other institutions shall do the same in their own respective sphere. (See Appendix VII). These files and records shall be made available for verification during the provincial visitation.

XI. LIFE OF APOSTOLATE

- 109 There shall be a commission to organize the Apostolate of the Province, consisting of one of the Definitors as its chairperson and convener. The regional spiritual assistant of Secular Franciscan Order (SFO), one representative of the zonal SFO spiritual assistants and two representatives from each of the group of parish priests and preachers shall be its members. The Commission shall meet at least twice a year and send the report and its recommendations to the provincial Minister and his Definitory. (See Appendix VIII).
- 110 The commission for Apostolate shall organize once in three years a seminar on a pastoral theme for the priests ordained during the preceding three years. It shall also serve as an occasion to evaluate our fraternal and prophetic presence in the local church and to share the experience of apostolic service to the people of God as pastors of the Church.
- 111 The commission shall propose ways and means to propagate the Secular Franciscan charism and effectively organize the SFO fraternities, to make the parishes, entrusted to our care, vibrant with good administration and pastoral ministry in line with the diocesan pastoral plan, to render our ministry of preaching more efficient and attractive and to promote other forms of apostolate, especially that of youth, healing and counseling, media etc.
- 112 The brothers shall promote SFO in the areas where they work, respecting however the general and particular law.
- 113 To render our solidarity with the poor effective, a fund for the benefit of the poor shall be instituted at the Provincial curia. It shall be used exclusively to assist the needy/the deprived and shall be disbursed in collaboration with the local fraternities.
- 114 There shall be a Justice-Peace-Ecology (JPE) commission in the Province, headed by one of the Definitors. The provincial Minister and his Definitory shall appoint its members. It shall endeavour to promote justice and to safeguard the environmental and ecological harmony as per the terms of reference given to it by the provincial Minister and his Definitory (See Appendix IX).
- 115 The 'Vimukti Charitable Trust', established by the province is to provide a greater thrust in social action, especially in planning and executing socio-welfare programs for the poor, especially those suffering from leprosy and AIDS and persons addicted to alcohol and drugs. The provincial Minister and his Definitory shall appoint its members. The Secretary of this Trust shall also be the convener of the provincial Justice-Peace-Ecology (JPE) commission and shall organize social welfare activities of the Province and of the Missions under the guidance of the provincial Minister and his Definitory (Cf. Const. 146.3).

XII. LIFE OF MISSIONARY VENTURES

- 116 Being conscious of the missionary charism of the Order, the brothers shall be formed to become heralds and ministers of the Gospel. As servants of the Gospel, they shall be ready to serve people anywhere with a view to bring about God's Rule and Kingdom.

- 117 The Province shall accept missionary ventures both within and outside India. It shall work to develop the missions already undertaken in Madhya Pradesh and North East in India and those of Uganda, Sri Lanka, Arabian Gulf and Japan. Wherever possible efforts shall be made to foster native vocations with a view to implanting the Order.
- 118 The Province opts to work on a priority basis in the region of north Karnataka that stands in greater need of our presence.
- 119 The brothers in special formation shall be offered opportunities to learn the languages and culture of the people of the Missions, undertaken by the Province, with a view to facilitate their generous option for missionary ventures.

XIII. INTERPRETATION OF THE STATUTES

- 120 The authentic interpretation of these Statutes is reserved to the provincial Chapter. In case of doubts or difficulty in interpretation, the provincial Minister and his definitory are authorized to clear them, giving the best possible interpretation. They are also authorized to provide for appropriate answers to any eventualities unforeseen by these Statutes. Such solutions, nevertheless, are valid till the next provincial Chapter (cf. Const. 184.2).

On June 7, 2001 the ordinary provincial Chapter, held at Shanti Sadhana, Bangalore, approved these statutes.

Br. Andrew Anil Sequeira OFM Cap.
Provincial Minister

Br. Valerian Fernandes OFM Cap
Provincial Secretary

Commission for Formation

The principal inspiration for our entire formation programme is to be derived from the following injunctions of our Constitutions:



Formation is the development of the brothers and fraternities in such a way that our life may daily become more conformable to the holy Gospel and to the Franciscan spirit according to the requirements of places and times. This formation must be continuous, extending throughout our entire life as regards not only human values but also those of our gospel and religious life (no. 22.1).

Our integral formation looks to the entire person, especially in its psychological, religious, cultural and even professional or technical aspects. But it embraces two phases: initial and ongoing formation ” (no. 22.2).

All formation is primarily the work of the Holy Spirit that gives life from within to those forming and those being formed (no. 23.1).

Active formation demands the cooperation of those being formed, who are the principal authors of and the ones responsible for their own growth (no. 23.2).

Throughout his life, every brother is at the same time the person needing to be formed and the one forming because everyone always has something to learn and to impart. This principle should be laid down as the program for formation and should be put into practice in our life (no. 23.3).

Fraternal life should always and everywhere be a basic requirement of the formation process (no. 23.4).

Although all of the brothers are the ones forming, some brothers are required to be charged with greater responsibility for this duty. Foremost among these are the provincial Minister and the guardians, who are the ordinary animators and coordinators of the formation process of the brothers. Then there are qualified formators who assume this particular duty in the name of the fraternity (no. 23.6).

Let each province have a Council of FormationLet individual provinces or groups of provinces, according to local circumstances, have their own program of formation in which the goals, plans and specific guidelines of the entire formation process are expressed (no. 24.6,7).

Initial formation ... [to] gain necessary experience and knowledge and gradually enter into the Franciscan Gospel way of life. The special initial for mation of the brothers should be arranged with a view to the various duties they must perform and according to the unique circumstances and statutes of the circumscriptions (no. 25.1,7).

Members: The full-time Vocation Promoter, Novice Master, Directors/ Rectors of the various stages of formation and one of the provincial Definitory who shall be its chairperson and convener .

Terms of reference:

1. The chairperson convokes the meetings.
2. It shall advise the provincial Minister and his Definitory concerning initial, special and on-going formation as well as the training of the formators in the Province.
3. It shall, in all its discussions concerning Formation, see that the norms and guidelines laid down in the provincial *Ratio Formationis*, (Formation Guidelines) the teachings of the Church, Plenary Councils, the Rule and Constitutions of the Order are taken into account
4. It shall suggest the reformulation and updating of the “Formation Programme” (*ratio formationis*), taking into consideration the teachings of the Church, the guidelines given by the provincial Chapter and the proposals of the formation conference.
5. It shall propose seminars and conferences in view of the on -going formation of the friars.
6. It shall meet at least once a year to evaluate the formation in the Province; it shall get annual reports from all the stages of formation in order to evaluate the performance of the academic year and report to the provincial Minister and his Definitory.
7. It shall convene, at least once in a triennium, a conference of all the formators of the Province to review the entire formation programme. It shall also solicit, to this end, a feedback from all the brothers of the Province. The major superiors of the jurisdictions, participating in the formation programme of the Province, shall be the ex-officio participants of this conference.
8. It shall propose ways and means of implementing the recommendations of the provincial Chapters on the subject of formation.
9. It shall propose ways for the continuity of the programmes introduced in all the stages of formation so as to ensure the gradual growth of the brothers in formation in “Franciscan Gospel way of life”.
10. It shall propose to the provincial Minister and his Definitory candidates for special formation.
11. It shall invite the provincial Minister to the meetings and send a written report to the provincial Minister and his Definitory.

Appendix II

Commission for Vocation Promotion

The principal inspiration for the vocation promotion is to be derived from the following injunctions of our Constitutions:



God, in his goodness, calls all Christian faithful in the Church to the perfection of love through different states of life in order to promote the holiness of each one and the salvation of the world. Each one must give a response of love to this call with the greatest freedom, so that the dignity of the human person may be in harmony with the will of God (no.14.1, 2).

By responding to our Capuchin Franciscan calling, we offer a public and social witness to the abiding and eternal presence of Christ's life; we follow the poor and humble Christ, and spread his message to [all] people, especially to the poor, wherever they may be (no.14.4).

Mindful of Saint Francis' concern when he saw the growth of the primitive brotherhood, let all the brothers, especially the ministers and the individual fraternities, exert indefatigable care in recognizing and cultivating genuine vocations especially by the example of their life, prayer and speech (no.15.3).

Various kinds of pastoral care for vocations should be diligently promoted, especially in circles closer to the spirit of our Order. Greater results are obtained where there are brothers specifically assigned for promoting and coordinating vocations. Let all the brothers however, contribute to the effort as a sign of the fruitfulness of Franciscan life (no.16. 1-2).

To foster vocations, it is very helpful to offer young people an opportunity of participating in some way in our fraternal life. This is best done in houses that, at the same time, are suitable for offering help in personal reflection (no.16.3).

Members: One of the provincial Definitors as the chairperson, the full-time vocation promoter as the convener, the zonal vocation promoters and the Rector of Kripalaya .

Terms of Reference:

1. The full-time vocation promoter calls the meetings.

2. The full-time vocation promoter coordinates all the work of vocation promotion in the province.
3. It shall plan, coordinate and evaluate the work of promoting vocations.
4. It shall see to the implementation of the no. 17 of our Constitutions regarding the work of vocation promotion.
5. It shall promote vocations to the 'Gospel Brotherhood' rather than the specific clerical or non-clerical dimension of our way of life.
6. It shall discuss the guidelines given by the provincial Chapter with regard to the vocation promotion and propose ways and means to implement them.
7. It shall streamline the work of vocation promotion, which consists in contacting, knowing, screening and carefully selecting the candidates to be admitted to the Order. It shall also seek for this purpose the assistance of other brothers, especially of those studying at Kripalaya.
8. It shall convene meetings in January and July every year in order to discuss the work of vocation promotion done by the students of theology and to organize Christmas and summer vacation programmes.
9. It shall contact and keep in touch with the prospective candidates, encouraging correspondence and visits to the families of the candidates.
10. It shall organize vocation camps as and when required and evaluate them and send a written report to the provincial Minister and his Definitory.
11. It shall seek to animate the friars and also involve them in the vocation promotion.
12. To select probable candidates and propose them to the scrutinizers.
13. It shall screen the candidates through the Board of selectors (screening committee), which shall consist of the regional vocation promoter and two other friars.
14. It shall prepare the candidates well by filling in admission forms and with other requirements before sending them for orientation course.
15. It shall get ready all the required material for vocation promotion with the prior permission of the provincial Minister.
16. It shall collaborate with SFO spiritual assistants and propose common activities oriented toward vocation promotion.
17. It shall invite the provincial Minister to the meetings and send a written report of the meetings to the provincial Minister and his Definitory.



Commission for Finance

The primary inspiration for the Commission is to be found in the following injunctions of our Constitutions:

Let us use temporal goods for the necessities of life, for the apostolate, and for works of charity, especially for the poor (no. 62.3).

While we seek donations from people, we give them a witness of poverty, fraternity and Franciscan joy (no. 63.4).

It is recommended that one or more committees on financial matters be established in the provinces and vice provinces. Their function will be to offer advice concerning the administration of goods, and the construction, maintenance and alienation of houses (no. 72.1).

Members: Provincial Treasurer and at least two other members appointed by the provincial Minister and his Definitory.

Terms of Reference:

1. The Provincial Treasurer convenes the meeting.
2. It shall offer advice regarding all financial matters, especially when substantial expenditures are involved in buying of properties, construction and maintenance of houses, etc.
3. It shall evaluate the financial condition of the Province and propose means to improve it.
4. It shall do the internal auditing of the Province and prepare the annual budget.
5. It shall verify that the construction and repairs projects figure in the projected annual budget of a fraternity, giving appropriate and precise explanations.
6. It shall seek to procure funds for the construction and maintenance of buildings, planned and Okayed by the commission for building and approved by the Provincial Minister and his Definitory.
7. It shall get ready projects for formation and pastoral needs to be sent to the funding agencies, in particular to the Office of Economic Solidarity of the Order.
8. It shall meet at least a month before the General Body meetings of all the Societies and Trusts in the province in order to assist the Secretaries of these provincial Societies/Trusts to see to the preparation of accounts, reports, agenda etc.
9. It shall supervise the administration of all Societies, Trusts and properties in the Province and report to the provincial Minister and his Definitory once a year.
10. It shall propose guidelines for the administration of the lands and properties in the Province and get advice from the experts regarding any problems concerning the administration of the assets of the Province.
11. It shall invite the provincial Minister for the meetings and shall send a written report to the provincial Minister and his Definitory.

Appendix IV

Commission for Building

The primary inspiration for the administration of temporal goods is to be derived from the following injunctions of our Constitutions:

Let us use temporal goods for the necessities of life, for the apostolate, and for works of charity, especially for the poor (no. 62.3).

While we seek donations from people, we give them a witness of poverty, fraternity and Franciscan joy (no. 63.4).

Nevertheless, let houses be suited to the needs and ministries of the fraternity, and conducive to prayer, work and fraternal life (no. 68.3).

It is recommended that one or more committees on financial matters be established in the provinces and vice provinces. Their function will be to offer advice concerning the administration of goods, and the construction, maintenance and alienation of houses (no. 72.1).

Members: One of the Definitors as chairperson and convener and other members appointed by the provincial Minister and his Definitory .

Terms of Reference:

1. The Convener will convene the meeting as and when necessary.
2. The commission shall offer advice to the provincial Minister and his Definitory concerning all the new constructions as well as repairs and maintenance of existing buildings of the Province.
3. The commission chairperson, in case of additional constructions, repairs or maintenance of the houses, shall act in liaison with the local fraternity and the provincial administration to coordinate the execution of work.
4. The commission ensures that before the commencement of any construction or repairs, the local fraternity has the availability of funds, procures all necessary permissions, like licenses, alienation document etc. from civil authorities, and furnishes to the building commission clear technical and financial plans, after having discussed them in a local Chapter. The commission shall also see to it that all such constructions and repairs figure in the projected annual budget of a fraternity, giving appropriate and precise explanations.
5. The commission shall invite the provincial Minister to its meetings and shall send a written report of the entire meeting to the provincial Minister and his Definitory.

Appendix V

LETTERS OF OBEDIENCE

(Decree Prot. no. 00246/01)

1. For Travelling

Letters of obedience for all continental and intercontinental trips which do not extend beyond three months are issued by the **major superior**. (In the case of a friar going on vacation to his province of origin, the major superior may issue a letter of obedience for a period of time even beyond three months). In all other cases letters of obedience are issued by the **general minister**.

2. For Studies and Formation

- 2.1 Letters of obedience are issued by the **major superior** when they pertain to:
- a. the brothers in initial formation and their formation personnel for interprovincial formation houses or programs;
 - b. periods of study and programs of special formation(except for what is mentioned below at 2.2.b);
 - c. those participating in conventions and formation meetings.
- 2.2. Letters of obedience are issued by the general minister when they pertain to:
- a. pursuing studies with residence at our International College of St. Lawrence of Brindisi in Rome;
 - b. periods of study or programs of special formation which take place on a continent other than one's own, when they extend beyond three months.

3. For Ministry (Service)

No brother may reside within the territory of a circumscription other than his own without having first received a letter of obedience and the “placet” of the major superior of that territory, including an assignment to a local fraternity. The following norms apply to the letters of obedience:

- 3.1 Letters of obedience are issued by the **major superior** when they pertain to:
 - a. service being given in a vice province, custody, delegation or house of presence dependent upon the same major superior;
 - b. service being given in another circumscription for up to three years (see Constitutions 113, 4 and General Ordinance 14)
- 3.2 Letters of obedience are issued by the **general minister** when they pertain to:
 - a. any type of service or ministry given in another circumscription (with the exception of what is mentioned above at 3.1.a) for a period beyond three years or for which, upon the completion or three years, a continuation is desired;
 - b. service to be rendered at the international friaries of the Order;
 - c. returning to own’s home circumscription at the termination of the services mentioned in 3.2. a and b.

Please keep in mind the following:

1. Requests for letters of obedience from the general minister must specify the following details:
 - a. the name and surname of the friar for whom the request is being made;
 - b. the name of his home circumscription;
 - c. the reason for the move and/or type of service to be rendered;
 - d. the place and/or circumscription within which the service is to be rendered;
 - e. the date on which the letter of obedience becomes valid or takes effect.
2. The request is to be signed by the respective major superior, not by the secretary.

The present decree comes into full effect on the day of its promulgation.

Given at Rome on May 1, 2001

Sd/-
Br. Gandolf Wild, OFM Cap.
General Secretary

Sd/-
Br. John Corriveau, OFM Cap.
General Minister

PROCEDURES FOR CONDUCTING THE PROVINCIAL CHAPTER

PROVINCIAL CHAPTER AND MEMBERSHIP

The provincial Chapter, both ordinary and extra -ordinary, shall be conducted following the same procedure unless mentioned otherwise. The ordinary Chapter shall however include the procedure for conducting the elections of the provincial Minister and his Definitory.

At least nine months prior to the celebration of the Chapter, the provincial Minister with the consent of his Definitory shall request general permission for the permission to convoke the ordinary Chapter of the Province.

The provincial Minister with the consent of his Definitory shall convoke the extra -ordinary chapter, as and when it is found necessary to deal with matters of special importance for the life and activity of the Province.

The ordinary as well as extra -ordinary provincial Chapters shall generally last five days.

The provincial Chapter shall be conducted with the delegate system, unless provided otherwise.

The number of delegates shall be one third of all the perpetually professed brothers, excluding the ex-officio vocals, namely the provincial Minister and the Definitors, the vice-provincial Ministers, the Regular Superior of the Custody, the provincial delegate of the Missions, the provincial Secretary, the provincial Treasurer and the general Definitor from the Province.

For an equitable representation of all age-groups, the electorate made up of all the perpetually professed brothers of the province, shall be divided into three groups according to seniority based on religious profession and an equal number of delegates shall be elected from each group.

With a view to giving representation to all sections/sectors in the Province, the provincial Minister and his Definitory may, after the election of the delegates, co-opt a maximum number of six brothers as vocals to the Chapter.

The definitive election of the delegates to the provincial Chapter shall be preceded by a straw ballot sufficiently in advance so as to enable those brothers who need renounce their passive voice for some unavoidable reason could do so on knowing the results of the straw vote.

In the matter of renouncing the passive voice, however, the brothers shall bear in mind the fact that they have a responsibility towards the Province and the participation in the provincial Chapter is not so much a privilege as a duty.

Capitulars and observers must be present for the entire period of the provincial Chapter. Capitulars lose their active voice if they are not present at the Chapter for its entire duration without a legitimate dispensation. Prior to the Chapter such dispensation is granted by the provincial Minister. During the Chapter it is granted by the President of the Chapter.

In the definitive election, after having determined the required number of vocals according to majority of votes, other brothers who have the relative majority of votes shall be accepted as substitutes.

From each of the stages of special formation, namely philosophy, community experience and theology, one brother in temporary profession shall attend the Chapter as an observer. However, this rule will not be applicable to the stage of theology in case one of the brothers among them in perpetual profession is elected as a delegate.

It is within the competence of the provincial Chapter to interpret, amend or add to these procedures.

PRE-CHAPTER PREPARATIONS

15. A pre-chapter commission shall be set up by the provincial minister and his Definitory at least six months before the provincial Chapter in order to consult all the brothers of the province and to get ready the Chapter -agenda.

16. The commission shall submit to the provincial Minister and his Definitory the prepared agenda at least two months before the Chapter so that the final draft of the same, approved by the provincial Minister and his Definitory could be sent to all the fraternities for a renewed discussion.

17. The provincial Minister and his Definitory shall appoint at least a month in advance:

The Chapter secretary and two other secretaries to assist him in the arrangement and distribution of the relevant Chapter material like documents, papers, files etc. The two secretaries shall also be responsible for recording the proceedings of the Chapter right from the outset.

A liturgical commission to get everything ready so as to make the celebration of the daily liturgy lively and meaningful. It shall see to the distribution of various roles to brother capitulars well ahead of the Chapter.

Four moderators who have to study the Chapter agenda thoroughly so that they can moderate the sessions effectively.

18. The Capitulars shall be informed by the provincial Minister about the precise dates and venue of the chapter, the exact time of arrival and departure, even as any other things, if they have to bring along.

19. The provincial Minister and his Definitory, if they deem it necessary, may invite some

experts to animate the extra-ordinary Chapter or to speak on some relevant themes.

INAUGURATION OF THE CHAPTER

20. The inauguration of the provincial Chapter shall commence with a prayer service.
After the prayer service,
 - a. The Capitulars gather in the Chapter hall. The Chapter secretary shall:
Do Roll call
Read the general Minister's letter of permission to celebrate the ordinary Chapter and provincial Minister's letter of convocation of the Chapter.
 - b. It is followed by:
Address of the President to the capitulars
Proposal and acceptance of the two scrutinizers
Proposal and acceptance of the drafting committee
Approval of the Time Table of the Chapter
Fixing the day of elections of the provincial Minister and his Definitory
 - c. The presentation of the various reports and discussion
 - i. Triennial Report by the provincial Minister
 - ii. Statements of provincial accounts by the provincial Treasurer
 - iii. Reports by vice-provincial Ministers, regular Superior and provincial delegate

STEERING COMMITTEE

21. A steering committee, consisting of the president of the Chapter, provincial Minister and four moderators shall see to the proper and smooth procedure of the Chapter. In particular the committee shall:
Direct the discussions, solving doubts and difficulties
Suggest in advance the day-to-day agenda to be discussed by the capitulars.
See to the organization of general sessions or workshops.
22. If any of the capitulars desires to include a point into the approved agenda, it should be submitted in writing to the steering committee. It is however left to the committee to judge the merit of the points under consideration and to propose it to the Chapter.
23. If one third of the capitulars proposes a point to be included into the approved agenda, it should be done by the steering committee.

24. The formal approval of the agenda with the accepted additions and subtractions, if any shall be done only after the presentation of and discussion on the triennial report of the provincial minister.

ELECTIONS

25. When the provincial Chapter is held by the delegate system, a straw ballot, participated by all the perpetually professed Brothers of the province, shall precede the election of the provincial minister. The straw ballot shall be sent at least one month in advance and the returned ballots shall be counted in the presence of the Capitulars and the results announced. The election of the provincial minister shall immediately follow.
26. After the presentation and discussion on the report of the provincial minister, the formal approval of the agenda will be done with additions and subtractions, if any, by the capitulars. Once the election process begins, no interventions of any sort in reference to the elections by the capitulars will be permitted. In all elections, after a second inconclusive scrutiny, only two brothers who receive the highest number of votes shall enjoy passive voice. In case, there are more than two by reason of the equal number of votes, the election shall be between the two who are senior by profession. If they happen to have made the profession on the same day, the brother who is senior by age shall have the passive voice. In the third ballot, however, the one who receives the relative majority is declared elected.
27. The election of the provincial Minister, provincial Vicar and the Definitors shall be conducted in one session and by a secret ballot.
28. The provincial Minister is elected by a two-thirds majority. (For the third ballot, however, the above no.26 is valid)
29. A collective straw ballot shall precede the election of the four provincial Definitors.
30. The four provincial Definitors shall be elected one by one and by an absolute majority. In their election however the capitulars shall bear the following in mind:
 - Only two of the outgoing provincial Definitors are eligible for reelection.
 - The provincial Minister ceasing from office does not enjoy passive voice.
 - In case a definitor is elected from non-capitulars or in absence, the Chapter need not be suspended for that reason alone.
 - If a definitor is elected from outside the gremium of the Chapter, after the election he becomes ipso facto a vocal. If he is in the place he may well participate in the rest of the elections.
31. An absolute majority elects the provincial Vicar from the four Definitors. By virtue of his election he becomes the first definitor.

PROCEDURE FOR ELECTIONS

32. On the designated day of elections, the session begins with an opening prayer, made
by the president of the Chapter.
33. Roll call is then held.
34. The Chapter secretary along with the two scrutinizers takes the oath of secrecy.
“I, Br. ... Promise to almighty God that in the execution of my office I shall be faithful and keep inviolable the law of secrecy regarding all that pertains to elections of the Chapter”
35. The scrutinizers shall function according to the following directives:
 - a. They distribute the ballot papers to the capitulars
 - b. They count and tabulate the votes. The votes are counted loudly. (If the number of votes exceeds the number of electors, the voting is invalid).
 - c. They silently record the ballots, opened and shown to them by the Chapter secretary.
 - d. Once the votes have been independently tabulated, they compare the two lists to see to the agreement. If the tabulated votes are in agreement, the list is given to the Chapter secretary for announcement.
 - e. In a formal election, if a scrutinizer finds that 3 or more votes are cast for him, he requests the Chapter President to relieve him of his office. A substitute shall be appointed with the same procedure as before.
36. After the tabulation of the votes, the Chapter secretary announces: ‘an election has/has not taken place’, as the case may be. He shall give a complete report of the results (even when no election has taken place), beginning with those who obtain 1 or 2 vote/s. However the names of only those who receive 3 or more votes are made mention of.
For example: one (two or three) brother/s has/have one/ two vote/s each.
Br.... has 3 or 4 or 5 etc. votes.
37. When the election of the provincial Minister, provincial Vicar and the Definitors has been completed, the President of the Chapter makes the announcement as follows:
“This is the canonical election of the provincial Minister and Definitors of the Chapter held at...(place), on ... (date). In the election, Br... who received ... votes in the ... scrutiny is declared elected provincial Minister, provincial Vicar, definitor etc.”

POST-ELECTION PROCEDURES

38. The Chapter secretary and the scrutinizers shall sign the document of the promulgation and that of the tabulation of votes, together with the President. A copy of these various documents, sealed with the seal of the Province, shall be sent to the General Curia at Rome and another shall be preserved in the archives.

39. In case the general Minister does not preside over the chapter, the newly elected provincial Definitors shall, as soon as possible, make a written request to the general Minister to confirm the election of the newly elected provincial Minister.
40. The newly elected provincial Minister and the Definitors shall make their profession of faith and take the oath of secrecy during a concelebrated Mass, presided over by the new provincial Minister himself.
41. The Chapter secretary shall see that the used ballots are burnt.
42. The out-going provincial Minister shall at a convenient time hand over the charge and all the necessary documents to his successor.

CONCLUSION OF THE CHAPTER

43. The concluding session of the Chapter shall be held at a convenient hour, agreed upon by the provincial Chapter. The Chapter secretary shall read the resolutions prepared by the drafting committee to be voted upon for final approval.
44. The decisions, be they resolutions or recommendations, are generally approved by the Chapter by an absolute majority. In case of greater importance, deemed as such by the Chapter, a two-thirds majority may be proposed. (Cf. Statutes No. 99) However, to change a resolution passed by the previous provincial chapters a two-thirds majority is necessary.
45. The capitulars shall sign the document of the Chapter decisions.
46. The President of the Chapter gives the concluding message.
47. The provincial Minister raises the vote of thanks.
48. The Chapter is concluded with a hymn to the Most Holy Trinity.

AFTER THE CHAPTER

49. The secretaries shall finalize the minutes of the provincial Chapter within a fortnight and submit them to the provincial Minister for publication.
50. The Chapter secretary shall collect and organize the entire documentation of the provincial Chapter and hand it over to the provincial Minister to be preserved in archives.

LIST OF FILES AND RECORDS

TO BE MAINTAINED BY FRATERNITIES & OTHER INSTITUTIONS

FRATERNITIES

Personal records of the brothers
Membership Register: Arrival and Transfer of Brothers
Letters of Obedience and appointment of Brothers
Reports of Pastoral visitation & follow -up
Circular letters & Communication from the General Minister
Circular letters & Communication from the Provincial Minister
House Chronicle
Local Chapter: Minutes & Decisions
Mass Register
Obituary & suffrage file
SMA Register
Correspondence with General Minister
Correspondence with Provincial Minister/Provincial Curia
Correspondence with Bishops
Correspondence with other Parish Priests
Correspondence with Religious Orders/Congregation
Correspondence with Electricity Dept
Correspondence with Telephone Dept.
Correspondence with Revenue Dept.
Correspondence with Gas Agency
Correspondence with Water supply dept.
Land & Revenue/tax records
Ration card & details
SFO: Register/Files
Workers/Domestic: Files & wage records
Property: Lay-Out maps, sale deeds, agreements, alienation records, RTC etc.
Building: approved plans, license for construction, contract tenders & awards, structural, electrical, plumbing & drainage plans etc. T.D.S. records, Occupation certificate by architect, ci vil authorities etc.
House Inventory: Machinery, Furniture, Electrical gadgets & Fittings, Kitchen utensils etc.
Church/Chapel/Sacristy inventory

Vehicles: R.C., Insurance, Tax records
Cash book
Ledger
Monthly/Annual Returns & Budgets
Audited Statements of Accounts & Balance Sheets
Fixed/term deposits, Pass books, Insurance policies
Monthly Receipt and payment documents for IT department
Correspondence with provincial Treasurer
Society & Trust: Registration Application & Certificate
Memorandum & its amendments
Membership Register of Societies
Minutes: Governing Body & annual General Body Meetings & Resolutions
U/s 12A of IT registration
FC®A Registration
FC-3 Returns
Annual returns of Registered of Societies
Record/Register of charity, help for the poor and destitute etc
Provincial's Visitation Report & follow up

FORMATION CENTRES

Membership Register of Student Brothers
Original Ecclesiastical Certificates: Baptism, Confirmation, Recommendation letters, etc.
Statement of Marks of all Examinations
Xerox copies of the Certificates of secular academic studies
Annual Statement of Brothers in formation
Evaluation Reports of Brothers
Annual Calendars
Register of renewal of Vows

PARISHES

Agreement of the Order with the Diocese
Decree of the erection of the Parish
Parish Map
Appointment letters of Parish priest/ Assistants
Status Animarum
Family Register

Annual Statistics of the Parish
Baptismal Register

Confirmation Register
Communion Register
Banns book
Marriage Register
Funeral Register
Pulpit Announcements
Parish council Minutes book
Parish Mass Diary
Bishop's Circulars
Correspondence with Bishop
Faculty letters from the Bishop
Correspondence with the provincial Minister
Correspondence with civil Authorities
Church & sacristy Inventory
Electricity department Files
Telephone department Files
Vehicle Documents: R.C, Insurance, Tax etc.
Cash Book
Ledger Book
Monthly Returns
Annual Returns
Project Files
Bishop's visitation report & follow up

SCHOOLS (Educational, Commerce, Computer, Agricultural)

Appointment Letters of Manager, Correspondent etc.
Correspondence with the Educational Dept.
Correspondence with provincial Minister
Correspondence with Civil Authorities
Records required at the time of school inspection
Strength & attendance of School Children
Class wise Final Results of the academic year
Local managing committee (LMC) list
Minutes of the LMC meetings
Record of Education dept.'s visits
Project Files
Building construction details

Electricity Department Files
Telephone Department Files
Water Department Files
Vehicle Documents

Land & Revenue/tax records
Management of Accounts cash book
Ledger Book
Monthly Returns/ Annual Returns
Bus Accounts
Provincial Visitation Report & follow up

MEDIA UNITS (Press, Sevak etc)

01. Appointment Letters of Manager/Editor
02. Building Construction details
03. Land, Revenue and Tax records
04. Certificates of Registration
05. Circulation Register
06. Stock register
07. Correspondence with provincial Minister
08. Correspondence with Civil Authorities
09. Workers: Files & wage records
10. Inventory
11. Electricity Department
12. Telephone Department
13. Vehicle Documents
14. Management of Accounts cash Book
15. Ledger Book
16. Monthly/Annual Returns
17. Project Files
18. Provincial Visitation report & follow up

Br. Andrew Anil Sequeira OFM Cap

Provincial Minister

Commission for Apostolate

The main inspiration for all our apostolate is to be derived from the following injunctions of our Constitutions:

It should be esteemed as necessary for the fullness of the Franciscan charism (no. 95.1).

The Secular Franciscan Order, united to our Order by its origins, history and sharing of life, has been entrusted to our care by the Holy See (no. 95.3).

Let the brothers, therefore, be eager to show from their heart a truly brotherly attitude for members of the Secular Order, nourish by their example fidelity to the gospel life, and effectively foster the Order itself among the secular clergy and the laity (no. 95.4).

In our apostolic activity, we need preserve the proper characteristics of our charism, adapting them to different times and circumstances (no. 145.1).

The principal apostolate of a lesser brother, however is to live a gospel life in the world in truth, simplicity and joy (no. 145.2).

We should willingly assume any ministry or apostolic activity as long as it is in harmony with our form of life and responds to the needs of the Church. Aware of our minority, let us generously undertake those ministries that are regarded as especially difficult (no. 145.5).

They (brothers) should foster the customary works of the apostolate such as popular missions, retreats, the sacramental confession of the faithful, the spiritual care of religious women, especially Franciscans, care of the sick and of those in prison, works of education and of social development (no. 147.2).

Members: One of the Definitors as its chairperson and convener, regional spiritual assistant of SFO, one representative of the zonal SFO spiritual assistants and two representatives from each of the group of parish priests and preachers.

Terms of Reference:

1. The Definitors in charge convenes the meeting.
2. The task of the Commission is to promote, facilitate and coordinate the various initiatives of the apostolate of the friars' vis-à-vis the entire provincial fraternity.

3. It shall meet at least twice a year and send the report and its recommendations to the provincial Minister and his Definitory.
4. It shall organize once in three years a seminar on a pastoral theme for the priests ordained during the preceding three years.
5. It shall propose effective ways and means of promoting SFO and YOFRA among the laity today and to organize effectively the SFO fraternities.
6. It shall encourage the brothers to establish SFO fraternities in all our houses and parishes; facilitate a true vital interchange between our Capuchin fraternities and the fraternities of SFO.
7. It shall suggest ways to provide constant and diligent spiritual assistance to SFO through the cooperation of other friars.
8. It shall suggest ways to foster lay leadership from among the SFO and YOFRA.
9. It shall propose ways and means to make the parishes entrusted to our care, vibrant with good administration and pastoral ministry in line with the diocesan pastoral plan.
10. It shall propose ways and means to render our ministry of preaching more efficient and attractive.
11. It shall encourage and support the brothers to form the Mission Band of Preachers wherever it is possible.
12. It shall propose ways and means to make our apostolate of the press more effective and economically viable and make SFO popular.
13. It shall propose ways and means to promote other forms of apostolate, especially that of family, youth, healing, counseling, media etc.
14. It shall propose concrete steps and projects to make the above ministries more relevant to the times and more result oriented.
15. It shall evaluate annually the ministries and apostolate in the light of the pastoral plan proposed by the Commission.
16. It shall propose seminars and courses for the personnel involved in the above ministries so as to equip them with needed techniques and information. It shall also propose personnel to the provincial Minister and his Definitory in order to train them for the above ministries and apostolate.
17. It shall invite the provincial Minister for the meetings and shall send a written report to the provincial Minister and his Definitory.

Appendix IX

Commission for Justice-Peace-Ecology

The principal inspiration for the Commission for Justice Peace and Ecology is to be derived from the following injunctions of our Constitutions:

St. Francis founded the Fraternity...to bear witness to the Kingdom of God by a sharing of life and by preaching penance and peace through example and word (no. 3.1).

Our fraternal life has special significance and becomes more effective in the process of the sound social development and association through which God calls us to work for the realization and growth of brotherhood in justice and peace (no. 11.5).

Therefore let us willingly live our fraternal life among the poor, sharing their hardships and humiliation in a very loving way (no. 12.3).

By acting in this way, we make known the spirit of our brotherhood in minority and, at the same time, become a leaven of justice, unity and peace (no. 12.5).

Beholding Christ in all creatures, let us go throughout the world proclaiming peace and penance, inviting everyone to the praises of God as witnesses of His love (no. 46.7).

Let us blend the energies latent in our fraternity with those initiatives and institutions, whether they be national or international, that appropriately work vigorously for the unity of the human race, universal justice and peace (no. 99.3).

Following the example of the noble affection Brother Francis had for Sister Clare, our attitude toward women should be conspicuous by its courtesy, respect, and sense of justice (no. 172.2).

Saint Francis wished to send his companions into the world after the example of the disciples of Christ, in poverty with full trust in God the Father, proclaiming peace everywhere by their life and word (no. 179.1).

Members: One of the Definitors as chairperson, the general secretary of Vimukti will be the convener and at least three other brothers involved in social welfare ministry.

Terms of Reference:

1. The general Secretary of Vimukti convenes the meeting.
2. It shall draw up a plan of action for the Province and present it to the provincial Minister and his Definitory.

3. It shall propose ways and means to conscientize the people especially the rich of their obligation towards the poor and the marginalized.
4. It shall propose ways and means to conscientize the friars to pay the just wages/salary to the domestic workers/employees.
5. It shall propose ways and means to plan and execute the socio -welfare projects for the development of the poor and the downtrodden, and to establish centers aimed at the welfare of people suffering from leprosy, AIDS and those addicted to alcohol and drugs.
6. It shall take possible and adequate steps to come to the aid of the people struck with natural calamities.
7. It shall represent the Province by giving an adequate response in the event of religious/social/political/cultural crises.
8. It shall work to conscientize the illiterate, poor and the marginalized through awareness programmes regarding the unjust and oppressive structures with a view to organize and empower them to defend their rights.
9. It shall inculcate in people the value of cleanliness and respect for public property.
10. It shall propose possible measures to safeguard the environmental and ecological harmony.
11. It shall propose ways and means regarding collaboration with other diocesan and national organization with similar goals.
12. It shall evaluate the administration of Vimukti, and to prepare agenda and propose budget for its general body meeting.
13. It shall invite the provincial Minister to join the meeting and shall send a written report of the meetings to the provincial Minister and his Definitory.

