

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
MADURAI BENCH  
(Special Original Jurisdiction)

W.P.No. of 2012

7587

The Tuticorin Diocesan Association,  
Rep. by Rev. Fr. M. Jebanathan,  
Procurator & Chief Functionary,  
Catholic Bishop's House,  
G.C. Road, Tuticorin – 628 001.

... Petitioner

Vs

1. The Government of India,  
Rep. by The Secretary,  
Ministry of Home Affairs,  
Foreigners Division, (FCRA wing)  
Jaisalamer House,  
26, Man Singh Road,  
New Delhi – 110 011.

2. The Deputy Secretary,  
Government of India,  
Ministry of Home Affairs,  
Foreigners Division, (FCRA wing)  
Jaisalamer House,  
26, Man Singh Road,  
New Delhi – 110 011.

3. The Under Secretary,  
Government of India,  
Ministry of Home Affairs,  
Foreigners Division, (FCRA wing)  
Jaisalamer House,  
26, Man Singh Road,  
New Delhi – 110 011.

... Respondents

**AFFIDAVIT OF FR. M. JEBANATHAN**

I, Fr. M. Jebanathan, S/o Michael Anthony, Christian, Aged about 63, and  
having office at Catholic Bishop's House, G.C. Road, Tuticorin – 628 001  
and having come down to Madurai, do hereby solemnly affirm and sincerely  
state as follows:

1. I am the Chief Functionary and representative of the petitioner Association. I am well acquainted with the facts of the case. I am filing this affidavit on behalf of the Association.

2. I humbly submit that the petitioner Association represents the Catholic Diocese of Tuticorin, with a membership of 4.5 lakhs of Catholics, following Catholic Christian religious faith. The Catholic religion is rooted and practiced in the deep south of Tamil Nadu from the days of St. Francis Xavier, who landed in Tuticorin in 1542. From the later part of the 16<sup>th</sup> century, the Catholic religion is very vibrant in the said region. The said area was under the jurisdiction of the Diocese of Goa from 1557. When the Diocese of Trichinappalli was erected as a separate Diocese, the region of Tuticorin was brought under the jurisdiction of Diocese of Trichirappalli in the year 1886. Subsequently, Tuticorin was erected as a separate Diocese, bifurcated from the Diocese of Trichirappalli in the year 1923, by His Holiness Pope Pius XI, from Vatican, Rome. The petitioner Diocese of Tuticorin is comprised of major parts of the civil Districts of Tuticorin and Tirunelveli and a small portion of Kanyakumari district.

3. I humbly submit that the petitioner Diocese has got 108 parishes with their own parish Churches and thousands of small village Churches, Chapels, Kurusadis and Grottos, attached to the parish Churches within the said defined geographical jurisdiction. There are different kinds of institutions, for educational, health-care, social development and pastoral-religious activity, within the said Diocese. All these institutions are community based and non-profit in nature.

4. I humbly submit that the petitioner Association has a time tested traditional administrative machinery to discharge its religious, charitable and

social functions, especially for the practice of Catholic religion and for the welfare of the catholic population. Thus, the petitioner Diocese is involved in the life and development of the people, by its religious and charitable activities, for the last 450 years.

5. I humbly submit that for the purpose of legal perpetuity, the said Diocese was registered as a society, having Registration No.S.1 of 1937-38, under the Societies Registration Act 1860 (Act XXI of 1860). But even before the Registration of the society, the Diocese, as a community of Catholics, is involved as a body, in social, cultural and pastoral - religious activities, through various institutions, established for that purpose. In this context, it will be relevant to mention that some of the institutions of the diocese exist and function for more than a century, even before the society came into existence. All these institutions and their functions are not owned by any individual. They are collectively owned by the catholic community. The Bishop, appointed by the Holy Father, the Pope in Vatican as per Canon Law, is the head of the Diocese and presides over the society and all other allied institutions under the jurisdiction of the Diocese.

6. I humbly submit that the petitioner Association is deeply involved mainly in six areas, for the purpose of charitable and religious services.

**i) Educational Services:** The petitioner society is a pioneer in the field of education in the south of Tamil Nadu. It has a network of educational institutions as follows:

Primary schools	-	124
Middle Schools	-	63
High Schools	-	21
Higher Secondary School	-	17
Matriculation Schools	-	2

B.ED. College	-	1
Teacher Training Institution	-	1
Special School for the Disabled-		1
Technical Institutes	-	31
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Total	-	261
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There are around **2300** teaching and non-teaching staff, working in these institutions. Most of these institutions are pre-independent and are aided by the Government. The student base of the educational institutions under the petitioner is around **1,00,000**. The petitioner society has invested incalculable material and human resources, by way of land, building, infrastructure, capital and dedicated personnel in establishing and administering these intuitions. The petitioner society also incurs regular expenditure on maintenance and infra-structure of all these aided institutions, as well as by financially supporting the unaided institutions from its limited resources. All these institutions are invariably non-profit institutions, run for the welfare of the people and the development of the nation. Though all the above mentioned institutions are minority educational institutions under Art. 30(1) of the Constitution of India, they are imparting quality secular education and the Constitutional values, to all the children, irrespective of caste and creed.

**ii) Health Services:** The petitioner Diocese is involved in Health Care through the following institutions:

Hospitals	-	13
Dispensaries	-	9
Nursing Institute	-	1
Alcoholic Rehabilitation Centre	-	1
Leprosy Rehabilitation Centre	-	1

That apart, the petitioner Association has implemented a health-care project, covering 300 villages. In the last two years, it has established around 2,800 private toilet facilities for the villagers, in private houses and public places. Many dedicated nuns and health workers are involved in the said health mission.

**iii) Charity Services:** The petitioner has established the following charitable institutions:

Orphanages in Common	-11
Orphanages for Girls	-10
Orphanages for Boys	- 6
Crèches	- 6
Home for the Destitute Children	- 4
House for the Disabled	- 4
Home for the aged	- 2
Rescue Homes	- 1
Women welfare Home	- 1
Home for the Mentally Retarded	- 1

In all, the petitioner Diocese approximately takes care of thousands of persons, in respect of their day- today life, through the above mentioned institutions. By training them, it also prepares them for their future lives. Most of them are orphans, semi-orphans, children, women or the disabled, dependent on the petitioner Association, for their survival and well-being.

**iv) Developmental Services:** The petitioner society, for hundreds of years, has committed itself for the development of the people, especially the poor. Not only the Christians, but all the marginalized, have benefitted out of the developmental schemes, undertaken by the petitioner, irrespective of caste and creed. Thousands of Self- Help Groups have been organized for income generation and micro-finance, through bank loans and innovative lending

schemes. There are many projects and activities undertaken by the society, for the welfare of the fishermen, by improving fishing technology, marketing opportunities, through cold-storage facilities, etc.. That apart, special schemes have been undertaken with a focus on Right to Food, Right to Education, etc., A scientific survey has been launched to assess the life and status of the disabled in the area, as disability is wide prevalent. Preventive schemes have been undertaken to reduce the recurrence of disability by scientific methods.

**v) Relief and Rehabilitation:** The petitioner society has earnestly involved in relief programmes, during natural disasters, floods, fires and diseases. During the post-tsunami years, multiple relief programmes have been launched in co-operation with the local authority, the government agencies, the members of the Parliament and Legislature. By a meticulous plan for rehabilitation, such as construction of houses and other structures, thousands of victims and the poor have benefitted all these years.

**vi) Pastoral – Religious Service:** The petitioner, being a Catholic Diocese, naturally has duties arising out of religious precepts. There are more than 108 parish Churches and thousands of other small Churches, Chapels, Kurusadies and Grottos, which are maintained by the Diocese. There are around 125 convents and religious houses, wherein more than 500 nuns and 230 priests are engaged full-time, in the multifarious religious and humanitarian activities. They are directly or indirectly maintained by the petitioner diocese. There is regular religious activity such as celebration of Holy Mass, Sacraments like Baptism, first Communion, Confession, Confirmation, Marriages, Last Anointments, Para-liturgical services, Vespers and special Feasts, involving thousands of people. By undertaking all these activities, the