



2025:CGHC:52449-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 83 of 2025

Digbal Tandi S/o Shri Dharak Tandi, Aged About 53 Years R/o- Hurra Para, Salhe Tola, P.O.- Largaon Markatola, Tehsil Narharpur, District Kanker (C.G.)

--- Petitioner(s)

versus

- 1** - State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
- 2** - Director, Panchayat Directorate, Sector 19, North Block, Vikas Bhawan, Ground Floor, Atal Nagar, Naya Raipur, District Raipur (C.G.)
- 3** - District Collector, District Kanker (C.G.)
- 4** - Superintendent Of Police, Kanker, District Kanker (C.G.)
- 5** - Chief Executive Officer, Zila Panchayat, District Kanker (C.G.)
- 6** - Chief Executive Officer, Janpad Panchayat, Bhanupratappur, District Kanker (C.G.)
- 7** - Chief Executive Officer, Janpad Panchayat, Antagarh, District Kanker (C.G.)
- 8** - Chief Executive Officer, Janpad Panchayat, Narharpur, District Kanker (C.G.)
- 9** - Gram Panchayat, Kudal, Through Its Secretary, Village- Kudal, Tehsil- Bhanupratappur, District Kanker (C.G.)
- 10** - Gram Panchayat, Parvi, Through Its Secretary, Village Parvi, Tehsil Bhanupratappur, District Kanker (C.G.)
- 11** - Gram Panchayat, Bansla, Through Its Secretary, Village- Bansla, Tehsil- Bhanupratappur, District Kanker (C.G.)
- 12** - Gram Panchayat, Ghota, Through Its Secretary, Village- Ghota, Tehsil- Bhanupratappur, District Kanker (C.G.)
- 13** - Gram Panchayat, Ghotiya, Through Its Secretary, Village- Ghotiya, Tehsil Bhanupratappur, District Kanker (C.G.)
- 14** - Gram Panchayat, Bondanar, Through Its Secretary, Village- Bondanar, Tehsil- Antagarh, District Kanker (C.G.)

15 - Gram Panchayat, Musurputta, Through Its Secretary, Village- Musurputta, Tehsil- Narharpur, District Kanker (C.G.)

16 - Gram Panchayat, Sulangi, Through Its Secretary, Village- Sulangi, Tehsil- Pakhanjur, District Kanker (C.G.)

--- **Respondent(s)**

For Petitioner	: Mr. Kishore Narayan, Advocate.
For Respondent No. 1 to 4	: Mr. Y.S.Thakur, Additional Advocate General
For Respondent No. 5 to 8	: Mr. Sangharsh Pandey, Advocate.
For Respondent No. 9	: Mr. Anupam Dubey, Advocate.
For Respondent No. 10	: Mr. B. Gopa Kumar (through Video Conferencing) and Mr. Himanshu Pandey, Advocate.
For Respondent No. 11	: Mr. Vivek Kumar Agrawal, Advocate.
For Respondent No. 13	: Mr. Jay Singh, Advocate
For Respondent No. 15	: Mr. Rohit Sharma, Advocate

AND

WPIL No. 86 of 2025

Narendra Bhawani S/o Late Avtar Bhawani Aged About 34 Years R/o Pandit Deendayal Upadhyay Ward No. 19, Near Hotel Suri International, Jagdalpur District- Bastar Chhattisgarh.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through- Secretary, Department Of Home Mahanadi Bhawan, Raipur, District- Raipur (C.G.).

2 - Director General Of Police Police Headquarters, Naya Raipur, District- Raipur, Chhattisgarh.

3 - Collector District- Kanker (C.G.).

4 - Sub Divisional Magistrate Bhanupratappur, District- Kanker Chhattisgarh.

5 - Tahsildar Bhanupratappur, District- Kanker (C.G.).

6 - Tehshildar Antagarh District- Kanker (C.G.).

7 - Devendra Tekam Member Jila Panchayat, Kanker, District- Kanker (C.G.).

8 - President/ Sarpanch Gram Panchayat- Junwani, District Kanker (C.G.).

9 - President/ Sarpanch Gram Panchayat- Kudal, District- Kanker (C.G.).

10 - President/ Sarpanch Gram Panchayat- Janakpur, District- Kanker (C.G.).

11 - President/ Sarpanch Gram Panchayat- Hahechur, District- Kanker (C.G.).

12 - President/Sarpanch Gram Panchayat- Ghotiya, District- Kanker (C.G.).

--- **Respondent(s)**

(Cause Title Taken From Case Information System)

For Petitioner(s)	: Dr. Arpit Lall and Mr. Ayush Lall, Advocates.
For Respondents No. 1 to 6	: Mr. Y.S.Thakur, Additional Advocate General
For Respondent No. 7	: Mr. Harshal Chouhan, Advocate.
For Respondent No. 8	: Mr. Palash Tiwari, Advocate.
For Respondent No. 9	: Mr. Anupam Dubey, Advocate.
For Respondent No. 10	: Mr. B. Gopa Kumar (through Video Conferencing) and Mr. Himanshu Pandey, Advocate.
For Respondent No. 11	: Mr. Mahesh Kumar Mishra, Advocate.
For Respondent No. 12	: Mr. Vaibhav P. Shukla, Mr. Jay Singh, Advocates

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

28/10/2025

- 1 Heard Mr. Kishore Narayan, Dr. Arpit Lall and Mr. Ayush Lall, learned counsel for the respective petitioners, Mr. Y.S.Thakur, learned Additional Advocate General appearing for the State as well as Mr. Sangharsh Pandey, Mr. Anupam Dubey, Mr. B. Gopa Kumar (through Video Conferencing), Mr. Himanshu Pandey, Mr. Palash Tiwari, Mr. Rohit Sharma, Mr. Harshal Chouhan, Mr. Mahesh Kumar Mishra, Mr. Vaibhav P. Shukla, Mr. Vivek Kumar Agrawal, Mr. Jay Singh, Advocates for the respective respondents.

- 2 The petitioner, in WPPIL No. 83/2025, has prayed for the following relief(s):

“(i) Call for the relevant records of the case.

(ii) Declare that the hoardings erected in the village set out in para 8.2 of this petition are unconstitutional, illegal and in violation of fundamental rights guaranteed under Article 25 and 19(1)(d) of the Constitution of India.

(iii) Directing the respondents to remove the illegal hoardings above mentioned.

(iv) Directing the respondent authorities particularly the Collector and Superintendent of Police, District Kanker to visit the villages where the above mentioned hoardings have been erected and convene a meeting with the villagers/ stake holders for the purpose of restoration of peace and harmony among different communities in order to instill a sense of security among Christians in the District of Kanker.

(v) Pass any other order(s) which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the present case."

3 The petitioner, in WPPIL No. 86/2025, has prayed for the following relief(s):

"10.1 That, this Hon'ble Court may kindly be pleased to issue writ in the nature of mandamus directing the respondent authorities to remove the notice board from all the villages mentioned above and allow the citizens to move freely as per the Article 19(1)(d) of the Constitution.

10.2 That, this Hon'ble Court may kindly be pleased to direct Police to provide adequate protection to the Christian Pastors and peoples living in the villages.

10.3 That, the cost of the petition may also be given to the petitioner by the respondent authorities.

10.4 Any other relief may also be granted to the Petitioner which this Hon'ble Court deemed fit in facts and circumstances of the case."

4 Since the issue involved in both the above Public Interest Litigation petitions are identical, they are being considered and decided by this common order. WPPIL No. 83/2025 is taken as the lead case.

- 5** That the petitioners are raising the issue of segregation of Christian community and their religious leaders from the mainstream village community. The respondent authorities have circulated a format of resolution, in the Kanker District of Chhattisgarh, wherein the respondent authorities through Department of Panchayat are instructing the Zila Panchayat and Janpad Panchayat and eventually the Gram Panchayat to pass resolution/oath in the name and style "Hamari Parampara Hamari Virasat". According to the petitioners, the real intention of circulating this circular to the Gram Panchayat is to instruct them to pass resolution prohibiting entry of Christian Pastors and the so called 'Converted Christians' in the village. At least 8 Villages of Kanker District have erected hoardings which say that the entry of Pastors and so called 'Converted Christians' is prohibited in the village. These hoardings have created a sense of fear among persons of Christian minority. Apprehending any untoward incident and violence, these persons are not entering the village which they usually used to visit. The hoardings have in a way suspended the fundamental rights of conscience and free movement of the villagers who belong to Christian religion.
- 6** To sum up, the petitioner through these petitions, have raised the issue concerning freedom of religion and professing and practicing a particular religion of a person's choice. The issue also involves violation of freedom of movement of Citizens throughout India, guaranteed under Article 19 1(d) of the Constitution of India.
- 7** Gram Panchayat Ghotiya, Tehsil Bhanupratappur, District Kanker, has erected a hoarding wherein they have stated that their village comes under 5th Schedule Area and the provisions of Panchayat (Extension to Schedule Area) Act, 1996 (*for short, the PESA Act*) are applicable in the

village and pursuant to Section 4(d), the Gram Sabha is competent to protect the identity and culture of the village. It has been further stated that tribals are being converted by enticement and the culture is being damaged. Therefore, based on the Gram Sabha resolution, the Pastors and converted persons of other villages are prevented to enter the village for religious program or conversion. Similar hoardings have been erected in other villages. As per knowledge of the petitioners, the hoardings of similar nature have been erected in the villages Kudal, Parvi, Junwani, Ghoti, Ghotiya, Havechur, Musurputta and Sulangi.

- 8 According to the petitioners, they have reasonable apprehension that the above mentioned hoardings are being erected at the instance of Government authorities. This apprehension arises from a circular issued by the Director Panchayat on 14.08.2025. As per this circular, the Chief Executive Officers of the Zila Panchayats of the Districts where PESA Act is applicable, are being instructed to circulate a resolution/oath stating that the members of the Gram Sabha take oath to protect Jal, Jangal, Jameen (water, forest and land). The oath also includes to protect culture, folk songs, festivals and worshiping system and faith. Though the circular is dated 14.08.2025, even before this date, some members of the ruling party have instigated the tribal villagers to erect hoardings of this nature. They have instigated the villagers to misuse the provisions of PESA Act to spread religious hatred against members of Christian community. On 11.08.2025 the petitioner along with others submitted representation to the District Collector, Superintendent of Police and the Sub-Divisional Officer, Kanker stating that the board and hoardings violate the fundamental rights as enshrined in the Constitution. In village Havechur, a similar hoarding has been erected. The petitioner has been informed by the residents of village Havechur

that they do not have any knowledge of convening of a Gram Sabha, pursuant to which the hoarding was erected preventing entry of Pastors and the so called 'Converted Christians'. There was no Munaadi for the Gram Sabha in Havechur. There is a strong possibility that few persons of the village may have passed this resolution. The petitioner was informed that the residents of village Havechur do not have any knowledge of existence of this resolution. If at all such resolution exists, the resolution was not passed with required quorum or proper procedure prescribed under the law, particularly the Panchayat Raj Adhiniyam, 1993 (*for short, the Act of 1993*), PESA Act and PESA Rules. The petitioner also tried to get a copy of Gram Sabha resolutions of the Gram Panchayat, when he was refused copy of the resolutions, he has filed Right to Information applications on 27.08.2025 in Zila Panchayat, Kanker. The Gram Sabha resolution or the hoardings state that they are based on the provisions of PESA Act.

- 9 Mr. Kishore Narayan, Dr. Arpit Lall and Mr. Ayush Lall, learned counsel appearing for the respective petitioners submit that the said resolutions and the hoardings are contrary to the Chhattisgarh Panchayat Upbandh (Anusuchit Kshetron par Vistar) Niyam 2022 (*for short, the PESA Rules of 2022*). Rule 40(A) of the PESA Rules states that the Gram Sabha is competent to maintain peace and village system but that is subject to the provisions of the Constitution and the law. Meaning thereby the Gram Sabha cannot pass resolution which is against the Constitution and the law. The Gram Sabha resolutions and the village hoardings restricting the entry of Pastors and the so called 'Converted Christians' violates Article 25 of the Constitution of India. Article 25 of the Constitution of India guarantees the citizen of India freedom of conscience and the right to freely profess, practice and propagate religion. There are only 3

restrictions which can curtail this right, which are (i) public order, (ii) morality and (iii) health. In the present case these restrictions are not available to prevent any persons to freely practice his religion in the village and in furtherance of that calling a fellow Christian or a Pastor to his village.

- 10** Learned counsel for the petitioners further submit that the hoardings and the Gram Sabha resolutions also violate right of citizen to move freely throughout the territory of India. This right is subject to interest of general public or the protection of interest of Scheduled Tribe. These grounds are not available in the present case. The entry of Pastors or converted Christians does not have any negative impact on the Scheduled Tribes of the village. In many cases the Pastors and the Converted Christians are also Tribals themselves. It is settled law that conversion to Christianity, in case of Scheduled Tribe, does not take away a Tribal's Scheduled Tribe status. A resolution of similar nature was passed 10.05.2014 in village Sirisguda of Bastar District in the past. The said resolution was challenged in Writ Petition (Civil) No. 1759/2014, Chhattisgarh Christian Forum & others vs. State of Chhattisgarh & others' wherein the Hon'ble High Court passed an interim order staying the effect and operation of the impugned resolution. During the pendency of the writ petition the resolution was withdrawn, therefore eventually the petition was dismissed for being infructuous.
- 11** Mr. Lall further submits that the local people of the village are restraining all the people who belongs to the Christian community, even the Christian people who are the residents of those villages are not allowed to enter into the villages. In case when Christians pastors try to enter the villages to meet their family and friends without having any motive of

conversion they badly beaten by the local people and their house were also get demolished. The petitioner-Narendra Bhawani has made a detailed representation before the Collector, Kanker and to the Sub Divisional Magistrate, Bhanupratappur, Tehsildar Bhanupratappur and Tehsildar Antagarh, District Kanker. The main object for the enactment of the PESA Act is to empower the Gram Sabha and provide self governance in the Schedule areas. The PESA Act gives certain privileges to the Gram Sabha such as managing natural resources, approving social and economic development plans, and implementing village development plans. There is no provision in the PESA Act for imposing restriction on the entry and exit of the villages. The PESA Act gives the power to the Gram Sabha to take decisions according to their traditional customs and practices. But this power cannot violate the fundamental rights of any person which is not only bad and illegal, but contrary to the principles of natural justices.

- 12** On the other hand, Mr. Y.S.Thakur, learned Additional Advocate General appearing for the State submits that the petitioners have filed these PILs merely on the basis of his apprehension that the hoardings are being erected at the instance of the Government authorities. These petitions are liable to be dismissed at the threshold on the ground as the same have been filed merely on the basis of apprehension. A bare perusal of the circular issued by the Director, Directorate of Panchayat, Indrawati Bhawan, Atal Nagar, Nawa Raipur dated 14.08.2025 and the memo dated 14.08.2025 issued by the Chief Executive Officer, Zila Panchayat Bastar makes it clear that the said circular nowhere instructs or instigates either to install hoardings or to instigate the villagers to spread religious hatred against the members of the Christian Community and the Converted Christians. On the other hand the said circular has

been issued only for the purpose of protecting the traditional culture and heritage of the Scheduled Tribes Community. Annexure-P-2 which is the communication dated 14.08.2025 has been issued by the Chief Executive Officer, Zila Panchayat, Bastar whereas the present matter pertains to District Kanker. The said circular and letter dated 14.08.2025 only intends to preserve the traditional cultural heritage, folk songs, festivals and worshiping methods of the Tribal Community residing in the Schedule area. The oath annexed with the circular that the purpose of pledge is only to preserve the traditional heritage of the ancestors. The pledge makes it clear that the same is merely to maintain balance of forest, water and land and manage the natural resources efficiently, to follow the age old tradition to hold regular Gram Sabha, ensure everyone's participation and empower them and to honour the legacy of tribal heroes, warriors and social reforms and to follow their ideas. Through the said pledge, it has been stated that the cultural heritage should not only be preserved but also passed on to the future generations with pride. As such, the allegations and apprehension of the petitioners that these hoardings are installed at the instance of the government authority is incorrect and does not have any foundational basis.

- 13** Mr. Thakur further submits that the PESA Rules of 2022 has been enacted in exercise of the powers conferred by Section 95 of the Act of 1993 read with section 129A to 129F of the Act of 1993. Section 129F of the Act of 1993 confers powers upon the Zila Panchayat and Janpad Panchayat in relation to Schedule Areas to plan, own and manage minor water bodies and to exercise control over institution and functionaries in all social sectors transferred to them. Section 129F of the Act of 1993 confers powers upon the Zila and Janpad Panchayat to exercise control local plans resources and expenditure for such plan including tribal sub

plans and to exercise and perform such powers and function as the State government may confer or interest under any law for the time being in force. It is respectfully submitted that the circular dated 14.08.2025 and memo dated 14.08.2025 have been issued by the Director, Directorate of Panchayat and the Chief Executive Officer of the Zila Panchayat Bastar in exercise of the powers conferred on them under section 129A to 129 F of the Act of 1993. Section 129-A to 129-F falls under Chapter XIVA of the Act of 1993 which deals with special provisions for Panchayats in the Scheduled Areas.

- 14** The said circular and memo dated 14.08.2025 has been issued by exercising the powers under the Panchayat Raj Adhiniyam, 1993 as well as in compliance of the provisions of the PESA Rules of 2022. The said Rules has been published in the extra ordinary gazette vide notification dated 08.08.2022. Rule 6 of the Rules, 2022 specifically provides that the Gram Sabha in a Schedule area shall have the powers as per Section 7 and 129(C) of the Act of 1993 and apart from this subject to such rule as the State Government may make in this behalf and such general or special order as may be issued by the State Government from time to time the Gram Sabha has the following powers and functions as per sub-rule (4) of Rules 6 of the Rules 2022 including the powers of conservation, enhancement of the supervision of the natural resources and the environment. Under sub-rule 10 of Rule 6, the Gram Sabha have also the power to protect local cultural heritage, such as places of deities, worship systems, institutions (like Gotul, dhumkudia) and humanistic social practices from any kind of destructive behavior. Sub-rule (11) of Rule 6 provides that the Gram Sabha can plan for the conservation and promotion of traditional knowledge and biodiversity keeping in mind their sustainable and sustainable use. Sub rule (9) of

Rule 6 further provides that the Gram Sabha can prevent alienation of lands in Scheduled Areas and it can prevent alienation of land belonging to any Scheduled Tribe and it can advice for taking an appropriate action for such preventing.

- 15** Mr. Thakur further submits that sub rule 10 of Rule 6 of the Rules, 2022 specifically empowers the Gram Sabha to protect the system of local cultural heritage such as such as places of deities, worship systems, institutions (like Gotul, Dhumkudia) and humanistic social practices from any kind of destructive behavior. A bare perusal of the hoardings installed in pleading demonstrate that the said hoardings are installed exercising the powers under PESA Act, wherein the Gram Sabha can protect its cultural heritage and traditional culture. It is mentioned in the said hoardings that the Scheduled Tribes residing in the village being illegally converted by alluring and tempting the tribal residing in the villages and thus causing harm to the local cultural heritage and tribal culture of the said Villages which is in complete violation of Rule 6 of the Rules, 2022 particularly sub-rule 10 of Rule 6 which specifically provides that Gram Sabha has powers to protect their local cultural heritage from any kind of destructive behavior. The hoardings installed by concerned Gram Sabha is only for the limited purpose of prohibiting only those Pastors of the Christian religion belonging to other villages who are entering the village for the purpose of illegal conversion of the tribal peoples and thereby destroying and local culture endangering the heritage of the tribal residing in the schedule area. The hoardings has been installed by the concerned Gram Sabha as a precautionary measures to protect the interest of indigenous tribal people and local cultural heritage which is in consonance with the PESA Act and Rules of 2022 as well as the provisions of the Act of 1993.

- 16** Mr. Thakur further submits that these petitions are not maintainable as the petitioners have directly approached this Hon'ble Court without availing the statutory efficacious alternative remedy as provided under Rules, 2022. Rule 14 provides that if any persons or Government Department is affected by the decision of the Gram Sabha it can appeal to the Gram Sabha and the Gram Sabha in turn may reconsider in the Gram Sabha meeting within 30 days. Sub rule (2) of Rule 14 further provides that if the Gram Sabha does not reconsiders or if any person is not satisfied with the decision of the Gram Sabha then he can prefer an appeal before the Sub Divisional Officer (Revenue). The petitioners are having the statutory efficacious alternative remedy to first approach the Gram Sabha for reconsideration of its decision and thereafter if the person is not satisfied with the decision of the Gram Sabha he can prefer an appeal before the Sub Divisional Officer (Revenue) but the petitioners without exhausting the remedy have filed these petitions in the nature of *pro bono publico* and therefore the same is not maintainable and thus deserves to be dismissed.
- 17** Rule 40 of the Rules, 2022 empowers the Gram Sabha to maintain public peace and tranquility in its area while keeping in mind the tradition of the community, spirit of the constitutional laws and relevant regulations. The action of the Gram Sabha is a a step to maintain public peace and tranquility in the village in respect to their tradition and cultural heritage. The entire Kanker District falls within the schedule area. Therefore, the provisions of the PESA Act, the PESA Rule of 2022 and the Act of 1993 would be applicable in the concerned villages. It is further submitted that earlier also disputes have taken place between the converted Christian and local tribals residing in the village in the Bastar Division wherein situation of law and order has been created for which

various FIRs had to be registered. In the year 2023, a large scale violence had taken place in District Narayanpur due to the issue of illegal conversion of tribals and endangering the tribal culture and heritage and wherein the Superintendent of Police of the District had also received grievous injuries in the said unlawful activities and law and order situation and various news item were published during that time.

- 18 Mr. Thakur further submits that in the erstwhile State of Madhya Pradesh, a law was enacted in order to prevent illegal conversion namely Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968 (*for short, the Act of 1968*) which has also been adopted by the State of Chhattisgarh. The said Act was enacted in order to provide for prohibition of conversion from one religion to another by use of force or allurement or by fraudulent means and for most incidental thereto. Section 3 deals with prohibition with forcible conversion which includes use of force allurement or any other fraudulent means. Section 3 of the Act, 1968 states that *no person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by allurement or by any fraudulent means nor shall any person abet any such conversion.* A bare perusal of the hoardings annexed at Annexure-P-1 shows that the Schedule Tribes residing in the villages are being allured for forcible conversion. What has been declared in the hoardings is already covered by the law/Act, 1968. Applying a hoardings which is in consonance of the constitutional law does not violate either Article 19, Article 21 or Article 25 of the Constitution of India. The constitutionality of the Rules, 1968 was challenged before the Hon'ble Supreme Court of India in the matter of ***Rev. Stanislaus v. State of Madhya Pradesh and Others*** reported in (1977) 1 SCC 677, on the ground that said Act is violative of the right

under Article 25 of the Constitution of India. The Constitutional Bench of the Hon'ble Supreme Court of India had uphold the constitutionality of the Act, 1968. In view of the observations made by the Constitution Bench of the Hon'ble Supreme Court in the said case, the installation of hoardings for preventing forcible conversion by way of allurements, fraudulent means or force cannot be termed to be unconstitutional. Article 19 of the Constitution of India is restricted or not absolute and there are reasonable restrictions on the exercise of fundamental rights and the rights guaranteed under the Constitution of India are subject to the reasonable restriction and have to be exercised in accordance with the other constitutionally framed laws.

- 19** Mr. Sangharsh Pandey, Mr. Anupam Dubey, Mr. B. Gopa Kumar (through Video Conferencing), Mr. Himanshu Pandey, Mr. Palash Tiwari, Mr. Rohit Sharma, Mr. Harshal Chouhan, Mr. Mahesh Kumar Mishra, Mr. Vaibhav P. Shukla, Mr. Vivek Kumar Agrawal, Mr. Jay Singh, Advocates for the respective respondents/Gram Panchayats have also made similar submissions as has been made by the learned State counsel. They also oppose this petition on the ground of availability of alternative remedy and that the action of the respondent/Gram Panchayat is well within the four corners of law.
- 20** Mr. Sangharsh Pandey, learned counsel for the respondent No. 7 and 8 {in WPPIL No. 83/2025} has drawn attention to Annexure R/1 which is a representation made by the villagers of village Kudal, Bhanbeda, to the Sub Divisional Officer (Revenue), wherein the tribal villagers have made a complaint against people belonging to the Christian community that they were luring the villagers on the pretext of curing their disease and were illegally converting them to Christian faith. Reliance is placed on Rule 6

sub-rule 10 of the Rules of 2022 which provides that the Gram Sabha shall have the right to protect the cultural heritage such as place of worship of God and Goddesses, the practice of worshipping etc. and to preserve the culture.

- 21** Mr. Harshal Chouhan, learned counsel for the respondent No. 7 {in WPPIL No. 86/2025} in addition to the above, submits that the petitioner has not approached this Court with clean hands. The petitioner has nowhere mentioned that he is holding the post of City President of the Chhattisgarh Janta Congress Jogi and has remained in the political activities mobilizing and instigating the unlawful agitation of the villagers against the State Government and in the past, as many as 6 FIRs have been filed against him.
- 22** We have heard learned counsel appearing for the parties, perused the pleadings and documents appended thereto.
- 23** In nutshell, the grievance of the petitioners are that they belong to the Christian community and the certain people of tribal areas are restraining them from entering the villages as they fear that the people of the Christian community would lure the other residents and convert them into their faith which in turn would ruin their old aged culture and heritage. The main grievance of the petitioners are that the people who are the local residents of the same village are also not permitted to enter their village merely on the ground that they practice Christian religion and they are not involved in preaching and professing the said religion.
- 24** Religious conversion has long been a sensitive issue in India's socio-political landscape. Among the various forms of conversion, those allegedly carried out by Christian missionaries among poor and illiterate tribal and rural populations have generated particular controversy. While

the Constitution guarantees every citizen the freedom to profess, practice, and propagate religion, the misuse of this liberty through coercion, inducement, or deception has become a matter of grave concern. The phenomenon of mass or motivated conversions not only disturbs social harmony but also challenges the cultural identity of indigenous communities. Missionary activity in India dates back to the colonial period, when Christian organizations established schools, hospitals, and welfare institutions. Initially, these efforts were directed at social upliftment, literacy, and health care. However, over time, some missionary groups began using these platforms as avenues for proselytization. Among economically and socially deprived sections, especially Scheduled Tribes and Scheduled Castes, this led to gradual religious conversion under the promise of better livelihoods, education, or equality. What was once seen as service became, in many cases, a subtle instrument of religious expansion. The menace arises when conversion ceases to be a matter of personal faith and becomes a result of inducement, manipulation, or exploitation of vulnerability. In remote tribal belts, missionaries are often accused of targeting illiterate and impoverished families, offering them monetary aid, free education, medical care, or employment in exchange for conversion. Such practices distort the spirit of voluntary faith and amount to cultural coercion. This process has also led to deep social divisions within tribal communities. Tribals converted to Christianity often adopt new cultural practices, distancing themselves from traditional rituals and communal festivals. As a result, villages become polarized, leading to tension, social boycotts, and sometimes even violent clashes.

- 25** It is undisputed that the impugned hoardings were installed by respective Gram Sabhas exercising powers under the PESA framework.

The State's circular dated 14.08.2025 primarily calls upon Gram Sabhas to preserve their traditional culture and social ethos. No material has been placed on record to indicate that the circular authorises discrimination against any religious group. The Gram Sabha is a constitutionally recognized body under the *PESA Act* and has been conferred specific powers to manage community resources and safeguard tribal traditions. These powers, however, must operate within the limits of the Constitution of India. The expression "right to propagate religion" under Article 25 of the Constitution, as interpreted in **Rev. Stainislaus** (supra), does not extend to converting another person through inducement, force, or fraudulent means. The *Act of 1968* prohibits such activities. Therefore, a general cautionary hoarding intended to prevent illegal conversion activities cannot, *per se*, be termed unconstitutional.

- 26** Article 25 of the Constitution ensures the freedom of religion, but this right is not absolute. It is subject to public order, morality, and health. Recognizing the potential misuse of this right, several states including Odisha, Madhya Pradesh, Gujarat, and Chhattisgarh have enacted anti-conversion laws. These laws prohibit conversion by force, fraud, or allurement. The Supreme Court, in **Rev. Stanislaus** (supra) has upheld the constitutional validity of such laws, ruling that the right to "propagate" one's religion does not include the right to convert another person. The challenge lies in balancing religious freedom with the protection of cultural and social integrity. For many tribal groups, religion is intertwined with their ancestral traditions and ecological worldview. Conversion disrupts this organic connection. The erosion of tribal faiths often results in the loss of indigenous languages, rituals, and customary laws. Moreover, newly converted individuals sometimes face rejection

from their original community, creating social isolation and fragmentation. Furthermore, religious conversion can also influence political representation. Since certain constitutional benefits, such as Scheduled Tribe or Scheduled Caste status, are linked with religion, conversion may alter demographic patterns and political equations, adding another layer of complexity. India's secular fabric thrives on coexistence and respect for diversity. Religious conversion, when voluntary and spiritual, is a legitimate exercise of conscience. However, when it becomes a calculated act of exploitation disguised as charity, it undermines both faith and freedom. The so-called "conversion by inducement" by certain missionary groups is not merely a religious concern, it is a social menace that threatens the unity and cultural continuity of India's indigenous communities. The remedy lies not in intolerance, but in ensuring that faith remains a matter of conviction, not compulsion.

- 27** Rule 129C of the Act of 1993 defines the powers and functions of the Gram Sabha. It states that in addition to the powers and functions contained in Section 7, the Gram Sabha in Scheduled Areas shall have the power to safeguard and preserve the traditions and customs of the people, their cultural identity and community resources and the customary mode of dispute resolution.
- 28** The petitioners have annexed photographs of the hoardings where message has been displayed by the Gram Sabha, Ghotiya that the Pastor and Padre of Christian faith are restrained from entering the village if they intend to organize any religious/conversion activities. There is no prohibition of any people belonging to Christian faith if they are residents of the said village as such, the apprehension of the

petitioners are unfounded that they are prohibited from entering their villages. The circular dated 14.08.2025 nowhere instructs or instigates either to install hoardings or to instigate the villagers to spread religious hatred against the members of the Christian community and the converted Christians. The same has been issued only for the purpose of protecting the traditional culture and heritage of the Scheduled Tribes Community.

- 29** The return filed by the respondent/State also states that there has been disputes between the local tribes and the converted Christians residing in the village in the Bastar Division and because of which FIRs had to be registered.
- 30** The constitutional validity of the Madhya Pradesh/Chhattisgarh Dharma Swatantrya Adhiniyam, 1968 was challenged before the Hon'ble Apex Court in **Rev. Stainislaus** (supra) wherein a Constitution Bench of the Apex Court observed as under:

"14. The common questions which, have been raised for our consideration are (1) whether the two Acts were violative of the fundamental right guaranteed under Article 25(1) of the Constitution, and (2) whether the State Legislatures were competent to enact them ?

15. Article 25(1) of the Constitution reads as follows:

"25(1) Subject to public order,' morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

16. Counsel for the appellant has argued that the right to 'propagate' one's religion means the right to convert a person to one's own religion. On that basis, counsel has argued further that

the right to convert a person to one's own religion is a fundamental right guaranteed by Article 25 (1) of the Constitution.

17. The expression 'propagate' has a number of meanings, including "to multiply specimens of (a plant, animal, disease etc.) by any process of natural reproduction from the parent stock", but that cannot, for obvious reasons, be the meaning for purposes of Article 25 (1) of the Constitution. The Article guarantees a right to freedom of religion, and the expression 'propagate' cannot therefore be said to have been used in a biological sense.

18. The expression 'propagate' has been defined in the Shorter Oxford Dictionary to mean "to spread from person to person, or from place to place, to disseminate, diffuse (a statement, belief, practice, etc.)"

19. According to the Century Dictionary (which is an Encyclopaedic Lexicon of the English Language) Vol. VI, 'propagate' means as follows :

"To transmit or spread from person to person or from place to place; carry forward or onward; diffuse; extend; as propagate a report; to propagate the Christian religion".

20. We have no doubt that it is in this sense that the word 'propagate' has been used in Article 25 (1), for what the Article grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets. It has to be remembered that Article 25 (1) guarantees "freedom of conscience" to every citizen, and not merely to the followers of one particular religion, and that, in turn, postulates that there is no fundamental right to convert another person to one's own religion because if a person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the "freedom of conscience" guaranteed to all the citizens of the country alike.

21. *The meaning of guarantee under Article 25 of the Constitution came up for consideration in this Court in Ratilal Panachand Gandhi v. The State of Bombay and it was held as follows:*

"Thus, subject to the restrictions which this Article imposes, every person has a fundamental right under our Constitution not merely to entertain such, religious belief as may be approved of by his judgment or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for the edification of others."

This Court has given the correct meaning of the Article, and we find no justification for the view that it grants a fundamental right to convert persons to one's own religion. It has to be appreciated that the freedom of religion enshrined in the Article is not guaranteed in respect of one religion only, but covers all religions alike, and it can be properly enjoyed by a person if he exercises his right in a manner commensurate with the like freedom of persons following the other religions. What is freedom for one, is freedom for the other, in equal measure, and there can therefore be no such thing as a fundamental right to convert any person to one's own religion.

22. *It was next been argued by counsel that the Legislatures of Madhya Pradesh, and Orissa States did not have legislative competence to pass the Madhya Pradesh Act and the Orissa Act respectively, because their laws regulate 'religion' and fall under the Residuary Entry 97 in List 1 of the Seventh Schedule to the Constitution.*

23. *It is not in controversy that the Madhya Pradesh Act provides for the prohibition of conversion from one religion to another by use of force or allurement, or by fraudulent means, and matters incidental thereto. The expressions "allurement" and 'fraud' have been defined by the Act. Section 3 of the Act prohibits conversion by use of force or by allurement or by fraudulent means and section 4 penalises such forcible conversion. Similarly, section 3 of the Orissa Act prohibits forcible conversion by the use of force or by inducement or by any fraudulent means, and section 4*

penalises such forcible conversion. The Acts therefore clearly provide for the maintenance of public order for, if forcible conversion had not been prohibited, that would have created public disorder in the States.

24. The expression "Public order" is of wide connotation. It must have the connotation which it is meant to provide as the very first Entry in List II. It has been held by this Court in Ramesh Thapper v. The State of Madras that "public order" is an expression of wide connotation and signifies state of tranquility which prevails among the members of a political society as a result of internal regulations enforced by the Government which they have established".

25. Reference may also be made to the decision in Ramjilal Modi v. State of U.P. (where this Court has held that the right of freedom religion guaranteed by Articles 25 and 26 of the Constitution is expressly made subject to public order, morality and health, and that

"it cannot be predicated that freedom of religion can have no bearing whatever on the maintenance of public order or that a law creating an offence relating to religion cannot under any circumstances be said to have been enacted in the interests of public order".

It has been held that these two Articles in terms contemplate that restrictions may be imposed on the rights guaranteed by them in the interests of public order. Reference may as well be made to the decision in Arun Ghoshe v. State of West Bengal where it has been held that if a thing disturbs the current of the life of the community, and does not merely affect an individual, it would amount to disturbance of the public order. Thus if an attempt is made to raise communal passions, e.g. on the ground that some one has been "forcibly" converted to another religion, it would, in all probability, give rise to an apprehension of a breach of the public order, affecting the community at large. The impugned Acts therefore fall within: the purview of Entry I of List II of the Seventh Schedule as they are meant to avoid disturbances to the public

order by prohibiting conversion from one religion to another in a manner reprehensible to the conscience of the community. The two Acts do not provide for the regulation of religion and! we do not find any justification for the argument that they fall under Entry 97 of List I of the Seventh Schedule.

26. In the result Civil Appeals No. 1489 and 1511 of 1974 and Criminal Appeal No. 255 of 1974 fail and are dismissed while Civil Appeals No. 344-346 of 1976 are allowed and the impugned judgment of the Orissa High Court dated 24 October, 1972 is set aside. The parties shall pay and bear their own costs, in Madhya Pradesh appeals. The State shall pay the respondent costs in the Orissa appeal according to previous direction.”

- 31** In view of the above observations made by the Apex Court, the installation of the hoardings for preventing forcible conversion by way of allurement or fraudulent means cannot be termed as unconstitutional. The hoardings appears to have been installed by the concerned Gram Sabhas as a precautionary measure to protect the interest of indigenous tribals and local cultural heritage.
- 32** Even otherwise, it is an admitted position that the petitioners have an alternative statutory remedy provided under the Rules of 2022. Rule 14 of the Rules of 2022 reads as under: Since the petitioners have an alternative remedy of approaching the Gram Sabha under Section 14(1) of the Rules of 2022 and if the petitioners are still aggrieved, they may file an appeal before the Sub Divisional Officer (Revenue) under Section 14(2) of the Rules of 2022, which the petitioners have not taken recourse to, we deem it appropriate to direct the petitioners to avail the statutory remedy before approaching this Court. Further, in case the petitioners have any apprehension that they would be restrained from entering their villages or any threat perception exists, they may seek protection from the police.

33 Both petitions challenge actions of Gram Sabhas functioning under the PESA Rules of 2022. Rule 14 thereof provides a statutory remedy to raise any grievance before the Sub-Divisional Officer (Revenue) after reference to the concerned Gram Sabha. In view of such alternative statutory remedy, we are not inclined to entertain these writ petitions directly under Article 226 of the Constitution.

34 In view of the foregoing discussion, both WPIL No. 83 of 2025 and WPIL No. 86 of 2025 are **disposed of** with the following directions:

- The petitioners are at liberty to avail the remedy under Rule 14 of the *Chhattisgarh PESA Rules, 2022* before the competent authority, if they so choose.
- In case the petitioner or any individual apprehend threat to life, liberty, or movement, they may seek protection from the jurisdictional police, which shall be considered in accordance with law.
- Interlocutory applications, if any, stand disposed of.
- Any observations made hereinabove, shall not prejudice the case of the petitioners, if they take recourse to the alternative remedy available to them and the same may be considered by the competent authority, in accordance with law, on its own merits.
- The security amount deposited by the petitioner(s) stand forfeited.

Sd/-
(Bibhu Datta Guru)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Manpreet / Amit

AMIT
KUMAR
DUBEY
Digitally signed by
AMIT KUMAR
DUBEY
Date: 2025.10.31
19:30:22 +0530

Head Note

A party must firstly exhaust the statutory alternative remedy available before approaching the High Court seeking redressal of any grievance.