

Prayer meetings in private homes: between religious freedom and public order: short notes on the decision of the High Court of Chhattisgarh of 31 March 2026

(20 May 2026)

On 31 March 2026, the High Court of Chhattisgarh¹ issued an order affirming the principle that no prior authorisation is required to organise prayer groups within one's own home.

This decision represents a limited but significant affirmation of religious freedom—albeit at a local level—in a federal state² which, although formally secular³, remains nonetheless marked by deep-seated discrimination linked to religious affiliation⁴, rigid social stratification and the persistent marginalisation of ethnic and religious minorities⁵.

The decision stems from the initiative of private owners of two adjacent plots of land in the Indian village of Godhna, who had been holding prayer meetings for Christian worshippers in their home since 2016. The Nawagarh police, having become aware of the situation, issued several notices under Section

¹ *High Court of Chhattisgarh, Badri Prasad Sahu and Another v. State of Chhattisgarh and Others*, WPC No. 1281 of 2026, Order of 24 March 2026, n. 2026:CGHC:13995 (available at www.verdictum.in/court-updates/high-courts/chhattisgarh-high-court/badri-prasad-sahu-v-state-of-chhattisgarh-2026cghc13995-law-prohibits-prayer-meeting-own-house-permission-1611145, with a commentary by Kanth).

Chhattisgarh is a federal state of India, located in the central-eastern part of the country, officially established on 1 November 2000 following its separation from Madhya Pradesh. According to the latest census in 2011, it is a state with one of the highest percentages of citizens of the Hindu faith (93.25%). In 2011, Christians accounted for 1.92% of the population (data available at <https://www.census2011.co.in/data/religion/state/22-chhattisgarh.html>). A new census is currently underway and will be completed in 2027 (further details at <https://censusindia.gov.in/census.website/en>).

² For further reading on Indian law—in relation to Italian legal doctrine and by way of a brief introduction—see D. Amirante, *La democrazia dei superlativi. Il sistema costituzionale dell'India contemporanea*, Napoli, 2019; ID., *India*, Bologna, 2007; A. Amirante – C. Decaro – E. Pföstl (eds.), *La Costituzione dell'Unione indiana. Profili introduttivi*, Torino, 2013; D. Francavilla, *Il diritto nell'India contemporanea: sistemi tradizionali, modelli occidentali e globalizzazione*, Torino, 2010 e V. Pedani, *Stato e religioni in India*, in *Studi Urbinati, A – Scienze giuridiche, politiche ed economiche*, vol. LXI, n. 45 (1992-1993), pp. 149-163.

³ In this regard, the preamble to the Indian Constitution expressly states that India is a “sovereign, socialist, secular, democratic” republic. Furthermore, Article 15, paragraphs 1 and 2, adds that “(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public”.

⁴ For further information on the relationship between religion and law in India, see C. Correndo – D. Francavilla, *Legislazione e diritti personali in India*, in *Quaderni di diritto e politica ecclesiastica*, n. 2, 2017, pp. 357-376 as well as G. Poggeschi, *I diritti fondamentali in India fra Costituzione Corte Suprema e diritto tradizionale*, in A. Amirante – C. Decaro – E. Pföstl (eds.), *La Costituzione dell'Unione indiana* cit., pp. 182-194 e F. Alicino, *Libertà religiosa e principio di laicità in India*, *ivi* pp. 195-221. On this subject, see also Id., *Nazionalismo e tradizione cultural-religiosa in India*, in *Coscienza e libertà*, n. 56, 2019 (<https://coscienzaeliberta.it/testimonianze/nazionalismo-e-tradizione-cultural-religiosa-in-india-francesco-alicino-n-56-anno-2018>).

⁵ For further information on discrimination based on religious affiliation, see L. Colella, *Fattore religioso, diritto e normazione in India, Pakistan e Bangladesh*, in *DPCE Online*, vol. 50, 2021, pp. 1675-1698.

94 of the Bharatiya Nagarik Suraksha Sanhita, 2023⁶, objecting to the lack of formal authorisation for the meetings to take place.

The petition (civil writ petition) was filed pursuant to Article 226 of the Constitution⁷, invoking a key provision of the Indian legal system which allows for direct recourse to the High Courts – generally courts of appeal for judgments handed down at first instance by the District Courts – in cases of violation of fundamental rights guaranteed by the Constitution. The petitioners alleged a violation of the rights protected by Articles 19 and 25 of the Constitution. Specifically, Article 19(1)(b)⁸ recognises the right of

⁶ Pursuant to section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023 “(1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed (a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891 (13 of 1891); or (b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority”.

The provision governs the so-called ‘Summons to produce a document or other thing’, that is, an order issued by a judge or a police officer requiring the production of a document, an electronic communication, a device containing digital evidence, or any other item, where this is deemed necessary for the purposes of an investigation or in court proceedings. In the present case, this instrument appears to have been misused by the Nawagarh police, with the sole aim of obstructing and preventing the holding of prayer meetings at the applicants’ home.

⁷ Article 226 of the Constitution – “(1) Notwithstanding anything in article 32 every High Court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrantor and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause, without (a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and b) giving such party an opportunity of being heard, makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

(4) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause of article 32”.

⁸ Article 19 of the Constitution – “(1) All citizens shall have the right (a) to freedom of speech and expression; (b) to assemble peaceably and without arms;(c) to form associations or unions or co-operative societies; (d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India; and (g) to practise any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-

citizens to assemble peacefully within the limits – set out in paragraph 3 – of respect for public order and the sovereignty and integrity of India. Similarly, Article 25 of the Constitution⁹ protects the right to freely practise one’s religion, subject to the requirements of public order, morality and public health.

In the present case, the activities carried out by the petitioners fell squarely within the scope of lawfulness defined by the aforementioned constitutional provisions, as they consisted of prayer meetings held in the living room of a private residence during which no disturbance or illegal activity took place.

In addition, the applicants contended that they had previously obtained a no-objection certificate from the Godhna Gram Panchayat¹⁰ to organise prayer meetings, which was subsequently revoked by that body under pressure from the police authorities.

In light of these considerations, the applicants sought the issue of a writ of mandamus to set aside the notices issued by the police authority, and also to order the respondents not to interfere in any way with the conduct of the lawful prayer meetings held by the applicants on Sundays and on special occasions.

In contrast, the respondents argued that criminal proceedings were pending against the applicants, also pointing out that the applicants had been detained in prison. They further contended that the applicants should have sought prior authorisation from the competent authority to organise prayer

clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, (i) the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business; or (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise”.

⁹ Article 25 of the Constitution – “(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, practice and propagate religion. (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus”.

¹⁰ Gram Panchayats are the basic local self-governing bodies in Indian villages, as provided for in Articles 243 et seq. of the Indian Constitution.

meetings at their home; in the absence of such authorisation, the Nawagarh police had issued the contested notices.

Although the decision is supported by a concise legal reasoning, it revolves around two key points. Firstly, the Court, adopting a descriptive approach, observes that, under current legislation, there are no provisions expressly prohibiting the organisation of prayer meetings in one's own home. This leads to the Court's second consideration, namely that no prior authorisation from a public authority is required for such activities, unless they violate a specific provision of law. In the event of a disturbance to public order¹¹, the authorities always have the power to take the necessary measures in accordance with the laws in force. Consequently, in application of these principles, the Court quashed the notices issued by the Nawagarh police, simultaneously ordering the aforementioned authorities not to interfere with the appellants' rights and not to harass them under the pretext of conducting investigations or in any other way.

In a context marked by profound religious discrimination, this ruling represents a clear reaffirmation of the constitutionally guaranteed freedom of religion. Although it does not directly affect current legislation, it is significant, within a common law system, as a precedent capable¹² of guiding the resolution of similar disputes and bringing preventive policing powers back within constitutional limits, thereby helping to mark a step – albeit a small one – towards the effective – and not merely formal – protection of the fundamental freedoms enshrined in the Constitution.

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¹¹ The ruling expressly mentions, amongst the circumstances constituting a disturbance of public order that may lead to a restriction of the right to religious freedom, noise pollution arising from religious ceremonies.

¹² It should be noted that the binding effect of this decision will be limited. It will be binding on District Courts falling within the territorial jurisdiction of Chhattisgarh, whilst for District Courts in other jurisdictions it will have merely persuasive force, unless it conflicts with a precedent of the respective High Court. As regards its horizontal scope, the High Court of Chhattisgarh may depart from it, as it is not a principle of law established by the full bench. Finally, the decision will not be binding on other High Courts, as bodies of equal rank, although it will nevertheless have considerable persuasive force.