



Supreme Court of India
Shafin Jahan vs Asokan K.M.
CRIMINAL APPEAL NO. 366 of 2018

Shafin Jahan

...Appellants

vs

Asokan K.M. & Ors.

...Respondents

Judgment Summary and Analysis

The Supreme Court's decision in *Shafin Jahan vs. Asokan K.M.* marks a seminal moment in the protection of personal liberties in India. The case underscored the tension between individual rights and societal or familial expectations.

Autonomy and Rights: The Court reaffirmed that every adult individual possesses the absolute right to make personal life choices, including the right to marry and convert to a religion of choice. It condemned the Kerala High Court's paternalistic approach, emphasizing that judicial overreach undermines constitutional guarantees of liberty and equality.

Scope of Habeas Corpus: By annulling the marriage through a habeas corpus petition, the High Court overstepped its jurisdiction. The Supreme Court clarified that such petitions are limited to determining illegal detention, not adjudicating personal relationships or questioning the validity of marriages.

Parens Patriae Doctrine Misuse: The Court criticized the High Court's invocation of the parens patriae doctrine to justify its actions. It held that the doctrine is reserved for protecting those unable to make decisions for themselves, such as minors or individuals with disabilities—not capable adults exercising their autonomy.

The judgment not only rectified the specific wrongs in Hadiya's case but also served as a powerful precedent against undue interference in matters of personal liberty by state or judicial authorities. It highlighted the



judiciary's role in championing constitutional freedoms over regressive social norms.

Honor Crimes: The Court's Observations

Although the case primarily dealt with individual rights, the broader theme of honor and autonomy was pivotal:

1. **Rejection of Familial Control:** The judgment implicitly addressed honor-driven familial opposition to personal choices, marking a strong stance against such coercion.
2. **Constitutional Safeguards:** The Court's recognition of personal liberty and autonomy serves as a judicial shield against acts disguised as protecting familial or societal honor.
3. **Precedent for Honor Crimes:** By setting aside patriarchal interventions, the judgment contributes to the growing jurisprudence against honor crimes, promoting the right to live with dignity and freedom from oppressive traditions.

This judgment is not just a defense of Hadiya's rights but a broader declaration of constitutional principles safeguarding individual freedoms in the face of societal and familial pressures.

Case Brief

Facts and Procedural History

- Hadiya, born Akhila Asokan, converted to Islam and married Shafin Jahan, triggering a legal dispute led by her father, Asokan K.M.
- Asokan filed a habeas corpus petition in the Kerala High Court, claiming Hadiya was indoctrinated and coerced into marriage.
- The High Court annulled the marriage, invoking the *parens patriae* doctrine, and placed Hadiya in her father's custody.
- Shafin Jahan appealed to the Supreme Court, challenging the annulment as unconstitutional and asserting Hadiya's autonomy.

Issues

1. Whether the Kerala High Court erred in annulling a marriage through a habeas corpus petition.
2. Whether Hadiya, an adult, could independently exercise her right to marry and convert.
3. The scope of judicial review in cases involving personal liberty and marriage.

Arguments

- **Appellant (Shafin Jahan):** Asserted Hadiya's right to personal liberty under Articles 19 and 21 of the Constitution, emphasizing that the High Court exceeded its jurisdiction.
- **Respondent (Asokan K.M.):** Argued that Hadiya was brainwashed and needed parental protection to prevent exploitation, warranting the Court's intervention.

Court's Judgment

- The Supreme Court set aside the Kerala High Court's decision, emphasizing that the right to marry is an intrinsic facet of personal liberty.
- The Court upheld Hadiya's autonomy and liberty, holding that the annulment of marriage by the High Court was unwarranted.

Ratio Decidendi

- The right to marry and practice a religion of choice is protected under Articles 19 and 21 of the Indian Constitution.
- Courts cannot interfere with the exercise of individual autonomy unless it contravenes valid legal provisions.

Obiter Dicta

- The judiciary's role in safeguarding personal liberties must align with constitutional values, ensuring no intrusion into fundamental rights under the guise of paternalistic intervention.

Concurring/Dissenting Opinions

- The judgment was unanimous, delivered by Chief Justice Dipak Misra and Justice A.M. Khanwilkar.