

KERALA CONVERSION CONTROVERSY- SUPREME COURT DIRECT PRODUCTION OF HADIYA IN COURT

The Hon'ble Supreme Court in *State of Kerala v. Asokan KM*¹ has directed that Hadiya be produced before the apex court to give her an opportunity to express her opinion as to her marriage and conversion. In the initial hearings with respect to the Hon'ble Kerala High Court's judgment in the case the Hon'ble Supreme Court had expressed its displeasure at the annulment of a marriage by a High Court exercising writ jurisdiction under Art. 226 of the Constitution.

Further, three applications have been filed before the Supreme Court demanding the Applicants' impleadment as respondents in the Hadiya case and seeking an investigation by the National Investigation Agency into incidents of alleged 'Love Jihad'.

One of the applications has been filed by Ms. Bindu Sampath, whose daughter Nimisha had allegedly converted to Islam, married a Muslim and went missing in 2016 to join the ISIS.

Another application has been filed by one Ms. Sumati Arya from Maharashtra, who was allegedly forced to be converted to Islam by her father and her husband. She claims to have "first-hand knowledge and experience of the techniques" used for such conversions and submits, "All of these need to be properly investigated as they are all following a common pattern and modus operandi – where a heartless strategy of luring vulnerable girls to convert to Islam by feigned love and promises of marriage."

A third application has been filed by three Advocates — Ms. Sheela Devi, Ms. Keerthi Solomon and Mr. Vishnu Jayapalan — intending to bring to the notice of the Court "*the circumstances in which the impugned Judgment was passed and also what happened after passing of the impugned Judgment*".

The application, thereafter, submits, "There is a concerted effort to threaten and dissuade Judiciary in the State from giving justice to persons like the 1st Respondent. Lawyers who are involved in such cases feel insecure. The state police has failed to properly investigate the matter. This is a fit case for an investigation by the National Investigation Agency."

During the last hearing the Hadiya case took an altogether new twist with the Supreme making it clear that a 24 year old girl, an adult, cannot be held hostage by her father against her wishes and the Learned CJI Dipak Misra led bench categorically stating examine if a High Court under Article 226 can quash a marriage.

¹ WP(Crl.).No. 25 of 2016. (Order Dated 30.10.2017)