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SHAFIN JAHAN V. ASOKAN K. M. (2018): SUPREME COURT'S PROTECTION OF ADULT AUTONOMY AND PRIVACY

-Vanshika Chauhan

The Supreme Court in *Shafin Jahan v. Asokan K.M.* (9 April 2018) decisively restored Hadiya's marriage, held that a competent adult's choice of religion and spouse is protected under Articles 21 and 25, and restricted the High Court's use of habeas corpus and parens patriae to cases of proven incapacity or illegal detention.¹

1. ABSTRACT

*This case commentary analyses **Shafin Jahan v. Asokan K.M. (2018)** and explains how the Supreme Court reaffirmed the constitutional protection of adult autonomy, dignity, and freedom of conscience under Articles 21 and 25. The note outlines the facts and procedural history, clarifies the limited scope of habeas corpus and parens patriae when applied to competent adults, and highlights the decision's practical implications for future habeas corpus litigation, criminal investigations, and the protection of intimate choices. The commentary concludes that the ruling curbs judicial paternalism while insisting on rigorous evidentiary standards where coercion or incapacity is alleged.*

2. INTRODUCTION

This commentary offers a comprehensive and detailed examination of the landmark case *Shafin Jahan v. Asokan K.M.* (2018). It delves into the key facts of the case, traces its procedural history, and highlights the Supreme Court's reasoning for its decision. The analysis explores how this case fits within the broader context of jurisprudence concerning Article 21, which guarantees the right to life and personal liberty, and Article 25, which pertains to freedom of religion in India. Additionally, this

¹ *Shafin Jahan v. Asokan K.M.*, (2018) 16 S.C.C. 368 (India)

commentary discusses the practical implications of the ruling, particularly concerning future habeas corpus cases and disputes regarding personal autonomy in India. The evaluation draws upon the Supreme Court's reasoned judgment as well as contemporary reports detailing the operative order, providing a well-rounded perspective on this significant legal decision.

3. FACTS AND PROCEDURAL HISTORY

Akhila (Hadiya), a 24-year-old woman, embraced Islam and wed Shafin Jahan. Her father, Asokan K.M., submitted habeas corpus petitions to the Kerala High Court, claiming coercion, radicalization, and the possibility of her being taken overseas. The Kerala High Court granted the petitions, utilized what it referred to as *parens patriae* jurisdiction, annulled the marriage, and ordered that Hadiya be returned to her parents' custody while initiating a thorough investigation. Hadiya spent several months in her father's custody against her own expressed desires.

The Supreme Court approved a special leave, met with Hadiya in person on 27 November 2017, and eventually considered the appeal. The Court's conclusive orders (9 April 2018) overturned the High Court's annulment and custody instructions, reinstated the marriage, and defined the boundaries of habeas corpus and *parens patriae* when concerning capable adults.

4. ISSUES PRESENTED

- I. Whether habeas corpus proceedings can be used to annul the valid marriage of a competent adult.**
- II. Whether courts may invoke *parens patriae* to place a capacitated adult under parental custody based on vulnerability alone.**
- III. How Articles 21 (life and personal liberty) and 25 (freedom of conscience) protect an adult's choice of religion and partner.**

5. THE SUPREME COURT'S REASONING

The Court's logic is based on three interconnected principles:

- **Limited scope of habeas corpus.** Habeas corpus serves as a legal remedy to obtain release from unlawful detention; it should not be expanded into a tool for invalidating consensual adult marriages in the absence of credible evidence of illegal custody. The Court underscored that the purpose of the writ is to challenge the legality of detention, not to replace judicial judgment with adults' independent choices.

- **Constraints of parens patriae.** Parens patriae applies to minors and individuals with established incapacity. The Kerala High Court was mistaken in equating vulnerability with incapacity. The Supreme Court insisted on requiring evidentiary proof of incapacity before a court can take protective custody or overturn an adult's decisions. This legal position safeguards adult autonomy from paternalistic interference.
- **Autonomy, dignity, and freedom of conscience.** The Court framed its ruling within the larger constitutional guarantees of personal liberty and dignity under Article 21, as well as freedom of conscience under Article 25. It determined that an informed adult's decision to convert and marry constitutes a fundamental intimate choice protected by the Constitution; in the absence of evidence of coercion or unlawful detention, such decisions must be honored. The Court permitted criminal investigations to continue but clarified that such investigations do not justify the annulment of consensual actions.

6. DOCTRINAL CONTEXT AND PRECEDENTS

While the ruling is more of a command than an extensive theoretical discourse, it corresponds with the principles of privacy and autonomy expressed in Justice K.S. Puttaswamy v. Union of India.² (with privacy being fundamental to Article 21). Shafin Jahan applies the Puttaswamy principles within the context of family and religious choices by safeguarding personal decisions from intrusive judicial oversight. Furthermore, the ruling refines the jurisprudence surrounding habeas corpus by reaffirming its remedial limits and requiring evidence before applying protective legal doctrines.

7. CRITICAL EVALUATION

Strengths. The ruling strongly upholds individual dignity and autonomy. It restricts the misuse of writ jurisdiction for social control, prevents courts from serving as surrogate guardians for capable adults, and upholds freedom of conscience. The Court's personal engagement with Hadiya and its emphasis on evidentiary standards indicate a rights-defending stance against patriarchal assertions.

Limitations and Practical Concerns. The judgment leaves unresolved complex, fact-sensitive issues. When there are credible allegations of trafficking, coercion, or criminal conspiracy, the State is required to conduct a thorough investigation; the Court's ruling does not exempt such actions from criminal examination. In practice, accurately

² K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 (India)

distinguishing between coercion and voluntary conversion and marriage necessitates careful, unbiased fact-finding by investigative bodies and trial courts. Moreover, there is a high cost of delays and the irreversible loss of liberty experienced by Hadiya during the High Court's custody order, a cautionary reminder of the human repercussions of judicial paternalism.

8. IMPLICATIONS FOR FUTURE LITIGATION AND PRACTICE

- **In habeas corpus cases:** Both litigants and courts need to define and evaluate claims solely in relation to detention and capacity; attempts to invalidate adult decisions will encounter significant evidentiary requirements.
- **Regarding autonomy claims:** The case of *Shafin Jahan* serves as a key precedent for invoking Article 21 and Article 25 in defense of personal choices, particularly in the realms of interfaith relationships and conversion.
- **For investigators and trial courts:** Authorities must find a balance between protecting rights and conducting criminal investigations: while inquiries can proceed, they must not be used as a justification to strip competent adults of their freedom without adequate evidence.

9. CONCLUSION

Shafin Jahan v. Asokan K.M. is a pivotal correction to judicial paternalism: it reinstates the importance of competent adult autonomy, clarifies the limitations of habeas corpus remedies, and grounds protections for intimate choices in Articles 21 and 25. The ruling bolsters constitutional safeguards for dignity and conscience while reminding courts and investigators that the protection of rights necessitates both evidentiary thoroughness and an understanding of the real-life experiences of those whose freedoms are at risk.