

IN THE SUPREME COURT OF INDIA

SLP (CrI) No. 5777 of 2017

SHAFIN JAHAN

...PETITIONER

VERSUS

ASOKAN K.M AND OTHERS

...RESPONDENTS

ADDITIONAL AFFIDAVIT BY THE RESPONDENT NO.1 IN

RESPONSE TO THE COUNTER/REPLY OF THE 7th and 8th

RESPONDENTS

I, Asokan K.M., aged 57 years S/o. Mani, residing at Karattu (Devi Kripa) house, T.V. Puram P.O, Vaikom, Kottayam district, do hereby solemnly affirm and state as follows:

1. That I am Respondent No.1 in the above mentioned Special Leave Petition. I am filing the above additional affidavit in response to the Counter/Reply Affidavits filed by the Respondent No. 7 and 8 in the above Special Leave Petition (SLP). At the present stage, I am not responding paragraph wise to the contents of the above counter and therefore no statement, allegation, or averment not specifically denied is to be deemed to be admitted by me unless specifically admitted herein. I reserve my right to file a more detailed affidavit to the present Counter/Reply Affidavits at a later stage, if so advised.
2. It is humbly submitted that the wordings, contentions as well as nature of allegations made against me are common in all respects in the Counter/Reply Affidavits of the Respondent No. 7 and 8 and as such I am submitting this additional affidavit to resist all the contentions raised by the Respondent No. 7 and 8 in their Counter/Reply Affidavits. For the sake of

brevity, I crave leave to refer and rely upon the documents filed on my behalf to the SLP.

3. Now the Respondent No. 7 and 8 have come forward with these affidavits at a highly belated stage when the other parties have already completed their pleadings. The Respondents have all of a sudden woken up from their slumber apparently because of the investigation by the NIA (National Investigation Agency) directed by this Court appears to have unveiled shocking revelations of the activities of these Respondents. Moreover, the activities of these Respondents aimed at shredding the secular and multicultural fabric of our country have been further exposed by sting operations by various national news television channels that stand uncontroverted. Transcripts of such sting operations have been filed on my behalf in CrI.M.P. No. 124312 of 2017. The contentions of these Respondents in their belated affidavits are in response to the findings of the NIA before this Hon'ble Court. By filing their respective Counter Affidavits, the Respondent No. 7 and 8 have made a failed attempt to show that they are only engaging in "religious and charitable" activities which is simply a charade to conceal the nefarious and illegal activities of indoctrination, brainwashing and radicalization being done by them through an organized and systematic apparatus. The Respondent No. 7 and 8 are nothing but a front for PFI/SDPI and/or agents thereof, just as the Petitioner is. Each one has played a role in engineering the deep and diabolical brainwashing of my daughter with an intent to traffic her out of the country to ISIS territory. My daughter is not the only victim. There are several others, some of whom such as Nimisha (aka Fathima), Merin (aka Mirriam), Aparna (aka Shahana), Bexin (aka Issa), Bestin (aka Yahiya), Sonia (aka Ayisha) who have already been trafficked out after being fed with extremist propaganda. Recently, similar methods have also been used by Boko Haram in Nigeria in which the

captors kidnapped girls from schools and impregnated them. Now, they have declined to meet their parents from whom they were kidnapped. Such is the power of indoctrination and psychological brainwashing by extremist elements. Respondent Nos. 7 and 8 have been steeped in a diabolical plan to identify and trap vulnerable youth, lure them into conversion and finally lead them out to ISIS territory to further the latter's agenda. But for the High Court's intervention, my daughter would have met the same fate as persons such as Nimisha, Bexin, Bestin and several other missing youth that have fled to ISIS training camps. Recently, a victim narrated her ordeal to a news channel wherein she stated that she was forcefully converted to Islam at Respondent No. 7 Institution where she was also threatened to not disclose anything that she went through or else they would harm her children. It appears to be a case in which she was forcefully converted for a sex racket with PFI also involved in the same. It is inexplicable how such highly educated young adults abandon not only their religion but families, education and career prospects to join an extremist agenda in a foreign country by risking their own lives. My own daughter was put on the same path and but for intervention of the High Court, she would have met the same fate.

4. It is humbly submitted that the contentions of the Respondents that Akhila was in the custody and house arrest of the father is an uncharitable one. As the Hon'ble High Court of Kerala had found that Akhila was influenced and indoctrinated and the story of marriage was a subterfuge in order for Respondent No. 8 herein to retain illegal custody of Akhila, the Hon'ble High Court by a well-considered judicial pronouncement gave her to her father's custody. The fact that she was under house arrest is completely false and concocted. The temporary residence of Akhila as an interim

arrangement in the SNV Sadanam cannot be treated as confinement as well as contended by these Respondents. The correct sequence of facts in pursuance of which the said order dated 21.12.2016 was passed is as follows:

On 21.12.2016, Akhila appeared before the Hon'ble High Court with a complete stranger, the Petitioner herein who was described as her "husband". It was stated by the senior counsel representing her that she had married him on 19.12.2016, allegedly in accordance with Muslim rites at the house of Respondent No.8, in the presence of guests and relatives of both the families. The Hon'ble Court was naturally suspicious about the genuineness of the marriage certificate which is said to have recorded the presence of both families and records the name of the bride as "Hadiya, daughter of Akhil Asokan". Akhil Asokan is not my name and the description makes no sense. It became apparent that the Petitioner had been brought in as the alleged husband of Akhila as a ploy to prevent the Hon'ble Court from passing further orders in the interest of Akhila. It is significant that on the previous occasion, the Hon'ble High Court expressed its intention to pass orders so as to ensure the admission of Akhila to a ladies hostel where she could complete her medical education. Further, the Hon'ble Court had expressed its discomfiture at Akhila continuing to stay with Respondent No. 8, a complete stranger with very few obvious sources of income. At no stage hitherto, had Akhila expressed any desire or intention to be married in the near future, much less on the very day the Court had passed its order. No mention whatsoever was made of the existence of the Petitioner in her life and it is clear that he too was a complete stranger whose antecedents had not yet been verified. It is clear that the Petitioner who is supposed to have been selected from an online marriage portal, was brought into the picture only to defeat further orders of the Court by which Akhila would be able to

complete her education and be freed from the clutches, custody and control of Respondent No.8 and Respondent No.7, who are part of well-oiled network to entice unsuspecting and impressionable youth. It is also significant that the Petitioner claimed to be employed in the Gulf and was “desirous of taking the detenué out of the country”. He was supposed to leave India on 10.01.2017. This is the very apprehension that I expressed in my writ petition. The so-called marriage was a complete fraud and subterfuge adopted to defeat the administration of justice and in all probability and likelihood, transport/traffic her out of the country. Her changed identity, adoption of multiple and constantly changing names, coupled with the adoption of *parda*, would make her untraceable and she could very easily be transported out of the country by being made to obtain a new and dubious identity. The Hon’ble High Court acted in the interest of Akhila by ordering an investigation into the education, family background and antecedents of the Petitioner as also the circumstances surrounding the marriage, the persons and organisation involved therein and their antecedents as also any links with extremist organisations. In the meantime, Akhila was thus, directed to be escorted to an accommodation at a hostel in Ernakulam. Further, some women activists and one or two media persons came to my house during her stay along with me only for publicity. The Hon’ble High Court was compelled to direct round the clock security in and around my home not only for Akhila but for my wife and myself on account of serious threat perception from the elements backing Respondent No. 7 and 8 and the Petitioner. Several times, attempts were made to breach security by persons obviously sent at the behest of the PFI/SDPI and their agents. Also, the said elements were seeking to conduct a trial by media and violate the privacy of my family.

5. It is humbly submitted that Respondent No. 7 is not a charitable trust and it is only an illegal conversion centre with the aid and support of terrorist and extremist outfits who are pumping money for disrupting India's secular society and composite culture with the ultimate aim to convert it into an "Islamic State". The 7th Respondent institution is a Popular Front of India (PFI) sponsored organization and the 8th Respondent is the National President of women's wing of PFI. The 7th and 8th Respondents are trapping innocent people by casting aspersions over religions other than Islam and suppressing the noble tenets of Islam. Akhila when she met the media persons while she was brought to this Hon'ble Court said that she was living along with the persons (parents) whom she hated. This incident among many others, indicates the depth of indoctrination and brain washing that Akhila has been subjected to by the Respondent No. 7 and 8. The Conduct of Akhila is no surprise after what she has been subjected to. Similar kinds of methods have been used on other victims including Sonia Sebastian (aka Ayisha) who despite being a Roman Catholic and being highly educated with MBA and engineering degrees decided to convert and become a part of the ISIS network by fleeing to ISIS territory along with her infant daughter. Similar is the case of Nimisha, Aparna, Bexin, Bestin as mentioned above and several other young educated adults from the state of Kerala. The submission of Respondent No. 7 and 8 that Akhila is living with her parents under house arrest is absolutely fallacious and devoid of any substance. The fact that Respondent No. 7 and 8 are levelling such allegations shows that both these Respondents have vested interests and are merely not just an institution or counsellor/social activist as they claim to be respectively
6. It is submitted that the fact that Islam is the second largest religion in the world and that crores of people all over the world believe in it and practice

the said religion has no relevance to the present case whatsoever. The present case concerns how a vulnerable individual has been trapped and indoctrinated by a well-oiled machinery involving Respondent No. 7 and 8, how strangers completely took charge of a 24-year-old woman as her 'guardian' and how when it became difficult to justify why strangers were taking so much interest in her, a sham marriage was arranged as a device to transport Akhila out of the country. The attempt to pass this story off as a simple case of conversion and marriage to a Muslim youth is far from the truth. I have never contended that people all over the world have embraced Islam due to brainwashing or indoctrination. It is submitted that all such absurd and irrelevant statements have been made to purportedly give a communal angle to the present case which is absolutely unacceptable and untenable. In my view, it is submitted that all such organizations, regardless of religion, that carry out such nefarious and illegal activities have to be strictly dealt with and appropriate action has to be taken against of all such organizations/individuals. On 28.08.2016, Respondent No.8 filed an affidavit in which she described herself as *inter alia* the President of the National Women Front which happens to be the women's wing of the PFI. She also describes her religious duty to convert others and the obligation of every Muslim to invite people to the fold of Islam. She also proceeds to give a discourse on how 'sin' leads to the 'hell fire'. This is significant because it becomes clear that she has deeply brainwashed not only my daughter but other innocent young women with the same beliefs and the said young women despite being well educated have parroted the need to be salvaged from 'sin' and 'hell fire'. Akhila as well, has parroted the same views of Respondent No. 8 as is clear from her statement to the police and affidavits filed by her. Akhila has been very deeply brainwashed and indoctrinated through psychological means *inter alia* adopted by Respondent No. 7 and 8

is apparent. The confinement of Akhila in the Respondent No. 7 institution and/or at the home of Respondent No. 8 away from the family and friends and otherwise familiar surroundings created a conducive environment for such brainwashing/coercive persuasion which works in a highly sophisticated and systematic manner. With respect to the aforementioned, I crave leave to refer and rely upon the SLP and the documents filed on my behalf in the present SLP.

7. It is humbly submitted that Akhila did not approach Respondent No. 7 for studying Islam. Akhila had already been duped by another couple earlier in point of time and made her to swear before a notary advocate to the effect that she had become a Muslim and had adopted the name 'Aas/ya'. Please note through various documents, it is revealed that Akhila has changed her name at least thrice (Adhya, Adhiya and Hadiya) after the above affidavit. As there was news about human trafficking to Islamic States, the said couple abandoned her and disappeared. Even though these aspects were also brought to the notice of the police, they did not care to investigate into it. Knowing this situation, the roommates of Akhila in Salem, Jaseena and Faseena brought her to their father, Mr. Aboobacker who eventually took her to the Respondent No. 7. The Respondent No. 7 along with Respondent No. 8 made Akhila swear another affidavit and fabricated documents that she had embraced Islam. The above instances were not of "voluntary conversion". So, the conversion of Akhila cannot be described as an act protected under Article 25 of the Constitution of India.
8. It is humbly submitted that the contentions of these Respondents that I have attempted to tarnish the religion of Islam is absolutely ludicrous. It is absurd for Respondent No. 7 and 8 to suggest that a poverty stricken ex-armyman

abandoned by his only daughter can tarnish the mighty religion being practiced all across the world. The role of the Respondent No. 7 and 8 in the entire network that have misled several other women like my daughter, Akhila is clear from their conduct. These Respondents have been involved right from getting affidavits drafted in the name of Akhila, isolating my daughter from the rest of the world, instilling the fear of 'sin' and 'hell-fire' to conducting a fake marriage by giving her to an individual with antecedents and links with ISIS recruits in order to take her away from the Court directed protective custody instead of permitting her to complete her house surgeoncy and becoming a full-fledged doctor. I have no objection in Akhila believing in Islam but I cannot even dream of my daughter being transported to Syria under the guise of sheep rearing to be a sex slave of the terrorists. It is only obvious, inter alia, from the Facebook posts of the Petitioner that he was in touch with ISIS recruiters.

9. It is humbly submitted that all the affidavits sworn by Akhila in all the proceedings before the Hon'ble High Court at different stages and different proceedings are nothing but the words of Respondent no 7 and 8 herein. She was reduced to be a mere puppet in the hands of the Respondent No. 7 and 8. They got the affidavits of Akhila manipulated in such way so as to wriggle out of their criminal liabilities of abduction, fraudulent conversion, fabrication of false documents etc. Respondent No. 7 and 8, while quoting Article 25 have omitted and failed to consider the beginning part of sub clause 1 of Article 25 of the Constitution. To say the least as to this is unfortunate. The sheer ignorance on part of the Respondent No. 7 and 8 of this relevant portion shows their complete disregard to the caveats u/Art. 25 and the acts of the Respondent No. 7 and 8 fall foul of the exceptions to the rights enjoyed u/Art. 25. Article 25 (1) reads as follows:

“Article 25 (1) Freedom of conscience and free profession, practice and promulgation of religion – (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 right to freely to profess and propagate religion.”

10. It is humbly submitted that while the earlier writ petition of mine was considered by the Hon’ble High Court, the willful intention of the Respondent Nos. 7 and 8 to transport Akhila to Syria/ISIS territory was not within my knowledge and as such the same could not be brought to the notice of the Hon’ble High Court. The Hon’ble High Court disposed the writ petition under the belief that Akhila was mentally fit and not under undue influence, indoctrination and in a brainwashed state of mind. Only thereafter I came to know from my daughter’s own words that she had plan of rearing sheep in Syria. So, I immediately rushed to the Hon’ble High Court and moved the court through a writ of Habeas Corpus and got the said attempt stalled. Only because of the interim order passed by the Hon’ble High Court my daughter is now still in this country. The second writ petition was filed on a fresh cause of action and the same is perfectly maintainable. It is well settled that the principles of res judicata is not applicable in Habeas Corpus proceedings.
11. It is humbly submitted that when this case for consideration before the other benches of the Hon’ble High Court of Kerala, the subterfuge played by the Respondent No. 7 and 8 had not come out but when there were clear attempts to stall the proceedings and interfere the administration of justice, the inextricable role in the organized apparatus stood exposed. So, the other benches did not have occasion to pass a judgment as the impugned judgment herein. The eagerness of the Respondent No. 7 and 8 to keep Akhila under

their clutches is writ large in the contentions throughout their affidavits. The Respondents No. 7 and 8 are fearful because due to passage of time if Akhila changes her mind when she realizes all kinds of subterfuges played by the Respondent No. 7 and 8 on her, their illegal and nefarious activities would stand exposed.

12. It is humbly submitted that the interim orders passed by the Hon'ble High Court on various occasions have not got a separate existence or bearing over any other situation. Those interim orders had already merged with the impugned judgment. The NIA has already found that the alleged marriage is a subterfuge and it is not an arranged marriage through the matrimonial website named Way to Nikkah. While the case was pending consideration before the High Court, the local police did not conduct the investigation of the case seriously as well as the illegal and criminal activities of the Respondent No. 7, 8 and the Petitioner herein in spite of the specific directions issued by the Hon'ble High Court. The Hon'ble High Court expressed its dissatisfaction over the inaction on the part of the police and recommended to initiate disciplinary proceedings against the police officer who disobeyed the direction of the Court. I crave leave to make further submissions once the contents of the NIA Report are made available to me.

13. It is humbly submitted that all the allegations raised against the PFI/SDPI (Popular Front of India/Social Democratic Party of India) are well founded and true and correct. The 8th Respondent had never denied that she is the National President of the National Women Front, the women's wing of PFI. The 7th Respondent is the organization constituted and being run by PFI. The unusual and exceedingly unusual interest shown by the 7th and 8th

Respondents itself show that the PFI and SDPI are behind the illegal conversion of Akhila in to Islam, attempt to transport her to Syria, the conducting of fake marriage etc. The PFI had collected more than Eighty Lakhs rupees for conducting the case before this Hon'ble Supreme Court. A true photocopy of the letter showing the amounts collected district wise is produced herewith and marked as Annexure The reason for Respondent No. 7 and 8 to take exceedingly unusual interest in conducting the case before High Court and before this Hon'ble Court is that in case this Hon'ble Court finds that the conversion of Akhila is shrouded in mystery, the marriage is fake etc. the same would be a great blow to Respondent No. 7 and 8 which would work as a clear impediment to illegal conversions and other unscrupulous and notorious activities that the said Respondents are doing regularly and on a considerable scale. Respondent No. 7 and 8 are comprehensively and effectively representing PFI and SDPI in all these proceedings and are funded by them. So, there is no bar in making allegations against PFI/SDPI for which Respondent No. 7 and 8 are trying their level best to defend. Further, the Kerala Government seem to be taking no action against them despite the fact that the Kerala Government in a counter affidavit filed before the High Court by the Dy. Secretary (Home) has drawn attention to connections between PFI and banned outfits such as Hizbul Mujahideen, Lashkar-e- Taiba and Al Qaida. It also stated that PFI was SIMI in a new form. Way back in 2010, the Chief Minister of Kerala, Mr. Achuthanandan had stated that PFI sought to make Kerala a Muslim majority state through marriage and money. The current Chief Minister, Mr. Vijayan had supported the said position. After the expose in the sting operation, The DGP (Director General of Police), Kerala had reportedly instructed the ADGP to collect details of the news reports on the findings. During the DGP meet in January 2018, the DGP of Kerala had given a

presentation, 'Radicalization: PFI, A case study'. Despite of such developments, it appears that no concrete steps have been taken so far by the State Government of Kerala.

14. It is humbly submitted that I crave leave to refer and rely on the Counter Affidavit and other affidavits filed on my behalf as answers to the contentions of the Respondent No. 7 and 8 in their separate counter affidavit/reply. The Respondent No. 7 and 8 are vehemently contending that there is no indoctrination, brain washing etc. Such contentions were not raised before the Hon'ble High Court and before this Hon'ble Court in proper time. The justification offered by these Respondents for the delay is absolutely untenable. Almost each and every aspect of the proceedings in this case have been covered extensively by the media at the state, national as well as the international level. Now it appears that they have come to know that their entire scheme and organized apparatus for committing such illegal acts have been exposed by the NIA and as such there is every chance of prosecution against them and through the belated reply affidavits they are trying to set up a defence case by posing as secular, socialists and nationalists. It is submitted that Respondent No. 7 and 8 are part of an extremely dangerous network that threatens to tear asunder the secular fabric of the Indian society and cause social unrest.
15. India Today, a News Channel had brought the illegal activities of the 7th and 8th Respondents to light through a sting operation conducted on 31st October 2017. The anchor elicited from the 8th Respondent that the Popular Front of India is getting money from Gulf countries and as to the modus operandi of the effective and elaborate conversion of Hindus and Christian to Islam. In the sting operation video, Respondent No. 8 appeared on the screen. She is

the National President of the women's wing of the Popular Front of India. The Respondent No. 8 was talking to the journalist, apparently in the belief that he is going to fund her for illegal conversion activities. She explains elaborately about how the net works and how she operates. In that conversation she says that the word conversion shall not be used because it would invite the wrath of RSS. She advises that for conversion activities firstly, a center is to be started in some name. For example, Sathyasarani. Such an institute/charitable trust is to be started in disguise. In reality PFI's Sathyarani also called Markazul Hidayah (Respondent No. 7) is a full time religious conversion centre. A true transcript of the conversation between the reporter and the Respondent No. 8 is produced herewith and marked as Annexure _____.

16. The suggestion that I am a pawn or being controlled is a complete and absolute canard. I am only concerned for the safety and well-being of my only child. References to 'Gau Rakshak' and 'Ghar Wapsi' have no bearing whatsoever to the present matter relating to my daughter. I am not required to respond to allegations that do not concern me. In my view, illegal conversion centres need to be shut down with immediate effect. It is submitted that neither Sruthi nor Athira worked at the said yoga centre. But it is relevant to note that it is not denied by both Respondent No. 7 and 8, the experiences and disclosures that Athira and Sruthi have made in their respective affidavits. It is submitted that neither does the present matter relate to any yoga centre nor I run any yoga centre of any kind. I am just the father of the victim, Akhila and therefore the allegations against the said centre has no bearing on the present case whatsoever and it is nothing but a feeble attempt to deflect the attention of the Court to irrelevant issues.

17. It is relevant to note that Respondent No. 8 does not and in fact cannot disassociate herself from PFI/SDPI which she is a part and parcel of. Her husband is also a PFI activist and so is the Petitioner who was handpicked by Respondent No. 8 for the so-called false marriage with Akhila.

18. The activities of the Respondent No. 7 and 8 are illegal and a threat to the secular fabric, fraternity and composite culture of our society. The report of the NIA submitted before this Hon'ble Court throws much light to all the illegal and antisocial activities of the Respondent No. 7 and 8.

19. I reserve my right to file a further affidavit, if so advised.

All the facts stated above are true and correct to the best of my knowledge, information and belief.

Dated this the 20th day of February 2018.

Deponent.

Solemnly affirmed and signed this before me by the deponent who is known to me at my office at Kollam on this 20th day of February 2018.