



CRL.MC NO. 4028 OF 2017

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 4TH DAY OF NOVEMBER 2024 / 13TH KARTHIKA, 1946

CRL.MC NO. 4028 OF 2017

CRIME NO.1041/2010 OF Fort Police Station,

Thiruvananthapuram

CC NO.2678/2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,

THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 3 & 2:

- 1 TNS INDIA PVT. LTD.
PLOT NO.7,ROAD NO.3,BANJARA HILLS,
HYDERABAD,TELENGANA STATE.
PRESENT ADDRESS:7TH FLOOR,ORIAN BLOCK,
ASCENDAS IT PARK, MADHAPUR, HYDERABAD,
TELENGANA STATE.
- 2 PRADEEP SAXENA
EXECUTIVE DIRECTOR,TNS INDIA PVT.LTD,
PLOT NO.7,ROAD NO.3,BANJARA HILLS,
HYDERABAD,TELENGANA STATE.

BY ADVS.

SRI.ENOCH DAVID SIMON JOEL

SRI.GEORGE A.CHERIAN

SRI.LEO LUKOSE

SRI.PAUL JACOB P

SRI.RONY JOSE

SRI.S.SREEDEV



CRL.MC NO. 4028 OF 2017

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RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(THROUGH THE DEPUTY SUPERINTENDENT OF POLICE,
INTERNAL SECURITY, THIRUVANANTHAPURAM)

OTHER PRESENT:

SRI . SANGEETHARAJ . N . R , PP

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
04.11.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



P.V.KUNHIKRISHNAN, J.

Crl.M.C. No.4028 of 2017

Dated this the 04th day of November, 2024

ORDER

The question to be decided in this case is whether a foreign company can conduct surveys and research among the citizens of India without sanction from the Central Government.

2. Petitioners are the accused in C.C.No.2678/2015 on the file of the Judicial First Class Magistrate Court-II, Thiruvananthapuram, arising from Crime No.1041/2010 of Fort Police Station, Thiruvananthapuram.

3. The brief facts of the case is that, a US based organization named Princeton Survey Research Associates (PSRA), 1211, Connecticut, Ave NW, Suite-305, Washington, DC 20036, United States of America, represented by its President, Dr. Mary McIntosh, had entered into an agreement with an Indian company named Taylor Nelson Sofres PLC (TNS India Pvt. Ltd.) on 20.08.2010 to conduct a very sensitive study in India. TNS India Pvt. Ltd. collected some questionnaires from



PSRA and compiled them into a booklet containing questions. According to PSRA, they are conducting research in more than 20 countries on the same project titled "Green Wave 12". It is their case that the same questions were asked in the countries that are included in the survey, including Indonesia, Malaysia and Thailand. The research, according to PSRA, is to help the clients understand, respect, and be mindful of a country's traditions, values and attitudes. Since PSRA has no office of their own in India, they entered into an agreement with TNS India Pvt. Ltd. to do the fieldwork in cities in India. Accordingly, the survey was conducted in 54 locations, including Thiruvananthapuram. The agreement was executed on 20.08.2010, as per which the socio-political survey was to be conducted among 6000 people. It is the case of the petitioners that the survey was conducted in several cities across India without any difficulty or protests. The survey was conducted by the officials of the company by filling out the survey booklets on the basis of the answers given by the people during the survey.

4. In connection with the above survey, a law and order situation took place at Friends Nagar, Attakulangara,



Thiruvananthapuram, on 02.10.2010 morning at about 11.00 am, and accordingly, the Sub Inspector of Police, who was in charge of Fort Police Station, rushed to the spot with Police party; they saw somebody with some booklets retained at the spot. The Police Officer found that some of the questionnaires in the booklets may hurt the religious sentiments and holy faith of Muslim community. Accordingly, the Sub Inspector of Police seized the booklets in a Mahazar and registered Crime No.1041/2010, under Section 153B(1)(c) read with Section 34 IPC. Originally, the case was registered against TNS India Pvt. Ltd. and four other persons who were conducting surveys at the alleged place. During the course of investigation, it was found that the four persons who were arraigned as accused were the contract workers of TNS India Pvt. Ltd. and they were truly unaware of the actual intention behind the alleged survey. Hence they were deleted from the accused list. Subsequently, final report was filed, arraigning the petitioners and others as accused. The 1st petitioner is TNS India Pvt. Ltd, who is the 3rd accused, and the 2nd petitioner was arrayed as 2nd accused, who was the former employee of the 1st petitioner.



5. On 05.09.2011 the investigation of the above case was handed over to the Circle Inspector of Police, Fort, Thiruvananthapuram, as instructed by the Assistant Commissioner of Police, Fort. Subsequently, the State Police Chief ordered to hand over the investigation to ISIT vide Order No.D1/101046 dated 19.11.2011. Accordingly, ADGP (Crimes) instructed SP, ISIT to take up the investigation. In compliance with the above direction, the case was renumbered as Cr.334/CR/ISIT/2012 and endorsed it for further investigation vide Order No.152/TD/ISIT/2011 dated 03/2012. In the investigation, it is revealed that the PSRA, represented by its President, Dr. Mary McIntosh, had intentionally entered into an agreement with TNS India Pvt. Ltd. on 20.08.2010 to conduct a very sensitive study in India with an aim to spoil the existing communal harmony and to create emotional conflict among the Muslim Community. Being TNS is a global marketing company that engaged in the business of conducting surveys and research on various issues, it purposely and knowingly entered into the alleged contract with a foreign organization, is the finding of the investigating authority. It is disclosed in the



investigation that PSRA prepared some very sensitive questionnaires and sent them to TNS India Pvt. Ltd. According to the investigating authority, in the name of a harmless survey, they selected highly sensitive and vulnerable areas in India to interview the people belonging to a particular religious background. According to the investigating authority, all the questions were clear citations injuring the emotional feelings of the Muslim community. It is also submitted that the prosecution sanction was obtained from the Government of Kerala, Home Department, as G.O. (Rt) No.3007/2013/Home dated 04.11.2013. On 28.11.2015, the Deputy Superintendent of Police submitted split charge before the Judicial First Class Magistrate Court-II, Thiruvananthapuram against accused Nos.2 and 3, which is now pending before the Judicial First Class Magistrate Court-II, Thiruvananthapuram.

6. According to the petitioners, even if the entire allegations are accepted, no offence is made out against the petitioners. Hence this criminal miscellaneous case.

7. Heard the learned counsel for the petitioners and the learned Public Prosecutor Sri.Sangeetharaj N.R.



8. The main contention raised by the petitioners in this Criminal Miscellaneous Case is that the offence alleged against the petitioners is under Section 295A IPC and no sanction is obtained under Section 196 Cr.P.C. to prosecute the petitioners. Admittedly, now the Government of Kerala has granted sanction for prosecution as per G.O.(Rt) No.3007/2013/Home dated 04.11.2013. Therefore, that question will not stand at all.

9. The counsel for the petitioners submitted that the questions in the questionnaire are all general and the allegation that it will attract the offence under Section 295A IPC is not incorrect. The counsel submitted that, even if the entire allegations are accepted, the offence under Section 295A is not attracted. The counsel relied on the judgment of the Apex Court in **Ramji Lal Modi v. State of UP** [AIR 1957 SC 620].

10. The Public Prosecutor takes me through the questionnaire prepared for the survey, which is produced in this case as Annexure-A3. The Public Prosecutor submitted that, in the charge sheet, only some questions are treated as sensitive and objectionable. But the Public Prosecutor submitted that if we go through the entire questionnaire, the same is not only



sensitive and objectionable, but also the same will create suspicion about the intention of the survey itself.

11. I think there is force in the argument of the Public Prosecutor. In the final report filed by the prosecution, mainly Question Nos.31c, 36b, 37k, 42j, 61 and 61a are mentioned. In the statement filed by the Deputy Superintendent of Police, CB CID-Internal Security Investigation Team also extracted the above questions. It will be better to extract the above questions:

Ask if Muslim (Q8C=1)

Q31c. How well do you think you understand the difference between Shia Islam and Sunni Islam?

Very well	1
Somewhat well	2
Not too well	3
Not well at all	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1 and Q35=1)

Q36b. What poses the second greatest threat to Islam today? (Open end, pre-coded) (Do not read list) (Do not mark same response as Q36a)

General outside threats to Islam	
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Others trying to diminish/destroy Islam	1
General internal threats to Islam	
Lack of Islamic unity	2
Lack of overall Islamic authority	3
Negative influence of other religions	
Converting Muslims to Christianity	4
Missionaries of other faiths	5
Oppression of Muslims by other religions	6
Existence of Israel and Zionism/Jews	7
Religious conflicts around the Muslim world	8
Terrorism	
Islam is associated with terrorism and violence	9
Terrorism	10
Support for terrorism	11
Muslim extremists	12
US/Western threats to Islam	
American foreign policy/Western policies on Islam	13
Existence of the US	14
US suppression of Muslims around the world	15
American attacks on Islam	16
American sanctions on certain Muslim countries	17
Negative impact of foreign media/culture	18
Western aggressiveness	19
Western lifestyle	20
Education	
Lack of religious education among young	21



Religious teachers not concerned with what they are teaching	22
Closing of religious schools	23
Misinterpretation of Islamic teachings	24
Religious Practice Issues	
Wearing head scarves not allowed in schools	25
Religious practices in general	26
Discrimination against Muslims	27
Violence against Muslims	28
Muslim people	
Decline in faith/unfaithfulness	29
Moral corruption	30
Young losing faith	31
Fundamentalists and fanatics	32
Politics/government	
Involving religion in politics	33
Government	34
Political problems	35
Sharia law	36
Social problems	
Alcohol/drugs	37
Pornography	38
Poverty	39
Crime	40
No problems	96
Other (SPECIFY)	97
Don't know	98
Refused	99



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Ask if Muslim (Q8C=1)

Q37k. What does Sharia mean to you? (OPEN-END; PRECODED) (DO NOT READ LIST) (RECORD ONE ANSWER ONLY)

Sharia is the way all Muslims should live	1
Sharia is a set of religious laws that governs Muslim's religious life	2
Sharia is a set of written and unwritten rules interpreted by religious scholars that govern all aspects of life and personal conduct	3
Sharia is a system of written laws that governs how Muslims should behave	4
Sharia is a system of written laws that governs how Muslim countries should be run and how Muslims should behave	5
Sharia is a system of strict laws and specific punishments for all sins	6
Sharia is a system of laws codified by scholars during the early history of Islam	7
Sharia is a system of laws set out by Mohammed in the Quran	8
Other (SPECIFY)	97
Don't know (DO NOT READ)	98
Refused (DO NOT READ)	99

Ask if Muslim (Q8C=1)

Q42j. Some people say they support figures like Usama bin Ladin. Why do you think figures like him have support? (SHOW CARD) (READ LIST) (RECORD ONE ANSWER ONLY)

Because they attack those who threaten Islam	1
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Because they resist foreign occupation and control	2
Because they are against the West	3
Because they defend Muslim rights	4
Because they are fellow Muslims	5
Because of the religious views they espouse	6
Because they are trying to establish a true Islamic state	7
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q61. If respondent is a female, is she wearing the hijab (head covering) or niqab (full body covering)? (Code by observation)

Yes, hijab	1
Yes, niqab	2
No	3
Respondent is a male	4

ASK ALL MUSLIM WOMEN (Q8C=1 AND Q60=2)

Q61a. Do you wear the hijab or burqa when you go outside of your home ?

Yes, hijab	1
Yes, burqa	2
Yes, both	3
No	4



Respondent is a male	5
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12. What is the business of a foreign company to conduct a survey among the citizens of India by putting the above questions? In addition to the same, it will be better to extract Question Nos.1 and 2a also:

Q1. On the whole, are things in India generally going in the right direction, or are they going in the wrong direction ?

Right direction	1
Wrong direction	2
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Q2a. Please look at the following list of choices. Please tell me which one of these you would think of first if someone were to ask you "who are you?" (SHOW CARD) (READ LIST)

I am a citizen of my country	1
I am a resident of my region (within my country)	2
I am a member/believer of my religion	3
I am a member of of my family, clan or tribe	4
I am a member of my ethnic group	5
I am a member of a particular caste or social stratum	6



Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

13. A foreign company asks questions to the citizens of India in a survey, and the question No.1 is that, “*on the whole, are things in India generally going in the right direction or are they going in the wrong direction.*” A perusal of the option given for the questions are disturbing. Question No.2a is regarding a list of choices, and the first question is to tell which of these you think of first if someone were to ask you, “Who are you?”. The answer options are “*I am a citizen of my country; I am a resident of my region (within my country); I am a member/believer of my religion; I am a member of my family, clan, or tribe; I am a member of my ethnic group; I am a member of a particular caste or social stratum,*” etc. A foreign company is conducting a survey of this kind among the Indian citizens! Similarly, Question Nos.24 to 42f and Question No.85 are also important, which are also extracted hereunder:

“Ask if Muslim (Q8c=1)

Q24. Some people say that having regular elections for a national legislative body, as we do in India, is a way of doing



things that is foreign to Muslim culture and thus something that Muslims should not participate in – while others say that having regular elections for a legislative body is consistent with Muslim traditions and something that Muslims should take part in. Which comes closer to your opinion ? (SHOW CARD)(READ LIST)

Regular elections are very foreign to Muslim culture and Muslims definitely should not participate in legislative elections	1
Regular elections are somewhat foreign to Muslim culture and Muslims probably should not participate in legislative elections	2
Regular elections are somewhat consistent with Muslim culture and Muslims probably should participate in legislative elections	3
Regular elections are very consistent with Muslim culture and Muslims definitely should participate in legislative elections	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8c=1)

Q25. In countries all over the world there are several different types of legislatures with different roles and different types of powers. Please look at this list and tell me which kind of legislative body, parliament, or consultative assembly you think is most appropriate for a Muslim country. (SHOW CARD) (READ LIST)(ACCEPT ONLY ONE RESPONSE)

A legislature, parliament or assembly	1
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that along with the King, President or Prime Minister has the ultimate power to make laws and appoint government officials	
A legislature, parliament or assembly that has the power to make laws and appoint some government officials, but which is subordinate, like the government, to a group of senior religious leaders who decide if the laws are consistent with the country's main religion	2
A legislature, parliament or assembly that offers advice to the political leaders of Muslim country, but which does not have the power to make laws or appoint government officials	3
Don't know (DO NOT READ)	8
Refused(DO NOT READ)	9

Ask if Muslim (Q8c=1)

Q26a. India has different kinds of political parties that compete for seats in Parliament. For each of the following types of political parties, please tell me how appropriate it would be for Muslims to support or vote for it – very appropriate, somewhat appropriate, somewhat inappropriate, or very inappropriate?(SHOW CARD) (READ LIST)

	Very appropriate	Somewhat appropriate	Somewhat inappropriate	Very inappropriate	Don't know (DO NOT READ)	Refused (DO NOT READ)
a. A party that represents the interests of workers and laborers	1	2	3	4	8	9



d. Parties that represent individual ethnic groups	1	2	3	4	8	9
e. Parties that represent individual religious groups	1	2	3	4	8	9
g. A party that represents mainstream or moderate Islamic groups	1	2	3	4	8	9
h. A party that advocates an extremist form of Islam	1	2	3	4	8	9

Ask if Muslim (Q8c=1)

Q27. Next I'm going to describe various types of political systems that exist worldwide and ask you what you think about each way of governing a Muslim country. The first is (READ FROM LIST BELOW). Would you say this is a very good, somewhat good, somewhat bad, or very bad way of governing a Muslim country ?

	Very good	Somewhat good	Somewhat bad	Very bad	Don't know (DO NOT READ)	Refused (DO NOT READ)
a. Having a strong leader who	1	2	3	4	8	9



does not have to deal with parliament and elections						
b. Having the army rule	1	2	3	4	8	9
c. Having a Parliament that decides government policy and is chosen by regular elections	1	2	3	4	8	9
d. Having a group of religious leaders that oversee all political and legal issues	1	2	3	4	8	9

Ask if Muslim (Q8c=1)

Q28. Some people say that Muslim leaders in India should focus on improving the economic position of Muslim minorities in India first, and then look at ways to increase Muslims' participation in India's political system – while others say that we should find ways to increase Muslims' participation in India's political system first, and then worry about improving the economic position of Muslim minorities in India. If you had to choose which is more important to do first, which would you say is more important ?

Improving the economic position of Muslim minorities in India	1
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Increasing Muslims' participation in the political system	2
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8c=1)

Q28a. Some people say that Western economic and business practices are incompatible with Islam – while others say that they are compatible with Islam. Which comes closer to your opinion – are Western economic and business practices very incompatible, somewhat incompatible, somewhat compatible, or very compatible with Islam ?

Very incompatible	1
Somewhat incompatible	2
Somewhat compatible	3
Very compatible	4
Don't know (do not read)	8
Refused (DO NOT READ)	9

Ask all

Q30. In the past year, how often , if ever, have you had to do a favour, give a gift, or pay a government official in order to get services or a document that the government is supposed to provide for free – not at all, not too often, somewhat often or very often ? (SHOW CARD)

Not at all	1
Not too often	2
Somewhat often	3
Very often	4
Never (VOLUNTEERED)(DO NOT READ)	5



Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q31f. What do you think is the most important contribution Islam offers to the world today? (SHOW CARD) (READ LIST) (RECORD ONE ANSWER ONLY)

Resistance against foreign power	1
Protection from foreign influence	2
Solidarity with Muslims worldwide	3
Fairness and justice	4
Prosperity and general welfare	5
Peace and harmony	6
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q32. Do you think of yourself first as a citizen of India, first as a member of an ethnic group or first as a Muslim ?

Citizen of India	1
Member of an ethnic group	2
Muslim	3
All equally (VOLUNTEERED)	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C =1)

Q33a. How much of a role do you think Islam plays in the



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political life of India – a very large role, a fairly large role, a fairly small role, or a very small role ? (SHOW CARD)

Very large role	1
Fairly large role	2
Fairly small role	3
Very small role	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C =1)

Q33b. And how much of a role do you think Islam should play in the political life of India – a very large role, a fairly large role, a fairly small role, or a very small role? (SHOW CARD)

Very large role	1
Fairly large role	2
Fairly small role	3
Very small role	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C =1)

Q33c new. Which of the following statements comes closest to your idea of the kind of role Islam should play in politics? (SHOW CARD) (READ LIST) (ACCEPT ONLY ONE RESPONSE)

Islam should play no role in politics	1
Our political leaders should be less corrupt	2



Our political system should allow greater participation by ethnic and religious minorities	3
Our political leaders should follow Islam's tenets of fairness and justice more closely	4
Our political leaders should respect the religious views and practices of Muslims	5
Our political leaders should allow Muslims to have their own sharia courts	6
Our political system should allow less participation by the people	7
Our political system should be run only by religious leaders	8
Don't know (DO NOT READ)	98
Refused (DO NOT READ)	99

Ask if Muslim (Q8C=1)

Q34a. In your opinion, is Islam playing a greater or lesser role among Muslims in India compared to a few years ago? (SHOW CARD)

Much greater role	1
Somewhat greater role	2
Somewhat lesser role	3
Much lesser role	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q34b. In your opinion, is this very good, somewhat good, somewhat bad or very bad for our country ? (SHOW CARD)
[If Necessary: The role that Islam plays among Muslims in India today compared to a few years ago]



Very good	1
Somewhat good	2
Somewhat bad	3
Very bad	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Islam plays greater role (Q34a=1 or 2)

Q34c. Which ONE of the following is the most important reason Islam is playing a greater role among Muslims in India these days ? Is it because of dissatisfaction with the current government's policies OR because of the level of immorality in our society OR because of influences from other Muslim countries ? (SHOW CARD)

Dissatisfaction with current government's policies	1
The level of immorality in our society	2
Influences from other Muslim countries	3
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q34d. Which of the following countries offers the best model for governing a Muslim country these days ? (SHOW CARD) (RECORD ONE ANSWER ONLY)

Bangladesh	1
Egypt	2
India	3
Iran	4



Jordan	5
Pakistan	6
Saudi Arabia	7
Turkey	8
Other (SPECIFY)	97
Don't know (DO NOT READ)	98
Refused (DO NOT READ)	99

Ask if Muslim (Q8C=1)

Q34e. Which of the following countries offers the next best model for governing a Muslim country these days? (SHOW CARD) (RECORD ONE ANSWER ONLY) (DO NOT MARK SAME RESPONSE AS Q34D)

Bangladesh	1
Egypt	2
India	3
Iran	4
Jordan	5
Pakistan	6
Saudi Arabia	7
Turkey	8
Other (SPECIFY)	97
Don't know (DO NOT READ)	98
Refused (DO NOT READ)	99

Ask if Muslim (Q8C=1)

Q35. Turning to another subject, in your opinion, are there any serious threats to Islam today?

Yes	1
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No	2
Don't Know(DO NOT READ)	8
Refused(DO NOT READ)	9

Ask if Muslim and believes there is a serious threat to Islam
(Q8C=1 and Q35=1)

Q36a. What poses the greatest threat to Islam today?
(OPEN END, PRE-CODED) (DO NOT READ LIST)

General outside threats to Islam	
Others trying to diminish/destroy Islam	1
General internal threats to Islam	
Lack of Islamic unity	2
Lack of overall Islamic authority	3
Negative influence of other religions	
Converting Muslims to Christianity	4
Missionaries of other faiths	5
Oppression of Muslims by other religions	6
Existence of Israel and Zionism/Jews	7
Religious conflicts around the Muslim world	8
Terrorism	
Islam is associated with terrorism and violence	9
Terrorism	10
Support for terrorism	11
Muslim extremists	12
US/Western threats to Islam	
American foreign policy/Western policies on Islam	13



Existence of the US	14
US suppression of Muslims around the world	15
American attacks on Islam	16
American sanctions on certain Muslim countries	17
Negative impact of foreign media/culture	18
Western aggressiveness	19
Western lifestyle	20
Education	
Lack of religious education among young	21
Religious teachers not concerned with what they are teaching	22
Closing of religious schools	23
Misinterpretation of Islamic teachings	24
Religious Practice Issues	
Wearing head scarves not allowed in schools	25
26. Religious practices in general	26
Discrimination against Muslims	27
Violence against Muslims	28
Muslim people	
Decline in faith/unfaithfulness	29
Moral corruption	30
Young losing faith	31
Fundamentalists and fanatics	32
Politics/government	
Involving religion in politics	33
Government	34
Political problems	35



Sharia law	36
Social problems	
Alcohol/drugs	37
Pornography	38
Poverty	39
Crime	40
No problems	96
Other (SPECIFY)	97
Don't know	98
Refused	99

Ask if Muslim (Q8C=1)

Q37. Here is a list of several statements about the role of religion here and elsewhere. For each statement, tell me whether you completely agree, mostly agree, mostly disagree, or completely disagree with the statement. (READ LIST) (SHOW CARD)

	Completely agree	Mostly agree	Mostly disagree	Completely disagree	Don't know (DO NOT READ)	Refused (DO NOT READ)
b. I feel more solidarity these days with Muslim people living around the world	1	2	3	4	8	9
c. Religion should be kept separate	1	2	3	4	8	9



from politics						
d. Religious leaders (imams, muftis, ayatollahs, etc.) should play a large role in politics	1	2	3	4	8	9
e. It is acceptable for a good Muslim to play soccer	1	2	3	4	8	9
f. It is acceptable for a good Muslim to watch al-Jazeera and other satellite channels	1	2	3	4	8	9
g. Sermons at Friday prayers at mosque contain good political and social advice	1	2	3	4	8	9
h. Reading the teachings of Muslim preachers on the internet is a good way to learn about Islam	1	2	3	4	8	9
iNEW. I have consulted a fatwa within the past week for advice on	1	2	3	4	8	9



a religious, social or political issue						
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Ask if Muslim (Q8C=1)

Q37i. Which of the following statements comes closest to your idea of the role religious leaders should play in politics ? (READ LIST) (SHOW CARD)

Religious leaders should play no role in politics	1
Religious leaders should speak out on political issues and give advice to political leaders	2
Religious leaders should serve as elected representatives, but have no more power than other elected representatives	3
Religious leaders should serve as government ministers responsible for social issues such as education, culture and religion	4
Religious leaders should serve as government ministers in all capacities, including handling economic and security issues	5
Religious leaders should serve on a religious council that has ultimate authority over all political issues	6
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q37j. What, if anything, else comes closest to your idea of the role religious leaders should play in politics? (DO NOT MARK SAME RESPONSE AS Q37i) (READ LIST) (SHOW



CARD)

Religious leaders should play no role in politics	1
Religious leaders should speak out on political issues and give advice to political leaders.	2
Religious leaders should serve as elected representatives, but have no more power than other elected representatives.	3
Religious leaders should serve as government ministers responsible for social issues such as education, culture and religion	4
Religious leaders should serve as government ministers in all capacities, including handling economic and security issues	5
Religious leaders should serve on a religious council that has ultimate authority over all political issues	6
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q38. To what extent to do you think Sharia should be used as the basis for the official laws of India?(SHOW CARD) (READ LIST) (RECORD ONE ANSWER ONLY)

Sharia should be the basis for all aspects of government	1
Sharia should be the basis of all criminal law and punishments	2



Sharia should be the basis of family law	3
Sharia should be one of many sources of inspiration for India's laws	4
Sharia should be Muslim's personal guide for their behavior	5
Don't know (DO NOT READ)	8
Refused(DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q39. Some people believe Islam should tolerate diverse interpretations of its teachings. Others believe there is only one true interpretation of the teachings of Islam. Which of these two points of view are closer to your own ?

Tolerate diverse interpretations of Islam	1
Only one true interpretation of Islam	2
Don't know (DO NOT READ)	8
Refused(DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q40. Some people say that in order to respond to threats against Islam in the world today, we must fight to defend the faith. Other people disagree. Do you personally strongly support, somewhat support, somewhat oppose, or strongly oppose the following actions ? (READ LIST) (SHOW CARD)

	Strongly support	Support somewhat	Oppose somewhat	Strongly opposed	Don't know (DO NOT READ)	Refused (DO NOT READ)
a. Demonstrations against	1	2	3	4	8	9



events and policies that people may disagree with						
b. Attacks on people visiting Muslim countries from countries that threaten Islam	1	2	3	4	8	9
c. Attacks on soldiers that have come to Muslim countries from countries that threaten Islam	1	2	3	4	8	9
d. Attacks on ordinary citizens within countries that threaten Islam	1	2	3	4	8	9

Ask if Muslim (Q8C=1)

Q41. Some people think that the bombings in which the bomber kills himself and other people are justified in order to defend Islam from its enemies. Do you feel that this kind of violence is almost always justified, sometimes justified, rarely justified, or never justified ? (SHOW CARD)



Almost always justified	1
Sometimes justified	2
Rarely justified	3
Never justified	4
Don't know (DO NOT READ)	8
Refused(DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q42. Would you feel very comfortable, somewhat comfortable, somewhat uncomfortable, or very uncomfortable if ... (READ LIST)

	Very comfortable	Somewhat comfortable	Somewhat uncomfortable	Very uncomfortable	Don't know (DO NOT READ)	Refused (DO NOT READ)
Your business partners or many of your co-workers were non-muslims?	1	2	3	4	8	9
Many of your friends and acquaintances were non-Muslims?	1	2	3	4	8	9
Many of your neighbors were non-Muslims?	1	2	3	4	8	9
Your	1	2	3	4	8	9



child / children married non Muslim						
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Ask if Muslim (Q8C=1)

Q42b. Would you feel very comfortable, somewhat comfortable, somewhat uncomfortable, or very uncomfortable voting for a person of a different faith for an important government position ?

Very comfortable	1
Somewhat comfortable	2
Somewhat uncomfortable	3
Very uncomfortable	4
Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q42e. Now I'm going to read you a list of individuals and organizations. Please tell me which one of these you trust most to offer you guidance as a Muslim. (SHOW CARD) (READ LIST)

Your local imam or other local religious leader	1
National religious leaders in India	2
Religious leaders on television	3
Imams and institutions outside India, such as al-Azhar in Egypt, the Saudi Imams of Mecca and Medina, or senior imams in Pakistan	4



Don't know (DO NOT READ)	8
Refused (DO NOT READ)	9

Ask if Muslim (Q8C=1)

Q42f. In your opinion, why do you think some people follow the guidance of a particular religious leader? (OPEN END; PRE-CODED) (DO NOT READ LIST)

Because the religious leader has formal Islamic education	1
Because the religious leader has formal secular education	2
Because the religious leader is knowledgeable about religious/spiritual issues	3
Because the religious leader is wise and/or well-informed	4
Because the religious leader experience or age	5
Because the religious leader is someone who can be trusted	6
Because the religious leader's message/sermons/thoughts	7
Because the religious leader is charismatic/speaks well	8
Other (SPECIFY)	97
Don't know (DO NOT READ)	98
Refused (DO NOT READ)	99

Ask if Muslim (Q8C=1)

Q85. How important is it for a good Muslim to (READ LIST)
-very important, somewhat important, not too important or not important at all ?



	Very important	Somewhat important	Not too important	Not important at all	Don't know (DO NOT READ)	Refused (DO NOT READ)
e. Attend mosque regularly ?	1	2	3	4	8	9
f. Not listen to popular music?	1	2	3	4	8	9
g. Not drink alcohol ?	1	2	3	4	8	9
h. Not smoke tobacco ?	1	2	3	4	8	9

14. It is surprising to see that a foreign company is conducting a survey in our country with a bunch of suspicious questions. I am of the considered opinion that the survey itself is suspicious. Our country is a Sovereign Socialist Secular Democratic Republic. There is no difference between man and women in our country. There is no serious difference of opinion between Hindus, Muslims, Christian, Sikhs etc in our country. Citizens in our country are known as brothers and sisters. If an organization in a foreign country wants to conduct a survey in our land, permission from the Central Government is necessary. Admittedly, there is no sanction from the Central Government for conducting such a survey. I am of the further opinion that



the investigation by the State Police is not enough in this case. If these types of surveys are allowed to continue, the same will affect the security of our country and importantly religious harmony. The Central Government should take it very seriously, and if there is any intention to topple the integrity of our country by conducting such surveys, appropriate steps should be taken in accordance with the law. The Registry should forward a copy of this order to the Secretary, Ministry of Home Affairs, Government of India and the Secretary, Ministry of External Affairs, Government of India.

15. Coming back to the contentions of the petitioners, the counsel for the petitioners submitted that the ingredients of Section 295A are not attracted, and the counsel also relied on the dictum laid down by the Apex Court in **Ramji Lal Modi's case** (supra). In all cases, this Court need not invoke the powers under Section 482 Cr.P.C. to quash the proceedings. This Court considered the same in **Abdul Noushad @ Noushad Ahsani v. State of Kerala** [2024 (6) KHC 391], the relevant portion of which is extracted hereunder:

"9. Section 528 BNSS/482 Cr.P.C says that,



nothing in the Code/Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under the Code/Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Therefore, to prevent abuse of the process of any Court and to secure the ends of justice, this Court can invoke the inherent jurisdiction. This doesn't mean that in all cases in which the ingredients of the offences alleged in the police charge are not attracted, this Court should immediately step in. Unless there is an abuse of the process of the Court or to secure the ends of justice, this Court need not invoke the powers under Section 528 BNSS/482 Cr.P.C.”

16. I am of the considered opinion that this Court need not consider this question at this stage because the matter is to be looked into by the Central Government. The investigating authority in this case should forward a report to the Central Government about the investigation so far conducted forthwith.

Therefore, this Criminal Miscellaneous Case is disposed of in the following manner:

1. The prayer of the petitioner to quash



Annexure A2 final report is rejected.

2. The Investigating Officer in Cr.334/CR/ISIT/2012 (Crime No.1041/2010 of Fort Police Station, Thiruvananthapuram) shall forward a report about the investigation so far conducted in this case to the Secretary, Ministry of Home Affairs, Government of India, and the Secretary, Ministry of External Affairs, Government of India, within one month from the date of receipt of a copy of this order.
3. The Ministry of Home Affairs and the Ministry of External Affairs will do the needful in accordance with law and order further enquiry/investigation, if necessary, in accordance with law.
4. Registry will forward a copy of this order in advance to the Secretary, Ministry of Home Affairs, Government of India, and the



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Secretary, Ministry of External Affairs,
Government of India forthwith.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

JV



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APPENDIX OF CRL.MC 4028/2017

PETITIONER ANNEXURES

- ANNEXURE A1 A TRUE COPY OF THE FIR IN CRIME
NO.1041/2010 OF FORT POLICE STATION
- ANNEXURE A2 CERTIFIED COPY OF THE FINAL REPORT IN
C.C.2678/2015 ON THE FILES OF THE
JUDICIAL FIRST CLASS MAGISTRATE'S
COURT-II, THIRUVANANTHAPURAM.
- Annexure A3 TRUE COPY OF THE QUESTIONNAIRE WHICH IS
REFERRED TO IN ANN.A2 FINAL REPORT
- Annexure A4 TRUE COPY OF THE CERTIFICATE OF
INCORPORATION DATED 09.03.2020 ISSUED
BY THE REGISTRAR OF COMPANIES.