

**CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORMS**

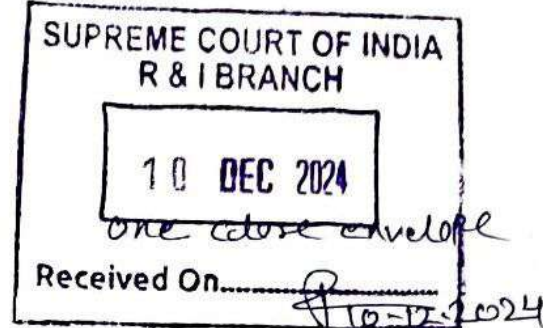
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**10<sup>th</sup> December 2024**

To,  
Hon'ble The Chief Justice of India,  
Supreme Court of India,  
New Delhi.



*Subject:* Constitution of 'in-house enquiry' for initiating appropriate action against Justice Shekhar Kumar Yadav, sitting judge of the Allahabad High Court, for judicial impropriety, breaching his solemn oath as a judge, and violating the code of conduct for Judges

Dear Chief Justice,

The present complaint is directed against a sitting judge of the Allahabad High Court, namely Justice Shekhar Kumar Yadav, who took oath as Additional Judge on December 12 2019 and was made a Permanent Judge on Mar 26, 2021. On the 8<sup>th</sup> of December 2024, Justice Shekhar Yadav, participated in and spoke at the provincial convention of the Vishwa Hindu Parishad's law Cell (Kashi Province) in the Library Hall of the High Court Bar, held within the Allahabad High Court premises.

**Participation in and speech at VHP event**

Justice Shekhar Kumar Yadav's participation in an event organised by the Vishwa Hindu Parishad (VHP - an organization which has consistently attacked and does not believe in constitutional values), where he has made, both direct and veiled attacks against India's

Muslims, amounts to gross judicial impropriety. For a sitting Judge of a High Court, to openly declare allegiance only to the majority community by stating "I have no hesitation in saying that this is Hindustan, this country would function as per the wishes of the bahusankhyak (majority) living in Hindustan. This is the Law... The law, in fact, works according to the majority. Look at it in the context of family or society...Only what benefits the welfare and happiness of the majority will be accepted", goes against the constitutional ideals that a Judge swears allegiance to and a constitutional court's crucial role as a counter-majoritarian institution.

Justice Yadav also used unpardonable and unconscionable slurs against the Muslim community, bringing shame and disrepute to the High Office of a Judge of the Allahabad High Court and the Judiciary as a whole, besides undermining the rule of law, he is meant to uphold. Among other objectionable statements, he remarked that children in one community are taught the values of kindness and non-violence, and its people are raised to be tolerant. However, in another community, it would be difficult to expect tolerance from children, especially when they witness the slaughter of animals in front of them (referring to the Muslim community). On the Uniform Civil Code, he stated that while women are revered as goddesses in Hindu scriptures like the shastras and vedas, members of a particular community (Muslims) still claim the right to have multiple wives, engage in *Halala*, or practice *Triple Talaq*. He went on to remark, "Where the cow, the Gita and the Ganga define the culture, where every home has an idol of Harbala Devi, and every child is Ram - such is my country."

Both his participation in this right wing event as well his statements, are in gross violation of Articles 14, 21, 25 & 26 read with the Preamble of our Constitution. They are discriminatory and violate the basic principles of secularism and equality before the law that is ingrained in our Constitution. Such communally charged statements at a public event, by a sitting judge of the High Court, not only hurt religious sentiments but

completely erode faith of the general public in the integrity and impartiality of the judicial institution. Such a speech is also a brazen violation of his oath as a judge where he had promised to uphold the constitution and its values impartially.

(A copy of the news report dated 08-12-2024 titled "No Hesitation in Saying This Country Will Function As Per Wishes of The Majority; UCC Will Be a Reality Soon: Justice Shekhar yadav at VHP Event" published by Live Law is annexed as **Annexure 1** at Page 6 to 7).

(A copy of the news report dated 08-12-2024 titled "Our Ancestors Made Sacrifices To Free Ram Lalla, Witness Temple Being Built; Don't Consider Hindus as Cowards: Justice Shekhar Yadav" published by Live Law is annexed as **Annexure 2** at Page 8 to 9)

(A copy of the news report dated 09-12-2024 titled "India will function as per wish of majority; "Kathmullahs" against nation: Allahabad HC's Justice SK Yadav" published by Bar and Bench is annexed as **Annexure 3** at Page 10 to 12)

#### Violation of Code of Conduct for Judges

Justice Shekhar Kumar Yadav's conduct apart from being communal and discriminatory is in violation of the 'Restatement of Values of Judicial Life', adopted by the Supreme Court of India, in 1997 as applicable to Supreme Court and High Court judges. His conduct directly violates the following principles as laid down in this Code of Conduct:

"(1) Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge of the Supreme Court or a High Court, whether in official or personal capacity, which erodes the credibility of this perception has to be avoided."

"(6) A Judge should practice a degree of aloofness consistent with the dignity of his office."

"(8) A Judge shall not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination."

"(16) Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which that office is held."

(A copy of the 'Restatement of Values of Judicial Life' adopted by the Supreme Court of India, in 1997 is annexed as **Annexure 4** at Page 13 to 15).

#### **In-house enquiry**

The Hon'ble Supreme Court has laid down the "*in-house procedure*", for taking suitable remedial action against judges, who by their acts of omission or commission, do not follow the accepted values of judicial life, including the ideals expressed by the Supreme Court in the Restatement of Values of Judicial Life. Justice Yadav's actions and beliefs, expressed in categorical words, raise serious questions about his fitness as a judge, in particular, as a judge of a constitutional court such as the Allahabad High Court. It is in these shocking and exceptional circumstances, we are approaching you for the constitution of "in-house enquiry committee" to inquire into Justice Shekhar Kumar Yadav's speech and also to initiate appropriate action..

#### **Suspension of judicial work**

Justice Yadav's statements betray his inability to act with fairness, impartiality and neutrality in the discharge of his judicial functions. Therefore, we urge that, pending the completion of the in-house committee, all judicial work be withdrawn from Justice Yadav immediately.

This speech by Justice Shekhar Kumar Yadav, has raised doubts in the minds of average citizens about the independence and neutrality of the judiciary, given the wide coverage it has received, a strong institutional response is needed. Since these statements are made at a public event and

a video recording of the same is available, a time bound enquiry ought to be initiated. We call upon Your office sir, to restore the faith of the people in the institution of the judiciary by immediately setting up an in-house committee to enquire into acts of judicial impropriety by Justice Shekhar Kumar Yadav & by withdrawing all judicial work from Justice Yadav.

Regards,

*Prashant Bhushan*  
Prashant Bhushan  
(Convenor, CJAR)