

**CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORMS**

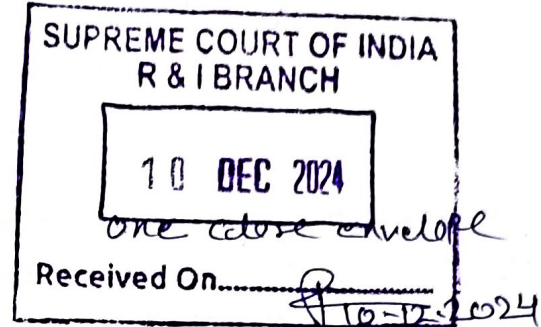
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**10<sup>th</sup> December 2024**

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

(Convenor, CJAR)

## Annexure 1

**No Hesitation In Saying This Country Will Function As Per Wishes Of Majority; UCC Will Be A Reality Soon: Justice Shekhar Yadav At VHP Event**

Live Law, Sparsh Upadhyay, 08-12-2024

Sitting Judge of the Allahabad High Court on Sunday (December 8) delivered a lecture on the Constitutional Necessity of Uniform Civil Code in an event organised by the legal cell of the Vishva Hindu Parishad (VHP) in Prayagraj, where he remarked that he had no hesitation in saying that the country will function according to the wishes of the majority (bahusankhyak) in India.

*"I have no hesitation in saying that this is Hindustan, this country would function as per the wishes of the bahusankhyak living in Hindustan. This is the Law. You can't say that you are saying this being a High Court Judge. 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"* he said.

In his address, he raised a question about why practices such as Untouchability, Sati, and Jauhar were abolished within Hinduism, yet the Muslim community continues to permit the practice of having multiple wives. Justice Yadav termed this practice unacceptable.

He further pointed out that while women are revered as goddesses in Hindu scriptures like the Shastras and Vedas, members of a community still claim the right to have multiple wives, engage in Halala, or practice Triple Talaq.

He emphasized that since this country has one constitution and one set of penal laws, it is only logical that civil laws should also be unified. He also asserting 'by taking oath' that a Uniform Civil Code would soon be implemented in the country.

*"You can't disrespect a woman who has been recognized as a goddess in our Shastras and Vedas. You can't claim the right to have four wives, perform Halala, or practice Triple Talaq. You say, we have the right to say '#tripletalaq,' and not give maintenance to women. This right will not work. #UCC isn't something that VHP, RSS, or Hinduism advocates. The country's Top Court also talks about it...This is the historic library hall of the court, where so many great personalities have been. I am speaking here, among them... Not just saying. I am taking an oath that this country will definitely bring a single law, and it will bring it very soon",* said Justice Shekhar Yadav.



In the beginning of his address, he said that his introduction is incomplete until it is connected to the fact that he is a resident of the country where the Ganga flows. He said that Gaay (Cow), Ganga (River Ganges) and Geeta are a part of Indian culture.

*"Gaay, Gita, aur Ganga jahan ki sanskruti, harbala devi ki pratima, aur baccha baccha raam hai, aisa mera desh hai"*: said Justice Shekhar Yadav

He also said that a person who takes a dip in the Ganga or applies chandan is not the only definition of being Hindu and that anyone who considers this land their mother, who is willing to lay down their life for the country in times of crisis, regardless of their religious practices or beliefs, whether they follow the Quran or the Bible, is a Hindu.

He also remarked that in our Hindu religion, there were also many social evils like child marriage, the practice of Sati, and the killing of girl child, but reformers like Ram Mohan Roy fought to end these practices.

However, he added, when it comes to social evils in the Muslim community, such as Halala, Triple Talaq, and issues related to adoption, he had no courage to stand against them, or it could be said there was no initiative from the Muslim community to address these issues.

In his address, he also said that it is not expected for Muslims to get married by taking seven rounds around fire, or to take a dip in the Ganga or apply Chandan. He, however, said that it is expected that they do not disrespect the culture of this country, the great personalities, and the God of this land.

Available at:-

<https://www.livelaw.in/top-stories/allahabad-high-court-justice-shekhar-kumar-yadav-sp-eech-triple-talaq-halala-uniform-civil-code-277679>

**Our Ancestors Made Sacrifices To Free Ram Lalla, Witness Temple Being Built; Don't Consider Hindus As Cowards: Justice Shekhar Yadav**

Live Law, Sparsh Upadhyay, 08-12-2024

Speaking at an event organized by the Vishva Hindu Parishad (VHP) legal cell in Prayagraj, Justice Shekhar Kumar Yadav, a sitting Judge of the Allahabad High Court, said that many of our ancestors made sacrifices to see Ram Lalla freed and witness the construction of a grand temple.

*"Did you imagine seeing the Ram Mandir with your own eyes? Many of our ancestors made sacrifices in the hope of seeing Ram Lalla freed and witnessing the construction of a grand temple. They couldn't see it but did their part, but now, we are witnessing it (the temple)"; he said.*

Expressing his hope of seeing a Uniform Civil Code soon, he mentioned that while the construction of the Ram Mandir took time, the UCC bill would take less time and would come into existence in no time.

*"I assure you, you will see this (UCC) bill very soon. The day is not far when it will be clear that if there is one country, there should be one law, and one penal law. Those who try to deceive or run their own agendas will not last long."*

He also mentioned that he was taking an oath before all the great personalities who have ever been in the historic library room of the Allahabad High Court that this country will definitely bring a uniform law, and it will bring it very soon.

*"If you say that our personal law allows this, it will not be accepted. A woman will receive maintenance, bigamy will not be allowed, and a man will have only one wife, not four wives...If one sister receives maintenance and the other does not, then that creates discrimination, which is against the Constitution," he said.*

Furthermore, he also stated that while Hindus are non-violent and kind, it should not be assumed that we are cowardly. Addressing the gathering of VHP members, he emphasized that we should teach our children that the country, our religious practices, and our great personalities come first.

*"You could be an advocate, a businessman, or a student, but you are a Hindu first. And anyone who says that this land is his mother and he is its child, is a Hindu. Vivekanand*



*also believed that only a Hindu can make this country the world leader and no one else court. Never let this desire die."*

He clarified that a person who takes a dip in the Ganga or applies chandan is not the only definition of being Hindu and that anyone who considers this land their mother, who is willing to lay down their life for the country in times of crisis, regardless of their religious practices or beliefs, whether they follow the Quran or the Bible, is a Hindu.

He added that if this spirit is suppressed, it won't take long (for this country) to become like Bangladesh or the Taliban. He said there is a need to spread the message among the people to strengthen themselves, recognize their religion, and honour the great personalities of their treta and dwapar yuga.

He concluded by saying that he won't say that *"ek rahenge to safe rahenge"* but would say that once these values are realized, no one can harm us.

Available at:

<https://www.livelaw.in/news-updates/justice-shekhar-yadav-ancestors-sacrifices-free-ram-lalla-temple-hindus-consider-coward-277683>

**India will function as per wish of majority; "kathmullahs" against nation: Allahabad HC's Justice SK Yadav**

Justice Yadav was speaking at a function organized by the Vishva Hindu Parishad's legal cell in Allahabad High Court premises.

**Bar and Bench, Ratna Singh, 09-12-2024**

Justice Shekhar Kumar Yadav of the Allahabad High Court ignited a major controversy on Sunday by attending an event organised by the legal cell of right-wing organisation Vishwa Hindu Parishad (VHP).

The judge made contentious statements against the Muslim community and stated that India will function as per the wishes of the majority community.

In his speech, he said that the welfare and happiness of the majority overrides those of others.

*"I have no hesitation in stating that this is Hindustan, and this country will function according to the wishes of the majority living here. This is the law. It is not about speaking as a High Court Judge; rather, the law operates in accordance with the bahusankyak (majority). Consider this in the context of a family or society - only what ensures the welfare and happiness of the majority will be accepted,"* Justice Yadav said.

The judge made a slew of controversial statements, including using the term "kathmullah", a slur against Muslims commonly used on WhatsApp and other social media platforms.

Referring to extremists as "kathmullah", he said that the country should be circumspect about them.

*"Lekin yeh jo kathmullah hai jo...yeh sahi shabd nahi hai...lekin kehne mein parhez nahi hai kyunki woh desh ke liye bura hai...desh ke liye ghatak hai, khilaaf hai, janta ko bhadhkane wale log hai...desh aage na badhe is prakar ke log hai...unse saavdhaan rehne ki zaroorat hai (But these kathmullah... this may not be the right word... but I won't hesitate to say it because they are harmful to the country...they are detrimental, against the nation, and people who incite the public. They are the kind of people who do not want the country to progress, and we need to be cautious of them),"* he stated.

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, he added.

*"In our country, we are taught from a young age to respect all living beings, even the smallest animals, and to avoid harming them. This lesson becomes a part of who we are, which is perhaps why we are more tolerant and compassionate, feeling pain when others suffer. But this isn't the case for everyone. In our culture, children are raised with guidance towards God, taught Vedic mantras, and instilled with the values of non-violence. However, in some other cultures, children grow up witnessing the slaughter of animals, which makes it difficult to expect them to develop tolerance and compassion."*

Justice Yadav was speaking on the topic, Uniform Civil Code: A Constitutional Necessity. He also spoke on topics such as the Waqf Board Act and religious conversion.

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.

*"You can't disrespect a woman who has been recognised as a goddess in our shastras and vedas. You can't claim the right to have four wives, perform halala, or practice triple talaq. You say, we have the right to say 'triple talaq,' and not give maintenance to women. This right will not work. UCC isn't something that VHP, RSS, or Hinduism advocates. The country's top court also talks about it... This is the historic library hall of the court, where so many great personalities have been..."*

*"I vow that this country will surely enact a uniform law, and it will happen very soon,"* he added.

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."*

He also mentioned that being a Hindu is not limited to those who bathe in the Ganga or apply chandan (sandalwood). According to him, anyone who views this land as their mother and is ready to sacrifice their life for the nation during a crisis, irrespective of their religious beliefs - whether they follow the Quran or the Bible - is a Hindu.

However, he added that when it comes to social issues within the Muslim community, such as halala, triple talaq and adoption-related concerns, he found no courage or initiative from the community to address them.

*"It is not necessary for Muslims to marry by taking seven rounds around the fire, bathe in the Ganga, or apply chandan but they should respect the culture, great personalities, and deities of this land," Justice Yadav remarked.*

He emphasised that having four wives is unacceptable and further stated that no one has the right to practice halala, pronounce triple talaq, or deny maintenance to their wives.

*"If you claim that our personal law permits such practices, it will not be accepted. A woman will receive maintenance, bigamy will not be allowed, and a man will have only one wife, not four. If one woman receives maintenance while another does not, it leads to discrimination, which is against the Constitution."*

Justice Shekhar also spoke about the Ayodhya judgment of the Supreme Court. He remarked that many of our ancestors made great sacrifices to see Ram Lalla liberated and to witness the construction of a magnificent Ram Temple in Ayodhya.

*"Could you have ever imagined seeing the Ram Mandir with your own eyes? Many of our ancestors made sacrifices with the hope of seeing Ram Lalla freed and witnessing the grand temple's construction. Although they couldn't live to see it, they played their part, and now, we are witnessing it ourselves," he highlighted.*

He ended his lecture by saying that while Hindus are known for their non-violence and kindness, it should not be mistaken for cowardice. He stressed the importance of teaching children that the country, our religious practices, and our revered personalities should always come first.

*"Whether you are an advocate, a businessman, or a student, your identity as a Hindu comes first. Anyone who considers this land their mother and themselves as its child is a Hindu. Vivekananda also believed that only a Hindu has the potential to make this country a global leader, and no one else can do so. Never let this aspiration fade."*

Available at:-

<https://www.barandbench.com/news/hindustan-function-wishes-majority-justice-shekhar-kumar-yadav>



RESTATEMENT OF VALUES OF JUDICIAL LIFE  
[As adopted by Full Court Meeting of the  
Supreme Court of India on 7<sup>th</sup> May, 1997]

- (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.
- (2) A Judge should not contest the election to any office of a Club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.
- (3) Close association with individual members of the Bar, particularly those who practice in the same court, shall be eschewed.
- (4) A Judge should not permit any member of his immediate family, such as spouse, son, daughter, son-in-law or daughter-in-law or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a cause to be dealt with by him.
- (5) No member of his family, who is a member of the Bar, shall be permitted to use the residence in



which the Judge actually resides or other facilities for professional work.

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

(7) A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.

(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.

(9) A Judge is expected to let his judgments speak for themselves. He shall not give interview to the media.

(10) A Judge shall not accept gifts or hospitality except from his family, close relations and friends.

(11) A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.

(12) A Judge shall not speculate in shares, stocks or the like.

(13) A Judge should not engage directly or indirectly in trade or business, either by himself



or in association with any other person. (Publication of a legal treatise or any activity in the nature of a hobby shall not be construed as trade or business).

(14) A Judge should not ask for, accept contributions or otherwise actively associate himself with the raising of any fund for any purpose.

(15) A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.

(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.

These are only the "Restatement of the values of Judicial Life" and are not meant to be exhaustive but illustrative of what is expected of a Judge.