

Judicial Ethics

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Justice Shekhar Kumar Yadav's Remarks and the Debate on Judicial Accountability

Context

Justice **Shekhar Kumar Yadav** of the **Allahabad High Court** has come under significant criticism for comments made during an event organized by the legal cell of the **Vishwa Hindu Parishad**.

Controversial Remarks and Backlash

Key Comments by Justice Yadav:

- Asserted that the country operates according to the **wishes of the majority population**.
- Made **divisive comparisons** regarding values taught to children of different communities, highlighting the practice of **animal slaughter**.
- Advocated for the **Uniform Civil Code (UCC)**, stating that **Hindus revere women as goddesses**, contrasting this with **polygamy and triple talaq practices** in another community.

Reactions from Legal and Civil Bodies:

- **Supreme Court's Response:** The SC took cognizance of the issue, requesting details from the **Allahabad High Court** and stating that the matter is under review.
- **Criticism from Legal Fraternity:**
 - The **All India Lawyers Union** described the remarks as favoring a "**Hindutva Rashtra**."
 - **Prashant Bhushan's Campaign for Judicial Accountability and Reforms** accused Justice Yadav of **breaching judicial ethics**.
 - **Kapil Sibal**, President of the **Supreme Court Bar Association**, called for his **impeachment**.

Judicial Ethics and Standards of Conduct

Key Standards for Judges:

1. **1985 UN Basic Principles on the Independence of the Judiciary:**

- Ensures **justice is delivered impartially**, human rights are protected, and courts act without bias or discrimination.

2. Restatement of Values of Judicial Life (1997):

- A code of judicial ethics adopted by the Supreme Court, emphasizing **impartiality** and actions that reinforce **public confidence in the judiciary**.

3. Bangalore Principles of Judicial Conduct (2002):

- Adopted by the UN Economic and Social Council, requiring judges to act with **dignity, impartiality, and independence** while respecting societal diversity.

Alleged Violations:

Justice Yadav's remarks and participation in an event affiliated with a political group appear to breach these codes, compromising judicial **neutrality and public trust**.

Impeachment Process for Judges

Constitutional Provisions:

- A judge can be removed for '**proven misbehaviour or incapacity**' as per Articles **124** (for SC judges) and **218** (for HC judges).
- Removal requires a motion passed by **both Houses of Parliament**, followed by an order from the **President**.

Procedure for Removal:

1. Judges Inquiry Act, 1968:

- Details steps for removal, including a **special majority vote** in Parliament (a majority of total members and two-thirds of those present and voting).

2. In-House Procedure (1999):

- Complaints can be submitted to the **President, CJI, or High Court Chief Justice**.
 - Allegations are investigated by a **fact-finding committee of senior judges**.
 - Recommendations may include **voluntary retirement** or **impeachment** if the judge refuses to resign.
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Conclusion

Justice Yadav's remarks have sparked a debate on **judicial accountability** and the importance of **ethical conduct**. Upholding **impartiality** is crucial for maintaining **public trust** and adherence to **constitutional principles**. The judiciary's response to this controversy will be critical in preserving its **integrity and independence**.