



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## **UNIFORM CIVIL CODE (UCC) IN UTTARAKHAND: A DELICATE BALANCE BETWEEN UNIFORMITY AND THE RIGHT TO PRIVACY**

The recent introduction of the Uniform Civil Code (UCC) in Uttarakhand has sparked a significant debate across the nation, touching upon the delicate balance between the aspiration for uniformity in civil laws and the fundamental right to privacy. This discussion gains even more traction in a country like India, where diversity is not just a trait but the very fabric of its existence. The UCC aims to standardise personal laws across all religions, covering marriage, divorce, inheritance, and adoption, to ensure equality and justice for every citizen, irrespective of their faith. However, the contention arises when this uniformity seems to tread on the complex terrain of individual choices and religious freedoms, potentially violating the right to privacy.

### **The Concept of UCC and its Implications in Uttarakhand**

The UCC, as proposed, seeks to bring all Indian citizens under a single set of secular laws that govern personal matters. Uttarakhand, by initiating steps towards implementing the UCC, has become a focal point of this national discourse. The move is celebrated by many as a step towards realising the vision of a modern, egalitarian society where laws do not discriminate based on religious lines. Proponents argue that this is essential for achieving true equality as envisaged by the Indian Constitution, eliminating religious loopholes that, at times, perpetuate gender biases and injustices.

### **The Right to Privacy Concern**

However, the introduction of UCC in Uttarakhand has raised concerns regarding the right to privacy, a fundamental right upheld by the Supreme Court of India. Critics argue that the UCC, by its very nature, may infringe upon the personal and communal identities of individuals, dictating choices in deeply personal matters.

Legal experts termed the introduction by the Uttarakhand Assembly's Uniform Civil Code (UCC) bill with respect to the Live-in relationships aspect, as "invasion of privacy" and this moral policing might lead to harassment of two consenting adults staying together. The police might unnecessarily harass the men and women living in a live-in relationship. Two adult people living together in a consensual relationship is no crime. So to force them to report such an issue may be against their will to keep their relationship a personal affair.

The right to privacy encompasses the autonomy of personal choices, including the freedom to follow religious practices and personal laws. When a uniform code attempts to overwrite these choices, it potentially clashes with the individual's right to privacy, creating a dichotomy between public interest and personal freedoms. Article 21 of the Indian Constitution guarantees the Right to Privacy, safeguarding citizens from the excessive reach of state power. This protection is bolstered by the constitution's provision for Constitutional Remedies, which act as safety valves to ensure these rights are not infringed upon.

**Justice K.S. Puttaswamy (Retd.) vs Union Of India (2017):** This landmark case by the Supreme Court of India unequivocally declared the Right to Privacy as a fundamental right under the Constitution. The Court observed that privacy is protected under Article 21, which ensures the right to life and personal liberty. This judgement underscored the significance of privacy in the digital age, setting a precedent for future cases involving privacy concerns.

**People's Union for Civil Liberties (PUCL) vs Union of India (1997):** This case is another pivotal moment in the evolution of privacy rights in India, where the Supreme Court addressed wiretapping and surveillance under the Telegraph Act. The Court held that telephone tapping infringes on the Right to Privacy under Article 21, unless justified by public emergency or in the interest of public safety, thus ensuring a balance between state surveillance and individual privacy rights.

### **The Balancing Act**

The challenge, therefore, lies in balancing the objective of uniform civil laws with the respect for individual rights and religious freedoms. It is imperative to ensure that the UCC is not perceived as an imposition but as a progressive step towards inclusivity and equality. This necessitates a comprehensive and empathetic consultation process with all stakeholders, including religious and community leaders, legal experts, and civil society organisations, to craft a code that respects diversity while promoting unity.

Moreover, the implementation of the UCC must be accompanied by robust safeguards to protect individual rights, ensuring that the law does not encroach upon personal and religious practices that do not contravene public order, morality, and health. The goal should be to create a legal framework that supports personal freedom while promoting social welfare and justice.

### **Learning from Global Experiences**

Globally, several countries have implemented variations of a uniform civil code, each adapting the concept to its unique socio-cultural context. Learning from these experiences, India, and particularly Uttarakhand, can devise a UCC model that respects its pluralistic ethos while

moving towards legal uniformity. The key lies in the nuanced understanding that uniformity does not imply homogenization but the equal treatment of diverse identities under the law.

### **The Way Forward**

The path to implementing the UCC in Uttarakhand, and potentially across India, is fraught with complexities. It requires a judicious blend of legal prudence, cultural sensitivity, and visionary leadership. The dialogue surrounding the UCC should not be reduced to a binary of tradition versus modernity but should be seen as an opportunity to redefine and strengthen the nation's moral and legal foundations.

Engagement, education, and empathy must be the guiding principles in this journey, ensuring that the pursuit of uniformity does not eclipse the values of freedom and privacy. The UCC, in its ideal form, should serve as a testament to India's ability to cherish its diversity while striving for unity and justice for all.

In conclusion, the debate on the UCC in Uttarakhand is not just about legal reform; it is a reflection of India's ongoing journey towards an inclusive, equitable, and just society. It is a complex but necessary conversation that holds the promise of transforming the societal fabric, provided it is navigated with care, respect for diversity, and an unwavering commitment to individual rights. As Uttarakhand takes these tentative steps towards implementing the UCC, it becomes a microcosm of the larger challenges and opportunities that lie in reconciling uniformity with the cherished principle of the right to privacy.

#### **Citations:**

1. Justice K.S. Puttaswamy (Retd.) vs Union Of India & Ors (2017) 10 SCC 1
2. People's Union for Civil Liberties (PUCL) vs Union of India, (1997) 1 SCC 301
3. R. Rajagopal vs State of Tamil Nadu (1994) 6 SCC 632
4. Navtej Singh Johar vs Union of India (2018) 10 SCC 1