

## VOTE OF THANKS

S. N. Jain

IT IS my pleasant duty to propose a hearty vote of thanks. I express our gratitude to the distinguished speakers for agreeing to be associated with the inaugural session of this seminar on *Islamic Personal Law in Modern India*. We are grateful to them for their learned discourses. I am sure their valuable ideas will set a tone for our discussions in the business sessions of the seminar.

That the Muslim family law in India needs reform is evident from the fact that reforms have been effected in this law, in recent years, in several parts of the world. There has, however, been a great deal of controversy in India about the ways to be adopted to reform it in this country. The subject has become somewhat emotional and has also assumed political overtones. In my opinion, three different courses of action are open. The first is to replace it, along with the family laws of all other communities, by a uniform civil code for which a directive is found in the Constitution. The second is to thoroughly reform and codify it, as was the method adopted in 1955-56 in the case of the Hindu personal law. The third could be to effect legislative changes into Muslim law wherever needed, without displacing it from its Islamic base, as has been done in many countries having a substantial Muslim population.

The Indian Law Institute is an academic body and, therefore, the objectives of this seminar are purely academic. We have no desire to involve ourselves in the controversial question as to which of the methods should be adopted by the legislatures in India. Whichever course of action the legislatures decide to adopt, the deliberations of this seminar and the papers discussed at its different sessions may provide the necessary guideline. Keeping that objective in view, the Institute has also recently brought out a book which contains a study of the contemporary legislation pertaining to Islamic family law and succession undertaken in different parts of Asia, Africa and Europe.<sup>1</sup> With the same objective we have invited Professor J. N. D. Anderson who has done considerable work on the reform of Muslim law

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1. Tahir Mahmood's *Family Law Reform in the Muslim World* (1972).

In different parts of the world and has a great deal of experience in the matter.

Let me make it clear again that it is not the desire of the Institute to advocate any of the aforesaid courses of action for being adopted by the legislatures.

Some prominent invitees to the seminar who could not attend it have sent warm messages for its success. Notable among these are Mr. M. Hidayatullah,<sup>2</sup> Mr. Justice Murtaza Fazle Ali,<sup>3</sup> Professor Asaf A. A. Fyzee<sup>4</sup> and Professor Abdul Aleem.<sup>5</sup>

Let me thank the delegates who have responded so well to our invitation to participate in the seminar. We have received about twenty five papers which will form the basis of our discussions in different business sessions. Let me again thank you all for associating yourselves with the seminar by your presence this evening.

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2. Former Chief Justice of India.

3. Chief Justice, High Court of Jammu and Kashmir.

4. Former Professor of Law, Bombay University and author of the well-known work *Outlines of Muhammadan Law*.

5. Vice-Chancellor, Aligarh Muslim University.