

WELCOME ADDRESS

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THE TASK allotted to me, namely, welcoming you all is both easy as well as pleasant.

Mr. Gokhale who has agreed to chair the seminar needs no introduction to this enlightened audience. It is a happy augury that an eminent ex-judge, a jurist and at present the Minister for Law and Justice of the country is presiding over this seminar. Mr. Gokhale's commitment to the Directive Principles of State Policy in our Constitution is well known. A new and vigorous emphasis has now been placed by him and his colleagues on those Principles. It is gratifying to note that at least after nearly twenty years we have been able to realize the importance of these Principles. To put it in the words of an eminent writer, the Fundamental Rights and the Directive Principles of State Policy constitute "the conscience of our Constitution." It is regrettable that for a long time we have not been able to properly assess the importance of these principles. But what surprises as well as pains me is that instead of holding a seminar to find out the ways and means of implementing the Directive Principle contained in article 44, namely, to secure for the citizens a uniform civil code throughout the territory of India, we have met here to consider as to what changes we could usefully effect in the Islamic personal law as applicable in modern India. Religion-oriented personal laws were a concept of medieval times. That concept is alien to modern societies which are secular as well as cosmopolitan. Under our Constitution we have decided to build a secular society. We have decided to separate religion from our secular activities. Personal laws deal with our secular activities. So long as our laws are religion-oriented we can hardly build up a homogeneous nation. A society which is compartmentalized by its laws can hardly become a homogeneous unit. It can never become secular. In such a society, it is scarcely possible to separate religion from politics. In the Constituent Assembly, vested interests—Hindu as well as Muslim—had bitterly opposed the enactment of article 44. But the founding fathers of the Constitution, in national interest, refused to bow to their pressure. There is no justification to adopt a different attitude now. I have not been able to find any justifiable reason for not implementing article 44 of the Constitution. The solidarity of

our nation is of utmost importance. Each change in the law creates its own vested interests. If we effect merely changes in the Islamic law, those changes, in their turn are bound to create new vested interests. Those changes instead of becoming stepping-stones towards the enactment of a common civil code, may become road-blocks. I am sure Mr. Gokhale would exert his pressure to carry out the mandate of article 44, as he is seeking to do in the case of other Directive Principles. I hope this seminar will give the right lead and strengthen his hands.

Professor Mujeeb is one of the greatest Muslim scholars in the country. He is also a nationalist of repute. I am sure he will lend his weight for unifying the nation under common laws.

Professor Anderson is a well known authority on Islamic law. I have had the privilege of hearing him on Islamic law only a few days back. He will be able to explain to the seminar the genesis as well as the rationale of that law. I am sure he will point out to this seminar its unsuitability for a society like ours.

I welcome Mr. Gokhale, Professor Mujeeb and Professor Anderson. I also welcome the other participants. I wish the deliberations of the seminar all success.