

PRECIOUS PEACE

Peace in Jammu and Kashmir is fragile, for the handful of enemy agents are always looking out for opportunity to revive mass unrest, and violence. These rouge elements see an opportunity for their diabolical plans in the death of Iran's supreme leader Ayatullah Ali Khamenai. As we stated earlier, mourning over the killing of a religious leader can be done privately or at the community level in a mosque but taking to roads, unfurling flags of other countries at public places and clashing with the police points to deliberate trouble making. We must remember the sacrifices of the civilians and armed forces in extricating J&K from an abyss and putting it back on the track of peace. The peace has come at a huge price - human lives, sad memories of body bags reaching all corners of the country, children orphaned, widows of soldiers left to fend for themselves and the heart rendering scenes of young people being lowered into graves and cemeteries popping up across J&K. If the scenes being created by the troublemakers are any hint, they want chaos and violence to return to J&K, especially Kashmir.

The authorities need to be firm with protesters. They have been given enough leeway to vent their genuine grief and anger. It must stop immediately. The modus operandi of these trouble makers is to provoke forces into opening fire and manipulate a law and order situation. So many people have been killed in Pakistan and especially Gilgit-Baltistan in similar protests. We surely do not want bloodbath or the prolongation of protests in our part of the world. The authorities must round up the kingpins by tracking them through their digital footprints and nip the evil in the bud. Peace must be upheld at any cost. People are on the side of peace and they would soon be able to see through these protracted mourning-cum-protests.

Nepal elections: A Litmus test for old parties

Ashok K Mehta

Very few in Nepal initially believed an election on 5 March after the Gen Z protests was feasible: that it would even happen, given the chaotic and traumatic two-day protests last year which culminated in 77 protesters becoming martyrs and arson and mayhem leading to jailbreak, loss of weapons by police and damage to public property estimated at around USD5bn. A country with a GDP of USD 45bn, FE reserves of USD 10 bn and one third of its population of 30mn abroad, could ill afford such enormous loss. Until just two weeks before elections, doubters said Parliament will be restored; election postponed; GenZ revolt will repeat even as PM Sushila Karki cautioned against not factoring GenZ concerns during the elections. On 7 January I had said on this page that elections would be held on 5 March. The Nepal Army has been Karki's biggest supporter and pillar of confidence. This may be the first time Army will be in close proximity of voter booths. Security of ballot boxes has become a big concern.

The Proportional Representation system which does not allow a single party majority was introduced in 2015 constitution and parliamentary seats were enhanced from 205 to 275 with 165 First Past the Post (FPTP) and 110 through Proportional Representation (PR). A voter has to cast two votes: one for the chosen candidate and the other for his favoured party. This time, 120 parties are contesting of which 22 are new with 68 parties contesting FPTP seats. 3400 candidates of which 1000 are below 40 years of age are running for 275-member Parliament. 800,000 are new voters. The three traditional par-



ties are five times PMSB Deubaled Nepali Congress, four times PM KP Oli's CPN UML and four times PM Prachanda-led CPN (Maoists). GenZ Andolan ousted the UML and NC coalition with the people's wrath targeting Oli and Deuba, both their parties being badly tarnished. Most parties have praised GenZ revolution endorsing their reform agenda except Oli who was forced to quit and taken into Army's safe custody. "No to Oli" graffiti is still visible in most places across Nepal. To remove the image of discredited leaders, NC's youthful Gagan Thapa executed a bloodless coup replacing Deuba as party president and becoming the party's PM face. This has created an internal rift in NC between the old guard and the young Turks. UML's Ishwor Pokhrel tried to dislodge Oli but failed.

Last month, Rashtriya Swatantra Party (Bell symbol) secured a reprieve with its jailed leader Ravi Lamichhane released on bail and permitted to contest

elections.

A former Home Minister in the last Parliament he had several cases of misconduct including fraud. A shot in the arm came for RSP from the popular Kathmandu mayor, Balen Shah joining the party as its PM candidate. The popularity of leaders in Nepal is measured by the word "craze" with the Balen wave and craze storming most parts of Nepal. Among the new parties is Ujjiyalo Nepal, led by former technocrat Kulman Ghising credited with ending Nepal's perennial power outages. The Rashtriya Prajatantra Party which backs restoration of monarchy and Hindu Rashtra has "too many chiefs, few Indians". There is a fresh surge for returning former King Gyanendra to Narayanhiti Palace. Terai parties have split Madhesi vote once bagged by the Sadbhavana Party. In 2008 elections, the slogan 'ek Madhes ek Pradesh' never fructified and even the diminished Madhes province is dominated by hill-region political parties.

In the last 2022 elections NC emerged single largest party with 89 seats, UML 78 seats, Maoist 32 seats, RSP 21 and RPP 14 seats. An estimate of the 5 March vote shows a fractured verdict with RSP emerging as single largest with 100 to 110, NC 55 to 60, UML 50 to 55, NCP (the rechristened Maoists) 10 to 15, RPP 15-20. It is not clear how and when will GenZ reform agenda get incorporated in the 10-point agreement with Karki as it involves constitutional amendments. In Bangladesh the Feb 12 elections were accompanied by a simultaneous referendum on constitutional reform contained in the July National Charter. But when the winning BNP MPs took oath, they did not swear allegiance to the July National Charter. In Nepal, despite Karki's constant reminders to political parties about the GenZ "concerns" little is known how they will be accommodated. Most political parties except UML have generally backed their proposals. 2 March was the last day for

campaigning - and Holi. Our village, an NC stronghold near Pokhara, was visited by NC and RSP candidates contesting the parliamentary seat. Bells began ringing when RSP's Uttam Paudyal greeted us. That's the mood here. Punish old parties and canvas for change. While NC election posters bear pictures of Gagan Thapa and BP Koirala, RSP is championing for Ravi Lamichhane and Balen Shah. NC's election slogan is: "Congress Badlao; Desh Badlao" and "abki baar sau paar". RSP's message is simple: "abki bar Balen Sarkar". The fervour for change is palpable. RSP campaign teams are young and spirited for a party that made its debut in 2022. It has spread hope for a corruption-free Nepal though its detractors are saying that Lamichhane is the fountain of fraud.

No violent incidents have occurred though clashes have taken place for other reasons. Like the 2008 elections that followed the decade-long Maoist civil war where the results were a complete surprise, conferring a landslide victory for the Maoists when traditional parties were expected frontrunners. Similarly, the outcome of GenZ revolution could result in a shock and awe outcome for traditional parties. GenZ was so vastly disparate it could not form a party. In Bangladesh the protesting students won just eight to nine seats. In Nepal people want to punish the UML-NC coalition government led by Oli. That is precisely what the reading of the mood is.

The 5 March election is a litmus test for traditional parties and their record of corruption and misgovernance. 'Parivartan' is the buzzword here. RSP's Balen Shah, a Madhesi, is likely to become the first PM of Nepal from Madhes.

HEALING CONFLICT AT ITS ROOTS

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Most of us dread a conflict situation in our life, because it makes us uncomfortable and stressful. As a result, we learn to avoid, suppress or withdraw from conflict or even act as though it doesn't exist.

The conflict in human life begins from the time the infant is yet in its mother's womb. Whether it would be a male or a female baby, a prodigy or a dunce, a veritable beauty or ugliness personified? — these are some of the questions that raise ripples in the minds of the parents and later, determine their attitudes towards the newly-born, especially if it is a female child. These attitudes, in turn, leave an imprint or a scar on their psyche which, in its own turn, influences their behaviour that becomes the cause of conflicts in the society. In some societies, these are minor questions whereas in others, in which the female is still looked upon as an inferior being as compared to a male, these and related questions are considered as big ones. The example of the gender-difference of the baby is now at the periphery of the wheel of problems. At the centre of the circle



now is the trioka of social, economic and political conflicts. These conflicts have now taken a highly aggravated pitch. And, of these three, the political conflicts have, of late, taken a very virulent form.

What is drawing maximum attention in India are the events related to extremism and violent and subversive acts. Many of these conflicts have arisen from differences in political ideologies. Some minority groups complain that there is social and political discrimination to-

wards them and that the government is intolerant to the ideological minorities and that there is police intimidation and harassment and internment without trial. The government, on the other hand, says that these groups indulge in subversive and anti-constitutional activities and in espionage and political hostage taking extremist acts and

that they (the government) have, therefore, to act with an iron hand. There are no constructive and meaningful dialogues and, instead, there is violent confrontation. There is social apathy and a high degree of hatred on both sides. The result is that, in such a pluralistic society, there has developed violent disintegration. There are no efforts on either side to win the other by love, friendship and spirit of reconciliation. The result is that tensions are rising rapidly high and life is becoming in-

creasingly insecure.

A growing body of research has shown spirituality as a great antidote for all kinds of conflicts. Spirituality is like the medicine which heals the root of the disease and not just the symptoms. It is the only means that gives us complete solutions to conflicts. From a spiritual perspective, the simplest and the most powerful value needed for conflict resolution is 'respect'. This is because most of the people don't wish to negotiate when they are in possession of material power.

Therefore, there's an urgent need for those to realise and respect their inner powers. Similarly, faith is also a very important element in conflict resolution, it is the key to mutual understanding. For global conflicts the solution lies with the leadership. The leaders can bring about the much-needed change and make it trickle down the societies. Leaders of today must remember that any kind of change can be termed 'real' only when it affects the grassroots. It is thus very important to recognize that the world shall change, when I change. Hence, people should not wait to be told that they need to change, instead they should realize it themselves.

A marriage veto violates constitutional rights

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The recently proposed amendment to the Gujarat Registration of Marriages Act, 2006 has sparked debate over adult personal liberty, conflicting with existing laws and society's/state commitment to women's empowerment. Announced in early 2026, the proposed law seeks to "protect family values," curb alleged "love jihad" activities, and prevent coercion and fraudulent identities. While the state may extend legal protections to adults entering marriage, it must safeguard their constitutional freedom and liberty. The position pre and post proposed amendment is (1) Provisions (pre-amendment) - Gujarat Registration of Marriages Act, 2006 - No requirement of parental consent; registration is for civil procedure ensuring legal recognition of marriage. (2) Provision (post-amendment, 2026) - Amendment 2026 - For marriages/inter-caste or inter-faith marriages, couples must submit a notarised parental consent form alongside the marriage certificate. The parent/s has to submit their ID like Aadhar card along with approval for issuing the marriage registration certificate. The prosed law makes marriage registration manda-

tory. (3) Key Features - the amendment applies to marriages crossing caste or religious boundaries; same-caste/faith unions remain unaffected. Enforcement is delegated to registrar of marriages, who may request additional verification of consent. The amendment is justified by the state as a measure to "prevent forced conversion and preserve social harmony". But what will happen to the status of marriage when parents does not give approval. The parents may use their veto where they may not be comfortable due to social, religious and cultural etc obstructions. This veto introduces a statutory barrier that directly interferes with adult individual's autonomy over marital choices.

Sections 4 to 8 of the Special Marriage Act, 1954, provide a structured civil framework for marriage, independent of religious customs. Conditions (Section 4): Establishes mandatory criteria: monogamy, sound mental health, minimum age (21 for males, 18 for females), and avoiding prohibited relationships. Notice and Publication (Sections 5-6): Parties must file a notice in a district where one has resided for 30 days. This notice is publicly displayed to ensure transparency. Objections and Inquiry (Sections 7-8): A 30-

day window allows for public objections based on Section 4 criteria. The Marriage Officer must investigate objections within 30 days; if upheld, parties can appeal to a district court. This process ensures that civil marriages are transparent, consensual, and legally vetted before solemnization. The proposed law does not go with hand in hand with this central legislation.

Along with these provisions the Supreme Court has consistently interpreted Article 21 of the constitution as encompassing the right to marry a partner of one's own choosing. In Laxmibai Chandaragi B vs. State of Karnataka (2021), the court held that the freedom to marry without parental interference is a facet of personal liberty and privacy. The judgement emphasized that any state-imposed condition that curtails this liberty must be narrowly tailored and justified by a compelling public interest. Shafi Jahan vs K.M. Ashokan (2018) reinforced that discrimination on the basis of caste or religion in matrimonial matters violates the equality clause. The court observed that the state cannot impose "socially regressive" restrictions that perpetuate historical hierarchies. The Court intervened by setting aside the High Court's ruling, stating

that the marriage was valid as Hadiya was a consenting adult, and that parental approval is not a legal requirement. Reliance was made in article 21 of the Constitution. In Lata Singh vs State of Uttar Pradesh (2006), the court protected an inter-caste couple from familial coercion directing law enforcement agencies to safeguard their right to marry and to prevent intimidation. The judgement highlighted the parental consent requirements can become instruments of violence, particularly against women. Collectively, these decisions articulate a clear constitutional trajectory: adult individuals possess an entrenched right to marry and not to marry without parental approval, and any legislative intrusion must survive strict scrutiny.

Why the Gujarat Amendment falters?

The state argues that the amendment prevents "love-jihad" and protects cultural integrity. However, the Supreme Court has repeatedly rejected communal anxieties as a basis for restricting fundamental rights. In Sharyara Bano vs. Union of India (2021), the court held that the moral panic cannot outweigh individual liberty. No empirical data have been presented to demonstrate that parental consent re-

duces forced conversions; rather, the provision appears to codify communal suspicion. Empirical studies on inter-community marriages reveal that women bear the brunt of familial opposition and violence. By legally obligating parental consent, the amendment amplifies the leverage of male family members, contravening the protective rationale articulated in Lata Singh case (2006). Judicial precedent demands that any restriction on personal liberty be the least intrusive means available. The Gujarat amendment imposes a blanket consent requirement, irrespective of whether coercion is present.

A more narrowly tailored approach such as a judicial review mechanism for alleged duress would satisfy the state's interest without infringing on constitutional rights.

Plus we must also think of the logical problems it creates for two distinct set of people, first are those who somehow after coming of this amendment have gotten married now are liable to be penalised plus if the family now uses their so-called "veto power", as above stated, what happens do we break the family unit by declaring such marriage void ab initio? Secondly, if someone has married under the Special Mar-

riages Act, 1954 in the past few years and that too without their parent's consent then can now the parents of such couple voice their dissent to such marriage and what will be the outcome of such dissent on the marriage? The newly proposed amendment leaves with far too many questions and uncertainties and with far few answers. This lack of sheer lack of clarity and predictability is never good for any legal system as it creates confusion, disorganization in a well-oiled machinery and anxiety for the common people of the society.

The proposed amendment represents a regressive approach that subverts constitutionally guaranteed freedoms. Supreme Court pronouncements, clearly affirm adults' rights to marry and not to marry without parental interference (right to choice is also fundamental right). By imposing a blanket consent requirement, the state not only disregards these precedents but also jeopardizes the safety and autonomy of inter-caste and inter-faith couples, particularly women. A truly progressive society must respect individual choice, uphold constitutional guarantees, and resist legislating based on unfounded communal anxieties.