

The boycott ban: on Maharashtra's law against social boycott

Maharashtra's new law prohibiting the social boycott of individuals, families or any community by informal village councils is a step in the right direction, given the pervasive nature of the problem. **The progressive legislation, which received Presidential assent** recently and was gazetted earlier this month, targets the pernicious practice of informal caste panchayats or dominant sections using ostracism as a means of enforcing social conformity. **The Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016**, may serve as a template for similar legislation in other States. The Act lists over a dozen types of actions that may amount to 'social boycott', which has been made a criminal offence punishable with imprisonment up to three years or a fine of 1 lakh or both. The practices it prohibits range from preventing the performance of a social or religious custom, denial of the right to perform funerals or marriages, cutting off someone's social or commercial ties to preventing access to educational or medical institutions or community halls and public facilities, or any form of social ostracism on any ground. The law recognises the human rights dimension to issues of social boycott, as well as the varied forms in which it occurs in a caste-based society. Its progressive sweep takes into account discrimination on the basis of morality, social acceptance, political inclination, sexuality, which it prohibits. It even makes it an offence to create cultural obstacles by forcing people to wear a particular type of clothing or use a particular language.

This is not the first law of its type. Bombay enacted a law against excommunication in 1949, but it was struck down by the Supreme Court in 1962 after the Dawoodi Bohra community successfully argued that it violated the community's constitutional right to manage its own religious affairs. One hopes the latest Act will not be vulnerable to legal challenge. Article 17 of the Constitution and the Protection of Civil Rights Act outlaw untouchability in all its forms, but these are legal protections intended for the Scheduled Castes. In reality, members of various castes and communities also require such protection from informal village councils and gatherings of elders who draw on their own notions of conformity, community discipline, morality and social mores to issue diktats to the village or the community to cut off ties with supposedly offending persons and families. The case of a mountaineer from Raigad is somewhat notorious. He had conquered Mt. Everest but could not escape a social boycott in his village because his wife wore jeans and did not wear a mangalsutra. It is not a proud moment for a country when special legislation is required to prohibit social discrimination, ostracism and practices repugnant to human dignity. Yet, given the prevailing circumstances, any legislative assault on abhorrent social practices ought to be welcomed.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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