The Supreme Court has yet again ruled against the Maharashtra government’s ban on dance bars in Mumbai. It has said that the government cannot impose its morality on an unwilling society. Time and again, the courts have addressed the legal and political dilemmas around this ban. For example, in October 2015, the Supreme Court stayed the Maharashtra government’s 2014 legislation pertaining to dance bars. It stated that the new legislation was not very different from the 2005 version held unconstitutional by the apex court in July 2013. There is apprehension that the government may yet again try not to lift the ban. What explains the agreement among all political parties that dance bars must not be allowed to open?

The demand for the ban came disguised as discourses of gender rooted in nationalism, culture and the dignity of women. The state was called upon to protect the family and the good wives, the helpless youth and the Maharashtrian/Indian culture from the dangerous lure of bargirls. In the Maharashtra legislature, the need for a new law was justified as a need to discourage men from going to the bars and throwing money at ‘bad women’. In this scheme, the upper caste/class men seemed to need the protection of the state from the lower caste/class women. The bargirls became the ‘bad women’ who danced before men and seduced them with obscene attire and gestures. They were accused of avoiding honest labour and earning ‘easy money’, unlike the toiling, good poor women.

Caste and gender hold the key to understand the politics that unites parties on the dance bars issue. The emergence as well as the ban of dance bars in Mumbai can be seen as symptoms of globalisation in India. Dance bars emerged as a site of opportunity for customers to flaunt the wealth they had accumulated through their association with a globalised India. For the bar dancers, a majority of who came from the traditional dancing communities of North India, it offered a new employment opportunity. The demand and supply sides of dance bars comprised two distinct classes, which fit uncomfortably into the narrative on globalisation in India. The first class is the vernacular “new rich”, linked to the black economy, government contracts, political connections and religious
consumerism. This class constitutes the bulk of customers of the dance bars. The second class comprises the lowly-paid irregular workers; a class of people who are not just poor but are surviving with limited means. Bargirls hail from this class. Since the 1980s, these two classes have come together to create the dance bar market, which has upset and irritated both the ruling ideology as well as the popular script of globalisation.

The dance bar market offered its customers song, dance, Bollywood imagery and a pretence of royal mannerisms in the tawaif culture. It enabled customers to escape reality, feel like royalty, and fulfil the need for affirmation of their new status that the seemingly charmless capitalist economy — while providing unprecedented cash — fails to provide.

The dance bars used the power of musical performance in arousing feelings and deployed the established idiom of the Hindi film songs to attract customers to the bar and the bargirls. For customers, the dance bars offered a sense of fantasy, drama, adventure, addiction and competition. Though the dance bars were lucrative, they had remained almost hidden from the mainstream public for nearly two decades.

The bar dancers from traditional dancing communities can be seen as “performing their castes”: They were redeploying their caste capital — skills of dancing, entertainment, care, hospitality and the use of sexuality — to occupy the new space created by the globalising dance bar market. However, as their traditional skills gained unprecedented demand and monetary value in the globalising market, the bargirls seemed to occupy a space of high economic gain and challenge the gender, caste, class borders by performing their caste occupation in the global market.

The dance bar reconstitutes the relationship between gender, culture and caste as the experience of being entertained by dancing women becomes a matter of consumption; customers invent themselves as kings, compete for the attention of women and the latter earn money directly by providing entertainment. In this sense, the caste boundaries seem to have been transgressed in the dance bar market, making it a showcase of globalisation that offers escapism from traditional structures.

Some sections of the Bhatu caste cluster, especially the Bedias or Rajnats, have been traditionally involved in dancing, musical theatre and even sex work. Bar work could be seen as a likely expansion or continuation of their work in the globalising urban centres. These communities possess the “caste capital” to make the most of opportunities of sexual economies opened up by the globalising markets. They are performing their caste-based occupation in a new setting and marking the new occupation as their own realm. This situation can be seen as a furtherance of the caste patriarchy — as these women remain within their orbit of caste and gender. Yet, it can also be seen as loosening the connection of caste with class as the bargirls enter the middle class. The relationships between the
bargirl and the customer, although a transaction between the lower caste/class female performer and the upper caste/class male patron, was governed through the market and not rooted in birthright and obligation. In interviews, bar dancers have spoken about the “freedom” they have experienced because of the bars.

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Caste system controls the labour of the lower caste in myriad ways. It allows for the extraction of free labour and fixes the value of manual labour at the lowest possible denominator. The dismal pay for manual work and the abysmal treatment of the worker in India are both outcomes of the caste system. In the dance bar debate, the “toiling women” — the domestic worker, the pickle maker etc. — were glorified in comparison with the bargirls. But no one argued that the labour of these women deserved higher wages. Further, the labour of bargirls was not even considered as labour. That these women had overstepped the normative caste boundaries and were earning more money, power and status than what their caste position allowed them also influenced public opinion.

The legal justification for the new legislation concentrated on the alleged illegal activities and crimes due to the dance bars. The existing criminal and civil laws related to the dance bars were sufficient for the government to curb crime and revoke licences of bars involved in misconduct. However, the government preferred a ban on the bars. The law did not ban the bars or even the deployment of women in bars in their varied forms. It just banned dance. By banning the musical power that the performer has over her audience and patrons, the ban closed the space of the erotic to the lower caste women. While banning dance in bars, the state has allowed prostitution to continue, effectively encouraging women to replace dancing with prostitution. In a way, the state action reinforced the traditional caste-based status quo between upper-caste men and lower-caste women.

The Supreme Court’s removal of the ban is a pyrrhic victory for the 70,000 bar dancers who lost their livelihood in 2005. There is very little chance that many of them will return to the bars as dancing girls. Besides, the Maharashtra government may still find ways to ban the dance bars rather than regulate them.