

DANCE BAR BAN: DOING A FEMINIST LEGAL ETHNOGRAPHY¹

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This paper explores the methodological journey of undertaking a study of the legal ban on bar dancing in Mumbai and Maharashtra. A Legal Ethnography allows an understanding of the multiple layers involved in the creation of the dance bar ban and a feminist perspective focuses on those most affected by the law i.e. the bar dancers. Through interviews, group discussions and field observations, the study tries to comprehend the women who work in the dance bars and the world they weave for their customers. Yet the study moves beyond the bargirls towards the political actors to ask the question, why the ban? and dwells on not only the legislative process of passing a legislation to ban dancing but also the politics of banning erotic labour in Mumbai. This study coins new terms such as 'Caste Capital' to denote the cultural practices, knowledge and behaviour that allows some communities to excel in some modern occupations such as the women from traditional dancing communities within the dance bar industry and 'Caste Governance' to explain the actions of the government in curtailing the new found power, status and money of the bargirls.

INTRODUCTION

“The women who were being affected, whose husbands were going to the dance bars and throwing money, have they made their husbands sit at home now? Are they happy now?”

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1 The present paper explores the methodology of my PhD thesis titled “Performing Caste: The Ban on Dancing in Mumbai Bars,” submitted to Keele University in Dec 2012. I wish to thank my Research Assistants, Shambhavi Pandey and Bhavani. S, both students of the National Law School, Bangalore, for their excellent research assistance and the Editorial team of the Social legal Review for their uncanny sense and continuous support. Special thanks to Dr. Ahona Roy for reading the first draft and offering detailed comments. Lastly I wish to gratefully acknowledge the help, extraordinary generosity and friendship offered by Varsha Kale, the President of the Bharatiya Bargirls Union, that opened up the doors of the exciting new world to me, made this research possible and made it so much fun!

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(Komal, bar dancer in Sunday Bar, Vashi.
Interviewed on November 23, 2008)

A simple and single question - why the ban?- set me off on an ethnographic journey of the legal ban on bar dancing in Mumbai and Maharashtra in 2006. This is not an ethnography of the bar dancers or dance bars. This is an ethnography of the legal ban on dancing in the bars. It studies the multifaceted process of the ban. It includes the study of the space of dance bar, the occupation of the bar dancers, the social mobilization for a ban, the legislative course, and the judicial enquiry into the constitutionality of the ban. It is 'studying up'² along with 'studying down;' the institutions of power are studied along with the lives of those who are affected by that power. Thus how the political actors brought about the change in law is examined along with how the law altered the dance bar industry and the lives of dance bar workers.

This paper is presented in two main parts: firstly, it undertakes a theoretical exploration of the methodological questions encountered during this research. It expounds the terminology employed - i.e., ethnography, feminist methodology - and examines how they are applicable to this research. In the second part, the paper offers a narrative of the empirical journey through the fieldwork and data collection in Mumbai in the period of October 2008 to July 2009. It explains how the methodological tools of observation, interviews and record analysis were used to study different actors and locations in this piece of work. To protect the identity of the participants of this research, all interviewees were given some pseudo-names, mostly chosen by themselves. These include bargirls, customers, managers, male staff, etc. Only the public personae-politicians, lawyers, journalists- are referred to with their real names. The discussion of the constitutionality and the legality of the ban remain outside the purview of this paper. The objective here is to analyse the modes of gathering information during my fieldwork in 2008 with their theoretical underpinnings and not to discuss the developments that have taken place vis-à-vis the dance bars since then.

2 The term connotes studying the powerful, their institutions, policies, and practices, instead of focusing only on those whom the powerful govern. By doing this, one can identify the conceptual practices of power and how they shape daily social relations; Harding and Norberg, *NEW FEMINIST APPROACHES TO SOCIAL SCIENCE METHODOLOGIES* (2005).

PART I

Feminist Legal Ethnography Explained

“Ethnography makes us simultaneously stand inside and outside the *mise en scène* as we research. It is both a literary and scientific endeavour without privileging one over the other.”³

Ethnography started as a method to discover the alien cultures - the anthropologist was almost a ‘scholarly spy’ that pushed the Colonial agenda by reporting back on the peculiar details of the native lives and in turn offering the European powers a solace of rationalizing their rule in the name of civilization of the natives.⁴ Trying to make amends for this disreputable history, the present stream of anthropology spends considerable energy in trying to minimize the ‘appropriation of the other’ while studying a new society or culture.⁵ Currently ethnography is being used to understand and describe other cultures with their own normativity or from a ‘native point of view.’⁶ Ethnography can be viewed as a bridge to multicultural practice,⁷ ethnographic research is supposed to challenge pre-supposed ideas and stereotypes about the ‘other’⁸ as the research

3 John Flood, *Doing Socio-Legal Ethnography*, 33 WORKSHOP ON ‘SOCIO-LEGAL RESEARCH METHODS’, IISJ= IISL Oñati (April, 2003).

4 For example, Catherine Mayo’s *Mother India*, written in 1927, was a vivid description of the plight of Hindu women at the hands of Hindu men. British government used it to justify the British rule over the ‘uncivilized Indians’ and Indian Nationalists criticized it for being racist.

5 The relationship of researcher and the researched is discussed in methodological explorations; See for example, K.V. England, *Getting personal: Reflexivity, positionality, and feminist research*, 46(1) THE PROFESSIONAL GEOGRAPHER 80-89 (1994), arguing that the researcher’s positionality and biography directly affect fieldwork and that fieldwork should be a dialogue structured by the researcher and the participants. P. Atkinson & A. Coffey, *REALISM AND ITS DISCONTENTS: ON THE CRISES OF CULTURAL REPRESENTATION IN ETHNOGRAPHIC TEXTS* (1995). IN *THEORIZING CULTURE: AN INTERDISCIPLINARY CRITIQUE AFTER POSTMODERNISM* (Barbara Adam & Stuart Allan eds., 2002) in which authors discuss the crisis of representation from varied angles such as language neutrality and rhetoric, questioning of privilege etc.

6 James Spradley, *THE ETHNOGRAPHIC INTERVIEW* (1979).

7 Serene Thornton & Kendra J. Garrett, *Ethnography as a Bridge to Multicultural Practice*, 31(1) JOURNAL OF SOCIAL WORK EDUCATION 67-74 (Winter 1995).

8 First coined by Post Colonialist Gayatri Spivak, ‘othering’ is a process of stereotyping and marginalizing the populations/communities different than one’s own. Through this, the

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is often undertaken to test the veracity of the same. Consequently, a good ethnography would be able to tell something new, unearth a facet for even those who are being studied. This is possible as the researcher plays the role of the 'external reflector.' But for the researcher to take on that role there must be trust, which needs empathy.⁹ Without it, there will be no worthwhile results.¹⁰

The ethnographic process involved three methods: observation over a prolonged period, in depth interviews and analysis of written documents. The researcher in this project must immerse herself in the new space, people, culture for a period of time¹¹ in which, rather than being a distant passive observer, she becomes a 'participant observer.'¹² The interview process is very flexible in order to steer the conversation in the direction of the conversational interests of the respondents and involves the researcher asking open questions. This allows the researcher to understand the texture of respondents' lives in their own words and focus on their unique life experiences.¹³ Since most of these

Empire can define itself as against those it colonizes and excludes, the non-White races can be called ignorant and violent, and women can be termed as irrational and emotional.

- 9 The feminists' position on this is two-fold - they are aware of the fluid power dynamics in the research process, but they also know that such power dynamics cannot be eradicated completely. For instance, a white researcher researching on health beliefs of South-Asian women might be treated as a medical expert in some cases (dominance of the researcher), and might be advised on alternative non-Western remedies (dominance of the respondent). Data collected in the process of a non-hierarchical relationship between the researcher and the respondent will be more valid and ethical. Some of the ways to attain this is to explain the research to the respondents, bridging the linguistic gap, gaining access to respondents through personal connections (to not feel distant) and conducting the interview in the home of the respondents (for a much friendlier environment); Ning Tang, *Interviewer and Interviewee Relationships between Women*, 36(3), SOCIOLOGY, 703-721 (August 2002).
- 10 John Flood, *Doing Socio-Legal Ethnography*, 33 WORKSHOP ON 'SOCIO-LEGAL RESEARCH METHODS,' IISJ-IISL Oñati (April, 2003).
- 11 Ethnography does not begin with well-defined hypotheses – it evolves through the course of the research on the basis of the data gathered. It is an inductive rather than a deductive process; Don Locke, INCREASING MULTICULTURAL UNDERSTANDING (1992).
- 12 Participant observer involves observing and participating in the social life of a group, cultivating intimate relationships with people studied.
- 13 Further it has been argued that it is a narrow view that theoretical development can happen only when the ethnographic research produces hypotheses that can be tested through conventional methods of research, as it finds information on social categories and processes that are not available through other modes of research; David A. Snow, *Assessing the Ways in Which Qualitative/ Ethnographic Research Contributes to Social Psychology*, 62(2) SOCIAL PSYCHOLOGY QUARTERLY, 97-100 (June 1999).

interviews and observations are conducted in the homes/surroundings of the respondents, it reinforces the idea that the respondents are experts and researchers, the learners.¹⁴

Legal Ethnography

The present work can be called a form of Legal Ethnography, since rather than a new group or community; it studies a socio-legal process, specifically the birth and execution of a new legislation. Ethnographic methods have been applied to the study of law and society to offer insights through empirical legal scholarship. For instance, ‘the role of law and legal institutions in sustaining, creating, interrogating, and ameliorating inequalities’¹⁵ has been examined by legal ethnographers in diverse fields - from immigrant’s encounter with the law, rights and citizenship of indigenous communities to women’s property rights.¹⁶ Indian feminists have explored women and their legal encounters using legal ethnographic style and have discovered the nuances of how law treats the rape victims or how it interacts with sex workers.¹⁷ In order to undertake a legal ethnography, I observed the dance bar space after it was banned. Interviews were taken of bar dancers, bar managers, customers as also the politicians who lobbied for the ban, and the records of the legislative debates in the Vidhan Sabha and Vidhan Parishad were analysed.

While the method remains the same, the questions and the focus of the research are determined by the ideological perspective of viewing the world and

14 Serene Thornton & Kendra J. Garrett, *Ethnography as a Bridge to Multicultural Practice*, 31(1) JOURNAL OF SOCIAL WORK EDUCATION 67-74 (Winter 1995).

15 See for example, Law and Inequalities Issue of the Political and Legal Anthropology Review (PoLAR) published in 2014.

16 See in particular, Nicole Newendorp, *Contesting “Law and Order”: Immigrants’ Encounters with “Rule of Law” in Postcolonial Hong Kong*, 34(1) POLITICAL AND LEGAL ANTHROPOLOGY REVIEW (May 2011); Rusaslina Idrus, *From Wards to Citizens: Indigenous Rights and Citizenship in Malaysia*, 33(1) POLITICAL AND LEGAL ANTHROPOLOGY REVIEW (May 2009); Anne Griffiths, *Gender, Power, and Difference: Reconfiguring Law from Bakwena Women’s Perspectives*, 23(2) POLITICAL AND LEGAL ANTHROPOLOGY REVIEW (November 2000).

17 By sitting in on rape trials in Gujrat, Pratiksha Baxi analysed how legal process in the Courts becomes a theatre of pornography in which the raped woman must act her part. See, P. BAXI, *PUBLIC SECRETS OF LAW: RAPE TRIALS IN INDIA* (2014) Prabha Kotiswaran understands the multiplying effects of Criminal law on the sex industry by spending time within the red light districts in Tirupati and Calcutta. P. Kotiswaran, *DANGEROUS SEX INVISIBLE LABOUR: SEX WORK AND THE LAW IN INDIA* (2011).

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of doing research within it. The methodology of a research is invariably connected to the ideological leanings of the researcher. By starting with the question of the ban, this ethnography must interrogate those people who mobilized for the ban, brought an amendment to the law, implemented the ban, i.e., the political actors, police, judges, journalists rather than just those who are affected by the ban, i.e., the bargirls and bar staff. The ethnography of the ban no doubt includes the ethnography of the bargirls. But the focus swerves. For example, 'why do women come into this occupation and how,' is not a standalone research agenda. The question includes 'what makes these women a threat to society?' These questions connect the methodological tools of research to an ideological or political endeavor.

Why should this work be feminist?

Feminism is a political project. It questions the hierarchical world order in which women are placed at a decided disadvantage and rejects the subordinate position of women in society. When feminists do social science research they bring their critical perspectives to it and question the reliability of research that pays no regard to women or renders them invisible. Feminist methodology tries to make the process of research women-centric. Consequently, the feminists choose subjects of research that would offer primacy to women's concerns.

Feminists have critiqued the traditional research methods as ignoring women and quantitative data tools like surveys and questionnaires as stripping the context in which the reality of human life is lost, especially women's lives. Feminist methods must keep in view the social context in which women operate. As Fine and Gordon note:

... do not put us in a laboratory, or hand us a survey, or even interview us separately alone in our homes. Watch me with women friends, my son, his father, my niece, or my mother and you will see what feels most authentic to me.¹⁸

Feminists have also criticized traditional quantitative research in which

18 M. Fine & S.M. Gordon, *Feminist transformations of/despite psychology*, GENDER AND THOUGHT: PSYCHOLOGICAL PERSPECTIVES 159 (Mary Crawford & Margaret Gentry eds., 1989).

19 R.K. Unger, *Through the looking glass: No wonderland yet! (the reciprocal relationship between methodology and models of reality)*, 8 PSYCHOLOGY OF WOMEN QUARTERLY 9–32 (1983).

people are transformed into ‘object like subjects’¹⁹ and their voices are submerged under the voice of the researcher.²⁰ Feminist research can, in turn, answer questions that women need answered. Thus research is not *on* women to answer questions for the welfare departments, advertisers, medical or judicial enquiry but for studying women from their own perspective so that they can understand themselves and the world better. Hence, feminist research joins other ‘underclass’ research in ‘studying up’ rather than studying down.²¹

In August 2005, the State government of Maharashtra amended the Bombay Police Act²² to prohibit dancing in the establishments where alcohol is served. Two aspects of this ban made it a feminist issue. First was branding of the bar dancers as ‘bad women’ and, the second was the employment crisis of thousands of female workers who were rendered jobless overnight. While known as the dance bar ban in popular parlance, the legal ban stemmed from and reiterated the discourse of bad women in the market against good women at home,²³ thus needing the strictures from the State who must uphold not just law and order but also social morality. Resultantly, thousands of women workers suffered a loss of livelihood. With the dance banned, the bar owners faced loss of profits and the tips for male bar workers were seen to be reduced. However, women workers were the most affected group. With little or no alternate occupational choices, they faced sudden poverty, starvation, loss of health care and education and often joined sex work in a bid for survival.

Feminist methodology, as per Maria Mies, is an attempt to develop methodological approaches that would be consistent with the social, economic and political aims of the women’s movement.²⁴ Sandra Harding states that not

20 S. Woolgar, *Irony in the social study of science*, SCIENCE OBSERVED: PERSPECTIVES ON THE SOCIAL STUDY/SCIENCE 239-66 (K. D. Knorr-Cetina & M. Mulkay eds., 1983).

21 S. Harding, *Introduction: Is there a feminist method?*, in S. Harding, FEMINISM AND METHODOLOGY 1, 8-9 (1987).

22 S. 33(1)(w)(i), Bombay Police Act, Bombay Act No. XXII of 1951, for licensing and controlling Places of Public Amusement (PPAL) or entertainment. A new section 33A was inserted that stated, “Holding of a performance of dance, of any kind or type, in any eating house, permit room or beer bar is prohibited. All performance licences are cancelled.”

23 The homes and familial bliss of the good housewives was seen to be wrecked by the bad bargirls, who were taking away their husbands and grocery money. Questions such as “Sweetie vs Savitri, who are you with?” were posed through media campaigns.

24 Maria Mies, *Towards a Methodology of Women’s Studies*, 77 ISS OCCASIONAL PAPERS, 2 (1979).

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the questions of pure truth but queries as to how to change conditions drives feminist research.²⁵ Feminist research methodology thus emerges from the feminist politics. During the countdown to the ban in 2005, feminist activists, lawyers, academics, filmmakers in Mumbai responded to the ban through their own tools. Articles condemned the government for its 'hypocritical morality.'²⁶ Feminist groups and NGOs conducted surveys and published reports elucidating the working and living conditions of the bar dancers.²⁷ Lawyers argued for the right to occupation in the Courts. The Bhartiya Bargirls Union, a union of bar dancers started by a womanist²⁸ activist in 2004, provided a central platform and entry point for these disparate feminist efforts.

It is imperative to point out the intersectional complexities within feminists that inform and critique feminist methodology. As Patai points out, "Merely engaging in the discourse of feminism does not exclude feminists from exploiting their subjects when routine research practices are embedded in a situation of material inequality."²⁹ The researcher and the researched bring varying degrees and types of social power (class, race, gender, ethnicity, physical location) to the research situation³⁰ and ignoring this fact reiterates this power imbalance. For example, Bell Hooks insists, "Feminist analysis that focuses exclusively on gender does not provide a solid foundation to construct feminist

25 S. Harding, *Introduction: Is there a feminist method?* in S. Harding. (ed.) FEMINISM AND METHODOLOGY; SOCIAL SCIENCE ISSUES (1987).

26 Flavia Agnes, *Hypocritical morality*, 149 MANUSHI (October 2005).

27 500 bar dancers were interviewed for the first report in 2005, titled "Working women in Mumbai bars: Truths behind the controversy," published in Mumbai by the SNDT Women's University. The second report in 2006 evaluated the effects of the ban and reached about 80 bar dancers still working in Mumbai.

28 Varsha Kale, the President of the Union, prefers to be known as a Womanist, a term borrowed from the social theorization of racial and gender oppression of Black women. The use of this in India can be seen in similar vein as the Black women distancing themselves from mainstream, White feminism.

29 D. Patai, *US Academics and Third World Women: Is Ethical Research Possible*, in WOMEN'S WORDS: THE FEMINIST PRACTICE OF ORAL HISTORY 137, 139 (S. Gluck Berger and D. Patai eds., 1991).

30 Harding and Norberg, *NEW FEMINIST APPROACHES TO SOCIAL SCIENCE METHODOLOGIES* (2005); Harding and Norbert point out how power relations arise during the research process. Firstly, the researcher and the researched bring varying degrees and types of social power (class, race, gender, ethnicity, urban or rural backgrounds) to the research situation. Second, research processes themselves produce power differences in terms of who defines the research project, whose concepts, questions, and hypotheses are

theory. They reflect the dominant tendency in patriarchal minds to mystify women's reality by insisting that gender is the sole determinant of women's fate."³¹ The fault lines on the basis of race, class, caste are important to note in this respect.

Dalit feminists have tried to carve out their brand of feminism through the standpoint of Dalit women, standing as they are at the intersection of caste and gender, posing an antithesis during the debate surrounding the ban. In their published surveys and in lobbying, the feminists stressed upon the fact that the majority of bargirls come from the traditional entertaining and dancing communities in North India³² and they must be allowed to carry on their hereditary occupation.³³ Dalit Feminists argued that feminists are not able to see that sexual entertainment provided by lower caste women to upper caste men is an established component of caste patriarchy. As per an email circulated by the Dalit Bahujan³⁴ Mahila Vichar Manch (loosely translated as the 'Dias of Dalit and plebeian women'), "By dancing in Bars and earning their living through sexual entertainment of the neo-rich, neo-capitalist sexually perverted men in the new framework of globalisation, these women are responsible for pushing 150 years old Social Reformist and Feminist movement back to 17th Century."

the focus of the research, whose theories and methods of producing knowledge are favoured. Third, the relations between the researcher and the researched during interviews, observations, and other data collection processes can be hierarchical. Finally, writing up and representing the research could be a site for creating and exercising power differences.

31 Bell Hooks, FROM MARGIN TO CENTRE 14 (1984).

32 Technically these communities such as Bedia, Nat, Kanjar are not untouchable castes. They mostly belong to the Scheduled Tribes (ST) or Nomadic Tribes (NT). However, the word Dalit encompasses the downtrodden owing to their position within the caste hierarchy.

33 I have coined the term 'Caste Capital' to denote the cultural practices, knowledge and behavior patterns that allow some communities to excel in particular modern occupations such as the women from traditional dancing communities within the dance bar industry. The nuances of this concept with special reference to dancers from Bhatu communities such as Bedia, Nat, Rajnat are discussed in detail in my forthcoming monograph PERFORMING CASTE: THE LEGAL BAN ON BAR DANCING IN MUMBAI.

34 Bahujan literally means 'majority people' referring to people from the Hindu Scheduled Castes, Scheduled Tribes and Other Backward Castes (OBC) as well as Buddhists. The term came to be used in the politics of awareness and identity in India. The word got further currency with the launch of Bahujan Samaj Party in 1984, a party with claims on Dr Ambedkar's political thought and managed to rule Uttar Pradesh for a while. Mayawati, the former Chief Minister and head of the party, is a dynamic woman from the *Chamar* (Cobbler) caste who asserts pride in being a *Chamar* and Dalit.

They urged the bargirls to “join the struggle for self-respect,” to break the shackles of the slavery of neo liberalism, get out of the sexual occupations and try to live within a smaller income but with self-respect.³⁵ This dilemma between self-preservation and self-respect has played out in the Dalit movement since the 1920s. It began when Dr. Ambedkar called upon his brethren to quit dehumanizing practices and defiling work, which were imposed upon them by the village caste order and in turn branded them as untouchables - from carrying human excreta on their heads, skinning dead animals, eating the flesh of dead cattle to sex work.³⁶ The contemporary debate of right to work (in the dance bars) against right to dignity (by quitting bar dance) can thus be considered within the context of the Ambedkari movement. Lack of understanding of the intersectional operations of caste and gender, along with the lack of appreciation of the history of anti-caste struggles in Maharashtra, resulted in unwitting alienation of the Dalit feminists by the mainstream feminist groups.

While the focus of the present discussion is on the feminist response, other counter and parallel responses must be acknowledged. The dance bar debate was fraught with tension due to the confused fault lines. Individuals and groups with disparate political ideologies were found together in both the pro and anti-ban lobbies; feminist groups joined the bar owners’ rallies against the ban while the Leftist veterans supported the Right wing mobilisations, as did child rights organisations. Since each of these had their own agenda and discourse ranging from right to work and occupation to sexual exploitation of

35 Kunda Pramila Neelkanth, *Bargirls Come, Join the Struggle*, LOKSATTA (May 17, 2005).

36 It has been argued that the agency and choice debates and discourse around sex work have missed out on the stark statistical evidence that shows that majority of sex workers are from the lowest castes, many of them routed through the caste related practices of ritual prostitution such as Devadasi and Murali; Anagha Tambe, Reading Devadasi Practice through Popular Marathi Literature, 44(17) ECONOMIC & POLITICAL WEEKLY (April 25, 2009).

37 For instance, Prerna an NGO in Mumbai was an active supporter of the ban in media and through the writings of their Founder Director Pravin Patkar who stated that dance bars are the shop front of the flesh market and minor girls from villages and towns are being procured as the commodity for it.

38 Several reports were published on the problem of the dance bars. For example, Vijay Raghavan, *A study of the socio economic situation and rehabilitation needs of women in dance bars*, published by Prayas Project of Tata Institute of Social Sciences, Mumbai, 2005 (noting trafficking of women to dance bars and the operations by pimps); Shubhada Choufer, *Problems of Mumbai’s bargirls*, published by Rambhao Mhalgi Prabodhani, 1998

minor bargirls to bargirls breaking families and eroding national culture,³⁸ they sat together rather uneasily in these temporary alliances forged during the discussions around the legal ban.

PART II

As mentioned in Part I, this research entails employing ethnographic field work and data collection methods to a variety of social groups and disparate locations, in order to understand the whole process of the dance bar ban right from its demand to the legislation and its aftermaths on the affected parties. This includes observation of the dance bar space, interviews of bargirls, customers, politicians, police officers, and analysis of the records from the legislative houses of Maharashtra state. It also summons reviewing the literature and scholarship produced by other authors. Hence, this part of the paper will take the reader to different locations and reflect on how data was gathered in these locations via varied methods.

At the onset itself, one may note the limitations of the methods used: the fieldwork was conducted for eight months during September 2008 to April 2009. Over 50 people were interviewed which included bargirls, bar owners, managers, waiters as also politicians, police officers, lawyers, feminist activists and journalists. Method used for finding interviewees was Snowball Sampling³⁹; due to the hidden character of the community of bargirls, access to interviews was dependent on the known contacts who would share information about others. This was a slow process with limited success and the type of bargirls willing to interview lived in the same locality in Mumbai and belonged to the lower to lower middle class in the urban setting, though considerable variation of age, religion, state and language was found. The star bargirls that everyone spoke of had mostly gone abroad on dancing contracts or had chosen to be mistresses rather than take a hit in earning and status in the same bars. Hence my research findings related to the experiences of the women working in the bars are based on interviews with lower ranks of bargirls while the findings on the dance bar space and industry are gathered from the interviews with customers,

(Study report prepared under Vasantao Bhagwat Memorial Fellowship, 1997) (stating attraction to glamour and big money as the reasons for the bargirls joining the dance bars). These reports were presented by the Maharashtra Government to the Mumbai High Court.

39 A data-collection method where first participants are requested for their contacts and the gathering of interviews is like a rolling snowball in motion growing bigger. This method is used when studying a hidden community or network where access can be a problem.

male staff members, managers and bar dancers.

The Site of the Dance Bars

“..the world that the dancers and the patrons call the bar line, is unique to Bombay, and is the intersection of everything that makes the city fascinating: money, sex, love, death and show business.”⁴⁰

Bombay, renamed Mumbai in 1997, is a mega city with a population count of 18.3 million in 2005, and encompasses a wide social, cultural, political, economic and productive diversities with its numerous languages, religions, castes.⁴¹ The ever-shifting kaleidoscope offers freedom for experimentation and innovation. Here in the metropolis, with its ‘unstable and ambiguous position between the global and local,’⁴² the era of the dance bars began in 1980s when enterprising bar owners experimented with serving alcohol accompanied with music and dance. They introduced orchestra, mimicry, ladies’ services and brought in women waitressing. It was the post prohibition period and the Maharashtra government was actively promoting the sale of liquor. The government issued licenses to hold performances under the Rules for Licensing and Controlling Places of Public Amusement and Performances, 1960, including *Melas*⁴³ and *Tamashas*. In the following two decades, just as the wrath towards the dance bars increased, their number went up to 1,250.⁴⁴ The traditional dancers learnt to dance to recorded music and created the fusion of old attire of *Chania Choli* (long skirt and blouse) with modern makeup, and old and new dance moves with Bollywood songs. The tips of the customers were enormous and dancers demanded their share of the tips. By 1997, in most bars,

40 Suketu Mehta, *MAXIMUM CITY: BOMBAY LOST AND FOUND*, 285 (2004).

41 Jim Masselos, *Formal and Informal Structures of Power in Mumbai*, in *THE MAKING OF GLOBAL CITY REGIONS: JOHANNESBURG, MUMBAI/BOMBAY, SAO PAULO, AND SHANGHAI*, 168 (Klaus Segbers ed., 2007).

42 Ranjit Hoskote, *Versions of a Post-colonial metropolis: Competing discourses on Bombay's image*, in *THE MAKING OF GLOBAL CITY REGIONS: JOHANNESBURG, MUMBAI/BOMBAY, SAO PAULO, AND SHANGHAI*, 258 (Klaus Segbers ed., 2007).

43 Mela is like a carnival that comes to the city or village for a few days. It has food, shopping, entertainment and sport.

44 V. Kale, *“Introduction” to Haldankar*, V. BARBALA, Mehta Publishing House, Pune, [Marathi] (2008), p. XI

dancers claimed 70 percent of their tips and had done away with the salary. By 2005, Bombay had around 75,000 women working in the bars. In this, 2 to 3 percent were singers and about 25 percent were waitresses.⁴⁵ Slowly the concept of and the nomenclature ‘dance bar’ came to be recognised in the state administration and legislation. For example, in the year 2000 the Mumbai Entertainment Tax (Amendment) Ordinance increased the tax for dance and music to Rs. 10,000 per month. It defined Dance Bar as “(a place) where along with alcohol, for entertainment, any kind of dance performance is offered with any kind of music.”⁴⁶

The ban changed all this. As an owner stated:

Crazy Boys started...and did it do business! What a place it was! It was considered the best dance bar in Maharashtra...people would come from Pune, Bombay, Kolhapur, Ahmednagar to visit. The dancers were very hi-fi as well. They would drive down in their own cars. Some would earn up to a lakh rupees in one night. You cannot imagine madam, how it was. Now we cannot show you a dance bar. And without seeing, how will you understand the glory of it?

(Anna Shetty, Saloni Bar, Vashi)

Standing outside his new bar, Anna Shetty (name changed) - a bar owner in Vashi - was reminiscing about the times gone by. It was late night in November 2008, over three years after the legal ban on dancing had become operative. The bars had fallen from grace and had come down to being desperate places where sex and booze reign. This happened in two linked ways; with the dance taken off the deal, the clientele interested in Bollywood type entertainment of music and dance dwindled. The top level dancers moved away – trying to find dancing contracts and employment abroad. A gap arose in the bar industry and was filled by the mushrooming of the lower grade of bars. While my informants insisted that the bar industry was finished, in my nightly rounds of the outskirts of Vashi, Panvel, Thane, and Dombivali, I could notice a

45 Ibid, pp. XII–XV.

46 Maharashtra Notification No. 5, Maharashtra Official Gazette, (2001).

lot of functional bars. Upon enquiry, I was informed that they were not dance bars but 'Ladies Service Bars,' 'Pick up points' and 'Silent Bars' which are just varied names for establishments that provide sexual services to their clients.⁴⁷ At the time of my fieldwork, I could see very few dance bars the way they were but many that trudged on with some shady business.

The physical space of a typical dance bar is arranged like a small intimate theatre or a performance site rather than a restaurant or a bar. There is a round or half circle dance floor that dominates the space. Plush sofas are placed around this dance floor with low tables for food and drinks. On the other side of this dance floor is the green room for dancers to dress up and sometimes even hidden doors to secret rooms used during the frequent police raids (as explained later). The cashier's table is one corner along with a tiny temple with assortments of deities.⁴⁸ However, from evening to late night, the dance bar transcends into the space of dreams and allure. My own experience of my first visit was recorded thus;

The dance bar seemed every bit the magnetic sensual mystery that the stories - and rumours-project. With trepidation I entered the dance bar tonight and found the whole place abuzz with suppressed excitement. The ambience resembled a Bollywood set. The blaring music hit us making it impossible to converse. We were seated right in front of the dance floor and plied with drinks, kababs and attention. The dancers, 10 to 15 young women between the age group of late teens to mid-30s, were the most dazzlingly beautiful women I have ever come across. They were stylishly draped in glittery sarees with blouses that left much of their backs bare, with make-up and jewellery and looked like they were going to a Bollywood themed music carnival.

47 For example, pick up points are where customers can dance with girls, negotiate and fix a price, then take the girls out. The girls pay exit money to the owner and go out to a lodge (Interview with Agrawal, Bar Owner, Borivali). Silent Bars offer a dimly lit space where girls offer oral sex and other explicit sexual services to the customers (Conversations with Nutan, Jan 14, 2009 and Kamlesh, Jan 11, 2009).

48 Based on field observations. See, Field Diary: Jan 12, 2008.

Though the dance was not officially on, they were swaying to music, singing along and making eye contact with the customers. The customers would beckon them close and hand over wads of cash. One of them, a stunning beauty, made eye contact with me, smiled slowly and winked. It was a power packed punch to the gut. I was instantly smitten.

(Field Diary excerpt June 12, 2007)

The group discussions with bar staff help unpack the sources of this impact. On the backdrop of the ambience and the lighting, the team of waiters, cashiers, guards, bar dancers, singers works towards the mirage of a Bollywood type *Kotba* into which the customers enter to play out their fantasies. Just as the customer walks to the bar, the burly *Darban* bows low to salute him and opens the massive door with a flourish. Inside the bar, the manager recognises and greets him. Then seats him on his favourite seat. The waiter brings him his usual drink without even asking for it. As he adjusts his eyes to the lighting – bright on the dance floor, dim outside of it - and settles into his seat he sees that the bargirls are smiling at him, dancing only for him.⁴⁹ Music is vital for this impact. Song and music create feelings of melancholy, longing, regret, love, desire in the heart of the listener and can hold a subversive erotic power to move the men profoundly.⁵⁰

The Hindi film songs hold a special place as a language of love in the Indian popular imagination. The film lyrics are noted to be one of the most popular forms of poetry in circulation in India and have a rich idiom of love.⁵¹ Bars put this ‘already interpreted’ language to utmost use along with the set of visual codes of Hindi cinema that include setting, physical appearance, costumes and symbols.⁵² This culture of musical consumption plays out in the dance bars.

49 Group discussions with bar staff of Sunday Bar, Vashi November 23, 2008 and various conversations with Varsha Kale.

50 Katherine Butler Brown, *If music be the food of love: masculinity and eroticism in the Mughal mehfal*, in LOVE IN SOUTH ASIA: A CULTURAL HISTORY, 61, 62 (Francesca Orsini ed., 2006).

51 Rachel Dwyer, *Kiss or tell? Declaring love in Hindi films*, in LOVE IN SOUTH ASIA: A CULTURAL HISTORY, 289, 292 (Francesca Orsini ed., 2006).

52 Rachel Dwyer, *Kiss or tell? Declaring love in Hindi films*, in LOVE IN SOUTH ASIA: A CULTURAL HISTORY, 289, 290-291 (Francesca Orsini ed., 2006).

Contrary to what the pro-ban lobby claimed, the appeal of the dance bar was not to the crude, base instinct of men, but to their romantic, artistic, Nawabi (royal) instinct. The commodity served in the dance bar was not sex but erotica, dreams and drama. The interviews with customers⁵³ showed that men went to the bars to seek adventure, freedom, relief from societal restrictions, new identity, sex, even love. A grocery shop owner may boast of his *jigar*' in courting adventure and throwing money.⁵⁴ A bank clerk may act like a Mafia Don, and a real Don may fall in love and be vulnerable.⁵⁵ As one of the customers stated, "Till the last ten rupee note is on the table, customer is king!"⁵⁶

However fascinating and benign the picture of the dance bars seems from the lens of the male customers, it gets punctured when contemplated from the point of view of the bargirls. Two incidents during my visits to the bars revealed the underbelly of the dance bars to me. First was in January 2008 when I was gathering preliminary information and requested two of my family friends to take me along to their regular bar. I was sitting with them - the only woman amongst the customers - avidly watching the dance floor when a shrill alarm rang over the loud music in the bar. Suddenly everyone jumped to action and all the bargirls hurried out of the room. The stewards rushed me as well and in my confusion due to the sudden chaos around, I dashed after the girls out of the main lounge. The door closed behind us and the passage led to another apparently 'secret' door which opened onto stairs and a dressing room below. All the women entered this underground space and calmly started touching up their make-up and helping each other drape the sarees. Everyone smiled at me and asked me questions about where I was from, what I did, etc. Someone asked if I could assist in pinning up her saree. I asked the reason for coming down to hide and I was told that police had come for a raid, and no girl apart from the singers could be present in the room. I wondered whether police did not really know that this dance bar retained dancers. I was told that police obviously did not know that the girls were under the main hall, or else they would all be arrested. After some time, we went back up. When the alarm rang again I refused to go

53 Five customers that came from a varied background in terms of age, income, language and religion were interviewed for the project. The knowledge gained from these interviews is collectively presented here.

54 Interview with Motabhai, Sept 15, 2008.

55 Interview with Anna Shetty, Bar Owner, Nov 20, 2008.

56 Interview with Anil, Customer, Feb 13, 2009.

down and decided to see what happens. The stewards told me that the police would catch any woman apart from a singer. I insisted that I would tell the police that I am a lawyer and a researcher.⁵⁷ This incident brought home the difference of positionality in the researcher and her subject. By being a lawyer, researcher, an upper class woman studying in the UK, I could escape the harsh realities of the bargirls' lives, especially persecution by the police, even if I was arrested along with them.⁵⁸ Though fraught with tension regarding the safety of my research, instead of getting a written consent from the police, I visited the bars with informants and contacts and met up with the dancers, managers or owners in their offices or greenrooms.

This incident shows how precarious the working lives of the dancers were since the new legislation. As dance was prohibited, dancers had no reason to be in the premises of the bar and could be arrested any time. Singers were allowed to stay as music and songs were not banned. It must be noted that while the ban made it much worse, the occupation was always semi-legal and fraught with dangers. The interviews with bar owners and managers revealed that even before the legal ban, the police and excise officers would frequently raid the bars looking for irregularities and bribes. The bargirls' interviews narrated the arrests and harassment by the police inside and outside the bar as part of daily lives.⁵⁹ Interviews with police officers, on the other hand, flagged incidents where underage girls were 'rescued' from behind false walls in the dance bars. All of this points to how women were the core of the bar industry and it was their lives and liberty that were at risk.

57 Field Diary: Jan 12, 2008.

58 I had friends, relatives and networks of kin, caste, class in India that protected me from harm. Other non-western female ethnographers doing research in their own societies have noted similar experiences. See Soraya Altorki, *At home in the field*, in ARAB WOMEN IN THE FIELD: STUDYING YOUR OWN SOCIETY (Saroya Altorki & Fawzi El-Solh eds., 1988); Soheur Morsy, *Fieldwork in My Egyptian Homeland: Toward the Demise of Anthropology's Distinctive-Other Hegemonic Tradition*, in ARAB WOMEN IN THE FIELD: STUDYING YOUR OWN SOCIETY (Saroya Altorki & Fawzi El-Solh eds., 1988); Khadija Ansari Gupta, *Travails of a woman fieldworker: A small town in Utter Pradesh*, in THE FIELDWORKER AND THE FIELD (M. N. Srinivas, A. M. Shah & E. A. Ramaswamy eds., 2002).

59 Interviews with Varsha Kale narrate how protection from police was the first demand of the bargirls from the Union. They lived in the constant fear of the police. Arrests and rounding up from the bars were not all. Instances of being dragged by hair, tearing of clothes during manhandling, parading to the police stations in public view, not being offered food or water in custody and use of abusive sexual language were common too.

Speaking to the Bargirls⁶⁰

While the male patrons viewed the dance bars as a space of adventure, drama, romance, new identity, the female dancers viewed it as a workspace; with money, cunningness, struggle. These insights were revealed through the interviews with bargirls, along with the observation of their home life and workspace.

Bargirls were very difficult to catch for interviews. Since they worked at night and woke up in the afternoon, they had a very short window of time at home during which they did cooking, cleaning, washing clothes, sending children to school and as a result had very little time or inclination towards an interview with an unknown researcher. They were also elusive with formal interviews and showed no regard for time commitments made. An insight into this pattern of behaviour was offered to me by an interview with two bargirls together at the beginning of my time with Astha Clinic in Malvani that offered health care to bargirls.⁶¹ Asha and Dolly,⁶² enacted a typical scene in the dance bar for my benefit; starting from the customer's entry to his interaction with the bargirls - how the bargirl will make the man buy drinks for her and her friends, demand tandoori chicken and show him dreams of meeting outside the next day. I was told that he will keep calling and her phone will be switched off. This was illuminating because many bargirls had given me phone numbers and promised to meet me, but I could never catch them. I realised that it was not a rebuff to a particular individual, but a general pattern of survival in their world.

Another incident brought home the politics of survival of the dancers and the difficulty in triangulation of data gathered from a hidden community. One night we found ourselves in a mirrored Green Room of a dance bar with nearly 30 women dressing up for the evening. Girls were changing, applying makeup, styling their hair, helping each other with sarees or eyeliners, or ordering food and drink from the bell boy. The managers and serving boys kept coming and going. We could speak to many girls and got a general idea of their incomes

60 The women working in the bar industry - as servers, dancers, singers- were collectively known as bargirls and their union was named as the Bharatiya Bargirls Union.

61 I am grateful to Prof Prabha Desai and Sanmitra Trust for offering me access to their Malvani project. I am thankful to Astha Clinic, Dr. Bhosle and the health Outreach workers for their interest for their support of my research, without which meeting so many respondents would have been very difficult.

62 Interview dated Jan 7, 2009.

and lifestyles. Here we met two girls together who introduced themselves as Rajput sisters from Rajasthan, whose ancestors were 'raja maharaja' (kings and warriors). We kept conversing with them and after two hours when one of them was out, the other one, considerably drunk by then, whispered to us, 'She is not really my sister.' As the night passed and they became more vocal it was revealed that they were not Rajput. They were in fact following the footsteps of their female family members who were in some form of sexual work.^{63,64} The method of participant observation used here allowed more scope to identify insights into the patterns of behaviour and codes of conduct of the informants, and provided entry into data that was not easily open for collection. Gossip was an effective way of triangulation of information received. While doing fieldwork with the bar industry one could not be sure that any information received was reliable. Other informants had noted that bargirls may not reveal their real names or identity⁶⁵ and were even known to yarn out many stories to their audience that ranges from customers, journalists, to activist and researchers, to gain sympathy and money.⁶⁶ Rather than looking for the truth as an accurate account of events and identity, I was looking for discourses and narratives. In the above example, it was not the 'truth' of the identity of the bargirls but patterns of survival that was an important find.⁶⁷

On this background, most of my full length interviews with bargirls took place in Malvani when I visited my host NGO. They lasted for typically one to two hours, many times over two sittings after I had spent some time with the

63 Field Diary: November 16, 2008.

64 Anuja Agrawal illustrates how Bedia of North India, a 'denotified' community which survives on the sexual work of their women, have tried to claim higher status in the caste hierarchy owing to the non-marital conjugal relationships between Bedia women and Rajput men. Using the upper-caste norms of patriliney and hypergamy, these children of Bedia women can claim to be Rajput through the bloodline of their biological fathers; Anuja Agrawal, *The Bedia are Rajputs: Caste Consciousness of a Marginal Community*, 38 CONTRIBUTIONS TO INDIAN SOCIOLOGY 221 (2004).

65 Interviews with customers, especially Sharmaji (19 September 2008) and Sunil (13 February 2009).

66 Anna Morcom, *Indian popular culture and its 'others': Bollywood dance and anti-naught in twenty first century global India*, in POPULAR CULTURE IN A GLOBALISED INDIA (K. Moti Gokulsing & Wimal Dissanayake ed., 2008).

67 Sameena Dalwai, *The field of gender, sexuality and law: inclusions and exclusions*, 17(3) FEMINIST LEGAL STUDIES, 319-323 (Dec 2009).

respondents and knew them fairly well.⁶⁸ Interviews were done in the NGO office or the homes of women and mostly followed an unstructured pattern. Each story was different and once they started speaking of their lives, I would only interject to ask for clarifications or more details. The interviews were solicited by me, but even volunteered by women themselves. After the initial suspicion had passed and they had seen me interview others, they wanted to tell their story to me. Story telling can help healing and sharing can be empowering.⁶⁹ Though many of the life stories may be known within the close community, speaking to the outsider embodies the classic ethnographic element of ‘stranger and a friend.’⁷⁰

The interviews with bargirls uncovered stories of childhood sexual abuse and exploitation; running away from abusive marriages; gang rapes and shattering of dreams; love, sacrifice and hopes for children; hunger and desperation to find livelihood. The interviews revealed impeccable courage and grit in the face of all odds, will to struggle and survive, and a yearning to find not just stability but also dignity - which paradoxically was found in the dance bars. In the stories of the bargirls, the dance bar was the ‘place they reached’ after going through many horrific experiences. Many had faced starvation before they asked a friend to bring them to dance bars, some had run away from abusive homes and after a lot of struggle reached the dance bars, some did street sex work, suffered pimping before they found the dance bars. Some interviews carried dilemmas with them. Amongst the most difficult interviews in Malvani was with a teenage bargirl, who claimed to be 19 but other women claimed was 17. She was sullen, rude to her mother and everyone around, but sought me out in order to type English SMSes to her current boyfriend and asked my advice about how to ‘handle’ him. Yet, she refused an interview for one reason or the

68 A researcher forming intimate relationships with their subjects is an inevitable outcome of this process. Carrying out research in ‘sensitive topics’ has the potential to be more threatening than others. Therefore, it becomes necessary for the researcher to establish a rapport with the respondent and show empathy. Having a conversational interview to understand the respondents’ experience and insights in depth is an integral part of this process; Trevor Laffin, *A Methodology for researching a sensitive issue: Gay men, sexuality discrimination and the hospitality industry*, 1(3) TOURISM AND HOSPITALITY RESEARCH 243-251 (October 1999).

69 Sarab Abu-Rabia-Queder, *Coping with forbidden love and loveless marriage: Educated Bedouin women from Negev*, 8(3) ETHNOGRAPHY 297-323 (2007).

70 Hortense Powdermaker, STRANGER AND FRIEND: THE WAY OF AN ANTHROPOLOGIST (1966).

other and we were mostly surrounded by other women. One time she asked me to come the next day when she would talk to me. I eagerly reached and realised that it could hardly be an ‘interview’ with her preparing for work, throwing various garments on the bed and asking my opinion on them. Just then her mother entered the room and saw my tape recorder. She asked what it was, and was furious upon finding out. She immediately ordered me to leave her home and told me that I could not speak to her daughter. My NGO associates told me that the mother herself had pushed the daughter into the barline, she took all her money and guarded the girl like a hawk.⁷¹ Since I knew this, I felt outrage on behalf of the girl whose mother was using her, but realised that I was hardly able to offer a reciprocal relationship or remedy for her problems. Additionally, by focusing on the stories of women and creating non-reciprocal relationships, ethnographic data collection may do more harm than the distant social science methods with no personal interactions with their subjects.⁷²

Understanding the Political Actors

This section will examine the social and legal process of the ban on dancing and the contributions of the political actors towards it. The demand for the legal ban was tabled in the Maharashtra Vidhan Sabha on March 30, 2005 by Vivek Patil, the MLA (Member of Legislative Assembly) from Panvel through a Calling Attention Motion.⁷³ Thereafter, the Home Ministry proposed an amendment to the Bombay Police Act and presented it to the Vidhan Sabha and Parishad (Legislative Assembly and Council). The Dance Bar Bill, as it was called, was debated in July 2005 and passed in both the Legislative Houses after hours of discussion and without a single vote of dissent. Though the legislative

71 Owing to the premium put on virginity in Asian cultures, underage girls are commonly found in the sex industry.

72 By dealing with ‘sensitive’ topics or at risk communities/individuals, some research processes have the potential to be more ‘threatening’ than the others. For instance, where research process intrudes into private sphere while exploring extremely personal experiences or where it relates to unconventionality or involves aspects of social control. Trevor Laffin, *A Methodology for Researching a Sensitive Issue: Gay Men, Sexuality Discrimination and the Hospitality Industry*, 1(3) TOURISM AND HOSPITALITY RESEARCH, 243-251 (October 1999).

73 This stated that 42 dance bars in Raigad district were playing havoc with local life (Excerpt of the motion). The government was urged to amend the law and ban the bars completely rather than just cancelling their licenses. Before this, the state government had taken efforts to regulate the growing number of bars with limited success.

process had begun with the focus on the evils of dance bars, what came to be banned was the dancing in the bars, and not dance bars *per se*. It became illegal for the bars to have dancing in their premises.

In order to understand how and why this happened, I began collecting records that documented the legislative process, including the Calling Attention Motions, the proposed and passed amendments to the law, minutes of the debate in the Vidhan Sabha and Vidhan Parishad (Legislative Assembly and Council). After reviewing these, I sought interviews with political personas who had emerged as the ‘opinion makers’⁷⁴ both in the social sphere and through the legislative process such as a retired judge of the Mumbai High Court, NCP (Nationalist Congress Party) activists and leaders who supported the Home Minister (himself from NCP) and the Leftist activists who joined this bandwagon. Owing to my own family background⁷⁵ and the fact that they were highly visible in the political mainstream, it was easier to schedule interviews with them. I visited their party offices and taped our conversations.

Opinions expressed in these interviews and the social discourses they formed – the three main ones being evil bargirls, the obscenity in the bars and the resultant attack on the Indian culture - were echoed in the legislative debates (as seen in the analysis). Bargirls were produced as the ‘folk devils’⁷⁶ of 21st century Mumbai and the legislators concretised it in law. See for example,

74 Stanley Cohen, *FOLD DEVILS AND MORAL PANICS* 122 (3rd edn., 2002). Stanley Cohen’s names them as ‘social control agents’ within his moral panic framework; he puts police, courts and informal action groups into the category of control agents, and examines how these set out institutional norms, procedures, programmes help, rehabilitate, punish or manipulate those who are termed as deviants (89-90). According to Cohen, social control has a broad scope as it includes informal mechanisms such as public opinion as well as the highly formalized institutions of the state. While the reaction diffuses in a disorganized manner to more individuals and groups, it produces a generalized belief system – mythologies, stigmas, stereotypes – and also tries to produce new methods of control.

75 Three generations of my family were active in the political sphere in Maharashtra as activists, writers, journalists and politicians and the family names was generally recognized.

76 Stanley Cohen conceptualizes that the period of massive social, economic changes and the increasing exclusion is the breeding ground for moral panics, in which some marginalised social group gets blamed and targeted for the new social problems. Folk devils are created, their significance magnified, and the danger from them to society portrayed through mass media. In the damage control and the sorting out of the folk devils that follows, state in its punitive avatar can use excessive force and manage to re-establish dominance; Stanley Cohen, *FOLD DEVILS AND MORAL PANICS* (3rd edn., 2002).

“These women destroy homes, destroy families. Why must we rehabilitate them? There must be rehabilitation of the young men who are ruined by these bargirls,”⁷⁷ or “these bars and bargirls have brought such a situation upon Mumbai that now rehabilitation of the Maharashtrian culture would become necessary.”⁷⁸

The allegations against the bargirls were fueled by the belief that they earn ‘easy money’ by cheating of men and the display of flesh. ‘Hard work’ must be hard physical labour, ‘honest work’ would be what domestic servants or factory workers do. For instance, as Vivek Patil said, “why would you try for honest work, when you can earn easy money with body display? With hard work in Bombay you get 5 thousand per month, which you earn in one night...with honest work as domestic servant or factory worker, they would earn much less.” Or as Girish Bapat, a BJP MLA stated, “a poor woman carries firewood on her head and earns 10 to 20 rupees. She gets two morsels of food after harsh work. But these women can take off their clothes and dance for two hours and earn thousands of rupees.” A leftist activist, who had even joined the anti-bar rallies, was asked whether bargirls are not workers. He replied, “It is a tragedy of capitalism that a woman becomes a commodity and sells her body. A worker in the mills sells his labour. It is hard work that he does in production of goods, unlike the easy money of the bar dancers. It is the failure of the capitalist government in providing alternate employment to these women.”

All of these people compared bargirls with other poor women and lamented that their earnings were ‘too much.’ In this discourse, the monetary value of their labour was preordained by their caste/class positionality, rather than the market value determined by the forces of demand and supply.⁷⁹ Dance was termed ‘obscene’ in a dance-crazy global India for the same reason. Not the

77 Raju Awale, Congress, speaking at the debate in the Maharashtra Constituent Assembly.

78 Jitendra Awahad, NCP. Awad, a popular young MLA from Thane, who spoke to me very sympathetically about the bargirls as poor women being hunted by Shivsena ladies wing had in fact used shockingly unsympathetic and graphic language in his speech in Vidhan Sabha.

79 Elsewhere I argue that caste system decides the worth of labour and labourer in India and those belonging to the lower castes must expect to be paid less for their work, as also the work they ordinarily tend to perform is valued less in social and monetary terms. Sameena Dalwai, *Caste on UK Shores: Legal Lessons from the Diaspora*, 51(4) ECONOMIC AND POLITICAL WEEKLY (Jan 23, 2016).

dance moves, not the format of erotic dance⁸⁰ but who was performing made the dancing of bargirls objectionable.

This undercurrent of the caste and gender politics in the mobilization towards the ban was obscured by the larger issues of nationalism, wherein bargirls were seen as an attack on Indian culture. The legislators expressed an urgent need to clamp down on this. For instance, “What about the collapse of morality, fall of culture, and indignity of women? How to stop all that? We must not ignore that we must legislate to safeguard the dignity of women in this country,”⁸¹ or “[T]his country considers woman as a Goddess. The attitude towards woman in this country is as a Mother... We are the nation of Queen Padmavati who did Johar. We are the nation where we think virtue is more important than life itself. So we should not allow dancing even in three star or five star hotels.”⁸² In the cultural nationalism popular in India, women’s bodies are symbols of ethnic and national communities. Women come to embody the pure nation, the pure community⁸³ and ‘dignity of women’ is of political value⁸⁴ enough to warrant the protection of law. As stated by Justice Dharmadhikari, “Nobody can harm the dignity of women. Not even women. Constitution of India does not give women a right to use their bodies the way they want.”⁸⁵ Hence, not the women themselves but the ‘dignity of women’ deserves the protection of law. And punishment for hampering dignity of women is served by women dancing in the bars.

80 Maharashtra government commemorates erotic dances in Tamasha and Lavni as tradition, culture and heritage of Maharashtra state. During the dance bar debate and in the court case, the suggestion that bar dancers could be similar to Lavani dancers was refuted as an affront to the Lavani dancers, who were seen as preserving the culture of Maharashtra. The distinction between the ‘respectable and hardworking’ Lavani dancers and the ‘cheating and easy money’ earning bargirls were highlighted by Media. See for example, Marathi Weekly *Chitrakala* (Special issue) on May 1, 2006.

81 Devendra Phadanvis is currently the Chief Minister of Maharashtra, after BJP won 2014 elections in the state.

82 Sudhir Mungantiwar, BJP in the Vidhan Sabha. Mungantiwar served as Chief of Bharatiya Janata Party in the state and is currently a State Cabinet Minister of Finance, Planning, and Forest Departments in the Government of Maharashtra.

83 Urvashi Butalia, Decolonisation, *Nation building and Gender*, in GENDER AND EMPIRE 204 (Philippa Levine ed., 2004).

84 Tanika Sarkar, HINDU WIFE, HINDU NATION: COMMUNITY, RELIGION AND CULTURAL NATIONALISM (2003).

85 Interview with Justice Dharmadhikari, Retired judge, Mumbai High Court on October 17, 2008.

What was being achieved under the garb of culture, nationalism, dignity of women? While these discourses themselves are oppressive to women, here they were used to obscure the caste and gender politics behind the ban. Crucial was to stop these poor, lower caste women from earning “too much money”; cut their flight short that allowed them monetary power, status, chance of a life of freedom and dignity that their caste/class/gender positionality does not prescribe for them. This I term as the ‘Caste Governance’ of our times; wherein the State is brought in to maintain the caste and gender order, and where the actions of the government are aimed towards curtailing the new found power, status and money of the bargirls. As citizens of India, bargirls had received very little democratic rights. Government, police or other state machinery showed very little presence as welfare agents in their lives. Most women received little education or health care as children, nor had they availed protection of law against child marriage, domestic violence, rape or being prostituted. In their life stories, the law was mostly the criminalizing agent to be feared and to be avoided. The only time the State entered their lives, with its overarching strength and presence, was through the legal ban, when it took away their livelihood and pushed them into penury. They were made desperate to earn money to meet basic necessities and thus become amenable to offering sexual services. Law pushed into prostitution, these lower caste and class women who had managed to live off their sensuality.

CONCLUSION

This paper offers a view of my ethnographic journey through the social and legal process of dance bar ban in Mumbai. It begins with a methodological exploration of what might constitute a feminist, legal, ethnography of the said ban and ends with the narratives of trying to achieve this task. Through my first hand experiences and the various case studies straight from the source I have explained the workings of the dance bar industry and have explored how the space of dance bars have different consequences - financial, emotional, sexual- for its various stakeholders ranging from bargirls, male staff members and managers to customers. The paper examines how this flourishing industry came to be legally truncated: how the political actors changed the issue of dance bars that started from a possible law and order problem to the threat to the women’s dignity and culture of India, how then the state government was called upon to protect the family, community and nation from the dangerous lure of the bargirls and - using the framework of Cohen - how the moral panic around this helped create folk devils out of the bar dancers and bring in a punitive legislation to curtail them.

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