

Socio-Legal Challenges in the Implementation of the Maharashtra Prohibition of Obscene Dance Act, 2016

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ABSTRACT

This study looks at how the Maharashtra Denial of Disgusting Dance Act, 2016 impacted the lives and vocations of bar young ladies in the state, as well as the applicable lawful systems and financial circumstances. This examination expects to get familiar with the dance bar boycott's more extensive cultural and monetary impacts, as well as the difficulties looked by bar artists and the viability of current guidelines intended to safeguard them. To guarantee that bar young ladies in India have same legitimate acknowledgment, regard, and security as different specialists, this exploration plans to add to the continuous talk about safeguarding ladies' privileges. Bar proprietors, policing, common society associations are only a couple of the many gatherings whose points of view are viewed as in the review to give a thorough image of the difficulties. The examination draws on guidelines authorized at the public and global levels to battle the double-dealing of kids and ladies, including the Dealing Convention and the CEDAW, among others.

Keywords: Bar Girls, Dance Bars, Legal Frameworks, Women's Rights, Socio-economic Impact

1. INTRODUCTION

A "dance bar" is a scene where moving is performed while liquor is consumed. A 'bar young lady' is a young lady who performs moves before Dance Bar supporters. In 1980, it began giving dance bar young lady amusement in Indian bars. The Territory of Maharashtra has 24 dance bars in 1986. In specific dance bars, it slowly began to appear to be a sexual state of mind. The essential elements of these dance bars have been the arrangement of liquor, a sizable group, tossing cash at moving bargirls, and that past the point of no return around evening time or promptly in the first part of the day. The choice to prohibit bar young lady moving subsequent to seeing the maltreatment of these dance bars' bar young ladies prompted infractions against bar young ladies on the opposite side. Coming up next are the essential subjects that are examined: An examination on the situation with bar young ladies in India. The Bombay Police Act was changed to restrict dance young ladies from moving in the province of Maharashtra.

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Figure 1: Advocacy for Bar Dancers' Rights and Social Justice

Dance bars have long been a contentious and divisive topic in India, where they are frequently connected to nightclubs and entertainment facilities. Because they amuse patrons by performing on stage, dance bargirls have faced a variety of difficulties and problems that have affected their lives and means of subsistence. The problems that Indian dance bar girls encounter are numerous and include intricate legal, social, and economic considerations. These problems include prejudice and stigma in society that can lead to social exclusion and marginalization, as well as exploitation, abuse, and harassment by law enforcement, employers, and consumers.

All things considered, the legal standing of pub dancing in India is still a contentious and complicated matter, with various parties supporting various strategies. But more people are realizing that bar dancers should have the same rights and protections as other employees and that their freedom of speech needs to be upheld.

Objectives of the study

To know and understand the nature and extends of the problems of Bar Girls in Maharashtra

To examine the impact of the Maharashtra Prohibition of Obscene Dance Act, 2016 on the rights and rehabilitation of bar girls in Maharashtra.

To study the socio-economic conditions of bar girls, the legal framework for their rights and protections, and the implementation of the 2016 Act.

To study explore the perspectives of different stakeholders, including bar owners, law enforcement agencies, and civil society groups, on the issue.

2. LITERATURE REVIEW

Mukhopadhyay (2022) explored the impact of the Security of Ladies from Aggressive Behavior at Home Demonstration 2005 in Kolkata, India, and how it relates to social and legal aspects of domestic violence. It highlights the social satisfaction and honor of survivors of violence. The book explains the authority structure of the law, highlighting how it democratizes relationships and changes the legal framework for survivors. The study sheds light on the role of position and class in shaping domestic violence regulations globally. The findings are relevant to discussions on formal regulation in opposition to dictatorship. The

book is useful for researchers and professionals in various fields.

Ghosh, et al. (2020) investigated the difficulties faced by transgender inmates in Indian jails, examining the laws and regulations governing their detention. Data from right-to-information requests was documented, bringing to light concerns about ward assignment, third-gender recognition, and adherence to the law's rights for transgender inmates. The purpose of the report, which was created after discussions with community members and professionals, was to increase knowledge among interested parties and encourage more informed policymaking to guarantee that the needs and rights of LGBT+ inmates were met.

Chakraborty (2023) examined how female-led stories that reinterpreted gender norms and examined desire in a patriarchal society were a reflection of shifting sociocultural forces in Indian cinema, especially after 2010 Bollywood. These films, which were fuelled by post-feminism and neoliberalism, presented a new, free metropolitan woman who was frequently open to sexual fulfilment and doubtful of marriage. By providing a forum for uncensored stories, websites such as Netflix and Amazon Prime significantly broadened this representation. The chapter examined the feminist critique, gaze reversal, and competitive feminine dynamics of *Veere Di Wedding* (2018). It also looked at the effects of millennial audiences, production, and distribution on mainstream Hindi film.

Srivastava, et al. (2023) examined the first multi-jurisdictional socio-legal study on hazing (ragging), which covered four nations: Australia, India, Sri Lanka, and the United States. It listed the legal stances, pointed out legal loopholes, and suggested potential legal fixes. Hazing has not been eradicated from residential colleges and university campuses despite efforts to do so through laws, rules, and policies. With startling figures showing that more over half (53%) of American students in fraternities or sororities had engaged in hazing, it had devolved into a vicious, savage activity that caused serious injury and lasting pain. The book stressed that institutions played a critical role in prevention and were in the best position to protect students. It maintained that judicial actions just addressed symptoms without addressing the underlying problems. It suggested a more creative regulatory strategy to successfully address the problem. Policymakers, university regulators, legal scholars, and personal injury attorneys were the target audience for the book.

Ricciardo, et al. (2023) studied the experiences of two LGBTIQ+ writers who worked in the LGBTIQ+ community, specifically in relation to identities they did not belong to and discrimination. It made the case that members of under-represented groups, like the LGBTIQ+ community, were just as subject to best practices and ethical research principles. The authors' autoethnographic study introduced the idea of "internal allies," which encourages LGBTIQ+ people to stand by and support other identity groups in the community. The study underlined that self-education, consultation, co-authorship, and elevating under-represented voices were all necessary for effective allyship. It ended by emphasizing the obligation of LGBTIQ+ people who are less marginalised to help those who are more, reaffirming the notion that tackling systemic prejudice in the community required mutual assistance and a shared dedication to achieving human rights.

3. LEGAL FACTS

This study subtleties the specialist's investigation of important global, public, and local lawful principles relating to the insurance of youngsters' and ladies' privileges. To safeguard youngsters and ladies from rape and to stop all types of victimization them, numerous global arrangements and arrangements have been confirmed. Moreover, the specialist referred to specific established arrangements that address the

privileges of ladies, including their balance, opportunity, freedom, and poise. Moreover, our regulations are fundamental for offsetting cultural interests with individual freedoms. A modest bunch of pertinent bits of regulation are inspected in this study.

3.1. The International Code

3.1.1. The Protocol to Combat, Prohibit, and Punish Human Trafficking, Particularly of Children and Women

The UN Convention against Transnational Coordinated Wrongdoing was updated in 2001 with the expansion of the Dealing Convention, which means to forestall, stifle, and rebuff the dealing of people, especially ladies and youngsters. The Convention was made accessible for signature in December 2000. The squeezing need to address transnational wrongdoing was referred to as the main thrust for this arrangement by the Assembled Countries Community for Worldwide Wrongdoing Avoidance, the UN substance liable for wrongdoing counteraction, law enforcement, and criminal regulation change. As well as giving the primary worldwide meaning of dealing, the Dealing Convention lays forward an extensive system for policing. By making a framework to rebuff dealers and shield and help casualties, the Convention improves hostile to dealing endeavors for all gatherings included, especially for the weakest casualties, including youngsters and ladies.

3.1.2. An international treaty to end discrimination against women and girls (CEDAW)

The Convention on the Disposal of All Types of Victimization Ladies (CEDAW), which was taken on by the Unified Countries General Get together in 1979, is much of the time called a worldwide bill of privileges for ladies. "Any qualification, rejection, or limitation made based on sex which has the effector motivation behind weakening or invalidating the acknowledgment, delight, or exercise by ladies, regardless of their conjugal status, on a premise of balance of people, of common liberties and crucial opportunities in the political, financial, social, social, common, or some other field" is what CEDAW alludes to as orientation segregation. Moreover, it subtleties a public technique to end this type of bias. Social and customary variables have a huge impact in molding orientation jobs and relational peculiarities, and the Show is remarkable among common liberties arrangements in safeguarding ladies' conceptive privileges. In doing as such, it maintains the freedoms of ladies and their kids to change or hold their identity. Furthermore, the states have vowed to go to the fundamental lengths to end the abuse and dealing of ladies in the entirety of its structures. Attempting to apply it to the sex exchange that objectifies minors is an overwhelming errand. A few researchers battle that on the grounds that the Show doesn't characterize "ladies," its arrangements apply similarly to young ladies. This makes the segments on abuse and dealing appropriate to the business sexual double-dealing of minors.

3.1.3. The Marriage Consent Convention, the Legal Age of Marriage, and the Need to Record Marriages

In November 1962, the Show on Agree to Marriage, Least Age for Marriage, and Enrollment for Relationships was opened for marks and confirmation by Goal 1763 A (XVII) of the Overall Gathering. December 1964 was the authority beginning of the Show's expression. The Show resolves the issue of business sexual double-dealing of children in different arrangements. In Article 1, it is guaranteed that "no marriage will be legitimately placed into without the full and free assent of the two players, which will be communicated by them face to face after due exposure and within the sight of the authority skillful to solemnize the marriage and of witnesses, as recommended by regulation." Article 2 explains that the gatherings to the ongoing Show will make an authoritative move to lay out a base marriage age. Except if

a skilled authority has supported an age regulation because of excellent conditions, nobody under this age may legitimately go into a marriage.

3.1.4. Abolition of violence against women is the stated goal of the Declaration.

The reason for the Statement on the End of Savagery Against Ladies is to point out the significance of ladies in the public eye by looking to lay out a worldwide agreement on hoisting ladies' status. It likewise approaches states to execute social estimates that would assist with tending to the scourge of brutality against ladies and young ladies. There are a wide range of sorts of viciousness that individuals face in their regular routines, and the statement names sexual maltreatment, attack, constrained prostitution, and illegal exploitation among them.

3.1.5. The International Labour Organization's Convention No. 182 (ILO Convention 182)

First ILO deal No. 182, took on by 174-part countries in June 1999, was an astounding achievement. All types of servitude, youngster dealing, kid prostitution, kid porn, and the utilization of kids for unlawful purposes (like medication creation and conveyance) are viewed as the most horrendously awful types of kid work as per the Show. Any work that is probably going to hurt kids' wellbeing, security, or ethics, whether in its inborn attributes or the functioning circumstances, is additionally viewed as youngster work. The Show is a portrayal of the worldwide local area's work to characterize, by regulation, the sorts of business that minors (those younger than 18) are not allowed to do.

3.1.6. The International Convention 138, which established a minimum age for admission to the workforce in 1973

The Worldwide Show 138 Concerning Least Age for Admission to Business specifies that to kill "kid work," signatories should carry out a public strategy that raises the base period of work "steady with the fullest physical and mental improvement of youngster." The two core values of the Show are that: (1) the base age not be under 15 years for finishing obligatory tutoring; and (2) the most elevated least age set for unsafe work not be lower than 18 years. The Show is an adaptable and dynamic instrument setting different least ages relying upon the kind of work. For example, the negligible age to work in numerous countries with immature economies and school systems might be under 15 years of age. The Show is pertinent to a conversation on business sexual double-dealing of youngsters as it supplements ILO Show No. 182 by putting the onus on States gatherings to guarantee that people under 18 years old are rarely engaged with perilous "work" for compensation.

The Primary World Congress against Business Sexual Abuse of Youngsters was held in Stockholm, Sweden in 1996 by the ECPAT development, UNICEF, and the NGO Gathering for the Show on the Freedoms of the Kid. At the Congress, 122 countries endorsed the Stockholm Plan for Activity, which urges states, society at large, and nearby, public, and global gatherings to battle the sexual double-dealing of kids for benefit. Kid contribution, anticipation, coordination, participation, security, recuperation and reintegration, and avoidance are the six classes framed in the Plan for Activity, which means to battle business sexual abuse of youngsters. Countries really must lay out Public Game plans to Battle This Wrongdoing. Government and youngster care organizations can cooperate in the Public Strategies to end kid sexual double-dealing and advance kids' privileges through public arrangement.

In December 2001, the Second World Congress was held in Yokohama by the Japanese government. A sum of 159 nations have shown their proceeded with help for the Plan for Activity by marking the last accord, the Yokohama Worldwide Responsibility. Moreover, the Second World Congress delegates perceived and lauded the headway made since the 1996 First World Congress, including better execution of the CRC and expanded assembly of public and global state run administrations to pass regulation, gui-

delines, and projects to safeguard kids from sexual double-dealing for business gain.

National Legal Frameworks

Constitutional Provisions

Right to Equality: - Placing equality in section III of the Constitution demonstrates its importance and shows how ubiquitous it is like a golden thread. A person's right to equality is their first and most fundamental right. Another argument in favour of Article 14 is that its violation constitutes a violation of all fundamental rights. Fairness for all forbids discrimination, unfair treatment, and capricious actions. It is illegal for the government to discriminate against any citizen in violation of the law and the Constitution. As stated in the preamble, Article 14 establishes equal opportunity for all.

Protection of Personal Life and Liberty: - The Indian Constitution ensures the right to life and individual flexibility in Article 21. Nobody's life or freedom might be detracted from them without fair treatment, as expressed in Article 21 of the Constitution. Wellbeing, training, independence from perilous medications, a perfect climate, a method for means, and a protected spot to live are all important for what the Constitution calls "life" in Article 21.

Right against exploitation: - Article 23, Denial of Dealing with People and Constrained Work: It is totally restricted to take part in the exchange of people, vs, or some other kind of constrained work. Violators will confront serious legitimate ramifications for their activities.

Right to security: - As per Article 39(e), "we don't manhandle the wellbeing and strength of laborers, people, and the young time of kids, and that residents are not constrained by financial need to enter diversions unacceptable to their age or strength." "The state needs to guarantee that valuable open doors and offices are made for kids to foster in a sound way and in states of opportunity and pride and that adolescence and youth are safeguarded against moral and material relinquishment," according to Article 39(f).

Right to education: - Article 45 of the Constitution orders that in the span of a decade after its endorsement, the state should give free and mandatory training to all kids. Another article supplanted Article 45 of every 2002 because of the 86th amendment to the Constitution. This is expected by the renowned Unni Krishnan case, which laid out that, similar to one side to life, the right to schooling is a principal right that gets from Article 21. In this way, contingent upon its monetary means, the state was then committed to give training.

Right to health: - General wellbeing, monetary security, and nourishing status are liabilities of the state, as expressed in Article 47. One of the essential jobs of the state will be to work on general wellbeing, increase the living expectations and dietary status of its occupants. In particular, the state will try to make it against the law to polish off risky substances and beverages, except if totally expected by clinical experts.

General Legal Framework in India

The Indian overall set of laws gets vigorously from the English Custom-based Regulation practice while likewise integrating its very own large number practices and thoughts.

The common law foundation is one stratum of the system; the other is the interplay between federal and state laws that regulate specific areas.

Jammu and Kashmir was an anomaly before its reorganization; it operated under a separate legal framework, even though the country as a whole was supposed to adhere to the laws passed by the federal government.

This meeting point of legislative frameworks and factors shapes the unique operation of the Indian legal system.

National Legal Framework to Protect Rights of Bar Girls in India

A few public sculptures might apply to cases concerning the business sexual double-dealing:

1. The Indian Penal Code, 1860
2. The Immoral Trafficking (Prevention) Act, 1956
3. The Indecent Representation of Women (Prohibition) Act, 1986
4. The Juvenile Justice (Care and Protection of Children) Act, 2015
5. Child Marriage (Restraint) Act, 1929
6. The Protection of Children from Sexual Offences Act (POCSO), 2012

There are also a few state laws related to the commercial sexual exploitation of children:

1. The Andhra Pradesh (Andhra Area) Devadasis (Prevention of Dedication) Act, 1947
2. The Karnataka Devadasis (Prohibition of Dedication) Act, 1982
3. The Goa Children's Act, 2003
4. The Bombay Police Act, 1951
5. The Prohibition of Obscene Dance in Hotel, Restaurant and Bar Rooms and Protection of Women (working therein) Act, 2016.

Taking everything into account, the Indian Corrective Code, 1860 (Reformatory Code) is the incomparable regulation. Regardless of its artifact, the Correctional Code is the essential law of India administering criminal matters; it characterizes offenses and sets disciplines. Notwithstanding the Corrective Code, the 1973 Code of Criminal Method spreads out the means that police, examiners, judges, and other lawful experts should take while seeking after criminal accusations. Similarly, the Indian Proof Demonstration of 1872 outlines conventions for reporting and exhibiting proof.

Cases including the business sexual abuse of youngsters might be dependent upon extra regulations, like the Adolescent Equity (Care and Assurance of Kids) Act, 2015; the Unethical Dealing (Avoidance) Act, 1956; the Kid Marriage (Restriction) Act, 1929; and the Data Innovation Act, 2000, notwithstanding the Reformatory Code and Criminal Method Code. These Demonstrations outweigh more extensive resolutions since they are unmistakable from each other. An illustration of a supplemental rule is the Adolescent Equity Act. In this occurrence, either the common regulation or the extraordinary regulation can be utilized. Criminal cases including the double-dealing of kids for sexual addition can't be settled through the courts.

CONCLUSION

The issue of bar young ladies and dance clubs in India presents a convoluted crossing point of humanistic, monetary, and lawful elements. These organizations give ladies, particularly those from under-addressed gatherings, with financial open doors, yet they likewise lead to serious stresses over the typification and abuse of ladies as well as the more extensive social repercussions of these practices. Albeit the regulations overseeing dance clubs have changed to meet these worries, they are as yet disputable and give troubles in finding some kind of harmony between ladies' organization and their security from abuse. To safeguard the privileges, security, and nobility of the ladies in question, as well as to address the financial conditions that impact their cooperation in such spaces, a more nuanced and moderate methodology is required. Eventually, a careful understanding of these issues can direct the improvement of strategies that engage

ladies, advance orientation fairness, and deal wellbeing nets against double-dealing, all of which add to an all the more society.

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