

# No cabaret, crooning or cocktails: How laws impact women in India's hospitality industry

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**Usha Uthup, the queen of Indian pop, recently released her biography to incredible fanfare at Park Street in Kolkata.** Uthup was a cabaret artiste at the Trinca's Restaurants and Bar and benefited from the exposure to the 'amazing musicians that it had over the years'. Bars and restaurants like Trinca's cannot legally employ female cabaret artistes unless they take the excise collector's written permission.

State laws across the country impose similar restrictions on the employment of female performers, bartenders, waitresses, restaurant managers, housekeeping staff, and others employed in the hospitality industry. But the issue has barely received any media attention.

## 1 State laws against performers

Kolkata, for instance, requires female performers working in hotels, bars and restaurants to apply for a 'crooner licence', even when their employers were licensed to hold performances. Performers such as Purnima Nandi filed a petition against this requirement, stating that no law necessitated them to obtain such a licence. The high court agreed but decided that the requirements of the 'crooner licence' be read into the licences under the Bengal Excise Act and therefore, be legitimised. A 2015 article in the Economic Times suggested that Kolkata had 138 crooners with valid licences, while 120 applicants had continued to be in the queue.

Mumbai, on the other hand, has been persistently trying to ban bar dancing. A 2005 ban on the performance of dance in eating houses and beer bars devastated the lives and families of dancers, most of who hail from socially and economically deprived castes and class. In 2013, the Supreme Court struck down the ban, observing it led to a loss of 75,000 jobs for women and forced many of them towards the flesh trade. The government in Maharashtra enacted another law in 2016 to regulate dance bars. The law did not expressly prohibit bar dancing but required dance bars to get licensed. The conditions of the bar licence were so restrictive that between 2014 and 2019 no licence was issued. For instance, to obtain a licence a bar had to have a 120 sq ft. stage with a minimum space of 15 sq ft.

per dancer, such that no more than eight women performed on the stage simultaneously.

## 2 Women in hospitality industries

Delhi's excise laws had rendered female hotel management graduates clueless about what they should do with their degrees. Three female hotel management graduates in Delhi had filed a petition in the Delhi High Court challenging Section 30 of the Punjab Excise Act in 2005. The Section prohibited the employment of women in premises where liquor was consumed by the public. Since the term 'premises' was not defined under the law, the court observed that this provision could severely jeopardise women's careers in the hospitality industry. The Supreme Court stated it was wholly unjust "to deprive a large section of successful young men and women from obtaining any job for which they have duly been trained."

Trivandrum's excise laws almost cost waitresses across the city their jobs. Dhanyamol CJ and Soniya Das — both bread-winners of their families — risked losing their jobs as waitresses at a hotel because of an amendment to the Kerala Foreign Liquor Rules. The amendment prohibited women from being employed "in any capacity for serving liquor". Neither the principal Act nor the rules prohibited the employment of women in liquor outlets, and to provide support to its 'presumed illegality' the government brought about the amendment. In the words of the Kerala High Court: "the government brands something illegal without any statutory base... and subsequently brings about justification by amending the rules."

Bar owners in Mumbai have often been left to the mercy of police officers. Employees of bars and restaurants are required to procure a 'nokarnama' under the Bombay Foreign Liquor Rules (attached to the Bombay Prohibition Act, 1949). In 2013, Barkur Sudhakar Shetty's bar and restaurant, Rukmini Palace, had all these nokarnama documents. Yet, he was regularly harassed by police authorities who issued 'oral orders' restricting the number of women hired at the premises and shutting the entire restaurant down on some days. At one point, they posted a squad of 72 constables to keep an eye on the restaurant. The Bombay High Court observed that it wasn't necessary to post 72 constables for this purpose when the state was witnessing a shortage of police staff.

In our research for the State of Discrimination Index, we learnt that excise regulations of 12 states prohibit the employment of women in licensed country liquor establishments and eight states prohibit women from working in establishments selling foreign liquor. Meanwhile, India's largest liquor company, United Spirits, appointed Hina Nagarajan as its first female CEO in 2021. It's strange to think that women across the country continue to be banned from selling the very products manufactured under Ms Nagarajan's leadership. Increasing women's presence in leadership positions will mean little if the laws continue to fetter women who aren't in positions of power.