

Healing Hands or Hidden Hazards?

India's fast-growing spa and wellness industry operates in a regulatory grey zone, exposing legitimate businesses to legal uncertainty and moral policing



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The Sabnam Khatun ruling highlights the urgent need for balanced regulation that protects legitimate spa businesses while addressing exploitation and trafficking concerns

Due to growing health awareness in urban Indian society, spas and massage centres have rapidly increased across cities. As a blend of alternative therapy and modern wellness, these establishments operate within a complicated socio-legal environment that often produces serious challenges. Despite their legitimate role in health and relaxation, the industry faces persistent legal and social scrutiny. Therapists, women workers and business owners have frequently encountered moral policing, random raids and unclear regulatory frameworks. Such actions often compromise their constitutional right to practise trade and business under Article 19(1)(g) of the Constitution of India.

The judgment of the Punjab and Haryana High Court in *Sabnam Khatun v. State of Punjab* (2025) represents an important step toward regulating spas, massage centres and beauty parlours. The decision highlights the need for balanced reforms that recognise legitimate business interests while addressing social concerns and legal obligations.

The Urban Indian Wellness Boom

India's growing interest in health and wellness has contributed significantly to the expansion of spas and massage centres in urban areas. These establishments are commonly located in high-end neighbourhoods, tourist destinations, beach towns and pilgrimage centres. Many operate independently while others function as branches of salons or beauty parlours.

Massage therapy itself has a long history dating back to ancient Chinese traditions around 3000 BC. Over centuries, it has evolved into a professional wellness service supported by modern research. Studies conducted by the Touch Research Institute indicate that massage therapy can reduce stress, improve blood circulation, relieve muscle tension and enhance emotional well-being through the release of serotonin and endorphins. It has also found applications in sports medicine, rehabilitation and treatment of certain medical conditions such as depression and low body weight among premature infants.

In today's fast-paced urban life, where stress-related disorders are increasingly common, such wellness centres can play an important role in promoting both physical and mental health. However, the industry continues to face serious socio-legal challenges that undermine its credibility and growth.

Ambiguity in the Regulatory Environment

The spa and massage industry operates at the intersection of con-



Legitimate wellness businesses often operate under suspicion because the law still struggles to distinguish therapy from exploitation

stitutional protections, municipal regulations and criminal laws. Article 19 of the Constitution guarantees citizens the right to practise any profession or carry on any trade or business. Yet this right is subject to reasonable restrictions in the interests of morality, public order and regulation.

Civic Regulations

Under the Constitution's Seventh Schedule, state governments have the authority to legislate on matters related to public order, public health, sanitation, policing and regulation of businesses. This power allows states to create regulatory frameworks governing spas and massage establishments. However, in practice, regulation varies widely across jurisdictions.

Some cities have adopted relatively structured systems. For instance, in Chennai, spa and massage centres must obtain trade licences from civic authorities along with No Objection Certificates from police and health departments. Municipal rules require maintenance of registers, installation of CCTV cameras, reasonable fee structures and strict prohibition of prostitution-related services. These provisions provide clarity while protecting public interests.

Similarly, the Government of the National Capital Territory of Delhi introduced Spa and Massage Rules in 2021. These rules attempt to regulate licensing, operations and compliance standards, although certain provisions are currently being challenged before the High Court.

In contrast, most Indian states lack dedicated legislation governing the spa and massage sector. States such as Uttar Pradesh largely rely on general municipal laws like the Uttar Pradesh Municipalities Act, 1916, the Municipal Corporation Act, 1959 and state-level shops and establishments laws. These laws regulate businesses broadly but do not specifically address the unique

nature of spas and massage centres. Many municipal laws merely classify certain trades as "offensive" or focus on preventing immoral activities such as solicitation and operation of brothels.

This regulatory gap has allowed spas and massage centres to proliferate without a uniform framework governing their activities. At the same time, the absence of clear rules has resulted in overlapping jurisdictions between municipal bodies, police authorities and local administrations.

Criminal Laws and Moral Policing

The lack of clear regulations often leads to spas being viewed with suspicion by law enforcement agencies and sections of society. While legitimate wellness services are lawful, they are frequently conflated with illegal activities such as trafficking or prostitution.

Police intervention usually occurs under the broader mandate of maintaining public order. According to Crime in India statistics, more than 1,400 cases are registered annually under the Immoral Traffic (Prevention) Act, 1956. Additionally, around 1,300 cases related to human trafficking or exploitation are reported each year under criminal laws.

Human trafficking and forced exploitation are serious crimes that require strict enforcement. Police often act on complaints from residents who suspect illegal activities in spas or massage centres. In such cases, law enforcement is legally obligated to intervene. Failure to register an FIR in cases involving trafficking or forced exploitation can even attract liability under Section 199 of the Bharatiya Nyaya Sanhita, 2023.

However, the challenge lies in distinguishing legitimate wellness businesses from criminal enterprises. Prostitution itself is not illegal in India, though activities such as trafficking, running brothels, solicitation and pimping are punishable

offences under the Immoral Traffic (Prevention) Act.

India is also a signatory to the UN Convention against the Traffic in Persons (1953), which obligates states to prevent exploitation and trafficking. Domestic laws such as the 1956 Act were enacted to uphold these commitments and protect human dignity.

The Act also prescribes detailed procedures for raids under Section 15. Police must act on credible intelligence and follow procedural safeguards while conducting searches. While these provisions aim to protect individual rights, they also make enforcement more complex. In practice, the law intended to prevent exploitation has sometimes been misused against legitimate businesses, often due to social stigma and misunderstanding about the spa industry.

In cities operating under Police Commissionerate systems, commissioners possess wide powers to regulate activities affecting public morality and safety. Laws such as the Bombay Police Act (1951), Karnataka Police Act (1963) and the Madras City Police Act (1888) empower commissioners to frame rules governing entertainment and public establishments. These powers are sometimes used to regulate spas and massage centres in the absence of specific legislation.

Yet in an era where the government emphasises "ease of doing business" and regulatory uniformity, the absence of a standardised framework across states creates confusion for entrepreneurs and enforcement agencies alike.

Judicial Interventions

Courts have played an important role in clarifying the legal position of spas and massage centres.

The 2025 Sabnam Khatun case before the Punjab and Haryana High Court builds upon earlier judicial decisions that addressed similar issues. Several landmark rulings have shaped the legal understanding of such establishments.

In *Re: Ratnamala* (1962), the court clarified that anti-trafficking laws were designed to prevent commercialised vice rather than criminalise prostitution itself. This interpretation helped protect legitimate therapeutic practices while allowing prosecution of exploitative activities.

These judicial pronouncements have helped protect legitimate spa businesses from unwarranted interference while reinforcing the importance of preventing exploitation and trafficking.

Recommendations for Reform

Addressing the challenges faced

by the spa and massage industry requires a comprehensive regulatory overhaul.

First, states should adopt uniform legislation governing spas and massage centres. A clear regulatory framework should define licensing procedures, operational requirements and compliance standards. Such laws must strike a balance between enabling legitimate businesses and preventing illegal activities. Best practices from states such as Tamil Nadu and Delhi can serve as useful models.

Second, administrative reforms are equally important. Clear Standard Operating Procedures should guide police raids and inspections. Special Police Officers or Trafficking Police Officers, as envisaged under the Immoral Traffic (Prevention) Act, should supervise enforcement activities. Mechanisms for accountability must also be established to prevent misuse of authority.

Third, regulatory frameworks must prioritise rights protection. Policies should balance public order concerns with the constitutional rights of business owners, workers and clients. They must also incorporate the Supreme Court's 2022 directives on the protection and privacy rights of sex workers to ensure dignity and fairness for all stakeholders.

Finally, societal attitudes toward the spa and massage industry need to evolve. The stigma surrounding these services remains one of the sector's biggest challenges. While a small number of rogue operators may engage in illegal activities, the majority of spas operate within legal and ethical boundaries. Public awareness can help differentiate legitimate wellness services from exploitative practices.

The Way Forward

The regulation of spas and massage centres requires a careful balance between encouraging legitimate wellness practices and preventing misuse of such establishments for unlawful activities. As these centres continue to expand across urban landscapes, they represent both an opportunity for health promotion and a challenge for regulatory systems.

Effective governance will require cooperation between state authorities, industry stakeholders and law enforcement agencies. A transparent and well-designed regulatory framework can protect businesses, safeguard public welfare and uphold the dignity and rights of individuals.

Only through such balanced reforms can the spa and wellness industry grow responsibly while maintaining public trust.

Views expressed are personal