

Rethinking the Challenge of Women's Safety in India's Cities

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ABSTRACT Following the Nirbhaya case of 2012 and the public outrage that it provoked, public safety for women has been increasingly deemed a political issue worthy of attention and concern, particularly in India's cities. The government's response has been to promote precautionary policies for women that, while may be well-meaning, tend to reinforce the prevalent social inclination to put the onus of their safety on women themselves, rather than addressing the deep-seated issues that cause them to feel unsafe, to begin with. These include the provision of buses exclusively for women and so-called 'panic buttons'. Even as the male-dominated nature of India's public sphere is being recognised, attempts to change it have been limited. Taking constructs of 'positive and negative liberty', this paper argues that public policy in Indian cities, with respect to gender, tends to focus on negative liberty; a shift to positive liberty is essential.

INTRODUCTION

"Freedom begins with a recognition of the necessary as necessary, and the historical as transitory, that is, capable of being changed." ~ Sondra Farganis¹

Cities have been envisioned as spaces of liberation, of collaboration and ideas. Urban thinker, Edward Glaeser states that the city "makes humanity shine most brightly".² Sadly, however, this glowing view of the city does not apply to all, and not equally. For many women, cities are rather spaces of fear, which they access while having to constantly look over their shoulders. This view is not merely anecdotal.

The United Nation's 'Safe Cities and Safe Public Spaces' programme, which started in 2010, recognised that cities all around the world were becoming unsafe for women. Delhi was one of the first five cities which the UN programme set its eyes on,³ because of the grave issues faced by the city's women. Rape cases in Delhi, for example, were the highest in the country in 2011.⁴ Delhi continues to be notoriously poor in ensuring women's safety. In 2015, the highest crime rate in the Sexual Offences category (Incidence of Sexual Offences per 100,000 of Female Population) in the country was in Delhi.⁵

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It was after December 16, 2012, that change occurred in conversations about women's safety. That night, a 23-year-old girl was gang raped brutally in a moving bus in Delhi, as she was going home from a movie at around 9 pm. She would later die of her injuries. The press named her Nirbhaya, and her case triggered the outpouring of massive protests as people came out on the streets to demand justice for her, and safer cities for all. Those days of protests raised awareness of the reality that safety in the public domain was a luxury that not everyone had access to. It became a watershed moment in India's discourse on public safety and mobility.

A number of policy solutions have been talked about and implemented since, including those that highlight the use of technology, such as 'panic buttons',⁶ GPS tracking, and CCTVs. As a response to the heightened media attention, the noisy public demand, and pressure from civil society organisations, attempts at forging more gender-sensitive policies and strategies have begun at different levels of government. One example is the Smart Cities initiative, among whose agenda is making cities safer for women.⁷

The following section introduces the concepts of 'positive liberty' and 'negative liberty'. It argues that technology-based initiatives for women's safety offer a vision of negative liberty, in the process promoting notions of 'safety' instead of nurturing empowerment. The paper then identifies bottom-up movements which also deal with women's presence in the public sphere, such as 'Pinjra Tod' and 'One Billion Rising'. These offer a counter narrative to negative liberty, presenting instead a vision of positive liberty and its corollaries—emancipation, agency, and self-determination.

TWO CONSTRUCTS OF LIBERTY

The ideas of 'positive liberty' and 'negative liberty' originated with Immanuel Kant in the 18th century. Then in 1969, Isaiah Berlin,

Russian-British philosopher, clearly defined these two constructs: "Negative liberty is the absence of obstacles, barriers or constraints. One has negative liberty to the extent that actions are available to one in this negative sense. Positive liberty is the possibility of acting — or the fact of acting — in such a way as to take control of one's life and realise one's fundamental purposes."⁸ Negative liberty was commonly associated with liberalism, though it does not mean that liberalism is necessarily opposed to positive liberty. Meanwhile, American political scientist John Christman's idea of 'individual positive freedom' is one where there is not only an absence of restraint but also a capability of 'self governance' and 'self mastery'.⁹ 'Negative liberty' and 'positive liberty' can thus be seen as constructs working together to bring about a more holistic understanding of the ideal of liberty. They may not always be in conflict with each another.

While there are various ways in which freedom can be discussed, the analysis presented in this paper is limited to these two classic constructs. The tension between these two concepts of liberty is the closest to the contrast between technology-based, top-down policies, on one hand, and alternative, bottom-up movements, on the other.

THE CASE OF DELHI: TECHNOLOGY AND THE ONUS OF SAFETY

As discussed earlier, Delhi faces serious issues of lack of safety for its women.¹⁰ A study, for example, published in 2013 as part of the UN Women's Safe Cities initiative, found that a large proportion of women in Delhi are fearful of going out alone at night. Less than five percent of Delhi's women said that public spaces in the city were 'safe' or 'very safe'. The same report said that the recorded incidence of violence against women in Delhi may in fact be understated, as many incidents remain

unreported. For this, the report said, the fault is in the culture of victim-blaming.¹¹

As grave as the situation may be, the voices are also getting stronger in articulating demands for safety—and they are being raised by various sectors including women's groups, academics, students, the media, and political parties. Delhi's ruling Aam Aadmi Party has declared its 10-point agenda for women's safety. A significant part of this agenda involves the use of technology, such as installation of CCTVs, provision of 'suraksha (protection) buttons' and emergency connectivity through Wi-Fi with the police.¹²

There is also the Delhi Police's 'Himmat', a safety app for smartphones launched by Union Home Minister Rajnath Singh in January 2015. The app turns the phone into a panic button. Reports suggest that so far, the app's usage has been low.¹³ There are other non-government actors who have created similarly innovative technological devices such as wearable panic buttons. There is, for example, Safer Smart Jewellery by Leaf Wearables – jewellery that can track the wearer and send alarms to pre-set phone numbers if required. Multinational corporations are also taking responsibility for the safety of their women employees, with some such as General Motors India distributing panic buttons. There is Channel V's 'VithU', a mobile-based app acting as a panic button, which was released before Himmat. There are a number of other similar apps such as Safetipin, bSafe, iSafety, TellTail, among others. Taxi services such as Uber and Ola have also strengthened their safety measures. Uber has introduced an SOS button, stronger GPS tracking features, and police re-verification of its drivers. (This was in response to the reported rape committed by an Uber driver in 2014, which dented the company's credibility.¹⁴) As the year 2016 opened, the Ministry for Women and Child Development announced¹⁵ that by next year,

every mobile phone in India will be equipped with a panic button.¹⁶

While these initiatives are to be lauded, the principal drawback is that they exclude women without access to smartphones. The lack of transportation channels from their homes to their places of work and back is often a problem for them as well. Thus, though they should be part of the target group of such technology, they get left behind by these advancements.

Further, this technology addresses incidents of sexual violence and harassment that happen outside the home. But threats to women's safety, as numerous studies have already shown, can also be found inside the home. According to National Crime Records Bureau data, among rape offenders in 2014, 86 percent were known to their victims. In Delhi, this number was 96 percent.¹⁷ Yet the private sphere has not had the same focus. Marital rape, for one, is still not defined as a crime in India. Maneka Gandhi, Minister for Women and Child Development, has said, "It is considered that the concept of marital rape, as understood internationally, cannot be suitably applied in the Indian context due to various factors like level of education/illiteracy, poverty, myriad social customs and values, religious beliefs, mindset of the society to treat marriage as a sacrament, etc."¹⁸ There is immense focus on so-called 'customs' and the 'mindset' that the minister spoke about. The patriarchal nature of such mindset is not criticised. The state rarely acknowledges sexual abuse in the private sphere, let alone instituting measures to address it. There is willingness to challenge certain acts of violence, but patriarchy itself, a hegemonic system of exploitation, remains largely unchallenged.¹⁹ Current technology-based safety policies do not take into account the exact nature and extent of the violence that is being committed against women.

Further, these solutions make it the woman's responsibility to be safe; she is expected to be always on a state of hyper-alertness in a public place—and then make the panic button or some other gadget work in case of a threat to her safety. Implicit here is the “maleness” of the public sphere, where the woman never really fits in without her safety tools. Gender-relations analysts have found that women's use of public space in Delhi is “legitimately allowed”²⁰ only when they have a purpose to be where they are—either because of work, schooling, or anything related to their domestic duties like going to market. This 'legitimacy' of public presence is, moreover, hinged on time: there are only certain hours of the day where it is acceptable for women to be seen in public spaces; say, not late at night. Yet even during the day, it is difficult for women to be in certain public spaces. “What women do not have is the license to just be or “hang around” in public spaces” (Ibid.) S. Phadke argues that this lack of license dictates their relationship with the public sphere.²¹ S. Ranade also points out that in a patriarchal setup, the male body is the normative, whereas the female body is constantly seen as “out of place” depending on space and time. The presence of women in the public sphere is thus seen as a transgression and therefore causes anxiety.²²

Male hegemony over public space is recognised but not challenged. A study in Mumbai found that at any given point of time, the ratio of women to men in a public space was no more than 28 percent.²³ All the panic buttons for example, are targeted at female users. There is a gap about discourse of enhancement of agency. Naila Kabeer defines agency as the “ability to define one's goals and act upon them.”²⁴ Agency is reduced when one is constantly worried about the Other who is assumed to be outside of the home and will hurt one or harm one in some way.²⁵ Subsequently,

fear dictates one's every move and empowerment takes a backseat. Control lies outside of the self. For homeless women, the private sphere, that is the space where women are sanctioned to legitimately be seen, (which might not even necessarily be safe), does not exist. The gendered public space dominated by men²⁶ is all the space they have.

The very demand for the technological solutions mentioned in the beginning of this section is indicative of how unsafe India's cities are. Technology might be helpful to enhance public safety in certain ways, but as noted earlier, its scope is limited so far. Moreover, there is lack of discourse about changing the space itself. Jane Jacobs talks about the “eyes on the street” concept that is essentially about reconfiguration of the space itself so that more people have reason to be present there at all times to make the overall space more comfortable for all.²⁷

THE POLITICS OF SURVEILLANCE

Both CCTVs and GPS tracking through mobile applications are instances of an increase in surveillance, which has a complex relationship with liberty itself. Kavita Krishnan, prominent Indian feminist leader, notes that women “live in constant surveillance in society: they are watched and their movements are monitored and controlled by their families, by lovers and husbands, or stalkers – and all this watching is often justified with the 'safety' argument. 'Safety' becomes a means to justify the loss of autonomy.”²⁸ While CCTVs have been helpful in investigating crimes, their role in actually deterring crimes is unclear. In 2012, CCTVs installed on Puri beach in Odisha were removed because women reported feeling uncomfortable being filmed as they frolicked. CCTVs become part of the “constant gaze” that women are subjected to.²⁹

CLAIMING SPACES: ALTERNATIVE WAYS OF LOOKING AT FREEDOM

Paternalistic ways of looking at freedom deny agency to women and hinder their access to public space. To bring about gender equality, interventions should be such that they seek to dismantle systems that endlessly reproduce patriarchy. Various movements are continuously seeking to break institutional attitudes towards women, urging them to confront everyday sexism. There is demand for a shift of focus towards an empowering reclamation of space which makes itself visible every now and then in autonomous, network-based movements.

One such attempt to break structural inequality is the 'Pinjra Tod' movement in Delhi, literally meaning, 'break the cage', which seeks to bridge the gap between hostel rules for men and women in universities in Delhi. It started when students found out that the fee for accommodation in women's hostels was much higher than in hostels for men. They also found women's hostels to have more stringent regulations³⁰ relating to entry and exit timings which added to an already existing culture of victim blaming and moral policing. Authorities seek to be overly involved in the lives of women students and ask questions about their whereabouts in the guise of "keeping them safe".³¹

Among those demanding minority rights and positive liberty, solidarity networks are a common theme. Often, visibility and effective action are a consequence of solidarity. The student networks of Pinjra Tod, for instance, were successful in making the state hear their collective voice and take action. The Delhi Commission for Women (DCW), which has the authority of a civil court, sent notices to all 23 registered universities in Delhi demanding

information about gender-based differences in timings and fees in hostels, with explanations as to why these existed.

Efforts are also being made towards long-term behavioural changes in society through consistent and visible spreading of the message. The movement called One Billion Rising (OBR), for instance, has had a growing presence in India since 2012. Advocating the claiming of spaces through the arts, OBR believes in "visualising the invisible" and calling attention to issues by just being physically present.³² OBR has ensured both rural and urban participation across a number of countries with efforts that include dialogue and community involvement. It is difficult to assess the precise impact of this movement because it is extremely vast and extends across communities. However, there has been an increase in visibility through a large number of events across 200 countries.³³

The bottom-up perspective of these movements is slowly interacting with the top-down, technology-oriented approach of the government. Stronger communication and a will to learn from each other's experiences will create immense benefit to the goals of gender justice.


CONCLUSION

Changing mindsets and spaces is necessary if a more rounded goal of positive as well as negative liberty is to be aimed for India's women. Technology can provide a certain degree of negative liberty and perhaps some feeling of safety. While this sense of safety can be seen as a part of empowerment, it should not be mistaken for empowerment itself.

The bottom-up approach represented by the alternative movements, and the top-down approach of technology-based safety measures, present two different visions of liberty. The government's set of policies, such as Himmat

with its panic button, tends to put the onus of safety on women and trains the spotlight on problems of security only in the public sphere. Safety becomes an excuse to limit women's movement and freedom. The woman's agency is compromised and control lies outside of the self. Further, there is not enough emphasis on safety in the private sphere. In contrast, OBR and Pinjra Tod are instances of a community demanding for a change in mindset and asking women to step out into the public sphere and claim their spaces. They are illustrative of a “self-mastery” that is associated with Positive Liberty. Rather than asking women to regulate their movements out of fear of the city, the effort of these movements has been to increase the movement of women so as to challenge the hegemony of men over public spaces and make it more comfortable for women to be present in spaces they were previously uncomfortable in accessing.

The actions of the DCW assume great significance and bring the policies of the government closer to the broader goal of gender emancipation. The Ministry for Women and Child Development has recently launched a Draft National Policy for Women, which seeks to “re-script” empowerment. The policy takes a

rights-based approach, aiming at inclusiveness in the development process. The issues under its ambit are many, including reproductive rights, narrowing the gender wage gap, ending violence against women, and encouraging women's entrepreneurship. A policy for women at the national level has come after 15 years of effort and is indicative of the mainstreaming of gender disparity as a political problem. There is a clear shift in understanding the problem³⁴ as larger than safety—at least on paper.³⁵ The policy is ambitious and will require political will as well as efficiency to implement it. The Nirbhaya Fund, started in 2015, has been allocated INR 3,000 crore for victim compensation, installing GPS systems and video cameras in public transport, among other schemes.³⁶ A big percentage of this money is still unspent and so can be directed towards policies that aim at empowerment. By 'empowerment' this paper refers to movement towards a point of self-mastery where women do not have to restrict their own movements according to space and time or dress in a certain way to feel more comfortable in the public sphere, as they do now.³⁷ Women's rights to public spaces, as citizens equal to men, must be protected—if India's cities are to truly shine. 

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