



Making a Feminist City: Planning Safety and Autonomy for Women

A LEGAL AND POLICY PERSPECTIVE

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Executive Summary

The problem of violence against women and girls is a very old and endemic one. Women's safety in the city is a critical and hotly debated issue. While there are different attempts being undertaken by various governments to address women's safety in cities, not many seem to be focusing on the site of such violence itself – urban space and how it is being produced. In our cities, girls, women, gender and sexual minorities face violence not only in their homes and in relationships, but also in public space as a direct consequence of poor urban design and planning. While it is a challenging task (and beyond the scope of one report) to tackle gendered violence in cities, it is certainly a worthwhile engagement to attempt to understand and abolish the conditions that foster violence in urban space, by an examination of the built environment and the biases that get built into them. Likewise, one can also explore ways in which safety for women and girls can be built into the environment instead.

Urban planning and infrastructure design have largely been gender blind with a limited understanding of the interrelationships between gender, socio-economic inequities and violence. Unless cities are designed to integrate the needs of girls, women, gender and sexual minorities, they will neither be safe

nor will they be able to participate in cities on an equal footing. Ultimately, safety mediates the relationship to the city for half of its inhabitants and it is essential that the needs of their everyday life, safety, comfort, convenience and accessibility to cities are made an integral part of city design.

This report fills a key gap in urban planning literature in India by recommending feminist urban planning as an approach to build safer and thereby, more equitable cities for girls and women.

The introduction sets out a snapshot of how women use and navigate the city differently, provides a summary view of the constitutional and legal framework governing planning, and lays out the structure of the report. The second chapter engages with what safety for women in cities means in material ways, and looks at the ways in which public space and urban infrastructure exclude and create conditions that foster violence against women. The principles and tools discussed in the third chapter are merely illustrative of the approach that can be categorised as Feminist Urban Planning (FUP). It is beyond the scope of this report to dive into the specific design and architectural practices that FUP would encompass. However, the attempt here is to enough to identify the key principles

and advocate for its approach to be incorporated in the planning processes in India. The fourth chapter examines the constitutional and legal frameworks governing planning in India, and takes a close look at the issues plaguing the planning of Bengaluru, from a feminist perspective.

The report will be relevant for policy and decision-makers at the national, state and city levels, advocacy organizations, urban planners, architects, lawyers, academics, feminist organisations, and to anyone who is interested in cities.

Introduction

Space is not neutral¹. It is subject to the actions and operation of power relations that are involved in moulding it. This is the main argument of Henri Lefebvre, pioneering French philosopher and sociologist. In his many works, he asserts that 'politics of space' provides a challenge to the planning and design of the built environment by emphasising the need to understand the complex elements involved in 'the production of space' and how it, in turn, shapes political and social action.

Simply put, this argument attempts to challenge the notion of space from being understood in purely geographic terms to encompass historical and social dimensions of space as well as their interrelationships. For example, when one hears the term 'kitchen,' the mental image conjured up is not only a room designed as such in its physical manifestation, but also associated notions such as where

preparation of meals is undertaken (function), who does the cooking (social role), and the nature of the space itself (domestic). Therefore, understanding space depends not just on its physical form, but also on its social dimensions, i.e., how people use it.

In understanding the making of a city, questions of who owns, controls, and regulates urban space, for what purposes and how this is achieved, are essential to be asked. These questions give insight into how modern cities have been built and constituted, and how they impact the different kinds of people who live in and use the city.

Therefore, one's physical environment, in material terms, is constituted by and configures different social relations continuously. When it comes to urban design, this means that everyday decisions about city planning and design are constantly producing and shaping the experiences of different inhabitants of the city. With this background, this report would be focusing on certain type of social relations in particular – gender and its attendant intersections – in examining how city making and planning processes affect women* in the city. This method of adopting an intersectional approach centring gender to urban planning is described as feminist urbanism.

* The term 'women' here is used to refer to ciswomen, transwomen and feminine-presenting people affected by misogyny

How Do Women Traverse The City?

Feminist urbanism rests on the premise that the built environment is made in accordance with a set of ideas about how society works. Questions of who does what and who goes where² underlie planning assumptions. If planning assumptions are based on outmoded social norms rooted in paternalistic gender roles, it results in exclusionary and hostile cities. However, by centring women at the core of city planning and design, one can not only build cities that are inclusive, but also challenge entrenched social norms about women and their role in the city, transforming social relations in the process.

The use of urban space and the activities undertaken in cities will depend on everyday life experiences of city dwellers and it becomes important to examine how these spaces respond to the everyday needs of people. To understand how the city affects different inhabitants, one first needs to understand the different spheres³ of activities in the city –

(a) Productive sphere:

- i. paid economic activities including formal and informal labour**
- ii. unpaid domestic activities including personal and family caregiving.**

(b) Personal sphere: activities undertaken by individuals for self-development

(c) Political sphere: activities related to political participation, community building, and other democratic processes.

The activities in these spheres are interrelated. The assigned gender of a person and attendant social roles play a significant role in determining the nature of activities they would undertake on a day-to-day basis. In India, women are often tasked with the unpaid domestic activities and care work, even if they are engaged in paid labour outside the home. When a person is only engaged in paid labour (traditional male gender role), their mobility will be linear involving a direct trip from home to work, or to any other personal activity. Whereas a person is engaged in paid labour along with

undertaking domestic activities and caring for dependents such as children or an older family member (traditional female gender role), their movement in the city is more complex and involves polygonal movements (see figure 1) as a result of the diverse nature of activities they undertake. **This is called 'Trip-chaining,' a series of short trips linked together between main or primary destinations, such as a trip that leaves home, stops to drop a child at the day care centre, stops for grocery shopping, and continues to work or returns home. Women's use of public space is marked⁴ by more complex trip-chaining in India.**

Therefore, gendered social roles significantly determine how people use and traverse urban space. Understanding these differences in the use of urban space is critical to make gender responsive planning and policy decisions. This will ensure that women's needs are taken into consideration in the use of streets, civic amenities, public transport, and safety among other things. It is essential to undertake gender mainstreaming at every level of planning in the city from the local level (street, neighbourhood, ward) to the larger city level (zonal, metropolitan region) in order to make it inclusive for women.

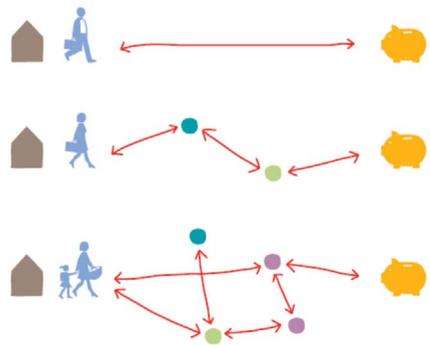


Fig.1: Everyday life, gender roles and urban spaces diagram.

Image: Spaces for Everyday life: Urban Quality Audit from a gender perspective, Adriana Ciocchetto, 2014

Women, Safety and the Urban Space

The urban space is a site where many inequalities are reflected and experienced based on the dimensions of one's identity. All women do not experience the city in the same vein. The differences in one's class, caste, gender, religion, sexuality, age, disability, marital status among others often result in myriad forms of exclusion and discrimination in the city. A feminist approach⁵ considers the multiplicity of differences and is sensitive to how they intersect with gender to disproportionately affect some people more than others, in their access to, and autonomy in the city.

In order to understand the factors that mediate gendered access to the city, it is essential to engage with questions of violence against women and girls, how it's addressed and what narratives of 'safety' underpin institutional responses.

Violence against women and girls is a pervasive reality in India. However, while discussions around violence against women and girls tend to be focused on public space, they often fail⁶ to address violence in private spaces.

A report⁷ by the United Nations Office on Drugs and Crime (UNODC) found that globally, around 87,000 women were intentionally killed in 2017, of which more than half of them (58 per cent), some 50,000 – were killed by intimate partners or family members. This means that 137 women across the world are killed by a member of their own family every day, making the home 'the most likely place for a woman to be killed.'⁸ According to the data⁹ by National Crime Records Bureau, in 2019, the majority of cases under crimes against women were registered under 'Cruelty by Husband or his Relatives' (30.9%), perpetrated in the private space of the home and by family members.

Even a cursory examination of the data reveals that the notion of the private space of the home being safe for women is fallacious. Making matters worse, the continuance of legal provisions such as the marital exemption¹⁰ to rape in the Indian Penal Code exacerbates the problem of recognising endemic interpersonal violence as violence.

Rooted in outmoded notions of treating women as 'chattel', the marital rape exemption refuses to recognise rape

occurring within a marriage as rape, rendering the private domain as a site of ongoing sexual violence without recourse to criminal law. It is notable that this provision has been argued¹¹ to be violative of fundamental rights and thereby, unconstitutional.

Feminist researchers have long identified and documented the family as a site of violence against women, gender and sexual minorities.

According to the National Family Health Survey of India 2015 – 16,¹² 20.6% of married women between the age group of 15 – 49 years, experienced spousal violence in urban Karnataka.

The survey also notes that 'the contextual and intergenerational aspects of spousal violence are clear from the fact that women whose mothers were beaten by their fathers are more than twice as likely to be in abusive marriages themselves'.¹³ Amongst unmarried women between the ages of 15 – 49, the perpetrators of violence were the parents. Given the severe taboo around discussing domestic and spousal violence in India, these figures need to be considered as very conservative estimates of the same.¹⁴ Therefore, the notion that private space of the home is safer for women is an assumption that does not stand up to scrutiny. However, for the purpose of this report, the focus is predominantly on public space. It will touch upon aspects of how planning policies, or the lack thereof, serve to keep women, sexual and gender minorities dependent on the private family networks, even if they are facing violence at home. Even if one considers the private home as a relatively safe space, the second dimension of treating public urban

space as hostile to women results in the loss of access and opportunities in the city due to this perceived lack of safety.

The prevalent discourse on women's safety focuses on the everyday violence, particularly sexual violence, in public spaces such as streets, markets, parks, public transport and other public avenues in the city. This in turn affects women's access to the city, limiting their ability¹⁵ to benefit from the opportunities that cities offer, resulting in discriminatory exclusion. However, **instead of formulating responses that are intended to further women's access to the city, paternalistic responses of the state and its functionaries indicate that given the hostile nature of cities, women might be better off avoiding these spaces altogether.**¹⁶ In the aftermath of the 2012 gangrape in Delhi, the Delhi Police Chief said¹⁷ women should not go out late at night. This is a sentiment that is oft repeated by political leaders as well. In 2017, following the case of a young woman being stalked in Chandigarh, the BJP State Vice President Ramveer Bhatti blamed¹⁸ the victim by asking, **"The girl should not have gone out at 12 in the night. Why was she driving so late in the night?"** This kind of response is pernicious and characteristic of rape culture¹⁹ which is a set of attitudes that treats sexual violence against women as normalised and excused through societal attitudes and actions towards gender and sexuality. This is perpetuated²⁰ through placing onus on women's safety on women through narratives of victim-blaming, scrutiny over women's actions, persisting harmful stereotypes relating to gender among others, instead of holding the perpetrators of sexual violence responsible and accountable.

In addition to this, the reporting²¹ of sexual violence in English-language media houses, dominated by upper class and upper caste workers, suffers from a casteist and classist bias, wherein reporting of sexual violence where the victims or perpetrators, who do not fit a profile of someone belonging to an upper or middle-class background, English-speaking, urban, working background is not prioritised. As one journalist noted,²² English news media suffers from what is described as an urban 'People Like Us' editorial bias in reporting sexual violence, rooted in the idea that reporting on non-urban contexts or focusing on poverty would not resonate with the affluent readership of such media.

Poverty plays a significant role in rendering women vulnerable to sexual violence, especially due to lack of safe housing and inadequacy of shelters.

For instance, in Visakhapatnam, several incidents of rape and sexual violence had been reported²³ against women who do not have access to safe housing and have to resort to sleeping on the streets or under flyovers highlighting the role of poverty and destitution in sexual violence. While safe shelter houses are often cited as an alternative, women are not safe even in such spaces. It has been reported²⁴ that in Delhi, women voluntarily chose not to live in the shelter homes, preferring to risk spending nights on the streets in order to escape pervasive sexual harassment, molestation and violence in shelter at the hands of the management or by the police. Such incidents remain ignored, underreported and the aggrieved are often silenced by the authorities.²⁵

A paternalistic protectionist approach results in achieving the following things – one, it creates a false dichotomy that positions the “hostile” public space as contrasting the “safe” private space, masking the deep violence experienced by women and girls at home within families; two, it does not recognise the loss of access to the city by women and girls and the attendant loss of opportunity for social, economic, political and personal development the city offers as a form of violence in itself; three, it seems focused on the “safety” concerns of only certain classes of women, notably middle- and upper-class women, despite the fact that women from varying backgrounds occupy and work in the city at all times.

This approach is severely problematic for multiple reasons – not only is it a violation of a woman's right to the city on an equal footing, it also fails to understand violence against women in all its dimensions and therefore, fails to adequately afford safety women in the city – whether they occupy public spaces or private spaces. Therefore, **protectionist discourses that infantilise women as a class further their exclusion in the city instead of treating women as full human beings and citizens with a fundamental right to liberty and free movement.**

Towards Safer Public Spaces: A Woman's Right to the City

Ordinarily speaking, public space is that which is open to use and is accessible to all. However, the term public space has a broad meaning and there is hardly any unanimous consensus among the scholars on a particular definition of public space.²⁶ Miller defines public space as 'kind of hybrid of physical spaces and public spheres' and contends that physical space is important to public democratic life. On the other hand, Shaftoe's definition of public urban space is concerned mainly with the use of the space and he defines convivial urban spaces as public places "where citizens can gather, linger or wander through."²⁷

For the purposes of this report, public space refers to functional sites such as streets, footpaths, sanitation facilities, bus stops, railway stations, modes of transport as well as recreational sites such as parks, gardens, playgrounds but does not include 'privatised' public spaces of consumption such as malls, coffee shops, restaurants among others.

As feminist urban researchers have noted, women's safety concerns do not result in public space being made safer but rather on ensuring that a woman is shunted from one 'sheltered' space to another.²⁸ This results in women's access to public space being conditional at best and the denial of access to public space, at worst.²⁹ The constant and reiterative negotiations women engage in to navigate cities, both materially and psychologically, in the pursuit of safety, are a form of ongoing violence in itself.

Public discussions around women's safety often foreground³⁰ the hypothetical middle-class, able-bodied, Hindu, upper-caste, heterosexual, married or marriageable young woman traversing the city.

However, different groups of women use and occupy the city in different ways, with significant overlap – women workers in the city, including sanitation workers or IT workers who often have to work night-shifts; domestic workers; nurses; care-givers; sex workers; young mothers, older women, transwomen, people belonging to non-normative gender identity groups and sexual minority groups, all of whom experience different forms of exclusions in the city that needs special consideration; then those who have precarious or uncertain housing those who live on the streets face compounded forms of

violence exacerbated by access to safe housing; those who experience domestic violence but are unable to leave either due to socio-cultural pressures or owing to lack of safe shelters or both.

While sensitive policing and reasonable security measures play a role in tackling violence in cities, it is limited to addressing instances of violence ex post facto. However, the conditions that render women vulnerable to different forms of exclusions and violence in the city, are exacerbated by gender-insensitive urban infrastructure that is neither designed for women's bodies nor is responsive to their needs.

Each city needs to invest in its infrastructure: physical infrastructure in the city including well-lit streets, footpaths, free public toilets that are open 24/7, parks, dustbins and benches are a necessary and basic step; social infrastructure such as community housing, shelter homes, child care facilities, skill development centres; mobility infrastructure including for non-motorised transport (NMT) such as pedestrian infrastructure and cycling infrastructure, free or low-cost public transport, particularly quality bus transport ensuring adequate frequency, connectivity and well-maintained bus stands etc. institutional infrastructure in the form of hospitals and reproductive health facilities, mental health facilities, legal aid, one-stop crisis centres etc. The right to public space, by extension the right to the city, is linked closely to the provision of public spaces and services.

In her pioneering work, *The Death and Life of Great American Cities*, urbanist Jane Jacobs introduced³¹ the notion of natural surveillance, coining

the now famous phrase, "eyes on the street." **She advocated for mixed use neighbourhoods that encouraged free movement of people and hawker friendly streets who would be able to keep an eye on the surroundings.** In the context of patriarchal societies, while there is a risk of natural surveillance becoming patriarchal surveillance, the principle of creating safety through the presence of people who use streets and other public spaces is an extremely important one. However, existing planning practices do not seem to reflect this principle either in planning or in practice. Street Vendors are routinely harassed by the police and municipal authorities in our cities. Despite the existence of a legislation protecting street vendors in Karnataka,³² its implementation fails miserably in protecting their rights.³³ Street vendors are subjected to forceful evictions or harassment that threatens their right to livelihood. The poor implementation of the Street Vendors Act, 2014 can be understood from the rate at which the legislation is violated by the municipal corporation in the cities.³⁴ For instance, it is reported that in Mumbai alone, between August to October 2017, the Brihanmumbai Municipal Corporation evicted 58,312 hawkers.³⁵ This is just one of the many examples that indicate the ways in which existing planning policies and laws fail to consider how cities work and what actually makes cities safer for women.

Drawing on his work in Bengaluru, Govind Gopakumar argues³⁶ that the shift from a city made up of once crowded streets, with pedestrians, pushcarts, vendors, and bicyclists, to one choked with motor vehicles, many of them private automobiles, is not accidental but the

wilful 'bourgeoisization' of the city where automobility³⁷ is what is sought to be "installed." Such a phenomenon caters³⁸ **to the mobility needs of the privileged elites, while simultaneously marginalising the mobility needs of the rest. In the process, encoding the mobility needs of the dominant urban, male, and elite segments in mobility regimes, at expense of the diverse experience of different people navigating the city.** This has significant implications on the mobility avenues of girls, women, and gender minorities resulting in stark exclusions in the city.

Urban Planning in India

Urban planning in India cannot be understood as forecasting and management of urban growth. According to urban theorist, Ananya Roy, it is rather to be understood as **"the management of resources, particularly land, through dynamic processes of informality."**³⁹ In this context, informality is meant to be a state

of deregulation, "where the ownership, use, and purpose of land cannot be fixed and mapped according to any prescribed set of regulations or the law." So much so that the law itself is left open to interpretation, city construction is often "unauthorised" and takes place in violation of laws – however some of these are designated as illegal to be demolished, while others are protected and formalized subsequently – exercises in state power and violence. While informality is often seen to be synonymous with poverty, Roy argues that India's planning regime is itself an informalised entity, one that is a state of deregulation, ambiguity, and exception.⁴⁰

Therefore, the legal regime governing planning seems to be ineffective in actually planning cities in India.⁴¹ What is the role of planning law when the practice of urban planning firmly seems to straddle the boats of legality and illegality, legitimacy and illegitimacy? The answer seems to lie not in a failure of planning regime itself but in the highly formalised, top-down planning approach that the current

legal framework provides for and which seems to be out of touch with the reality of informal processes that drive urban growth in Indian cities. The solution to this conundrum seems to lie in adopting de-centralised planning approaches to develop urban policies arresting urban sprawl, adopting a 'compact city'* model which is environmentally conscious as well as gender-inclusive,⁴² and promote participatory planning approaches involving community participation and responsive to the needs and aspirations of local contexts.

* The concept of a 'compact city' was developed in the 1980s as a way to secure sustainable urban development.

Legal Framework

The key issue plaguing urban planning in India is the lack of local democratic participation in cities. Though the 74th Constitutional Amendment empowers urban local governments to function as self-governing entities, the institutional frameworks for decentralised governance are not in place, even after two decades of the passing of the amendment.⁴³

Under the Karnataka Town and Country Planning Act, 1961, the Local Planning Authority responsible for preparing the master plan of Bengaluru continues to be the Bangalore Development Authority and not the Municipal Corporation or the Metropolitan Planning Committee.

The law does not mandate public participation in the planning process, and only seeks comments from the public once the plan has been made, making the process bureaucratic and ineffective. This kind of planning, in its existing form, does

not even meet the needs and aspirations of people of the localities it is planning for, much less⁴⁴ for the women who live in these areas. The lack of participation adversely affects women in these areas, since the women who live and traverse these spaces are best positioned to articulate what their needs and requirements are, based on the issues they face.

A participatory planning approach that is iterative, involving local communities centring women and girls, through ward committees, area sabhas and specifically designed, public consultative exercises are essential to reflect their needs, and assist in preparing a plan that addresses them. This can be best illustrated from the experience in Catalonia.⁴⁵ The Catalan Neighbourhood Law (2004) mandated cities to promote gender equality in the use of public spaces and facilities. In its wake, a Barcelona-based feminist organisation of women architects and planners, Col·lectiu Punt 6⁴⁶ was formed to promote feminist urban planning and secure 'right to the city' for all, through collective and bottom-up participatory processes centred on women's everyday lives.

They developed⁴⁷ a range of tools to support the processes of women's empowerment and urban transformation including facilitating capacity-building processes in feminist urban planning for municipalities, neighbourhood and women's organisations to enable women's active participation in planning.

The goal of this exercise must be to imagine cities, districts and architectures in order to foster a discrimination-free and pleasure-full life for all.

This is why there is a need to work on diagnosing urban, cultural and social issues from the experience of women as city dwellers and in their neighbourhoods. Safety, facilities, public spaces, mobility and housing are part of the agenda which must be worked on – in collaboration with women, gender and sexual minorities from different neighbourhoods – in order to spot structural problems and favour more inclusive alternatives.⁴⁸

Project Framework

The lack of safety in urban spaces manifests as a deprivation of access to basic rights for women in cities. This report focuses on the spatial dimensions of safety, in examining how law and policies affecting urban space can be modified or amended to support the creation of safe and supportive urban spaces. The provision of gender sensitive public infrastructure and services necessary for the production of safety and autonomy in urban space, will enable social and economic development of women, girls, and sexual and gender minorities. The way to realise this is to engage with feminist approaches to geography and planning, with the recommendation to adopt feminist urban planning as an approach to realise this goal. The research questions that this report engages with are –

1. **What is the role of planning in producing urban space that is hostile and exclusionary to girls and women?**
2. **How can feminist urban planning be leveraged to create safer and more equitable cities?**
3. **What kind of legal and policy interventions can be made in Bengaluru to facilitate feminist urban planning?**

Research Methodology

The objective of the research project is to examine the key arguments of feminist urbanism or feminist urban planning and to find areas of legal and policy intervention in urban planning to prevent, respond to, and eliminate the conditions that produce violence and discrimination against women in cities.

In order to achieve this, a mix of different research methods is proposed to be adopted – literature review, examination of existing laws and policies, structured and unstructured interviews with stakeholders etc. – for the time being.⁴⁹

Structure of the Report

The report is structured in chapters in the following manner –

1. Encoding Safety:

Autonomy in the City

This chapter sets out the context for understanding women's safety in cities from a design and urban planning perspective, and seeks to highlight the ways in which safety or the lack thereof is produced by planning decisions, which impacts women's right to the city.

2. Feminist Urban Planning: Towards Equitable Cities

This chapter elucidates what Feminist Urban Planning is and advocates it as a desirable approach to critique urban design, place-making and the legal frameworks governing planning, in an attempt to address and redress the critical failures of the planning regime.

3. Urban Planning in India: A Feminist Critique

This chapter explains the constitutional and legal framework governing urban planning in Indian cities, with particular focus on Bengaluru. It looks at how urban planning takes place in Bengaluru from a feminist perspective, while suggesting legal and policy reforms to realise feminist urban planning methods and tools in the city, identifying a range of areas for legislative and policy interventions to facilitate the same.



Encoding Safety: Autonomy in the City

"Yes, my consuming desire is to mingle with road crews, sailors and soldiers, barroom regulars—to be a part of a scene, anonymous, listening, recording—all this is spoiled by the fact that I am a girl, a female always supposedly in danger of assault and battery. My consuming interest in men and their lives is often misconstrued as a desire to seduce them, or as an invitation to intimacy. Yes, God, I want to talk to everybody as deeply as I can. I want to be able to sleep in an open field, to travel west, to walk freely at night..."

— **SYLVIA PLATH,**
THE UNABRIDGED JOURNALS OF SYLVIA PLATH

Safety is the key determining factor that dictates the relationship between women and the city. The lack of safety, or rather, the lack of a perception of safety in the urban space gravely affects women's access to and use of, the city. The perception of risk is often far greater than the actual possibility of violence for women in public spaces, however the cost of this perception is extremely high – navigating for safety hinders women's access to the city. It curtails women's ability to exercise basic rights, to avail opportunities for economic, social and cultural development, and finally, to experience the entire gamut of freedoms that citizens should be able to enjoy as a matter of right in the city.

Usually, measures to improve women's safety involve calls to increase policing,⁵⁰ surveillance⁵¹ infrastructure, stricter laws⁵² and stringent punishments among others. However, it is pertinent to note that the focus on policing and other security-based conceptions of safety are post-facto, i.e. begin at the point of the incidence of violence against women. They do not focus on the conditions that foster violence against women – the social, economic, institutional, infrastructural, geographic factors that make women feel safe or unsafe in the first place. This report seeks to address the factors that create the conditions that render urban spaces unsafe for women. In order to gain a deeper understanding of such environmental factors, the following issues need to be highlighted –

1. **Safety is a social and political concern that has to extend beyond conventional understanding of security and policing. The creation of safety for women in the city is contingent on women being able to access, use and occupy urban space in large numbers.**
2. **Women's access to the city is hindered by urban planning that is ignorant of gendered biases in design and overlooks⁵³ the care economy, which works against those engaged in domestic responsibilities and care-work in households especially with children, which is predominantly women.**
3. **Public provision of urban infrastructure, responsive to the needs of and inclusive of women, girls, and sexual and gender minorities, designed specifically to cater to different intersectional identity groups women belong to, is essential to create safety in the city. This is extremely important in securing women's right to the city.**

Urban planning has been ineffectual⁵⁴ in addressing and preventing gendered violence in cities. Planning processes fail to take gender into account in the production of urban space and therefore do not prioritise planning for safety in cities. In order to understand how planning philosophy and practice fails to create safer spaces for women, it is critical to understand, contextually, the socio-cultural nature of violence against women, girls, and sexual and gender minorities.

Patriarchy, Violence, Public – Private Divide

“...the dichotomy between the private and the public is central to almost two centuries of feminist writing and political struggle; it is, ultimately, what the feminist movement is about.”⁵⁵

- Carole Pateman

The longstanding goal⁵⁶ of the feminist movement since its inception has been to eliminate the distinction between the public and the private sphere which had been central to the upholding of patriarchal oppression for centuries. The public – private divide operated with the public sphere (ex. politics, commerce, law) being dominated by cis-gendered heterosexual men whereas women were relegated to the private sphere (home, family, care work). This binary construction of public / private framework itself has been critiqued by later feminists⁵⁷ on the grounds that its conception is androcentric and euro-centric, who advocate instead, adopting the concept of ‘everyday life’ to overcome some of the public / private framework’s analytical shortcomings.

Both of these insights are valuable for the purpose of this project. Urban space often reproduces the tensions laden in the public – private distinction as characterised by early feminists – the use of public space in cities around the world but particularly in India, is largely dominated by cis men. Women rarely occupy public space without a specific purpose.⁵⁸ However, this distinction does not take into account sexual and gender minorities who are also deprived of access to the city except in certain interstitial spaces, informal gathering areas, not often in view.

The spatial segregation of public and private spaces makes women, girls, and sexual and gender minorities often feel like they don’t belong in the public realm⁵⁹ — because for these groups of people, being in public is accompanied by a very real risk of violence, notably sexual violence.

In addition to this, access to public space to women is conditional, rooted in performing⁶⁰ ‘respectability’ to manage socio-cultural perceptions. However, in understanding the way in which spaces can be made safe through legal and policy intervention, the insight about a focus on the ‘everyday life’ is critical because exclusion in the city is multi-faceted and poly-dimensional, through an interlocking of oppressions and privileges, the unpacking of which is only possible by examining everyday experiences of those persons belonging to these groups.

Safety and the Lack of Urban, Public Infrastructure

Although the majority of Gender-Based Violence (GBV) affects women in the domestic context (inside the home),⁶¹ studies have shown that women often experience stranger assault at higher rates in urban areas and particularly, in informal settlements. The lack of access to safe and adequate housing in the city is a direct contributor to increased risk of vulnerability to violence and harm for women, girls, and sexual and gender minorities in the city.

The lack of access to sanitation facilities which results in women having little choice but to resort to open defecation in India rendered them twice as likely to experience non-intimate partner sexual violence.⁶² The very fact of existence and maintenance of critical infrastructure such as sanitation facilities assumes paramount importance in ensuring safety and dignity for women and girls around the world, protecting them from potentially life-threatening⁶³ circumstances. In India, the lack of sanitation facilities primarily impacts the poor and those belonging to lower-caste groups, rendering women, sexual and gender minorities from already marginalised groups extremely vulnerable to a high risk of violence.

The rates of intimate partner violence and domestic violence for women in India is extremely high,⁶⁴ as revealed by the data compiled by NCRB, which found domestic violence to be the top category of violence

against women in 2018. Socio-cultural pressures and high social stigmatisation prevent girls and women from being able to leave abusive domestic situations. In addition to the high social costs, girls and women, especially those with children or dependents are more prone to staying in abusive domestic situations also due to lack of economic self-sufficiency, lack of safe shelters in times of crisis, lack of socialised child-care facilities that enable women to access economic and social opportunities, especially affecting women in the informal sector. This is worse for poor women, in particular, since vulnerability and deprivation, endemic to poverty renders them vulnerable to sexual and domestic violence which has been linked to the gendered nature of poverty. As **Naila Kabeer puts it, ' ...**

(they) are most exposed to the risk of harassment and least able to remove themselves from violent situations.'⁶⁶

For girls and women, at a higher risk of violence occurring due to poverty, the lack of tenured housing, safe shelters, lack of adequate sanitation facilities, lack of safe and free public transport, cheap access to nutrition, quality child-care facilities all contribute to disempowering them from leaving violent situations.

When urban design and policymaking does not take into account the needs of the care economy, it ensures that women with children or dependents are disempowered from leaving violent domestic situations, due to the lack of viable and safe alternatives.

Sexual orientation consistently ranks as the third-highest motivator for hate crime incidents around the world,⁶⁷ and transgender people were found to be almost twice as likely to be harassed in public places.

According to media reports,⁶⁸ in a study conducted by the National Institute of Epidemiology with 60,000 transgender participants across 17 states in India, the main perpetrators of violence against transgender people were police and law-enforcement officials. It was also reported that according to this study, most transgender people receive no support from their biological families. The lack of a right to safe and accessible housing, lack of safe shelter-homes in times of crisis, lack of gender-sensitised police and law enforcement, themselves perpetrators of violence renders the city extremely hostile for the transgender community.

The lack of social and economic opportunities, widespread transphobia, ignorance and stigmatisation, lack of access to traditional familial networks of social and cultural capital, lack of institutional support means that the everyday experience of transgender people is a matter of negotiating and strategizing for safety constantly. In this regard, while present urban infrastructure in India utterly fails at this task, a gender sensitive approach can play a critical role in creating avenues of safety. For instance, sanitation facilities in India, especially public toilets in particular are only designed for the gender binary. The mere task of accessing public toilets is rife with risk of violence and indignity⁶⁹ for transgender people, with demands for a safe, gender neutral⁷⁰ alternative to be made available as a matter of right, subsequent to the landmark judgment in National Legal Services Authority v Union of India.⁷¹

Research indicates that women in the city rely on walking at higher rates⁷² compared to men, which requires well maintained foot-paths, well-lit streets at all times especially at night time. In addition to walking, women also tend to be highly dependent on public transport.⁷³ Even if a household income increases, it was found that the men switched to using private vehicle, with women continuing to use public or para-transit modes of transport.⁷⁴

The lack of safety from harassment on private or public transport can be catastrophic to women's access to opportunities in the city and free or highly accessible public transport is essential for women to be able to use the city in large numbers.

There are several examples one could cite (as seen in the next chapter) to demonstrate how the sheer lack of adequate and well-maintained urban infrastructure, free or accessible public transport, and male-centric urban design and planning decisions converge to create hostile and exclusionary urban space for women, girls, and sexual and gender minorities. It is pertinent to note that this phenomenon is also exacerbated by the shrinking of the welfare state and privatizing of erstwhile public services, in the neoliberal globalised world.

Emerging private sector solutions that enable women's safety for middle- and upper-class women, such as the rise of ride sharing apps provide relatively safer and convenient mobility options to the upwardly mobile, but remain inaccessible to the majority of women and bring a set of attendant problems. In India, ride-sharing cabs in cities are primarily used by upwardly-mobile women and the cabs

driven primarily by lower-class men. In this context, strategizing around safety and interactions between women commuters and cabdrivers served to reinforce and reproduce, existing inequalities, leading to worsening class relations in the city.⁷⁵

The potential solutions to enable women's safety in the city should not reproduce or deepen existing inequalities in the urban space.

Paternalism, Respectability and Gender in Urban Space

The conversation about women's safety in India needs to take place with an understanding of the dominant socio-cultural context of Indian society. As a highly patriarchal and paternalistic society, it is characterised by widespread 'honour culture'⁷⁷ and more broadly,

respectability politics, prevalent in both urban and rural India. Honour culture can be described as a collectivist value system, either religious or cultural, featuring male guardianship, rooted in controlling the sexuality of young people, particularly of women in the family. As a dominant patriarchal ideology, honour culture, at its extreme, not only results in a specific form of violence against women termed 'honour crimes' but in its everyday manifestation, characterises a rigid control over the way women inhabit and move in their day-to-day lives.

This cultural context manifests in regulating gendered movement and access to urban space. It is characterised by widespread gender segregation⁷⁸ and is often accompanied by a high incidence of violence against women, girls and those of non-normative genders and sexualities. Safety is often posited as the ostensible reason for denying women access to public space. However, safety here is not just safety from sexual violence but a means to restrict⁷⁹ undesirable sexual liaisons for young women, even if consensual, rooted in 'conservative class and community structures' of sexual endogamy, a system restricting sexual relationships to specific social groups.

Feminist researchers have argued that this focus⁸⁰ on safety instead of sexual endogamy, serves to erase questions of class safety and unwanted sexual liaisons across class, caste and communal lines.

It is pertinent to note the recent passage⁸¹ of anti-conversion laws ostensibly to tackle a baseless Hindu right-wing conspiracy theory called 'Love Jihad,' which emerges from a strain of Hindu nationalist discursive politics rooted in moral panics over the association of Hindu women and Muslim men. Described by constitutional experts as patently unconstitutional⁸² and violative of fundamental rights, these laws nonetheless embolden far-right reactionary Hindu groups to harass inter-faith couples, enlisting⁸³ state and police agencies. This alarming development is taking place in the background of emerging urban modernity that has afforded women more exposure and choice. Researchers have noted⁸⁴ that the discourse of 'Love Jihad' is modified as a regulatory mechanism to control the choice and mobility of young urban women whose autonomy is undermined, while constructing a dangerous, undesirable 'Other' in Muslim men, who were already facing deadly violence in the form of Islamophobic⁸⁵ hate crimes.⁸⁶

All of this entails careful monitoring of women's behaviour, both within the home, and outside in public space, often at the expense of men from marginalised communities, and this surveillance⁸⁷ takes on many forms – parental, paternalistic, protectionist, fraternal, marital, neighbourly, community and state.

Therefore, while natural surveillance as articulated by Jane Jacobs⁸⁸ has relevance insofar as safety from stranger violence in public spaces is concerned, in the context of patriarchal societies, it runs the risk of becoming patriarchal surveillance over women's bodies, access and use of the city.

The tangible outcome of this kind of patriarchy is manifest in the construction of 'respectability' for women insofar as a determinant of risk assessment and safety in urban spaces in the city. While globalisation opened up spaces of consumption for some women in the city, anxieties over its impact on 'Indian culture' puts pressure⁸⁹ on women to not only embody a new vision of a modern desirable woman, while simultaneously adhering to norms of respectable Indian womanhood. Feminist researchers⁹⁰ have found that one of the ways in which many women strategise for safety in Indian cities is by maintaining 'respectability' either through self-presentation or visible markers signifying a connection to the private space, such as wearing a mangalsutra, sindoor or chooda among some quarters.

They have also noted how this mode of performing respectability itself often puts women and girls at risk for further harm.⁹¹ Describing this phenomenon, Shilpa Ranade cites⁹² an example of a young woman, being dropped home by her boyfriend would get off at a considerable distance from her home, to avoid being seen by neighbours or her own family, which required her to walk a dimly-lit stretch of road that was perceived as unsafe and potentially risk laden. The performance of respectability is central to navigations for safety by women and gender minorities in the city.

Creating Women's Safety Through Autonomy

As elucidated earlier, the preoccupations of safety, often legitimate, serves both to keep women out of the city as well operate to restrict women's autonomy in the city. A feminist approach to safety in urban spaces need to be sensitive to the socio-cultural scripts of the society around gender in order to ensure that it not only focuses on prevention of violence but the maximisation of women's autonomy, freedoms and pleasure in the city.

Building safety in urban spaces is often based on a contextual or situational perspective. An important facet of this is the creation of lively public environments that are attractive to different social groups, particularly to women, gender and sexual minorities. In this manner, as the number of gender diverse people in the public space grows, it makes such a space relatively safer for everyone.

Feminist scholar, Shilpa Phadke says that safety does not accrue from infrastructural or institutional factors but has to be actively produced.⁹³

She traces the way narratives of danger around sexual violence, owing to honour culture in communities and respectability politics, are given significantly more precedence over non-sexual physical violence against women, which can be just as traumatic but without similar implications for community honour or respectability. This narrative around 'sexual safety' for women in public space promotes protectionist rhetoric casting public space as inherently risky and laden with danger, while framing the private space as safer. However, as discussed earlier in this report, women are victims of violence at home at much higher rates than in public space. It is the de-prioritisation of tackling non-sexual physical violence against women that allows this framing of private space as inherently safer.

Phadke's argument posits⁹⁴ that the overarching emphasis on sexual safety for women in public space, wherein protection for women's sexual safety is placed above women's right to access public space, plays into the very logics of sexist and paternalistic thinking that sees a woman's sexual violation as the worst thing to befall her. Therefore **"safety that is linked to surveillance or protectionism can only be understood through sexist and paternalistic logic even as it attempts to prevent public violence against women."**⁹⁵ She advocates for the 'de-sexualising' safety and argues that the struggle against violence against women and the quest for women's right to seek pleasure cannot be two separate things.

Through an elucidation of the patriarchal norms that undergird notions of safety for women that prioritise reputation and respectability above autonomy, she advances the argument that women need to maximise their access to public space as citizens in an exercise of their right to engage risk.

In advancing this argument, Phadke is proposing something transformational – a rejection of paternalistic protectionism and surveillance-based safety – an approach that challenges the very patriarchal social roles and norms prescribed to women by society. To demonstrate this, in a simple yet elegant example, she proposes that toilets for women, present in accessible spots, safe and with good lighting, must be open all night – which sends a message that women have a right to be in public space at any time of their choosing: a far more significant move than say, increased policing or surveillance.

The feminist articulation for the construction of public space, therefore, has to extend far beyond mere safety. Claims to urban space have to be located in an understanding of rights in a constitutional framework as opposed to a limited paternalistic claim for safety and protection.

Women deserve to be able to claim space and access the city for the full range of human development, not only for survival but for seeking pleasure, personal development and adventure including the right to engage risk.

In the absence of eliminating all risk, a feminist public space therefore, will then have to democratise such risk instead – seeking an equality of risk⁹⁶ and moving towards imagining inclusive⁹⁷ spaces without hierarchies of access. Public space is rife with risks for everyone who occupies it. These risks can be located in different dimensions and tensions over class, caste, religion, race or sexuality among others apart from gender. If women encounter a risk for gendered violence, they should be afforded all the rights and safeguards a citizen is afforded under the Constitution without an unquestioned right to occupy that space, on an equal basis.

In extension, simply put, what makes women safer in public spaces is more women occupying these public spaces as citizens claiming the right to the city. By adopting urban planning and design approaches methods that are oriented to make cities inviting to people, through the construction of public space that encourages women, gender and sexual minorities, children, elders from a diversity of backgrounds to occupy and use public spaces results in not only safer but enriching spaces.

From the discussion put forward in this chapter, it is clear that urban planning and design has a critical role in creating safety or the lack of it in urban spaces. The solution to this critique of urban planning lies in an approach advocated by feminist urbanists and geographers who have developed 'feminist urban planning' as a theoretical framework as well as an implementable toolkit to address the infirmities in the current urban planning regime.



Feminist Urban Planning: Towards Equitable Cities

“Any settlement is an inscription in space of the social relations in the society that built it. Our cities are patriarchy written in stone, brick, glass and concrete.” ⁹⁸

— **JANE DARKE, FEMINIST GEOGRAPHER**

Developed in the 1970s, the feminist critique of urban theory and planning emerged from a critical examination⁹⁹ of the ways in which city-making and planning reflected and entrenched social inequalities into brick and stone.

Feminist urban scholars and practitioners demonstrated how modern post-industrial urban planning philosophy was built on promoting¹⁰⁰ commerce and industry through an automobile-centred city design, rather than making cities that centre human beings through pedestrian-centric design. They have also demonstrated how cities are gendered environments designed to predominantly suit the needs of men and the hetero-normative family.¹⁰¹

As a direct response to these insights, feminist thinkers have also been engaged in explorations of what a 'non-sexist' city would look like and how one can reimagine cities as feminist spaces,¹⁰² if they were designed on feminist principles of equality taking into consideration the needs of everyone, focusing on women in the urban space.

It seems clear¹⁰³ that despite the development of feminist planning scholarship, the integration of gendered perspectives within professional practice is severely limited, if not entirely absent. The profession of urban planning and architecture¹⁰⁴ is significantly male-dominated¹⁰⁵ and the absence of a gendered understanding of place-making, much less a feminist perspective, seems to be the norm. The failure of mainstream planning and architecture education¹⁰⁶ to inculcate a sociological perspective of planning and place-making seems to plague urban planning scholarship and

practices. This leads to the consequence of planning exercises failing women: the lack of awareness of the importance of prioritizing gender in planning, compounded by a lack of knowledge and tools to make gender-responsive design, ends up treating the problems of gendered design (such as safety for women in the city for instance) as ancillary. Gendered biases in design impact how exclusions are produced in the city, a direct outcome of traditional planning practices, which serve to accommodate or even reinforce existing inequalities, particularly gender inequality, rather than challenging them.

This lack of sensitisation, on-the-ground knowledge or required tools to correct this problem plagues planning ecosystems around the world. The absence of gender- or sex- disaggregated data, or where it exists, plagued with significant gaps, is a critical impediment. The lack of suitably designed surveys that target women, girls, gender and sexual minorities on their needs in the urban space and the constraints they face seriously undermines the planning process. The lack of quantitative and qualitative data about women, gender and sexual minorities to inform the planning process as well as the lack of actual participation of any of these groups in the planning process itself results in a city that is designed with the cis-gendered heterosexual man as the default central user, unconsciously replicating gendered biases, even in well-intentioned projects.

However, there is a long history of feminist scholarship in planning and geography that has resulted in a growing recognition for the need for a radical re-envisioning of urban design and planning of modern cities. This has led to the emergence of a range of theoretical frameworks and approaches, policy measures and tools that have been developed to make visible and correct biases in design. This approach can be broadly categorised as feminist urban planning.

What is Feminist Urban Planning?

Simply put, Feminist Urban Planning is a critical approach to planning with the purpose of addressing the needs of different societal groups in urban development,¹⁰⁷ focusing mainly on women, girls, and sexual and gender minorities.

It is important to note that Feminist Urban Planning is first and foremost perspective oriented – it is the act of centring women's experiences and those of sexual and gender minorities in the context of urban planning. Therefore, when it comes to applying it to the domain of law and policy, one must resist looking for prescriptive solutions or quick-fixes. Instead, focus on developing processes and mechanisms that democratise planning, by moving away from top-down technocratic approaches to one of bottom-up participatory planning methods, specifically to ensure that marginalised communities are able to fully participate in such processes and to ensure their representation at all levels of political and policy decision-making.

Principles of Feminist Urban Planning

While it is hard to definitively categorise any prescriptive set of principles as feminist planning, when applied to specific contexts, it can be characterised by an attendant set of features that focus on integrating women's experiences in the city and empowering them to participate in the process of planning, decision-making and design itself.

In terms of urban design, the following are some key features characterising feminist design.

A. COMPACT CITY, MIXED USE NEIGHBOURHOODS

Feminist urbanists have long documented the ways in which patriarchal gender roles that result in domestic responsibilities and care-work being delegated to women results in them having to undertake a variety of tasks at home as well as work. This is also a concern for the urban poor, since they tend to live near their place of work, if the housing market or the city's politics permits them to squat on lands at suitable locations. This requires that the place of work, residence, childcare and recreational spaces must be in the same locality at walkable distances. This means **that compact, mixed use neighbourhoods are best suited for the needs of women and other marginalised communities**. Along with being gender inclusive, the concept of a compact city

has also been touted to be conducive for sustainable urban development and advocated for its environmental benefits.

B. PEDESTRIAN-CENTRIC STREET DESIGN

The long-standing complaint of feminist urban planners is that city streets are planned and built for automobiles instead of people.

There is also a strong bias against street vendors in cities and feminists have noted that wide roads designed for cars along with an absence of pedestrian traffic or street vendors leads to unsafe streets for women.

This also results in streets that are not pedestrian or bicycle friendly, leading to a city that heavily relies on motorised transport particularly on the ownership of private automobiles which disadvantages women, children and urban poor, in addition to being a major contributor to pollution in cities. Therefore, pedestrian centric street design with an emphasis on walkability and provisioning for non-motorised modes of transport such as the use of bicycles is advocated.

C. PUBLIC PROVISION OF INFRASTRUCTURE AND AMENITIES

Women tend to have lower financial resources and form a significant part of the urban poor, their conditions exacerbated by the twin conditions of poverty and gender. In addition to this, they may also experience exclusions based on caste, religion or disability among others, making it extremely hard for them to access opportunities for economic

and social development on a day-to-day basis. This means that women, to a large degree, depend on the public provision and maintenance of urban infrastructure that needs to be highly accessible to them. The range of needs and services that are essential to create women-friendly cities that form urban infrastructure can be broadly described in the following manner:

Physical Infrastructure: Well-lit streets, walk-able footpaths, free and 24/7 open public toilets with a gender-neutral option, parks accessible at all times, provision of benches.

Social Infrastructure: Community housing, accessible shelter homes, public child-care facilities, skill development centres.

Mobility Infrastructure: Non-Motorised Transport (NMT) such as pedestrian infrastructure and cycling infrastructure, non-motorised transport (NMT) infrastructure such as pedestrian infrastructure and cycling infrastructure; free or low-cost public transport, particularly quality bus transport ensuring adequate frequency and connectivity, and well-maintained bus stands.

Institutional Infrastructure: Public hospitals and reproductive health facilities, mental health facilities, legal aid centres, one-stop crisis centres.

Feminist Critique of Planning Laws

As seen earlier, Feminist Urban Planning is an approach that can be adopted in regard to different facets concerned with the production of urban space. It can also be adopted to critique the legal framework governing urban planning as well as urban policies that serve to exacerbate social inequalities in the city. Examining the dominant urban planning frameworks from a feminist perspective results in the following insights:

- **Master Planning exercises in most cities are technocratic, and focused on economic development, expanding tax bases, and growth as the highest planning priorities. Next to these goals, social concerns are secondary.**
- **Urban Planning as a top-down exercise fails to take into account the needs of people who are directly affected by these processes, resulting in cities that are non-responsive to the needs of people particularly women, girls, and sexual and gender minorities.**
- **The lack of representation of women, and sexual and gender minorities across varied levels of decision-making in the multiple processes involved in urban planning results in a critical gender gap in planning.**

FEMINIST URBAN PLANNING TOOLS

While there are a range of feminist urban planning strategies and tools that have been developed by feminist researchers, activists, urban planners that can be deployed for the use of making inclusive processes, the following are particularly important for creating safer cities.

1) Exploratory Walks

Exploratory walks led by and involving women were created to understand better, women's perceptions on urban safety and to empower different groups in a planning process on safety and security issues. In this method, emphasis¹¹⁰ is laid on developing prevention strategies through partnerships between local grassroots organizations, communities and municipal governments, with its effort to engage women in the planning process. This kind of walkabout also aims to **'increase the feeling of safety and belonging to the community for women by finding good ways in which to use public spaces, improving areas which are problematic and by fostering citizens' and authorities' partnerships and trust on each other.**

2) Safety Audits

A Women's Safety Audit is a participatory tool that is used for collecting and assessing information about perceptions of safety in public spaces.¹¹¹ Developed in Toronto in 1989 by the Metropolitan Action Committee on Violence against Women and Children (METRAC),

it is a methodology premised on the idea that users of urban space are the experts in understanding such a space and is employed in cities around the world. It is defined as **'a process that brings people together to walk through a physical environment, evaluate how safe it feels, and identify ways to make it safer.'** It is widely used and is an integral part of the UN Habitat initiative, Safer Cities Programme.¹¹²

According to a guide issued by the UN Habitat, a Women's Safety Audit consists of four steps:

1. Preparation and Training: This involves picking an area that women in the neighbourhood frequently use, sensitization of key stakeholders and policy makers who may be participating and training of the people who are going to conduct the audit walk itself

2. Exploratory Walks: A group of approximately eight to ten women walk through the area with a map and a questionnaire analyse the urban design, note on a checklist factors that caused them to feel insecure (e.g. lack of signage, lighting etc) and detect what corrective action needs to be taken in the urban environment in order to make it safer for its inhabitants;

3. Recommendations: Based on the views, perceptions and experiences of the people who conducted the walk, a list is compiled and recommendations are formulated and submitted to the key urban policy makers to assist in making modifications to the design and planning of urban space.

4. Implementation: Following up with the relevant authorities to ensure the implementation of recommendations that have been submitted.

The process of the women's safety audit is intended to prioritise the lived experience of an area's female residents. This exercise is intended to also empower women and encourage them to be more involved in local decision-making processes, filling a critical gender gap in the exercise of political rights and participation in public life. By ensuring diversity of representation for these exercises to encompass gender, caste, class, religion, ability, age and sexual orientation among others, the safety audit becomes an important first step towards making space accessible to women and gender minorities of all marginalized groups.

3) Participatory Data Collection of Gender Disaggregated Data

In order to ensure that planning exercises and policies are sensitive and responsive to gender equality, technical capacity for building a gender-disaggregated database has to be cultivated. The approach to be adopting for undertaking this has to be participatory data collection methods that employ locally residing women, and sexual and gender minorities who might be aware of the challenges posed by the physical location of infrastructure and services which can substantially impact access to those services by different groups of people in their localities.

The principles and tools discussed above are a brief introduction to the approach of Feminist Urban Planning practices in creating equitable cities.

While creating equitable cities is an aspirational objective for itself, it is also a matter of realising the constitutional guarantee of equality for women, gender and sexual minorities in our cities. In order to incorporate Feminist Urban Planning as an approach for city-making in India, it is essential to first and foremost understand the current legal regime that governs urban planning in India from a feminist perspective.



Urban Planning in India: A Feminist Critique

“...to take a feminist stance on cities is to wrestle with a set of entangled power relationships.”

— **LESLIE KERN, FEMINIST CITY**

Constitutional Framework

The 74th Constitutional Amendment was passed envisaging Urban Local Bodies, who had been unable to perform effectively earlier, as 'vibrant democratic units' of self-government.¹¹⁴ In laying down the mandate for urban local governance as the domain of municipalities in Indian cities, the Constitution sought to enable the development of robust local self-governing bodies that are rooted in the urban local context. This was to create a third-tier of governance that is grassroots-led, marked by strong public participation and people-driven decision-making involving those directly affected by it. For fulfilling this purpose, the amendment to the Constitution created institutional processes and mechanisms to ensure that municipalities can function as local city governments, with devolution of such powers and functions as required to fulfill the task.

Article 243W¹¹⁵ of the Constitution states that State Legislatures may endow municipalities with such powers and authority necessary for the performance of functions and scheme implementation related to matters listed in the Twelfth Schedule. The Twelfth Schedules lists 18 matters that are the domain of municipalities starting with urban planning including town planning followed by a range of matters all of which are essential to planning and functioning of urban space.

Article 243S¹¹⁶ of the Constitution mandates the creation of ward committees in cities but leaves it up to the State Legislatures to determine the manner of constitution and functioning of Ward Committees under Municipalities.

Therefore, a combined reading of Articles 243W, 243S and the Twelfth Schedule make it clear that urban planning and the regulation of varied facets of urban life are firmly in the domain of the municipalities in India, in which the ward committees act as the smallest unit of self-governance and have a critical role to play in the urban planning process, as envisaged in the Constitutional scheme.

India's Constitutional structure limits the potential for effective decentralisation.¹¹⁷ Municipalities in India are not endowed with significant power under the Constitution as they require individual states to devolve power to them by an act of the state legislature. The language used in the 74th Constitutional Amendment Act itself limits the potential for political decentralisation. The provisions in the 74th CAA use the term 'may', which confers discretion to the states, instead of the authoritative 'shall' which would have made it a mandatory provision. The use of this language has resulted in a situation where while states have the discretion to devolve powers and functions to municipalities but are not mandated to do so. Unsurprisingly, many states in India have dragged their feet in implementing the constitutional mandate, especially in regard to urban planning in Indian cities.

State Control, City Planning

With the notable exception of some states such as Kerala and West Bengal,¹¹⁸ most states in India have been lax in devolving the necessary powers and authority to urban local bodies to implement the 74th Constitutional amendment in spirit. Over the years, there has been a steady encroachment on the assigned functions and revenues of Urban Local Bodies (ULBs) by specialised agencies of the State Governments. This is largely due to the reluctance¹¹⁹ of States to give up control¹²⁰ over cities and as a result, urban local bodies are disempowered and unable to perform their constitutional obligations effectively, resulting in a disempowered third-tier governance in cities.

In the context of planning, states are often legislating for highly localised contexts, which should be the task for city governments. Though more than two decades has passed since the 74th Constitutional amendment, under which ULBs have been endowed with the constitutional mandate for planning, legislations governing urban planning have not been significantly altered to ensure that municipal institutions are made an integral part of the planning process.¹²¹ Where urban planning is undertaken by specialised para-statal agencies under the control of the state government, it serves to disempower local governments. It renders democratic processes weak, leads to a lack of capacity-building at the local

level, and disincentivises the building of strong public institutions that involve, and are accountable, to the people electing them.

URBAN PLANNING IN KARNATAKA – THE CASE OF BENGALURU

In many states, since planning is carried out by specialised agencies of the State government and not through ULBs as envisaged under the Constitution, the legal regime governing urban planning itself seems to be characterised by violation, rather than assiduous application of the constitutional scheme, rendering the exercise of urban planning in Indian cities with an ongoing illegitimacy. Unfortunately, this phenomenon seems to permeate all facets of urban planning law and its implementation, especially in the case of Bengaluru.

The Karnataka Town and Country Planning Act, 1961

The KTCP Act is the primary legislation that governs urban planning in the state of Karnataka. It sets out the framework for urban planning and provides for the preparation of the Master Plan in Section 9, the primary planning document prepared for the city in regard to any designated Local Planning Area in the State of Karnataka, and has to be revised once every ten years as per Section 13D of the Act.

In regard to the city of Bengaluru, in particular, as per Section 81B of the KTCP Act, the Bangalore Development Authority is designated as the Local Planning Authority, to perform the

functions as the nodal planning agency for Bengaluru. This violates the constitutional scheme that places urban planning as the domain of municipalities, which in the context of Bengaluru has to be Municipal Corporation for Bengaluru, Bruhat Bengaluru Mahanagara Palike (BBMP) or in the context of regional planning, the Metropolitan Planning Authority set up under the Bangalore Metropolitan Regional Authority Act, 1985 for the Bangalore Metropolitan Area. This incongruence in the legal framework governing urban planning in Karnataka has been noted¹²² before and demands for the democratisation of planning involving wards, municipalities and metropolitan level institutions have been made repeatedly.

Master Plan for Bengaluru

The key document in the context of Bengaluru, addressing urban planning and governance in the city, is the Revised Master Plan of Bangalore 2031, a draft which has been controversy ridden¹²³ from its inception and embroiled in protracted litigation.

The Revised Master Plan of Bangalore 2031 is the latest in a series of previous iterations of the process beginning in 1995, then 2007 and then in 2015.¹²⁴ However, the Revised Master Plan (RMP) – 2031 has been recently withdrawn¹²⁵ by the Bangalore Development Authority (BDA) in June 2020 for review and rewriting, to incorporate the Transit Oriented Development (TOD) policy brought out by the Bangalore Metro Rail Corporation Limited (BMRCL) in 2019.

This Master Plan has been critiqued on several grounds by urban theorists, planners and civic activists for a range of reasons, including concerns with the legal framework as well as for substantive aspects that are laid out below, which will be important to understand and consider for the purpose of this report.

Critique of the draft Bengaluru Master Plan

The failure of the implementation of the Master Plan is one of the most common complaints of urban planners in India, with some scholars advancing an argument¹²⁶ that in Bengaluru, it cannot be understood as deviation from planning, and instead, as the outcome of a particular kind of planning practice in the city.

The Master Planning process has been described as a 'techno-managerial' exercise, under which Master Plans are devised under controlled conditions for an abstract idea of the state.¹²⁷ Under this abstract notion, top-tier decision-makers and experts make plans to be implemented through bureaucracy, that has little to do with the local context, everyday people and their politics.

Another critique¹²⁸ of the planning law regime in India, notably built around the Master Plan, is that it overlooks a complex web of inequalities within cities, tending to create unjust spaces through the exclusion of the urban poor through legality, high planning standards, bureaucratic controls, ideology and biases of the planners embedded in the planning philosophy. An unequal city that is hostile

to the urban poor, disproportionately affects women. Researchers have noted¹²⁹ the **'feminisation of poverty'¹³⁰ in the impact of globalised neoliberal policies like Structural Adjustment Programs which had¹³¹ a differential impact on men and women, with women bearing disproportionate costs of adjustments, in violation of their human rights.'** A planning process that is disconnected from local contexts and exclusionary to the urban poor is an exercise that is hostile and discriminatory to women.

Apart from a post-facto public notice and invitation for public comments or objections in regard to the draft Master Plan, the planning process for Bengaluru under the KTCP Act remains a highly technocratic exercise, completely divested from local participation, particularly that of women, girls, and sexual and gender minorities. Some urban scholars have argued that the use of some methods of public consultation on specific issues, such as the call for objections on land use, is a form of public participation. However, these forms of engagement exist in the interstices of the master planning process by different dominant groups in the city, which is not the same¹³² as a formal mechanism of participatory planning that consciously seeks to incorporate the needs of people, especially women's needs and uses of the city.

MISSING GENDER ANALYSIS

While a significant amount of critique and analysis has been documented about the planning processes and participation in Bengaluru, what seems to be sorely missing is a feminist critique noting the gendered impact of the planning process on the city's inhabitants.

Notably, even though the revised Bengaluru Master Plan 2015 had adopted a mixed-land use policy, this does not seem to have emerged from a feminist or gender-sensitive perspective, but rather as urban scholars have noted, it was nothing but "mapping of ground reality as is, because the ground displayed mixed use"¹³³ which in a move legalized many illegal land use changes overnight, resulting in planning for violations¹³⁴ rather than planning for women.

While the lack of participation itself is a key factor in the way the urban planning process is exclusionary to women, the now withdrawn draft Master Plan 2031 does not use a gender sensitive planning framework which is set out in the Urban and Regional Development Plans Formulation and Implementation (URDPFI) guidelines, which provide a framework for (master) plan preparation and implementation process, issued by the Ministry of Housing and Urban Affairs.

Notably the draft Master Plan has been withdrawn to incorporate the Transit Oriented Development Policy prepared by the Bangalore Metro Rail Corporation Limited, the legitimacy of which has been questioned on the basis of a lack of legal mandate.¹³⁶ The Transit Oriented Development policy does make a reference to a gender perspective to

design¹³⁷ stating that 'universal access in design shall be adopted to ensure safety and accessibility to all with special attention to women, children, senior citizen and differently abled.' However, this is a standalone mention in the policy without further explication about what it actually means in practice and what kind of principles, processes or methods will be deployed to ensure the same. This indicates a lack of nuanced thinking about universal accessibility particularly when designing spaces and policies for women, and sexual and gender minorities. It seems to be paying lip-service to the notion of gender-sensitive planning, almost as an afterthought, without a serious effort to integrate such a perspective from the inception and making of the policy itself.

Proposed Reforms

From the analysis of the constitutional scheme and legal framework governing urban planning in India, it is clear that there is an urgent need for significant structural changes in the legal regime to ensure that urban planning is carried out by municipalities in India and to ensure that women's participation is integral to that process. Suggested reforms to the constitutional and legal framework governing urban planning in Indian cities are as following:

A. CENTRAL LEVEL

a) **Amendment to Article 243W of the Constitution of India**

Article 243W must be amended to provide that State Legislatures 'shall' by law, mandatorily vest Municipalities with such powers and authority necessary to enable them to function as institutions of local self-government and devolve such functions and responsibilities to municipalities in respect of matters enumerated in the Twelfth Schedule, which includes urban planning and town planning, regulation of land use, planning for economic and social development amongst other things.

This is critical to ensure that municipalities, while placed at the lowest-tier of governance due to the geographical and functional mandates, are not subservient to the State Government and subject to its control in the matters allocated to them under the constitutional scheme.

b) Amend the Architects Act, 1972 and attendant regulations

The Architects Act, 1972 mandated the creation of the Council of Architecture and empowers this Council to prescribe the minimum standards of architectural education. To this end, the Council of Architecture prescribed regulations called the COA (Minimum Standards of Architectural Education) Regulations, 2020.

i. Section 3 of the Architects' Act, 1972 which deals with the composition of the Council needs to be amended to ensure that the Council of Architecture has representation of women, persons from gender and sexual minorities, especially those belonging to Scheduled Castes and Scheduled Tribes.

ii. The COA Regulations, 2020 need to be amended to include core courses on gender and architecture, feminist design and urban planning methods, urban sociology, those exploring inequality and the built environment, and other such allied courses.

B. STATE LEVEL

a) Amendment to the Karnataka Town and Country Planning Act, 1961

i. Section 4C of the KTCP Act which constitutes the Planning Authority must be amended to require representation of women and particularly, women belonging to SC and ST communities among the members of the Authority.

ii. Section 12 of the Act which covers the Contents of the Master Plan, which deals with the manner in which the development and improvement of the planning area takes place must be amended to incorporate gender audits as an integral part of the master planning exercise. This would encompass changes such as participatory planning and data collection processes, with a provision for the use of feminist planning tools particularly, safety audits, surveys and the collection of gender-disaggregated data among others being incorporated in the master planning process.

iii. Section 81C of the KTCP Act which must be amended to divest the Bengaluru Development Authority of its planning and regulatory functions, assigning the same to the Bruhat Bengaluru Mahanagara Palike (BBMP)

b) Amendment to the Karnataka Municipal Corporations Act, 1976

i. The Karnataka Municipal Corporations Act must be amended in order to include urban planning as a mandatory function to be undertaken by municipalities.

ii. Section 13H of the Act which governs the composition of ward committees must be amended to make it more representative. This includes representation of women from different social and economic backgrounds with a focus on gender and sexuality – the model set out by the Kerala Municipalities Act, 1994 could be emulated ensuring women's representation from slum dwellers groups, women's self-help groups, trade unions, professionals, and other local feminist groups dedicated to women's rights and rights of gender and sexual minorities among others. The introduction of quotas for representation of women, persons belonging to sexual and gender minorities in ward committees is recommended.

iii. Section 13H must also be amended to remove the extraordinary veto power conferred on the Councillor in regard to Ward Committee meetings, which undermines the fundamental principles of community participation in the wards.

iv. Section 13I of the Act which deals with the functions of the ward committee must be amended to suitably empower ward committees with the necessary functional autonomy and financial powers, ensuring that ward committees can play an integral role in local planning contexts.

- c) **Amendment to the Town and Country Planning Department Service (Recruitment) Rules, 1996**
These rules provide for the method of recruitment and minimum

qualifications to be employed by the Department of Town Planning in Karnataka. The rules must be amended to enable the following –

i. To introduce feminist urban planning as a required subject in the syllabus or as a separate paper altogether in the recruitment exam conducted by the Karnataka Public Service Commission in addition to General Studies and Urban Regional Planning.

ii. To create a position for subject matter experts, preferably women, or persons belong to sexual or gender minorities, specialising in feminist urban planning from urban planning or other ancillary fields such as urban sociology, women's studies or design.

C. CITY LEVEL

Creation of an office dedicated to Women, Gender and Sexual Minorities' affairs in the Municipal Corporation

An office dedicated to Women, Gender and Sexual Minorities' affairs must be created and endowed with resources at the level of the BBMP in Bengaluru to ensure that there is sustained service delivery, capacity-building and expertise on subjects relating to women, gender and sexual minorities in the city. The Vienna model should be emulated for this. According to the Global Liveability Index 2019,¹³⁸ Vienna, Austria has been consistently ranked first, as the most liveable city in the world out of 140 surveyed cities. Its liveability has been credited to Vienna's pioneering efforts¹³⁹ in gender mainstreaming and feminist urban planning practices. The City of Vienna has a dedicated¹⁴⁰ municipal department of Women's Affairs which runs a 24/7

emergency helpline for victims of violence, finances shelters in the city, provides support, counselling and information to women & girls, gender and sexual minorities in the city. It also provides inputs on planning and policy making decisions, on draft legislation, and provides training and advice on projects to institutions and departments at the city level.

Conclusion

The legal regime encompassing urban planning is in urgent need of an overhaul. The issues plaguing the planning regime in India requires fundamental, structural changes to ensure that planning in Indian cities is democratic, participatory and centres people in the exercise. The approach advocated by Feminist Urban Planning is an indictment of the existing top-down, bureaucratic and technocratic urban planning regime as it exists in Bengaluru. Feminist Urban Planning, first and foremost, is about instituting responsive, sensitive and people-driven processes. The lack of women in top

decision-making positions in planning and architecture professions, exacerbates an existing problem. Democratised planning requires that planning processes and decision-making are closely tied to local contexts, are participatory and determined by the communities affected by them, in order to avoid reproducing existing inequalities.

Urban Local Bodies must be sensitive to the way cities reproduce structural and systemic discrimination. Examining legal frameworks of urban governance from a feminist perspective is a critical step in the process of re-envisioning and creating a more feminist city, one which can be planned on the principles of equality, sustainability and inclusion with a focus on gender, sexuality and socio-economic factors. More importantly, the focus on women, girls, and sexual and gender minorities, across different axes of marginalisations could lead to the creation of equal cities that benefit everyone in the city, irrespective of their social and economic backgrounds.

The legal reforms proposed in this report are by no means a one-stop solution for the problems of exclusion and violence experienced by women, gender and sexual minorities in the city. However, they are a critical intervention in the attempt to solve the complex multi-faceted problems involved in the process of city-building. The expert knowledge and problems of a locality are best known to the inhabitants of such a locality. The proposed legal reforms are geared towards democratising the planning process as it exists in India, making it representative and empowering people at the local levels, notably women, gender and sexual minorities to be able to participate and influence the

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development of their localities and the cities. The suggested legal reforms have to be accompanied by a shift in our mind-set regarding urban development and planning ideology. This is an attempt to shift city-making from a mere technocratic exercise stemming from spatial and economic analysis but to engage with the complex socio-political and economic realities of the city. This is a critical step in understanding why women, gender and sexual minorities are at risk in the city and how to ensure the making of cities that belong to everyone, not just a few.

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