

CHAPTER 1

ROLE OF PUBLIC INFRASTRUCTURE IN FACILITATING 'RIGHT TO LIVE WITH DIGNITY' TO WOMEN IN INDIA

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I. INTRODUCTION

The women have paid a price of their tenderness and endurance. The price is violence. The endurance that was tagged as a virtue at its inception slowly became a weakness. The Indian society in particular has faced the irony of putting heads at the feet of a girl child as a reincarnation of a Goddess, and hitting the same woman with one's feet as if hers is even inferior to an animal existence. Looking at the status of law, the law in India has recognized the fact of different forms of violence taking place against women and used its force in helping

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curb it. Whether it is domestic violence against women within the four walls of their time-honored protective homes or sexual harassment at workplace where a woman spends most of her productive time, special laws have been enacted to protect her and to ensure to her a safe and stress free home and work environment. However, what law lost sight of, is the roads, which women have to transit through on their way mostly between home and work.

While the memory of Nirbhaya (2012) in Delhi was still so alive in the mind of Indians, Hyderabad veterinarian's rape and murder case (2020) brought the harsh reminder to the public glare how unsafe the roads in India continue to be for the half of her population. Every woman who has walked alone on the Indian roads can vouch for the fact that it is not just the vehicles on the roads that put her on a constant alert but also the miscreants inside and outside the vehicles. Women are at crossroads where to go or whether to go at all to anywhere. Sometimes the choice is limited to what kind of violence to choose i.e. the domestic one or the out of the house one. The law may have tried to make her home and office violence-proof for her, the roads in between the two are left as weak points of law. Women on roads are left on their own by their personal and work place family, so the law may give her the necessary company on the way from home to work and the way back. In the year 1950, we set out in our journey of Independent India by giving women a special status under Article 15 (3) of the Indian Constitution whereby the State was empowered to make any special provision in favour of women...

Under the Indian Penal Code, 1860, provisions for crimes against women have been provided in detail, rape, molestation, sexual harassment, dowry deaths, acid attacks, cruelty by husbands or their relatives, kidnapping and abduction of women to compel her for marriage, assault on women with intent to outrage her modesty. Name it and one will find a distinct offence punishable under the India Penal Code.

Apart from special provisions under the general penal legislation of India, specific legislations have also been enacted to stop crimes against women over the last and present century. Examples of these legislations are the Immoral Traffic. (Prevention) Act 1956, Indecent

Representation of Women (Prohibition) Act, 1986, The Commission of Sati (Prevention) Act, 1987, The Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, The Criminal Law (Amendment) Act, 2013 etc.

Still, as per India's National Crime Records Bureau report (2017-19), the rate of crimes against women was at astonishing 62.4 per one lakh of population.¹ Moreover, this is just the reported crimes against women, a larger number of these crimes go unreported due to socio-culture pressures. Therefore, it is a natural conclusion that the plethora of laws designed to protect women, have not been able to do so. Therefore, we need to look beyond the enactment of law in ensuring that women in India get right to live with dignity, which is promised to every person by the Article 21 of the Indian Constitution.

This chapter will try to assess whether law is giving a good company and if yes, what more can be done to support law in its efforts to ensure safe environment for women in India. It also intends to present the argument that there can be support to law in its quest for just and equal society for women by providing changes in public infrastructure.

II. MEANING OF 'INFRASTRUCTURE' AND 'WOMEN'

The first question is what is infrastructure? To this, the human development has added various meanings to the simple word 'infrastructure', from the capital structures such as roads, buildings to political and technological systems.² However, in this chapter, the author is referring to the first and simplest meaning of infrastructure, that is, the basic systems and services such as public roads, transport, public buildings etc.

While the word 'women' has been used for female human beings of any age.

1. CRIME AGAINST WOMEN (IPC + SLL) - NCRB 2017-2019, (2019). Available at [https://ncrb.gov.in/sites/default/files/crime in india table additional table chapter reports/Table % 203A.1 2.pdf](https://ncrb.gov.in/sites/default/files/crime%20in%20india%20table%20additional%20table%20chapter%20reports/Table%203A.1%20.pdf) (Last accessed on August 15, 2021)
2. WORKING PAPER, Walter Buhr, *What is infrastructure?*, Volkswirtschaftliche Diskussionsbeiträge, No. 107-03, Universität Siegen, Fakultät III, Wirtschaftswissenschaften, Wirtschaftsinformatik und Wirtschaftsrecht, Siegen, www.econstor.eu (2003).

III. RELATION BETWEEN 'INFRASTRUCTURE' 'PEOPLE' AND 'WOMEN'

"Bad town planning can impact women's safety, movement and even income."³

There is no denying the fact that human beings have created physical, social, political structures around themselves, including the infrastructure for making their lives better. However, when the infrastructure is prepared from the narrow point of view of a privileged class without any imagination for future and without the intention of bettering the lives of those less privileged under current circumstances, it sometimes creates unforeseen barriers for the less privileged. Take for instance the ubiquitous public infrastructure, which failed to acknowledge the need of differently abled people, thereby creating barriers instead of facility to a definite section of society.

Somehow, the creators of public infrastructure across the world have failed to see 'everyone' in society⁴ and created walls instead of pathways in hindrance of human aspirations. In this chapter, the author has presented the case of women as a class affected by thoughtless construction of public infrastructure.

IV. WOMEN AND CHANGING NEEDS OF INFRASTRUCTURE

The infrastructural needs are not static in a society. Women's role keeps changing in the society and they play multiple roles at most of the time. All people generally and women particularly as per their biological role of motherhood requires special attention and support of communities and infrastructure⁵. So, their inclusion in planning for sectors, such as infrastructure, use of common lands, natural resources⁶.

3. <https://www.theguardian.com/global-development-professionals-network/2016/oct/13/why-arent-we-designing-cities-that-work-for-women-not-just-men>

4. Rose Gilroy & Chris Booth, *Building an infrastructure for everyday lives*, 7 EUR. PLAN. STUD. 307-324 (1999).

5. Philippa Williams & Barbara Pocock, *Building "community" for different stages of life: Physical and social infrastructure in master planned communities*, 13 COMMUNITY, WORK FAM. 71-87 (2010).

6. Shailaja & Neelima, *Women's Multiple Roles/ : The Need for Social Infrastructure*, VI INTERNATIONAL J. LATEST TECHNOL. ENG. MANAG. APPL. SCI. 34-35 (2017).

Road access and bus frequency has helped women in penetrating in non-agricultural economy in India.⁷

Different sectors of economy demand different infrastructures. Firstly, no industry must close its door at the face of women just because they are women and depending on their work hours, infrastructural needs of safe transport must be catered to instead of the easy managerial decision of their exclusion from workforce.

Women under difficult life situations such as patients, with disabilities, destitute, old age, under trials need special consideration in building the infrastructure meant for these purposes.

V. ABC'S OF PUBLIC INFRASTRUCTURE 'FOR' WOMEN

a) Urban Planning and Women's Right to Freedom

The fast urbanization has helped women to progress fast to freedom of work and mobility, however ignoring the needs of women while planning these cities has been noted and is continuously creating speed-breakers to their pace of development. The need and ways to address the rudimentary issue of violence against women and girls (VAWG) through coordinated urban planning and governance, has been suggested by Infrastructure and Cities for Economic Development (ICED).⁸ The developed countries are also struggling with the gender related perspective on city planning.⁹

One possible reason for apathy of public infrastructure to women can be lack of female architects. Architects themselves have lamented dearth of female architects.¹⁰

b) Infrastructure and Women's Right to Health

Researchers have been successful in proving the role of access to aspects of social infrastructure, such as toilet facilities, drinking water

7. LEI LEI & REEVE VANNEMAN, *Village Transportation Infrastructure and Women's Non-agricultural Employment in India: The Conditioning Role of Community Gender Context* (2017).

8. Erika Fraser et al, *Violence against Women and Girls, Infrastructure and Cities*, 24 NURS. MANAGE. 12 (2017).

9. Liisa Horelli, *Engendering urban planning in different contexts—successes, constraints and consequences*, 25 EUR. PLAN. STUD. 1779-1796 (2017).

10. Wendy Steele & Crystal Legacy, *Critical Urban Infrastructure*, 35 URBAN POLICY RES. 1-6 (2017), <http://dx.doi.org/10.1080/08111146.2017.1283751>.

on the premises and clean cooking fuel in undernutrition of women in India.¹¹

c) Infrastructure and Women's Civil and Political Rights

Women's participation in social and political activities is adversely impacted by her perceived levels of safety.¹² Therefore, the infrastructure not allowing safe access to public spaces to women is simply in violation of their well-established civil and political rights as well.

d) Public Transport and Women's Travel Behaviour

Public transport has a direct effect on the mobility of women beyond the socio-cultural barriers. The relevance of public transport in social inclusion of women can never be undermined.¹³ It has been found that the fear of safety can affect the travel-behaviour of women in the absolute public spaces like railway stations¹⁴ to the mixed public spaces like roads used by both public and private transport. A recent study in context of Saudi Arabia highlighted the need of gender-responsive public transport in urban, rural and remote regions and the need of further study in this regard.¹⁵

e) Women, Public Infrastructure and Women's Economic Empowerment

A direct linkage has been found between infrastructure and economic empowerment of women¹⁶ as it provides them mobility, access, safety, freedom, and greater work opportunities.

Though the issue of safety of women is universal, the author is analysing the role of infrastructure in Indian context, not that the women feel safe in present time developed countries. However as the

11. Sunny Jose & K. Navaneetham, *Social infrastructure and women's undernutrition*, 45 *ECON. POLIT. WKLY.* 83-89 (2010).
12. T. Gaham, S.; Harris, K.R.; Santangelo, *Don't Bowl at Night: Gender, Safety, and Civic Participation*, 118 *AM. J. SOCIOLOGY* 676-727 (2015), <http://www.jstor.org/stable/10.1086/382632>.
13. Rafael H.M. Pereira, Tim Schwanen & David Banister, *Distributive justice and equity in transportation*, 37 *TRANSP. REV.* 170-191 (2017), <https://doi.org/10.1080/01441647.2016.1257660>.
14. Pierluigi Coppola & Fulvio Silvestri, *Gender inequality in safety and security perceptions in railway stations*, 13 *SUSTAIN.* 1-16 (2021).
15. Muhammad Ahmad Al-Rashid et al., *Gender-responsive public transportation in the Dammam metropolitan region, Saudi Arabia*, 12 *SUSTAIN.* 1-17 (2020).

developed countries are talking of women-safety in context of nighttime economy spaces¹⁷, India as a developing nation is still facing challenges of women-safety with the daytime economy.

The State can reap the reward of better economy by simply being considerate of its female constituents.

VI. NEED FOR INSTITUTIONAL EFFORTS

Gender-inclusive infrastructure planning is not a new step but correction of an old misstep where the gender assigned roles stopped women from entering in public spaces. Women do not need just kitchen be designed as per their convenience but the entire building, roads and social structure. There are small steps already being taken worldwide to sensitize civil engineers to enhance the gender perspective in their construction approach.¹⁸

In India, the public infrastructure largely still now is within the State's control. This fact helps immensely in taking direct approach in creating gender-responsive infrastructure. The State's clear approach can be furthered by creating bye-laws on construction of private schools, hospitals, recreation parks, theatres, malls etc. in line with the same approach while taking into consideration the particular demographics of the area.

The state while creating infrastructure for basic amenities of water and toilet, has to keep the gender perspective in mind and women as the first consideration as under the present Indian traditional socio-cultural roles, women still bear the primary responsibility for cooking meals.

It is a recorded fact that when women can save time on collection of water and fuel, they utilise the hence saved time for education and

16. THEMRISE KHAN, *Women and Infrastructure: A Synthesis of GrOW Research Findings* (2018).
17. Laura Sheard, "Anything could have happened": Women, the night-time economy, alcohol and drink spiking, 45 *SOCIOLOGY* 619-633 (2011).
18. Brian J. Reed & Sue Coates, *Developing Engineers and Technicians* 124 (2007), https://wedc-knowledge.lboro.ac.uk/resources/books/Developing_Engineers_and_Technicians_-_Complete.pdf.
This document gives simple but clear notes on giving guidance to engineers and technicians on how infrastructure can meet the needs of men and women.
19. PIERRE RICHARD AGÉNON & MADINA AGÉNON, *Infrastructure, women's time allocation, and economic development*, 113 *JOURNAL OF ECONOMICS/ ZEITSCHRIFT FÜR NATIONALÖKONOMIE* (2014).

resulting into better work opportunities for them.¹⁹

The State can be supported further by vast public and private institutions such as municipal corporations, educational institutions, courts, hospitals, airports, hotels, malls by using their capabilities and decision making power for betterment of infrastructure for women.

VII. CONCLUDING REMARKS

In 21st century, women's right to live with dignity is tied up with their freedom of choice. As we now know that women's choices are not determined by immediate safety concerns but also by their perceived safety concerns. The freedom of choice can be truly exercised when they have freedom of movement and exploration. Public Infrastructure can construct or obstruct this freedom for women.

It will not take much on the part of the State to provide for safe homes, offices and public spaces for women, but it will definitely mean a lot to the feeble voices against institutional inequalities before these voices are forced to turn into cries for help. The State must note that the women's infrastructural demand is fast increasing from functional toilets²⁰ to sports infrastructure²¹, cycling infrastructure²² telecommunication infrastructure²³ and information infrastructure²⁴. India as a developing nation can take hint from these discussions and be pre-emptive in its approach in dealing with women related aspects of infrastructure.

Additionally, the suggested approach of gender-responsive infrastructure will give India bonus points in aiming directly towards

20. Asmita Aasaavari & Srishty Anand Aarushie Sharma, *Understanding Issues Involved in Toilet Access for Women*, 50 ECON. POLIT. WKLY. 70-74 (2021), <https://www.jstor.org/stable/24482597>.

21. Brij Bhushan Yadav, Amritpreet Singh & Vishaw Gaurav, *A Study of Sports Infrastructure in Colleges for Women Affiliated to Guru Nanak Dev University, Amritsar, India*, 04 INT. J. CURR. RES. REV. 2-7 (2012).

22. Rachel Aldred et al., *Cycling provision separated from motor traffic: a systematic review exploring whether stated preferences vary by gender and age*, 37 TRANSP. REV. 29-55 (2017).

23. Mariama Deen-swarrray & Mpho Moyo, *Assessing infrastructure*, 15 GLOB. INF. SOC. WATCH 2013 WOMEN'S RIGHTS, GEND. ICTs 16-23 (2013), http://giswatch.org/sites/default/files/gisw13_chapters.pdf.

24. Leslie Regan Shade, *A gendered perspective on access to the information infrastructure*, 14 INF. SOC. 33-44 (1998).

least five out of the 17 Sustainable Development Goals (SDGs) which are part of the 2030 Agenda for Sustainable Development, adopted by all United Nations Member States including India.

Gender-responsive Public Infrastructure GOAL 5: Gender Equality Sustainable Development Goals (SDGs)

GOAL 6: Clean Water and Sanitation

GOAL 8: Decent Work and Economic Growth

GOAL 10: Reduced Inequality

GOAL 11: Sustainable Cities and Communities

VIII. SUGGESTIONS

Based on the above research, the author makes following suggestions for consideration:

- i. Teach students of architecture about gender-responsive architecture in both theory and practice. The regulators of architecture and civil engineering can give necessary directions to higher education institutions in this regard.
- ii. Having more female city-planners/architects can add immensely to the cause of women, so promoting the education of architecture through State scholarships amongst girls can be a lasting sustainable solution to this issue.
- iii. Initiatives through Council of Council of Architecture (COA) constituted by the Government of India, will go a long way in keeping the spirit of these initiatives alive.
- iv. No narrow lanes or dimly lit passages to be approved through the city planning authorities. Minor changes in the structures such as public toilets to be built not on the farthest places, and structures with ample natural light rather than relying on electricity supply, can be easy fix for common problems of common women. Any deviance from suggested guidelines must be noted at the time of approval.
- v. Public Places where women have identifiable lesser access or footprint need to be identified and made accessible to them.
- vi. India's Smart City Missions for 2030 is an opportunity to include gender responsive infrastructure in the existing cities.
- vii. Information infrastructure must also be made safe virtual spaces for women by looking at peculiarities of crimes against

women on online platforms.

viii. Gender sensitization training for staff maintaining the public infrastructure is necessary. For example, almost all States introduced reservation of seats to women in public transport, but only few with the vigilant civil society and sensitized staff could enforce it. The difference was in enforcement through sensitized staff.

ix. The Law should mandate gender audit of all existing and upcoming public infrastructure. Making the infrastructure gender responsive should not be choice but a legal mandate.

Law has provided legal protection to women, but public infrastructure has power to remove inequities and give women real-time access to all public spaces and let them be independent women of Independent India.
