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LQF/2021/11

13th August, 2021

To,

Shri Arvind Kejriwal

Chief Minister, Government of NCT of Delhi

Contact Nos: 011-23392020, 011-23392030

Email id: cmdelhi@nic.in

Respected Sir,

Subject: Women's safety concerns in the light of Delhi's new Excise Policy

LexQuest Foundation (LQF) is an independent, non-profit research and action organization established in New Delhi. We strive to create, advocate, and implement effective solutions for a diverse range of development issues. To endorse participative governance, we engage with a broad spectrum of stakeholders from various sections of the society to ensure that policy-making remains a democratic process. We collaborate with the government, organizations, and individuals for impactful policy formulation, advocacy, and execution. By employing sustainable and equitable solutions through our multidisciplinary, intersectional initiatives and programs, we are constantly working towards creating empowered communities.

Gender equity and safe, resilient, and inclusive cities are emphasized in the [Sustainable Development Goals 5 and 11](#) and the [New Urban Agenda](#) as [endorsed](#) by the United Nations. The equal rights of women to the city and public spaces are included in the concept of "[safe cities](#)," which provides for their ability to be mobile in the city at any time of the day, as well as their freedom to move in public spaces without fear of harassment or sexual violence.

While we acknowledge that the Delhi Government is working towards ensuring women's safety, the data on crime against women depicts a different picture. The [data](#) shared by Delhi Police shows an increase in rape, molestation, abduction, and kidnapping cases of women in the first six months of 2021, compared to 2020.

Women are particularly exposed to assault and crimes at night. Even in the most advanced economies, women are still not safe on the streets, despite the progress of



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the world. New Delhi ranks 53rd out of 60 countries on the [Safest Cities Index 2019](#). The ranking paints a dismal picture of the safety of the capital.

The new [Excise Policy of Delhi](#), which permits hotels, clubs, etc., to offer liquor till 3 a.m., including open spaces and lowering the drinking age in the city, comes with the challenge of ensuring women's safety at night (Please refer to Annexure 1). [Women's safety involves safe spaces](#). Public Space is [not gender-neutral](#). 'Spaces' that cause fear restrict movement, thereby altering any community's use of the said Space. Social exclusion is associated with a lack of mobility and comfort. On the other hand, a safe space can also give a sense of security and comfort, as well as prevent violence. The policy comes with the contingency to ensure women's safety at pubs, clubs, the immediate surroundings, taxis, and other spaces of the night time economy.

Ample studies have backed the correlation between alcohol consumption and the occurrence of crimes. Furthermore, the studies have also documented that a significant portion of [violent incidents happening during late-night](#) hours are alcohol-fueled. A study on the ban on alcohol in effect between 2010-2017 in a German State [Baden-Wurtemberg](#) found a reduction in both simple and aggravated assaults late at night. A clear demonstration of the alcohol-driven harassment experienced by women, a [research study](#) examining the impact of the Kerala government's daunting attempt to shut down all bars selling hard liquor in the State cited a 25% shrinkage in reported sexual assaults against women. Considering the notoriously famous landscape of Delhi for the safety of its womenfolk, [the new excise policy](#) that prolongs the time during which bars and restaurants in Delhi can serve liquor is very likely to cause an uptick in women's harassment cases.

Moreover, as women have been battling molestation cases even during broad daylight, a push towards liquor consumption is an invitation to a heightened struggle for women commuting after dark; it might prove to be a setback for their mobility, security, and independence, denying them the right to roam unrestrained. [A 2014 survey](#) had revealed that high rates of crimes targeting women are the reason for women's aversion to late-night shifts, leading to organizations' decreased preference for female employees. Furthermore, the long distances women in Delhi have to traverse, especially those working in the unorganized sector, augment their vulnerability to crimes (against them).

95% of women and girls in a [household survey](#) conducted by UN Women and International Center for Research on women from Oct to Nov 2012 felt that **public**



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spaces in Delhi were prone to sexual violence. Uncountable females have been victims of sexual harassment in DTC buses and Delhi Metro. As per a survey by Jagori and UN Women in 2010, undertaken under [Safe City Initiative](#), 50% of women in the national capital mentioned **alcohol consumption by men as a threat to their safety** outside the home. This proportion undoubtedly would have magnified in ten years dotted with cases like the Nirbhaya rape case relentlessly causing Delhi to work towards improving the parameters of women's safety. Despite the curb on mobility and threat to life inflicted by the pandemic, crimes against women have spiked by [63% between 2020 and 2021](#), as per the Delhi Police data. Given this backdrop, relaxing norms on the sale of alcohol is an abuse of women's late-night liberty that could harm their representation in the labor force by compelling the late-night workers to lock themselves in houses after sundown for fear of molestation. Besides, portraying Delhi as the nation's liquor capital could dissuade girls and women from moving to the city for study or employment.

Following the 2012 Nirbhaya gang rape-and-murder case, the Delhi Government under its Hon'ble CM, Mr Arvind Kejriwal, has taken [several efforts](#) to safeguard women, including the installation of CCTV cameras in the city, streetlights to illuminate dark spots, [panic buttons in DTC buses](#), deployment of [marshals on buses](#) and the current plans to set up [Mohalla Marshals](#). Following the Nirbhaya case, police patrols became a must in Delhi. In the South District of Delhi, the Delhi Police formed an '[All Women Patrolling Squad](#)' to offer girls and women traveling on the road and in public areas a sense of security. Special patrols were taken up on the vulnerable routes frequented by women around entertainment hubs and malls, all-women PCR vans were deployed at a few places, the Himmat SOS app was launched for police assistance, and various other steps were taken. **But the efficacy of these steps remains questionable as the crime rate against women remains high.** The aim to make Delhi the 'nightlife capital' comes with challenges of women's safety at night.

Only 1% of respondents in a 2016 survey titled [Safety Trends and Reporting of Crime](#) (SATARC) in Delhi claimed they are not worried if a female member of the household is out at any time of the day.

Constitutional Provisions & Breaches

The enactment of the new excise policy with concomitant perturbation over women's safety also hurls harm to specific **constitutional mandates that uphold gender equality**. Women have been granted equality and the capacity to clamor for the



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rollout of measures for positive discrimination in their favor. [Article 16](#) provides equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. However, **initiating reforms that evoke threat to women's safety on the roads**, thereby restricting their movement, discouraging them from taking up work during the night, and accounting for their low representation in the labor force, amounts to following this law in letter, subverting it in spirit. Any policy that directly or indirectly causes a dip in the demand and supply of women workers by deflating women's readiness to work or organizations' willingness to hire females manifests a disregard for the principle of equal opportunity enshrined in our constitution.

Under [Article 42](#), the State is directed to make provisions for securing just and humane conditions of work for women. However, a meager percentage of women working during night shifts reflects their disadvantaged State and the explicit failure on the part of the government to ensure equal rights for women, let alone securing humane conditions of work for them, and the new excise policy is an open violation of the said Article. Besides, since the increased consumption of liquor brought about by the relaxed norms shall obstruct women's movement, the policy is an infringement of women's personal liberty conferred on them by [Article 21](#).

[Article 14](#) of our constitution embodies equality before the law for women. In addition, [Article 15\(3\)](#) capacitates the State to make special provisions for safeguarding the interests of women and children and nullifying the economic, educational, and political disadvantages faced by them. Moreover, a policy that propagates the consumption of liquor and projects Delhi as the country's liquor capital is in defiance of [Article 47](#) that enforces the duty of the State to bring about the prohibition of intoxicating drinks and drugs. Therefore, it becomes imperative for the government to revisit certain facets of the new excise policy that deprive women of their constitutional privileges or enact new social security norms for women.

Other Specific Issues

Several factors warrant that the current infrastructure for women's safety in Delhi is not robust enough to secure women's safety. At the same time, there is a significant [shortage](#) of police personnel; the female representation of women in the Delhi Police Force being as trivial as 9% is likely to deter women from reporting crimes committed against them. The inequitable distribution of police stations across Delhi, with its concentration in Central Delhi and sparse presence in remote and peripheral areas, denies many women in these regions access to safety and justice and raises



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concerns over their safety. The paucity of bus services ([6500](#) operational buses against the requirement of 11000 in 2014-15 as reported by DTC) and the embedded spatial inequity in their coverage not just restrict women's mobility but also necessitates the usage of private modes of transport, which might expose women to an increased level of risk. The Metro station's entrance and the surrounding roads do not have proper lighting. The dark spots in the city have been reduced, but new dark spots were identified around the outer regions of the town in 2019. The minuscule presence of well-lit streets and pavements, clean and safe public toilets for women in peripheral areas, and the ones inhabited by the poor, [inefficacy of government helplines](#) for women as brought to light by many media reports engender grave concerns over the safety of this vulnerable group of society.

As per the information mentioned above, we conclude that the current infrastructure is insufficient to deal with the increased risk of crimes against women with readily available avenues for alcohol till late in the night.

Recommendations

The importance of numerous [characteristics](#) such as lighting, walk path, visibility, & public transportation, in determining a woman's safety experience in public settings is highlighted in the [study](#) concluded in Delhi by [Safetipin](#) in 2018-2019. Safetipin conducted safety audits at metro stations, bus stops, public toilets, public parks, schools, universities, parking lots, cinema halls, tourist places, and liquor stores across the three Municipal Corporations in Delhi. **As Justices AS Oka and AK Menon of Bombay High Court [stated](#) in a PIL hearing on women safety in 2015 that the State could not be prevented from taking a policy decision, and if a policy is to allow bars and restaurants to open 24/7, then the government needs to satisfy that the safety of women is taken into consideration.** Taking a cue from this, the Delhi Government should study the impact of the policy on women, conduct safety audits and guarantee adequate measures for women's safety.

The perception of Delhi as an intimidating city by women would change when women would feel safe in both secluded and crowded places during the day and night. A comprehensive set of interventions and programs such as better urban design and planning, more provision of services, strict policing and law enforcement, increased community involvement, better implementation of existing policies, and



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awareness building for men, women, and youth are needed to address the challenges of women's safety and exclusion which comes with this policy.

We hope that in your endeavor to resolve women's safety concerns and making Delhi a safe city, you will give due consideration to our concerns expressed in light of the new excise policy. In line with our concerns and recommendations enlisted herein, we shall be available at your disposal to discuss the matter further.

Regards

Shreya Agrawal

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and

Shreya Anjali

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ANNEXURE 1

We request you to look into amending the following provisions of the Delhi Excise Policy for the year 2020-21 as these provisions would impact the safety of the women in the capital as mentioned in our letter and give due consideration to our concerns and recommendations. The provisions are as follows:

5. New Policy for Hotels, Clubs and Restaurants (HCR)

vii) That, the operational requirements of the NCR segment may be relaxed by permitting liquor service in the open spaces viz. terrace/balcony/lower area, additional dispensing counters with nominal fee, easy transfer of license, etc.

5.1 Policy initiatives for Ease of Doing Business

ii) The bars in Hotels, Restaurants and Clubs are allowed to operate till 03:00 A.M. except those licensees which have been given license to operate round the clock service of liquor.

[Here is the link](#) to the Policy Document that we have referred to to frame and present our perspective to you through our letter.