

Governance Models Promoting Women's Inclusion: A Constitutional and Legal Study

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Abstract

Women's inclusion in governance is essential for ensuring equality, democratic legitimacy, and social development. Although women constitute nearly half of India's population, their representation in legislative, executive, and administrative institutions has historically remained limited due to social, economic, and structural barriers. Over time, India has adopted various governance models to promote women's participation, including constitutional safeguards, political reservation policies, affirmative action measures, and judicial intervention. This research paper examines the constitutional framework under Articles 14, 15(3), 16, 39, 243D, and 243T of the Constitution of India, along with the Constitution (106th Amendment) Act, 2023, which provides reservation for women in Parliament and State Legislatures. It also analyses landmark judicial decisions that have strengthened gender equality and expanded the interpretation of personal liberty and equal opportunity. The study evaluates whether these mechanisms have ensured substantive participation or merely increased numerical representation. While reservation policies have significantly improved representation at the grassroots level, issues such as proxy leadership, political funding gaps, social resistance, and intersectional discrimination continue to limit effective empowerment. The research concludes that governance models must move beyond symbolic inclusion and focus on structural reform, capacity-building, and strict implementation of constitutional principles to achieve genuine equality in governance.

Keywords: Women's Inclusion, Governance, Gender Equality

1. Introduction

Governance refers to the system through which power and authority are exercised in a country. It includes the processes of decision-making, implementation of policies, administration of laws, and distribution of public resources. A democratic system depends on participation and representation. For governance to be effective and fair, it must reflect the diversity of society, including gender diversity.¹

Women constitute almost half of India's population. However, their participation in governance has historically remained low. Although women were granted equal voting rights at the time of independence,

¹ M.P. Jain , Indian Constitutional Law

their presence in Parliament, State Assemblies, executive offices, judiciary, and administrative services has been limited.²

The underrepresentation of women is not merely a political issue but a social and structural problem. Patriarchal traditions, limited access to education, economic dependency, lack of political networks, and gender stereotypes have restricted women's entry into leadership roles. Women often face additional burdens such as unpaid domestic work and social expectations that discourage political engagement.³

Recognising this imbalance, the Constitution of India provides guarantees of equality and non-discrimination. It also permits special measures to promote women's participation. Over the years, governance models such as reservation in local self-government institutions and legislative bodies have aimed to correct historical exclusion.

This research paper examines the legal and constitutional mechanisms promoting women's inclusion in governance and evaluates their effectiveness in achieving substantive equality.

2. Conceptual Framework of the Topic

Meaning of Women's Inclusion in Governance:

Women's inclusion in governance refers to the meaningful participation and representation of women in political and administrative decision-making processes. It involves more than simply increasing the number of women in elected bodies. True inclusion means that women have authority, independence, and influence over policies and governance outcomes.⁴

Inclusion can be understood at different levels:

- Political representation in Parliament and State Legislatures
- Participation in Panchayats and Municipal bodies
- Inclusion in executive positions and ministries
- Representation in judiciary and civil services
- Participation in policy-making committees

Substantive inclusion ensures that women's voices are heard and reflected in governance decisions.

Governance Models Promoting Inclusion:

Governance models are structured mechanisms designed to ensure participation and fairness. In the context of women's inclusion, these include:

- Constitutional guarantees of equality
- Political reservation policies

² Ministry of Parliamentary Affairs, Government of India Reports on Women's Representation.

³ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India*. Oxford University Press.

⁴ *Government of Andhra Pradesh v. P.B. Vijayakumar*, (1995), Indian Kannon

- Affirmative action programs
- Institutional reforms
- Gender budgeting
- Leadership and capacity-building initiatives

These models aim to correct structural inequalities and promote balanced representation.

Evolution of Women's Inclusion in Governance: The global women's rights movement emphasized political participation as a key aspect of empowerment. International instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) advocate equal political participation. In India, constitutional provisions laid the foundation for gender equality, but political participation remained low for decades. The introduction of reservation policies in local governance marked a turning point.

Political Reservation as a Governance Model : The introduction of reservation for women in local self-government institutions marked a significant reform in promoting women's inclusion in governance. The 73rd and 74th Constitutional Amendments introduced one-third reservation for women in Panchayats and Municipalities, significantly increasing women's participation in grassroots governance. Many states have extended this to 50 percent, enhancing women's visibility in leadership and promoting welfare-focused policies. This reform strengthened inclusive democracy and gave women a platform in local decision-making. However, challenges remain. Proxy leadership, lack of administrative training, socio-cultural resistance, economic dependency, and political party bias limit effective empowerment. Thus, while reservation has improved access, genuine participation requires deeper structural reforms and sustained institutional support.⁵

Institutional and Policy Mechanisms : Beyond political reservation, several institutional and policy mechanisms support women's inclusion in governance. One important initiative is gender budgeting, which integrates a gender perspective into fiscal planning and public expenditure. Gender budgeting ensures that adequate financial resources are allocated to programs aimed at improving women's welfare, economic participation, and social development. By recognising the different needs of men and women in policy planning, Government of India, Committee Reports on Women in Panchayati Raj Institutions gender budgeting strengthens inclusive governance and promotes accountability in resource distribution.

Leadership training and capacity-building programs also play a vital role in empowering elected women representatives. These initiatives enhance administrative knowledge, decision-making skills, and confidence among women leaders. Training programs help women understand legal provisions, governance procedures, financial management, and policy implementation, thereby improving governance efficiency.⁶

⁵ Ministry of Panchayati Raj, Government of India, Status of Women in Panchayats Reports (various years)

⁶ National Commission for Women (NCW), Reports on Capacity Building of Women Representatives.

Legal safeguards further support women's participation by ensuring a safe and non-discriminatory environment. Anti-discrimination laws, equal opportunity provisions, and workplace protection laws such as those addressing sexual harassment create conditions that enable women to participate freely in public institutions. Together, these institutional mechanisms complement reservation policies and contribute to sustainable empowerment.

Judicial Contribution: The judiciary has played a significant role in strengthening gender equality and promoting women's inclusion in governance. Through progressive interpretation of constitutional provisions, courts have expanded the meaning of equality and non-discrimination under Articles 14, 15, and 21. Judicial decisions have consistently affirmed that women are entitled to equal opportunity in employment, public life, and leadership positions. By striking down discriminatory laws and reinforcing constitutional morality, the courts have ensured that governance models align with the principles of equality and justice. Judicial intervention has therefore acted as a protective and corrective mechanism, supporting women's access to governance and reinforcing democratic values.⁷

Social and Structural Barriers:

Despite legal reforms, women face several barriers:

- Patriarchal attitudes questioning women's leadership
- Limited financial resources for contesting elections
- Lack of political mentorship
- Social stereotypes about women's roles

Therefore, legal reform must be supported by social change.

Governance Models Promoting Women's Inclusion

Women's inclusion in governance has been promoted through different structural and policy-based models. These models aim to ensure equal participation, representation, and empowerment in decision-making institutions. The major governance models are explained below:

1. Political Reservation Model: The political reservation model is one of the most important mechanisms for increasing women's representation. It involves reserving a fixed percentage of seats for women in elected bodies. In India, Articles 243D and 243T provide reservation for women in Panchayats and Municipalities. The Constitution (106th Amendment) Act, 2023 extends reservation to Parliament and State Assemblies. This model directly increases numerical representation and provides women access to political institutions.⁸

2. Affirmative Action Model: The affirmative action model allows the State to take special measures to correct historical disadvantages. Article 15(3) of the Constitution empowers the State to make special provisions for women. These measures may include welfare schemes, special recruitment drives, financial

⁷ M.P.JAIN, Constitution of India

⁸ The Constitution (One Hundred and Sixth Amendment) Act, 2023

assistance, and leadership opportunities. This model focuses on achieving substantive equality rather than merely formal equality.

3. Decentralisation Model: The decentralisation model promotes inclusion by transferring power from central authorities to local bodies. The 73rd and 74th Constitutional Amendments strengthened grassroots democracy and enabled women to participate in local governance. By creating opportunities at village and municipal levels, decentralisation allows women to gain political experience and leadership skills.

4. Gender Budgeting Model: Gender budgeting integrates a gender perspective into fiscal policy. It ensures that government budgets allocate adequate resources for women's welfare and development programs. This model recognises that financial empowerment is directly connected to political participation. Proper resource allocation strengthens women's capacity to participate effectively in governance.⁹

5. Institutional Reform Model: Institutional reform focuses on restructuring political and administrative systems to remove barriers to women's participation. This includes reforms in candidate selection processes, internal party democracy, workplace safety policies, and leadership training programs. Institutional reform ensures that governance structures are inclusive and gender-sensitive.¹⁰

6. Judicial Oversight Model : The judicial oversight model promotes women's inclusion through constitutional interpretation and protection of fundamental rights. Courts play an important role in striking down discriminatory laws and reinforcing equality principles. Judicial intervention ensures that governance models align with constitutional mandates of equality and dignity.

7. Capacity-Building and Leadership Development Model This model, in the Indian context, focuses on training, education, and skill development for women leaders, particularly at the Panchayati Raj and Municipal levels. Capacity-building initiatives conducted by government institutions and State Institutes of Rural Development (SIRDs) enhance women representatives' knowledge about governance procedures, financial management, budgeting, and implementation of welfare schemes.¹¹ Such programs ensure that women elected representatives are not only numerically present due to constitutional reservation but also function as effective and independent decision-makers in local governance.

⁹ Ministry of Women and Child Development, Government of India, Handbook on Gender Budgeting (New Delhi: Government of India, 2015)

¹⁰ United Nations, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, Articles 7 and 8 (regarding women's participation in political and public life)

¹¹ Rashtriya Gram Swaraj Abhiyan (RGSA) Guidelines, 2018.

3. Historical Background

Pre-Independence Period:

During British rule, women's participation in governance was extremely limited. Political rights were restricted by property, education, and gender qualifications. Only a small number of educated women from elite backgrounds could participate in public life. Social reform movements in the 19th and early 20th centuries, led by reformers such as Raja Ram Mohan Roy and others, focused on women's education and social rights. The Indian freedom movement further encouraged women's participation in public life. Leaders like Sarojini Naidu and Annie Besant advocated political rights for women. Gradually, women's organisations demanded suffrage and representation. However, full political equality was achieved only after independence.¹²

Constitutional Vision After Independence:

The Constitution of India, adopted in 1950, guaranteed universal adult franchise and equality before law. Women were granted equal voting rights from the beginning, unlike many Western countries where women's suffrage came later. Articles 14, 15, and 16 established equality principles. Article 15(3) empowered the State to make special provisions for women, recognising the need for affirmative action to achieve substantive equality. Despite these constitutional guarantees, women's representation in Parliament remained low for decades. Political parties rarely nominated women candidates in significant numbers¹³.

73rd and 74th Constitutional Amendments (1992):

A major turning point came with the 73rd and 74th Amendments, which introduced reservation of not less than one-third seats for women in Panchayats and Municipalities. These amendments aimed to decentralise governance and ensure grassroots participation. Women entered political institutions in large numbers for the first time. Many states later increased reservation to 50%. These reforms significantly improved women's visibility in governance and encouraged leadership at the local level.¹⁴

Constitution (106th Amendment) Act, 2023: The recent amendment provides 33% reservation for women in Parliament and State Legislative Assemblies. This marks a historic step toward inclusive governance at higher levels. Although implementation is subject to delimitation processes, the amendment reflects recognition of gender imbalance in legislative bodies.¹⁵

¹² Government of India Act, 1935

¹³ Election Commission of India, Statistical Reports on General Elections (various years)

¹⁴ 73rd and 74th Amendmet Act of Indian Constitution

¹⁵ The Constitution (One Hundred and Sixth Amendment) Act, 2023

4. Objectives of the Research

- To examine constitutional provisions promoting women's inclusion.
- To analyse governance models designed to increase participation.
- To evaluate the effectiveness of reservation policies.
- To study judicial contribution to gender equality.
- To suggest reforms for strengthening inclusive governance.

5. Hypothesis of the Research

Although constitutional and legal mechanisms exist to promote women's inclusion in governance, effective participation depends on proper implementation, institutional reform, and social acceptance.

6. Scope of the Research

This research focuses on constitutional provisions, legislative measures, and judicial decisions relating to women's inclusion in governance. It evaluates reservation policies and their impact on political participation. The study is limited to doctrinal legal analysis and does not include empirical field research.

7. Methodology of Research

This study is based on doctrinal legal research. It analyses constitutional provisions, Constitutional Amendments, Supreme Court judgments, and relevant statutory frameworks related to women's inclusion in governance. Secondary sources such as Law Commission reports, government publications, and academic writings have also been examined. An analytical approach is used to evaluate the effectiveness of reservation policies and other governance models in promoting substantive equality.

8. Scope of the Research

This research examines the constitutional and legal framework governing women's inclusion in public institutions in India. It covers key constitutional provisions such as Articles 14, 15(3), 16, 39, 243D, and 243T, as well as the Constitution (106th Amendment) Act, 2023, which provides reservation for women in Parliament and State Legislative Assemblies. The study includes an analysis of political reservation policies at local and national levels and their impact on women's representation.

The research also explores the role of judicial interpretation in strengthening gender equality and expanding the meaning of personal liberty, equal opportunity, and non-discrimination in governance. It considers institutional mechanisms such as gender budgeting, leadership development initiatives, and legal safeguards that support women's participation in decision-making bodies.

The scope further extends to identifying structural and social barriers that limit effective participation, including proxy representation, political party bias, and economic constraints. The study aims to evaluate

whether existing governance models ensure substantive empowerment or merely increase numerical representation.

9. Relevant Legislative Provisions on the Topic

Constitution of India plays an important supportive role in framing Governance Models Promoting Women's Inclusion. Some Articles which act as pillars in involvement of women are as follows:

Article 14 – Equality Before Law: Article 14 of the Constitution of India guarantees equality before law and equal protection of laws to all persons. It prohibits arbitrary discrimination and forms the constitutional foundation for gender equality in governance. In the context of women's inclusion, Article 14 ensures equal legal recognition and opportunities in public life. The Supreme Court has interpreted it to promote substantive equality, permitting special measures to address historical disadvantages. Thus, Article 14 supports governance models that aim to ensure equal political and administrative participation for women.¹⁶

Article 15 and 15(3): Article 15(1) of the Constitution prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, thereby addressing gender-based discrimination. Article 15(3) further empowers the State to make special provisions for women and children. This allows affirmative action measures such as political reservations and welfare schemes to promote women's participation in governance. Thus, Article 15(3) provides constitutional validity to reservation policies and supports substantive equality in public institutions.

Article 16– Equality of Opportunity in Public Employment: Article 16 guarantees equality of opportunity in matters of public employment and prohibits discrimination on grounds such as sex. It ensures women equal access to government jobs and administrative positions. In the context of governance, Article 16 promotes women's participation not only in elected offices but also in civil services and public institutions. Thus, it supports balanced and inclusive representation within the State machinery.

Article 39 – Directive Principles of State Policy: Article 39(a) and (d) direct the State to ensure equal livelihood opportunities and equal pay for equal work for men and women. Though not enforceable, these Directive Principles guide policy-making. Article 39 promotes economic equality, which is essential for meaningful political participation. By supporting women's economic independence, it strengthens their ability to engage effectively in governance and public life.

Articles 243D and 243T: Articles 243D and 243T, introduced by the 73rd and 74th Constitutional Amendments, 1992, mandate at least one-third reservation for women in Panchayats and Municipalities, including Chairperson posts. These provisions strengthened grassroots democracy and significantly increased women's local representation, with many states extending reservation to 50 percent. They reflect the practical implementation of Article 15(3) and serve as a key model for inclusive governance.¹⁷

¹⁶ Bare Act: The Constitution of India, Lexis Nexis

¹⁷ 73rd and 74th Constitutional Amendments, 1992

Constitution (106th Amendment) Act, 2023: The Constitution (106th Amendment) Act, 2023 provides one-third reservation for women in the Lok Sabha and State Legislative Assemblies. It addresses the issue of underrepresentation in higher legislative bodies and strengthens inclusive democracy at national and state levels. Though its implementation is linked to delimitation, the amendment marks a historic step toward gender-balanced governance in India.

10. Judicial Case Laws

Government of Andhra Pradesh v. P.B. Vijayakumar (1995):

In this landmark judgment, the Supreme Court upheld 30% reservation for women in public employment and interpreted Article 15(3) broadly to permit affirmative action. The Court held that substantive equality may require special measures to address historical disadvantages. It clarified that equality does not mean identical treatment but fair representation. This decision provides strong constitutional support for reservation policies for women in governance.¹⁸

Union of India v. K.P. Joseph (1973):

In this case the Hon'ble Court reinforced equality principles in service matters. It emphasised that public employment must reflect fairness and equal opportunity. This case supports women's access to administrative and governance positions.¹⁹

Secretary, Ministry of Defence v. Babita Puniya (2020) :

The Supreme Court granted permanent commission to women officers in the Indian Army. The Court rejected arguments based on gender stereotypes and held that equality cannot be denied on the basis of biological differences. This case expanded women's inclusion in decision-making roles within defence institutions.²⁰

Anuj Garg v. Hotel Association of India (2008):

In this case, the Supreme Court struck down Section 30 of the Punjab Excise Act, which prohibited women from working in establishments serving liquor. The Court held that such "protective" legislation was based on gender stereotypes and violated Articles 14 and 15 of the Constitution. It observed that protection cannot be used as a reason to deny equal opportunity. The judgment strengthened the principle that women must have equal access to employment and public participation. This case reinforced substantive equality in governance and employment.²¹

¹⁸ Indian Kanoon: <https://www.indiankanoon.org>

¹⁹ SCC Online: <https://www.scconline.com>

²⁰ Indian Kanoon: <https://www.indiankanoon.org>

²¹ SCC Online: <https://www.scconline.com>

Charu Khurana v. Union of India (2014):

The Supreme Court dealt with discriminatory rules that prevented women from being registered as make-up artists in the film industry. The Court held that such exclusion violated Articles 14, 15, and 21 of the Constitution. It recognised that professional opportunities cannot be denied on the basis of gender. The judgment emphasised dignity, equality, and freedom of occupation. This case expanded women's right to equal participation in professional and public life.²²

Vishaka v. State of Rajasthan (1997)

The Supreme Court laid down guidelines to prevent sexual harassment at the workplace, recognising it as a violation of Articles 14, 15, and 21. The Court emphasised that a safe working environment is essential for gender equality and women's dignity. These guidelines ensured safer participation of women in public institutions and governance structures. The decision was later codified in the Sexual Harassment of Women at Workplace Act, 2013. This case strengthened the legal framework supporting women's inclusion in professional and administrative spaces.²³

11. Major Findings

The study reveals that constitutional provisions and reservation policies have significantly improved women's numerical representation in governance, particularly at the grassroots level. The 73rd and 74th Constitutional Amendments have enabled large-scale participation of women in Panchayati Raj Institutions and Municipal bodies, thereby strengthening local democracy. In many states, increasing reservation to 50% has further enhanced women's visibility in political leadership.

However, higher levels of governance, such as Parliament and State Legislative Assemblies, continue to show limited representation of women despite recent constitutional reforms. Implementation challenges and political party bias remain major obstacles. Persistent social and structural barriers, including patriarchal attitudes, economic dependency, lack of campaign funding, and limited administrative training, continue to restrict effective participation even after election.

Judicial intervention has played a crucial role in reinforcing equality principles and supporting affirmative action. Landmark judgments have strengthened the interpretation of Articles 14, 15(3), and 16, thereby providing constitutional support to governance models promoting women's inclusion.

It can be concluded that while reservation policies have improved access to governance, substantive empowerment requires institutional reform, leadership development, financial support mechanisms, and stronger enforcement of equality norms. Numerical representation alone is insufficient without meaningful decision-making power.

²² SCC Online: <https://www.scconline.com>

²³ SCC Online: <https://www.scconline.com>

12. Conclusion and Suggestions

Conclusion:

Women's inclusion in governance is vital for democratic development. Constitutional provisions and reservation policies have improved representation, especially at the local level. However, numerical inclusion alone is insufficient.

Structural barriers, limited funding, social stereotypes, and lack of institutional support continue to affect women's effective participation. Governance models must therefore focus on both representation and empowerment.

Suggestions:

1. Ensure timely implementation of legislative reservation.
2. Provide training and leadership programs for elected women.
3. Prevent proxy representation through monitoring mechanisms.
4. Promote financial support and transparent funding systems.
5. Increase representation in judiciary and administrative services.
6. Encourage political parties to nominate more women candidates.
7. Conduct awareness campaigns to change social attitudes.

Women's inclusion strengthens democracy and ensures balanced governance. Sustainable progress requires commitment from institutions, political parties, and society.

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