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“THE ARENA OF THE GLASS CEILING AS A PERSISTENT BARRIER TO EQUITY”

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ABSTRACT

The rights of women nowadays are increasingly hitting a glass ceiling, acting as a persistent barrier to equity. This research paper analyses the social, cultural, and moral contexts which have influenced the rights of women. In Vedic or ancient times, women were treated as goddesses and addressed as Sakti. Ancient literatures placed women with the utmost respect and integrity. Hindu literature—including the *Mahabharata*, *Ramayana*, *Vedas*, commentaries, and digests—deals with the roles and status of women. In these ancient times, women were entitled to coparcenary rights (as mentioned in the *Atharva Veda*) and the freedom to choose their partners through Swayamvar. There was also the concept of "mature marriage," where spouses only married once they reached maturity. Furthermore, the *Arthashastra* (Chapter 1.21) provides evidence that women received military education and were trained as artisans and mendicants. Much evidence also shows that a portion of the *Rig Veda* was composed by women, proving that education and skills were given to them at that time. In contrast, in modern times, we live in a patriarchal society where males enjoy more rights and responsibilities than common or household women. Today, many women do not receive their rights due to a lack of knowledge, restrictive customs, traditions, and misunderstandings. This diminishing of rights is directly proportional to the violation of Fundamental Rights embedded in the Constitution. In modern India, issues regarding coparcenary rights in property, the right to marry by choice, child marriage, and the lack of representation in Panchayats, Municipalities, Legislatures, and Parliament remain very prevalent.

KEYWORDS: Women, Glass Ceiling, Vedic Period, Sakti, Property right, Coparcenary Rights, Patriarchy, Constitutional Law, Sati Pratha, 106th Constitutional amendment, Proxy Politics, Empowerment of women, Sabrimala Temple.

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Introduction

Women are portrayed as Sakti in Indian society, and there is a scientific reason for this that has been discovered over a period of time. The Mitochondria (the powerhouse of the cell) produces the energy that keeps our cells alive and is considered the primary source of energy. Mitochondria are present in every human being, but they are inherited from the mother or woman only. From this finding, we can aptly say that a woman is Sakti. Furthermore, Nari is called the epitome of completeness in the world. The Sanskrit Shloka, “*Striyāḥ samastāḥ sakalā jagatsu,*²” defines that Nari, or woman, is complete in the *jagat* (universe).

While patriarchy dominates in India, it does not necessarily mean that women were always struggling for their rights. Patriarchy symbolizes that the man is the manager or Karta of the family. However, this does not mean we should diminish her rights. In our society, when a man and woman prepare for marriage, the families on both sides often ensure that the woman is younger than the man. This age difference can be seen as one of the factors contributing to the patriarchal structure.

From the era where Sati Pratha was treated as sacrosanct in our society, we have now transitioned into an era of empowering women by restoring their diminished rights. To bridge the gap in political representation, the Government of India implemented the 73rd and 74th Amendments, which provide 33% reservation to women (irrespective of caste) in Panchayats and Municipalities, respectively. Furthermore, the 106th Amendment Act (Nari Shakti Vandan Adhiniyam) grants the same percentage of reservation in State Legislatures and Parliament. The Act provides a 33% reservation for women in general, with a specific "quota within a quota" for SC/ST Women.

For centuries, women or daughters were not included in the category of coparceners. In simple words, only sons had the right to inherit ancestral property. This changed after the Hindu Succession (Amendment) Act, 2005, which was amended based on the proposal of the 174th Law Commission Report. The aforesaid Amendment established that women must be given their rights in ancestral in property, and the denial of these rights is considered as discrimination.

² Devi Mahatmya, 11.6.

To ensure the empowerment and protection of women, the legislature has implemented several landmark measures. To address social evils and curb child marriage, The Sarda Act of 1929 (later replaced by the Child Marriage Restraint Act) was introduced. In response to grave social issues, the Commission of Sati (Prevention) Act, 1987 was enacted to abolish the practice of Sati.

Furthermore, to protect the dignity and integrity of women at the workplace, the PoSH Act, 2013 (Prevention of Sexual Harassment) was established, creating a safer professional environment. Regarding healthcare and survival, the PCPNDT Act, 1994 (Pre-Conception and Pre-Natal Diagnostic Techniques Act) was implemented to prevent female feticide and infanticide. Additionally, The Maternity Benefit Act, 1961 provides maternity leave to women workers to ensure their well-being. Some other important protections available include the Protection of Women from Domestic Violence Act, 2005 which provides a civil remedy to abused women who are living in a shared household.

For a long time, India has been based on the following principle: *Yatra naryastu pujoyante ramante tatra devatāḥ*, where women are considered goddesses. He is the embodiment of every soul in which divinity lives. By adherence to this Vedic philosophy of yore, India would have been presumed to be truly beyond the need for signing (much less following) international conventions like CEDAW (Convention on the Elimination of all Forms of Discrimination against Women) or SDG 5.5 (for Gender equality and women's Leadership). That demonstrates an extreme disconnect between ancient cultural values and the way people conduct themselves in our media Heavy society. The need for these global tenets in modern times indicates a departure from the original cultural ideology as it was believed that the dignity of women is crucial for the success of any civilization. The slogans of "Sita-Ram" or 'Jai Siya Ram' represent a very deep truth in Indian and Hindu society, that Lord Ram is incomplete without Maa Sita. Such an invocation only proves that women were revered embodiments (as opposed to disrespectful objects) in ancient times. One worships Maa Ganga for purity, Maa Saraswati for knowledge, wealth is attained from Mother Laxmi and of course Sakti from Mahishasurmardini- Maa Durga. This reveals that each time humans need or are at a necessity of an important aspect of survival, they call up the spirit of The Divine Feminine.

Historically, these customs shows that, women in our society have traditionally known for their "Daan" (the act of giving) — but in nowadays, they become passive recipients of charity. It is

a reflection of our modern societal decline that we now treat women as subjects who need to be "given" rights or protection, rather than recognizing their inherent power. This shift from viewing women as "Givers" to "Dependents" can be seen as a regrettable regression for our society.

Relevance of the paper:

Analysis of ancestral property rights of women:

The Amendment 2005 entitles daughters to get their coparcenary rights in ancestral property. Under this amendment, the daughter of a coparcener shall, by birth, become a coparcener in ancestral property³. The amendment mainly focuses on Mitakshara law, which is prevalent across India. Moreover, the Dayabhaga School has pre-existing rights for women.

Our Constitution is cardinally based on the principle of equality (no discrimination based on caste, sex, or gender) and dignity⁴. It is an inalienable right that is enshrined in Articles 14, 15, and 21 of the Constitution of India. The DPSP i.e Directive Principles of State Policy under Articles 38(1), 38(2), 39(A), 39(C), and 39(D) also deal with social, economic, and gender justice in India. The denial of property rights in ancestral property to women or daughters was a clear violation of these fundamental rights.

Post-amendment 2005, it appears that a daughter can act as a Manager (Karta) if she is the senior-most member of the Hindu Undivided Family. However, this often depends upon various factors, such as the presence or age of other males in the family. After the amendment, it can be said that daughters or women can now legally become the Karta of a Family, reflecting a significant shift toward gender parity in property and family management.

By virtue of this 2005 amendment, Section 6 of the HSA, 1956 was modified, and it conferred rights to women (not widows) or daughters (by birth) to claim their ancestral property. Through this amendment, daughters were included as coparceners (prior to it, only sons, grandsons, and great-grandsons were coparceners). Daughters, whether married or unmarried, could now claim a share in the ancestral property. Moreover, while a widow cannot be a coparcener in her husband's ancestral property, she can still claim property rights.

Before the 2005 amendment, the position of women and daughters was significantly restrictive, and they were mostly dependent on male family members, such as the husband. They were only entitled to maintenance, which, however, was often difficult to obtain in practice. Property

³ Hindu Succession (Amendment) Act, 2005.

⁴ India Const. Art. 14,15,21.

ownership and control were predominantly vested in male members, particularly the Karta or manager of the family. This describes the pathetic condition of women with regard to their property rights and depicts the picture of a patriarchal society.

Women's Reservation in Assemblies:

The legislature amended the Constitution mainly three times to enhance women's representation in Panchayats, Municipalities, and Assemblies via the 73rd, 74th, and 106th Constitutional Amendments.

Through the 73rd and 74th Amendments, the government reserved 1/3rd of seats in Panchayats and Municipalities for women, opening doors for every woman irrespective of caste⁵. Under the 106th Constitutional Amendment, 1/3rd of seats are now reserved for Parliament and State Assemblies, including Delhi. This amendment modified Article 239AA, Article 330, Article 332, and Article 334⁶.

However, there is a major public contention that while the 106th Amendment provides reservation for the unreserved category, the specific 'quota within a quota' is currently reserved only for SC/ST categories, meaning a large section—specifically the OBCs—remains excluded from a dedicated sub-reservation. Additionally, though it has received the President's assent, implementation is held back due to political motives and awaiting delimitation as outlined under Article 82 of the COI.

Against this background the 131st Amendment Bill was introduced in Lok Sabha for increasing the total number of seats from 543 to 850. This draft bill traces immediate delimitation according to the 2011 census to enable the reservation of women at 33%. But on April 17, the Lok Sabha rejected this bill for want of two-thirds majority.

The government proposed this bill amid elections in five states to gain the sympathy of women voters. In response, the opposition claimed they do not oppose women's reservation itself, but rather the deliberate proposal of delimitation based on the 2011 census. Such political maneuvering by central parties suggests that women are being treated primarily as a vote bank.

The Statistical Reality of women in politics:

As per the data of Association for Democratic Reforms (ADR) published on March 8, 2026, only 10% of women contested the 18th Lok Sabha elections, highlighting a deplorable condition in central politics. In recent State Assembly elections, out of 43,348 candidates, only

⁵ Supra note 2.

⁶ Supra note 3.

4,295 were women (approximately 10%)⁷.

In the 18th Lok Sabha, only 74 out of 543 members were women (approx. 14%). Moreover, across the country, out of 4,123 MLAs, only 390 (approx. 9%) are women. The report also highlights that there are 662.9 million women voters, comprising 49% of India's population. Despite this, India ranks 151 out of 185 countries as per the IPU ranking⁸.

It is evident that male dominance is deeply rooted in our society and family structures. Across India, women continue to have very low representation in decision-making roles. If we compare states based on literacy, Kerala stands at the top; however, the aforementioned data reveals a startling paradox: it is the only large state without a single woman MP in the current Lok Sabha. This clearly demonstrates that education or literacy alone is not proportional to the empowerment of women. They are held back by an enduring traditional hegemony, which shows that academic advancement does not equal political or social equality for women.

The Local Governance and "Proxy" Barrier

Though, a "hodgepodge" has been created through mandatory participation of women in Panchayats and Municipalities, proxy politics are more prevalent now. There are also concepts such as Mukhiyapati and Sarpanchpati where husbands are seen speaking on behalf of elected women. The tenet of delegatus non-potest delegare in administrative law that delegated powers cannot be delegated further is a constitutional reality demonstrated by willful mischief against the power of these posts especially in rural areas.

The Preamble starts with 'We, the People of India' not 'we, the people of Government'. True eventualities must be exercised not by proxies but by the powers that should have been given to the elected. It is the people who must fight if we are to ensure that constitutional amendments do not just remain ink on paper as they are, but instead live and breathe for every woman.

Analyzing Traditional Customs that act as Barriers to Equity:

1) Dowry: A Social Evil and Legal Perspective

Dowry is an ongoing issue in Indian society. It is often said that it is a "tradition" and practiced since ancient times, disguised as presents from a father to his son-in-law. Now, it is essential to differentiate Stridhan from dowry. Stridhan refers to movable or immovable property which woman acquires or receives either from her paternal family, over which she has absolute

⁷ Association for Democratic Reforms (ADR) & National Election Watch (NEW), Women's Political Participation and Representation in India (New Delhi: ADR, March 08, 2026).

⁸ Ibid.

ownership. Unlike this, dowry is a Social evil that that has led to exploitation and injustice. Acknowledging its deplorable effects, the legislature enacted Dowry Prohibition Act, 1961. Despite this provision, dowry-related violence is still happening.

Section 304B of the IPC (Indian Penal Code, 1860) or Section 80 of the BNS (Bharatiya Nyaya Sanhita, 2023) deals provision related to dowry death. There are some leading cases which raises the cases of dowry harassment, one of the situation is the when, at the time of marriage, husband is self-employed or worked privately and after one or two year later he become a government employee, this significant change in status leads to harassment of wife. The in-laws family often demand additional dowry. Despite its illegitimate and immoral nature, this form of practice continues to prevail in many rural or isolated regions.

2) Satipratha:

The term Sati is synonymous with Goddess 'Durga' while 'Pratha' means a custom that start or commence from the ancient past. Historically in our society (as discussed Supra) women had got the place of Shakti, but after said paradigm shift at around 17th century CE with the advent of Sati- burning of widows, Through the medieval ages, it was a major point of contention and the social status of women steadily continued to decline and become worsen.

It is pertinent to point out that this was an ancient evil practice rather than legitimate or moral practices. According to the settled principles of law, a practice cannot be recognized as a valid 'custom' if it contradicts public policy, justice, or morality. Historically and legally, this practice stands in direct violation of the cardinal rights of living beings as enshrined in the Constitution of India under Article 21. Following the highly publicized Roop Kanwar case in 1987, the Commission of Sati (Prevention) Act, 1987 was passed, declaring this practice a criminal offense with severe penal consequences⁹.

3) Women's entry in Sanctum Sanctorum:

In India, certain temples restrict the entry of women of reproductive age, most notably the Sabarimala Temple in Kerala, devoted to Lord Ayyappa. While some view this as a sacred custom, others categorize it as discrimination. Although a precedent judgment lifted the ban, the issue has gained renewed attention as the Apex Court, in April 2026, is set to hear the review petitions regarding its previous judgment dated September 28, 2018.

Under the Indian Constitution, fundamental rights may occasionally be weighed against

⁹ The Commission of Sati (Prevention) Act, 1987.

religious practices and customs. For instance, in South India, several temples restrict the entry of men during specific festivals, such as the Attukal Bhagavathy Temple during the Pongala festival. Proponents of the Sabarimala tradition argue that the restriction is not a complete ban but a specific limitation based on reproductive age. The upper and lower bounds of 10–50 years are moreover a contentious issue, as early menstruation can biologically start from both before the age of 10, or persist until after the age of 50.

However, in *Indian Young Lawyers Association v. State of Kerala (2018)*¹⁰, the Apex Court overturned the 1991 Kerala High Court ruling (*S. Mahendran v. The Secretary, Travancore Devaswom Board*¹¹), emphasizing that tradition violating fundamental rights cannot be sustained. The court applied the Doctrine of Essential Religious Practices (ERP) to determine if a custom is legally protected. Currently, the review petition remains *sub judice*, with the ERP being a cardinal issue. The court currently (in review petition) (*Kantaru Rajeevaru Vs Indian Young Lawyers' Association*), remarked that while a religion cannot be completely "hollowed out" in the name of reform—especially one with deep roots in the faith of millions is a "delicate operation" for any court.

Jeremy Bentham's theory of Utilitarianism (in Jurisprudence) "the greatest happiness for the greatest number," is also part of the conversation. By virtue of it, can be say that even if a practice seems unconstitutional, it will cause the majority of followers in pain' when millions are affected by critics- therefore harming them.

The Sabarimala ruling emphasized that the administration of religious affairs cannot involve practices that infringe upon fundamental rights. The judiciary also utilized the legal principle of “**Harmonious Construction**” to resolve conflicts between **Article 25** (freedom of religion) and **Article 26** (right to manage religious affairs), as neither is absolute. Ultimately, the precedent viewed the ban as a violation of **Article 14** (Right to Equality) and declared **Rule 3(b)** of the *Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965*¹², as unconstitutional. The court enshrined the idea of a “valid custom,” (in Sabarimala case) highlighting that customs cannot be recognized if they conflict with constitutional principle.

4) Child marriage:

During medieval times, the status of women declined rapidly. Practices like child marriage and the purdah system became very prevalent. These limited women's rights to education, freedom

¹⁰ Indian Young Lawyers Assn. (Sabarimala Temple-5J.) v. State of Kerala, (2019) 10 SCC 689.

¹¹ S.Mahendran v. The Secretary, Travancore Devaswom Board, Thiruvananthapuram and Others (AIR 1993 Ker 42).

¹² It state Exception that: “Women who are not by custom and usage allowed to enter a place of public worship”.

of movement, and the choice of their partner.

As per the data of the National Family Health Survey (NFHS)-V (2019–21), there are millions of married children in India, of which a large proportion are girls. NFHS-IV (2015–16) reveals that fifty-two percentage (52%) of married girls reported becoming mothers at a very young age. The government enacted the Prohibition of Child Marriage Act (PCMA), 2006, fixing 18 years as the minimum age for girls¹³.

However, the condition is still deteriorating. Child marriage of women is one of the biggest stigmas in our society. It not only affects the bride but also impacts future generations. The bride is not able to gain basic education in remote India, which is one of the foremost barriers to achieving the *Viksit Bharat Vision 2047* and reaching Sustainable Development Goal 5, i.e., empowerment of women.

The vision behind schemes or Yojana like Beti Bachao Beti Padhao, Sukanya Samridhi Yojana, and CBSE Udaan Scheme shows that efforts are being made. However, the persistence of child marriage indicates that the Prohibition of Child Marriage Act, 2006, is not fully effective at the ground level. As reported by the National Crime Records Bureau (NCRB), several cases of child marriage are still registered every year, showing that the practice still exists.

Section 375 of the Indian Penal Code (IPC), 1860 or Section 63 of the Bharatiya Nyaya Sanhita (BNS), 2023 deals with the provision of rape. Earlier, Exception 2 to Section 375 IPC deals that sexual intercourse with one's own wife (provided she was above 15 years) did not constitute rape. This meant that if the wife was below 18 but above 15, it was not considered rape. However, in the landmark judgment of *Independent Thought vs Union of India*, the Supreme Court removed this exception for minor wives and ruled that sexual intercourse with a wife below the age of 18 years would be considered rape¹⁴.

Apart from this, the Protection of Women from Domestic Violence Act, 2005 was enforced for the welfare of women. However, in our patriarchal society, violence still exists. Nowadays, men may also face such violations from their partner. Violence does not merely mean physical harm; it also includes sexual, psychological, emotional, and economic abuse. As discussed earlier, women often face violence related to dowry. Child marriage is also one of the foremost reasons for such violence.

¹³ Child Rights and You (CRY), 2021, "Child Marriage in India: A Research Study", December 2021; New Delhi.

¹⁴ *Independent Thought v. Union of India*, AIR 2017 SC 4904 (India).

Conclusion:

There are many customs which exist in India that become barriers to equity. Addressing these issues requires not only stringent legal implementation but also social awareness, education, and a shift in societal mindset towards equality and justice.

This research paper highlights the foremost barriers to equity for women in society. In India, there are various obstacles for women in achieving equality. Still, in remote areas, women face many problems including lack of education, poor representation, child marriage, discrimination due to the menstrual cycle, menstrual morality, malnutrition, etc.

The patriarchal society often represents a restrictive and controlled position of women in the society. Even in ancient texts like the Mahabharata, the entire epic reflects issues of rights and the disrespect of women, for example, Draupadi. However, in the present era, we are not able to follow the lessons derived from such instances. Similarly, Draupadi and Mata Sita (in the Ramayana) can be seen as symbols of strength and dignity.

It is not entirely correct to say that the whole of India follows only patriarchy or male dominance. One example is the Khasi tribe of Meghalaya, where lineage is inherited through the female line, and the youngest daughter of the family inherits the property. The term “Khasi” itself means “born from a mother.” Children also carry the name of the female lineage.

It is also not correct to say that only women face barriers to equity. Men may also face discrimination and can be victims of violence in some cases. Women themselves sometimes face inequality within their own gender due to categories and social divisions, as seen in debates around provisions like the 106th Constitutional Amendment. Moreover, patriarchy does not always mean discrimination; sometimes it refers to a system of organization or management.

There is an untapped opportunity in India for education and awareness, not by preaching but by leading through examples of upholding ethical values. Now it is the time to follow the Ideals of Justice and Righteousness. Values need to be recognized, not just verbally but in an actual practice.

Nowadays, governments, irrespective of political parties, work towards the empowerment and employment of women. While the progress might seem slow, attempts are made to make it

faster. The judiciary has also contributed by establishing guidelines such as the Vishaka Guidelines, 1997. This shows that every organ of the government is working towards women's welfare, yet there remains a significant gap in implementation. The presence of several welfare programs aimed at helping women reveals that they are still facing many problems.

It is often said that "Nari is Shakti," (as discussed Supra) but this idea is not always reflected in reality. Some countries, such as South Africa and Scandinavian nations, have achieved better gender equality than India through practical measures rather than symbolic recognition.

Moreover, empowerment should never be abused. In some cases, people tend to misuse their rights, which is equally condemnable. It means that equity should always be equitable and impartial. Unfortunately, women still become victims of various social evils and practices. Therefore, this remains a persistent barrier to equity.

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