IMPACT OF GENDER GAP IN ECONOMIC OPPORTUNITIES: THE REALITY OF UNPAID CARE WORK BY WOMEN

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ABSTRACT-
Since time immemorial women have always been looked down upon and their very existence have been confined to the walls of domestic chores. Since our society believes in a patriarchal setup, un-paid care work and other domestic activities have always been believed to be the duty of a woman. Furthermore, due to the prevalence of gender disparity in each household women have never been valued for their work, monitory add on is a far off thing. According to a study it has been found that a typical woman’s day starts around 5 am in the morning and ends after 10 pm at night, since gradually the participation of the women in different workspaces has increased, it has been found out that in addition to their unpaid household activities women often spend 6-8 hours on paid activities. This in a way doubles the burden on the women workforce. To be more specific women in both rural and urban areas are found to be involved in a series of domestic activities which nearly sums up to 33 tasks. While the male counterpart has always been given a superior position both in and out, their assistance in domestic chores and care has been very limited, as it is a general mindset that household work and child care is an inborn responsibility of women. Firstly, the paper describes how there is a prevalence of gender inequality in each household and in the second part the report of the International Labor Organization and the OXFAM’s surveys are been discussed. In the third part, the paper discusses about the governmental initiatives in providing equality to the women homemakers and the current scenario of the overload during the times of the pandemic.

Keywords- Unpaid care work, Equality, International Labor Organization, OXFAM, Empowerment.

1. INTRODUCTION-

According to a National Time-Use Survey, the average time that is spent on working by male and female in India is approximately 48 hours and 62 hours respectively. Wherein, the females are the one who spend 28% more time on work than the male in total. The perspective of unpaid care work is easily accepted due to the wide spread patriarchal mindset of our society. The women doing unpaid care work like cooking, cleaning, and nurturing the children, is what defines the lifestyle of the majority of the women population. As per the Oxfam report1, a woman spends 9 hours per day on work, wherein a male works 6.8 hours. It is seen that women are discriminated in terms of literacy and work starting at a household level, the burden of unpaid care work with that of illiteracy is making it impossible for more than half of the female population to contribute to the working fields. Thus, at

present, Indian Women’s contribution is stuck at 17 percent only, which is far below the average 37 percent. Further, it has been noted that the participation of the Indian women in the labor force is one of the lowest worldwide. Though, India has improved in providing literacy to women but the inequality in job opportunities still prevail. Thus, the rights that have been ensured under our Constitution through Articles 14, 15, 16, 21, 39(a), 39(d) are being widely violated.

1.2 RESEARCH PROBLEM
Domestic work is an important aspect of wellbeing of any household and economy and in India this domestic work is mostly done by the women, who are left unpaid for their work. These women are involved in unpaid domestic work because of three factors first is career, second is religious and social constraints and third is choices. In India, despite having equality principle as one of the basic structures of the Indian constitution there is still lack of opportunity for women. Due to this lack of opportunity the unpaid care work of women in every household goes disrespected and the very dignity of the women is being crushed. Even though the constitution safeguards the equal rights for women without any discrepancy through article 14, 15, 16, 21, 39(a), 39(d), still unpaid care work of homemakers is being ignored. Now coming down to the contribution by Indian women in the GDP, it is only 17 percent which is far below the average 37 percent and also less than the contribution in China and Sub-Saharan Africa i.e. 41 percent and 39 percent respectively. There is no such law in the labor code which recognizes the unpaid domestic work of women and provides them with equal opportunity and equal pay for their whole day work. According to an ILO report, globally women perform 76.2% of total hours of unpaid care work which is three times the men. Further, as per the Oxfam report, a woman spends 9 hours per day on work, wherein a male works 6.8 hours. Despite having such reports and constitutional safeguards, this area is left untouched by the labor code. In the present paper the study is on the need for a proper legislation which will be in consonance with the Indian constitution and provide equal pay for the home makers.

1.3 EXISTING LEGAL SITUATION
In India, Article 14, 15, 16, 21, 39(a), 39(d) of the Constitution of India safeguards the equal rights of women. But in the current time there is no such implementation and recognition of the unpaid care work of women and thus there is a need for a concrete legislation in the Indian Labor Code in line with the proposed solution which is based on the 3 R’s i.e. recognition, reduction and redistribution.

1.4 LITERATURE REVIEW
- Muskan Agrawal, “It is not your job—Unpaid care work in India” 2019- The present article focuses on the current situation of unpaid care work by women in India and the reason behind their involvement in the same.
- Divya Dutta, “Sexism in Economy: Women’s unpaid care work is still not acknowledged or paid”, 2020- The article discusses the role of gender gap in the

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S_633135/lang--en/index.htm> accessed 29 March 2021

3 Supra, 1
country behind the falling of female labor force participation and their increased role in
the unpaid care work at home.
- Pushpendra Singh & Falguni Pattanaik, “Unfolding unpaid domestic work in India: women’s constraints, choices and career”, 2020- The present paper focuses on the factors responsible for the participation of women in the unpaid domestic work and this participation is high among less educated women.
- Evangelical Social Action Forum (ESAF) and Health Bridge, “Women’s Economic Contribution through their unpaid household work: The case of India” 2009- The present report focuses on the condition of women in India and despite their hard work they are treated as economically unproductive. Further, the study states how the unpaid household work by the women is making a huge contribution towards the Indian economy.
- Gaelle Ferrant, Luca Maria Pesando and Keiko Nowacka, “Unpaid care work: The missing link in the analysis of gender gaps in labour outcomes”- The present report basically has an overview of gender inequalities in unpaid care work and factors for which there is a minimal participation of women in the actual labour force and lastly, this paper has a detailed analysis of the role played by the discriminatory social constraints which further enlarges the gender gap in unpaid care work and what are the possible solutions to curb the same so that the burden is redistributed and women do not remain confined to just the domestic chores.
- Priyanshi Chauhan, “Gendering COVID-19: Impact of the Pandemic on Women’s burden of Unpaid Work in India”- This paper discusses the impact of the COVID-19 on the already existing gender inequalities with significant implications on women. Specific focus of this paper is on a comparative analysis of the time spent by females on unpaid care work before and during the lockdown and the possible reasons attached to the same.
- Rania Antonopoulos, “The Unpaid care work- paid work connection”- This paper examines the line between paid and unpaid work, which primarily includes unpaid care work, secondly, has attempted to understand the women’s and men’s division of labour between paid and unpaid care work and its subsequent impact on the individual level as well as in an family. Since, the unpaid care work is the hidden energy behind most of the economic workforce, still it is unrecognized thus it is important to shed light on the interconnections and find a possible solution.
- Nancy Folbre, “Unpaid Care and Economic Development”- This is the fifth paper in the “IEG distinguished Lectures” series, this paper extensively examines the different aspects of unpaid care work which are specifically related to the economic development. Secondly, it has an analysis of the conceptual as well as the methodological problems attached to the methods of valuation of unpaid care work and its implications on the gender gap, living standards and economic development.
- Diane Elson, “Recognize, Reduce, and Redistribute Unpaid care work: How to close the Gender Gap”- This paper has closely examined the proposed model by Professor Diane Elson in connection to the 3R’s- Recognition, Reduction and Redistribution in order to address the problems attached to the unpaid care work and the related work burdens so that the position of the women economically can be strengthened and the work done by them can be recognized universally.
1.5 SCOPE-
The study on “Impact of gender gap in economic opportunities: The reality of IV. Unpaid Care Work by Women” throws light on the factors responsible for Indian V. woman’s participation in unpaid care work, which is the reason behind imbalance in the economic opportunities and is violating the equality clauses of the Indian Constitution as well as to understand, how the approach through the 3 R’s: recognition, reduction, and redistribution would help in integrating unpaid care work into the mainstream economical market.

1.6 OBJECTIVES-

- To analyze the factors responsible for Indian woman’s participation in unpaid care work.
- To understand the contribution of gender discrimination and patriarchy in unpaid care work and economical up-liftment of women.
- To analyze the impact of the lack of legislation in addressing the issue of unpaid care work.
- To understand the possible solution through the three R’s: recognition, reduction, and redistribution.
- To analyze the impact of pandemic on the mental and physical health of the homemakers.

1.7 RESEARCH QUESTIONS-
I. What factors are responsible for Indian women’s increased participation in unpaid care work?
II. Whether imbalance in women’s economic opportunities is violative of article 14, 15, 16, 21, 39(a), 39(d) of Indian Constitution?

III. How can the three R’s: recognition, reduction, and redistribution be incorporated & implemented in Indian labor laws?

How the pandemic has affected the mental and physical health of the homemakers?

1.8 HYPOTHESIS-
The gender gap in the economic opportunities of women is the reason behind their involvement in the unpaid care work.

1.9 METHODOLOGY-
Academic research is important not only in defining the problems to be solved at both theoretical and practical perspectives but also in solving questions regarding how such problems may be resolved. This paper utilizes only one research method i.e. traditional legal method. The traditional legal method (also known as the legal dogmatic method) is commonly used in most fields of legal research. This method is normally understood as a way of interpreting, clarifying, evaluating and analyzing applicable legal regulations in order to make clear theoretical and practical matters.

2. FACTORS RESPONSIBLE FOR INCREASED PARTICIPATION OF WOMEN IN UNPAID CARE WORK-
According to the OECD report, unpaid care work is recognized as an important aspect of economic activity and also as a factor which contributes to the wellbeing of every individual, their families and the society at large.\(^4\) It is the women who is involved in the unpaid care work at home and spends more time as compared to the men. In our Indian society this unpaid care work is considered as

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\(^4\) Gaelle Ferrant, Luca Maria Pesando, Keiko Nowacka, OECD Development Centre, “Unpaid Care work: the missing link in the analysis of gender gaps in labor outcomes”, 2014


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a female centric work, due to which every woman spends their important part of a day in doing domestic chores which includes cooking, cleaning, caring for children and elderly. Due to the social norms which are based on gender inequality, that the unpaid care work should basically be performed by women only creates a double burden on the women who is involved in paid activities as well.5

“Unpaid care work refers to all unpaid services provided within a household for its members, including care of persons, house work and voluntary community work.”

According to an UN report, “the unequal distribution of unpaid care work between women and men represents an infringement of women’s rights and also a break on their economic empowerment.” According to an UN report, “the unequal distribution of unpaid care work between women and men represents an infringement of women’s rights and also a break on their economic empowerment.” Before 1990’s the status of women at every household was confined to being a good wife and mother. But, after 1990’s due to globalization there arose several opportunities for women to participate in the labor work force. But, even after getting engaged in paid employment the women were not relived from the burden of household works. This gender gap between men and women with respect to the unpaid household work where the women is supposed to be involved in the same more than the male counterpart is prevalent since ages.9 Even now this situation is the same when it comes to allocating the household work between men and women (husband-wife). This gender gap is the major reason behind women’s involvement in unpaid care work and their decline in participating in the paid employment. Apart from gender inequality there are patriarchal and societal constrains, unequal employment opportunity for women leads to their increased participation in unpaid care work.10

India is a country where patriarchy is prevalent from the time of Vedas and it is still in force due to which the women were always considered less than man in every aspect. This gave rise to gender inequality in our society and pushed women to such an extent that they till date fighting for equality, which is considered as their human right. Due to these restrictions the women were forced to be confined to the four walls of their home and their movements were controlled by the male counterpart. This led to their involvement in domestic works. Now days, these long settled patriarchal norms are the major reason behind discrimination between men and women, in equal opportunities for women and lastly the disempowerment of women. Due to this inequality India now ranks 140th out of 156 countries in the Global gender gap Index.11 This is twenty eight position lower than the last ranking. According to the gender gap report, India is the only country among the 153 countries,

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6 Supra 4, p 3
8 Supra 4, p 1
9 Supra 5
10 Supra 5
“where the economic gender gap is larger than the political gender gap”.12 In this year, the gender gap in the economic participation has widened by 3%.13 An average Indian woman spends 351.9 min per day on unpaid care work in comparison to the men who spends 51.8 min per day for the same.14 This data states that if a woman is engaged in paid employment will work longer than the men because they are involved in the unpaid work as well.

Due to development and modernization in our country the female literacy rate has comparatively increased and the women are now participating in paid employment opportunities to support their families. But, the participation of women in household work is still the same which acts as an extra burden upon them. Secondly, there are certain aspects which are negatively affecting the employment opportunity for women which includes gender discrimination, sexual harassment at workplace, unequal wages, non-availability of basic facilities at work places.15 There are several cases of women leaving their jobs after their pregnancy, this is due to the overburden of household work which now also include taking care of their child. This is an age-old practice wherein women are held responsible for the nurturing of their children; it is widely believed that this responsibility belongs to only the females of the family. According to a study, by Intellecap16 it is found that nearly forty eight percent of women stop working in an approximate duration of four months after the end of their maternity leave whereas in the case of men around fifty percent are engaged in employment during the growing age of their child.17 Also, there are certain cases where women are not given a chance to engage in paid employment due to low opportunity, reason being the employers are hesitant to bear the cost of maternity benefits under which the women are supposed to be paid during their maternity leave. This is an add-on to the prevailing gender gap in economic opportunities. Furthermore, sexual harassment at workplaces is the reason behind the decline of women in participating in paid employment whether it is rural or urban areas. Women are hesitant to go out and work due to the fear being sexual harassed. The social norms attached to the women is based on the gender discrimination which does not allow women to participate in paid employment opportunities, if they do so they have to face domestic violence in their houses.18 Domestic violence not only includes violence towards married women by their husbands and in-laws but also includes violence against unmarried daughters by their father, brother and even their mothers. There is a stigma attached due to which it is believed that women are meant to do household works only. This violence to stop women from working is not just confined to

13 Supra 11
15 Supra 5
17 Ibid
18 Supra 5
rural areas but is also rampant in urban societies.

While discussing the criteria of gender gap, in India there is a huge difference in the earnings of women and men in any paid employment as well as the labour market. This unequal pay is not only a violation of human rights of women but also is the reason behind their involvement in unpaid care work. Currently, India ranks under the bottom 10 in equal payment, as the income of women is only one-fifth of that of men. All these factors are the reason behind the decline in women’s economic participation. “As per world bank data the participation of female in the labor force has decreased from 32% in the year 2005 to 21% in 2019”. Due to this decrease in participation by women their financial status has been affected which is the reason behind the lack of education and skill upgradation in women and thus reduce the economic opportunities for them and has pushed them towards unpaid domestic work. Despite, this crucial role of women in the survival of any family, the unpaid care work formed by women is not considered as a part of an economic activity and is also not reflected in the progress of the economy. The role of women as mothers is the reason behind their involvement in part time works which results in unequal and low payment. This extreme involvement of women in unpaid care work is a violation of the fundamental rights to equal opportunity as well as liberty.

3. GENDER GAP IN ECONOMIC OPPORTUNITIES: VIOLATION OF CONSTITUTIONAL RIGHTS OF WOMEN-
According to the Constitution of India women are required to be treated equally and without any discrimination which are present in the society at large. As it is evident from the Vedic period women are treated unequally and were thus restricted from working outside their home and were supposed to do the traditional household work which includes cooking, maintaining their home and taking care of everyone of their family. This gender discrimination and social norm was the reason behind no development in their economic as well as social status. Due to this discrimination, there was a need for certain provisions which will protect the human rights of women as stated by the UDHR, 1948. The discrimination resulted in low economic opportunities to the women and is very much evident from their unpaid care work and the current data provided under the Gender Gap Report 2021.

19 Supra 11
22 Universal Declaration of Human Rights 1948, Article 2- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
23 Supra 11
There are several protections provided to women in India through the Constitution of India and other legislations that are in consonance with the Constitutional provisions. Gender equality is the basic principle enshrined in Indian Constitution through various provisions mentioned under the Preamble, Fundamental Rights and Directive Principles of State Policies.

There are several social factors such as customs and traditional which are inspired by patriarchal mindset, whole responsibility of women in household work, sexual harassment at workplace, domestic violence, lack of employment opportunities for women and unequal wages plays an effective role in decreasing the economic participation of women in paid employment and thus increasing their involvement in unpaid care work and is directly a violation of the Constitutional rights guaranteed to the women.

Article 14-16 of the Constitution of India states the equality principles and protects women from being discriminated.

Article 14- “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

Article 15- “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

Article 16- “(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.”

In the year 1981 a landmark decision was pronounced by the Supreme Court of India where the petitioner Nargesh Mirza filed a writ petition against Air India International Corporation. The petition was based on the discriminatory service condition mentioned under the regulations of Air India which provided that the air hostess employed under the corporation cannot marry before a four-year term of their service. The minimum age of recruitment is nineteen years and the bar of four years on their marriage will result in their not getting married till the age of twenty-three years. Therefore, if she got married before the minimum age limit then she was forced to resign from the post. Further, if she got married after attaining twenty-three year of age there was a bar on her pregnancy. The maximum age limit for the post of airhostess was thirty-five years. All these provisions provided under the regulations of Air India was challenged on the ground of being discriminatory towards women because there were no such restrictions for male employees. The Supreme court of India stated that the Air India regulation with respect to retirement and pregnancy clause is unconstitutional as it is violative of Article 14 of the Constitution and is unreasonable and arbitrary.

24 Constitution of India 1950, Article 14
25 Ibid, Article 15
26 Ibid, Article 16
27 Air India v Nargesh Meerza and Ors (1981) AIR 1829
28 Supra 24
29 Ibid
Another case which was discriminatory against women was of **C.B. Muthumma v Union of India**. In this case M.s Muthumma who was a senior member of the Indian Foreign Service filed a writ petition under which she complained that she was deprived from being promoted to grade-I which was illegal and unconstitutional. According to rule 18 of the Indian Foreign Service (recruitment, cadre, seniority and promotion) rules of 1961, stated that no married women shall be appointed in the Foreign Service. In other rules of the Indian Foreign service, the rule 8(2) stated that if a women member is in the service, she was required to obtain written permission from the Government for getting married. The Supreme Court held that the Foreign Service is misogynist and the provisions are discriminatory and is violative of Article 14, 15 and 16.

Further, in the case of **Mrs. Shiva Narul v State of Tamil Nadu** and others, the court held that a clause in the contract of service states that if a lady teacher recruited in a private school got married, she shall be terminated from her services, this is violative of Article 14, 15 and 16 of the Constitution. Another such case was of **Mohini Philip v Union of India and others** the court held that if a woman is working as a nursing officer in the military service cannot be terminated from her services purely on the grounds of marriage as it is arbitrary and unreasonable. In the case of **Dattatreya Motiram More v State of Bombay**, it was held that a state could discriminate in favor of women which is evident from Article 15(3) but it is not supposed to discriminate the women and favor the men.

**Article 21**

The very first case of sexual harassment at workplace which got recognition by the Supreme Court of India was of **Vishakha v State of Rajasthan**. In this case the Supreme Court formulated a number of guidelines to protect the women from workplace sexual harassment and thus providing them with gender equality. The court further said that “gender equality includes protection from sexual harassment and right to work with dignity which is an universally recognized basic human right.”

Thirteen years after the pronouncement of this landmark judgement the Indian legislature enacted the **Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013** to implement the guidelines stated in the same. To provide a safe and free environment for women at workplace and to promote gender equality several provisions tasked a duty upon the employer. It was believed that through this legislation the women will feel safe at their workplace which will result in improving

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30 C. B. Muthamma v Union of India & Ors (1979) AIR 1868
31 Supra 24
32 Supra 25
33 Supra 26
34 Mrs Shivanarul v State of Tamil Nadu (1985) IILLJ 133 Mad
35 Mohini Philip v Union of India and Others (1993) IILLJ 129 Mad
36 Dattatreya Motiram More v State of Bombay (1953) AIR Bom 311
37 Constitution of India 1950, Article 15 (3)- Nothing in this article shall prevent the State from making any special provision for women and children.
38 Vishaka & Ors v State of Rajasthan & Ors on 13 August 1997
39 Ibid
40 Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013
their work which ultimately results in their economic empowerment and social growth. But this is not the scenario when it comes to the present time where women are raising their voices against sexual harassment through a movement known as the #meetoo movement.

The Directive Principles of State Policy are mentioned under part IV of the Constitution of India. These provisions are not enforceable in any court of law but plays an important role in the good governance of the country by providing welfare to its citizen which also includes women. The DPSP’s are enumerated to fulfill the purpose of social needs.

Article 39(a) states “The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood”.41 Article 39 (d) states “The State to direct its policy towards securing equal pay for equal work for both men and women”.42 It was the Equal Remuneration Act of 1976, which was enacted in consonance with Article 39(d). This legislation was enacted by the Government to enforce the DPSP.

In the case of Meckinnon Mackenzie and Corporation Ltd. v Audrey D’Costa and others43, the Supreme Court stated that there shall be equal pay for equal work as provided under Article 39(d)44 of the Constitution and further said that the women stenographers shall be provided with equal payment as that of the male stenographers, there is no such differentiation with respect to confidential stenographers or normal stenographers, therefore the employer cannot deny them with equal remuneration as it is violative of the equal remuneration act as well.

In Bhagwan Dass v State of Haryana 45, the Supreme Court while deciding the case said that even if the mode of recruitment of any employee was different and also the employee was temporary or casual if they are performing the similar work as per the law they are entitled to equal wages.

The Supreme Court of India through the case of Sanjit Roy v State of Rajasthan 46 instructed Rajasthan government to follow the principle of equal pay for equal work and pay equal wages to both men and women workers who are engaged in the relief work. Due to non-payment of equal wages the women are subjected to discrimination which is in violation of both the Constitution of India and the Equal Remuneration Act, 1976. The participation of women in the unpaid care work is influenced by this gender pay gap in India.

Article 39A states “The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”47

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41 Constitution of India 1950, Article 39(a)
42 Ibid, Article 39 (d)
43 Meckinnon Mackenzie and Corporation Ltd. v Audrey D’Costa and others (1987) AIR 1281
44 Supra 42
45 Bhagwan Dass and Ors v State of Haryana & Ors (1987) AIR 2049
46 Sanjit Roy v State of Rajasthan (1983) AIR 328
47 Constitution of India 1950, Article 39A
Article 42 states “The State shall make provision for securing just and humane conditions of work and for maternity relief.”  

This provision was included to make every employer liable to ensure just and humane condition at work and also makes it obligatory on every employer to provide women with maternity benefits. This provision basically protects every employee from the unlawful behavior by their employers.

Maternity benefit Act is a welfare legislation and was enacted to provide women with several benefits during the time of their pregnancy which includes paid leave for around twelve weeks and this was increased after the 2017 Amendment Act to twenty-six weeks. The Act does not contain any provision with respect to paternity leave and this shows that the whole burden of child care is upon the mother, due to which the women are forced to leave their jobs.

All these provisions shows that they are included under the Indian Constitution to protect the women from being discriminated. But somehow these provisions are not sufficient to eliminate the factors responsible for women’s increased participation in the unpaid care work. To overcome this situation of gender gap in the economic opportunities for women there is a need for a stringent legislation followed by a proper implementation in order to protect the women and also to somehow include the unpaid care work in the labour code to provide the women with equal income for their equal care work.

4. RECOGNITION OF UNPAID CARE WORK BY WOMEN IN INDIAN LABOUR LAWS

The manifests of the recent elections of different parties had put a limelight on the unpaid domestic work mostly done by women. Starting from Tamil Nadu, wherein monthly assistance to women family heads was ensured, in Kerala pensions for housewives and lastly in West Bengal income support to female heads, were some of the assurance given to empower the women, but since years these proposals have never come to the reality as these have been only an agenda to attract women voters.

According to the OECD, unpaid care work has been defined as “all unpaid services provided within a household for its members, including care of persons, housework and voluntary community work”. These unpaid domestic work are said to be work because practically a person can pay a third person to perform the same. According to the 2019 NSS Report on the estimated time used by the women and the girls in the unpaid care work is about 299 minutes a day whereas a man spends 97 minutes on the domestic work. The gender inequality in India starts at every home and this inequality has an impact on the reduced participation of female in the formal

46 Ibid, Article 42
50 Maternity Benefit Act, 1961
51 Ibid, Section 5 (3)
52 Supra 4

economic sectors. Which is quite evident from the recent World Economic Forum’s Global Gender Gap Report 2021, wherein the women’s labor force participation has fell down to 22.3% from 24.8%. Nevertheless, the Covid-19 pandemic has enlarged the gap, as per a survey by November 2020 most men got back their jobs but like always women had to struggle for it to be specific about 49% of job losses were by the women. Thus the economic contribution (17% of India’s GDP) and the participation of the women are negligent. As per the ILO report, on “care work and care jobs for the future of decent work” the main barrier that is preventing women from participating, sustaining and advancing in the labor force is the disproportionate time they allot to the unpaid care work. Sadly, the hidden force that keeps the society and the economy same and the work that helps individual wellbeing is neglected, undervalued and is not recognized. It is estimated by the ILO that if the domestic services are valued on an hourly minimum wage, it would amount to 9% of the global GDP.

4.1 NEED OF WAGES FOR UNPAID CARE WORK

The International wages for House Work Campaign of 1972, started in Italy and widen to UK. In various UK cities, wages for house work committees were formed. Selma James, who was the founder of the International Wages for House work campaign is now the coordinator for Global Women’s Strike, this movement seeks for recognition of the household work done by the females and the contribution made by them should not go unacknowledged and thus the same should be included in the labor force. However, the central of these movements were not wages for housework rather to bridge the gender gap in the labor force.

In 2010, in India an application was filed by the National Housewives Association striving for recognition as a Trade Union. The plea was rejected by the Deputy Registrar of the Trade Unions by citing a reason that housework is not a trade neither is an industry. Nevertheless, there are various schemes and proposals that are put on tables but they are never been materialized like in 2012, the then Minister for Women and Child Development had assured that the government was seeking into consideration for mandating salary for the housewives from

54 Supra 11
56 Supra 2
57 Sana Shah, “Remembering the wages for housework movement during this lockdown” (feminisminindia.com, 8 May 2020) <https://feminisminindia.com/2020/05/08/remembering-the-wages-for-housework-movement-during-this-lockdown/> accessed 26 May 2021
58 Selma James, “I founded the Wages for Housework Campaign in 1971- and women are still working for free” (Independent, 8 March 2020) <https://www.independent.co.uk/voices/international-womens-day-wages-housework-care-selma-james-a9385351.html?amp> accessed 26 May 2021
60 Ibid
their husbands with an aim to financially empower women. But this never came into reality.

In India, our society normalizes the restrictions a woman is put through for not taking up a paid job. This is evident from a household survey undertaken by the OXFAM in the states of Jharkhand, Bihar, Uttar Pradesh and Chhattisgarh, concluded that 53% of those surveyed believed that since it is the duty of the female to take care of the children it is acceptable to criticize her and 33% felt that if she fails to do so it is bearable to beat her for this reason. Also, 41% had a notion that a woman should be beaten if she did not prepare and meal for the male in the family, 42% accepted that it is normal to beat a woman if she fails to fetch water or fuel for her family. Lastly, “54% believed that it was okay to beat a woman if she left the house without asking a man’s permission”. Thus these are the issues that put the women under extreme restrictions which ultimately reflects in their under participation in the formal economic sectors. There are certain initiatives taken up by different State Governments like “cash transfer scheme for women- Goa’s Griha Adhar Scheme and Assam’s Orunodoi Scheme”, but these are only a form of financial support and not a formal payment of wages for the care work.

4.2 RECOGNIZE, REDUCE AND REDISTRIBUTE UNPAID CARE WORK-

The feminists have always contended in order to achieve equality in paid work, there is a need for ensuring equality for women in unpaid work as well. The amicable plan to achieve the same is suggested as the 3 R’s- Recognize, Reduce and Redistribute the women’s unpaid care work. “Prof. Diane Elson has suggested a model with 3 inter connected dimensions that seek to address and incorporate unpaid care work into the development agenda through the 3 R’s.”

These strategies have been proved as a success in the high income countries and gradually these are being adopted by the developing countries as well.

- RECOGNIZING UNPAID CARE WORK AND DOMESTIC WORK- “Recognizing unpaid care and domestic work means understanding how this work underpins all economies and valuing it accordingly”.

61 Ibid
64 Ibid
65 Ibid
68 Diane Elson, “Recognize, Reduce and Redistribute Unpaid Care Work: How close the Gender Gap”,
The importance of unpaid care work needs to be understood and not undermined for instance if no one had children, and started taking care of families and friends, the lack of labor force would result on a halt of the economies.

By considering the approximate time spent on the unpaid care work using ‘time-use survey’ and putting a price tag on the result of the output is a method that can be used to calculate the economic value of the domestic work.69 This method is a full proof plan as during the time of 1966-2015, approximately 85 countries globally have used the ‘time-use survey’ in order to come to a reasonable conclusion about the time used by the women and men in 24 hours and seven days of a week. As per the statistics of the United States under the Bureau of Labor Statistics and the Census Bureau, 2014, the average time spent in paid work by men was 4.28 hours and on the other hand on the part of the women it was 2.93 hours, and the average time spent by the men and women on unpaid work was 2.33 hours and 3.72 hours respectively.70 The first step taken in India in order to address the inequalities that is prevailing in the unpaid care work is to recognize its value and in order to understand this value we require the data, mainly the time-use.71 And for the first time such country wide survey was conducted in India in the year 2019, through the “NSS Report-Time-use in India 2019”.72

Like other countries India should also recognize women’s unpaid care work and support them with payments linked to the nurturing of children. There has been a concern expressed by feminists with respect to the long term paid maternity leave for example in Finland the mothers are given an availability of three years of maternity leave in order to encourage women to not leave paid employment, which in return makes it difficult on their part to return back to the jobs. Rather our government should use a more transformative alternative which be a paid parental leave, which can divided between the parents. This would help in redistributing the responsibilities between the men and women.

- REDUCING UNPAID CARE AND DOMESTIC WORK-

In the next step in order to reduce unpaid care work the investment needs to be done in the direction of physical infrastructure like ensuring proper sanitation, clean water, public transportation, social infrastructure in line of health and educational services. As per an OXFAM Report73 due to the government’s National Rural Drinking Water Program, it has been estimated that on an average, women spend 22 minutes less on care work due to availability of water and 60 minutes more on paid work per day. Particularly in Rural areas, the females spend a lot of their time in collecting water and fuel for the family. Thus in order to eliminate the burden of unpaid care work the state needs to invest on infrastructures for better availability of water and sanitation.

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69 Ibid
70 Ibid
71 Ibid
72 Supra 53
73 Supra 66
Considering the proposed model of the 3 R’s the unpaid care work can be reduced and made economically viable through the labor code of India.

5. THE IMPACT OF COVID-19 ON THE WOMEN IN CONNECTION TO THE UNPAID CARE WORK-
The widespread of Covid-19 has thrown a spotlight on the importance of the role of the care work particularly in the current lockdown in several states which has resulted in a closure of various services, wherein majorly the schools, institutions, health care, day care, responsibilities have shifted the burden on the women. While this could have been an opportunity to bridge the gender gap in the roles of the male and female within a home, evidence shows that there is still a disproportionate amount of care work done by the women in this time of pandemic.

Even before the covid-19 crisis, on an average, globally, the females used to devote three times of their time on the unpaid care work and domestic work of the males. These responsibilities have only increased with the current situation, as the hygiene requirements are an add-on to the already persisting burden. The new normal such as the health requirements, frequent hand-washing, taking care of the sick babies and ill family members, plus the self-quarantine are adding on to the already challenging tasks of the women.

In India, as per the NSSO Time-use survey, in the pre-pandemic times the women unreasonably spent 276 minutes per day in urban regions and 317 minutes per day in rural areas on unpaid care work. On the other hand the male counter spends only 39 minutes in urban regions and 80 minutes in rural areas. An evident gender gap existed in our society since time immemorial, the domestic chores are considered usually as the responsibility of the women, thus the pandemic has doubled up the time spent by the women on the domestic and care work.

“As per a survey by the Institute of Social Studies Trust found that 66% and 36% of those surveyed during the pandemic indicated an increase in domestic chores at home and reported an increase in child and elderly care work respectively during this period”. Talking about the working women their burden have doubled up with long working hours and simultaneous management of the needs of the family. Mostly in the middle class household in the urban regions, the ‘work from home’ has blurred the space between the working timings and the personal space.

The unreasonable hike in the unpaid care work that is mostly done by the women and the girls in each household have several consequences except gender inequality, which includes a higher risk of infection, psychological effects, as they are the ones held responsible for taking care of the infected family members. The over-burden that is on the shoulders of the women due to the persistent covid-19 situation, physically and mentally drains them and in case of working women the blur line between the ‘work from home’ and ‘work for home’ is

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75 Ibid
76 Ibid
having a negative impact on both the physical and mental well-being of the women.

6. **RECOMMENDATION**

   According to the above-mentioned discussion, it is quite evident that the unpaid care work is considered as a sole responsibility of women and due to this social norm, there are several factors which are in reality affecting the economic opportunity for women which is considered as her fundamental right. To overcome this situation where women are suppressed and their unpaid care work is not recognized as work there is a need for proper implementation of a law which will recognize their unpaid care work as well as will reduce the gender gap in the economic opportunities.

   - At first, there needs to be a behavior change in the gendered social norm where only women are supposed to do the care work, also it is required to remove the patriarchal mindset through educating the upcoming generation by starting gender sensitizing programmes.
   - Secondly, there is a need for better working conditions, safe environment as well as equality in payment for women so that, even if they are overburdened by their care work, they are not forced to leave the employment opportunities due to the unhealthy environment at their workplaces.
   - Thirdly, to lower the burden of childcare it is required to amend the maternity law and insert a provision which will provide men with paternity leave so that they will equally contribute towards nurturing of their child.
   - Fourthly, on the basis of the three R’s of unpaid care work, the reduction one will be used as a great element to reduce the burden of house care work on women by providing them with basic amenities as well as services.
   - Fifthly, to reduce the gender gap it is required to redistribute the household work between both men and women equally so that there is no discrimination and no one person will be overburden by the care work which is usually done by the women.
   - Lastly, if the Government will recognize the unpaid care work by women and enact a legislation under the labor code on the basis of the three R’s of the unpaid care work by providing wages for the care work to the women, it will act as an economic opportunity for them.

7. **CONCLUSION**

   If calculated the value of the unpaid care work done by the women of both rural and urban areas would amount to approximately US$612 Billion per year. Despite the vastness of the nature of the domestic work and the above mentioned figure, the unpaid work done by women goes unnoticed. Since in India we have a patriarchal mindset it is often believed by our society that it is the responsibility of the females to look after the domestic chores and nurture the children and the old family members. Ironically, this work done by the women is the hidden engine behind the basic economical participation done by the males, but this contribution has always been undervalued. There are various social and economical restrictions that compel the women to either drop out of a paid job or not join the in economical opportunities. Nevertheless, other constraints like poor public transportation, gender gap, unequal pay scale and sexual harassment are an add-on to the reasons of the minimal participation of the women in formal sectors. The current pandemic situation has forced the government to put a lockdown on various...
institutions, activities and services. Primarily, limited services of the educational and the health care has doubled up the burden on the women as with the normal domestic work they have to give extra efforts to educate their children and look after the hygiene of the family members. Moreover, the new norms of self-quarantine and frequent hand washing and other healthcare mandates are draining them physically and this over-burden is burning them out with psychological effects. Thus, there is a need to adopt the 3 R’s-recognition, redistribution and reduction in order to bridge the existing gender gap.

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