
UNPAID CARE WORK: WHO REALLY ‘CARES’?

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ABSTRACT

Unpaid care work i.e., the work performed within the private spheres which is majorly undertaken by women is more often than not excluded from the ambit of ‘work’, which if encompassed would amount to a considerable part of a country’s GDP. Due to the deep-seated patriarchal notions, work performed by women in the households are not recognized at the very outset and is equated with the natural obligation of women. In this paper, the authors have highlighted the long-drawn struggles by the feminists against the bleak recognition of unpaid care work. Further, transgression of human rights in context of International Conventions have been discussed. In this background, Indian policy makers also felt the need to value the unpaid care work and thus, they have incorporated the UN recommended Triple R Framework- Recognition, Reduction and Redistribution vide legislations. Finally, to give a holistic picture, the authors have attempted to trace the shortcomings of the legislated enactments.

Keywords: Unpaid Domestic Care Work (UDCW); Feminism; Recognition; Reduction; Redistribution.

I. INTRODUCTION

Work means and includes anything which involves thinking, analysing, physical labour etc., but for some consideration. Thus, remuneration is considered to be a yardstick for being acknowledged as a 'work'. As a result, the work performed by women within the confinement of homes have always remained unrecognized and undervalued. This stereotype is so deeply embedded in our society that *Unpaid Domestic Care Work* (hereinafter referred as 'UDCW') is considered to be the natural trait of women.

Throughout the world, there is no country where women and men perform an equal share of unpaid care work. Women spent more than 75 per cent of the total hours for unpaid care work. That being so, on an average women employ 3.2 times more time than men to UDCW.¹ This unequal distribution of unpaid work is highly reflective of the power relations between men and women. The United Nations recognized that gender care gap has led to infringement of women's rights and is acting as an obstruction for the emancipation of women. The growing visibility of care work led to the formulation of the *Triple R Framework* which focuses on Recognition, Reduction and Redistribution of the UDCW. The Framework was introduced to add a transformative approach towards the care policies.

The paper has been written with the *objective* to bring UDCW to the mainstream society and to break the stereotypes which walk hand-in-hand with the unpaid care work. The authors try to analyse the extent of consciousness regarding their social and political status which was born during the Second Wave of Feminism. Further, the authors have tried to investigate the extensiveness of the revolutionary *Triple R Framework* with respect to the policies and legislations that were and have been constituted in India.

II. NOMENCLATURE

Before analysing the *Triple R Framework* and the laws to facilitate their implementation, it is pertinent to dissect the term 'Unpaid Care Work'. It is expedient to look into the literal meaning of these terms as given by OECD. Going by the definition given by the OECD, the term *Unpaid* can be strictly interpreted as an activity performed by an individual that is not remunerated. Going further, *Care* can be interpreted to mean that an act or conduct or service rendered that

¹ Jacques Charmes, "The Unpaid Care Work and the Labour Market. An analysis of time use data based on the latest World Compilation of Time-use Surveys" *ILO* 3-4 (2019).

is essential for health, well-being, maintenance, and protection of someone or something. **Work** is the activity that involves mental or physical effort and is costly in terms of time resources.²

Next in line is Resolution I adopted by the 19th International Conference of Labour Statisticians (ICLS) on the “*Statistics of Work, Employment and Labour Underutilization*” introduced a conceptually revolutionary definition of work. It provided that:

“Work comprises any activity performed by persons of any sex and age to produce goods or to provide services for use by others or for own use.” To allow for separate measurement for meeting different objectives, Resolution I identifies the following “five mutually exclusive forms of work:

- 1. own-use production work, comprising production of goods and services for own final use;*
- 2. employment work, comprising work performed for others in exchange for pay or profit;*
- 3. unpaid trainee work, comprising work performed for others without pay to acquire workplace experience or skills;*
- 4. volunteer work, comprising non-compulsory work performed for others without pay;*
- 5. their work activities (not defined in this Resolution)”*

The Resolution has provided a very inclusive definition. By introducing the phrase ***for use by others or for own use*** they have taken a remarkable step of recognizing the production of goods and services provided in home for personal use as well as other household members. Further, as per the standards of ICLS, care work can be performed for pay or profit (care employment) or can be unpaid (as in unpaid care work, volunteer care work or unpaid trainee care work etc).

III. FEMINIST OUTLOOK OF UDCW

Having discussed the meaning of unpaid care work, let us look at the struggles undertaken to acknowledge UDCW. Throughout the history, women were confined to the homes while the men were reserved for the public domain.³ The view that women naturally had a role of taking

² Gaëlle Ferrant, Luca M. Pesando and Keiko Nowacka, “Unpaid Care Work: The missing link in the analysis of gender gaps in labour outcomes” *OECD* 3 (2014).

³ Feminism, available at: <https://www.britannica.com/topic/feminism> (last visited on August 20, 2025).

care of children at home while men were the ‘breadwinners’ was deeply entrenched in the society.⁴ While, this regressive mindset was rampant in the society, what is of paramount importance is what women think about themselves. They had been brainwashed in believing that they were naturally and biologically meant for performing household work. However, this imposed outlook was creating a continuous dissatisfaction among women.

The historians suggest that the Betty Friedan’s publication of 1963 “*The Feminine Mystique*” created a profound influence on the second-wave feminism.⁵ Resulting that in 1970,⁶ a *National Women Liberation Movement Conference* was held in Oxford with four major demands: (1) Equal pay for equal work (2) Equal education opportunities (3) Free contraception and abortion on demand (4) Free 24-hour nurseries. The first conference was followed not only by local conferences but also by seven national conferences that were organized in seven different cities of Britain.⁷ These conferences revolved around the issue of ‘women liberation’ with special focus on domestic labour; just pay for the work done inside and outside the home.

This theorisation was shared by the majority of feminists of the early 1970s and proved to be crucial for the development of feminism and gender studies also.⁸ Women became conscious of the fact that their subordination was not due to the natural traits but because of the unequal social structure created because of the orthodox mindset. The feminist *Anna Oakley*, in her ground-breaking book, *Sex, Gender and Society (1972)*, distinguished between sex and gender. Former being the biological differences between male and female, while the latter is the product of the culture.⁹

One of the possible reasons as to why it took so long for the culmination of such movements was that it was difficult for women to consciously realize that they were being oppressed.¹⁰ Since long, they have been taught that their bliss lies in the marriage and motherhood. Any discontentment that

⁴ Florence Binard, “The British Women’s Liberation Movement in the 1970s: Redefining the Personal and the Political” 22 *French Journal of British Studies* 2 (2017).

⁵ Janet Maslin, “Looking Back at a Domestic Cri de Coeur” *The New York Times*, Feb. 18, 2013.

⁶ **By the year 2000, more than 3 million copies of *The Feminine Mystique* had been sold.

⁷ Timeline of the Women’s Liberation Movement, available at: <https://www.bl.uk/sisterhood/timeline> (last visited on August 10, 2025).

⁸ Skegness in 1971, Bristol in 1973, Edinburgh in 1974, Manchester in 1975, Newcastle in 1976, London in 1977 and the last one in Birmingham in 1978.

⁹ *Supra* note 5 at 3.

¹⁰ Ann Oakley, *Sex, Gender and Society (1972)*, available at: Non-Fiction (annoakley.co.uk) (last visited on August 15, 2025).

¹¹ *Supra* note 5 at 8.

they felt was a result of their personal failure. The only way that women can overcome their discontentment was by realizing that their lives were being governed by the patriarchal structure of the society and not their biological characteristics. The only way to gain such realizations was through the *Consciousness-Raising groups* (hereinafter referred as ‘CR groups’).

CR groups were small groups who would host weekly meetings in their homes.¹¹ These groups were women centred and encouraged them to share their private experiences and misgivings. Thus, they were motivated to join the struggle for social change and develop feminist views and ideas. The most fundamental feature of the movement was the idea of ‘*the personal is political*’, that can be well equated with the strong outcry of the feminists of Second Wave.¹² It was argued that most of the problems that women encounter in their daily lives are the product of the deep-rooted political structure that is extensively patriarchal. *It was observed that a relationship that has a power structure or hierarchy is a political relationship, even in domestic domain.*¹³

In 1972, Mariarosa Dalla Costa, Silvia Federici, Brigitte Galtier and Selma James brought forward a campaign for the recognition and the payment for all the caring work done in home and outside by the name- *International Wages for Housework Campaign*. One of the founders, Selma James devised the term ‘unwaged’ to describe the reproductive caring work that women do.¹⁴ The Campaign stated that they should begin with those who are least powerful internationally i.e., unwaged workers of home.

Men who agreed with this perspective, formed a similar organization by the name *Payday Men’s Network*. In 1975, another women’s organization by the name of *Red Stockings of Iceland* tried to draw attention to the role of women in the patriarchal society and to the low pay and value given to the women’s work both inside and outside their homes.¹⁵ Finally, all these struggles lead to a path-breaking victory when the United Nations declared 1975 as the *International Year for Women* to raise awareness about the women’s rights.

¹¹ *Ibid.*

¹² *Supra* note 5 at 9.

¹³ The Personal Is Political: The Journey of A Slogan, available at: <https://feminisminindia.com/2017/11/15/personal-is-political-journey-slogan/> (last visited on August 20, 2025).

¹⁴ From Wages for Housework to Global Strike- a brief history, available at: <https://globalwomenstrike.net/history/#:~:text=A%20DEMAND%2C%C2%A0%20A%20PERSPECTIVE%2C%C2%A0%20WAY%20OF%20ORGANISING> (last visited on August 23, 2025).

¹⁵ Kate Sheill, “A Dangerous Unselfishness: Learning from Strike Actions” *Asia Pacific Forum on Women, Law and Development* 15 (2019).

Throughout the 80s and 90s, these protests and campaigns continued to further recognize the UDCW. In 2019, the Wages for Housework Campaign's co-founder Selma James, gave a policy recommendation to "*fund a care income to compensate unpaid activities like care for people, the urban environment, and the natural world.*" This idea of '**care income**' expanded the scope of the earlier demand for wages and included other important works that involve caring. With the onset of the global pandemic, the demand for 'care income' amplified.

Having explored the international struggle towards UDCW, the next part enumerates the specific human rights which are violated due to gendered notion of work.

IV. INSTITUTIONALIZING UDCW IN INDIAN CONTEXT

In India, articulation of women's unpaid care and domestic work are seldom a part of public policy. This is the hard reality despite the fact that India has a strong social welfare tilt, revolving around gender equality and rights. The socio-economic policy discourse on gender equity and inclusivity also does not pay close attention to unpaid work.

It was only in 2010 that the *National Housewife Association* filed an application for recognizing it as a 'Trade Union'. However, it was rejected by the Deputy Registrar of trade Unions on the ground that housework is not a trade or an industry.¹⁶ Here, it is important to draw attention to the data presented by the Ministry of Home Affairs in the 2011 census. It categorized homemakers as non-workers and equated them with beggars and prisoners. This phrase totally suggests the misogynistic attitude that is prevailing in the society.¹⁷

In 2012, **Krishna Tirath**,¹⁸ the then Minister for Women and Child Development announced that the government was considering the creation of a salary for all the housework that they perform, from their husbands. It was believed that it would empower women to live independently with dignity. However, in 2014, the government was changed. As a result, the idea was never materialized.

¹⁶ Arpan Tulsyan, "A salary to women for domestic work institutionalises idea of men as 'providers'" *The Indian Express*, Jan 9, 2021.

¹⁷ Housewives, prostitutes, beggars clubbed in Census; SC upset, *available at*: <https://economictimes.indiatimes.com/news/politics-and-nation/housewives-prostitutes-beggars-clubbed-in-census-sc-upset/articleshow/6208626.cms?from=mdr> (last visited on August 17, 2025).

¹⁸ Ankita Dwivedi Johri, "What is a homemaker's worth?" *The Indian Express*, Feb. 23, 2021.

Another step in this direction was in 2016 when the *Draft Policy for Women* was put forward. It recognizes that:

“.....This unequal burden of unpaid care undermines women’s participation in the economy.....Further measures will be undertaken to free women’s time for paid work through time-saving technologies, infrastructure, child/parental care services (Crèches) and child care/parental leave.”

Many initiatives have also been introduced by the Political parties. For instance: in January 2021, *Kamal Hassan’s party Makkal Needhi Maiam* while putting forward the party’s vision document said that housework is a job in itself and should be proportionately paid.¹⁹

Drawing inspiration from the international instruments and to achieve the goals enlisted in articles of the Indian Constitution,²⁰ a number of legislations have been enacted which can be categorized under the *Triple R Framework*.

V. THE REVOLUTIONARY TRIPLE ‘R’ FRAMEWORK²¹

It is pertinent to analyze the laws and policy initiatives aimed towards *Recognition*, *Reduction* and *Redistribution* of unpaid work. Let’s start analysing the laws and policies, and test the extent to which the unpaid care work is incorporated in such initiatives.

1. Recognition of unpaid care work

In the context of *Three Rs*, the first R of ‘*recognition*’ means to acknowledge and identify the work or services rendered by an individual. To further this, a number of statues have been enacted, one being *Motor Vehicles Act, 1988*. However, the biggest irony remains that the women’s work is not recognized when she is alive but after death.¹⁵

Motor Vehicles Act, 1988

According to the National Crime Records Bureau, over 1.55 lakh lives were lost in road

¹⁹ Housewife Itself A Big Job, They should be paid: Kamal Haasan, available at: <https://www.ndtv.com/india-news/makkal-needhi-maiam-chief-kamal-haasan-says-housewife-itself-a-big-job-they-should-be-paid-2187519> (last visited on August 19, 2025).

²⁰ The Constitution of India, arts. 14, 15, 16, 39(a), 39(d), 42, 51A (e).

²¹ Professor Diane Elson devised a model with three interconnected dimensions that seeks to address and incorporate unpaid care work into the development agenda: Recognition, Reduction, and Redistribution.

accidents, with an average of 426 daily or 18 every single hour.²² Now, the question is if the architecture of tort law allows the recognition of unpaid labour? Does it possess the potential of producing an egalitarian outcome? To explore this, it is imperative to study the judgments delivered by the Appellate Courts to demonstrate how unpaid labour was valued by the court while determining compensation in the Motor Vehicles Act, 1988.

In 1979, in the judgement of *Mali Devi v. Sukhbir Singh*²³ the Delhi High Court estimated the value of a homemaker while deciding a case under the Motor Accident Claims. In this case, a woman died in an accident; the court assessed her value for taking care of six members of her family and helping her husband in farm and provided a meagre sum of Rs. 150 per month as a compensation. This judgment shattered the faith of many people as they believed that the hon'ble court has failed badly to value and evaluate the domestic unpaid care provided by the women; as there was not only a physical loss but also a mental agony.

Further, in 2001, the Apex Court gave a historical judgement regarding the homemaker's remuneration in *Lata Wadhwa v. State of Bihar*.²⁴ In 1989, accidentally a fire broke out in the premises of the Tata Iron and Steel Company factory which led to the death of 60 people, most of them were women and children.

Justice Chandrachud used the '*multiplier method*'. In this method, an individual's net income is multiplied with the years of service lost due to the untimely death. Following this, the court awarded an annual compensation of Rs 12,000 for housewives. However, the counsel for the petitioner argued that the compensation awarded for the death of housewives was not adequate. Hence, the amount was enhanced to Rs 36,000 per annum. Thus, this became a landmark judgement and provided a basis for the future rulings.

In another case of *National Insurance Co. Ltd v. Minor Deepika*,²⁵ Deepika's grandparents claimed compensatory relief for the death of her parents in the accident. The Hon'ble Justice Prabhu Sridevan relied on the '*partnership method*' and calculated the compensation, considering the homemaker's contribution in daily chores and her role as a caregiver. The

²²India: 426 die each day in road accidents; 18 per hour, *available at*: <https://www.wionews.com/india-news/india-426-die-each-day-in-road-accidents-18-per-hour-513143> (last visited on August 19, 2025).

²³ (1979) 2 SCC 687.

²⁴ (2001) 8 SCC 197.

²⁵ 2009 SCC OnLine Mad 828.

order read,

“.....But when we are evaluating the loss suffered by the child because her mother died in an accident, we think we must give a monetary value to the work of a caregiver, for after all, the home is the basic unit on which our civilised society rests.”

In the case of *Arun Kumar Agrawal v. National Insurance Co. Ltd.*²⁶ the Supreme Court while dealing with the compensation for the death of housewife due to motor vehicle accident, held as follows:

“26. In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others...

27. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family i.e., the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother..... ”

In the recent judgement of the *Kriti & Anr. Etc. v. Oriental Insurance Company Ltd.*²⁰, the Court adopted a more activist and equitable approach and took into consideration the international law's obligation and the vision of social equality. The case dealt with death of a couple who died in an accident in 2014. The husband worked as a teacher while the wife was a Homemaker. In the case, the Court was deciding the compensation for the surviving dependents.

Justice NV Ramana, while giving the judgement pointed out the gendered nature of work from the first Time Use Survey of the country which reflected that, on an average, women in India spend 16.9 and 2.6 percent of their day on unpaid domestic services and unpaid care giving services for household members respectively, while men spent 1.7 and 0.8

²⁶ (2010) 9 SCC 218.

percent.²⁴ Hon'ble Justice observed:

“10. ... The conception that housemakers do not ‘work’ or that they do not add economic value to the household is a problematic idea...”

A perusal of all these celebrated decisions, it is reflected that judiciary has been playing a remarkable role in recognizing UDCW. Despite this, it is expedient that the government too should take necessary actions for the proper enactment and implementation of such laws.

2. Reduction of unpaid care work

Having discussed the policy of recognition of unpaid care work, it becomes important to enforce the second R i.e., *reduce the unpaid work*. “*Reducing*” unpaid care work means shortening the overall time devoted to such work when it involves drudgery, which primarily could be done by improving infrastructure. The purpose behind reducing the unpaid work is to get free time for women and girls so that they can engage in formal jobs and/or social and political activities.²⁷

Unpaid care work is often linked to the poor infrastructure. The simple logic is that there is a positive correlation between advanced infrastructure and the time and physical efforts that would be required to perform the tasks. The policy of ‘*Reduction*’ can be carried out by adequate investments in physical infrastructure such as electrification, continuous supply of water, access to safe sanitation facilities, cleaner fuel and energy and efficient transportation. Thus, it could increase the time for performing paid work and attending schools/colleges.²⁸ State’s investment in infrastructure and public services is essential for relieving women of their double burden and supporting a reallocation of unpaid work between women and men.²⁹

Let us now discuss the laws and policies that have been legislated in India to reduce the unpaid care work.

²⁷ Swedish International Development Cooperation Agency, “Quick Guide to What and How: Unpaid Care Work- Entry Points to Recognise, Reduce and Redistribute” (2012).

²⁸ OECD, *Enabling Women’s Economic Empowerment: New Approaches to Unpaid Care Work in Developing Countries* 3 (OECD Publishing, Paris, 2019).

²⁹ UN Department of Economic and Social Affairs, *Unpaid Work and Policy-Making Towards a Broader Perspective of work and Employment*, ST/ ESA/ 1999/ DP 4. (Feb. 1999).

Water Policy

In 53 out of 73 countries from which data was collected, women are primarily responsible for collecting drinking water.³⁰ Experiences have demonstrated the positive impacts of the improved access of water on women's lives. Data from sub-Saharan Africa in 2012 showed that the collection of water for cooking, washing and drinking costs women collectively at least 15 million hours each day.³¹ For laundry alone, women in Zimbabwe and the Philippines make four and five trips of six and thirteen minutes three times a week, respectively, which is equivalent to two hours per week collecting water.³²

By a granular analysis of the data given above, it can be deduced that women spend a substantial amount of time in procuring water for different household needs. Further, this task is undertaken at the expense of their health. Realizing this and the importance of the accessibility of water, several policies have been brought by the Government of India. One of the most important initiatives is of *Jal Jeevan Mission (JJM)* which aims at providing *Functional Household Tap Connections (FHTC)* to every rural household.

JJM is an umbrella initiative under which various schemes work like- Piped Water Supply infrastructure for tap water connection to every household; Technological intervention for water treatment to make water potable; Sustainability measures like rainwater harvesting, groundwater recharge and other water conservation measures along with greywater management etc. At the time of the Jal Jeevan Mission's inception, barely 17% of the rural population, had access to drinking water from taps. As on March 2025, 80.15% households have the provision of tap water supply in their homes.³³ This succinctly shows that there has been a substantial rise in the access to tap water, consequently reducing the unequal imposition of unpaid care work burden on women.

Crèche facility

A major amount of time and energy is spent by women in taking care of children. However, it should be noted that the responsibility of well-being of children is not limited to the parents

³⁰ *Supra* note 28.

³¹ *Ibid.*

³² *Ibid.*

³³ Parliament Question: Tap Water Connection to Rural Households under JJM, *available at*: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2111854> (last visited on August 03, 2025).

(mothers to be more precise). Since children are the future of the country, the State owes a duty towards them. While doing so, the State need not only take cognizance of women's contribution to unpaid work but also fulfill its obligations in ways that support and lighten women's unpaid child care burdens. One of the ways to reduce the burden is by providing **Public Child Care** facilities through **Crèches**.³⁴ Crèche is a facility which enables parents to leave their children while they are at work and where children are provided adequate care for their holistic development. Thus, it provides support to both mothers and children.

Indian legislators and policy makers have realized the urgent need of it to reduce the UDCW and thus, have come up with various schemes and acts like **Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers**.³⁵ The major objectives of the Scheme is to provide day-care facilities for children (6 months to 6 years) of working mothers in rural and urban areas who are employed for a minimum period of 15 days in a month, or six months in a year. The Scheme entails for an overall development of the child. Thus, it focuses on physical, cognitive, social and emotional development of the child.

Additionally, Factories Act 1948; Mines Act 1952; Plantation Act, 1951; Inter-State Migrant Workers Act, 1980 and NREGA 2005 make provision of day care mandatory. For instance, Section 48 of the Factories Act, 1948 lays down that:

“48. Creches.—(1) In every factory wherein more than [thirty women workers] are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.....”

Lack of proper day-care services creates a deterrence for women to go out and work. Keeping this in view, the above-mentioned laws and policies were enacted and they are proving to be an effective tool of Reduction of UDCW.

³⁴ *Supra* note 2 at 65.

³⁵ Rajiv Gandhi national Creche Scheme for Children of working Mothers, available at: https://wcd.nic.in/sites/default/files/Revised%20RGNCSScheme_210515.pdf (last visited on August 10, 2025).

3. Redistribution of unpaid care work

Deeply entrenched social and gender norms fashion societies' perceptions of the division of responsibility with respect to delivery of care. Unquestionably, the common masses see domestic work as "naturally" women's obligation. Vide various policies and laws; there emerge the ground breaking concept of **Redistribution** of Unpaid Care Work. In simple words, it means ways and mechanisms of a more "equitable sharing" of unpaid care work between men and women. Just to illustrate, **MenCare** is a worldwide fatherhood campaign with the mission to "*promote men's involvement as equitable fathers and caregivers to achieve family well-being, gender equality, and better health for mothers, fathers, and children*".³⁶ Similar efforts have been undertaken by the countries like Sweden, Norway and Iceland that have executed **carrot and stick** parental leave policies that motivates the fathers to take on more of the care for their children.³⁷

On similar lines, here come the laws and policies India has brought in force to redistribute the sharing of unpaid care work between male and female counterparts.

National Rural Employment Guarantee Act (NREGA), 2005³⁸

NREGA aims towards securing the livelihood of people in rural areas by guaranteeing a minimum 100 days of wage employment in a given financial year to every rural household whose adult members volunteer to do unskilled manual work.³⁹ It has been hailed as a gender sensitive initiative due to the fact that it encapsulates many women-friendly provisions, facilitating their engagement in "work outside home". Just to illustrate, Schedule II (Point 6) of the Act, says that "*that priority shall be given to women in such a way that at least one-third of the beneficiaries shall be women who have registered and requested for work under this Act.*"

Further, women are provided with employment opportunities within 5 km of radius from their

³⁶ Recognize, Reduce, Redistribute Unpaid Care Work: How to Close the Gender Gap, *available at*: <https://newlaborforum.cuny.edu/2017/03/03/recognize-reduce-redistribute-unpaid-care-work-how-to-close-the-gender-gap/> (last visited on August 14, 2025).

³⁷ This measure includes not only a father's right to take parental leave (corresponding to the carrot) but also a "take-it-or-lose-it" father's quota (corresponding to the stick), which implies that if the father does not use his allocated share, then it led to loss of that month's paid leave.

³⁸ Now called MNREGA via The Gazette of India Extraordinary Notification dated 2nd October 2009, No. 53.

³⁹ Women Workers under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) *available at*: <https://pib.gov.in/PressReleasePage.aspx?PRID=1847394> (last visited on August 12, 2025).

house, making it easier for them to manage household and take up jobs under NREGA at the same time.⁴⁰ Additionally, the Operation Guidelines to the Act provides that the Implementing Agency has to ensure worksite facilities like medical aid, drinking water, shade, and crèche if there are more than five children below the age of six years.⁴¹

A careful perusal of all these provisions can help us to infer that facilitating women to work outside their homes can reduce unpaid care work. This has stimulated economic independence in women which has further increased the bargaining power of women. Thus, NREGA has a forceful impact on the redistribution paradigm that is clearly manifested by the sharing of household work by both men and women.⁴²

Paternity leave

The Central Civil Services (Leave) Rules, 1972 were amended in 1999 and vide Rule 43A provision for paternity leave was included. Rule 43-A (1) says:

“A male Government servant with less than two surviving children, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child...

During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave...”

Section 18-B of the ***All India Services (Leave) Rules, 1955*** are exactly on the same lines that grants to its male employees a paid leave of a period of 15 days which shall be the equivalent of last drawn salary prior to the commencement of leave.

Thus, these provisions encourage the father to take time off to look after the children, and strengthen the bond with the young ones. This has a domino effect that reduces the time that a woman spends on unpaid care work, and redistributes the obligation between men and women. Although we are much behind the Nordic countries in this aspect as they provide paternity

⁴⁰ Ministry of Rural Development, “The National Rural Employment Guarantee Act, 2005: Operational Guidelines 2008” 2-3 (2008).

⁴¹ *Ibid.*

⁴² Ashok Pankaj and Rukmini Tankha, “Empowerment Effects of the NREGS on Women Workers: A Study in Four States”, 45 *Economic and Political Weekly* (2010).

leaves of more than 6 months, but our laws are unquestionably provide a positive step to climb the ladder of gender equality.

VI. CONCLUSION

Out of the many social players including households, communities, employers, and the government - the State unquestionably has a pivotal role in balancing gender relations and norms. This can be done through policies and laws enacted by the State, that serves as a critical step in creating a “gender-equitable” mindset. However, it needs to be understood that the real change starts from the grassroot level i.e., women. As discussed above, it took women so long, to recognize that they had been conveniently propagandize by the societal norms. It is very disappointing to see that women are still a prey to the patriarchal mindset. As per a study published in *Mountain Research and Development Journal in Uttarakhand* in 2011, it was found out the women in that region considered their work as nothing. Although, it should be noted that average working hours of men of that area was just 9 hours as compared to 16 hours of women.⁴³ Thus, there is a dire need that firstly, the women should realize their status in the society. Then only, the world would acknowledge their gigantic contribution.

Other than this, the energy has to be substantially channelized in proper implementation of 3Rs: Recognition, Reduction and Redistribution. As far as **Recognition** is concerned, the Hon’ble Courts of India have recognized the unpaid care work of women under the **Motor Vehicles Act, 1988** while computing compensation under the said act. But, at the same time, laws like **Unorganized Workers Social Security Act, 2009** weakens the recognition granted to unpaid care work. Section 2(1) of the Unorganized Workers Social Security Act, 2009, defines “unorganized workers” in the following words:

“Unorganised sector means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.”

This definition excludes unpaid workers and covers only wage workers who earn certain remuneration for the work done by them, home based workers and self-employed workers who

⁴³ Shiv Narayan Sidh and Sharmistha Basu, “Women’s Contribution to Household Food and Economic Security: A study at the Garhwal Himalayas” 31(2) *Mountain Research and Development* (2011).

even though not employed by an official employer, earn a stipulated amount. This has a disproportionate and adverse impact on women, who spend a substantial amount of their time in unpaid care work. This non-recognition of unpaid care workers robs them of the social security and welfare measures, acting like a reverse step in achieving gender equality.

Moving on, to the policies aimed towards **Reduction** and **Redistribution** of Unpaid Care, there are a number of obstacles in the implementation of the schemes. Just to illustrate, unlike Nordic countries, Paternity Leave in India is restricted by the number of children. In simple words, to avail the advantage of paid paternity leave, there is a limit on the number of children. Similarly, with respect to Water Policy, although it recognizes the provisions for reduction in unpaid care work, there is a grave problem in allocation of funds. The other major change that is urgently required is to encourage community participation with greater role played by women with processes suitably designed to avoid additional demands on women's time. The financial allocation by the governments majorly remained rigid and unresponsive to the growing population and increasing inequality.

Thus, macro view of the implementation of these laws and policies show that though there are a number of obstacles that hamper the swift balancing of responsibilities between men and women, but Indian legal regime unquestionably offers a positive step in reducing the gender pay and work gap between men and women.