

## BRIDGING THE GAP: RECOGNIZING AND VALUING WOMEN'S PAID AND UNPAID LABOUR IN INDIA

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### Abstract

This study delves into the intricate dynamics of women's participation in both paid and unpaid labour, with a focus on India. Women's unpaid labour spanning household duties, caregiving, and domestic chores remains largely unrecognized despite its indispensable contribution to familial and economic stability. This unacknowledged work perpetuates systemic gender inequalities, restricting women's access to equitable employment opportunities and economic independence. The paper explores historical, socio-cultural, and economic barriers shaping the sexual division of labour, which relegates women to traditional caregiving roles. Judicial precedents and policy frameworks are reviewed, emphasizing the necessity of integrating unpaid labour into national economic metrics. Legislative advancements and judicial rulings are discussed to illustrate evolving societal and institutional recognition of women's unpaid labour. The paper concludes by advocating for a comprehensive approach combining cultural shifts, robust policy mechanisms, and shared domestic responsibilities to achieve gender parity. Recognizing and valuing women's unpaid work is vital for empowering them and fostering a more equitable society.

**Keywords:** Labour, Paid, Recognition, Unpaid, Women Workers

### INTRODUCTION

A worker is a person whose main activity is participation in economically productive activity and such activity can be of mental or physical in nature (as per the 2011 Census). The tasks include not only the execution of work but also the efficient oversight and guidance of that job. It also included unpaid labour on agricultural operations or within family businesses (2015 Labour Bureau). Work typically suggest some organised purposeful and productive activity resulting in compensation in the form of money. Norene Pupo and Ann Duffy (2012) identified work in the modern society as the way of making money, but the feminist concept of work and pay has revealed that many works are not paid. Women in the world of work anticipates the invisible barriers that will question their ability to work, determination and dignity. The work of women in unpaid is not quantified but their important role is to be identified. Women emotionally hold the family together. She is a support for her husband, beacon of hope for her kid or children, and a safe haven for the family's senior members. Whether she is working or not, she works nonstop without taking a day off. She does work, but it is not recognised as a "job" and is done in secret. In terms of money, it is difficult to quantify the services she provides, which amount to hundreds of components that are necessary for a household to operate. Due to these unrecognised hurdles faced by women, they cannot find appropriate job or working environment. As a result, women tend to move towards informal economy for flexibility and need for work. They are moved towards insecure working conditions and disarranged collective agreements and social protection. Even women in the formal sector was trapped by non- standard employment such as temporary employment, part-time employment or disguised employment without knowing the current wages and future savings. Women Participation in Labour sector is identified by

several factors such as age, skill, income, education, wages, household income, social, economic, cultural, marital factors. Access to the labour market is another great challenge that the women will face. Women in the formal sector are even pushed to the scenario of facing the unpaid work along with the paid work. When it comes to identifying the gainful or beneficial economic activities there is a drawback which the women suffer due to other constraints in their life. Globalisation brought a drastic change in the increasing fragmentation of labour and the rise of gig economy helped the women workers to balance their domestic work and other paid work.

Ursula Huws (2012) mentioned the significance of Unpaid work because of the complex interplay with key social patterns of power and coercion.<sup>1</sup> This unpaid is not randomly distributed amongst the labour workforce, rather it is deeply embedded in the relations of power and also it cannot be understood as informal, unregulated work arrangements. Unpaid work in specific instances is paid, when the work is performed by domestic workers. Thus, it is necessary that unpaid work is to be analysed in the manner beneficial to the society as unpaid work is oxymoron. Women in formal economy even though they get the benefit of the labour legislations, they are not equally treated with the men counterpart due to the unpaid work that they perform. It is noted that women participation in the formal economy increases gender equality and women's empowerment. In the International level the formal economy is well acknowledged as a significant means of enhancing the position of women and advancing gender equality between women and men. The factors like consistent remuneration, relative job stability, opportunities for advancement, additional perks, skill development, protection, social protection, social safety nets and controlled working circumstances that define formal employment providing a variety of potential advantages for women. Further it can be seen that engaging in paid employment has been linked to a decreased risk of domestic violence and a higher possibility of married women reaching choices either alone or in collaboration with their spouses. But all these paybacks are affected by the unpaid work and the responsibilities attached with the unpaid work at home. In this Article the Authors delve into different patterns of unpaid work recognition in India and in the global scenario. The Authors also point out the need for quantifying the unpaid work with economic value so that the feminist ideology of unpaid work can be restructured.

### **Barriers Encountered by Women In The Labour Market – An Evolutionary Analysis**

There exist barriers for women in labour market starting from access to working atmosphere to flexibility in working conditions. Asio (2011) analysed the work of marxist feminist scholars who opined that historically there existed sexual division of labour based on private property.<sup>2</sup> The division of labour and mode of production came as a result of class society, when men started taking up heavy duty jobs and women were pushed to the duty of reproduction. Subsequently women were earmarked and stereotyped as the caretaker of the economy and finally making a place in the unpaid care economy. The shift in the role of women failed to identify the contribution that women made to the productive economy. Men is considered as the main breadwinner of the family and women the secondary earner within the family. This discrimination within the family is a continuum of the factors such as cooking, reproduction, child care, house hold chores etc., these traditional skills of women affect their performance in the labour market. Even though these women are helped by domestic workers in the house hold chores, they still remain in the traditional gender roles.

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<sup>1</sup>Huws, Ursula. "The reproduction of difference: gender and the global division of labour." *Work organisation, labour and globalisation* 6, no. 1 (2012): 1-10. DOI: 10.13169/workorglaboglob.6.1.0001

<sup>2</sup>Asio, Trishia Mae Q. "On Friedrich Engels' The Origin of Family, Private Property, and the State."

The situation of domestic workers albeit in paid work also faces challenges in their unpaid work also. It is also important to note that women spend their productive abilities in unpaid work and possess a major constraint in their paid work. Thus, women prefer part time jobs or work from home jobs for better arrangements. Women exploitation is doubled due to the household responsibilities which is inclusive of agricultural labour. This has made women to confine themselves to clusters of typical occupations and gendering. The reasons such as the nature of duty which women followed in the ancient India has brought the rigidity in the roles given to the men and women. The nuclear concept of the family subjugated the women in their rigid roles. The development of Capitalism transformed the gender relations of the community. It is demanded by many renowned feminists that by the advance of capitalism women empowerment started. Women were pushed out from the household to the gainful and beneficial employment which realised the liberation of women. Industrial revolution witnessed the participation of large number of women workers in the process, but this was also curtailed during the post war reconstruction period. Women started with several home-based activities to earn income for their household. In Capitalist countries many women have moved out during the process of transforming the society from agro based to an industrial economy. But in South Asian sub- continents women are still engaged in agricultural activities. Thus, capitalist countries have played a vital role in altering sexual division of labour to a great extent. The exploitation and discrimination faced by women will be reduced once the women come out of the barriers of unpaid work. The burden of oppression at the house hold has emerged as the site of production, and thus women engage themselves in both paid and unpaid work.<sup>3</sup>

In 2020 nationwide survey it is identified that only 26% of Indian men do any kind of Housework. Whilst women allocate 84% of their daily time to unpaid activities, males dedicate 80% of their time to paid employment. Within that group, 8% of males indicated their involvement in home cleaning for any duration, while a mere 6% revealed their involvement in cooking for any duration. Additional tasks classed as housekeeping include home decoration and maintenance, pet grooming, household shopping, and other related activities. The objective of the survey is to measure the participation of men and women and other groups of persons in paid and unpaid activities. House hold work performed by women throughout India is more than US \$ 612.8 billion per year (as per NSSO 2019). The need for flexible nature of the work is pushing the women to migration and informal sector. Due to their engagement in both the paid and unpaid work, the working hours of women workers is more compared to men. According to Lorraine (2011) many flexible jobs end up in 24\*7 job and with less wages.<sup>4</sup> The scope for intellectual improvement is also less compared to the expectation that a woman will think in a work and hence they end up in low productive work. Women access to employment also contribute to the achievement of Millennium Development Goals (MDGs) such as MDG 3 which help in promoting gender equality and empowerment of women. Thus, it is necessary to create economic value of the unpaid work as it is estimated to contribute significantly to GDP.

### **Recognising The Unpaid Work – A Step to Bring Substantive Equality**

The issue of gender bias and discrimination is prevalent in the society even after explicit labour laws and policy decisions. The concept of gender roles in the family and women

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<sup>3</sup>Campbell, Meghan, Sandra Fredman, Judy Fudge, and Shauna Olney. "A better future for women at work." *U. Oxford Hum. Rts. Hub J.* (2018): 1.

<sup>4</sup> Women and the formal economy / Lorraine Corner » November 2011, Australian Government AUD AID Office of Development Effectiveness. Available from:  
<https://www.dfat.gov.au/sites/default/files/women-formal-economy-lorraine-corner.pdf>

employment can be connected through creativity and innovative ideas. These measures have to be initiated in multi-dimensional manner. In one manner women participation can be accelerated by recognising women participation in the paid employment as well as in decision making in the family and public life. The result can be achieved only by looking beyond the usual phenomenon of the equal treatment of women and men. The understanding should be committed to address the multiple dimensions of women's inequality. The dimensions include stigma, stereotype, violence, prejudice, and disadvantage which affect the participation of women in the society. Rather than bringing equality on all the sectors of life, the concept of substantive equality is necessary in every pace of life to bring the women participation and recognition of their unpaid work. A holistic approach by providing social protection, security, property and household income have to be effectively analysed. It is seen that women paid work is affecting drastically because of the stereotypical role of women in home care work. Men and Women should be treated alike is a notion which is spoken by thousands of people in all the arenas. But at the same time, it is difficult to identify the nature of disadvantage that women face in their every sector of life. In the commentary work of Federici (2022) based on the book 'Wages for Housework', by Louise Toupin, the analysis done on the need for wages for the women at House work was emphasised and the unseen labour is relegation of the wage less worker to the waged worker behind which is unseen the productivity.<sup>5</sup> This has led to the exploitation of the labour of women in the home and the reason of their exploitation out of it. The main concern to demand wages was to acknowledge the house work. It is considered that the unwaged labour done by women in the home is also work. The patriarchal system has provided with a supremacy in patriarchal management and patriarchal wages. The feminist perspective for household work wages changed the perspective of patriarchal predominance to recognising the labour in the work. However, Wages for Housework also aimed to enhance the lives of women in more direct manners, by engaging in battles concerning healthcare and reproductive rights, Social Security, and the prohibition of sex workers. It demonstrated the potential for radical action even during the most conservative periods. Finch, et al., (2022) insisted on Femininity like housework itself, is a skill learned by the women and not a natural part of their being.<sup>6</sup> The "labour of love" concept served as a valuable tool at that time, compelling public-sector workers to do more with limited resources out of their passion for their employment, customers, and families. Simultaneously, when more women joined the paid workforce, they carried the "labour of love" paradigm with them. Many of these contentions are feminists identifying the invisibility of the unpaid domestic work.

Unpaid work is a crucial component of economic activity and is essential for the welfare of people, families, and the economy at large. The majority of women's unpaid work is classified as informal, unacknowledged, and unrecognised in the economy. The marginalisation of women in the workforce is exacerbated by their socioeconomic status, which compels them to do unpaid domestic tasks like as cooking, cleaning, procuring food, water, and firewood, as well as providing care. Many initiatives have been taken by the Government by policy decisions to lessen the burden caused due to the unpaid work. The crucial areas considered were adequate public supply in essential areas, including electricity, health, water and sanitation, food security, and livelihoods. State provides all these services with subsidised cost and easily available to the women workers. The National Accounts framework recognised the economic value for the unpaid work the System of National

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<sup>5</sup>Boris, Eileen. "Wages for Housework: The New York Committee 1972–1977: History, Theory, Documents ed. by Silvia Federici and Arlen Austin." (2019): 140-141, <https://doi.org/10.1215/15476715-7323854>

<sup>6</sup>Finch, Janet, and Dulcie Groves, eds. *A labour of love: Women, work and caring*. Taylor & Francis, 2022.

Accounts (SNA) which focuses on paid work has created consideration for the unpaid work. Thus, to address the limitation with SNA the Extended System of National Accounts (ESNA) framework has been developed to provide a more comprehensive measure of economic activity.<sup>7</sup> This mechanism was based on certain considerations such as unpaid work in the form of household production such as cooking, cleaning and care of children and the elderly can be included in economic analysis if it is deemed economically productive. The work is typically valued based on the opportunity cost i.e. what the individual would be paid if they were employed outside the household. In the ESNA framework Time-use surveys are used by national statistical offices as a tool to track how individuals allocate their time across different activities distinguishing between paid and unpaid work.<sup>8</sup> This helps to estimate the monetary value of unpaid work. The surveys conducted by National Statistical Office helps to identify the nature of unpaid work by women. But these survey findings are excluded from statistical analysis as the unpaid work is classified into Non-system National Accounts (Non-SNA) or ESNA work. The Indian Central Statistical Organization report 2007 excludes the processing of primary goods and the collection of free goods from the GDP calculations. As a result, individuals, primarily women engaged in these activities are omitted from the workforce estimates of the nation. On an average, across the globe, men spent 83 min in unpaid domestic work while women spent 265 min, i.e., more than three times the time spent by men. However, in India, women spend around 297 min, whereas only 31 min are spent by men in domestic work.<sup>9</sup> This gender segregation in unpaid domestic duties reflects a set of social norms and perceptions regarding a “natural” household division of labour and the macroeconomic policies and strategies that do not acknowledge the existence of unpaid domestic work, rather intensify the increase of the burden in the economy. Considering that domestic activities constituted a form of “work”, the three different facets having their own insinuation for the position of women’s work in the household have been observed.<sup>10</sup> First, household works take time and energy for a purpose and therefore have an opportunity cost, which encourages recognition of these activities as works. Second, women doing housework contribute to the division of labour both at the household and at the societal levels; hence, their work must be reduced. Third, domestic work is separable from the worker and could be done by others; therefore, unpaid domestic work should be redistributed between men and women.

Elson, D. (2017) in his study formulated the triple “R” (recognition, reduction, and redistribution) approach which attempts to integrate unpaid work into the mainstream economy by reducing it and by re-organizing it between the paid and unpaid work.<sup>11</sup>

<sup>7</sup> Unpaid Household Service Work, Recommendations for the effective measurement of unpaid household services within the 2008 System of National Accounts Framework, 14th Meeting of the Advisory Expert Group on National Accounts, 5-9 October 2020, Virtual Meeting Agenda item: 6.7, Available from:

[https://unstats.un.org/unsd/nationalaccount/aeg/2020/M14\\_6\\_7\\_Unpaid\\_HH\\_Service\\_Work.pdf](https://unstats.un.org/unsd/nationalaccount/aeg/2020/M14_6_7_Unpaid_HH_Service_Work.pdf)

<sup>8</sup> Deb, Surajit. "Indian Women's Unpaid and Unrecognised Work: Results from Time-Use Data." *Social Change* 52, no. 3 (2022): 406-411, <https://doi.org/10.1177/00490857221110549>

<sup>9</sup> Singh, Pushpendra, and Falguni Pattanaik. "Unfolding unpaid domestic work in India: women's constraints, choices, and career." *Palgrave Communications* 6, no. 1 (2020): 1-13, <https://doi.org/10.1057/s41599-020-0488-2>

<sup>10</sup> Lundberg, Ulf. "Influence of paid and unpaid work on psychophysiological stress responses of men and women." *Journal of Occupational Health Psychology* 1, no. 2 (1996): 117, <https://psycnet.apa.org/doi/10.1037/1076-8998.1.2.117>

<sup>11</sup> Elson, Diane. "Recognize, reduce, and redistribute unpaid care work: how to close the gender gap." In *New Labor Forum*, vol. 26, no. 2, pp. 52-61. Sage CA: Los Angeles, CA: Sage Publications, 2017, <https://doi.org/10.1177/1095796017700135>

Institutions such as state, market, society should work in a comprehensive manner to 'recognize', 'reduce' and 'redistribute' the burden of unpaid work of women within the household. The sustainable development goals (SDG No 5, Achieve gender equality and empower all women and girls) recognize the importance of unpaid care and domestic work through public services, infrastructure, and social protection policies as well as shared responsibility within the household. Therefore, by performing these unpaid works, women subsidize the market and also reduce the burden of the State. However, much of women's unpaid work is unrecognized, unreported, and underestimated by the family, market, and state regardless of the benefits relished by these institutions. Furthermore, macroeconomic policies have been formulated without recognizing, reducing, and redistributing unpaid work in the economy. This lack of recognition increases hierarchy in gender relations and gender inequalities in the family as well as in the economy.

### **Valuing The Unpaid Work of Women - The Judicialand Legislative Analysis**

Working women have a difficult situation they have to balance their paid employment with the additional burden of unpaid tasks, such as household chores and taking care of children. According to a study conducted on the social determinant of health, it has been found that unpaid labour and the stress caused by it affect the health of women drastically. Women who already have limited access to healthcare have a significant emotional burden due to the two types of unacknowledged work. The study revealed the fact that hours spend on doing house work was associated with worse mental health. Anne McMunn(2023) elaborated that the kind of unpaid work that they do as well as the cultural disparities which occurs due to the country there are also difference in the social determinant of health of women.<sup>12</sup> Larsen E and Ostman (2022) acknowledged in his study that there is considerable difference can be seen in the Nordic Countries who tend to follow the egalitarian concept in gender related aspects.<sup>13</sup> It is often believed that women have a moral duty to balance their job and family responsibilities. The ongoing disparities in the distribution of unpaid labour result in women being more vulnerable to experiencing lower mental health compared to males. The various analysis proves that on the basis of influence of unpaid employment on mental well-being, particularly for women who already experience the pressures of the contemporary labour market. Significantly, it emphasizes the many barriers that impede women's involvement in the paid labour market and persistently undercut it, demonstrating that the struggle does not conclude at that point. Uncompensated work continues to be a lingering manifestation of inequality, which has not yet been effectively addressed via normative, legislative, or structural modifications. Even though there is no specific labour legislation recognising the unpaid work of women in the domestic chores, the courts in various instances have ruled the necessity for paying this unpaid work.

The Spanish court in Southern Spain Velez-Malaga (2023) ruled that husband should pay his ex-wife 180,000 pounds as part of unpaid household work she has done for 25 years.<sup>14</sup> This amount was calculated by the court on the basis of annual minimum wages throughout their

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<sup>12</sup>McMunn, Anne. "Unpaid labour is a neglected social determinant of health." *The Lancet Public Health* 8, no. 4 (2023): e250-e251.[https://doi.org/10.1016/S2468-2667\(23\)00050-6](https://doi.org/10.1016/S2468-2667(23)00050-6)

<sup>13</sup>Larsen, Eirinn, Ulla Manns, and Ann-Catrin Östman. "Gender-equality pioneering, or how three Nordic states celebrated 100 years of women's suffrage." *Scandinavian journal of history* 47, no. 5 (2022): 624-647, <https://doi.org/10.1080/03468755.2021.2023035>

<sup>14</sup> Elena Salvoni, Spanish Husband is ordered to pay his ex-wife 180,000 pounds for 25 years of unpaid housework based on minimum wage throughout their marriage dated 2023. Available from: <https://www.dailymail.co.uk/news/article-11831147/Spanish-husband-ordered-pay-ex-wife-180-000-25-years-unpaid-housework.html>

marriage. The court considered the fact that the wife has spent almost all her life looking after the family and is deprived of any career for herself. This helped her husband to grow and exponentially increase the assets. The wife (Ivana Moral) was left with nothing to take care of her daughters, even the access to financial affairs were denied. In India there were initiatives through various pressure groups to recognise this unpaid household work of women. The strategy taken by the Tamil Nadu based Political Party (MakkalNeedhiMaaiam) as part of their Economic Agenda in 2020 planned to set up a salary for home makers for their unrecognised work. The Party was helmed by the famous film personality Kamal Hassan and according to the agenda of the party payment will be provided to homemakers for their hitherto unrecognised and unmonetized labour at home as part of recognising their unpaid work, thereby increasing the dignity of women work force. The party head also pointed out that 90% of the work of women remain unnoticed and it is also difficult to work out the amount which can equate their house hold work (The News Minute 2020).<sup>15</sup> The judges have assessed the value of the house hold labour carried out by women who died in car accidents and have granted compensation to their dependents. This assessment considers variables such as the cost of forgoing other opportunities, the minimum salaries corresponding to different levels of skills, educational qualifications, age, and children. In *Mehmet v. Perry* (1977),<sup>16</sup> the court identified the monetary value of a wife's contributions was determined and approved based on the following categories:

- (a) Housekeeping services provided by the wife are lost to the household.
- (b) The absence of affection and care from their mother, beyond what she provides in the form of housekeeping services.
- (c) Not only did the husband lose out on his wife's keeping services, but he also lost out on her personal care and attention.

The unpaid domestic and care work was recognised in India under family and tort laws, where claims have arisen either due to divorce or death of the homemaker. The court recognised the unpaid domestic and care work through loss of services to the family rather than they were not responsible for development of social, physical and intellectual capacities. But in later cases the courts resorted to a more nuanced approach towards unpaid domestic and care work. In the case of *A. Rajam v. M. Manikya Reddy* (1989)<sup>17</sup> give a wider meaning to the word 'services' in cases relating to award of compensation to the dependents of a deceased wife/mother. The term services cannot be substituted by outsourcing the domestic work but more than what can be attributed. Some of the observations made in that judgment are extracted below:

"The financial consequences for the husband and children following the death of the housewife or mother should be determined by evaluating the deprivation of "services" rendered to the family, contingent upon the reasonable likelihood of these services being offered willingly in the future, had it not been for the death." It is important to acknowledge that any alternative to be deployed in such scenario is unlikely to be as economically efficient as the housewife. Furthermore, while considering the worth of obtaining substitute services, it is important to compute the expenses associated with providing accommodation or meals to the substitute. Offset from this amount must be the expenses that the family would have

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<sup>15</sup>Salaries for homemakers, computers in every home, Kamal Haasan's MNM promises, The New Minute, dated 22.12.2020, Available from: <https://www.thenewsminute.com/tamil-nadu/salaries-homemakers-computers-every-tn-home-kamal-haasans-mnm-promises-140054>

<sup>16</sup> *Mehmet v. Perry* (1977) 2 All ER 52

<sup>17</sup>*Rajam v. M. Manikya Reddy* 1989 ACJ 542

otherwise accrued for the deceased homemaker. When evaluating the "services" offered by the housewife, it is crucial to avoid restricting the understanding of the word "services" to a particular and limited scope. Instead, it should be understood in a comprehensive manner, considering the lack of "personal care and attention" from the deceased towards her children, in her capacity as a mother, and towards her husband, in her capacity as a wife. Reductions in remuneration are not contingent just on the desire of a close relative, such as a grandmother, to provide volunteer activities.

The Hon'ble the Supreme Court of India in the case of *New India Assurance Company Ltd., Vrs. Kamla and others* (2001)<sup>18</sup> tries to identify what should be the income fixed per month for the housewives, on the basis of their age and based on the services provided by them to the house. The court also identified the appropriate multiplier based on the age group they belong to. The court cannot rely on the data to be provided on the work undertaken by the housewives, rather considering the multifarious role played by them a modest estimation should be taken in determining the amount.

In 2009 the path breaking judgment in *National Insurance Comp v. Minor Deepika* (2011)<sup>19</sup> the courts adopted a more nuanced approach to UDCW, observing the limited legal interpretation of 'services' provided by a homemaker, asserting that such services cannot be wholly replaced by outsourcing domestic tasks. They broadened the comprehension of a homemaker's role in the family from unpaid domestic labour necessary for household management to unpaid domestic care and labour essential for social reproduction.

In *Arvind Kumar Pandey &Ors Vs. Girish Pandey &Ors* (2022),<sup>20</sup> a Motor Accident Claims was reconsidered by the Supreme Court analysing the fact that deceased was unemployed and the court held that the income of homemakers is tangible as the source of livelihood and that the services rendered by homemakers are of high order and invaluable in monetary terms. The court also stated that 'deemed income' cannot be valued less than the minimum wages notified under the Minimum Wages Act, 1948 for a daily wager. The worth of a women looking after the household is of a high order and her contributions are hard to quantify in monetary terms. The Supreme Court valued a woman 's work at home is no less than that of someone who brings a salary from office and termed the contribution of a homemaker invaluable. Multifarious functions which the women perform provides for substantial contribution to the family and nation. The court examined that even though this work does not generate any monetary income, it contributes significant value to the household. It is regarded as the essential to the functioning the survival of the family, just like paid labour. Despite the difficulty in its quantification it is still recognised as vital to the family's overall economic health and functioning.

In 2015 *Rambhau v. Oriental Insurance Co*, the Bombay High Court held that role of housewife least appreciated directed compensation of 8 lakh with 6 % to family 15 years after death.<sup>21</sup> The court reiterated the role of women in family as a "housewife" or "homemaker" as the most challenging and important role but are less appreciated. According to dictionary

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<sup>18</sup> *New India Assurance Company Ltd., Vrs. Kamla and others* AIR 2001 SUPREME COURT 1419

<sup>19</sup> *National Insurance Comp v. Minor Deepika* 2011(3)TAC890, Available form:

<https://indiankanoon.org/doc/18680058/>

<sup>20</sup> *Arvind Kumar Pandey &Ors Vs. Girish Pandey &Ors* Arising out of SLP(C)No. 20918 of 2022

<sup>21</sup> *Rambhau v. Oriental Insurance Co* F.A.No.:26/2013, Available from:

<https://indiankanoon.org/doc/47855426/>

meaning “housewife is a woman who does not have job outside the home and who spends her time in cleaning, cooking, looking after her family etc.”

It is impossible to measure any quantitative value for the services provided by the wife/mother to the family, namely the husband and children. Nevertheless, in order to provide compensation to the dependents, it is necessary to do a financial assessment of the services provided by the housewife/mother. Within that particular framework, it is necessary to provide a comprehensive interpretation to the word "services" and consider the deprivation of personal care and attention that she provided to her children in her role as a mother and to her husband in her occupation as a wife. In place of the loss of free services provided by the homemaker, it is necessary that they are entitled to receive appropriate recompense. The payment owed to the dependents cannot be reduced based on the assertion that a close relative or a substitute, such as a grandmother, may willingly provide part of the services to the family that housewife had previously provided.

The time that women allocate to domestic tasks as homemakers is the time that they may make available for paid employment or their education. The absence of sensitivity and acknowledgement of their efforts primarily leads to the elevated poverty rate among women and their subsequent subjugation in society, along with many medical, social, and psychological issues. The courts and tribunals should appropriately consider these factors while evaluating compensation for housewives who have been involved in car accidents and determining the precise amount in order to provide "fair compensation".

The United India Insurance Co. and others v. Bhuvaneswari(2023),<sup>22</sup> Madras High Court has emphasised upon the importance of homemakers in our families noted the value of homemaker's contribution was irreplaceable and cannot be compared to that of an “ordinary employee.” The Supreme Court considered in the Motor Vehicle Compensation case that a notional income should be given to the house wife. It valued the work that Home Makers do and added economic value to it. The Court enhanced the compensation amount of a home maker, who got injured in a motor vehicle accident. The Judgment identified that the homemaker stood in a higher pedestal than any other earning member in the family. The homemaker contribution is exceptional and it cannot be compared to any ordinary employee. In 2010, the Supreme Court highlighted the unpaid caregiving labour performed by a homemaker in instances pertaining to the Motor Vehicle Act 1988 ('MVA'), a category of tort law. In Arun Kumar Agrawal v National Insurance Company, the court contested the Delhi High Court's decision to use minimum pay for a trained worker as the standard for compensating the contributions of dead homemakers.<sup>23</sup> This approach improperly equated the homemaker with an employee engaged in a defined time frame, neglecting the personal aspect of caregiving. The Court used the Second Schedule of the MVA, 1988, which established the notional value of a homemaker's income at one-third of the husband's salary. In a recent news published by leaflet the Madras High Court dismissed the applicability of Clause 6, asserting that when women are earning equally or beyond their partners, this cannot be accepted. Instead, it granted the deceased's anticipated earnings together with an extra 50% categorised as 'future potential.'

Even though the court is determined the economic value for homemakers but still it lacked comprehension or recognition of ongoing global discussions on its economic worth. Contemporary culture places an undue emphasis on women as the only carers of the family, resulting in a lack of recognition for her as an autonomous person, apart from her familial

<sup>22</sup> United India Insurance Co. and others v. Bhuvaneswari CMA No. 2392 of 2023 & CMP nos. 2392 ad 2396 of 2023, Available from: <https://indiankanoon.org/doc/9403523/>

<sup>23</sup> Arun Kumar Agrawal v National Insurance Company AIR 2010 SUPREME COURT 3426, Available from: <https://indiankanoon.org/doc/1546729/>

responsibilities. Although the praise for the contribution of a homemaker to the family is justified, there is an unwarranted shift from the job of a woman as a homemaker to that of a nation builder. In these cases, the focus in the judgment is as a result of the disability which the family has to suffer.

In the earlier case when computing the increased compensation, Justice S M Subramaniam considered elements such as "family circumstances, living standards of the family and other mitigating factors" as well as "the nature and grievousness of the injuries." There is still issues of interpretation difficulties in acknowledging the economic value of unpaid domestic care as employment. The significance to unpaid work is provided by minimum wage as unpaid care and domestic work which lowers the compensation standard of domestic labour. It is also accessed by 'partnership method' employed by the Court in *Minor Deepika* facilitates a more equitable assessment of a homemaker's contributions, potentially leading to a 'unified conception of worker' that regards the roles of breadwinner and carer as equally significant within the household unit. The true problem, then, is whether the Courts can circumvent the language of unpaid domestic and care work being 'invaluable' and evaluate it as an economic contribution of equal partnership. In *Kirti v. Oriental Insurance Co Ltd* (2021) the supreme court confirmed the "wages for housework". Chief Justice N V Ramana recognised that establishing a notional income for homemakers indicated the law's acknowledgement of the value of their labour, services, and sacrifices, representing progress towards the constitutional ideals of social equality and the assurance of individual dignity.

The courts in India have acknowledged that the contribution given by the woman to the household is of immense value and cannot be quantified in monetary terms. The selfless services provided by a woman driven by genuine love and compassion towards her children and husband, as well as her management of domestic matters, cannot be considered equivalent to the services provided by others. A wife/mother does not adhere to formal working hours. She is with the family continuously throughout the day and night, unless she is employed and has to attend the employer's job for certain hours. Her responsibilities include all the needs of her spouse and children, such as meal preparation and laundry. She imparts knowledge to young children and offers them essential counsel for their future lives. Although a housekeeper or maidservant may handle domestic tasks like preparing meals, cleaning clothing and utensils, and maintaining cleanliness in the home, they cannot replace a wife or mother who provides altruistic service to her husband and children.

## CONCLUSION

The complex interplay of paid and unpaid labour among women highlights significant structural inequalities that persist in both domestic and professional spaces. Despite the critical contribution women make through unpaid work, such labour remains largely unrecognized and undervalued, perpetuating gender disparities in economic participation and security. The barriers to equitable labour participation, including traditional gender roles, limited policy interventions, and a lack of formal recognition for unpaid care work, continue to affect women's financial independence and overall well-being. Addressing these inequalities requires a multidimensional approach. The economic value of unpaid work must be quantified and integrated into national economic analysis, ensuring its inclusion in policy frameworks and statistical measurements. Furthermore, the burden of unpaid domestic work should be shared equally within households, and social norms challenging traditional gender roles should be actively encouraged. Legislative efforts and judicial precedents, as seen in various rulings in India recognized the importance of compensating unpaid domestic work in the current scenario. However, a broader cultural shift and stronger policy mechanisms are

essential to ensure substantive equality and empower women fully in both paid and unpaid sectors. Only through such comprehensive measures true gender parity be achieved in the world of work.

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