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POVERTY OF WOMEN IN THE INDIAN ECONOMIC ARCHITECTURE OF PRODUCTIVITY: A LEGAL APPRAISAL OF THE STATUS OF WOMEN'S WORK IN THE INDIAN LABOUR MARKET¹

AUTHORED BY - DR. MONALISA SAHA

The Department of Law, The University of Burdwan

Abstract

This paper talks about a form of inequity that women have been suffering for centuries but which wasn't per se the focus of feminist revolution in the early days. It doesn't directly concern the economic deprivation that women have faced in terms of denial of entry into the paid workspace but is primarily concerned with the impoverishment that women suffer in terms of time, energy and autonomy in their daily lives. Women are expected to compete equally with men in the professional world while continuing to battle and win at the myriad responsibilities that concern the management of a household.

Feminists in the olden times were engaged for too long in the battle of survival: trying to ensure that girl children survived their birth, that they were given equal nutrition as their brothers, that they were not forced out of school because of lack of washrooms etc. The battle extended to making available the option to leave the confines of the domestic life and enter the paid employment, especially, because the dowry rhetoric made women seem like an economic burden in spite of the ceaseless unpaid labour that they put in to keep her husband's household running and functional.

On the face of it, it appeared that women had won their battle. A large number of women across the world today have been able to carve out a professional life and with it a claim on real money, their own money. But the flipside became apparent too soon. The social, legal and economic structure did not free them from their domestic responsibilities, even if they were bringing home real income: they were now 'allowed' to have a career only if they could

¹ Dr. Monalisa Saha, Assistant Professor of Law, Dept. of Law, The University of Burdwan, West Bengal, India. The author can be reached at msaha@law.buruniv.ac.in

balance their unpaid household responsibilities with it. They were now working a double shift.

Retaliation has taken place again. But this time it is costing the society and not just the women. A large posse of women is exercising their freedom to not marry for the costs it involves in terms of time, energy, and loss of control in their lives.

The author in this paper argues that structural changes in macroeconomic policies, social outlook and economic architecture concerning the labour force in paid work space and the family unit is essential to sustain the population of labour force, relieve women of the double shift and create a more rewarding professional life for both men and women.

I. Introduction

We have come a long way in terms of empowering women in India and the world over. Instances of female infanticide², or female foeticide along with child marriages have reduced. Girls drop out less from schools and child marriages have been tackled to some extent. Teen motherhood is a rarity especially if marriage has been successfully delayed. Dowry demands³ continue, but conviction in dowry deaths does take place. Women have chosen to also walk out of not just abusive marriages but inconvenient marriages too.

We have also been able to ‘create an opportunity’ for women to step out of their exclusive traditional role of being full time home managers as housewives and mothers, and have recognized their rights as daughters in inheritance matters alongside their brothers.

So to some extent autonomy has been finally ‘given or restored to women regarding the varied aspects of their lives, something that their male counterparts did not and do not per se have to worry about while going about their ordinary lives.

Men, by virtue of being born in a patriarchal society, have always had the opportunity to live (and not be killed pre or post birth) to be educated, to seek employment, to rightfully own and

² See Generally, “Female Infanticides”, Ministry of Health and Family Welfare, as available at <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://sansad.in/getFile/loksabhaquestions/annex/176/AU3086.pdf?source=pqals> [Last visited: 10.12.25]

³ Dowry Cases rise by 14% in 2023, over 6100 women killed: NCRB”, The Hindu, 2025 as available at <https://www.thehindu.com/news/national/dowry-cases-rise-by-14-in-2023-over-6100-women-killed-ncrb/article70116195.ece> [Last visited: 09.10.25]

inherit property, to transact in the market without a guardian, while also enjoying the ability to “choose” to be a hands-on-father/caregiver or not. While making this choice they rarely had to make a choice about giving up other aspects of their lives and rarely their right to participate in the labour market. Since not only is the demand of biology pertaining to fatherhood miniscule, but child rearing has never even been considered sociologically to be a man’s task, let alone for it to be their primary occupation during a given day.

The pressure to marry or to have children or to balance the family with professional commitments is still more pronounced for women as against their male counterparts.

Women in India, inspite of having achieved the ‘freedom’ to step out of the house and be able to competitively participate in the paid employment like their male counterparts, have not been able to lay claim on their time. They do not seem to truly have the right to their time, to even pursue the minimum sleep/rest that is required for a mother/female to sustain their physical and mental health let alone be able to exercise the autonomy to pursue hobbies and leisurely activities in the present economic and social structure. The present economic and social structure seem to lay claim over women’s time, and in defining her success, quite unlike the framework they have in place for determining success and course of life for our male counterparts. This is being seen by a portion of women as their abandonment and one of the reasons for dwindling marriage rate and birth rate is because women feel impoverished of time and physical and mental energy and it is their way to claim back the autonomy over their lives.

II. Statement of Problem

The problem does not have one solution especially since it doesn’t concern one sphere. Most simplistically put, without adequate changes at a holistic level the problem will perpetuate and perhaps become graver.

The resources that have been invested as a nation/global community to address the problems pertaining to valuing domestic labour that is presently unpaid if done by women for their household member—is inadequate. In the 2008 System of National Accounting S. 6.30 has explained that the reason domestic work has not been included in the systems of national accounts is because it is extremely difficult to “make economically meaningful estimates of

their values *inter alia*⁴.

But if such ‘extreme difficulty’ is not removed by economists, statisticians and law makers it seems that there will be a significant number of women who may increasingly choose to opt out of marriage and motherhood. Ironically this wouldn’t comprise just a deprivation for women in terms of being unable to experience the joy of family life but would also be depriving the society at large of the benefits of having the next generation of labour force being produced, nurtured and be made market-ready.

The author argues that it isn’t necessarily a conscious choice to remain unmarried or issueless but a hard choice that is forced upon women who would when given a choice between the risks and costs that marriage entails and the risks and costs associated with stepping out of the house into paid employment and founding a career, find it rational to choose the latter.

The present inequity that women suffer is in the subtle/overt pressure placed on women by the society to marry, bear children, care (for children⁵ and husbands’ extended families, their own families) while expecting them to compete with men at unequal paid workspaces who relatively face less subtle coercion on these aspects.

The author is not advocating the idea of women finding economic independence at the expense of founding a family. But she is flagging the lack of sufficient efforts made towards redistribution of care responsibilities⁶ at home and particularly those necessary towards founding and sustaining a family on an everyday basis that presently exists in Indian society and the Indian economic architecture. Even the framework established in the 19th International Conference of Labour Statisticians that informs our national accounting is not considered sufficient to accommodate the unpaid domestic work that is predominantly being done by women for the longest time not just in India but the world over. And the labour policies that concern the paid workspace are patriarchal in nature and only factor the women worker in an erratic and anecdotal manner.

⁴ “Guide on Valuing Unpaid Household Service Work”, United Nations Economic Commission for Europe, 2017 as available at <https://unece.org/fileadmin/DAM/stats/publications/2018/ECECESSTAT20173.pdf> [Last visited: 1.01.26]

⁵ Price, Quality and Income in Child Care Choice, Journal of the Human Resources, 1992, University of Wisconsin Press as available at <https://www.jstor.org/stable/145913>, at p. 71

⁶ The Changing Role of Women’s Earnings in Marriage Formation in Japan, Setsuya Fukuda, Sage Publications, 2013, as available at <https://www.jstor.org/stable/23479239> at p. 108

A. Hypothesis

The present economic and social structure negates the ceaseless and multitude of tasks/work that women engage themselves in their households and in their professional workspaces; and where it does recognize the work, it glorifies the gendered role thereby undervaluing the work done and thereby further pushing them into time poverty, mental health poverty and poverty of autonomy.

B. Nature and Scope of the Paper

Amongst the vast forms of deprivation that women have faced historically and continue to face today, the author in this paper will be only focusing on the economic, social and legal deprivation that women face in today's time in India for entering the paid workspace which presently seems to be structured in an antithetical manner to founding a family.

III. Understanding what deserves dedicated policy attention

The author argues that many macroeconomics policies⁷ that exist in India today are premised on the assumption that men are the primarily employees in the economy and women are secondary earners. This is because inspite of the time use survey data, governments have not shown as much enthusiasm in acknowledging the work that women spend their time in doing that actually goes onto keep the “primary” and “secondary⁸” worker productive in the paid employment sector.

Now, the policies that concern the labour market are formulated by the government based upon the data that is available regarding work and workers. India as a welfare economy has continuously tried to bring in laws for the benefits of workers/labourers in general and also for its women workers.

But before we look at the policies concerning work, let's look at some of the nuanced concepts that form the basis of labour statistics and laws in the country: particularly the definitions of; work/employment, paid work, unpaid work, household, etc.

In the 19th International Conference of Labour Statisticians, 2013 ICLS⁹, in the Systems of National Accounting, household is defined as a common house where one or more persons live

⁷ “The Indian Time Use Survey 2019”, Indira Hirway, [Vol. 57, Issue No. 37, 10 Sep, 2022](#), at p.46

⁸ Supra Note 6

⁹ Supra Note 4, at p. 14

together, pooling in part or all of their collective resources and collectively consuming certain types of goods and services, like food etc.¹⁰ The definition of work suggests that any productive activity that leads to the creation of goods or that is merely service can be considered work. It should be useful to another person or can be useful to the person doing it too. It isn't dependent on the age or sex of the person doing the activity¹¹. Productive work is further divided into those falling within the General production boundary and those falling particularly within the SNA production boundary. This is where the problem arises and that which concerns this paper. Even if the work concerned falls within the general production boundary, meaning that everyone acknowledges the utility that lies inherently in the task; but if it doesn't fall squarely within the SNA productive boundary it would not be accounted for in a country's Gross Domestic Product.

Going further it is important to remember the protagonist of this paper the woman-worker, who spends hours of her daily life doing innumerable variety of work, all of which is considered within the general production boundary but a large chunk of it is kept outside the calculation of the GDP as it doesn't fall within the SNA production boundary as defined subsequently.

Now, productive work is defined on the basis of who the final recipient of the work is, and whether or not it is being remunerated, whether it is related to the production of goods or services, or whether or not the work is related to skill development (like intern work etc). Interestingly the number of hours that is being put in for production of any good or service is inconsequential to it being considered within the calculation of gross domestic product of India. Similarly the inherent utility of the work in question is also considered not sufficient to account it for within the national accounting system of the country.

To put it in perspective, let's take the example of the cooking: both the service and the food that is created or anything related to this activity:

- If it is being done by A without any remuneration, for the consumption of family members B, C, living in the same household as A i.e., Household H1 it would amount to "work within the general production boundary" but would not be calculated within

¹⁰ Ibid, at p. 17

¹¹ Work Statistics, 19th ICLS (Work Database) as available at <https://ilostat ilo.org/methods/concepts-and-definitions/description-work-statistics-icls19/> [Last visited: 09.10.25]

the system of national accounting because it would be categorized as “own-use production work”

- If A cooks the food for family members D, E located in a separate household H2; it would still comprise as “own use production work” and still be outside the “general production boundary”.
- If A cooks the food for non family members in Household H3 as part of volunteer service, it would still be beyond the “systems of national accounting” since volunteer service though considered productive is outside this system.
- If A is a maid who is hired for remuneration by Household H1 and Household H2 and H3 both the service and the good (i.e., food) will be factored in for the calculation of “systems of national accounting”.
- If A is working in a restaurant cooking food, it is clearly within the definition of work that is done in the course of employment (where one is working for pay/profit) and this work will be calculated in the systems of national accounting.
- If A is cooking as a part of her trainee programme to become a chef at a restaurant without pay, it will be considered within the “SNA” system

So it is amply clear that the present economic, statistical structure, finds it ‘extremely difficult’ to calculate the value of work done within the household for own consumption **only when it is unremunerated**. The same work or a poorer quality of the service/good will find automatic representation in the country’s national accounts if done by a non-family member in exchange of remuneration.

There are scholars who have tried to explain that the problem¹² is not in acknowledging that domestic work that is predominantly being done by wives, and mothers but it becomes particularly challenging to devise a system for remunerating these services. Questions like who will remunerate: -the state or the husband or his family members? What if the woman in question is not a good homemaker dispensing quality work? Can State agencies enter the precincts of an otherwise private space (the home) and carry out inspection of the household responsibilities and assess if the homemaker-worker deserves the monthly remuneration? And

¹² “Redistribute unpaid work”, UN Women, as available at <https://www.unwomen.org/en/news/in-focus/csw61/redistribute-unpaid-work#:~:text=From%20cooking%20and%20cleaning%2C%20to,progress%20on%20women's%20economic%20empowerment>. [Last visited: 12.01.26]

how do we tackle situations in households when inspite of the woman being a fulltime housewife, her husband (who also happens to be the only primary earning member in the family) decides to take the lead in terms of managing their household chores including care responsibilities towards the children and the elderly members of the family instead of the woman? Does he get paid or the woman by virtue of being a homemaker gets paid?

So clearly since work within the household when done by an unremunerated family member is not considered as work then the person doing the work is not considered a worker and therefore there has been little thought put in by policy makers regarding the plight of workers doing unpaid household work, especially when they aren't a maid or a man-servant hired for the same.

Most of the laws concerning labour formulated in India concern the paid workspace. The work that is not just considered to be within the general production boundary; but that which is also within the SNA production boundary; and which will be considered within the calculation of the national accounts in a country.

Within these laws that concern the paid work space there have been some aspects that have been specifically formulated for the female worker. But it wasn't an easy path and it came after many legal battles.

IV. Statutes and Policies concerning the women worker in the paid workplace

We have had laws like the Equal Remuneration, Act 1976 that tried to overturn the practice of paying women workers less monetary compensation just because of their sex, even when they were doing the same work and the same amount of work as their male counterparts. We also have laws that have tried to protect women from loss of job just because they got pregnant (in the erstwhile Maternity Benefit Act, 1961) and we have had the Indian Judiciary stand by women workers when they have challenged the allegedly explicitly discriminatory **internal laws**¹³ that stated that the women worker would be expelled on grounds of marriage¹⁴, (in armed forces) or age (flight attendants) or weight gain (flight attendants).

Previously the Maternity Benefit Act, 1961 and now the Code of Social Security, 2020

¹³ [Union of India vs. Ex. Lieutenant Selina John](https://drive.google.com/file/d/1qsZvtonSzcwoiDVS5NV1URCvA5iS71az/view?pli=1) SC 2019 as available at <https://drive.google.com/file/d/1qsZvtonSzcwoiDVS5NV1URCvA5iS71az/view?pli=1> [Last visited 12.12.25]

¹⁴ *Ibid*

guarantee women-worker the right to claim leaves on the basis of pregnancy while retaining her job. This continues to be mandatory for organizations, be it formal or informal, private or government, if it employs 10 or more than 10 employees. It had also guaranteed an increase from 12 to 26 weeks of paid maternity leave and required employers having more than 50 employees to set up crèche facility on the premises and allow women employees to visit the same during the course of the workday at certain intervals.

But the sad reality is that it was rarely implemented and women have had to shoulder care giving responsibility themselves. If they brought into discussion the difficulties they faced in balancing the household with the career, they were sometimes told very categorically (by both employer and family members) that either they choose to sacrifice rising up the career ladder or make peace with lesser work demands that allowed them to balance the household with the workspace.

Child birth, and household responsibilities were benefitting not just the immediate family of the woman but the society at large, but the state, employer, and family made it very clear that it was only the prerogative of the woman in question.

Concerns regarding women's safety were used against their career growth. For instance the erstwhile Factories Act, 1948 restricted women from working the night shift thereby allegedly protecting them from the perils that awaited them in the night. The fact is that the social structure of the society is such that women are viewed as sexual object and are targeted and preyed upon by errant male perpetrators. Policy makers took the easy path. Removing women from paid work spaces was easier than reigning in on the unfettered lascivious men roaming the streets in the night. Fortunately this has been statutorily removed with the enactment of the Occupational Safety, Health and Working Conditions Code, 2020 and now it is required of the employer to make work available to women and ensure that the workplace is safe for her work if she consents to it.

In the year 2013 we also had one of the most needed enactment: Prevention of Sexual Harassment of Women at Workplace Act and it is perhaps one of the most insightful laws that looked beyond guaranteeing women economic rights and looked into the everyday lived experience of a woman-worker. It provides for a structural resolution so that the woman worker is not dissuaded from working in her paid workspace and doesn't quit her job because of the

subtle forms of sexual harassment at her workspace.

V. India and its women workers

But, interestingly inspite of all these plethora of laws attempting to make it safe and accommodative of women-workers, the participation of women in the paid labour force has been dwindling.

Even if we let aside the critique that the unpaid household work doesn't have the requisite recognition, the fact is that even these laws concerning the paid workspace has very poor implementation. One area of implementation that is grossly lacking not just in India but in many East Asian countries is the lack of crèche facility. The everyday task of rearing children and dispensing care- to the elderly, sick and even able-bodied persons can be extremely time consuming, energy depleting and challenging.

According to the National Sample Surveys (NSS) and the Periodic Labour Force Surveys (PLFS) for the year 2018-2019 there were only 25% of the total female population as against 75% of the total male population between the age of 15-59 years who were employed! In the year 2004-2005 there was in fact more number of women in the work force: i.e. 42.7% of the total women!¹⁵

So what must have happened, inspite of the laws that seem to guarantee so many varieties of rights to the female worker?

The reasons seem to be many: social, economic, legal and the nature of evolution in the structure of workspace.

The social structure, while seemingly liberating women from the confines of domesticity, made it clear that such freedom was conditional. That woman, were to prioritize their household and responsibilities within the home and then balance the obligations of paid workspace. Now since the capitalist formal (and especially the informal) paid workspaces assumes a worker to be available at the beck and call of the employers anywhere between 8-10 hours (and post covid-19 for an ambiguous period of time) women workers were "choosing" employments in

¹⁵New Labour Codes and implications for women workers, Kinshuk Sarkar, Ellina Samantroy, EPW, 2023, at p. 52

informal sectors, usually low paying sectors¹⁶, and in offices and workspaces that were located within the city where their husbands' offices were located.

Struggles are of a different nature of unmarried women in India. Barring tier-1 cities, unmarried women, continue to struggle to find houses to take on rent and therefore they "choose" workplaces closer to their primary parental residences to earn a living¹⁷.

Statistics reveal that women workers also tend to spend a significantly larger portion of their wage¹⁸ on availing safer transport opportunities (or suffer indignity in the hands of gropers in buses and other public transports)¹⁹.

Over the years the structure of workspace has evolved, often blurring the line between work and home. Hybrid work structures definitely cuts down on the commute time but the relentlessness of emails and work calls creep into the bedroom, making it difficult to balance the demands of managing a household.

Many countries have worked towards implementing policies that give employees the right to disconnect²⁰ thereby returning to them their control over time and energy. India isn't that country yet. Internal HR policies²¹ in many companies and government institutions make this privilege available to some workers, both men and women, but the large number of workers remain outside this protective canopy.

We have made some significant changes with the overhaul of the labour laws and with the enactment of the four consolidated labour laws, which have become enforceable since 21st November, 2025 but without a holistic approach to integrate the women worker will see a large number of women joining the already existing coterie of women who have started opting out of marriage and motherhood.

¹⁶ Ibid, at p. 53

¹⁷ *Ibid*

¹⁸ In comparison to their male counterpart

¹⁹ "Mumbai: Women spend 21% more on transport for safety, says survey, Manthank Mehta, Times of India, 2022 as available at <https://timesofindia.indiatimes.com/city/mumbai/mumbai-women-spend-21-more-on-transport-for-safety-says-survey/articleshow/91274549.cms> [Last visited: 12.12.25]

²⁰ Right to Disconnect in India, Shravan Anande and Hari Priya Murariker, Vidhi Legal Policy, as available at <https://vidhilegalpolicy.in/blog/right-to-disconnect-in-india/> [Last visited: 1.01.26]

²¹ Right to Disconnect Bill rekindles work-life boundary debate, Prachi Verma, Economic Times, 2025 as available at <https://economictimes.indiatimes.com/jobs/hr-policies-trends/right-to-disconnect-bill-rekindles-worklife-boundary-debate/articleshow/125953050.cms?from=mdr> [Last visited: 01.01.26]

Most of these women who have made a conscious choice to remain outside at least one of the workspace that relentlessly sap into their time and energy, started reading the existing legal, social and economic structure as a clear denial of their contribution and their struggle in the personal and the professional space and they started getting dissuaded from marrying or birthing/rearing children altogether. Population dwindling below the replacement rate has already become a point of policy debate and concern. Developed countries, especially Japan²² and many developing countries have reported that their replacement rate²³ has fallen below 1.2, which means that without any major overhaul of the economic, social, legal infrastructure a large number of women will choose to opt out of birthing children.

India still claims to be a welfare economy and while it has many laws framed for the benefit of the labour most of these laws are inherently patriarchal in nature. They tend to sketchily look into the difficulties that female workers experience keeping intact the presumption that the primary worker is the male worker, closely followed on the heels by the female secondary worker.

VI. The Necessity of overhauling the social, economic and legal architecture

As has been already explained above, the systems of national accounting has at least acknowledged the productivity of domestic unpaid work. But its inability to find a solution to appropriately accounting for it or using the data to relieve women of the relentlessness of the demands of managing the home alongside the paid workspace, is telling of its sincerity towards half the population of the world²⁴. The SNA version of 2008 clearly excludes activities undertaken within the household for production of services for its own consumption and therefore this doesn't²⁵ find reflection when a country reports its annual national accounts no matter how useful and valuable we may find such income that is earned in kind and not in monetary terms²⁶. It however includes the production of goods within a household for its own consumption. It interestingly also includes the production of goods and services if they are produced by domestic staff who are paid a salary. So if the same work is done by a maid or a

²² East Asia's Population Problem, John W. Traphagan, Georgetown Journal of International Affairs, 2014 as available at <https://www.jstor.org/stable/43773623> at p. 18

²³ *Ibid*

²⁴ *Supra* Note 4, at p. 13

²⁵ *Ibid*

²⁶ *Ibid*, at p. 55

man-servant, it will be included while if a man or a woman does it for his or her own family members or for themselves will not find a foothold in our system of national accounting. Interestingly the relatively richer families will under this system have more right to their time, have more autonomy and more freedom than a monetarily-impooverished household which doesn't have the money to purchase these services from the market and neither have the right to time, autonomy and freedom.

The flaw in the SNA is quite revealing. With the increase in the number of women entering paid employment, the services that they have rendered to their family members is now being purchased (eg. Cooking etc) giving us a false sense of change in the living standards; which in reality is just happening because of the change in form. A particular service, (eg. Cooking) was always being performed, it was then a non market service²⁷; but now it is being purchased from the market since the woman has stepped into the paid employment sector. What the existing system of national accounting also doesn't capture, is the fact, that it gives an ambiguous sense of freeing women of tasks. The woman in question was always working:--in the past and in the present. What has changed is that the time that she had spent early to produce goods and services for the household remained unaccounted for while the time she is spending to produce goods and services in the paid workspace is accounted for in the national income of the country post her entry into the paid workspace.

One of the efforts that have taken place at the global level is to at least measure the time that is spent in producing household goods and services; even if economical attribution of value is not being done.

The Time use surveys have been used by India to at least understand how its population has been allocating its time amongst various activities. The Ministry of Statistics & Programme Implementation, through its National Statistics Office²⁸ has conducted these time use surveys since 1997²⁹ to understand how an average women/man from comparable background spend

²⁷ *Ibid*, at p. 14

²⁸ Time Use Survey, National Sample Survey, 2024, as available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mospi.gov.in/sites/default/files/publication_reports/TUS_Factsheet_25022025.pdf [Last visited: 01.01.26]

²⁹ Report of Time Use Survey, Central Statistical Organisation, Ministry of Statistics and Programme Implementation, 1998, as available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mospi.gov.in/sites/default/files/publication_reports/Report%20of%20the%20Time%20Use%20Survey-Final.pdf

their time amongst various activities in a given span of 24 hours. There are many flaws in the system in terms of data collection, however one thing is very clear that very few women both in rural and urban setting seem to be engaged in employment and related activities. 19.2% and 16.7 % respectively. So, women in rural areas step out to earn their living a little more than those in the urban areas. However women in both areas are largely engaged in activities related to unpaid domestic services for household members. 82.1% and 79.2% of women in rural and urban setting are involved in ‘Unpaid domestic services for household members’ as against only 27.7% and 22.6% of men in rural and urban areas³⁰.

Even 5 years later the data in the 2024 Time Use Survey (TUS24) reveals no change in reality. Nothing has changed in the 5 years between the gendered roles predominant in India. 81.5% of Women, (a combined estimate between urban and rural areas) as against only 27.1% of men are *still* engaged in “unpaid domestic services for household members”³¹.

VII. Cost of Marriage and Childbirth for women

Population in East Asia has been consistently reducing³². Taiwan and Japan have the lowest total fertility rate. Japan has been consistently dealing with low fertility since 1970³³. The Replacement level or the level ‘necessary to sustain an existing population’ is pegged at 2.1 and if it falls below 1.2 the country would need to adopt something revolutionary, increasing immigration or almost compelling its population to reproduce.³⁴ Japan’s population is projected to drop by 62% by 2110.

Amongst the many reasons that could be the cause for such a decline, few reasons have been identified are: decline in fertility rate, change in cultural attitude, emigration of people to other countries for higher education³⁵, traditional home management expectation from wives, broader educational and career opportunities for women post world war³⁶. It is particularly

³⁰ NSS Report: Time Use in India-2019 (January- December 19), Press Information Bureau, 2020, as available at <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1660028®=3&lang=2> [Last visited: 12.11.25]

³¹ Time Use Survey (January-December 2024), Ministry of Statistics and Programme Implementation, 2025, as available at https://www.pib.gov.in/PressReleasePage.aspx?PRID=2106113&utm_source®=3&lang=2 [Last visited: 01.01.26]

³² Supra Note 6, at p. 109

³³ Supra Note 22, at p.19

³⁴ The State of Care: Rethinking the Distributive Effects of Familial Care Policies in Liberal Welfare States, Hila Shamir, The American Journal of Comparative Law, 2010, as available at <https://www.jstor.org/stable/25766173p.955>

³⁵ *Ibid*

³⁶ The Effect of Maternal Employment and Child Care on Children’s Cognitive Development, Raquel Bernal, Page | 819

difficult for elder sons to find wives because the traditional expectation is that the eldest son will continue to reside with his parents and his wife in an extension of home management skills will have to take care of the in-laws.

However, as mentioned before, Japanese women have finally found wider educational and employment opportunities post world war II³⁷ and have been increasingly choosing their career over marriage and childbirth. Traditionally men in Japanese family had the power of decision making and control of the overall household and the women were expected to prioritize household management including child rearing³⁸. These women were expected to live with the in-laws especially if they were marrying the eldest son of the family and comply with the decisions of the elderly³⁹. But the situation has significantly changed today:-Japanese men, especially the eldest sons are failing to find Japanese ladies to marry and are becoming suitors to Taiwanese and Chinese ladies.⁴⁰

But it may be heartening to note (to those still desiring parenthood and joy of children) and, that the Japanese government has been consistently trying to support women through the entire period of pregnancy. The Japanese government has schemes that allow new parents to not just receive direct cash benefit for births, but also aids to help purchase diapers and other essentials.⁴¹ More recently as in 2025 the Japanese Government has thought of every possible expense related to child birth: the costs of prenatal checkups, transportation costs to medical facilities, pregnancy related health complications, costs of delayed/premature births, costs post birth, costs for bringing up a child, loss of salary if a worker is on unpaid maternity leave etc⁴². It is almost an ideal country to give birth in.

But one thing that still hasn't really been thought out well is how would young children be cared for? And when can the mother return to the paid workspace?

These questions haven't been completely thought out and therefore there are very few day care crèche facilities to take care of the child if the woman wants to return to the paid workspace.⁴³

International Economic Review, 2008 , as available at <https://www.jstor.org/stable/20486836> at p.1175

³⁷ Supra Note 6, at p. 110

³⁸ Supra Note 22

³⁹ Supra Note 36

⁴⁰ *Ibid*

⁴¹ Supra Note 22, at p. 20

⁴² Maternity, Paternity and Childcare Leave in Japan, Arzaqia Luthfi Yan, 2023 as available at <https://www.tokhimo.com/post/maternity-paternity-and-childcare-leave-in-japan-1> [Last visited: 12.12.25]

⁴³ Supra Note 22

Statistics reveals that there are over 60% of the mothers who quit their vocation because jobs that support working mothers are limited⁴⁴. It is quite clear that the cultural setting in Japan tends to encourage the role of women within the household as mothers and wives. The support that the Japanese government has thought of is to ensure that women become mothers, but not to help the woman exercise the 'autonomy to choose career and motherhood' if she so desires. This is not somehow a dilemma for a man (like her husband) who will be able to 'choose career and fatherhood' without any bottleneck.

VIII. Critical Analysis and Conclusion

There are significant demographic changes taking place in Japan and it may become a reality in many developed and developing countries. Reduction of population can be viewed both as positive and negative depending on the point of view. It is considered positive by some scholars who argue that less people means, less demands on environmental resources and hence better. But for a particular country, less people means, less labour force, which in turn may be able to alter the competitiveness⁴⁵ of a certain country vis-à-vis other economies.

If maintaining a certain amount of labour force is a concern and we do not at the same time want to implement dictatorship we need policy interventions at many levels:

We need for all Indian women both in the formal and informal sector to enjoy at least some basic access to maternity benefits in terms of availing leaves from paid workspaces, insurance in case of pregnancy induced health complications. Other monetary support should start from the post pregnancy till delivery stage, in the form of subsidies for various prenatal health checkups, transport allowance to and from medical facilities Post delivery monetary support and technical support to help the young family meet the challenges of parenthood. Ensuring the sufficient involvement of the male partner and creation of support groups for young mothers to fight post natal depression inter alia.

A structural overhaul of the paid employment workspace that encourage and allow women to have an identity beyond being homemakers, wives and mothers so that they do not feel that their autonomy over their time, energy, money ceases after marriage or childbirth.

⁴⁴ Supra Note 34

⁴⁵ *Ibid*

A consistent educational campaign to culturally lift the society to not view women and daughter in laws as persons who are there to dispense service to the family members of her inlaws, sacrificing every personal desire in terms of career aspiration, health and life.

Such monetary support and infrastructural overhaul shouldn't be sporadic involving only a few willing large business entities. Just like the mandatory corporate social responsibility norms, government should combine force to ensure that employment and self-employment opportunities for working mothers is made available, to take away the fear of loss of autonomy that women have started associating marriage and child birth with.

