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THE BURDEN OF UNPAID DOMESTIC WORK AND ITS IMPACT ON WOMEN'S MENTAL HEALTH: A LEGAL PERSPECTIVE

-Gayatri Narayanan¹

ABSTRACT

Unpaid domestic work, predominantly performed by women homemakers in India, remains an invisible yet essential labour that sustains households and the broader economy. Despite its critical role, this work is neither legally recognized nor socially valued, leading to significant mental health challenges such as stress, anxiety, and depression among homemakers. This article examines the impact of unpaid domestic work on women's mental health through a legal lens, highlighting gaps in the Indian legal framework regarding recognition, social security, and mental health protections. Drawing on constitutional guarantees and comparative international perspectives, it argues for urgent legal reforms to acknowledge unpaid domestic labour as legitimate work and to integrate mental health support tailored to homemakers. Addressing this intersection is crucial for achieving gender justice, safeguarding women's dignity, and fostering an equitable society.

Keywords: Unpaid Domestic Work, Women Homemakers, Mental Health, Legal Recognition, Gender Justice.

INTRODUCTION

Unpaid domestic work, encompassing tasks such as cooking, cleaning, caregiving, and emotional support, is the invisible backbone of families and societies worldwide. In India, this labour is overwhelmingly performed by women, especially homemakers. Despite its critical role in maintaining household functioning and supporting the workforce indirectly, unpaid domestic work remains socially invisible and legally unrecognized. This invisibility extends to the mental health consequences of such labour—women often face stress, anxiety, depression, and emotional

¹4th yr. BA.LLB, Government Law College, Chengalpattu.

exhaustion due to the relentless demands of household responsibilities, compounded by a lack of recognition and support .

This article explores the profound impact of unpaid domestic work on women's mental health from a legal perspective. It examines the gaps in Indian law regarding the recognition of homemakers' labour and mental well-being and calls for urgent reforms to provide social security, healthcare, and legal protection for this vulnerable yet indispensable segment of society .

UNDERSTANDING UNPAID DOMESTIC WORK AND ITS SOCIETAL CONTEXT

Unpaid domestic work encompasses a wide range of activities essential for daily life but not remunerated or formally acknowledged. These include household chores, cooking, cleaning, child-rearing, elder care, and emotional labor, such as managing family dynamics and providing psychological support .

According to the National Statistical Office (NSO) 2019-20 report, Indian women spend an average of 352 minutes daily on unpaid domestic work, nearly six times more than men, who average about 58 minutes . This stark disparity reflects deeply entrenched patriarchal norms that assign women the primary responsibility for household management .

Despite its economic and social significance, unpaid domestic labor is excluded from most economic indicators like GDP calculations and is rarely factored into policy-making or labor laws . This exclusion perpetuates a cycle of invisibility and undervaluation, leaving homemakers without recognition or rights commensurate with their contribution .

IMPACT OF UNPAID DOMESTIC WORK ON WOMEN'S MENTAL HEALTH

The consequences of unpaid domestic work extend beyond physical exhaustion; they significantly impact women's psychological and emotional well-being. The constant demands of managing a household—often without support or respite—can lead to chronic stress, anxiety, depression, and burnout .

Several studies have documented the correlation between unpaid domestic labor and poor mental health outcomes among women . The lack of personal time, the pressure of perfectionism in household duties, and emotional labor such as managing family conflicts add to the psychological burden. Many homemakers report feelings of invisibility, isolation, and undervaluation, as their work goes unnoticed by family members and society at large .

The societal stigma around mental health further compounds these challenges. Homemakers, especially in conservative settings, may hesitate to seek help due to fear of judgment or lack of awareness about mental health resources . This results in underdiagnosed and untreated mental health issues that can escalate over time, impacting overall quality of life .

LEGAL FRAMEWORK AND ITS LIMITATIONS IN INDIA

RECOGNITION OF WOMEN’S WORK AND RIGHTS

India has enacted progressive laws to protect women’s rights and welfare. Some relevant statutes include:

- The Mental Healthcare Act, 2017: This landmark legislation guarantees the right to mental healthcare and treatment without discrimination, emphasizing dignity and autonomy for all individuals, including women homemakers .
- The Protection of Women from Domestic Violence Act, 2005 (PWDVA): While this act provides protection against domestic abuse, its focus is primarily on physical, emotional, and economic abuse rather than the broader challenges related to unpaid domestic work or mental health .
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Protects women in formal employment settings but does not cover homemakers who operate in informal, unpaid labor within households .

- The Unorganised Workers' Social Security Act, 2008: Aims to provide social security for informal sector workers, but homemakers are generally excluded due to the lack of formal recognition of unpaid domestic labor .

Despite these laws, unpaid domestic work remains outside the legal definition of “work,” resulting in homemakers lacking access to labor protections, social security, or targeted mental health support .

GAPS AND CHALLENGES

- Absence of Legal Recognition: There is no formal acknowledgment of unpaid domestic work as “work” deserving legal and social protections .
- Social Security Deficits: Homemakers are excluded from most welfare schemes and social security benefits, including health insurance and pension schemes .
- Mental Health Access Barriers: Stigma and lack of awareness prevent homemakers from accessing mental health care, compounded by inadequate mental health infrastructure .
- Cultural and Patriarchal Resistance: Deep-rooted societal norms resist shifting domestic responsibilities or recognizing homemakers' contributions as legitimate labor .

COMPARATIVE PERSPECTIVES: LESSONS FROM OTHER COUNTRIES

Internationally, some countries have made strides in addressing the intersection of unpaid domestic work and women's mental health through policy and legal reforms:

- Iceland: Pioneering parental leave policies encourage shared domestic responsibilities. Iceland also factors unpaid labor into social security schemes, acknowledging its economic value .
- Canada: Offers caregiver benefits and mental health programs for unpaid caregivers, including homemakers, recognizing the dual burden of physical labor and emotional strain .

- South Africa: Constitutionally guarantees the right to social security, extending protections to informal workers and caregivers, which include many homemakers .

These examples demonstrate how integrating recognition of unpaid labor with targeted mental health support can improve women's socio-economic status and well-being, providing a model for India to adapt .

CONSTITUTIONAL AND HUMAN RIGHTS PERSPECTIVE

The Indian Constitution provides a robust framework supporting homemakers' rights to mental health and dignity:

- Article 21 (Right to Life and Personal Liberty): Courts have interpreted this fundamental right to include the right to health, mental well-being, and dignity .
- Article 14 (Right to Equality): Calls for the elimination of gender-based discrimination, highlighting the need to address the unequal burden of unpaid domestic work .
- Article 15 (Prohibition of Discrimination on Grounds of Sex): Supports legal measures to ensure women's rights are protected regardless of their role as homemakers .

Judicial activism has increasingly acknowledged the intersection of gender, labor, and health rights, paving the way for recognizing homemakers' mental health needs as a constitutional imperative .

RECOMMENDATIONS: TOWARDS LEGAL AND SOCIAL REFORM

1. LEGAL RECOGNITION OF UNPAID DOMESTIC WORK

Labor laws should be amended to recognize unpaid domestic labor as "work," providing homemakers with access to social security benefits, including pension schemes, health insurance, and unemployment benefits .

2. MENTAL HEALTH POLICY INCLUSION

National and state mental health policies must include provisions tailored to homemakers' unique challenges, ensuring the availability of counselling, psychiatric care, and community-based support

3. ANTI-STIGMA AND AWARENESS CAMPAIGNS

Government and civil society organizations should run targeted campaigns to destigmatize mental health issues among homemakers, encouraging early help-seeking and open conversations .

4. PROMOTION OF EQUITABLE DOMESTIC RESPONSIBILITY SHARING

Policies such as mandatory paternity leave, community education, and workplace flexibility for men can encourage a more balanced division of unpaid work, reducing the burden on women .

5. DEVELOPMENT OF SOCIAL SECURITY SCHEMES FOR HOMEMAKERS

Schemes providing financial assistance, healthcare access, and pension benefits to homemakers would provide economic security and mental peace .

6. LEGAL AID AND SUPPORT SYSTEMS

Establish legal aid centers specializing in women's rights and mental health issues to help homemakers access justice and support .

CONCLUSION

Unpaid domestic work is an indispensable but invisible pillar sustaining families and economies. However, the mental health toll on women homemakers due to this unacknowledged labor remains a silent crisis. The Indian legal framework, while progressive in parts, falls short in recognizing unpaid domestic work and safeguarding homemakers' mental well-being.

To move toward gender justice and mental health equity, India must reform its laws and policies to legally acknowledge unpaid domestic labor and provide comprehensive mental health support. Such reforms would empower millions of homemakers, affirm their dignity, and transform Indian society into one that truly values and protects women's rights in all spheres of life .