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CONTRIBUTION OF HOUSE MAKER IN THE DEVELOPMENT OF FAMILY'S ASSEST: AN ANLYSIS OF ROLES AND RIGHTS OF HOUSE WIFE.

AUTHORED BY - YASH BHARDWAJ

"No man succeeds without a good woman behind him. Wife or mother, if it is both, he is twice blessed indeed."

- **Harold MacMillan**

ABSTRACT

The following article addresses the significance of a housewife's contributions to the improvement of a family's financial assets. The article has been split into two parts: the first covers the legal rights that Indian law grants married women, and the second part examines housewives' contributions to the husband's and the family's socio-economic growth.

Keywords: Home-maker, house wife, financial assets, empowerment.

INTRODUCTION

No marriage or family, no ward or stake is likely to reach its full potential until husbands and wives, mothers and fathers, men and women work together in unity of purpose.

- **Sheri L. Dew**

In Indian society, homemakers' contributions to the improvement of their homes and the national economy have historically been downplayed or ignored entirely. Many people in this patriarchal system argue that since women "fit" the homemaker role, it is unnecessary to acknowledge their contributions. But as times have changed, new laws and rulings supporting the recognition of individuals of different sexes as equals have been made. However, the diverse contributions made by individuals in varying capacities on both the micro- and macroeconomic levels were not acknowledged.

Homemakers provide their families with unwavering support and handle the vast majority of

household chores. Homemaking is a full-time job, even though it may not be captured in formalized economic metrics because it is rarely measured in monetary terms.

RIGHTS OF MARRIED WOMAN IN INDIA

The rights of married women in India bear witness to the nation's changing legal landscape within the intricate fabric of Indian society. Although many people are unaware of them, these rights have historically seen a trajectory from subordination to empowerment.

The majority of the rights that a married woman can exercise to lead a life worthy of respect are outlined in the material that follows. Let us take a quick look at the different rights that an Indian wife can have:

THE RIGHT TO LIVE IN THE MARITAL RESIDENCE

A fundamental component of the legal rights granted to a married woman in India is the right to live in the marital or matrimonial home. This idea includes more than just giving her a roof over her head; it also includes her right to reside in the home she shares with her spouse, which is her proper role in the marriage.

1. **Protection of Women from Domestic Violence Act (PWDVA), 2005:** It establishes what constitutes a "shared household" and guarantees the right of a resentful party—typically the wife—to live there. The act addresses physical abuse, sexual abuse, emotional abuse, and economic abuse and provides protection against being kicked out of the shared household or evicted.
2. **Section 17 of the PWDVA** emphasizes that, regardless of whether she has any title or rights to the property, a married woman has the right to live in her matrimonial home, including a joint family home.
3. **Indian Penal Code (IPC):** A woman's rights are indirectly strengthened by sections that address issues that could deprive her of a life of dignity in her marital home, such as Section 498A on cruelty and Sections 304B and 306, which deal with dowries.
4. **Hindu Succession Act, 1956:** In addition to empowering married women in terms of property rights, it has been amended to grant daughters equal rights to inherited property.
5. **Hindu Marriage Act, 1955:** A woman may request the restoration of her marital rights under this act, including the ability to live in the marital home with her spouse.

6. **Section 125 of the Code of Criminal Procedure (CrPC):** It prescribes husband-provided maintenance, which the husband interprets to include housing allowances for the wife.

RIGHT TO STREEDHAN

One of the fundamental rights accorded to an Indian married woman is the right to streedhan, which guarantees her independence and financial stability in a married relationship. Interestingly, the idea of a streedhan has its origins in ancient customs and is specifically intended to protect a woman's financial interests within the framework of a patriarchal social structure. Unlike dowry, streedhan refers to the possessions a woman receives during her lifetime from gifts and inheritance, and this collection of possessions stays her property after marriage.

The Indian legal system is designed to safeguard a married woman's right to streedhan. The legal framework is primarily established by The Hindu Marriage Act, 1955 and The Hindu Succession Act, 1956, which acknowledge a woman's absolute right over her streedhan. Furthermore, women's property rights are expressly protected by Sections 405 and 406 of the Indian Penal Code, which makes it illegal to misappropriate or breach trust in relation to streedhan. Moreover, rulings rendered by the Indian Supreme Court have reaffirmed the inviolability of streedhan, highlighting the fact that a woman's ownership of her streedhan is unaffected even in the event of a marital dissolution.

Legislation

In India, a married woman's legal rights are safeguarded by a number of laws that aim to maintain her equality, safety, and dignity in the marriage home and in society at large. Important laws consist of:

1. **Protection under the Domestic Violence Act of 2005:** This law gives married women the right to file a claim for protection against any type of abuse—physical, sexual, emotional, or financial—that she may experience from her husband or other family members.
2. **Rights to Property:** Married women in India are entitled to both streedhan, or the property they bring from their parents' home, and equal rights to inherit ancestral property.

3. **Husband's Maintenance:** A married woman may file a claim for maintenance from her husband under Section 125 of the Criminal Procedure Code (CrPC) if he fails to provide for her, particularly if she is unable to do so.
4. **Rights to the Matrimonial House:** Even in cases where a married woman lacks title to the property, she is still permitted by the Domestic Violence Act to live in her matrimonial or shared household.
5. **Minor Child Custody:** A married woman is entitled to minor child custody; in most cases, the courts will grant the mother custody, particularly if the child is young.

RIGHT OF MAINTENANCE

One of the main legal rights granted to a married woman in India is the right to maintenance. Wives are required to have financial support from their husbands, especially if they are unable to support themselves. This right is essential because it acknowledges the financial security that a woman should have, enabling her to live a life of dignity even in the event that she and her spouse separate or divorce.

1. **The Criminal Procedure Code (CrPC), 1973,** Section 125, provides maintenance in cases where the wife is unable to support herself and her husband has the means to do so but chooses to neglect or refuse to do so.
2. **The Protection of Women from Domestic Violence Act of 2005:** This act allows the victim of abuse to request maintenance as part of the order for protection. **The Hindu Marriage Act of 1955:** This Act covers Hindus and stipulates lifelong maintenance and alimony payments.
3. **The Hindu Adoptions and Maintenance Act, 1956:** It lays out precisely what it means for a husband to maintain his wife, including housing, food, clothes, and medical care.
4. **Muslim women** who have divorced are entitled to maintenance under the Muslim Women (Protection of Rights on Divorce) Act of 1986.

RIGHT TO LIVE WITH DIGNITY AND RESPECT

Married women have the right to live with honour and dignity, just like their husbands and in-laws. She is also free to exist without being tormented in any way. The right of women to live with dignity is guaranteed by Article 21 of the Indian Constitution. Article 21 of the Indian Constitution and other laws that safeguard married women's rights also protect the right to live

in dignity. despite the fact that everyone has a different definition of what constitutes dignity.

LANDMARK JUDGMENTS

The judiciary frequently illustrates the importance of the homemaker's role in terms of financial matters.

1. The Supreme Court stressed the enormous value of a woman handling household duties, recognizing the immeasurable value of a homemaker's labour. **On Justices Suryakant and KV Vishwanathan raised the award in a recent car accident case to Rs 6 lakh.** The responsibility of a homemaker is just as significant as that of a family member who makes a tangible salary. There is no question that a homemaker makes a high-order and priceless contribution when the tasks they complete are added up one by one. As a matter of fact, calculating her contributions solely in monetary terms is challenging," the bench stated.
2. A statute unrelated to the topic at hand was necessary to comprehend the economic, if not greater, value of homemakers to society. Although this is not the first instance in which income of this kind is calculated theoretically, the comprehensive analysis and justification provided in the current judgment are praiseworthy. **In Kirti and Anr. v. Oriental Insurance Company, the Supreme Court of India** recently acknowledged the importance of taking into account a homemaker's notional income when determining how much compensation is due under the Motor Vehicles Act of 1988. When determining compensation, a number of factors are considered, including the deceased's age and income, the number of surviving dependents, the likelihood of earning more in the future, and so forth. Three dependents survived the couple who passed away in the current case.
3. **In Arvind Kumar Pandey & Ors vs. Girish Pandey & Ors, 2024** The Supreme Court held that the deemed income of the homemaker cannot be less than the income of a daily wager under the Minimum Wages Act.
4. **In Kannaian Naidu and others v Kamsala Ammal and others, Justice Krishnan Ramasamy observed** that though there was no legislation at present that recognized the contribution made by the wife, the court could very well recognize the same. The Court added that the law does not prevent a Judge from recognizing the contributions

SOME JURIST'S OPINION

- Although there isn't currently any legislation acknowledging the wife's contribution, **Justice Krishnan Ramasamy noted** that the court could very well do so. The Court further stated that a judge is not prohibited by law from acknowledging the contributions
- **Hon'ble Justice Krishnan Ramasyamy** states that a wife handles multiple responsibilities as a homemaker. A wife's job of providing comfort and contributing to the family by working nonstop for 24 hours a day, seven days a week, is undoubtedly valuable, but it cannot be compared to that of an earning husband who works eight hours a day.
- **Hon'ble Justice Surya Kant and Justice K.V. Vishwanathan** state that the deceased's direct and indirect income cannot be less than the daily wage of a wager under the MWA, even in the event that she was unemployed. Additionally, it was decided that homemakers' income is a tangible source of support and that the services they provide

ROLE OF HOME MAKERS AND PANDEMIC

Professionals and members of the working class have been forced to experience homemaking due to the pandemic. Family members are becoming more aware of the value homemakers bring to their lives and are sharing responsibilities among themselves.

Our daily routines have been interrupted by the pandemic. In their homes, families are spending more time together. Nowadays, a home serves more purposes than just providing a place to sleep. They now serve as combined workplaces, fitness centres, dining establishments, and movie theatres. The way that homemakers and their workplace are affected by this shift is enormous.

Homemakers have always had a significant impact on household expenses and consumption patterns because they are crucial decision-makers when it comes to purchases for the home.

With the pandemic bringing about concerning adjustments to the living space, it also calls for modifications to the way housewives travel and use their vehicles. usage within the household. Lack of outside assistance resulted in Families are now frequently taking a more active role in

tasks that have historically fallen within the purview of the housewife. As such, they are having an increased impact on the lifestyle and choices of homemakers.

CONCLUSION

Until everyone is equally free, we cannot have a free and equal society. Everyone is concerned about this inequality since women do not have equal rights. The idea of gender equality and women's empowerment is essential to economic growth, peace and security, and sustainable development. Numerous studies have demonstrated that when society as a whole benefits, women's rights are respected and given serious consideration.

In recent years, numerous initiatives have been developed and put into action to empower women in Indian society and improve their situation. One of the best ways to empower women has been to give them access to their fundamental and constitutional rights through legislation.

The fact that laws exist at all is not

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