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FROM ZERO TO NATION BUILDERS

AUTHORED BY - ANJANEYA PANDEY
Student, Bennett University

Homemaker the word sounds very simple it is made from two words home and maker which basically means that a person who works at home which further means managing the house and family and does not earn from it. From decades the society has been treating homemakers as less valued and the homemakers have been fighting their life for years to be recognized as a respectable profession which in simpler words means a job the society sees as decent work. The term decent work can be more easily breakdown by the ILO's idea of decent work meaning work that is productive, fairly rewarded secure, non-discriminatory and consistent with human dignity. It was never lie that the old societal thinking was that if there is an unpaid work inside the home it was seen as duty, dependence, and very little economic recognition while paid work mostly the men used to do outside the home was seen as occupation, income and respect. This thinking has been continued ever since generations along generations and as a modern society we have been breaking this thinking but this thinking still stays in the mind of people the reason is the same they do not know the economic value of the job of homemakers and take it casually, they are often socially valued in moral language by saying words such as good wife, good mother etc. The work such as cooking, cleaning, household management, childcare and care of elder relatives are seen as natural duties rather than work that produces economic value. This paper talks about the doctrinal evolution of homemaker compensation from the notional income zero to court's recognition of homemakers as economic contributors in the case of **Shishu Pal v. Surjeet**[1], shifts within Article 14, 15(3) and 39(a) and argued the ruling significantly advances but it lacks codified methodologies risking it to falling in the same arbitrariness it seeks to correct that a UK and Australian style model could fill with Indian adaptation to it.

Doctrinal Evolution

Early phase

Earlier in the starting phase the court and tribunal used to evaluate the loss of dependency

[1] Shishu Pal v. Surjeet, 2026 SCC OnLine SC 1114

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strictly through the fixed parameters of income tax return and wage or salary which worked arbitrary as the non paid labour work used to suffer in it and used to get lesser or nominal amount as compensation that was generally relied on subjective and arbitrary guesswork. Since the homemaker produce no significant monetary earnings through it courts would treat their income as zero and treating them as unemployed. This led to the misuse of Second Schedule of Motor Vehicle Act, 1988[2], under the Section 163A of Motor Vehicle Act, 1988[3] the parliament introduced a structured formula via Second Schedule, which assigned a fixed notional income of ₹15,000 per annum to "non-earning persons" like children, student and homemaker or unemployed person. The Tribunal applied this ₹15,000 baseline to adult homemakers treating their labour or as equal with a unemployed individual. This shows how early judicial practice failed to apply the replacement cost principle relying instead in arbitrary rewards that varies widely across tribunals, which further shows how the systemic blind spots regarding unpaid carework was used and no well calculated criteria was created for them.

Phase 1

In the case of *Lata Wadhwa v. State of Bihar,*[4] it was the first case towards laying down valuation of homemaker's services. The Supreme Court recognized for the first time that housewife/ homemaker carry significant economic value and cannot be treated as zero or negligible. The court in this case fixed a standardized monthly income for homemakers depending upon their age bracket for example ₹36,000 per annum for homemakers aged 34 to 59 years which was based on the principle that loss of homemaker constitutes loss of pecuniary services to the family.

Phase 2

The society used to see homemakers as dependent or non earner that was cleared in the case of *Arun Kumar Agrawal v. National Insurance Co. Ltd.*,[5] which further expanded upon the Lata Wadhwa case by criticizing this practise by the honourable court. The Court emphasized on the part that homemakers contribute significantly to the household economy and the family well being through unpaid work. Justice A.K Ganguly gave his concurring opinion highlighting the international Convention on the Elimination of All Forms of Discrimination against Women and stressed that the non monetary contributions of women must be reflected in fair compensation metrics rather than arbitrary sums.

[2] The Motor Vehicles Act, 1988, No. 59, Acts of Parliament, 1988, sch. 2 (India).
[3] The Motor Vehicles Act, 1988, No. 59, Acts of Parliament, 1988, § 163A (India).
[4] Lata Wadhwa v. State of Bihar, (2001) 8 SCC 197
[5] Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218

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Phase 3

In the case of *National Insurance Co. Ltd. v. Pranay Sethi,*[6] the constitutional bench tried to standardise more correctly the assessment of compensation in fatal motor vehicle accidents. It reasserted the multiplier approach established with the Sarla Verma v. DTC,[7] and it is clearly clarified by the bench that the future prospects must be added to the deceased's income depending upon their age and nature of employment. It also made fixed convention heads of compensation that are loss of estate, loss of consortium and funeral expense at ₹15,000, ₹40,000 and ₹15,000 respectively, subject to a 10% enhancement every three years. This was a big step towards promoting consistency and reducing arbitrary awards. However there was some problems with it did not independently cover the managerial and caregiving labour performed by the homemaker.

Phase 4

It was the first time in the case of *Kirti v. Oriental Insurance Co. Ltd.,*[8] when the household work was recognised as a formal economic contribution that directly impacts national income and GDP. The principles of the Pranay Sethi was used in calculating the homemaker valuation and it was held that homemakers are entitled to the addition future prospects and possibilities when calculating the compensation for fatal motor vehicle claims that was decided 40% additional as future prospects if the deceased homemaker was under 40 years of age, if the age of the deceased person is between 40 to 50 years and 50 to 60 years there will a be additional 25% and 10% respectively to the award.

Phase 5

It was all changes in the landmark judgement that was delivered on 11 June 2026 by a bench of **Justice Sanjay Karol and Justice N. Kotiswar Singh in Shishu Pal v. Surjeet.**[9] *It brought big change in the thinking of the society and recognise the economic value of the homemaker. Many people would take it wrong about the judgement of Supreme court they did not said that homemaking was now a salaried employ or that every homemaker should get* ₹30,000 monthly. It states that in motor accident claims involving the death of homemaker the courts must recognise as separate called "loss of domestic care". The SC rejects the assumption that the homemaker is merely a dependent member while it was said that para 10 it is "ironic to describe a homemaker as dependant on earning members" when the household itself substantially

[6] National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680
[7] Sarla Verma v. DTC, (2009) 6 SCC 121
[8] Kirti v. Oriental Insurance Co. Ltd., (2021) 2 SCC 166
[9] Supra note 1

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depends on her[10]. The honourable court even stated homemakers as *nation build*er which have significantly increased their value in people's eye, saying the nation builder is not just poetic metaphor but was backed by the *India's Time Use Survey*, explicitly observing that the economic value of women's unpaid caregiving work is estimated to contribute **15–17% of India's GDP.**[11]

The court also added to the way of calculating the compensation further by two types on the basis of whether the homemaker is has a proven paid income or not. For instance if the homemaker has no proven income earning, it stands in minimum monthly income for multiplier based compensation and if the homemaker had a proven income it is added to that income. This has transformed the Indian motor accident compensation case by rejecting the old treatment of unpaid domestic work as economically invisible. This revised rule views the real problem of the sufferings of people affected and compensate them fairly for their losses. The Court explained in this case that unpaid labour of homemakers provided the invisible foundation that enables everyone be it daily wage works to corporate employees, politician and lawyers to step out of the house and build the economy.

Constitutional and Gender-Equity Foundations

Do Articles 14, 15(3), and 39(a) of the Indian Constitution justify the financial valuation of unpaid homemakers' labour in Motor Accident claims?

The constitution forces courts to view a homemaker as valuable economic contribution not a free service done out of love. As the Supreme Court of India has this judgement the recent case of Shishu Pal it was backed by Indian Constitution's Article 14, 15(3) and 39(a) which are Right to equality, Gender Justice & protection for Women, and Equal Right to livelihood respectively. This helped court to view it's real economic value and must be compensated if they are injured and killed in an accident.

Articles 14 Right to equality

In the past, tribunal treated office workers as earners and homemakers as non earners making their contribution in the economy as zero. Article 14 requires courts to treat household work as equal economic labour, so that a deceased family is awarded fairly no matter where the work was done by then, making their effort counted making it a big win for homemakers.

Articles 15(3) Gender Justice & protection for Women

[10] *Shishu Pal v. Surjeet*, 2026 INSC 634, ¶ 15 (India).
[11] Press Information Bureau, Ministry of Statistics & Programme Implementation, *NSS Report: Time Use in India- 2019 (January – December 2019)* (Sept. 29, 2020), https://www.pib.gov.in/PressReleasePage.aspx?PRID=1660028.

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Since mostly the women do all the unpaid household work in India, treating their work as free or valueless hurts the sentiments of women the most. This article allows court to make special and fair rules for protecting women's social and economic status, like adding the future prospects to protect there economic dignity.

Article 39(a) Equal Right to Livelihood

A family even in this modern era relies on a homemaker for cooking, childcare, management of household and healthcare to survive. Losing a homemaker in an accident destroys the family's basic standard of living. The constitution secures that the judiciary pay the family enough money to replace these essential life services.

Comparative Analysis

In India the process has been in development for a fair valuation of homemakers by judicial precedents and cases over the years. In the recent landmark ruling of Supreme Court of India has significantly changed the jurisprudence of motor accident compensation in the case of Shishu Pal v. Surjeet 2026,[12] by setting the baseline notional income of ₹30,000 per month and recognizing the economic value of unpaid homemaker work.

However, India's current framework of awards given to deceased family remains mainly dependent on judicial estimation. While the foreign jurisprudence rely on formal statutory mechanism and well calculated economic models.

United Kingdom

In the United Kingdom, claims under the fatal accidents the compensation are framed under the Fatal Accidents Act 1976[13]. When a homemaker or caregiver is killed in a fatal accident the financial loss to the dependents are calculated through Replacement cost method, rather than relying on the arbitrary estimation. The replacement value of the domestic services that were provided by the homemaker was calculated example for cooking, caregiving, house maintenance etc using commercial rates in the markets, while to calculate the future pecuniary losses the court apply the Official Ogden Tables[14]. These tables are actuarial guidelines used in UK to calculate the compensation for future financial losses in fatal and personal injuries which is prepared by the Government Actuary's Department. It is based on several factors like life expectancy, gender, age and adjusted contingencies. As it is easily accessible to the public at large and is calculated which taking accounts of the several factors which makes it

[12] *Supra* note 7.
[13] Fatal Accidents Act 1976, c. 30 (U.K.).
[14] GOV'T ACTUARY'S DEP'T, ACTUARIAL TABLES FOR USE IN PERSONAL INJURY AND FATAL ACCIDENT CASES (8th ed. 2020) (U.K.).

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standardized and fair.

United States

In United State wrongful death statutes covers across the various states of US recognize the "loss of household services" a compensable injury. The mechanism used the US courts is based on the forensic economists and time use experts. The expert use standardized market databases to calculated the value of the labour that was provide by the deceased for example *Dollar Value of Day-to-Day Household Labor* or the Bureau of Labor Statistics *American Time Use Survey*[15] and project the loses the deceased family across the deceased life expectancy using evidence based claims creating a transparent system. They basically use the replacement cost method (hiring a chef or housekeeper) or by the opportunity cost method (what the deceased would have earned in the actual labour market).

Australia

Australia regulates domestic service claims under structured legislation like Civil Liability Acts and Safety, Rehabilitation and Compensation Act 1988[16]. Australian framework works on strict threshold filters that helps to filter minor claim cases, to a case to pass through the threshold there is a minimum requirement that atleast the domestic care should be atleast 6 hours per week for 6 consecutive months under Section 15 of NSW Civil liability Act[17]. There is even Maximum cap to the compensation which is capped at National Average Weekly Wages and is maintained annually to inflation revolving the arbitrary guesswork by the courts.

Lesson for India

The comparative analysis with the different international legal system spots light to a fundamental difference in the both the system that is while the international legal system regulates homemakers compensation through formal legislation, time use data or actuarial framework as compared to India where the compensation relied on judicial estimation. There are some cases which helped in recognising and elevation the value of homemakers in the society such as cases like Lata Wadhwa,[18] Kirti, and the recently passed Supreme Courts ruling in Shishu Pal v. Surjeet(2026),[19] but India still lacks a uniform statutory mechanism. India should adopt a hybrid Australian and UK model where the legislative statutory caps and threshold values of Australian model combined with the standardised actuarial discount tables

[15] BUREAU OF LABOUR STATS., U.S. DEP'T OF LABOUR, AMERICAN TIME USE SURVEY (2023), https://www.bls.gov/tus/.
[16] Safety, Rehabilitation and Compensation Act 1988 (Cth) (Austl.).
[17] Civil Liability Act 2002 (NSW) § 15 (Austl.).
[18] *Supra* note 3.
[19] Supra note 1

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of UK model which will help calculate a fair and transparent calculation of compensation for deceased family.

Challenges and policy Gap

The recent judgement of Supreme Court on Shishu Pal[20] case is a big step forward it but the current reality is it does not solve all the problems. The biggest problem of all is the arbitrariness that was earlier in the system continues even after the this judgement as the court gave a fixed ₹30,000 per month compensation without any clear methodologies to calculate it. This means the tribunals still holds power to increase or decrease the amount in special cases if the deceased is running a bigger or smaller family, this would lead to more appeals and delay instead of getting fewer

Another problem is that insurance companies are more likely to resist this change as this new head of compensation increasing the total amount insurers have to pay. They may argue in future cases that ₹30,000 is too high or try to get it reduce based on specific facts.

Adding to it there is also a problem related to the disparities related to rural and urban problems in India. In the Urban areas it is easy to calculate the cost of cook, babysitter and maid because these services are easily and commonly available having a clear market price. In comparison to the rural areas where most of the people do their works on their own, unpaid and distributed among family members there is no clear market price to it. This number that was giving by the court of ₹30,000 may be fair for an urban families but it may not work for rural areas where people help their family in more labour work as compared to urban areas like farming, animal care and other daily task on top of housework which makes it more difficult to calculate.

Conclusion

To fill all these gap India need a proper transparent system to calculate the compensation, instead it leaving it open to judicial discretion. The Law Commission of India could take help take inspiration while making a new system similar to the UK's Ogden Tables[21]. This would help compensation more consistent and transparent process across different courts and would help in raising less number of appeals saving litigants money, time and effort. This will help people be more satisfied with the compensation too.

The recent Shishu Pal[22] judgement should not be taken as an endpoint to the discussion rather then it should be the starting point to it. This has helped in setting a baseline and recognising

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[20] Supra note 1
[21] *Supra* note 11
[22] Supra note 1

their economic value. Now it’s the job of the legislature to turn this into a fair, transparent and consistent system. If they do not take part in following up this number will end up being unevenly applied.