
VALUING THE INVISIBLE: A CRITICAL COMMENT ON SHISHU PAL @ SHISH RAM & ORS. V. SURJEET & ORS. AND THE JUDICIAL RECOGNITION OF THE ECONOMIC VALUE OF A HOMEMAKER'S UNPAID DOMESTIC WORK

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ABSTRACT

For decades, Indian courts and Motor Accident Claims Tribunals have struggled to quantify compensation payable on the death of a homemaker, whose labour, though indispensable to the household and the economy, generates no wage and finds no place in conventional income-based computation. The Supreme Court's decision in *Shishu Pal @ Shish Ram & Ors. v. Surjeet & Ors.* confronts this long-standing lacuna directly. Delivered by a Bench of Sanjay Karol and N. Kotiswar Singh, JJ. on 11 June 2026, the judgment arose from a motor accident that occurred in 2001 and took nearly a quarter of a century to reach final resolution. The Court used the occasion not merely to enhance compensation in the instant case, but to introduce a distinct compensatory head titled "loss of domestic care", fixed at a notional Rs. 30,000 per month, and to lay down structured guidelines for valuing a homemaker's contribution in future claims. This comment traces the facts and reasoning of the judgment, situates it within the doctrinal trajectory beginning with *Lata Wadhwa v. State of Bihar* and culminating in *National Insurance Co. Ltd. v. Pranay Sethi* and *Kirti v. Oriental Insurance Co. Ltd.*, and critically examines the adequacy, consistency, and broader implications of the ruling for motor accident jurisprudence, gender equity, and the insurance sector. It argues that while the judgment marks a significant conceptual advance in acknowledging the economic worth of unpaid domestic labour, the notional figure prescribed remains modest and the persistence of extraordinary adjudicatory delay continues to undermine the very justice the Court seeks to deliver.

Keywords: Homemaker, unpaid domestic work, motor accident compensation, loss of domestic care, notional income, gender justice, Motor Vehicles Act.

I. INTRODUCTION

The Indian household runs, in overwhelming measure, on labour that the market never prices. Cooking, cleaning, child-rearing, elder care, budgeting, and the countless daily tasks that keep a family functioning are performed, in most Indian homes, by a homemaker¹ - and this labour has, for the greater part of the country's legal history, been treated in law as though it did not exist in economic terms. Motor Accident Claims Tribunals ("MACTs"), when confronted with the death of a homemaker in a road accident, have had no wage slip, no salary certificate, and no fixed notional income to anchor their computation of compensation. The result has been decades of ad hoc and inconsistent awards that undervalued, or altogether ignored, the economic dimension of domestic labour.

The Supreme Court's decision in *Shishu Pal @ Shish Ram & Ors. v. Surjeet & Ors.*² seeks to remedy this gap. Rendered by a Division Bench of Sanjay Karol and N. Kotiswar Singh, JJ. on 11 June 2026, the judgment arose out of a motor accident claim in which the deceased, a homemaker, lost her life in the year 2001 owing to the rash and negligent driving of a vehicle. The claim took close to twenty-five years to attain finality. The Court used this occasion to address two distinct but related concerns: first, the corrosive effect of extraordinary delay on the delivery of justice in compensation claims; and second, and more significantly for the purposes of this comment, the proper method of valuing the economic contribution of a homemaker to her family and to society.

In doing so, the Court introduced a new compensatory head titled "loss of domestic care", fixed provisionally at Rs. 30,000 per month, and issued comprehensive directions intended to guide MACTs in future adjudication. The Bench went further than merely computing compensation: it engaged in an extended discussion on the terminology used to describe women who manage households, the stereotypical undervaluation of such labour, and the broader social significance of according it economic recognition. This comment examines the facts, reasoning, and doctrinal placement of the judgment, and offers a critical assessment of its adequacy and likely impact.

¹See generally Shivanand Pandit, Homemakers Earn Legal Recognition, THE NORTHLINES (June 2026).

²*Shishu Pal @ Shish Ram & Ors. v. Surjeet & Ors.*, 2026 INSC 634 (India); see also 2026 SCC OnLine SC 1114.

II. FACTS AND PROCEDURAL BACKGROUND

The appeal before the Supreme Court arose from a motor vehicle accident dated 25 November 2001, in which the deceased - a homemaker - died as a result of rash and negligent driving³. Her dependants approached the Motor Accident Claims Tribunal for compensation, and the matter thereafter travelled through the High Court before reaching the Supreme Court by way of a civil appeal arising from a special leave petition filed in 2025⁴.

The High Court had awarded compensation of approximately Rs. 8,43,400. On appeal, the Supreme Court enhanced this figure substantially to Rs. 62,77,900⁵, a near eight-fold increase attributable in substantial part to the recalibrated approach to valuing the deceased's contribution as a homemaker, together with conventional heads such as loss of consortium, computed in line with the Constitution Bench decision in *National Insurance Co. Ltd. v. Pranay Sethi*⁶.

What distinguishes this case from the ordinary run of motor accident appeals is the extraordinary delay between the date of the accident and the date of final adjudication - nearly twenty-five years. The Court did not treat this delay as incidental; it treated it as a central failing of the adjudicatory process that itself compounded the injustice suffered by the claimants, who were kept waiting for a quarter of a century for a determination of their entitlement.

III. ISSUES BEFORE THE COURT

Two principal issues arose for consideration. First, whether the inordinate delay of nearly twenty-five years in the adjudication of the compensation claim called for systemic directions to prevent recurrence. Second, and of greater doctrinal significance, whether and how the economic contribution of a homemaker who has no independent income ought to be valued for the purpose of computing compensation under the Motor Vehicles Act, 1988, and whether existing methods of computation adequately captured that value.

³The Indian Lawyer, Supreme Court Recognises the Invisible Labour of Homemakers, Introduces ₹30,000 Under 'Loss of Domestic Care' (June 2026).

⁴Civil Appeal arising out of Special Leave Petition (Civil) No. 33915 of 2025.

⁵Fundamental Right to Walk on Footpath, Homemaker's Unpaid Work and Five New Judges: Supreme Court June 2026 Roundup, SCC ONLINE BLOG (3 July 2026).

⁶*National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680 (India).

IV. THE COURT'S REASONING

A. The Question of Delay

The Court expressed concern that a claim arising from an accident in 2001 had taken until 2026 to reach finality, describing this as a failure that struck at the root of the compensatory scheme under the Motor Vehicles Act, which is intended to provide timely relief to victims and their dependants. The judgment is emphatic that delay of this magnitude defeats the beneficial purpose of the statute and effectively doubles the victimisation of claimants - first by the accident itself, and second by the legal process meant to redress it.

B. Valuing the Homemaker's Contribution: The "Loss of Domestic Care" Head

The centrepiece of the judgment is the introduction of a new and independent compensatory head - "loss of domestic care" - fixed at a notional Rs. 30,000 per month, subject to periodic enhancement, and payable in addition to conventional heads of compensation such as loss of consortium and loss of dependency⁷. The Court explained that this head is meant to capture the homemaker's contribution towards the smooth functioning of the household, the loss of maternal support suffered by children, and the loss of spousal or filial support suffered by a surviving spouse or by parents of an adult child who was a homemaker.

Significantly, the Court was careful to note that this figure is not final or immutable but is intended as a workable notional baseline pending a more scientific and comprehensive method of valuation. The judgment recognises that the absence of any standard, verifiable income for a homemaker has historically forced tribunals to arrive at compensation through guesswork, and that this guesswork has systematically undervalued the true worth of domestic labour.

The Court situated this undervaluation within a broader diagnosis of gender stereotyping, observing that the tendency to treat a homemaker's work as having little or no economic value flows from an enduring fidelity to stereotypical gender roles that cast domestic labour as a natural extension of womanhood rather than as work deserving remuneration. The exercise of assigning monetary value to such labour was, in the Court's own framing, not simply an accounting exercise but an attempt to redefine what society treats as valuable.

⁷Fundamental Right to Walk on Footpath, supra note 6.

C. From "Housewife" to "Homemaker": The Terminological Shift

The Bench devoted specific attention to nomenclature, tracing the term "housewife" to considerably older usage and contrasting it with the comparatively recent origin of the word "homemaker". The Court noted that although judicial usage has increasingly moved towards "homemaker" in recognition of the multiplicity of roles - cook, caregiver, family counsellor, household manager, and informal accountant - that such a person performs, common usage continues to favour the older and narrower term by a wide margin. The Court referred to its own recent handbook on combating gender stereotypes, which recommends the consistent use of "homemaker" rather than "housewife" in judicial writing, and adopted the term "grihaswamini" as an honorific description of the role.

D. Notional Income and Structured Directions

Beyond the facts of the instant case, the Court issued comprehensive prospective directions for MACTs to follow while computing compensation in cases involving the death of a homemaker, aimed at bringing consistency to what has until now been a matter of considerable regional and tribunal-level variance. The judgment frames the fixation of a minimum notional income as a floor rather than a ceiling, leaving room for enhancement based on the specific facts of a claim, including the number of dependants, the age of the deceased, and the socio-economic circumstances of the family.

V. DOCTRINAL EVOLUTION: SITUATING THE JUDGMENT WITHIN PRIOR PRECEDENT

The recognition of a homemaker's economic contribution did not emerge in a vacuum. The Supreme Court had, well before 2026, taken preliminary steps in this direction. In *Lata Wadhwa v. State of Bihar*⁸, the Court, while computing compensation for victims of a fire tragedy, accepted for the first time that the services rendered by a housewife had a quantifiable economic value and could not be treated as nil simply because she earned no wage.

This principle was carried forward in *Arun Kumar Agrawal v. National Insurance Co. Ltd.*⁹, where the Court criticised the tendency of tribunals to adopt an unduly conservative approach

⁸Lata Wadhwa v. State of Bihar, (2001) 8 SCC 197 (India).

⁹Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218 (India).

while valuing a homemaker's contribution and called for a more realistic assessment that accounted for the multiple roles she performs. The Constitution Bench in *National Insurance Co. Ltd. v. Pranay Sethi*¹⁰ subsequently standardised several aspects of motor accident compensation computation, including future prospects and multiplier tables, though it did not lay down a specific notional income for homemakers.

The most direct precursor to the present judgment is *Kirti v. Oriental Insurance Co. Ltd.*¹¹, where the Supreme Court held that the addition of notional income for a homemaker while computing compensation was not only permissible but necessary, and that courts must move away from the assumption that a homemaker contributes nothing of economic value to the household. *Shishu Pal* builds on this line of authority in two respects: it converts what had earlier been a principle of valuation into a specific, quantified, and independently named compensatory head - "loss of domestic care" - and it couples this quantification with express, structured guidance intended to standardise practice across tribunals. In this sense, the judgment marks a shift from case-by-case judicial sympathy towards a more codified and predictable framework, echoing the standardising function that *Pranay Sethi* performed for future prospects and multipliers.

VI. CRITICAL ANALYSIS

The judgment deserves credit on at least three counts. First, it converts an abstract and frequently invoked sentiment - that a homemaker's work has value - into a concrete, quantified head of compensation that tribunals can apply with a degree of consistency. Second, the Court's engagement with the language used to describe homemakers, and its explicit diagnosis of gender stereotyping as the root cause of undervaluation, gives the judgment an analytical depth that goes beyond the arithmetic of compensation. Third, by treating the near quarter-century delay as a substantive failing rather than a procedural footnote, the Court has drawn attention to a systemic problem that afflicts motor accident litigation generally, not merely claims involving homemakers.

That said, the judgment is not without difficulty. The figure of Rs. 30,000 per month, while a marked improvement over the guesswork it replaces, remains modest when measured against the actual replacement cost of the services a homemaker performs - cooking, childcare,

¹⁰Pranay Sethi, *supra* note 8.

¹¹*Kirti v. Oriental Insurance Co. Ltd.*, (2021) 2 SCC 166 (India).

eldercare, and household management - if procured from the market on a full-time basis. The Court itself acknowledges that the figure is not final, which is a candid admission, but it also leaves tribunals with limited guidance on the criteria that would justify departing upward from this floor, creating a risk that the notional minimum could, in practice, harden into a default maximum.

There is also a structural tension between the Court's stated aim of standardisation and its simultaneous insistence that the amount is provisional and open to periodic revision. Without a clearly specified mechanism or index for such revision - whether tied to inflation, wage indices for domestic work, or a fixed periodic review - the notional figure risks becoming static in practice even as the Court intends it to be dynamic in principle, a fate that has previously befallen other notional figures in motor accident jurisprudence, including the consortium amount fixed in *Pranay Sethi*, which required subsequent judicial recalibration for inflation.

Finally, while the Court's twenty-five-year delay critique is well taken, the judgment stops short of prescribing binding timelines or institutional reforms - such as dedicated fast-track benches or mandatory disposal periods for MACT claims - that would operationalise its concern. A diagnosis of delay, however forcefully stated, does not by itself prevent recurrence; without accompanying procedural reform, future claimants may find themselves subject to the same institutional inertia that afflicted the claimants in this very case.

VII. IMPLICATIONS

The judgment's implications extend beyond the immediate context of motor accident compensation. Commentators have noted that the ruling is likely to influence how the insurance sector assesses homemakers for life and personal accident insurance coverage, since insurers have traditionally linked a homemaker's insurability to her spouse's income rather than recognising her own economic contribution¹². A judicially sanctioned notional income for homemakers could, over time, provide insurers with a more principled basis for extending independent coverage.

The judgment may also have persuasive value beyond motor accident law, in contexts such as matrimonial property disputes, maintenance proceedings, and claims for damages in tortious wrongful death cases generally, where courts are similarly called upon to place an economic

¹²Shivanand Pandit, Homemakers Earn Legal Recognition, THE NORTHLINES (June 2026).

value on domestic contribution. Whether tribunals and subordinate courts will extend the reasoning of *Shishu Pal* to these adjacent contexts remains to be seen, but the analytical architecture the Court has built - linking undervaluation to gender stereotyping and prescribing a named, quantified head - offers a template that other benches may find persuasive.

VIII. CONCLUSION

Shishu Pal @ Shish Ram & Ors. v. Surjeet & Ors. represents a considered and overdue step in Indian compensation jurisprudence. By naming and quantifying "loss of domestic care" as an independent head, and by locating the historical undervaluation of homemakers' labour within a broader critique of gender stereotyping, the Supreme Court has moved the law closer to according homemakers the economic recognition long denied to them. The judgment's candour in acknowledging the notional and provisional character of its own figure is commendable, but it also signals that the doctrinal work is unfinished: the adequacy of Rs. 30,000 per month, the mechanism for its periodic revision, and the absence of binding timelines to prevent the very delay the Court laments all remain open questions for future benches and for the legislature to address. What the judgment achieves, nonetheless, is a formal acknowledgment - long resisted by both law and society - that the work performed within the four walls of a home is not merely an act of love or duty, but labour with measurable economic worth, and that the law owes it recognition in coin as much as in sentiment.