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Supreme Court: Homemakers Are Nation Builders, Domestic Care Is Compensable

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Supreme Court: Homemakers Are Nation Builders, Domestic Care Is Compensable

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WHY IN NEWS

The **Supreme Court**, in **Shishupal @ Shish Ram v. Surjeet (2026)**, held that the loss of a **homemaker's domestic care** is a **distinct and independent head of damages** in motor-accident compensation, over and above the conventional heads, and fixed a **minimum notional value of Rs 30,000 a month** for such loss. Describing homemakers as “**nation builders**,” the Court observed that women’s unpaid domestic and care work contributes an estimated **15 to 17 per cent of India’s GDP** yet remains unrecognised. The ruling advances the legal recognition of the unpaid care economy.

WHAT THE COURT HELD

ASPECT	DETAIL
Case	Shishupal @ Shish Ram v. Surjeet (2026)
Bench	Justices Sanjay Karol and N. Kotiswar Singh
Statute	Motor Vehicles Act, 1988
Core holding	Loss of a homemaker’s domestic care is an additional, independent head of damages
Minimum value	Rs 30,000 a month (notional), escalating 10% every three years
What it covers	The homemaker’s household contribution, loss of maternal care to children, and loss of spousal support
Framing	Homemakers are “nation builders”

The case arose from an appeal in a motor-accident claim. The Court ruled that the contribution of a homemaker extends far beyond routine housework and must be valued as a separate component of compensation, layered **on top of the conventional heads** settled in *National Insurance Co. v. Pranay Sethi (2017)*, not folded into

or ignored within them.

THE LEGAL LINEAGE

The judgment is the latest in a clear line of cases recognising the economic value of homemakers' work.

CASE	SIGNIFICANCE
Lata Wadhwa v. State of Bihar (2001)	Early judicial attempt to value a homemaker's services in compensation
Sarla Verma v. DTC (2009)	Standardised the multiplier method and deductions for personal expenses
Arun Kumar Agrawal v. NIC (2010)	Held it is "unfair and inappropriate" to value a housewife's services as nil or less than a daily wage; flagged the gendered undervaluation
National Insurance Co. v. Pranay Sethi (2017)	Constitution Bench: fixed the conventional heads (loss of estate, consortium, funeral expenses) and future-prospects slabs (50%, 30%, 15%)
Kirti v. Oriental Insurance Co. (2021)	Recognised the notional income of a homemaker and granted future prospects on it
Shishupal v. Surjeet (2026)	Adds " loss of domestic care " as a distinct head on top of Pranay Sethi, with a Rs 30,000 minimum

How Compensation Is Computed

For a homemaker who earns no measurable salary, courts assign a **notional income** using one of three judicially recognised methods, drawn from *Kirti*:

- **Opportunity Cost Method:** what she could have earned in the labour market.
- **Partnership Method:** a share (often half) of the earning spouse's income.
- **Replacement Method:** the cost of hiring paid help to perform the same services.

This notional income is then applied with the **multiplier** (*Sarla Verma*) and **future prospects** (*Pranay Sethi*) to arrive at "just compensation."

WHY IT MATTERS: THE CARE ECONOMY

The ruling has significance well beyond accident claims.

- **Valuing unpaid work:** It puts a legal value on domestic and care work, which is overwhelmingly performed by women and is excluded from conventional measures of economic output.

- **Why GDP misses it:** Unpaid household services fall **outside the production boundary** of the System of National Accounts (SNA), which is why they vanish from GDP. The standard remedy is **household satellite accounts**, advocated by the ILO and the UN, that measure such work without distorting headline GDP.
- **The scale:** Estimates (including an SBI report) value women’s unpaid work at around **Rs 22.7 lakh crore, or about 7.5 per cent of GDP**; the **Time Use Survey (2019)** found women spend roughly **seven to eight times more time** than men on unpaid domestic and care work.
- **The global frame:** It resonates with **Sustainable Development Goal 5.4**, “recognise and value unpaid care and domestic work,” whose indicator (5.4.1) measures time spent on it.

Constitutional Dimensions

The recognition of unpaid care work draws on several constitutional anchors:

- **Article 21** (right to life and dignity), the source of the “just compensation” principle.
- **Articles 14 and 15(3)** (equality, and special provisions for women), supporting substantive equality.
- **Article 39(a) and (d)** (Directive Principles): adequate means of livelihood and equal pay for equal work, the normative basis for valuing women’s labour.

CRITICAL PERSPECTIVE

The ruling is a landmark, but its limits matter for a balanced view:

- **Recognition in law, not in the economy:** It values care work only **after death or disability in a tort claim**, not as a living entitlement (there are no wages for housework, no pension).
- **A floor, not indexed:** Rs 30,000 is a national minimum, not adjusted for the higher replacement cost of care in cities, risking undervaluation.
- **Enforcement depends on tribunals:** Its real effect rests on Motor Accident Claims Tribunals applying it consistently.
- **A feminist caution:** Monetising care work risks **normalising** the gendered division of labour rather than redistributing it, the deeper goal being to share care, not just to price it.

UPSC RELEVANCE

Prelims

- Case: **Shishupal v. Surjeet (2026)**; bench: **Justices Sanjay Karol and N. Kotiswar Singh**

- The Court fixed a **minimum notional value of Rs 30,000 a month, escalating 10% every three years**, for loss of a homemaker's domestic care
- Loss of domestic care is a **distinct, additional head of damages** under the **Motor Vehicles Act, 1988**, layered on the conventional heads from **Pranay Sethi (2017)**
- The Court noted unpaid care work contributes an estimated **15 to 17% of India's GDP**
- Notional-income methods: **Opportunity Cost, Partnership and Replacement**; multiplier from **Sarla Verma (2009)**
- **SDG 5.4** seeks to recognise and value unpaid care work; the **Time Use Survey (2019)** is the key data source

Mains Angles

- ❶ **GS1 Society / GS2 Welfare:** Discuss the significance of recognising the unpaid care economy and women's domestic labour in law and policy.
- ❷ **GS2 Judiciary:** Examine how the principle of "just compensation" has evolved to value the notional income of homemakers.
- ❸ **GS3 Economy:** "Unpaid care work is invisible in GDP but indispensable to the economy." Discuss the case for household satellite accounts.
- ❹ **GS1 Critical:** Does monetising care work risk reinforcing, rather than redistributing, the gendered division of labour? Examine.

FACTS CORNER

FACT	DETAIL
Case	Shishupal v. Surjeet (2026)
Bench	Justices Sanjay Karol and N. Kotiswar Singh
Holding	Loss of domestic care = distinct, additional head of damages
Minimum value	Rs 30,000 a month, escalating 10% every 3 years
Statute	Motor Vehicles Act, 1988 (just compensation)
Sits on	Conventional heads from Pranay Sethi (2017, Constitution Bench)
Notional-income methods	Opportunity Cost, Partnership, Replacement (Kirti, 2021)
Unpaid care work	~15-17% of GDP (per the Court); ~7.5% / Rs 22.7 lakh cr (SBI estimate)
GDP exclusion	Outside the SNA production boundary; remedy = satellite accounts
Global frame	SDG 5.4; Time Use Survey, 2019

Sources: *LiveLaw, Bar and Bench, Supreme Court of India*

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