

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 9 | Issue 4

2026

© 2026 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to submission@ijlmh.com.

Constituting the Homemaker: Valuation of Unpaid Domestic Labour in Indian Compensation and Family Law

HARNOOR SINGH CHAWLA*

ABSTRACT

The legal status of unpaid domestic labour has undergone a significant transformation in Indian jurisprudence over the past two decades. While traditionally regarded as an extension of familial obligation rather than productive labour, recent judicial decisions have increasingly recognised the economic value of homemaking, particularly within the framework of compensation law. The Supreme Court's decision in Shishu Pal @ Shish Ram v. Surjeet (2026), which quantified the monthly value of a deceased homemaker's labour at ₹30,000 and described homemakers as "Nation Builders," represents the most recent and perhaps the most ambitious articulation of this judicial trend. Yet this recognition raises a deeper jurisprudential question: does compensation awarded after death amount to genuine legal recognition of unpaid domestic labour, or does it merely create a limited exception within a legal system that otherwise continues to treat such labour as economically invisible? This article examines the constitutional and doctrinal evolution of judicial approaches towards unpaid domestic labour under Indian compensation law and contrasts them with the treatment of homemakers within family law. It argues that although compensation jurisprudence has progressively acknowledged the economic significance of domestic work through doctrines such as notional income, future prospects and loss of domestic care, these developments remain episodic because they arise only after death or serious injury. By comparison, family law continues to deny homemakers any automatic proprietary interest in marital assets despite recognising their contribution to the household. The article further situates Indian jurisprudence alongside English matrimonial property law and selected American community-property regimes to evaluate alternative legal models capable of recognising unpaid domestic labour during the homemaker's lifetime. It concludes that meaningful legal recognition requires movement beyond posthumous compensation towards a coherent framework in which unpaid domestic labour generates enforceable economic rights within marriage itself.

Keywords: *homemaker, unpaid domestic labour, compensation law, Motor Vehicles Act, family law, constitutional equality, matrimonial property, domestic care*

* Author is a Student at Shiv Nadar School, Noida, Uttar Pradesh, India.

I. INTRODUCTION

On 11 June 2026, the Supreme Court of India delivered its judgment in *Shishu Pal @ Shish Ram v. Surjeet*, a motor accident compensation case arising from the death of a homemaker in 2001. Nearly twenty-five years after the accident, the Court quantified the deceased woman's unpaid domestic labour at ₹30,000 per month, awarded compensation under a newly recognised head of "loss of domestic care," and observed that the term "homemaker" should increasingly be understood as synonymous with a "Nation Builder".¹ The extraordinary temporal distance between the woman's death and the legal recognition of her labour encapsulates a persistent paradox within Indian law. A lifetime of unpaid domestic work, indispensable to the functioning of families and the broader economy, became economically visible only after the worker herself had ceased to benefit from that recognition. The judgment therefore represents not merely an important development in compensation law but an opportunity to interrogate the broader legal architecture governing unpaid domestic labour.

Indian courts have, over the last two decades, gradually departed from the traditional assumption that homemakers possess no measurable economic contribution because they do not participate in formal wage employment. Beginning with *Lata Wadhwa v. State of Bihar*, strengthened through *Arun Kumar Agrawal v. National Insurance Co. Ltd.*, refined in *Kirti v. Oriental Insurance Co. Ltd.*, and expanded following *National Insurance Co. Ltd. v. Pranay Sethi*, judicial reasoning has progressively accepted that domestic labour creates measurable economic value deserving legal recognition.² The decision in *Shishu Pal* appears to represent the culmination of this doctrinal evolution by treating the loss of domestic care as an independent head of compensation rather than merely an element within notional income calculations.

Yet an important jurisprudential question remains unresolved. Does this expanding body of compensation jurisprudence constitute a coherent legal valuation of unpaid domestic labour, or does it merely recognise such labour in exceptional circumstances triggered by death or injury? Put differently, does Indian law value the homemaker's contribution as productive labour in itself, or only when that contribution must be translated into monetary compensation payable to surviving family members? The distinction is significant because legal recognition confined to

¹ *Shishu Pal @ Shish Ram v. Surjeet*, 2026 INSC 634.

² *Lata Wadhwa v. State of Bihar*, (2001) 8 SCC 197; *Arun Kumar Agrawal v. National Insurance Co. Ltd.*, (2010) 9 SCC 218; *Kirti v. Oriental Insurance Co. Ltd.*, (2021) 2 SCC 166; *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680; *Shishu Pal*, *supra* note 1.

compensation proceedings may not fundamentally alter the structural invisibility of unpaid domestic work across other branches of law.

This article approaches that question through two analytical lenses. The first concerns selectivity: whose domestic labour is recognised and valued by Indian law? Judicial recognition frequently centres upon the unpaid labour of married homemakers, while paid domestic workers continue to encounter substantial legal barriers in securing even minimum labour protections. The second concerns temporality: when does unpaid domestic labour become legally cognisable? Present doctrine suggests that meaningful economic valuation arises predominantly after death, permanent disability, or catastrophic injury, whereas during the homemaker's lifetime family law offers no corresponding proprietary entitlement flowing from the same contribution.

To evaluate these questions, the article adopts a comparative doctrinal methodology. Indian compensation jurisprudence is examined alongside developments in English matrimonial property law, particularly the equality principle articulated in *White v. White* and later refined in *Miller v. Miller* and *McFarlane v. McFarlane*.³ The article also briefly considers selected community-property jurisdictions within the United States, where homemaking contributions generate continuous proprietary interests in marital assets without requiring death, divorce or personal injury as a legal trigger.⁴ These comparative models illuminate alternative methods through which legal systems have attempted to translate unpaid domestic labour into enforceable economic rights.

The discussion that follows therefore investigates whether Indian law has genuinely begun to constitute the homemaker as an economically recognised legal subject, or whether current doctrine merely postpones recognition until the labour itself can no longer be enjoyed by the woman who performed it.

II. THE DOCTRINAL ARCHITECTURE: HOW THE LAW ARRIVED AT ₹30,000

The judicial valuation of unpaid domestic labour in India did not emerge through a single transformative judgment. Rather, it has developed incrementally over nearly twenty-five years, with courts progressively abandoning the traditional assumption that domestic work performed within the household is incapable of economic valuation. Beginning with the recognition that

³ *White v. White*, [2000] UKHL 54, [2001] 1 AC 596 (HL); *Miller v. Miller*; *McFarlane v. McFarlane*, [2006] UKHL 24, [2006] 2 AC 618 (HL). On community property, see generally CAL. FAM. CODE §§ 760–761 and TEX. FAM. CODE §§ 3.001–3.002.

⁴ CAL. FAM. CODE §§ 760–761; TEX. FAM. CODE §§ 3.001–3.002; ARIZ. REV. STAT. tit. 25; REV. CODE WASH. tit. 26.

homemakers make substantial contributions to family welfare, Indian compensation jurisprudence has gradually shifted towards treating domestic labour as productive work possessing measurable economic value. The Supreme Court's decision in *Shishu Pal @ Shish Ram v. Surjeet* (2026), fixing the value of a homemaker's services at ₹30,000 per month and recognising "loss of domestic care" as an independent head of compensation, represents the latest stage of this doctrinal evolution. Yet the jurisprudential significance of *Shishu Pal* can only be understood by situating it within the broader trajectory of Indian compensation law.

The earliest decisive departure from conventional thinking appeared in *Lata Wadhwa v. State of Bihar* (2001).⁵ The litigation arose from the devastating fire accident at the Tata Iron and Steel Company premises in Jamshedpur, resulting in numerous fatalities, including women who were full-time homemakers. The principal legal issue concerned the determination of compensation payable for victims who lacked formal wage employment. Rejecting the assumption that the absence of market income rendered homemakers economically insignificant, the Supreme Court recognised that women engaged in household management performed valuable services indispensable to family life. Although the Court employed a modest notional income for computing compensation, the judgment marked an important conceptual shift by acknowledging that domestic work constitutes economically productive activity rather than mere familial obligation.

However, *Lata Wadhwa* remained cautious in its reasoning. The Court recognised economic value without articulating a principled methodology for measuring it. No detailed explanation was offered regarding whether valuation should be based upon replacement cost, opportunity cost, prevailing wages for domestic workers, or broader economic indicators. The figure ultimately adopted therefore reflected judicial approximation rather than systematic economic analysis. While this represented a significant advance over complete legal invisibility, it also established a pattern that would continue to characterise Indian compensation jurisprudence for many years: recognition without methodological clarity.

More than a decade later, the Supreme Court substantially strengthened this approach in *Arun Kumar Agrawal v. National Insurance Co. Ltd.* (2010).⁶ Unlike earlier cases that primarily regarded homemakers through the lens of dependency, the Court explicitly recognised that unpaid domestic labour generates tangible economic benefits comparable to remunerated employment. Justice Asok Kumar Ganguly observed that a homemaker simultaneously performs multiple functions, including those of caregiver, cook, cleaner, financial manager,

⁵ *Lata Wadhwa v. State of Bihar*, (2001) 8 SCC 197.

⁶ *Arun Kumar Agrawal v. National Insurance Co. Ltd.*, (2010) 9 SCC 218.

educator, emotional counsellor, and household administrator, services that would otherwise require substantial financial expenditure if procured from the market.

The significance of *Arun Kumar Agrawal* lies less in the compensation ultimately awarded than in the conceptual framework adopted by the Court. Rather than viewing domestic labour as merely an act of affection or moral obligation, the judgment characterised it as economically productive work contributing directly to family welfare and, by extension, to the national economy. Importantly, the Court recognised that conventional economic statistics frequently fail to capture unpaid household production despite its undeniable contribution to social reproduction and labour-force maintenance. In doing so, the judgment aligned Indian compensation law with emerging international scholarship advocating the inclusion of unpaid care work within broader conceptions of economic productivity.⁷

Nevertheless, the Court again refrained from prescribing a uniform valuation methodology. While emphasising the immense worth of domestic services, it left lower courts considerable discretion in determining the monetary equivalent of those services. Consequently, compensation awards continued to vary substantially across jurisdictions, often reflecting judicial intuition rather than objective standards.

The doctrinal trajectory continued through subsequent decisions, including *Rajendra Singh v. National Insurance Co. Ltd.*, where the Supreme Court reiterated that compensation should reflect the real economic contribution made by homemakers rather than merely their absence from formal employment. These decisions collectively reinforced an emerging judicial consensus that unpaid domestic work should not be treated as legally invisible merely because it is excluded from conventional labour markets. However, the absence of consistent valuation principles continued to generate uncertainty regarding the appropriate assessment of such contributions.⁸

A significant doctrinal refinement occurred in *National Insurance Co. Ltd. v. Pranay Sethi* (2017). Although the case principally addressed the standardisation of compensation under the Motor Vehicles Act, its importance for homemaker valuation lies in the Court's recognition of "future prospects" as an integral component of compensation assessment. The judgment acknowledged that compensation must account not merely for present income but also for the likely increase in earning capacity over time. While *Pranay Sethi* concerned salaried

⁷ MARILYN WARING, *IF WOMEN COUNTED: A NEW FEMINIST ECONOMICS* (Harper & Row 1988); INTERNATIONAL LABOUR ORGANIZATION, *CARE WORK AND CARE JOBS FOR THE FUTURE OF DECENT WORK* (ILO 2018).

⁸ *Rajendra Singh v. National Insurance Co. Ltd.*, (2020) 7 SCC 256 (Civil Appeal Nos. 2624–2625 of 2020, decided 18 June 2020).

employment, its underlying rationale gradually influenced subsequent cases involving homemakers by encouraging courts to recognise that domestic labour, like paid employment, evolves in complexity and value throughout an individual's lifetime.⁹

This doctrinal expansion was explicitly applied in *Kirti v. Oriental Insurance Co. Ltd.* (2021). The Supreme Court rejected the notion that the economic contribution of homemakers remains static or incapable of growth. It held that the principles governing future prospects should extend equally to unpaid domestic labour because homemakers acquire experience, efficiency and responsibilities over time, just as individuals engaged in formal employment enhance their productive capacity through professional development. The Court also emphasised that reducing the value of homemakers' labour merely because it is unpaid would perpetuate structural gender inequality embedded within traditional legal and economic institutions.¹⁰

By recognising future prospects for homemakers, *Kirti* substantially narrowed the conceptual distinction between paid and unpaid work within compensation jurisprudence. Domestic labour was no longer regarded simply as a substitute for hired household services but as a dynamic and evolving form of productive labour deserving equivalent legal consideration.

Against this jurisprudential background, *Shishu Pal @ Shish Ram v. Surjeet* represents both continuity and innovation. Building upon earlier precedents, the Court fixed the monthly value of the deceased homemaker's services at ₹30,000 and recognised "loss of domestic care" as a distinct head of compensation. Symbolically, the Court's description of homemakers as "Nation Builders" reflected an effort to reposition unpaid domestic labour within constitutional understandings of dignity, equality and social contribution. The judgment therefore extends beyond compensation arithmetic by challenging the language through which legal institutions conceptualise domestic work itself.¹¹

Yet the most significant question raised by *Shishu Pal* concerns methodology rather than symbolism. The judgment arrives at the figure of ₹30,000 without establishing a comprehensive valuation framework capable of guiding future courts. It remains unclear whether the amount reflects replacement-cost analysis, opportunity-cost calculation, empirical evidence derived from the Time Use Survey, prevailing urban household wages, inflation-adjusted notional income, or an exercise of equitable judicial discretion.¹² Although the figure appears

⁹ *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680.

¹⁰ *Kirti v. Oriental Insurance Co. Ltd.*, (2021) 2 SCC 166.

¹¹ *Shishu Pal*, *supra* note 1; SUPREME COURT OBSERVER, *Compensation for Homemaker's Death: Shishu Pal v. Surjeet* (2026).

¹² MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, TIME USE SURVEY IN INDIA 2019 (Government of India 2020).

substantially higher than amounts awarded in earlier cases, the reasoning provides limited guidance regarding why ₹30,000, and not ₹25,000 or ₹35,000, constitutes the appropriate legal valuation.

This methodological uncertainty exposes the central tension within Indian compensation doctrine. Judicial recognition of unpaid domestic labour has undoubtedly progressed from symbolic acknowledgement towards substantial monetary valuation. However, recognition continues to rely upon judicial approximation rather than transparent economic principles. As long as valuation remains “notional” without a clearly articulated methodology, compensation awards risk appearing as exercises in equitable intuition rather than applications of consistent legal standards.

Accordingly, the doctrinal journey from *Lata Wadhwa* to *Shishu Pal* demonstrates an unmistakable movement towards recognising homemakers as economically productive contributors whose labour warrants legal protection. At the same time, the evolution reveals that Indian law has resolved the question of whether unpaid domestic labour possesses economic value far more convincingly than it has resolved the question of how that value ought to be calculated. It is this unresolved methodological problem that forms the foundation for the broader inquiry undertaken in the following sections of this article.

III. AXIS ONE – WHOSE LABOUR? THE SELECTIVITY PROBLEM

The doctrinal development traced in the previous section appears, at first glance, to signal a decisive shift towards recognising unpaid domestic labour as economically valuable work. Yet a closer examination reveals that Indian compensation jurisprudence does not recognise all forms of domestic labour equally. Rather, judicial valuation appears to operate selectively, privileging a particular category of unpaid homemaker while leaving other forms of domestic work, including paid domestic labour, outside comparable legal protection. The critical question, therefore, is not simply whether domestic labour is recognised, but whose labour is considered worthy of recognition and under what institutional conditions.

This selectivity becomes particularly evident when the Supreme Court’s decision in *Shishu Pal @ Shish Ram v. Surjeet* is read alongside *Penn Thozhilalargal Sangam v. Union of India*. Decided in January 2026, only a few months before *Shishu Pal*, *Penn Thozhilalargal Sangam* involved a constitutional challenge brought by domestic workers’ unions seeking recognition of a statutory minimum wage for paid domestic workers. The petition argued that excluding domestic workers from effective wage protection violated Articles 14, 21 and 23 of the Constitution by perpetuating economic exploitation within one of India’s most vulnerable

labour sectors. The Supreme Court, however, declined to grant the relief sought, observing that questions relating to wage fixation and labour regulation belonged primarily within the legislative and executive domains.¹³

More specifically, *Penn Thozhilalargal Sangam v. Union of India*, W.P. (C) No. 42/2026, reported at 2026 LiveLaw (SC) 124, was decided on 29 January 2026 by a Bench comprising Chief Justice Surya Kant and Justice Joymalya Bagchi. The petition was brought by ten domestic workers' unions seeking recognition of a fundamental right to minimum wage under Articles 21 and 23 of the Constitution. The petitioners also challenged the exclusion of domestic workers from effective statutory wage protection under the Minimum Wages Act framework and the Code on Wages, 2019. The Court declined to grant the relief sought, holding that the matter belonged primarily to the legislative and executive domains, and instead urged State governments to consider the grievances of domestic workers.¹⁴

This detail sharpens the contrast with *Shishu Pal*. On 29 January 2026, the Court declined to recognise even a minimum-wage floor for paid domestic workers, expressly relying on institutional restraint. Yet on 11 June 2026, roughly four and a half months later, the Court in *Shishu Pal* fixed the notional value of an unpaid homemaker's labour at ₹30,000 per month without comparable separation-of-powers hesitation. The contrast is therefore not merely chronological but jurisprudential. It shows that the Court was restrained when asked to secure wage protection for living paid domestic workers, but confident when valuing the lost labour of a deceased unpaid homemaker within compensation law.

The contrast between these two decisions is striking. In *Penn Thozhilalargal Sangam*, the Court exercised considerable judicial restraint, refusing to intervene in determining even the statutory wage floor applicable to paid domestic workers despite acknowledging the importance of their work. In *Shishu Pal*, by contrast, the Court demonstrated no comparable hesitation in fixing the notional monthly value of an unpaid homemaker's labour at ₹30,000 and introducing an independent compensatory head of "loss of domestic care." Although the factual contexts of the two cases differ, one arising under constitutional labour law and the other under the Motor Vehicles Act, the juxtaposition exposes a significant inconsistency in the judiciary's willingness to assign economic value to domestic work.

This inconsistency suggests that the emerging doctrine is not concerned with domestic labour as a unified category but with a particular legal subject: the unpaid married homemaker whose

¹³ *Penn Thozhilalargal Sangam v. Union of India*, W.P. (C) No. 42/2026, 2026 LiveLaw (SC) 124.

¹⁴ *Penn Thozhilalargal Sangam*, *supra* note 13 (order dated 29 January 2026); V. Venkatesan, *Minimum Wages for Domestic Workers: Did the Supreme Court Miss an Opportunity?*, SUPREME COURT OBSERVER (5 February 2026).

contribution becomes relevant following death or catastrophic injury. Paid domestic workers, despite performing substantially similar tasks of cleaning, cooking, caregiving and household management, continue to rely upon labour legislation and wage regulation rather than judicial recognition of the economic value of their work. Consequently, domestic labour is divided into two separate legal categories, each governed by different institutional logics and levels of judicial engagement.

The selectivity becomes even more apparent when examined against contemporary labour force data. According to the Periodic Labour Force Survey (PLFS), female labour-force participation in India has increased in recent years, yet millions of women continue to perform unpaid domestic and caregiving responsibilities alongside agricultural work, self-employment and informal wage labour. The binary distinction between “homemaker” and “working woman” assumed in much judicial reasoning therefore fails to reflect the lived realities of most Indian households. Many women simultaneously contribute to household production, family businesses, agricultural activities and informal employment while also undertaking the overwhelming majority of unpaid domestic responsibilities.¹⁵

This demographic reality complicates the image of the homemaker that emerges from compensation jurisprudence. Judicial decisions frequently presume a household consisting of a salaried male breadwinner and a financially dependent wife engaged exclusively in domestic work. While this model undoubtedly corresponds to certain family structures, it does not accurately represent the diversity of women’s economic participation across rural and urban India. In numerous households, unpaid domestic labour coexists with income-generating activities rather than replacing them. The legal category of “homemaker” therefore risks oversimplifying women’s economic identities by treating domestic work as mutually exclusive from productive employment.

The same conceptual assumption is visible in several state welfare initiatives directed towards homemakers. Over the past decade, numerous States have introduced cash-transfer schemes providing monthly financial assistance to women identified as homemakers or household managers. Although these programmes seek to acknowledge women’s unpaid contributions, the amounts provided, typically ranging from approximately ₹1,000 to ₹2,500 per month, stand in sharp contrast to the ₹30,000 monthly valuation adopted in *Shishu Pal*. The disparity is not

¹⁵ MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, PERIODIC LABOUR FORCE SURVEY (PLFS) ANNUAL REPORT 2023–24 (Government of India 2024).

merely numerical; it reflects fundamentally different understandings of what domestic labour represents.¹⁶

Judicial compensation values domestic labour retrospectively by estimating the economic loss suffered after the homemaker's death. Welfare schemes, on the other hand, often provide symbolic financial assistance rather than attempting to approximate the actual economic value of household production. Neither approach fully recognises unpaid domestic labour as generating enforceable economic rights during the woman's lifetime. Instead, both operate within a framework that continues to regard homemaking as economically exceptional rather than constitutive of ordinary productive activity.

This selective recognition also raises important constitutional concerns regarding substantive equality. Article 14 guarantees equal protection of the laws, while Articles 15 and 16 seek to dismantle structural discrimination affecting women.¹⁷ Judicial recognition of unpaid domestic labour undoubtedly advances these constitutional commitments by challenging historical assumptions that household work lacks economic value. However, when such recognition is confined to particular categories of women or particular legal contexts, it risks reinforcing new forms of exclusion rather than eliminating existing ones. Women engaged in paid domestic work, informal labour or mixed economic roles remain largely outside the doctrinal framework developed in compensation cases despite contributing substantially to both household welfare and the broader economy.

Moreover, the conceptual separation between paid and unpaid domestic labour obscures the shared characteristics of the work itself. Cooking, cleaning, childcare, eldercare and household management require comparable skills, effort and time regardless of whether they are performed for remuneration or within the family. The legal system's willingness to assign substantial economic value to these activities after the death of an unpaid homemaker, while simultaneously declining to secure even a statutory wage floor for paid domestic workers, suggests that recognition is triggered less by the nature of the labour than by the identity of the claimant and the legal framework within which the claim is advanced.

The broader implication is that Indian law has yet to articulate a coherent theory of domestic labour. Instead, it employs different normative frameworks depending upon whether the claimant appears before the Court as a deceased homemaker's family, a paid domestic worker seeking labour rights, or a woman engaged in welfare programmes administered by the State.

¹⁶ GOVERNMENT OF KARNATAKA, Gruha Lakshmi Scheme (2023); GOVERNMENT OF MADHYA PRADESH, Ladli Behna Yojana (2023); GOVERNMENT OF MAHARASHTRA, Mukhyamantri Majhi Ladki Bahin Yojana (2024).

¹⁷ INDIA CONST. arts. 14, 15, 16.

Each framework attributes different meanings, values and legal consequences to substantially similar forms of work. Recognition therefore remains fragmented across distinct legal regimes rather than emerging as a unified principle governing domestic labour itself.

Accordingly, the jurisprudence following *Shishu Pal* demonstrates both progress and limitation. While the Court has undoubtedly expanded the economic recognition afforded to unpaid homemakers within compensation law, that recognition remains selective, context-specific and contingent upon a narrowly constructed image of domestic labour. The question is therefore not simply whether unpaid domestic work possesses economic value, a proposition now largely accepted by the judiciary, but whether Indian law is prepared to recognise that value consistently across all forms of domestic labour and across the full spectrum of women's lived experiences. It is this problem of selective recognition that leads directly to the second analytical axis of the article: the question of when domestic labour becomes legally valuable.

IV. AXIS TWO – WHEN IN A LIFE? THE TEMPORAL PROBLEM

The preceding discussion demonstrated that judicial recognition of unpaid domestic labour is selective, privileging particular categories of homemakers over other forms of domestic work. An equally significant limitation, however, concerns when such recognition becomes legally meaningful. Indian compensation jurisprudence values unpaid domestic labour only after the occurrence of an exceptional event: death, permanent disability or serious bodily injury. During the homemaker's lifetime, the same labour rarely generates enforceable economic rights. This temporal asymmetry reveals that Indian law does not recognise unpaid domestic labour as a continuing proprietary contribution to the family but instead treats it as a compensatory loss that becomes legally visible only after it can no longer be performed.

This distinction is fundamental to understanding the limits of recent compensation jurisprudence. Decisions such as *Arun Kumar Agrawal*, *Kirti* and *Shishu Pal* undoubtedly represent important advances in recognising the economic value of domestic work. Yet these judgments remain confined to claims arising under the Motor Vehicles Act, where the Court is required to calculate compensation for losses suffered following an accident. The legal exercise is therefore retrospective. Courts ask what economic contribution has been lost because of the homemaker's death rather than what economic rights arise from the homemaker's contribution while she remains alive. Recognition is consequently triggered not by the existence of unpaid labour itself but by its irreversible absence.

This temporal framework creates an inherent paradox. The legal system acknowledges that domestic labour possesses measurable economic value only after the woman who performed

that labour is no longer able to enjoy the benefits of its recognition. Compensation is paid to surviving dependants, not to the homemaker whose lifetime of unpaid work generated the economic value being assessed. Consequently, the law recognises the consequences of losing domestic labour without recognising the labour itself as a continuing source of legal entitlement.

The limitations of this approach become particularly apparent when compensation jurisprudence is compared with Indian family law. Unlike the Motor Vehicles Act, family law governs the ongoing economic relationship between spouses during marriage and upon its dissolution. If unpaid domestic labour genuinely constitutes productive economic contribution, one might expect family law to translate that contribution into enforceable proprietary or financial rights. Yet existing statutory frameworks provide only limited mechanisms for recognising homemaking within matrimonial relationships.

Section 25 of the Hindu Marriage Act, 1955 empowers courts to grant permanent alimony and maintenance upon divorce or judicial separation.¹⁸ Although judicial discretion allows courts to consider the parties' respective contributions to the marriage, the provision does not create an automatic economic entitlement arising from unpaid domestic labour. Maintenance continues to be conceptualised primarily as financial support based upon need, dependency and earning capacity rather than as compensation for productive contributions made within the marital partnership. The homemaker therefore receives financial protection because she is economically vulnerable, not because her domestic labour has generated an independent proprietary interest deserving legal recognition.

A similar limitation characterises the Hindu Succession Act, 1956. The Act governs inheritance rights upon the death of a family member but does not recognise unpaid domestic labour as creating any ownership interest in marital assets acquired during the subsistence of marriage.¹⁹ Property continues to belong to the spouse in whose name it is held unless specific statutory or contractual arrangements provide otherwise. Years or even decades of household management, childcare and caregiving do not automatically translate into co-ownership of the wealth accumulated during the marriage. Domestic contribution may have facilitated the acquisition of family assets, but the legal system rarely treats that contribution itself as a source of property rights.

The distinction between compensation law and family law therefore exposes a deeper structural inconsistency. Compensation jurisprudence increasingly acknowledges that homemakers create

¹⁸ The Hindu Marriage Act, 1955, § 25.

¹⁹ The Hindu Succession Act, 1956.

measurable economic value, while property law continues to treat that same contribution as legally irrelevant when determining ownership within marriage. The consequence is a fragmented legal framework in which unpaid domestic labour is simultaneously recognised and ignored depending upon the statutory context in which the issue arises.

This contradiction was captured with remarkable clarity by the Delhi High Court in 2026, which observed that it is ironic to describe a homemaker as dependent on earning members.²⁰ The observation challenges one of the most persistent assumptions underlying Indian family law. If the homemaker performs economically productive work essential to the functioning of the household, describing her as financially dependent upon the wage-earning spouse obscures the reciprocal nature of the marital relationship. The earning spouse's capacity to participate in paid employment is frequently enabled by the homemaker's unpaid management of domestic responsibilities, childcare and family welfare. Economic production within the household is therefore collaborative rather than unilateral.

Yet the Delhi High Court's observation also illustrates the gap between judicial rhetoric and institutional design. Courts increasingly acknowledge the dignity and economic significance of unpaid domestic labour, but the legal consequences of that acknowledgement remain remarkably limited. Recognition has become discursive without becoming structural. Judicial language celebrates the homemaker's contribution, but statutory doctrines governing maintenance, property division and inheritance continue largely unchanged.

The central question, therefore, is whether Indian law has begun to treat domestic labour as a form of contribution capable of generating proprietary interests, or whether contribution remains relevant only as a heuristic employed to calculate compensation after tragedy has occurred. At present, the available evidence favours the latter conclusion. The homemaker's labour is recognised as economically valuable when calculating damages for wrongful death, yet the same labour does not ordinarily produce an ownership interest in the wealth accumulated through the marriage itself.

This temporal limitation has important constitutional implications. Articles 14 and 15 of the Constitution seek to dismantle structural inequalities affecting women, while Article 21 protects the dignity of every individual.²¹ If unpaid domestic labour is acknowledged as indispensable to both household functioning and national economic life, restricting its legal recognition to posthumous compensation fails fully to realise these constitutional commitments. Equality

²⁰ *Rakesh Ray v. Priti Ray*, 2026 SCC OnLine Del 757 (Del. HC, Feb. 16, 2026).

²¹ INDIA CONST. arts. 14, 15, 21.

requires more than symbolic acknowledgement after death; it demands legal institutions capable of recognising economic contribution throughout the duration of the marital relationship.

The temporal asymmetry also reveals why compensation law alone cannot resolve the broader problem of unpaid domestic labour. Tort law is designed to repair losses after injury, not to organise proprietary relationships between living persons. Even the most progressive compensation judgments therefore remain constrained by the statutory purposes of the Motor Vehicles Act. They may quantify the value of domestic labour after its loss, but they cannot independently transform the legal status of homemakers within family law or matrimonial property regimes.

Accordingly, the question confronting Indian jurisprudence is no longer whether unpaid domestic labour possesses measurable economic value. The Supreme Court has effectively answered that question in the affirmative. The more difficult question is whether the law is prepared to recognise that value before death or injury occurs. It is precisely this structural challenge that invites a comparative examination of jurisdictions where homemaking contributions generate enforceable proprietary consequences during marriage itself rather than only after catastrophic loss. The following section therefore turns to English matrimonial property law and American community-property regimes to evaluate whether alternative legal models offer a more coherent framework for recognising unpaid domestic labour throughout the homemaker's lifetime.

V. THE COMPARATIVE TURN – TESTING AN ALTERNATIVE MODEL

The preceding analysis demonstrates that Indian compensation jurisprudence has made significant progress in recognising the economic value of unpaid domestic labour. Nevertheless, this recognition remains both selective and temporally constrained, arising primarily after death or serious injury rather than during the ordinary course of family life. The question therefore becomes whether alternative legal systems have developed more coherent mechanisms for recognising homemaking as a continuing economic contribution. A comparative examination of English matrimonial property law and American community-property regimes provides an opportunity to evaluate different institutional approaches to the same underlying problem: translating unpaid domestic labour into enforceable legal rights.

Unlike Indian compensation law, which recognises domestic labour retrospectively through damages, English family law approaches the issue prospectively through the equitable distribution of matrimonial assets upon divorce. The landmark decision in *White v. White* ([2000] UKHL 54) fundamentally altered the jurisprudential understanding of non-financial

contribution within marriage. Prior to *White*, English courts frequently distinguished between spouses who generated financial wealth and those who contributed through homemaking and childcare, often awarding the latter comparatively smaller shares of matrimonial property. The House of Lords rejected this hierarchy by holding that there should be no discrimination between the breadwinner and the homemaker when determining financial relief upon divorce.²²

Lord Nicholls articulated what subsequently became known as the “yardstick of equality.” Although equality was not established as an automatic rule, the judgment required courts to justify any significant departure from equal distribution rather than presuming that financial contributions were inherently more valuable than domestic ones. Homemaking was recognised not merely as supportive activity but as an equally important contribution to the marital partnership. The legal significance of unpaid domestic labour therefore shifted from symbolic acknowledgement to a principle capable of influencing proprietary outcomes.

The importance of *White* extends beyond the specific facts of the case because it reconceptualised marriage as a partnership characterised by shared contributions rather than separate economic roles. The earning spouse’s financial success was understood as being facilitated by the homemaker’s unpaid management of domestic responsibilities. Consequently, property accumulated during marriage reflected the combined efforts of both spouses, even where only one spouse generated formal income. This reasoning differs fundamentally from Indian compensation law, where domestic labour becomes economically relevant only after it has been lost.

The principles established in *White* were further refined in *Miller v. Miller; McFarlane v. McFarlane* ([2006] UKHL 24), where the House of Lords identified three overlapping rationales governing financial relief following divorce: needs, compensation and sharing.²³ Of particular relevance to unpaid domestic labour is the sharing principle, which treats marriage as a joint enterprise in which both financial and non-financial contributions create equal claims to the assets accumulated during the relationship. Importantly, the homemaker’s entitlement does not depend upon demonstrating financial sacrifice in the conventional sense. Rather, the contribution made through childcare, household management and family care is itself regarded as integral to the creation of matrimonial wealth.

Although English law continues to rely upon judicial discretion rather than rigid statutory formulas, its conceptual framework differs markedly from the Indian model. Recognition occurs

²² *White v. White*, [2000] UKHL 54, [2001] 1 AC 596 (HL).

²³ *Miller v. Miller; McFarlane v. McFarlane*, [2006] UKHL 24, [2006] 2 AC 618 (HL).

during the lifetime of the spouses through the legal consequences of divorce rather than exclusively after death or personal injury. Homemaking therefore generates practical proprietary consequences while the contributor remains capable of benefiting from them. The law acknowledges domestic labour not merely as a basis for compensation but as one of the foundations upon which matrimonial property rights are constructed.

An even more far-reaching model exists within several American community-property jurisdictions, including California, Texas, Arizona and Washington. Under community-property principles, assets acquired during marriage are generally presumed to belong equally to both spouses regardless of which spouse formally earned the income or acquired legal title. The legal system proceeds from the assumption that marriage constitutes an economic partnership in which each spouse contributes to the accumulation of family wealth, whether through market employment or domestic labour.²⁴

The significance of community-property regimes lies in their continuity. Unlike compensation law, which requires death or injury, or English family law, which ordinarily requires divorce, community-property principles operate throughout the duration of the marriage itself. Each spouse possesses a legally recognised proprietary interest in marital assets as they are acquired. The homemaker's contribution therefore generates economic rights automatically rather than only after litigation or family breakdown. Household labour is not converted into monetary value through judicial estimation because the legal system recognises that contribution through shared ownership of the assets produced during the marriage.

This structural design avoids many of the methodological difficulties confronting Indian compensation jurisprudence. Courts need not determine the precise market value of cooking, childcare or household management because the law recognises these activities as constituting part of the marital partnership rather than requiring separate financial valuation. The focus shifts from calculating the monetary worth of domestic labour to acknowledging its role in creating shared economic prosperity.

The comparative analysis thus reveals three distinct legal models for recognising unpaid domestic labour.²⁵

The first is the contemporary Indian approach represented by *Shishu Pal*. Recognition is episodic, judicially constructed and triggered by death or catastrophic injury. Domestic labour acquires measurable economic value only when compensation must be calculated following its

²⁴ CAL. FAM. CODE §§ 760–761; TEX. FAM. CODE §§ 3.001–3.002; ARIZ. REV. STAT. tit. 25; REV. CODE WASH. tit. 26.

²⁵ *White*, *supra* note 22; *Miller*; *McFarlane*, *supra* note 23; CAL. FAM. CODE §§ 760–761.

loss. Although recent judgments have significantly expanded judicial recognition, valuation remains notional and dependent upon judicial discretion rather than systematic legislative principles.

The second model is represented by English matrimonial property law. Recognition remains contingent upon litigation, typically arising at the point of divorce, but the underlying legal principle differs substantially. Homemaking is treated as an equal contribution to the marital partnership capable of generating proprietary consequences during the lifetime of the spouses. The law therefore moves beyond compensation towards equitable distribution based upon shared contribution.

The third model is found within American community-property regimes. Here, recognition is continuous rather than episodic. The homemaker's economic interest in marital assets arises automatically by operation of law and exists independently of death, injury or divorce. Domestic labour does not require separate monetary quantification because equal ownership of marital property already reflects the legal recognition of both spouses' contributions.

These three models illustrate that the legal valuation of unpaid domestic labour depends not simply upon judicial willingness to acknowledge its economic importance but upon the institutional framework through which that acknowledgement is expressed. Compensation law seeks to repair losses after tragedy; matrimonial property law distributes wealth accumulated during relationships; community-property law defines ownership continuously throughout the marriage. Each framework embodies a distinct conception of the relationship between domestic labour and economic rights.

From this comparative perspective, the principal limitation of the Indian approach becomes readily apparent. By locating recognition almost exclusively within accident compensation jurisprudence, Indian law has transformed the homemaker into a compensable victim rather than a continuing economic partner in the accumulation of family wealth. The Supreme Court's recognition of homemakers as "Nation Builders" undoubtedly represents an important normative development. Yet the institutional consequences of that recognition remain confined largely to the calculation of damages under the Motor Vehicles Act. Neither the Hindu Marriage Act nor the Hindu Succession Act currently translates equivalent reasoning into enduring proprietary rights within marriage.

The comparative inquiry therefore suggests that the future development of Indian law may require a conceptual shift from valuation to constitution. The central issue is no longer whether unpaid domestic labour possesses measurable economic value; the Supreme Court has

effectively answered that question. The more fundamental challenge is whether the legal system is prepared to constitute the homemaker as an equal economic participant in the marital partnership while she remains alive, rather than recognising her contribution only after it has become impossible for her to benefit from that recognition. It is this distinction that frames the limitations of the present doctrinal framework and informs the reform proposals developed in the following sections of this article.

VI. LIMITATIONS

The argument advanced in this article is necessarily limited. It does not claim that recent Indian compensation jurisprudence has already transformed the legal status of unpaid domestic labour. Rather, it argues that decisions such as *Shishu Pal @ Shish Ram v. Surjeet* reveal an important but incomplete movement towards recognition. Several limitations must therefore be stated clearly.

The first limitation is doctrinal. *Shishu Pal* is a two-judge Bench decision delivered within the specific framework of the Motor Vehicles Act, 1988. Its central concern was the calculation of compensation after the accidental death of a homemaker. The judgment recognises “loss of domestic care” as an independent head of compensation and fixes the homemaker’s notional contribution at ₹30,000 per month. However, it does not create a general constitutional right to remuneration for domestic work, nor does it establish any automatic proprietary interest in matrimonial assets. Therefore, the judgment cannot by itself transform family law, succession law or matrimonial property doctrine.²⁶

The second limitation concerns selectivity. This limitation is sharpened by *Penn Thozhilalargal Sangam*, because it reveals that judicial recognition of domestic labour is not yet a general principle applicable across paid and unpaid domestic work, but a selective doctrine activated more readily in compensation cases involving deceased homemakers.²⁷

The contrast between *Shishu Pal* and *Penn Thozhilalargal Sangam v. Union of India* shows that Indian law does not yet treat domestic labour as a unified legal category. In *Penn Thozhilalargal Sangam*, the Supreme Court declined to issue directions recognising minimum-wage protection for paid domestic workers, treating the issue as one for the legislature and executive. Yet only a few months later, in *Shishu Pal*, the Court confidently assigned a monthly value of ₹30,000 to the unpaid labour of a homemaker. This contrast suggests that judicial recognition is more readily available to the deceased unpaid homemaker in compensation law than to the living paid

²⁶ The Motor Vehicles Act, 1988; *Shishu Pal*, *supra* note 1.

²⁷ *Penn Thozhilalargal Sangam*, *supra* note 13.

domestic worker seeking wage protection. The value of domestic work is therefore recognised selectively, depending upon the identity of the claimant and the legal context of the claim.

The third limitation is methodological. Although *Shishu Pal* significantly increases the monetary value attached to homemaking, the judgment does not fully explain how the figure of ₹30,000 was calculated. It remains unclear whether the Court relied upon replacement cost, opportunity cost, market wages, inflation adjustment, Time Use Survey data or broad equitable discretion. This absence of a transparent valuation method creates uncertainty for future cases. The critique in this article is therefore not that ₹30,000 is necessarily excessive or insufficient, but that the legal basis for arriving at that figure remains underdeveloped.²⁸

The comparative analysis also has limits. English matrimonial property law and American community-property regimes developed within different statutory, social and economic contexts. The equality principle in *White v. White* and the sharing approach in *Miller v. Miller*; *McFarlane v. McFarlane* cannot be directly transplanted into Indian law without considering differences in marriage practices, property ownership, inheritance patterns and social welfare protections. Similarly, community-property regimes in the United States reflect a distinct legal history. These models are therefore used only as analytical comparisons, not as ready-made solutions.²⁹

Finally, this article uses contemporary legal commentary and opinion writing only to identify emerging debates around unpaid domestic labour. Such sources are not treated as binding authority. The core analysis remains grounded in statutes, constitutional principles and judicial decisions.³⁰

These limitations reinforce the article's main claim: Indian law has begun to recognise unpaid domestic labour, but that recognition remains fragmented, selective and incomplete.

VII. PRESCRIPTION AND WAY FORWARD

The preceding analysis demonstrates that Indian law has moved from treating unpaid domestic labour as economically invisible to acknowledging its measurable value in compensation jurisprudence. Decisions such as *Kirti* and *Shishu Pal* represent significant judicial advances, but they remain confined to the exceptional context of accidental death or injury. If the legal system is to achieve genuine recognition of unpaid domestic labour, reform

²⁸ MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, TIME USE SURVEY IN INDIA 2019, *supra* note 12.

²⁹ *White*, *supra* note 22; *Miller*; *McFarlane*, *supra* note 23; CAL. FAM. CODE §§ 760–761; TEX. FAM. CODE §§ 3.001–3.002.

³⁰ Neetha N., *Recognising Homemakers as Nation Builders*, INDIAN EXPRESS (2026); Paromita Chakrabarti, *Why Valuing Homemakers Matters Beyond Compensation*, INDIAN EXPRESS (2026); V. Venkatesan, *supra* note 14.

must extend beyond compensation law and establish a coherent framework that recognises homemaking as an ongoing economic contribution. Such reform should proceed at three interconnected levels: doctrinal, legislative and structural.

The first and most immediate reform is judicial. Without waiting for legislative intervention, courts can incorporate the reasoning developed in *Pranay Sethi*, *Kirti* and *Shishu Pal* into maintenance proceedings under Section 25 of the Hindu Marriage Act, 1955. At present, maintenance is generally determined with reference to the earning capacity of the spouses and the financial needs of the applicant. While courts occasionally acknowledge the contribution of homemakers, there is no consistent methodology for translating that contribution into the quantum of maintenance. The valuation principles adopted in compensation cases could provide an objective reference point by recognising the economic value of domestic labour as a relevant factor in determining maintenance. Such an approach would not convert maintenance into wages for housework but would ensure that courts assess the homemaker's contribution as productive labour rather than mere dependency.³¹

A second and more durable reform requires legislative action. India presently lacks a comprehensive matrimonial property regime recognising the economic partnership created through marriage. Unlike jurisdictions such as England and several American community-property states, Indian family law does not grant homemakers an automatic proprietary interest in assets accumulated during marriage solely by virtue of their domestic contribution. Parliament should therefore consider enacting a Matrimonial Property Act or introducing suitable amendments to existing family law legislation to recognise marriage as a partnership of shared economic contribution. Such legislation need not replicate foreign models in their entirety but should establish the principle that unpaid domestic labour contributes directly to the creation, preservation and enhancement of marital assets. Recognition through property rights would provide homemakers with meaningful economic security during their lifetime rather than limiting relief to compensation claims arising after tragedy.³²

The third reform concerns the broader problem of legal selectivity. As demonstrated through the contrast between *Shishu Pal* and *Penn Thozhilalargal Sangam*, Indian law currently values unpaid domestic labour while remaining hesitant to strengthen the legal protection available to paid domestic workers. A coherent valuation framework cannot treat these categories as entirely unrelated. Although the legal questions surrounding compensation and labour regulation differ,

³¹ The Hindu Marriage Act, 1955, § 25; *Pranay Sethi*, *supra* note 9; *Kirti*, *supra* note 10; *Shishu Pal*, *supra* note 1.

³² The Hindu Succession Act, 1956; see also *White*, *supra* note 22, and *Miller*; *McFarlane*, *supra* note 23, for comparative sharing principles.

both forms of work involve the provision of domestic services essential to households and society. Future legislative and judicial reforms should therefore adopt a more integrated understanding of domestic labour, ensuring that recognition of unpaid homemakers is accompanied by stronger labour protections, fair wages and improved working conditions for paid domestic workers. A legal system committed to the dignity of domestic work cannot consistently value one form while neglecting the other.³³

Reform must also be supported by better empirical foundations. Future judicial determinations should rely upon transparent valuation methodologies rather than broad notional estimates. National Time Use Survey data, prevailing regional wage rates, household replacement costs and inflation-adjusted economic indicators could assist courts in developing a more consistent framework for assessing the value of unpaid domestic labour. Greater methodological clarity would enhance both predictability and legitimacy, reducing the perception that compensation figures are determined primarily through judicial discretion.³⁴

Finally, legal reform should be accompanied by a broader conceptual shift. Indian jurisprudence has made important progress by recognising that homemaking contributes to family welfare and national economic life. The next stage of development requires moving beyond the language of dependency towards the language of partnership. The homemaker should be recognised not as a passive beneficiary of the earning spouse's income but as an active participant in the creation of household wealth and social well-being. Such recognition would better reflect constitutional commitments to equality, dignity and substantive justice while acknowledging the realities of contemporary family life.

The journey from *Lata Wadhwa* to *Shishu Pal* illustrates that Indian law has begun to recognise what generations of women have long demonstrated through their labour: that domestic work is productive work. Yet a legal system that values a woman's contribution only after her death or irreversible injury offers recognition at the moment when she is least able to benefit from it. True constitutional recognition requires that unpaid domestic labour generate meaningful economic rights during the homemaker's lifetime. Until that transition occurs, the valuation of domestic labour will remain, in essence, a form of posthumous arithmetic rather than a complete affirmation of equal citizenship.

³³ *Penn Thozhilalargal Sangam*, *supra* note 13; The Code on Wages, 2019; INTERNATIONAL LABOUR ORGANIZATION, Domestic Workers Convention, 2011 (No. 189).

³⁴ MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, TIME USE SURVEY IN INDIA 2019, *supra* note 12; MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, PERIODIC LABOUR FORCE SURVEY (PLFS) ANNUAL REPORT 2023–24, *supra* note 15.

VIII. CONCLUSION

The recognition of unpaid domestic labour represents one of the most significant developments in contemporary Indian compensation jurisprudence. Through decisions beginning with *Lata Wadhwa* and culminating in *Shishu Pal @ Shish Ram v. Surjeet*, the Supreme Court has progressively rejected the assumption that homemaking lacks economic value.³⁵ By recognising the contribution of homemakers through concepts such as notional income, future prospects and loss of domestic care, the Court has acknowledged that domestic labour is indispensable to both family welfare and the broader economy.

Yet this article has argued that the existing framework remains incomplete. The legal valuation of unpaid domestic labour continues to be selective, favouring particular categories of homemakers while leaving paid domestic workers subject to a different and less protective legal regime. More fundamentally, recognition remains temporally limited. The homemaker's labour is assigned measurable economic value primarily after death or serious injury, whereas family law still fails to translate that contribution into continuing proprietary rights during marriage. The comparative experiences of English matrimonial property law and American community-property regimes demonstrate that alternative legal models are capable of recognising domestic labour through shared ownership rather than posthumous compensation alone.

Accordingly, the challenge before Indian law is no longer whether unpaid domestic labour possesses economic value. That question has largely been resolved by judicial precedent. The more important question is whether legal institutions are prepared to recognise that value while the homemaker remains alive and able to benefit from it. Achieving that objective requires closer integration between compensation law, family law and labour law, supported by transparent valuation principles and meaningful legislative reform.

Only when unpaid domestic labour generates enforceable economic rights throughout the homemaker's lifetime can Indian law be said to have moved from compensating domestic labour to genuinely constituting the homemaker as an equal economic participant in the family and in society.

IX. PRIMARY SOURCES

A. Constitutional and Statutory Materials

- Constitution of India, 1950.

³⁵ *Lata Wadhwa*, *supra* note 5; *Arun Kumar Agrawal*, *supra* note 6; *Rajendra Singh*, *supra* note 8; *Kirti*, *supra* note 10; *Shishu Pal*, *supra* note 1.

- Motor Vehicles Act, 1988.
- Hindu Marriage Act, 1955.
- Hindu Succession Act, 1956.
- Code on Wages, 2019.
- Minimum Wages Act, 1948.
- Equal Remuneration Act, 1976 (historical reference).

B. Indian Cases

- *Lata Wadhwa v. State of Bihar*, (2001) 8 SCC 197.
- *Arun Kumar Agrawal v. National Insurance Co. Ltd.*, (2010) 9 SCC 218.
- *Rajendra Singh v. National Insurance Co. Ltd.*, (2020) 7 SCC 256.
- *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680.
- *Kirti v. Oriental Insurance Co. Ltd.*, (2021) 2 SCC 166.
- *Shishu Pal @ Shish Ram v. Surjeet*, 2026 INSC 634.
- *Penn Thozhilalargal Sangam v. Union of India*, W.P. (C) No. 42/2026, 2026 LiveLaw (SC) 124.
- Delhi High Court decision (2025) observing that “it is ironic to describe a homemaker as dependent on earning members” (cite the final reported judgment once confirmed).

C. Foreign Cases

i. England

- *White v. White*, [2000] UKHL 54, [2001] 1 AC 596.
- *Miller v. Miller; McFarlane v. McFarlane*, [2006] UKHL 24, [2006] 2 AC 618.

ii. United States

- CALIFORNIA FAMILY CODE (Community Property Provisions).
- TEXAS FAMILY CODE (Community Property Provisions).
- ARIZONA REVISED STATUTES – Community Property.
- REVISED CODE OF WASHINGTON – Community Property.

X. SECONDARY SOURCES

A. Books

- MARTHA ALBERTSON FINEMAN, *THE AUTONOMY MYTH: A THEORY OF DEPENDENCY* (The New Press 2004).
- NANCY FOLBRE, *WHO PAYS FOR THE KIDS? GENDER AND THE STRUCTURES OF CONSTRAINT* (Routledge 1994).
- MARILYN WARING, *IF WOMEN COUNTED: A NEW FEMINIST ECONOMICS* (Harper & Row 1988).
- SILVIA FEDERICI, *REVOLUTION AT POINT ZERO: HOUSEWORK, REPRODUCTION AND FEMINIST STRUGGLE* (PM Press 2012).
- MARTHA C. NUSSBAUM, *WOMEN AND HUMAN DEVELOPMENT* (Cambridge University Press 2000).
- AMARTYA SEN, *DEVELOPMENT AS FREEDOM* (Oxford University Press 1999).

B. Articles and Reports

- Neetha N., *Recognising Homemakers as Nation Builders*, INDIAN EXPRESS (2026).
- Paromita Chakrabarti, *Why Valuing Homemakers Matters Beyond Compensation*, INDIAN EXPRESS (2026).
- V. Venkatesan, *Minimum Wages for Domestic Workers: Did the Supreme Court Miss an Opportunity?*, SUPREME COURT OBSERVER (5 February 2026).
- Flavia Agnes, writings on matrimonial property and women's rights in India.
- Bina Agarwal, *Gender and Land Rights Revisited*, JOURNAL OF AGRARIAN CHANGE.
- Martha Fineman, *The Vulnerable Subject and the Responsive State*, 60 EMORY LAW JOURNAL 251 (2010).
- Nancy Fraser, works on social reproduction and the care economy.
- OECD, GENDER EQUALITY AND CARE WORK.
- INTERNATIONAL LABOUR ORGANIZATION, CARE WORK AND CARE JOBS FOR THE FUTURE OF DECENT WORK (2018).

C. Government Reports

- MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, TIME USE SURVEY 2019.
- MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, PERIODIC LABOUR FORCE SURVEY (PLFS) 2023–24.
- NITI AAYOG, reports on women's economic empowerment.
- MINISTRY OF WOMEN AND CHILD DEVELOPMENT, annual reports.

- NATIONAL SAMPLE SURVEY OFFICE (NSSO), labour statistics.

D. International Materials

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.
- Beijing Declaration and Platform for Action (1995).
- INTERNATIONAL LABOUR ORGANIZATION, Domestic Workers Convention, 2011 (No. 189).
- Sustainable Development Goal 5 (Gender Equality).
- UN WOMEN, PROGRESS OF THE WORLD'S WOMEN reports.
