FROM DEPENDENCY TO ECONOMIC CITIZENSHIP: UNPAID DOMESTIC LABOUR AFTER *SHISHU PAL V. SURJEET*

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Abstract: Indian compensation jurisprudence has long struggled to value unpaid domestic labour, typically asking what income a homemaker earned rather than what economic services her household lost. This article examines the Supreme Court's decision in *Shishu Pal @ Shish Ram v Surjeet* (2026 INSC 634), which created "loss of domestic care" as a distinct head of compensation in motor-accident claims and fixed a presumptive monthly benchmark of ₹30,000, describing homemakers as "economic entities" and "nation builders". Situating the judgment within a longer doctrinal genealogy running from *Lata Wadhwa v State of Bihar* through *Arun Kumar Agrawal v National Insurance Co Ltd* and *Kirti v Oriental Insurance Co Ltd*, the article argues that *Shishu Pal* marks a shift from a dependency model of domestic labour to a contribution model. It develops the concept of economic citizenship — comprising recognition, redistribution, autonomy and participation — as a framework for assessing that shift, and examines its constitutional foundations in Articles 14, 15 and 21. The article then considers, cautiously, whether the reasoning in *Shishu Pal* might inform matrimonial property, pension security and care infrastructure, drawing comparative lessons from England, Canada, South Africa, New Zealand and Australia. It concludes that *Shishu Pal* is a significant but bounded judicial intervention: it disrupts the assumption that economic contribution must be expressed through a wage, but the broader transition to economic citizenship for unpaid caregivers will depend on legislative and administrative reform rather than judicial recognition alone.

Keywords: unpaid domestic labour; homemakers; motor-accident compensation; loss of domestic care; economic citizenship; matrimonial property; substantive equality; care infrastructure; India.

I. Introduction

Unpaid domestic labour sustains families, labour markets and communities, yet it remains among the least recognised forms of economic contribution. Cooking, cleaning, childcare, elder care, disability support and the daily coordination of family life are ordinarily treated as private obligations rather than productive work, and because this labour is not waged, the person who performs it is commonly described as "non-earning" or "dependent" — a description carrying real legal consequences for compensation, maintenance, property ownership, pension entitlement and voice within household decision-making.

The problem is thrown into sharp relief when a homemaker dies. The surviving household must often purchase the childcare, cooking, cleaning, transport and medical coordination she previously supplied without charge. The surviving earner may struggle to remain in employment once these services disappear; children may lose daily supervision; elderly or disabled relatives may lose essential assistance. Compensation law has nonetheless tended to ask what income the homemaker earned, rather than what the household actually lost — a method resting on the narrow premise that economic contribution can only be measured through wages. That premise is difficult to sustain once it is recognised that unpaid domestic labour frequently enables another family member's paid employment: a spouse's uninterrupted career may depend entirely on someone else preparing meals, managing the home and absorbing domestic emergencies. To treat the homemaker as economically inactive is to overlook this relationship between paid and unpaid work.

Indian compensation jurisprudence has moved, gradually, away from that premise. *Lata Wadhwa v State of Bihar* (2001) 8 SCC 197 first acknowledged that the services performed by homemakers possess economic value. *Arun Kumar Agrawal v National Insurance Co Ltd* (2010) 9 SCC 218 rejected the characterisation of homemakers as economically inactive merely because they received no formal wage. *Kirti v Oriental Insurance Co Ltd* (2021) 2 SCC 166 reinforced the need for empirical reasoning, including time-use evidence, in valuing domestic labour.

The Supreme Court's decision in *Shishu Pal @ Shish Ram v Surjeet*, 2026 INSC 634, decided on 11 June 2026, carries this development a stage further. The Court recognised "loss of domestic care" as a distinct head of compensation in motor-accident claims involving the death of a homemaker, directing that ₹30,000 be added as a monthly benchmark where the deceased had no conventional monetary income, subject to cumulative enhancement of ten per cent every three years. In enhancing the award from roughly ₹8.43 lakh to ₹62.77 lakh, the Court described the homemaker as an "economic entity" and, more strikingly, as a "nation builder".

The significance of *Shishu Pal* does not lie chiefly in the figure awarded but in the reclassification of domestic care itself. The Court moves away from treating the homemaker primarily as a dependant of the family's earning member, and towards recognising her as a contributor whose labour possesses independent economic significance — a shift that invites a broader question: can recognition within compensation law become the foundation of something larger, namely economic citizenship?

This article argues that *Shishu Pal* marks a transition from a dependency model to a contribution model of domestic labour. Under the dependency model, the homemaker is understood chiefly through the financial support she receives from an earning relative. Under the contribution model, she is understood as a person whose labour produces household services, enables paid work elsewhere in the family, and sustains social reproduction. The contribution model does not require every act of care to be reduced to a wage, nor family relationships to be re-imagined as commercial contracts; it does require the law to take the economic consequences of care seriously.

The concept of economic citizenship is used here to develop that argument: the legal and institutional status through which socially necessary contribution generates recognition, entitlement, autonomy and participation, asking whether a person who performs valuable social labour can gain access to property, social security, compensation and household decision-making even where that labour is never exchanged for a wage.

Five questions organise the analysis that follows. First, how has Indian law moved from treating homemakers as dependants towards recognising their economic contribution? Second, what precisely did *Shishu Pal* change in motor-accident compensation law? Third, what constitutional principles support recognising unpaid care without reinforcing the gender stereotypes that produced its invisibility? Fourth, can the reasoning in *Shishu Pal* influence matrimonial property, pension rights and family-court litigation? Fifth, what are the limits of judicial recognition, and which reforms belong to the legislature and the executive?

The claim advanced is deliberately bounded. *Shishu Pal* recognises loss of domestic care as a distinct head of compensation within motor-accident jurisprudence. It does not, by itself, create a general matrimonial-property regime, a universal system of pension credits, or comprehensive recognition of unpaid domestic labour across Indian law. Those wider consequences are normative possibilities developed in this article; they are not holdings of the Court.

The discussion proceeds as follows. Part II develops domestic labour as productive labour and the concept of economic citizenship. Part III traces the genealogy of Indian judicial recognition of homemakers' contribution. Part IV examines *Shishu Pal* in detail. Part V considers the constitutional political economy of care. Part VI develops the four dimensions of economic citizenship. Part VII turns to matrimonial property. Part VIII addresses time poverty, pension security and care infrastructure. Part IX draws comparative lessons. Part X proposes a reform framework, Part XI discusses the limits of judicial recognition, and Part XII concludes.

II. Conceptualising Unpaid Domestic Labour and Economic Citizenship

The first proposition underlying this article is that domestic labour is productive labour, and that productivity ought not to be defined solely by the presence of a wage. Cooking produces meals; cleaning produces a habitable environment; childcare produces supervision and human development; household administration produces the coordination on which a family's daily functioning depends. That these services are typically performed within intimate relationships does not strip them of their economic character. Waring's (1988) critique of national income accounting remains instructive: what a society counts as economic activity reflects institutional convention rather than any natural boundary of productive work, and activities excluded from national accounts are not thereby unproductive — they are excluded because they fail to conform to a market-centred definition of production, often simply because the person performing them issues no invoice and draws no salary.

The consequences of this invisibility are material rather than merely semantic. Where domestic work goes uncounted, the person performing it is rarely treated as a contributor to household wealth; the earning spouse's income appears self-generated, while the unpaid spouse's labour appears incidental, even though the wage itself may depend on the domestic arrangement that makes it possible. Federici's (2012) account of social reproduction clarifies the relationship: domestic work reproduces labour power by sustaining current workers and raising the next generation, connecting the household to the market even where its own labour is never remunerated. None of this implies that care is identical to wage employment — it carries relational, emotional and ethical dimensions that market substitution cannot fully capture, since a child is not merely a consumer of childcare hours, nor an elderly relative merely a recipient of domestic services — but the relational character of care is no basis for treating the labour it requires as valueless.

A second proposition concerns time, which is a scarce resource: hours spent on unpaid domestic work cannot simultaneously be spent on paid employment, education, training, rest or public life. Hirway and Jose's (2011) use of time-use evidence is valuable precisely because income statistics alone cannot reveal who performs household work — two households with similar aggregate incomes may distribute unpaid labour very differently, and a woman who appears economically inactive because she draws no wage may, once paid and unpaid hours are combined, be working longer than a person in formal employment. Time poverty also compounds over a lifetime: a person who withdraws from paid work to provide care loses not only immediate wages but seniority, professional networks, employer pension contributions and, often, the practical possibility of returning to the same occupation. This is felt most acutely in old age, where a homemaker may perform decades of economically consequential work and nonetheless reach retirement without a provident fund, an employment-linked pension, or independent savings. Recognition after death, however welcome, cannot substitute for security during life; a legal system that values domestic labour only at the point a compensation claim is filed remains incomplete.

These observations converge on the concept of economic citizenship. Citizenship is conventionally associated with political membership, the franchise and formal equality before the law — the tradition traced by Marshall (1950) and developed, from a feminist perspective, by Lister (1997). Economic citizenship adds a material dimension: it asks whether a person has access to the resources and institutional standing necessary to participate as an equal member of society, and it can be understood through four connected dimensions. Recognition requires the legal system to treat unpaid domestic labour as economically significant, since without recognition contribution remains invisible and cannot generate entitlement. Redistribution requires that recognition carry material consequences — through compensation, property rights, maintenance, pension credits, social security and public care services — since recognition without redistribution risks becoming symbolic. Autonomy requires that economic recognition strengthen bargaining power and the capacity to make decisions free of coercive dependence, drawing on Fineman's (2004) critique of the myth of individual autonomy and its neglect of the caregiving that makes autonomy possible for others. Participation, finally, requires a voice in household decision-making, asset management and public institutions; a person who performs the bulk of a household's labour but has no say over its finances remains only partially recognised as a citizen of that household. The phrase "from dependency to economic citizenship" thus describes an institutional movement, not a denial that family members depend on one another — it challenges only the assumption that dependency should be the primary legal identity of the person who performs unpaid care.

III. Indian Legal Recognition of Homemakers' Economic Contribution

Indian jurisprudence on this question can be read as unfolding across four stages. The first, represented by *Lata Wadhwa*, established simple visibility: compensation for deaths arising from a fire led the Court to recognise that homemakers provide services possessing economic value even though those services generate no wage record. The decision unsettled the assumption that a homemaker contributes nothing measurable to the family economy, though recognition remained tied to the mechanics of valuation — the law still required a monetary figure, and the difficulty of assigning one without flattening care into a single occupational wage persisted.

The second stage, associated with *Arun Kumar Agrawal*, moved beyond visibility to challenge the language of economic inactivity more directly. Describing a homemaker as a mere provider of services of sentimental value invites a replacement-cost analysis; describing her as an economic contributor invites a broader inquiry into household management, support for the earning spouse and the opportunity costs of caregiving. The case also disturbed the one-directional account of dependency: the homemaker may depend on the earning spouse for income, but the earning spouse depends equally on her for domestic support, even though that reciprocal dependency rarely appears in the same visible form.

The third stage, marked by *Kirti*, added a methodological dimension by connecting recognition of domestic labour to empirical reasoning, including time-use evidence, signalling that courts need not rely on intuition or inherited stereotype when valuing household work. Time-use data cannot generate a perfect price for care, but it can demonstrate that domestic work is extensive, systematically organised and unequally distributed, and can explain why a person without wages may nonetheless be economically active.

Shishu Pal represents the fourth and most significant stage, recognising loss of domestic care as a distinct head of compensation rather than an adjustment folded into notional income. The genealogy may be summarised briefly: *Lata Wadhwa* established that domestic services have value; *Arun Kumar Agrawal* established that homemakers are economic contributors; *Kirti* established that valuation should proceed by evidence and time-use reasoning; and *Shishu Pal* establishes that loss of domestic care is independently compensable. Read together, these decisions trace a movement from invisibility to recognition, supplying the doctrinal foundation for this article's argument that compensation law is beginning to move from a dependency framework towards a contribution framework.

IV. *Shishu Pal*: From Imputed Income to Loss of Domestic Care

Before *Shishu Pal*, the principal difficulty confronting tribunals was the absence of a conventional income record. Compensation law ordinarily proceeds from monthly income, through deductions and future prospects, to a multiplier — a method that works reasonably well where the deceased was salaried or self-employed with documentary proof of earnings, but far less well where the deceased performed unpaid household labour. The earlier model addressed this gap by imputing income, comparing the homemaker's work with the wages of a domestic worker or another occupational category. This was preferable to assigning a zero or nominal figure, but remained conceptually limited: it treated domestic care as a disguised wage and risked overlooking household management, emotional labour, support for a family business and the opportunity costs of caregiving. It also kept the homemaker within a dependency framework, since the underlying question remained one of replacement cost — what would it cost to replace her services? — rather than contribution: what did her labour add to the household's economic functioning?

Shishu Pal alters this classification. Loss of domestic care is treated not as an evidentiary proxy for missing wages but as an independently recognised form of loss. The contrast may be stated concisely: the earlier model proceeded from domestic labour, through imputed income, to a dependency calculation; the *Shishu Pal* model proceeds from domestic labour, through recognition as an independent economic service, to loss of domestic care as a separately compensable head. This does not render notional income, future prospects or the multiplier irrelevant, but domestic care is no longer required to disappear into another head of compensation in order to be valued at all.

The Court's language performs real doctrinal work. To describe the homemaker as an "economic entity" is to reject the premise that she exists outside economic relations; she contributes to household functioning, supports the labour-market participation of others, and performs services that would otherwise require expenditure. To describe homemakers as "nation builders" is more ambitious, connecting domestic care to the formation of human capabilities and family stability, since children are nurtured and educated within households and elderly or disabled relatives receive care, so that domestic labour has consequences reaching beyond the individual home. That phrase nonetheless calls for caution: it should not be read as reviving a stereotype that women bear a natural duty to serve the nation through unpaid care. The constitutional value of the judgment lies instead in recognising whoever performs socially necessary care, irrespective of gender, while challenging the arrangements that render such care invisible.

The ₹30,000 monthly benchmark, subject to cumulative enhancement of ten per cent every three years, carries evident practical advantages: it gives tribunals a starting point, reduces the risk of a nominal or zero income assignment, and introduces consistency across awards. The figure nonetheless invites scrutiny. It functions as a judicial standard rather than a complete valuation, and the value of domestic care plausibly varies with household size, the age of dependent children, disability-related needs, elder-care responsibilities and location. A uniform figure may also obscure regional differences in the cost of substitute services, since paid domestic help costs differently in a metropolitan city than a rural district, even though rural households may rely on unpaid care precisely because paid alternatives are scarce — a lower cash cost does not necessarily signal a lower social value. The ten per cent cumulative increase attempts to track changing economic conditions, though a fixed periodic increase risks falling behind actual costs if inflation accelerates, which suggests the benchmark should be reviewed periodically and linked to an appropriate index.

The better reading of the benchmark is as a presumptive floor rather than an absolute ceiling — sufficient to prevent under-compensation, but not preclusive of a claimant's showing that the deceased performed unusually intensive care, having regard to the number and age of dependants, disability-related assistance, elder-care responsibilities, household size and location, employment or education foregone, assistance rendered to a family business, and the availability of public care infrastructure locally. The benchmark also raises a question about its relationship to future prospects and the multiplier. Conventional compensation converts monthly income into an annual figure and multiplies it by reference to the deceased's age, assuming income would have continued and possibly increased; domestic care resists this assumption somewhat, since its intensity changes as children grow older or public services become available, so the multiplier remains necessary for consistency but should not obscure the factual character of the care performed. A tribunal should explain how it has applied the benchmark, and how domestic-care compensation interacts with dependency and consortium to avoid double counting: dependency compensates financial support that would otherwise have been received, consortium addresses relational loss, and loss of domestic care addresses the disappearance of household services — a distinct interest, even though all three losses arise from the same death.

The eventual significance of *Shishu Pal* will be tested in tribunal practice, particularly in claims involving a homemaker who also held paid employment, a male caregiver, a grandparent providing full-time care, care for a disabled family member, and unpaid work in a family business. The governing principle should track contribution rather than gender. Women continue to perform a disproportionate share of unpaid care, and a formally gender-neutral rule must not obscure that structural reality; but entitlement should follow from the performance of socially necessary care, not from an assumption that only women provide it.

V. Constitutional Political Economy of Care

Article 14's guarantee of equality is not satisfied merely by applying an identical formal rule to everyone, since a rule neutral on its face may still produce unequal effects. A compensation regime that recognises wage income while disregarding unpaid care disadvantages precisely the group that performs most of that unpaid labour, and the problem is therefore one of substantive rather than formal equality: the law must account for the social context in which labour is actually distributed. A homemaker's absence of income is rarely an isolated fact; it is more often the product of a gendered division of labour, limited childcare infrastructure, workplace discrimination and inherited family expectation. A market-centred valuation system may reproduce these inequalities while appearing neutral, since it rewards activity already converted into a wage and disregards the activity that made the wage possible.

Anuj Garg v Hotel Association of India (2008) 3 SCC 1 is relevant because it rejects legal rules built on protective assumptions about women's supposed weakness, supporting an anti-stereotyping principle under which the State cannot justify exclusion by appeal to traditional gender roles. That principle bears directly on unpaid domestic labour: the law cannot assume women are naturally responsible for care and then treat their performance of that role as proof of economic inactivity, nor should it recognise domestic care in a manner that entrenches the expectation that women alone must perform it. The more defensible approach is contribution-based and gender-neutral, extending recognition to whoever performs substantial unpaid care while remaining alert to the fact that women bear a disproportionate share of that burden.

Article 21 supplies a further foundation for recognising economic autonomy. A person without independent income, property or a social-security record may be formally equal yet materially vulnerable, and such economic dependence can limit the practical capacity to leave an abusive relationship, participate in household decisions, or secure support in old age. *Joseph Shine v Union of India* (2019) 3 SCC 39, though decided on the constitutionality of adultery as an offence, situates gender equality within dignity, agency and equal citizenship and rejects treating a wife as an object of her husband's control; its reasoning applies with equal force here, since economic recognition should improve a caregiver's capacity to exercise agency rather than simply attach a monetary value to a traditionally assigned role. *Secretary, Ministry of Defence v Babita Puniya* (2020) 7 SCC 469 rejects the assumption that marriage, motherhood or domestic obligation can justify excluding women from professional opportunity, treating gender equality as a matter of institutional access rather than formal permission. That reasoning connects unpaid care to public participation: where the State fails to provide care infrastructure, women may be excluded from employment and public life not by formal prohibition but by the unequal allocation of unpaid labour filling the gap. The appropriate response is not to treat care as a natural limitation on women's participation but to develop the childcare, elder-care, disability-support and workplace structures that allow care to be shared more broadly.

International instruments reinforce this reading without displacing it. The Convention on the Elimination of All Forms of Discrimination against Women, together with General Recommendation No. 21 on equality in marriage and family relations and General Recommendation No. 29 on the economic consequences of marriage and its dissolution (CEDAW Committee, 1994; 2013), does not prescribe a specific monetary value for household work; its importance lies in recognising that family roles carry economic consequences and in supporting measures addressing stereotyped roles and the economic disadvantage produced by caregiving. CEDAW strengthens the interpretive foundation for recognising domestic labour, but should not be presented as the direct source of the ₹30,000 benchmark, which remains a judicial choice within Indian compensation law; international norms instead lend support to a structural understanding of equality alongside it.

VI. From Compensation to Economic Citizenship

The four dimensions of economic citizenship introduced in Part II can now be related to *Shishu Pal* and the reforms this article proposes. Recognition is advanced by the creation of a separate head of compensation and by judicial language rejecting the description of homemakers as economically inactive. Redistribution requires that recognition carry material consequences — through compensation, matrimonial-property rights, maintenance, pension credits and public care services — since without it, recognition risks remaining symbolic: a judgment may describe a homemaker as an economic entity while she remains without property or savings. Autonomy depends particularly on access to assets, since a person with property or savings is better placed to resist economic coercion and participate in household decisions; it does not mean independence from relationships, but that participation in one need not require surrendering all control over resources. Participation, finally, requires that caregivers hold a voice in household decisions and public life; a person who performs most of a household's labour yet has no authority over its finances experiences a deficit of citizenship within the family itself.

VII. Matrimonial Property and Economic Autonomy

Recognition of unpaid domestic labour in compensation law raises a further question: should the same contribution matter when marital property is divided? Indian law provides no uniform matrimonial-property regime under which assets acquired during marriage are divided by reference to both financial and non-financial contribution, creating a gap between contribution during marriage and entitlement at its end. A homemaker may contribute to the purchase, preservation and appreciation of family assets by managing the household, caring for children, supporting a spouse's career and performing unpaid work in a family enterprise, yet if the house, land or business is held in the other spouse's name, that contribution may generate no corresponding proprietary claim.

B.P. Achala Anand v S. Appi Reddy (2005) 3 SCC 313 treated a right of residence as connected to maintenance, protecting immediate housing security; but residence is not ownership, and does not necessarily carry control over the asset or security once the maintenance relationship ends. *Rajnesh v Neha* (2021) 2 SCC 324 improved maintenance adjudication by requiring disclosure of income, assets and liabilities; but disclosure is not ownership, and a spouse may learn what family assets exist without acquiring an enforceable claim to wealth accumulated through the marriage. *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1 strengthened women's independent coparcenary rights under Hindu succession law, yet succession and matrimonial property address different problems: a woman may hold a claim to property in her natal family while lacking any share in assets accumulated during her marriage through years of unpaid labour.

Comparative law is instructive here as a source of principle rather than a model for direct transplantation. *White v White* [2001] 1 AC 596 rejected any hierarchy between breadwinner and homemaker contributions in English matrimonial property law — its significance lies not in mandating automatic equal division in every case, but in refusing to treat financial contribution as inherently superior, so that equality became a yardstick against which fairness could be assessed. That principle transfers readily to India: paid work and domestic work perform different functions, but difference in form does not justify a difference in dignity, and a spouse who earns money and a spouse who maintains the household may each contribute to the accumulation of family wealth. *Moge v Moge* [1992] 3 SCR 813 addressed the economic consequences of caregiving after relationship breakdown in Canada, recognising that care may reduce employment opportunities, earning capacity, professional seniority and pension accumulation in ways that persist well beyond the relationship's end. Other systems offer related but distinct lessons: South Africa's constitutional equality framework supports a substantive approach to family property and gender equality; New Zealand's Property (Relationships) Act 1976 treats property accumulated during a relationship as generally partnership property, subject to statutory exceptions; and Australian courts weigh financial and non-financial contributions, including homemaking and caregiving, in reaching a just and equitable division. Goa's community-property tradition offers an internal Indian comparator, though even that model cannot be adopted nationally without confronting the country's personal-law diversity and the prevalence of informal property.

None of these systems can simply be transplanted into an Indian setting marked by multiple personal-law regimes, extensive informal employment, agricultural land, family businesses and diverse marriage practices. A deferred-community or marital-partnership model may nonetheless be more workable than direct transplantation: spouses would retain separate ownership during the marriage, but its dissolution would trigger an equalisation inquiry into financial contributions, homemaking, childcare, elder care, support rendered to a spouse's career, unpaid work in a family business, interruption of employment, and the preservation and appreciation of assets. The object would not be to treat every asset as jointly owned throughout the marriage, but to prevent one spouse from leaving with the whole of the accumulated wealth simply because the other's contribution took an unpaid form. It bears repeating that *Shishu Pal* does not itself create matrimonial-property rights; it supplies a principle of recognition whose translation into property law is a task for the legislature.

VIII. Time Poverty, Pension Security and Care Infrastructure

Time poverty is more than a description of workload; it is a mechanism through which care produces economic exclusion. A caregiver may decline full-time employment because childcare is unavailable, refuse a promotion requiring relocation, or abandon education because an elderly relative requires assistance, and the consequences compound over the life course through lost seniority, lost professional networks, lost employer pension contributions and, often, a diminished capacity to return to the same occupation. A legal system measuring only the income foregone during active caregiving understates the true economic effect. Time-use evidence — of the kind gathered nationally in the National Statistical Office's *Time Use in India—2019* survey — cannot produce a perfect monetary valuation, but can establish the scale and distribution of unpaid work, informing tribunal consideration of household size, the age of children, disability-related needs, elder care and location. Time poverty also constrains democratic participation, since a person who spends most of the day on unpaid care has little time for community life or public decision-making, so that economic citizenship in the fullest sense treats time itself as a condition of participation.

Recognition at the point of death, however welcome, cannot substitute for security during life. A homemaker may perform decades of economically consequential work and still reach old age without an employment-linked pension, a provident-fund account or independent savings — a deferred dependency in which the caregiver relies on children or a spouse, notwithstanding that her unpaid labour helped make the family's economic success possible. Caregiver credits, vested in the caregiver's own name and portable across employment and marital status, offer one route out of this cycle, available to those providing sustained care to children, elderly relatives and persons with disabilities, and independent of the continuation of a marriage, since a person who leaves an abusive household or is widowed ought not to forfeit the value of years of care already given. India's institutional diversity suggests no single universal payment will suffice; reform is more plausibly built from complementary elements — tax-financed minimum pensions, portable caregiver credits, maternity and childcare support, public health coverage and labour protections for paid caregivers. Where care produces old-age insecurity, its cost is simply transferred to children or another unpaid caregiver, reproducing the same dependency structure across generations; social-security credits interrupt that transfer rather than merely delaying it.

Unpaid care is, finally, shaped by the availability of public infrastructure. Where childcare is unavailable, a family member supplies it; where elder-care services are inaccessible, families absorb the responsibility; where water, sanitation and transport remain inadequate, ordinary household tasks consume disproportionate time. Public care infrastructure therefore performs an equality function of its own, since the burden of the State's failure to provide it falls overwhelmingly on women, and services in childcare, elder care, disability support and healthcare coordination redistribute time as much as money. Care infrastructure also affects paid domestic work: when families outsource care, the labour often shifts from relatively privileged women to poorly protected workers from marginalised communities, so a coherent care policy must extend minimum wages, written terms, working-time limits, maternity protection and occupational safety to paid domestic workers, lest a framework recognising homemakers while ignoring paid carers merely relocate the inequality it seeks to address.

IX. Comparative Lessons

Comparative material is best used as a source of transferable principle rather than a template for adoption. England and Wales, through *White v White*, offers equal respect between homemaker and breadwinner contributions in property division; Canada, through *Moge v Moge*, shows that caregiving generates economic consequences reaching well beyond the period of care itself; South Africa's constitutional framework shows how family-property rules may be subjected to substantive-equality scrutiny; New Zealand's relationship-property legislation treats marriage or partnership as, in substance, an economic association; and Australian law weighs financial and non-financial contributions within a single analysis. Goa supplies an internal Indian example of community-property organisation, though even it cannot be extended nationally without addressing personal-law diversity and informal property.

India cannot adopt any of these models wholesale. Personal-law diversity affects the design of matrimonial property; informal property and family businesses create evidentiary difficulty; agricultural land is often subject to special rules; inherited assets may warrant treatment different from property acquired during marriage; and intergenerational households frequently distribute caregiving across several relatives at once. The comparative lesson is nonetheless real, if modest: legal systems elsewhere have shown that domestic contribution can be recognised without being reduced to a wage, and that property division on relationship breakdown can be approached as a question of partnership and future economic consequence rather than formal title alone.

X. Reform Framework: Recognition, Redistribution and Autonomy

A coherent reform agenda might proceed along three connected lines. On recognition, courts should treat the *Shishu Pal* benchmark as a minimum presumptive figure rather than a ceiling, reviewed periodically against inflation and substitute-service costs, and informed by time-use evidence of the care actually performed; the law should also recognise, consistently with Part IV, that such care may be performed by men, grandparents or other relatives, with entitlement following contribution rather than gender. On redistribution, legislative reform should establish a matrimonial-property framework recognising non-financial contribution — potentially through the deferred-community model outlined in Part VII; caregiving periods should generate portable pension and social-security credits vested in the caregiver's own name; and public childcare, elder care and disability support should reduce the unpaid labour households must otherwise absorb, alongside protection for paid domestic workers. On autonomy, independent property rights, access to banking, financial disclosure and meaningful participation in decisions over household assets all require strengthening, with family courts equipped to prevent concealment or transfer of assets and caregivers given access to independent legal advice, since maintenance alone leaves a person who receives periodic support still without ownership or long-term security.

A further device worth developing is what might be termed a care impact assessment, capable of making domestic labour visible in both family-law and compensation proceedings. Such an assessment would consider the duration of caregiving, the number and age of dependants, disability and elder-care responsibilities, household size, location, paid employment foregone, the intensity of domestic work, the cost of substitute services, and the impact on education and pension accumulation, drawing where available on school records, medical records, household calendars, employment histories, testimony and time-use diaries. It should remain evidentially flexible, since the absence of formal documentation is itself part of the problem the reform seeks to address, and ought not defeat a claim that is otherwise well founded.

XI. Limits of Judicial Recognition

Judicial recognition is necessary but insufficient on its own. Courts can identify value, create compensable categories, and interpret constitutional principles consistently with substantive equality; they can prevent domestic care from disappearing merely because it lacks wage documentation, and can develop evidentiary principles requiring reasoned findings. What courts cannot do, through individual compensation cases, is create a universal pension system, build a nationwide childcare network, or redesign public care infrastructure — those tasks require legislation, budgetary allocation and administrative implementation. Judicial benchmarks may also generate uncertainty where unsupported by reliable data, so a court may usefully fix a starting figure while leaving Parliament and the relevant departments to design systems capable of periodic review and nationwide application. The more defensible arrangement is complementary: courts recognise contribution, legislatures create property, pension and social-security entitlements, governments build care infrastructure, and statistical institutions collect the data that grounds all of it — a division that prevents judicial recognition from remaining symbolic while avoiding judicial overreach into matters properly resolved through the political process.

XII. Conclusion

Unpaid domestic labour has historically been treated as private, natural and economically invisible, and the dependency model has described the homemaker chiefly through the support she receives from an earning relative, obscuring the reciprocal relationship between paid employment and unpaid care this article has sought to bring into view. Indian jurisprudence has, over two decades, begun to unsettle that model: *Lata Wadhwa* recognised the value of domestic services; *Arun Kumar Agrawal* recognised homemakers as economic contributors; *Kirti* introduced a firmer evidentiary basis for valuation; and *Shishu Pal* marks a further transition by recognising loss of domestic care as a distinct head of compensation.

The deeper significance of *Shishu Pal* lies not in the ₹30,000 benchmark as such, but in its disruption of a governing legal assumption — that economic contribution must be expressed through a wage before it can be recognised at all. By treating the homemaker as an economic entity, the Court makes it possible to understand domestic care as productive social labour in its own right. It does not, however, create a general regime of economic citizenship: it establishes no matrimonial-property rights, no universal pension credits, and no comprehensive care infrastructure. Those remain tasks for legislation, administration and future judicial reasoning.

The trajectory traced in this article runs from dependency, through recognition and entitlement, to autonomy and, ultimately, economic citizenship. Recognition supplies the starting point; redistribution gives it material force; autonomy ensures the caregiver retains control over resources and choices; and participation completes the idea of citizenship by securing the caregiver a voice in household, institutional and public life. The most enduring contribution of *Shishu Pal* is not that it resolves the problem of unpaid domestic labour, but that it disturbs the assumption that an absence of wages signals an absence of economic contribution — whether that disturbance remains confined to motor-accident compensation, or becomes the foundation of a broader framework of property, social security and economic citizenship, will depend on the legislative and administrative choices India makes in the years ahead.

References:

1. Agarwal, B. (1994) *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.
2. Agarwal, B. (1997) 'Bargaining and gender relations: Within and beyond the household', *Feminist Economics*, 3(1), pp. 1–51.
3. Agnes, F. (1999) *Law and Gender Inequality: The Politics of Women's Rights in India*. New Delhi: Oxford University Press.
4. *Anuj Garg v. Hotel Association of India* (2008) 3 SCC 1.
5. *Arun Kumar Agrawal v. National Insurance Co Ltd* (2010) 9 SCC 218.
6. *B.P. Achala Anand v. S. Appi Reddy* (2005) 3 SCC 313.
7. Committee on the Elimination of Discrimination against Women (1979) *Convention on the Elimination of All Forms of Discrimination against Women*. New York: United Nations.
8. Committee on the Elimination of Discrimination against Women (1994) *General Recommendation No. 21: Equality in Marriage and Family Relations*. New York: United Nations.
9. Committee on the Elimination of Discrimination against Women (2013) *General Recommendation No. 29: Economic Consequences of Marriage, Family Relations and Their Dissolution*. New York: United Nations.
10. Federici, S. (2012) *Revolution at Point Zero: Housework, Reproduction and Feminist Struggle*. Oakland: PM Press.
11. Fineman, M.A. (2004) *The Autonomy Myth: A Theory of Dependency*. New York: The New Press.
12. Fraser, N. (2016) 'Contradictions of capital and care', *New Left Review*, 100, pp. 99–117.
13. Fraser, N. (2022) *Cannibal Capitalism: How Our System Is Devouring Democracy, Care, and the Planet — and What We Can Do About It*. London: Verso.

14. Hirway, I. and Jose, S. (2011) ‘Understanding women’s work using time-use statistics’, *Feminist Economics*, 17(4), pp. 125–144.
15. International Labour Organization (2018) *Care Work and Care Jobs for the Future of Decent Work*. Geneva: International Labour Organization.
16. Jain, D. (2005) *Women, Development, and the UN: A Sixty-Year Quest for Equality and Justice*. Bloomington: Indiana University Press.
17. *Joseph Shine v. Union of India* (2019) 3 SCC 39.
18. *Kirti v. Oriental Insurance Co Ltd* (2021) 2 SCC 166.
19. Kotiswaran, P. (2011) *Dangerous Sex, Invisible Labor: Sex Work and the Law in India*. Princeton: Princeton University Press.
20. *Lata Wadhwa v. State of Bihar* (2001) 8 SCC 197.
21. Law Commission of India (2018) *Consultation Paper on Reform of Family Law*. New Delhi: Law Commission of India.
22. Lister, R. (1997) *Citizenship: Feminist Perspectives*. Basingstoke: Macmillan.
23. Marshall, T.H. (1950) *Citizenship and Social Class*. Cambridge: Cambridge University Press.
24. *Moge v. Moge* 3 SCR 813.
25. *National Insurance Co Ltd v. Pranay Sethi* (2017) 16 SCC 680.
26. National Statistical Office (2020) *Time Use in India—2019*. New Delhi: Ministry of Statistics and Programme Implementation.
27. Pateman, C. (1988) *The Sexual Contract*. Cambridge: Polity Press.
28. Property (Relationships) Act 1976 (New Zealand).
29. *Rajnesh v. Neha* (2021) 2 SCC 324.
30. Secretary, Ministry of Defence v Babita Puniya (2020) 7 SCC 469.
31. *Shishu Pal @ Shish Ram v. Surjeet*, 2026 INSC 634, Supreme Court of India, decided 11 June 2026.
32. Tronto, J.C. (2013) *Caring Democracy: Markets, Equality, and Justice*. New York: New York University Press.
33. UN Women (2022) *A Toolkit on Paid and Unpaid Care Work: From 3Rs to 5Rs*. New York: UN Women.
34. *Vineeta Sharma v. Rakesh Sharma* (2020) 9 SCC 1.
35. Waring, M. (1988) *If Women Counted: A New Feminist Economics*. San Francisco: Harper & Row.
36. *White v. White* 1 AC 596.