



WHEN THE HOMEMAKER BECOMES NATION BUILDER: A CASE STUDY

Dr. N. Brajakanta Singh

Assistant Professor of Law, DMU.

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Abstract

It is a universally accepted truth that a mother is the first teacher that a child has and whatsoever positive act is undertaken by the child such as learning a skill, a language, a trade or a profession, is informed by the training that is given on the daily, by the mother. No one will deny the fact that the contribution of women to the society extends far beyond biological reproduction, they are also largely responsible for the preparation of human capital. Rather, she is a nation builder. However, the recognition of a homemaker, mother or wife, as a nation builder is a long overdue. This acknowledgement is examined in this paper through the lens of recent judgment of the Supreme Court of India. It argues that justice must be delivered fairly, even though it is delayed.

Keywords: *Compensation, homemaker, judicial delay, motor-accident, nation builder.*

I. Introduction

“In our view, it is ironic to describe a homemaker as dependent on earning members, when, in reality the household’s functioning depends substantially on the homemaker. The earning members are in fact solely dependent on the homemaker but alas, this reality does not receive the acknowledgment it deserves. Efforts have been made across fields to some success but yet undeniably the road is still long. The “homemakers”, to put it directly, actually are the “nation builders” and they ought to be recognized as such.” as observed by Justice Sanjay Karol of the Supreme Court of India in recent landmark ruling passed in the case of *Shishu Pal @ Shish Ram & Ors. v. Surjeet & Ors.*¹ pronounced on June 11, 2026. This case is related to motor accident taken place on November 25, 2001 in which a homemaker woman lost her life on her way from Sirsa to Fatehabad in Haryana, due to the rash and negligent driving of respondent no.1. In this paper, an attempt is made to examine how a homemaker becomes nation builder

¹ 2026 INSC 634. A bench of Justices Sanjay Karol and N. Kotiswar Singh delivered the judgment.

through the pen of a Judge, a due finally acknowledged. It concludes that justice must be delivered fairly, even though there are institutional delays.

II. The symptom of Judicial delays

The claim case under examination went a long journey of about 25 years from the Motor Accident Claims Tribunal to the Supreme Court of India. This case remained on the file of the High Court for twenty years, but the swift decision of the Supreme Court prompting us to state that justice delayed is not always justice denied. The first tribunal, Motor Accident Claims Tribunal awarded Rs.2,42,000/- only.² The claimants approached the High Court seeking enhancement thereof. A learned Single Judge, enhanced the said compensation to Rs. 8,43,400/- along with 7.5% interest from the date of filing of the claim petition.³ The High Court further clarified that should the said payment be not made within three months, the rate of interest would stand enhanced to 9% per annum and further if the amount is not paid within six months, enhancement shall be with interest @ 12% per annum. The legal heirs of the deceased woman on being still dissatisfied preferred an appeal before the Supreme Court for further enhancement of the amount. Justice Sanjay Karol of the Supreme Court for the bench observed that although it is never possible to fully compensate for the loss of a person who has been an integral part of a person's family, the idea of 'just and fair' compensation requires that an amount of money be paid to the claimants that would, as far as possible, place them in a position as if the unfortunate incident of the death of their loved one had not taken place. For whatever reason, when this takes twenty years, the suffering is only compounded further. With respect to the inordinate delays prevailing in the disposal of motor accident cases, the Supreme Court prepared a long list of motor accident claimed cases which showed that delay is a repeated occurrence.⁴ After a meticulous analysis of the data gathered in terms of the orders passed in appeal by the Supreme Court, it was revealed that the average pendency in the High Courts is approximately 8 years and before the Tribunals the same is approximately 6 years. The syndrome of judicial delays is becoming an embarrassment for the country with direct consequences for the Indian economy.⁵ The Indian judiciary has been incredibly successful in pushing the 'resource crunch' narrative to explain its extraordinary inefficiency.⁶

² Order dated December 18, 2003.

³ Vide order dated 11th December 2024.

⁴ At para 9 of the judgment.

⁵ Prasant Reddy T. & Chitrakashi Jain, *Tareekh Pe Justice*, Simon & Schuster, New Delhi, 2025 p. xii.

⁶ Ibid.

III. Contribution of homemaker to the society

Then, the Court traced the use of the term homemaker with available international and national resources. It noted that the Supreme Court in its recent handbook on combating gender stereotypes stated that the use of the term 'housewife' would be incorrect and instead the word 'homemaker' should be used. The Court observed that apart from the fact that contribution of women to the society extends far beyond biological reproduction, they are also largely responsible for the preparation of human capital on which the dreams of being the world's largest economy among other things rest. It is often said that a mother is the first teacher that a child has. This teaching however is not like a school or a college, that has a definite end date and instead continues for the entire lives of both the mother and the child. Whatsoever positive act is undertaken by the child such as learning a skill, a language, a trade or a profession, is informed by the training that is given on the daily, by the mother.

Similarly, and most significantly, human relations which are the cornerstone of society, are perceived and understood first and foremost through the ways exemplified by conduct of the mother. The everyday nudging and signaling towards proper behaviour etiquette, later forms the path which the said child would then emulate for their future generations. It is, therefore, a successive chain built intercommunity and intergenerationally, of trust, cooperation and transmission of cultural memory, norms, which take the form of social bonds that sustain an individual either as familial relations or friendships and to an extent even professional networks. The understanding of acceptable and unacceptable behaviour whether it is within the home or outside it, is also communicated by the person who is in the home at all times. Those who step out for livelihood and return only at the end of the day, for obvious reasons have limited interaction and so their role in the constant shaping of the individual, may somewhat be limited.

On the emotional and psychological plane, the bench observed that the inherent ability of a homemaker to juggle multiple aspects whether it is meals, properly ironed clothes, stocking up supplies, caring for the elderly in the house, ensuring that the children stay on top of their schoolwork and so many more things that enabled, to use a somewhat stereotypical expression, the 'men of the house', to have their undivided focus on earning a good living. They provide a sense of insulation from the pressures of the outside world, a bubble in which everything is taken care of and all that is needed for the people therein, is to relax and rejuvenate preparing themselves for what the next day might bring. In the majority of households, this is taken to be 'normal' but the truth is that those who do not have this luxury, truly understand what is missing

in their lives. The family members in households where the homemaker is absent be it for whatever reason, are often required to come together and each individual therein will do a part of the work that would otherwise fall to the absent individual who would, in fact do it with a smile on their face. True it is that the reality/realities contemplated thus far are both of urban and rural application. But it is the case at least in certain areas that the women in rural areas endure additional difficulties/labor- walking kilometers for pails/matkas of water, transporting mounds of hay atop their backs on a daily basis or being an additional hand in their fields alongside their husbands other than doing all of the household work in furtherance of smooth functioning of their households. All of these aspects be it economic, emotional or psychological have a direct correlation to creating a healthy society and in turn towards national development and are areas of intense study in the subjects of public health and social policy, the Court observed that, a homemaker is like the potter and a home itself is a lump of clay. All shapes, sizes and designs are a result of the exact right mix of the mud with the water and the gentle caress of the hand to shape the clay into something that is wholesome, attractive and useful. These are the people responsible for laying the foundation stones on which the edifices of the high-flying business persons, successful politicians, headlining artists, sought after lawyers etc., on the one hand and on the other, the silent support behind the daily grind of an everyday worker who steps out of home in the hopes of making a decent living for the day. In other words, they have a role either entirely invisible or just partially visible in the work of all those persons who are recognised to be contributing to the nation. It is high time now that the invisible is made visible or the veil is pierced to make what can be partially seen come out in the open. Thus, the bench observed: “It is our hope that the word housewife/homemaker, in future, in recognition of the contributions of the lady of the house is now used as “Nation Builder”.

IV. Just compensation and apt direction

The bench cautiously observed that the discussion made in the judgment has been made to highlight what has thus far remained unhighlighted. It noted that they are aware though that this reality is not everyone’s reality. The bench referred to a recent order of the Court delivered in the case of *Arvind Kumar Pandey v. Girish Pandey*,⁷ wherein it was observed: “It goes without saying that the role of a homemaker is as important as that of a family member whose income is tangible as a source of livelihood for the family. The activities performed by a homemaker, if counted one by one, there will hardly be any doubt that the contribution of a

⁷ (2025) 2 SCC 145.

homemaker is of a high order and invaluable. In fact, it is difficult to assess such a contribution in monetary terms.”⁸ Acknowledging the role of a homemaker, the bench observed that the homemakers actually are the nation builders and they ought to be recognized as such. The Court directed that in a case of death involving homemaker, the head of ‘loss of domestic care’ be added as a separate compensation component. After considering the settled position of law in respect of monetary compensation in motor accident cases, the Court enhanced the compensation amount in a fair and just manner to Rs. 62,77,900/- payable to the family of deceased nation builder and ordered the insurance company to pay the same. The issue of delay in disposal of cases is now becoming greatest challenge to judiciary in the country. As a measure to overcome such delays, particularly in motor accident claim cases, the bench observed that the learned Chief Justices of the High Courts are requested to issue necessary directions to have matters that have remained pending for the longest amount of time, listed according to the date of institution of the appeal, before the appropriate benches. Finally, the Supreme Court directed that let a copy of this judgment be sent to the Registrars General of all the High Courts to be placed before the learned Chief Justices to solicit necessary orders as also to be sent for onward compliance to the Tribunals.

V. Conclusion

It is an undeniable fact that a mother is the first teacher that a child has and whatsoever positive act learnt by the child is as a result of training given on the daily, by the mother. It is also absolute truth that the contribution of women to the society extends far beyond biological reproduction, they are also largely responsible for the preparation of human capital on which the dreams of the nation are based. Thus, it is no exaggeration to state that they played a significant role in nation building. The Supreme Court had done a commendable job in elevating a homemaker to the level of a nation builder, the acknowledgment which has been owed by the society for long. It is reiterated that justice must not only be done but also seen to be done. Finally, it is trite to conclude that justice delayed is not always justice denied. However, the delay of justice delivery is not tackled properly and timely, at stake is the very idea of justice that we the people promised ourselves in the Preamble to the Constitution of India.

⁸ Id at para 7.