

Paternity relief in India

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Introduction

Parenting is considered to be one of the most challenging jobs one could ever do. Family is the fundamental cell of society. Hence, it requires both parents to put an equal amount of effort into building this cell. Studies have shown that both parents are required to raise a child.¹ Right from kindergarten, every picture book depicted a family, having a father, mother and children. Yet when it comes to parenting, be it in the initial or later stages, fathers are always discouraged from participating actively in their children's life. Parenting in India has always been a maternal duty, and every role that requires care and gentleness is related to maternity. This bias is clearly seen in certain paternity legislation enacted in India. There are just a very few defined and passed legislations about paternity leave. Our society does not recognise the importance and the need for fathers to be at home during the initial days of the birth of the child. We need to realize that today, in a world of nuclear families, it is extremely difficult for a mother to manage both the chores and care for the child. With new routines and needs of the baby, managing the house for even a day becomes a really laborious task. The United Nations Development Programme states that “paternity relief gives new families the chance to bond and allows fathers to provide critical support in caregiving”.²

Government schemes:

According to a UNICEF analysis, India has one of the highest infant populations. It is among the 90 countries in the world that have no defined national policies that ensure new fathers get adequate paid time off with their newborn babies.³ In a country where companies and industries are reluctant

¹Wiley-Blackwell, *Do children need both a mother and a father?*, SCIENCE DAILY (Jan. 28, 2010), <https://www.sciencedaily.com/releases/2010/01/100121135904.htm>

²Simone Boneschi, *Five reasons why paternity leave needs to get more attention*, UNDP EUROPE AND CENTRAL ASIA, <https://www.eurasia.undp.org/content/rbec/en/home/blog/2019/five-reasons-for-paternity-leave.html#:~:text=Paternity%20leave%20gives%20fathers%20the,a%20responsibility%20of%20both%20parents.>

³ PTI, *India among over 90 nations without paid paternity leave for new dads: UNICEF*, ECONOMIC TIMES (Jun. 14, 2018),

to provide maternity leaves, paternity leave is something out-of-the-way to ask for. However, The Paternity Relief Bill of 2017 was introduced in the parliament with a view to encourage paternity leaves. Section 4 of this bill ensures that every man shall be entitled to, and every employer shall be liable for, the payment of paternity benefit, both in government and non-government organizations, and both in informal and unorganized sectors. This bill grants biological and even adoptive fathers a paid leave for a period of 15 days and up to three months of unpaid leave.⁴ While introducing the bill, the Member of Parliament, Rajeev Satav, stated, “I am a father and have experienced the challenges faced in devoting sufficient time towards childcare⁵; childcare is the joint responsibility of both parents. They must devote time to the newborn to ensure its proper well-being”. The implication of this bill remains a distant dream and a milestone to achieve. Apart from this Bill, the Central Civil Services leave rules also make provisions for paternity leave for employees in the government sector. Section 43A of the list states that any man in the government service may be granted a paid paternity leave of 15 days. It also makes sure that under normal circumstances, paternity leave may not be refused.⁶

What do international organizations and other countries do?

The UNICEF, in its journal, says that paternal leave is imperative and also provides fathers with time to care for, bond with their infant, establish routines for feeding and care, and tend to their medical care needs, while also providing mothers who have been through childbirth to recover physically. It also says that paternity leave may indirectly affect the health of a child. The UNICEF studies have also found that fathers who take paternity leave are more involved in childcare and labour at home, which may support breastfeeding and reduce the likelihood of postpartum depression for the mother, which in turn benefits infant health. UNICEF also suggests the governments of States make provisions for paternal leave long enough to ensure quality care of the baby. The organization grants its male employees two months of paternity leave. It believes that paid parental leave benefits families’ economic well-being.⁷

⁴The Paternity Benefit Act, 2017, No. 90, Introduced in Lok Sabha, 2017(India)

⁵Ipsita Bhattacharya, *Is India ready for paternity leave?*, Jun 16th, 2019, TIMES OF INDIA, (Jun. 16, 2019), <https://timesofindia.indiatimes.com/life-style/parenting/moments/is-india-ready-for-paternity-leave/articleshow/69801652.cms>

⁶ Central Civil Service leave rules, 1965, §43-A

⁷ Alison Earle and Jody Heymann, *Paid parental leave and family-friendly policies: An evidence brief 5*, UNICEF, <https://www.unicef.org/sites/default/files/2019-07/UNICEF-Parental-Leave-Family-Friendly-Policies-2019.pdf>

In the past few decades, there have been nearly 94 parent-friendly countries that provide generous leaves to new fathers, out of which only 16 countries grant fully paid paternity leave.⁸ Most Asian countries do not provide paternity leave at all. It is obvious that Asian culture does not recognise the significance of paternal roles in household and parenting. The most commendable policy of paternity leave is that of Japan. With a 30 week long, paid paternity leave, Japan makes itself the most labour and parent-friendly country in Asia.

Sweden could arguably be the most pragmatic country when it comes to paternity leave. The country provides for a total of 240 days of parental leave to both the parents. Moreover, it makes provision for parents having twins by granting an additional 180 day long leave. This is granted till the child turns 8. Finland too has one of the most impressive paternity leave provisions. Finland's Prime Minister, in early 2020, announced that the same number of leaves for fathers as for mothers would be granted with an intention to get fathers to spend more time with their children. Apart from these, countries like South Korea, Spain, Mexico, Iceland, Canada, Australia and the United Kingdom have also tried to make themselves parent-friendly by providing justifiable paternity leaves.⁹

Through the Indian lens:

India is a country where even if laws for paternity leave are made; most men would be hesitant to avail them. For many Indians, paternity leave would not even be a concept. In a country where women still have to cross swords to work, men taking a paid leave to parent their child would be a matter of embarrassment. Indians are raised with a common notion that men are the breadwinners, and it isn't appropriate for them to be involved in the household. A recent study has revealed that over 80% of men from Egypt, India, Pakistan, Moldova, Nigeria and Mali said changing clothes, bathing and feeding children were a woman's job.¹⁰

⁸Miranda Bryant, *Paternity leave: US is least generous in list of world's richest countries*, THE GUARDIAN (Jan. 29, 2020) <https://www.theguardian.com/us-news/2020/jan/29/paternity-leave-us-policy#:~:text=Labor%20Organization%20found.-,The%20most%20generous%20countries%20for%20paid%20leave%20for%20fathers%20are,leave%20to%20mothers%20or%20fathers.>

⁹ Supra note 8.

¹⁰Ipsita Bhattacharya, *Is India ready for paternity leave?*, TIMES OF INDIA (Jun. 16, 2019), <https://timesofindia.indiatimes.com/life-style/parenting/moments/is-india-ready-for-paternity-leave/articleshow/69801652.cms>

Although, as a progressive step, a few Indian corporations leapt towards making work for new fathers friendly. For example, Zomato, the delivery app has made a 26-week long paternity leave available for its employees. Novartis, a pharmaceutical company, has made a 26-week long paternity leave provision. Though it would take time for Indian legislatures to make official benefits, private corporations have at least envisaged this concept. Companies need to realize that an employee would be much more efficient and satisfied with his work when he feels his company can accommodate him and take care of his basic human needs.

Conclusion

We need to realize that parenting is gender-neutral. Both parents are equally responsible for raising the baby. Paternal leave is also a matter of gender equality as there is a constant struggle between work and home which men have to go through. The course of a period of paid paternity leave could prove to be a real stress-buster, possibly increase work efficiency and make the workplace a better environment. Not granting parental leave would train men to believe that family or self-time isn't an important aspect of life and the sole purpose of their lives is to earn for the family. Like every legislation or concept which is welcomed with contempt, this too, in its initial phases, would be discouraged. But sooner or later, we need to step out of the patriarchal cocoon which the society puts us in. Maybe through all these years of work, corporate growth and hustle, we have forgotten that home is where we belong. If work occupies one's personal and family life, eventually we'd just become money-making machines.