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Right to Fatherhood: An Overview of Paternal Leave

Simran Kaur

INTRODUCTION

The right to parenthood includes both mother and father. The heat up arguments to include women in the mainstream has normalized the maternity leave in our culture. We expect women to indulge with their child but what about the bond of the child and new dads?

The distinguishing customary beliefs are no longer acceptable among the lifestyle of the new generation. We urge to offer our family with a standard life that mandates to include both women and men in the map of earners.

Men have always been considered as the jobholders of the family while women as the caretaker of her child and husband. This kind of notion still persists in different facets of the society in spite of resistance faced by the developing circles. A parochial portrayal is drawn of women, caged around the four walls and indulged in her marital life. Currently, such strain attracts condemnation which restricts women's potential to engage in activities other than the marital role. Women empowerment has always been an enlightened topic with its loudness, which has resulted in constructing a road full of opportunities and awareness beyond their domestic role. In the midst of such debates, we tend to forget the part of fathers in child upbringing.

Today, we criticize the notion of women only being involved in their domestic role, similarly, there rests a harmful notion of considering men as the primary breadwinner of the family with no involvement in their child development. This belief not only destroys their willingness to offer emotional support towards their family but also snatches the right to parenthood. These ideas are not only rooted in the family but also in the workplace.

PATERNITY LEAVE AND ITS PROBLEMS

SOCIAL AND CULTURAL BARRIER

Many countries have shown their interests on this issue and have come up with a general policy on paternity leave or either laid down a national policy to stop this unhealthy trend. However, government involvement can't restrain the social and cultural issues. Most of the workplaces are designed circling the ideal worker norm that believes employees prioritize work above all.¹ Paternity leave may also face suspicion as it opposes the notion of manliness.

EMOTIONAL DIMENSION

Co-parenting is the best step towards the child proper development. The participation of fathers in child upbringing not only nourishes the bond between the father and the child but also help mothers to cope up with their other activities. This allows mothers to make better decisions in domestic and official work. International Labour Organization in its report supports the luxury of fathers in the development of children as important as mothers².

ECONOMIC BARRIER

The involvement of the father in child development is as important as being economically fulfilled to provide the child with all necessities. Few workplaces have the concept of paid and unpaid paternity leave. The mentioned responsibilities on the shoulder of the father abstain from taking up unpaid leaves. Thus, backing up the family economically prioritizes their right to fatherhood.

WOMEN LABOUR PERSPECTIVE

Lack of paternity leaves not only affect men but also drag women with them. Men do not receive adequate paternity leaves because of which women are forced to take more leaves to look after the child and sometimes they drop out of off their jobs. This scenario effects their job consistency and makes it hard for them to fetch jobs after a certain phase in spite of their education and intent. Thus, absence of paid paternity leaves indirectly increases women unemployment rates.

¹ Williams Joan C. 2000. Unbending Gender: Why Family and Work Conflict and What to Do about It. Oxford: Oxford University Press. [[Google Scholar](#)]

² Maternity and Paternity at Work report (2014)

PATERNITY LEAVE IN INDIA

In the last few years, Indian has achieved a great excellence in spreading maternal leave awareness as compared to the other developing countries but it still falls back when it comes to paternity leave. India has no national policy on paternity leave but the primary backlog is faced by the social and workplace factors which fails to understand the need of paternity leave as same as the maternity leave. However, many large firms in private sector have shown significant interest in paternity leaves for their employees through their liberal policies.

Ikea, a Swedish furniture retail company has introduced a six month paid paternal leave to encourage father in taking up home responsibilities.³ Microsoft India has also updated its paternity leave from two weeks to six weeks.⁴ Cummins India, an American automotive company has set up a new record by providing a one month paternity leave.⁵

The government sector doesn't promise such substantial leave, though All India Services and Central Rules provide 15 days of paternity leave to the Central government employees.⁶ The same leave can be redeemed in case of child adoption too.⁷ Many of the state governments have introduced their own paternal leave policies to lure men for opting government jobs.

LEGAL DIMENSION

Indian Constitution guarantees fundamental rights to its citizen which protects their liberty and ensures that their life is more than a mere 'animal existence'. It doesn't include right to fatherhood separately as one of its fundamental right but the continuous discussion on paternity leave and the human right embraces right to fatherhood under the broad scope of Article 21, i.e, right to life.

In the year 2009, a private college teacher challenged the deduction of his salary due to dismissal of his paternity leave application. The Delhi High Court held that "*all male employees of unaided recognized private schools were entitled to paternity leave*" and the deducted amount from the teacher's salary were to be refunded.⁸ This decision in the Court gave a new dimension to the ongoing tussles of paternity leave in India.

³ Brinda Dasgupta & Varuni Khosla, Companies go liberal in giving time off to new dads, The Economic Times, Sept. 5, 2017, at A2

⁴ id. At 4

⁵ id.

⁶ The All India Services (Leaves) Rules § 18(B) (1955)

⁷ id. At 18(C)

⁸ Chander Mohan Jain v. N.K Bagrodia Public School, W.P. (C) No. 8104, (Del:2009)

GROUND REALITY AND UNAWARENESS

The initiative taken up by both government and private companies seems promising, but without any national policy they fail to shine equivalently. The new Paternity Benefit Bill introduces leave for fathers which can be availed up to three months.⁹ This Bill is a new step towards treating both women and men equally without any discrimination but it still lacks in various prospects. Unawareness among fathers about their paternity leave in any organization is another huge concern.

Adopting a national policy is half of the solution for this major issue, the main problem lies in the attitude of the social and workplace factors. Society needs to bury the traditional notion of men as the primary breadwinner of the family. Companies should aware men about the existing paternal leave. Paid paternity leave should be adapted to avoid refusal of leave by the men, who come from low income families. Most of all, men needs to stop comparing the right to fatherhood from the notion of masculinity.

We all are a part of a modifying era, where we campaign and promote gender equality. The rights of human exist in every phase of their living style but the standard question still remains the same – their acceptance.

⁹ The Paternity Benefit Bill(2017)