

Paternity Leave: A Thorough Analysis

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ABSTRACT: *Paternity leave is the leave to take care of children and their families given to new parenthood. Several countries recognize the value of paternity leave, contributing to the introduction in these countries of paternity policies. This paper titled "Paternity Leave: A Thorough Analysis" explains the status of paternity advantage in India. It also deals in detail with the explanation behind the nonchalant behavior of paternity. This paper seeks to provide the readers with insight into the value of paternity benefit and the importance of parental benefits. It also seeks to strengthen readers' enforcement and legal regulations on paternity leave.*

KEYWORDS: *Child, Law, Notification, Paternity, Welfare, Family concerns, Guidelines.*

INTRODUCTION

The time of leave granted to new fathers, in most cases a paid leave, to take care of his newborn and his wife, is the paternity leave generally known as the father's quota. It offers the young fathers a chance to bond with the baby and take care of their family. Paternity leave is a boon at such a crucial moment for new dads to be with their families and be the pillar of the family. This will give new fathers an insight into parenting and help them realize the importance of a father's position.¹ The seriousness behind fair parenting has recently been recognized. As a consequence, in many nations, a parental leave scheme has been introduced. In parenting, the duty of fathers is generally accepted.

UNICEF has increased parental leave from four weeks globally to sixteen weeks. It is the first UN organization to have such an immense duration of paternity leave.²

Paternity leave is not a term new to India. India, being a culture-oriented society, gives marriage and family a lot of significance. Marriage and families are regarded by India as holy institutions. It is of vital importance to grow up a child in the world.

Therefore, it is no wonder that many mothers abandon their work to take care of their children.

The government recognized the importance of maternity leave in a world where certain ideals are linked to the upbringing of an infant and passed a law in 1961 concerning the same. But at the time, paternity leave wasn't given much consideration or thought.

Nevertheless, India is also in the top 14 countries with the highest maternity benefit and is in the top 13 countries with the highest paternity benefit.

This evolution was not rapid, but rather a slow one. It took India quite a lot of time to understand that maternity leave is as necessary as paternity leave.

DISCUSSION

1. Central Government Notification:

The 1961 Maternity Act had a significant effect on working women's lives. After many decades in experience, people increasingly begin to recognize the importance of paternity leave in a child's upbringing.

¹ Rianna Lobo, Paternity Benefit Bill (20th Dec 2019).

² G. Harini, Paternity Leave: A Thorough Analysis, LEXFORTI, VOL - I ISSUE - V, ISSN: 2582-2942.

So, the Central government in 1999 embedded Rule 551 (A)³ in Central Civil Services (Leave), 1972 providing paternity leave for male employees working in Central government.

The Rule states that paternity leave shall be availed by:-

- A male central government employee, including apprentice and probationer,
- with less than two surviving children,
- For a period of fifteen days.

Six months after the child's birth, this leave needs to be taken. Whether the paternity leave is not available within six months after the child's birth, the paternity leave will be considered as null. This leave is a remunerated leave.

And during the leave period, the balance of the wage which is normally paid to the employee would be compensated. This declaration is what made India join the list of the top thirteen countries in India to have the highest paternity leave.

2. *Paternity Leave in Private Sector:*

Only for central government employees, paternity leave is sanctioned by legal provisions. For the private sector, leave can be decided by the organization in question. No law applies for the same thing.

Any private sector companies have incorporated plans for paternity leave. Such examples are: Infosys - 5 days of paternity leave; Oracle offers 5 days of paternity leave; TCS provides 15 days of paternity leave; Microsoft provides 12 weeks of paternity leave; Starbucks requires 12 weeks of paternity leave; Deloitte grants 16 weeks of paternity leave to its male employees; and Facebook provides 17 weeks of paternity leave.⁴

In the infamous case of *Chander Mohan Jain V. N.K. Bagrodia Public School and Ors.*⁵ The complainant, Chander Mohan Jain, a post-graduate teacher, demanded paternity leave for 15 days. The appeal was denied and a deduction was made for 15 days of leave from his pay. The petitioner then moved the court arguing the same condition.

The respondents argued there is no paternity leave scheme in the school and the petitioner cannot thus be awarded paternity leave.

The Delhi High Court held that the right to paternity leave exists for all men employed at unrecognized private schools. In order to reimburse the complainant, the respondent was guided.

3. *What was the reason behind the delay in recognition of Paternity Leave?*

In India, where parenting is of value, the idea of paternity leave has recently been accepted. Mother and father are well known to play a vital role in parenting and may also take part in children's upbringing. Not just a mum, but a dad also has several roles in raising a boy.

The notion that men have a responsibility to support their families financially while women have to look after their domestic duties cannot yet be entirely uprooted from the people's minds. While some call them non-patriarch, there are also some patriarchal ideals in their hearts. This was and is not granted priority for paternity leave as maternity leave. This is not only the case in India but in many other countries as well.⁶

The feeling is profoundly rooted in the minds of the people that it is their responsibility to provide for their children. The product of patriarchal traditions and beliefs is this notion.

The role of mom and dad is predetermined and the mum should take care of its child accordingly and a father should not be engaged in childcare as a mother all the time. The massive amount of criticism and hatred that can be earned from certain positions in a household means the support it gets.

³ *Supra* 2.

⁴ Abhishek Yadav, Relevance of the Paternity Bill In India, Research Gate.

⁵ Chander Mohan Jain V. N.K. Bagrodia Public School and Ors, W.P (C) No. 8104 of 2009.

⁶ *Supra* 2.

The child was graved into your subconscious as a mother's obligation. As women have begun working and begun struggling in all fields, it has been recognized that maternity leave is necessary.

And people began to think that both a wife and her parent ought to go to work, whilst the man is going to work and supplying his family with financial assistance.

The whole responsibility is passed to the women's head. This may be the biggest reason that paternity leave is still shorter than maternity leave.

It is real that after birth, women will have health complications and that is the reason behind maternity leave. But it is used simply for the purpose that no maternity benefit is given.

When a couple have an infant they start living at their house to take care of the baby child because the grandparents, mainly the grandma or some other older women, are busy working at their work place.

This is a unique development in many patriarchal cultures. These are the logistical issues facing new parents, and paternity leave implementation will help to reduce these problems.

CONCLUSION

Both male workers should be given with paternity leave as is the case in other nations.

Paternity leave will play a crucial part in order to maintain a healthy marriage and family. It allowed the new dad to communicate with his newborn and family.

It encourages the dad to enjoy his family and remember his role as the dad. It decreases the stress and tends to reduce mothers' strain.

Most women experience Postpartum Post-Traumatic Stress Disorder (PTSD) after giving birth. They face severe depression and become emotional and suffer mood swings.

It is a very necessary job to resolve PTSD postpartum. The women who are aggrieved must battle both mental and health challenges. The inability to take care of these mothers helps them thrive in despair. It would be easier for her to resolve it and to sustain an enjoyable family relationship if she is helped by her husband at that time.

The allocation of paternity leave not only supports the family unit, but encourages equality between men and women. The implementation of legislative requirements will help break the laws and promote the rewrite of women and men's positions and obligations. In the final analysis, the nation will benefit. After all, the main purpose of a welfare state is content people.