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Paternity Leave and Gender Justice: Breaking the Caregiver Stereotype in Modern India

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When a child is born, society instinctively turns to the mother. Questions about childcare, parental responsibility, and work-life balance are overwhelmingly directed at women. Fathers, on the other hand, are often expected to resume work almost immediately, reinforcing the belief that caregiving is primarily a mother's responsibility. This assumption is not merely a social expectation; it is reflected in workplace policies and legal frameworks that continue to treat mothers as primary caregivers and fathers as secondary participants in childcare¹.

Gender justice extends beyond ensuring equal opportunities in education and employment. It also requires equality within households and family structures. Yet, for generations, Indian society has assigned distinct roles to men and women. Men have traditionally been perceived as providers and decision-makers, while women have been expected to assume responsibility for childcare and domestic work. These assumptions have been reinforced through cultural practices, family structures, and media representations. The research surrounding the representation of women in Indian media demonstrates how women are repeatedly portrayed as caregivers, thereby normalizing unequal domestic responsibilities².

India's maternity leave regime is among the most progressive in the world, granting eligible women up to twenty-six weeks of paid leave under the Maternity Benefit (Amendment) Act, 2017. While this protection is essential for maternal health and recovery, the limited recognition of paternity leave reflects a deeper societal stereotype—that caregiving is inherently feminine. The issue is not maternity leave itself. Maternity benefits are indispensable because childbirth involves physical recovery and medical care. However, when legal frameworks provide extensive support for mothers while

¹ Maternity Benefit (Amendment) Act, No. 6 of 2017, § 5(3), INDIA CODE (2017).

² Vivek Vilas Sable, Critical Analysis of the Indecent Representation of Women (Prohibition) Act, 1986 and Its Impact on Indian Media

offering minimal support for fathers, they may unintentionally reinforce traditional gender roles³.

Paternity leave has the potential to transform the way society understands parenting. By enabling fathers to spend time with their newborn children, it challenges the assumption that childcare is exclusively a mother's responsibility. During the postnatal period, mothers often require emotional and practical support. Fathers who are present during this stage can contribute significantly to childcare, household responsibilities, and maternal well-being. Such involvement promotes a healthier family environment and reduces the disproportionate burden often placed on women⁴.

Research further suggests that fathers who take parental leave are more likely to remain actively involved in childcare throughout their children's lives⁵. This sustained engagement contributes to stronger family bonds and encourages a more balanced division of domestic responsibilities. From an economic perspective, paternity leave can also help reduce workplace inequalities. Women frequently experience career disadvantages because employers assume they will bear primary responsibility for childcare. When fathers are equally encouraged to take leave, caregiving becomes a shared responsibility rather than a gender-specific expectation.

Unlike maternity leave, India does not currently have a comprehensive statutory framework guaranteeing paternity leave across all sectors. Certain categories of government employees are entitled to fifteen days of paternity leave under service rules⁶. However, similar protections are generally unavailable to employees in the private sector. This limited approach stands in contrast to evolving understandings of parental responsibility and gender equality.

Recent discussions before the Supreme Court have highlighted the need to reconsider the legal status of paternity leave and its relationship to constitutional values such as equality and dignity⁷. While no comprehensive legislation currently exists, judicial and policy debates indicate growing recognition of the issue. The absence of a statutory right to paternity leave reflects a broader societal reluctance to view fathers as equal caregivers.

Several countries have adopted parental leave policies that actively encourage fathers to participate in childcare. Sweden, Norway, Iceland, and Finland provide dedicated

³ Maternity Benefit (Amendment) Act, No. 6 of 2017, § 5(3), INDIA CODE (2017).

⁴ Int'l Lab. Org. (ILO), *Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work* 45–48 (2022).

⁵ Richard J. Petts, Chris Knoester & Jane Waldfogel, Fathers' Paternity Leave-Taking and Parental Engagement, 44 J. FAM. ISSUES 1127 (2023).

⁶ All India Services (Leave) Rules, 1955, r. 18A, Gazette of India, Extraordinary, Part II, § 3.

⁷ In Re: Statutory Recognition of Paternity Leave, Proceedings before the Supreme Court of India, reported in LiveLaw, Supreme Court Considers Need for Statutory Paternity Leave Law (2025), <https://www.livelaw.in/articles/supreme-court-statutory-paternity-leave-law-529155>.

paternity or parental leave benefits that promote paternal involvement and challenge traditional gender roles⁸. Comparative studies also show that countries embracing gender-equal parenting policies witness greater participation of fathers in childcare and more balanced family responsibilities⁹.

India's relatively weak paternity leave framework has also attracted international attention. UNICEF's global analysis of family-friendly policies places significant emphasis on paternity leave as a tool for advancing gender equality and child welfare¹⁰. As countries increasingly recognize caregiving as a shared responsibility, India must consider whether its existing framework adequately reflects contemporary understandings of parenting and equality.

The conversation surrounding paternity leave is ultimately a conversation about gender justice. As long as caregiving is viewed primarily as a woman's responsibility, genuine equality will remain incomplete. Paternity leave is not merely an employment benefit or workplace privilege; it is a tool for dismantling outdated stereotypes, promoting shared parenting, and advancing substantive equality within families. By breaking the caregiver stereotype and embracing a more inclusive understanding of parental responsibility, India can move closer to a model of gender justice that extends beyond workplaces and into the heart of family life¹¹.

⁸ Safeguard Global, Paternity Leave by Country (2025), <https://www.safeguardglobal.com/resources/blog/paternity-leave-by-country/>.

⁹ Deel, Maternity and Paternity Leave Around the World (2025), <https://www.deel.com/blog/maternity-and-paternity-leave-around-the-world/>; Boundless HQ, Maternity and Paternity Leave: India vs. Philippines (2025), <https://boundlesshq.com/blog/maternity-and-paternity-leave-india-vs-philippines/>.

¹⁰ UNICEF, Are the World's Richest Countries Family Friendly? Policy in the OECD and EU (2019); Aarefa Johari, India Ranks Low on UNICEF Global Analysis of Paternity Leave, THE SWADDLE (June 15, 2019), <https://www.theswaddle.com/india-ranks-low-on-unicef-global-analysis-of-paternity-leave>.

¹¹ Prompt Personnel, Paternity Leave in India: Supreme Court Push Signals a New Era of Gender-Equal Parenting (2025), <https://www.promptpersonnel.com/paternity-leave-in-india-supreme-court-push-signals-a-new-era-of-gender-equal-parenting/>.