

FROM PROTECTION TO PARTICIPATION: ANALYSING INDIA'S PARENTAL LEAVE FRAMEWORK THROUGH AN EQUALITY LENS

Lakshita Lunkand

Final Year BB.A.LL.B Student at P.E.S' Modern Law College Pune

DOI: <https://doi.org/10.34293/shanlax.9789361634130.ch012>

Abstract

Across societies, caregiving has traditionally been perceived as a feminine obligation rather than a collective social responsibility. This paper, "From Protection To Participation: Analysing India's Parental Leave Framework Through An Equality Lens," critically examines India's legal framework, specifically the Maternity Benefit Act, 1961 (amended in 2017) which, despite its progressive intentions, perpetuates structural inequalities by excluding fathers from caregiving prerogatives. Through doctrinal analysis, psychological evidence, and comparative insights from Sweden, Norway, Iceland, and Japan, the study reveals that the absence of paternity and shared parental leave not only marginalizes fathers but also reinforces the dual burden of paid and unpaid labour on women. It explores how unequal caregiving impacts child development, maternal mental health, and workplace dynamics, demonstrating that equality in both public and private spheres is interdependent. The paper contends that genuine gender equality cannot be achieved solely through protective measures but requires participatory frameworks that redistribute caregiving responsibilities. By aligning India's legal provisions with the principles of substantive equality embedded in its Constitution, this study fosters for a transition from maternal protection to shared parental participation, where caregiving is recognized not as a woman's duty, but as a collective right and responsibility essential for family and societal well-being.

1. Introduction

Across societies, for centuries, gender roles have been shaped by deeply rooted social expectations that dictate who works, who cares, and who leads, all based on perceived physical, mental, and capability differences. From the outset, societies have carved out invisible boundaries where boys were encouraged to be strong, resilient, and indifference to emotions, while girls were guided to nurture, care, and prioritise others before themselves. As Chadha-Sridhar and Myer observe, "the origin of the divide between these two spheres emerges from the deeply entrenched idea that women and men perform different roles in society because of their biological nature and function."¹ Accordingly, men are cast as breadwinners, while women are assigned the role of child-bearers and caregivers. These early social scripts have shaped identities, limited autonomy, and silently reinforced gendered expectations.²

As societies modernised, work transformed from merely a means of survival into a source of recognition, autonomy, and identity. Women began entering the workforce, contributing economically and professionally, yet the shadow of caregiving responsibilities persisted. Duvander et al. note that "changes in employment have been more profound than changes in domestic responsibilities", leaving women shouldering the dual burden of paid and unpaid work.³

This duality underscores a critical tension: while women gained access to the public labour sphere, they continued to carry the weight of private, unpaid domestic work, while men remained largely absent from caregiving roles.

In this discussion, childcare occupies a crucial space. Care, as described, “has the capacity to shape new persons with advanced understandings of culture and society and morality and advanced abilities to live well and cooperatively with others”.⁴ Diemut Bubeck defines care as “the practice of meeting the needs of one person by another person, where face-to-face interaction between carer and cared-for is a crucial element of the overall activity”.⁵ Thus, childcare is not merely an obligation but a relational and developmental process central to the socialisation of future generations.

According to Indian law, providing care falls firmly within the purview of women. Maternity leave is defined under the Maternity Benefit Act, 1961 (as revised in 2017), as paid time off for female employees to guarantee financial stability during childbirth and recovery, with the duration being extended from 12 to 26 weeks through recent amendments. While designed to safeguard women’s rights, this framework inadvertently reinforces gendered roles by excluding fathers entirely. The law’s silence on paternity leave reflects a continuing association between motherhood and caregiving. As Yeung observes, “Paternity leave, broadly defined in this paper as an entitlement available only to fathers following the birth of a child, was first initiated in Europe in the 1960s as an important family policy that aims to promote fathers’ participation at home and gender equality.”⁶ Another study similarly highlights that paternity leave serves as a mechanism to normalise men’s participation in caregiving and advance gender equality within the household. The absence of such entitlement in India not only marginalises fathers’ roles but perpetuates the stereotype that caregiving is inherently feminine⁷.

This legislative design, though well-intentioned, has structural consequences. It places the full economic burden of maternity benefits on employers, leading to concerns that the law may be “counterproductive” and discourage the hiring of women. Moreover, by legally institutionalising mothers as primary caregivers, the framework reinforces unequal expectations in both public and private spheres.⁸ Simultaneously, the absence of paternity leave perpetuates stereotypes that men are unsuited for caregiving, limiting opportunities for a truly equitable distribution of domestic and professional responsibilities.

The consequences of this imbalance are deeply human. Children lose opportunities for early paternal bonding; mothers face physical and psychological burdens; and fathers are denied the intimacy and fulfilment of active parenting.⁹ As Rogers et al. note, “the ability of the child to form a specific attachment/bond with the caregiver lays the foundation for that child’s internal working model of social relationships,” influencing emotional and cognitive development.¹⁰

1.1. Statement of Problem

Despite progressive guarantees of equality under the Constitution, India’s legal framework on caregiving remains asymmetrical.

The **Maternity Benefit Act, 1961** (as amended in 2017), extends substantial protection to women but is silent on paternity leave or shared parental responsibility. This legislative imbalance perpetuates the assumption that caregiving is inherently feminine, thereby marginalising fathers' roles and reinforcing structural inequality within households and workplaces.

Consequently, true gender equality cannot be achieved by protecting women in isolation. It must involve redistributing responsibilities, acknowledging men as caregivers, and restructuring social and legal systems to support shared labour and care. Through doctrinal analysis, comparative perspectives, and psychological evidence, this study argues that genuine gender equality requires a holistic approach, one that enables men and women to share work, care, and opportunity and that aligns India's laws with the lived realities of families.¹¹

1.2. Objectives and Research Questions

By examining the psychological, social, and legal dimensions of caregiving, this paper seeks to critically examine whether India's current labour law framework adequately supports a gender-neutral understanding of caregiving and parental responsibility. It is guided by the following interlinked objectives and questions:

1. What are the psychological and social implications of unequal caregiving entitlements on children, mothers, and fathers, and how do these influence gender roles within families?
2. How does India's constitutional and statutory framework on maternity and paternity leave reflect existing gender norms, and to what extent does it promote or hinder equality in caregiving?
3. In what ways do international models of parental leave provide lessons for developing a gender-neutral approach to caregiving in India?
4. What legal and policy reforms could align India's legal framework with the focus on substantive equality and shared caregiving responsibility?

1.3. Significance

This research contributes to the discourse on gender equality by moving beyond a women-centred lens to examine structural barriers that limit men's participation in caregiving. It highlights the interdependence of workplace equity and family well-being and underscores the importance of law in shaping societal norms. By integrating legal, social, and psychological perspectives, this study aims to inform policymakers to design a gender-inclusive framework that benefits all members of society.

2. Psychological and Social Impact on Children

The earliest years of a child's life are a delicate array of attachment, care, and development. Both parents play critical roles in shaping this foundation, yet law and social norms in India continue to identify mothers as the primary caregivers, leaving fathers on the periphery.

The absence of fathers during early childhood can have profound consequences, both psychologically and socially, for children, mothers, and families as a whole.

2.1. Child Development and Parental Presence

A father's presence or that of a stable caregiving figure plays a crucial role in a child's emotional, social, and cognitive growth. Sigmund Freud's psychoanalytic perspective was among the first to recognise the father's influence on early psychosexual stages, highlighting both pre-Oedipal and Oedipal phases of development.¹² Ross further emphasised fathers as the "forgotten parent" in developmental studies, pointing out that their absence can create significant voids in a child's upbringing.¹³

Empirical research reinforced this viewpoint that the absence or loss of a father, even during infancy, can disrupt the mother-child relationship, affecting the rhythm of need fulfilment and potentially leading to behavioural and emotional challenges in later childhood (Huttunen & Niskanen, 1978).¹⁴ Lakhani and Nadeem observed that fathers provide comfort, security, and a sense of belonging, completing the "family picture" and supporting holistic child-development.¹⁵ Similarly, Yeung found that paternal engagement is associated with improved child health outcomes, partly through enhanced maternal, physical and mental well-being.¹⁶

Attachment theory further elucidates the implications: "the ability of the child to form a specific attachment/bond with the caregiver...lays the foundation for that child's 'internal working model of social relationships'...affecting social, emotional, and cognitive development."¹⁷ This bond is not exclusive to any gender; however, by default, legal and social norms prioritise maternal attachment, reinforcing gendered caregiving roles and limiting fathers' involvement in early child-rearing.¹⁸

2.2. Gender Roles and Family Dynamics

The unequal distribution of caregiving responsibilities perpetuates gendered expectations within families. Duvander described this as the "stalled revolution": while women increasingly participate in market work, men have not proportionally increased their share of domestic responsibilities.¹⁹ Consequently, women face a dual burden of public and private labour, while men's absence reinforces societal assumptions that caregiving is a feminine duty, limiting opportunities for a truly equitable distribution of domestic and professional responsibilities.

While women are protected under the Maternity Benefit Act, fathers lack statutory recognition as caregivers, perpetuating the myth that care is women's work, and by not providing paternity leave, legal frameworks compound this inequity.²⁰ Fathers who attempt to engage face social stigma at workplaces, often being viewed as "less committed" or "unproductive", further deterring participation and reinforcing traditional gender roles.

This imbalance also feeds into workplace discrimination: employers perceive women as "risky hires" due to maternity obligations.

The result is a dual consequence — women are restricted at work, and men are restricted at home. Both outcomes perpetuate the myth that equality in employment and equality in family life are separate pursuits, when in truth they are mutually dependent.

2.3. Perinatal Mental Health and Integrated Interventions

The psychological impact of unequal caregiving extends to maternal well-being. They also demonstrated that fathers' involvement through paternity leave can reduce maternal stress, anxiety, and even the likelihood of postpartum complications. By supporting mothers emotionally and practically, engaged fathers contribute to healthier family dynamics and yield improved outcomes.²¹

In the broader social context, care is a transformative practice, shaping not only individual identities but also societal norms. "Care has the capacity to shape new persons with advanced understandings of culture and society and morality and advanced abilities to live well and cooperatively with others."²² Yet, without institutional and legal support, fathers' contributions remain undervalued, children lose opportunities for balanced attachment, and mothers bear disproportionate responsibilities.

When caregiving is consistently portrayed as a mother's responsibility, legal systems disseminate both structural and emotional disparities. Paternity leave transcends being a mere employment perk; it serves as a legal tool to redistribute caregiving duties, normalise fathers' participation in their children's lives and household tasks, and advance gender equality in both public and private domains.²²

3. Legislative Framework and Its Effects

Indian laws on parental leave and caregiving are designed with a clear focus on women, mirroring long-standing societal assumptions that childcare is primarily a maternal responsibility. Although these laws, including constitutional provisions and labour statutes, strive to foster gender equality, they frequently neglect the role of fathers, thereby reinforcing traditional gender norms.²² Understanding the legislative framework becomes crucial to assessing how legal structures shape family dynamics, workplace equality, and the lived experiences of men, women, and children.

3.1. Constitutional Provisions

The **Constitution of India** articulates a strong normative commitment to gender equality, however its application reveals persistent silences around caregiving and parental responsibility.

- **Article 14** guarantees equality before the law and equal protection of the laws²³, forming the basis for challenging gender-based discrimination in both public and private spheres.²⁴
- **Article 15** explicitly prohibits discrimination on grounds of sex²⁵, providing the constitutional foundation for contesting gender-biased policies or employment practices.

- **Article 16** ensures equality of opportunity in public employment²⁶, implicitly rejecting assumptions that caregiving or domestic responsibilities should limit professional participation.
- **Article 21**, protecting the right to life and personal liberty,²⁷ has been judicially expanded to include the right to livelihood and dignity, both of which are intimately linked to work–life balance and family welfare.
- **Article 42**, a Directive Principle of State Policy, directs the State to provide “just and humane conditions of work and maternity relief”,²⁸ a provision that inspired statutes such as the **Maternity Benefit Act, 1961**.²⁹

Although these provisions establish a **formal guarantee** of equality, they remain largely gender-neutral in text and gendered in effect. None explicitly recognise men’s caregiving roles, and their operationalisation through statutory law has historically focused on maternity relief rather than shared parental responsibility. This omission results in an implicit asymmetry that was describe as the pendulum of gender equality is swinging “too far in one direction, neglecting the specific needs and concerns of men in the pursuit of parity”.³⁰

3.2. Statutory Framework

The statutory landscape in India has advanced maternal rights, they also reveal structural gaps in recognising fathers’ roles, highlighting a gendered approach to caregiving that persists across legislation.

3.2.1. Maternity Benefit Act, 1961 (as amended 2017)

The **Maternity Benefit Act, 2017 (MBA)** remains the cornerstone of India’s protective legislation for women. Initially granting twelve weeks of paid leave, the 2017 amendment of Section 5(3) extended this to twenty-six weeks for the first two children³¹, reflecting recognition of maternal and child health needs. However, the Act remains **exclusively mother-centric**. As Chadha-Sridhar and Myer note, “the payment of maternity benefits under the Act is the sole burden of the employer even under the scheme of the new Act,” a structure that has rendered the legislation “potentially counterproductive” by discouraging employers from hiring women.³²

Furthermore, the Act’s singular focus on mothers reinforces women’s domesticity and dependence, while the complete exclusion of fathers from its framework “has strengthened women’s domesticity and widened the gap between paid and unpaid labour”. Thus, the statute, though protective in design, paradoxically sustains the very inequities it seeks to correct.³³

3.2.2. Employees’ State Insurance (ESI) Act, 1948

The **ESI Act** provides medical and financial support to insured employees, including maternity support.³⁴ However, this mirrors the same gendered bias nature, protecting women through their reproductive roles, while offering no corresponding recognition of men’s caregiving capacity.

The Act thereby reinforces a maternalist model of welfare, where the burden of care is legally upon women.³⁵

3.2.3. Factories Act, 1948

The **Factories Act** ensures maternity protection and restricts hazardous work for pregnant employees, regulating workplace safety³⁶. While progressive in addressing women's health, it fails to address the father's role in child-rearing, thereby normalising the presumption that caregiving responsibilities belong exclusively to mothers.³⁷

3.2.4. Civil Service Rules: Maternity and Paternity Leave

The **Central Civil Services (Leave) Rules, 1972**, constitute the only legislative framework in India that expressly provides for paternity leave. Rule 43-A entitles a male government servant (including apprentices) with fewer than two surviving children to fifteen days of paternity leave, to be availed of either up to fifteen days before or within six months after childbirth. During this period, the employee receives full leave salary, and the leave is not debited to his account. The rule further states that paternity leave "shall not normally be refused under any circumstances", ³⁸ implicitly recognising the social reluctance surrounding men's caregiving roles.³⁹

While progressive in form, the rule's scope is narrowly confined to public-sector employees, with no parallel entitlement under private-sector labour law. Its short duration and limited applicability render it symbolic rather than transformative, particularly when compared to the expansive maternity protections under the Maternity Benefit Act, 1961. Consequently, even this solitary provision reinforces the broader structural imbalance within India's parental leave regime, where caregiving remains legally and culturally feminised.⁴⁰

3.3. Implementation and Gaps

Despite progressive rhetoric, the implementation of parental leave laws continues to encounter significant structural and cultural obstacles. The exclusive financial responsibility imposed on employers for maternity benefits has led to a reluctance to hire or promote women, particularly within the private sector. Awareness of entitlements under existing statutes is inconsistent, and workplace cultures seldom normalise caregiving leave for men.⁴¹ Deeply engrained social norms persist in stigmatising male participation in domestic care, thereby sustaining the ideal of masculinity associated with breadwinning rather than nurturing. Subsequently, women bear the dual burden of professional and household labour, while men are deprived of opportunities for emotional and practical involvement in childcare.⁴²

3.4. Differential Impact on Stakeholders

The gender-specific design of parental leave laws leads to varied impacts on different individuals. For children and families, the lack of equitable parental involvement perpetuates imbalanced care structures, affecting long-term effects of attachment, development, and gender socialisation.

Fathers, who are excluded from caregiving rights, continue to be marginalised in early childcare, which impedes progress towards shared parenting responsibilities. For working mothers, legal protections provide job security but also contribute to wage disparities, career disruptions, and increased domestic demands. As employers, they bear the entire financial burden of maternity benefits without government support, which can lead to biases in hiring practices against women.⁴³

4. Comparative Analysis: International Perspectives

A comparative review of international jurisdictions emphasises that countries adopting gender-neutral or father-inclusive frameworks not only promote equitable caregiving but also achieve better family outcomes and workplace equality.⁴⁴

4.1. Basis for Comparative Jurisdictions

This study examines Sweden, Norway, Iceland, and Japan, jurisdictions that represent varied legal, social, and policy approaches to parental leave. These countries were selected for three reasons:

1. Their legislative frameworks actively promote gender equality through father-inclusive leave design;
2. Empirical data link paternal participation with improved maternal well-being and child development; and
3. Their experiences provide reform lessons for India, where caregiving remains gendered despite constitutional equality guarantees.⁴⁵

4.2. International Labour Organization (ILO) Conventions

The International Labour Organization has established global standards addressing equality in work and family life.

- **ILO Convention No. 111** on Discrimination (Employment and Occupation) prohibits sex-based discrimination in employment.⁴⁶
- **ILO Convention No. 156** on Workers with Family Responsibilities (1981) recognizes that both men and women must share family responsibilities and calls upon States to harmonize work and family obligations to achieve substantive equality.⁴⁷

These conventions collectively advocate for structural reforms that enable both parents, not solely mothers, to reconcile professional and domestic duties

4.3. Overview of International Laws

4.3.1. Sweden

Nordic countries demonstrate transformative approaches to parental leave through father-specific entitlements and equality-driven design. In **Sweden**, parents share **480 days of paid leave**, with at least **90 days reserved exclusively for fathers as non-transferable leave**.⁴⁸ The introduction of the *gender equality bonus* incentivised equal sharing and contributed to higher fertility rates, reflecting the balance of caregiving roles.⁴⁹ Sweden's Gender Equality Act, 1979, replaced by the Discrimination Act in 2008, mandates gender mainstreaming across all policy sectors, embedding equality into administrative practice.⁵⁰

4.3.2. Norway

Norway follows a similar model, allocating a “non-transferable father’s quota” of **fifteen weeks** of paid leave.⁵¹ This policy has normalized paternal involvement and substantially increased fathers’ uptake of childcare leave. Norway’s Gender Equality Act, 1978,⁵² further obliges employers to promote equality in the workplace, aligning institutional structures with family policies.⁵³

4.3.3. Iceland

Iceland provides **nine months of highly compensated parental leave**, equally divided among mother, father, and either parent.⁵⁴ This three-way division reinforces co-parenting from birth and has proven effective in redistributing unpaid domestic labour.⁵⁵

4.3.4. Japan

Japan offers one of the world’s most generous parental leave schemes, granting fathers **up to one year of paid leave**.⁵⁶ Despite low uptake due to cultural barriers and workplace expectations, the policy marks a significant step toward institutionalising paternal responsibility and advancing gender parity.⁵⁷

Together, these models demonstrate that legal recognition of fathers’ caregiving reduces women’s dual burdens, promotes child welfare, and recalibrates gender norms at home and in the workplace.

4.4. Takeaways for Change

This comparative analysis reveals important insights into paternity legislations globally:

- **Non-transferable paternal leave** ensures fathers share caregiving duties from the outset, thereby addressing structural family inequalities.⁵⁸
- **Economic incentives**, such as Sweden’s gender equality incentives, can normalise men’s participation in domestic care through such measures.⁵⁹
- **Equal or compensated leave** help mitigates workplace discrimination by presenting caregiving as a shared social function rather than solely a woman’s duty.⁶⁰
- **Cultural integration** is essential. Legal reform must be supported by awareness campaigns and employer sensitisation to shift gendered attitudes toward care.⁶¹

The experiences of these countries demonstrate that gender equality in legislation should go beyond protection to include participation. A parental leave policy that includes fathers and is gender-neutral could promote a more balanced family dynamic, improve maternal well-being, and reinforce India’s constitutional commitment to substantive equality.

5. Critical Analysis and Recommendations

India’s legislative framework has made significant progress in safeguarding women’s rights during the perinatal period.

By formally recognising maternity leave and associated protections, the law provides women with both financial security and job stability at a critical stage of life. Such measures also indicate the state's commitment to protecting maternal health and promoting gender equality in employment.

5.1. Strengths of Indian Laws

5.1.1. Maternity Benefit Act, 1961 (as amended 2017):

Provides 26 weeks of paid maternity leave, ensuring financial stability during childbirth and recovery. Safeguards job security and protects women from discrimination during maternity leave. Derives reinforcement from constitutional provisions (Articles 14, 15, 21, and 42), offering women avenues for legal recourse in cases of employment discrimination.⁶²

5.1.2. Civil Services (Leave) Rules, Paternity Leave (Rule 43-A):

Grants male government employees (with fewer than two surviving children) 15 days of paternity leave, usable up to 15 days before or within six months after childbirth. Leave is fully paid and not debited from the employee's leave account and "shall not normally be refused under any circumstances", recognising men's caregiving responsibilities in the public sector.⁶³

While limited to civil servants, this provision demonstrates a formal acknowledgement of fathers' roles in childcare, setting a precedent for broader gender-inclusive reforms.

5.2. Weaknesses of Indian Laws

5.2.1. Exclusion of Fathers:

The statutory frameworks predominantly overlook the role of fathers, thereby marginalizing their involvement in caregiving and perpetuating the stereotype that caregiving is a female responsibility. Fathers who wish to engage in early childcare frequently encounter social stigma and discouragement within the workplace.⁶⁴

5.2.2. Economic Burden on Employers:

The responsibility for maternity benefits is entirely placed on employers, which may potentially deter them from hiring women.⁶⁵

5.2.3. Implementation and Enforcement Challenges:

Persistent societal biases and inadequate enforcement mechanisms undermine the realisation of rights.⁶⁶ Custody and family law provisions continue to assume women are primary caregivers, sustaining a gendered division of labour.⁶⁷

5.3. Policy Gaps

5.3.1. Paternity Leave and Shared Parental Leave:

India lacks comprehensive statutory paternity or shared parental leave, in contrast to Nordic countries, where non-transferable leave encourages fathers' participation.

The absence of such provisions limits fathers' involvement in early childcare, affecting child development and maternal well-being.⁶⁸

5.3.2. Psychological and Social Implications:

Father absence is interconnected to adverse emotional, social, and cognitive outcomes in children, as well as increased maternal stress. Current legislation does not incorporate these psychological insights into policy design, leaving caregiving responsibilities unevenly distributed.⁶⁹

5.3.3. Limited Cultural and Institutional Support:

Societal norms and workplace culture discourage men from participating in caregiving even when leave policies exist.⁷⁰

5.4. Recommendations

5.4.1. Introduce Statutory Paternity Leave:

Implement non-transferable paid paternity leave for fathers, drawing lessons from Nordic models where father-specific quotas increased participation. Evidence indicates paternal leave improves maternal health, child well-being, and shared caregiving responsibilities.⁷¹

5.4.2. Promote Shared Parental Leave Models:

Legally recognise shared parental leave, enabling flexible division of leave between parents, aligned with practices in Sweden, Norway, and Iceland. Encourage uptake through economic incentives, such as Sweden's gender equality bonus, to normalise men's caregiving.⁷²

5.4.3. Reduce Employer Burden:

Introduce social insurance or state-supported funding for maternity benefits to reduce employer reluctance and hiring discrimination.⁷³

5.4.4. Integrate Psychological Evidence into Policy:

Policies should acknowledge the developmental importance of paternal involvement, referencing attachment theory and perinatal mental health research.⁷⁴

5.4.5. Strengthen Enforcement and Awareness:

Enhance judicial oversight, workplace compliance, and public awareness campaigns to normalise fathers' caregiving roles and reduce social stigma.⁷⁵

6. Conclusion

The Maternity Benefit Act of India, 1961 (amended in 2017), serves as a vital legal provision, offering paid maternity leave and ensuring financial stability and job security for women.

Nevertheless, its exclusive emphasis on mothers reinforces traditional gender roles in caregiving, marginalises fathers and perpetuates societal norms that assign childcare primarily to women.⁷⁷ Research indicates that the lack of paternal involvement adversely impacts children's emotional, social, and cognitive development, while aggravating maternal stress and mental health challenges.⁷⁸

Comparative studies of Sweden, Norway, Iceland, and Japan reveal that non-transferable paternity leave or shared parental leave fosters balanced caregiving, improved child outcomes, and enhanced gender equality. These findings highlight the necessity for legal entitlements to be supported by cultural transformation, workplace support, and public awareness.⁷⁹ Furthermore, India needs to operationalise the idea that "family responsibilities must not constitute a basis for discrimination", as emphasised by ILO Convention No. 156, by including care equity into its constitutional promise of substantive justice.⁸⁰

Achieving genuine gender equality in India necessitates a multifaceted approach: acknowledging fathers' caregiving roles, integrating psychological evidence into policymaking, and restructuring legislation to ensure shared responsibilities are an ethical, social and constitutional imperative. India may transcend symbolic equality only by acknowledging caregiving as a shared human responsibility rather than a gendered one. A transition towards a responsibility-care model is crucial. Ensuring both parents contribute significantly to child-rearing and family well-being.⁸¹

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⁵ *Id.* p.7

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- ¹⁴ *Id.*
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- ¹⁸ Duvander et al., *supra* note 3.
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- ²⁰ Ira Chadha-Sridhar and Geetika Myer, *supra* note 1.
- ²¹ Paternity leave, family dynamics, and children's behavior in Singapore - Yeung - 2023 - Journal of Marriage and Family - Wiley Online Library, *supra* note 6.
- ²² *Id.*; Pandey and Shekhar, *supra* note 11.
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- ⁴⁸ *Jämställdhetslag* [Gender Equality Act], SFS 1979:558 (Swed.); *see also* *Diskrimineringslag* [Discrimination Act], SFS 2008:567 (Swed.).
- ⁴⁹ Duvander et al., *supra* note 3.
- ⁵⁰ Pandey and Shekhar, *supra* note 11.
- ⁵¹ *Folketrygdloven* [National Insurance Act] LOV-1997-02-28-19, § 14-12 (Nor.), *as amended by* LOV-2024-05-22-31 (Nor.).
- ⁵² *Likestillings- og diskrimineringsloven* [Equality and Anti-Discrimination Act] LOV-2017-06-16-51 (Nor.).
- ⁵³ Maharani, *supra* note 7.
- ⁵⁴ *Lög um fæðingar- og foreldraorlof* [Act on Maternity/Paternity and Parental Leave], No. 95/2000 (Ice.).
- ⁵⁵ *The Hidden Gender of Gender-Neutral Paid Parental Leave: Examining Recently-Enacted Laws in the United States and Australia by Deborah A. Widiss :: SSRN*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3505553 (last visited Oct. 10, 2025).
- ⁵⁶ *Ikuji, Kaigo Kyūgyōhō* [Child Care and Family Care Leave Act], Law No. 76 of 1991, *as amended by* Law No. 70 of 2021 (Japan).
- ⁵⁷ Maharani, *supra* note 7.
- ⁵⁸ *Id.*
- ⁵⁹ Olof Rosenqvist, *Reducing the Gender Gap in Parental Leave through Economic Incentives? – Evidence from the Gender Equality Bonus in Sweden*, 89 *LABOUR ECONOMICS* 102538 (2024), <https://www.sciencedirect.com/science/article/pii/S0927537124000332>.
- ⁶⁰ *Id.*

- ⁶¹ The Hidden Gender of Gender-Neutral Paid Parental Leave: Examining Recently-Enacted Laws in the United States and Australia by Deborah A. Widiss :: SSRN, *supra* note 56.
- ⁶² Pandey and Shekhar, *supra* note 11; Ira Chadha-Sridhar and Geetika Myer, *supra* note 1.
- ⁶³ Pandey and Shekhar, *supra* note 11.
- ⁶⁴ Ira Chadha-Sridhar and Geetika Myer, *supra* note 1; Lakhani and Nadeem, *supra* note 9.
- ⁶⁵ Ira Chadha-Sridhar and Geetika Myer, *supra* note 1.
- ⁶⁶ Ameena Saheblal Halima, *Indian Constitutional Provisions, Laws, Case Laws, And Legislations Regarding Gender Discrimination*, 7 IJFMR (2025), <https://www.ijfmr.com/research-paper.php?id=34651>.
- ⁶⁷ Pandey and Shekhar, *supra* note 11.
- ⁶⁸ Rosenqvist, *supra* note 60; Paternity leave, family dynamics, and children's behavior in Singapore - Yeung - 2023 - Journal of Marriage and Family - Wiley Online Library, *supra* note 6.
- ⁶⁹ Jones, *supra* note 9; Lakhani and Nadeem, *supra* note 9.
- ⁷⁰ The Hidden Gender of Gender-Neutral Paid Parental Leave: Examining Recently-Enacted Laws in the United States and Australia by Deborah A. Widiss :: SSRN, *supra* note 56; Duvander et al., *supra* note 3.
- ⁷¹ Maharani, *supra* note 7; Rosenqvist, *supra* note 60; Paternity leave, family dynamics, and children's behavior in Singapore - Yeung - 2023 - Journal of Marriage and Family - Wiley Online Library, *supra* note 6.
- ⁷² Duvander et al., *supra* note 3; The Hidden Gender of Gender-Neutral Paid Parental Leave: Examining Recently-Enacted Laws in the United States and Australia by Deborah A. Widiss :: SSRN, *supra* note 56; Rosenqvist, *supra* note 60.
- ⁷³ Ira Chadha-Sridhar and Geetika Myer, *supra* note 1.
- ⁷⁴ Jones, *supra* note 9; Rogers et al., *supra* note 10; Lakhani and Nadeem, *supra* note 9.
- ⁷⁵ Halima, *supra* note 67; The Hidden Gender of Gender-Neutral Paid Parental Leave: Examining Recently-Enacted Laws in the United States and Australia by Deborah A. Widiss :: SSRN, *supra* note 56
- ⁷⁷ Ira Chadha-Sridhar and Geetika Myer, *supra* note 1; Lakhani and Nadeem, *supra* note 8.
- ⁷⁸ Jones, *supra* note 8; Paternity leave, family dynamics, and children's behavior in Singapore - Yeung - 2023 - Journal of Marriage and Family - Wiley Online Library, *supra* note 6; Rogers et al., *supra* note 10.
- ⁷⁹ Maharani, *supra* note 7; Duvander et al., *supra* note 3.
- ⁸⁰ *Workers with Family Responsibilities Convention*, ILO Convention No. 156, 1331 U.N.T.S. 295 (1981).
- ⁸¹ Ira Chadha-Sridhar and Geetika Myer, *supra* note 1..