Welfare of A Child in Indian Custody Laws: A Namesake

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ABSTRACT

This article provides a holistic examination of the notion of welfare of the child that the courts apparently give the paramount consideration while deciding matters on child custody. It discusses the basic difference between custody and guardianship as a groundwork to later establish various religious laws on the same. The paper discusses at length about the setbacks of the subjectivity of the welfare principle used for the determination of the custody. As a result of subjectivity in the standard, the paper further discusses the Parental Alienation Syndrome (PAS) that the child suffers in such situations. This problem is later associated popular culture to increase relatability with the readers. In an attempt towards equality, the paper finally discusses the discriminatory nature of father's rights in custody and the solution to the same via joint custody are discussed with an aim to strive for the true welfare of the child.

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