Polity & Governance · GS - II

Examine how the principle of the best interests of the child should guide judicial decisions in custody disputes.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 24/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Child welfare, parental rights, child's preference, emotional development, judicial discretion, child-friendly procedures, visitation rights

Model Answer

Introduction

Child custody disputes often involve competing parental claims following separation or divorce. Indian courts consistently recognise that the welfare and best interests of the child, rather than parental entitlement, must guide custody decisions.

Key Considerations in Custody Decisions

1. **Welfare as the Paramount Principle:** Courts prioritise the child's physical safety, emotional stability, education and overall development over the competing interests of parents.

2. **Right to Be Heard:** A mature child should be given an opportunity to express preferences and concerns. However, the child's wishes must be assessed sensitively and are not automatically binding.

3. **Emotional and Psychological Well-being:** Courts should consider the child's relationship with each parent, sense of security and the potential psychological impact of changes in living arrangements.

4. **Age and Individual Needs:** The child's age, maturity, health, educational requirements and special circumstances must inform the custody arrangement.

5. **Meaningful Parental Contact:** Visitation rights can help preserve relationships with both parents, provided such contact is consistent with the child's safety and welfare.

Challenges and Institutional Measures

1. **Parental Conflict:** Children may become instruments in prolonged disputes, exposing them to emotional pressure and insecurity.

2. **Judicial Delays:** Extended litigation can disrupt schooling, relationships and psychological development.

3. **Sensitive Hearings:** Courts should adopt age-appropriate interactions, confidentiality and child-friendly procedures.

4. **Professional Support:** Child psychologists, counsellors and welfare experts can assist courts in understanding children's needs.

Conclusion

Custody decisions must recognise children as individuals with independent interests and voices. A sensitive, evidence-based and child-centred judicial approach can protect their dignity, emotional security and long-term development.

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