

EXPLORING THE IMPACT OF PARENTAL ALIENATION IN INDIA

(A Quantitative Research Focused on Fathers)



EKAM NYAAY

Equal Rights • Equal Justice



Introduction

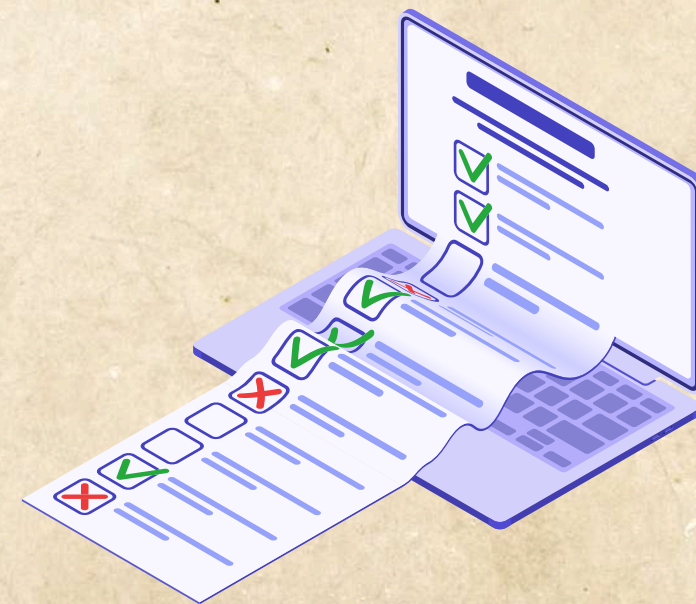
Purpose

The Ekam Nyaay Foundation conducted a survey to gather real-life experiences and insights from individuals, especially fathers, involved in child custody and visitation disputes in India.



Scope

The survey was conducted over a period of two months and gathered responses from across the country focusing on Metro and Tier II cities.



Objective

The objective of this survey is to understand the legal, emotional, and procedural hurdles faced by parents especially Fathers (Men).



What is PARENTAL ALIENATION

Parental alienation is a theorized process through which a child becomes estranged from one parent as a result of the psychological manipulation of another parent. It involves a set of behaviors where one parent (the "alienating parent") actively works to undermine and destroy the child's relationship with the other parent (the "targeted parent"), without legitimate justification. This can lead to the child developing unjustified negative feelings, fear, and hostility towards the targeted parent.



PARENTAL ALIENATION V/S JUSTIFIED ESTRANGEMENT



PA

A child's unwarranted rejection or strong negativity towards one parent, primarily due to the psychological manipulation or influence of the other parent. The child's feelings are disproportionate to any actual wrongdoing by the alienated parent.

JE

A child's understandable and legitimate rejection or distancing from a parent due to that parent's actual harmful or abusive behavior. It is also known as Realistic Estrangement.



PURPOSE OF RESEARCH AND DATA COLLECTION METHODOLOGY



The study conducted by Ekam Nyaay delved into the distressing issue of Parental Alienation, specifically examining the challenges faced by fathers in India. Prompted by numerous calls from fathers experiencing alienation, with no 'real failure' in caring for their children, we sought to investigate the existing gender-biased provisions within the Indian law.

To gather critical evidence, we released a Google Form survey, targeting an initial sample of 100 respondents and ultimately receiving valuable input from 108 fathers. The survey captured key data points such as the duration of marriage, the period of separation from their children, and detailed accounts of the limitations they encounter. Our findings reveal an overwhelming impression: fathers are grappling with significant legal and social hurdles, often fearing court proceedings and, at times, being misguided about their available legal options. This report aims to shed light on these experiences, providing crucial information to challenge current legal frameworks.



PARENTAL ALIENATION AND INDIAN LAWS



Section 6 of The Hindu Minority and Guardianship Act, 1956, is a crucial provision that defines who the "natural guardians" of a Hindu minor are. This section deals with guardianship in respect of both the minor's person and their property

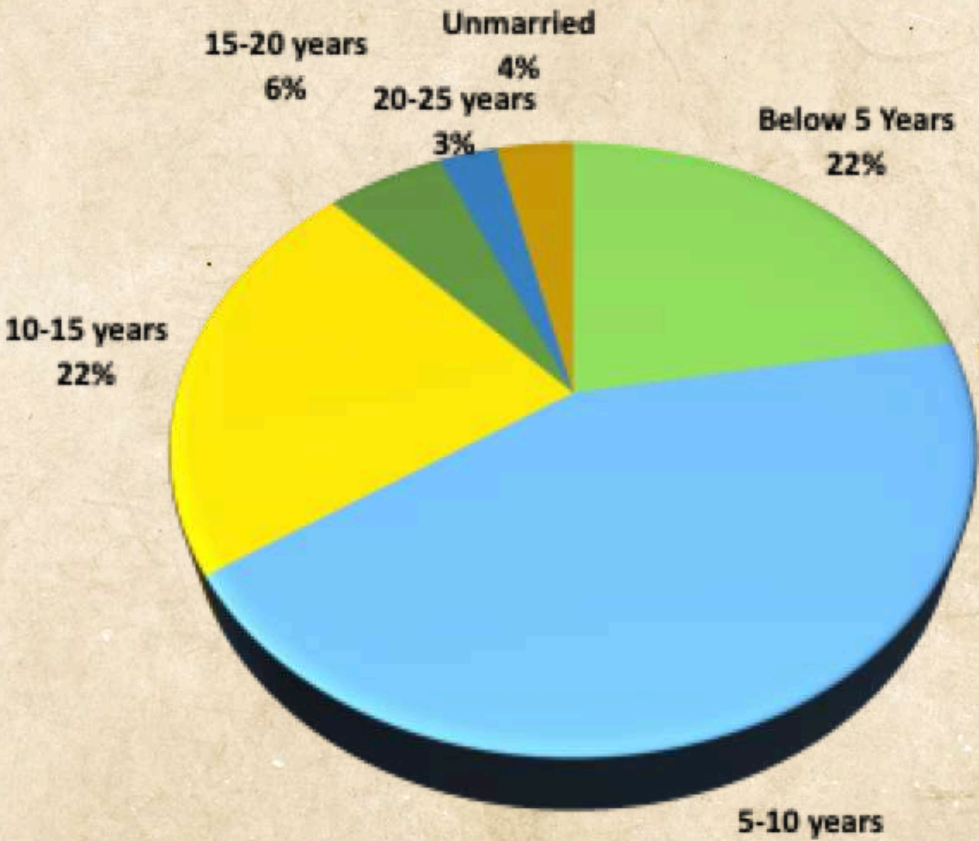


We are challenging the premise of Sec 6 of Hindu Minority & Guardianship Act which grants the custody to mother in case the child is below 5 years. It has been noted that once the custody is granted in favour of mother the father spends years of his life running from courts to courts and meanwhile the nascent years of the child's infancy is lost. Resultantly the child grows up in absence of father defeating the entire concept of custody petition of the father.

Years of Marriage

The table and chart show how long the respondents have been married. Most of the respondents 43.5% have been married for 5 to 10 years. 22.2% have been married for less than 5 years, and the same percentage 22.2% have been married for 10 to 15 years. Most of the respondents 88% have been married for 15 years or less. A few respondents have been married for a long time 5.6% for 15 to 20 years, and 2.8% for 20 to 25 years. Very few people 3.7% are unmarried.

Years of Marriage	Respondents	Percentages
Below 5 Years	24	22.2
5-10 years	47	43.5
10-15 years	24	22.2
15-20 years	6	5.6
20-25 years	3	2.8
Unmarried	4	3.7
Total	108	100

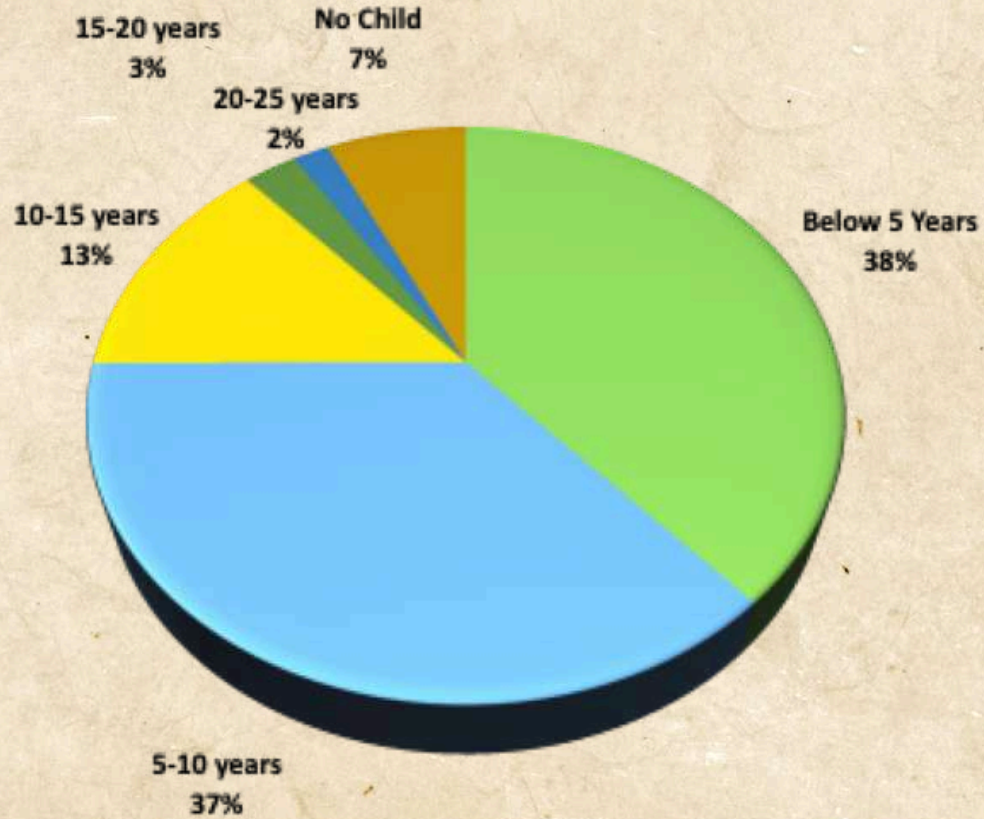


A father's footsteps are
the best lessons.

Age of Children

The table and chart show the age group of the children of the respondents. Most rerspondenta have children below 15 years of age. Biggest segment is 5 years and below. If children below 5 years of age are separated from their father then it starkly reduces possibility of building a healthy relationship between the child and the alienated father.

Age of Children	Respondents	Percentages
Below 5 Years	43	39.8
5-10 years	41	38
10-15 years	15	13.9
15-20 years	3	2.8
20-25 years	2	1.9
No Child	8	7.4
Total Respondents: 108		

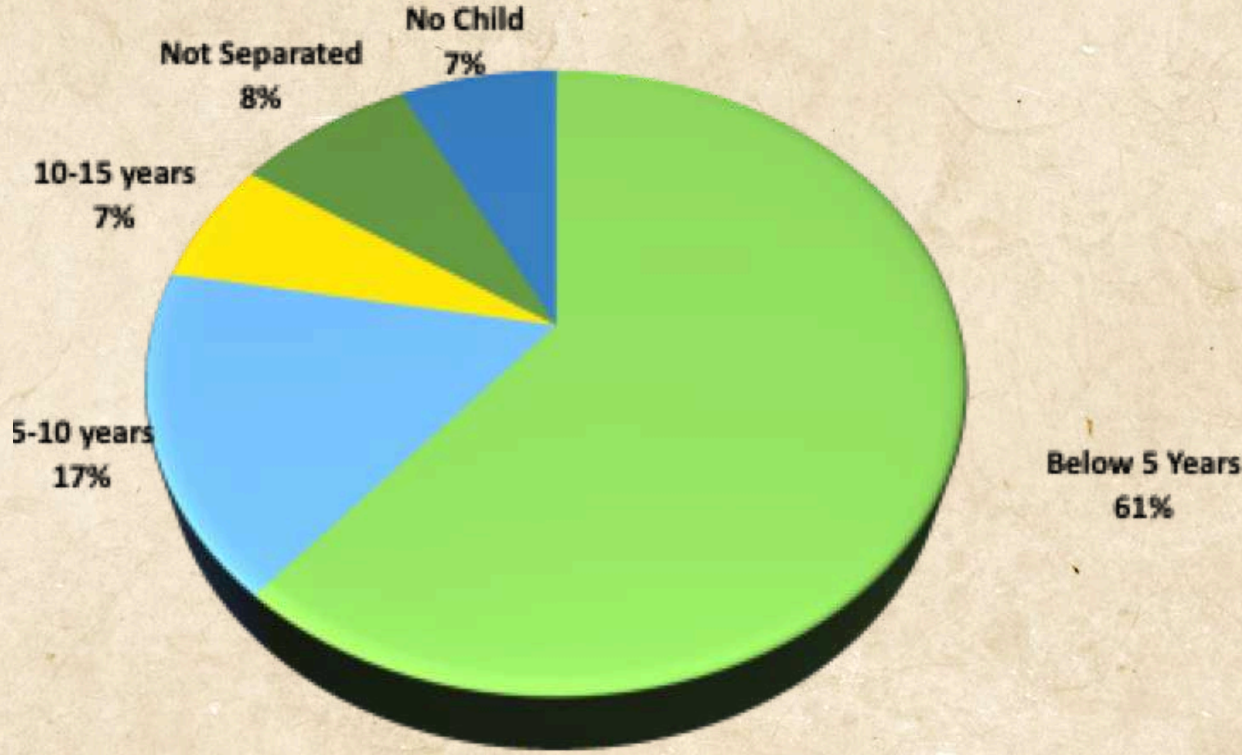


Dads are ordinary men
turned by love into
heroes.

Separation Period

The table and chart show how long the respondents have been separated from their children. Most of the respondents 61.1% have been separated for less than 5 years, and 16.7% have been separated for 5 to 10 years. 6.5% respondents have experienced separation for 10 to 15 years. 8.3% of the respondents were not separated from their children, and 7.4% have no children.

Years of Marriage	Respondents	Percentages
Below 5 Years	66	61.1
5-10 years	18	16.7
10-15 years	7	6.5
Not Separated	9	8.3
No Child	8	7.4
Total	108	100



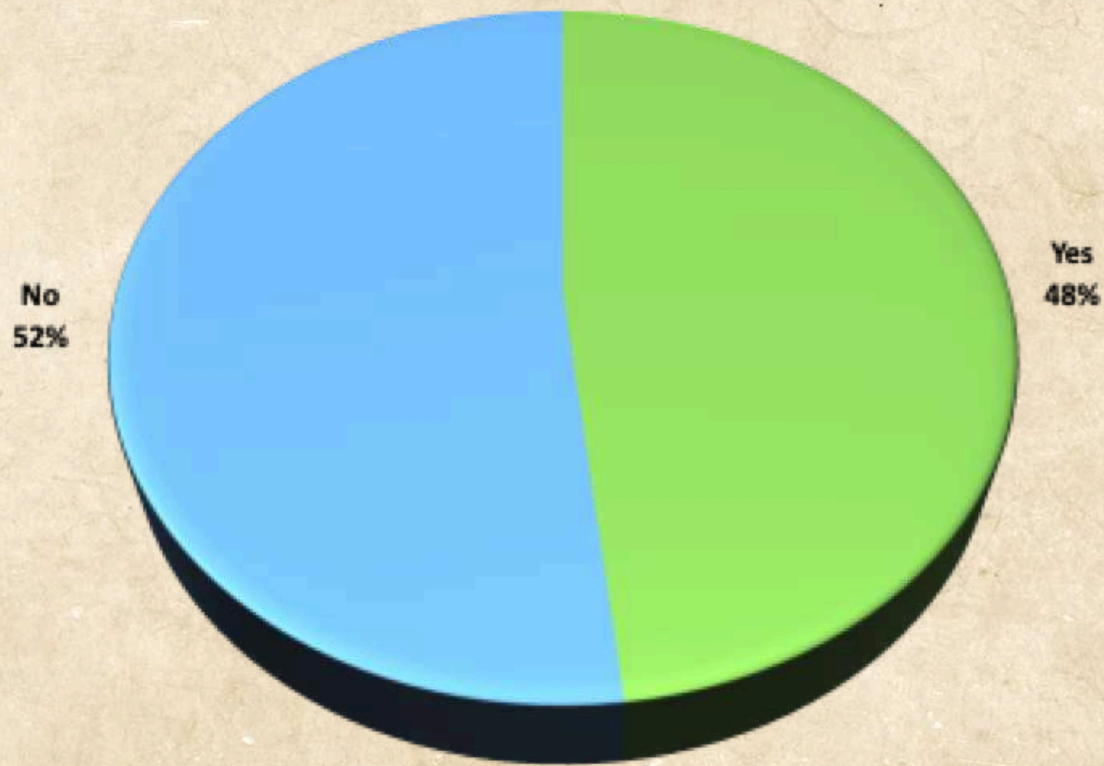
A father's legacy is etched in his child's spirit.

Filed Petition for Visitation.

The table and chart show how many respondents have applied for child visitation rights in court, 48.2% respondents have applied for visitation, while 51.8% respondents have not applied.

It has been observed in personal interactions with respondents that fathers are frequently advised against filing for visitation rights. This counsel often stems from concerns regarding potential retaliatory legal actions initiated by the estranged spouse. This assessment is typically based on a review of past judicial precedents and the cumulative experience of legal counsel who appear in courts for similar cases.

Particulars	Respondents	Percentages
Yes	52	48.2
No	56	51.8
Total	108	100



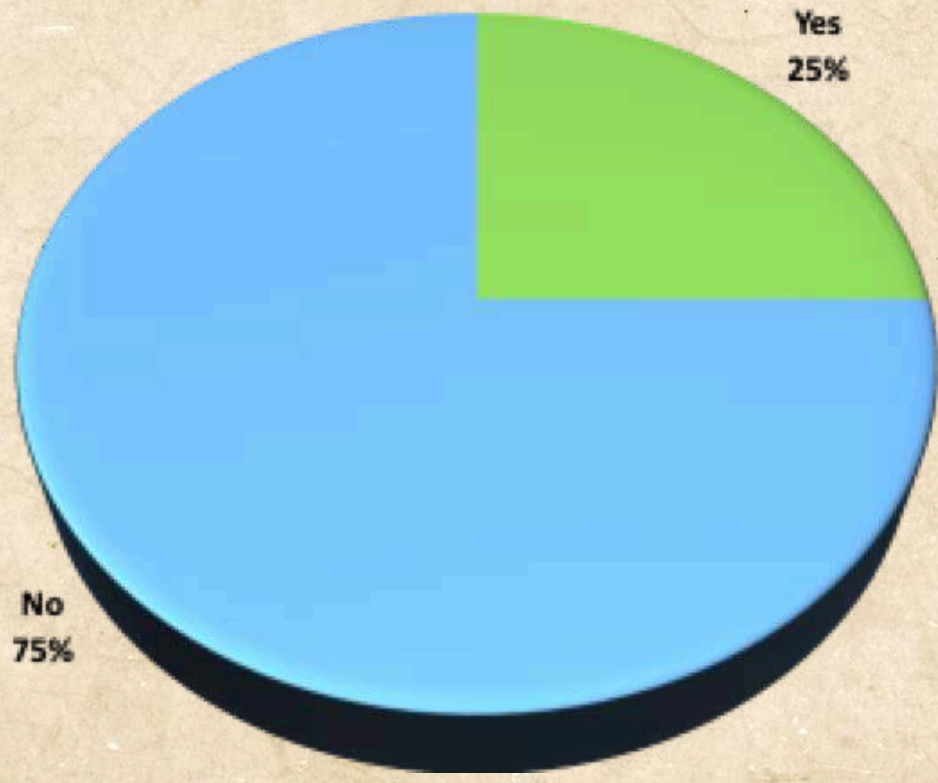
My father didn't tell me how to live; he lived, and let me watch him do it.

Visitation Rights Granted

Out of 52 fathers who applied for visitation in court, 13 were granted visitation rights while 39 were not granted the permission to see their own children. This highlights how despite approaching the courts for access in life of their own children almost half of the fathers are deprived of the same, thereby implying that even courts in India are not sensitive to right of fathers.

Denial of visitation rights blocks out one parent from the life of a child thereby causing distance which becomes difficult to bridge later, in case access is restored.

Particulars	Respondents	Percentages
Yes	13	25
No	39	75
Total	52	100



Fathers are anchors in the stormy seas of life.

Major Findings



- The respondents in the study came from many different cities all over India. Most were from large cities such as Delhi/New Delhi, Mumbai, Hyderabad, Bengaluru, and Chennai. A lot of responses were from Delhi and nearby areas like Gurgaon, Noida, and Ghaziabad, which suggests that child custody issues are more recognized or common there. People from smaller cities like Jaipur, Pune, Bhubaneswar, Varanasi, and Indore also participated, showing that these problems exist outside major cities too. A few respondents were from other countries like Australia and the USA
- Most respondents 43.5% had been married for 5 to 10 years. Around 22.2% were married for less than 5 years, and another 22.2% for 10 to 15 years. Overall, 88% had been married for 15 years or less. Only a small number were in longer marriages 15–25 years, and 3.7% were unmarried. This shows that child custody issues mainly arise during the early or middle years of marriage when children are still young and parental responsibilities are greater.
- The majority of respondents in the survey have young children. 39.8% have children under 5 years old, and 38% have children between 5 and 10 years. 78% of the respondents have kids below the age of 10. A smaller number have older children 13.9% aged 10 to 15 years, 2.8% aged 15 to 20 years, and 1.9% aged 20 to 25 years. About 7.4% reported having no children. This shows that Parental Alienation impacts very young children as they are deprived of the love and affection of their father and disrupts the possibility of the creation of a strong personal bond.
- Most respondents 61.1% shared that they have been away from their children for less than 5 years as the major children are in below 5 year age bracket. 16.7% said the separation has lasted 5 to 10 years, and 6.5% have been separated for 10 to 15 years. About 8.3% said they are still living with their children, while 7.4% do not have children. This shows that most separations are still new. These respondents may still be facing emotional stress.

Major Findings



- Many respondents said they are involved in ongoing or past court cases about child custody and family problems. Most mentioned cases under the Guardians and Wards Act (GWA), Hindu Marriage Act (HMA), and the Protection of Women from Domestic Violence Act (DV Act). Respondents also shared cases under Section 498A of the Indian Penal Code (IPC), and Section 125 of the Code of Criminal Procedure (CrPC). Some cases included serious charges like those under the Protection of Children from Sexual Offences Act (POCSO), and other IPC sections such as 307 (attempt to murder), 354 (assault on women), and 420 (cheating). A few respondents said they have not filed any case yet but are thinking about it. Some also said their wives are not following court orders about custody or visitation.
- Almost half of the respondents 48.2% have gone to court to ask for visitation rights to meet their children. A larger number 51.8% have not taken any legal steps. This shows that many respondents are trying to connect with their children through the legal system, while others may be holding back due to fear, lack of awareness, or confusion about the legal process.
- Many respondents said their custody or visitation cases have been going on for different lengths of time from just a few months to 5, 6, or even 12 years. Some shared that their cases are still new, Others reported ongoing cases for 3 to 12 months. A few have weekly visitation rights, but said these are often ignored by the mothers. Some respondents have not taken legal action yet due to confusion, lack of awareness, or no proper legal help. Others mentioned issues like delayed court decisions, dishonest practices, or international custody complications, making the situation more difficult.
- Only 26.9% of the respondents who went to court were allowed to visit their children. A large number of the respondents 73.1% were not given any visiting rights by the court. This shows that many respondents are not getting enough chances to see their children.

Case Studies



S A

S A, a resident of Azamgarh, has been married for six years and is the father of a four-year-old son. Since the beginning of his marriage, Sachin has faced repeated issues as his wife often leaves the house suddenly with their child...

H B

H B from Delhi was married for 12 years and is the father of an 11-year-old child. He has been separated from his child for about 10 years. In 2017, during his HMA13 legal proceedings, he applied for visitation rights under Section 26...

C G

C G, a resident of Ghaziabad, has been married for 10 years and is the father of a 9-year-old son. For the past six months, he has been completely cut off from his child. He has not been able to see or speak to him, as his wife has blocked all comm...

R R

R R from Chennai has been married for 8 years and has a 7-year-old son. He has been separated from his child for the last 6 years. Lawyers have been unwilling to take his custody case due to the strong influence and connections of ...

P W

P W, a resident of Gurgaon, was married for 7 years and is the father of a 5-year-old daughter. In June 2023, his wife unexpectedly left their home, taking their daughter with her, and refused to explain her actions. Despite Pratik's repeated...

V S

V S, a resident of Sirsa, was married for five years and is the father of a four-year-old son. He has been separated from his child for the past year and is deeply distressed due to the lack of any contact. His son suffers from febrile seizures...

Dr. S S


Dr. S S, an IIT Kanpur alumnus and research scientist in Hyderabad, originally from Hubli, Karnataka. He has been married for 7 years and has a 5-year-old child. After some serious issues in the marriage, he filed for custody of his...

S A

S A, living in Mumbai, has been married for 23 years and has a daughter who is now 21 years old. He got separated from his daughter about 15 years ago and hasn't had any contact with her since then. During all these years he didn't file any ...



SA



S A, a resident of Azamgarh, has been married for six years and is the father of a four-year-old son. Since the beginning of his marriage, SA has faced repeated issues as his wife often leaves the house suddenly with their child without informing him. This has occurred nearly 40 to 50 times over the years, SA never knows when she will leave or return. These sudden disappearances have made it difficult for him to live in peace and have also disturbed his son's life and education.

On 14th March 2024, SA's wife once again took their son away from school without notice. This was the fourth such instance. To ensure his son receives uninterrupted education and care, SA filed a petition under the Guardians and Wards Act on 9th April 2024. Despite taking legal action, he has not been granted any visitation rights and has not filed a separate application for visitation. As a result, he currently has no legal access to meet or spend time with his son. SA shared that his wife often claims sole rights over their child by saying that she carried him for nine months. She accuses SA of wanting to harm their son. Her father supports these allegations and frequently demands money from SA. He has verbally abused SA and his family and started pressuring for a divorce just two months after marriage. The wife's family has also refused to disclose their permanent address, changed homes frequently, and even asked SA to come to Lucknow without sharing the location details, which raised suspicion and prevented further communication.

A major incident took place on 16th July 2021, when S's wife left their apartment in Ghaziabad along with their son, six bags of luggage, and valuables, while SA was not home. CCTV footage later revealed that she left with another man. Following this, her pattern of leaving and returning continued multiple times. SA and his father tried to communicate with her family, but were met with threats. Her family would accuse him of harming her and the child, and threatened to lodge police complaints if she wasn't found while being well aware of their daughter and the grandson's whereabouts. SA says he has audio recordings of these conversations. On 26th October 2023, S's wife filed a criminal complaint under Section 498A and other charges against SA and his family.

SA described two occasions when he briefly took his son out once for 15 minutes and another time for about 30 minutes to buy birthday clothes. On both occasions, his wife accused him of kidnapping and called the police. On the second occasion, on 6th March 2024, S came back to find police officers and a crowd waiting at his shop, with his wife shouting that he had abducted the child. She frequently made emergency calls to 112 and lived separately from SA in the same house. She spread rumours among neighbours and friends, accusing SA of having an affair and not providing her with basic needs like food or

Continued...



SA

mobile data. SA claimed she often wandered outside the house and made-up stories. She even filed a false complaint against his 13-year-old cousin.

According to SA, his son is under constant emotional stress due to the frequent relocations and lack of a stable home or education. He is deeply worried about his son's well-being and fears he may never get to see him again. SA also went through a traumatic personal loss when he lost both his parents in a road accident on 3rd May 2023. Instead of supporting him during this painful time, his wife continued fighting with his family and showed no sympathy. Just a month after the accident, she left again. Later, when SA's health worsened, his cousin called her for support, but she replied coldly, saying she had already told police that if SA died by suicide, she would not be responsible. These ongoing incidents have caused serious emotional suffering to SA. He feels mentally exhausted, helpless, and broken.



HB

HB from Delhi was married for 12 years and is the father of an 11-year-old child. He has been separated from his child for about 10 years. In 2017, during his HMA13 legal proceedings, he applied for visitation rights under Section 26 of the Hindu Marriage Act, which the court approved. However, his wife did not follow the court's orders. HB also mentioned that he was misled by his lawyer, regarding the concept of shared parenting. In 2018, he received another court order allowing visitation, but the mother followed it only occasionally.

The situation worsened during the COVID-19 pandemic. In May 2020, a court allowed HB to speak to his child over video calls, but the calls did not help in rebuilding the emotional connection. After the pandemic, the mother again denied physical access to the child, even though the court order from 2018 was still valid. In 2023, H filed contempt of court petitions, which pressured the mother to allow some access but HB believes she did it only to improve her image in court. He also shared that by this time, the child had been emotionally influenced against him, and visits had little effect.

In November 2023, HB filed an application requesting counselling for his child to repair their strained relationship, but it is still pending. He had also applied for shared parenting back in 2019, but the Family Court dismissed his application in 2024, despite the mother having violated previous court orders. HB appealed to the Punjab & Haryana High Court, but during the second hearing, his lawyer unexpectedly withdrew the appeal something HB suspects was done with the mother's involvement. As a result, he lost the opportunity to challenge the dismissal.



CG, a resident of Ghaziabad, has been married for 10 years and is the father of a 9-year-old son. For the past six months, he has been completely cut off from his child. He has not been able to see or speak to him, as his wife has blocked all communication. On his son's birthday on March 25th, CG sent him a cake and chocolates and posted birthday wishes online, but still wasn't allowed any contact. He expresses deep emotional distress, saying he misses his son constantly and considers him his reason for living.

Although CG hasn't yet filed for custody or visitation rights in court, he has submitted complaints through the Chief Minister's Portal, the Prime Minister's Portal, and the National Human Rights Commission. He plans to take legal action soon. He also accuses his wife and her family of committing a ₹2 crore financial fraud against him and has lodged a police complaint. However, the police reportedly refused to act, telling him to either approach the court or resolve the matter on his own due to jurisdiction issues involving another state. CG is emotionally overwhelmed and has shared that he feels suicidal due to the ongoing trauma of being separated from his son and the lack of support from the system. He is appealing for help to reunite with his child and to be returned to his 'real' home.



P W

PW, a resident of Gurgaon, was married for 7 years and is the father of a 5-year-old daughter. In June 2023, his wife unexpectedly left their home, taking their daughter with her, and refused to explain her actions. Despite PW's repeated efforts to communicate, he was denied access to his daughter for over a month. This led him to file for custody, after which his wife retaliated by registering multiple cases against him, including those under Sections 377 and 498A in both Delhi and Gurgaon.

According to PW, his wife is involved in an affair with a younger man. During the initial divorce proceedings in August 2023, she handed over custody of their daughter to him. However, in November, she lodged a false POCSO case against PW and his family to regain custody. The POCSO case has since been dismissed. Even so, from November 2023 onward, PW has only been allowed to meet his daughter twice, though he has now been granted visitation rights by the court.

In total, PW is fighting four legal cases. The first divorce motion legally granted him custody, but his wife has not complied. As a result, he has approached the High Court with a contempt petition and is preparing to file a criminal defamation suit against her and her mother. He claims this pattern of filing false cases for financial gain runs in their family. Her father has allegedly faced accusations of committing various financial crimes for the past 25 years. PW is deeply concerned for his daughter's emotional well-being. He believes the conflict and instability caused by his wife are harming the child and says she is being manipulated and mentally distressed. He is determined to ensure her safety and a stable environment.



VS

VS, a resident of Sirsa, was married for five years and is the father of a four-year-old son. He has been separated from his child for the past year and is deeply distressed due to the lack of any contact. His son suffers from febrile seizures. VS alleges that his wife is using the child's health condition as a reason to deny him access and has kept the child completely away from him. He is extremely worried about his son's well-being, and the uncertainty about his child's condition.

He filed for visitation rights five months ago; the court has not granted him any access to meet his son. VS feels powerless and trapped in a legal system that offers him no support. He believes his wife and her family are intentionally keeping the child away and neglecting the child's proper medical care. The ongoing separation and complete lack of updates about his son's health have left VS emotionally devastated. He expresses that he feels like he is dying slowly due to the pain of not seeing or hearing from his child. His deep concern and love for his son are evident in his words.



Dr A S

Dr. AS, an IIT Kanpur alumnus and research scientist in Hyderabad, originally from Hubli, Karnataka. He has been married for 7 years and has a 5-year-old child. After some serious issues in the marriage, he filed for custody of his child in the Family Court. During regular video calls with his child, he noticed his wife behaving in a disturbing and inappropriate way. Concerned, he got help from some mothers and reported the matter to the DCP and the Child Welfare Committee (CWC).

When his wife didn't follow the CWC's orders, Dr. AS had to go to the Family Court for custody. The court then ordered the police to file an FIR against his wife for child abuse, based on video evidence. The local police station and women's police station officers did not support him. After the Family Court judge called the police to explain the delay in filing the chargesheet, the officers turned against him. They then filed serious cases against him and his family, including attempt to murder (Section 307), domestic violence, dowry harassment, and cheating, and at the same time, closed the FIR against his wife. This happened right after the Family Court judge was transferred.

A false chargesheet was filed, saying that Dr. AS and his parents admitted to all the allegations. But Dr. AS had already sent proof and explanations to the Police Commissioner and other senior officers showing that these were false charges, but no one considered his replies. The new Family Court judge accepted the false report and reduced his visitation rights to just weekends. Dr. AS has now filed a revision petition in the Telangana High Court against this decision. On his child's birthday, the High Court allowed him to meet his child for two hours. He celebrated with the child in the presence of a lawyer who recorded everything. But after he returned the child, his wife reportedly injured the child near his private parts and took him to a government hospital. She then filed a POCSO case against Dr. AS with the help of local police. He wrote to the top police officials in Telangana and Karnataka, accusing them of protecting the actual child abuser and filing fake cases against him. Both police officers involved were transferred. His cases are still ongoing in the High Court, where he is asking for the false cases to be quashed.

Dr. AS strongly believes that the child is not being sent to the school regularly and is being kept away from other children in the neighbourhood. He is allowed to visit his child only on weekends. Dr. AS is looking for expert legal help, especially from someone who understands child rights, and has also written to the President of India, the Prime Minister, and the Chief Justice of India, asking for help in getting justice for himself and his child.



RR

RR from Chennai has been married for 8 years and has a 7-year-old son. He has been separated from his child for the last 6 years. Lawyers have been unwilling to take up his child custody case due to the strong influence and connections of his wife's family with politicians and the police. RR married his wife following Hindu customs, and their marriage was registered under the Hindu Marriage Act, but his wife concealed her true religion. She now demands that he converts to her religion, and until he does, she restricts his communication and meetings with their son. His son is closely supervised and is not allowed to see him unless RR converts. RR and his family, including his son, have also faced physical abuse. The police have been unsupportive, and fearing repercussions, lawyers have refused to assist him.



S A

SA, living in Mumbai, has been married for 23 years and has a daughter who is now 21 years old. He got separated from his daughter about 15 years ago and hasn't had any contact with her since then. During all these years, he didn't file any case in court for custody or visitation rights. As a result, there are no legal proceedings ongoing, and he has not received any official rights to visit his daughter.

There is also a video interview where his daughter talks about her mother and shares her side of the story.



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We are challenging the premise of Sec 6 of Hindu Minority & Guardianship act which grants the custody to mother in case the child is below 5 years. It has been noted that once the custody is granted in favour of mother the father spends years of his life running from courts to courts and meanwhile the nascent years of the child's infancy is lost. Resultantly the child grows up in absence of father defeating the entire concept of custody petition of the father.

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