

## **PARENTAL ALIENATION AND ITS IMPACT ON FATHERS IN INDIA**

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### **ABSTRACT**

*An initiative undertaken by Ekam Nyaay Foundation, this study was launched to gather real-life experiences and insights from fathers involved in child custody and visitation disputes in India. With the growing number of child custody battles during and post-divorce or separation, the objective of this survey is to understand the legal, emotional, and procedural hurdles faced by fathers in India as custody of children in majority of cases is given to mothers in matrimonial disputes. The survey was conducted over a period of two months and gathered responses from 108 fathers across the country. Respondents came from both large metropolitan cities like Delhi, Mumbai, Chennai, and Bengaluru, and from smaller cities such as Pune, Jaipur, Bhubaneswar, and Indore. This research throws light on difficulties fathers are facing in India to see their children during matrimonial disputes. Out of fathers who approached courts to seek visitation rights, a mere 25% fathers being granted the same as per the study paints a grim image of the plight of fathers. The conclusion is that while men are increasingly involving themselves in upbringing of the child, if the marriage goes awry and legal disputes arise, rights of fathers are painfully being ignored by courts in India, thus denying bliss of fatherhood to countless men.*

**Keywords** – Child custody, Father, Men, Custody Rights.

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## I. INTRODUCTION

Parental alienation is an emerging yet under the cover phenomenon in the Indian context, particularly when divorce, marital dispute and custodial fights are in the backdrop. Parental alienation is a situation where one parent negatively influences the child against the other parent. Over the last few decades in India, the issue of marital breakdowns has become a major social issue and with this comes the concept of parental alienation. Parental Alienation is a phenomenon where a child spitefully rejects and disparages one of the parents with whom they once shared a healthy relationship. While globally, researchers have shed light on its psychological, legal and social implications, in India this subject remains largely overlooked in both policy and legal discussions.

A renowned child psychiatrist, Dr. Richard Gardner, in 1985, coined the term “Parental Alienation Syndrome (PAS)”. Dr. Gardner observed recurring patterns where a child, influenced by one parent, displayed alienation and hostility towards the other. He defined PAS as a condition in which the alienating parent manipulates the child into denigrating the other parent, most commonly seen in custody conflicts before family courts.

According to Gardner, children exhibiting PAS typically demonstrate the following features:

- (a) a persistent “campaign of denigration” against the alienated parent, often despite having previously shared a healthy bond;
- (b) “unfounded rationalizations” to justify their hostility and rejection;
- (c) a “splitting of parents” dynamic, where one parent is idealized while the other is entirely dismissed without ambivalence;
- (d) the “independent-thinker phenomenon,” where children insist their views are self-derived rather than influenced by the alienating parent;
- (e) automatic loyalty and unquestioning support for the alienating parent;
- (f) an absence of guilt when mistreating or rejecting the alienated parent;
- (g) borrowed scenarios,” where children use language or narratives beyond their developmental capacity, indicating coaching; and
- (h) the generalization of animosity, extending hostility not only to the alienated parent but also to their family and friends.

Although PAS has been recognized globally, it remains underexplored in the Indian context. While parental alienation can affect both parents, in India it disproportionately impacts

fathers, as custody is more often awarded to mothers under prevailing legal presumptions. Alienated fathers are frequently left battling not only the loss of a meaningful relationship with their children but also severe psychological consequences. Studies on men's mental health in custody disputes have linked alienation to heightened risks of depression, anxiety, substance abuse, and even suicidal ideation, as the denial of parental identity erodes their emotional stability. A notable acknowledgment came in the judgement of the Supreme Court in *Vivek Singh v. Romani Singh*, (2017) 3 SCC 231 which recognized parental alienation and highlighted the psychological harm it inflicts on children. The Court also underscored the importance of a child's continued relationship with both parents despite marital discord. However, it did not address the crucial role of psychological assessment and therapeutic intervention in custody disputes. The judgement also stopped short of addressing the emotional trauma inflicted on the alienated parents, mostly father. This legal gap, coupled with the broader social stigma against acknowledging men's mental health struggles, leaves many fathers isolated and unsupported. Addressing Parental Alienation, therefore, requires not only legal and psychological recognition of its impact on children but also a more nuanced understanding of the silent mental health burden carried by fathers in the Indian context.

## II. RESEARCH METHODOLOGY

### 1. Research Objectives

- To examine the lived experiences of fathers involved in custody and visitation disputes in India.
- To identify legal hurdles in visitation access, duration of separation from child and social and personal barriers in availing visitation or custody rights
- To assess the mental health implications, particularly for non-custodial fathers, when visitation rights are obstructed or alienation occurs.

### 2. Research Questions

- Duration of marriage & separation from the child
- Availing legal remedy of applying for custody or visitation rights
- Challenges faced and barriers in order to avail legal remedies
- Impact of separation from the child and experience of parental alienation

### **3. Research Design**

The study follows a mixed-method approach:

- Quantitative: Survey to capture the prevalence of custody and visitation challenges.
- Qualitative: In-depth interviews and case vignettes to explore psychological and social dimensions of PA.

### **4. Sampling**

- Sampling Technique: Purposive sampling.
- Sample Size: 108 survey participants, 08 in-depth interviews.
- Participants: Fathers involved in custody disputes across metropolitan (Delhi, Mumbai, Chennai, Bengaluru) and non-metropolitan cities (Jaipur, Pune, Bhubaneswar, Indore).
- Special Focus: Non-custodial fathers who have applied for visitation in Court and/or have visitation rights granted, but continue to face alienation or denial.

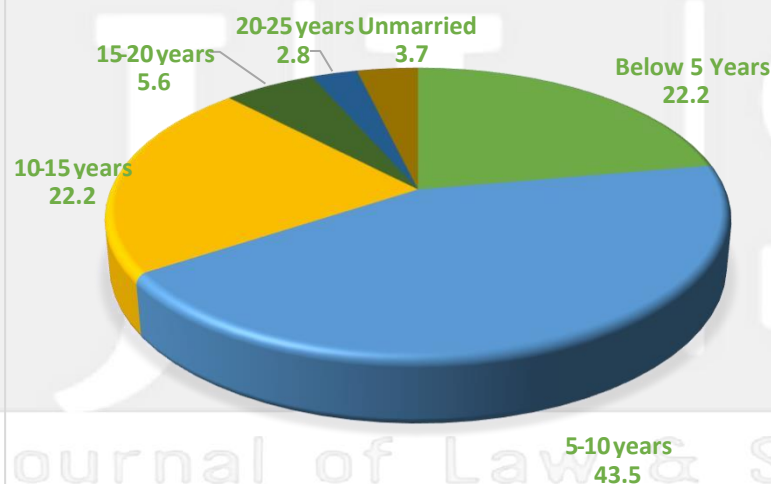
### **5. Tools of Data Collection**

- Survey Questionnaire: Structured to capture demographic details, legal status of custody, visitation rights, and emotional/psychological challenges.
- Semi-Structured Interviews: Designed to capture narratives around alienation techniques, emotional distress, and coping mechanisms.

### III. DATA ANALYSIS AND INTERPRETATION

**Table 1: Years of Marriage of Respondents**

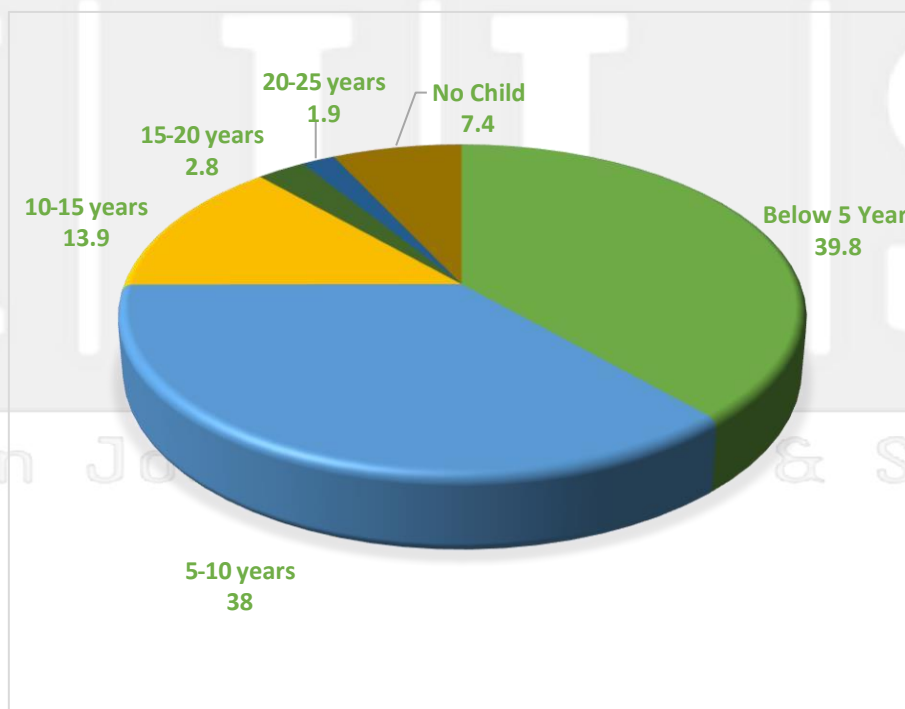
Years of Marriage	Respondents	Percentages
Below 5 Years	24	22.2
5-10 years	47	43.5
10-15 years	24	22.2
15-20 years	06	5.6
20-25 years	03	2.8
Unmarried	04	3.7
<b>Total</b>	<b>108</b>	<b>100</b>



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.

**Table 2: Age of Children of Respondents**

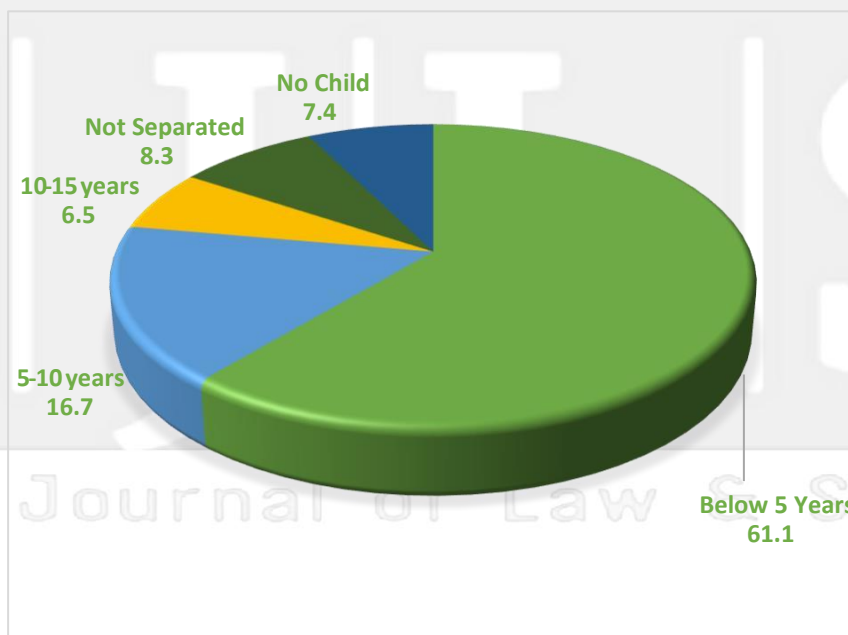
Age of Children	Respondents	Percentages
Below 5 Years	43	39.8
5-10 years	41	38
10-15 years	15	13.9
15-20 years	03	2.8
20-25 years	02	1.9
No Child	08	7.4
<b>Total Respondents: 108</b>		



The table and chart show the age group of the children of the respondents. Most of the respondents have very young children 39.8% have children below 5 years, and 38% have children between 5 to 10 years. A large number of respondents 78% have children who are under 10 years old. A smaller number of respondents have older children 13.9% have children aged 10 to 15 years, 2.8% have children aged 15 to 20 years, and 1.9% have children aged 20 to 25 years. 7.4% of the respondents have no children.

**Table 3: Separation Time of Respondents from the Child.**

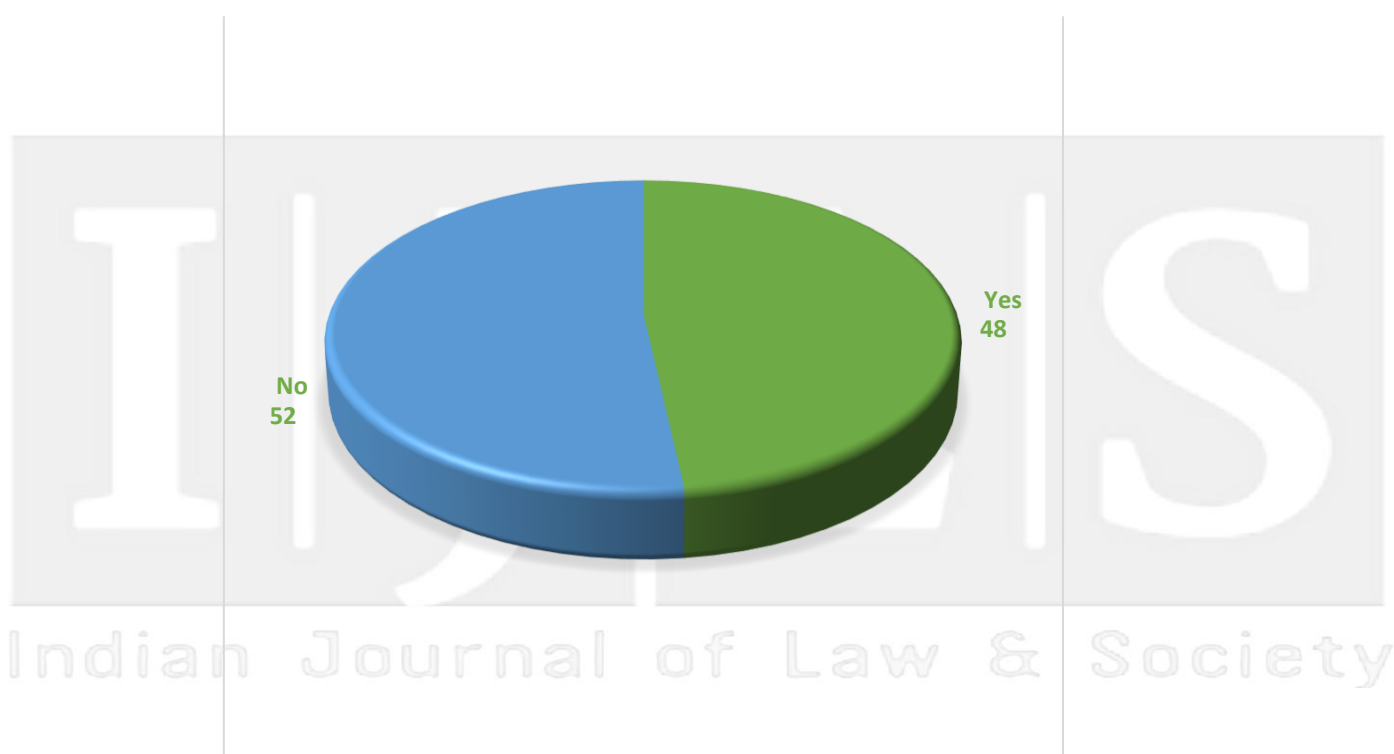
Years of Marriage	Respondents	Percentages
Below 5 Years	66	61.1
5-10 years	18	16.7
10-15 years	07	6.5
Not Separated	09	8.3
No Child	08	7.4
<b>Total</b>	<b>108</b>	<b>100</b>



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.

**Table 4: Respondents have applied for visitation in the Court.**

Particulars	Respondents	Percentages
Yes	52	48.2
No	56	51.8
<b>Total</b>	<b>108</b>	<b>100</b>

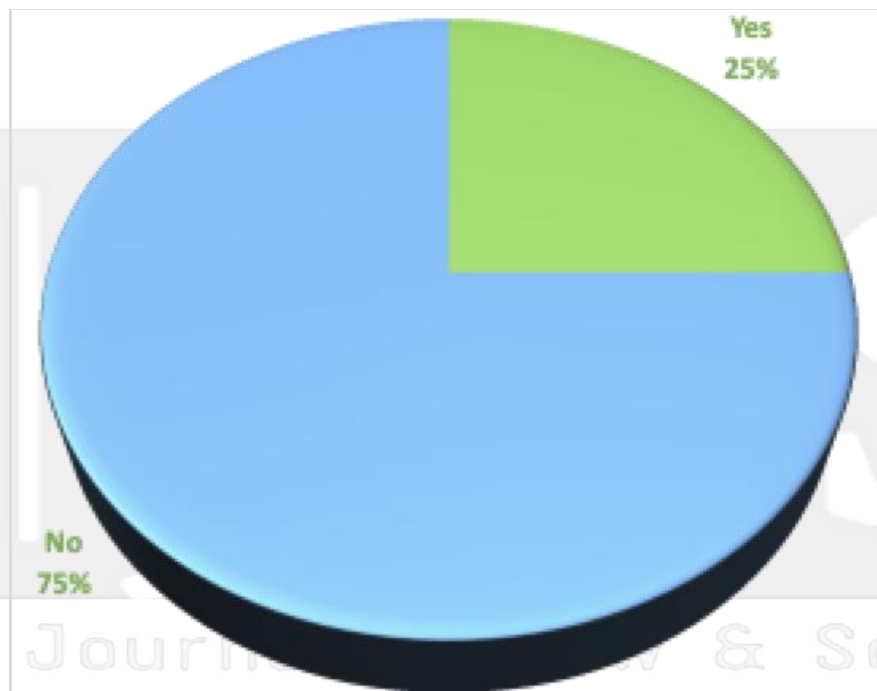


The table and chart show how many respondents have applied for child visitation rights in court, 48.2% respondents have applied for visitation, while 51.8% respondents have not applied. Common concern shared by fathers for not applying for visitation is wrong legal advice where they are told that they will not get visitation rights or applying for the same would lead to more retaliatory cases by the mother.



**Table 5: Respondents have visitation Rights Granted.**

Particulars	Respondents	Percentages
Yes	13	25
No	39	75
<b>Total</b>	<b>52</b>	<b>100</b>



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. The table and chart show how many respondents were granted visitation rights by the court. 25% respondents received visitation rights, while 75% respondent were not granted these rights.

#### IV. Major Finding

- 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. These show that the separation can deeply affect their emotional and mental growth of children.
- Most respondents 61.1% shared that they have been away from their children for less than 5 years. 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.
- 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. A shared problem by fathers is non compliance of court orders by the mother and the courts being extremely lenient with the mother in contempt of court filings.

- 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 25% of the respondents who went to court were allowed to visit their children. 75% fathers were not given any visiting rights by the court. This shows that majority of respondents are not getting enough chances to see their children.

## V. CASE STUDIES

### Sachin

Sachin, 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 without informing him. This has occurred nearly 40 to 50 times over the years, Sachin 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, Sachin'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, Sachin 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. Sachin shared that his wife often claims sole rights over their child by saying that she carried him for nine months. She accuses Sachin of wanting to harm their son. Her father supports these allegations and frequently demands money from Sachin. He has verbally abused Sachin 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 Sachin 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 Sachin's wife left their apartment in Ghaziabad along with their son, six bags of luggage, and valuables, while Sachin was not home. CCTV footage later revealed that she left with another man. Following this, her pattern of leaving and returning continued multiple times. Sachin 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. Sachin says he has audio recordings of these conversations. On 26th October 2023, Sachin's wife filed a criminal complaint under Section 498A and other charges against Sachin and his family. She returned to his house on 25th October, just a day before filing the case. Even after filing serious charges, she continued to return to live with him off and on.

Sachin 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, Sachin 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 Sachin in the same house. She spread rumours among neighbours and friends, accusing Sachin of having an affair and not providing her with basic needs like food or mobile data. Sachin 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 Sachin, 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. These ongoing incidents have caused serious emotional suffering to Sachin. He feels mentally exhausted, helpless, and broken.

### Harish

Harish 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. Harish 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 Harish 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, Harish filed contempt of court petitions, which pressured the mother to allow some access but Harish 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. The child has been totally alienated.

In November 2023, Harish 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. Harish appealed to the Punjab & Haryana High Court, but during the second hearing, his lawyer unexpectedly withdrew the appeal something Harish suspects was done with the mother's involvement. As a result, he lost the opportunity to challenge the dismissal.

### Chirag

Chirag Goel, 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, Chirag 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 Chirag 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. Chirag 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 return to his home.

### Pratik

Pratik, 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 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 Pratik, 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 Pratik and his family to regain custody. The POCSO case has since been dismissed. Even so, from November 2023 onward, Pratik has only been allowed to meet his daughter twice, though he has now been granted visitation rights by the court. In total, Pratik 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. Pratik 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.

### Vishal

Vishal, 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. Vishal 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. With no formal custody case pending, Vishal 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 are neglecting the child's proper care. The ongoing separation and complete lack of updates about his son's health have left Vishal 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. Akshay

Dr. Akshay, an IIT Kanpur alumnus and research scientist 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. Akshay 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. Akshay and his parents admitted to all the allegations. But Dr. Akshay 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. Akshay 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. Akshay with the help of the

police. He wrote to the top police officials in Telangana and Karnataka, accusing them of protecting the child abuse and filing fake cases against him. Both police officers involved were transferred. His cases are still in the High Court, where he is asking for the false cases to be cancelled.

Dr. Akshay believes the child is not going to school regularly and is being kept away from other children. He is allowed to visit his child only on weekends. Dr. Akshay has written to the President of India, the Prime Minister, and the Chief Justice of India, asking for help in getting justice for his child.

### Rajalingam

Rajalingam 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 his wife's family with politicians and the police. Rajalingam 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 convert 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 he converts. Rajalingam 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.

### Suresh

Suresh, 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.

## VI. Conclusion

This study of 108 fathers depicts larger situation of fathers in India who are embroiled in legal disputes with their wives. There is a saying that husband wife can divorce but parents can never divorce but modern-day couples seem to be totally oblivious of this notion because of ego battles where children are being used as pawns. Countless young men are facing extreme mental trauma because of being alienated from their children and leading to points of no return. In recent case in Supreme Court of India, Sourabh Soni vs Nitika Dhir, honourable



court was informed that the child, a 12-year-old daughter slapped the father in the eye during a visitation and asked him to give 1 Crore rupees to her mother and go away from their life. This case and numerous other cases in this study highlights a pattern where children are being made to hate their fathers, depriving both the father and the child of love of each other. A very low percentage of fathers getting visitation rights is a stark reminder of negligence of Judges towards emotional trauma of fathers and their pre conceived notions about role of fathers in life of a child. As society moves towards equality for all, it is high time that biases in the laws and judiciary are removed so that human rights of fathers are not violated and they do not have to become beggars to beg for time in the life of their own children

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