



‘Rights of children caught in parental conflict need focus’

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SC calls for negotiated settlement between petitioners

- A proactive step need to be taken to focus on child rights, specifically in cases of parental conflict, the Supreme Court has highlighted.
- The rights of children caught in the middle of an ugly divorce or a custody battle between parents need specific articulation.

A quagmire

- Divorce and custody battles are a quagmire and it is heart-wrenching to see an innocent child ultimately suffer for the legal and psychological war waged between the parents, the Supreme Court has observed.
- The case in question concerned two U.S.-based children whose mother brought them here and filed a custody case against the husband.

Psychological harm

- Everybody is working for the “best interests” of the child, but they seldom understand what they are in fact.
- The judge paints the portrait of the child’s helplessness.
- “While the ‘best-interests’ principle requires that the primary focus be on the interests of the child, the child ordinarily does not define those interests himself or does he have representation in the ordinary sense,” Justice Rastogi wrote.
- “The child’s psychological balance is deeply affected through the marital disruption,” the court said.
- Hence, for the sake of a child’s future relationship with each of his parents, a negotiated settlement is much better than an order imposed by a court after adversarial proceedings.