The subject-matter of the present work is the outcome of a matrimonial case which the present writer was conducting in 1953 when he was practising at the Bar of the Rajasthan High Court. In that case the main contest between the parties was in respect to the custody of a child of the marriage who was abroad with the mother. Then the present writer felt that this is one of the subjects on which some work should be done in India. But then, with a part-time job in the Law College and practice at the Bar, he could not fully devote himself to the work.

The law relating to children has fascinated the present writer even earlier, during 1948-50, when he was an M.L. student in the Faculty of Law, Delhi University. The present writer plans to devote himself next to other aspects of legal problems involving children.

In 1960 when the present writer took over the present whole time teaching work, he got an opportunity to devote himself to the present work.

Indian law on the subject is far from satisfactory. We have, apart from the personal laws of various communities living in India, a statute of 1896 which is based on the then existing state of English law and suffers from the same hesitation and conflict from which the English law suffered - hesitation between two principles of supremacy of the paternal right and paramountcy of welfare principle. The Act has not been amended since then, though very comprehensive statutory reforms have been made in England since then. In India though the Hindu Minority and Guardianship Act, 1956, was enacted, it fails to
The main objective of the present work, to study Indian law with a view to find out the possibility of our having a uniform law on this very important, though neglected, branch of law, and further to explore the possibility of having a law which conforms to our contemporary social needs. The comparative study of other systems of law is made with a view to facilitate the main objective of the work.

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(Faras Divan)