

LGBTQ+ COMMUNITY'S RIGHT TO MARRIAGE AND ADOPTION: NEED FOR
LEGISLATIVE REFORMS

AARUSHI TOMAR

Symbiosis Law School, Hyderabad

Abstract

The rights of people belonging to the LGBTQ+ community have been in debate for many years now, and our society; even after the decriminalisation of Section 377 of the Indian Penal Code, 1860, stereotyping, gender oppression, and discrimination continues to exist. The research is conducted to observe the recent perception of people towards the LGBTQ+ community and about homosexuals establishing their own family by way of marriage, adoption, or parenting a child. The researcher will observe various developments in the past few years by studying contemporary cases and precedents.

The research intends to address the Adoption and Parenting issue that the members of the LGBTQ+ community are dealing with. The researchers also explore the current views of the society on adoption or parenting of a child by a homosexual and study the provisions under the Indian laws dealing with these issues. One of the primary intentions of the research is to analyse the landmark case laws that were established across the whole decade, such as the judgements delivered in 2009¹, 2016² and 2018³. The outcomes or the findings of this research can make the LGBTQ+ community aware of their rights as individuals and understand society's attitude towards this community. The study would help make society aware of the rights of this community and may also help reduce gender discrimination and oppression. The doctrinal research method seems to be the most appropriate method of research for the topic at hand. With the help of the said method, a systematic approach has been adopted by the researcher to understand the issue.

Introduction:

The word 'Gender' is perceived to have a meaning restricted to masculinity or femininity, but a single individual can possess various other 'gender identities. Gender Identity collectively means the perception of a person about their gender, which may be different from their biologically determined sex, i.e., male or female. Gender identity can also be defined as having the sense of

¹ Naz Foundation v. Government of NCT of Delhi, 160 Delhi Law Times 277.

² Navtej Singh Johar v. Union of India, W.P. (Cr.) No. 76 of 2016.

³ Navtej Singh Johar v. Union of India, AIR 2018 SC 4321.

being a male or a female or someone in between.⁴ In this twenty-first century right to privacy is being given equal importance as the right to life; therefore, every individual possesses the 'right to gender'. Gender Identity also inculcates the principle of 'Equality' and subscribes to the idea of fairness. Currently, the people associated with the LGBTQ+ community are given certain rights varying from 'right to live' to 'right to adopt', but in certain parts of the world, they continue to face 'social injustice'.

The basic institution of marriage in a society is considered to be holy only if it is restricted to male and female relationships as made by the "law of nature". One of the major changes in society's mentality concerning homosexuality occurred in the 20th century. This new understanding results from many same-sex couples standing up for their rights. Considering the investigation and scientific research, it could not be proved that homosexuals are any different from heterosexuals; the only reason they are disregarded is due to their gender fluidity. Human sexuality is very complex⁵. The existence of gender fluidity in itself is disregarded and is not accepted as a part of one's own personality due to existing stigma in society and current social repression.

According to studies conducted, it has been clearly observed that the children raised by lesbian, gay or transgender people have the same sense of psychological adjustments as any other child raised by a heterosexual couple, but they do face a lot of discrimination due to their family background or family composition. "There is a lot of exposure to these children to discrimination which later results in their poor psychological as well as behavioural development and these children at a very young age may also have anxiety issues and may experience a high level of stress as well."⁶

Taking an example of a lesbian couple, it has been observed⁷ that they have faced a lot more rejection in their life than a normal individual, and it resulted in a higher level of parental stress; this shows that the discrimination faced by these individuals not only affects them but a number of people who are related to them such as their parents and children. After the decriminalisation of section 377 in India in 2018, many Indian adults have come to identify themselves as homosexuals but continue to be in the gender minority.

⁴ Fluer Mulligan, "Gender Identity: Developing a Statistical Standard", 2 **UNITED NATION DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS STATISTICS DIVISION**, 289, 7 (2015).

⁵ J. Byne & W. Drescher, "Homosexuality, Gay, Lesbian Identities, Homosexual Behaviour and Sadock's Comprehensive Textbook of Psychiatry", I, **LIPPINCOTT WILLIAMS & WILKINS, PHILADELPHIA**, 234 (2009).

⁶ G. Joshua Kellison, "Lesbian and Gay Parenting: A Parental Need Assessment and a Mixed Method Analysis of Discrimination Parenting and Coping Strategies", II, **ARIZONA STATE UNIVERSITY**, 127 (2014).

⁷ J. Byne & W. Drescher, "Homosexuality, Gay, Lesbian Identities, Homosexual Behaviour and Sadock's Comprehensive Textbook of Psychiatry", I, **LIPPINCOTT WILLIAMS & WILKINS, PHILADELPHIA**, 234 (2009).

LGBTQ+ Community's Right to Marriage:

After the landmark decision of the Supreme Court in “*Navtej Singh Johar V. Union of India*”⁸, which decriminalized section 377 of the Indian Penal Code, 1860 to the extent where two adults are engaged in consensual sexual activities, a ray of hope for equal rights and dignified treatment to the sexual minorities, i.e., the LGBTQIA+ community was found. Post the decision in Navtej Johar; there have been considerable advances in Indian society to discuss the issue of homosexuality and the recognition of LGBT rights. Many people have come out of their closet with an acceptance of their sexual identities and orientation. All this makes a logical inference that homosexuality is not uncommon in India. The rights of this community have been deliberately ignored, and there has been institutionalized victimization of people who fall under a sexual minority.

Post the 2018 judgment which decriminalized homosexuality; there has been a growing demand for legal recognition of same-sex marriages. For this to be realized, multiple petitions have been filed since 2018 seeking to enact a new set of laws or amendments to the existing ones that would carve out a space for homosexual couples. This is necessary to achieve equality and avoid discrimination based on gender identities. The current Indian personal civil laws “recognize marriages between a biological man and a biological woman” and discourage same-sex marriages in India.

Why is Legal Recognition Important?

It is to be noted that there happen to be no explicit legal restrictions on homosexual marriages since the decriminalization of section 377. However, there are additional aspects that need to be given due consideration. To begin with, consider the following situation, one Lesbian couple approached the Registrar with a request to issue a certificate of marriage under the Special Marriage Act. The Registrar was unclear whether he was authorized to issue the certificate to a same-sex couple. Due to the ambiguity, the Registrar had to turn the couple away. Later, smelling the confusion, one of the partners was persuaded not to marry. In this scenario, who is supposed to be blamed? It's no shortcoming of the Registrar but the law, which lacks clarity.

⁸ (2018) 10 SCC 1

One could wonder why legal recognition of marriage becomes so essential. To answer, the State's role in marital relations has to be scrutinized. Although being a secular affair, marriage is linked with a particular set of rights and liabilities shared between the spouses.⁹

It is not unusual in Hindu marriages for people to marry without acquiring official marriage certification. If it became essential to seek court action, judges would assess the evidence of the marriage. To determine whether two people were married, photographs and recordings are used. The significance of observing the rites is emphasized. If the rituals are not performed in line with the rules, the marriage may be deemed null and void.¹⁰ If the ceremonies cannot be confirmed, there can be no genuine Hindu marriage. Despite having completed all of the requisite steps and ceremonies for marriage, same-sex couples have been unable to receive official recognition.

The couple can be married in every way, as per the religious rituals and celebrations, but not in the eyes of the law. Without official recognition, this would put the concerned homosexual couple in a state of dilemma as they would not be entitled to the legal protections and benefits enjoyed by married heterosexual couples. This goes against the "fundamental principles of equality and protection against discrimination based on gender". Decriminalizing consenting sexual conduct between two adults is unarguably a progressive step. However, this will not erase the prejudice encountered by those who are in long-term committed relationships. It would necessitate legal recognition of same-sex partnerships similar to heterosexual unions.

There are strong practical reasons to pursue social and legal acceptance of same-sex unions. Certain legal benefits offered to married couples, such as "succession, maintenance, and pension rights", are not available to same-sex couples. Economic advantages from regulations such as the "Employment Provident Fund Scheme of 1952" and the "Workmen's Compensation Act of 1923" are only available to individuals who are connected by "blood or marriage". Singles and unmarried couples have found it increasingly difficult to adopt since the "Central Adoption Resource Authority (CARA)" established adoption rules. Furthermore, not all same-sex couples want major changes in society and institutions, and many are politically conservative. Many of them want to be accepted without prejudice and to have the option of forming a partnership recognized in the eyes of the law.¹¹

⁹ Rohit Beerapalli, "Same-sex marriages in India: a Socio-Legal Analysis", 15th April 2021. available at: <https://thelawbrigade.com/>

¹⁰ *Ibid.*

¹¹ Navantara Ravichandran, "Legal Recognition of Same Sex Relationships in India", **INDIAN LAW & POLICY**, 2014.

Same-Sex Marriages under Personal Laws: Approaches and Challenges

In India, Hindus, Muslims and Christians are governed by various rules on marriage. The Hindu Marriage Act, which regulates “Hindus, Sikhs, Jains, and Buddhists”, stipulates that “marriage can be solemnized between any two Hindus”.¹² Similarly, the Christian Marriage Act prescribes rules of marriage amongst Christians. Muslim marriages are not regulated by any statutory legislation and lack any formal definition of marriage, but the union is mostly perceived as a contract for the purpose of procreation. But the overall notion of a marriage, in all personal laws, envisages a “heterosexual union”.

To contemplate a solution, legal recognition of homosexual marriages under Hindu personal laws can be obtained in the following ways.¹³

1. Permitting same-sex marriages under the Act
2. Interpretation of LGBT community as a separate category of people on whom the Act shall be made applicable.
3. Interpreting the Act itself to constitute it to allow same-sex marriages, else it will be rendered unconstitutional because it violates principles of equality.
4. Amending the Act and incorporating the necessary changes to accommodate homosexual marriages within its purview.

Another option to obtain recognition is to declare the “LGBT community as a distinct group”¹⁴ having its own traditions of marriage, rituals and practices akin to groups such as “Arya Samaj” that formulated its own set of traditions and rituals.

However, such an amendment would be exceedingly contentious because of a loud segment of society's antipathy against the LGBT population. Furthermore, it would be regarded as interfering with religious organizations' traditions and customs. Even if the government favored such legislation, such an aggressive legislative agenda would not be a top priority.

Same-Sex Marriages under the Special Marriage Act, 1954

¹² Ray Das, “Personal Laws and Homosexual Marriages”, *MODERN LAW REVIEW*, (2019).

¹³ *Ibid.*

¹⁴ Ratna Suman, “Accommodation of LGBT Rights post decriminalization of homosexuality in India”, *J. OF GENDER STUDIES*, 81, 2020.

An alternative that should not raise religious eyebrows is to seek an “amendment to the Special Marriage Act of 1954” to allow same-sex weddings. The Act is a secular law that allows inter-religious and inter-faith marriages. Marriage does not occur through religious ceremonies; instead, is registered by a Marriage Officer.¹⁵ The SMA appears to apply to heterosexual couples in its current version. However, same-sex weddings are easily accommodated within its framework by making minor amendments.

LGBTQ+ Community’s Right to Adoption:

Adoption is a legal and social process that establishes a parent-child bond. It is a method outlined in Section 2(2) of the Juvenile Justice (Care and Protection of Children) Act, (JJ Act) 2015¹⁶, in which a married couple or a single person having attained the age of majority and upon fulfilment of specific other requirements, adopts the biological child of their parents. In India, the policies relating to adoption have been tainted by social stereotypes and a lack of concern for children's wellbeing. Laws such as the Juvenile Justice Act, 2000¹⁷ have been revised to incorporate the notion of secularity, allowing adoptions regardless of the child's and parents' communal and religious beliefs. However, the Act did not achieve equality between biological and adopted children. The JJ Act has provided for treating an adopted child as the parents' legal biological child, with all of the rights, benefits, and relations that come with it. On the other hand, the legislature has ignored the right of same-sex couples to adopt and who wish to start a family.

According to government statistics, India has 2.5 million LGBTQIA+ people¹⁸. Despite the community's size and strength, it has long been a target of social stigma and discrimination. In 2018, the draconian Section 377 was decriminalised¹⁹, warmly hailed as a glimmer of hope for improving the community's situation in Indian society. However, the community is still fighting for basic rights like marriage and adoption. According to a study conducted by UNICEF, India has about 29.6 million orphaned and abandoned children despite the low adoption rate²⁰. Although a single person

¹⁵ Vamita, Ruh. “Same-Sex Weddings, Hindu Traditions and Modern India”, *FEMINIST REV.*, NO. 93, 2009.

¹⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015 § 2(2).

¹⁷ The Juvenile Justice (Care and Protection of Children) Act, 2000.

¹⁸ Annie Banerji, *One year after landmark ruling for LGBTQ+ rights in India, challenges persist*, THOMSON REUTERS (Feb. 16, 2022, 11:53 AM), <https://www.reuters.com/article/us-india-lgbt-idUSKCN1VR256>.

¹⁹ Navtej Singh Johar vs. Union of India (AIR 2018 SC 4321).

²⁰ Shreya Kalra, *Why India's adoption rate is abysmal despite its 30 million abandoned kids*, BUSINESS STANDARD (Feb. 18, 2022, 07:32 PM), https://www.business-standard.com/article/current-affairs/why-india-s-adoption-rate-is-abysmal-despite-its-30-million-abandoned-kids-118103000218_1.html#:~:text=According%20to%20United%20Nations%20Children's,4%25%20of%20India's%20child%20population.

in the community may adopt a child as a single parent under the existing laws, however, the laws are uncondusive to adoption by a same-sex couple. This deprives the other partner of any legal right over the child.

Existing Legislations on Adoption:

The Ministry of Women and Child Development regulates the Central Adoption Resource Authority (CARA), which manages and controls local and international adoptions²¹. CARA is the central authority responsible for looking after adoptions at the inter-country level as per the Hague Convention on Inter-country Adoption regulations²², which the Government of India ratified in 2003.

Hindu Adoptions and Maintenance Act, 1956²³

This Act entails the requirements and legal obligations of Hindu adults who wish to adopt a child. According to Sections 7²⁴ and 8(c)²⁵ of the said Act, authorisation is not required if the spouse is not of sane mind, has abandoned the world, or abandoned their children. These provisions also provide for the adoption of a child by unmarried men and women of sound mind having attained the age of majority. “The words spouse and wife used in Sections 7 and 8 indicate that the Act does not recognise adoption by same-sex couples. In addition, the ability of Hindu males and females to adopt is clarified, leaving a grey area for applying such laws to third-gender couples.”²⁶

Adoption Regulations, 2017²⁷

These regulations are significantly more restrictive than the HAMA in terms of restrictions. Unmarried men and women can adopt if they are financially sound, mentally and emotionally stable and have no life-threatening condition. However, a single man is prohibited from adopting a girl child, while a woman is not prohibited from adopting a boy child. On the other hand, Section 11(iii)²⁸ permits the adoption of a girl child by a single man provided that the child and the adoptive father are at least 21 years of age.

²¹ Central Adoption Resource Authority, Ministry of Women & Child Development, Government of India [http://cara.nic.in/#:~:text=Central%20Adoption%20Resource%20Authority%20\(CARA,country%20and%20inter%20country%20adoptions.](http://cara.nic.in/#:~:text=Central%20Adoption%20Resource%20Authority%20(CARA,country%20and%20inter%20country%20adoptions.)

²²The Inter-country Adoption (Hague Convention) Regulations, 2003 <https://www.legislation.gov.uk/uksi/2003/118/contents/made>.

²³ The Hindu Adoptions and Maintenance Act, 1956.

²⁴ The Hindu Adoptions and Maintenance Act, 1956 § 7.

²⁵ *Ibid.* § 8(c).

²⁶ *Ibid.*

²⁷ Adoption Regulations, 2017 (Accessible at: http://cara.nic.in/PDF/Regulation_english.pdf).

²⁸ *Ibid.* § 11 (iii).

Juvenile Justice (Care and Protection of Children) Act, 2015²⁹

Prospective Adoptive Parents ("PAPs") are eligible under Section 57 of the JJ Act³⁰. According to one of the requirements, "no child shall be put for adoption until the couple has had at least two years of a good marital relationship." The same-sex couples could not establish a two-year stable marital relationship since they were not legally recognised until recently, making them ineligible to serve as PAPs.

Contemporary Issues and challenges concerning Adoption by same-sex couples:

The Madras High Court in *Arun Kumar Sreeja vs. Inspector General of Registration*³¹ ruled that a marriage between a guy and a trans-woman, both of whom practise Hinduism, was legitimate. The Court further determined that "bride" in the HMA has no fixed meaning and must be construed as per the current legal system. Transgender people cannot be deprived of the advantages and privileges of social institutions in mainstream society since the Indian Constitution is an enabling constitution that encourages them to join the mainstream.

In the case of *Laxmi Kant Pandey v. Union of India*³², the Court recognised that "every child has the right to a family." It may be construed that this right includes the right to adoption. Furthermore, Article 39(f) of the Constitution provides that the "government adopt policies to guarantee that children have the opportunities and resources to develop in a healthy, free, and dignified manner. Resultantly, forcing a child to live in an institution and denying them their right to a family is equal to denying them their freedom and dignity in life, and thus, violates our national policy principles."³³

When a couple wants to adopt together, the law requires that they be married and that both spouse's consent. The existing legislations mentioned above that prohibit or do not provide for unmarried couples to adopt children violate the Indian Constitution's fundamental rights granted in Articles 14, 15 and 21³⁴. As a result, same-sex couples cannot adopt due to the notion that the child should not be raised in an "inferior home." However, it is baffling to note that the legislation permits growing an

²⁹ Supra, note 1.

³⁰ Ibid. § 57.

³¹ Arun Kumar Sreeja vs. Inspector General of Registration [WP(MD)No.4125 of 2019].

³² AIR 1984 SC 469.

³³ Indian Const., 1950 art. 39(f).

³⁴ Indian Const. 1950, art. 14, 15, 21.

orphan without both parents rather than being raised by homosexual or Trans-couples. The majority of orphanages provide abysmally poor orphanage services.

Effect of lack of legislations: From the lens of COVID-19 Pandemic:

The Covid-19 pandemic has had a devastating impact on the lives of children; wherein many were left orphaned due to the deaths of parents. As per the data given by the National Commission for the Protection of Child Rights (NCPCR), more than 9300 children in the country have lost their parents since the pandemic hit India till June 2021³⁵. The Apex court had pointed out that the accurate number of orphaned or abandoned children would be higher than what has been reported in the official and public reports. The pandemic, which resulted in a higher orphan rate, has encouraged and given rise to child trafficking.

It is vital to consider how India may alleviate the suffering of these orphaned and abandoned children, who are definitely the country's future. Covid-19 has provided the country with an opportunity to give two communities a fresh start on life at the same time. The first is by allowing orphaned and abandoned children to have parents, and the second is by allowing LGBTQ+ couples to have children. Unfortunately, neither our Constitution nor any other law acknowledges these rights explicitly. Even if they are mentioned, they are not exercised effectively. It is necessary to realise this right, in letter as well as in spirit for the welfare of the public. India must repeal its colonial-era ban prohibiting LGBTQ+ couples from adopting a child. Adoption is required by the Juvenile Justice Act of 2015 and the Adoption Regulations of 2017, regardless of religion.

According to CARA, the eligibility criteria for prospective adoptive parents are summed up into eight (8) categories. None of the conditions listed in CARA's eight heads addresses LGBTQ parents. Having a child, raising them, and doing everything that a normal spouse and parent does should be legalised. An amendment to CARA would positively impact the entire LGBT population. Law is dynamic, evolving in response to changing requirements and demands. It is critical that the legislature evaluate and update the existing laws to provide adoption rights to the LGBT community.

³⁵ Aneesha Mathur, *Over 9300 children lost parents or were abandoned in the pandemic, NCPCR informs Supreme Court*, **INDIA TODAY** (Feb. 20, 2022, 10:32 AM) <https://www.indiatoday.in/india/story/9300-indian-children-orphaned-abandoned-in-covid-pandemic-1809427-2021-06-01>

Adoption by same-sex couples is already permitted in countries like Spain, Belgium, and the United Kingdom³⁶. Since the law in India has been amended, there is now a requirement for the community's rights to be recognised and treated to be equal to that of the heterosexual section of society. Government should encourage sensitisation efforts to dispel myths and societal stigmas around community members' lifestyles and relationships.

Conclusion:

The continuous changes in the legalisation of the same-sex relationships or marriages have been a topic of heated debate for over decades. The members of the LGBTQ+ community have been fighting for their 'natural rights' that they should have been granted from their birth itself, such as the right to equality, right to freedom, right to privacy, right to life and right to 'gender identity. Some individuals still have to fight for their fundamental rights in this twenty-first century. The organisations have to launch campaigns at an international level to convince the national governments to grant them the minimal rights that every individual is born with.³⁷ Western dynamics have immensely influenced the thought process of the eastern countries and, to a certain extent, managed to change people's whole perception about homosexuals. Analysing these processes, it can be stated that westernisation and Europeanization have affected the concept of same-sex marriages and has provided many opportunities to the members of this community to draw motivation from them.³⁸

Denying any individual right to marry or right to equality based on their gender is a direct violation of their "*Fundamental rights*" under the Constitution of India.³⁹ However, in the last decade, many significant changes have been made by the Indian judiciary in favour of homosexuals, the most recent one made in 2018 by decriminalisation section 377 of the Indian Penal Code⁴⁰ that exploited the right of members of the LGBTQ+ community.

³⁶ David Masci, *Fact Sheet on Same-Sex Marriage Around the World*, PEW RESEARCH CENTRE (Feb 19, 2022 4:23 PM), <https://www.pewforum.org/fact-sheet/gay-marriage-around-the-world/>

³⁷ T. Hildebrandt, "Development and Division: The Effect of Transnational Linkages and Local Politics on LGBT Activism in China", Vol. – 22, JCC (Journal of Contemporary China), Pg. No.- 845-862, (2012).

³⁸ I. Dioli, "From Globalisation to Europeanization – And then? Transnational Influences in Lesbian Activism of the Western Balkans" Vol. – 15, JLS (Journal of Lesbian Studies), Pg. No. – 311-323, (2011).

³⁹ The Constitution of India, 1950.

⁴⁰ Section 377, Indian Penal Code, 1860.

References:

- Adoption Regulations, 2017 (Accessible at: http://cara.nic.in/PDF/Regulation_english.pdf)
- Aneesha Mathur, Over 9300 children lost parents or were abandoned in the pandemic, NCPDR informs Supreme Court, **INDIA TODAY** (Feb. 20, 2022, 10:32 AM) <https://www.indiatoday.in/india/story/9300-indian-children-orphaned-abandoned-in-covid-pandemic-1809427-2021-06-01>.
- **Annie Banerji**, One year after landmark ruling for LGBT+ rights in India, challenges persist, **THOMSON REUTERS** (Feb. 16, 2022, 11:53 AM), <https://www.reuters.com/article/us-india-lgbt-idUSKCN1VR256>.
- Central Adoption Resource Authority, Ministry of Women & Child Development, Government of India [http://cara.nic.in/#:~:text=Central%20Adoption%20Resource%20Authority%20\(CARA,coun,try%20and%20inter%2Dcountry%20adoptions](http://cara.nic.in/#:~:text=Central%20Adoption%20Resource%20Authority%20(CARA,coun,try%20and%20inter%2Dcountry%20adoptions).
- Fleur Mulligan, “Gender Identity: Developing a Statistical Standard”, Vol. – II, United Nation Department of Economic and Social Affairs Statistics Division, 289, Pg. No. – 7 (2015).
- G. Joshua Kellison, “Lesbian and Gay Parenting: A Parental Need Assessment and a Mixed Method Analysis of Discrimination Parenting and Coping Strategies”, Vol. II, Arizona State University, Pg. No. 127, December (2014).
- J. Byne & W. Drescher, “Homosexuality, Gay, Lesbian Identities, Homosexual Behaviour and Sadock’s Comprehensive Textbook of Psychiatry”, Vol. I, Lippincott Williams & Wilkins, Philadelphia, Pg. No. 234 (2009).
- David Masci, Fact Sheet on Same-Sex Marriage Around the World, **PEW RESEARCH CENTRE** (Feb 19, 2022 4:23 PM), <https://www.pewforum.org/fact-sheet/gay-marriage-around-the-world/>
- Dioli, “From Globalisation to Europeanization – And then? Transnational Influences in Lesbian Activism of the Western Balkans” Vol. – 15, JLS (Journal of Lesbian Studies), Pg. No. – 311-323, (2011).
- Navantara Ravichandran, “Legal Recognition of Same-Sex Relationships in India”, Indian Law & Policy, 2014.

- Ratna Suman, “Accommodation of LGBT Rights post decriminalisation of homosexuality in India”, J. of Gender Studies, 81, 2020.
- Ray Das, “Personal Laws and Homosexual Marriages”, Modern Law Review, (2019).
- Rohit Beerapalli, “Same-sex marriages in India: A Socio-Legal Analysis”, 15th April 2021. available at: <https://thelawbrigade.com/>.
- Shreya Kalra, Why India's adoption rate is abysmal despite its 30 million abandoned kids, **BUSINESS STANDARD** (Feb. 18, 2022, 07:32 PM), https://www.business-standard.com/article/current-affairs/why-india-s-adoption-rate-is-abysmal-despite-its-30-million-abandoned-kids-118103000218_1.html#:~:text=According%20to%20United%20Nations%20Children's,4%25%20of%20India's%20child%20population.
- T. Hildebrandt, “Development and Division: The Effect of Transnational Linkages and Local Politics on LGBT Activism in China”, Vol. – 22, JCC (Journal of Contemporary China), Pg. No.- 845-862, (2012).
- The Constitution of India, 1950.
- The Indian Penal Code, 1860.
- The Inter-country Adoption (Hague Convention) Regulations, 2003 <https://www.legislation.gov.uk/uksi/2003/118/contents/made>
- The Hindu Adoptions and Maintenance Act, 1956.
- The Juvenile Justice (Care and Protection of Children) Act, 2015 § 2(2).
- The Juvenile Justice (Care and Protection of Children) Act, 2000
- Vanita, Ruh. “Same-Sex Weddings, Hindu Traditions and Modern India”, Feminist Rev., no. 93, 2009.