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INDIA'S LGBTQ+ COMMUNITY: THE RIGHT OF ADOPTION

Yashmeet Sehrawat¹

ABSTRACT

In India, the personal law governs adoption, although there are also secular laws that grant people this right. However, none of these laws acknowledge the legal ability of gay couples to adopt children. Adoption agencies shouldn't be concerned whether the couple's sexual orientation won't have a detrimental impact on the child's development since the child's 'best interest' should always come first. Contrarily, the existing adoption laws in India also violate the notion of the child's best interests because they forbid potential adoptive parents from participating in the adoption procedure. The partners of many Indian LGBTQIA+ people in same-sex partnerships who have adopted children do not have parental rights over the kid. The LGBTQIA+ community saw a glimmer of optimism with the Section 377 going down, and they hoped for greater rights like the freedom to marry and the right to adopt. However, the law's explicit requirements such as those of things like a couple requiring "*two years of stable marriage*" which entirely denies the LGBTQIA+ population either of these rights. There exist many challenges in the path to securing these rights. But these challenges stand up to be nothing compared to the suffering faced by the LGBTQIA+ community. This research paper looks to examine the state of adoption rights of LGBTQIA+ couples, dealing with the stigma around LGBTQ adoption and the challenges and opportunities which exist and the way towards clear them.

INTRODUCTION

According to official estimates, there are 2.5 million LGBTQIA+ people

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living in India. Even though the group is quite large and can exercise its strength, it has always been the target of prejudice, social shame and discrimination.

In India, the adoption law is regulated by the personal law, but there are also secular laws that guarantee individuals this right. But none of these laws recognize homosexual couples' right to adopt children. If the sexual orientation of the couple won't negatively affect the child's development, adoption agencies should not worry about it since the 'best interest' of the child is the main concern. The current Indian adoption rules, in contrast also go against the idea of the child's best interests since they bar prospective adoptive parents from participating in the adoption process. Many Indian LGBTQIA+ persons in same-sex relationships have adopted children as single parents, but their partners have no legal rights over the child. The decriminalization of Section 377 gave the LGBTQIA+ community a ray of hope wherein they hoped for more rights such as Right to Marry and Adoption Rights. But the law clearly stating that a child could only be adopted by a couple after they've had 'two years of stable marriage' completely deprived the LGBTQIA+ community of either of the rights. The conflict between wanting to have a kid and not being allowed to establish a legal marriage prevents homosexual couples from adopting children.

Moving in Regression, in 2019, the Supreme Court dismissed a plea which sought civil rights such as same-sex marriage, adoption and surrogacy for the LGBTQIA+ community. Hence, over the years, many LGBTQIA+ couples in India have migrated to nations with greater legal freedom because of the absence of legislation on adoption for LGBTQIA+ people and the horrendous obstacles to adoption. In addition to regulations, preconceptions associated with same-sex motherhood have also developed as an unfair cause, leading to a false stigma regarding the same.

HISTORY OF LGBTQ LAWS AND RIGHTS IN INDIA

LGBTQ+ community has been present in India for a long period. Ancient Indian texts like Nardasmriti, Arthashastra, Sushruta Sahita and Yajnavalkya Smriti mentions about same sex relationship. Kama Sutra written by Indian philosopher Vatsyayana in 400 BC describes homosexual acts in detail. It describes men who have sex with men, women who have sex with women, as well as bisexual, transgender persons and intersex persons. Tamil Sangam Literature from 3BC to 4AD also give description of men-men relation as well as transgender relation. Although there have been evidences of presence of LGBTQ+ community in Ancient India. But these relations were also punishable. In Ancient India Ayoni or non vaginal sex of all types is punishable in Arthashastra. Dharam Shastras like Vashistha Dharma sutra are also against non vaginal sex. However, it was treated as a smaller offence punishable by fine. Yajnavalkya Smriti prescribes for fines for such acts and Manusmriti also prescribes light punishment for such acts.² During the medieval period there was disapproval for homosexuality. The society was not tolerant towards them and nobody was disapproved for having a different sexual preference. Alauddin Khalji's son Mubarak who ruled The Delhi Sultanate between 1296 and 1316, was known to be in relationship with one of the noblemen in his court.³ In India during Mughal rule unnatural intercourse was prohibited under Fatwa Alamgiri. It included punishments such as lashing for engaging in homosexual intercourse.

During the British rule in 1860, homosexual intercourse was considered as unnatural and was declared a criminal offence under Chapter 16, Section 377⁴ of Indian Penal Code. Important step in the

² RUTH VANITA AND SALEEM KIDWAI, SAME SEX LOVE IN INDIA; A LITERARY HISTORY (Penguin-HighBridge 2008).

³ Aditi Yadav, *A Brief History of LGBTQ+ in India* (May 25, 2023) <https://newsletter.sscbs.du.ac.in/a-brief-history-of-lgbtq-in-india/>

⁴ Pen. Code, § 377.

realisation and giving the rights to this community came in 1994 when Hijras were given voting rights as third sex. The first Gay Pride Parade was held in Kolkata in 1999. In 2009, in the case of Naz Foundation v. Govt. NCT⁵ a PIL was filed in the Delhi High Court against section 377. In this case it was held that treating homosexual sex between adults as a crime is a violation of Fundamental Rights protected by the Indian constitution. But this judgment was overturned in the year 2013 in the case of Suresh Kumar Koushal v. Naz Foundation and Ors.⁶ In 2015 bill introduced by MP Shashi Tharoor decriminalising homosexuality was rejected by Lok Sabha. On 6 September 2018 Supreme Court unanimously ruled that Section 377 is unconstitutional as it infringes the fundamental rights of intimacy, autonomy and identity. and decriminalised homosexuality by reading down Section 377 to exclude consensual intercourse between adults of the same sex/gender in the case of *Navtej Singh Johar v. Union of India*⁷. This decriminalised homosexuality in India. It was greatest step in the direction of full fundamental rights to LGBTQ+. In 2019 Transgender Persons (Protection of Rights) Bill, 2019 was enacted with an objective to protect the rights of the Transgender Community by prohibiting discrimination against them with regards to employment, education. healthcare, access to government or private establishments.

LEGAL IMPEDIMENTS

Adoption in India is governed majorly by two legislations: (i) The Hindu Adoptions and Maintenance Act, 1956; and (ii) The Juvenile Justice Act, 2015. These are the two legislations which regulate adoption of children in India. And unfortunately, neither of these two legislations contains provisions which provide for adoption by LGBTQ couples and therefore defeat the very purpose of decriminalizing homosexuality by acting as

⁵ Naz Foundation v. Govt. NCT, 160 Delhi Law Times 277.

⁶ Suresh Kumar Koushal v. Naz Foundation, Civil Appeal No.10972 of 2013.

⁷ Navtej Singh Johar v. Union of India, AIR 2018 SC 4321.

restraints on rights and civil liberties of LGBTQ community.

(i) The Hindu Adoption and Maintenance Act, 1965

The Hindu Adoptions and Maintenance Act (HAMA) was enacted in India in 1956. It governs Hindu adults' ability to adopt children and their need to provide for their extended families.

Section 7⁸ and Section 8⁹ of the HAMA Act talk about the capacity of Hindu Males and Hindu Females to adopt a child, while completely sidelining the third gender and not talking about the adoption regulations for the third gender. At the same time, the Act explicitly mentions the word 'wife' and 'husband' and their required consent, implying that it only recognizes adoption by heterosexual couples does not recognize homosexual couples. Additionally, it is clear from a cursory reading of the Act that gender is understood in binary terms.

(ii) Juvenile Justice Act, 2015

JJ Act of 2015 laid down a broad framework for adoption. It came up to be a secular law dealing with intra and inter-country adoptions. It set rules and regulations for adoptions by individuals and couples irrespective of their religion. It defines adoption as the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child¹⁰. But this law too, failed to shed light on regulation of adoption by same sex couples.

⁸ The Hindu Adoptions and Maintenance Act, 1956, § 7, The Gazette of India, pt. II sec. 3 (December 21, 1956).

⁹ The Hindu Adoptions and Maintenance Act, 1956, § 8, The Gazette of India, pt. II sec. 4 (December 21, 1956).

¹⁰ The Juvenile Justice (Care and Protection of Children) Act, 2015, § 2(2), The Gazette of India, pt. II sec. 1 (December 31, 2015).

The Central Adoption and Resource Authority (CARA)¹¹, established under the JJ Act, works as an overarching authority over secular intra and inter country adoptions.

Regulation 5 of the CARA Guidelines on Adoption, while talking about PAPs (prospective adoptive parents), mandates that 'No child shall be given in adoption to a couple unless they have at least two years of stable marital relationship except in the cases of relative or step-parent adoption'. With same-sex marriages being unrecognized in India, homosexual couples cannot establish 2 years of stable marital relationship and are unable to fulfill the mandate. Also, different forms under 2017 adoption regulations in case of "couple" use words "prospective adoptive father" and "prospective adoptive mother" which shows that there cannot be joint adoption by homosexual couples.

- **Article 21**

Article 21 of the Constitution says that "No person shall be deprived of his life or personal liberty except according to procedure established by law"¹²

Over the years, there have been many interpretations, broad and wide, of Article 21 and it includes, within itself, various subjects, as could be seen in *KS Puttaswamy* case, wherein it was laid down that Article 21 guarantees life and individual liberty, which includes the right to *live with dignity*.¹³ There can be many subjects which are included in the definition of a '*dignified life*'. Families are seen as the building blocks of a society. They form an important part of each individual's life and form the basis for that individual's social interaction and integration. It is with and for a family and the children that a person has a sense of meaning and purpose in life. And these families, and children form a

¹¹ The Juvenile Justice (Care and Protection of Children) Act, 2015, § 68, The Gazette of India, pt. II sec. 1 (December 31, 2015)

¹² India Const. art. 21

¹³ *K S Puttaswamy v. Union of India*, (2019) 1 SCC 1

part of their dignity. Which makes children and family important constituents in a man's life. Hence, having a family and children can undeniably be seen as a part of a person's Right to a dignified life as guaranteed by Article 21 of the Constitution. And it is the duty of the state to protect this right, ensured to each individual, in a non-discriminatory manner.

Taking step in this direction, In the landmark judgment of *Shabnam Hashmi v. Union of India & Ors.* the Supreme Court ruled that any person can adopt a child irrespective of its religion under the Juvenile Justice (Care and protection of children) Act 2000 even if their personal law does not permit it. The apex court, however, turned down the plea for declaring the right of a child to be adopted and right of a parent to adopt as a fundamental right under the Constitution saying that such order cannot be passed at this stage in view of conflicting practices and beliefs. Although the Supreme Court realized that it is a fair need to grant the right to adopt a fundamental right because it is a matter of right to life to a childless couple and parentless child, it could not make a move in this direction stating that such order cannot be passed at this stage in view of conflicting practices and beliefs.¹⁴ While also stating that in our country the legislation has the power to make the law and the parliament has a constitutional obligation of Article 44.¹⁵

CLEARING THE PATH FOR CHANGE

If practicality is to be observed, it is evident that there are various social and legal impediments and obstacles in the path of the LGBTQ+ community being given their deserved adoption rights. There are various laws and regulations which, although give the adoption rights to individuals, but deny the right of adoption to LGBTQ couples. Along with the law of the land, what also serves as an obstacle is the society

¹⁴ *Shabnam Hashmi v. Union of India*, AIR 2014 SC 1281

¹⁵ India Const. art 44

and societal perspectives, where the LGBTQ+ community is shunned and seen as a taboo.

- **The Need for Social Change**

Society evolves with time. And with the progression of time, the social perspective and ideas need to evolve and progress so as to adapt to the changes taking place in the society and these ideas and beliefs to conform to the needs and beliefs of the society prevailing at that time. People need to change their beliefs. The concept of 'family' should move beyond 'a mother and a father'. Family units are evolving beyond the conventional norms of heterosexual marriages. This was acknowledged by the Supreme Court in *Deepika Singh v. Central Administrative Services*, (2022) where it observed that "familial relationships may take the form of domestic, unmarried partnerships or queer relationships" and that these atypical manifestations of familial units are equally deserving of protection and benefits under the law.¹⁶

The major claim made in opposition to adoption rights is that a kid needs both a male and a female to be raised properly. Because they are the offspring of a man and a woman, children have a claim to both a mother and a father, according to this idea. This point of view forbids adoptions from single parents as well as adoptions from same-sex couples. Incoherence results from a rigorous adherence to this principle. Should a single mother, for example, be forced into marriage? Should divorce be avoided since the kid would be living apart from at least one of the parents? When one or both parents die, it has been observed that children are frequently raised by their aunts, uncles, or charitable groups. This is something that needs to be pondered upon. Hence, it doesn't matter who instills values and morals; what counts in an upbringing is the values and morals themselves. The possibility that prospective adoptive parents would provide the kid a loving home

¹⁶ *Deepika Singh v. Central Administrative Tribunal*, C.A. No 5308/2022

should be used to evaluate them. Not someone's sexual orientation, yet this is the main factor.¹⁷

- **Legal Reform**

One of the ways through which this social change can be enforced, which is also the need of the hour, is through legal changes and reforms. It is important to note here that all the adoption laws existing today and in practice were formed at a time when homosexuality was criminalized. It was only in 2018 with Navtej Singh Johar judgment that homosexuality was decriminalized. And hence, the laws framed before, i.e the Hindu Adoptions and Maintenance Act, Juvenile Justice Act and the CARA Guidelines, didn't take into account homosexuality, which is why there were no provisions regarding homosexual couples and adoption. And on a secondary note, the desire for these legal changes and reforms formed the base for our constitution, which is considered a *living* document. It is considered *organic and breathing* because it was compiled in such a way so as to serve to the needs of the society prevalent at the time and adapt to the developments taking place in the society. If a Constitution of such scale can be amended over time to suit and adapt to the needs of the society, so should the statutory laws.

- **What does the Constitution say?**

Adjudicating the Navtej Singh Johar case, Justice Chandrachud stated

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*“Constitutional morality requires that all the citizens need to have a closer look at, understand and imbibe the broad values of the Constitution, which are based on liberty, equality and fraternity.”*¹⁸

With this, in regard to LGBTQ+ community and their rights, the Court

¹⁷ Arushi Dogra, *Why Do Courts Curb Adoption Rights For LGBTQIA+ Couples?* (May 28, 10:22 AM) <https://feminisminindia.com/2022/07/20/why-do-courts-curb-adoption-rights-for-lgbtqia-couples/>

¹⁸ Navtej Singh Johar v. Union of India, AIR 2018 SC 4321

laid heavier focus on Constitutional values while deciding on the matter of civil rights of LGBTQ+ people. But not much work has taken place in this direction. The laws still remain discriminatory and unconstitutional towards the community.

I. Violation of the Article 14

In India, equality means that everyone should have access to all of the country's rights and freedoms. It was in *NALSA v. Union of India* where the Supreme Court held that the word “person” in Article 14 of the Constitution also covers Hijaras/transgenders in it thus they are entitled to equal civil and citizenship rights, as enjoyed by any other citizens of this country.¹⁹ There is no obvious intelligible difference for classifying heterosexual and homosexual couples differently for adoptions, i.e., giving heterosexual couples joint adoption rights but not to homosexual couples, when we check the provision of adoption laws from the test of reasonable classification. Furthermore, it is not immediately clear what the state hopes to accomplish with this designation. One may argue that this categorization was appropriate before to 2018 because homosexuality was a crime. Such a defence, however, is now inapplicable in the current situation. Therefore, there are no arguments in favour of excluding the LGBTQ community, and doing so would go against the constitutional tenet of the right to equality stated in Article 14²⁰. Therefore, LGBTQ couples and individuals should be granted equal adoption rights.²¹

II. Violation of the Article 15

“The State shall not discriminate against any citizen on grounds only of

¹⁹ *NALSA v. Union of India*, AIR 2014 SC 1863

²⁰ India Const. art 14

²¹ Gaurav Balpande, *A Case for Adoption Rights for LGBTQ Community in India*,

4 INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES 1167 (2021).

religion, race, caste, sex, place of birth or any of them".²²

- **Article 15**

In the ruling in the case of National Legal Services Authority v. Union of India, the Court held that the word "sex" did not only refer to biological attributes (such as chromosomes, genitalia and secondary sexual characteristics) but also includes "gender" (based on one's self-perception). Thus, the Court held that discrimination on the ground of "sex" included discrimination on the basis of gender identity. The Court also upheld the right of all persons to self-identify their gender. Further, it declared that *hijras* and eunuchs can legally identify as "*third gender*". Article 15 forbids discrimination on the basis of "sex" which includes discrimination on the basis of sexual orientation. As a result, Article 15 protects the adoption rights of same-sex couples since they cannot be subjected to discrimination based on their sexual orientation and must be given the same opportunities for adoption as heterosexual couples.²³

• **Child's Best Interest**

Recognizing the importance of family UNICEF states that "For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care which should be used only as a last resort and as a temporary measure".²⁴

According to the Borgen Project, there are more than 30 million orphan children in India.²⁵ There are an enormous number of children that

²² India Const. art 15.

²³ Shubhangi Singh, *Adoption by Same-Sex Couples in India: A Right Long Overdue*; INDIAN REVIEW OF ADVANCED LEGAL RESEARCH (Jan. 13, 2021) <https://www.iralr.in/post/adoption-by-same-sex-couples-in-india-a-right-long-overdue>.

²⁴ Elizabeth Burleson, "International Human Rights Law, Co-parent Adoption, and the Recognition of Gay and Lesbian Families", 55 Loy. L. Rev. 791 (2009) <https://core.ac.uk/download/pdf/46714073.pdf> (last visited November 13, 2020).

²⁵ David Keenan, *The Situation of Orphans in India*, THE BORGAN PROJECT (May 28,

need to be adopted and deserve to live a happy life. The majority of orphanages provide abysmally inadequate service in the orphanage. By denying the Right to Adoption to the LGBTQ community, we do not just deny the right to the LGBTQ community, but also deny the right to the orphan children, the right to have a dignified and respectable life and care under Article 21.

In the context of adoption, the United Nations Convention on the Rights of the Child, 1989 requires the best interest of the child to be the primary consideration. The JJ Act defines the “*best interest of the child*” to mean the basis for any decision concerning children to ensure their “*basic rights and needs, identity, social well-being and physical, emotional and intellectual development.*”²⁶ The Adoption Regulations stipulate that the “child’s best interests shall be of paramount consideration while processing any adoption placement.” Indian courts have applied the principle of “*the welfare of the child*” in the context of adoption, custody, and guardianship cases and arrived at decisions on a case-to-case basis.²⁷ Nowhere in mentioning the ‘best interest of the child’ has it been mentioned that the gender of the parents would act as an obstacle. If two parents of the same sex can provide for a child the best of treatment, facilities and well-being, mere sexual orientation or marital status cannot be the sole basis for the exclusion of same-sex couples from jointly adopting as long as they meet the suitability criteria and can ensure the best interest of the child. Excluding members of the LGBTQ community from adoption rights will deprive children of possible adoptive parents, hence this cannot be justified on the grounds that it is in the child's best

2023, 6:34 PM), <https://borgenproject.org/orphans-in-india/#:~:text=India%20has%20the%20second%20largest,portion%20of%20the%20youth%20population.>

²⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, § 2(9), The Gazette of India, pt. II sec. 1 (December 31, 2015).

²⁷ Swagata Raha, *Why LGBTQIA+ couples should be allowed to adopt* (May 29, 2:33 PM), [https://indianexpress.com/article/opinion/columns/why-lgbtqia-couples-should-be-allowed-to-adopt-8565664/.](https://indianexpress.com/article/opinion/columns/why-lgbtqia-couples-should-be-allowed-to-adopt-8565664/)

interest

THE GLOBAL SCENARIO

Today the Global campaign for securing Adoption Rights to LGBTQ+ people have made significant progress. But still there are only a few countries which give adoption rights to LGBTQ+ people. Overall scenario in the whole world is that there are not many countries which recognizes Adoption Rights of the LGBTQ+ people. Today it is illegal for same sex couples to adopt children in 54 countries and 2 countries require marriage first.²⁸ Still homosexual relation is a crime in most of the countries in the world. There are 64 countries that have laws that criminalize homosexuality and nearly half of them are in Africa.²⁹

Netherlands became the first country in the world to give Adoption Rights to same sex couple in 2001. The Lower Chamber of the Dutch Parliament voted 109 in favour on the same-sex marriage, with 33 against on September 12, 2000. On December 19, the Higher Chamber votes 'yes' on the bill. Queen Beatrix ratified the law on December 21st and it went into effect on April 1, 2001. Same sex adoption was legalized alongside same- sex marriage in 2001. *“The rules for adoption in the Netherlands are the same for all couples, whether same-sex or different-sex and regardless of whether or not they are married.”* In England with the passage of The Adoption and Children Act 2002 the LGBTQ adopters were given same legal rights as heterosexual parents. Belgium and Iceland also gave Adoption Rights to same sex couples in 2006. Norway gave the adoption rights in 2009. Denmark which decriminalized homosexuality in 1933 gave Adoption Rights in 2010. Argentina also gave right to adopt to same sex couples in 2010. With this Argentina became first country in Latin America to legalize same sex marriage and grant adoption rights to same-sex couples.

²⁸EQUALDEX, <https://www.equaldex.com/issue/adoption> (last visited May 29, 2023)

²⁹BBC News, *Homosexuality: The countries where it is illegal to be a gay* (May 29, 3:45 PM), <https://www.bbc.com/news/world-43822234>.

Luxembourg granted the adoption rights in to the same-sex couples in the year 2015. The adoption rights for same-sex couples have been recognized in United States of America since 26 June, 2015. United States Supreme Court on 26 June, 2015 in the case of *Obergefell v. Hodges*³⁰ declared the same-sex marriage as a fundamental right protected under the 14th Amendment. 14th Amendment guarantees citizenship and equal rights of law to everyone. This landmark ruling effectively legalized same-sex marriage in all 50 states, and as a result, adoption rights were extended to same-sex couples across the country. Recently Cuba recognized the rights of LGBT in 2022. Following the Cuban Family Code referendum legal recognition was given to the LGBT right to marriage, same sex adoption and non-commercial surrogacy. In Asia Taiwan is the most recent place which granted this right. On May 16 2023 Taiwan legislature passed a bill that granted same sex couples the right to jointly adopt a child.

However, while at one end there does seem to be a bit of progress made in the fight for right, at the same time, there are countries, particularly in Asia where it seems little progress has been made. China's LGBTQ+ population faces societal and legal obstacles that non-LGBT citizens do not. In addition to being ineligible for the same protections as heterosexual couples' families, same-sex couples are still not permitted to wed or have children. The government's attitude towards LGBT rights might be characterized as unstable, with neither support nor opposition. The adoption of a child from China by heterosexual couples is required by the Chinese government. Chinese authorities forbid homosexuals and overseas same-sex couples from adopting Chinese children.

In South Korea, neither the Constitution nor the Civil Penal Code specifically mentions homosexuality. LGBT community is barred from

³⁰ *Obergefell v. Hodges*, (576 U.S. 644)

serving in the defense forces, despite the fact that the Highest Court recently decriminalized sodomy in the military. While same-sex sexual activity between men and women is legal in South Korea, same-sex partners cannot marry or enter into other types of legal partnership. Hence, same sex couples in South Korea are prohibited to adopt children.

In Afghanistan, any mention of homosexuality or phrases associated with it is frowned upon as a taboo. As a result, same-sex unions and child adoption are not possible.

CONCLUSION

It is imperative that the LGBTQ community's adoption rights be explored since doing so will help to level the playing field for gay couples. One of the most prevalent diseases in the world today is homophobia, which requires long-term treatment. Anywhere it is found, it should be fixed. Legalizing gay adoption would not only help combat bigotry but also grant homosexual individuals the same privileges that a heterosexual couple has. In terms of socioeconomic, political, and cultural rights, members of the LGBTQ+ community are also citizens of India. Every person is treated equally regardless of sexual orientation, gender, or other criteria in our secular, democratic, and republican society. The consensual sexual activity of same-sex couples was decriminalised in the *Navtej Singh Johar v. Union of India* case. By repealing the harsh Section 377 of the Indian Penal Code, 1860, it equalizes LGBTQ+ couples with heterosexual couples. And more steps and legal changes need to be taken to ensure this equality. Giving the LGBTQIA+ community adoption rights will go a long way towards giving abandoned children a home and family and creating a sense of equality among homosexual couples. They will have the same parental privileges as any heterosexual couple thanks to the adoption rights. We should embrace the idea of two fathers or two moms as well since the concept

of a family with only mother and father is something which needs to be reviewed.