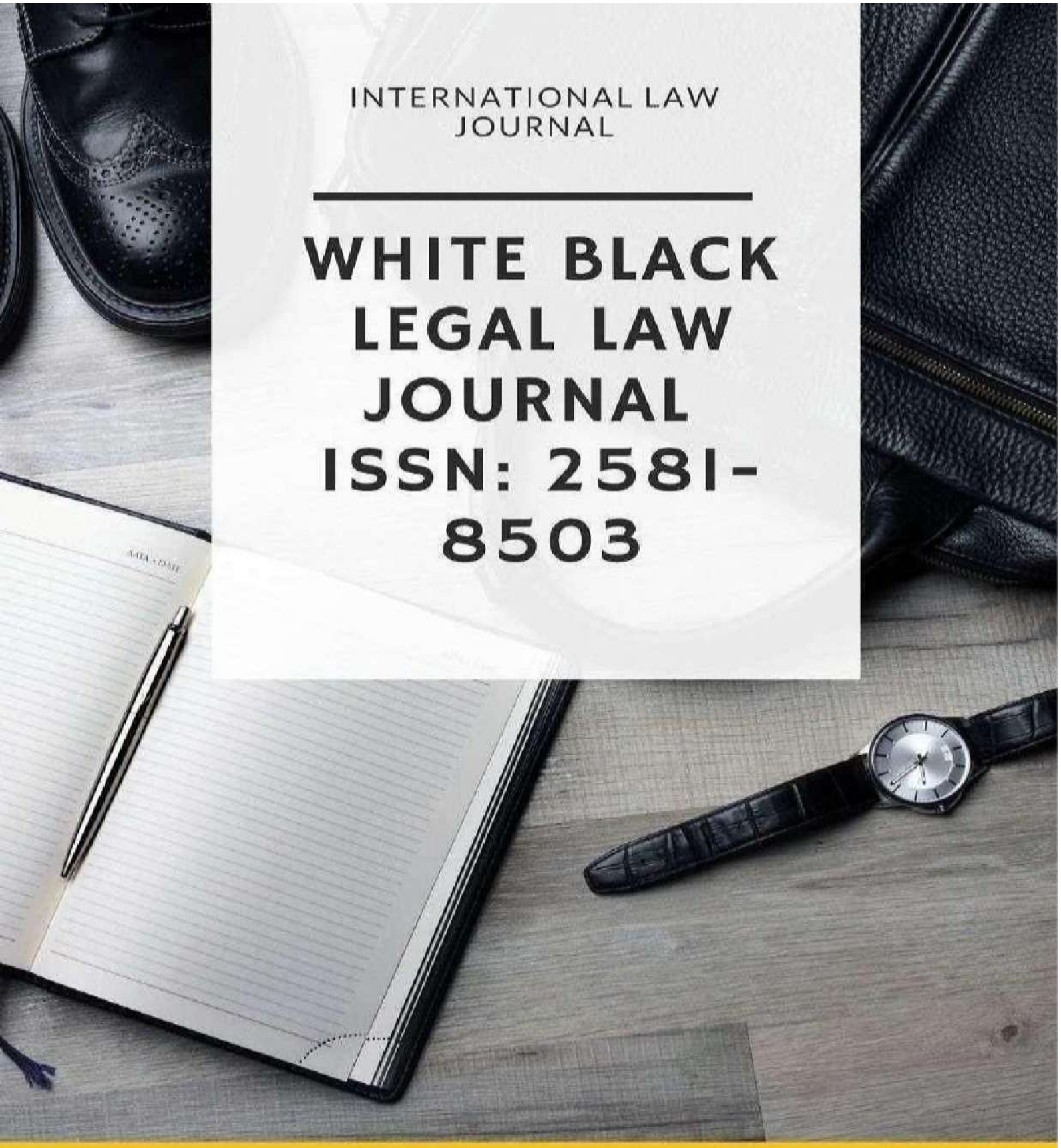

INTERNATIONAL LAW JOURNAL

# WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

## Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

## DISCLAIMER

# EDITORIAL TEAM

## Raju Narayana Swamy (IAS ) Indian Administrative Service officer

Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a professional diploma in Public Procurement from the World Bank.

## Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.

# Senior Editor

## Dr. Neha Mishra

Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

## Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.

## Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

## Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

## Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM
Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.
More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.

## Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

# *ABOUT US*

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# ADOPTION BY SINGLE WOMEN IN INDIA: ISSUES AND CHALLENGES

AUTHORED BY - DR. ZIGISHA PUJARI
Associate Professor
Faculty of Law, The ICFAI University, Tripura

## ABSTRACT

Motherhood is a feeling and emotion which does not depend upon any gender and marital status. Gone are those days when it was believed that the prime objective of marriage is procreation and marriage is a requisite to be a mother. With the advancement of time social needs get change and along with that culture and tradition. It is beyond doubt that the institution of marriage holds a significant position but at the same time the concept of living in relationship, gay marriage, surrogacy, single parenthood etc have been accepted by the society gradually. Looking into this trend marriage is not the only get way to embrace motherhood rather adoption has become popular and an accepted mode and more particularly by the single woman but the issues and challenges cannot be ignored. The present paper deals with the legal framework, procedure, social norms and primarily the hurdles encounter by single woman in adoption.

**KEY WORDS:** ADOPTION, CHALLENGES, SINGLE WOMAN, LEGAL FRAMEWORK, MOTHERHOOD

## 1. Introduction

**"GOD could not be everywhere, and therefore he made mother"**

**Rudyard Kipling**

This line connotes the significance of mother and motherhood and how the lap of the mother is a protective shield for the child. If having a mother is a blessing than to be a mother is more blessed. Conventionally marriage is a prerequisite to be a mother and generally it is not expected that without marriage one could be a mother. Though our mythology speaks loud about powerful and pious character who are unwedded mother. Kunti who is considered as one among the Sati, blessed with motherhood before her marriage to Pandu. Despite abandoning

the child, she has been glorified as a strong mother. Sakuntala another character, symbolises a determined mother who raised her son Bharat to a great warrior and from whom the name of our country Bharata has been originated. Whether it is Kunti[1] or Sakuntala[2], both represent single motherhood in a much dignified way. India being a country of great heritage and culture emphasizes on the concept of 'marriage' and 'procreation' as one of its objective.But in the recent past some new trends have been developed, i.e. some do not want to get married but want to have child and some want to get married but do not want biological child and the third genders, despite social restriction want to have family. In all these cases, the path being adopted is the process of 'adoption'. In recent past another trend has also been developed that adoption by single woman though has its own issues and challenges. The former Miss Universe and Bollywood actress Sushmita Sen's[3] adoption sets an example and shows the path to single and independent woman to be a mother by adoption without entering into marriage.

Adoption serves as a vital pathway to motherhood for many single women in India, enabling them to experience the emotional and social fulfilment of parenting while simultaneously offering a loving and secure environment to abandoned, orphaned, or surrendered children. In recent years, societal attitudes have begun to shift, and legal frameworks have evolved to be more inclusive of diverse family structures. Nonetheless, single women who wish to adopt continue to encounter numerous obstacles. These range from legal ambiguities in interpretation and implementation of statutory provisions to procedural delays and the deeply entrenched social stigma associated with non-traditional parenting roles. Despite India's ratification of international conventions and the existence of progressive domestic laws, systemic barriers often complicate the adoption process for single prospective mothers. This article seeks to critically examine the statutory framework governing adoption in India, with a particular focus on how it applies to single women. It further explores the legal, administrative, and societal challenges they face, and evaluates the extent to which current policies align with constitutional values and the best interests of the child.[4]

[1]Kunti is a prominent figure in the *Mahabharata*, who gave birth to Karna through divine blessing prior to marriage, exemplifying early narratives of single motherhood in Indian mythology.
[2]Shakuntala, from the *Mahabharata* and Kalidasa's*Abhijnanashakuntalam*, raised her son Bharata independently and is seen as a symbol of dignified maternal strength.
[3]Sushmita Sen, Miss Universe 1994, adopted a girl child in 2000 and another in 2010, becoming a role model for single adoptive mothers in India.
[4]See Juvenile Justice (Care and Protection of Children) Act, 2015; UN Convention on the Rights of the Child (UNCRC), 1989.

## 2. Legal Framework

### 2.1 The Concept of Adoption and Indian Constitution

In India, though adoption gets a legal status but dealt differently due to its religious and cultural diversity. Adoption by Hindu, Jain, Sikhs and Buddhists is regulated under the Hindu Adoptions and Maintenance Act, 1956[5]whereas the other communities can adopt under the Juvenile Justice (Care and Protection of Children) Act, 2015[6] which is secular in nature. Adoption despite based on a noble concept of providing a 'family and parental care' to an abandoned child and 'parenthood' to a couple but involves certain issues such as the rights of the adoptive parents and adoptive child, secularism, equality, right to family etc. Art 14[7] of our Constitution speaks about 'equality' but when it comes to 'adoption' religion plays a significant role despite we claim secularism. Any person other than the Hindu (except jain, Buddhist and Sikhs) cannot lawfully adopt under the Personal Laws, they can only go for 'guardianship' under Guardian and Wards Act, 1890[8] which fails to provide the same status that of 'adoption'.

Further Article 21[9] of our Constitution ensures every citizen the right to live with dignity which extends even to children who are deprived of parental care and protection. Through 'adoption' such children not only get shelter but 'education', 'medical facilities' and all those basic necessities which are essential for a dignified life and on the other hand the preference for adoption stands with the 'liberty' aspects ensured under our Constitution. Adoption though enrooted in our ancient culture and heritage and legally recognized but has its challenges as it includes social, legal, psychological and most pertinently inheritance and succession matter.

Apart from the Fundamental Rights, even the Directive Principles of State Policy under Article 39 (e) and 39 (f)[10]urges the State to take necessary measures to stop child's abuse and raise them in a healthy manner. In this regard, adoption meets the objectives of both the articles.

Therefore, it can be clearly said that 'adoption' is not only a social need but it is also reflected under our constitution and both man and woman can go for adoption despite their marital status.

[5]Hindu Adoptions and Maintenance Act, 1956, Sections 6–11.
[6]Juvenile Justice (Care and Protection of Children) Act, 2015.
[7]Indian Constitution, Article 14 – Right to Equality before the law
[8]Guardians and Wards Act, 1890, Sections 7–12
[9]Indian Constitution, Article 21 – Protection of life and personal liberty.
[10]Indian Constitution, Article 39(e) & (f) – Directive Principles relating to child protection and development.

### 2.2 The Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 (commonly referred to as the JJ Act) serves as the cornerstone of the legal framework governing adoption in India. One of the most progressive features of this legislation is its inclusivity. Section 57[11] of the Act stipulates that any person, irrespective of marital status, who is physically fit, mentally sound, and financially capable, and who does not have any convictions for child abuse or other moral turpitude, is eligible to adopt a child. This provision marks a significant departure from earlier restrictive practices and explicitly provides legal sanction for single women to adopt. The JJ Act thus represents a shift toward recognizing individual autonomy and the best interests of the child over traditional family constructs. It also harmonizes adoption practices with international standards such as the United Nations Convention on the Rights of the Child (UNCRC),[12] which emphasizes a child's right to a family.

### 2.2 Central Adoption Resource Authority (CARA) Guidelines

The Central Adoption Resource Authority (CARA)[13], operating under the Ministry of Women and Child Development, is the statutory body responsible for monitoring and regulating all in-country and inter-country adoptions in India. CARA ensures that adoption procedures are ethical, transparent, and consistent with the law. The *Adoption Regulations, 2022*[14], issued by CARA, provide detailed procedural guidance for prospective adoptive parents, including single women. According to these regulations, single women are eligible to adopt children of either gender, which eliminates earlier gender-based restrictions that posed additional barriers. However, certain conditions apply: the adoptive mother must be at least 25 years old and must maintain an age difference of at least 25 years between herself and the child. Furthermore, she must furnish proof of emotional maturity, financial stability, and a supportive family or social environment conducive to child-rearing. CARA's role extends beyond regulation to include matching children with adoptive parents via its online platform, ensuring non-discriminatory and efficient allocation while maintaining the best interests of the child as paramount[15].

[11]Juvenile Justice Act, Section 57 – Eligibility criteria for prospective adoptive parents.
[12]United Nations Convention on the Rights of the Child, 1989 – Article 20: Right of a child to family care or alternative care.
[13] Central Adoption Resource Authority (CARA), Ministry of Women and Child Development, Government of India.
[14]CARA Adoption Regulations, 2022.
[15] Ibid.; See also, CARA online portal: https://cara.nic.in

### 2.3 Personal Laws and the Secular Framework under the JJ Act

Personal laws in India have historically influenced adoption rights differently across religious communities. The Hindu Adoption and Maintenance Act, 1956 (HAMA),[16] permits adoption among Hindus, including single women. However, it contains gendered restrictions—such as allowing a single woman to adopt only a child of the opposite sex if she already has a child—thus limiting her reproductive and parental autonomy. For other religious communities such as Muslims, Christians, and Parsis, traditional personal laws do not recognize adoption in the legal sense. Instead, these communities have typically relied on the Guardians and Wards Act, 1890,[17] which only confers guardianship rather than full legal parenthood, and is revocable upon the ward reaching the age of majority. The JJ Act,[18] being secular in nature and applicable to all Indian citizens regardless of religion, offers a uniform legal mechanism for adoption that overrides the limitations posed by personal laws. In doing so, it provides an inclusive and rights-based legal framework through which single women of all religious backgrounds can pursue adoption with legal certainty and enforceability.

## 3. Challenges Faced by Single Women

### 3.1 Legal Ambiguity and Overlap

Despite the clear secular framework provided by the Juvenile Justice (Care and Protection of Children) Act, 2015, legal ambiguities persist due to the concurrent existence of personal laws, particularly the Hindu Adoption and Maintenance Act, 1956 (HAMA). For Hindu women, the option to adopt under either HAMA or the JJ Act often creates confusion. While HAMA is a self-contained code allowing intra-faith adoption, its gender-specific provisions—such as restrictions on adopting a child of the same sex if the adoptive parent already has one—may conflict with the more progressive approach under the JJ Act. This overlap results in inconsistent interpretations by courts and administrative bodies, with some authorities applying personal law norms even when adoption is pursued under the secular JJ Act. The lack of a unified family law regime continues to hamper clarity and uniformity in adoption procedures for single women.[19]

[16] Hindu Adoption and Maintenance Act, 1956, Sections 6–11.
[17] Guardians and Wards Act, 1890, Sections 7–12.
[18] Juvenile Justice (Care and Protection of Children) Act, 2015, Section 57 and related provisions.
[19] Law Commission of India, 250th Report on Reforms in Family Law (2015).

### 3.2 Procedural Delays

The adoption process in India is heavily bureaucratic, involving multiple stages of verification, matching, and approval. CARA's centralized digital platform[20] has improved transparency, but its procedural rigidity often results in significant delays. Single women, in particular, experience extended waiting periods due to heightened scrutiny during the home study report (HSR) and psychological assessment stages. These procedures, although aimed at ensuring child welfare, are frequently marred by implicit biases that question the ability of single women to provide adequate parenting. Moreover, systemic inefficiencies and a shortage of trained social workers contribute to prolonged evaluation and matching times, frustrating the adoption journey for single applicants.[21]

### 3.3 Societal Stigma

Patriarchal social norms continue to influence perceptions of motherhood and family in India. Single women who choose to adopt are often met with scepticism, if not outright resistance, from extended families, communities, and even adoption professionals. The notion that a child requires both a male and female parent for holistic development perpetuates discriminatory practices, despite no legal mandate supporting such a view. Subtle forms of prejudice—such as preference being given to heterosexual couples or questioning the moral character of a single adoptive mother—still pervade adoption agencies and judicial proceedings.[22] These biases undermine the constitutional principles of equality and dignity for women.[23]

### 3.4 Financial and Emotional Evaluation Bias

Adoption agencies and child welfare committees frequently apply more stringent standards when evaluating single women applicants compared to couples. Single women are expected to demonstrate not just financial solvency, but surplus financial strength to compensate for the absence of a co-parent. Similarly, emotional preparedness is often subjectively assessed through psychological evaluations that may reflect societal stereotypes rather than objective criteria. These heightened expectations can lead to delays or outright rejection of applications, discouraging capable women from pursuing adoption. The unequal application of assessment criteria violates the spirit of gender equality enshrined in Article 15 of the Constitution.[24]

[20] Central Adoption Resource Authority (CARA) – https://cara.nic.in.
[21] CARA Annual Report, 2021–22.
[22] Ministry of Women and Child Development, Gender Audit Report, 2020.
[23] Indian Constitution, Article 14 – Equality before law and equal protection of the laws.
[24] Indian Constitution, Article 15 – Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

### 3.5 Post-Adoption Challenges

Even after successful adoption, single mothers face a host of practical and legal difficulties. Raising a child alone often comes with limited familial or institutional support, especially in contexts where the extended family disapproves of the adoption. Workplace discrimination, inadequate maternity benefits, and the lack of state-sponsored child care facilities further compound the challenges. Legal hurdles also arise in areas such as succession,[25] where the law may not always recognize adopted children equally under all personal laws, or in guardianship,[26] where societal assumptions may question the woman's sole decision-making authority. Naming the child, enrolling them in schools, and securing identity documents can also present difficulties due to outdated norms in administrative systems that expect dual-parent households.[27]

## 4. Judicial Trends and Progressive Interpretations

The Indian judiciary has played a transformative role in reinforcing the legal and constitutional rights of single women to adopt, especially in a socio-legal context where traditional family norms continue to exert considerable influence. Through a series of progressive decisions, courts have not only upheld the statutory validity of adoption by single women under the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), but have also advanced a broader vision of gender equality and child welfare.

### 4.1 Shabnam Hashmi v. Union of India (2014)[28]

In this landmark case, the petitioner—an activist seeking to adopt—challenged the denial of her right to adopt under Muslim personal law. The Supreme Court, however, clearly held that the JJ Act provides a secular and statutory mechanism for adoption, available to all Indian citizens regardless of their religion or personal law. The Court emphasized that **personal laws cannot obstruct the enforceability of rights guaranteed under a secular statute**. This judgment affirmed that adoption is not merely a statutory privilege but is intrinsically linked to the **right to life and dignity under Article 21**, and to equality under Articles 14 and 15 of the Constitution. It was a significant victory for single women, particularly from minority communities, who had previously been excluded from full legal parenthood under personal

[25] Indian Succession Act, 1925, and personal law provisions on inheritance.
[26] Guardians and Wards Act, 1890.
[27] National Commission for Protection of Child Rights (NCPCR), Report on Child Identity Access, 2020.
[28] *Shabnam Hashmi v. Union of India*, (2014) 4 SCC 1: AIR 2014 SC 1281.

laws like the Guardians and Wards Act, 1890.

### 4.2 Emphasis on the "Best Interest of the Child" Principle[29]

In subsequent rulings, High Courts across the country have consistently underscored the **best interest of the child** as the overriding consideration in adoption cases. In *Philomena v. Union of India* (Kerala High Court, 2018),[30] a single woman's adoption application was delayed due to questions over her marital status. The Court criticized the discriminatory approach taken by the authorities and reiterated that the **child's need for a stable, loving environment outweighs rigid adherence to traditional family structures**.

Similarly, in *Jane Namrata D'Souza v. State of Maharashtra* (Bombay High Court, 2021),[31] the court rebuked an adoption agency for subjecting a single woman to excessive psychological scrutiny and financial vetting, noting that such requirements were not similarly imposed on married couples. The Court observed that **a single parent, if emotionally and financially stable, can be equally competent in fulfilling parental duties**, and that gender-neutral, non-discriminatory application of law is essential in adoption processes.

### 4.3 Shifting Judicial Philosophy Toward Inclusive Parenthood

Courts have increasingly embraced a **progressive and inclusive definition of family**, distancing themselves from the heteronormative and patriarchal constructs traditionally associated with child-rearing. This trend aligns with the evolving global understanding of family rights and the recommendations of international bodies like the **UN Committee on the Rights of the Child**, which advocates for **diverse family settings** as long as the child's welfare is secured.

In *Supriya Chakraborty v. Union of India* (2023),[32] although primarily a case on same-sex

[29] The "Best Interest of the Child" principle is a fundamental standard in child welfare law, enshrined in Article 3(1) of the United Nations Convention on the Rights of the Child (UNCRC), 1989, which states: *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."* Indian courts, including in *Laxmi Kant Pandey v. Union of India*, AIR 1984 SC 469, and *Philomena v. Union of India*, Kerala HC, 2018, have consistently applied this principle to ensure child protection and welfare in adoption and custody matters.

[30] *Philomena v. Union of India*, W.P. (C) No. 28096 of 2017, decided on 25 April 2018 (Kerala High Court).

[31] *Jane Namrata D'Souza v. State of Maharashtra*, W.P. (L) No. 12574 of 2021, decided on 14 October 2021 (Bombay High Court).

[32] *Supriyo @ Supriya Chakraborty &Anr. v. Union of India*, W.P. (C) 1011/2022, decided on 17 October 2023 (Supreme Court of India)

relationships and marriage rights, the Supreme Court's language on **inclusive family structures and parental rights** was notably progressive. The judgment, while not directly about adoption by single women, highlighted the judiciary's growing willingness to recognize and legitimize non-traditional parenting arrangements—thereby strengthening the normative framework that supports single women's adoption rights.

### 4.4 Role of Judicial Directives and Mandamus Writs

In cases where adoption agencies have acted arbitrarily or unjustly denied single women the opportunity to adopt, courts have exercised their constitutional powers under **Article 226** (writ jurisdiction of High Courts)[33] to issue mandamus[34] writs directing the agencies to process applications fairly and expeditiously. These judicial interventions serve as important precedents and act as a check on administrative excesses, ensuring that personal biases do not undermine statutory entitlements.

Overall, Indian courts have demonstrated increasing sensitivity and constitutional commitment in reinforcing the right of single women to adopt. By rejecting outdated social biases and affirming the supremacy of the JJ Act,[35] the judiciary has paved the way for a more inclusive and rights-based approach to adoption. These judicial trends not only enhance access to legal parenthood for single women but also advance the larger goals of gender justice, child welfare, and secular governance in India.

## 5. Recommendations

Addressing the systemic and structural barriers that single women face in the adoption process requires a multi-pronged approach encompassing legal reform, administrative efficiency, and cultural change. The following recommendations aim to create a more inclusive, equitable, and child-centric adoption framework in India:

**• Harmonization of Laws**

One of the foremost challenges in the current legal landscape is the coexistence of the Juvenile Justice Act and personal laws such as HAMA, which often leads to confusion and inconsistent application. To resolve this, a clear directive from the legislature or judiciary should affirm the

[33] Indian Constitution, Article 226 – Power of High Courts to issue writs.
[34] Writ of mandamus – judicial remedy commanding a public authority to perform a statutory duty.
[35] Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016.

primacy of the JJ Act in all matters of adoption, regardless of the religious background of the adoptive parent. This would establish a uniform, secular legal standard and eliminate the disparities caused by personal law-based restrictions, particularly those affecting Hindu single women.

**• Sensitization of Authorities**

Gender biases—both implicit and explicit—within the adoption system must be addressed through structured training programs. Adoption agency personnel, members of Child Welfare Committees (CWCs), and judicial officers involved in adoption cases should undergo regular sensitization workshops focused on gender equality, the rights of single women, and the evolving concept of family. Such programs should be made mandatory and include modules on eliminating patriarchal assumptions and reinforcing child welfare as the central criterion in adoption decisions.

**• Policy Reforms**

Administrative reforms are crucial for reducing procedural inefficiencies that disproportionately affect single women. The documentation and evaluation process should be streamlined through digitalization and standardized checklists. Fast-tracking adoption applications filed by single women, especially those who meet all eligibility criteria and have undergone pre-adoption counseling, can significantly cut down delays. Additionally, timelines for each stage—from home study to matching—should be enforced more strictly to ensure procedural accountability.

**• Support Mechanisms**

Post-adoption challenges are particularly acute for single mothers, who often lack traditional familial support. The government, in collaboration with civil society organizations, should establish dedicated support systems for single adoptive parents. These may include helplines, counseling services, peer-support networks, and local resource centers offering legal, psychological, and educational assistance. Inclusion of single adoptive mothers in policy-making consultations can further ensure that support structures are responsive to their lived realities.

These recommendations not only aim to improve the legal and administrative landscape but also align with India's constitutional commitment to equality, dignity, and non-discrimination.

Creating a truly inclusive adoption ecosystem will empower more single women to embrace motherhood while ensuring that every child has access to a safe, nurturing family environment.

## 6. Conclusion

Adoption by single women in India marks a transformative shift in both legal recognition and societal perception of family and motherhood. It reflects an evolving narrative that affirms women's autonomy and the principle that parenting is not confined to traditional marital constructs. While the Juvenile Justice (Care and Protection of Children) Act, 2015, has laid a progressive legal foundation by enabling single women to adopt, the lived realities of navigating the adoption process remain fraught with complexity. Legal ambiguities, procedural delays, and ingrained social prejudices continue to hinder the full realization of this right.

To foster a truly inclusive and child-centric adoption system, it is imperative that legislative clarity, administrative efficiency, and cultural change go hand in hand. Harmonizing laws, sensitizing authorities, reforming procedures, and institutionalizing post-adoption support can collectively dismantle the structural barriers faced by single adoptive mothers. Such reforms are not only necessary to uphold constitutional values of equality and dignity but also crucial to ensuring that every child has the opportunity to grow in a secure and nurturing environment, irrespective of the adoptive parent's marital status.

In essence, the journey of adoption for single women is emblematic of broader struggles for gender justice in India. Addressing these challenges through law, policy, and social reform will pave the way for a more compassionate, inclusive, and rights-based approach to family and child welfare.

**References:**

1. Bajpai, A. (2003). *Child Rights in India: Law, Policy, and Practice*. Oxford University Press.
2. Diwan, P. (2012). *Law of Adoption, Minority, Guardianship and Custody*. Allahabad Law Agency.
3. Ghosh, S. (2015). *Adoption in India: Policies and Experiences*. Springer.
4. Choudhury, T. & Herring, J. (2010). *Adoption and the Law in India and the UK: A Comparative Analysis*. *International Journal of Law, Policy and the Family*, 24(1), 1–23. https://doi.org/10.1093/lawfam/ebp008

5. Government of India. (2015). *The Juvenile Justice (Care and Protection of Children) Act, 2015*. Ministry of Law and Justice. https://legislative.gov.in
6. Ministry of Women and Child Development. (2022). *Adoption Regulations*. Central Adoption Resource Authority (CARA). https://cara.nic.in
7. Sarkar, S. (2020). Single mothers by choice in India: Legal barriers and societal attitudes. *Indian Journal of Gender Studies*, 27(2), 232–250. https://doi.org/10.1177/0971521520908183
8. Ramesh, M. (2021). *Reimagining Adoption Laws in India: A Gendered Lens*. *Journal of Indian Law and Society*, 12(1), 89–112.
9. Singh, A. (2017). The role of CARA in regulating adoption in India: A critical review. *NALSAR Law Review*, 13, 56–75.
10. Desai, M. (2012). *Rights-Based Child Protection: A Handbook for International Work*. SAGE Publications.
11. Jaising, I. (2018). Gender justice and legal reform: The challenges of single motherhood. *Indian Law Review*, 2(1), 23–41.
12. UNICEF. (2016). *Children in India: Progress and Challenges*. United Nations Children's Fund. https://unicef.in
13. United Nations. (1989). *Convention on the Rights of the Child*. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child
14. Baxi, U. (2008). *The Future of Human Rights* (3rd ed.). Oxford University Press.
15. Menon, N. (2012). *Seeing Like a Feminist*. Zubaan.
16. Kishwar, M. (2004). Adoption: Sacred institutions and statutory reform. *Manushi: A Journal about Women and Society*, 145, 20–27.
17. Anand, U. (2021). Legal recognition of non-traditional families in India: A progressive interpretation. *National Law School Journal*, 14(2), 101–117.
18. Pandey, L. K. (1984). *Laxmi Kant Pandey v. Union of India*, AIR 1984 SC 469. *Supreme Court Cases*.
19. Sharma, B. R. (2020). Gender neutrality and adoption laws in India: A critique. *Law and Society Journal*, 8(2), 90–108.
20. Centre for Social Research. (2019). *Mapping Adoption in India: Practices and Perceptions*. https://csrindia.org