

# RIGHTS OF CHILD

VIS-À-VIS

## LAW, POLICY & ACCESS TO JUSTICE

Editors

Dr. Sourabh UBALE | Ms. Mokshda PERTAUB



“येथे बहुतांचे हित”

**Marathwada Mitra Mandal's  
Shankarrao Chavan Law College, Pune**

( Affiliated to Savitribai Phule Pune University &  
Accredited with 'A' Grade by NAAC )

Jointly Published by



**LEX AQUILA**

TRAINING AND CONSULTING SERVICES LTD.

**Lex Aquila Training &  
Consulting Services Ltd., Mauritius**

May, 2023



Under the Aegis of

**The Maharashtra State Commission  
for Protection of Child Rights**

## INDEX

Sr. No.	Content	Page No.
01	The Trends and Challenges of Child Labour Prevention Laws: Debunking Facilitation cloaked as Protection <i>~ Suhail Khan</i>	1 - 22
02	POCSO Act: A Child Right Revolution <i>~ Likitha Avare &amp; Divya Patil</i>	23 - 44
03	Cyber Crimes and Child Rights in India- A Study <i>~ Rifa Sanbaq</i>	45 - 64
04	The Digital Future of Rights of Children: A Techno- Legal Analysis <i>~ Dr. Mayura Sabne</i>	65 - 76
05	Genital Mutilation: Deforming the Natural Choice of Children by Deception <i>~ Mugdha Satpute &amp; Kaustubh Phansalkar</i>	77 - 96
06	Recognising Adoption and Parenting Rights in India through the Lens of Homosexual Couples: A Legal Analysis <i>~ Dr. Gyanashree Dutta &amp; Dr. Upankar Chutia</i>	97 - 111
07	The Modern-Day Peril of the Underage Addiction <i>~ Yashraj Verma &amp; Aditi Bharti</i>	112 - 126
08	Education of the Specially Abled Children: Exploring the various provisions by the Indian government with a special focus on Inclusive Education <i>~ Pranjal Kakani &amp; Saanvi Sai</i>	127 - 148
09	The Inclusivity and Acceptance of Gender Dysphoric Children– The Role of Society and Law in Creating Awareness to Gender Education <i>~ Dr. Renu Naidu &amp; Pooja Baghel</i>	149 - 168
10	Concept of Juvenile Justice: Development, Administration and Implementation <i>~ Aniruddha Kalyan Katke</i>	169 - 192

**RECOGNISING ADOPTION AND PARENTING RIGHTS IN INDIA  
THROUGH THE LENS OF HOMOSEXUAL COUPLES:  
A LEGAL ANALYSIS**

**Dr. Gyanashree Dutta & Dr. Upankar Chutia**

(Assistant Professors, Alliance School of Law, Alliance University, Bengaluru)

*Today, India has nearly 2.5 million LGBTQ+ in its population. Despite the community's large size and influence, since long it has always been the target of discrimination and societal shame in a developing country like India. The decriminalization of the draconian Section 377 by the Hon'ble Supreme Court in 2018 in the landmark case of Navtej Singh Johar & Ors. v. Union of India, was generally praised as a sign of positivity for the community's future in Indian society. But even after almost half a decade, the community is still fighting for fundamental rights like marriage and adoption. While there are no restrictions on single members of the community adopting children, same-sex couples cannot adopt under the current legal framework. The existing regulations let only one of the two members of a same- sex relationship to adopt as a single parent, but, this deprives the other partner of any parental rights. The government still denies the consenting same sex couples the opportunity to adopt children. Different jurisdictions have passed a variety of legislations to safeguard the rights of those who belong to this community. However, very few nations have passed legislation ensuring the LGBTQ+ community's right to adoption and parenting. People in the LGBTQ+ community still struggle to legally secure parental rights because of*

---