



ADOPTION RIGHTS OF SINGLE HINDU WOMEN: AN EMPIRICAL STUDY ON LEGAL AWARENESS AND SOCIAL PERCEPTIONS

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ABSTRACT

Adoption is an important legal and social institution that helps in improving the welfare of children, along with facilitating individuals to form a parent-child bond. The Hindu Adoptions and Maintenance Act of 1956, the Juvenile Justice (Care and Protection of Children) Act of 2015 and the CARA Guidelines have established the legal rights of single Hindu women to adopt a child. Although there are some progressive laws in place, the implementation of these rights still faces many obstacles due to a lack of legal knowledge, complex procedures, and social perceptions. This empirical study investigates the extent of awareness among single Hindu women regarding their adoption rights and the influence of social perception on these rights. This study is a mixed-methods approach where a structured questionnaire and semi-structured interviews were conducted. Data were obtained from primary sources through twenty selected respondents, consisting of single women, the general public and social workers from Bengaluru, Karnataka. Analysis of data was done using descriptive statistics and thematic analysis. The findings of the study indicated that the awareness of the legal framework governing adoption among single Hindu women is inadequate. The respondents identified procedural delays, extensive documentation, institutional bias and societal preference for traditional two-parent families as major barriers to adoption. The study concludes that legal awareness programs, simpler adoption processes, good institutional practices and proper societal attitudes are necessary to overcome the gulf between the legal rights and practical realities. This will help to effectively realise the adoption rights of unmarried Hindu women while also contributing to gender equality and the welfare of the child.

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INTRODUCTION

Adoption in India is not only a legal issue but also a social issue that is influenced by culture, religion and family values. Even though the Hindu Adoptions and Maintenance Act, 1956,¹ was the early codification law that defined the process by which adoption could be carried out among the Hindu community, other laws like the Juvenile Justice (Care and Protection of Children)² Act have expanded the scope and applicability of adoption processes. More importantly, according to the law, single Hindu women have a right to adopt, thereby acknowledging their legal autonomy as independent persons, capable of making a family and raising a child.³ Nevertheless, the consciousness of these rights by single women of the Hindu faith is still not uniform, and the application of law in practice is frequently hampered by procedural hindrances and social biases.

While legislation has been progressive in this respect, single Hindu women are still questioned and stigmatised when they come forward for adoption. Adoption agencies, community members and even families may raise questions regarding their suitability as single parents, which is often equated to marriage. This gulf between statutory rights and societal perception raises a critical research gap for the empirical exploration of the extent of legal awareness and social attitude effects on adoption decisions.⁴ Exploring these dimensions will not only bring into sharp focus the various barriers that single Hindu women face but also form an input basis for legal reforms, awareness campaigns and policy interventions to ensure that adoption rights are exercised in both letter and spirit.

RELEVANCE OF THE STUDY

This work is relevant because it evaluates the difference between the legal right of single Hindu women to adopt and the social restrictions in its implementation. The study will also be useful

¹ Hindu Adoptions and Maintenance Act, No. 78 of 1956 (India).

² Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (India).

³ R. Ranjan et al., *Single Parent Adoption in India: Mental Health and Legal Perspectives and the Way Forward*, 69 J. Postgraduate Med. 215 (2023).

⁴ Ayushman Mishra, *From Stigma to Acceptance: Status of Single-Parent Adoption in India*, 5 Indian J. Legal Rev. 542 (2025).

in designing policies, legal literacy interventions and social acceptance in such a way that the adoption rights can be properly achieved through the evaluation of awareness and perceptions.

STATEMENT OF RESEARCH PROBLEM

Indian law, in its turn, permits single Hindu women to adopt, yet, in effect, this right is conditioned by limited legal awareness, procedural barriers and negativity towards this social group. This is an important gap between the rights and the reality on the ground. The issue is how much single Hindu women are aware of their rights in terms of adoption and how much influence social attitudes can have on their choices and decisions.

OBJECTIVES OF THE STUDY

1. To examine the level of awareness among single Hindu women regarding their legal right to adopt.
2. To examine the extent of procedural and institutional challenges Hindu women face in the adoption process
3. To examine how societal attitudes and family perceptions influence the adoption choices of single Hindu women.
4. To examine the measures that can improve legal awareness, streamline adoption procedures and promote social acceptance of adoption by single women.

RESEARCH METHODOLOGY

Research Design: Empirical study using a mixed-methods approach (survey + interviews)

Sample Size: 20 respondents (single Hindu women and key stakeholders).

Sampling Method: Purposive and snowball sampling to reach single women and adoption-related stakeholders.

Data Collection Tools: Structured questionnaire (for awareness levels) and semi-structured interviews (for social perceptions and barriers).

Data Analysis: Descriptive statistics for survey data; thematic analysis for qualitative responses.

Ethical Considerations: Informed consent, confidentiality and voluntary participation ensured.

LOCATION OF EMPIRICAL STUDY AND ITS DETAILS

Location Chosen: Bangalore, Karnataka

A metropolitan city with active CARA-recognised adoption agencies, legal aid centres, and women's welfare organisations.

Details of the Empirical Study: The sample size for this study is 20 respondents, which constitutes the general public, single women, and social workers, and the method used for the research is the purposive sampling method. This is a qualitative and perception-oriented research that relies on primary data collection via a structured questionnaire; the questionnaire contains 20 questions. Data were collected using structured questionnaires to assess legal awareness and semi-structured interviews to explore social perceptions and procedural challenges.

LITERATURE REVIEW

Adoption by single Hindu women is legally permitted under the Hindu Adoptions and Maintenance Act, 1956 (HAMA) and the Juvenile Justice (Care and Protection of Children) Act, 2015, with CARA guidelines providing administrative support. Scholars like Chokshi & Deshpande (2023),⁵ Aditi Raikwar (2025)⁶ and Hiren Patel (2019)⁷ note that despite legal recognition, lack of awareness and procedural complexities restrict single women from fully exercising this right. Judicial pronouncements such as *Githa Hariharan v. RBI* (1999) and *ABC v. State* (NCT of Delhi, 2015)⁸ affirm women's independent parental authority. These works highlight the legal foundation but also the gap in practical access.

Empirical studies reveal that single women face institutional and social barriers. The International Journal of Legal Science and Innovation (2019)⁹ reports agency preferences for

⁵ Priyanka Maheshbhai Chokshi & Uday Deshpande, *Analytical Study of Hindu Adoptions and Maintenance Act, 1956 (HAMA)*, 9 Int'l Educ. & Rsch. J. 5 (2023).

⁶ Aditi Raikwar, *A Comparative Study of Adoption under HAMA and the JJ Act: Issues and Emerging Trends*, The Indian Journal for Research in Law & Management, Vol. II, Issue 9 (2025).

⁷ Hiren B. Patel, *Legalities and Challenges of Adoption in India*, International Educ. & Res. J. (IERJ), Vol. 5, No. 10 (2019).

⁸ *ABC v. The State (NCT of Delhi)*, 2015 SCC OnLine SC 609; AIR 2015 SCW 3999 (India).

⁹ International Journal of Legal Science and Innovation, ISSN 2581-9453 (India).

married couples, stricter documentation and prolonged scrutiny of single applicants. Social perception studies by Patel (2019) and Deshpande (2023) show stigma, familial opposition and cultural expectations deter many women from adopting. Thus, legal entitlement alone does not ensure adoption opportunities for single women.

Despite these contributions, there is a lack of integrated research combining legal awareness, procedural experience and social perceptions among single Hindu women. Most existing studies examine either legal frameworks or societal attitudes independently. This gap justifies the present study's mixed-methods approach, assessing awareness, procedural hurdles and social attitudes. Findings can inform legal literacy programs, policy reforms and social acceptance initiatives for single-woman adoption.

THEORETICAL CONTENT OF THE STUDY

The present research is theoretically grounded in the recognition that the effective realisation of legal rights depends not only on statutory recognition but also on legal awareness, institutional accessibility and societal acceptance. Adoption by single Hindu women, though expressly permitted under Indian law through the Hindu Adoptions and Maintenance Act, 1956 (HAMA), supported by the Juvenile Justice (Care and Protection of Children) Act, 2015 and CARA guidelines,¹⁰ continues to face several practical and social constraints.¹¹ Thus, the law's progressive intent often confronts resistance arising from inadequate dissemination of information, bureaucratic inefficiencies and deeply embedded cultural norms.¹² Judicial interpretation has consistently emphasised that statutory entitlements cannot be negated by social or institutional prejudice (*Vineeta Sharma v. Rakesh Sharma*, 2020).¹³

This theoretical framework explores four interconnected dimensions: legal awareness, procedural barriers, societal perceptions and reform measures, each corresponding directly to the objectives of the study. These components collectively determine whether single Hindu women can meaningfully exercise their statutory right to adopt or remain effectively excluded from familial rights through indirect forms of discrimination.

¹⁰ Adoption Regulations, 2022, Cent. Adoption Res. Auth. (India).

¹¹ Raj Pandey, *Analysis of Adoption Process in Hindu Law*, 7 Indian J. L. & Legal Rsch. (2025).

¹² Prerna Deep, *Adoption by Single Women in India*, 1 Int'l J. Legal Sci. & Innovation (2019).

¹³ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 S.C.C. 1 (India).

Legal Awareness among Single Hindu Women: Legal awareness refers to an individual's understanding of their rights, the applicable laws governing them and the procedures required for enforcement. Within socio-legal studies, this concept is captured by the theory of legal consciousness, which explains how people perceive and interact with the law. Legal consciousness is influenced not merely by literacy but also by social beliefs, exposure to rights discourse, community experiences and accessibility of legal institutions.

In India, adoption laws are often perceived as complex and inaccessible, particularly to unmarried women. While HAMA explicitly permits an unmarried Hindu woman to adopt, provided she meets age and eligibility conditions, this provision remains poorly publicised. Most awareness campaigns historically focused on married couples or childless families, excluding the narrative of single-parent adoption.¹⁴ Consequently, many women remain unaware that marriage is not a legal prerequisite for adoption. The Supreme Court, in *Githa Hariharan v. Reserve Bank of India* (1999),¹⁵ recognised the independent legal capacity of women in family matters, reinforcing that unmarried women have full agency to exercise statutory rights.

Patriarchal social norms reinforce the belief that motherhood must be legitimised through marriage, leading women to internalise limitations that are not legally mandated. Even highly educated women may hesitate to pursue adoption under the mistaken assumption that only married couples are eligible. Judicial pronouncements in *Vineeta Sharma v. Rakesh Sharma* (2020) reaffirm that single women are entitled to adopt without discrimination based on marital status, highlighting the law's progressive stance.

The study theorises that:

- Low awareness prevents the initial exercise of legal rights; women cannot claim a right they do not know exists.
- Legal ignorance sustains dependency on social opinion rather than legal entitlement.
- Absence of targeted awareness programs directly correlates with minimal adoption initiatives by single women.

¹⁴ Piyush Gupta & Payal Gupta, *Single Parent Adoption: An Indian Perspective*, 60 *Indian Pediatrics* 939 (2023).

¹⁵ *Githa Hariharan v. Reserve Bank of India*, (1999) 2 S.C.C. 228 (India).

Thus, legal awareness functions as the first gateway to rights realisation, without which legal empowerment remains symbolic rather than substantive.

Procedural and Institutional Barriers: Even when awareness exists, the adoption process involves a detailed administrative framework, including CARA registration, documentation, home studies, child referral systems and judicial approvals. While these procedures aim to ensure child welfare, they can become sites of institutional bias and administrative inequity.

The theory of institutional discrimination explains that unequal treatment can emerge within formally neutral systems. Adoption authorities may not overtly discriminate, but single women applicants often face heightened scrutiny compared to married couples. This manifests in excessive documentation, intrusive home assessments, doubts regarding financial stability, questions about emotional capacity and delays in child allotment. Courts have repeatedly observed such biases, as in *Shabnam Hashmi v. Union of India* (2000),¹⁶ where administrative discretion in adoption processes was challenged, emphasising the need for equitable treatment of single women.

Marriage often operates as an informal marker of stability, while single women must "prove" their suitability beyond statutory requirements. Procedural inefficiencies such as lack of coordination between courts and adoption agencies, bureaucratic delays and limited grievance redress mechanisms further compound the difficulties.¹⁷

The study is theoretically based on the premise that:

- Administrative structures frequently reproduce social biases.
- Neutral laws may be undermined by subjective institutional practices.
- Procedural hurdles function as de facto exclusions, discouraging applicants before formal rejection.

Thus, institutional processes constitute a second barrier, operating after awareness but before adoption completion.

Societal Attitudes and Social Perceptions: Societal attitudes toward adoption by single women are shaped by cultural traditions, religious norms and patriarchal family values. Indian

¹⁶ *Shabnam Hashmi v. Union of India*, (2014) 4 S.C.C. 1 (India).

¹⁷ Sushri Sangita Puhan, 'Doing Adoptive Family' in *Contemporary India – A Qualitative Exploration of Adoptive Parents' Narratives*, 49 *Adoption & Fostering* 481 (2025).

society traditionally idealises the family unit as consisting of a married mother and father with biological children. Single parenthood challenges this template and is socially perceived as incomplete or inadequate for child-rearing.

Social perception theory explains how societal narratives construct identity roles. Women are culturally valued as mothers, yet such motherhood is considered legitimate only within marriage. Single women adopting children are often subjected to moral judgments, doubts regarding their parental competence, social isolation and familial pressure discouraging non-marital parenting.

These perceptions produce a psychological burden known as internalised stigma, where women absorb negative social attitudes and begin to doubt their abilities or legitimacy.¹⁸ Consequently, many eligible women do not initiate adoption or abandon procedures midway due to family or community resistance. Social stigma, therefore, operates as a third layer of interference, suppressing legal rights assertion long before legal procedures commence.

Measures for Improving Legal Literacy, Policy Implementation and Social Acceptance:

The final theoretical segment synthesises reform measures based on a rights-based development approach, emphasising that meaningful rights enforcement requires empowering individuals while transforming social institutions.

Legal Literacy Measures: Legal empowerment initiatives must simplify adoption laws, provide accessible resources and integrate family rights education into women-centric awareness programs. Courts, NGOs and state legal services authorities play a pivotal role in disseminating knowledge, as emphasised in *Vineeta Sharma v. Rakesh Sharma* (2020).

Administrative Reforms: CARA guidelines must be strictly monitored to prevent discretionary discrimination. Recommended measures include automated registration, standardised assessments, transparent timelines and independent grievance mechanisms. Judicial oversight in *Shabnam Hashmi v. Union of India* highlights the necessity of ensuring fairness and accountability in adoption administration.

Social Sensitisation: Transforming public attitudes requires media representation of single-parent families, education on diverse family models, community sensitisation programs and

¹⁸ Sarah Lamb, *Being Single in India: Stories of Gender, Exclusion, and Possibility* (Univ. of Cal. Press 2022).

public endorsement of single mothers and adopters as legitimate caregivers.¹⁹ Courts have emphasised that social norms cannot override statutory rights, underscoring the importance of social reform alongside legal enforcement (Re: Adoption of Children by Single Women, Kerala High Court, 2018).²⁰

THEORETICAL SYNTHESIS

The study's theoretical foundation rests upon a three-tier interaction model:

Legal Awareness: Determines whether a right is known.

Institutional Practice: Determines whether the right is practicable.

Social Perception: Determines whether the right is socially recognised.

These factors operate progressively and cumulatively. Absence of any single layer renders the right ineffective. The fourth objective integrates solutions to strengthen all three dimensions simultaneously, transforming adoption rights from abstract statutory entitlements into lived social realities for single Hindu women.

FINDINGS AND ANALYSIS

The empirical study conducted among 20 individuals revealed the lack of legal awareness with respect to the adoption rights of single Hindu women. It was found that only 35% of respondents had legal awareness about the provisions of law concerning single Hindu women at the time of adoption. There was a lack of awareness about particular legal frameworks, such as the Hindu Adoption and Maintenance Act of 1956, the Juvenile Justice Act of 2015, and CARA guidelines.

The study also revealed that 65% of respondents were not aware of the eligibility criteria and processes related to adoption. The majority of respondents did not know the specific age gap between the prospective adopter and the adoptee, financial eligibility, documentation requirements and the authorities responsible for dealing with adoption processes. This lack of

¹⁹ Chandan Bose, *How Does Law Prescribe Circulation of Children? Understanding Different Kinds of Movement Within the Adoption Law in India*, 43 J. Fam. Issues 1721 (2022).

²⁰ Re: Adoption of Children by Single Women, 2018 SCC OnLine Ker 4603 (India).

legal awareness indicates that many eligible women refrain from opting for adoption because they are unfamiliar with the legal procedures and available institutional mechanisms.

About procedural and institutional barriers, the findings show that 65% of respondents felt that the adoption process was complex and relatively difficult for single women as compared to married couples. It was perceived that the adoption agencies tend to prefer married couples while subjecting single applicants to greater scrutiny during home and financial evaluations and background verification. While there is no legal discrimination against single women, institutional practices seem to create further hurdles to deter prospective adoptive mothers.

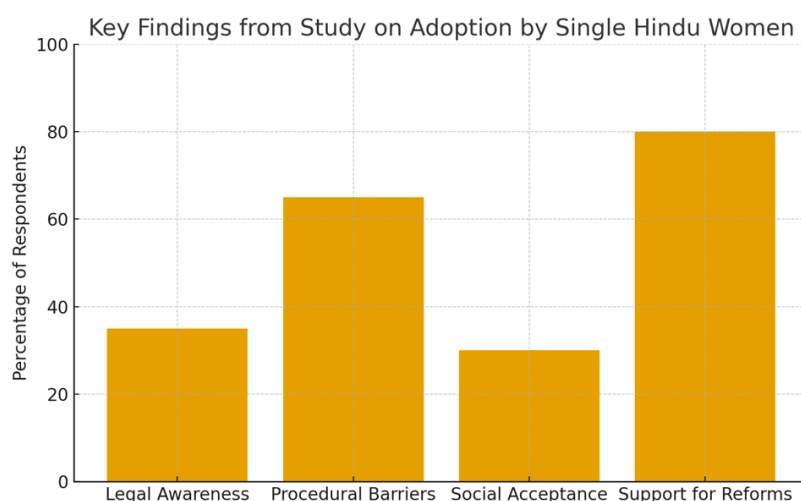
The research also highlighted administrative delays as a major concern. Many respondents felt that there was an excessive delay in the adoption process, along with too much paperwork and a lack of information about the status of their application and the referral of children for adoption. These procedural inefficiencies increase the emotional and financial burden on applicants and make the process particularly difficult for women adopting independently without family support.

As far as social attitudes and perceptions go, it is clear that there is little social acceptance for adoptions by single Hindu women. Only 30% of the respondents felt that society was accepting towards single women who adopt, and that the majority of the population still believes that success in parenting lies in two parents. It has been noted that in most cases, families try to dissuade single women from adopting, as they are worried about the woman's image and the welfare of the child.

The research also indicated that social stigma in society extends not only to the adoptive mother but also to the adopted child. It was found that single mothers tend to be subjected to criticism and negative remarks from society and even their own family members. Adopted children in such cases are also subjected to social stigma due to their background. This results in immense mental stress on women and discourages them from taking advantage of their right to adopt.

Lastly, the research demonstrated strong public support for reforms, with 80% of respondents agreeing that the adoption system needs improvement. The respondents emphasised the need for greater legal awareness campaigns, streamlining the online adoption process, counselling for intending adoptive parents, increased institutional support, government assistance for adoptive mothers who are single and a positive media portrayal of single-parent households.

Overall, the result indicates that Hindu women who are single lack legal awareness and are encountering many barriers.



SUGGESTIONS

Legal awareness programs should be conducted through legal aid authorities, educational institutions and NGOs to inform single women about their adoption rights and procedures. Adoption procedures should be simplified and digitised, with fixed timelines to reduce delays and administrative burden.

Training and sensitisation of adoption agency staff must be ensured to prevent bias against single women applicants. Government support schemes, including financial assistance, childcare subsidies and parental leave benefits, should be extended to single adoptive mothers.

Counselling and support services should be made widely available to help women overcome social pressure and emotional challenges. Positive media representation and community awareness campaigns must be promoted to change societal perceptions and normalise adoption by single women.

CONCLUSION

The study concludes that while Indian law, in the form of the Hindu Adoptions and Maintenance Act of 1956, the Juvenile Justice (Care and Protection of Children) Act of 2015 and CARA Adoption Regulations, allows for the adoption rights of single Hindu women, its practical realisation remains inadequate. The empirical evidence shows that there is low legal awareness among the respondents, and many do not have sufficient knowledge of the laws, eligibility, and procedures for adoption. This study further establishes that procedural

difficulties, administrative delays and institutional bias serve as obstacles for many women who are eligible for adoption. These barriers demonstrate that statutory recognition alone is insufficient unless it is supported by effective implementation and accessible legal information.

The research further reveals that societal attitudes are still a major barrier to adoption by single women. Traditional values favouring the nuclear family unit, along with social prejudice and lack of family support, make it difficult for women to assert their rights even when they are fully qualified. The findings, therefore, indicate that there is an evident disparity between legal entitlement and its practical enforcement. To address this gap, there is a need for comprehensive legal awareness programs, simpler adoption processes and social sensitisation through education and media. Such efforts will help empower single Hindu women to adopt, as well as uphold, the principles of equality and protection of child rights.