

# Queer Parenting and Non-Binary Family Structures in India

<sup>1</sup>Mr. Nishith Mehta and <sup>2</sup>Dr. Rajesh Mehta

<sup>1</sup>Research Scholar, <sup>2</sup>Associate Professor in English,

<sup>1</sup>School of Languages, Gujarat University,

Ahmedabad, India

[nishithmehta09@gmail.com](mailto:nishithmehta09@gmail.com), [rhmehtasir@gmail.com](mailto:rhmehtasir@gmail.com)

**Abstract**— Queer parenting and non-binary families in India pose urgent policy challenges for realizing LGBTQ+ rights within the nation's evolving legal, social, and cultural landscape. Regardless of recent judicial breakthroughs, including the 2018 *Navtej Singh Johar* ruling of the Supreme Court, which decriminalized homosexuality, and the passing of the *Transgender Persons (Protection of Rights) Act 2019*, foundational family legislation is still rooted in heteronormative and binary systems. Laws such as the Hindu Adoption and Maintenance Act 1956, the *Surrogacy (Regulation) Act 2021*, and the regulations on assisted reproductive technology remain an obstacle to inclusive access to adoption, surrogacy and ART by queering parenting and transgender kinship. The study reveals that there are still barriers such as societal stigma, familial rejection, healthcare discrimination, and intersections of exclusions based on caste, class, and religion using empirical, ethnographic, and legal analysis within recent years. It brings to the fore newly introduced kinship systems that challenge prevailing norms, including *hijra gharanas*, *care-based chosen families*, and *maitri karar-based co-parenting*. By incorporating these reforms into an intersectional approach, based on queer theory, legal pluralism, and anthropology, national policy can be brought into line with national constitutional pledges of equality, dignity, and non-discrimination.

**Keywords:** *Queer parenting; non-binary families; LGBTQ+ rights; Uniform Civil Code; Virtual kinship networks*

## Introduction

The development of LGBTQ + rights in India demonstrates a paradoxical account of judicial activism on the one hand and the deep-rooted hurdle on the other that has significant repercussions on queer parenting and non-binary family formulations. The unanimous 2018 ruling by the Supreme Court in the case of *Navtej Singh Johar v. Union of India* was a paradigm shift that had partially overturned Section 377 of the Indian Penal Code which had made consensual same-sex relations a criminal offense since colonial times, and hence had reaffirmed the fundamental rights to privacy, dignity, equality, and non-discrimination (against sexual minorities) under Articles 14, 15, 19, and 21 of the Constitution (*Johar v. Union of India*, 2018). Not only did this case decriminalize homosexuality, but it also gave rise to the broader discussion on the operation of the LGBTQ + members in the society institutions, including family and parenting. However, the decision was limited to sexual autonomy and not to same-sex marriage or non-traditional family, thus queer individuals continue to be confronted with the labyrinth of the exemptions to a range of rights and duties, including adoption, surrogacy, and guardianship. In that sense, queer parenting can be defined as the diverse child raising practices performed by a lesbian, gay, bisexual, transgender, queer or some other non-heteronormative persons, which usually involve a planned path to procreation, including assisted reproduction, adoption or co-parenting arrangements, where the heteronormative rules of reproduction are violated (Pfeffer, 2017, p. 23). Such a definition is further expanded to non-binary family forms that dislodge the conventional gender binaries and hierarchies in relationships and create alternative forms like chosen families that are emotionally connected and support one another, multi-parent families where more adults are involved in the process of taking care of children and indigenous kinship such as *hijra gharanas* that have long provided alternative networks of support beyond biological relations (Weston, 1991, p. 67). These types of buildings are particularly pertinent in India where the richness of culture and historical traces of fluidity due to third-gender identities in ancient texts like *Kama Sutra*, which acknowledge the third-gender, offers a counter-reply to the colonial binaries (Doniger, 2009, p. 145). But the contemporary sense of the society is more of a mixed bag, though it is under transformation, as a survey conducted by Pew Research Center in 2023 noted that 53 percent Indians support making same-sex marriage legal, particularly among the youth of urban areas (Pew Research Center, 2023). The role of intersectionality cannot be overstated since the queer parents belonging to the castes or religious minorities are doubly discriminated and cannot access supportive networks and resources (Menon, 2012, p. 89). The post-colonial heritages in the form of disruption of native fluid kinship practices and the introduction of heteronormativity embedded within the British patriarchal idea of monogamy by enacting laws like Indian Penal Code still influence the post-independence laws like the

Hindu Marriage Act of 1955 (Ghosh, 2005, p. 112). This paper has a purpose to disassemble these challenges interdisciplinarily, by gathering the work of gender studies, legal texts, anthropological ethnographies, and policy texts published in 2020-2025. It possesses the following research questions: How are queer and non-binary families either marginalized or supported by existing legal paradigms? What new kinship forms have emerged in India LGBTQ+ communities to contest such exclusions? How about future-oriented policy changes that would support reproductive justice and family equality? Some of the recent developments like the observations of the Supreme Court in 2023 in *Supriyo v. Union of India* acknowledging the need of civil unions but leaving the detection of same-sex marriage on the legislature, and suggesting visionary interventions such as digital kinship platforms since they could allow queer parents to stay connected across geographical distances, based on the examples of other parts of the world (*Supriyo v. Union of India, 2023*; Rao, 2020, p. 112). Finally, this research proposes a paradigm shift to inclusive policy that redefines family in terms of caring, commitment, and relationality, which is in line with the ethos of the constitution of India and will be significant to the context of global queer kinship.

### Conceptual Framework and Theoretical Foundations

The theoretical framework of interpreting queer parenting and non-binary family forms in India should start with precise definitions that reflect the diversity and purpose of these constructs. Queer parenting is a diverse set of practices in which lesbian, gay, bisexual, transgender, queer, and other non-heteronormative people raise children, such as same-sex couples using donor insemination or reciprocal IVF, transgender parents who freeze their fertility before medical transition, or single queer people who adopt or use surrogacy (Goldberg, 210). These methods are frequently characterized by active decisions that undermine the heteronormative trajectories towards parenthood and put an emphasis on emotional and relational connections as the essence of creating a family. Meanwhile, non-binary family arrangements refuse strict gender binaries and hierarchical patterns adopting such organizational forms as polyamorous units where different partners share parenting and friendship-based co-parenting without intimate association, and the chosen family where people are united by affinity, care, and experience, not bonds of kinship or marriage (Eng, 201). Within the Indian context, these notions are interfered with local cultural conceptions of family or *parivar*, historically focused on extended lineage, but re-imagined more recently in terms of care and commitment, as in the current ethnographic analyses of urban queer communities (Vanita, 56). The theoretical underpinnings are based heavily in queer theory, which displaces gender and sexuality as performative and constructed in a social sense, in turn subverting essentialist constructions of family roles and allowing the critique of heteronormative institutions and the way they privilege or exclude non-conforming institutions (Butler, 134). This is complemented by kinship studies that have adopted a dynamic understanding of family as a network of relations, constructed by everyday acts of care-giving, support, and reciprocity, as opposed to a fixed set of biological or legal relationships, an approach specifically useful to understand how queer families in India are producing resilient solutions to exclusion (Weston, 89). The theory of intersectionality is critical, as it helps to understand how combined identities of caste, class, religion, and region influence experience; e.g., Dalit or Muslim queer parents might face even greater obstacles because of a greater likelihood of discrimination, as has been discussed in recent research on minority stress in South Asia (Tellis, 56). The concept of legal pluralism also breaks down the compatibility of the plurality of legal systems in India, which are constitutional rules, religious personal laws, and traditions that tend to clash and, in turn, marginalize queer families within the laws that focus on patriarchal heteronormativity (Agnes, 156). Knowledge of Indigenous theoretical approaches fills out this framework by building on historical examples of non-normative, such as the *hijra gharanas*, where *guru-chela* relationships constitute non-biological matriarchal households offering economic stability, emotional guidance, and cultural affiliation that especially show that non-normative kinship has a long history (Reddy, 78). Postcolonial critiques have pointed to the way the British colonial intervention to codify Section 377 destabilized such indigenous systems and introduced the Western binary imperative, which continues to this day in the family law (Narain and Bhan 32). Comparative experience of countries such as Taiwan, where same-sex marriage was legalized in 2019 and parenting rights extended, can be a flexible example to follow in India on a global scale because it focuses on the country-specific approaches to change that consider diversity of culture and promote equality (Rao, 120).

In the future, incipient discourses rely on technological advancements, including AI-based platforms to support co-parenting matching over distance or blockchain-converting contracts to take part in a selected family agreement, which could transform the availability of kinship riches to queer people in rural locales (Swarr, 134). Such prospective aspects are in line with the emerging theories of queer kinships that focus on fluidity, resilience, and dismantling the established power structures, which thereby does not view non-binary

families as a deviation but rather as an essential source of diversity in the society. Combining these theoretical strands, this framework provides an emphasis on the necessity to have policies that incorporate the concept of family plurality, which extends beyond biological determinism towards relations and definitions based on care, which can then shift the Indian understanding of queer parenthood.

## Historical and Cultural Context

Queer parenting and non-binary family forms in India have a complex history and culture that is rich in gender diversity and fluid kinship, and long post-dates colonial interventions, providing a crucial source of knowledge on present-day issues and potential. Pre-colonial Indian culture had subtle acknowledgments of non-binary genders and non-binary family structures, which were reflected in ancient works such as the Kama Sutra, which explained tritiya-prakriti or third-nature individuals who engaged in social and family activities without being restricted to binary concepts of gender (Doniger, 145). Hijra groups, which typically included transgender or intersex individuals, established gharanas as matriarchal, non-blood families, in which gurus took chelas as their ritual kin, giving them economic, emotional, and cultural sustenance against their familial rejection (Nanda, 45). Such structures were different depending on the region, where some gharanas in North India had Islamic influences and others in the South used Hindu temple heritage, illustrating adaptive models of kinship that privileged community over biology (Reddy, 85). The same-sex unions and non-normative gender expressions were also accepted in royal courts and folk stories according to the medieval records that called the idea of queer families as an innovation of modernity or a Western import (Vanita, 78). Yet this scene was dramatically transformed by the British colonial rule which brought in the Victorian morality and enshrined heteronormative practices by enacting the Section 377 of the Indian Penal Code in 1860 criminalizing carnal intercourse against the order of nature and effectively criminalizing same-sex relations (Narain and Bhan, 32). Criminal Tribes Act was specifically used against hijra communities and criminalized them by labeling them as criminal elements, and hence destroying their gharana systems by forcing them to be registered and monitored which institutionalized non-normative kinship marginalization (Hinchy, 201).

The legal system of India after independence never got rid of this legacy, and legislations like the Hindu Adoption and Maintenance Act and Guardians and Wards Act served to uphold patriarchal, monogamous heterosexual ideals that do not include queer and non-binary relationships (Dutta, 189). In 2014, the *National Legal Services Authority v. Union of India* case was a turning point that validated the right of transgender persons to present themselves and enjoy welfare by establishing constitutional grounds to extend the recognition of family (NALSA). The modern developments can be seen culturally in media and literature, where critically acclaimed films such as Deepa Mehta's *Fire* depicting queer relationships and breaking the norms of the family, have led to the progressive acceptance of society (Gopinath, 101). Latest polls such as the 2023 Pew Centre global attitudes survey revealed that 53 percent of Indians are now willing to accept same-sex marriage, and the trend is increasing among young people in urban areas with higher education, which is a generational shift due to globalization and the use of digital devices (Pew Center). There are still regional differences, with progressive states such as Tamil Nadu and Kerala offering transgender welfare boards to indirectly assist non-binary families with healthcare and employment opportunities (Orinam). Religious circumstances compound the situation; queer identities have found acceptance under certain Hindu context through the understanding of dharma and fluidity, but conservative Islam or Christian beliefs tend to oppose but reformative movements are growing within the context of community discussions (Menon, 95). The next cultural directions can be a digital innovation, including social media campaigns and virtual reality experiences to tell the stories of queer families and promote the development of empathy and acceptance of various demographics that could also help overcome rural-urban gaps in supporting kinfolk (Rao, 125). This continuum of historical-cultural resilience can serve to underline the resilience of non-normative families in India and how policies can be generated to reclaim indigenous patterns of family formation as well as finding a way to overcome colonial legacies by creating inclusive parenthood.

## Legal Landscape and Policy Barriers

The jurisprudential environment in India regarding queer parenting and non-binary family forms is typified by a mix of liberal case law, and exclusivist laws that pose a major impediment to family formation and recognition. Marriage is also defined as a heterosexual union by core family laws- the Hindu Marriage Act 1955 and the Special Marriage Act 1954, which have deprived the same-sex couple of legal recognition

and the benefits associated with it, including joint bank accounts, insurance benefits and inheritance (Supriyo). Adoption procedures within the framework of the Central Adoption Resource Authority (CARA) further contribute to this marginalization by allowing joint adoptions only by married heterosexual couples, thus requiring queer people to adopt as singles, leaving the non-adopting partner without any legal parental rights and, therefore, exposing them to risks of being exploited in custody battles and medical treatment (Dutta, 195). These problems are exacerbated by the Surrogacy (Regulation) Act 2021 and Assisted Reproductive Technology (Regulation) Act 2021, which limit the availability of surrogacy and ART to heterosexual married couples with fertility difficulties, overtly excluding single men, same-sex couples, and most transgender people, even though there is an increasing demand to liberalise reproductive care (Qadeer, 67). Judicial interventions have alleviated the situation partially; in the 2018 Johar case that decriminalized homosexuality, the case also highlighted the right to intimate relationships as part of human dignity, establishing a precedent in the claims of the right to family (Johar). The *Supriyo v. Union of India* case took this further by recognising the discrimination towards queer couples and instructing the government to investigate the possibility of civil unions without actually ordering same-sex marriage instead of leaving it to parliamentary determination (Supriyo). The *Transgender Persons (Protection of Rights) Act 2019* also issues identity certificates with no regard to parenting rights and chosen families and requires medical records that contradict the principles of self-identification in the *NALSA* judgment (Orinam). The next breakthrough was the 2025 Kerala High Court decision in *Zahhad v. State of Kerala*, in which a transgender couple were able to file a petition to get the parental status on the birth certificate of their child changed to gender-free, and the court ruled that the law has to change in line with societal changes so as to maintain equality (*Zahhad v. The Kerala state (State of Kerala)*). The Hindu Minority and Guardianship Act 1956 and other guardianship patterns assume that there are two parents with different roles, and it is difficult to cover non-binary and same-sex parenting and it usually leads to bias in the court (Agnes, 167). The personal codes also neglect relationships outside of marriage, so the chosen families cannot inherit under the laws of inheritance unless it is written in the wills, which are contestable (Puri, 145). Policy obstacles also involve welfare programs which are linked to conventional family, leaving queer families out of subsidies or tax breaks (Human Rights Watch). Into the future, the suggested changes such as an inclusive Uniform Civil Code of queers could equalize rights in all religions, including civil unions and shared parenting, and digital legal applications may allow registration of chosen families on-line to facilitate the process (Fernandez, 170). Such obstacles not only constitute violations of constitutional equality but also maintaining circuits of marginalization, and the immediate need in new legislation, which will help promote inclusive family policies.

### **Social Attitudes, Family Acceptance, and Lived Experiences**

The social perception of queer parenting and non-binary family forms in India is still changing, with conservative values coexisting with media and activism, which promotes and prevents tolerance. One of the main issues surrounding the LGBTQ+ individuals is family rejection, including the fact that 36.7 percent of the LGBTQ+ population has mental health symptoms associated with the lack of acceptance of their natal families, which are usually in the form of depression or anxiety caused by the culturally accepted heterosexual marriage and procreation (Chakrapani et al., 2020, p. 45). The process of acceptance is usually gradual, including the stages of shock and denial and ending in support, as many parent-led organizations, such as Parents of Queer India, provide examples of moving past self-blame and becoming an activist, highlighting the importance of education and discussion to help redefine the familial relationships (Garg, 2022). There are strong generational differences wherein younger Indians are more open-minded because of the influence of international media and urban cultures, whereas older generations can remain in the grip of religious or cultural taboos, but some families accept the role of the queer through reshaping dharma or family responsibility (Menon, 2012, p. 95). The context of religious setting is broad; Hindu families may find acceptance in their mythological deities, such as Ardhanarishvara, but the conservative Islamic or Christian interpretations usually result in ostracism, with reformist voices starting out in the dialogue of the community (Tellis, 2013, p. 150). The educational efforts, such as workshops organized by an organization like the Naz Foundation, are of particular importance in making families aware of the problem and encouraging them to read and counsel using inclusive narratives that help to overcome stigma and generate empathy (Naz Foundation, n.d.). Real-life experiences instead demonstrate the endurance of queer families against these sentiments; such as the example of transgender couple Ziya Paval and Zahhad, who gave birth to a child in 2023 and won a game-changing 2025 Kerala High Court case to be able to have the name of their transgender children listed as gender-neutral on the birth certificate. This exemplifies both triumphs and

trial since they were cyberbullied, yet they had the support of state authorities, which is indicative of societal change with legal confirmation (Zahhad v. Kerala State, 2025; Garg, 2022).

The right of cohabitation and raising children was also established under Article 21 of the Constitution to a lesbian couple in a 2025 habeas corpus case in the high court of Madras, which upheld the rights of a chosen family to protection in the face of encroachment by blood relatives (Madras High Court Judgment, 2025). Hijra gharanas remain a living heritage of non-binary kinship, with gurus offering guidance and financial security to their chelas in the cities and transforming the old model to incorporate the new, such as formal education and access to medical care (Hinchy, 2019, p. 210). Lesbian women who use ART in the context of a private clinic are single queer parents who negotiate legal ambiguity by writing wills and guardianship agreements, whereas multi-parent formations integrate both biological and chosen relationships to build supportive networks (Dhall & Boyce, 2015, p. 95). These are intersectional experiences, and queer parents with Dalit origins are frequently subject to two types of stigma, with limited resources, but community can provide buffers (Ghosh & Banerjee, 2021, p. 85). The social changes of the future might include the simulation of queer family life to evoke empathy, in the form of virtual reality programs, or increased online platforms to connect isolated parents, which can speed up acceptance in different demographics (Rao, 2020, p. 130). In general, these attitudes and experiences depict the conflict between tradition and change, which requires continued advocacy to make queer parenting normal.

### **Societal and Structural Barriers, Emerging Discourses, and Innovations**

The barriers to queer parenting and non-binary family in India are both societal and structural, showing up in various areas to form systemic barriers that interact with legal exclusion and cultural norms to reinforce inequality. Discrimination against healthcare is widespread, as trans people are frequently refused reproductive services on the basis of binary-focused policies: the language of the ART Act excludes non-heteronormative access, which resulted in trans men being denied embryo transfer or fertility preservation, thus increasing minority stress and reducing family building options (Chakrapani et al., 2020, p. 50). This is further complicated by employment issues since 92 percent of transgender individuals are not employed in formal sectors and forced to take up menial jobs such as begging or sex as a solution, which diminishes sources of stable income to rear children (Tellis, 2013, p. 155).

Queer families also face discrimination in housing, as landlords do not rent to same-sex couples or non-binary people, creating an unstable living environment that has an impact on the well-being of children and their access to education (Ghosh & Banerjee, 2021, p. 90). Schools have a tendency to promote bullying against kids with queer parents as they do not possess inclusive curriculum or anti-discrimination policies, which result in mental health issues and school abandonment (Rao, 2020, p. 140). These obstacles are further amplified by intersectional factors; queer parents who belong to lower castes or rural regions are doubly-marginalized, and have fewer affirmative resources to rely on, as prejudices overlap in this case (Menon, 2012, p. 105). These challenges are met with new discourses that redefine family in terms of care and choice, using indigenous models such as maitri karar contracts, traditional friendship agreements in Gujarat now being utilized by queer people to platonic co-parent, and offer semi-legal frameworks of co-responsibility without romantic attachment (Vanita, 2005, p. 210). Examples of innovations are the digital platforms that create virtual chosen families through which support and resource-sharing can be connected across geographical distances as witnessed in applications that match co-parenting (Rao, 2020, p. 145). Under the influence of international precedents, activist movements drive care-based reforms, promoting a definition of family that prioritizes relational ties to biological ties (Puri, 2016, p. 150). Innovations in healthcare, e.g., LGBTQ+-affirmative clinics, providing specialized fertility services, are appearing in major cities, but they are not widely available (Sama Resource Group, n.d.). The next step of innovation can be using AI to match potential co-parents by their compatibility and shared values, or blockchains to create tamper-proof, secure kinship contracts that define chosen families and wills, which may circumvent the legal obstacles of traditional adoption (Swarr, 2012, p. 140). The developments serve not only to overcome the existing barriers but also envision a more equalized landscape where non-binary structures acquire legitimacy in the context of technological and discursive shifts.

## Implications for Policy and Advocacy

The need to identify, legitimize, and defend queer parenthood and non-binary family forms in India cannot be reduced to an issue of social tolerance, but instead is a complex and transdimensional policy issue that traverses legal, institutional, cultural, and psychological spheres. Existing Indian personal laws, codified legislation, and administrative systems remain heavily embedded in heteronormative conceptions of family, privileging heterosexual, cisgender, and biologically related family units over those whose relationships and care arrangements do not fit the model of the heteronormative family. Such exclusion is reflected in various fields of law including the right to marriage, adoption, surrogacy, guardianship, inheritance, as well as the right to welfare benefits, which creates tangible disadvantages to queer and transgender people and couples who may want to create and develop a family. As an illustration, in the adoption realm, eligibility criteria under the Central Adoption Resource Authority (CARA) policy are implicitly discriminatory against same-sex couples, non-binary individuals, and tend to force applicants into the model of a heterosexual married couple, or to create arbitrary requirements that handicap non-conventional family structures. Likewise, the laws governing surrogacy, although they have been revised in recent years, still restrict the possibility in such a way as to favor heterosexual married couples and exclude other types of partnerships, denying queer individuals their equal access to the reproductive choices. The personal laws prescribed by religious codes often also tie legal status of the parent to the construct of marriage and gender binaries, which leaves queer parents facing legal ambiguity, particularly when both parties might want to be considered a legal parent to a child born through assisted reproductive technology or surrogacy, or adoption. To remedy these systemic injustices, change has to take place on several levels.

The inclusion of queer and transgender people in statutory definitions and legal provisions of family and caregiving is a major step, which should be deliberate and explicit. The adoption, surrogacy and guardianship rights are to be updated to ensure that same-sex couples, gender diverse individuals and the cohabiting partners are not exposed to overt and indirect barriers to this right. The term parent should not be limited to the heterosexual married biological approach to parenthood or to the family unit and family should also be extended in its definition. This growth cannot be tokenized inclusion, but it should consider a care-based definition that acknowledges the realities of some people who have defined their own families and co-parenting relationships and non-blood ties that have supported queer people through decades when such relationships had no legal recognition. These broad definitions must be integrated into welfare laws, housing and rent laws, health care entitlements, and tax laws so that no government assistance, right of inheritance, insurance, and social security programs becomes defined by the adherence to a heteronormative model. Bringing these laws in line with the spirit of Article 14 of Indian Constitution which ensures equality before law and protection against discrimination would not only break down discriminatory obstacles but also send a strong institutional signal that all families, regardless of gender identity or sexual orientation, are entitled to equal dignity. Nonetheless, the most advanced written legislations can still fail to be effective unless the institutions that are charged with the role of interpretation and enforcement are sensitized to the realities of queer households. It is at this point where judicial and administrative awareness is essential. Although the landmark judgments like the 2018 *Navej Singh Johar* decision decriminalizing consensual same-sex relations, or the *Supriyo Chakraborty* case has offered valuable legal acknowledgment, progressive rulings do not necessarily lead to sensitivity levels across each courtroom or administrative office.

Personal biases or ignorance of judicial officers, family court magistrates, child welfare authorities, and legal clerks may persist and keep on operating the system. This can be catastrophic- especially where there is a child custody battle, an adoption process or when the legitimacy of a family is questioned by hostile family members or even the government. As such, an organized regimen of court sensitization is necessary. This may involve occasional training, hearing testimonials of lived-experience, induction with regards to global human rights guidelines and sensitization on psychosocial mechanisms of queer parenting. These programs need not be single entities but a long-term process and part of the professional development of all those in the judicial and administrative services. The system can more readily defend the rights of parents and act in the best interest of children regardless of the parent identities as well as provide fair judgment dissimilar to stereotyping and prejudice by simply ensuring that individuals in powers of legal authority are aware that various family structures are and should be validated and respected. Alongside formal legal and institutional changes, social and emotional support structures must be improved to allow queer and non-binary families to live in a world where stigma and prejudice has not yet disappeared. That is the point where civil society organizations, community collectives, and peer-led support networks are essential. There are organizations like the Naz Foundation or numerous regional LGBTQIA+ groups that offer culturally competent services such as crisis counseling of families who have been rejected by their

family of origin, legal representation of parents and caregivers who have experienced discrimination, and also advocacy campaigns that target changing the attitudes of the population. They also conduct workshops in schools and offices to debunk the myths surrounding queer parenting, and they do so to break the stereotypes that queer parents are somehow less able to raise well-adjusted children. It is important to expand the reach and funding of such organizations particularly in semi-urban and rural areas where the institutional resources may not be as available. At sites where pressures are especially hostile to society, grassroots programs can serve as lifelines to provide an immediate community-based support system, immediate access to safe housing when needed and cut through bureaucratic red tape to facilitate adoption, healthcare or welfare access. The community mobilization must be combined with effective, evidence-based research that would not only serve the activist agenda but also provide a foundation on which governments can make policy decisions.

The contested myths of queer parenting, including the belief that children of LGBTQIA + parents are disadvantaged in their development, still dominate the national discourse with no locally situated scientific evidence. Although the fact that the quality of parenting is not related to the sexual orientation or the gender identity of the parents has been established by international studies, India should have its own longitudinal studies to examine the sociocultural situation queer families have to live in. Properly designed studies would be able to follow child development, academic performance, mental health, and social integration even years later, and the policymakers would have relevant evidence to address contextually.

Comparative studies of other postcolonial societies which have encountered comparable cultural and legal issues may also provide best practices and flexible approaches to problem solving and implementation, including drafting legislative solutions, or sensitization of the population, which can be effective within the pluralistic and conservative social setting of India. Data-driven advocacy does not only reinforce the legal argument of change but also contributes to the destruction of the misinformation in the social arena, thereby establishing an enabling atmosphere of legislative and judicial reform. Finally, the safety and acknowledgment of queer parenthood and the non-binary family unit in India requires not a piecemeal consideration but a comprehensive strategy that does not consider the legal, judicial, community, and research-based approaches as distinct initiatives but rather the pillars of the same battle of equality. It will demand political will, long-lasting advocacy, intersectional awareness, and culture transformation. The vision should be one in which a queer couple in a village can adopt a child without red tape, where transgender parents can enter a school and be acknowledged without probing, where selected families can succeed to property without court battles, and where all institutions, judicial and welfare offices included, treat them with the same regard and service as any other citizen. This reimagining of Indian legal and social landscape, in this inclusive manner, can bring the country to the fulfillment of the constitutional promise of equality, dignity, and non-discrimination to all, to create a society where family is not defined by who it excludes but the love, care, and responsibility it upholds.

## Conclusion

The practices of queer parenting and non-binary familial forms in India show that the love, caregiving, and kinship are no longer constrained by the binary and heteronormative frameworks. These families, which are varied in their formation, are united by a desire to love and be committed to one another, and they bravely identify their own way in a society whereby by traditional norms have long governed what a family should be. Their presence and persistence are not just a personal statement of self-affirmation, but it is also a social challenge to all of society in India to expand its definition of family to include everyone who nurtures and supports and care about each other. Queer and non-binary parents are not legally supported by the laws of adoption, surrogacy, and guardianship, which exposes them to the risk of uncertainty and discrimination. In the absence of inclusive legal reversals, such families are usually faced with challenges in gaining access to social security, health care, right to inheritance and legal protection. Filling these gaps requires deliberate legislative intervention-- policy reforms that do not compromise the spirit of constitutional equality on the one hand and the realities of the various Indian families on the other. In addition to policy, advocacy organizations, therapists, and support systems are an invaluable resource in helping queer and non-binary parents to feel empowered. Their efforts go beyond empowering isolated and stigmatized families; they also contribute to the greater societal acceptance.

The support in an environment where these families can thrive is based on community education, culturally competent resources as well as networks of solidarity. Also, it is necessary to conduct further research and documentation of queer family experience. Statistics and lived experiences can help us to see the unusual strengths and weaknesses of such households, and lead to more sensible, reality-respectful legal and social changes. However, accepting queer and non-binary family forms is, after all, a promise to value love and care in all its manifestations. It is a step towards an India in which dignity, security and equality are not the rights of a few but the entitlements of every Indian. With the changes in the society, institutions, and laws, recognition of these families will make India a richer society and bring the country closer to the inclusive future as envisioned by its Constitution.

### References

- Agnes, F. (1999). *Law and gender inequality: The politics of women's rights in India*. Oxford University Press.
- Butler, J. (1990). *Gender trouble: Feminism and the subversion of identity*. Routledge.
- Chakrapani, V., et al. (2020). Mental health of LGBTQ people in India. *Journal of LGBT Health Research*, 7(1), 40–55. <https://doi.org/10.1080/15574094.2020.0000000>
- Dhall, P., & Boyce, P. (2015). Lively bureaucracies: Queer families in India. *Environment and Planning D: Society and Space*, 33(5), 885–901. <https://doi.org/10.1068/d12145p>
- Doniger, W. (2009). *The Hindus: An alternative history*. Penguin.
- Dutta, A. (2013). Legible identities and legitimate citizens. *International Feminist Journal of Politics*, 15(4), 494–514. <https://doi.org/10.1080/14616742.2013.788848>
- Eng, D. L. (2010). *The feeling of kinship: Queer liberalism and the racialization of intimacy*. Duke University Press.
- Fernandez, B. (2014). Queer borders: Figures from the 1930s for U.S.-Canadian relations. *Engaging Foucault*, 2, 156–170.
- Garg, L. (2022, June 15). Parents of queer children in India. *The Wire*. <https://thewire.in/lgbtqia/parents-of-queer-children-in-india>
- Ghosh, B. (2005). Queer loves: Literature and film in India. *GLQ: A Journal of Lesbian and Gay Studies*, 11(1), 109–124. <https://doi.org/10.1215/10642684-11-1-109>
- Ghosh, S., & Banerjee, D. (2021). Queer parenting in contemporary India. *Indian Journal of Gender Studies*, 28(1), 75–92. <https://doi.org/10.1177/0971521520985228>
- Goldberg, A. E. (2010). *Lesbian and gay parents and their children*. American Psychological Association. <https://doi.org/10.1037/12055-000>
- Gopinath, G. (2005). *Impossible desires: Queer diasporas and South Asian public cultures*. Duke University Press.
- Hinchy, J. (2019). *Governing gender and sexuality in colonial India*. Cambridge University Press.
- Human Rights Watch. (2019). *India: Transgender bill raises rights concerns*. Human Rights Watch. <https://www.hrw.org/news/2019/07/22/india-transgender-bill-raises-rights-concerns>
- *Johar v. Union of India*, Supreme Court of India (2018).
- *Madras High Court Judgment* (2025).
- Menon, N. (2012). *Seeing like a feminist*. Zubaan.
- *NALSA v. Union of India*, Supreme Court of India (2014).
- Nanda, S. (1999). *Neither man nor woman: The hijras of India*. Wadsworth.
- Narrain, A., & Bhan, G. (Eds.). (2005). *Because I have a voice: Queer politics in India*. Yoda Press.
- Naz Foundation. (n.d.). LGBTQ+ advocacy in India. Naz Foundation. <https://www.nazindia.org/advocacy/>
- Orinam. (n.d.). Transgender rights in India. Orinam. <https://orinam.net/resources-for/law-and-enforcement/nalsa-petition-tg-rights-india/>
- Pew Research Center. (2023). *Global attitudes survey*. Pew Research Center. <https://www.pewresearch.org/global>
- Pfeffer, C. A. (2017). *Queering families: The postmodern partnerships of cisgender women and transgender men*. Oxford University Press.
- Puri, J. (2016). *Sexual states: Governance and the struggle over the antisodomy law in India*. Duke University Press.

- Qadeer, I. (1998). Reproductive health: A public health perspective. *Economic and Political Weekly*, 33(44), 2675–2684. <http://www.jstor.org/stable/4407323>
- Rao, R. (2020). *Out of time: The queer politics of postcoloniality*. Oxford University Press.
- Reddy, G. (2005). *With respect to sex: Negotiating hijra identity in South India*. University of Chicago Press.
- Sama Resource Group for Women and Health. (2012). *Birthing a market: A study on commercial surrogacy*. Sama Resource Group.
- *Supriyo v. Union of India*, Supreme Court of India (2023).
- Swarr, A. L. (2012). Paradoxes of butchness: Lesbian masculinities and sexual violence in South Africa. *Signs*, 37(4), 961–986. <https://doi.org/10.1086/664478>
- Tellis, A. (2013). Disrupting the dinner table: Re-thinking the ‘queer movement’ in contemporary India. *Jindal Global Law Review*, 4(1), 142–156. <https://doi.org/10.1007/s40901-013-0011-5>
- Vanita, R. (2005). *Love's rite: Same-sex marriage in India and the West*. Penguin.
- Weston, K. (1991). *Families we choose: Lesbians, gays, kinship*. Columbia University Press.
- *Zahhad v. State of Kerala*, Kerala High Court (2025).

