

The Intimacy Contract in Action: How Indian Courts Determine which Extramarital Relationships Deserve Recognition

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Abstract

How do states decide which intimate relationships are “family”? In India, extramarital relationships lack default legal standing. Yet appellate courts sometimes extend spousal entitlements to women in these relationships. To understand this puzzle, I develop the Intimacy Contract: a conceptual framework illuminating how states reward relationships resembling their ideological vision of marriage. This framework addresses a blind spot in social science scholarship that neglects how states extend and deny entitlements to relationships. Using large language models (LLMs) with human oversight, I analyze 2,721 Indian appellate court cases from 2000 to 2024. I find that when relationships resemble the state’s ideal marriage—a conjugal life, a traditional gender dynamic, and shared religiosity—, courts are 56 percent more likely to recognize them and when these features are absent, the likelihood drops to 22 percent. This stark difference reflects a broader ideological logic through which states regulate intimate life.

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1 Introduction

In early 2020, Justice K. Natarajan of the Karnataka High Court heard two identical legal cases in which women sought protection under India's Domestic Violence Act¹. Both these women were in relationships with men who were already married. This complicated their standing in the court because under the Hindu Marriage Act, extramarital relationships are "invalid."

Yet, despite these identical legal circumstances, Justice Natarajan reached opposite conclusions. In *Sri Nagaraja vs. Smt. Thimmakka*, he granted the woman protection, recognizing a "relationship between them as husband and wife." But in *Sri Bhaskar vs. T Prema Tangavelu*, he denied the woman protection, noting that since the "status of the appellant is that of a concubine or a mistress, who cannot enter into a relationship in the nature of a marriage," the Domestic Violence Act "does not take care of such relationships."

This selective recognition reflects a broader pattern across India's appellate courts over the last twenty-five years. Drawing on an original dataset of 2,721 appellate court cases involving women who sought spousal entitlements while in extramarital relationships, I find that courts grant legal entitlements in nearly 40 percent of cases while denying them in the remaining.

This striking variation raises a fundamental question: How do courts - and more broadly, states - decide which intimate relationships deserve recognition as "family?"

This pattern of selective recognition of intimate relationships extends beyond India. States worldwide have extended recognition and entitlements to some relationships while denying them to others (Canaday, 2011; Canaday et al., 2021; P. H. Collins, 1998; Cossman, 2007; Fineman, 2014; Gash & Yamin, 2016; Ghodsee, 2018; Morgan, 2021; Spillers, 1987; Sreenivas, 2008; Theidon, 2022).² Most vividly, during the transatlantic slave trade era, enslaved Black women who were pregnant or had children to care for had to grapple with the fact that these intimate relationships were "always vulnerable to sale and separation, always encoded in structures of value that were unrelated

¹The Domestic Violence Act 2005 is a civil act that grants protections including police protection, maintenance, and restraining orders, to women in "domestic relationships" beyond legal marriage.

²For more theoretical discussions on the selective recognition of relationships, including on heteronormativity, see Berlant (1998), Duggan (2002), Lewis (2022), Peterson (2020), and Rich (2003).

to affect." (Morgan, 2021). More recently, in the 20th century U.S., individuals who were in same-sex relationships were referred to as "non-family people" or "unattached" by the federal government (Canaday, 2011). In each of these cases, states exercised significant power over individuals' intimate lives, establishing some individuals as legitimate family while rendering others invisible.

Despite the state's central role in defining family, political science scholarship has typically viewed the family as a stable political category.³ Much of this scholarship has focused on the state's role in family when it impacts those who are already recognized as daughters (Brulé, 2020), mothers (Bernhard et al., 2021; Lazarev, 2019), wives (Blair et al., 2019; Cheema et al., 2023; Htun, 2003; Jassal, 2020; Lindsey, 2022; Medie, 2015; Prillaman, 2023; Sezgin, 2013; Subramanian, 2014; Sukhtankar et al., 2022) and more broadly, as members embedded in the family (Htun & Weldon, 2018; Hudson et al., 2020; D. Teele, 2018; D. L. Teele et al., 2018; Wang, 2022). As a result, it overlooks how states construct and dispute the category "family."

To address this gap, I develop a conceptual framework called the *Intimacy Contract*. The Intimacy Contract reveals that when intimate relationships resemble the state's ideological vision of family, they are more likely to receive recognition and entitlements; by contrast, when they deviate from this vision, they are more likely to be rendered dispensable such that the mutual claims and commitments that exist between the individuals can be dismissed without triggering any institutional consequence.

It's worth noting that the state's ideological vision of family varies across and within states. For example, in the U.S., Sunstein (2009) shows that liberals are much more likely to deem same-sex marriage as legitimate in comparison to conservatives, illustrating within-state variation of ideological vision of family. Nonetheless, what is consistent across and within states is the underlying ideological logic of selective recognition that is illuminated by the Intimacy Contract framework.

This framework builds on Pateman's (1988) seminal *Sexual Contract* which reveals that the fiction of consensual contract conceals the structural subordination of women. The Intimacy Contract

³Exceptions include Gash and Yamin (2016). However, their research specifically focuses on how the U.S. state defines family today. They do not see the recognition of family as a deeper and more enduring phenomenon that has existed across various states worldwide.

extends this insight, showing how the same contractual fiction governs the selective recognition of intimate relationships themselves: States present recognition as a neutral determination but in fact, recognition enforces an ideological vision. This dynamic becomes especially visible when arguably similar relationships receive different treatment, with some relationships receiving recognition and protection while others are rendered dispensable.

The selective recognition of extramarital relationships by Indian appellate courts provides a revealing case for observing this logic. These relationships all face contested legal standing, yet courts treat them dramatically differently. Some women receive entitlements that are tied to wifehood while others in equivalent legal circumstances are denied recognition. This variation among these cases offers a window into how the Intimacy Contract operates.

In India, the state's ideological vision of marriage is characterized by three distinctive features: a conjugal lifestyle marked by cohabitation and shared children, a traditional gender dynamic emphasizing feminine vulnerability and virtuosity, and shared religiosity expressed through religious rituals and same-faith partnerships (Basu, 2015; Sezgin, 2013; Solanki, 2011; Sreenivas, 2008; Subramanian, 2014; Williams, 2006). I expect that extramarital relationships that have these features are more likely to be recognized by the appellate courts and conversely, when they deviate from these features, they are less likely to be recognized.

The material implications of recognition in India are profound. When a woman is recognized as a wife, she receives access to spousal support, pension benefits, property rights, protection under the Domestic Violence Act and the ability to file criminal charges under Section 498-A and 304-B of the Indian Penal Code. I therefore expect that when women in some extramarital relations are recognized and others are not, a material hierarchy emerges where the former gain legal entitlements while the latter have no legal recourse.

Examining how the Intimacy Contract operates in India is particularly pressing given that extramarital relationships are far from rare in the country. Surveys suggest that over 50 percent of married Indians engage in extramarital relationships, and India represents one of the largest markets

for extramarital dating websites like Gleeden and FRND (Joshi, 2024; Ray, 2025).⁴ The prevalence of these relationships must be understood alongside India’s extraordinarily low divorce rates with fewer than 1 percent of marriages ending in divorce. Anecdotal evidence suggests that the stigma of divorce makes maintaining extramarital relationships more tolerable. However, this creates a vulnerable population of individuals in relationships who are not automatically entitled to state support in cases of abandonment, abuse, or bereavement. Given these stakes, understanding how Indian appellate courts selectively recognize extramarital relationships is important.

For this study, I use a multi-method approach, combining computational, quantitative and qualitative analysis of hundreds of court cases that were filed across multiple court jurisdictions over the last twenty five years. All these cases involve women claiming some spousal entitlement while in a relationship whose legal standing is disputed. To identify broad patterns of judicial decision-making that would otherwise be invisible in smaller samples, I constructed and analyzed a novel dataset of 2,721 appellate court cases.

I complement this large-scale analysis with close readings of over 300 representative cases, offering a more nuanced view of which case details matter to judges and how they justify their decisions. I further supplement this analysis with interviews with lawyers and legal scholars to better understand the legal culture and litigation strategies that structure these cases.

The key methodological innovation in my approach is the use of large language models (LLMs) with a “human in the loop.” To collect case details at scale, existing research on judicial decision-making has typically relied on pattern matching which enables collection of only basic case characteristics such as litigant identity, case subject and outcome (Ash et al., 2025; Choi et al., 2022; Harris & Sen, 2019; Lazarev, 2019; Liebman et al., 2017).⁵ This arguably restricts the level of insight that can be obtained from a rich data source like court cases.

An LLM-with-a-human-in-the-loop approach overcomes this limitation by going beyond simple

⁴Gleeden released statistics noting that of its 6 million subscribers globally, almost a million were married Indians.

⁵Beyond collecting basic case details, pattern-matching is used in sentiment analysis but this method arguably risks missing context. For example, if the term “trustworthy” is coded as a positive sentiment, a judge saying “...the appellant’s defense was hardly trustworthy” would be incorrectly classified as expressing a positive sentiment despite the clearly negative assessment conveyed by the qualifier “hardly.”

pattern matching to capture the semantic meaning of court cases. This approach, which involved iterative prompt refinement, hand-coding a random sample of 300 court cases, and tempering the model's constraints, enables the systematic capture of nuanced details such as whether the woman had prior knowledge of their partner's marital status or the specific nature of their cohabitation arrangements while limiting the model's scope for hallucination. The LLM-with-a-human-in-the-loop approach provides fine-grained insight into court cases involving extramarital relationships in India.

Using this multi-method approach, I find, after controlling for jurisdiction, year and case type, Indian appellate courts are 56 percent more likely to recognize and extend state support to women in extramarital relationships that resemble the ideological vision of marriage—a conjugal life marked by a shared house and children, a traditional gender dynamic where the wife is vulnerable and virtuous, and shared religiosity where the relationship is solemnized with a religious ritual and involves individuals belonging to the same religion. In contrast, the recognition rate drops to 22 percent for women in extramarital relationships that have none of these features. This stark contrast highlights the systematic association between relationships resembling the ideological vision of marriage and state recognition.

Furthermore, qualitative analysis of court cases reveals the material consequences of this ideological filtering: individuals who are in relationships that deviate from this ideal vision—including Muslim women who are in relationships with Hindu men, women who have had existing marriages, men who have fallen on hard times, women denied a conjugal life by non-committal male partners—are systematically excluded from judicial recognition. When these individuals face abandonment, abuse, or bereavement in relationships, they are left without legal recourse, rendering their relationships dispensable.

Overall, this research makes three broad contributions. Empirically, it provides the first large-scale evidence of how India's appellate courts selectively recognize extramarital relationships, revealing a previously overlooked set of vulnerable populations including non-Hindu women in interfaith relationships, women with prior marriages, and economically distressed men, who are sys-

tematically denied state support despite genuine need. Methodologically, it demonstrates how an LLM-with-a-human-in-the-loop approach can enhance traditional judicial analysis to identify complex patterns across hundreds of cases while maintaining sensitivity to contextual nuances. Theoretically, it illuminates a dimension of state power that remains under-theorized in social science: how states create hierarchies of familial belonging by selectively recognizing intimate relationships, thereby projecting an ideological vision of family that has profound material consequences for those who deviate from this vision.

The rest of this paper proceeds as follows: First, I develop the conceptual framework of the Intimacy Contract and describe its observable implications. Second, I focus on the ideological vision of family in India. Next I discuss my data, explaining how I used an LLM-with-a-human-in-the-loop approach and describing the qualitative and quantitative data that structures the investigation. I then present my empirical analysis, demonstrating the strong association between relationships that resemble the ideal marriage and recognition and the material costs born by relationships that deviate from this vision of marriage. Finally, I discuss these findings and expand on its theoretical implications.

2 The Intimacy Contract

The Intimacy Contract is a framework that illuminates that when intimate relationships align with the state’s ideological vision of family, institutions and officials are more likely to recognize these relationships. This recognition persists even as these relationships experience changes—such as when a partner loses their job or passes away. However, when these relationships violate the vision of family, they lose recognition and become dispensable regardless of their emotional and material depth.

The Intimacy Contract framework builds directly on Pateman’s (1988) *Sexual Contract*, which shows how the fiction of consensual contract conceals the structural subordination of women within marriage. The Intimacy Contract extends this insight, revealing how the same contractual fiction

governs the conditional recognition of intimate relationships: States present recognition as a neutral determination but in fact, recognition enforces an ideological vision. This logic becomes visible when we consider one of the main subjects in Pateman's (1988) *Sexual Contract*: the free white woman in medieval England.

In this context, this seemingly stable subject could undergo significant changes that would impact her marriage. For example, she could discover that she was infertile and unable to carry the family name or suffers from a chronic illness that incapacitates her from partaking in social life. Even in the face of these changes that would have potentially impacted her marriage, enforcers of medieval English law would have continued to recognize her as a "wife."

By contrast, if she was discovered in her marriage to have been a man in disguise as a woman, making their marriage a same-sex union, or having Black ancestry, making their marriage an inter-racial union, medieval English law enforcers would have withdrawn their recognition of the marriage.

This pattern where recognition was conditional on English medieval law and its enforcers' vision of marriage reveals how the Intimacy Contract operates more broadly: individuals in relationships are recognized through various changes—"through sickness and health"—as long as they comport with the ideological vision of marriage.

2.1 The Ideological Vision of Family

The ideological vision of family is a normative view on which intimate relationships are legitimate and valuable. It is the "sense of rightness" that is associated with some relationships (Berlant & Warner, 1998). These relationships include but are not limited to marriage.

This vision of family varies across states. For the Islamic State, the ideal marriage is with Sunni girls who are under 18 years old, bound by both the girl and her father's consent (Revkin & Wood, 2021). Among Maoist insurgents in Nepal, the ideal marriage is a consensual marriage between a man and a woman who proclaim their commitment to the cause and are willing to live under different commands in different parts of the country (Giri, 2023). In 20th century U.S., the ideal family, often

described as a heteronormative family, was marked by a white heterosexual married monogamous couple who have a few children (Cohen, 1997).

The ideological vision of family varies within states as well. For example, Sunstein (2009) finds in the U.S., liberals are much more likely to deem same-sex unions as legitimate compared to conservatives. In the same vein, Collins (2019) finds that in Germany, women who were raised in West Germany, which was shaped by a conservative welfare regime, were more likely to idealize a mother-child relationship in which the mother stays at home full-time. In contrast, women from the former East where social democratic welfare values promoted women's labor force participation, were more likely to expect that mothers prioritize work and utilize childcare. While this variation across and within states presents important avenues for future research, this framework focuses on understanding how relationships fare once a particular ideological vision becomes dominant in a given context.

The ideological vision of family is reinforced by laws, policies, and norms such that when intimate relationships resemble this vision, individuals and institutions are more likely to valorize and recognize these relationships. This pattern becomes especially evident when considering relationships with similar emotional and material depth that are nonetheless refused recognition. For example, observing the "potent mix of care and coercion" in relationships between madams and sex workers in one of India's red-light districts, Guha (2024) argues that these relationships are "family-like"—and yet they are typically denied state recognition. In a similar vein, Case (2005) argues how careworkers "develop deep emotional attachments to children in their charge" such that these relationships become "familial"—and yet, as Case observes, they are also denied state recognition as family. The denial of recognition for these comparably intimate relationships suggests that recognition is contingent on relationships aligning with the ideological vision of family.

2.2 Material Implications of Recognition and its Absence

When states recognize intimate relationships, they extend rights and protections to the individuals involved, institutionally tethering them to one another. This tethering can persist even when a partner

dies or separates. By contrast, when recognition is absent, individuals are excluded from these entitlements, rendering their relationship dispensable.⁶

Dispensability refers to the condition in which relationships can be severed without triggering institutional or legal consequence regardless of the depth of care, commitment and interdependence in it. This concept is distinct from marginalization which describes how individuals face systemic disadvantage based on their social positions. In contrast, dispensability operates at the level of relationships, capturing how individuals' mutual claims and commitments can be dismissed. To this end, even socially privileged individuals may find themselves in relationships that are marked dispensable.

The dynamic between state recognition and dispensability is evident in various historical contexts. In colonial India, the East India Company initially honored the wills of British officials that named their Indian companions as beneficiaries, and granted these women pensions, thereby materially recognizing them as widows (Ghosh, 2006). Yet over time as racial boundaries hardened, interracial unions were discouraged and no longer recognized. Fewer wills named Indian women and officials increasingly disregarded those that did, and pensions were denied more frequently. Interracial relationships that were once recognized and supported when the partner passed away were now rendered dispensable.

A similar shift occurred in early 20th century Iran. During a period when polygamous marriages were considered the norm, houses in the city were designed based on architectural blueprints that included dual kitchens and multiple bedrooms to support multiple wives (Najmabadi, 2022). However, over time, as norms started discouraging polygamy, these layouts increasingly began to emphasize a single kitchen and few bedrooms, and “generated a need for secrecy for men who took second wives.” These relationships that were once recognized and supported when a partner took a second wife were now subject to the contingencies of secrecy.

⁶In fact, in some cases, when individuals demand that their relationships be recognized, they are punished. Perry observes how the writer Oscar Wilde was punished and presented before courts when he proclaimed his love for Lord Alfred. The punishment, according to Perry, was not because he was in a same-sex relationship—given how “commonplace” these relationships were at school, public restrooms, and work—but was due to “the implicit demand for its recognition.” (Perry, 2018)

These cases illustrate the material implications of state recognition, and its withdrawal, on intimate relationships, revealing how access to various entitlements like pensions and housing is unevenly distributed across relationships. This inequality creates a more foundational hierarchy of familial belonging where some relationships are secured and legitimized while others, which are comparably intimate, are rendered dispensable.

Thus, the Intimacy Contract framework generates two observable implications:

- When relationships resemble the state's ideological vision of family, state institutions and officials are more likely to recognize them. By contrast, when relationships deviate from this vision, they are less likely to recognize them.
- When relationships are recognized, individuals are more likely to receive legal entitlements (e.g., spousal support, inheritance, child custody) when the relationship undergoes a change such as separation or the death of a partner. By contrast, individuals in comparably intimate but ideologically misaligned relationships are denied these entitlements under similar circumstances.

Figure 1 offers a visual heuristic of how alignment with the ideological vision of family shapes relationship recognition and its material consequences.

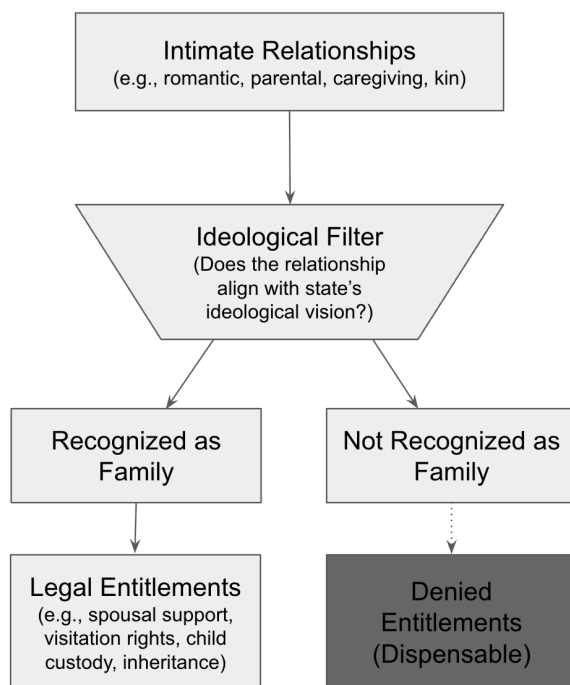


Figure 1: The Intimacy Contract: A General Framework

3 The Ideological Vision of Marriage in India

The Intimacy Contract framework offers a conceptual lens to understand the central puzzle in this paper: the selective recognition of extramarital relationships by Indian appellate courts over the last twenty five years.

In India today, all non-Muslim citizens are prohibited from maintaining multiple marriages, and yet surveys suggest that over 50 percent of married Indians engage in extramarital relationships (Joshi, 2024; Ray, 2025). This prevalence must be understood alongside India's extremely low divorce rates with fewer than 1 percent of marriages ending in divorce. Anecdotal evidence suggests that the stigma of divorce makes maintaining extramarital relationships more tolerable.

These extramarital relationships span a wide range of intimate arrangements: some are second relationships for women who have separated from their first husband but have not yet obtained a legal divorce; others are couples who have eloped, defying their parents who already arranged their

legal marriage; and still others are romantic relationships with colleagues who are already legally married. The factor uniting all these relationships is that they exist alongside monogamous legal marriage, challenging their legal standing according to Indian state laws.

When women in these relationships experience abandonment, abuse or bereavement, the Indian appellate courts seem to be a site where they claim status as family and demand entitlements including spousal support, pension benefits, property rights, protection under the Domestic Violence Act, the ability to file criminal charges under Section 498-A and 304-B of the Indian Penal Code, and police protection when family and society members are threatening the relationship. However, courts' response to these claims is selective with only some relationships receiving entitlements. This selective recognition pattern is reflected in India's Supreme Court's judgments as Table 1 shows.

	Recognized	Unclear/No Recognition
Civil	Rameshchandra Rampratapji Daga vs Rameshwari Rameshchandra Daga (2005) Badshah vs Sou. Urmila Badshah Godse & Anr (2013)	Rameshwari Devi vs State Of Bihar And Others (2000) M.M. Malhotra vs Union Of India And Ors (2005) Savitaben Somabhai Bhatiya vs State Of Gujarat (2005) D. Velusamy vs D. Patchaiammal (2010) Indra Sarma vs V.K.V. Sarma (2013) Revanasiddappa vs Mallikarjun (2023)
Criminal	Reema Aggarwal vs Anupam And Ors (2004) A. Subash Babu vs State Of A.P. & Anr (2011)	Shivcharan Lal Verma And Anr. vs State Of Madhya Pradesh (2002) U. Suvetha vs State By Insp. Of Police & Anr (2009) Koppiseti Subbharao @ Subramaniam vs State Of A.P (2009) Sunita Jha vs State Of Jharkhand & Anr (2010)

Table 1: Selective Recognition of Relationships in Supreme Court Cases

To understand this pattern across India's High Courts, we must examine how India's social norms and marital laws have historically promoted an ideological vision of marriage that is shaped by three distinctive features: a conjugal lifestyle, a traditional gender dynamic and shared religiosity. These

distinctive features structure an ideal marriage in India, and lay the foundation for understanding which extramarital relationships are recognized by courts and which are rendered dispensable.

3.1 Hindu Monogamous Marriage in Postcolonial India

Religious norms are central to how marital laws are organized in India (Sezgin, 2013; Solanki, 2011; Subramanian, 2014; Williams, 2006). Since the colonial period, officials understood religion as organizing family life and codified distinct marital laws for Hindu, Muslim and Christian communities. This codification not only institutionalized religious categories but also elevated religious rituals as marking legitimacy to an extent that even today, marriage becomes “real through the rituals that composed it” (Majumdar, 2009). This emphasis on ritual is especially visible in the context of Hindu marriage law, which emerged in the post-independence period as a key site of legal reform.

With the country’s independence, legal reformers faced competing pressures from modernists who demanded “social equality and individual liberty” and conservatives who insisted on preserving “community and nation” in the context of drafting marital laws (Subramanian, 2014). The Hindu Marriage Act of 1955 emerged as the compromise, simultaneously promoting social equality while establishing Hindu identity.

The Act’s approach to social equality was most evident in its treatment of caste. Reformers saw the act as an opportunity to subsume various castes and communities—including Sikhs, Jains, and Buddhists—under the broader identity “Hindu,” noting that this was the “ideology underlying the bill” (Subramanian, 2014). The explicit promotion of inter-caste marriages was underscored by the range of rituals—from orthodox Vedic ceremonies to neo-Buddhist rites—that have been accepted by courts as valid Hindu marriages. The embrace of a broader Hindu identity represented a significant departure from traditional norms that punished cross-caste marriages, and positioned the law as progressive and egalitarian within the Hindu community.

Additionally, the Act attempted to promote gender equality by prohibiting polygamous marriages and thereby, frame itself as advancing women’s rights. This monogamous ideal was framed as liberating women from the inequalities of polygamous relationships and establishing them as equal

partners in conjugal relationships. However, targeting these reforms only to those identified as Hindu came at the cost of excluding all non-Hindus, primarily Muslims. As Sezgin (2013) notes, “No matter how progressive or secular it was, the proposed HCB [Hindu Code Bill] was essentially a piece of communal legislation under which a Hindu could not marry a non-Hindu.”

Interfaith relationships have been actively discouraged to an extent that even though the Special Marriage Act 1954, in theory, recognizes these relationships, in practice, it expects these couples to issue a mandatory public notice and endure a 30-day waiting period that exposed them to social retaliation and bureaucratic obstruction (Choksi, 2022; Mody, 2008; Sezgin, 2013).

The wedge between Hindu and Muslim communities was further maintained by how Muslim Personal Law was drafted to continue allowing polygamous marriages, creating a stark legal contrast with the monogamous Hindu Marriage Act, but more critically, the perception that India’s Muslim community is “backward” and regressive towards its women. Today, the Hindu Marriage Act’s prohibition of polygamous marriages is valorized to such an extent that the reigning BJP government under Narendra Modi envisions expanding the Act to all citizens regardless of their religion (Sibal, 2025). In its most sincere form, this proposition is seen as “guided by the constitutional values of freedom, equality and dignity of the individual” (Mehta, 2023).

3.2 Vulnerable and Virtuous Wives

Nonetheless, as much as the Hindu Marriage Act is hailed as promising a better future for women, feminist scholars note how the Act constructed a vision of wifehood that was rooted in a certain gendered view of women. As Basu (2015) argues, the Act, and other adjacent laws, “interpolate a female subject who has no salary or property, whose economic benefits lie in being part of a marital household, who is sexually naïve and wont to give consent only within the bounds of marriage, who is a recipient and not a perpetrator of violence.”

The perception that the Indian family is undergirded by a traditional gender dynamic has been reinforced by a variety of historical and global factors. Since the colonial period, for various political reasons, both British and Indian men framed Indian women as vulnerable and needing protection

(Nair, 1994; Sinha, 1995). This view promulgated the legal ban of practices such as widow immolation and child marriage. The postcolonial state has largely preserved this protectionist logic, now amplified by global development discourse that essentializes Indian women as victims of violence and abuse (Basu, 2015; Behl, 2019; Kapur, 2013). These narratives continue to shape how activists, policy makers and law enforcement understand “ideal” wives as vulnerable and virtuous and deserving of state intervention (Basu, 2015; Kowalski, 2022; Roychowdhury, 2020).

3.3 Marriage, better understood as a Conjugal Relationship

Beyond the domains of religion and gender, an ideal marriage in India is characterized by distinct conjugal features—a shared home along with children. In colonial India, the conjugal nature of the relationship was core to determining which intimate relationships were legitimate in a context where men had multiple non-monogamous relationships (Mitra, 2020; Sreenivas, 2008). Sreenivas (2008) argues that particularly in South India, contestations over wifehood invoked questions on “the arrangements of physical meals” and “the place of a woman’s residence (within or outside the palace compound).”

Across the years, even as Indian households have changed—shifting from multi-generational families to more nuclear units—this ideal has not disappeared. The cohabiting couple is central to how Indian laws understand relationships in the nature of marriage. To this end, “courts have declared that women were living in adultery only when there was clear evidence of them sharing a house with their lovers” (Subramanian, 2014).

Marriage in India is thus made material through shared domestic space. This lifestyle is, in turn, often understood as laying the foundation for bearing children. As the Committee on the State of Women in India noted, “the safe bearing and rearing of children is an obligation that has to be shared by the mother, the father and society” (Basu, 2015).

Building on this, Sreenivas (2021) argues that reproduction became a central concern for the modern Indian state because like all postcolonial governments, the state was grappling with anxieties over overpopulation, food scarcity, and economic productivity. In this context, a conjugal family was

idealized as one that bore children albeit responsibly. This view continues to persist today in that the country's family planning policies continue to idealize a "vision of the small and happy family..., secured by having only two (or perhaps three) children."

3.4 Beyond Monogamous Marriage: Adjudicating Extramarital Relationships

Broadly, scholarship on India highlights that these three distinctive features—shared religiosity, a traditional gender dynamic, and conjugality—constitute the ideological vision of marriage in India. Given this ideological vision, the Intimacy Contract framework generates two observable implications in the context of Indian appellate courts' selective recognition of extramarital relationships:

- When extramarital relationships resemble the state's ideological vision of marriage, i.e. a conjugal life, a traditional gender dynamic, and shared religiosity, courts are more likely to recognize these relationships. By contrast, when relationships deviate from this vision—such as when non-cohabiting, non-religious or not conforming to gendered expectations—, they are more likely to be dismissed.
- When these relationships are recognized, individuals are entitled to legal entitlements such as spousal support when their partner leaves them, protection under the Domestic Violence Act and the ability to file criminal charges under Section 498-A and 304-B when their partner abuses them, and pension benefits and property rights when their partner passes away. When recognition is denied, women in these relationships are excluded from these entitlements even when they face similar circumstances of abandonment, abuse, or bereavement.

These observable implications are summarized in Figure 2, which adapts the general framework of the Intimacy Contract to the Indian context.

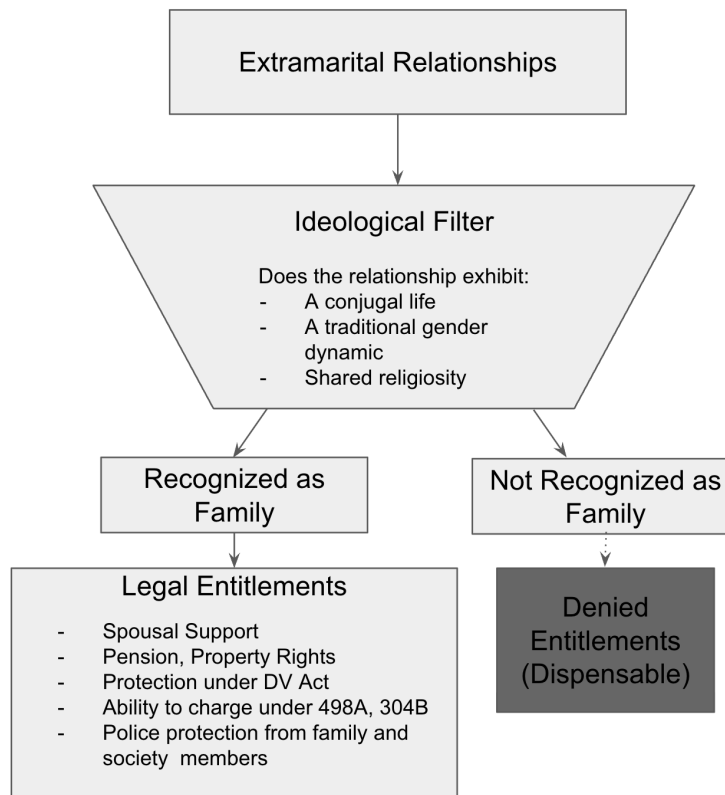


Figure 2: The Intimacy Contract in India

4 Data

For this study, I use a combination of quantitative and qualitative data. I primarily focus on case judgments and transcripts of Indian High Courts. While focusing on these appellate courts possibly biases the sample towards more contested or complex cases, they nonetheless provide a unique window into judicial reasoning, which is typically more explicated at this level than in the lower courts. To this end, the findings in this paper should be read as restricted to illuminating how Indian appellate courts recognize relationships.

The main source of my data is Indian Kanoon, one of most comprehensive and widely used legal repositories in India (Ash et al., 2025; Bhupatiraju et al., 2024; Deroy et al., 2024). I supplement this case data with interviews with lawyers and legal scholars to better understand the legal culture in which the selective recognition of relationships occur.

Below I discuss how I obtained this data using a computation approach, with extensive manual review, and detail the nature of both the quantitative and qualitative data that structures this study.

4.1 Using an LLM-with-a-Human-in-the-Loop Approach

To construct a large-scale quantitative dataset of appellate court cases involving extramarital relationships, I use a large language model (LLM)—specifically, OpenAI’s GPT-4-turbo accessed through a paid API—with a “human-in-the-loop” approach. Typically, case analysis in social science scholarship is conducted using pattern matching (Ash et al., 2025; Choi et al., 2022; Harris & Sen, 2019; Lazarev, 2019; Liebman et al., 2017). However, for the purposes of this project, this approach proved insufficient.

First, I was interested in cases based on a specific legal condition: women claiming legal entitlements from relationships that were disputed because the man was already in a legal marriage. The nuance in this requirement necessitated reading and understanding the full case which is infeasible for pattern matching since it classifies cases at a very high-level.

Second, I wanted to collect details on relationship characteristics that were expressed in highly variable language. For example, the acknowledgment of a ritual could be implied in phrases like “solemnized at Jayanti Mandir,” “she was wearing ‘Sindoor’,” or “they exchanged garlands.” Factoring this extensive variation into a pattern matching approach, which is most efficient when it is most comprehensive, was not only tedious but risked an incomplete collection of detail.

Finally, I wanted to understand whether the outcome benefited the woman in the relationship and these outcomes were not always expressed clearly especially given the ambiguity of law in these cases. The complexity of judicial reasoning meant that parsing these outcomes required more than matching expressions. Overall, given these challenges, pattern matching alone would have yielded limited insight.

LLMs present a powerful tool to address these challenges as they go beyond lexical matches to capture the semantic meaning of cases. These models have been documented as generating broadly accurate summaries of legal cases but also, noted as being prone to hallucination (Deroy et al., 2024;

Heddaya et al., 2024; Pont et al., 2023). To this end, I implemented a multi-step process with manual oversight at each stage. I began by filtering an initial set of almost 8500 court cases using key word matching. The LLM was then tasked with reading each case and explaining its relevance based on my inclusion criteria. It then extracted specific relationship characteristics and justified its decisions with textual evidence from the case. Finally, to determine case outcome, I used two strategies: one where the LLM selected the outcome from a pre-defined outcome list, and another where it offered an open-ended analysis. Comparing these two classifications helped reduce misclassifications of cases.

The approach involved iterative prompt refinement⁷, manually reviewing a random sample of 300 court cases to confirm reliability, and testing the model's temperature (A lower temperature directs the model to limit the scope of its interpretation and a higher temperature enables it to be more creative and exploratory.) Through this process, I construct a final dataset of 2,721 appellate court cases that were heard between the years 2000 and 2024.

4.2 Quantitative Data

Dependent Variable: Recognition of Relationship

The dependent binary variable tracks whether courts effectively recognized the relationship or not by determining whether a legal entitlement such as pension benefits, property rights, the ability to file domestic violence complaints, and spousal support was extended. When an entitlements was extended, the variable was coded as 1 and otherwise 0. Figure 3 shows across each of the different legal entitlements, the proportion of cases that were and were not recognized. The light shaded bars represent the proportion of cases where there was no recognition and the dark shaded bars represent the proportion where there was recognition.

The figure shows that for entitlements like maintenance, protection for life, and protection under the Domestic Violence Act, the proportion of cases recognized is higher than for entitlements

⁷The prompts can be found in Appendix C.

like pension benefits, property rights, and criminal charges, demonstrating the courts' reluctance to extend recognition with more far-reaching legal and economic consequences.

Independent Variables: Alignment with Ideal Family

Based on existing scholarship on Indian marital laws and close qualitative analysis of appellate court decisions, I operationalize the extent to which a relationship aligns with the courts' ideological vision of family using eight independent variables. Each variable is associated with a distinctive feature—conjugal life, traditional gender dynamic, and shared religiosity—of the ideal family.

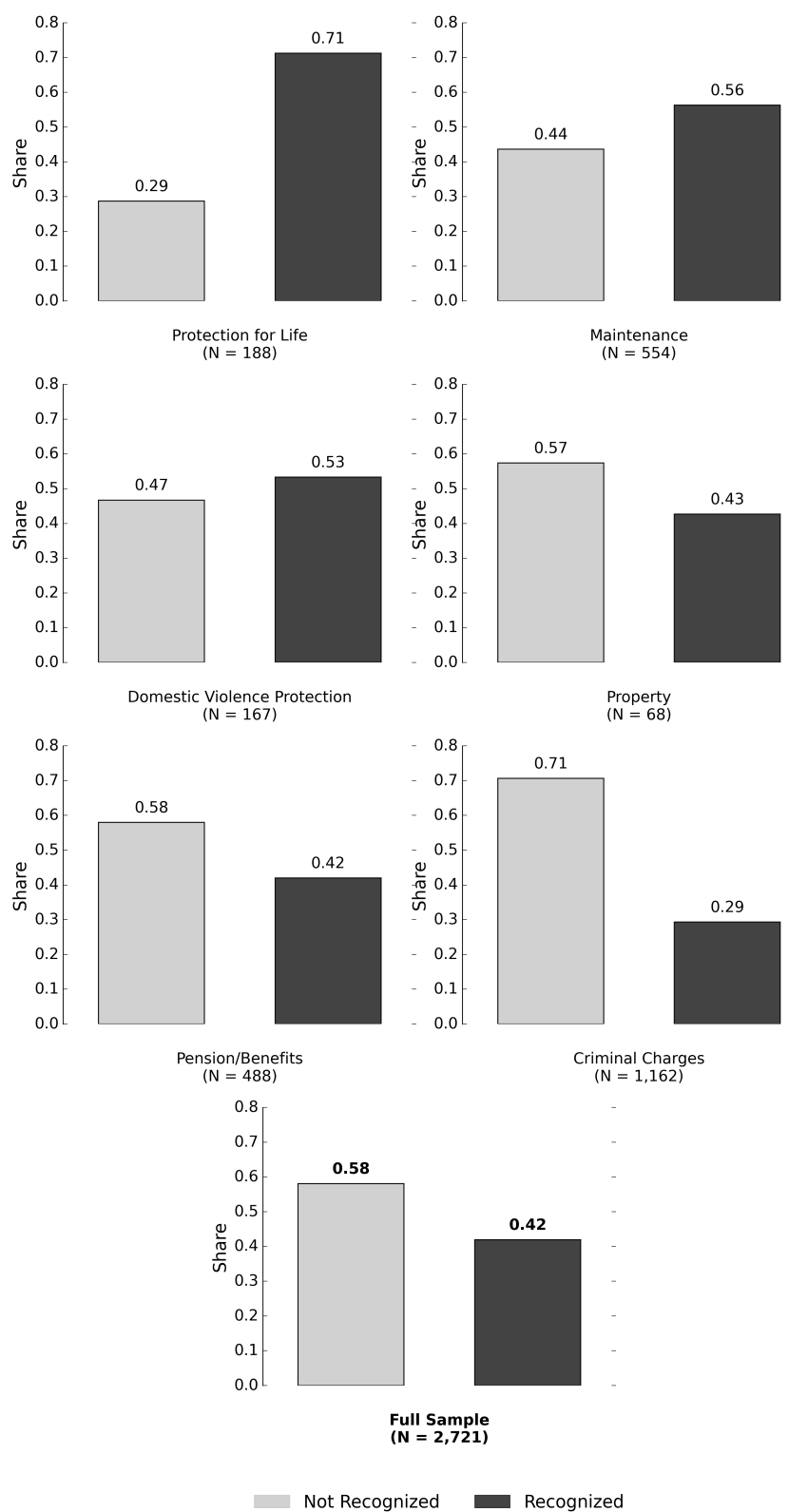
To measure conjugal life, I include two categorical variables: whether the couple shared a household, and whether they had children. These elements correspond to what is typically characterized as a conjugal life.

To code shared household, I adopt a conservative coding scheme. If a shared household is affirmed in the judgment, the variable is coded as +1; it isn't explicitly absent, it is coded as -1; and if no mention is made, it is coded as 0. This approach is grounded in the observation that courts frequently reference cohabitation, often using phrases such as "living as man and wife," when affirming recognition, and inversely, highlight its absence when denying recognition. By treating judicial silence as analytically distinct from presence or absence, this coding scheme ensures that the full spectrum of judicial reasoning is captured.

The second variable, children present, is binary and coded as +1 if the presence of children is acknowledge in the case. Table 2a summarizes these variables and the expectation of their effect.

Variable	Range	Expected Effect on Recognition
Shared Household	+1 if explicitly present -1 if explicitly absent 0 if not mentioned	+
Children Present	+1 if present 0 otherwise	+

Table 2a: Variable of Conjugal Life



Individual claim types exclude 94 miscellaneous benefits cases; Full Sample includes all cases

Figure 3: Recognition across Legal Entitlements and Full Sample

To measure adherence to traditional gender roles, I include three binary variables that capture courts' expectations of wives as vulnerable and virtuous. First, I code whether deception was alleged in that whether a woman claims to have been misled by a married man. Close reading of court cases suggest that "duping" signals female vulnerability, prompting courts to respond sympathetically and increase the likelihood of recognition. When a woman alleges she has been deceived, the variable is coded as +1.

Conversely, two variables capture deviation from courts' default assumptions about women as "economically incapable and sexually passive" (Kowalski, 2022): whether the woman had an existing marriage and whether she was economically self-sufficient. In a discussion with legal scholar Sarasu Esther, she noted that litigators frequently invoke women's prior marital status—whether widowed, divorced or divorcing—to undermine their credibility in court. When a woman is noted as having had an existing marriage, the variable is coded as +1.

Similarly, establishing women's economic independence serves as a litigation tactic to demonstrate that these women are not only materially self-sufficient but also social savvy, making them undeserving of the protection courts typically extend to vulnerable wives. When a woman is recorded as being self-sufficient such that the court explicitly notes that she has her own business, maintains a salary or has access to wealth, the variable is coded as +1.

These latter two variables capture the extent to which a woman deviates from the ideological template of marriage. Table 2b summarizes all these measures.

Variable	Range	Expected Effect on Recognition
Deception Alleged	+1 if yes 0 otherwise	+
Woman Had Existing Marriage	+1 if yes 0 otherwise	-
Woman Self-Sufficient	+1 if yes 0 otherwise	-

Table 2b: Indicators of Traditional Gender Dynamic

To measure the degree of shared religiosity, I include three variables. The first is whether the relationship was solemnized through religious rituals. As Majumdar argues that “lawmaking on marriage in India cannot be divorced from an engagement with and accommodation to rituals” (2009). Courts frequently cite ritual performance when affirming the legitimacy of a relationship and invoke its absence to justify denial. Thus, when coding this variable, I used the same logic as I did for shared household: If ritual is explicitly mentioned, the variable is coded as +1; if it is explicitly absent, it is -1; and if not mentioned, it is 0. As such, judicial silence is analytically distinct.

The second and third variables recorded whether both partners belonged to the same caste and same religion, respectively. While caste is a prominent identity in India and traditionally, marriage across caste boundaries has invoked social sanction, existing scholarship suggests that the framing of marital laws as caste agnostic has meant that various inter-caste and inter-community marriages have been understood more broadly as “Hindu” marriages (Sen, 2019). I therefore expect caste to have a neutral effect on recognition.

By contrast, religious identities remain central to how marital laws have been structured in India: Marriage is legally recognized mainly on the basis of personal law. As a result, I expect inter-faith relationships to violate the deiological vision of family and be less likely to receive recognition. Due to limited sample size, I do not include caste and religion as predictors in the quantitative analyses but I examine them descriptively in the subsequent section. Table 2c details these variables.

Variable	Range	Expected Effect on Recognition
Religious Ritual	+1 if explicitly yes -1 if explicitly no 0 if not mentioned	+
Inter-Caste	Not coded	Neutral
Inter-Religious	Not coded	-

Table 2c: Indicators of Shared Religiosity

Limitations of the Dataset

This dataset has certain significant limitations. First, the sample relies primarily on keyword-based sampling, which risks under-sampling extramarital relationships that are described in less direct language. I address this limitation by interviewing family lawyers to understand how these cases are described in common parlance. Second, as noted above, the sample relies only on appellate court case decisions, which means that the insights that are developed in this paper are specific to these set of courts. I balance this shortcoming by leveraging the rich judicial commentary that is associated with appellate court cases, to understand the reasoning underlying recognition. Third, as mentioned earlier, the data collection and classification's reliance on LLM risks significant interpretation errors. As described above though, I mitigate this concern by incorporating extensive human oversight in the data collection and classification process. Finally, the conservative coding approach risks underestimating the actual prevalence and influence of certain relationship characteristics. For example, a judge may implicitly acknowledge the caste of the individuals involved without making it explicit, and that recognition may still shape the outcome. Nonetheless, the values can be understood as offered a credible lower bound on the prevalence of these characteristics.

Qualitative Data

The qualitative data in this project is drawn from close reading of approximately 300 appellate court cases that were selected for their diversity in case type, relationship characteristics, and recognition outcomes. Table 3 describes these cases at a high level. This qualitative reading helps me unpack the interpretive reasoning underlying judicial decision making. Moreover, this analysis was crucial in understanding which characteristics were invoked by judges during the course of these cases. I use insights from this analysis to shape the collection and coding of relationship elements like whether a woman is self-sufficient or has an existing marriage. Finally, I supplement this qualitative reading with semi-structured interviews with family lawyers and legal scholars to better understand the legal

culture in India today.⁸

	Recognized	Unclear/No Recognition
Civil	57	84
Criminal	41	95
Total	98	179

Table 3: Summary of Closely Read Cases

5 Empirical Analysis

Figure 4 shows a descriptive correlation between recognition rates and each of the independent variables. Broadly, shared household, children and a ritual that binds the relationship seems to promote relationship recognition. This is in line with the expectation that relationships with components of the ideological vision are more likely to receive recognition. Similarly, in line with our expectation, a woman who has an existing marriage is less likely to receive recognition. Interestingly though, alleging deception and being self-sufficient does not seem to affect recognition in the manner we would expect: Alleging deception seems to decrease recognition while being self-sufficient increases it.

⁸So far, I have conducted 10 interviews over Zoom and phone: most of whom are litigation advocates working in trial and family courts while two are legal scholars who have worked closely with family courts in India. I plan to conduct additional fieldwork later this year with the aim of also interviewing family court and appellate court judges.

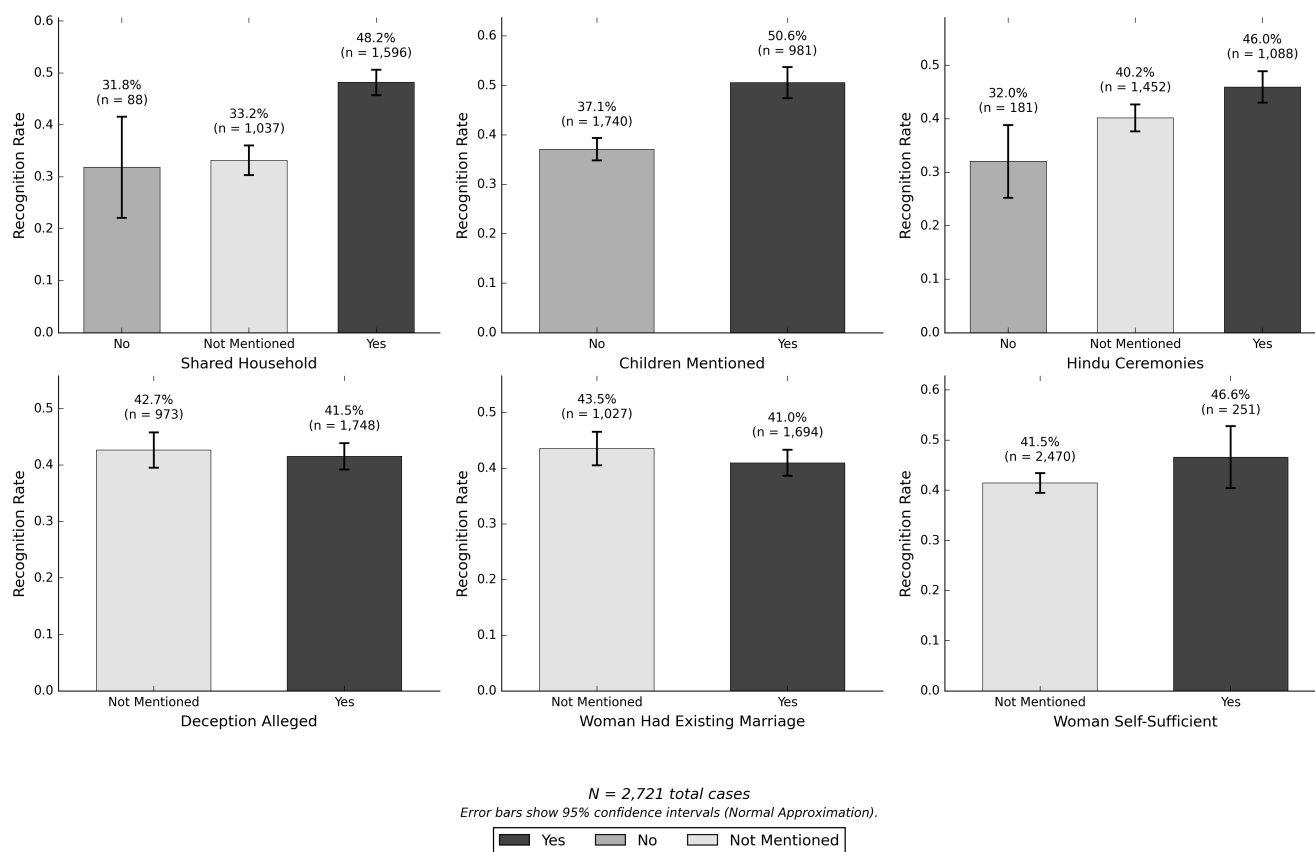


Figure 4: Recognition across Independent Variables

Establishing these patterns more strongly, Figure 5 shows how recognition rates vary with each of these variables while holding constant the judge and legal claim. The analysis is restricted only to judges who issued both recognition and non-recognition decisions. The correlation not only broadly aligns with Figure 4 but also, shows that alleging deception is *more* likely to receive recognition as we had anticipated. The only surprising result is that woman who are self-sufficient, which deviates from the ideological vision of marriage, do not seem to pay a penalty.

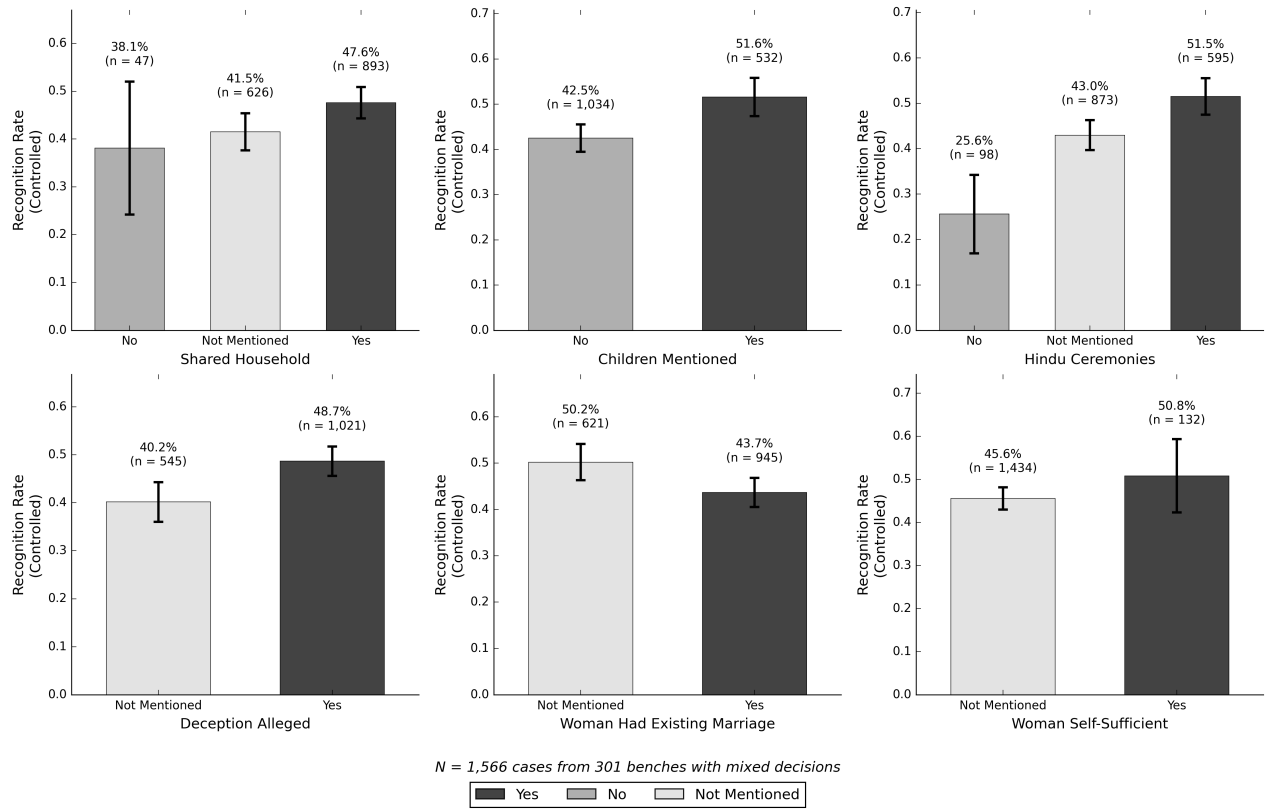


Figure 5: Recognition across Independent Variables with judge and legal claim controls

To build more conviction in these patterns, I estimate a multivariate linear regression model that isolates the effect of each variable while controlling for year, state,⁹ and case type. Table 4 presents the results. Standard errors are clustered at state level rather than the judge level, since a large proportion of judges in the dataset preside over only a single case, making judge-level clustering infeasible.

⁹To ensure stable estimation, I group together (1) Assam, Manipur, Meghalaya, and Tripura (Northeast “Seven Sisters”); (2) Tamil Nadu and Pondicherry; (3) Punjab, Haryana, and Chandigarh, based on geographic and socio-cultural proximity. Telangana and Andhra Pradesh are combined due to their shared history and similar recognition patterns.

	Dependent Variable:
	Recognition
Shared House	0.069*** (0.021)
Children Present	0.032*** (0.009)
Alleged Deception	0.046 (0.025)
Woman Previously/Still Married	−0.053* (0.026)
Woman Self-Sufficient	0.008 (0.033)
Religious Ritual	0.043* (0.018)
Criminal Case	−0.157*** (0.034)
Constant	0.373* (0.173)
Observations	2,720
R ²	0.115
Adjusted R ²	0.098

Note:

Robust standard errors clustered by state in parentheses.

Model includes state and year fixed effects.

*** p<0.001, ** p<0.01, * p<0.05, . p<0.1

Table 4: Regression Estimates of Recognition

The regression results confirm and sharpen the patterns suggested by the descriptive correlations. Controlling for year, state and case type, all the independent variables—except for woman’s self-sufficiency—are associated with recognition in the expected direction. Shared household and the presence of children are highly statistically significant and strongly predictive of recognition. Binding the marriage with a ritual appears to have a similar effect. Additionally, women who allege deception and do *not* have an existing marriage are more likely to be recognized. The only coefficient that runs counter to expectation is self-sufficiency. This mirrors the descriptive findings, but the effect is small and statistically marginal, suggesting that we cautiously interpret this as a weak or inconsistent relationship. A plausible interpretation of this coefficient is that even with evidence of their self-sufficiency, courts are much more inclined to see women as vulnerable and deserving of protections.

The substantive implications of these results is established when we compare a woman in a rela-

tionship that strongly resembles the ideological vision of marriage, i.e. shares a house and children, bound by ritual, and allegedly deceived, to a woman in a relationship that not only explicitly lacks all these characteristics but also has been previously married or is still married to someone else: According to the model, a woman in an idealized relationship has a roughly 56 percent change of recognition while a woman in a non-ideal relationship has only about 22 percent. This stark difference in recognition likelihood underscores the strong association between a relationship resembling the ideological vision of marriage and recognition.

It's worth noting alternative explanations for these recognition patterns. One compelling possibility is that economic resources drive outcomes such that self-sufficient women are better placed to seek better legal representation, ensuring higher recognition rates. However, as mentioned above, the coefficient estimate for self-sufficient women shows no significant effect and moreover, the number of women who receive recognition far exceeds the number for women who are self-sufficient in the data sample, contradicting this expectation.

A second alternative explanation is that certain relationships have better documentation of the commitments, making recognition more contingent on proof quality than on the ideological resemblance to marriage. To this end, proof of cohabitation or ritual performance serves as persuasive evidence of a committed relationship. However, this explanation falters when considering Figure 5, which shows that relationships are recognized even in the absence of explicit references to shared household or ritual performances.

Moreover, in *Chanmuniya vs Virendra Kumar Singh Kushwaha* (2010), the Supreme Court explicitly instructed lower courts to adopt a "broad and expansive interpretation" of the term wife in civil cases, emphasizing that formal documentation should not prevent women from receiving maintenance and other state support. This precedent weakens the argument that evidentiary quality drives recognition patterns and instead suggests that a relationship's resemblance to the ideological view of marriage underpins judicial recognition.

Finally, these results are robust to alternative specifications of the model. All robustness checks can be found in Appendix B.

I establish the material stakes of this association through close readings of court cases. This qualitative analysis vividly illustrates the inequality that emerges when some relationships are able to secure entitlements and others are denied the same.

Conjugal Life

It is largely unsurprising that courts are more willing to recognize extramarital relationships characterized by a shared household and children. As Sreenivas (2021) observes, in post-independence India, the “ideal subjects... were, at base, committed to planning for the future by aligning their reproduction with an imagined national and familial futurity.” Judicial recognition thus follows a logic that privileges domestic and reproductive familial arrangements.

The material implications of this logic become stark when conjugal life is absent in cases. In *Indra Sarma vs. V.K.V. Sarma* (2013), the Supreme Court refused to grant compensation to a woman who accused her partner of financially exploiting her. She described a long-term relationship in which her partner shifted their joint business to his house and excluded her from running it, took repeated financial loans from her, and used her earnings to fund his wife’s beauty parlor. Given this, she demanded financial compensation. Yet the Supreme Court dismissed her petition, stating: “Appellant had undergone abortion on two occasions... showing that the parties had no intention to treat the relationship as marriage.” Despite the relationship being long-term and materially intertwined, the absence of a shared household and children rendered the relationship unworthy of recognition and remedy to the Court.

The fact of judicial non-recognition is especially acute when courts themselves refuse extramarital relationships the basic right to cohabit and lead a conjugal life. Certain cases involve couples petitioning the court for police protection when faced with threats from family and community members who oppose their desire to cohabit. In *Monika vs State Of Rajasthan* (2022) when the couple petitioned the court for police protection to start living together, the Rajasthan High Court ruled that a “live-in relationship between a married and unmarried person is not permissible.” Similarly, in *Suneeta And Another vs State Of U.P.* (2023) when the couple petitioned the court for police protec-

tion to be together, the Allahabad High Court clarified that while it “not against live-in-relationship,” it is against an “illicit” relationship. In both cases, the couples’ petitions were “dismissed.”

These cases raise the question of why married individuals do not simply divorce before cohabiting. However, divorce carries severe social stigma in India, particularly for women. Anecdotal evidence suggests that women often prefer tolerating their partners’ extramarital relationships rather than face the social consequences of divorcing them. As litigation advocate Ishani Banerjee mentioned in an interview, married women can access community rituals and activities that would otherwise be forceclosed to divorcees, making the title “wife” socially valuable even if the marriage is unhappy. This context helps shed light on why individuals seek legal recognition for relationships outside legal marriage rather than pursuing divorce.

Traditional Gender Dynamic

Invariably, scholars highlight the salience of a traditional gender dynamic in the context of courts in India. The regression results, albeit the weak coefficient estimate for a woman being self-sufficient, suggest as much: When relationships exhibit a traditional gender dynamic that is marked by feminine naivety and economic dependence, they are more likely to receive recognition and when they deviate from this, they are more likely to be dismissed. The stakes of this logic become visible in the following set of cases I describe below.

In two criminal cases decided by the Punjab-Haryana Court, we see starkly different outcomes hinging on whether the woman was previously married or not. In *Amarjit Singh vs State of Punjab* (2011), a woman who is not officially divorced her previous husband is found dead in her current male partner’s home. The male partner is accused of murdering her for non-payment of dowry. However, the court dismisses the possibility, stating that what “cannot be ignored is that this was the second marriage for both the appellant as well as the deceased...so their marriage was of convenience and necessity and under these circumstances allegations of demand of dowry do not appear to be correct.” The male partner was ultimately granted bail and released from prison.

By contrast, in *Jobandeep Singh vs State of Punjab* (2022), a comparable case where the woman

however was young and unmarried, the same court maintained the conviction of the male accused. The court emphasized that the deceased was “unmarried” and noted that while the male accused “kept on assuring the deceased that he will get married to her after divorcing his wife,” she ultimately “took the extreme step.” Given these facts, the court held that the accused’s “heinous and serious offences cannot be quashed.”

The court’s diverging judgments in this set of cases aligns with Kowalski’s (2022) observation that in India, women “especially those known to be married or have been married, are open to assumptions about sexual availability, sexual activity, and insinuations about moral failure.”

The privileging of feminine naivety and its implications is once more affirmed when considering the following pair of cases from the Bihar High Court: In *Birendra Prasad Roy vs The State of Bihar* (2013), where the petitioner was accused of matrimonial cruelty, the court denied bail, noting that although the couple had “voluntarily married,” the petitioner had “kept her in the dark.” The woman’s deception was deemed egregious enough to deny the petitioner relief.

Yet by contrast, in a case that involved a far graver allegation of murder for dowry, the same court in the same year granted bail. In *Pradeep Kumar Ganesh vs The State Of Bihar* (2013), the court emphasized that since the “deceased solemnized love marriage with the petitioner who has already married,” there was “not even a whisper of dowry demand.” It almost seemed as if the fact of a *love* marriage, where the woman is presumed to have acted with agency, established that the woman had not been deceived and foreclosed any deeper scrutiny into the case.

The dominance of a traditional gender dynamic in India’s ideological vision of marriage becomes vivid once more when comparing how courts treat economically self-sufficient women seeking maintenance and unemployed men making similar claims.

In *Dudela Radhakrishna Madhukarbhai Rao vs Manisha Radhakrishna Dudela* (2021), when a woman’s petition for maintenance was challenged on the basis that she was already earning an income, the Gujarat High Court dismissed the challenge, declaring that “It is a settled law that, merely because the wife was earning some income, it could not be a ground to reject the claim for maintenance.” The court held that the objective of maintenance was not to ensure that the woman

does not become destitute as much as it was “to enable the wife to maintain herself in accordance with the living standard of the petitioner [male partner].”

In contrast, in *Smt. Malleshwaramma vs. G.S. Srinivasulu* (2016), when a man petitioned for maintenance, claiming he was sick and unemployed while his wife—who was already married—could support him, the Telangana High Court rejected this claim outright:

“When the husband is not entitled to claim maintenance even from his legally wedded wife by pressing into service Section 125 Cr.P.C., the question of claiming maintenance by a paramour from a kept mistress or a husband from his second wife is unimaginable. Allowing a paramour to claim maintenance from his kept mistress or concubine under Section 125 Cr.P.C., certainly would amount to making mockery of the provisions of Cr.P.C.”

The court’s vision of marriage recognized only women as capable of experiencing economic vulnerability even when they are economically self-sufficient, leaving no room to consider a man’s vulnerability and the manner in which entitlements can safeguard them.

Shared Religiosity

Some relationships are denied various entitlements simply based on the question of rituals. In *Rengha Oraon vs State Of Jharkhand* (2024), the Jharkhand High Court held that “[t]he application is however, absolutely silent about the rituals of marriage by which they were married.” Even though the individuals “commenced their life as husband and wife,” the court rejected the woman’s claim to maintenance. In *Raj Kumar vs State of Himachal Pradesh* (2019), the Himachal Pradesh Court emphasized that a deed proclaiming marriage was insufficient “in the absence of any rituals and performance of marriage according to Hindu rites.” Even though there was evidence of a “live-in relationship”, the woman was denied protection under the Domestic Violence Act. Finally, in *Kopisetti Subbharao @ Subramaniam vs State Of A.P* (2009), the Supreme Court, echoing the Andhra Pradesh High Court’s view, noted that “certain ceremonies were required to be performed which

were not proved." Even though the individuals had "lived together," the Court refused to persecute the man for marital cruelty.

This set of cases illustrates the material consequences of failing to align with the religious dimension of the courts' ideological vision of marriage. However, this alignment is achieved not through ritual observance alone but also, based on the religious identities of the individuals.

Caste

While caste remains foundational to Indian social life, it appears largely immaterial to judicial recognition of extramarital relationships. This is not to say caste is insignificant but rather that courts do not treat caste in extending or denying legal entitlements. In sharp contrast to factors like a conjugal life, gender roles, and religious rituals, which structure access to legal recognition and its attendant entitlements, caste does not seem to carry material consequences in judicial recognition patterns.

In the dataset, the term "caste" is explicitly mentioned in only 112 of 2,721 cases. Of these, 50 involved inter-caste relationships and 62 involved same-caste ones. As Figure 6 shows, recognition rates for inter-caste and same-caste relationships are broadly comparable. These comparable recognition rates hold when comparing relationships of upper-caste women with lower-caste men and vice-versa. This parity suggests that judges neither reward nor penalize relationships based on caste identity alone.

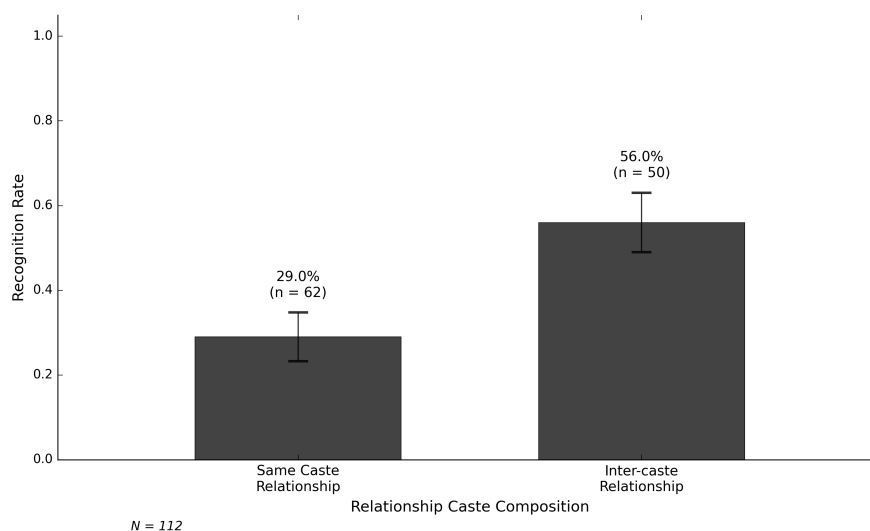


Figure 6: Recognition Rate based on Relationship's Caste Composition

The legal disinterest in caste resonates with ethnographic findings from Roychowdhury (2020), who observed that inter-caste unions did not provoke institutional backlash when women sought protection from abusive husbands. This logic becomes evident in the context of appellate courts as well: In *Re vs Sh. Deepak* (2019), where a petitioner argued that his relationship with a Dalit woman was invalid not only because she was already married but also because, being Dalit, the Hindu rituals they had performed were meaningless. The Delhi District Court rejected this claim outright, stating: “It has not been shown as to how the mere fact that she belongs to Scheduled Caste or Scheduled Tribe category can lead to the inference that Hindu Marriage Act, 1955 is not applicable to her.”

Religion

Unlike caste, religious identities of individuals seem to actively shape judicial recognition. Most cases in the sample involve individuals identified as Hindu but 33 cases involve relationships between individuals who belong to different faiths. This small sample does not reflect courts' disinterest in religion—unlike caste, religion is straight-forward to infer and inevitably mentioned given how personal laws are structured in India—but rather reflects that such relationships rarely occur in contemporary India (Choksi, 2022; Mody, 2008; S, 2022).

The recognition rate of these relationships—which included relationships between Hindu and

Muslims, and Hindus and Christians, - was broadly comparable to the overall sample. Disaggregating these statistics further shows an interesting pattern: in relationships between Hindu women and non-Hindu men, Hindu women are more likely to be recognized and extended some entitlement compared to non-Hindu women in relationships with Hindu men. Of 9 cases involving Hindu women, these women were rejected entitlements in only 2 cases. In contrast, of 19 cases involving non-Hindu women, these women were rejected legal entitlements in 12 cases, representing almost a 40 percentage point difference. This stark inequality between these relationships suggests that Hindu women are seen as more worthy of recognition and protection in an interfaith relationship than non-Hindu women.

The ease with which relationships involving non-Hindu women are rejected entitlements and made dispensable is reflected in *Akbari vs. UT of Chandigarh* (2016). A Muslim woman approached the Punjab-Haryana Court because the police refused to file her complaint against her Hindu male partner who had given her “beatings and thrown her out of the house and snatched the cash and jewellery.” Despite the couple’s cohabitation and solemnization in a Hindu temple, the Court found “no merit” to her complaint. Her identity as a Muslim woman effectively reduced her relationship to a “live-in relationship” that was dispensable.

6 Conclusion

Existing scholarship on India shows that intimate relationships that exhibit a conjugal life, a traditional gender dynamic, and shared religiosity are broadly deemed legitimate in the Indian state’s eyes. However, the Intimacy Contract reveals important nuances in this vision of the ideal family. By comparing extramarital relationships that are recognized with those that are not, the Intimacy Contract offers clarity on the exact boundaries of legitimate intimacy and the material costs of falling outside them.

First, the analysis reveals how religion is salient in recognizing families. The valorization of religious ritual over legal validity demonstrates that state recognition operates as a mechanism for

preserving Hindu identity in the family. This pattern becomes starkest in interfaith relationships. While “love jihad” narratives under the reigning BJP government focus on protecting Hindu women from Muslim men, non-Hindu women partnered with Hindu men face lower recognition rates than Hindu women in inter-faith relationships. This disparity contradicts the reigning BJP government’s rhetoric about enacting anti-polygamy laws to save Muslim women: The analysis suggests that the state’s primary concern is not the protection of Muslim women as much as it is the preservation of Hindu dominance. This dominance is secured by treating Hindu men as gatekeepers of Hindu identity within the family while rendering their relationships with non-Hindu women dispensable, thereby clarifying the boundaries of Hindu belonging.

Second, the analysis shows how paternalistic assumptions about which women deserve protection mean that state institutions are rarely considering who is actually vulnerable. As a result, women who have had existing marriages and men who have fallen on hard times are often seen as unworthy of state rights and protections. These populations are written out of the courts’ conception of family, which instead valorizes relationships that follow the script of virgin wives and providing husbands.

Third, while the marginalization of same-sex relationships has received increasing attention in India, this analysis reveals another set of relationships that live precariously in the country today: extramarital relationships. While courts are more likely to recognize relationships when they exhibit a conjugal life, the ability to establish such a life is often constrained.¹⁰ Many extramarital relationships are thus pursued without these arrangements. Yet these relationships face significant costs—from financial abuse to threats to life—but courts dismiss these costs precisely because these relationships lack conjugal markers. The implication is that individuals in these relationships—women who have been financially exploited or are running away from threatening family members—are rendered dispensable, their vulnerabilities dismissed. By rendering these individuals dispensable, Indian courts reaffirm the state’s investment in heteronormative relationships organized around shared households and children.

Overall, using the Intimacy Contract to analyze Indian appellate courts’ selective recognition

¹⁰Arguably, the challenges of building a conjugal life are numerous including securing housing, navigating social pressures, consenting to having children.

of extramarital relationships reveals a form of state power that remains mostly under-theorized in social science scholarship. It demonstrates that states produce material inequality across intimate relationships by recognizing some relationships as family while rendering others dispensable even when they are emotionally and materially comparable. This challenges existing scholarship that tends to see family as a stable, political unit as opposed to a selectively recognized category with significant material consequences.

This blind spot becomes especially clear when considering scholarship that links institutional monogamy with gender equality. Scholars like Henrich (2020) and Hudson et al. (2020) argue that imposing institutional monogamy in societies that traditionally practiced polygamy leads to gender equality, rationalizing that imposing monogamy reduces patriarchal control over women.¹¹ However, their argument rests on the assumption that monogamy, once institutionalized, is practiced in reality.

The Intimacy Contract challenges this assumption. In India, institutional monogamy coexists with widespread extramarital relationships, and selective recognition of these relationships reveals the deeper logic of monogamy: rather than eliminating multiple intimate relationships, it makes them invisible to legal rights and protections. Thus, evaluating gender equality under monogamy requires examining whether legally married women can access domestic violence protections or spousal support as much as interrogating whether women in comparable intimate relationships are dispensable in the eyes of the state.

In focusing on the selective recognition of relationships and the hierarchy of familial belonging, the Intimacy Contract offers a more fundamental view into state power. While state power is typically associated with taxation and coercion, the Intimacy Contract reveals its reach into the seemingly private realm of intimate relationships. By extending protections and rights to some relationships while denying them to others, states ensure that certain individuals are tethered to one another “through sickness and health” while rendering others dispensable. Through this, states offer

¹¹One way to think of their argument is that polygamous marriage systems create a supply shortage of women which motivates men who control this supply of women to be protective and possessive of this supply, engendering gender inequality; conversely, monogamous marriage ensures that the supply of women more or less matches demand from men, creating the conditions for gender equality.

an ideological vision of which intimate relationships ought to matter to us as individuals, effectively defining what it means to be “belonging to society in a deep and normal way” (Berlant & Warner, 1998).

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A Legal Remedies Available to Recognized Wives in India

Entitlement Name	Legal Provision	Type of Law	Year	Relief Provided
Maintenance	Section 125, Criminal Procedure Code (CrPC)	Civil	1973	Monthly financial support for wives unable to maintain themselves
Protection from Domestic Violence	Protection of Women from Domestic Violence Act, 2005	Civil (with magistrate enforcement)	2005	Protection, residence, maintenance, and compensation orders against intimate partner abuse
Pension / Compassionate Appointment	Government Service Rules, various High Court rulings	Civil / Administrative	Evolved through case law	Access to deceased spouse's pension or job if he worked in public sector
Property Rights	Hindu Succession Act, 1956 (amended 2005)	Civil	1956 / 2005	Right to inherit spouse's self-acquired or ancestral property as legal heir
Protection Against Cruelty	Section 498-A, Indian Penal Code (IPC)	Criminal	1983	Criminalizes mental or physical cruelty by husband or relatives
Dowry Death	Section 304-B, IPC	Criminal	1986	Criminal liability for husband/relatives if wife dies within 7 years of marriage due to dowry-related harassment
Police Protection from Family or Society	No specific statute; based on High Court orders	Civil (via writ jurisdiction)	Evolving jurisprudence	Injunction or protection from hostile relatives/community if couple faces threats due to relationship

Table A.7

B Supplementary Figures and Tables

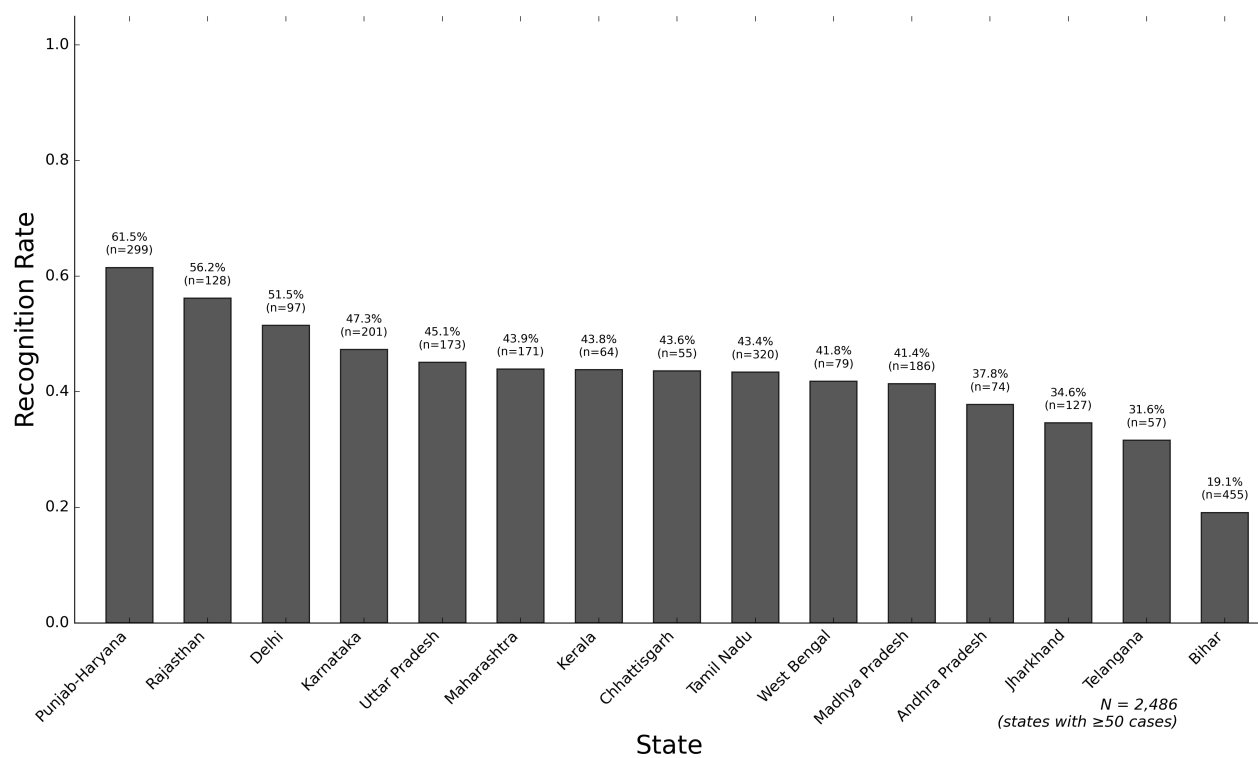


Figure B.1: Recognition Rate across States/Regions



Figure B.2: Recognition Rate across Years

	<i>Dependent Variable:</i>
	Recognition
Shared House	0.069*** (0.021)
Children Present	0.031*** (0.009)
Alleged Deception	0.043* (0.018)
Woman Previously/Still Married	-0.158*** (0.035)
Woman Self-Sufficient	-0.037 (0.138)
Religious Ritual	0.048 (0.042)
Criminal Case	-0.058 (0.061)
Woman Self-Sufficient x Alleged Deception	-0.001 (0.141)
Woman Self-Sufficient x Woman Previously/Still Married	0.074 (0.190)
Alleged Deception x Woman Previously/Still Married	-0.004 (0.056)
Woman Self-Sufficient x Alleged Deception x Woman Previously/Still Married	0.006 (0.191)
Constant	0.372* (0.169)
Observations	2,720
R ²	0.116
Adjusted R ²	0.097

Note: Robust standard errors clustered by state in parentheses. Model includes state and year fixed effects. *** p<0.001, ** p<0.01, * p<0.05, . p<0.1

Table B.8: Regression Estimates of Recognition (with Interaction)

	<i>Dependent Variable:</i>
	Recognition
Shared House	0.331*** (0.099)
Children Present	0.138*** (0.041)
Alleged Deception	0.211. (0.114)
Woman Previously/Still Married	−0.256* (0.120)
Woman Self-Sufficient	0.035 (0.146)
Religious Ritual	0.199* (0.082)
Criminal Case	−0.709*** (0.142)
Constant	−0.561 (0.741)
Observations	2,720
Log Likelihood	−1,682.477
Akaike Inf. Crit.	3,468.955

Note:

Robust standard errors clustered by state in parentheses.

Model includes state and year fixed effects.

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$, . $p < 0.1$

Table B.9: Logit Estimates of Recognition

	<i>Dependent Variable:</i>	
	Recognition	
	Civil Cases Only	Criminal Cases Only
	(1)	(2)
Shared House	0.125*** (0.032)	0.004 (0.025)
Children Present	0.031* (0.015)	0.034 (0.019)
Alleged Deception	0.035 (0.026)	0.068* (0.034)
Woman Previously/Still Married	−0.092* (0.045)	−0.019 (0.027)
Woman Self-Sufficient	0.048 (0.050)	−0.033 (0.042)
Religious Ritual	0.064** (0.024)	0.022 (0.024)
Criminal Case	0.334 (0.176)	−0.034 (0.037)
Observations	1,559	1,161
R ²	0.111	0.080
Adjusted R ²	0.082	0.040

Note:

Robust standard errors clustered by state in parentheses.

Both models include state and year fixed effects.

*** p<0.001, ** p<0.01, * p<0.05, . p<0.1

Table B.10: Regression Estimates: Civil vs Criminal Cases

	<i>Dependent Variable:</i>	
	Recognition	
	Pre-2014 Cases	Post-2014 Cases
	(1)	(2)
Shared House	−0.011 (0.025)	0.090* (0.042)
Children Present	0.013 (0.019)	0.033 (0.028)
Alleged Deception	0.009 (0.034)	0.064 (0.055)
Woman Previously/Still Married	−0.054* (0.027)	−0.053 (0.052)
Woman Self-Sufficient	0.117** (0.042)	−0.011 (0.079)
Religious Ritual	0.034 (0.024)	0.046 (0.036)
Criminal Case	−0.102* (0.052)	−0.172** (0.052)
Constant	0.450*** (0.037)	0.407** (0.128)
Observations	477	2,243
R ²	0.195	0.113
Adjusted R ²	0.123	0.098

Note:

Robust standard errors clustered by state in parentheses.

Both models include state and year fixed effects.

*** p<0.001, ** p<0.01, * p<0.05, . p<0.1

Table B.11: Regression Results: Pre-BJP vs Post-BJP Cases

	<i>Dependent Variable:</i>
	Recognition
Shared House	0.076** (0.024)
Children Present	0.032** (0.010)
Alleged Deception	0.047 (0.029)
Woman Previously/Still Married	−0.064* (0.030)
Woman Self-Sufficient	−0.001 (0.032)
Religious Ritual	0.046* (0.021)
Criminal Case	−0.179*** (0.032)
Constant	0.440* (0.177)
Observations	2,265
R ²	0.087
Adjusted R ²	0.066

Note:

Robust standard errors clustered by state in parentheses.

Model includes state and year fixed effects.

Bihar cases excluded from analysis.

*** p<0.001, ** p<0.01, * p<0.05, . p<0.1

Table B.12: Regression Estimates (Excluding Bihar)

	<i>Dependent Variable:</i>
	Recognition
Shared House	0.070** (0.022)
Children Present	0.034*** (0.010)
Alleged Deception	0.047· (0.025)
Woman Previously/Still Married	−0.053· (0.027)
Woman Self-Sufficient	0.0003 (0.034)
Religious Ritual	0.044* (0.019)
Criminal Case	−0.154*** (0.036)
Constant	0.370* (0.176)
Observations	2,574
R ²	0.116
Adjusted R ²	0.100

Note:

Robust standard errors clustered by state in parentheses.

Model includes state and year fixed effects.

States with fewer than 50 observations excluded.

*** p<0.001, ** p<0.01, * p<0.05, · p<0.1

Table B.13: Regression Estimates (States with ≥ 50 Observations)

C GPT Prompts

```
# Legal areas we're interested in
legal_areas = [
    "domestic violence act",
    "498a",
    "498-a",
    "304b",
    "304-b",
    "section 125",
    "police protection",
    "protection of life",
    "property rights",
    "pension"
]

# Second relationship terms
relationship_terms = [
    "second marriage is null",
    "second marriage is void",
    "marriage is invalid",
    "marriage without divorce",
    "marriage was not dissolved",
    "bigamous marriage",
    "existence of first marriage",
    "existence of first wife",
    "subsisting marriage",
    "subsistence of first marriage",
    "suppressing the earlier marriage",
    "suppressing the first marriage",
    "concealed their earlier marriage",
    "concealed their first marriage",
    "relationship with a married",
    "already married",
    "married to another",
    "already been married",
    "is a married man",
    "not a legally married wife",
    "not legally wedded wife",
    "concubine",
    "illegitimate wives"
]
```

Figure C.1: Search Terms for Case Identification

```
analysis_prompt = f"""You are a legal expert analyzing disputed
relationship cases in Indian courts. Determine:

    - Whether the case involves a dispute over the legitimacy of a
    relationship (e.g. One party claims that they are a wife while the other
    party disputes it, one party claims that they are a relationship deserving
    of protection while the other party disputes that the relationship isn't
    legitimate to deserve protection)

    - Whether the legitimacy is in question because of concurrently
    existing relationships (e.g. party is subsisting an existing marriage,
    party is already married)

    - What claims are being made by the parties' whose legitimacy is
    questioned (e.g. maintenance, criminal charges, property, pension
    benefits, etc.)

Case Title: {title}

Context from first chunk:
{chunks[0][:2000]}

KEY INFORMATION EXTRACTED FROM FULL DOCUMENT:
{combined_info}

CRITICAL FILTERING CRITERIA - READ CAREFULLY:
The case MUST involve a dispute over relationship status where:

    - At least one party DENIES the validity or legitimacy of a claimed
    relationship

    - This denial is specifically based on the existence of another
    concurrent relationship

    - There are certain legal claims that are being made by the parties
    whose legitimacy is being disputed

    - These legal claims are maintenance, pension benefits, criminal charges
    under Section 498-A/306-B, property rights, protection under domestic
    violence act, police protection for life and liberty.

EXCLUDE cases where:

    - A legally wedded wife is filing a case against her legally wedded
    husband for having an affair or a bigamous marriage

    - A legally wedded husband is filing a case against his legally wedded
    wife for having an affair or a bigamous marriage
```

Figure C.2: GPT Prompt for Case Selection

- The state - or other such entities - is filing a case against a man or a woman for maintaining a bigamous marriage

ANALYSIS FRAMEWORK:

1. Disputed Relationship Assessment

a. Does the validity of the relationship arise in a case? (e.g. A petitioner claims that a criminal charge does not have basis because they are already married.)

b. Is the validity contested specifically because one party is allegedly already in another relationship?

2. Legal Claim Assessment

a. What specific legal benefits, rights, or protections are being sought? (maintenance, protection orders, property rights, etc.)

b. What type of case is this (criminal proceedings, maintenance claim, property dispute, etc.)?

IMPORTANT: For legal_claim_type, you MUST categorize it into one of these specific categories:

- "Maintenance under Section 125"
- "Criminal Charges under IPC and Dowry Prohibition Act"
- "Pension/Compensation/Other Similar Benefits"
- "Protection under Domestic Violence Act"
- "Other"

If the legal claim type is "Other", provide detailed information in the legal_claim_details field.

```
prompt = f"""
    You are a senior Indian legal expert analyzing a High Court judgment.

    CASE INFORMATION:
    Title: {title}
    Original Court Outcome Classification: {court_outcome}

    JUDGMENT TEXT (Conclusion Section):
    {conclusion_text}

    YOUR TASK: Analyze the court's decision to determine two key aspects:

    1. BENEFICIARY EXPLANATION:
        - Provide a detailed explanation of which party (complainant/victim or
        accused/defendant) benefited from the court's ruling
        - Include the reasoning behind your conclusion and direct quotes from the
        ruling when available

    2. RELATIONSHIP VALIDITY ASSESSMENT:
        - Determine whether the court supported the registration of FIR (First
        Information Report) or wanted to pursue claims that implied that the parties
        involved ARE family members or have a legitimate relationship
        - Focus specifically on whether the court accepted or rejected the original
        claim that initiated the legal proceedings
        - Classify into one of three categories:
            * "True" - The court supported the registration of FIR or recognized the
            relationship as legitimate
            * "False" - The court rejected the registration of FIR or did not recognize
            the relationship as legitimate
            * "Unclear" - There is insufficient information to determine the court's
            position

    Return a JSON object with these fields:
    {{
        "beneficiary_explanation": "Detailed explanation of which party benefited
        from the ruling and why",
        "ruling_quote": "Direct quote from the court's decision",
        "check_relationship_validity": "True/False/Unclear",
        "legitimacy_reasoning": "Explanation of why you determined this
        relationship validity status"
    }}
    """
```

Figure C.3: GPT Prompt for Case Outcome Analysis