

THE PRICE OF MONOGAMY: IDEOLOGICAL EXCLUSION OF EXTRAMARITAL RELATIONSHIPS IN INDIA *

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Many social scientists see the institutionalization of monogamous marriage as promising an egalitarian society. This essay challenges this view by arguing that the institutionalization of monogamy is exclusionary, extending and withholding recognition and entitlements on an ideological basis. I illustrate this argument by analyzing the selective recognition of extramarital relationships across 2,721 Indian appellate court cases from 2000 to 2024. When these relationships resemble the state's ideological vision of monogamous marriage—a conjugal life, a traditional gender dynamic, and shared religiosity—, courts are almost 35 percentage points more likely to recognize them and extend entitlements (e.g., spousal support, protection against violence) than when these features are absent. The gap highlights that women in comparable circumstances have uneven access to entitlements due to the ideological logic underlying monogamy, a system that excludes even as it promises equality.

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1. INTRODUCTION

In early 2020, Justice Narayan¹ of the Karnataka High Court heard two comparable legal cases in which women sought protection under India's Domestic Violence Act². Both women were in relationships with men who were already married, complicating their legal standing because the Hindu Marriage Act renders extramarital relationships "invalid." Yet Justice Narayan reached opposite conclusions. In *Sri Nagaraja vs. Smt. Thimmakka*, he granted the woman protection, recognizing a "relationship between them as husband and wife." However, in *Sri Bhaskar vs. T Prema Tangavelu*, he denied the woman protection, reasoning that her "status... is that of a concubine or a mistress, who cannot enter into a relationship in the nature of a marriage," and that the Domestic Violence Act "does not take care of such relationships."

This striking variation is not confined to these two cases. In my sample of 2,721 court cases involving women in legally ambiguous relationships, Indian appellate courts grant legal entitlements in nearly 40 percent of cases while denying them in the remainder: What explains the selective recognition of extramarital relationships in a country that has largely banned polygamy? Political scientists such as Hudson et al. (2020) might interpret the recognition of extramarital relationships as evidence of a dominating cultural disposition toward polygamy. However, this explanation does not account for selective recognition.

An alternative explanation, drawing from an intersectional framework, is that recognition reflects the identity characteristics of the women themselves (Hancock 2016; Weldon 2006). Perhaps the woman who received protection occupied a higher caste or class position than the woman who was denied it. This explanation does not fully explain the variation in these cases. In the two cases described above, there was no reference to either women's caste or class. Instead, what seemed significant is the nature of their relationships with their male partners (e.g., whether it was a second marriage, whether they shared children).

To explain the selective recognition of extramarital relationships, I examine *which* relationships appellate courts recognize and which they dismiss. I argue that selective recognition is shaped by an ideological vision of monogamous marriage embedded within the country's marital

¹The actual names of the judges, lawyers, and litigants involved in these cases has been anonymized for ethical purposes. The case names, however, are the same for reference.

²India's Domestic Violence Act 2005 is a civil act that grants protections including police protection, maintenance, and restraining orders, to women in "domestic relationships," understood broadly.

laws. In India, this vision has three defining features: a conjugal relationship, organized around shared residence and children (Sreenivas 2021), a traditional gender dynamic, in which the wife is virtuous and vulnerable and the husband is a provider and authority figure (Basu 2015), and a shared religion where the individuals adhere to the same faith (Sezgin 2013). In my sample of appellate court cases, I find that relationships that resemble this vision are almost 35 percentage points more likely to receive recognition than relationships that do not comport with this vision.

The significance of this ideological vision on extramarital relationships is better understood in context of India's social and political environment. Although monogamy is the legal norm, extramarital relationships remain common, including among Hindus (Ray 2025). These relationships range from short-term affairs to long-term partnerships between individuals who are already married. Their prevalence has prompted feminist lawyers and activists to demand recognition and entitlements for women in such relationships, even when doing so challenges the country's monogamy mandate (Agnes 2011). At the same time, the institutionalization of monogamy has acquired particular political significance with the reigning Modi government that associates monogamy with the progressiveness of Hindus and other non-Muslims while portraying polygyny as a marker of Muslim regressiveness (Mehta 2023). I argue that in this context, courts do not adopt a uniform approach towards extramarital relationships and instead, evaluate relationships based on an ideological vision of monogamous marriage embedded in the country's marital laws, selectively extending recognition to relationships that approximate this vision.

To establish this claim, I use a multi-method approach, combining computational, quantitative and qualitative analysis of hundreds of cases involving women claiming spousal entitlements while in extramarital relationships. With extensive human review, I employ a large language model (LLM) to collect and classify 2,721 appellate cases from Indian Kanoon, a publicly available legal repository. For each case, I collect and code the legal entitlement sought by the women in the relationship, her and her partner's demographic characteristics, their relationship's characteristics (e.g., whether they shared children), and whether she received the entitlement. The resulting dataset represents the universe of reported appellate cases involving extramarital relationships over the last twenty-five years across all Indian High Courts. I use quantitative methods to establish trends in recognition while close qualitative reading of over 300 cases to understand the rationale underlying recognition. I further supplement this analysis with interviews with lawyers and legal scholars to understand the legal culture and litigation strategies that shape these cases.

Empirically, this study’s findings are significant. Using a novel dataset, this study renders visible a population that has largely escaped systematic study, i.e., women in extramarital relationships. When these women are recognized, they gain access to significant material entitlements including spousal support, protection under the Domestic Violence Act, and pension benefits; when they are denied recognition, they lose access to these entitlements. Because recognition is shaped by an ideological vision of monogamous marriage, these consequences fall unevenly on women whose relationships do not comport with this vision including women in relationships that lack a conjugal life, women in interfaith relationships, and women who knowingly enter relationships with married men.

These findings are theoretically significant as well. They challenge existing political science scholarship that argues that the institutionalization of monogamy promotes an “egalitarian” society (Hudson, Bowen, and Nielsen 2020; McDermott and Cowden 2019). Instead, I argue that institutionalized monogamy is ideologically exclusionary. A system that limits state recognition to a single relationship must also specify *which* relationship is entitled to recognition, thereby excluding relationships that fall outside these criteria. These criteria can invoke individuals’ identities, such as class and race (Jassal 2024; Nooruddin 2007), as gender and politics scholarship shows, but also implicates the nature of the relationship itself. Together, these criteria constitute an ideological vision of marriage that underlies monogamy’s institutionalization.

The rest of this paper proceeds as follows. I first develop a theory of institutionalized monogamy by drawing on political science scholarship that casts monogamy as an egalitarian institution, and on gender and politics scholarship that discusses how states treat partnered women. I then turn to the Indian case, tracing how monogamy became a state imperative and discussing the ideological vision of monogamous marriage embedded in the state’s marital laws, from which I derive my hypotheses. I next describe my dataset and coding, before presenting the empirical analysis. I conclude by discussing the findings and broader implications.

2. ON MONOGAMY

2.1. WHAT IS THE PRICE OF MONOGAMY?

Black’s Law dictionary defines monogamy as “a marriage contracted between one man and one woman, in *exclusion* of all the rest of mankind” (emphasis mine). Put differently, when institution-

alized, monogamy implies that while individuals can have multiple sexually intimate relationships, only one such relationship will be recognized by the state. Scholars like McDermott and Cowden (2019) and Hudson et al. (2020) describe the institutionalization of monogamy as a positive development that promises an “egalitarian” society. This view is shared by other social scientists as well. The psychologist David Barash (2016) argues that states with monogamy tend to be more “democratizing” and the economist Michèle Tertilt (2005) describes it as leading to “steady state utility.”

Their view on monogamy is most strongly associated with the influential evolutionary anthropologist Joseph Henrich and his coauthors’ (2012) argument that non-monogamy, specifically polygyny, generates a set of psychological and behavioral effects among men that compels them to “engage in risky, status-elevating and sex-seeking behaviors” that leads to social instability and inequality. Underlying this argument is the assumption that polygyny creates a “math” problem that monogamy fixes. In polygyny, women are concentrated among a subset of men excluding other men from having wives while monogamy compels women to pair off with single men only. In his widely published book *WEIRD* (2020), Henrich illustrates this argument with a stylized but compelling Figure 1 that is reproduced below.

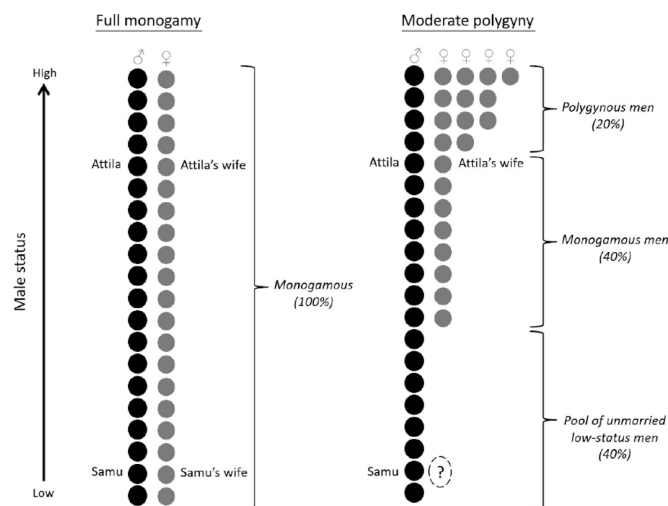


Figure 1: Henrich’s model of monogamy and polygyny. Each side shows the same community of forty adults ranked by male status; under monogamy every individual pairs off, while under polygyny high-status men take multiple wives and low-status men go unmarried. Reproduced from Henrich (2020), fig. 8.1.

However, their assumption neglects the fact that when institutionalized, monogamy does

not prevent individuals from engaging in multiple sexually intimate relationships but rather restricts state recognition to one such relationship. The stakes of this exclusionary design become most evident in the journalist Julia Ioffe's (2025) discussion of the Soviet Union, where monogamy was used as the basis to deny protection to many women who had children outside marriage. Following the Second World War, the Soviet Union faced a severe fertility crisis. To address it, the state encouraged men to "impregnate not just their wives but also women who were not their wives." During these years, one third of Soviet children were born out of wedlock. However, since unmarried women were not recognized as wives, they had no right to take the father to court to seek child support, leaving them to bear the "double burden" of working and caring for their children. Ioffe argues that this lack of support aligned with the state's mandate to normalize the "lonely mother." In effect, monogamy allowed the state to promote sexually intimate relationships with unmarried women while simultaneously denying these relationships the entitlements typically attached to marriage.

Figure 2 is a schematic, adapting Henrich's stylized depiction of monogamous society to the Soviet Union. Grey circles denote women recognized as wives; white circles denote the women left unrecognized, the "lonely mother" whose relationship was promoted by the state but nonetheless denied state entitlements. From this perspective, monogamy appears less a promise of an "egalitarian" society than an institution that excludes certain individuals not unlike polygyny.

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at all.

This ideological vision encompasses both individuals' identity characteristics and the nature of their relationship to one another. The importance of this vision is implicit in gender and politics scholarship that focuses on partnered women's access to legal entitlements (Htun and Weldon 2012; Teele, Kalla, and Rosenbluth 2018; Cheema et al. 2023; Prillaman 2023). These studies show that ideologically weighted characteristics such as race, caste, and class are significant in shaping women's access to entitlements even if they share the same legal status as wives. In India, for example, where married women have a legal right to file domestic violence complaints, Jassal (2024) finds that class is significant in shaping how these women are treated by police officials. Similarly, in the United States where partnered women can be convicted for violent domestic crimes, Noorudin (2007) shows that "Black women have a higher probability of being convicted, while white women have a lower probability," underscoring how race shapes state treatment even among women who share the same legal status as partners.

The attention to identity characteristics—such as race, caste, and class—, even when studying women who have the same legal status, reflects the scholarship's broader embrace of an intersectional framework. Hancock (2016) describes intersectionality as recognizing how identity characteristics are "mutually constitutive" in shaping the distribution of privilege and disadvantage across individuals. She further emphasizes that the salience of these characteristics is "ideologically" reinforced.

In the context of marriage, ideology affirms both identity characteristics as well as the nature of the relationship. In their study of how the Islamic state institutionalized a Quranic vision of marriage, Revkin and Wood (2021) discuss how the vision demanded not only that the individuals be Sunni but also, that their relationship be marked by a marital contract that bears the wife's signature, "implying that her formal consent—even if coerced—is a *necessary* condition for marriage" (emphasis mine). The ideological vision of marriage considers individuals' identity characteristics as well as the nature of the relationship such that both these aspects are crucial in shaping whether partnered individuals receive recognition and the entitlements attached to it.

The significance of the relationship's nature becomes especially clear in Afsaneh Najmabadi's *Familial Undercurrents* (2022), where she examines her father's secret second marriage in Iran. In the mid-twentieth century, the growing modernist Baha'i movement idealized monogamous marriage over polygyny, which had historically been practiced in the country. For Najmabadi's

father, this meant keeping Mansureh, his second wife, a secret, leaving her without state protections that were typically extended to married women. In Najmabadi's account, Mansureh and Najmabadi's father's first wife were both Shia women with comparable access to wealth. What distinguished them though was the nature of their relationship to the same man: one was a second marriage, the other was not. Their unequal access to state protection cannot be explained by identity characteristics alone and instead, clarifies that the state evaluated the relationship itself.

Since scholarship on partnered women typically compares women whose relationships share the same legal status, it risks underestimating the extent to which the nature of the relationship itself shapes recognition. At the same time, by showing how ideology shapes state treatment even among women who share the same legal status, this scholarship helps reveal the ideological basis of state recognition, including in states that institutionalize monogamy. These studies suggest, for instance, that when a woman's class shapes how a police official treats her, it is not simply that the police is classist but rather that recognition as a partner is itself class-marked. In short, this scholarship demonstrates that while institutionalized monogamy may prize numerical exclusivity, it rests more fundamentally on ideological exclusivity. Taken together, this discussion on monogamy yields the following implication:

The exclusionary basis of institutionalized monogamy is an ideological vision of monogamous marriage that encompasses individual characteristics and the nature of the relationship: when relationships resemble this vision, they are recognized and extended entitlements, and when they do not, they are dismissed and denied entitlements.

3. MONOGAMY IN INDIA

To observe this implication, I focus on how monogamy is institutionalized in India today.

3.1. MONOGAMY AS A STATE IMPERATIVE

Following the country's independence, one of the first steps undertaken by the government was the enactment of the Hindu Marriage Act 1955 (HMA) which mandated monogamous marriage for all Hindus. Historically, polygamous marriages were common among Hindus but during the twentieth century, these marriages were increasingly becoming frowned upon. Majumdar (2009) describes how at this time, when men chose to marry again, they would bring their first marriage

into a “crisis,” marking a shift from a time when these second marriages were, however resignedly, accepted. It was believed that the HMA reflected a benchmark of the modern state where there was “equality” for all Indians (Sezgin 2013).

Over time, the significance of institutionalized monogamy has become increasingly pronounced especially in the context of the country’s electoral politics. While state laws like the HMA have banned polygamy for most religions, the state’s Muslim Personal Law legally entitles Muslim men to continue practicing polygamy. Sezgin argues that in the context of post-independence partition, there was a “tacit bargain” struck with the minority Muslim community to accommodate their religious and cultural practices. Since then, there has been a widely held view that Hindu and other non-Muslims have embraced the wave of modernization by committing to monogamous marriages while Muslims remain “regressive.” This view has gained traction especially with the reigning Modi government which has declared that it will be enacting a uniform civil code (UCC) where all Indians are mandated to maintain monogamous marriages (Sibal 2025). While on paper, the UCC seems like an attempt to foster equality, scholars and activists argue that the UCC’s target is to weaken Muslim communities (Mehta 2023). In a climate where the government identifies strongly with a Hindutva ideology that demonizes Muslims, institutionalizing monogamy has therefore become a significant state imperative.

3.2. THE QUESTION OF EXTRAMARITAL RELATIONSHIPS

At the same time, it is widely accepted that many Indians, a majority of whom are Hindus, rarely practice monogamy. With a divorce rate that is under two percent, India reports one of the highest rates of individuals engaging in extramarital relationships (Ray 2025; Shamani Joshi 2024). Extramarital relationships encompass a wide range of arrangements: On one hand, they can be short-term romantic affairs between colleagues who return to their legally wedded spouses each evening and on the other, they can involve long-term partnerships between individuals who have informally separated from their spouses yet whom they continue to be legally married to. What unites this range of arrangements is that they coexist alongside a legal marriage that ought to be monogamous, placing these extramarital relationships in a legally ambiguous position. The stakes of this position are particularly significant given that when recognized, a woman receives access to spousal support, pension benefits, property rights, protection under the Domestic Violence Act and

the ability to file criminal charges under the Indian Penal Code's Section 498-A, which prosecutes husbands for marital cruelty, and Section 304-B, which prosecutes them for dowry-related deaths. Further details on these entitlements can be found in Appendix A.

In this social environment, feminist lawyers and activists have come to play a prominent role in the country's legal discourse, insisting that women should receive recognition and entitlements whatever their circumstances. In fact, their advocacy was critical for the passage of the Protection of Women from Domestic Violence Act, 2005, which promised protection for all women regardless of their marital status. As Flavia Agnes (1995), one of India's most prominent feminist advocates, argued:

"The question that we need to ask is not whether Hindu marriages ought to be monogamous, or even, serially monogamous, but rather, whether we are bound by a constitutional duty and obligation to protect the rights of a large number of poor and destitute women who, wittingly or unwittingly, are trapped within [domestic heterosexual relationships]."

The Indian Supreme Court has taken up this charge to such a degree that it is now well-known for recognizing and extending entitlements to women in extramarital relationships. In conversations with local lawyers, when I mentioned that the Supreme Court had declared that a woman in an extramarital relationship was owed alimony, not only was there a lack of surprise but an expectation that this be the norm.

However, the Supreme Court does not recognize all women in these legal circumstances. As Table 1 shows, across its landmark decisions in the last twenty-five years, the Supreme Court has selectively recognized extramarital relationships. This selective recognition pattern holds across the lower appellate courts as well as I discuss below.

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

Table 1: Selective Recognition of Relationships in Supreme Court Cases

The selective recognition of extramarital relationships in a country that has emphatically embraced the institutionalization of monogamy is a compelling case to observe the logic of institutionalized monogamy. It allows us to see how the institutionalization of monogamy may prize numerical exclusivity but rests more fundamentally on ideological exclusivity.

3.3. THE IDEOLOGICAL VISION OF INDIA'S MONOGAMOUS MARRIAGE

If an ideological vision of marriage shapes recognition, what is the Indian state's vision of marriage? Drawing on existing scholarship, I identify three prominent features embedded in the state's marital laws—a conjugal relationship, organized around shared residence and children, a traditional gender dynamic, in which the wife is virtuous and vulnerable and the husband is a provider and authority figure, and a shared religion where the individuals adhere to the same faith.

Crucially, these features describe an ideal of monogamous marriage rather than marriage in the abstract. India's marital laws do not specify how these features can be transposed to multiple relationships at the same time. By contrast, historically, visions of polygamous marriages in India entailed distinct arrangements among spouses (e.g., a first wife should belong to the same caste as her husband while a second wife may belong to another, or the first wife might reside in the husband's primary household while a second wife occupied a separate residence) (Sreenivas 2008). The contemporary ideological vision bears almost no resemblance to these previous visions of

marriage that idealized multiple marital relationships.

In short, the conjugal, gendered, and religious characteristics embedded in present-day marital laws are imagined as belonging to a monogamous marriage. I discuss each in turn, showing how the absence of these features can make individuals in even technically monogamous marriages struggle to obtain recognition.

3.3.1. *MARRIAGE AS A CONJUGAL RELATIONSHIP*

India's marital laws emphasize a monogamous marriage that is defined by a conjugal life. A conjugal life is when the relationship between husband and wife becomes "the central axis of affect and property ownership within families." This was significant in a context where prior to independence, the family's well-being was contingent on the "joint family," which was characterized by several generations of patrilineal kin not only coresiding with one another but resolving questions of material and emotional matters with respect to maintaining various other familial relationships—between brothers, fathers and their sons, mothers-in-law and their daughters-in-law, and first and second wives (Sreenivas 2008).

The passage of the HMA and other personal laws marked a shift from this worldview, emphasizing that central to marriage was the relationship between a husband and wife, their shared residence and children. When either individual left the household, these laws authorized the other to file for the "restitution of conjugal rights." The expectation to maintain a conjugal life is echoed in the post-independence Indian Supreme Court's reasoning that a woman can be declared as "living in adultery" only when she shares a household with her lover (Subramanian 2014). The state's legal understanding of monogamous marriage is thus inseparable from a view that the husband and wife share a conjugal life marked by shared residence and children.

The Domestic Violence Act, 2005 extends this logic beyond marriage. The Act provides protection to women in any domestic relationship. Feminist legal scholars hailed the Act for its scope since it expanded the focus on women in monogamous marriages to include those in non-marital cohabiting unions. As Agnes (2011) notes, the Act "transformed yesteryear concubines into present-day cohabitees," enabling women cohabitees previously dismissed as "mistresses" to claim state protection. Under the Act, a non-married cohabiting relationship can be treated as legitimately as a legally married couple in the eyes of the state.

The implication, however, is that the state has struggled to recognize relationships lacking cohabitation or shared children, married or not. In the wake of the COVID-19 pandemic, women in non-cohabiting relationships were unable to file petitions under the Domestic Violence Act because the harms they experienced were online or occurred outside a shared household (Tatavarti 2020). Without a conjugal life, these relationships have tended to receive little protection from the state.

3.3.2. *MARRIAGE AS A TRADITIONAL GENDER DYNAMIC*

The Indian state also regulates monogamous marriage through statutes such as Section 125 of the Criminal Procedure Code, which obliges men to pay maintenance to their wives, Indian Penal Code's Section 498-A and Section 304-B, which prosecutes husbands for marital cruelty and dowry-related deaths, and the Domestic Violence Act, which promises protection for women who are abused by their male partners. Together, as Basu (2015) argues, these marital 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 state, in short, extends protection to women who appear both vulnerable and virtuous in their relationship.

The implication is that women who fail either ideal have found it difficult to receive recognition. When a woman seems invulnerable, Indian state officials tend to see her as undeserving. In her study of domestic violence survivors in Kolkata, Roychowdhury (2020) shows that women who pressed claims for state protection too assertively were met with suspicion by state officials. Similarly, when a woman is seen as lacking virtue, she too is often seen as undeserving. In her study of Dalit women associated with Tamasha, a regional folk theater tradition linked to public dancing, Paik (2022) argues that women who have sexually tainted histories have been more likely to face disbelief when filing domestic violence complaints even when in monogamous marriages. These are women for whom state laws have offered little protection, underscoring that monogamous marriage alone is insufficient in demanding state recognition and protection.

Equally, men who are vulnerable fall outside the ideological vision of monogamous marriage as well. The India's Men's Rights movement describes men as “extorted” by the country's marital laws, demanding reforms toward “due process in criminal charges, gender neutrality in custody and maintenance with attention to class and economic resources, protections from violence, and funds

for the economic development of needy men" (Basu 2016). The protests reveal that the state's marital laws have typically supported only those who inhabit their expected gender roles.

3.3.3. *MARRIAGE AS A RELIGIOUS UNION*

Since independence, India's marital laws have been organized on the basis of religion (Subramanian 2014; Sezgin 2013; Solanki 2011; Williams 2006). Marriages may be registered under the HMA, or under the corresponding Muslim and Christian personal law systems. This structure makes religious identities central to marital recognition: partners should ideally belong to the same religion for their marriage to receive state recognition.

A core implication of this arrangement has been the heightened importance of ritual. As Majumdar (2009) observes, "[h]ow you married, which ritual you observed, marked you as a distinct group or community in the eyes of the law." Rituals have thus played a key role in differentiating a Hindu marriage from a Muslim *nikah* or Christian ceremony. Their significance is such that "the performance or nonperformance of certain rituals might place an interrogation mark upon [a marriage's] validity" (2009).

A second implication of these religion-focused laws is the subsuming of various caste and community identities into a broader Hindu category. Subramanian (2014) shows that HMA was drafted to deliberately classify various castes and communities—Sikhs, Jains, and Buddhists—as "Hindu." Courts have reinforced this expansion by accepting rituals ranging from orthodox Vedic rites to neo-Buddhist practices as valid Hindu marriages (Sen 2019). The law's recognition of inter-caste unions has implied that caste and community identities have much less importance in shaping state recognition, a point that resonates with Roychowdhury's (2020) ethnographic findings that women in inter-caste unions are as likely to receive state recognition as women in same-caste unions when reporting domestic violence complaints.

However, these laws have simultaneously sharpened the boundary between Hindu and non-Hindu marriages and discouraged inter-faith relationships. As Sezgin (2013) notes, the Hindu Code Bill was essentially "communal legislation under which a Hindu could not marry a non-Hindu." While the Special Marriage Act of 1954 (SMA) recognizes inter-faith relationships, its mandatory public notice and thirty-day waiting period exposes couples to bureaucratic obstruction and community harassment (Choksi 2022; Sezgin 2013; Mody 2008).

The policing of inter-faith relationships is distinctly gendered as well. Hindu nationalist anxiety is particularly fixated on relationships between Muslim men and Hindu women, which is most visible in “love jihad” campaigns which allege a conspiracy to convert Hindu women to Islam (Gupta 2009). Often, these conversions do take place but mainly because of the hurdles posed by SMA, which motivates many Hindu women to convert to Islam to ensure their relationship receives recognition (Choksi 2022). What is not as discussed in these campaigns or even studies that focus on these campaigns is what happens to Hindu men who enter inter-faith relationships, complicating the view that all inter-faith relationships are uniformly dismissed.

3.4. BEYOND MONOGAMOUS MARRIAGE: ADJUDICATING EXTRAMARITAL RELATIONSHIPS

Taken together, while monogamy is central to India’s marital laws, simply being in a monogamous marriage does not guarantee state recognition. State recognition is contingent on whether the relationship aligns with the vision of monogamous marriage embedded within the state’s marital laws. When relationships do not have these features, they tend to struggle to receive recognition. In the context of Indian courts’ selective recognition of extramarital relationships, this yields the following hypothesis:

H: When an extramarital relationship resembles the state’s ideological vision of monogamous marriage—a conjugal life, a traditional gender dynamic, and a shared religion between the individuals—the relationship is more likely to receive recognition.

4. DATA

For this study, I combine quantitative and qualitative data. My main source is Indian Kanoon, one of the most comprehensive and widely used legal repositories in India (Ash et al. 2025; Bhupatiraju et al. 2024; Deroy, K. Ghosh, and S. Ghosh 2024). I examine cases disposed of across all twenty-five Indian High Courts between the years 2000 and 2024 involving women who claimed spousal entitlements but whose legal standing was disputed because of a subsisting legal marriage.

Many of these cases are not indexed and therefore, I used an extensive set of search queries based on conversations with legal scholars, citation-chaining from leading cases, and iterative testing of both legal terminology and natural language expressions commonly used in judicial opinions.

These search queries ultimately combined entitlement-related terms (e.g., maintenance, domestic violence protection) with phrases that signaled a subsisting marriage (e.g., “already married,” “has previously married”). These queries yielded approximately 8,500 court cases. To ensure these cases were fully relevant, I subsequently screened them using an LLM-with-a-human-in-the-loop approach, detailed in the dissertation’s Introduction.³ This process produced a final dataset of 2,721 appellate cases, with each representing a distinct claim to an entitlement and serving as the unit of analysis. Most cases were decided by a single judge, although some were heard by benches of two or more judges. I supplement the case data with interviews with lawyers and legal scholars to better understand the legal culture in which relationships are selectively recognized.

It is worth underscoring that since these cases appear at the appellate level, they disproportionately involve relationships whose legal status is uncertain but nonetheless arguable. That is, these relationships tend to possess characteristics that bring them close to the state’s ideological vision of monogamous marriage, placing them at the boundary of recognition. In adjudicating these cases, judges further clarify the ideological vision of marriage. The drawback, however, is that relationships that completely depart from the state’s vision—intimate same-sex relationships, non-cohabiting virtual relationships, or relationships where the husband is severely victimized—are unlikely to appear in the sample.

To test the hypothesis that relationships that resemble the vision are more likely to receive recognition, I measure two things: whether the relationship received recognition, and how closely the relationship resembled the vision. I discuss both these measures below.

4.1. DEPENDENT VARIABLE: RECOGNITION OF RELATIONSHIP

The dependent variable captures whether a court recognized the relationship by extending a specific legal entitlement, such as maintenance, pension benefits, property rights, protection under the Domestic Violence Act, or the ability to pursue criminal charges against a male partner. Each observation in the dataset corresponds to a claim for a single entitlement. When the entitlement is granted, the variable is coded as 1; when it is denied, it is coded as 0. Figure 3 summarizes recognition rates across different types of legal entitlements.⁴

³The exact prompts I used can be found in Appendix C.

⁴As the figure suggests, recognition varies across entitlements/claim types, and I control for this in the empirical analysis that follows. At the same time, it’s worth noting that appellate courts do reason across entitlements. For example, in *Kunal Bose v. Smt. Anita Bose* (2010), the Delhi High Court cited the pendency of criminal proceedings

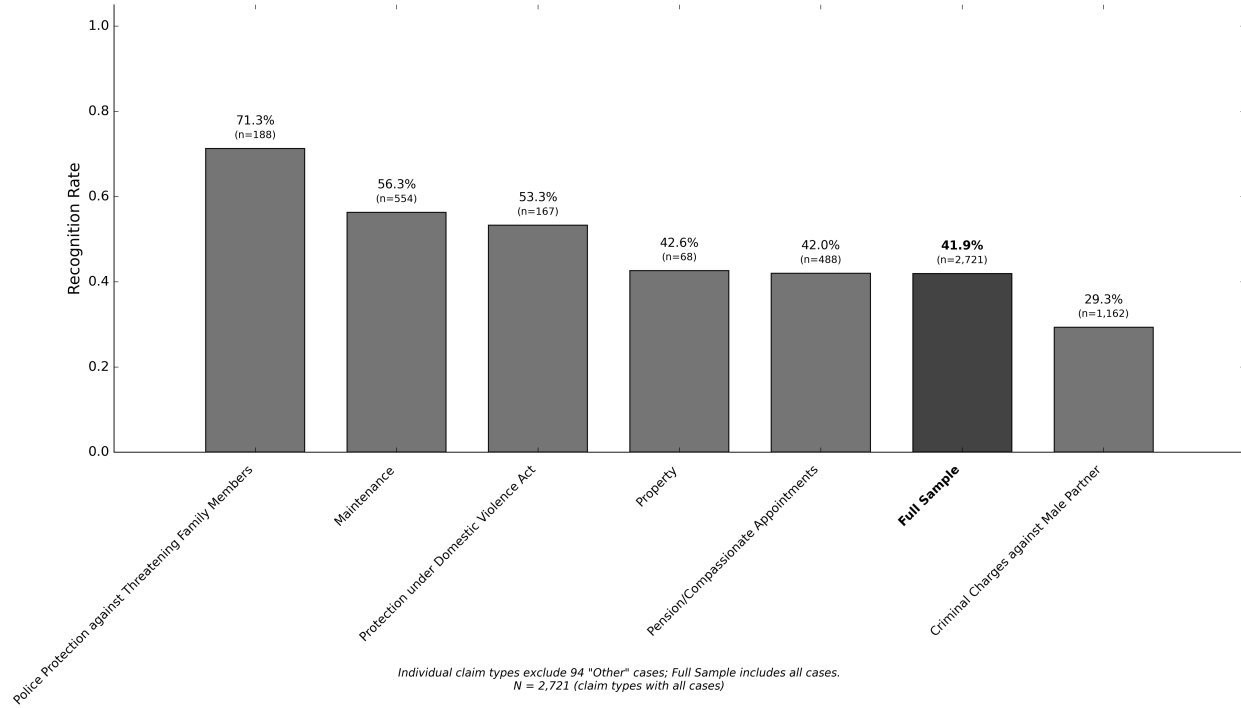


Figure 3: Recognition across Legal Entitlements and Full Sample

4.2. INDEPENDENT VARIABLES: ALIGNMENT WITH THE IDEAL MARRIAGE

I measure how closely a relationship resembles the courts' vision with eight independent variables spanning the three features. Resemblance is captured both by the presence of idealized features (e.g., cohabitation, ritual) and the absence of deviant ones (e.g., a prior marriage). I adopt a conservative coding approach, affirming a feature only when explicitly supported by the judgement. Furthermore, for two variables, shared household and ritual, I distinguish a court's explicit denial of these features from its silence since courts invoke these aspects when granting recognition and note their absence when refusing it. In my main empirical models, I use six of these eight variables; I examine the remaining two variables, inter-caste and inter-religion, descriptively due to limited sample size as I discuss below. Table 2 summarizes all eight variables.

against the male partner to justify the order for maintenance, indicating that recognition can be shaped by recognition for other claims.

Feature	Variable	Coding	Expected effect	In main models
Conjugal life	Shared household	+1 present / –1 absent / 0 not mentioned	+	Yes
	Children	+1 present / 0 otherwise	+	Yes
Gender dynamic	Deception alleged	+1 / 0	+	Yes
	Prior marriage	+1 / 0	–	Yes
	Self-sufficient	+1 / 0	–	Yes
Shared religiosity	Religious ritual	+1 affirmed / –1 denied / 0 not mentioned	+	Yes
	Inter-caste	+1 / 0	Neutral	Descriptive
	Inter-religious	+1 / 0	–	Descriptive

Table 2: Coding of Ideological Features

A conjugal life is captured by whether the couple **shared a household** and **had children**. When affirming recognition, courts frequently foreground cohabitation (“living as man and wife”) and equally, when denying recognition, emphasize its absence.

A traditional gender dynamic is captured based on whether the woman appears vulnerable and virtuous. A **woman who has been deceived** into entering what she believed was a monogamous relationship with a married man marks vulnerability. A family lawyer explained that when women in these relationships approach lawyers, one of the first things lawyers seek to establish is whether the woman was unaware of the man’s existing marriage.⁵ On the other hand, **economic self-sufficiency** marks its absence. Existing scholarship suggests that courts often treat such evidence of women’s economic independence as indicating that they are neither materially vulnerable nor in need of protection (Basu 2015). Finally, **a woman’s prior marriage** signals a lack of virtuousness. Another family lawyer noted that litigators frequently invoked a woman’s prior marital status—whether widowed, divorced, or in the process of divorcing—to undermine her credibility.⁶

Shared religiosity is captured by **religious ritual**, which courts treat as central to a marriage’s validity (Majumdar 2009). I also record whether partners **differ in caste** or **religion**, but examine these descriptively.

⁵Interview with Mishika Singh, family lawyer, Delhi, 13 February 2026

⁶Interview with Veena Gowda, family lawyer, Mumbai, 3 March 2026

4.3. LIMITATIONS OF DATASET

This dataset has certain limitations. First, the dataset is drawn exclusively from appellate court decisions. As discussed above, cases that reach this level tend to involve litigants who are arguably more well-resourced and relationships that are more in line with the ideal marriage. Consequently, relationships involving the most marginalized or those that obviously deviate from India’s marital laws are unlikely to appear. The findings should therefore be read as illuminating how appellate courts reason recognition at the boundary of the ideal marriage.

Second, as described above, the sample relies on keyword-based searches, which risks under-sampling extramarital relationships described in less direct language. I address this limitation by interviewing family lawyers to understand how such relationships are framed in common legal parlance.

Third, the use of LLM for data collection and classification introduces the risk of interpretation errors. I mitigate this concern through extensive human oversight, including manual review of a random subset of cases, iterative prompt refinement, and cross-checking model outputs against textual evidence in the judgments.

Finally, the conservative coding strategy may under-estimate the prevalence or 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, these measures provide a conservative lower bound on the prevalence of these characteristics in these cases.

4.4. 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 claim type, relationship characteristics, and recognition outcomes. Table 3 describes these cases at a high level. This qualitative reading helps me unpack the 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.⁷

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

Table 3: Summary of Closely Read Cases

5. EMPIRICAL ANALYSIS

I document descriptive patterns in recognition and then estimate multivariate models that isolate the association between how closely the relationship resembles the ideological vision and judicial recognition. To further flesh out these findings, I highlight the reasoning that courts deployed to extend and deny recognition based on close qualitative readings of cases.

5.1. THE PATTERN OF RECOGNITION

Figure 4 shows descriptive correlations between relationship recognition and each independent variable. Broadly, relationships marked by a shared household, children, and a religious ritual are more likely to receive recognition. In addition, women who have an existing marriage are less likely to be recognized. These patterns are consistent with our expectations.

Two descriptive patterns initially appear inconsistent with the theoretical expectations. Women who allege deception appears to be negatively associated with recognition while women who are economically self-sufficient appear to be positively associated with recognition. As shown below, however, these patterns shift once we account for judicial heterogeneity and legal claims.

⁷I conducted 10 interviews with eight family lawyers and two legal scholars.

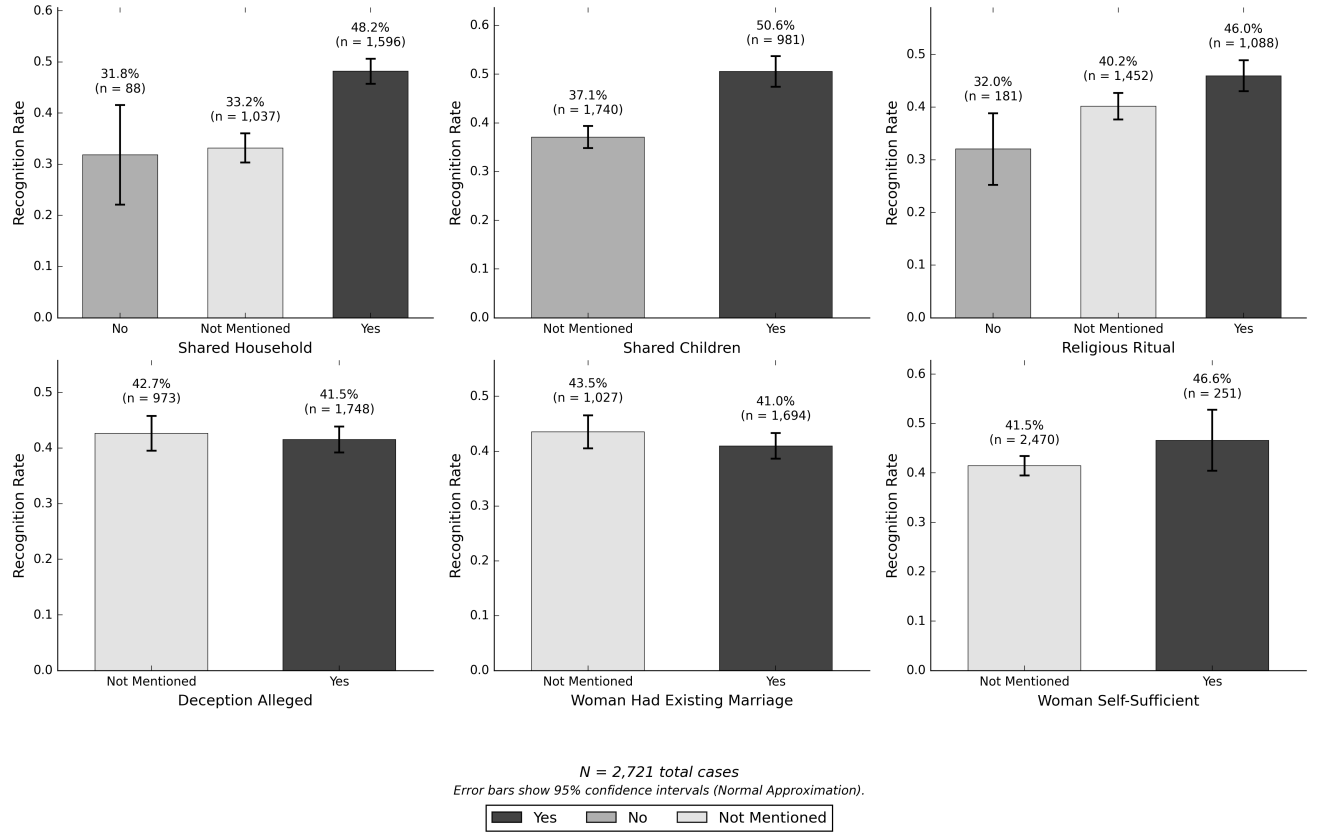


Figure 4: Recognition across Independent Variables

Figure 5 refines these correlations by conditioning on both the bench and legal claim. The analysis is restricted to 1,566 cases decided by 301 distinct benches who issued both recognition and non-recognition decisions, allowing comparison within benches as opposed to across them. This design is especially relevant in the Indian context where the overwhelming majority of judges are upper-caste Hindu men, leaving little scope to distinguish judicial behavior based on traditional ideological cleavages of caste, religion, and gender.⁸ By focusing on how the same bench decides comparable cases differently, this analysis highlights how an assessment of the relationship plays a role in judicial recognition.

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 women who are self-sufficient, which deviates from the ideological vision of marriage, do not seem to pay

⁸There is broad consensus that systematic measures of judicial ideology in India are limited (Ash et al. 2025; Shareen Joshi et al. 2024; Robinson 2013). Focusing mainly on the Supreme Court, Robinson (2013) argues that given India's collegial system of judicial selection and the manner in which panels are organized, it "prevents clear ideological blocks from being perceived [among judges] (even if there are more "activist" or "conservative" judges)(2013).

a penalty. This result suggests that courts may continue to treat women as vulnerable and deserving of state support even when they are economically independent.

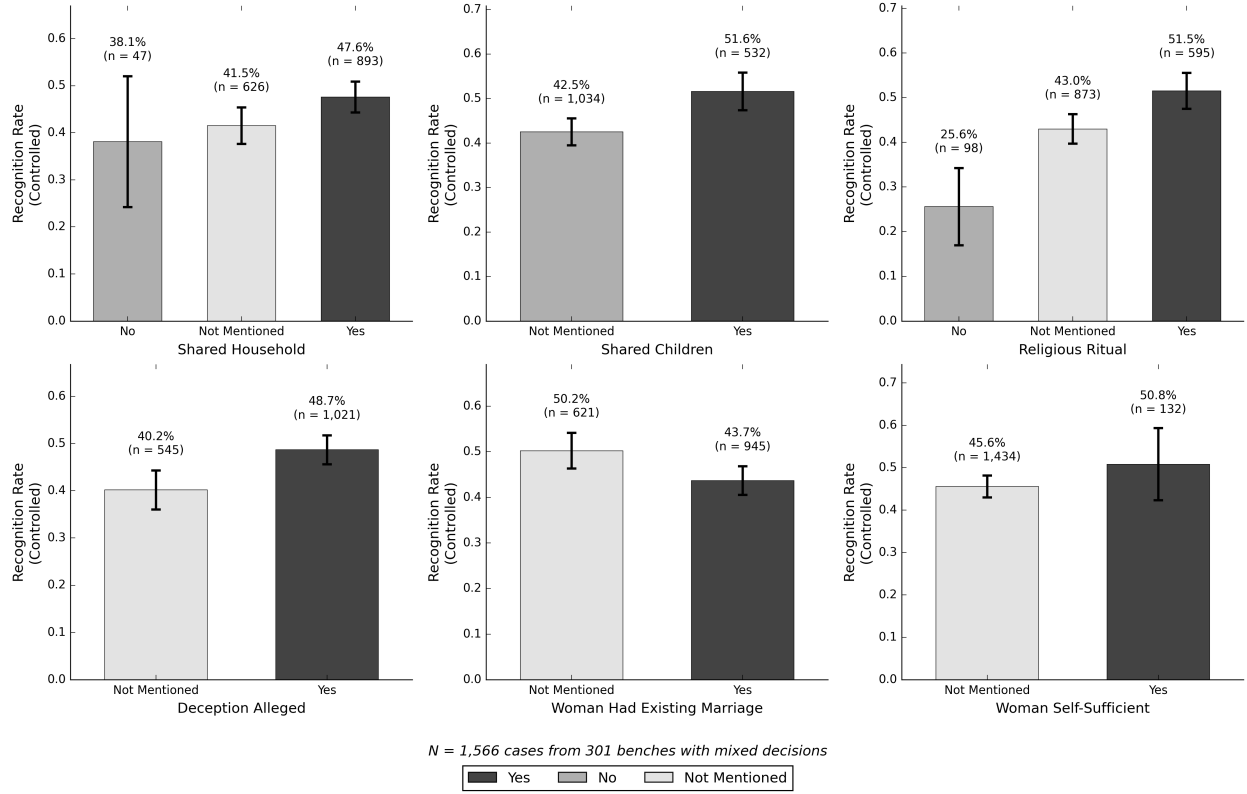


Figure 5: Recognition across Independent Variables with judge and legal claim controls

To isolate the independent effect of each of the eight independent variables, I estimate a multivariate linear regression model controlling for year, state,⁹ and claim type¹⁰. Table 4 presents the results. Standard errors are clustered at state level. While clustering at the judge level would be optimal, many judges in the dataset preside over only a single observed case, making judge-level clustering infeasible.

The regression results confirm the descriptive correlations. Most of the variables are significant at varying statistical levels. Shared household and children are strongly and statistically significantly associated with recognition. Religious ritual also increases recognition. Women

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.

¹⁰While there are six distinct legal claim types (e.g., maintenance, domestic violence protection), I code legal claim type more broadly, recording whether the case invokes a civil remedy or a criminal charge. This broad categorization captures the distinct legal stakes and evidentiary thresholds upheld for these distinct categories

who allege deception and do not have an existing marriage are more likely to receive recognition. The coefficient on self-sufficiency remains small and statistically weak, suggesting that economic independence does not undermine recognition once other factors are taken into account.

	<i>Dependent Variable:</i>
	Recognition
Shared House	0.069*** (0.021)
Shared Children	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 / Adjusted R ²	0.115 / 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

Substantively, these effects are large. Holding other factors constant, a woman in a relationship that closely resembles the ideological vision of marriage-characterized by cohabitation, children, ritual, and deception-has an estimated 56 percent probability of recognition. A woman in a relationship that lacks these features and involves a prior marriage has a recognition probability closer to 22 percent.¹¹ This gap highlights that stronger the resemblance to the ideological vision of marriage, the more likely the relationship receives recognition.

¹¹ A 22 percent probability of recognition is high as well given that these relationships have contested legal standing but it is worth underscoring that most of the relationships in the sample satisfy core elements of the ideal marriage-heterosexual, Hindu, centered on a woman's claim for support-even when they might not have certain other elements such as a ritual or children. By contrast, as the qualitative analysis below shows, the relationships that obviously violate this ideal, such as interfaith relationships involving Muslim women and relationships in which men claim vulnerability, are consistently denied recognition.

5.2. ALTERNATIVE EXPLANATIONS

Several alternative explanations merit consideration. One possibility is that economic resources drive recognition. If this were true, we would expect that women who are described as self-sufficient will more likely receive recognition. However, this account does not fully align with the regression results. While this variable is positively associated with recognition, its substantive and statistical effect is weak. Moreover, the number of women who receive recognition far exceeds the number identified as self-sufficient ($n = 251$) in the sample, weakening a resource-based explanation.

A second possibility is that recognition reflects differences in evidentiary quality: women who have better proof of commitment—through shared households or photographic evidence of rituals—are more likely to receive recognition. While evidentiary considerations will undoubtedly shape judicial reasoning, this explanation alone cannot account for the observed patterns. As Figure 5 shows, recognition often occurs even in the absence of explicit references to shared household or ritual performance.

The muted role of evidence in these cases is reinforced by *Chanmuniya vs Virendra Kumar Singh Kushwaha* (2010) in which the Supreme Court instructed lower courts to adopt a “broad and expansive interpretation” of the term wife in civil cases, emphasizing that formal documentation should not preclude women from receiving state support if required. This judgment suggests that evidentiary gaps does not foreclose recognition.

Finally, one might attribute recognition patterns to individual judges’ preferences. This certainly might be true. However, the limited demographic variation among judges hearing these cases makes it difficult to attribute outcomes to judges’ personal ideology. Instead, the consistency of patterns across judges who issued both recognition and non-recognition decisions suggests that courts are broadly assessing relationships in line with a shared ideological vision of monogamous marriage underlying Indian marital laws.

All results are robust to alternative model specifications. These checks can be found in Appendix B.

5.3. THE IDEOLOGICAL LOGIC OF RECOGNITION

To show the ideological reasoning underlying this pattern, I draw on close qualitative reading of cases to examine how judges explain their decisions to extend or deny recognition. This

analysis reveals how an ideological vision of marriage is invoked—and in the process, reproduced—to determine which extramarital relationships deserve recognition. Crucially, it shows how this vision is specific to monogamous marriage. In the analysis that follows I show that when courts recognize an extramarital relationship, judgments devote little attention to how that relationship should coexist with the subsisting legal marriage and instead focus on why the relationship effectively resembles a marriage, making the relationship worthy of recognition and entitlements. By contrast, when courts deny recognition, judges emphasize the relationship’s coexistence with a subsisting marriage, invoking monogamy as the reason it falls outside the boundaries of state protection.

5.3.1. CONJUGAL LIFE

The significance of a conjugal life in the state’s vision of monogamous marriage becomes especially obvious when considering cases where such a life is absent. In a landmark Supreme Court case, a woman sought compensation under the Domestic Violence (DV) Act from her married male partner, who had repeatedly promised to obtain a divorce but failed to do so over more than their decade-long relationship.¹² The couple nonetheless exhibited significant material interdependence given that they ran a business together, and the man had taken multiple financial loans from the woman. The Court, however, did not consider these material grounds sufficient to extend the woman protection and instead, focused on the absence of their conjugal life, noting that the “[p]arties never entertained any intention to rear children and on three occasions the pregnancy was terminated,” and that “[h]aving children is a strong circumstance to indicate a relationship in the nature of marriage.”

The DV Act, often lauded for its broad scope in protecting women across a range of domestic relationships, was therefore found inapplicable because this relationship bore little resemblance to the Court’s understanding of a marital relationship. The Court acknowledged that women in such circumstances may “deserve protection” but maintained that the Act is inapplicable to “concubine[s],” thereby, enforcing the exclusivity of monogamous marriage.

Indeed, upholding monogamy can itself prevent extramarital couples from establishing a conjugal life. In cases involving couples who sought police protection after facing threats from family and community members who opposed their cohabitation, courts have denied protection on

¹²Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755

the basis that these relationships violate the exclusivity of monogamous marriage. In 2022, the Rajasthan High Court argued that a “live-in relationship between a married and unmarried person is not permissible.”¹³ Similarly, a year later, the Allahabad High Court clarified that while it was “not against live-in relationships,” it would not extend protection to what it characterized as an “illicit” one.¹⁴ In these cases, courts were not only enforcing the exclusivity of monogamous marriage but also, establishing that conjugality was central to such a marriage.

By contrast, when extramarital relationships do develop a conjugal basis, courts are willing to recognize them despite their violation of monogamous marriage. In 2021, after establishing that an extramarital couple had “beget children,” the Karnataka High Court extended recognition to the woman, acknowledging that while her relationship was “invalid,” “social justice” demanded that she be protected.¹⁵ The same year, the Himachal Pradesh High Court similarly held that, when considering an extramarital relationship in which children had been born, the fact that the woman was already married was “not a question required to be gone into the proceedings.”¹⁶

5.3.2. TRADITIONAL GENDER DYNAMIC

As mentioned above, courts consistently invoke the ideal of the vulnerable and virtuous wife when evaluating extramarital relationships. Relationships are less likely to receive recognition when they depart from this ideal—such as when a woman has been previously married, knowingly enters a relationship with a married man, or when a man, rather than a woman, is economically dependent on his partner. These cases establish that even if individuals are experiencing significant precarities, what is more important is that these precarities are gendered in a manner that the ideological vision of monogamous marriage imagines.

The importance of a woman’s marital status is evident in two factually comparable cases decided by the Punjab and Haryana High Court a decade apart. In 2011, the court heard a case involving a woman who had a subsisting marriage and was found dead in her male partner’s home.¹⁷ Her family prosecuted the partner for murdering her in connection with a dowry demand. The partner argued that because the woman had not obtained a formal divorce from her previous

¹³Kumari Monika v. State of Rajasthan (2022), Rajasthan High Court

¹⁴Suneeta And Another vs State Of U P And 3 Others (2023), Allahabad High Court

¹⁵Smt. Vijaya W/o Rudrappa Hosur v. Sri. Rudrappa S/o Virupaxappap Hosur (2021), Karnataka High Court

¹⁶Bhawan v. Surat Singh (2021), Himachal Pradesh High Court

¹⁷Amarjit Singh vs State of Punjab (2011), Punjab and Haryana High Court

husband, there was no basis for him to have demanded dowry. The court accepted this reasoning, observing that because the relationship was based on "convenience and necessity," the "allegations of demand of dowry do not appear to be correct," and granted the accused bail. Ten years later, the same court reached the opposite conclusion in a factually comparable case except the woman had no previous marriage.¹⁸ Emphasizing her "unmarried" status, the court 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." The court upheld his conviction, holding that the "heinous and serious offences cannot be quashed."

The difference between these cases turned less on the gravity of the allegation than on how the woman's marital histories shaped the interpretation of their relationships, despite both relationships violating the exclusivity of monogamous marriage. The first woman's subsisting marriage made it harder for the court to view her as a virtuous wife whose partner owed her protection. Instead, the court characterized her relationship as a "second marriage" that did not merit the support typically available in the ideal monogamous marriage. By contrast, the second woman's unmarried status allowed the court to see her as occupying the position of the virtuous wife such that even though her partner was already married, their relationship reproduced the gender dynamic associated with the idealized monogamous marriage.

The importance of female vulnerability becomes clear when considering cases where the woman has knowingly entered a relationship with a married man. In a case involving a woman's death, the Bihar High Court dismissed allegations of murder against her male partner because she had "solemnized [a] love marriage" with him knowing that he was already married.¹⁹ Her knowledge of his existing marriage was treated as evidence of her agency and consequently, as a reason to find insufficient grounds to presume that he had murdered her. By contrast, in another case decided by the same court that year, the court upheld a man's conviction for marital cruelty even while acknowledging that his relationship did not constitute a legally valid marriage.²⁰ The court emphasized that he had "kept [the woman] in the dark," treating her lack of knowledge as grounds to frame their relationship as a monogamous marriage in itself.

The gendered nature of vulnerability becomes further visible when comparing economically dependent men with economically self-sufficient women. In 2016, the Telangana High Court

¹⁸Jobandeep Singh vs State of Punjab (2022), Punjab and Haryana High Court

¹⁹Pradeep Kumar Ganesh vs The State Of Bihar (2013), Bihar High Court

²⁰Birendra Prasad Roy vs The State of Bihar (2013), Bihar High Court

considered a case involving a man who sought maintenance from his female partner who was already married on the grounds that he was ill and unemployed. The court rejected his claim outright:²¹

“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 man’s economic dependence was objectionable not only because it existed outside monogamous marriage but because it inverted the gender roles that the court associated with monogamous marriage.

The decision is striking when compared to cases involving women who are economically self-sufficient. In 2021, the Gujarat High Court considered a woman’s claim for maintenance under Section 125 Cr.P.C., which was challenged on the grounds that she was economically independent.²² The court held that “[i]t 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.” It recognized her claim despite the uncertain legal status of her relationship, reasoning that Section 125 Cr.P.C. “had always intended to give relief to the woman becoming “wife” under such circumstances.” Economic independence therefore did not disqualify her from occupying the position of a woman entitled to spousal support. The court’s reasoning suggests that even when recognition violates the exclusivity of monogamous marriage, a woman’s resemblance to a woman who is vulnerable and needing state support, a position that marital laws reify, can justify extending recognition.

5.3.3. SHARED RELIGIOSITY

Religious rituals are significant in signaling the legitimacy of a relationship. When rituals are absent, courts are less likely to recognize these marriages.

In 2024, the Jharkhand High Court considered a woman’s petition for maintenance from her male partner and observed that her application was “absolutely silent about the rituals of marriage

²¹ Smt. Malleshwaramma vs. G.S. Srinivasulu (2016), Telangana High Court

²² Dudela Radhakrishna Madhukarbhairao vs Manisha Radhakrishna Dudela (2021), Gujarat High Court

by which they were married."²³ Although the couple had “commenced their life as husband and wife,” the court held that because the man’s first marriage was still subsisting, their relationship had “no legal sanctity” and rejected her claim to maintenance. A few years before this decision, the Kerala High Court had reached an opposite conclusion in a similar case.²⁴ A woman’s claim for state protection against her male partner was maintained with the court noting that they “have conducted a formal ceremony of marriage at a rented house by tying a tali.” While she entered the relationship knowing that his marriage was “strained,” the court nonetheless held that she was owed protection on the basis that she had been exploited by the man.

These cases show courts reveal and reproduce a vision of monogamous marriage in which religious ritual is central. That said, ritual is not the only way in which the religious dimension of an ideal marriage is secured, religious identities play a significant role as well.

Before discussing the importance of religious identities, I briefly discuss the role of caste in judicial evaluations of extramarital relationships. While caste remains foundational to Indian social life, caste composition does not seem to shape judicial recognition. First, caste is rarely discussed in these cases, suggesting that judges pay little explicit attention to it in evaluating these relationships. In my dataset, only 112 of 2,721 cases mention the term “caste.” Of these, 50 involve inter-caste relationships and 62 involve same-caste ones. The recognition across these categories is broadly comparable, as Figure 6 shows, and the same pattern persists when comparing relationships of upper-caste men and lower-caste women and vice-versa.

²³Rengha Oraon vs State Of Jharkhand (2024), Jharkhand High Court

²⁴Binu M. Kurup vs State of Kerala (2016), Kerala High Court

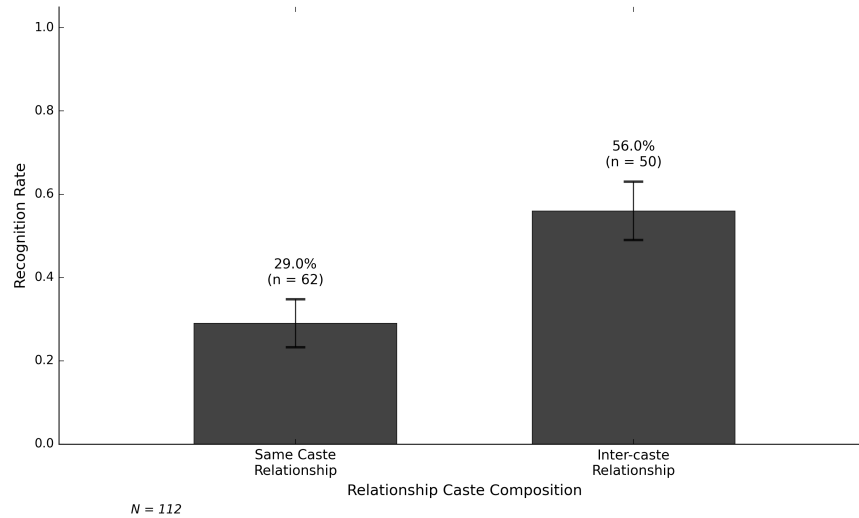


Figure 6: Recognition Rate based on Relationship's Caste Composition

This finding however does not rule out the possibility that judges implicitly factor caste into their decisions without making its role explicit. With that said, even where caste-inflected judgements shape recognition, such judgements may be difficult for courts to express given that Indian marital laws have “erased” caste as legally relevant to marriage. This is evidenced in a case where a man argued that his relationship with a Dalit woman, specifically his maid, was invalid not only because she was already married but also because her caste rendered the Hindu rituals they had performed meaningless.²⁵ The Delhi District Court rejected this argument outright, noting that it had not been shown “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.” Such cases suggest that even if judges implicitly factor caste dynamics, it is difficult for them to explicitly use this as a basis to extend or deny recognition.

In stark contrast, religious identities are explicitly invoked when considering extramarital relationships. Like with caste, religious identity is mentioned in relatively few cases. Of the 2,721 cases, only 33 cases involve inter-religious couples with the remainder overwhelmingly dominated by same-faith Hindu relationships and a small number of same-faith Christian relationships. Unlike caste, the small sample of inter-religious relationships likely reflects not the limited relevance of religion in these cases, but the relative rarity of such relationships in India today (Choksi 2022; S 2022; Mody 2008).

²⁵Re vs Sh. Deepak (2019), Delhi District Court

As expected, recognition rates in inter-faith relationships are distinctly gendered: Relationships between non-Hindu, and particularly Muslim, women and Hindu men are less likely to receive recognition than relationships between Hindu women and non-Hindu men. Of the 19 cases involving non-Hindu women, courts rejected their claims in 12. Within this subset, the 5 claims involving Muslim women were consistently rejected. In a 2016 case, for example, a Muslim woman petitioned for state protection against her already married Hindu male partner, the Punjab and Haryana High Court dismissed her claim as having “no merit.”²⁶ Although she had cohabited with him and claimed to have solemnized their marriage in a Hindu temple, the court held that her status as “a Muslim lady” in a relationship with a married man meant that their relationship amounted to nothing more than a “live-in relationship,” making her ineligible for state protection.

By comparison, as mentioned above, Hindu women are more likely to receive recognition in inter-faith relationships. Of the 9 cases involving Hindu women and non-Hindu men, women’s claims were rejected in only 2 cases. In a 2022 case, for instance, a Hindu woman sought maintenance from her Muslim husband, and the Chhattisgarh High Court upheld her claim.²⁷ The court noted that their relationship had been “solemnized. . . by Muslim rituals,” and even though the woman might already have been married, concluded that awarding her maintenance was justified because it would “ameliorate [her] agony, anguish, and financial suffering.”

The asymmetry suggests that courts find relationships between non-Hindu, specifically Muslim, women and Hindu men as deviating from the idealized monogamous marriage in a manner unlike relationships between Hindu women and non-Hindu men. A possible explanation is that the state’s marital laws make it more readily possible for Hindus to convert to their partners’ religion, allowing their religions to become same-faith unions that more closely approximate the state’s idealized monogamous marriage. By contrast, non-Hindus face greater legal barriers to convert to Hinduism, which may help explain why the Punjab and Haryana High Court gave little weight to the Muslim woman’s claim that she had solemnized her marriage through Hindu rituals. If so, relationships involving Hindu women and non-Hindu men may be more readily assimilated into the state’s vision of monogamous marriage, while relationships involving Muslim women and Hindu men remain more visibly at odds with it.

²⁶Akbari vs. UT of Chandigarh (2016), Punjab and Haryana High Court

²⁷Javeda Ali vs Smt. Raish Alias Saroj Mishra (2022), Chhattisgarh High Court

6. CONCLUSION

The paper's analysis advances a central claim: through the selective recognition of extramarital relationships, Indian appellate courts reaffirm and reproduce the state's ideological vision of monogamous marriage. This analysis yields three core empirical insights: First, it underscores that conjugality is central to how courts envision marriage in India. This finding is significant given the prevalence of extramarital relationships and the difficulty of sustaining a conjugal life within them under the severe social stigma attached to these relationships. It also draws attention to the particularly precarious position of women in extramarital relationships, who may face exploitation by married male partners as well as threats from family members, while receiving limited state protection.

Second, the analysis establishes the centrality of a traditional gendered ideal to this vision of marriage. Women who deviate from this ideal—including those who have been previously married and those who knowingly enter relationships with married men—often find themselves without state protection. This raises broader questions about the extent to which women can and perhaps should, rely on the state for protection particularly when their relationships depart from the gendered ideal. The essentialization of these gender roles has implications for men as well. In principle, there is no reason to assume that men are less vulnerable to physical or economic insecurity. Yet, as the cases discussed above demonstrate, such vulnerability remains difficult for courts to recognize when the ideal marriage is premised on the husband as provider and authority figure.

Third, the analysis shows the degree to which religion shapes the courts' vision of monogamous marriage. Post-independence India's commitment to secularism involved recognizing and codifying religious differences particularly through the preservation of religion-specific personal laws. As Sezgin (2013) astutely observes, however, the institutionalization of these laws effectively sharpened the boundaries between religious communities. The cases in my data reaffirm a gendered dimension to these boundaries. Who crosses these boundaries is typically the woman—and this has significant implications for non-Hindu, particularly Muslim, women who find their conversion into Hinduism more legally fraught.

These empirical contributions challenge influential arguments linking the institutionalization of monogamy to an egalitarian society. In India, institutionalized monogamy coexists with widespread extramarital relationships, and while feminist lawyers and activists call for extending

protections to women in these relationships, Indian appellate courts extend such protections selectively. The relationships that are recognized and protected are shaped by the state's ideological vision of monogamous marriage—a vision not only defined by the individuals' identities but also by the nature of their intimate relationships. While existing gender and politics scholarship focuses mainly on how identities shape access to entitlements, this paper demonstrates that characteristics of the relationship itself (e.g., conjugality, religious ritual) are equally important in determining whether individuals can access state entitlements. When relationships lack these ideologically valorized characteristics, courts are more likely to deny recognition, revealing the exclusionary logic underlying institutional monogamy.

Institutionalized monogamy, in other words, does not attempt to make all relationships equal. Instead, its logic focuses on excluding other intimate relationships, and the basis of this exclusion is ideological. In making this argument, this paper speaks to scholarship that often treats the institutionalization of monogamy as evidence of social progress. It suggests instead that we attend to the exclusionary logic embedded within marital systems, whether monogamy or even polygamy.

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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.5

B. SUPPLEMENTARY FIGURES AND TABLES

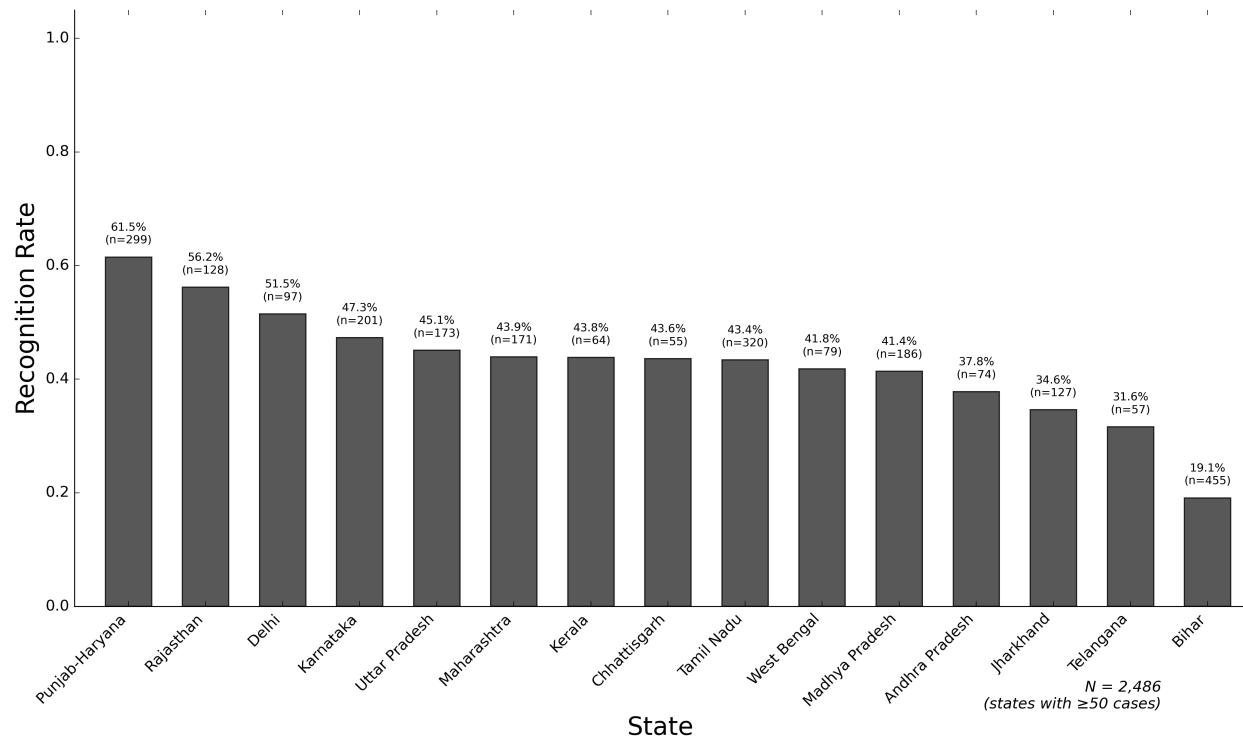


Figure B.1: Recognition Rate across States/Regions

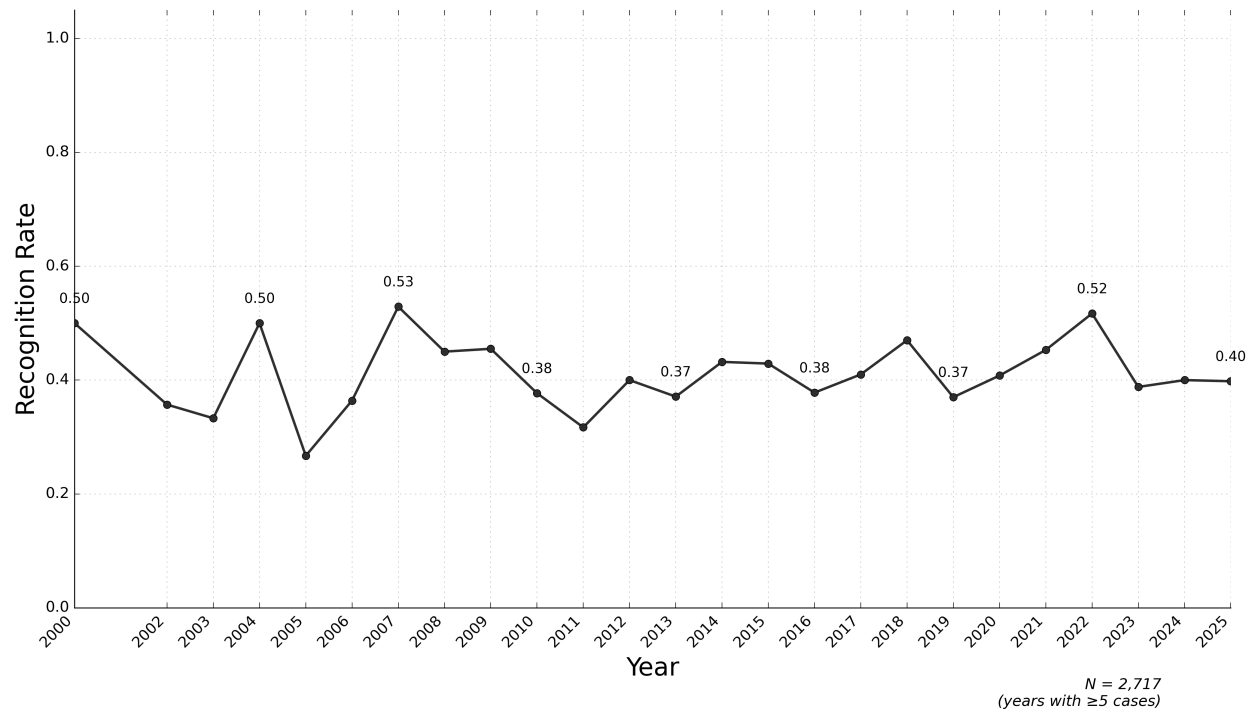


Figure B.2: Recognition Rate across Years

	<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.6: 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.7: Logit Estimates of Recognition

	<i>Dependent Variable:</i>	
	Civil Cases Only	Recognition 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)
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.8: Regression Estimates: Civil vs Criminal Cases

	<i>Dependent Variable:</i>	
	Pre-2014 Cases	Recognition
		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.9: 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.10: 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.11: 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