



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2023 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## Legal Entitlement to Bigamy in a Spouse's Vegetative State

Krishnav Kuokham Gogoi<sup>a</sup>

<sup>a</sup>Symbiosis Law School, Nagpur, India

*Received* 15 July 2023; *Accepted* 07 August 2023; *Published* 10 August 2023

---

*This paper makes an effort to discuss a contentious topic in an even more critical situation. Bigamy is itself always open to debate. When it is to be addressed in the context of a persistent vegetative state, the questions become difficult to answer. And the answers will always be subjective. The paper not solely tries to discuss the legal intricacies and answer the fundamental question of right or wrong but extends to the other aspects associated with the subject matter. Starting with defining the basic concepts of a persistent vegetative state and its intricacies it seeks to give a conclusion in alliance with bigamy. To shepherd the readers to a convincing epilogue, this paper annexes the psychological aspects associated with it along with the legalities.*

**Keywords:** *polygamy, bigamy, persistent vegetative state, marriage, psychology.*

---

### INTRODUCTION

The ever-changing time in this dynamic land demands new and more encompassing laws which were previously beyond its ambit. Bigamy is not a new essence to the populace and has been studied extensively over time. But in the present world, every other thing is interdisciplinary. When we are under the impression that one subject matter has been studied beyond any doubt, it is just a passage to another dimension of the study. There is no finishing line. When scholars were studying bigamy, they could have never envisaged that such a new topic as a vegetative

state would be associated with it. For a better understanding of bigamy, we need to have a conspectus of polygamy. In layman, language polygamy is having multiple spouses. It is the practice of 'plural marriages. The history of polygamy is rooted in sagas as it is being practised by different cultures throughout time. No one knows how it began and has different postulations. Yet the most recent is related to the church emerging out of a movement. Mormon movement has the basic notion that families can be reunited in heaven if they underwent religious rites called 'sealings' which can be performed by any Mormon approved by the church. This gave a hypothetical power to men to save their loved ones in heaven. This view of men as saviors was extended to polygamy. It was proclaimed that a virtuous man can help women and children go to heaven by being 'sealed' in multiple marriages<sup>1</sup>.

Bigamy is used more like a legal term to define the act of entering into a second marriage during the presence of an already existing legally valid marriage<sup>2</sup>. Unlike polygamy, it doesn't have any religious reference. If a person without terminating his previous marriage enters into a new one, he is said to have committed the offence of bigamy. The law in India stands promonogamous providing an exception for Muslim men. Under section 17 of The Hindu Marriage Act 1955<sup>3</sup> (**HMA**) any marriage which is solemnized in the presence of a spouse of either of the parties will be void. Section 494 of The Indian Penal Code, 1860 provides that whoever marries in his or her lifetime in the presence of an already existing marriage shall be punished with imprisonment which may extend up to 7 years along with a fine. Section 495 of the same code provides concerning an offence under section

494 of IPC that whoever conceals about the fact of former marriage from the person with whom he or she is entering the subsequent marriage shall be punished with imprisonment of either

---

<sup>1</sup> Joanna Brooks, 'Explaining polygamy and its history in the Mormon Church' (*The Conversation*, 18 August 2017) <<https://theconversation.com/explaining-polygamy-and-its-history-in-the-mormon-church-81384>> accessed 12 July 2023

<sup>2</sup> Elizabeth Plumtre, 'Bigamy vs. Polygamy' (*Verywell Mind*, 15 February 2022) <<https://www.verywellmind.com/bigamy-vs-polygamy-whats-the-difference-5217598>> accessed 12 February 2023

<sup>3</sup> Hindu Marriage Act 1955, s 17

type which may extend up to ten years along with a fine. Even a Muslim woman has to terminate her marriage before entering into another legally wedded marriage.

## **DIFFERENCE BETWEEN A PERSISTENT VEGETATIVE STATE, COMA AND BRAIN DEAD**

Before even jumping into the legal intricacies of the subject matter, having a rudimentary knowledge of the situation is vital for further interpretations. Many might find no difference between Persistent-vegetative State and Brain Dead as laymen always refer to such medical conditions as coma or with different other familiar terms. Though similar, these terms have different meanings in themselves. A coma is a state of unconsciousness where a person is not able to respond to the surroundings around him. The person is in deep sleep but cannot be awakened. While the persistent vegetative state is a situation of altered consciousness. In a persistent vegetative state, a person may seem awake but doesn't possess an awareness of the surroundings. Patients of comatose regain or improve their consciousness within 2 to 4 weeks of their diagnosis. Otherwise, they are diagnosed with a vegetative state or minimal state of consciousness. People always mistake brain death for a persistent vegetative state which is distorted. There are parts of the brain that consciousness, wakefulness and other functions. The cerebrum of the brain is responsible for consciousness if there is no damage to the reticular activating system which controls functions of the heart, immune system, and digestive system a person may physically function despite the damage to the cerebrum which caused a lack of consciousness. Damage to the cerebellum can cause loss of oxygen to the brain and brain hemorrhage. A person may not be able to speak or respond to stimuli but have normal physical functions along with normal breathing and heartbeats. Their eyes are open and can make sounds, nevertheless, they can't speak a language. People in a persistent vegetative state don't mean to die.<sup>4</sup> One can live with PSV for years if he is under proper nursing conditions and assistance.

---

<sup>4</sup> Dr. James P. Kelly, 'What Is the Difference between Coma, Minimally Conscious State, Persistent Vegetative State, and Brain Death?' (*Brain and Life*)  
<<https://www.brainandlife.org/articles/what-is-the-difference-between-coma-minimally-conscious-state-persistent>> accessed 12 July 2023

Brain Death is different from a certain condition and it is irreversible. A person can continue living only on an artificial life support system and there is no possibility of recovery. The brain stem is responsible for breathing, heartbeat, blood pressure etc. Brain stem transfers information from the brain to other parts of the body. Brain death is caused when the blood and oxygen supply to the brain is ceased.

In *Aruna Ramchandra Shanbaug* case<sup>5</sup> the Supreme Court of India established the definition of Persistent Vegetative State (PVS) as a condition where an individual lacks cognitive function and complete awareness of the surrounding environment, despite displaying some reflex movements and basic bodily functions like breathing and digestion. The court contrasted PVS with coma, which is characterized by unconsciousness with some reflexes intact, such as breathing and heartbeat. The court's decision centred around the withdrawal of life support for the patient, who had been in PVS for over 30 years, where it allowed the removal of food and hydration support, but not life-support systems like ventilators, in respect of the patient's right to a dignified death. The case spurred extensive deliberations concerning end-of-life care and euthanasia throughout India.

## LEGAL INTRICACIES ASSOCIATED WITH BRAIN DEAD AND PERSISTENT VEGETATIVE STATE

Medico-legal cases are always complex in nature. It's difficult to associate the medical situation with the law of the land. In the latter situation, a person declared 'brain-dead' is clinically and legally dead. In India Transplantation of Human Organs and Tissues Act 1994<sup>6</sup> recognizes brain stem death.<sup>7</sup> In such a condition where a person is already dead, the question of the bigamy of the spouse doesn't emerge. Section 494 IPC<sup>8</sup>, "*Whoever, having a husband or wife living, marries in any case in which such marriage is void because of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years,*

<sup>5</sup> *Aruna Shaunbag v Union of India* (2011) SCC OnLine SC 364

<sup>6</sup> India Transplantation of Human Organs and Tissues Act 1994

<sup>7</sup> Anant Dattatray Dhanwate, 'BRAINSTEM DEATH: A Comprehensive Review in Indian Perspective' (2014) 8(9) Indian journal of critical care medicine <<https://doi.org/10.4103/0972-5229.140151>> accessed 13 July 2023

<sup>8</sup> Indian Penal Code 1860, s 494

*and shall also be liable to fine*". The phraseology 'husband or wife living' connotes that the spouse must be alive. The basis of the second marriage being void is the reason that there is the existence of the spouse. The spouse must be alive at the time of the subsequent marriage to establish bigamy.

The question and possibility of bigamy only arise in the case of a Persistent Vegetative State, a person is not declared dead, or to put it in another way, the spouse is not declared dead. Whether such polygamous marriage will be considered an offence under Indian law is a debatable concern. Before arriving at certain conclusions, rather than mechanically looking into them, many related subject matters need to be taken into account. As natural to human behaviour, while being sympathetic towards the ill spouse, the contentions of the other spouse also need to be considered. Where one person is already suffering from life and death, another can't be compelled to be in such a situation where one has to surrender one's own life. The question needs to be answered from a broader perspective. The options available to the other spouse, the psychological repercussions, the welfare of the entire family, and the economic aspects need to be taken into account as there is not only one life attached to the whole situation rather there are many strings attached.

#### **WHEN THE OTHER SPOUSE IS IN A PERSISTENT VEGETATIVE STATE IN SPECIAL REFERENCE TO THEIR LAWS?**

Unfortunately, non-of the personal laws in India, adjudicating marriages try to tackle such a state of affairs. The laws of a land are always contingent on its society. It cannot be rigid in nature or else it will not be able to surf through the ravages of time and law will just be some futile and impractical rules trying to bind its people. Rather than a tool that facilitates people to realize their rights, it will be restricting its people to reach their full potential.

The closest laws that are laid down to the present subject matter are the grounds that are available to either spouse as a ground for divorce. To be specific, mental unsoundness and venereal disease in a communicable form provided as a ground of divorce are the closest of all

to which we can relate. Section 13 sub-section iii) of HMA<sup>9</sup> provides mental unsoundness as a ground of divorce which runs as follows, '*has been incurable of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent*' and sub-section v) of the same section provides venereal disease as a ground for divorce. Under Christian personal laws, Section 10<sup>10</sup> of the Divorce Act 1869 provides for the same as a ground of divorce. For a case to make up for section 13(1)(iii) of HMA<sup>11</sup> the respondent should be of incurable unsound mind which is incurable and attacks are frequent in such a nature that it will be difficult for both of the members to live together. In *Hemali Bindesh Kelaiya v Bindesh Jayanti Lal Kelaiya*<sup>12</sup>, the Bombay High Court while hearing appeal files by the wife of a man who experienced intermittent insane assaults after their marriage and because of this used to mishandle and harass his significant other, thought about the subject of regulation with regards to whether a Hindu marriage between two gatherings can be broken down by a separation order under Section 13(1)(iii) on the ground that one mate experiences psychological sickness. The respondent, for this situation, had fought that he was not a patient of psychological instability; all things being equal, he was experiencing restlessness and stress whose drug was going on. In the wake of considering the proof introduced and the contentions given, the Court presumed that the appellate had neglected to make her statement and in this way, no announcement of separation will be passed. The regulation included 'mental issues' as a ground for separation since when these demonstrations were enacted many years prior these circumstances were not reparable. Yet, with the improvement of clinical capability, these circumstances are treatable to an exceptionally serious degree. The phraseology section 13 subsection iii) such a kind to such an extent that the petitioner cannot reasonably be expected to live with the respondent's fashions is a lacuna and vague. If this is the reason why mental unsoundness was incorporated as a ground of divorce, there are a host of other reasons and medical conditions why a person cannot be expected to live with the other person. A person in a vegetative state is one such condition. If such ailments are

---

<sup>9</sup> Hindu Marriage Act 1955, s 13(1)(iii)

<sup>10</sup> Divorce Act 1869, s 10

<sup>11</sup> Hindu Marriage Act 1955, s 13(1)(iii)

<sup>12</sup> *Hemali Bindesh Kelaiya v Bindesh Jayanti Lal Kelaiya* (2015) (4) ALL MR 313

not considered by law as a possible ground for separation, unsoundness of mind as a ground of divorce should be nullified too as most such mental disorders and psychopathic disorders are curable with advancement in medical proficiency. Whereas, conditions like persistent vegetative state and similar to ones are untreatable. Hence the present laws are inconsistent with a new host of problems. The Punjab High Court stated in a judgement, “*A man whoever takes a woman to be his legally wedded wife, cannot leave her in difficult times of sickness*”. A recent judgement by the Hon’ble High Court of Bombay in the case of *Rajni Hariom Sharma v Union of India*<sup>13</sup> allowed the wife to act as capacitated guardian of the husband. The court took recourse to ancient Hindu Vedic philosophy and observed that marriage is a union of two souls. One half is incomplete without the other and the wife is the best possible person to act as the guardian of her husband.

In the present context, Muslim personal laws will be more biased towards the woman spouse. In *Abdul Kadir v Salima*<sup>14</sup>, Justice Mahmood stated that “Marriage is not a sacrament but a civil contract”. Muslim marriage in itself offers acceptance, and consideration (meher/dower). Dissolution of marriage under Muslim personal laws is governed by the Dissolution of Muslim Marriage Act 1939<sup>15</sup>. Polygamy is prohibited in India but allowed under Muslim personal laws though it’s not mandated. The roots of polygamy can be traced back to the battle of Uhud which cost many lives of Muslim men leaving behind orphans and widows. The verse is as follows “If you fear you won’t be able to deal with the orphans, marry women of your choice 2, 3 and 4 but if you feel you won’t be able to do justice to them, marry only one”<sup>16</sup>. If we go by the literal meaning of the verse it’s your compassion towards widows and orphans to marry more than one woman. It’s not an obligation upon a Muslim man to marry more than one wife but it’s an obligation upon him to equally treat them all if he does. In today’s time, though subjected to various reasonable restrictions, a Muslim man is permitted to have bigamous marriage. In the backdrop of the present concern of the paper, a man falling within the ambit of Muslim personal

---

<sup>13</sup> *Rajni Hariom Sharma v Union of India* (2020) SCC Online Bom 880

<sup>14</sup> *Abdul Kadir v Salima* (1886) ILR 8 All 149

<sup>15</sup> Dissolution of Muslim Marriage Act 1939

<sup>16</sup> ‘Surah Al-Fatihah 1:1-7 - towards Understanding the Quran’ (*Islamic Studies*)

<<http://www.islamicstudies.info/tafheem.php>> accessed 15 July 2023

laws can have a subsequent marriage when his already present wife from the subsisting marriage is in a persistent vegetative state. But at the same time, a woman won't be allowed.

In all of these laws laid down, and the judgments courts have always tried to preserve the marriage to the last extent. Respective courts have always considered marriage as a sacrament union and not to satisfy the physical needs of the other. Once entered cannot be dissolved rather it's a union of both body and soul. It is considered as a social institution that is the basis of the family. Marriage is a one-time event and a societal necessity.

In a motive to save the marriage, the court shouldn't compromise the individual rights associated with the spouses. In an era when the protection of individual human rights is a prime concern. Why the court should neglect the rights associated with the other spouse reducing their status to just caregiver and their main obligation as nursing? What about their life? Does marriage means completely giving up one's own life? Notwithstanding anything in normalcy, in a situation where one spouse can't fulfill the obligations of the marriage though, for a convincing ground, the present legislation has not given any sort of support to the other spouse. And as we have seen judgments too are inclined in mandating the spouse to live with other ailed. In no way, one should be in support of complete abandonment but when the other spouse is ignored, we are doing nothing but diminishing the fundamental rights guaranteed to them by the Constitution.

When there is such a prevalent opinion that is deeply rooted and yet cannot be criticised, it becomes challenging to give new dimensions to the existing laws. But with changes in fabric of the society, the judiciary has been forced to incorporate a new genus of perspectives. For example, where nothing in ancient laws gives permission for live-in relationships and were considered unethical and immoral, the judiciary has started giving recognition to such kinds of relationships. In *Lata Singh v UP*.<sup>17</sup> The court held that live-in relationships are not illegal. In *S. Khushboo's* case court thought that living together is protected under Article 21<sup>18</sup> and cannot be

---

<sup>17</sup> *Lata Singh v UP* (2006) 5 SCC 475

<sup>18</sup> Constitution of India 1950, art 21



an offence. In *SPS Balasubramanian v Suruttayan*<sup>19</sup> held that if a man and woman have been living together for a long duration, the law will consider them as legally married unless the contrary is proven. The most recent case is *Rohit Kumar v U.T Chandigarh*<sup>20</sup> where the court asked the union government to outline its plan for dealing with live-in relationships because refusing of validity of such relationships is challenging as majors have the right to choose for themselves. So it shouldn't be long before we will be able to see legislature enacting laws for civil unions. Correspondingly, it may take some time but without a doubt, the present marriage laws have to go through changes. It's not just because of the rights of the other spouse, we need to take a dig into how such a situation affects one's life.

### **THE PSYCHOLOGICAL AND OTHER BATTLES THE FAMILY HAS TO FIGHT WHEN ONE OF THE MEMBERS IS IN A PERSISTENT VEGETATIVE STATE**

In the research 'Living with the patient who has persistence vegetative state: a qualitative study' it was thoroughly investigated how it is to live with a patient suffering from persistent vegetative state. It explains the difficulties that arise out of taking care of the patient and the effect of that upon who is taking care of them. It has been found that there was a complete psychological and physical burden upon the family members who were taking care of the patient's in-home care. The families felt desperate and helpless when they have to see their family members confined to bed unconsciously and not able to do anything. It takes a lot of mental strength to deal with such a situation and in return, the one who takes care becomes vulnerable to different mental health conditions. There are instances reported where people resort to different ways to get some relief from. Such a situation as drinking ultimately affects their health. Caretakers surrendered their health. It is not easy to live with a patient in the same home who is not even able to move. There is a continuous fear in the mind of the families that there may be an urgent medical condition. Because a layman does not know medical professionals how to deal with emergency situations and take care of patients at home, they have to go through separate training. Among all, the economic burden is always an additional

---

<sup>19</sup> *SPS Balasubramanian v Suruttayan* (1994) SCC (1) 460

<sup>20</sup> *Rohit Kumar v UT Chandigarh* CRWP 8809/2021

worry. Medicines are always costly. The routine check-ups, equipment, and nursing aid the economic burden of the family. Even if it is always somehow managed to collect money for treatment, the availability of the same at the correct time is a matter of concern. With the existing fear that there might be some unfortunate, families have to surrender their social life. They have to go through social isolation. Nevertheless, families always hope that everything will return back to normalcy while others have accepted their faith<sup>21</sup>.

### **DOES THE OTHER SPOUSE HAVE THE RIGHT TO ENTER INTO BIGAMOUS MARRIAGE WHEN THE PARTNER IS IN A PERSISTENT VEGETATIVE STATE?**

The author asserts that Bigamous marriage or having multiple spouses is incorrect because apart from considering it as a moral wrong it brings with itself many other legal troubles. The question of inheritance and maintenance becomes complex. Who has the right over the man's property becomes difficult to answer. Whether all the wives are being treated equally or not is a matter of concern. And at the same time, women have been never allowed to enter into subsequent marriages. Cases of polyandry in both ancient and modern times are very rare. In *Sarla Mudgal v UOI*<sup>22</sup>, it was held that when two people get married under a particular personal law then that marriage will continue to be governed by the same personal law although one has converted to another religion. One who merely converts to enter into a subsequent marriage in the presence of a legally valid marriage will be guilty of bigamy. In *Radheeka Sameena's*<sup>23</sup> case it was held that if a Muslim man has previously married a woman under the Special Marriage Act 1954<sup>24</sup> and if he enters into another marriage under Muslim personal laws, he will be guilty for Bigamy under section 494 of Indian Penal Code.

---

<sup>21</sup> Dincer Metin and Nazan Torun, 'Living with the Patient Who Has Persistence Vegetative State: A Qualitative Study' (2018) 25(1) Journal of Turgut Ozal Medical Center

<<https://annalsmedres.org/index.php/aomr/article/view/1547/3072>> accessed 13 July 2023

<sup>22</sup> *Sarla Mudgal v UOI* AIR 1995 SC 1531

<sup>23</sup> *Radhika Sameena v SHO Habeeb Nagar Police Station* (1996) (4) ALD 1

<sup>24</sup> Special Marriage Act 1954

However, these first codified personal laws were introduced with the advent of the British upon which we rely today. HMA<sup>25</sup>, Parsi Marriage and Divorce Act 1936<sup>26</sup> and Bombay Prevention of Hindu Bigamous Marriage Act 1946<sup>27</sup> all declare bigamy as an offence. But in the present situation where one spouse is in a persistent vegetative state and one is not able to fulfill the marital obligations towards the other, we have to trace back to ancient times which are the roots of existing personal laws.

Polygamy was practised in ancient India by rich merchants, kings, warriors and feudal lords while at the same time, polyandry was prevalent in some tribes throughout the territory. Marriage in Hinduism was meant for 'dharmakarayam' and 'purusharthas'. The former means the obligations of a man towards his dharma and the latter is the four major aims and even if one enters into polygamous marriage to serve this purpose, it was not being objected to. Dharmasashtras allowed for polygamous marriage only in certain circumstances where it was necessary for the procreation of children and continuing family lineage. However same was not allowed for women. A woman can only marry someone's husband's brother when her husband dies leaving behind the child. It was only for the sole purpose of the upbringing of the child. The *yagnavalkaya smriti* suggests in verses that 'a man's wife drinks alcohol, is sickly, cantankerous, barren, wastes money, quarrelsome, begets only female children or is hostile to men, then he may take another wife'.<sup>28</sup> However, the former wife cannot be abandoned and have to be provided with maintenance. *Subodhini* and *Mitskshara* legalized remarriage upon bad health, and ill-temperament of the wife<sup>29</sup>. Hence the *manusmritis* upon which HMA<sup>30</sup> is laid recognises bigamy and the second marriage will be considered legally valid if the former wife was diseased, cannot give birth and was of vicious nature. Though it was allowed only on behalf of the male

---

<sup>25</sup> Hindu Marriage Act 1955

<sup>26</sup> Parsi Marriage and Divorce Act 1936

<sup>27</sup> Bombay Prevention of Hindu Bigamous Marriage Act 1946

<sup>28</sup> Jayaram V, 'Featured Quotations of Jayaram V' (*Hindu Website*)

<<https://www.hinduwebsite.com/general/featured.asp#:~:text=Aum%20Peace%20here%2C%20peace%20inside,found%20on%20other%20planet>> accessed 13 January 2023

<sup>29</sup> Trishla Jain, 'Polygamous Marriages in India: An Exploration' (*S Bhambri and Advocates*, 08 June 2021)

<<https://www.sbhambriadvocates.com/post/polygamous-marriages-in-india-an-exploration>> accessed 20 June 2023

<sup>30</sup> Hindu Marriage Act 1955

spouse and was biased towards the women, the central point is it was recognised as a valid ground for polygamous marriage.

With asserting such evidence, the author isn't in support of bigamy rather the grounds on which bigamy was allowed such as when the wife is not fit for the procreation of children is very immoral. Yet such a ground is still in existence as a condition of marriage under section 5 of the HMA<sup>31</sup> is a matter of concern. The main point of discussing the ancient personal laws in alliance with polygamy is not to justify polygamous marriage in ancient times nor the contemporary world but to bring before the readers that the situation when one spouse is ill and can't fulfill the marital obligations of the other one haven't gone unnoticed in the ancient texts. Though for whatsoever reasons such a context has been a point of discussion in ancient times, it shouldn't be left unattended now too.

## CONCLUSION

Marriage is a sacred union in India. A wife is considered as *ardhangini* of the man, another half of the man. A man is not complete until he marries. In such a society permitting bigamous marriage will be immoral and unethical. It will rupture the very fabric of society. But at the same time completely ignoring the contention of the other spouse will be similarly biased. There are no options for the other spouse within the ambit of the present laws to seek any relief. In an instance of this, we should look into why a particular person will seek another person or marriage. In most cases, it will not be for pleasure but rather it will be for the basic human nature one exhibit. Every human is a social being and some contact with other humans is natural. There will always be some sort of emptiness when one isolates oneself from the outside world. The other spouse will always have to go through such feelings of emptiness because of the scenario he or she is in. The stress and the mental state in such a situation make one more vulnerable. The impact on one's own health makes one feel like they have completely given up their life. No one will be able to deny the fact that humans seek love and affection and in such a context it becomes more important as it gives the required support to go through tough times. It comes

---

<sup>31</sup> *Ibid*

down more to the psychological aspects of the person. Present governments and laws show no support, neither economically nor morally in these situations. Where laws cannot permit bigamy but the existing laws can be amended and framed in such a way that it put both spouses on an equal pedestal. Though not allowing for complete abandonment but there should be some provisions that give some due consideration to the other spouse. No one should be completely mandated to be binding. Unlikely, where the other spouse should be obligated to maintain the ailed spouse, there should be a way out where the person realizes their own life.