

An Empirical Study on Elderly Population's Care in Bangladesh: Legal and Ethical Issues

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Abstract: In Bangladesh as in other regions of the world, the population ages 60 years and older is growing faster than the total population and they are being neglected by their family. They are not treated even with basic human courtesy. As family traditions weaken, many elderly people now live apart from their children. As per Bangladesh constitution, the needy elderly people have a right to social security. This is one of the fundamental principles of state policy (article 15d of Bangladesh Constitution) and fundamental rights (article 26-47A). This study examines the aging problem in legal and ethical perspectives with their relevance in the case of elderly population in Bangladesh highlighting the needs and problems encountered by the elderly. At the same time this study reviews the Parents Maintenance Act of 2013 (Act no 49 of 2013) and the services for the elderly and their limitations in Bangladesh. This article recommends some guidelines with the emphasis on social worker's roles for the welfare of the elderly in Bangladesh.

Keyword: The Parents Maintenance Act, Fundamental Rights, Human Rights, Constitution, State Responsibility to Elder People.

Date of Submission: 12-01-2018

Date of acceptance: 29-01-2018

I. INTRODUCTION

Right from the moment a child is conceived, the well-being of the child becomes the parents' primary concern. Over the years, the parents shower the child with love and affection and eagerly spend money, effort, time and energy after them. Simultaneously the parents also grow old and then comes the time when the tables turn and it is time for the child to look after their ageing parents. These expectations are deep-rooted in various societies, being influenced and sometimes institutionalised by religion and community sanctions. However, social changes have resulted in a gap between expectations and practice. Children both in the third world as well as developed countries are increasingly found to be not taking care of, or not willing to take responsibility to maintain their parents, making the poor parents helpless in their old age. A question arises here -- can the children legally deny maintaining their elderly parents? This article shall explore the legal aspects of this social problem of maintaining parents in their old age.

II. METHODOLOGY

2.1 Research Plan and Data Collection Methods

The research-work is designed mainly to base on the Parent's Maintenance Act, 2013 of Bangladesh and its implementation in Bangladesh. Necessary data are collected from secondary sources. It is convenient to use the data collection methods in order to be able to have an accurate result through analyzing the research area appropriately.

2.2 Secondary Data

Secondary data are collected from existing sources such as textbooks, journals, research articles, internet, leading cases, international conventions, government statistics and newspapers and so on. Data are to form a major part of the literature review of the work. Most of the data collected here are expected to help answer some of the research questions and attain the objectives. It is a common thing that there may arise some disadvantages and incompleteness in reaching the findings of the study for the use of the secondary data. Accurate scenario of the existing facts is tried to be reached through the use of the secondary data that may help achieve the objectives properly.

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2.3 Research Questions

The researcher has an intention to find following respond through the study

1. What are the main features of elderly population of Bangladesh?
2. What is the share of the older persons in the total population of the Country?
3. What are the important features of the Parent Maintenance Act 2013?
4. What is the applicability of the Act?
5. Who are eligible for claiming maintenance under the provisions of the Act?
6. What is the monitoring mechanism for implementation of the Act by the States?
7. What is the effect of the order of maintenance?
8. What would be the provisions for protection of life and property of elderly populations?
9. What is the monitoring mechanism for implementation of the provisions of the Act by the States?
10. What are the salient features of National Policy on Older Persons?
11. What is the implementation mechanism of National Policy for Older Persons?
12. What are the schemes under which financial assistance is provided for welfare of the older persons?
13. Whether the government is revising the schemes for welfare of the older persons?
14. Which agencies are eligible for obtaining grant-in aid under the Integrated Programme for Older Persons for implementing different projects?
15. What is the eligible criterion for a Non Governmental Organization to obtain grant-in aid under the Integrated Programme for Older Persons?
16. What are the facilities provided by the Ministry for the training and orientation of workers and volunteers of organizations providing services to the elderly populations?
17. What action has been taken by the Ministry to care and protect the lives and property of elderpersons in view of sudden spurt in crime against older persons?

2.4 Research Objectives

The prime objective of the study is to analyze the current social status and maintenances in Bangladesh. There are also some specific objectives of the study to promote the Parent's Maintenance Act, 2013 of Bangladesh and its implementation and explore the legal aspects of this social problem of maintaining parents in their old age. These are summarized as:

1. Focus on the current status of the social situation, well-being, development and rights of older persons at the national and regional levels.
2. To find out the social and economic well-being of the ageing population, documenting the demographics of older age,
3. To reviewing the economic situation of older persons,
4. Exploring health-related issues, and examining societal perceptions and the social integration of older residents.
5. To provide an overview of human rights norms as they pertain to older persons, incorporating several illustrative examples of how international human rights mechanisms have applied relevant norms to critical human rights issues affecting older persons.

III. AN OVERVIEW OF PARENT'S MAINTENANCE ACT 2013

There is no denying that from the moment we are born, we are dependent on our parents. They wrap us in their shawl of invincible and unconditional love and nurture us to adulthood with the best of everything they can afford. Then, the table turns. While the children move into the working age group, the parents move into the retired age group, and there comes the time when parents become dependent on their children. Unfortunately, many of us fail to provide the love and affection to our parents when they are at their vulnerable old age. Such situation has occurred so many times that even the Bangladesh Parliament felt the need to intervene, and hence came the Parents Maintenance Act 2013 of Bangladesh (the '2013 Act').

The Parent's Maintenance Act, 2013, a law to ensure social security of the senior citizens, compels the children to take good care of their parents. According to the law, the children will have to take necessary steps to look after their parents and provide them with food and shelter.

Each of the children will have to pay 10% of their total income regularly to their parents if they do not live with their parents. Moreover, children will have to meet their parents regularly if they live in separate residences. Furthermore, under no circumstances are children allowed to send their parents in old homes beyond their wishes.

The law also allows aggrieved parents to file cases against their children if they decline to support them. A first class magistrate court will settle issues related to the violation of the law. For reconciliation of any issues, local government representatives such as chairmen, members and others authorised by them will settle

the disputes. The law has the provision of Tk200, 000 as fine and, in default, six months jail term for violation of the law.

This Act ensures that the children have to take necessary steps to look after their parents and provide them with maintenance (Parents Maintenance Act 2013, section 2(b), The Maintenance and Welfare of Parents and Senior Citizens Act 2007; section 4(3)). This Act also defines maintenance as provision for amongst others, food, clothing, residence and medical attendance and treatment.

Under the 2013 Act each of the children will have to pay a reasonable amount (Parents Maintenance Act 2013, section 3(7)) of their total income regularly to their parents if they do not live with their parents. The 2013 Act does not define as to what constitutes a reasonable amount. Moreover, children will have to meet their parents regularly if they live in separate residences. Furthermore, under no circumstances are children allowed to send their parents in old homes against their will. There is nothing in the 2013 Act to suggest who is eligible to bring a claim under the 2013 Act. If, it is only the parents who are entitled to bring complain under the 2013 Act, then the 2013 Act fails to acknowledge the vulnerable position of the parents, both financially and physically.

3.1 Responsibility of maintenance

In the Act both male and female children are responsible to maintain their parents. Thus equality has been made among them. And maintenance responsibility is not for any specific child rather for all. But if there is more than one child they may ensure maintenance by consultation among themselves.

No child can compel his /her parents to go to parents care or any other place for living jointly or separately. And every child must take care of his/her parents regularly and provide medical facilities. Every child must maintain communication with their parents within their capability if they live separately.

3.2 Amount of the maintenance

Every child must provide a logical amount of money for maintenance from their earnings if the parents do not live with the children.

3.3 Maintenance of the grandparents

The Act is not confined to the maintenance of the parents. It has also given emphasis on the maintenance of the grandparents both from father and mother. In the absence of father and mother, parents of both father and mother will be entitled to the maintenance, as the case may be.

IV. ELDERLY PROBLEMS IN BANGLADESH: SOME GROWING ISSUES AND RECENT TRENDS

In traditional societies, older people are treated as resources and are respected by all and enjoyed a valued social position in the extended household. But this situation is changing enormously due to the breakdown of traditional family pattern, changes in traditional norms and values, innovation of modern medical facilities and increasing rate of older people. For these changes, the elderly face difficulty to meet their physiological, psychological and social needs. They are mostly vulnerable in terms of living arrangement, food consumption and possessions on wealth, participation in decision making of the family and social attitude and values. A lot of multi-casual factors are responsible for the current situation of the elderly in Bangladesh.

4.1 Changing trend and disorganization of the society: A threat of lively living for the elderly

In traditional agro-based societies, older people live with their near and dear ones and in most of the cases dependent on them in meeting their needs. Socially it is the responsibility of the children to take care of their older parents when the elderly people are unable to meet up their demands with own efforts. But it is quite difficult task for our young generation to perform their traditional responsibility towards their parents in modern industrialized world due to their job and professional duty. In the advent of industrialization and urbanization a lot of changes have been taken place in the world. Modernization has affected our agro-based society and increased the migration from rural to urban and country to country affecting the pull factors and push factors. Older parents in Bangladesh are sending their children abroad for study job and even for settlement. Some young and adult children are leaving their older parents behind (despite the fact that their parents do not like it) and settling down either in the urban centre of Bangladesh or in over-seas countries (Rahman, 1999). So the older people are living separately from their children and grand children. A study reports that about 55% are living in their own arrangement (self), slightly more than 25% with their sons and around 11% with their daughters (Kabir, 1994).

In poor families, both in rural and urban areas, older people often unable to meet the demands due to the extreme poverty where food is the top priority needs. About 77% older people do not have enough income to meet their basic needs and 71.4% are dependent on siblings for financial assistance for their livelihood (Kabir, 1994). Living arrangement is an important component for the overall well-being of the elderly but the elderly

people face problem in getting proper shelter. Most of the poor families cannot ensure the separate living places for their senior citizen as they live in one or two room houses consisting of more than five member households (BBS, 2001). For this reasons, the older people sleep and take rest in a corner of the corridor or a hovel that is mostly unhygienic living condition characterized by health hazards and intricacies. In urban well off families, though the elderly have no problem with basic needs but they feel isolated, lonely and depressed within the family. At the same time they are to be found on odd situation due to the lack of proper care. Female participation on the labour force and extensive pressures on school going children, fewer women and grand children are now available to be the primary care givers for the elderly.

4.2 Productivity and dependency of the elderly: A dilemma for age biases

In Bangladesh, the elderly people are discriminated both by prejudice and means of exploitation. Our society feels that the elderly people are incapable to carry out their duties and sometimes compel them to retire from their current positions at the age of fifty seven though they are capable to serve at that age. They are labelled as aged and considered as unproductive due to our social construction for age biases. Though the older people retire at the age of fifty seven but they remain more fifteen to twenty years after their retirement. At that time they had to live their life depending on others. This dependency is made by our society through age biases. On the other hand a myth prevails on the society that the older people get much but do nothing is also socially constructed. But elder people in Bangladeshi family life contribute much by their active involvement in child care and domestic work Data from various researches revealed that older people provide valuable contributions to well-being and livelihood of the family by taking responsibility for house hold activities, freeing younger family members to seek work outside the home. Elder people have joking relationships with their grand children and through this process take the responsibility of proving children's sex education and preparing them for later marriage responsibilities. This relation is always warm, caring sometime educative in nature (Aziz, 1979). In most of the family where both father and mother are employed, Grandparents are the only reliable safeguard for the family who take all the responsibilities to care and protect their grand children from all sorts of social evils and also protect the most valuable household resources. Older people are important advisors in the community; they help to settle misunderstandings and build peace .Older people can help the community people to solve their problems by giving direction in the light of their life experiences.

4.3 Co-residency and the elderly abuse: the generational gap

In Bangladeshi context because of traditional norms and religious and social values most of the elderly are living with their offspring but at the same time it should be elicited that how easier this co-residency. Because of wide spread poverty and a socio-economic change, living together is no guarantee of economic well-being of the elderly (Kabir, 1994). In general the elderly of Bangladesh are respected and well cared by their families but in recent time, Elderly abuse is alarmingly visible in rural poor family. Elder people suffer from the mistreatment of family members and the society. Our society holds some myths and prejudices towards the aging, which include 'rocking chair syndrome' where the assumption is that an old person's daily routine consists of napping in their rocking chairs; unproductive, due to lack of participation in the labour market, sick, dependent and generally useless. Although much of the early works of social gerontologist was influenced by age bias, focusing on the physical psychological and social decline in the aged, most recent research has been instrumental in debunking prevalent myths about aging and old age (Kart, 1985). Their sons and daughters, daughter-in-laws, spouses, grand children and others abuse elderly people. Adult children are the most likely perpetrators of abuse (30%) as compared with spouses (14.8%) (Boudreau,1993). In most of the cases, young children make a nuclear family due to the disagreement of wife with their parents. They rarely communicate with their parents' even if they posses wealth or property. Elderly women particularly the widow dissected and divorced are the silent victim of this situation as they do not posses any valuable social and economic wealth like, land or other kind of property. Boudreau have mentioned some forms of elderly abuse, like, verbal assault, isolation, threat, reduction of personal freedom, theft of money or property, hazardous living conditions, lack of supervision, withholding of food and inducement of fear (Boudreau, 1993). National Aging Resource Centre on Elderly Abuse (NARCEA) reports that most frequent types of elder abuse (37.2%) are followed by physical abuse (26.3%), financial or material exploitation (20%) and emotional abuse (11%) (NARCEA, 1990).

4.4 Vulnerability of the elderly in later life: the generation of social maladies

Due to the breakdown of extended family, poverty, social alienation and myth and abusive behaviour from the family members, exclusion from income generating activities and lack of safety network the elderly lead a vulnerable life in their later life. In Bangladesh, it has traditionally been the responsibility of the family to provide food and shelter for its elderly members. More specifically traditional norms in Bangladesh, as in other south Asian countries demand that sons are responsible for financial provision while the daughters-in-law are responsible for proving day to day care (Jeffery, 1996). But about 44.3% people live under absolute poverty

both in rural and urban areas. These poor families are unable to meet the basic needs of the older people including food, health care, clothing adequate shelter and access to income or employment opportunities. Commenting on a seminar paper, Professor Ali Akbar says, irrespective of whether they resided in urban or rural areas, a significant portion of the elderly men lived a solitary life, singly. More than two thirds of the elderly men lived in nuclear families where they were likely to be the main breadwinners (CPD, 2000). Find no other alternative to maintain their life expenses; the elderly people involve them in Beggary and someone commit suicide though the suicidal act is very insignificant in our country. From a study, it is found that 43.1% people have no income source where 86.3% involved in beggary (Rahman, 2000).

V. ELDERLY CARE SERVICES IN BANGLADESH: GO AND NGO INITIATIVES

Aged people are increasing in alarming rate day by day. If we don't take initiatives, it would be more complicated and fatalistic. According to UN, the world is experiencing an age quake. Every month, one million people turn 60. By the year 2001, one of every 10 persons will be over 60. By 2030, several industrial countries will have one third of their population over 60 (UN, 1999). In Bangladesh, Eighty thousand new elderly people added to the over 60 age group each year (ESCAP, 1999). Today, People over 60 years make up 6% of the total population of Bangladesh. While this percentage is small relative to developed countries due to the large size of the population, it represents approximately 7.3 million people. Furthermore, projection indicates that the number of elder people in Bangladesh by 2025 will reach in 8.5 million and 10.1% of the total population.

Perceiving this dreadful situation of aging in Bangladesh, a number of Government and Non-Government organizations have taken some programs associated by different international organization. After the independence, Bangladesh Government initiated some programs like pension, gratuity, welfare fund, group insurance and provident fund for retired Government officials and employees. Since 83% of the population in Bangladesh lives in rural areas only a negligible fraction of the total elderly are covered by formal pensions.

Considering the rural helpless, disable destitute poor aged people, Government have introduced elderly allowance (BoiskoBhata) program that covers few aged people can be benefited from this program across the country. This program has largely been praised. Although this is a meagre amount and the recipients are very few in numbers, yet this is a very good start and pioneer effort by the Government. It has been highly appreciated by people of all corners (Rahman,1999). In addition to this, Government is imparting the services to the aged, mostly women, through Vulnerable Group Development (VGD) and Vulnerable Group Feeding (VGF) programs. Very recently Government has set up six aged homes (Santi Nibas) in six divisions for rendering shelter, lifelong health care, Medicare and recreational services for the aged people.

In parallel with government programs, some non-government organizations are working for the welfare of our senior citizen. Bangladesh Association for the Aged and Institute of Geriatric Medicine (BAAIGM) is the pioneer national organization that takes a comprehensive care services including residential and health care facilities for the welfare of the elderly people in Bangladesh. Retired officers Welfare Association (Dhaka), Retired Police Officers Welfare Association (Dhaka), Rehabilitation Centre for Aged and Child, Service Centre for Elderly People (Rajshahi), Elderly Development Initiative (Manikganj), SenakalyanSangstha, etc. are also undertaking some programs towards the elderly people in Bangladesh. Resource Integration Centre (RIC) and Bangladesh Women Health Coalition (BWHC), two member organizations of Asia Training Centre on Aging (ATCOA, 2000), are implementing a pilot project for the development of women health and status. Rotary Club, Lions Club, Girls Guide, Zayeda Dream Care Mothers Home, AponGhor, NijerGhor, AntoreApon, etc also are taking part in aging care services. But all these existing services are unable to meet the demands of large number of aged people in Bangladesh for some constraints and limitations.

VI. TYPE OF VIOLENCE/ ABUSE AGAINST OUR PARENTS

Abuse is widespread than violence in Bangladeshi elder people

1.1 Abuse

- a. Indoor Abuse
- b. Property Abuse
- c. Financial abuse
- d. Abuse through Media
- e. Many rules and regulations are not older person friendly
- f. Older persons are used in begging which is a social evil
- g. Poor condition of inheritance and succession

6.2 Violence

- a. In Family
- b. In Disaster (neglect in rescue)
- c. Relief and rehabilitation
- d. Minority Groups (Sex workers, Indigenous Community.etc.)

e. Hard Core Poor

6.3 Some information on abuse

- a. Elderly necessity is often *ignored*
- b. Older Persons don't get priority in healthcare system
- c. Socially they are marginalized
- d. Many of them are physically abused
- e. Disrespect to Elderly Rights is widespread

VII. SUGGESTIVE MEASURES FOR ELDERLY WELFARE AND SOCIAL WORKER'S ROLES

Aging is not only a concern for the individual and his or her family; it is also a matter of social concern. The existing services are quietly inadequate and insufficient. Disorganization in the services, our social myths and prejudice, social structures and systems, negative attitude towards the elderly are also intensifying the elderly problems. In order to make easier the life of the elderly in Bangladesh some steps should be taken, such as:

- 1.2 Community care services (service arranged by the community itself) should be expanded to care for the elderly. To ensure these services, we have to take proper steps to re-arrange or set up new and alternative institutions that can take care to the aged, such as, aged homes, nursing homes, health complex, day care centre, recreational centre and so on. In doing so, Government can make a dialogue with individual solvent donors and voluntary organizations and should provide them technical and logistic support in this regard.
- 1.3 Micro and macro level counselling can be a more effective initiative to give up the myths and prejudices of the community people towards their elderly and to inspire them to initiate more elderly care services and also the elderly people can be persuaded to take the services from the newly introduced institution.
- 1.4 Government should take some programs for making them involvement through using their inner potentialities and experiences to reduce their mental sufferings resulting from loneliness and isolation. Meanwhile a large scale social security programs, like, pension, old age allowance, health insurance can also make them free from anxieties in later life. The amount of old age allowance and beneficiaries should also be increase at satisfactory level VGD (Vulnerable Group Feeding). Programs can also be effective for elderly people.
- 1.5 Elderly people mostly suffer from some physical diseases. At that time; they need comprehensive medical care services. But in some cases it becomes impossible for them to stand in a queue to avail the services from general outdoor services in government hospitals and to get in to the bus due to their physical inability. In this regard government should take initiative to devise special free outdoor service units in government hospitals and special free transport services for the elderly.
- 1.6 As the elderly people feel free to stay in their own residence, home-based care can be more effective service instead of institutional care. In this regard, local self-government can recruit 'Paid Home Helper' who will serve the aged people in their home. Some developed country like, Norway, Sweden, Finland, Denmark, have already introduced such programs.
- 1.7 We need to revise our academic curriculum and include such issue that would teach and direct our new generation to respect our senior citizen and awaken them about their duties and responsibilities towards the older people.

In all these fields that have been mentioned earlier, professional social workers can use professional knowledge and training, as it is a new challenging issue for social workers in the 21st century. Social workers can involve themselves in both teaching and promoting social and case advocacy in changing the attitude of community people and policy makers and the elderly as well in service to the elders. They can effectively use their advocacy strategy among the students to change their attitude towards the elderly people. In the 21st century, as the number of elders increase, greater participation will be needed from the private sector with the formation of an effective public-private partnership. Here, Social workers can play a coordinating role among corporations, universities, senior citizen centre and members of the aging network.

VIII. RECOMMENDATIONS

Forensuring the parents care the following points can be recommended:

1. Uplifting the Human Rights as well as elderly rights
2. Listening to them with respect
3. Giving priority to the elderly necessity
4. Not to neglect or abuse
5. Stand against elderly violence
6. Inclusion of older person to the decision making process
7. Ensuring participation in civil political and socio-cultural arena

8. Proper implementation of the National Ageing Policy 2013
9. Proper implementation of the Parents Maintenance Act 2013
10. Religious obligation and cultural heritage
11. Positive role of the Media
12. Inclusion of Old Age issue in the academic course curriculum
13. Strengthening Elderly Welfare programs from both Government and Non-government level
14. Ensuring Dower Money and Inheritance Wealth from the state.

IX. CONCLUSIONS

Aging is an unavoidable and universal process in human life. But a little has been done to make the life easier for the elder generation who are the progenitors of civilization, the transmitter of culture and the people who ensure society's lineal succession. It is our ethical and moral responsibility to extend our helping hands towards our senior citizen so that they can pass their last part life with respect, proper care, food security. Poor health care service, mistreatment from the family members and threat from meeting basic needs, unhygienic living condition and poor sanitary system, isolation and loneliness, unsuitable transport system and poor recreational facilities are very much associated with the life of the elderly in Bangladesh. Earlier the joint or extended family system used to take care of the elderly population by family resources but this situation is now changing rapidly through the eroding of traditional family pattern. In this context, the need for a social welfare program for the elderly both from the government as well as public sector is emerging and requires serious attention in future as Bangladesh is now welfare state.

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Dr. Md.Raziur Rahman "An Empirical Study on Elderly Population's Care in Bangladesh: Legal and Ethical Issues ." IOSR Journal Of Humanities And Social Science (IOSR-JHSS). vol. 23 no. 1, 2018, pp. 01-08.