

# ***POSTGRADUATE [LL.M.] DISSERTATION***

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***“Protection of Parental Maintenance Right under the National Laws of Bangladesh”***



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***A research Monograph Submitted in Partial Fulfillment of the Requirement for the Degree of***

***LLM program, Department of Law, Daffodil International University.***

## LETTER OF APPROVAL

17<sup>th</sup> May, 2020

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**Subject: “Protection of Parental Maintenance Right under the National Laws of Bangladesh”**

Dear Sir,

It's a great pleasure for me to submit Protection of Parental Maintenance Right under the National Laws of Bangladesh. While preparing this research Monograph Paper I have attempted my dimension best to maintenance the required Standard. I trust that this research monograph will satisfy your desire.

I hereby do solemnly declare that the work presented in dissertation has been carried out by me and has not been previously submitted to any other institution. The work I have presented does not breach any copyright.

I, along these lines, supplicate and Hope that you would be sufficiently benevolent to this exploration paper for advancement.

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I should offer my heart fell thanks towards those individuals bestowing their thought and knowledge during my assessment on Parental right. I sincerely offer thanks toward them all.

## **DEDICATION**

I would like to dedicate this paper to my parents and my supervisor Mr. Md. Abu Saleh for all kinds of help to maintaining the focus and also for his valuable suggestions.

## DICLARATION

This is certifying that the research monograph “Protection of Parental Maintenance Right under the National Laws of Bangladesh” has been done by Amena Pervin (Id No 192-38-338) in partial fulfillment of the requirement for the degree of LLM program from Daffodil International University. This research monograph has been carried out successfully under my supervision.



.....

Mr. Md. Abu Saleh  
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## ABSTRACT

This report research the current reasoning and practice on human rights based ways of thinking in the planning division. In 2013 Bangladesh Government requested a government assistance law named The Parents Maintenance Act 2013. There were various possible clarifications for this. Bangladesh is also stress to face the test and secure the right maintenance of older in 2013 Bangladesh government moved these obligations through the law, making grown-up youths responsible for help of their old parents. This article challenges the assumption of preferred position from the Parents Maintenance Act, 2013 to stand up to the extending people developing issue in Bangladesh.

At first, this paper will address a couple of clarifications for not giving suitable thought to older people by their children or energetic. Likewise, it will show a survey of Parents maintenance Act 2013.

Thirdly, it will highlight a couple of imperatives and away from impact of the showing. Fourthly, this paper will attempt to show a couple of encumbrances of the strategy for progress from this Act.

In considering, Paper will endeavor to assessment of this show in the test of Bangladesh. Should there be a law, talk about through the experiences from different countries, how far it will be benefitted for old guardians, kids and the lawmaking body in a long stretch.

### **Key word:**

Parental' right, Dignity, Right to life, Humanity, Violation of Right, Injustice, Jail code, Voting Right, Medical Facility, Promote Respect For the Law.

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## Chapter 1

### Introduction

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#### 1.1. Introduction

In like way communicating the word 'Maintenance' infers the show of supporting. At the point when we stumble over the term support in association with the family structure, we simply will as a rule consider life partner offering maintain to his better half after their division has happened in order to certify that the spouse drives her reality with around same lifestyle which she used to acknowledge when she was hitched. In the more prepared events, after the completion of 50 years of life, one expected to segregate oneself from the obligations of a 'families' and change over to the third period of human life which insinuated the devotion of the accompanying 25 years of life by the conciliatory organization of the suffering humankind and the greater society therefore to the organizations got outline society in the midst of the underlying 50 years of life. People used to consider rank the age to rest and loosen up and spend whatever remaining parts of their lives serenely. In any case, the adolescents didn't deal with their people as a difficulty and weight on them. The developed people go up against different issues. The moral commitment to maintain guardians by their children is seen ethically. To offer value to these people, Bangladesh legal structure has given some assistance by which if a situation comes where guardians have not way out can use the gadget of 'Backing' in order to meet their basic necessities for endurance. In 2013 it has been introduced a government assistance law named The Parents bolster Act, 2013. As demonstrated by this Act, guardians will get fix from any preposterous block concerning living pace and for not giving maintenance from their children, aside from if the blameworthy party will be repelled by the Act. This paper will attempt to violate down that this law is a poor law and seven days way to deal with go up against the growing masses developing issue. What's more it will show up, by this law government moved its social commitments to the occupant.<sup>1</sup> Thusly, to stand up to this creating developing issue with dejection, joblessness and nonattendance of helpful thought Bangladesh government needs to plan an authentic course of action. Disregarding the way that governing body is socially careful to managing them at any rate which is a social need in other country is a legitimate prerequisite in a making country through the poor law. Before long the request is how far it does route with this joblessness and a couple of issues and with the heaviness of the secured obligation compelled to everybody through this Act? This paper is an endeavor to assessment of the Parents Maintenance Act, 2013. The paper moreover troubles the acknowledged achievement of the Act in Bangladesh perspective.

#### 1.2 Statement of the Problems

The support of the guardians are one of the concealed issues in Bangladesh. The Government of Bangladesh and the individuals of our general public never attempt to perceive the maintenance of the

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<sup>1</sup> Marcus Tullius Cicero, Ethical Writings I (On Moral Duties) by Marcus Tullius Cicero

guardians which are ensured for them by the state. Therefore the issue is as yet unsolved. My exploration monograph is totally founded on the issue followed hereinafter-

□ The systems for maintenance privileges of the guardians are as yet not perceived as these rights are perceived by the state and global instruments. In Bangladesh parental maintenance framework still not follows which were confined in the nineteenth century.

□ Elderly individuals for the most part experience the ill effects of some physical illnesses. Around then; they need extensive clinical consideration administrations. In any case, now and again it gets unimaginable for them to remain in a line to benefit the administrations from general outside administrations in government medical clinics and to get in to the transport due to their physical inability.<sup>2</sup>

□ If we overlook this issue, it will vanquish the mankind. So it is a high time to secure the guardians' privileges and the time has come to build up an additional opportunity for the support so they can lead an existence with sound and sterile.

### **1.3 Rational of the Study**

The Parent's Maintenance Act, 2013, a law to guarantee government managed savings of the senior residents, urges the kids to take great consideration of their folks. As per the law, the kids should find a way to care for their folks and give them food and haven. Every one of the youngsters should pay 10% of their complete salary consistently to their folks on the off chance that they don't live with their folks. Additionally, youngsters should meet their folks normally on the off chance that they live in isolated residences. Furthermore, by no means are kids permitted to send their folks in old homes past their desires. The law likewise permits bothered guardians to record bodies of evidence against their youngsters in the event that they decay to help them. A top notch judge court will settle issues identified with the infringement of the law. For compromise of any issues, nearby government delegates, for example, executives, individuals and others approved by them will settle the debates. This Act guarantees that the kids need to find a way to take care of their folks and give them maintenance (Parents Maintenance Act 2013, area 2(b), The Maintenance and Welfare of Parents and Senior Citizens Act 2007; segment 4(3). This Act additionally characterizes maintenance as arrangement for among others, food, garments, habitation and clinical participation and treatment. Under the 2013 Act every one of the kids should pay a sensible sum (Parents Maintenance Act 2013, area 3(7))of their all-out pay normally to their folks on the off chance that they don't live with their parents. The 2013 Act doesn't characterize regarding what comprises a sensible sum.<sup>3</sup> Additionally, youngsters should meet their folks routinely on the off chance that they live in discrete living arrangements. Moreover, by no means are youngsters permitted to send their folks in old homes without wanting to. There is nothing in the 2013 Act to recommend who is qualified to bring a case under the 2013 Act. On the off chance that, it is just the

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<sup>2</sup> [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=95797](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=95797)> access at 13 February 2020

<sup>3</sup> [www.iiste.org > Journals > index.php > JLPG > article >](http://www.iiste.org/Journals/index.php/JLPG/article) access at 13 February 2020

guardians who are qualified for bring gripe under the 2013 Act, at that point the 2013 Act neglects to recognize the powerless situation of the guardians, both monetarily and truly.

#### **1.4 Research Questions**

The rights of the parents are one of the unseen issues in Bangladesh. The researcher in this academic research has to solve the problem relating to these issues-

1. How to protect the Parental Maintenance rights? Is there having any new possibility for the protection of parental rights?
2. What are the legal status for protecting social situation, well-being, development and rights of older persons at the National Laws?
3. What Remedies has been taken by the Ministry to care and protect the lives and property of elder persons in view of sudden spurt in crime against older persons?

#### **1.5 Objectives of the Study**

The prime target of the investigation is to break down the present economic wellbeing and systems of support in Bangladesh. There are likewise some particular destinations of the examination to advance the Parent's Maintenance Act, 2013 of Bangladesh. These are summed up as:

- Focus on the present status of the social circumstance, prosperity, improvement and privileges of more established people at the national and territorial levels.
- To discover the social and financial prosperity of the maturing populace, reporting the socioeconomics of more established age,
- Exploring wellbeing related issues, and analyzing cultural recognitions and the social reconciliation of more established inhabitants.
- To give an outline of human rights standards as they relate to more seasoned people, joining a few illustrative instances of how universal human rights instruments have applied significant standards to basic human rights issues influencing more established people. <sup>4</sup>

#### **1.6 Literature Review**

Numerous works has been done on the guardians' privileges in Bangladesh and abroad. In 2013 Bangladesh Government authorized a government assistance law named The Parents Maintenance Act 2013. There were numerous potential explanations for this. Two of them are; so as to guarantee government managed savings of the senior residents and to confront the worldwide populace<sup>5</sup> maturing

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<sup>4</sup> <https://scialert.net/fulltextmobile/?doi=jms.2006.p.131.138>> access at 14 February 2020

<sup>5</sup> Civil, commercial and family law; Old-age, invalidity and survivors benefit, Parents Care Act, 2013, Bangladesh

problem. Global populace maturing structure has been reshaping in late decades because of joined impact of decay ripeness and expanded future. Subsequently, old populace are expanding fundamentally contrast with the youthful.<sup>6</sup>

To address the origination of the guardian's lawful status three expansive standard can apply: the human rights rule, the rule of legitimacy and the rule of proportionality.

I additionally read a Journal named The Parental right, Interest and Significant Harm by Cressida Auckland. He tended to that the legitimate privileges of a guardians can be comprehended as lawfully enforceable cases requiring the achievement, or restriction, of specific activities<sup>7</sup> with respect to the support.

I read some article on Situation of more established residents in India and Pakistan. I likewise study various Acts on parent's to build my insight and thought. I break down various web based materials and significant case laws for clearing my comprehension about the guardians' privileges.<sup>8</sup>

### **1.7 Research Gap**

The examination monograph has been secured the accompanying conversation and zone of study -

- The theoretical thought of guardians' privileges in Bangladesh.
- Government holes, the deficiencies and obstructions of practicing the maintenance related laws.
- Possible changes that could be gotten request to top off the administration holes progressively.
- The zone of study just spotlights on the applicable laws because of the constrained time range.

### **1.8 Methodology of the Study**

The Research work is planned principally to base on the Parent's Maintenance Act, 2013 of Bangladesh and its execution in Bangladesh. Important information are gathered from optional sources. It is advantageous to utilize the information assortment strategies so as to have the option to have a precise outcome through examining the exploration zone fittingly. There have some technique which I follow to finish my Research-

- The system of an examination monograph remembers subjective technique and amounts strategy for this exploration monograph however the subjective strategy has been for the most part used. Because of the restricted time length I couldn't ready to use the amounts strategy comprehensively.

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<sup>6</sup> Law teachers, Effectiveness of the Legal Provision, effectiveness of-the-legal-provisions-law-essays

<sup>7</sup> <https://www.un.org/development/desa/ageing/publications/2011/08/report-on-of-the-current-status-of-olderpersons-worldwide>> access at 13 feb 2020

<sup>8</sup> <http://m.theindependentbd.com/arcprint/details/94987/2017>> access at 13 February 2020

- To get inside and out information about the subject record study, observational examination, unmistakable investigation and contextual investigation technique has additionally been utilized.
- To reach to the finish of the basic investigation of the Bangladeshi Laws identifying with guardians' privileges the subjective evaluative strategy has been followed.

### **1.9 Significance of the Study**

The premise or imperative behind the examination of this concerned theme is solely the excitement of the investigates like the understudy of relative family law; despite that as the relevant show in this assessment as being founded in 2013,15 there should be rectifications as explained in the piece of proposition at the completion of research paper.<sup>9</sup>

### **1.10 Conclusion**

This examination has furthermore kept up survey for different components of individuals including legitimate consultants, police, harmed singular supporters, field officials, assorted government and non-government affiliations, unmistakable assignment holders and setbacks of a respectable number.

Also, subsequently this investigation technique allows the need of use of this exhibition with respect to the uselessness of other existing laws against ruthlessness against women, especially in family related issues.

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<sup>9</sup> <https://www.ncbi.nlm.nih.gov/books/NBK402020>> access at 13 february2020

## Chapter 2

### Conceptual Framework: Parents rights

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#### 2.1 Introduction

From the exact instant a kid is envisioned it's flourishing and government assistance transforms into the most extraordinary concern of the guardians and they commit their time, money and essentialness for fittingly raising their adolescent. With the movement of time they become progressively prepared and the commitment is essentially given motivation to feel vague about the youths to manage their people. Under the Mohammedan Law the children who have suggests will without a doubt maintenance their people. A Hindu kid is under an individual responsibility to maintenance his developed Guardian. Regardless, it is very stunning that every now and again the family get busy with their own life and master life which brings about abuse, negligence and surrender of the old guardians. Various adolescents leave their people in the guardians care and don't talk with them.

#### 2.2 Basic concept

Before the approval of Parents maintenance act, 2013<sup>10</sup>, to state in other way the Maintenance of Parents Act, there was no unequivocal legal framework to bring any genuine movement for maintenance against the adolescents. In any case, they could begin guarantee under territory 5(d) of the Family Court Ordinance 1985 for help. It was seen by virtue of Jamila Khatun Vs. Rostom Ali declared in 48 DLR (AD)<sup>11</sup> 110 that under Mohammedan Law kids in straightforward conditions will without a doubt maintenance their poor guardian, regardless of the way that the later may have the ability to get something for themselves. These poor guardians may in like manner record a suit in the Family Court for help from their luxurious children under the Ordinance of 1985. Regardless, association of guarantee by parents for maintenance under the Ordinance against their issues has not been in wide practice as the course of action has not been totally engrafted in that<sup>12</sup>. Considering all of these pieces of guardian's help the parliament has built up Parents maintenance act 2013 valuing the real responsibility as for the children to maintain their people and grandparents with discipline and order for fail to do thusly.

#### 2.3 Apparent Negative Impact of the Parental Right

Various countries on the planet have experienced the parents care law. Some of them have well and some of them have horrible experience as well. Fitness points of view are not continually positive about this course of action. In Parents Maintenance Act have a couple of getaway provisions that may invite the

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<sup>10</sup> Parents maintenance act 2013

<sup>11</sup> Jamila Khatun Vs. Rostom Ali' announced in 48 DLR (AD) 110 that under Mohammedan Law kids in simple conditions will undoubtedly maintenance their poor guardians > access at 07 march 2020

<sup>12</sup> <https://www.un.org/development/desa/ageing/publications/2011/08/report-on-of-the-current-status-of-olderpersons-worldwide>> access at 7 march 2020

negative inclusion in Bangladesh besides. There is no dedication tosses on the state government to set up position home after the Act. Then again, development allowance program in 2011-12, was 2.47 million beneficiaries for month to month 300 taka payable in as expected, where the down and out is about 1.30 core in Bangladesh. The proportion of money stand out from the progressing life driving cost is so less. What's more old need to pass on remedial expenses additionally. To get this little proportion of money which should be extended, candidate needs to crush a great deal of conditions by the Government. In the Act, there is no express course of action how to scatter the proportion of pay to the guardian in case of encroachment of the Act by the child. It depends on the watchfulness of the court. Or then again no government assistance system for old sought after by this. According to this Act no issue will be allowed except for father and mother. There is no option in case they are unfit for purpose (endorsed by him/her) application as like the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in India.<sup>13</sup> Also, the Act doesn't explain the protesting philosophy for grandparents. According to Muslim family Law Ordinance 1961, Maintenance should be paid by the life partner if any total payable under this law, not paid in due time, will be recoverable as unfulfilled commitments of land pay Nevertheless, there is no discipline by this game plan if spouse are not giving the help of the child. The showing doesn't clear up the situation when guardians didn't fulfill their due parental duty, is the adolescent can decay to pay the help to the guardians or not? In Indian case Pandurang Baburao Dabedhe v. baburao dabedhe , court articulates to pay the maintenance in such circumstance when the parents were not able but instead the youth is financially proficient. In mahendra Kumar Gaikwad v. Gulavi ,<sup>14</sup> one of the disputes that the respondents children against the applicant mother was that the parent had not discharged their commitments towards him properly and thusly they had surrendered their qualification to ensure support from him. The court regardless, mentioned him to pay maintenance. Besides the Act doesn't explain the movement mother's privileges from the law. As such, the fathers obligation to the kid referenced in law is less focused on Compare to kid commitment. From this time forward children end up being progressively subject as demonstrated by this Act.

## 2.4 Protections of Parental Right

To go up against the overall creating developing masses, every country has made some significant steps. This issue will be all the all the more pursuing for making and juvenile countries. Similarly as other of them Bangladesh as a making country is endeavoring to change an answer by interdisciplinary course rather than taking obligations of older people like made countries. The Act will make committed of children on the other hand government releases some weight of taking thought to old people as indicated by sacrosanct obligation.<sup>15</sup> Bangladesh has diverse making factors still to overcome, for instance, joblessness, destitution, non-sterile condition for old masses, nonattendance of therapeutic thought workplaces, settlement deficiency, low checked on lifestyle, etc.

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<sup>13</sup> <https://www.ohchr.org/Documents/Issues/OlderPersons/ConferenceSantiagoReport.pdf>> access at 7 march 2020

<sup>14</sup> Rabbani, G. & S. Hossain, 1981, Population Projection of Bangladesh (1975-2025). Bangladesh Bureau of Statistics, Government of Bangladesh.

<sup>15</sup> <https://www.ncbi.nlm.nih.gov/books>,t he Case for Cross-National Research



## 2.5 Short comes of Parental right

The Act oversees simply normal or natural guardians and children anyway has not explained whether the responsive, develop and step parents and kids falls inside the area of the Act. However, in India Maintenance and Welfare of Parents and Senior Citizens Act 2007 remarkably fuses consenting and step parents and kids in the Act. So there should be assurance in such way.

There are no game plans of solicitation of break support for the parents to be paid in the midst of the pendency of the suit. However, in India under region 5(2) of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 the court may mastermind youths to give a month to month reward as a between time backing of senior subjects and guardians. Thusly, the Pita Matar Voron Poson Ain 2013 should be revised to give similar courses of action in Bangladesh.<sup>16</sup>

The Act oversees developed guardian who have children and the grandparents who have grandchildren anyway remain close-lipped regarding the developed person who don't have any youths or grandchildren and too much out for the count, making it difficult to have dinner trice multi day. The assistance given by the State to such needy individual people right by and by isn't work. Thusly, game plans should be combined in the Act to offer month to month maintenance to such people from the State money.<sup>17</sup>

Another defect of the Act is that Cognizance of the court under the Act has been made unforeseen in that section 7 specifies that no court will take impression of the offense under the Act except for upon a discord recorded by the guardian or upon a protestation created by the parents. There may be circumstances where the guardian might be uneducated or may not be in a circumstance to archive the complaint themselves. Subsequently, the need of recording complaint by the guardian themselves should be struck out and courses of action should be changed to enable any individual or relationship to set up case under the Act for such guardians.

## 2.6 Experiencing Other Countries

The Act has not given any exceptional result to starter of the offense for ensuring practical value and incredible fundamental initiative under the Act which are surprising features of a Special Act. In India and Special Tribunals have been set up to deal with the help of guardians and senior national. Thusly, courses of action should be participated in the Act pleasing catalyst and extraordinary strategy for fundamental. No course of action has been appreciated in the Pita Matar Voron Poshon Ain enabling the court to offer money to the harmed individual to be recognized from the charged under the Act.<sup>18</sup> Along these lines, express courses of action should be installed in the Pita Matar Voron Poson Ain to offer money to the guardians to be recognized from the accused by way for discipline.

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<sup>16</sup> [https://www.ncbi.nlm.nih.gov/books,t he Case for Cross-National Research](https://www.ncbi.nlm.nih.gov/books/t he Case for Cross-National Research)

<sup>17</sup> [https://www.academia.edu/27510570/An\\_Overview\\_of\\_the\\_Parent\\_Maintenance\\_Act\\_2013\\_in\\_Bangladesh\\_Limitations\\_and\\_Encumbrances](https://www.academia.edu/27510570/An_Overview_of_the_Parent_Maintenance_Act_2013_in_Bangladesh_Limitations_and_Encumbrances)> access at 06 march 2020

<sup>18</sup> <https://www.amazon.com/Parental-Rights-Interests-Significant-Harms/dp/1509924892>> access at 06 march 2020

## **2.7 Conclusion**

As demonstrated by section 9 of the Maintenance and Welfare of Parents and Senior Citizens Act 2007, the Tribunal may orchestrate month to month reward to be paid to the parents anyway there is no course of action in the Pita Matar Voron Poson Ain 2013 engaging the appointed authority to make such demand which should be the essential fix under the Act.<sup>19</sup> In this manner, thought should be given to implant such plans in the Act. If the recommendations made above are assented to the Pita Matar Voron poson Ain 2013 will, through my eyes, be the intensive Act for ensuring shielded and happy presence of the developed guardians and incredible guardians.

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<sup>19</sup> Parents Maintenance act 2013

## Chapter 3

### Prompt of the Parental Maintenance

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#### 3.1. Introduction

The best practice is found in giving Old Age payment by the People's Republic of Bangladesh. The National Policy for Older Persons 2013 was grasped by adhering to the principles of MIPAA. Also, thusly, straightforwardly a total number of 2700000 increasingly settled individuals have gone under these security nets. There are various measures as well. They are legitimately articulated as "Senior Citizen" and an ID card will be given to them to various possibilities. The path toward giving card is advancing. Isolated of the use of MIPAA the social norms and estimations of the country is to help, respect and care the more prepared individuals.<sup>20</sup>

#### 3.2. National platforms

Value and non-isolation is ensured in the constitution of Bangladesh regardless of the way that it isn't penetrated in all of the circles of the overall population. Still some isolation subject to sexual direction race is found anyway care level has been extending to a gigantic degree. Moreover the national law is a shield to the benefits of the more settled individuals.

1. Government and NGO exercises in Bangladesh:
2. Retirement Pension Benefit since 1925
3. Development Allowance Program' since 1998
4. National Policy on Older Persons – 2013
5. Backing of Parents Act – 2013
6. MSS in Gerontology and Geriatric Welfare under Dhaka University
7. Administration: Social Welfare; Health and Family Welfare; National Committee on Aging
8. NGO: BAAIGM, RIC, BWHC, FREB, SWBF

#### 3.3. Non-Governmental Organization (NGO)

NGOs are commonly financed by blessings, yet some sidestep formal sponsoring all things considered and are run essentially by volunteers. NGOs are uncommonly different social occasions of affiliations busy with a broad assortment of activities, and take differing structures in different pieces of the world.

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<sup>20</sup> [https://shodhganga.inflibnet.ac.in/bitstream/10603/155090/9/09\\_chapter%204.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/155090/9/09_chapter%204.pdf)> access at 5 may 2020

Some may have philanthropic status, while others may be enlisted for cost prohibition reliant on affirmation of social purposes.

The Government of the People's Republic of Bangladesh has developed Bangladesh NGO Foundation to assist the NGOs, so as to relate the Non-Governmental Organizations during the time spent achieving Millennium Development Goal. The Foundation was developed through a Resolution of the Government on 02 December 2004 that was conveyed in the Bangladesh Gazette on 11 December 2004.

The FOUNDATION was then enrolled a non-advantage relationship inside the centrality of Section 28 of the Companies Act, 1994 and is developed for financing Non-Governmental Organization (NGOs) and other conscious affiliations including Community Based Organizations (CBOs) appropriately enlisted under the pertinent laws of Bangladesh and working in the country for giving basic social organizations, for instance, preparing, sustenance and prosperity, sanitation support, safe drinking water, regular confirmation and some different organizations required by needy individuals, the guardians, women and kids and the ethnic minorities.<sup>21</sup>

The strengthening of the OPAs – through as far as possible at neighborhood (and regional, and national) level has shown the potential favorable circumstances of poverty decline measures among this zone of society and the positive clinical and psychosocial impacts of gathering of this people into connected Associations.

RDRS started its activities by giving post-organizations to the poor from that point on. The hour of 1990s experienced war recuperation organizations and supporting establishment develop-enormous changes in the political structure, and recognizable open in the north-west territory and BRAC.

### **3.4. Parents Maintenance Act 2013 and Senior Citizens Act 2007 of India comparative analysis**

1. There is no denying that from the moment we are imagined, we are dependent on our people. They wall us in by their shawl of ground-breaking and inadequate love and continue us to adulthood with the best of all that they can oversee. By then, the table turns. While the youths move into the working age assembling, the parents move into the surrendered age gathering, and there comes when guardians end up subject to their children. Tragically, a critical number of us disregard to give the worship and love to our people when they are at their powerless development. Such condition has occurred so regularly that even the Bangladesh Parliament needed to intervene, and therefore came the Parents Care Act 2013 of Bangladesh (the '2013 Act').

2. Nevertheless, our neighboring country, India, is apparently before Bangladesh in taking care of this issue. The Maintenance and Welfare of Parents and Senior Citizens Act 2007 (the '2007 Act') of India deals with the present issue . This article will attempt to do a short comparative assessment between the 2007 Act of India and 2013 Act of Bangladesh.<sup>22</sup>

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<sup>21</sup> [https://public.ukp.informatik.tu-darmstadt.de/reimers/embeddings/wikipedia\\_word\\_frequencies.txt](https://public.ukp.informatik.tu-darmstadt.de/reimers/embeddings/wikipedia_word_frequencies.txt)

<sup>22</sup> <https://indiankanoon.org/doc/1230457>

3. Both 2007 Act and 2013 Act ensure that the adolescents need to figure out how to deal with their people and give them maintenance<sup>1</sup>. The 2007 Act portrays support as game plan for food, dress, home, remedial thought and treatment and the 2013 Act describes maintenance as game plan for among others, sustenance, pieces of clothing, home and restorative cooperation and treatment.

4. Under the 2013 Act all of the children should pay a reasonable amount<sup>2</sup> of their total compensation reliably to their people if they don't live with their people. The 2013 Act doesn't portray regarding what contains a reasonable entirety. Additionally, youths should meet their people reliably if they live in disconnected living game plans. Moreover, in no way, shape or form are kids allowed to send their people in old homes against their will.<sup>23</sup>

5. Both the 2007 and 2013 Acts grant wronged parental to record assortments of proof or make application against their adolescents in case they rot to support them. In any case, when contemplated, the 2007 Act is apparently more practical and fruitful than the 2013 Act.

6. Directly off the bat, the 2007 Act fuses open and guardians under the term parents. Nevertheless, by virtue of the 2013 Act, it is only the birth-mothers who are seen as the mothers. This prevents the generous section from securing open and step-mothers from being guaranteed under this Act, regardless of them supporting the youths with veneration and companionship no less appeared differently in relation to the birth mothers. Amazingly, the 2013 Act doesn't make a near refinement in case of the fathers. The significance of father joins any man who is father to the youth. Disregarding the way that the definition is amazingly equivocal, it doesn't disregard to join the steady and step fathers to be guaranteed under the 2013 Act.<sup>24</sup>

7. Additionally, the 2007 Act communicates that the application can be made by a parent, or, in case he is deficient, by some other individual or affiliation affirmed by him. Unfortunately, there is nothing in the 2013 Act to propose who is able to bring a case under the 2013 Act. If, it is only the guardians who are equipped for bring fuss under the 2013 Act, by then the 2013 Act fails to perceive the vulnerable situation of the parents, both financially and genuinely.

8. Thirdly, as showed by region 5(4) of the 2007 Act, an application made by the guardians or the senior subjects should be disposed of inside ninety days from the date of the organization of notice of the application. The 2013 Act makes no such course of action. Considering that the potential examiners under the 2013 Act are people having a spot with a helpless age assembling, the 2013 Act should have made courses of action like that of the 2007 Act<sup>25</sup> to oversee cases under the 2013 Act in a catalyst and monetarily clever way.

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<sup>23</sup> <http://bdlaws.minlaw.gov.bd/act-305.htm>

<sup>24</sup> <https://indiankanoon.org/doc/1230457>

<sup>25</sup> <http://www.the-laws.com/Encyclopedia/Browse/399131.html> > access at 8 may 2020

### **3.5 Root causes of vulnerability**

Guardians are to a great extent misused by arrange and moreover by the family members. In view of growing little evaluated family older people are carrying on a side of the house. Old people right now are consistently living in isolation as different family members are busy with their own business and need more time to proceed with them. In this propelled life kids are living in urban networks for obtaining, or for guidance. Their people live in freely in the provincial arrangement, and in this clamoring life youths are not prepared to visit their people routinely.

### **3.6. Conclusion**

Notwithstanding the way that from the earliest starting point the 2013 Act is apparently exactly what was relied upon to ensure care for the guardians, really the 2013 Act ought to be reconsidered before it can sufficiently fill the arranged need. For instance, certain key terms, for instance, 'reasonable aggregate' and 'father' ought to be cleared up. The 2013 Act in like manner need to join open and step mothers under the significance of mothers. Further, considering the helpless age social affair of the individuals being referred to, course of action ought to be made so cases including the guardians/senior inhabitants are overseen in a fast and wise manner.

## Chapter 4

### Protection for Parental Maintenances

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#### 4.1. Introduction

Older guardians have approach agreeable sustenance, water, housing, dress and social protection, through compensation, support from their families and the system, and their own freedom and get the opportunity to work or approach distinctive potential results of obtaining pay.

#### 4.2 Constitutional approach

They should have the ability to participate in choosing when and to what degree they will stop performing work works out. They should move toward legitimate informative and planning programs. Additionally, have the probability to live in safe circumstances that are adaptable to their own tendencies and their reliably advancing limits. They should have the ability to live in their own home for whatever period of time that possible.

The genuine benefits of senior subjects can be moored by declaring their perfect to maintenance, which will help them tying down cash related security. Backing is described in the Maintenance and Welfare of Parents Act as including game plan for sustenance, articles of clothing, home and therapeutic cooperation and treatment.

The Constitution of Bangladesh<sup>26</sup> guarantees the benefit to life and opportunity of every individual under Article 21. This has been deciphered to join the benefit to live with respectability and would encompass the benefit to live proudly of the senior nationals. Article 41 of the Constitution rests that the State will inside the cutoff purposes of financial breaking point and improvement make reasonable game plan for securing the benefit to work, to preparing and to open assistance with examples of joblessness, infirmity and disablement and in various cases of takeoff and dismissal. Article 46 moreover powers a useful responsibility on the State to progress with excellent thought the money related premiums of the more vulnerable portions of everybody and to shield them from social inappropriate behavior and a wide range of abuse. Articles 41 and 46 are fused into the Directive Principles of State Policy which are not enforceable in any official court; regardless, they power positive responsibilities on the State and are key in the organization of the country.<sup>27</sup>

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<sup>26</sup> <http://bdlaws.minlaw.gov.bd/act-305.html>> access at 8 may 2020

<sup>27</sup> Government of Bangladesh (1991): The constitution of the People's Republic of Bangladesh (as modified up to October 10, 1991), Ministry of Law and Justice

### 4.3 The Judicial Approach

There were no fitting laws for offering backing to senior parents or widow of the died property holder. In *Narayanarao Ramachandra Pant V. Ramabai*, ILR (1879)<sup>28</sup> Bom 415, the privy chamber toward the beginning recognized the benefit to help of the old widow of the died while there was no such plan made by the withdrew sponsor and moreover passed the declaration which possessed the old mother back in her loved one's property. By Section 20(1) of the exhibition, every Hindu youngster or young lady is under responsibility to maintenance developed and debilitated parent. Guardians are equipped for help if they can't take care of themselves. The whole is constrained by the court considering the position and status of the social events.

In *K.M.Adam V. Gopalakrishnan* 1974 0 AIR(Mad) 232; 1973 0 Supreme(Mad) 339; Supreme court opined, cover alia, If the child is a Hindu, whether or not the father or the mother is a Hindu, it is equipped for body of evidence maintenance against the person in question.<sup>29</sup>

In *Kirtikant D. Vadodaria v. Domain of Gujarat*, unique court opined old and weather beaten guardians are equipped for maintenance under this Act from their daughter same way as from kid.

### 4.4 Present scenario in Bangladesh

In Bangladesh in view of upgraded individual fulfillment the amount of people over 60 years is extending rapidly. This should be seen as a creating test as the old will have one of a kind needs and require unmistakable thought giving organizations. Since Bangladesh doesn't have a social government assistance system there will be contention for lacking resources exceptionally prosperity and restorative organizations. It is imagined that due to even more old masses the measurement structure will encounter a moderate change from the current pyramid structure. The creating design towards nuclear family or where adolescents live abroad will place the older parents in an issue the cash related and social assistance that is fundamental for them has not yet risen. The sustenance and prosperity status of older people depend upon adequate food safe water, proper sanitation workplaces and keeping up clean measures. To give exceptional helpful thought to the older there is a need to set up WHO endorsed Age-Friendly Primary Health Care centers and separate wards/units are to be set up in the specialist's offices.<sup>30</sup> To diminish vulnerability of increasingly settled women there is a need to fitting assets and properties as showed by the law. . Our new ages must be responsive, instructed and careful about their commitments and obligations towards the older people.<sup>31</sup> Taking suitable thought of the old is our ethical commitment and obligation.

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<sup>28</sup> <https://www.ncbi.nlm.nih.gov/books/>,t he Case for Cross-National Research

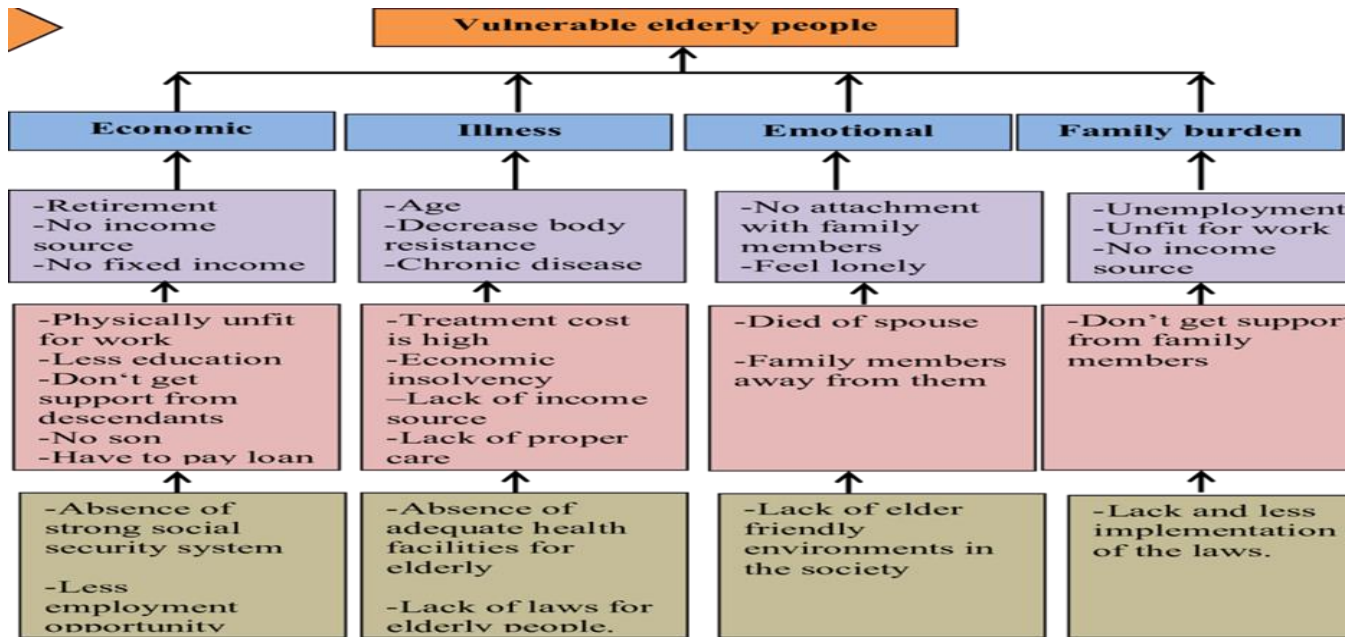
<sup>29</sup> <https://indiankanoon.org/doc/150908219>> access at 8 may 2020

<sup>30</sup> [https://www.researchgate.net/publication/44828355\\_Human\\_Development\\_and\\_the\\_Environment\\_Challenges\\_for\\_the\\_United\\_Nations\\_in\\_the\\_New\\_Millennium](https://www.researchgate.net/publication/44828355_Human_Development_and_the_Environment_Challenges_for_the_United_Nations_in_the_New_Millennium)> access at 4 may 2020

<sup>31</sup> Government Bangladesh (1994): Situation of Children in Bangladesh, 1994, Ministry of Social Welfare, Dhaka> access at 5 may 2020



Table no 1:



#### 4.5 Other laws Protect parents maintenance:

There have more laws which laws can be lead the parent's privilege already of made guardians maintenance act. Which is a lot of poor for the leading the guardians right. What's more, not be legitimate viable for their kids. That then the given cries---

##### 4.5.1 Muslim laws:

Children have a commitment to maintain their developed parental considerably under the Muslims Law. According to Mulla, Children in straightforward conditions will without a doubt maintain their poor guardians, notwithstanding the way that the last may have the ability to procure something for themselves. A kid, anyway in focused on conditions will without a doubt maintain his mother, if the mother is poor, anyway she may not be wiped out. A children, who anyway poor, is acquiring something, will without a doubt support his father who wins nothing.

Concurring the Tyabji, guardians and grandparents in ruined conditions are entitled, under Hanafi Law, to maintenance from their children and grandchildren who have the techniques, whether or not they can pick up their business. The two kids and young ladies have a commitment to maintain their people under the Muslim law.<sup>32</sup>The responsibility, regardless, is dependent upon their having the best approach to do all things considered. As this law is in like manner an individual law, it is only applicable to people who practice Islam as their religion. There are no such plans as for Christians or Parsis in their own laws.

<sup>32</sup> <http://socialjustice.nic.in/writereaddata/UploadFile/Annexure-X63599610>> access at 7 may 2020

#### 4.5.2 Code of Criminal Procedure:

Section 125(1) (d)<sup>33</sup> makes a man having sufficient means to maintenance his people if they can't take care of themselves. Such intrigue to be recorded in criminal court as it is given in Cr.P.C. this makes the strategy of easing correspondingly speedier appeared differently in relation to regular techniques. It is material to all, paying little heed to their strict certainty and strict impacts, and consolidates unexperienced parents. This territory has been interpreted by the Supreme Court in its choice so as to make young ladies and kids, married or unmarried, also careful to maintenance their people.

Because of Dr. (Mrs.) Vijaya Manohar Arbat versus Kashi Rao Rajaram Sawai And Anr 1987 AIR 1100, 1987 SCR (2) 331, the superior court appropriately observed that a married young lady who is free needs to offer help to the father or mother who don't have some other youngster. In like manner, the movement mother is likewise entitled for the maintenance as the father. According to the slant given in Baban Madhav Dagadu Dange V. Parvatibai Dagadu Dange Anr.1978 0 CrLJ 1436 the explanation mother fuses open mother additionally. Territory 125(1)(d) of Code of Criminal Procedure, 1973 undertakings to bring all of the subjects under the security of one establishment paying little brain to their religion.<sup>34</sup>

#### 4.6 Conclusion

For the people who didn't have any youths were still out of the ambit of maintenance and were not made sure about by any order. The Maintenance and Welfare of Parents and Senior Citizens Act were passed to give maintenance backing to old guardians and senior subjects. The Act sets up the Maintenance Tribunal to give quick and ground-breaking lightening to older individuals.<sup>35</sup>Territory 19 of the exhibit moreover orders the establishment of a position home in every district and obliges the security of life and property of the guardians.

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<sup>33</sup> Crpc,1860

<sup>34</sup> Indian Perspective, Retrieved from <https://medium.com/@SaaksharOrganisation/primary-education-in-india-progress-and-challenges-c318b5c41d9e>> access at 8 may 2020

<sup>35</sup> <https://pdfs.semanticscholar.org/6987/9f21115ed62046edf50e00f6976e349dadb2.pdf>> access at 8 may 2020

## Chapter 5

### Impact on Parents Right

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#### 5.1 Introduction

Built up in 2013, the Maintenance of the Parents Act has adequately seen as one of the contemporary and dynamic laws in Bangladesh. The law is very careful having only nine sections and includes legal game plans for taking care of guardians. With most of its positive sides, in any case, the law isn't liberated from a couple of distortions. The chief case under this Act was recorded in November 2013 by a father against his children in Chandpur Magistrate Court. Starting now and into the foreseeable future different cases have been archived, yet intellectuals and rights activists have drawn thought of the Government by bringing up the insufficiencies and limitations of the Act. The Government is yet to give cautious thought to upgrade the law and energize its real utilization.

#### 5.2. Positive impact

There was no unequivocal genuine structure to bring any legal movement against the adolescents for ensuring maintenance of the guardian already this Act. Regardless, they could archive guarantee under zone 5(d) of the Family Courts Ordinance 1985 for help. It was seen by virtue of *Jamila Khatun v Rostom Ali* declared in 48 DLR (AD) 110 that "under Mohammedan Law kids in basic conditions will without a doubt maintenance their poor guardians, in spite of the way that the later may have the ability to win something for themselves. These poor guardians may in like manner record a suit in the Family Court for maintain from their extravagant children under the Ordinance of 1985.<sup>36</sup> Traditionally, the kids are careful to deal with the expense of sustenance and safe house to their people and likewise manage the other older people from their family. In any case, in the Act of 2013, it is said both male and female youths are proficient to maintenance their people (Section 2).<sup>37</sup>

Regardless, as showed by this Act Father and Mother infers simply common ones and excludes the movement guardians. This raises issue if the movement mothers or fathers are not entitled to maintain by their movement kids. The Act specifies that the parents should live with their children. Furthermore, each child must give a sufficient/reasonable total for maintain from their benefit if the parents don't live with the children (Section 3). There remains vulnerability with respect to the affirmation of the whole. The Act in like manner referenced that any individual harming any of the courses of action, will be at risk to the most raised control of one lakh taka. Crashing and burning which he/she will be in danger to the most surprising confinement of a quarter of a year.<sup>38</sup>

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<sup>36</sup> [https://www.cengage.com/resource\\_uploads/downloads/0170186288\\_243677.pdf](https://www.cengage.com/resource_uploads/downloads/0170186288_243677.pdf)> access at 5 may 2020

<sup>37</sup> [www.academia.edu/.../An\\_Overview\\_of\\_the\\_Parent\\_Maintenance\\_Act\\_2013\\_in\\_Bangladesh](http://www.academia.edu/.../An_Overview_of_the_Parent_Maintenance_Act_2013_in_Bangladesh). > access at 4 may 2020

<sup>38</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/gh/gh032en.pdf>> access at 4 may 2020

Under the Bangladesh Act of 2013, the offenses for giving no maintenance are cognizable, bailable and compoundable. Contemplating the possibility of the offenses, Alternative Dispute Resolution (ADR) structure should be introduced in this Act as the issues are just family in nature. Looking at the positive pieces of the Act it will in general be vouched that, if the Act is authentically modified and executed, it will carry government assistance to various stunning guardian of our country.

### 5.3. Negative Impact

Various countries on the planet have experienced the parental care law. Some of them have well and some of them have awful experience as well. Capacity's points of view are not continually positive about this course of action. In Parents Maintenance Act have a couple of stipulations that may invite the negative contribution in Bangladesh as well. There is no responsibility tossed on the state government to set up position home after the Act. Then again, development settlement program in 2011-12, was 2.47 million beneficiaries for month to month 300 taka payable in at customary interims, where the poor is about 1.30 core in Bangladesh. To get this little proportion of money which should be extended, candidate needs to beat a great deal of conditions by the Government. In the Act, there is no unequivocal game plan how to circle the proportion of pay to the parents in case of encroachment of the Act by the youth.<sup>39</sup> It depends on the vigilance of the court. Or on the other hand no government assistance approach for older sought after by this. According to this Act no issue will be allowed beside father and mother. In spite of the way that in our overall population all things considered father are seen as progressively in danger to pay his child maintenance rather than a youth. As showed by Muslim family Law Ordinance 1961, Maintenance should be paid by the life partner if any total payable under this law, not paid in due time, will be recoverable as unfulfilled commitments of land salary. Regardless, there is no discipline by this game plan if life partner are not giving the maintenance of the kid.

In Indian case *Pandurang Baburao Dabedhe v. Baburao Dabedhe*, court articulates to pay the maintenance in such circumstance when the parents were not competent yet rather the kid is financially able. In *Mahendra Kumar Gaikwad v. Gulavi*, one of the disputes that the respondents' youngster against the competitor mother was that the parent had not discharged their commitments towards him truly and thusly they had surrendered their qualification to ensure maintenance from him. The court regardless, mentioned him to pay maintenance.<sup>40</sup>

Besides the Act doesn't explain the movement mother's privileges from the law. In spite of the fact that Indian law says step mother can't ensure maintenance from step youth, *Kirtikant D Vadodaria v. Region of Gujarat*. Thusly, the fathers commitment to the child referenced in law is less underscored Compare to adolescent obligation. From now on kids end up being progressively in danger as demonstrated by this Act.

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<sup>39</sup> <https://sso.agc.gov.sg/Act/MPA1995>> access at 5 may 2020

<sup>40</sup> <https://www.thedailystar.net/law-our-rights/the-maintenance-parents-act-and-garos-1460992>> access at 5 may 2020

#### **5.4. Reasons behind not providing Maintenance by Children**

In South Asian countries old people are respected by the family, society and even by the nation. In any case in view of some extraordinary budgetary reasons, the standard characteristics and conventions and also family bonds are unwinding up now a days. In light of debasement of good characteristics, the more energetic people considers the experience and data of old is originated before. Today a significant part of the time increasingly energetic are never again want to live with old. Then again late social changes, for instance, urbanization, movement and extended female work compel venture infer that age of a family may live in better places due to their since the work put are most consistently brought together in the capital city. Thusly, the regular joint family structures have isolated and also the familial assistance to the old have been diminished incredibly. Under the above conditions older people especially in poor families have been hurled into money related shortcoming.<sup>41</sup> In like manner, the nonappearance of restorative administrations workplaces is another principle thought that additional to their suffering since developing invites new clinical issues.<sup>42</sup>

Here the female older are most defenseless with respect to budgetary condition of the country hereafter they should stand up to miserable situation in future as a result of developing. To stand up to the significant expenses of life driving cost currently day by day's female are power to go out for work who were the guardians to the old in past period. Consequently, no one stay to managing older, while as a general rule old needs to managing kids without their people.

#### **5.5 Conclusion**

Furthermore, Lack of business odds of kid/young lady is one of the genuine explanations behind unfit to give the most ideal maintenance to their people. In like manner, life driving costs extended with the time, thus to maintenance cash related assistance for the family occurred by nonattendance of money related dissolvability. Old people transform into the weight to the family as well. The advancing strategy of nuclear family will incorporate more weight the old sincerely steady system. This is because the Act constrained the maintenance of parents just as the accompanying four grandparents without father and mother. In the event that there ought to be an event of only a solitary adolescent giving the help of four grandparents will be a weight obviously.

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<sup>41</sup> 1 <https://www.daily-sun.com/printversion/details/226056/2017/05/14/Mother%E2%80%99s-Day-and-PitaMatarVoron-Poson-Ain>> access at 5 may 2020

<sup>42</sup> Journal of International Social Issues. > access at 5 may 2020

## Chapter 6

### Findings and Recommendations

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#### 6.1 Introduction

In Bangladesh standard family structures are isolating which change measures and characteristics, for instance, respect to old people in the family and the system. Therefore lack of protection of the old people is extending. The shortcoming is similar to food usage, refuge, system and social mood.

#### 6.2 Findings

Available composing shows that in our overall population, older individual are going up against various sorts of social, mental, restorative and money related issue. In the national laws this is culpable offense. Metropolitan officer can document the suit for securing parental right.<sup>43</sup> Considering their age, the older in Bangladesh is facing following troubles.

1. There not be guarantee the parental right in Bangladesh and de can't get the correct sustenance from the children's.
2. Every youngster need to pay 10% of their month to month pay for the parent's maintence.
3. The law has the arrangement of 2 lac taka fine and half year prison term for infringement of guardians' support right.
4. In Bangladesh the greater part of the guardians are not be get their privilege and they can't document any suit against thir children's.
5. The Frist class magistrate can be making a move for infringement of parental right and that is cognizable under the law.
6. Under no condition are youngsters permitted to send their folks in old homes past their wises and that is noteworthy under the national laws.

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<sup>43</sup> [https://www.academia.edu/27510570/An\\_Overview\\_of\\_the\\_Parent\\_Maintenance\\_Act\\_2013\\_in\\_Bangladesh\\_Limitations\\_and\\_Encumbrances](https://www.academia.edu/27510570/An_Overview_of_the_Parent_Maintenance_Act_2013_in_Bangladesh_Limitations_and_Encumbrances) > access at 7 may 2020

### 6.3 Recommendations:

To ensure success of old individuals following measures should be taken.

1. Make a move for the infringement of the parental right under national laws and guarantee simple approach to recording maintenance cases and lessen multifaceted nature for guarantee appropriate support.
2. Trade with the family members of the old individuals to ensure their success and proper thought.
3. For take care of this difficult fast move has need to make and guarantee that guardians can't be get any issue for documenting cases and attempt to diminish intricacy for parental cases.<sup>44</sup>
4. Senior individual has no cash to keep on packaging so there need to require change national laws and guarantee the elective method to record any suit.
5. Family members, understudies, specialists should be set up in older thought.
6. The older themselves should be told in self-care.
7. Careful and push the old people to incorporate with the old government assistance affiliations.
8. Older thought and obligations should join into perusing material to demonstrate new age to show their employments and obligation.
9. Addition NGO organizations, for instance, outdoors and indoor restorative administrations.
10. Retirement age should addition to 65 years to cause openings and they to can utilize their profitable years to serve the overall population and can set up their positive picture in the country.
11. Realize proposal of Vienna International Plan of Action on Aging and Political Declaration and Madrid International Plan of Action on Aging.<sup>45</sup>
12. Need an organized examination giving current data on the number and conditions of the developed.

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<sup>44</sup> <http://socialjustice.nic.in/writereaddata/UploadFile/Annexure-X63599610> > access at 8 may 2020

<sup>45</sup> [https://www.researchgate.net/publication/44828355\\_Human\\_Development\\_and\\_the\\_Environment\\_Challenges\\_for\\_the\\_United\\_Nations\\_in\\_the\\_New\\_Millennium](https://www.researchgate.net/publication/44828355_Human_Development_and_the_Environment_Challenges_for_the_United_Nations_in_the_New_Millennium) > access at 8 may 2020



## **6.4 Emerging issues and challenges of elderly:**

Taking adequate thought of the old will be a vital test for Bangladesh. This is generally a direct result of inadequate resources being appropriated for the organizations to the old and no authentic orchestrating or indispensable intercessions for giving thorough thought to them. The rising issues of the old are referenced as a 'current and best in class troubles' in the draft National Health Policy, 2008<sup>25</sup>.

The troubles are:

Unemployment and weight

Senior individuals are being considered "unemployable" because of their age and constrained to stop filling in because of required retirement ages. The extent of work capacity to subordinate masses will exhibit such countless ward people which will incite a load for the working social affair.

Greater treatment cost

Senior individual facing non-transferable sicknesses which may require long stretch treatment and its inspiration load more noteworthy treatment cost and nursing care. The money related vulnerable people can't deal with the expense of the treatment cost to treat the more settled people.

Considerable resources need

As the expanding size of the older populace in Bangladesh will turn into a significant social test, very much arranged developers must be attempted and sufficient assets apportioned for the help, of the old populace.<sup>46</sup>

Pressure in pension scheme

With individuals getting a charge out of longer lives benefits plans will have more recipients who will be qualified for annuities for a more extended period. Government managed savings conspire framework will go under expanding pressure Social security plans should suit more individuals and thusly will be feeling the squeeze.

## **6.5 Conclusion**

In Bangladesh, the old experience the evil impacts of different clinical issues. For instance, deficiency, tooth issue, hearing issue, vision issue, body pulsate, back misery, rheumatic torment and strength in joint, dementia, deferred hack, breathing difficulty, asthma, palpitation, hypertension and micturition insufficiency, which may demand long stretch psychosocial treatment, nursing care and hospitalization.

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<sup>46</sup> 1 <http://www.the-laws.com/Encyclopedia/Browse/399131.html> >access at 7 may 2020



## Chapter 7

### CONCLUDING REMARK

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#### 7.1 Introduction

The assembly of Bangladesh has requested an achievement law in such way named Pita Matar Voron Poshon Ain (2013) to ensure the maintenance of older guardians by their youths. Going before authorizing this Act, there was no express order to bring any legal movement for maintain by the parents against their children. Thusly, once in the past they could begin a case simply under Section 5(d) of the Family Courts Ordinance (1985) for maintenance.<sup>47</sup> Nevertheless, the account of cases by the parents for help under this Ordinance against their issues has not been seen in wide practice as the plan has not been totally engrafted in that.

#### 7.2 Discussion

Area 3 of the Act deals with the maintenance of parents which envisions in sub-Section (1) that every adolescent will ensure the help of their people and sub-Section (2) clears up that if there be more than one child alive to the guardians they having advised with each other will ensure the maintenance of their people. The Section moreover makes it officeholder in its sub-Section (3) that upon the youths to live with their people. Today there is an ordinary wonder in our overall population that the children leave their developed parents in guardian care center or old home and the guardians live there in miserable condition. To keep this terrible practice, courses of action have been merged in this Section which give in its sub-Section (4) that the children will never ask their people to live in parents care or in some other spot without needing to.

Again Section 4 contains game plans concerning the help of incredible guardians without their adolescents which approves that the grandparents are equipped for case maintenance from their grandchildren without their children. Zone 5 gives the discipline to not giving maintenance of guardians which considers that if any youth violates the game plans of portions 3 and 4 of the Act he will be committed to pay fine up to 1 lac taka fail to pay which causes him in danger to suffer confinement as long as a quarter of a year. Region 6 deals with the possibility of the offense which further depicts that the offenses submitted under this Act are cognizable, bailable and compoundable.

Section 7 contains that regardless of anything contained in the Cr.P.C (1898) fight about the offense will be recorded in the First Class Magistrate Court or Metropolitan Magistrate Court. The Section further incorporates that no Court will take consciousness of the offense under the Act except for upon a protesting recorded by the guardians or upon a protestation formed by the parents. discipline for not giving help of parents which imagines that if any child violates the plans of zones 3 and 4 of the Act he

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<sup>47</sup> <https://scialert.net/fulltextmobile/?doi=jms.2006.p.131.138> >access at 8 may 2020

will be liable to pay fine up to 1 lac taka fail to pay which causes him in danger to suffer confinement as long as a quarter of a year.<sup>48</sup>

Finally, Section 9 of the Act deals with the rulemaking force of the organization which empowers the governing body to layout rules to satisfy the dissent of the Act yet no standards have yet been enclosed.

### **7.3 Conclusion**

Despite the way that this Act may be treated as the achievement if there ought to emerge an event of ensuring the consecrated commitment by the children to maintain their people, it has a couple of traps. It may be shorted out that this Act deals just with the ordinary or natural guardians and kids and doesn't light up whether the related, uterine, open, empower and step parents and cockeyed, advance and got adolescents will fall inside the space of this Act or not. There are no courses of action of the solicitation of break support for the guardians to be paid in the midst of the pendency of the suit. Another blemish of the Act is that wisdom of Court under the Act has been made prohibitive in Section 7 which specifies that no Court will take knowledge of offense under the Act except for upon a dissent recorded by the guardians or upon a protestation created by the children, yet phenomenal conditions may develop where guardians might be uneducated or may not be in a circumstance to archive complaint themselves or the guardians may be unduly influenced or genuinely constrained by their children or may be reluctant to record a discord against the children on some other ground.<sup>49</sup> This Act doesn't give any uncommon things to ensuring snappy fundamental of the offenses submitted under the Act, which is a stand-out segment of a Special Act.

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<sup>48</sup> <http://www.the-laws.com/Encyclopedia/Browse/399131.html>> access at 7 may 2020

<sup>49</sup> <http://bdlaws.minlaw.gov.bd/act-305.htm> >access at 7 may 2020