

# An Analysis of the Parents Maintenance Act, 2013 with a Focus on its Drawbacks and Feasible Solutions: Bangladesh Perspective

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**Abstract:** It is unquestionable fact that parents are the most important factor in every birth of child on earth. Children began to rely on their parents long before entering this wonderful world. Vice versa, after getting older parents also like to be dependent on their grown-up children. Parents deserve love, care, support and empathy from their children just like children received such at their infant age. A happy family can be the result of a caring and loving relationship between parents and children. The rights and obligations between parents and children are reciprocal in this world. In this paper efforts have been made to overview of the Parents Maintenance Act, 2013 and to examine the factors or causes which are liable for not providing proper care/maintenance to elderly population by their children. It has also been tried to highlight some limitations of the Act as well as to suggest some possible way-out.

**Keywords:** Child, parents, family, caring and maintenance, responsibility.

## 1.1 Methods of the Study

The Parents Maintenance Act, 2013, which has been passed in Bangladesh, as well as the challenges it poses and the feasible solutions to those challenges, are the core focus of this research. In this study, an attempt is made to investigate various potential areas for improvement to the Act as it remains today. The data are collected from a variety of secondary sources, such as books, e-books, journals, articles, research papers, legal reports, newspaper articles, international legal instruments, and government statistics, etc.

## 1.2 Justification of the Study

For a few decades, due to strong family bonding, in particular communities located across the Asian region enjoyed a significant volume of welfare support from the social and cultural ideas of showing piety and respect for elders. This was especially true in communities that had been there for a long time. As a direct result of the occurrence of such events, nations such as Bangladesh, India, Singapore, Japan, and Pakistan never felt the need to enact such rules and regulations in order to provide assistance to elder generations. Due to the passage of time and the negative effects of modernity, individuals are becoming more oriented on themselves, which increases the volume of decreased social-cultural and moral values. As a result, governments in various regions of the world have felt the need to develop such laws. As a direct consequence of this, the governments of the countries that have been affected have established policies that are designed to protect the elderly population through the implementation of laws and the provision of state welfare services in order to guarantee social and financial support.

## 1.3 Literature Review

In this paper, a review on different portion of ideas and factual information has been analyzed from the past researchers and authors who have done research work similar to this topic. I have tried to enhance this piece of study with different opinions of the researchers from different perspectives. Someone focused on their research works either the reasons for not providing maintenance to the parents or who are liable for today's parents miserable life leading or someone tried to evaluate the provisions of the Parents Maintenance Act without any recommendations to overcome from this situation. After feeling this research gap, I have tried to the level best to recommend or suggest some methods which will facilitate to fulfill such lacunas.

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## 2. Introduction:

A family is a primary institution to shape attitude and behavior of a child which should be supportive and respectful to one another in respects of rights and obligations. As a part of family heritage, norms, religious believe and social values most of the parents used to live with their children. In most cases of joint family social networks gave an appropriate environment in which parents used to spend their elderly times with their children. The adult male child ensures economic support and his wife is responsible for taking care of his parents and managing household together with elder members. Naturally, family, kin, community, neighbors and religious principles are the main foundations to keep dignity, interest and caring of older persons in the country (Flora. M. S, 2011). Thus, there was no need to bring it under any legal bindings for enforcing children attention to their parents. As times moves on, due to the advent of urbanization, many significant fluctuations have brought the issue of parents care into a complex situation as a result it is the most burning issue for today's discussion. Now as the time moves on conventional family bonds and the community-based care system framework are gradually breaking down. A significant number of parents across country are being ignored by their own sons and daughters. Though the responsibility of taking care of parents is one kind of familial obligations of an adult child but due to lack of compassion most children deprived their parents from their minimum rights. A huge portion of living parents across country do not receive proper attention from their children which result in broken relationship. Foremost percentage of old parents cannot get minimum attention and care as most earning child tend to invest more time and money in their own life and living. In long run slowly children started to overlook parents' basic requirements. Many children often found themselves in a fix in ensuring living arrangements, food intake, nutrition and health care, money, participation in family decision-making of their parents.

In most urban families, elderly individuals are isolated and lonely due to the lack of proper nurturing from the young family members. Many parents are sending their children abroad for education and working purpose. Therefore, a good number of children prefer to settle at foreign locations for a better life. This situation creates an adverse impact on parents' wellbeing as children settled at foreign locations failed to actively perform their duties towards their parents. Hence, elderly parents suffer from loneliness, helplessness and depression. This situation turns very critical for single parents or parents who have lost their better half. As a result, aged parents face various types of physical, psychological and financial vulnerabilities due to the lack of care and attention from their children (Sultana. Papia, 2013).

## 3. Necessity and Emergence of Parents Maintenance Law

For the recent social changes, the traditional values, moral degradations and family bonding are loosening up at a moderating level. Most of the families have working husband and wives that force old parents to live at home of their own. As a result, parents received very limited and sometimes no care at all. Elderly members have no other option but to spend their life in loneliness and negligence. In this perspective, many countries like Singapore, India and China have enacted a legal framework to execute children's duty towards their older parents in terms of care and maintenance where the parent's right violation rate is much higher comparing to other nations.

Bangladeshi society is guided by religion and social norms where children are bound to safeguard maintenance of their parents. Limited number of grown-up children perform such duty willingly as their social responsibility, a good number perform such due to no alternatives. Major portion of grown-up child neglected such duty while giving more focus on their own life and living. In the law of land, Bangladesh, there were no legal instruments for claiming parents' maintenance against the children till 2012. Considering the vulnerabilities of the parents, the government of Bangladesh has enacted the Parents Maintenance Act, 2013 (Act no 49 of 2013) for the protection of the rights of the parents.

Under this law, caregiving responsibilities and maintenance of elderly parents has been given upon their adult children. Due to the degradation of morality and ethics in the family structure, the law comes with a liability rather than responsibility. This law ensures the family's responsibility towards parents' care and necessities. Not only does it ensure the social security of senior citizens, it compels children to take proper care of their parents. It is considered one of the contemporary and progressive laws in the country.

#### 4.1 Responsibility of the Children to maintenance

It is a fundamental responsibility of every child to fulfill their duties of care and maintenance along with responsibilities of ensuring proper security and safeguarding their parents till their last breath. Nevertheless, many adult children fail to live with their parents and incapable to show proper affection and appropriate care during their elderly age. It is an undeniable responsibility for every child to ensure proper care and security for their parents at their old age who invested all their life time and savings to ensure a bright future of their children (Khatun. Rafea, 2018). To ensure such care and security of parents especially who are physically weak and incapable of ensuring their own care, security and daily living must be safeguard by country's law. So, it is a core responsibility of every adult child and prime social duty of government to ensure proper safety and security of every parent at their old age. Three parties are equally responsible for ensuring parents' rights and to establish proper filial support in each country.

a) **Firstly**, the children who are adult and capable of earning. It's a both ethical and natural duty of every child to ensure proper care, safety and security of their parents. Children are by born responsible to perform such duties towards their parents.

b) **Secondly**, the government who are responsible for ensuring proper guidance and guarantee minimum volume of care and security of parents or the older generations who invested and contributed with all of their efforts, life span, energy and ideas to younger generation growth and development.

c) **Thirdly**, the law makers and agencies that are responsible for validate all sorts of benefits and rights are being received by the parents and older generation.

Now-a-days, in the name of modernization children from both developing and developed nations have a tendency to avoid their prime responsibility towards meeting their elderly parents' basic needs and expectation (Yasmin. Sabina, 2019). Although the elderly parents of developed countries are blessing with senior citizen benefits and old home facilities but in case of developing nations like Bangladesh things are really messed up. Since liberation, maintenance of parents is not considered as a crucial issue as a result it has never been a discussion point in eyes of law and policy makers.

#### 4.2 Reasons behind not providing Maintenance by Children

Generally, the elderly persons are honored by family, community, and even the state. Nevertheless, due to numerous socioeconomic factors, traditional values and practices as well as family ties are weakening nowadays. Due to a decrease in standards of morality, the younger generation believes the experience and expertise of the elderly to be obsolete (The Department of Social Service, 2022). In many circumstances, younger individuals no longer prefer to live with elderly persons. In addition, due to recent societal changes such as urbanization, migration, and increased female labor force involvement, successive generations of a family may reside in different locations, since the majority of workplaces are located in the capital city (Kalam. Shafiqul, 2006). As a result, conventional joint family structures have collapsed, and family assistance for the elderly has decreased significantly. Under the aforementioned conditions, senior citizens, particularly those from poor households, have been pushed into socioeconomic hardship. In addition, the lack of health care facilities is a key contributor to their misery, as age brings on new health complications. Due to aging, the elderly women in this country are the most vulnerable in terms of the socioeconomic status of the country, and therefore they will face a terrible future (Islam M. N. and Dilip C. Nath, 2012). In order to afford the increasing cost of living, women who formerly cared for the elderly are now compelled to seek employment. As a consequence of this, no one is left to care for the elderly, yet the elderly persons are regularly called upon to look after children and teenagers when their parents are not available at home.

In addition, lack of employment opportunities is one of the primary reasons why children are unable to offer sufficient funding for their parents. In furthermore, when the cost of living increased over the years, keeping accurate support for the family led to a loss of economic solvency (Barakat. A. and others, 2003). They regarded the elderly as a financial and economic burden on the family (Islam. M. N. and Dilip C.

Nath,2012).Increasing numbers of single-parent households will throw a greater strain on the aged support system. This is because the Act imposed not only the maintenance of parents but also the next four grandparents in absence of father and mother (Section 5(2), *The Parents Maintenance Act,2013*). In case of only one child providing the maintenance of four grandparents will be a burden surely.

#### **4.3 Changing Trends of Bangladesh**

Country's social, cultural and family pattern puts emphasize on showing respect and certifying maintenance of parents' lifetime. In a traditional joint family, elderly parents used to have privilege, respect, honor, love, care and concern from their family members and living surrounding. It is also a social custom that children being liable for all responsibilities of their older parents. With time, parent become incapable to meet up their necessities of their own and tends to become more dependent on their children and other family members.

In reality, children are increasingly found to be not taking care of, or not willing to take responsibility to maintain their parents. In the name of modernization social and joint family structures are breaking down into nuclear family which generates various social problems. One of the major causes of such problems is resulting in declining social bonding towards parents. Due to spending a huge amount to maintain a sound standard of living, often children failed to pay proper attention to ensuring good care and maintenance of their parents. By both force and choice children tends to ignore parents' needs. This scenario is very common especially in poor family. On the other hands, to maintain a good standard of living of their own and meeting their living expense majority of adult children do not wish to stay with their parents and tend to escape their parents' maintenance responsibilities as well. Consequently, elderly parents become helpless due to their physical constraints and earning limitation. As a result, they failed to maintain friendly living arrangement, nourishment, medical facilities and many others basic requirements (Rahman. M. Z, 2012). Children should put more emphasize towards maintenance of their parents' life and living instead of ensuring good living standard of their own.

#### **5.1 Synopsis of the Parents Maintenance Act**

From 2013, there are no longer any restrictions on receiving parent maintenance, and parents are now able to demand it from their children as per the Parents Maintenance Act, 2013. The law establishes children's moral obligation to take proper care of their parents within the bounds of the law. It is a landmark law in the country, consisting of only nine parts and including legal arrangements for their parents' care and attendance relating to protection of life and property as well. Indeed, the legislation serves as an example of how a legal framework might ensure adult children's support to their parents. In accordance with the legislation, parents may file a complaint if their children refuse to pay maintenance without any reasonable justification. The main distinctiveness of the parents' maintenance law is described below:

#### **5.2 Defined various legal terms**

This law is defining the legal concepts of 'parents' and 'children'. 'Parents' refers to the biological or natural parents of the children, while 'children' refers to the biological child efficient son or daughter (sec.2, Ibid). Section 2 of the Parents Maintenance Act, 2013 also provides an excellent definition of "maintenance". Maintenance includes expenses for food, clothing, healthcare, shelter and financial matters as well as time or companionship of the parents. In other words, only paying money does not end the responsibility. This law states that time must be given to the elderly parent, and this time also includes maintenance. The Act safeguards the rights of every parent living inside the geographical area of Bangladesh and children are bound to take necessary steps to look after their parents and provide them food, shelter and medical attention etc. (sec.3, Ibid).

#### **5.3 Equal responsibility**

According to traditional context, it is the responsibility of the male child to fulfill all of the obligations of their parents. But by virtue of this law, children, regardless of gender, are liable for contributing to the financial support of their parents (sec.3(1), Ibid). When there is more than one child in a family, the members have the option of dividing up their responsibilities among themselves through discussion (sec.3(2), Ibid).Because the law does not have a clear obligation in this regard, the responsibility is not for a specific child but rather is

equally dispersed among all children. Therefore, this is the collective responsibility rather than the responsibility for any particular child.

#### **5.4 Grandparents' entitlement**

Although the name of the Act is Parents Maintenance Act, the rights of grandparents and maternal grandparents are also guaranteed under section 4 (a) and (b) of the Act. When the father and mother are absent, grandparents of both sides will be entitled to get the maintenance from the capable children and violation or avoidance of this rule will be considered as an offence under the law. According to the law, the children, if the father is not alive but the grandparents are alive, have to pay the same maintenance as the father. And if the mother is not alive but the grandparents are alive, they will have to pay maintenance according to the sec. 3 as like as the mother. That means, if one has only one mother and paternal grandparents then all three have to be supported.

#### **5.5 Rationale amount of fund**

In reality, many children live separately for the necessity of life but the children must perform their responsibilities towards their parents. According to this law, if either parent or both of the parents choose not to live with the children and live separately, the children of the said parent must provide them with a decent sum of money from their daily, monthly or annual earnings as the case may be (sec.3(7), Ibid). The reasonable amount must be determined for leading good life of the parents considering the current market value as well as present situations. So, it is clear that even if the parents are financially well off, their son or daughter must support them subject to the capability of the child.

#### **5.6 Children communicate regularly**

As per the provision of the law, if children live apart, every child is required to maintain frequent communication with their parents at best of their abilities (sec.3(6), Ibid). They must routinely look after their parents and provide adequate medical care when needed. In the event that the parents live apart or both reside apart from the children, this legislation requires the child to communicate with their parents on a regular basis. In case of children leaving with their parents might cause various physical and mental traumas for their old parents. Absence of possible government and nongovernmental supportive care services is also putting an adverse impact. This law incorporated this provision for the prevention to minimize this sort of condition in society. Therefore, every parent needs regular communication, family support along with health care treatment and other necessities if any, from their child and from other family members.

#### **5.7 Forbids sending in the old home**

Now a days, societies are adopting many unusual practices that can only benefit a grown-up child or earning people. A practice which is becoming common at current time is leaving aged parents in an old home against their will (Shibly. M. U and Rafi. R. A, 2019). Often parents do not get familiar environment and amenities at this isolated place and live depressed life. To prevent this kind of mistreat, a provision has been merged where the children cannot force their parents to stay at old home without their consent. According to this law no children can be bound their parents to go to institutional rehabilitation center or any other residential service places without parents' desire (sec.3(4) Ibid). It has been strictly prohibited by the law to keep the parents in old homes. If any child does not comply the such provision, it will be considered as a punishable offense under this law. The law stated that if any children compel them to live at old home or any other place, parents have sufficient remedy by filling complaint to the proper authority.

#### **5.8 Penalty of not providing maintenance and non-cooperate associates**

The law also includes the provision relating to the penalty for not providing maintenance of parents. If any child violates the provisions mentioned in section 3 and 4 shall be deemed to be an offense and shall be punishable

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with a fine not exceeding 1 (one) lakh Taka; or in case of non-payment of the said fine, he shall be punished with imprisonment for a term not exceeding 3 (three) months (sec.5 (1) Ibid).

In case of any provocation, obstruction or non-cooperation of wife, or husband, as the case may be, or son, daughter or any other near relative of any child for not providing maintenance to the parents, grandparents or maternal grandparents, such person shall be punished with similar fine and punishment prescribed for not providing maintenance as having assisted in the commission of such crime (sec.5 (2) Ibid).

### **5.9 Complaint by parents**

If a child refuses to provide support for his or her parents, the parents have the legal right to file a suit against that child. The complaint must be filed to the court of first-class judicial magistrate or the metropolitan magistrate (sec.7. Ibid). Additionally, the legislation stipulates that in order for a court to treat an offense seriously, it must first be brought before the court in the form of a written complaint filed by the aggrieved parents. So, there is a scope for disciplinary action to be taken against the children, but this can only be done by the authorized court and with the active participation of the parents.

### **5.10 Amicable Settlement**

Outside the official legal process that takes place in court, the law includes a provision that recognizes the possibility that a crime may be settled through arbitration and mediation (informal or private initiatives). So, there is an opportunity to resolve the issue by reaching a compromise (sec.8, Ibid). The trial court has the authority to forward the complaint to the relevant local government bodies, such as the union, municipality, and city corporation office, as well as any other competent person or entity, in order to find an alternate means of resolving the case. Thereafter, the local government body might make the necessary arrangements for this matter to be resolved in an informal manner involving both parties.

## **6.1 Drawbacks of the Parents Maintenance Act 2013**

Though the Parents Maintenance Act, 2013 has established for parents' legal entitlement to maintenance at their old age from their children and made the children aware about their responsibility as well as accountability towards their parents but nevertheless the law has some loopholes as well. There are many unsolved provisions regarding the parents' maintenance and it needs to go under necessary amendment at earliest. Some of the major drawbacks of the existing law are as follows:

### **6.2 Ambiguity about the amount of maintenance**

Though the Parents Maintenance Act was a very contemporary law and social welfare-friendly but there is no specific provision relating to the time and maintenance of parents. In the law, the amount is mentioned as 'reasonable' for maintenance from their earnings if the parents do not live with their children. But the law does not indicate any provision specifying the amount of maintenance and time (sec. 3, Ibid). By whom and how 'reasonable amount of money' is to be paid by children for parents' maintenance this is also not mentioned. Therefore, the term 'reasonable amount' of money can be used in many alternative ways which do not safeguard all parents' maintenance. The 'reasonable amount' of money needs to be determined. The amount of money replacing 'reasonable amount' should be fixed considering countries inflation rate, living expense and income pattern of grown-up children so that none of the party's face injustice.

### **6.3 Unsettled about willingly separated parents**

In the law, there is an obligation on the children that they cannot compel their parents to live in the old home or separately without their consent. But the law does not simplify any action if the parents do not wish to live with their children. In this situation, if the children are unable to secure the maintenance of their parents, there is no



indication that any form of provision that is corrective and advantageous would be made for them, and this is a problem.

#### **6.4 Only biological parents are entitled**

The law only applies the right to receive maintenance to the natural or biological parents. According to the implication of the law, the terms "father" and "mother" relate exclusively to biological parents and do not include or make any reference to step-parents. When we talk about "parents," we mean our actual, biological parents, and when we talk about "children," we mean our actual, biological parents' sons and daughters (Ahmed, Arif, 2007)). Hence, this law does not explain anything regarding adoptive, foster, or stepparents, nor does it address whether or not illegitimate, step, or adopted children fall under the purview of this legislation.

#### **6.5 Deprived the adoptive and childless parents**

The Parents Maintenance Act is without a doubt a protection for parents; however, it does not cover the maintenance of adoptive or childless parents. Only the birth mothers are acknowledged as the mothers in legal terms. There is nothing in it for childless or adoptive parents' maintenance. Hence, this law does not provide protection for adoptive or stepparents who carry out functions and have obligations that are very comparable to those of biological parents. The love and care that adoptive and stepparents provide for their offspring is equal to that of a biological mother. So, if stepparents or adoptive parents face any issues related to this matter, this Act does not benefit them in any way. In addition, the law only addresses parents and grandparents who have grandchildren; it says nothing about those who do not. It should be made clear which ministries or government organizations are responsible for paying for the elderly person's maintenance and other needs.

#### **6.6 There is nothing else to do but to complain**

No complaints are permitted under this law excepts those from parents who have been affected (sec.7(2). Ibid). In accordance with this law, the court will only accept complaints that are submitted in writing. But nonetheless, the legislation does not specify any authority or authorized person who, in the absence of parents, is entitled to or continues the duty. The parents who are unable to make the application due to different incapacities have not been taken into account by this law. Thus, it is necessary to address person who, by him/her approval, can continue the process on behalf of the principal applicant. As a result, the legislation ignores the parents' vulnerable position, which includes the fact that most parents are illiterate and hence unable to submit a complaint. It is preferable to have an alternate complainant available in the event that parents are unable to do so.

#### **6.7 Absence of complaint process by grandparents**

According to the statute, the only people who have the legal right to make a complaint for maintenance are the parents. The law also provides that grandparents are entitled to get maintenance from grandchildren if parents are absent (sec.5. Ibid) but the legislation does not give any procedure or way for the grandparents to file any complaint before the competent body for maintenance. The only provision the grandparents made was an entitlement to receive maintenance, but they did not put in place any practical mechanisms to ensure that this entitlement was honored.

#### **6.8 Lack of speedy and effective trial**

The offense of failing to provide maintenance does not have a specialized legal process that is designed to ensure a prompt and efficient trial. This is because the law does not provide any such method. There is no provision in the legislation that requires the court to grant financial aid to the victim while the case is pending in the procedural phase.

### **6.9 Unclear duration to solve the case**

The law does not provide any clear indication on the duration of time, such as how many days it will take to decide an application made by the parents from the date the application was made. So, the law does not impose a hard and fast time limit on the process of settling a problem through the use of a speedy trial and effective justice. As a consequence of this, elderly parents who are part of a vulnerable age group are the ones who are suffering the most as a result of the complicated provision in the law.

### **6.10 Silent about the family court**

The law established the legal rights of the parents for maintenance, but it is completely silent regarding the question of whether or not the parents have the right to file a civil suit regarding maintenance in the family court. In light of this, the question that arises for the parents who take their complaints for maintenance to the family court is how they will be provided opportunities under the new law. It is not made clear whether the parents would get 'fine money' or not, nor is it specified how much they would receive.

### **6.11 Conditional cognizance of the offence**

The fact that granting justice to the parents is conditional upon court cognizance is another defect in the law. The law states that no court would take cognizance of an offence under the law unless the parents make a formal complaint (section.7, Ibid). So as per the law, the filing case will be written by the parents. However, alternative scenarios may emerge, such as when the parents are ignorant or unable to document the grievance of on their own, or for any other reason. In reality, different types of the situation may raise where the parents may be illiterate or financially broken or physically unfit or any other grounds. So, it is not easy to proceed with maintenance suit by the all classes of parents in line with this provision. Due to lack of education or knowledge or financial support parents are unable to get a chance for claiming their maintenance timely. As a result, more options along with parent personally record their grievances should be added in the law.

### **6.12 Contradiction with the provisions of the Code of Criminal Procedure (CrPC)**

Every information concerning the commission of a cognizable offence that is given orally to an officer in charge of a police station must be reduced to writing by him or under his direction and read to the informant, according to Section 154 of the CrPC, 1898. Every such information, whether given in writing or reduced to writing as aforesaid, must be signed by the person giving it and the substance therein. Hence, section 154 of the CrPC allows any informant (not the victim) to file a First Information Report (FIR) for any cognizable offence at the police station. But the Parents Maintenance Act allows only the parents and it neither allows any informant nor any person on behalf of the parents to file complain for any cognizable offence. It is extremely unlikely that an offence that is cognizable is also bailable and compoundable at the same time, even though section 6 of the Parents Maintenance Act rendered the offence cognizable, bailable, and compoundable. Moreover, the Act imposes an obligation on the aggrieved parents to file the complaint in written form whereas the Cr. P C requires the police officer to do the same (section. 7(2), Ibid). Thus, the Act of 2013 is in conflict with the relevant provisions of the Code of Criminal Procedure, 1898.

### **7.1 Recommendations in order to make the law more people oriented**

Although the Parents Maintenance Act of 2013 seems to be exactly what was required to secure parental care, it needs to be modified before it can effectively serve its intended purpose. It is essential that certain steps be done in order to guarantee the care of elderly people across the country and to make the lives of elderly people somewhat less difficult and less fraught with difficulty. Many prospective legal initiatives include:



## **7.2 Clarify legal terms**

Because the definition of "biological father and mother" in this statute does not cover step-parents or adoptive parents, thus it is uncertain if stepmothers and stepfathers have the legal right to receive financial support from their stepchildren. It is necessary to provide definitions for a number of essential terms, including "father," "mother," and "reasonable amount." The definition of a mother contained in the Act ought to extend to include not only biological mother but also adopted as well as step mothers.

## **7.3 Specify the reasonable amount**

The sum of money should be determined to be an amount that is reasonable in order to support the parents. While determining this amount, various factors should be taken into consideration, including the rate of inflation, current living expenses and the expected earnings pattern of the child etc. and there should be specified by whom or how "reasonable" amount of money is to be paid.

## **7.4 Incorporate the interim maintenance**

A temporary maintenance order for the parents should be included in the Act of 2013. It should also include procedures for providing parents with interim assistance while the case is being processed. The court may order the children in this situation to pay monthly expenses. Aggrieved parents neglected by children or family members are facing financial challenges as well. Moreover, after filing suit against the children the case is pending for an unlimited period. An interim maintenance mechanism should be added to the law at this time to safeguard the parents.

## **7.4 Provide support to childless and destitute parents**

The provision should be put into the law to offer monthly maintenance to the elderly individual who has no offspring or grandchildren and is too unfortunate to receive assistance from the government. In addition, it should be incorporated another important provision for destitute parents who can get care and maintenance from the state fund under this law. The government should take some obligations for those parents whose children are not alive and for those who do not have any other alternative source for maintenance.

## **7.5 Empower somebody to file compliant**

The parents might not have the education or ability to file the written complaint on their own. In many social situations where the parents are either illiterate or unable to submit a written complaint by themselves. But there is no other option available in the existing law. In such circumstances the clause should be modified and an additional provision of allowing any third party or group to file a case under this law on behalf of such parents needs to be considered.

## **7.6 Incorporate speedy trial provision**

There is a legal maxim "Justice delayed is justice denied." It indicates that if legal or equitable relief is available to an aggrieved party but is not provided in a timely, it is substantially the same as the person having no remedy at all. Therefore, the suit brought by the parents to maintain them should be conducted in a timely manner and at a reasonable cost. The provisions of summary trials ought to be introduced for the purpose of granting orders for parental support and maintenance. From this point of view, procedures for a more expedited and specialized form of the trial should be established so that the needs of the parents can be met.

## **7.7 Offer financial fine instead of punishment**

The provision of punishment should not be kept within the law, as maintenance of parents is directly related to the moral responsibility of the children. So, the children should not award a sentence for their failure to ensure maintenance of their parent's. Traditionally, most of the parents do not want to expect their children

punishment. Hence, the provision of the punishment should be removed from the law, it should only emphasize on financial penalty.

#### **7.8 Consider the child's earning capacity**

This law does not state anything regarding any alternative source of maintenance if the accused child is job less or unable to pay the reasonable amount of maintenance. An alternative source for safeguarding parents' maintenance should mention in case of child deserted situation.

#### **7.9 Introduce an alternative system with camera trial**

The reality is that the county's social culture and family traditions are strongly opposed to taking legal action against youngsters. Despite suffering harm, parents do not feel like pursuing a suit against their children. They fear that it might put their cherished child in danger. After considering the nature of the matter, there should be an alternative dispute resolution system to facilitate a peaceful conclusion for amicable settlement because parents expect to receive such support swiftly and cost-effectively. Similarly, the provision for camera trial should be incorporated in the law in order to protect the privacy of the both parties otherwise social status of the parties may be hampered.

#### **7.10 Remove the unexpected paradox**

The Act specifically enumerates that every case under this Act shall be filed before the court of 1<sup>st</sup> Class Magistrate or the Metropolitan magistrate who is a part of the criminal court of the country. But the core focus of the Act is to ensure the maintenance of parents or elderly people which is civil in nature. So civil rights ensured by the criminal court, which creates unexpected paradox. Therefore, the confusion should be removed along with a provision should be made enabling the family court or any other civil court to dispose the suit filed under this law.

#### **7.11 Establishment of committee in various levels**

The national committee, district committee, upazilla and municipal committees were all established by the government as significant milestones in managing the parents' maintenance. Such government actions are greatly admired since they will guarantee that everyone in the nation has access to justice and equal protection under the law. Additionally, the governmental and non-governmental organizations, aggrieved persons, and groups working in the legal sector should be given unrestricted authority to act for the legal protection of the vulnerable and affected parents.

#### **7.12 Initiate the awareness program**

It is important to start an awareness campaign to encourage the children to care for and obey their parents. The government and media are able to plan various programs, including the Act's successful judgment. The government should take all necessary steps to ensure that the provisions of this Act are widely publicized through all forms of public media, including television, radio, and print, on a regular basis and to close any gaps in its application by supporting proper implementation. The members of the judicial service and police personnel may organize awareness training about the Act 2013's difficulties. Non-governmental organizations and others should come forward to care, support, and security for the respected parents.

#### **7.13 Execution of the Parents Maintenance Rules**

The Parents Maintenance Rules, 2020, which takes into account the evolving socio-demographic settings, was proposed by the Ministry of Social Welfare. For the first time, the draft of Parents Maintenance Rules, 2017 was put up to clear the way for the implementation of the "Parents Maintenance Act, 2013". (Law Commission, 2020). Following that, the rules were completed in 2020 along with the Bangladesh Law Commission's advice.

In order to provide services to the elderly people that were not originally stated in the Act in 2013, it has been recommended in the draft to develop various sorts of alternative arrangements outside of families. As a result, states understand how the shifting family demographics and their rising inability to care for aging parents, and as a result, states start taking action. Family is anticipated to play and steer the morale of the society, even while formal methods outside the family framework are suggested.

In order to manage the parents' maintenance difficulties, the rules suggest creating committees made up of representatives from the public and private sectors, local governments, and interested organizations. If their parents are migrants, the children must care for their parents through the kinship network and extended family.

Additionally, the Rules make reference to the requirement of the parents care policy for the development of Parents Care Centers, Day Care Centers, and Night Shelters by both public and private organizations. It is also suggested that such establishments meet elaborate technological and sociocultural standards.

The Rules provide a twelve-point code of conduct for sons and daughters that is wholly different from the Parents Maintenance Act. Therefore, these include: (a). parents should be treated with respect, (b). their opinions should be given priority, (c). proper medical attention and treatment should be given, (d). their property and other rights should be maintained, (e). they should be given the opportunity to use their experience and abilities, (f). there should be no misusing of the parents' properties, (g). there should be no misappropriation of other heirs' inheritance rights (h). there should be no blaming of the parents for not having any property, (i). attempting to uphold the reputation, standing, and family traditions of the parents, (j). managing the parents' savings plan, (k). ensuring the parents' participation in family and social programs, (l). assuring the parents' enjoyment of other civil and political rights and subsequently, monitoring committees will be established at the national, district, upazilla, city, municipal, and union levels to oversee the parents' welfare activities.

## 8. Conclusion

This is the moral responsibility of an adult child to provide proper care and maintenance towards their parents until their last breath. The reality is parents have invested their life span and major portion of their earnings for the proper growth and development of their children while received very tiny amount of share, care and love in return. In many cases this amount of return is almost nothing. In these regards, the government should pay immediate attention to the effective implementation of the Parents Maintenance Act 2013 to safeguard parents' interest. If all the recommendations, mentioned above are included in the Act 2013. it will become a comprehensive and enforceable law which can only ensure total safety of aged parents and grandparents. Therefore, the government bodies, societies and concern agencies should step forward with more meaningful assistance to ensure proper care for the elderly population and motivate grown up children about their roles and responsibilities towards their parents through different awareness programs. In addition to government initiatives, various NGO's to (nongovernmental) and commercial organizations should increase their efforts to improve the well-being of parents in case their children fail to stay together with them. Someday every grown-up child will be at the same position just like their parents are today. Therefore, to make their future living a little more hustle free and soothing, it's their duty to ensure a society that safeguard proper care, share, love, respect, participation and safety of the older generation.

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