

Changing Family Demography and Emergence of Aged Care Law and Policy in Bangladesh

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Abstract

Family demography is going through some remarkable changes in the recent years in Bangladesh, the 8th most populous and a 'Medium Human Development' country. The drivers of these changes can be identified as declining fertility, mortality, household size and increasing urbanization-industrialization-modernization impacts, life expectancy, number of older persons, migration of both men and women, number of widowed/divorced/separated men and women, women's education and employment. These changes have brought transformations in socio-cultural and demographic milieu of traditional family which have hampered care and supports for the emerging increased number of older persons within family context. In this context, among other initiatives, government has enacted a law named 'Parents Maintenance Act, 2013' and a policy named 'National Policy on Older Persons 2013' to legally ensure care and supports of parents and grandparents by children and grandchildren. It is apparent that family has changed to the extent that government has enacted this law and policy to legally-formally ensure care and supports for older persons by other family members. An exploration of the state of the changing family demography and necessity to enacting law and policy to ensure care and protection of older persons in the family context in Bangladesh is proposed here.

1.0 Background

Ninth Bangladesh Parliament enacted its 49th law named 'Parents Maintenance Act, 2013' in its 19th session on 27th October, 2013. The government's gazette notification clarified this initiative was a necessity and judicious to enact this law to legally ensure maintenance of parents by their children (MoLJPA, 2013). Later Ministry of Social Welfare, Government of the People's Republic of Bangladesh (GOB) prepared a draft of the detail modus operandi to implement this law more functionally named 'Parents Maintenance Rules, 2017' (MoSW, 2017). In reviewing this initiative, Law Commission hailed this act as a social welfare law and justified it as a time appropriate initiative to legally ensure parents and as well as older persons maintenance and other related livelihood supports in the broader context of conspicuously changing trends of declining morality, poverty impacts, women empowerment and migration (GOB, 2018).

Similar kind of laws were also enacted in different South Asian countries in the last 20 years. Laws named 'Protection of the Rights of Elders Act, No 9 of 2000', 'Senior Citizen Act-2006', 'Senior Citizen Act, 2063(2006)', 'The Maintenance and Welfare of Parents and Senior Citizen Act, 2007', 'Senior Citizen Law (Pyidaungsu Hluttaw Law No 44 of 2016)',

‘Maintenance and Welfare of Old Parents and Senior Citizen Act, 2019’ were enacted in Sri Lanka, Nepal, Bhutan, India, Myanmar and Pakistan in 2000, 2006, 2006, 2007, 2016 and 2019 respectively(ILO, 2020)

Ministry of Social Welfare, GOB gazetted the ‘National Policy on Older Persons 2013’ on 04 February 2014(GOB, 2014). The goal of this policy was to ensure a dignified, poverty free, active, healthy and safe life for older persons. Government approved this policy to uphold the rights and bring socio-economic and overall welfare in the life of older persons through conducting long-term permanent activities. Eleven objectives were mentioned in this policy of which at least four objectives were directly related to the changing family contexts in Bangladesh. One of the very conspicuous objectives very clearly mentioned the necessity of enacting law to ensure overall safety of the older persons in the context of increasing urbanization and collapse of the traditional joint family system in the country (GOB, 2014).

Usually older persons are revered and protected within the family, community and societal levels in South Asian culture. But along with this region, Bangladesh, the 8th most populous and a ‘Medium Human Development’ country in terms of Human Development Index(HDI) of UNDP in 2019, is going through myriads of socio-economic changes over the last few decades(UNDP, 2019; UN, 2019). Family as one of the major social institutions is naturally in this process and is also going through some remarkable changes in its form and content in the recent years. Major changes in fertility, mortality, migration, nuptiality, increased women participation in education and labour force and overall urbanization-industrialization-modernization impacts can be identified as some of the major drivers of these changes in the cultural and socio-demographic milieu of the traditional family context in Bangladesh society. These changing family trends have hampered the traditional state of family-based maintenance of the emerging increased number of older persons which is also the outcome of the demographic transition. It is quite apparent that family context has changed to the extent that along with other South Asian countries, Bangladesh government has initiated ‘Parents Maintenance Act, 2013’ and ‘National Policy on Older Persons 2013’ to ensure maintenance for parents and other older persons.

With this emerging background, the objective of this paper is to explore the state of the changing family demography and state of the enacted law and policy to legally and formally ensure maintenance of older persons in the changing family context in Bangladesh.

2.0 Methods and Materials

The changing trends of fertility, mortality, migration, nuptiality, household size, urbanization-modernization-industrialization, number of older persons, participation of women in labour force and education is collected. This secondary data is collected from the Bangladesh Population and Housing Census, Sample Vital Registration System, Bangladesh Demographic and Health Survey and other related surveys conducted by different concerned agencies. The changing trends of these socio-demographic factors are used here to identify the socio-demographic changes in the traditional family structure in Bangladesh.

The nature and scope of the ‘Parents Maintenance Act, 2013’ and family related aspects of the ‘National Policy on Older Person 2013’ is reviewed here to argue the necessity of these initiatives. Arguments are to be constructed to establish the implied relationship between these initiatives to have law and policy for protecting the emerging increased number of older

persons in the context of the changing traditional socio-demographics of the family structure in Bangladesh.

3.0 Socio-demographic Drivers of Changing Family Context in Bangladesh

3.1 Fertility Trends

Bangladesh has experienced a ‘dramatic’ fertility decline in the 1990s. Total fertility rate (TFR) has declined from 6.3 in 1975 to 3.3 in 1996. TFR has further declined and it was 2.04 in 2019 (NIPORT et al., 2016; BBS, 2019). This significant decline without corresponding socio-economic development attracted demographer’s attention. Several explanations are found to explain this dramatic fertility decline. Intervention of external donor assisted state level vigorous family planning programs with door-to-door services is one type of explanation (Cleland et al., 1994). Considerable socio-cultural changes especially through increased women’s education, employment, status, media activities, public awareness were mentioned to explain fertility decline (Caldwell et al., 1999). Another explanation found increasing landlessness and declining importance of agriculture ceased the demand for big family and thereby reduced the fertility (Adnan, 1993).

Age at first birth has an increasing trend. The median age at first birth among 20-24 years women was 16.8 in 1975 which increased to 18.3 in 1993-94 (NIPORT et al., 1994). It was 19 years in 2014 (NIPORT et al., 2016).

Fertility preferences have changed. Percentage of currently married women aged 15-49 with two living children want no more children has increased from 49.8% in 1993-94 to 71.6% in 2017-18 (NIPORT et al., 2019).

Perception about the ‘ideal family size’ has changed. A trend of desiring small family was already predominant in 1993-94 when the first Bangladesh Demography and Health Survey, 1993-94 was conducted and the mean ideal family size was 2.5 at that time (NIPORT et al., 1994). It declined and 72% ever-married women considered a two child family as ideal and mean ideal family size was 2.2 in 2014 (NIPORT et al., 2016).

All the above trends of fertility have impacted the annual growth rate of population. The annual growth rate of population declined from 2.48 in 1974 to 1.37 in 2019 (BBS, 2015; BBS, 2019).

3.2 Mortality Trends

Significant increase in life expectancy at birth is observed. It has increased from 46.2 years in 1974 to 60.1 years in 1997 and it was further increased to 72.6 years in 2019 (BBS, 1983; BBS 2019). Male life expectancy was higher than female life expectancy till 2000. Since 2001, except 2002, female life expectancy has been higher than male life expectancy. In 2019, female life expectancy was 74.2 years and male life expectancy was 71.1 years (BBS, 2019).

Maternal mortality ratio has decreased from 6.48 per 1000 live births in 1986 to 1.65 in 2019 which is a 55.3% decline over a period of 34 years (BBS, 2019).

Neonatal mortality rate has declined from 81 in 1981 to 39 in 2001. It has further declined to 15 in 2019 (BBS, 2019).

Post neonatal mortality rate has declined from 30 in 1981 to 17 in 2001. It has further declined to 6 in 2019(BBS, 2019).

Infant mortality rate has declined from 111 in 1981 to 56 in 2001. It has further declined to 21 in 2019(BBS, 2019).

Child mortality rate has declined from 16.5 in 1981 to 4.1 in 2001. It has further declined to 1.7 in 2019(BBS, 2019).

Under five mortality rate has declined from 82 in 2001 to 28 in 2019(BBS, 2019).

3.3 Migration Trends

Both internal and international migration has increased over the decades.

Lifetime internal migration has increased from 3.44% in 1974 to 9.82% in 2011(BBS, 2015).

In-migration rate has increased from 6.8(per 1000 population) in 1984 to 72.4 in 2019. Out-migration rate has increased from 8.0 (per 1000 population) in 1984 to 72.7 in 2019(BBS, 1995; BBS, 2019)

Feminization of migration is an emerging trend of the recent internal migration which is evidenced by the declining sex ratio in both urban and rural areas, especially it is conspicuously evident in the large cities of the country (UNFPA, 2016). The urban sex ratio 129.4 in 1974 has declined to 109.3 in 2011 and rural sex ratio has declined from 105.9 in 1974 to 97.6 in 2011(BBS, 2015).

Number of international migrants has increased from 6087 in 1976 to 700159 in 2019 and since 1976, there was a total of 1,30,80,501 overseas employments(BMET, 2020).

Number of female international migrants has increased from 2189 in 1991 to 104746 in 2019(BMET, 2020).

Low wage and employment crisis in the country has generated this large international migration flow.

However, this numbers of international migrants are from the concerned government agency who maintains government registered contract labourer migrants. Number of educated skilled migrants in the developed countries are not included here. With this inclusion, the actual number of international migrants must be much bigger.

3.4 Age-Structural Change

Bangladesh has entered into an ageing regime due to the demographic transition from high fertility and high mortality to low fertility and low mortality in the 1990s.

Percentage of older persons has increased from 5.4% in 1991 to 8.2% in 2019. The absolute number has increased from 6.02 million in 1991 to 13.6 million in 2019(BBS, 2015; BBS, 2019).

3.5 Nuptiality Trends

Marriage for women is universal in Bangladesh and more than 9 in 10 woman marry before age 30(NIPORT et.al., 2016). But number of never married women aged 15-49 has increased

during the last few decades. For example, number of never married women aged 15-19 has increased from 29.8% in 1975 to 54.8% in 2014. Number of never married women aged 20-24 has increased from 4.6% in 1975 to 15.5% in 2014(NIPORT et.al., 2016).

Women's age at marriage has a slow but steady increasing trend during the last decades. The women mean age at marriage has increased from 17.8 years in 1981 to 18.9 years in 2019(BBS, 1995; BBS, 2019). Women's legal age at marriage is 18 in Bangladesh. In 1993-94, 73% women age 20-24 were married before the legal age of 18, but this percentage has come down to 59% in 2017(NIPORT et.al., 2016; NIPORT et.al., 2019)

Divorce and separation are quite uncommon in Bangladesh (NIPORT et.al., 2016). But number of both male and female widowed/divorced/separated has an increasing trend. The 0.7% male widowed/divorced/separated in 1991 has increased to 1.8% in 2019. Similarly, the 10% female widowed/divorced/separated in 1991 has increased to 11% in 2019(BBS, 2004; BBS, 2019). But for female, this increase was high if we consider the situation of 2001 when it was 8%.

General divorce rate for male and female has increased from .47 and 1.59 in 2003 to 2.7 and 2.7 in 2019 respectively. General separation rate has increased for both male and female. It has increased for male and female from .26 and .57 in 2003 to .7 and .7 in 2019 respectively (BBS, 2003; BBS, 2019).

3.6 Household Structure Changes

The average household size has decreased over the decades. The average household size was 5.7 in 1981. It reduced to 4.7 in 2001 and it was 4.2 in 2019(BBS, 2002; BBS, 2019)

Number of 1 to 5 persons' households has increased and number of 6 to 10 persons' households has decreased during 1991-2011 periods(BBS, 2015).

Sex of household head has changed a bit if we consider the year 1996-97 as base year when TFR reached 3.3. Number of female headed households has increased. Male and female were heading 87.2% and 12.8% households in 1997 which has changed to 85.4% and 14.6% in 2019 respectively (BBS, 2004; BBS, 2019).

3.7 Women's Educational and Labour Force Participation Advancement

Women's literacy rate and overall educational attainment has increased over the decades. Women's literacy rate was 12.2 in 1974 which was far lower than male (27.6) in 1974. This gap narrowed significantly and women's literacy rate increased to 72.3 in 2019 when male literacy rate was 76.5 (BBS, 2015; BBS, 2019).

Female labour force participation rate has increased from 4.0 in 1974 to 36.3 in 2017(BBS, 1988; BBS, 2018).

3.8 Urbanization-industrialization-modernization Impacts

Level of urbanization has increased from 8.78% in 1974 to 28% in 2011 and it became 38.2% in 2020(BBS 2014, UN 2019).

Agriculture sector's contribution to General Domestic Product(GDP) has declined from 57% in 1973-74 to 13.65 in 2018-19. Industrial sector's contribution has increased from 6.7% in

1973-74 to 35% in 2018-19. Services sector has appeared as the largest sectors which has increased from 36% in 1973-74 to 51% in 2018-19(BBS, 1981; BBS, 2020).

All these trends have significantly contributed to traditional rural-agricultural decline and increase rural to urban migration and international migration as well.

Ready Made Garment (RMG) sector is one of the largest industrial sector where majority workers are female migrant. Different service sectors in urban areas also accommodated a large number of female migrant workers.

4.0 Changing Family Context and Plights of the Older Population

Along with many other aspects of the society, the socio-demographic changes initiated through the changing trends of fertility, mortality, migration, marriage, women empowerment, modernization have simultaneously brought a changing family context and an emerging ageing regime.

Feminization of ageing and feminization of migration have affected the older women in particular and the older population in general. Displacement of women who are happened to be the main care giver for older persons in the traditional family context, has brought a dismal scenario of declining care and supports of older persons.

Although population ageing is a success story of socioeconomic and public health development, modernization related changing family context has put the emerging ageing population into the risk of getting ill-treated, abused and abandoned.

Evidence of the plights of the older persons is almost hidden due to the sensitivity of the issues in a traditional societal context.

But different periodical scanty evidences of elder abuse and neglect broadcasted in the news media have shocked the psyche of the society.

Older persons are often found abandoned in the streets, jungles, hospitals, distant places far from their home. Sometimes they are found living with the domestic animals sheds by the homestead. Lonely older persons are also found killed for robbery, appropriation of landed property etc.

Increasing establishment of old home as well as shelter for the abandoned older people by different informal initiatives in many places of the country also validate the argument of the weakening family supports for the emerging number of older people.

Government introduced Old Age Allowance in 1998 to financially support the older people(MoS, 2018).

Projection of the emerging demographic trends are inclined to more changes in the present direction and more vulnerability of the older people are anticipated(BBS, 2015).

5.0 Legal and Policy Initiatives to Address Family Inadequacies

5.1 Introduction of ‘Parents Maintenance Act, 2013’

‘Parents Maintenance Act 2013’ has nine sections.

Section two operationally defined ‘father’, ‘mother’, ‘child’ and ‘maintenance’.

Section three has 7 subsections which explains the extent of responsibilities of the children to their parents. Every child, both son and daughter, must ensure maintenance which is basically the basic needs according to the constitution of the country like food, cloths, shelter, treatment and company to their parents.

Children will live with their parents to provide maintenance and cannot enforce parents to live jointly or separately in old home or any other places against their will. If children cannot live with their parents, they must communicate and meet them regularly and they must pay parents reasonable amount of money from their income to maintain maintenance.

Section four extended the definition of family where grandchildren must provide maintenance to their grandparents in absence of their children.

If children fail to comply the provisions of this law, provisions of punishment like monetary fine or sentencing to jail if fine cannot be realised are mentioned in the law.

The court can send the dispute to local government bodies which can also settle the issues in consultation and hearing from both parties.

5.2 Introduction of ‘National Policy on Older Persons 2013’

This comprehensive policy was introduced in the context of diminishing traditional supportive environment for older persons due to different changing socio-demographic situation which downgraded older person status and roles in family and societal context.

It put emphasis to increase intergenerational communication and solidarity among generations through generating congenial and supportive family relations and environment.

Legal supports are mentioned to ensure older people’s ownership and consumption of family property and resources.

It urges not to neglect, abuse, exploit older person in family and society situation.

Family members with older person(s) are urged to be aware about ageing, both physical and mental health care, food and nutrition of older persons so that they can render older family members appropriate care.

Home care service should be introduced for the home ridden as well as bed ridden older persons.

Family, community and society along with other state level institutions are brought to the center to organize different welfare initiatives for the older persons.

5.3 Introduction of the Draft ‘Parents Maintenance Rules, 2017’

‘Parents Maintenance Rules, 2017’ was proposed to pave the way to implement the ‘Parents Maintenance Act, 2013’.

Ministry of Social Welfare has proposed it where the emerging changing socio-demographic contexts are considered.

Children have to take care of parents through the members of extended family and kinship network if they are migrant.

These Rules propose to establish committees constituted by government, non-government, local government and concerned bodies at different administrative levels to oversee the parents' maintenance issues.

Necessity of Parents Care Policy for establishment of Parents Care Centre, Day Care Centre, and Night Shelter by the state as well as by private organization are mentioned.

Elaborate technical and socio-cultural requirements for establishing such kind of establishments are proposed.

5.4 Law Commission's Proposed Amendments on 'Parents Maintenance Rules, 2013'

Law Commission proposed some amendments in this Rules in 2017.

Relating it to broader family issues, parents maintenance issues will be under the jurisdiction of the 'Family Court' constituted in accordance with the 'Family Law Ordinance 1985'.

If children are financially unable or failed to provide maintenance to parents, state has to come forward to take this responsibility.

Relating the issue with humanity and morality, Law Commission proposes only monetary fine instead of sentencing to jail as punishment.

Instead of coming to the court for legal measures first, it is advised to seek solution to different parents maintenance related committees at respective administrative levels.

Commission proposes to add different related clauses in the main Act to clarify the establishment of different alternative arrangement to provide abode, care and services to older persons outside family.

6.0 Discussion and Conclusions

It is quite evident that changing socio-demographics of the country has brought changes in the size, territorial distribution and composition of population which all affect the aged old traditional family context.

An ageing regime has started in the 1990s due to this socio-demographic change.

Modernization-urbanization context, women employment in urban areas, declining household size, migration of both male and female have transformed family to the extent that it is no more able to take proper care of the emerging increased number of older population.

State took measures like enacting 'Parents Maintenance Act, 2013' and 'National Policy on Older Persons 2013' to address the plights of the older population.

State mechanisms are prescribed to take different measures to ensure holistic welfare of the older population.

Legal measures are proposed to ensure maintenance of parents and grandparents.

At the same time, besides having law and policy, informal family and kinship system are encouraged to be brought to the center to make a socio-cultural foundation to ensure welfare of the older population.

Especially Law Commission mentioned the shortcomings of applying law to compel children in this regard.

However, it is also evident that ‘Parents Maintenance Rules 2017’ has proposed to establish different types of alternative arrangements outside family to provide services to the older population which are not initially mentioned in the Act in 2013.

It can be concluded here that the changing family demography and its emerging increasing inability to take care of the older members is understood at state level and thereby state initiates measures. Although formal measures outside family context are proposed, family is also envisioned to play and guide the morale of the society.

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