



Access of Marginalised Communities to Public Services:
An Assessment of Accountability Mechanisms

21 October 2021

Transparency International Bangladesh (TIB)

Access of Marginalised Communities to Public Services: An Assessment of Accountability Mechanisms

Research Advisors:

Dr. Iftekharuzzaman, *Executive Director, TIB*

Professor Dr. Sumaiya Khair, *Advisor Executive Management, TIB*

Mohammad Rafiqul Hassan, *Director – Research and Policy, TIB*

Research conducted by:

Md. Mostafa Kamal, *Research Associate – Qualitative, Research and Policy*

Amit Sarkar, *Assistant Programme Manager – Research and Policy (Former)*

Juliet Rossette, *Programme Manager – Research and Policy (Former)*

Research Supervisor:

Shahzada M Akram, *Senior Research Fellow – Qualitative, Research and Policy*

Released on: 21 October 2021

Contact:

Transparency International Bangladesh (TIB)

MIDAS Centre (Level 4 and 5)

House # 5, Road # 16 (New) 27 (Old)

Dhanmondi, Dhaka – 1209. Bangladesh

Tel: +88 02 48113032, 48113033, 48113036

Fax: +88 02 48113101

Email: info@ti-bangladesh.org; Website: www.ti-bangladesh.org

Table of Contents

<i>Preface</i>	5
<i>Abbreviations</i>	7
<i>Chapter 1</i>	8
<i>Introduction</i>	8
<i>1.1 Background</i>	8
<i>1.2 Rationale of the study</i>	10
<i>1.3 Research Question</i>	11
<i>1.4 Objective of the study</i>	11
<i>1.5 Scope of the study</i>	12
<i>1.6 Selected marginalised groups of Bangladesh</i>	12
<i>1.6.1 Acid Survivors</i>	12
<i>1.6.2 Dalit</i>	12
<i>1.6.3 Indigenous peoples</i>	13
<i>1.6.4 Tea garden worker</i>	13
<i>1.6.5 Transgender</i>	13
<i>Chapter 2</i>	14
<i>Methodology</i>	14
<i>2.1 Theoretical understanding of the problem</i>	14
<i>2.2 Methods of data collection</i>	14
<i>2.3 Timeframe</i>	15
<i>2.4 Analytical framework</i>	15
<i>Chapter 3</i>	17
<i>Research findings</i>	17
<i>3.1 Affirmative actions for the marginalised groups</i>	17
<i>3.1.1 Legal reform</i>	17
<i>3.1.2 Financial assistance</i>	17
<i>3.1.3 Health-related assistance</i>	18
<i>3.1.4 Education allowance</i>	18
<i>3.1.5 Training and income-generating initiatives:</i>	18
<i>3.1.6 Taking special assistance and initiatives</i>	18
<i>3.2 Legal capacity: rights of the marginalised are recognised and included in-laws and policies</i>	19
<i>3.2.1 Review of laws and policies to ensure inclusion in the service</i>	19
<i>3.2.2 Laws and policies: limitations and challenges</i>	19
<i>3.2.3 Review of different accountability mechanisms of public services</i>	21

3.2.4 Initiatives of NGOs to ensure access to government services	23
3.3 Accountability.....	24
Grievance redresses mechanism and coordination among the stakeholders	24
3.3.1 Inclusion of the marginalised groups in the grievance redress mechanism	24
3.3.2 Challenges in the concern stakeholder’s supervision and management	33
3.4 Transparency	37
Access to information, self-motivated information disclosure regarding services, awareness-raising activities	37
3.4.1 Challenges in access to information	38
3.4.2 Lack of disclosure of self-motivated information related to services.....	40
3.5. Participation	42
Participation of the marginalised groups in evaluation of the suitability of the initiatives taken and in task management steering committee	42
3.5.1 Participation in evaluation, work management and other management committees ..	42
Chapter 4	44
Conclusion and Recommendation	44
4.1 Conclusion.....	44
4.2 Recommendation	45
Reference	46

Preface

Transparency International Bangladesh (TIB) works with a vision of a Bangladesh which is free from the influence of corruption, and government, politics, civil society, business, and individual citizens uphold the principles and practices of transparency, accountability, and integrity. Towards that end, TIB conducts various categories of research, civic engagement and policy advocacy activities in order to catalyse institutional, legal and policy reforms that would lead to effective corruption prevention and better governance. This report on “Access of Marginalised Communities to Public Services: An Assessment of Accountability Mechanisms” is part of TIB’s research and policy efforts with a particular focus on disadvantaged sections of the society.

The main objective of this study is to assess the state of access to, and exercise of the existing institutional accountability system by the marginalised people in receiving various public services. Its specific objectives include studying the extent of inclusion of the marginalised population in the existing accountability system as well as its effectiveness in ensuring their rights and entitlements in the provision of public services. The study also presents some policy recommendations that would help positive change.

The research has revealed that the lack of precise data on marginalised people is a major obstacle to providing access. There is a lack of effective communication and information directed towards marginalised people about public services and safeguards that are available to them to ensure accountability of the duty bearers. Marginalised people often face obstacles that hinder access and accountability due to legal constraints or the lack of enforcement of existing laws. The existing accountability framework of various public services is, in many cases, not inclusive for marginalised groups. The linguistic, financial and technical predicaments and capabilities of marginalised groups are not often taken into account. Another noteworthy issue is the negative attitude and practices of a section of the service providers which leads to marginalised people being discouraged from using whatever accountability structure is in place. They do not often get the expected results by filing complaints, but instead face adverse reactions. Unless the accountability system is strengthened to ensure equal access of basic services and entitlements of the marginalised people, it will be difficult to achieve the pledge of 'leaving no one behind' under the Sustainable Development Goals.

This study has made us indebted to several stakeholders who provided commendable support in the research process. We would like to particularly mention *Manusher Jonno* Foundation (MJF), *Nagorik Uddyog*, Bangladesh Environmental Lawyers Association (BELA), Bangladesh Dalit and Excluded Rights Movement (BDERM) and BRAC for their valuable cooperation.

Our sincere gratitude goes to the respondents of the study whose cooperation in field data collection made the research possible. We also convey our gratitude to the public officials at national and local levels, especially the selected offices of the Upazila Social Services, Upazila Health Complex, Upazila Education Office, Upazila Woman Affairs Office, Office of the Upazila Nirbahi Officer, Bangladesh Tea Board (BTB), Department of Labour (DoL) and Department of Inspection for Factories and Establishments (DIFE).

I congratulate my colleague Md. Mostafa Kamal, Research Associate (Qualitative) and our former colleagues Amit Sarkar and Juliet Rossette for conducting the study. I also want to

thank Shammi Laila Islam and Abu Said Md. Juel Miah, also former colleagues, for their contribution during the research concept development. The research was supervised, reviewed and edited by Shahzada M Akram, Senior Research Fellow of TIB. Special support was provided by Farhana Rahman and Md. Julkarnayeen, Research Fellow of TIB. I thank them and other colleagues from the Research and Policy Division for their support including feedback and suggestions in various stages of the study. Prof. Dr. Sumaiya Khair, Advisor Executive Management, and Mohammad Rafiqul Hassan, Director Research and Policy of TIB supervised the overall research process and provided the necessary guidance. I am thankful to them for their valuable contribution to the study.

We hope that the relevant authorities and other stakeholders would find this study useful in their efforts to upgrade the level of access of services and entitlements of the marginalised communities. Any suggestions and feedback are warmly welcome.

Iftekharuzzaman

Executive Director

Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
ASF	Acid Survivors Foundation
ASK	Ain o Salish Kendra
BBS	Bangladesh Bureau of Statistics
CHT	Chittagong Hill Tracts
DC	Deputy Commissioner
DFID	Department for International Development
DSS	Department of Social Services
FCDO	Foreign, Commonwealth and Development Office
FYP	Five Year Plan
GoB	Government of Bangladesh
GRS	Grievance Redress System
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
IOM	International Organization for Migration
LGBT	Lesbian, Gay, Bisexual, Transgender
MoSW	Ministry of Social Welfare
MP	Member of the Parliament
NGO	Non-Governmental Organizations
PMO	Prime Minister's Office
RTI	Right to Information
SDG	Sustainable Development Goals
TI	Transparency International
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNO	Upazila Nirbahi Officer
UP	Union / Upazila Parishad
USD	United States Dollar

Chapter 1

Introduction

1.1 Background

There are almost three crore marginalised people living in Bangladesh¹, who are discriminated against based on their race, religious identity, caste, ethnicity, occupation/work, descent and different traits, which makes them vulnerable to become marginalised. The term marginalisation refers to a process by which a group or individual is denied access to important positions and symbols of economic, religious or political power within any society (Marshall, 1998). It also refers to social exclusion (Messiou, 2012; Petrou et al., 2009); vulnerability to exclusion and stigmatisation (Bottrell, 2007; Petrou et al., 2009); social and relational aspects of poverty (Carter-Wall and Whitfield, 2012; Dickerson and Popli, 2012; Ridge, 2011).

According to a report of Foreign, Commonwealth and Development Office (FCDO) formerly known as the Department for International Development (DFID), 2005, marginalised people are those people who are socially excluded based on their 'age, race, ethnicity, gender, disability status, migration status and geographical location'. Marginalised groups face constraints, such as discrimination, social stigma and the risk of being harmed (UNDP Human Development Report 2016). According to the UNDP report, marginalised groups include ethnic minorities, indigenous peoples, persons with disabilities, people living with HIV and AIDS, lesbian, gay, bisexual, transgender and intersex individuals.

In the 8th Five Year Plan of the Government of Bangladesh, children, indigenous communities, persons with disabilities, *Dalit*, extremely poor, female and male sex workers, transgender, people with HIV/AIDS are identified as the marginalised groups considering different risks faced by these groups.

Table 1: Marginalised groups of Bangladesh can be divided into different categories

Categories	Example of marginalised groups
Ethnicity	Indigenous peoples (government termed them as “small ethnic groups”)
Socio-economic status	People living in extreme poverty especially in female-headed households
Religion/caste	Religious minorities, <i>Dalit</i> , Kadianis, <i>Bauls</i>

¹ Nahitun et al. (2018); Current scenario of the marginalised population in Bangladesh: identifying data gaps for action towards “Achieving Universal Health Coverage by 2030”; BRAC James P Grant School of Public Health BRAC University; Working Paper, Series No.10; http://www.brac.net/program/wp-content/uploads/reports/LNOB%20Report_Printed%20Version.pdf

Categories	Example of marginalised groups
Displaced, Stranded, Migrants and floating people	Rohingyas, <i>Biharis</i> , <i>Bede</i> , street people
Geographical remoteness	People living in hard-to-reach areas (<i>char</i> , <i>haor</i> , coastal, hilly areas)
Disability	Persons with disabilities
Disease	HIV positive persons and persons with AIDS
Sex/Sexual Orientation	Women, transgender, LGBTQ
Occupation	Commercial sex workers, tea garden workers, beggar
Victims of Violence	Trafficking survivors, acid survivors, rape survivors
Disasters	Victims of natural and human-made disasters

Table 2: Population of different marginalised groups of Bangladesh

Groups	Estimated Populations
Indigenous peoples	50 groups recognised by the government; 16 lakhs people (BBS, 2011); unofficially more than 50 lakhs (2015) ²
People in extreme poverty	12.9% (Household Income and Expenditure Survey, BBS 2016), 5% people (thresholds 1.96 USD) (World Data Lab, 2021) ³
Caste-based <i>Dalit</i>	43.58 lakhs <i>Dalit</i> people and 12.85 lakhs <i>Harijans</i> (MoSW, 2021); 45-55 lakhs <i>Dalit</i> people (8 th FYP)
Migrants, stranded, and floating people	9.25 lakhs Rohingya (IOM, 2019), 2.5 lakhs <i>Biharis</i> (UNHCR, 2009), 7.8 lakhs <i>Bede</i> (MoSW, 2021), 2.6 lakhs street people (GoB)
Persons with disabilities	22.98 lakhs registered (DSS, 2021)

² <https://www.iwgia.org/en/bangladesh/3446-iw2019-bangladesh.html>

³ <https://worldpoverty.io/map>

Groups	Estimated Populations
Transgender	11,000 estimated by GoB (MoSW, 2021)
Tea garden workers	2,59,486 permanent and temporary workers (MoSW, 2021)
Victims of violence	1500 acid survivors (ASF, 2019); 1413 rape survivors in 2019 (ASK, 2020)

The Constitution of Bangladesh is the umbrella of all laws and it guarantees the fundamental principle of state policy and rights for its citizens. Here, it is mentioned that all citizens are equal before the law and are entitled to equal protection of the law (Article 27). The state shall endeavour to ensure equality of opportunity to all citizens (Article 19.1). The State shall adopt effective measures to remove social and economic inequality and to ensure the equitable distribution of wealth among citizens, and of opportunities (Article 19.2). The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth (Article 28.1). Every person in the service of the Republic has to strive at all times to serve the people (Article 21.2). The 2030 Agenda i.e., Sustainable Development Goals (SDGs) determined to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and a healthy environment, and pledged to 'leave no one behind. Target 2 under the SDG 10 (Reduce inequality) states to empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or another status. Also, target 6 of goal 16 is set to develop effective, accountable and transparent institutions at all levels. Target 7 of this goal is set to ensure responsive, inclusive, participatory and representative decision making at all levels. Target B under SDG 16 states to promote and enforce non-discriminatory laws and policies for sustainable development. However, in Bangladesh inequality, discrimination, exclusion, deprivation exist in different forms where a significant portion of the population are victimised due to their marginalised position in society (Roy, 2002; Shafie & Kilby, 2003; Goswami, 2004; Dyrhagen & Islam, 2006; Foley & Chowdhury, 2007; Ahsan & Burnip, 2007; Sarker & Davey, 2007; Nasreen & Tate, 2007; Bal, 2007; Zohir et al, 2008; Ali, 2013; Ali, 2014; MJF, 2016).

1.2 Rationale of the study

Marginalisation and corruption are interrelated (Sen, 1999; DFID, 2006; Mosse, 2010). The impact of corruption on the marginalised groups is an added burden on them. The National Household Survey, 2017 conducted by Transparency International Bangladesh (TIB) revealed that bribery and corruption is an added burden on the poor, lower-income and disadvantaged sections of the society. The survey found that the burden of bribery is more than 20 times higher on the lower-income families than the middle and higher-income families.⁴ Also, the experience of corruption and the incidence of bribery is higher among the less educated families than the highly educated families.

There is some research on different forms of violation of rights of the marginalised groups of Bangladesh and challenges of inclusion they face in public service delivery. Data from some

⁴ Corruption in Service Sectors: National Household Survey, 2017, Transparency International Bangladesh: https://www.ti-bangladesh.org/beta3/images/2018/report/nhs/NHS_2017_Ex_Sum_EN.pdf

other previous TIB studies have been depicted that marginalised people in various service sectors are victims of irregularities and corruption in services. In this instance, the absence of a proper and effective accountability mechanism is flagged in different research and the public media.

Previous studies also revealed that marginalised groups have mistrust over people's representatives and public servants in complaining and getting them involved in handling grievances and resolving various issues. Moreover, there is a knowledge gap about what kind of accountability mechanisms are available for the marginalised groups if they don't receive different public services.

Lack of knowledge on whether there are tailor-made and tested accountability options for the marginalised groups, which might help them fight back. Highlighting the need to ensure accountability of the authorities in the light of the experience of corruption of marginalised people in TIB's advisory activities and to formulate necessary policies for the establishment of inclusive service infrastructure are the underlying principles to initiate this research. Also, this initiative is a continuation of TIB's previous research and policy advocacy activities to provide a comprehensive picture of the burden of corruption and possible accountability measures on marginalised people in Bangladesh. Through this study TIB endeavours to shed light on the corruption and irregularities in service sectors focusing on the experiences of the marginalised and proposing policy suggestions for inclusive service provisions and accountability options.

1.3 Research Question

The following questions guided the research team to specify the research objective:

- ✓ What are the specific options for marginalised people in the existing system of accountability to hold duty bearers accountable in attaining public services?
- ✓ Do they use these options? What kind of remedy do they get if they use the options?
- ✓ If they can't use these options or get no remedy, what do they do then?
- ✓ What steps can be taken to create options for marginalised groups to hold the service providers accountable?

1.4 Objective of the study

The main objective of this study is to assess the state of access to, and exercise of the existing institutional accountability system by the marginalised people in receiving various public services.

Specific objectives are -

- ✓ To review the extent of inclusion of the marginalised population in the existing accountability system while taking services from different public institutions;
- ✓ To analyse the effectiveness of the existing accountability systems in public services through the experience of the marginalised groups;
- ✓ To make recommendations based on the results to ensure accountability of service providers.

1.5 Scope of the study

It is difficult to include all the marginalised groups of Bangladesh in a single study. Therefore, some selected marginalised groups are included in this study considering diverse traits such as victims of violence, livelihoods, caste-based minorities, ethnic identity, geographical location, gender, etc. Among these categories, data was collected from acid survivors, *Dalit*, indigenous peoples, tea garden workers and transgender groups for this research. Also, considering the first-hand data collection challenges during the COVID-19 pandemic, above mentioned groups were selected.

Relevant laws, policies and practices related to basic services (such as education, health, land and social security, local government-related services) in the context of building human capabilities, social security and empowerment of marginalised communities were selected for this study. Furthermore, the accountability systems for the marginalised communities and their practices were included in the study.

1.6 Selected marginalised groups of Bangladesh

1.6.1 Acid Survivors

Sometimes a person is stigmatized due to their experience of different nature of violence. Acid Survivors are the unique forms of victims who have experienced one of the worse forms of violence in their life. Onward the violence, in many cases the physical capacity of the victim gets significantly reduced, however, in reality, they have to struggle most in recognition as a disabled person to get access to government incentives and support packages available for a disabled person. The impact of the violence is lifelong – mental trauma hurts their life, and many of them require long-term physical and mental treatment.

1.6.2 *Dalit*

According to the *Dalit* Manual 2013, the definition of *Dalit* depends on self-identification. Here in this manual, the Government of Bangladesh defines *Dalit* as those who are identified as *Dalit* and do not make any reservation to introduce themselves as *Dalit*. The Manual further states that *Dalit* communities are involved in cleaning and other essential service-related activities.⁵ The Seventh Five-Year Plan 2016-2020 of the Government of Bangladesh states that *Dalit* status is historically associated with occupations regarded as ritually impure. Based on the notion of purity and pollution practised by the caste-based Hindu society, they are separated from the other castes due to their identity given as “Impure” or “untouchable” caste. These groups of people, as imposed on them the stigma of untouchability, have limited social, economic and employment opportunities to interact with the mainstream.⁶

⁵ Indigenous and Dalit peoples of Bangladesh: Challenges and Way Forward for Inclusion in Rights and Services, Transparency International Bangladesh, 2019; https://www.ti-bangladesh.org/beta3/images/2019/report/IPS-Dalit/Main_EN_IPS_and_Dalit_Study.pdf

⁶ Indigenous and Dalit peoples of Bangladesh: Challenges and Way Forward for Inclusion in Rights and Services, Transparency International Bangladesh, 2019; https://www.ti-bangladesh.org/beta3/images/2019/report/IPS-Dalit/Main_EN_IPS_and_Dalit_Study.pdf

1.6.3 Indigenous peoples

Indigenous peoples are termed as “ethnic groups” by the Government of Bangladesh in the Small Ethnic Groups Cultural Institutions Act, 2010, which does not define this term. The term is also not aligned with the internationally recognised definition. According to the United Nations, “Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.”⁷ The Declaration on the Rights of Indigenous Peoples (DRIP) adopted by the UN General Assembly on September 13, 2007, provides prominence to the collective rights of the indigenous peoples to a degree unprecedented in international human rights law.⁸

1.6.4 Tea garden worker

The tea industry plays an important role in the economy of Bangladesh. In 2017, the industry contributed an amount of BDT. 182.5 crores to GDP. This industry, directly and indirectly, employed about five lakhs people. According to the Department of the Social Services, there are 2,59,486 permanent and temporary workers in this industry.⁹ According to the Labour Act, 2006 and Labour Rules, 2015, garden owners are supposed to give workers shelters and other facilities that are closely connected to their livelihoods. The Constitution of the country protects the rights and entitlements of left behind people including tea workers. Besides, the Labour Policy of the country, the Labour Law, the Labour Rules, the bilateral agreement between garden owners and workers etc., relevant stakeholders have made various provisions and commitments for tea garden workers. Despite some positive changes, it is evident in different researches, media reports, and seminars/workshops etc., that the livelihood status of tea garden workers remains very dismal yet.¹⁰

1.6.5 Transgender

In Bangladesh, *Hijras* are known as transgender persons. The country has identified transgender people as a separate gender since 2013. According to the government data, 11 thousand transgender people are living in this country.¹¹ Despite legal recognition as a third gender in 2013, they have often been neglected and misconceived in Bangladesh. Due to the cultural and religious norms, negative attitudes towards the transgender community is high.

⁷ [Indigenous Peoples at the United Nations | United Nations For Indigenous Peoples](#); (16/05/2021)

⁸ Same as above

⁹ <http://www.dss.gov.bd/site/page/7888bbbba-b2ae-4de6-a66c-6e19a3186198/>

¹⁰ Working Environment and Workers' Rights in Tea Gardens: Governance Challenges and Way-forward, Transparency International Bangladesh, 2018; https://www.ti-bangladesh.org/beta3/images/2018/report/tea_garden/Full-Report-BN-Tea-garden-study.pdf

¹¹ Department of Social Services, Accessed on– 12/06/2021; <http://www.dss.gov.bd/site/page/e3108b96-8e64-4fb4-be8e-3f2f8e9d27bb>

Chapter 2

Methodology

2.1 Theoretical understanding of the problem

Marginalised people are at risk of various disadvantages such as social exclusion and inequality. Sometimes these marginalised groups face denial, discrimination, exclusion and corruption from different institutions of the state. The theoretical framework of the study is based on the ideas of Sen (1999), DFID (2006), and Mosse (2010). The ideas state that:

- Marginalisation leads to exclusion and eventually to multiple burdens of corruption.
- Lack of inclusive policy on public service delivery induces the practices of exclusion and different forms of corruption.
- Experiences of corruption lead to deprivation and eventually to incapability to fight poverty i.e. reproduction of poverty.

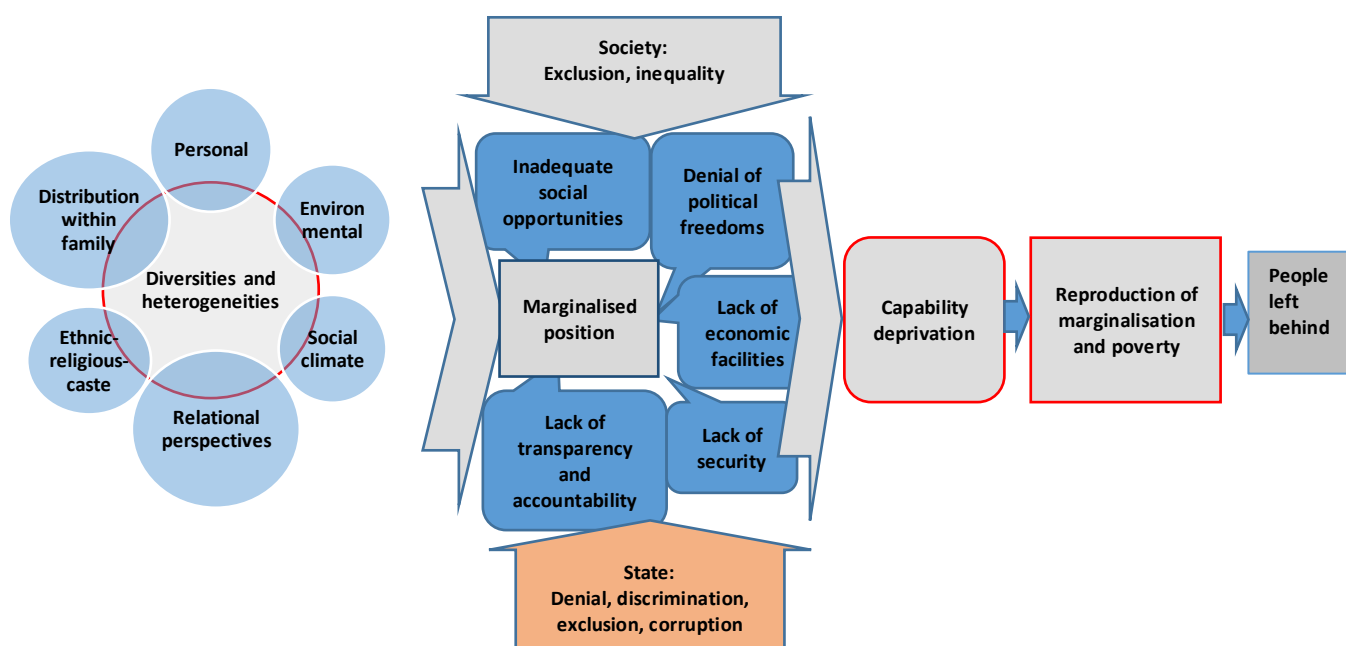


Figure 1: Theoretical framework of the study

Adapted from Sen, 1999; DFID, 2006 and Mosse, 2010

2.2 Methods of data collection

This is a qualitative study. The study collected and analysed mainly qualitative data and quantitative data when applicable. The study collected data from both primary and secondary sources. Primary information has been collected from the service recipients belonging to the marginalised population through interviews and key informant interviews.

Secondary data like relevant media reports, research reports, articles, government documents have been collected, reviewed, and analysed in this study. The information about the impact of corruption on marginalised people in accessing government services

(education, health, land and social security, local government services), accountability measures and its practice-related information has been collected from TIB's previous studies as well as other relevant researches.

Table 3: Methods and data sources

Source	Methods	Respondents
Primary	Interview	Service recipients from the targeted communities
	Key informant interview	<u>Local-level</u> : Community leaders from the targeted communities, Representatives of the Union Parishad (Chairman, Vice Chairman, Member, Secretary), Upazila Social Services Officer (USSO), Upazila Health and Family Planning Officer (UH&FPO), Thana Education Officer (ATEO), Upazila Woman Affairs Officer (UWAO), Upazila Nirbahi Officer (UNO), Journalists
		<u>National and Central level</u> : Officials from the Bangladesh Tea Board (BTB), Department of Labour (DoL) and Department of Inspection for Factories and Establishments (DIFE), National level leaders of the targeted community, relevant NGO workers, Civil Society Organization (CSO) representatives and experts
Secondary	Literature review	Relevant laws, policies, articles, research reports, news

2.3 Timeframe

The data collection of the study was completed between October 2020 and September 2021.

2.4 Analytical framework

The state of governance has been reviewed based on the legal structure, accountability, transparency, and participation to analyse the accessibility and implementation of the existing accountability system by the selected marginalised communities.

Table 4: Analytical framework

Governance Indicators	Covered Issues
Legal capacity	Laws, policies, regulations ensuring the inclusion of the marginalised groups
Accountability	Inclusion of the marginalised groups in the grievance redress system, supervision of relevant service providers
Transparency	Access to information, disclosure of self-motivated information related to services

Governance Indicators	Covered Issues
<i>Participation</i>	Participation of marginalised people in the Evaluation and Action Management / Steering Committee and different committees

Chapter 3

Research findings

3.1 Affirmative actions for the marginalised groups

Various steps have been taken by the Government of Bangladesh to improve the living standards of marginalised people. Mention worthy of them are -

3.1.1 Legal reform

The Dalit Manual 2013 has been formulated which has included the goal, objectives and needful activities for the development of *Dalit* communities.

In 2019, the Government of Bangladesh recognised 50 indigenous communities by naming them as “Ethnic minority group”, previously the recognised number was 27. Although, naming them as “Ethnic minority groups” is considered as a deprivation of their basic right to self-identity.

Recently, a new inheritance law for the *Hijra* community following the Sharia and Constitution has been proposed to ensure their rights.

3.1.2 Financial assistance

A total of 2,142 acids survivors and burn victims have received financial aid for rehabilitation and micro-finance assistance for improving socio-economic conditions from the Department of Social Services (DSS) through the Rehabilitation Programme for the Burn and Persons with Disability from 2002 to 2020.¹²

Some religious institutions of the indigenous peoples in 280 Upazilas¹³ received financial support under the programme “Development Assistance for Small Ethnic Groups in the Plain Land” implemented by the Prime Minister’s Office (PMO).

A total of 45 thousand *Dalit* people (50 years and above) received an old-age allowance in the financial year 2019-2020 under the special programme “Programme for Improving the Living Standard of Underprivileged Communities” implemented by the Department of the Social Services.¹⁴

In the financial year 2019-2020, a total of 2,600 disabled and indigent transgender people aged 50 years and above received a special allowance under the “Livelihood Development Program for the *Hijra* Community” by the DSS.¹⁵

¹² The Department of Social Services; <http://www.dss.gov.bd/site/page/9777413f-db00-4f4a-9027-9b48b7ea7f29/> (last visited: 06/09/2021)

¹³ Indigenous and Dalit peoples of Bangladesh: Challenges and Way Forward for Inclusion in Rights and Services, Transparency International Bangladesh, 2019; https://www.ti-bangladesh.org/beta3/images/2019/report/IPS-Dalit/Main_EN_IPS_and_Dalit_Study.pdf

¹⁴ The Department of Social Services; <http://www.dss.gov.bd/site/page/909e2813-4cbf-49a8-81bf-12366bb20ee4/> (last visited: 06/09/2021)

¹⁵ The Department of Social Services; <http://www.dss.gov.bd/site/page/e3108b96-8e64-4fb4-be8e-3f2f8e9d27bb/> (last visited: 06/09/2021)

3.1.3 Health-related assistance

According to the National Health Policy, 2011, a framework has been formulated, and a programme has been initiated for the health services of tribal people's living in a hard-to-reach area in 2017. At present, this programme is being implemented in 69 Upazilas under 15 districts.¹⁶

3.1.4 Education allowance

A total of 21,900 *Dalit* students received an education stipend in the financial year 2019-2020 under the special programme "Programme for Improving the Living Standard of Bede and Underprivileged Communities" implemented by the Department of the Social Services.¹⁷

In the financial year 2019-2020, a total of 1,225 school-going *Hijra* students above 5 years received an education stipend through the programme "Livelihood Development Program for the *Hijra* Community", implemented by the DSS.¹⁸

Students from the indigenous communities in 280 Upazilas are receiving a stipend for higher studies and auxiliary materials for education through the "Development Assistance for Small Ethnic Groups in the Plain Land" project implemented by the Prime Minister's Office (PMO).¹⁹

3.1.5 Training and income-generating initiatives:

In the financial year 2019-2020, a total of 2,420 *Dalit* people received vocational training for skill development and 2,000 of them received financial assistance after finishing the training under a special programme "Programme for Improving the Living Standard of Underprivileged Communities" implemented by the Department of the Social Services.²⁰

Moreover, indigenous people in 280 Upazilas received income-generating skill development vocational training and financial support from another programme "Development Assistance for Small Ethnic Groups in the Plain Land" implemented by the Prime Minister's Office (PMO).²¹

3.1.6 Taking special assistance and initiatives

In the last few years, some initiatives like increasing the daily wages of tea garden workers, the provision of drinking water, and the increase in school enrolment of the children of

¹⁶ Indigenous and Dalit peoples of Bangladesh: Challenges and Way Forward for Inclusion in Rights and Services, Transparency International Bangladesh, 2019; https://www.ti-bangladesh.org/beta3/images/2019/report/IPS-Dalit/Main_EN_IPS_and_Dalit_Study.pdf

¹⁷ The Department of Social Services; <http://www.dss.gov.bd/site/page/909e2813-4cbf-49a8-81bf-12366bb20ee4/> (last visited: 06/09/2021)

¹⁸ The Department of Social Services; <http://www.dss.gov.bd/site/page/e3108b96-8e64-4fb4-be8e-3f2f8e9d27bb/> (last visited: 06/09/2021)

¹⁹ Indigenous and Dalit peoples of Bangladesh: Challenges and Way Forward for Inclusion in Rights and Services, Transparency International Bangladesh, 2019; https://www.ti-bangladesh.org/beta3/images/2019/report/IPS-Dalit/Main_EN_IPS_and_Dalit_Study.pdf

²⁰ The Department of Social Services; <http://www.dss.gov.bd/site/page/909e2813-4cbf-49a8-81bf-12366bb20ee4/> (last visited: 06/09/2021)

²¹ Indigenous and Dalit peoples of Bangladesh: Challenges and Way Forward for Inclusion in Rights and Services, Transparency International Bangladesh, 2019; https://www.ti-bangladesh.org/beta3/images/2019/report/IPS-Dalit/Main_EN_IPS_and_Dalit_Study.pdf

workers, etc. were taken by the tea-garden owners and the government that made some sort of improvement in the working environment and the rights of tea workers. Although the latest proposed wages are still lower than in any other sector.²²

3.2 Legal capacity: rights of the marginalised are recognised and included in-laws and policies

3.2.1 Review of laws and policies to ensure inclusion in the service

The Constitution of Bangladesh describes the principles of the state and the rights of the citizen, where it is stated that the rights and entitlement of receiving services of a citizen cannot be discriminated against due to any special feature.

The National Commission for Human Rights (NHRC) has drafted the "Anti-Discrimination Law", which has not been adopted yet. However, the draft law does not mention the provisions of holding the inquiry officer, the investigating officer, and the NHRC accountable when required, which would leave a risk of improper inquiry and investigation. On the other hand, in the interest of the investigation, there is an opportunity in the law to 'extend the time' and adjourn the case for 'rational' reasons, which lack adequate explanation. It is feared that there will be an opportunity to delay the completion of the case. The study has found the inability to file lawsuits in the absence of anti-discrimination law.

In Bangladesh, access to government services is equal for all citizens. However, to ensure inclusion in the service, necessary laws and separate guidelines are given to ensure the inclusion of some marginalised groups with due regard to their special status and needs.

Legally, all indigenous people's identity and their land rights are not recognised. Although there is a land commission for the indigenous peoples living in the Chittagong Hill Tracts, there is no land commission to solve the land problems of the large number of indigenous people living in the plains.

3.2.2 Laws and policies: limitations and challenges

The Rights and Protection of Persons with Disabilities Act, 2013 and the Rights and Protection of Persons with Disabilities Rules, 2015

²² Working Environment and Workers' Rights in Tea Gardens: Governance Challenges and Way-forward, Transparency International Bangladesh, 2018; https://www.ti-bangladesh.org/beta3/images/2018/report/tea_garden/Full-Report-BN-Tea-garden-study.pdf

According to Section 31 of the Rights and Protection of Persons with Disabilities Act, 2013 and Section 4 of the Rights and Protection of Persons with Disabilities Rules, 2015, one disabled person has to complete the registration and then gets a disability identity card considering their disability categories. But the Act directly doesn't recognize the acid burn victims as persons with a disability rather it left the victims for subjective judgement of the selection committee members (including the primary screening conducted by a government doctor). In reality, there has been a vital complaint that the selection committee's members who are mostly public servants don't recognize the acid violence victim as the persons with disability as they pose a pre-mind-set on recognizing a disabled person who has had conventional disability remarks (e.g. lost hand/leg or indispensable physical organs etc.) or disabled by born. It is mentionable that the gravity of the burn has a lifelong grievous impact, however, the symptoms, as well as the appearance of damage, may not always be as conventional/straightforward types of disability as mentioned in Section 3 of the Act. The process of identifying acid victims is very insensitive, subjective and judgmental. It is a difficult identification process. Moreover, there are no directives mentioned in the law about who will hold the selection committee accountable.

"You can't have certificate; the burnt isn't visible at your face. Maybe it is at the inner part of the body, I am not seeing any burn... I don't see any"

Comments of a selection committee member during selection for *Suborno* Card (for persons with disability)

The Acid Victim Treatment, Legal Aid and Rehabilitation Rules, 2008

Section 5,6,7,8 of the Acid Victim Treatment, Legal Aid and Rehabilitation Rules, 2008 stated the role of government officials like Civil Surgeon as chairman of district committee on acid control, Upazila Nirbahi Officer (UNO), District Social service officer on ensuring required specialized treatment, financial support for treatment, legal aid and rehabilitation support. However, the rules didn't specify who will hold the above-mentioned actors accountable for ensuring the services. This is an obstacle to ensuring the service delivery of the acid victims.

The National Education Policy, 2010

In the National Education Policy 2010, it is mentioned that students from the indigenous community will be taught in their mother language. In the first phase of the programme, five indigenous language's books have been printed and distributed. But there is no mechanism mentioned in this policy on how to conduct need assessment for these language teachers' recruitment; or monitor the book distribution and teaching process. Due to this, persons who are supposed to supervise these processes cannot be held accountable. TIB's previous research found that Upazila Education Officer did not even know that they received these indigenous language's books and books were not distributed in that Upazila. It was also found that in one Upazila, books were distributed but there was no trained and assigned teacher to teach those books. The same situation was prevailing during this study.

The Labour Law, 2006 and the Labour Rule, 2015

The Labour law 2006 itself is an umbrella instrument that covers all sectorial labour issues of the country. This law elaborates the tea worker's welfare, specifically in the contexts of access to education, health care, the provision of land use. Unlike the other sectors' workers, access to education, health, livelihood and relevant facilities in the tea sector is

secured by the tea garden authority. To fulfil the purpose of the law, the Labour Rules, 2015 has been constituted. According to schedule 5 of section 96 of the rule, education, medical, housing, recreational facilities and other basic amenities for the tea workers and their children should be ensured by the tea garden owner or garden authority. Here, the provisions refer that, if the owner/tea garden authorities face any challenges, they may inform the issue in writing to the Inspector General of the Department of Inspection for Factories and Establishments (DIFE), Ministry of Labour and Employment. However, from the workers end there is no available provision to make the authority accountable for the salient issues.²³ If the services are not provided or if the owner/tea garden authority does not submit any written application to the government office, tea garden workers cannot hold them accountable.

3.2.3 Review of different accountability mechanisms of public services

Different types of grievance redress system (GRS) and accountability system exists in Bangladesh. Some of these are institutional and some are social mechanisms.

Institutional accountability mechanisms can be divided into three types – offline, online and others. Offline GRS includes – written complaints submitted directly at the service delivery office or through postal mail, use of the complaint box, hotline number, public hearing, applying right to information (RTI). Online GRS includes – online-based central GRS of Bangladesh government, email, Facebook page, blog, etc. Institutional supervision and audit, Union and Upazila Parishad’s ward meeting and open budget session, parents meeting, the management committee of the school, community clinic and Upazila Health Complex are other kinds of accountability mechanisms practised in Bangladesh.

Some social accountability mechanisms are social audit of Union or Upazila Parishad’s budget, public dialogue in coordination with civil society representatives.

Table 5: Different GRS and accountability mechanism

Type	System	Limitation & implementation challenges
Institutional	Written complaint submitted directly at service delivery office or through postal mail, use of complaint box, the public hearing	• Sometimes the process requires specific and structured forms • There is a high chance of “anonymous complaint” not being investigated • The name of the complainant disclosed • Sometimes offline complaints are not recorded in the register book and acceptance recite is not provided

²³ The schedule 5 of the Bangladesh Labour rule 2015 provides the opportunities and facilities of tea garden workers & family members namely access to education, medical, equipment and drugs, drinking water, sanitation, recreation, housing, flow of daily necessary goods etc. Accessed <https://cutt.ly/Qc71c3r> in 12-Apr-2021

Type	System	Limitation & implementation challenges
	Online based central GRS of Bangladesh government, email, Facebook page, blog	- Necessary electronic device and internet is required - Complaints are considered to have been resolved if action is recommended against them - Disclosure of anonymity and blacklisting if a complaint is lodged "for harassment" - The methods are not user-friendly
	Hotline number, apply right to information (RTI)	It is important to know the complaint procedure
	Institutional supervision and audit	- Irregular supervision and audit - Lack of qualitative analysis of the audit report - The practice of publishing audit reports is low
	Ward meeting, open budget	- Lack of self-motivated information dissemination of services by service providers - Lack of publicity about the meeting
	Parents meeting; management committee at the school, community clinic and Upazila Health Complex	Activities of the committee are not participatory and are influenced by political ideology and power
Social	Social audit and public dialogue	- Social audit is institutionally neglected - Not giving importance to civil society representatives and NGOs

The Cabinet Division signs Annual Performance Agreement (APA) with different Ministry / Divisions. There is a provision in the APA to reduce four points/number if a complaint is not settled by a particular Ministry / Division.

In the existing accountability framework, the way or process of holding service providers accountable by all the citizens is the same. There is no separate or special or tailor-made accountability structure to support marginalised community's special criteria or needs. Also, due to the unfamiliarity with the GRS, negative attitude practices of the service providers, the mechanism is not inclusive for the marginalised groups.

Outside the institutional and traditional accountability framework, marginalised groups like *Dalit*, indigenous people and the tea garden workers have their own and alternative or traditional arrangements. *Dalit* hearings, local panchayats, Headmen and *Karbari* System are

an example of this alternative arrangement. As mentioned, most of these are alternative or traditional arrangements, which are also not institutional systems. These systems are mostly used to solve internal problems. And sometimes they take a complaint from the community people and pursue it in the relevant local authorities. So, these have little effect on institutional arrangements and cannot ensure an effective outcome.

Relevant authorities do not show a willingness to conduct a social audit. They create obstacles to conducting an audit. They raise a question about the authority ship of civil society representatives and NGOs to conduct the audits. As it is not a mandatory practice, relevant authorities give less importance to this.

The service providing offices tend not to disclose information regarding their service and GRS. The practice of publishing and disseminating self-motivated information about services and GRS by service providers is negligible. The issues were also discussed in the government's high-level official's meeting. In a meeting minutes of the Local Government division, one official expressed that mass people are not aware of the GSR. That's why they were receiving very few or no complaints through the online GRS.

Box 1: Creating obstacles to access the GRS

"We don't want people become aware of the grievance redress system and complain. These are hectic matters to investigate and resolve. So people don't want to be transferred to this department, and they don't want to stay long. That is why the name and phone number of the grievance redress officer are not given on the official website."

- A former GRS Officer

3.2.4 Initiatives of NGOs to ensure access to government services

The activities of non-governmental organizations or other organizations play a positive role in responding to the needs of marginalised people. For instance, with the support of Nagorik Uddyog, Bangladesh *Dalit* and Excluded Rights Movement (BDERM), a platform of the *Dalit* organizations, has a programme to create Community Leaders and Community Representatives from the *Dalit* community. These representatives help the *Dalit* community in accessing government services. These individuals provide information to the *Dalit* recipients about the different services provided by different offices. For example, they assist *Dalit* mothers with the process of availing maternity allowance. They raise demand for budget allocation for livelihood improvement for the *Dalit* peoples living in the chars of Bhola through local elected representatives and government officials.

At Parbotipur Upazila in Dinajpur, an NGO named Gram Bikash Kendra (GBK) has a programme to improve the social accountability of the local Union Parishad and its representative's through social audit and open discussion meetings.

BRAC has a programme that conducts awareness meetings for service providers, where they ensure the presence of service recipients from a different marginalised community. A local organization of the Rakhine community from Patuakhali had an awareness programme for the school management committee and parents of marginalised people. The programme was funded by CARITAS Bangladesh.

At Madhupur Upazila in Tangail, CARITAS Bangladesh operates the “Land Clinic” on indigenous people’s land issues at the local land office. This is mainly a sensitization meeting with the land authority about the land-related problems of local indigenous families.

Sundarban Munda Adivasi Songstha of Satkhira organizes a cultural programme about the way of life of the *Dalit* community, which they believe had a positive impact to sensitize the local mainstream community.

All these activities are carried out with the help of NGOs and these are mostly project-driven activities. At the end of the day, the effectiveness of the activities depends on the attitude of the service providers and the benefits of these activities are not sustainable after the project completion.

3.3 Accountability

Grievance redresses mechanism and coordination among the stakeholders

The accountability mechanism has been elaborated in the context of grievance redress management and service delivery monitoring system of concerned stakeholders who are providing the services. To increase the quality of public services, it is essential to ensure the accountability of service providers, which can be implemented through an effective grievance redress system. The core objectives of the grievance redress system is to reduce suffering while getting any public service through guaranteeing accountability, improving the quality of service and ensuring good governance.²⁴

3.3.1 Inclusion of the marginalised groups in the grievance redress mechanism

Unable to file a complaint due to marginal identity

Sometimes access to services and accountability structures of healthcare institutions is hampered due to the marginalised identity. And it becomes more difficult for them to file a complaint if they do not receive services. Also, service delivery and accountability mechanisms of these institutions are not inclusive which are evident by the attitude and practice towards the marginalised groups.

²⁴ Grievance Redress System Guidelines, 2015 (Revised 2018), Peoples Republic of Bangladesh. Accessed http://www.grs.gov.bd/assets/grs_guideline.pdf in 20-Apr-2021.

Due to *Dalit* identity, in the local health services institutions, *Dalits* are discriminated against. There are examples of lack of inclusion for the *Dalit* patients in the Upazila Health Complex by some nurses, ward boys and doctors just because of their identity. For this reason, *Dalit* people are forced to go to a private clinic. Some village doctors and staff of the government hospital work as the broker of private hospitals/clinics. The negative attitude by some of the hospital staff creates an enabling environment for the private hospital/clinic's brokers to lay effect on the patient's family. Then they encourage the *Dalit* patients to get admission in private clinics mentioning the bad service of the health complex. According to a *Dalit* respondent, this is a regular practice of the mainstream community for earning money after exploiting them. A *Dalit* leader expressed:

Box 2: Non-inclusive health delivery system

"Recently, we have surveyed one of our working areas, where we found that not a single pregnant mother from that area's *Dalit* community went to the government hospital for delivery related services. And out of these pregnant mothers, 98% of the mother gave delivery through a caesarean operation. This facility is available in the Upazila Health Complex, which is cheaper there than the private clinics. Now you tell me why do these poor *Dalit* families avoid going to the government hospital?"

- *Head of a Dalit rights organization mentioned*

Some people from the mainstream community would not let go of a chance to do business just using us.

Apart from this, other social security programs also have examples of not being able to lodge complaints against the relevant authorities. For example, one of the *Dalit* respondents was not enlisted in the old age allowance programme even after paying a bribe to a ward member. Their identity makes it difficult to access services easily due to their passive nature and the challenges created by the service providers. During the interview, a respondent expressed his anger and helplessness because of the situation he was in. When he was asked, he said, why did he complain? He expressed:

Who do I go to complain to? The Chairman? Both of them belongs to the same political party. I am a Dalit; I cannot fight with these mainstreams. It's like fighting a crocodile in the water.

In a previous study conducted by TIB on indigenous and *Dalit* communities, during data collection, a ward member expressed that *Dalit* or indigenous peoples come to him without any hesitation, for taking service or with a complaint. As soon as the researcher went behind his eyes, they heard anger and hate in the voice of the member and saying:

These people think that only Dalit and indigenous people have a problem/need. What about the need of the Muslims?

The expression of the ward member is an example of negative attitudes towards the marginalised group's needs. However, there are very few examples of taking any measures to monitor the activities of members and chairman and take necessary punitive actions against their irregularities. For this reason, the *Dalits* community have lost faith in the grievance redress mechanism.

Elsewhere, transgender people were unable to get government aid and access to the GRS due to their identity. During the COVID-19 situation, transgender people could not get into their main business, which is collecting money from the shops, from households when a baby is born. They restricted themselves from getting in touch with other people. They even avoid public transports to collect money from the passengers. On the other hand, it was not possible to collect money in the pandemic even if they wanted because all public transports were withdrawn for lockdown. Though their income decreased, their daily expenditures were still the same. They had to pay the house rent and all the other expenses. Financially they were in a vulnerable situation.²⁵

"We cannot go outside, cannot go for collection. No one is allowing us to go in their house and work for them. We cannot tell anyone about the misery we are facing. Because of Corona, people don't want to talk to us. They don't even allow us anywhere near them."

- Member of *Hijra* community

The transgender community people faced discrimination while receiving aid during the lockdown. They were not allowed to stand in line for the government's relief assistance during the COVID-19 pandemic. In this connection, they stated that when they went to Municipality or Union Parishad to seek help, instead of receiving support, they were getting rough behaviour from the public. People still do not consider them as one of the parts of society. In a Municipality office, someone from the transgender community stood in a line that was for the male, the transgender person was told to stand in the female line. When she stood in the women's line, they also told her to go away from them and make another line for transgender. This transgender person wanted to complain and share his experience with the elected representative. But they were unable to lodge complaints as the staff of the ward commissioner's office did not let them do that.²⁶

Complaining to the education authorities cannot bring a solution

The National Education Policy, 2010 emphasizes making education inclusive for all, especially for the students from disabled, social-economically disadvantaged and ethnic groups. In practice, a different picture was revealed. This research has found that allegations of racist behaviour by 'mainstream' classmates and teachers in schools have not been resolved. In this case, some students and parents have also been the victims of negative comments from teachers in the wake of the allegations. In one of the data collection locations, *Dalit* students were discriminated against by their peers during school's science lab practical. These students belonging to the mainstream community did not let the *Dalit* students touch lab instruments. The *Dalit* students raised the issue to their lab instructor. The instructor agreed with the mainstream students and told the *Dalit* students not to touch the lab instruments. When parents of these *Dalit* students complained to a science practical laboratory teacher about *Dalit* students not being allowed to hold science practical laboratory equipment by the mainstream students, the teacher said:

The mainstream students perform the lab test well, so Dalit students should observe how others are practising the lab test and learn the process.

²⁵ [Covid-19-Quick-Survey-for-Community-Response-for-TG-and-Hijra_Bandhu.pdf](#) (Accessed on January 6, 2021)

²⁶ KII, representative of *Hijra* community (March 7, 2021)

One of the respondents from the *Dalit* community said that teachers sometimes did not give enough importance to their complaints regarding discriminatory behaviour. The teacher explained, sometimes mainstream community's students used abusive words (referring to the profession of the student's father) towards a *Dalit* student. When this *Dalit* student's parents complained about the issue to their class teacher, the class teacher said:

What can I do? I did not teach them this kind of language. They are just kids; they can say this type of word.

There is another example, where a mainstream classmate called a Rakhain student "*Mog*", which is a racially abusive name. Later, that student's parent complaint the issue to the class teacher. In response to the parent's complaint about a mainstream student making derogatory remarks about an indigenous student's ethnic identity, the teacher said:

A Mog should be called Mog. There is nothing wrong with that.

Students from the indigenous community were sometimes victimized by their class teachers also. There are examples of not taking any punitive action against these teachers. For example, an indigenous student was racially abused by his teacher in the CHT. The indigenous community demanded the teacher's transfer from the school. For this, they submitted a written complaint to the Upazila Education Officer and UNO, but nothing happened. The education officer said transferring the teacher would be unlawful. This education officer told them that, if this teacher is transferred then it will be difficult for the education department to send another teacher here because of the school's remoteness. So the transfer will ultimately hamper the education of that indigenous communities' children.

Box 3: Racial abuse goes unpunished

In 2019, at an Upazila of Jessore, students from the Rishi community studying in a government primary school were told to clean the school toilet. These students and later their parents protested against this discriminative and insulting behaviour. For doing so, it is alleged that their exam papers were not examined, eventually they failed the exam and they were kept in the same class. For this reason, none of this community students received stipend next year. After the incident, local *Dalit* community organized human chain, and informed the issue to local and national media. And later they wrote a complaint and submitted it to the Upazila Nirbahi Officer (UNO). The UNO formed an investigation committee which was led by the Upazila Education Officer and Social Service Officer. Instead of conducting investigation, these Investigating officers threatened the complaining parents that filing a complaint against a government official would not bring good results for the *Dalit* community. The investigation committee blamed the *Dalit* community for the problem. Later some leaders from the primary school's teacher association communicated with *Dalit* parents and promised to solve the problem. They also promised to make resolution that none of the *Dalit* student will be discriminated. The matter later remained unresolved.

TIB's previous study conducted in 2019 flagged that some students argued that they never complained to their teachers even after experiencing some racially abusive behaviours from their peers. Not considering the non-reporting culture, some teachers argued that there exist no problems for *Dalit* and indigenous students in their schools. However, field data suggested that this existed in many schools, some reporting mechanisms were also there

and the authorities did not take proper measures. Some Upazila level education officials argued that they did not get any complaints from *Dalits*. Rather, they claimed that the teachers were well aware of inclusive education. They did not think that the teachers could have any discriminatory attitudes towards *Dalit* and indigenous students. However, it was found that the Upazila Education Officers knew some incidences. In some cases, the officers were found to be defending teachers' negative attitudes.

It is evident that students from the marginalised community and their parents are discriminated against due to their identity and the practices in these institutions are not inclusive.

Complaints to the concerned authorities of the social security programme have not been redressed

Different ministries and departments of the Bangladesh government provide aid and allowances for different marginalised groups through their social safety net programmes. The purpose of these programmes is to improve the living conditions of the marginalised groups. But the targeted population face different types of challenges while availing the safety net services which goes against the spirit of these programmes.

From one of our data collected areas, it was found that not all the eligible families in a *Dalit* colony received relief assistance during the Covid-19 epidemic. A list of 150 people from that particular community was submitted to their elected representatives for the COVID-19 relief. Only 50 people from that list received relief. One *Dalit* leader from that community raised the issue to the Chairman, who suggested raising the issue to the DC of that area. But there is an instance where no solutions are found by complaining to the deputy commissioner about the relief lists. According to the *Dalit* leader, the DC said:

I am here to support the elected representatives. I cannot interfere with the list made by the elected representatives.

Almost the same kind of experience was found in the previous study of the TIB. In that report, a Social Service Officer in a study location informed that beneficiaries are mainly nominated by the UP members and chairmen. According to the report, it is difficult for the Social Service Officer to scrutinise every beneficiary's background and check their eligibility for the support.

A social service officer in another location also informed about the same procedure. He continued saying:

We do not prepare the entire beneficiary list. We just verify and enlist the persons nominated by the members and chairmen of UPs.

Not getting cooperation from the concerned land authorities despite a complaint

The Government of Bangladesh does not acknowledge the traditional land rights of the indigenous communities. Indigenous people were evicted from their lands by the forest department in the name of protecting the "reserved forest" despite complaining to the local administration and elected representatives. In some parts of Tangail and Mymensingh districts, the dispute on the native land by the indigenous groups has a long history. Here, *Garo* and *Kontch* have a history of living in and around the forest for centuries. They used this land for traditional cultivation and living by paying tax to the *Zamindars*. Some indigenous families still have those land tax payment documents. However, the forest department and other relevant authorities are claiming that these indigenous people living in and around the forest do not have legal rights to be there. The remaining parts of the Madhupur Sal Forest have been declared as reserve forests by the forest authorities. There was a case filed in the High Court by an environmental organization appealing that the declaration of "reserved forest" in the Madhupur has been made unconstitutionally and without following the law. In this case, the High Court gave some specific directives which were ignored by the forest department. Among the directives, two of them were to properly demarcate the Madupur Sal Forest and solve the problem following existing law by ensuring the rights of indigenous people living in that area. Despite the court directives, promises made by concerned local authorities and representatives about no eviction or encroachment of the lands of the indigenous families, the forest authorities are regularly trying to push the indigenous community out of this forest.

The "reserve forest" and the "National Park" issue is a long-disputed issue at Madhupur of Tangail. In 2016, the Ministry of Environment and Forest declared 9,125.07 acres of land as reserve forest under section 20 of the Forest Act 1927. According to the local indigenous leaders, section 20 of the mentioned law was used without fulfilling the previous sections of the law. The indigenous forest dwellers are entitled to claim their rights under Sections 5, 11, 12, 14 and 15 of the Forest Act, 1927 over the land right of way, right of pasture, right of forest produce, right of water and so on in forest areas covered under the Section 4 and 6 of

Box 4: Complaints against elected representatives not resolved by the authorities

"The chairman openly calls us 'Indians', 'outsiders', 'occupiers of the hills' and refrains from giving us various certificates and including us in the list of allowances. The concerned officials know that our ward members also take bribe from us for different services, because I told them about these misdeeds. But the concerned people do not do anything as there is trouble in taking action against the elected representatives."

- Leader of tribal organizations

the said Act. During our research, it is found that no steps have been taken by Forest Department to settle the above-mentioned rights of the indigenous families living in the mentioned areas. The local administration and representatives have promised several times that forest dweller indigenous peoples will not be evicted from the forest. But in reality, indigenous families were directly or indirectly under pressure by the local Forest Range Offices, even though there were several directives given by the High Court. In a judgement of 2018, the first directive of the High Court was “to correctly identify the border of Madhupur Sal Forest as per the gazette notification dated 02.02.1956 and 19.07.1984”. According to our key respondents from this area, this directive is not being taken into account by the Forest Department and no such demarcation has been made by this department. Another directive of the High Court was, “conduct a door to door survey to amongst the forest-dependent people, in particular, the ethnic community living in and around the forest of Madhupur Sal Forest to settle the issue of their settlement following the law.” But according to the respondents of that area, any such survey was yet to be conducted. Despite these directions made by the High Court, in September 2020, at Pegamari village in Arankhola Union at Madhupur, the Dhokla forest range officials destroyed a banana garden of a *Garo* woman in the name of social forestry. Adding to that, indigenous families are not allowed to renovate their houses situated in the forest. Also, they are not allowed to cut trees that were planted by them in their house surroundings. Many *Garo* and *Kontch* members are being sentenced just because of the false case filed by the local range office.

In Sherpur, there are instances of eviction and destruction of crops and orchards in the name of social afforestation by compiling a list of "illegal occupants" by the Forest Department referring to the houses and cultivable lands of the local indigenous. On 12 August 2021, the Balijuri Range Office of the Forest Department destroyed the corps and betel nut garden of five indigenous families in the Balijuri Christianparah of Sribordi, Sherpur. According to the forest department, this was their regular initiative to protect the land of the forest department. One of the local indigenous leaders said:

Last year (2020), the Parliament Standing Committee on the Ministry of Environment, Forest and Climate has decided to evict the “illegal people” living in the land of forest. They have not clarified who these illegal people are. Most of the time indigenous people living here are getting evicted, not the powerful people who are in reality are living here illegally. The recent drive by the forest authority was the result of the parliamentary standing committee’s decision.

According to the victims of these incidents, their neighbours and local indigenous leaders, they have a Church here which is 111 years old. They have a history of living in this place and growing traditional crops for more than a century. The ownership of these lands is transferred generation after generation. Local leaders from the indigenous community expressed their frustration that it is difficult for these indigenous families to file a complaint against these misdeeds for so many reasons. One of them is state’s laws and practices are not inclusive. The laws of the state do not recognize their traditional land rights. Indigenous people’s access to the land right is blocked by this. The process started in the Pakistani period by stopping *Jum* cultivation, which changed their way of life entirely. Secondly, their identity itself is a burden on them. Just because of identity, indigenous peoples get neglected to get service. Moreover, the negative attitude of the service providers is a challenge for these passive natured indigenous families. So, when they do not get service,

they do not feel the urge to complain about it, some of them do not even know how to complain. Also, some of them are so poor that they think twice about money before starting for an office to file a complaint. Because some of them do not have money for travelling to these offices. Hence, indigenous persons think that the Range Office is a part of this public administration which is already against them. So nothing will change if they go and complain to another administrative office. Local community leaders are doing a voluntary activity. They also have a fund crisis to support the victims with legal assistance.

Indigenous peoples are reliant on land, as, like their hereditary, they do not like to do other jobs. But they are not getting enough output from the land. On the other hand, they are not making a profit by selling their crops. In some places, the land is cultivable only for a season that is to live their livelihood. To manage the daily expenditure, they sell their land or put it in a mortgage, which later forces them to sell the land for not paying the mortgage and eventually making them landless. There is no government initiative to protect this group of poor people. Regarding the land rights of the indigenous groups, a leader of an indigenous organization said:

For indigenous people, land right is the biggest challenge than the language right. If you don't have a place to stay and stand, then what are we going to do with the rights of your language? Maybe in the next 20 years, almost 80% - 90% of indigenous people will become landless. A few years later, NGOs will not have any work regarding the land rights issue of the indigenous groups, because these groups will become landless soon.

According to one of our respondents, in a Khash land people from the mainstream community illegally built a poultry farm. The poultry farm was adjacent to a temple, which was destroying the sanctity of the temple. The indigenous community notified the issue to the local land office, UNO and DC. But they did not take any action. With grief, the indigenous person expressed:

If the government can't take action to protect its land even after a legal complaint, then what else can we expect from them in other instances to ensure accountability.

Field data reveals that in the name of development, government agencies were occupying indigenous people's land. The government is building Payra Port on Rakhine land. The government has made such land acquisitions that some of those lands were used by a crematorium. They have cut down sacred trees which were worshipped by the Rakhine in different rituals. One respondent from this area said with grief in her voice:

If the government can do this to us, then where should we go to complain.

Field data reveals that there is a gap in taking punitive measures even after filing a complaint against local elites, local land officials and forest officials if they are found involved in irregularities.

Adverse reactions to the filing of complaints

Informants of our research shared their experience that just because of filing a complaint marginalised people had to face a negative experience. For example, relief assistance to indigenous families has been cut off due to complaints about receiving less relief under the Social Safety Net program. About this a respondent expressed:

Indigenous people think that we are getting at least five kilograms of rice instead of ten kilograms, if we complain we won't be receiving anything at all. There is nowhere to go for the indigenous community people to complain.

Elsewhere, due to the resistance of upper-caste Hindus, the body of a *Dalit* was not allowed to be cremated in a local crematorium. They throw the corpse from the *Chita* (funeral fire) and beat the *Dalit* community with the *Chita*'s wood. The *Dalit* community seek justice from the UNO in this regard, he asked them to cremate the body in a different crematorium.

After the cremation of the deceased person, they organized a procession. In the meantime, the upper caste Hindu leaders filed a fake case against the *Dalit* leaders. Later, the *Dalit* leaders took bail from the high court and tried to file a case against this kind of discrimination. But due to the absence of any anti-discriminatory law, they couldn't file any case.

In another place, complaining that 100 per cent sanitation among the indigenous

Box 5: Discrimination was institutionalised after filing a complaint

At Bagherpara of Jessore, there is a local market, where almost 80% of shop's land is owned by the *Rishi* community. And the owners of these shops are either Muslim or from upper caste Hindu community. Here, in restaurants, *Dalit* were not allowed to sit with the upper cast Hindu and Muslim groups. This *Rishi* community then said, if you can't sell a cup of tea to us, then we won't let you run your business on our land. After a heated debate, the local chairman and some thugs attacked the *Dalit* people. This *Rishi* community gave a written complaint to the UNO. Later, the UNO decided that restaurants should keep separate tea cups and plates for the people of *Dalit* community. The decision was written on a 300 Taka stamp and signed by the UNO. Situation is still prevailing in that and in the nearby area's restaurants of Bashbaria Bazar of Keshobpur. The district level administration and previous member of parliament were informed about the situation, but they did not take any action. The MPs calculates his vote bank, that's why he was unwilling to take any action.

communities was not ensured, a professor from the indigenous community had to face the experience of almost being thrown away from the meeting in the presence of public representatives and government officials. The professor said:

Once in a public forum, I expressed that 100% sanitation facility is not ensured in the indigenous communities. Right after saying that, the local Union and Upazila Chairman, MP and local administration became so angry. The MP said that the government of Bangladesh is saying that 100% sanitation is ensured and they have already declared it. Why are you saying the opposite then? They almost throw me out of the meeting room. I was feeling so unsecured just for informing the real scenario of the indigenous people's living conditions.

Raising a complaint or concern through the existing accountability mechanism does not always bring positive change for the marginalised groups. Hence, they are more victimized for that.

One TIB research conducted in the year 2018 on the tea garden workers reported that, according to the bilateral agreement, if a worker does not receive his due facilities or s/he

wants to complain about any other issues, Panchayat or valley president will try to solve it with the help of the garden manager.²⁷ According to the report, 19.2 per cent of workers have complained to different persons on different issues, among which 38 per cent was resolved, 58.2 per cent not solved and 3.8 per cent were still under process. However, in many cases, workers do not lodge a complaint or get interested to do so for various reasons like lack of awareness, not getting redress even after complaining, and the fact that location of specialized labour court is in Chottagram which needs long travel for workers residing in another district.

3.3.2 Challenges in the concern stakeholder's supervision and management

Lack of supervision

Every public institution's GRS is supposed to be supervised. The management of a particular office has the role of overseeing GRS related activities like checking the status of the complaint register book, practices like providing a "received copy" to the complainant and following up on the complaint's progress. But supervision of the complaint system is not integrated. People from the indigenous community filed written complaints about education, land and social security programs by appearing in these offices. But due to their indigenous identities, there are instances of complaints not being recorded, preserved in the register and followed up. According to our respondent's experience and the opinion of the relevant expert, institution-wise GRS's supervision is very loose and lacks coordination. There is no monitoring or follow-up mechanism to evaluate the service delivery mechanism. There is no assessment to enquire whether the right beneficiaries are getting the social safety net services in the right way or not. One indigenous leader shared his experience that his complaint letter got lost twice after submission in the UNO office which was not registered in the book and in both cases the concerned officer did not provide him with a received copy. According to one Thana Education Officer, there are instructions to preserve the complaint related documents but sometimes it is not being followed.

Marginal Population Data

There is a lack of supervision and lack of coordination in collecting population data of marginalised groups. There is a discrepancy regarding the *Dalit* community's total population mentioned by different government offices. Different marginal population numbers and definitions are mentioned on the websites of the Ministry of Social Welfare and the Department of Social Services and in their various reports. The same situation is also found in other concerned organizations' websites. For example, the Seventh Five Year Plan states that there are over 30 different *Dalit* groups in Bangladesh, representing 45-55 lakhs of the country's population. However, the Department of Social Services (DSS) states that about 1,329,135 underprivileged people (some of the *Dalit* group's names are used by them as an example) are living in Bangladesh, which identified the *Dalit* communities based on their "low level" jobs.²⁸ And according to the survey of the Ministry of Social Welfare,

²⁷ Working Environment and Workers' Rights in Tea Gardens: Governance Challenges and Way-forward, Transparency International Bangladesh, 2018; https://www.ti-bangladesh.org/beta3/images/2018/report/tea_garden/Full-Report-BN-Tea-garden-study.pdf

²⁸ The Department of Social Services website; <http://dss.gov.bd>; (16/05/2021)

there are about 44 lakhs *Dalit* and about 13 lakhs *Harijan* people living in this country.²⁹ Although the Ministry of Social Welfare has identified *Harijans* as a separate group, they are counted as *Dalit* in much different literature.

According to the National Population Census 2011, the country's indigenous population is approximately 1,586,141 (BBS, 2011). However, the Indigenous Peoples' Forums of Bangladesh claim that their population is over thirty lakhs (Roy and Chakma, 2015).³⁰ A report, made by the International Work Group for Indigenous Affairs (IWGIA), it is mentioned that the population of indigenous communities living in Bangladesh is 50 lakhs.³¹ The Schedule (SRO No.78-Law/2019) of Ethnic Minorities Cultural Institution Act 2010 recognizes 50 ethnic minorities groups in Bangladesh.³² However, the Indigenous Peoples' Forums of Bangladesh claim that in Bangladesh there are more than 54 distinct ethnic groups who speak at least 35 languages, along with the majority of the Bengali population (Roy and Chakma, 2015).³³

In the case of the transgender community, on the website of the Ministry of Social Welfare and the Department of Social Services, the number of is mentioned as 10 thousand³⁴ and 11 thousand³⁵ respectively. So it is evident that issues of the marginalised population statistics are not well supervised and coordinated due to negligence. This is a basic problem to understand the demand of the population during programme planning and mainstreaming them.

Lack of supervision in education

The Bangladesh Tea Board (BTB) and the Department of Inspection for Factories and Establishments (DIFE) are supposed to monitor and supervise the schools established in the tea estates. A large number of the children of the tea workers attends the primary school established in the tea estate. These schools are not under the coverage of the government's education stipend. Children from the tea worker's family who goes to the government primary schools are under 100 per cent coverage of the stipend. But in many cases, these government schools are established far away from the workers' housing of the tea estate. So, due to the distance of the schools, the dropout rate is high in this community. The tea garden authority managed schools are out of the monitoring framework of the local education office, which creates a huge risk on maintaining compliance issues to provide quality education to the children of the tea garden workers. Data collected from the tea garden worker and their leaders revealed that there was a scarcity of school building structure and classrooms, teaching-related logistics, bench and tables. Most of these schools are single-roomed schools, with one/two teachers who attend all students from class one to five. In some of these schools, students have to sit on the ground, the education

²⁹ The Ministry of Social Welfare website; <https://msw.gov.bd/site/page/22f31a43-bdab-4613-9fa2-4bb9ab5fe539/>; (16/05/2021)

³⁰ National Seminar on Indigenous Peoples in Bangladesh: Human Rights and Sustainable Development Goals; 10/12/2015; [Page 01 \(ilo.org\)](https://www.ilo.org/)

³¹ <https://www.iwgia.org/en/bangladesh/3446-iw2019-bangladesh.html>

³² The Schedule of Ethnic Minorities Cultural Institution Act 2010 (Act no 23 of 2010) Accessed <https://cutt.ly/NvwV506> at 13-Apr-2021

³³ National Seminar on Indigenous Peoples in Bangladesh: Human Rights and Sustainable Development Goals; 10/12/2015; [Page 01 \(ilo.org\)](https://www.ilo.org/)

³⁴ The Ministry of Social Welfare; [হিজড়া-জনগোষ্ঠীর-জীবনমান-উন্নয়ন-কর্মসূচি \(msw.gov.bd\)](https://msw.gov.bd/) (18/09/2021)

³⁵ The Department of Social Services website; [হিজড়া-জনগোষ্ঠীর-উন্নয়ন \(dss.gov.bd\)](https://dss.gov.bd/) (18/09/2021)

materials are also inadequate. There are some schools where there are no formal teachers appointed by the tea garden owner/authority.

Previously researched by TIB in 2018 on the tea garden workers' rights found that "according to the Labour Rule 2006, every garden is required to establish a primary school for providing free education of workers' children.³⁶ But, there is no primary school established by the garden authorities in 40 gardens out of 64 surveyed. However, there are government primary schools in 32 gardens and primary schools run by NGOs in 30 gardens. In six of the surveyed gardens, there is no school at all. It is found that there are school-going children in 51.4 per cent of workers' houses aged 12 years or below. Among those 84.2 children go to school. Of those who go to a school, 21.5 per cent go to garden schools and 78.5 per cent to government or NGO run schools. In garden schools, there are one or two rooms where classes of five grades take place. Most of the teachers in those schools are given salaries daily as given to non-permanent workers. These schools do not have adequate benches, furniture, learning materials and playgrounds. Understandably, the quality of education in these schools is not good enough. Most of the workers, therefore, send their kids to government or NGO run schools. Although officially some of the garden schools have been taken over by the government, no infrastructural improvements have been done so far. Students of garden schools also remain deprived of government stipends. However, the authority recruited qualified permanent teachers and provided them with a salary as per structured scale in five gardens. This is a major red flag proving that there are lacking on the authority's part which is enabling the garden owners to break the law.

Bengali is the main medium of education in schools. But there are children from the *Dalit* and indigenous community who does not speak or understand Bengali very well. So some of them find it difficult to understand the textbook and lectures of the teachers. Also, it is difficult for them to communicate with their teachers if they do not understand the exam questions. There are instances like when an indigenous student could not explain about the emergency to go to the toilet and this caused him to urinate in the classroom. This kind of embarrassing situation creates huge mental stress on them.

Due to the lack of supervision of the education authorities, the issue of neglecting the education of marginalised students have come up in the study. For example, the lack of infrastructural facilities in the tea garden schools and the necessary furniture in the classrooms and the non-cooperation of the teachers regarding the non-understanding of the teaching and examination questions of the non-Bengali students is a picture of lack of supervision.

Lack of supervision in health services

As mentioned in the labour Law, 2004, the tea garden owner or authorities will ensure the health services of the workers. Bangladesh Tea Board (BTB) and other relevant authorities like DIFE will supervise the service delivery status. The tea garden authorities are providing little to the health care of the workers as per the provisions. The health care of the workers is being neglected due to the lack of supervision by the concerned authorities. Diagnostic research conducted by TIB in the year 2018 revealed almost a similar kind of picture, which shows lack of supervision is remaining. In that research conducted in the year 2018, "a total

³⁶ Working Environment and Workers' Rights in Tea Gardens: Governance Challenges and Way-forward, Transparency International Bangladesh, 2018; https://www.ti-bangladesh.org/beta3/images/2018/report/tea_garden/Full-Report-BN-Tea-garden-study.pdf

of 64 gardens were surveyed. And 11 gardens out of 64, there has no hospital or dispensary. In the medical centres or dispensaries, according to the Rule, there should be both indoor and outdoor facilities. However, there are no indoor services in the medical centres of 41 gardens. Out of 53 medical centres, part-time MBBS doctor is available only in 17 centres, Medical Assistants in 7 centres, Compounder in 42 centres, Dressers in 45 centres, Mid-wives in 31 centres and 10 Trained Birth Assistants in 41 centres. Some of the dispensaries are housed in a small hut made of mud where a compounder comes and stays for a short time and provides some primary treatment services. No provision for tests is available there. The gardens that have medical centres or dispensaries, beds are not available in 21 of them. In rest 32, conditions of beds are very low – some having no bedcover, and if bedcovers were available, most of them are dirty and almost all beds are broken which are used merely for the physical exam of patients and not for inpatients. They are only used to examine outpatients, not for admission. Most of the medical centres or dispensaries do not have arrangements for maternal health services. As the cost of refereed delivery patients and patients with severe conditions are required to be borne by the gardens, in most of the cases they refer those patients to nearby government hospitals or Thana Health Complex verbally.

These dispensaries most cases distribute medicine like paracetamol. Moreover, it is alleged that garden authority supplies medicine in lower quantity and quality compared vis-a-vis what the doctors or compounders of these dispensaries place requisition for. It was also mentioned in the survey that, family members of 75.4 per cent workers took services from above medical centres or dispensaries of whom 21.9 per cent took it from doctors, 47.6 per cent from compounders, 16.8 per cent from nurse/birth attendants and 13.7 per cent from other service providers. During receiving services, 38.3 per cent of them got all required medicines from garden dispensaries, 51.8 per cent partially and 9.9 per cent got no medicine at all. About 62 per cent of patients had to buy medicines from outside, of whom 79.1% did not get any reimbursement for such purchase from the gardens. Although doctor/health service provider is supposed to come to the worker's home if s/he needs an emergency medical service, 36 per cent of the workers did not receive such service when they needed it. Again, 36.9 per cent of patients received services from outside of whom 27.1 per cent were referred to outside facilities. The remaining 73.0 per cent went to outside facilities on their own due to various reasons like absence of medical centre in the garden, absence of a doctor, lack of quality service and non-availability of quality medicines, etc. Of those who went to outside facilities, only 11.5 per cent were reimbursed partially and 17.8 per cent fully. About 35 per cent of those who received services from medical centres of the gardens reported dissatisfaction.

As nationwide public programmes, many public health-related programmes like ensuring safe drinking water facilities, sanitation and government immunization programs are implemented in the Chittagong Hill Tracts and adjoining plains. But it is found that they lack supervision from relevant authorities. According to experts, the basic health care service of Chittagong Hill tracks (CHT) is weak due to its geographical remoteness. There are lacking proper planning, assessing the special needs of this area and a lack of monitoring by the health department. Basic health care services like the Extended Programme on Immunization (EPI) is hampered in the CHT. Due to the remoteness, sometimes the field-level staff of the health department did not make regular field visits, sometimes they have to rely on the transports (helicopters) of the Bangladesh Army to travel. And sometimes

they visit these areas without prior notice when indigenous families are not available at home. For this, very often children from these areas get excluded from the EPI, which sometimes triggers the spread of different diseases like diarrhoea and measles, which could have been easily prevented. Moreover, the spread of these diseases in these hard-to-reach areas are often called “unknown disease” just to hide the monitoring failure. According to the field data, the culprits are transferred to another place as the highest punishment.

This water is very unsafe and our travel for collecting water is very challenging. Due to this unsafe water, diarrhoea is a common health problem among us. With grief one of the respondents expressed:

Mainstream people are evicting us or grabbing our lands. They build resorts and tourist spots over there. After evicting us from those particular land, like a miracle, a full-time water supply is ensured there. I Don't know how? And why didn't we have a water supply, when we lived there?

Box 6: Basic needs of the indigenous community are ignored

"As soon as the army camp is set up here, roads are built and the supply of potable water is ensured. But the indigenous people still have to collect water from hill fountains or from rivers. The government is conquering the river Padma by spending so much money, building bridges with us could have been done at a lower cost. The proof that the state does not care about us is the advertisement 'I will transfer you at Bandarban' through national media."

- An indigenous person in the Chittagong Hill Tracts

3.4 Transparency

Access to information, self-motivated information disclosure regarding services, awareness-raising activities

Transparency in the mentioned public services was assessed by analysing the state of access to information and proactive disclosure of information and measures taken by the authority to increase the awareness among the marginalised groups.

Access to information is an indispensable key on availing accessing government services for all. The available access to information and information disclosure mechanism of the government includes citizen charter, Right to Information (RTI), the online web portal of the respective ministry/divisions, central web portal – the *Sebakunja*³⁷, at Upazila and rural level via '*TotthyaApa*³⁸' information centre; at union level Union Digital Centre (UDC); calling on national information hotline 333; designated information officer at service delivery organizations, Union and Upazila level open budget meeting and ward meeting etc. Different government authorities have their hotline numbers³⁹ e.g., 999 for emergency services on police, fire service and ambulance, 16430 for legal advice and support, 1098 for any issues related to children, 16263 for health issues, 16108 for human rights issues, 105 for NID related issues. Apart from the '*TotthyaApa*' program's door to door visit initiative, all

³⁷ Details available on <https://services.portal.gov.bd/> Accessed 27-April-2021

³⁸ Details available on <https://totthoapa.gov.bd/> Accessed 27-April-2021

³⁹ More on <https://cutt.ly/avRnW89> Accessed 19-Apr-2021

other available programs are re-active i.e., from the demand side if there are any urges then the system will respond accordingly.

3.4.1 Challenges in access to information

Access to information related to services

The government of Bangladesh provides a stipend for students, some of these are provided through different programmes for specifically targeting the students belonging to the marginalised groups. Some students from *Dalit* communities studying in government or registered (MPO) schools informed that they faced some interruptions in getting the regular stipends, although their peers get smoothly. The parents of these students did not even know why this was happening, their teachers also did not inform them about it even after asking. Some female students informed that they used to get the stipend but it was discontinued without any reason. They shared it with their teachers but did not get any answer or solution.

On the other hand, there are instances of embarrassment and threats of the hospital authorities and local influential people when the *Dalit* community requested information from the Upazila Health Complex regarding the distribution of medicines under the Right to Information Act.

Box 7: Health related RTI experience

“Two years ago (2019), with the support of our organization, one agro-based day labour cum house wife from the *Dalit* community applied RTI in the local Upazila Health Complex, regarding the facility’s medicine distribution related documents. After that, she came under lot of pressure from the hospital authority, local administration and political leaders. Later, I (the respondent) applied another RTI on the same issue to split the external pressure’s burden on the lady. We were both going through lot of threats from the different powerful groups. After some time, we decided that the more we get threatened by these people, the more we will file RTI application. At the end we had to file almost 100 RTI on the same issue and finally received the desired document from the health complex. This document unveiled that medicines were distributed to persons who only existed in the books, but not in reality.” - *One Dalit leader*

Difficulty to access information on an accountability mechanism

Some government officials and local representatives tend not to take complaints from the marginalised community. Also, they do not provide a clear message about the complaint redress mechanism. One of our respondents shared her experience that once she went to the ward counsellor’s office to give a written complaint about not getting enlisted in the old-age allowance programme. The secretary of the ward counsellor told her that she need to go social service office to file a complaint. In the social service office designated officer told her that it is handled by the local counsellor, she should go there and file a complaint there first. Then she went to the counsellor’s office and submitted her complaint to the secretary of the counsellor. A few days later, when she went there to follow up on the issue, she found that a new secretary was working there. The new secretary said that the previous secretary did not handover him any old age allowance related complaint letter.

It was also found that obstacles were created to prevent people from filing complaints. There are complaint receiving and redressing mechanisms in the Upazila Health Complex, including written complaint letters and complaint boxes. But according to one of the respondents (coordinator of an NGO):

I have visited all the Upazila of Netrokona district. In almost all the health complexes, the complaint boxes are not placed in a visible position.

According to the health officials of the health complex, they did not receive any complaints from the *Dalit* community through this process. Most of the time they received the verbal complaint and try to address that. These verbal complaints were not documented in any register, so they did not feel any need to follow up on those.

Reasons for lack of access to information

According to service recipients and sector experts, due to geographical challenges, lack of awareness about services, less education or illiteracy, reluctance, socio-economic status, social deprivation, marginalised people faces challenges to access to information. Service recipients from the indigenous community who live in CHT face challenges to access information due to geographical challenges. Tea garden workers also face the same challenge. These groups lack awareness about the services provided by public institutions. Another reason behind this lack of awareness is the lack of publicity about the service in a medium which reaches the maximum number of marginalised groups. Illiteracy is another problem that makes it difficult for some people in these groups. The literacy rate is very low among the older persons in the *Dalit* community. So they do not understand what is written on the posters, billboards, citizen charters or on the notice board that they find on the premises of LGI offices. Due to inferior socio-economic status and social deprivation, physical deformity of the acid victims, gender identity crisis faced by the transgender, marginalised groups were forced to nurture a habit of not going to this office. These kinds of negative traits are a challenge for them in, first of all accessing the office and secondly accessing necessary information.

The tea garden workers live in the areas mostly which are very remote and isolated in terms of swift communication. Additionally, people from these communities are also reclusive by their psychological nature and they have grown a habit of living with their unprivileged life which is full of discrimination and deprivation with very limited opportunity to raise their voice. The literacy among the tea workers' community is also very low. Combination of all these factors has made them passive to get access to the existing mechanism which enables them to access to information as a citizen. Most of the tea garden workers are unaware of this available access to information elements as well as components of transparency mechanism related to government services. Due to their lack of awareness of these systems' existence, they tend not to visit respective Upazila offices either to get available information or to complain. Most of the time for getting necessary information they either go to the local Union Parishad (UP) members or their community leaders; whatever the response they get from there, they remain satisfied and do not query further. Field data from 2019 to March 2021 reveals that people from the tea garden worker group did not file any application under RTI Act 2009 at any local offices related to education, health, local government, department of social services.

3.4.2 Lack of disclosure of self-motivated information related to services

Transparency in disclosure of service-related information

Information of special support for the marginalised groups as well as regular safety net schemes is not widely circulated. There are some allowances for the indigenous and *Dalit* communities provided by the PMO and DSS respectively. Almost all the indigenous and *Dalit* respondents of our study said that they did not have a clear idea about the beneficiary selection process. The selection of beneficiaries from the marginalised groups for the social security program is done in a non-transparent way. For example, the beneficiary selection is not publicized locally and nationally, and the reason for not getting selected for the Social Security program is not revealed to the applicant. They did not know when does any special support or allowance and the regular allowances comes and based on what ground these were distributed to particular someone. Field data suggests that beneficiaries are unaware

of why someone is being selected for an allowance and why someone is not selected even if they ask about it. The selection process is not participatory and transparent. Some of the respondents said that they went to a local government office regularly, even they did not know when the selection process was conducted. One of the respondents from Gazipur said that she never heard any public announcement made by the respective offices regarding any allowance and beneficiary selection. She said:

In some Indian channels, in primetime, they announce their social safety net programmes. Why can't we have that kind of announcement?

According to a research of TIB in 2019, the *Dalit* communities in the study locations are not well aware of the supports and processes of accessing safety net programmes, though the officials claimed that the selection process is transparent in both cases. For example, a social service officer in a study location claimed that they arranged a public announcement to inform all *Dalit* people about the allowance through UP chairmen and members in the entire Upazila. Based on a given date the deserving *Dalit* people were asked to gather at the UNO office. The UNO himself facilitated the selection process by maintaining an open process. However, it was found in the reality that the UP chairmen and members took the *Dalit* persons with whom they had good relations. From the picked up *Dalit* persons, the UNO selected the beneficiaries. The current study found out that almost the same non-transparent selection process is prevailing in the field.

One of the respondents who is a *Dalit* rights activist said:

The question of inclusion is absurd when information of different services is not shared with the Dalit. Doing so, their access is blocked by the service providers. For this reason, they do not have the urge to visit the service delivery offices.

Box 8: Lack of transparency in government's development project

According to the National Social Security Strategy 2015, government has taken initiatives to construct sweeper colonies in different districts. As per plan government is making 600 flats in three areas across one of our study location. But in this district there are 490 *Dalit* families. They do not know why these extra flats will be made. Local *Dalit* community and Sweeper's Union do not know clearly about the relocation process. Previously they reached to the executing authorities, but they did not share their plan with them. In one of the colonies of this district, there are 180 families and 90 of them will be relocated in the first phase at another nearby *Dalit* colony for temporary basis. But only 50 ten-shed house has been prepared in that colony for these 90 families.

Deficit in the practice of self-motivated disclosure of information

Field data reveals that although public hearings are held on land issues, it is not publicized in the areas where indigenous people live in. In addition, the practice of publishing and disseminating self-motivated information about service and grievance redress systems by service providers is negligible.

Their insensitive behaviour sometimes makes the indigenous and *Dalit* people do not go to the service providing offices. In this context, a former grievance redress officer said:

We do not like to receive a complaint. Because investigating it, redressing it is a hectic process. No one likes to work in this department. This is one of the departments where the frequency of the designated person's change is very high. There is no bounding to register the complaint and follow-up those. So we are not bound to do this. On many government offices' websites, you will not find the name or contact number of the GRS Officer, because they intentionally do not want this to happen.

3.5. Participation

Participation of the marginalised groups in evaluation of the suitability of the initiatives taken and in task management steering committee

Participation in decision making regarding access to public services has been regarded as significant in ensuring the delivery of effective government services.

3.5.1 Participation in evaluation, work management and other management committees

According to the rules, there should be representation from the school founder's in the school management committee. However, the participation of the marginalised people in the school management committees and meetings is not ensured. For example, although there is a provision to make the land donor a member of the school management committee, there are instances of not keeping the donor or his family or even any member of his community in the school management committee where the school is built on the land donated by *Dalit* and indigenous person. According to the respondent, in recent years, the mentioned school had shown resistance to including *Dalit* students in the school. Coincidentally, an almost identical situation was described by a *Rakhine* respondent in another location. It was also revealed that one *Dalit* person, who was an elected SMC member, did not receive any meeting invitation regularly. Meetings were usually held without his presence. And also in the meeting of the management committee, the opinion of the member of the *Dalit* community was not taken or his opinion was not given importance. According to his speech, some of the members from the mainstream community are against the inclusion of *Dalit* members in the management committee and hinder their participation. The members from the mainstream are quite adamant to accept the opinion given by the member from the marginalised community.

Sometimes the representation of the indigenous community in the school management committee depends on the terms and conditions made by the mainstreams. For example, an indigenous person's representation was allowed only because he donated land for the school, although most of the students of that school were from the indigenous community.

Nevertheless, when the school was named, a national leader hid the local indigenous leader's name who donated the land for the school.

There is a special safety net program naming Improving the Living Standard of the *Dalit* Community. For selecting beneficiaries of this programme, it is mentioned in the rule that people from the *Dalit* and *Harijan* community should be included in the Upazila coordination committee. But in practice, it is technically ignored. Sometimes they select some *Dalit* representatives who are passive or well connected with the local politics and would not protest against any irregularity.

Sometimes the participation of indigenous people in the development standing committee is ensured just for a nominal reason. For example, the local government added one indigenous woman to a standing committee, but she never received any meeting invitation nor she was updated about a meeting held before. In another area, for the Development Assistance for Special Areas program's Upazila coordination committee, a peon (support staff) from the UNO office was nominated by the UNO as a member of the committee. This peon felt uncomfortable sitting in the meeting room's chair in the presence of the UNO. One indigenous woman protested this peon's involvement in the committee. The UNO called her to his room and threatened her saying:

Do you think I should take your opinion about who to include or exclude in the committee? The government is not bound to take your (indigenous people's) opinion on this matter. I can form the committee as I wish. If you go too far, the government has the power to stop all the activities of your organization.

In another place, one indigenous respondent urged the government official to take the opinion of the indigenous community or conduct a need assessment before making any development plan. Later that he was not invited to these sharing meetings anymore.

Chapter 4

Conclusion and Recommendation

4.1 Conclusion

The lack of precise data on marginalised people is an indication of indifference and contempt towards them, and a major obstacle to their mainstreaming process. The State is yet to properly define and recognise all the marginalised groups properly. Different policy papers, ministries and departments have different definitions or processes for identifying the marginalised groups. Lack of knowledge about the existence of these diverse marginalised people and the absence of a compact database on these groups indicates how ignorant the state is towards these groups' needs.

There is a lack of publicity among the marginalised people about public service and the accountability system. Government agencies are not making enough publicity about the services and accountability mechanism. Most of the marginalised people did not know how to complain in the event of discrimination or non-inclusion in a service. And those who knew about it did not file a complaint because they know that the process is ineffective. Also, they are fearful, because raising a complaint might bring harm on the person, family or even their community.

Due to legal constraints or absence of law, failure to properly enforce the law, marginalised people face inaccessibility and obstacles in ensuring accountability in services. Laws are existing to ensure inclusiveness and rights of the marginalised groups. But there are some deficits in the laws that create obstacles in implementation. Also, the implementation and effectiveness of these laws are not evaluated, sometimes the monitoring and follow-up mechanism itself is ineffective. Sometimes necessary environment for the implementation of the law is not ensured.

Another noteworthy issue is the negative mentality and practices of the staff in charge of the concerned authorities, marginalised people are discouraged from using the accountability system as they do not get the expected results in filing complaints but face adverse reactions. Above all, it will be difficult to achieve the goal of 'leaving no one behind' of the SDG, without strengthening the accountability system to meet the basic needs of the marginalised people.

The existing accountability framework of various service public organizations is in many cases not inclusive for marginalised groups as their language skills, financial and technical capabilities, etc., were not taken into account. Another noteworthy issue is the negative mentality and practices of the staff in charge of the concerned authorities, marginalised people are discouraged from using the accountability system as they do not get the expected results in filing complaints but face adverse reactions.

Above all, it will be difficult to achieve the goal of 'leaving no one behind', of the Sustainable Development Goal (SDG), without strengthening the accountability system to meet the basic needs of the marginalised people.

4.2 Recommendation

1. To eliminate barriers to the inclusion of marginalised people in various services and to ensure non-discriminatory and accountable services, the anti-discrimination act should be enacted quickly.
2. Gather accurate information of all marginal groups about their geographical location and population and update it regularly.
3. Ensure proper and regular publicity about the services and accountability system of government agencies at the field level and in all media in the language of marginalised communities. The involvement of marginalised communities and concerned private stakeholders should be ensured in the formulation and implementation of publicity plans.
4. To make the grievance redress system marginalised community-friendly, arrangements should be made to receive and record verbal grievances from the people concerned and to follow up regularly to resolve these grievances.
5. In a public hearing event in government institutions, separate time should be allotted for marginalised issues, and encourage them to express their concerns.
6. Regular public hearings should be conducted by the indigenous people to resolve the land issue and ensure the accountability of those concerned authorities.
7. Priority should be given to hiring or assigning representatives of the marginalised communities as service providers in the service establishments of areas where the marginalised population lives.
8. Reserved representation/membership should be created to ensure representation and participation of marginalised communities in various organizations including local government bodies.
9. To ensure inclusive, non-discriminatory and accountable services as promised by the Constitution, service providers should be trained to raise awareness to change the mindset and practices towards the marginalised communities.
10. To increase the transparency, accountability and participation of the marginalised people in the ongoing social security activities, regular assessment activities should be implemented with the concerned government and non-government stakeholders.

Reference

- Ahsan, T. A. & Burnip, L. (2007). Inclusive Education in Bangladesh. *Australian Journal of Special Education* 2007, Vol. 31 Issue 1. <https://doi.org/10.1017/S1030011200025598>
- Ali, M. A. (2013). "Social Exclusion and Poverty in Bangladesh", Titumir, R.A.M (ed.), *Measuring Multidimensionality State of Poverty in Bangladesh 2013*, Shrabon Prokashani, Dhaka.
- Ali, K. S. (2014). *Bangladesh Post 2015: Addressing Social Exclusion*, Dhaka
- Bal, E. (2007). "Becoming the Garos of Bangladesh: Policies of Exclusion and the Ethnicisation of a Tribal 'Minority'", *South Asia: Journal of South Asian Studies*, Vol. 30, Issue 3.
- Bottrell, D. (2007). *Resistance, Resilience and Social Identities: Reframing 'Problem Youth' and the Problem of Schooling*. *Journal of Youth Studies* 10(5):597-616. <http://dx.doi.org/10.1080/13676260701602662>
- Carter-Wall, C., & Whitfield, G. (2012). *The Role of Aspirations, Attitudes and Behaviour in Closing the Educational Attainment Gap*. Joseph Rowntree Foundation
- Dickerson, A., & Popli, G. (2012). *Persistent Poverty and Children's Cognitive Development: Evidence from the UK Millennium Cohort Study*. *Journal of the Royal Statistical Society Series A (Statistics in Society)* 179(2). <http://dx.doi.org/10.1111/rssa.12128>
- Dyrhagen, G. and Islam, M. (2006). *Consultative Meeting on the Situation of Dalits in Bangladesh*, International Dalit Solidarity Network/ Bangladesh Dalits' Human Rights.
- Foley, D., & Chowdhury, J. (2007). *Poverty, Social Exclusion and the Politics of Disability: Care as a Social Good and the Expenditure of Social Capital in Chuadanga, Bangladesh*. <https://doi.org/10.1111/j.1467-9515.2007.00559.x>
- Goswami, H. (2004). "Everyday Forms of Discrimination Experienced by the Minority: An Exploratory Study in a Village in Bangladesh", *Journal of International Development and Cooperation*, Vol. 10, No. 2.
- Manusher Jonno Foundation (2016). *State of the Marginalised Communities of Bangladesh*, Dhaka.
- Marshall, G. (1998), *A Dictionary of Sociology*, Oxford University Press
- Messiou, K. (2012). *Confronting Marginalisation in Education: A Framework for Promoting Inclusion*. <https://doi.org/10.4324/9780203121184>
- Mosse, D. (2010) "A Relational Approach to Durable Poverty, Inequality and Power", *Journal of Development Studies* 46(7): 1156-1178.
- Naher, N., Hoque, R., Hassan, M. S., Ahmed, S. M. (2018). "Leave No One Behind" Current scenario of the marginalised population in Bangladesh: identifying data gaps for action towards "Achieving Universal Health Coverage by 2030". BRAC James P Grant School of Public Health BRAC University. Working Paper, Series No.10. <http://dx.doi.org/10.13140/RG.2.2.22132.40327>

Nasreen, M. and Tate, S. (2007). *Social Inclusion: Gender and Equity in Education SWAPs in South Asia – Bangladesh Case Study*, UNICEF Regional Office for South Asia, Kathmandu.

Petrou, A., Angelides, P., & Leigh, J. (2009). *Beyond the difference: from the margins to inclusion*. <https://doi.org/10.1080/13603110701776024>

Ridge, T. (2011). *The Everyday Costs of Poverty in Childhood: A Review of Qualitative Research Exploring the Lives and Experiences of Low-Income Children in the UK*. <https://doi.org/10.1111/j.1099-0860.2010.00345.x>

Roy, R. D. (2002). *Land and Forest Rights in the Chittagong Hill Tracts, Bangladesh*. International Centre for Integrated Mountain Development (ICIMOD). Kathmandu.

Sarker, P., & Davey, G. (2007). “Exclusion of Indigenous Children from Primary Education in the Rajshahi Division of North-western Bangladesh”, *International Journal of Inclusive Education*, September 2007.

Sen, A., (1999). *Development as Freedom*. Oxford University Press.

Shafie, H., & Kilby, P. (2003). Including the Excluded: Ethnic Inequality and Development in Northwest Bangladesh. *Labour and Management in Development Journals*. Volume 4, Number 3. Asia Pacific Press 2003.

Zohir, S. et al. (2008). *Exclusion and Poverty: An Analytical Approach for Understanding Exclusion and Assessing Programmes Targeting the Very Poor in Bangladesh*. BRAC/ Economic Research Group, Dhaka.