

Source Book for **21** Social Accountability Tools



Sourcebook of 21 Social Accountability Tools

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Foreword

Dozens of social accountability tools have been developed around the world with the aim of enhancing accountability in government bodies which provide services to the citizens; some of these tools are, for example, citizen's charter, public hearing, public audit, citizen's report card, participatory planning and budgeting, and integrity pact - there are many more. Governments have been endeavouring to institutionalise such tools by enacting relevant acts, rules and procedures.

Nepal, working along the same lines, has developed accountability related laws and institutional mechanisms for making more effective the delivery of services by government bodies. There are legal mechanisms on good governance and the right to information in the form of the Good Governance Act of 2064 BS and the Right to Information Act of 2064 BS. Similarly, there are institutional mechanisms in place such as the National Vigilance Centre (NVC), the Commission for the Investigation of Abuse of Authority (CIAA), and the Office of the Auditor General (OAG). At the same time, with the mobilisation of civil society organisations, civic mechanisms exist which emphasise people's participation and the enhancement of social accountability.

Despite the existence of these legal, institutional and civic mechanisms, there is a lack of information in one place to tell us 'which tool is working/being practised where and how?' Further, we do not have a uniform understanding of these mechanisms or tools. It was, therefore felt necessary to bring together the scattered information related to social accountability in one place. Against this backdrop, and with the key objective of making effective the services that government bodies deliver to Nepali citizens, the Program for Accountability in Nepal (PRAN), an initiative of the World Bank, has identified 21 relevant social accountability mechanisms and come up with this Sourcebook. The mechanisms have been categorized into the following three sections:

Section 1: Information

1. Citizen's Charter
2. Checklists of entitlements
3. Budgets of local bodies (VDCs, DDCs, and Municipalities)
4. Right to Information
5. Checklists of relevant laws, policies, regulations that affect a citizen's life

Section 2: Accountability and Integrity

6. Civic Education
7. Public Expenditure Tracking
8. Check lists of standards and indicators
9. Community Score Cards
10. Citizens Report Cards
11. Public Hearings
12. Public Audits
13. Public Revenue Monitoring
14. Citizen's Complaint Structures

3. Participatory Development

15. Multi Stakeholder Groups
16. Participatory Planning
17. Participatory Budgeting
18. Community Led Procurement
19. Declaration of Assets
20. Understanding Conflict of Interest
21. Integrity Pacts

For each tool or mechanism, the Sourcebook asks the following questions:

- What is meant by this accountability mechanism?
- Why is it important?
- What can go wrong in using it?
- What can citizens do in such cases?
- Where are examples of this accountability mechanism found in Nepal?
- Do government an official have to implement this accountability mechanism, or is it voluntary?
- What can a citizen do to make this accountability mechanism more effective?
- What suggestions can a citizen put forward to be included in this accountability mechanism?

This Sourcebook seeks to make sure that monitoring by citizens will guarantee that social accountability, transparency and the right to information will be included in the formulation and execution of state policy. These mechanisms are expected to help put into practice campaigns that will promote people's participation. The tools mentioned here will help protect the rights and entitlements of impoverished and marginalised people and ensure that they are capable of claiming the specific services, rights and entitlements that have been set up by the state for them.

This Sourcebook will help those who provide services, those who receive services, non-governmental organizations (NGOs), civil society organisations (CSOs), development partners and social activists working in the field of social accountability. It provides basic information about social accountability mechanisms and the ways to increase their reach.

This Sourcebook provides as much information as possible about the means through which the above mentioned tools can be accessed (phone, fax, email, website, etc). Examples have also been given as to which organizations are practising which mechanisms. The reference to the legal obligations of government officials is expected to enhance their sense of responsibility and help them become accountable to the citizenry.

It is the first time that this kind of material has been published in Nepal and we may not have been able to include all relevant kinds of social accountability mechanisms. Legal mechanisms, too, may not have been sufficiently included. Organisations and individuals practising the use of social accountability tools can help by providing feedback – please write to: Pro-Public

(gg@propublic.org) - who will incorporate your suggestions and recommendations to bring improvements to future editions.

I would like to extend special thanks on behalf of PRAN to Kedar Khadka and Chiranjibi Bhattarai for their writing this sourcebook. I would also like to thank Anjali Thakali for her contribution in the publication of this sourcebook and to Mindshare plc for the design work.

Lastly, this book was originally written in Nepali. In the case of translating this sourcebook into other languages, I would like to request all readers to take the Nepali version of this Sourcebook as the original one.

Richard Holloway
Coordinator, PRAN, World Bank
Kathmandu, Nepal

Introduction

In a country like ours, the government is viewed as the key body providing public services. The services provided by the private sector are expensive and not always easy to access. Citizens without much money, therefore, are reliant on the services provided by the government which be accessed in different ways - free of cost; by paying the full charge (or fee); by paying a minimum charge (or fee); or through accessing services through a grant. We expect that the government offices collaborate with citizens and make the services for them transparent and accountable – and make sure that people are able access the information they need.

Offices which provide services should do so in a neutral and objective manner and not cause unnecessary problems for people. We believe that employees of a public organisation are responsible to the citizens and the effectiveness and relevance of an organisation can be estimated from the quality of service they provide. If the services provided by them are not in accordance with the wishes, desires and needs of the people, then the people have the right to raise questions about the continued existence of such organisations. Organisations which fail to win the confidence of people gradually get sidelined. Organisations, therefore, need to be assessed in the basis of the value of the services they provide. People, however, need to know about the tools and mechanisms connected to social accountability, if they want to assess how effective are the services provided by various organisations.

Those who receive services from government bodies have positive or negative feelings towards such bodies largely based on the attitudes these bodies display towards them the first time they meet.

Generally, service providing organisations want their services to fit the needs and desires of the people. Those receiving services similarly want the services that are important to them. A service can be called effective only when there is a coordination between the desire of these two sides. If service receivers get the services they want without any problems, their faith in the organisation providing the service will increase. They may even want to contribute towards upgrading the quality of that organisation. In this way, if a positive environment can be created, the good will of the people towards the service providing organisation increases and it becomes more sustainable. Organisations which limit themselves to delivering services in a top-down manner are not fulfilling their duties and responsibilities well. They should regularly seek and get feedback on the extent to which they have delivered against the needs and desires of their clients. They should also remain alert as to whether the service receivers are satisfied with their services or not. We can assume that public bodies are accountable to the people only when those who are receiving their services feel that this is the case.

The government of Nepal through its various structures and mechanisms has been providing services to the citizenry for some time, but has not paid much attention to evaluating the effectiveness of such services. The attitude, behaviour, style of work and provision of knowledge related to the service and create an easy or an uneasy situation. When citizens receive public services, government policies and structures are involved as well and citizens may regularly express their dissatisfaction at the individual or institutional level or through the media.

Tools for public accountability have been developed around the world mainly with the objective of managing and minimizing citizens' concerns in a structured manner, especially in those least developed and politically transitional countries which have difficulties in implementing effectively the laws that exist. Nepal also has passed many such tools into law and established their practice in different sectors – but there are many tools successfully practised in other countries that have not yet been institutionalised in Nepal. It is thus with the aim of increasing accountability in Nepal's public sector and to help citizens to better understand good governance, that a total of 21 Tools for Social Accountability are presented here in this small book.

A short digest of these 21 Tools is presented below for easy understanding and easy access for individuals, organisations, service providers, service receivers and civic campaigners working in the field of social accountability:

Citizen Charter: A citizens' charter provides the commitment to the services which will be provided by the public bodies. A Citizens' Charter has to

Frequent Citizens' Complaints About Public Service

- Public services are not of a high quality
- Citizens should not have to beg for public services and goods
- The process of providing services is unnecessarily complicated
- Information related to the delivery of public services is not easily accessible
- Services do not reach those they are targeted to reach
- Services are not always relevant to the needs and interests of the target groups
- It is difficult to receive services promptly
- Openness and transparency are not maintained in the distribution of resources
- Citizens are unable to hold service providers accountable
- Citizens are not properly informed about the times, the fees, the processes and their responsibilities when receiving services
- Government employees who work against the wishes of citizens are not penalised
- Compensation is not given to citizens negatively affected by the unnecessary delays of service providers
- Even though services are mentioned in Citizen's Charters, they may not be accessible
- No clear information is provided about the services that citizens are entitled to from government offices
- The budgets of public bodies are not easily known
- It is not easy to track public expenditure
- The standards for public service delivery are not well known
- Citizens do not know how to monitor or complain about public services, or about revenue and expenditure
- It is not well known how citizens and government can work together as joint stakeholders
- Citizens do not know about participatory planning and joint budget preparation
- Citizens do not know about how communities can make procurements with public money
- Citizens do not understand the disadvantages that arise when assets are not declared
- Citizens do not understand the importance of conflicts of interest and integrity pacts

be displayed at the premises of the office where services are being provided. (Pages 13-17)

Check List of Entitlements: Citizens are alerted to the various rights and entitlements that they have through different government bodies of the government. (Pages 18-22)

Budgets of Local Bodies (VDC, DDC & Municipality): This section deals with: what is a budget, how is it made, how is it received at the local level, where information about this can be received, why it is necessary for citizens to understand it, and what could be the consequence of not having such information. (Pages 23-26)

Right to Information (RTI): Citizens have the right to demand and receive information in regard to the matters of public importance from public bodies. (Pages 27-31)

Check List of Relevant Laws, Policies, Regulations that Affect a Citizen's Life: This section deals with: what are the laws that have an impact on citizens' lives, what impact they have (especially the laws that are important for poor people) and what role citizens can play in reforming these laws. (Pages 32-36)

Civic Education: The value of education about civic matters, how the state works, how to build the democratic state and teach citizens about their roles and responsibilities. (Pages 38-40)

Public Expenditure Tracking (PET): This deal with: learning of the size of the budget in the programs of government and non-government bodies, how the budget is spent, what has been achieved with the money already spent, and why these matters need to be looked into. (Pages 41-44)

Check List of Standards & Indicators: Departments and offices under various ministries of the government have formulated quality standards for public services. His section discusses how citizens can track and interrogate those responsible about these standards. (Pages 45-50)

Community Score Card (CSC): How this tool can be used by both service providers and service receivers to increase the effectiveness of public services. (Pages 51-54)

Citizen Report Card (CRC): How those who receive services are satisfied or dissatisfied with those services and can report this to the responsible authorities. (Pages 55-60)

Public Hearing: How direct question and answer sessions between the service providing officials and service receiving individuals can make public service delivery more effective. (Pages 61-65)

Public Audit: How can local people can seek transparency and accountability in regard to investment in local development projects and local services. (Pages 66-70)

Public Revenue Monitoring: How can citizens monitor the income that is being received by government bodies and how it is used? (Pages 71-74)

Citizen Complaint Structures: How the citizens can, in a structured way, file complaints against wrong-doers and take initiatives for reform. (Pages 75-80)

Multi-stakeholder Groups: What benefits can be obtained if various stakeholder groups move ahead together to achieve the same agreed objectives and address common needs. (Pages 82-86)

Participatory Planning: What benefits can be achieved if citizens of target groups participate together in the planning process. (Pages 87-91)

Participatory Budgeting: How citizens can participate in the process of formulating a budget. (Pages 92-96)

Community Led Procurement: The role that citizens have in procuring goods and services for the community within local development and construction work. (Pages 97-102)

Declaration of Assets: Why it is important for the holder of a public position to make his or her own and family's assets financial details public while s/he joins, remains and leaves a service. (Pages 103-106)

Understanding Conflict of Interest: Why it is necessary for citizens to understand the possible conflict between the public and personal interest of a person with a public position. (Pages 107-110)

Integrity Pact: How stakeholders in a public sector project agree combined to avoid corruption in a project (pages 111-114)

The effectiveness of public services can be increased if these tools of Social Accountability are used by the citizens. With these tools people's participation in local planning and budget formulation processes can be increased and citizens' rights and entitlements within the existing acts, regulations and procedures can be made more easily accessible. If this can be done, accountability and transparency will be enhanced, thus ultimately contributing to the country's development. It will also help bring the Right to Information into common practice and promote the rule of law. We also expect that this Sourcebook will develop a common understanding among the citizens about the tools of social accountability – what they are, and how they can be used.

Finally, we would like to extend our sincere thanks to Richard Holloway, Coordinator, and Anjalee Thakali, Deputy Coordinator of the World Bank's Program for Accountability in Nepal (PRAN) and all other thinkers and practitioners who provided their invaluable suggestions while preparing this Sourcebook.

Kedar Khadka
Chiranjibi Bhattarai

ACRONYMS

BS	- Bikram Sambat (Nepali Year)
CBO	- Community Based Organization
CIAA	- Commission for the Investigation of Abuse of Authority
CRC	- Citizen Report Card
CSC	- Community Score Card
CSO	- Civil Society Organization
DAO	- District Administration Office
DDC	- District Development Committee
FGD	- Focus Group Discussion
FNCCI	-Federation of Nepalese Chambers of Commerce and Industry
FM	- Frequency Modulation
FY	- Fiscal Year
GG	- Good Governance
GGP	- Good Governance Project
LGCDP	- Local Governance and Community Development Program
NGO	- Non-governmental Organization
NVC	- National Vigilance Center
OPCM	- Office Prime Minister & Council of Minister\
PA	- Public Audit
PH	- Public Hearing
PRAN	- Program for Accountability in Nepal
POB	- Post Box
RTI	- Right to Information
SAP	- South Asia Partnership
TV	- Television
WFP	- World Food Program
VDC	- Village Development Committee

Section 1: Information Tools

1. Citizen Charter
2. Check List of Entitlements
3. Budgets of Local Bodies (VDC, DDC & Municipality)
4. Right to Information
5. Check List of relevant Laws, Policies, Regulations that Affect a Citizen's Life

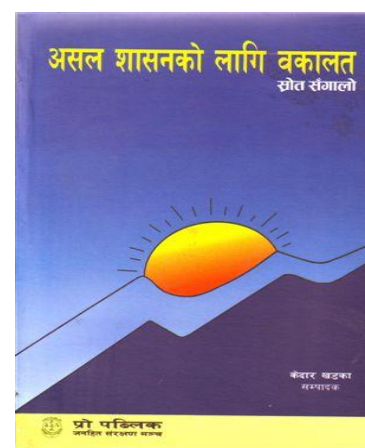
Tool 1: Citizen Charter

What is a Citizen Charter?

A Citizen Charter is a public notice displayed by the government bodies which provide public services for the information of the service receivers. A Citizen Charter mentions the types of services available, the service fee, the responsible person providing the service, the service quality, the duration for providing the service, the terms and procedures of service delivery and the remedy if the service is not available, etc¹. A Citizen Charter also signifies a commitment expressed by the government body in the context of a particular service meant for targeted service receivers.

The state has structured various government bodies from central to local level (zone, district, VDC level offices) with the aim of making services and goods available to the people. In Nepal, there are government offices like health, education, agriculture, forest, district administration and district police etc, while there are also the local bodies - District Development Committees (DDCs), Village Development Committees (VDCs) and Municipalities.

Similarly, other organisations deliver services – the Nepal Food Corporation, Nepal Agricultural Tools Corporation, Nepal Electricity Authority, Nepal Telecom, etc. In the past, those receiving services were confused about the services and entitlements to be provided by these organizations. It was mainly because citizens did not have clear informed about the available services and goods that service delivery was not effective and up to the mark. To deal with such situations, citizen charters are now provided in the public offices.



It is mandatory for public bodies that provide services to provide a Citizens' Charter. This is provided for in Clause 25, Good Governance Act 2064 BS and Rule 14, Good Governance Regulation 2065 BS. These laws say each government office has to maintain a Citizen Charter in a place within the office premises, visible to everyone. Every service providing body thus has to provide clear information about the services and goods that are available to citizens. A Citizen Charter must include information such as: what documents are to be presented, which service is available in which branch or section, how much time and fee will involved, how an officer responsible for hearing complaints can be contacted, and what are the steps to be fulfilled if a person is to receive the services. In the case of a service receiver incurring some loss or damage due to the lack of timely service to him/her, a Citizen Charter must provide information

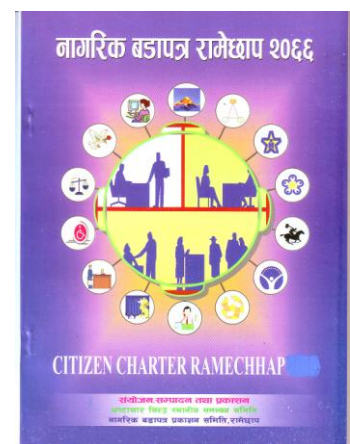
¹ Kedar Khadka, Sourcebook for Good Governance Advocacy, Good Governance Project, Pro Public, Kathmandu

on how such an individual can be compensated. A service receiver must be able to see, read or hear and understand the Citizen Charter. For instance:

Citizen Charter of a Hospital: A Citizens' Charter maintained in a hospital must provide information such as: what services in total are available in the hospital, what kind of medical and nursing services are available; what kind of medicines and services are available free of cost; for what kind of medicines and services one has to pay a charge; whether lab test services like x-ray, blood, urine and stool are free of cost or chargeable; if they are chargeable, how much money is involved; how long it takes to get the lab test report; which doctor is to be contacted in which room; at what time and for which disease or illness, etc.

Citizen Charter of a District Administration Office: A District Administration Office (DAO) has the right to issue citizenship certificates. The Citizens' Charter maintained by a DAO has to include information such as: what kind of recommendations, documents and evidences are required to receive the citizenship certificate; where the application forms are available; how much an application form costs; what are the processes to be fulfilled; which staff are to be contacted in which section; how long it takes to get the certificate, etc.

It is the right of a citizen to get easily the basic information as mentioned above. The information available in the Citizen Charter can be disseminated to citizens through pamphlets, by the telephone, through toll free numbers, websites, SMS, Facebook, radio, TV and newspapers.



Why is it important?

For citizens, a Citizens' Charter is the first and most simple medium for them to receive information about the services of a particular office. Apart from easy access to information, it means that people are well informed about the process, money and time involved in making the service available to them.

The existence of a Citizens' Charter reduces the possibility of a situation where the staff of an office creates confusion about the services and poses unnecessary problems to those wishing to access services. Those wanting to receive services can be well prepared beforehand once they read the Citizen Charter. If an employee asks for a bribe, a citizen can respond: why and for what? If timely service is denied or delayed, citizens can ask for compensation in certain situations. In such a case, the service receiving citizen is entitled to a compensation of Rs 5,000 maximum, according to the Good Governance Regulation 2065 BS.

A Citizen Charter helps ensure that the service is speedy and of good quality, that service providers are accountable and transparent and that a citizens' constitutional right to information is guaranteed.

What can go wrong?

More than 100 languages are spoken in Nepal, but the Nepali language – mother tongue of some 70% and the lingua-franca of most of the people today² - has been used as the official language of government offices. Citizen Charters are written in Nepali only. Local community radios and newspapers have, however, these days, been disseminating information in local languages. In this context, Article 5 of Nepal's Interim Constitution 2063 BS, which gives provisions about the use of the mother tongue in local bodies and offices, becomes relevant. Article 5 can be instrumental in solving language related problem and complications arising from this.

Potential Drawback 1: It is probable that a Citizen Charter written in Nepali may not be well understood by an individual who only speaks his or her own language. Moreover, a written Citizens' Charter is no use at all, if a person is illiterate, whatever language he or she speaks.

Potential Drawback 2: If the Citizens' Charter is not updated over time, corrupt employees may, for their own benefit, mislead service receivers. For instance, medicines available free of cost as per the Citizens' Charter may be sold by the employees who may charge money to the service receivers, and not give a receipt. Likewise, the employees of the institution may take the medicines which are meant to be free of cost to the market for sale, saying that the stock of those free medicines as mentioned in the Citizens' Charter has been finished or has not yet arrived.

Potential Drawback 3: Government employees may say the Citizen's Charter is not up to date and thus deny service to citizens as per the Charter. Likewise, they may fear that additional duties will have to be discharged once a Citizen's Charter is set up and citizens are aware of their rights, and may not set one up.

What can citizens do in such cases?

As the Good Governance Act and Regulation have made the Citizens' Charter mandatory in government offices, a citizen can play the following roles to make the provision of Citizens' Charter easier and more effective:

Role 1: Local citizens can request the service providing bodies legally obliged to set up a Citizen Charter to do so as per the law. If the bodies need any assistance, the citizens are ready to extend that as well – citizens can provide this kind of encouragement. Similarly, they can also request the government bodies to set up a Citizens' Charter in local language, if that is required. Citizens can also advocate for and extend help to make an audio or visual Citizen Charter that would be simply constructed. They can further help create a pictorial Citizens' Charter and pamphlets too, for informing the citizens better.

Role 2: If a public body is found not to have set up a Citizens' Charter or is found to have been disseminating wrong information, citizens can complain to the

Chief District Officer in the case of District level services and to the Local Development Officer in the case of local bodies. If, even after complaints, the Citizens' Charters are still not provided, citizens can then file complaints at the National Vigilance Centre and fulfil their duties as citizens.

Role 3: In order to create pressure for reform, citizens can use the forums of local newspapers and community radios to express their views and make their complaints public against offices which do not set up or update Citizens' Charters or provide the wrong information.

Role 4: Citizens can build and influence public opinion about the benefits of a Citizens' Charter and bring a lot of publicity to this particular social accountability tool.

Role 5: On behalf of citizen's groups, citizens can inform the National Vigilance Centre about the lack of implementation of the Citizens' Charter at the local level.

Where the examples of Citizen Charters are usually found in Nepal?

Citizens' Charters are generally seen at the local government bodies of Nepal which provide services. Since the Citizens' Charter has been made mandatory by the Good Governance Act and Regulations and the monitoring task given to the National Vigilance Centre, most of the government departments, district and local level service providing bodies, public corporations, DDCs, VDCs, municipalities and courts have set up Citizens' Charters. They may be set up in different ways, however: some offices have written the Citizens' Charter on sign boards, some have written it on the wall itself or the wall of the office building. Some offices have used flex sheet, while some have printed it on paper and distributed it.

It is not likely that you will find Citizens' Charters in ministries, commissions, constitutional bodies, policy making bodies, political parties, NGOs, corporate houses and the media.



Example of the Citizen Charter placed at the District Administration Office

Do government officials have to produce a Citizen Charter or are it voluntary?

According to Clause 25 of Good Governance Act 2064 BS and Rule 14 of Good Governance Regulation 2065 BS, it is mandatory for every government office providing services to put in place a Citizens' Charter. Likewise, the Good Governance Action Plan 2068 BS of the government under the title "Good governance activities to be executed in the future" has said that a "Citizens' Charter will be set up in the declared area with provisions for compensation."

What can a citizen do to make the provision of Citizen's Charters more effective?

According to Clause 20 of Good Governance Act 2064 BS, any public office implementing matters of public interest has to consult with stakeholders and civil society. During such consultations, citizens can provide suggestions and exert pressure for an effective management of the Citizens' Charter.

Citizens can complain to the chief of a government office, if it has not set up a Citizens' Charter. Citizens are also free to complain at the National Vigilance Centre and pass this information to the media, if their repeated complaints are not heard by the government offices. Citizens can further complain, if they are not getting services and entitlements as described in the Citizen Charter. Similarly, in the course of providing a service, if a government employee delays the process and causes a loss to a citizen, the citizen can claim compensation of Rs 5,000 maximum to be paid by the same employee, according to Rule 14(5) of the Good Governance Regulation. Citizens can also make efforts to make sure this provision for compensation is executed.

What suggestions can a citizen put forward to be included in the Citizens' Charter?

What matters should be included in the Citizen Charter are clearly mentioned in Rule 14 of the Good Governance Regulation. However, citizens can still put forward suggestions based on any shortcomings seen during the implementation of the Citizens' Charter and the lessons learnt from this.

Contacts for more information:

1. Good Governance Advocacy (collection of articles in Nepali), Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Phone: 4268681, Fax: 4268022, Email: gg@propublic.org, Website: www.propublic.org
2. National Vigilance Centre, Singha Durbar, Kathmandu, Phone: 4226380, Fax: 4227096, Hotline: 4224901, Email: nvc@nvc.gov.np, Website: www.nvc.gov.np
3. Citizen Charter Ramechhap 2066 BS (collection of articles in Nepali), Local Coordination Committee against Corruption, Manthali, Ramechhap (similar type of booklets on Citizen Charter have been published by the District Administration Offices of Khotang, Okhaldhunga, Dolakha, Jajarkot and Dailekh)
4. Hello Sarkar Room Operating Guidelines 2068 BS, Office of the Prime Minister, Singhadurbar, Kathmandu, Toll Free Number: 1111, Fax: 1100, Email: 1111@opmcm.gov.np, Website: www.opmcm.gov.np
5. Citizen Charter Guidelines (in Nepali), Rural Reconstruction Nepal (RRN), Gairidhara, Kathmandu, Phone: 4004976, Email: rrn@rrn.org.np, Website: www.rrn.org.np

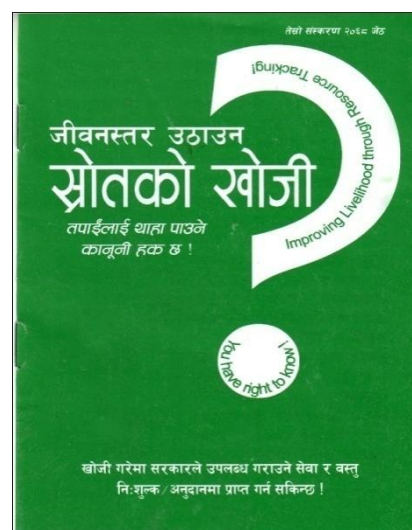
Tool 2:

Check List of Entitlements

What is a Check List of Entitlements?

The state provides certain services, rights and entitlements to citizens. With the aim of making such matters available to citizens, information on these has been prepared by various ministries, departments and local service providing bodies and this is generally called a "Check List of Entitlements."

It is the right of citizens to get services and goods in an easy, simple, prompt and transparent manner. Citizens have, for instance, the right to citizenship, while old people have the right to an old age allowance after reaching a certain age: single women who are widows have the right to a widow's allowance, conflict victims have the right to get relief, while minorities and differently able people also have the right to allowances and entitlements. In the same spirit the state provides special allowances, services, rights and entitlements. There are special reservations for *Dalits*, women, *Janjatis* and *Madhesies*. Many citizens are deprived of these facilities, however, as most of them do not have adequate information about them, and no organisation has yet disseminated collective information to citizens in this regard. In recent days, however, it has been observed that some organisations have published booklets and distributed Check Lists of Entitlements about the service delivery of DDC and VDC in regard to health, education, agriculture and livestock services. For additional information, the booklet "Improving Livelihoods through Resource Tracking" (shown on this page) can be taken as an example³.



Women who are in need of maternity delivery services at the local government health posts are entitled to get transportation expenses and various medicines free of cost, regardless of whether they live in the mountains, hills or terai. In the education sector, course books are distributed free to students of certain grades, and scholarships are provided to students who are differently able, to Dalits, Janjati, victims of conflict, girls, backward ethnic groups or those from endangered communities. The District Agriculture Development Office provides 20-50% subsidy on various hybrid seeds and on the transportation of fertilizer. The Livestock Office provides various training and technical services to farmers free of cost. Likewise, the VDCs, DDCs and municipalities can provide financial support to user groups for development programs through project proposals.

³ Improving Livelihood through Resource Tracking (in Nepali), Good Governance Project, Pro Public Kathmandu

As the services, rights and entitlements are changed from time to time through changes in the law, such lists need to be updated regularly. It is better to use simple language and essential information while disseminating such lists.

Why is a Check List of Entitlements important?

Information is power. It is the right of the citizens to receive information to the extent possible. It is also necessary that the citizens themselves become aware and remain updated about their rights and entitlements. Such rights and entitlements should be understood as their civil rights and not as someone's charity. The state should minimize the prerogatives that belong to officials and increase the rights of specific individuals and groups. It is also crucial for the service providing bodies adequately to carry out awareness and public information activities.

What can go wrong?

Despite the state declaring various rights and entitlements for the target groups, adequate information may not have reached these groups, and such rights and entitlements may not have been properly taken up. This may be due to officials from service providing bodies not passing on such information. In some situations, the officials may not have given information to citizens even though he or she is in possession of the same. Because of this and because disseminating information is sometimes complicated, it may be that those from among the target groups who should receive services may not seek them at all and thus are deprived of their rights and entitlements.

What can citizens do in such cases?

Citizens can become active in providing public information and can prepare Check Lists of Entitlements provided by the state to citizens. Similarly, they can disseminate public information through the mass media in order to increase the likelihood of information about rights and entitlements being available. They can also, to the extent possible, prepare and distribute relevant booklets.

If a service provider is found to have concealed information intentionally, civil society organisations can demand such information and make it public by using the Right to Information law. Citizens can also demand, receive and observe rights and entitlements through public hearings and public audits organised at the local level.

Where are Check Lists of Entitlements usually found in Nepal?

The Constitution of Nepal has provisions for special social security to help economically and socially backward groups. In its budget, the government every year announces rights and entitlements to various groups on behalf of the state. Such rights and entitlements are ensured and distributed through various departments and district level offices under the Ministries of Health, Education,

Agriculture, Local Development, etc. The government sends a list of such provision in advance to the distributing offices to make their work easy.

Details and information in regard to these provisions can be received through these bodies. Generally, information about such facilities is provided through Citizens' Charters managed in the government offices providing the services. However, there is no single integrated information dissemination system under the government structure. For instance, the following services, rights and entitlements are available from the respective government offices as mentioned below:

1. **District Administration Office:** natural disaster assistance, relief for conflict victims
2. **DDC, VDC and municipality:** social security allowance (old age allowance, widows allowance, minors allowance)
3. **District Woman Development Office:** Allowance and assistance to differently able people
4. **District Public Health Office:** free medicines and health check up, maternity and consultation services
5. **District Agriculture Development Office:** 20-50% subsidy to farmers on transportation of agro fertilizer and hybrid seeds; micro subsidy on small irrigation
6. **District Education Office:** free course book distribution to students of Grade 1 to 8; free course book distribution to Dalit and students of endangered communities Grade 9 to 12; scholarships to Dalit, Janjati students, victims of conflict, girls, and students from backward and endangered communities
7. **Land Revenue Office:** Discounts of 30% and 25% land registration fees in VDCs and municipalities, respectively, for ensuring women's ownership in land and house (real estate) transactions; 25% registration fee discounts for ensuring land and house ownership for blind and differently able people, Dalit and backward communities in real estate transactions
8. **Free Legal Aid:** Free legal aid is freely available to poor and helpless citizens since paid lawyers have been stationed in all courts of Nepal for this purpose. Citizens can also contact the District Bar Association offices and receive free legal service.

Additional information about the above mentioned offices and the facilities available there can be received through a booklet titled "Improving Livelihood through Resource Tracking" published by the Good Governance Project, Pro Public.

Do government officials have to produce a Check List of Entitlements? Or, is it voluntary?

The "Social Security Program Operation Procedure 2060 BS" has provisions on preparing a check list of rights and entitlements and making them public for the benefit of the citizens. According to Clause 5(g) of the Procedure, the Social Security District Coordination Committee, formed under the chairmanship of the DDC chairperson, has been vested with the right to increase people's awareness about the rights and entitlements provided by the government to the citizens. Likewise, according to Clause 11(3b) of the Procedure, in order to make allowances or scholarship distribution work transparent and effective, the DDC office has to publish the names of target groups as a book within the first three months of any current fiscal year and the book has to be mandatorily distributed to VDCs, Municipalities, various organisations and political party offices within the district territory.

Similarly, the "DDC, VDC and Municipality Grant Operation Procedure 2067 BS" has provisions on making this information public through the media and public hearings. Civil Society Organisations can also publish and distribute such lists taking this provision as their basis. The Good Governance Project, Pro Public has published and distributed a booklet titled "Improving Livelihood through Resource Tracking". The booklet has the objective of informing citizens about the services, rights and entitlements provided by the education, health, agriculture, livestock, DDC and VDC offices. Another objective in publishing such a booklet is to make sure that the government officials who provide services themselves have the required knowledge about the citizens' rights and entitlements.

For instance, the government has prepared and implemented "Social Security Program Operation Procedure 2065 BS" with the objective of providing social justice to aged citizens, widows, Dalits, endangered communities, indigenous communities, Janjatis and differently able citizens. This Procedure provides an Rs 500 allowance to citizens 70 years old and above and widows of any age. Endangered community members also get Rs 1,000 allowance, according to this Procedure.

Can a citizen suggest what should be in a Check List of Entitlements?

To make the Check List of Entitlements more publicly known, citizens can initiate debate and advocacy based on the existing laws. They can suggest further reforms after observing the Check Lists of Entitlements made public by the government. The suggestions can be directly forwarded to the concerned bodies verbally or in writing. Citizens can also provide feedback to the "**Hello Sarkar**" program conducted at the central level under the "Hello Sarkar Room Operating Guidelines 2068 BS."

Contacts for More Information:

1. District Administration Office, DDC, VDC and municipality, District Woman Development Office, District Public Health Office, District Livestock and Agriculture Development Office and District Education Office, etc
2. Searching the Source for Uplifting Life (booklet in Nepali), Good Governance Project, Pro Public, Anamnagar, Kathmandu, POB 14307, Phone 4268681, Fax: 4268022, Email: gg@propublic.org, Website: www.propublic.org
3. Informative Booklet on Public Services and Entitlements (in Nepali), Federation of VDCs, POB 12951, Phone: 4229841, Fax: 4245889, Kamaladi, Kathmandu, Email: info@navin.org.np, Website: www.navin.org.np
4. National Social Accountability Centre, SAP Nepal, POB 3827, Babarmahal, Kathmandu, Email: sap-nepal@wlink.com.np, Website: www.ncsa.sapnepal.org.np

Tool 3: Village, Municipality & District budgets

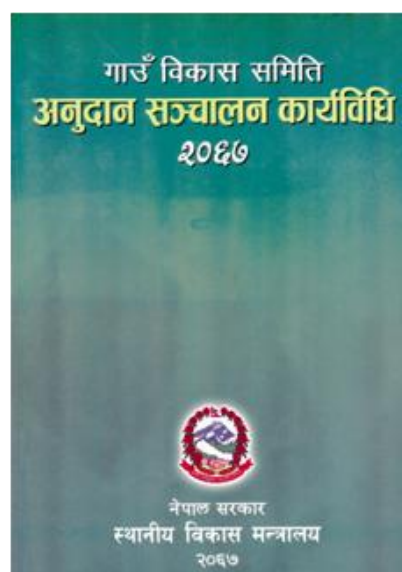
What are Village, Municipality and District Budgets?

A Budget is an estimate of the proposed income and expenditure for a certain period. Every year, the Ministry of Finance, together with the National Planning Commission, prepares the draft national budget and presents it to the Legislature (the Constitutional Assembly) for approval. The Constitutional Assembly endorses the budget bill after necessary discussions, and the Budget, in various titles, is made directly available to local bodies such as DDC, VDC and Municipalities under the Ministry of Local Development. The Budget, in various titles, is also allocated to village and district level bodies of other ministries. The Budget is prepared according to the demands of the different bodies involved.

Other aspects of the budget cover what has to be spent on local people affected by development projects implemented at the local level. Examples are the Kaligandaki, Upper Tamakoshi and Khimti hydropower projects and the Parliamentarians' Development Fund.

Once the Constitutional Assembly passes the budget, the government then makes the budget booklet available to the Local Development Officer, the VDC Secretary and the Executive Officer of the Municipality. Citizens should easily be able to get information about the budget from these local government bodies. However, citizens so far have not been able to receive budget related information without considerable difficulties. In such a situation, citizens can use the Right to Information law to demand information about the budget and see the budget booklet. If a person demands information containing more than 5 pages, certain charges have to be paid as per the Right to Information Regulations.

According to Clause 42 of the VDC, DDC and Municipality Grant Operation Procedure 2067 BS, the programs and budgets to be operated by the local bodies throughout the year have to be made public voluntarily. This provision has not, unfortunately been implemented in practice. In a few exceptional cases, some local bodies have made the budget public through local FM radio and other media.



VDC Grant Operation Guideline

Why are they important?

The Budget has a direct impact on the daily life of a citizen. The Budget is vital for the physical construction projects and for the operation of the roads, bridges, culverts, schools and health posts. It is also highly necessary for Dalits, women, elderly citizens, widows, differently able people and the victims of conflict who are lagging behind in society. Until the Constituent Assembly endorses the budget, most of the economic activities and development works for a new fiscal year remain stagnant.

Local bodies annually collect some amount of revenue from local sources. This revenue, however, is not enough to carry out development and construction works, as well as guarantee social security at the local level. Until the central level budget reaches local bodies, therefore, physical and social development activities cannot be performed. Allowance and entitlements under the Social Security Program, too, cannot be distributed. The budget is thus of prime importance to citizens.

What can go wrong?

First of all, there may not be easy access for citizens to budget information. The budget made available by the centre can be found on the websites of the National Planning Commission, Ministry of Finance and Ministry of Local Development - and so citizens with access to computers can see the information. The budgets meant for local bodies cannot, however, be found in the websites. Generally, the budget-related information is published only by the concerned offices and citizens, therefore may not have easy access to it.

Citizens and Civil Society Organisations may not get budget related information by simply asking the concerned government officials (even though it is their right), because the officials fear that they may have to face questions from the people about where and how they spent the budget. Citizens may, moreover, seek accountability in the decision processes of budget expenditure and transparency about the spending of the budget. Officials tend to hide the details to the extent possible so that they can spend the budget as they see fit. In such a situation, citizens can seek budget related information as per Clause 3 of the Right to Information Act.

Citizens should seek to keep and store information about the budget for local development received through various sources. If such knowledge is not preserved, there will be no information on who is spending the budget, how and where. Furthermore, it will be difficult to say exactly whether the budget meant for a particular program was spent on that program.

What can citizens do in such cases?

Citizens and Civil Society Organisations can first go to the concerned office and politely ask for budget details. If their request is not met in time, they can

demand the information. It is better to submit a written demand or request. If the demand is still not met, local Civil Society Organisations can be mobilised to exert pressure. If information is denied even after this democratic exercise, citizens can then use the Right to Information law.

Where are the examples of Village, District and Municipality budgets usually found in Nepal?

Budgets of local bodies can be found in the website of the Ministry of Local Development. Some DDCs also download the budget in the websites of DDCs, Municipalities and VDCs. Citizens can see and copy this online budget related information. However, this has not been so effective, as the websites of several districts are too slow.

Budgets can be seen through the website of the Local Governance and Community Development Program (LGCDP) under the Ministry of Local Government and Development. The budget also goes through Health, Education, Agriculture, Forestry and other ministries to the local level. However, such budget related information is maintained by the Heads of the concerned local offices themselves. This is mainly because of there has not been a habit or culture among local citizens to enquire how much budget has come to the local bodies for the citizens. Although the Right to Information Act 2064 BS has given all Nepali citizens the right to see all information and budget and also to receive copies, citizens at the local level have not become used to do this.

Copies of the budget can also be received from the Local Body Financial Commission, Pulchowk. Among the local bodies, VDC level offices do not print budget copies adequately, neither do they have a website. Such a situation makes it difficult to get information. Similarly, budget copies can be received from organisations such as Good Governance Project, Pro Public which has been working to promote transparency, people's participation and accountability at the local level. The organisation has also published a pamphlet "***Our Budget, our Right***" including the budget details of some districts.

Do government officials have to produce Village, Municipality & Districts Budgets? Or, is it voluntary?

Various laws of Nepal have made it mandatory to make budget related information public. According to Clause 4 and 5 of the Right to Information Act 2064 BS, every public office has to update relevant information and publish and publicise it from time to time. Likewise, under Clause 42(6) of the VDC, DDC and Municipality Grant Operation Procedure, public offices have to upload annual program and budget in their websites and make them public through the local media. As per this provision, government officials have to make public the budget received at the local level.

What can a citizen do to encourage more provision of information on Village, District & Municipality Budgets?

Local citizens can motivate the local government offices to make their budgets public. They can also enquire about and publicise the budget through local media. Furthermore, organisations working at the local level can collect budgets of all offices and publish them together. Such publications can be distributed through local libraries or resource centres.

Citizens can also ensure that copies of the budget get distributed during public hearings and public audit programs held at the local level. Similarly, they can put forth suggestions for budget allocation in their areas by participating in the budget formulation process of the VDC, DDC and Municipality councils.

Contacts for more information:

1. Ministry of Local Development and Local Body Financial Commission, Pulchowk, Lalitpur, Website: www.mid.gov.np
2. Local Governance & Community Development Program (LGCDP), Website: www.lgcdp.gov.np
3. Ministry of Finance, Singhadurbar, Kathmandu, Website: www.mof.gov.np
4. National Planning Commission, Website: www.npc.gov.np
5. Concerned DDC, VDC and municipalities, local government offices and their websites
6. Our Budget, Our Right (name of pamphlet that includes budget), Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Phone: 4268681, Fax: 4268022, Email: gg@propublic.org, Website: www.propublic.org
7. National Social Accountability Centre, SAP Nepal, POB 3837, Babarmahal, Kathmandu, Email: sap-nepal@wlink.com.np, www.ncsa.sapnepal.org.np

Tool 4: Right to Information

What is Right to Information (RTI)?

The meaning of the Right to Information Act is that citizens have the right to seek and demand information of public importance from public offices. Article 27 of Nepal's Interim Constitution has provided citizens with the right to demand and acquire any information of public concern. Similarly, Clause 3 of Right to Information Act 2064 BS has provided Nepali citizens' access to information possessed by public bodies.

Certain information is, however, kept secret. Examples of this are: information related to Nepal's sovereignty, integrity, national security, and peace and order; matters that may harm international relations; early information related to crime investigations; and, information that may damage monetary and commercial confidentiality.

In the past, only government officials had access to public information and, since there was a culture of keeping most of this information confidential, citizens had hardly any access to it. When the Right to Information Act was passed in 2064 BS, all citizens were assured of access to the majority of the information possessed by public bodies. It is, therefore, essential that government officials, now and in the days ahead, are prepared to respect citizens' right to receive information.



Right to Information (Handbook)

Updating and publication of information:

Clause 5 of the Right to Information Act says that the following information needs to be listed and published by public bodies: the services provided by the public body; the name of the branch providing the service; the responsible officers; the service fee and time that can be spent; the officer responsible for hearing complaints; the details of the work performed; the name and post of the information officer and the Head; the lists of acts, rules, sub-rules or guidelines; updates on income, expenses and financial transactions.

For additional information on this, the National Information Commission⁴; Good Governance Project, Pro Public⁵ and Freedom Forum⁶ can be contacted.

⁴ Why Right to Information (Brochure), National Information Commission, Kathmandu

⁵ Do You Have the Right to Information! (Orientation Source Materials), Good Governance Project, Pro Public, Kathmandu

⁶ Journalism Policy and Law (Book), Freedom Forum, Thapathali, Kathmandu



Provision of an information officer: Clause 6 of the same Act provides for an information officer in public offices whose job is to disseminate information. A separate branch can be established or an existing one can be declared as the focal point for disseminating information.

Protection to informant: Clause 9 of the same Act says; it is the responsibility of the employees of the concerned government office to provide information about corruption, irregularity and illegal work present in their offices. The identity of such informants has to be kept confidential and no revenge can be taken on him/her for providing the information.

Penalty to information denying officer: Clause 32 of the Act has provision for a fine of Rs 200 per day to be paid by a government employee who denies or delays information which should be provided by their offices to citizens. Likewise, if information is denied without genuine reason, or if partial or wrong information is given, or if information is destroyed, there could be a fine of Rs 1,000 to Rs. 25,000 depending upon the severity of the misdeed, and a departmental action as well.

Compensation: If the information demanded by a citizen is not made available without showing a reason and such denial causes a loss to the citizen, the citizen can receive compensation, according to Clause 33 of the Act. To receive such compensation, an application has to be filed at the National Information Commission within 3 months and the Commission may decide in the citizen's favour.



Why are RTI laws important?

Information is power in today's modern world. The more information an individual possesses, the more he or she is considered powerful in society. Every year, the government allocates large amounts of money for various development and social security sectors, and information about these allocations is a source of power.

A citizen should have access to such information as:

- what kind of programs and projects the local bodies (VDCs, DDCs and Municipalities) are conducting in the citizen's area,
- who are involved in those programs and projects,
- what are the contractual arrangements for performing these works,
- how much is the budget,
- what is the duration within which these works are expected to be completed?

Right to Information Leaflets

It is also necessary for the target community to have information such as:

- what kinds of facilities are arranged for poor, Dalit, Janjati, Madhesi, women, minority communities and differently able people?

There should also be information available about matters targeting farmers, such as:

- agriculture fertilizer, pesticide, seeds,
- subsidy in agriculture tools' transportation,
- training, etc.

In absence of such information, the target group cannot benefit from government programs and there remains a possibility that the available resources may get misused.

If citizens are deprived of information about development, infrastructure and social entitlements, the personal interest of the individuals providing services will increase, and that situation may lead to corruption. For example, Clause 21(14) of VDC Grant Operation Guidelines, 2067 BS has a provision for using local labour in road construction projects operated user groups. However in practice, bulldozers are used instead of local labour and payments are received based on fake bills and receipts presented in the name of local labour. Such a practice has deprived the target groups from the development they deserve. As for the use of bulldozers, the Guidelines says even the payments already made can be recovered, if it is found that a bulldozer has been used haphazardly without prior approval.

What can go wrong?

Even though an employee is named as the information officer, s/he may not have adequate knowledge about the services and entitlements provided by his/her office. In the absence of training about the Right to Information Law and the process of providing information, the services provided by the government offices may thus not be effective.

If an employee long accustomed to the culture of secrecy in the past is declared as the information officer, there may well be problems in the smooth flow of information. Although it is true that as people become accustomed to seeking information, the Right to Information Law itself may not have to be brought into use that much, it is also true that, although the National Information Commission has been working for the past few years, only 80 complaints have been filed so far at the Commission. This can be taken as an indication that the citizens have not taken the initiative to use the law very much.

Despite a small number of complaints, the work and action of the Commission so far is quite encouraging. Since, however, the only office of the Commission is in Kathmandu, information about the right to information has not spread adequately to all corners of the country. CSOs, moreover, have also not taken adequate initiatives to raise people's awareness about this law.

What can citizens do in such cases?

Any citizen who wants to receive information can register an application, clearly mentioning the nature of information demanded, to the Information Officer in the concerned office, according to Clause 7 of the Right to Information Act. After that, the information officer has to provide the information immediately, if that information can be found immediately. Otherwise, if the information takes some time to find, s/he has to provide the information within 15 days of filing the application. If the information cannot be provided, the applicant should be notified, with the reasons for this, within 24 hours of filing the application.

If information that can be provided, is denied or partial or wrong information is given, a complaint can then be filed at the office of the Head of the concerned office within 7 days of receiving (or not receiving) such information. If information is denied even after the application, the applicant can appeal to the National Information Commission within 35 days of the denial, according to Clause 10 of the Act. The Commission then investigates the application and can issue an order in the name of the concerned office telling the latter to provide information to the applicant within 60 days. Citizens thus can play an essential role in utilising such legal arrangements and making the Right to Information effective.

With the aim of making the activities of government offices transparent, citizens can also influence public opinion by raising people's awareness at the local level about the legal arrangements. Local FM radios, CSOs, political parties and government offices can all help in this.

Where are the examples of Right to Information Laws usually found in Nepal?

In particular, the law on Right to Information can be accessed from the websites of the National Information Commission and the Nepal Law Commission. Theoretical knowledge can also be gained through “**Good Governance Advocacy**” (a collection of articles) published by the Good Governance Project, Pro Public. Information can also be obtained from organisations such as Freedom Forum and the Citizens' Campaign for Right to Information.

Do government officials have to provide information on the Right to Information laws? Or, is it voluntary?

Except certain information that needs to be kept secret, all other information has to be given to citizens - and the government officials have regularly to make the information public, according to the Right to Information Act. All government officials must possess knowledge about the Right to Information Law - this is mandatory, not voluntary. Government officials cannot escape by saying they did not know the law. The law has further provided for:

- the classification of information,
- making it public from time to time after updates,

- publication and publicizing information,
- simple and easy access of citizens to information
- conducting Right to Information activities in an open and transparent manner.

What can a citizen do to encourage more use of Right to Information laws?

Even at a personal level, citizens can demand information from the government offices so that they can use the information for the benefit of the public and also implement the Right to Information law. They can increase people's awareness of RTI by frequently advocating for the provisions of the Right to Information Act and its regulations to be used. They can further help by demanding information that is being concealed by government offices and then making it public.

Contacts for more information:

1. Right to Information Act 2064 BS, Regulation 2065 BS, Right to Information Implementation Guidelines, Why Right to Information (brochure), National Information Commission, Koteshor, Kathmandu, Phone: 42602747, Fax: 4601212, Email: nicnepal@wlink.com.np, Website: www.nic.gov.np
2. Nepal Law Commission, Singhadurbar, Kathmandu, Phone: 4211192, Fax: 4211194, Email: info@lawcommission.gov.np, Website: www.lawcommission.gov.np
3. Do You Have the Right to Information! (Orientation sourcebook), Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Phone: 4268681, Fax: 4265022, Email: gg@propublic.org, Website: www.propublic.org
4. Journalism Policy and Law, Freedom Forum, POB 554, Thapathali, Kathmandu, Phone: 4202022, Fax: 4102030, Website: www.freedomforum.org.np
5. Right to Information (booklet), Citizens' Campaign for Right to Information (CCRI), POB 554, Buddhanagar, Kathmandu, Phone: 4786424, Fax: 4781312, Email: info@ccrinepal.org, Website: www.ccri.nepal.org
6. National Social Accountability Centre, SAP Nepal, POB 3827, Babarmahal, Kathmandu, Email: sap-nepal@wlink.com.np, Website: www.ncsa.sapnepal.org.np

Tool 5:

Check list of Relevant Laws, Policies and Regulations that affect a Citizens' Life

What is a Check list of Relevant Laws, Policies and Regulations that affect a Citizens' Life?

In respect of governance, every country formulates a constitution and, under it, formulates Laws, Acts, Policies, Rules, Guidelines and Procedures. Such laws have provisions under which the citizens have certain rights and entitlements. Every law formulated by the state has a direct or indirect impact on the citizens. Nepal has its Interim Constitution and around 300 Laws and an almost similar number of Regulations, Guidelines and Procedures. These laws get amended and updated from time to time, as is needed. There are special laws for the poor, Dalits, women, differently able people, victims of conflict, and backward communities. Nepal's Interim Constitution 2063 BS provides guidelines to these laws. See the Table below for some examples of laws enacted by the Government of Nepal which target all citizens as well as those which target special groups and communities:

Some Laws with Importance for the Life of a Nepali Citizen	
Civil Rights Act 2012	Nepal Citizenship Act 2020
Marriage Registration Act 2028	Birth, Death and Individual Events Registration Act 2033
Children Act, 2048	Local Self Governance Act 2055
Consumer Protection Act 2054	Forest Act 2049
Black Marketing and Other Social Crime and Punishment Act 2032	Disabled Protection and Welfare Act 2039
Food Act 2023	Essential Services Operation Act 2014
Natural Disaster (Rescue) Act 2039	Legal Aid Act 2054
Land (Measurement and Investigation) Act) 2019	Human Trafficking (Control) Act, 2043
Feed Act 2033	National Human Rights Commission Act 2053
Telecommunication Act 2053	Corruption Eradication Act 2059
Commission for the Investigation of Abuse of Authority, 2059	Voters' Name List Act 2052
Election Commission Act 2047	Environment Protection Act 2053
Nepal Health Service Act 2053	Agriculture Seed Act 2045
Animal Slaughter and Meat Inspection Act 2055	Foreign Employment Act 2042
Livestock Health and Service Act 2055	Land Administration Act 2024
Child Labour Act 2056	Social Practices (Reform) Act 2033
Muluki Ain (Civil and Criminal Code) 2020	Organisation Registration Act 2034
Passport Act 2024	Iodized Salt Act 2055
Education Act 2028	Social Security Program Operation Procedure, 2065

Why are they important?

In a democratic country, it is assumed that citizens are well-informed about the laws. If citizens have no information about existing laws, s/he will not know what activities are allowed or not allowed by the laws.

If somebody prevents a citizen who does not have even the minimum information about the law, from doing something, then s/he does not even know that s/he has been prevented. S/he may thus be deprived of the entitlements provided by the law to him or her or to her/his community. In such cases citizens have to depend on the mercy of government officials and individuals in society who possess "legal knowledge." Government officials make problems for the citizens by not disclosing to them the real legal provisions. Though it is not possible for all citizens to get informed about all laws, citizens should at least possess some minimum knowledge about what kind of laws are in place for protecting their rights and entitlements and what rights and entitlements have been provided for in the laws.

What can go wrong?

The laws made to be of help to citizens may not be easily available at the local level. Even when they are available, it is possible that the language used in the law may be difficult to understand. Several laws in the past have been made against the will of the people – and they want to change such laws and indeed they have the right to try and do so. For instance, except for a few provisions on national integrity and sovereignty, all the rest of the provisions of the Interim Constitution of Nepal 2063 BS are able to be updated and amended. The right to do so – to address the shortcomings of existing acts and laws and to amend unnecessary provisions - remains solely with the Constituent Assembly.

If the citizens do not have a small amount of information about the law, they may not know what the loopholes are in the law and which provisions need to be changed. It may lead to a situation where the task of amending the existing law or drafting a new bill may be limited to a handful of elite members of society. In such a case the laws may be biased to the self interest of these elites. And it does not serve the larger objective of enacting the laws in the interests of the citizens of the country.

What can citizens do in such cases?

Citizens can get the legal documents from the concerned government offices. Such legal documents can also be acquired through local book stores. Citizens can further get such documents from local CSOs and the political representatives of their electoral constituencies. If citizens want to enact a new law or amend an existing law, they can discuss the matter thoroughly in their respective communities and then register a draft bill proposal as a "non-governmental bill" at the Constituent Assembly. For this, it is very useful to seek

the cooperation of the Constituent Assembly member from your own constituency. Citizens can further seek assistance from various sectors of society to put pressure on parliament to enact laws desired by the citizens themselves. This type of activity can be effective only if large numbers of citizens are involved.

Where the examples of such Check Lists are usually found in Nepal?

The Ministry of Law and the Law Book Management Committee have been vested with the right to publish lists of laws regularly. Similarly, such laws are regularly published in the Nepal Gazette. The Right to Information Act 2064 BS has provided citizens with the right to demand and receive information related to any matter of public interest. Under this Act, citizens can even receive information as much as 20 years old. Furthermore, if citizens are refused information, provided with partial or false information, or have information destroyed, and this causes damages to a citizen, s/he has the right to be duly compensated.

In order to increase accountability, to encourage transparency and keep a watch on the activities of various public offices, the Government of Nepal has established constitutional bodies such as the Commission for the Investigation of Abuse of Authority (CIAA), the Office of the Auditor General, the Election Commission and National Human Rights Commission, amongst others. Within the Constituent Assembly the Public Accounts Committee and the State Affairs Management Committee have also been formed.

For promoting good governance, the National Vigilance Centre has been established, while for an effective implementation of the law on the Right to Information, the National Information Commission has been set up. Other bodies have been formed with different responsibilities, e.g.: for maintaining financial discipline, the Revenue Investigation Department: for maintaining financial discipline and carrying out monitoring of local bodies, the Local Body Financial Commission.

Apart from these above mechanisms, Ministries at various times have accepted and implemented the concepts of public hearings, public audits and citizen charters. The concept of the Citizen Report Card has also been implemented in order to receive feedback from citizens receiving services and entitlements provided by different levels of government offices. The Ministry of Health has performed a pilot exercise with the Community Score Card method with the aim of bringing reform to health services.

It is essential that citizens get a readable list and copies of these significant laws, rules, guidelines and procedures which are directly related to the citizens' lives. In practice, however, lists of such laws can be found only in a few places. In the interests of increasing social accountability, it is necessary to make those laws and guidelines available to citizens in the form of booklets - and to publicise them in the media.

Do government officials have to produce such Check Lists? Or, is it voluntary?

The responsibility for publishing the existing laws and their lists and updating them from time to time has been given to Law Book Management Committee, Babarmahal, Kathmandu. Citizens need to know that the Interim Constitution of Nepal 2063 BS has given the citizens the right to freedom of thought and expression, the right to assembly and the right to open political parties, organisations and unions. Other special laws formed under the constitution ensure that the citizens' constitutional rights get implemented in real life. For example, the provision of 33% reservation to women and the proportional representation to the large number of ethnic groups became possible only with the provision of such special laws.

In the same way, the Good Governance Act 2064 BS has stressed the need to make the public administration people-oriented, accountable, transparent, inclusive and participatory: and to make the administrative mechanism as a whole develop into a service providing and facilitating mechanism. Clause 25(5) of the Act has provisions for compensation - for it says that the service receivers will be entitled to compensation if they fail to get service without proper reason and incur losses as well. Rule 14 (5, 6) of the Regulations formed under the Act says that the service receiver could be entitled to a compensation of a maximum Rs 5,000 after evaluating the loss caused to him/her by the body providing (or not providing) the service and that the amount is to be compensated from the pocket of the responsible government employee who denied service to the citizen.

What can a citizen do to encourage more provision of such Check Lists?

There are contributions from civil society organisations, and from individual citizens:

Potential contribution of civil society: Civil society and political parties can exert pressure on the Constituent Assembly to bring timely reform of the laws and to address the flaws within the laws. They can also create pressure to publicise widely aspects of the enacted laws which are important for citizens. They can further file Public **Interest** Cases at the court of law, if this is needed to get a particular law implemented.

Potential contribution of a citizen: Citizens can publish and broadcast articles and write-ups from the local FM radio stations and other media to:

- raise people's awareness about enacted acts and rules,
- keep citizens well-informed about law-related matters and
- make them alert about how the laws are implemented and what stages they have reached.

Contacts for more information:

1. Nepal Law Commission, Singhadurbar, Kathmandu, Phone: 4211191, Fax: 4211194, Email: info@lawcommission.gov.np, Website: www.lawcommission.gov.np
2. Law Book Management Committee, Babarmahal, Kathmandu
3. Pairabi Publication, Ramshahpath, Kathmandu, Phone: 4229233
4. Saman Publication, Putalisadak, Kathmandu, Phone: 424895 (for the collection of Acts and Regulations)
5. District Court, Office of Government Attorney and office of the concerned Bar Associations

Section 2: Accountability & Integrity Tools

- 6 Civic Education
- 7 Public Expenditure Tracking
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Tool 6: Civic Education

What is Civic Education?

The meaning of civic education is education of the citizens. In a democracy, it is generally accepted that citizens are actively involved in every aspect of their own governing. Citizens should not only passively follow the path shown by others, but should also become self-conscious and active in their understanding of the role of the citizen. They can express concerns and queries about the political, social, administrative and economic management of the country, and they need to keep alert and play a dynamic role as a citizen. Civic education, therefore, means education imparted to citizens with the aim of ensuring that they participate in every sector of the state and for the progress of the society.

Aspects included in Civic Education

1. Citizens' understanding of the operation of national and local political and administrative systems and how they function
2. Citizens' capacity and skill to utilise the political and administrative systems.
3. Citizens' understanding of what is meant by good citizenship in a democracy – qualities such as tolerance, commitment to people, behaviour that allows a person to be ready for negotiation and dialogue for dispute solving and inculcating the habit of moving from disagreements into agreements and coming together in consensus.



In Nepal, a curriculum on civic education has been institutionally included in the formal school education. Some organisations, too, have published some materials based on their own areas of work. Such materials are mainly focussed on voters' education, human rights, gender equality, Dalit rights, etc. It is, however, difficult to get compiled materials on social accountability, the right to information and good governance. Civic education related materials are not found easily, and remain widely scattered in many different places.

Why is Civic Education important?

Civic education is important because it can bring positive changes in the way that a citizen views his or her society. Civic education helps develop the habit of developing an understanding and knowledge about the local context. Citizens should know how the central and local governments work, how the budget is

formulated, how it is spent and how the acts and laws – which are matters of public interest - are put together. Civic Education also deals with the ways in which citizens should be committed to work together with other citizens.

Until a citizen has information about how the governance system of a country operates and how it functions, civic campaigns are unlikely to be successful. It is not enough for an individual citizen to participate in public interest issues to bring about desired change - it is also necessary to know more about the ways in which other people can be involved and motivated.

In order that citizens reflect democratic norms and values in their work they, they have to learn attitudes and practices that demonstrate a strong commitment to integrity, ethics and peace. They should not use violence and conflict as the means to achieve their objectives, but adopt peaceful ways to achieve the same goals. They should be committed to reach consensus through negotiation, dialogue and discussion. Citizens who are committed to fight for their rights and their entitlements, moreover, should not be involved in corruption, criminal activities and work that are against the spirit of the people. It is also important to remember that no citizen should be forced or compelled to be involved in civic activities that are against his/her will.

What can go wrong?

Even where there is no provision of civic education in a country, there is plenty of scope for democratic reforms. Unfortunately, however, sometimes some people may resort to violence by coercing people, exerting illegal pressures on them, issuing threats, and manipulating existing structures for their own promotion.

We also find that some people attempt to belittle and diminish others' work in the field of civic rights and render them ineffective. Citizens should be aware about this possibility, as well.

What can citizens do in such cases?

If laws are violated, citizens can make efforts to ensure that those who disobey the law or those who think that they are above the law, are punished. In some cases the law itself can be feeble and incomplete and citizens can, in such cases, lobby for stronger laws.

In any society, there are always people who can provide more examples of good behaviour than bad behaviour and can assert that truth will always triumph in the end. Citizens may be able to convince those who violate civic norms and values to return to commonly agreed norms of good behaviour.

Where are materials on civic education found in Nepal?

It is difficult to get one single document on civic education in Nepal. However, school level course books can be found in the Curriculum Development Centre, Sano Thimi, Bhaktapur. Some materials can be collected from government and non-government bodies working in the fields of education, health, agriculture, election, human rights, women rights, and the rights of Dalits and indigenous people. Some international organisations like the World Food Program and National Democratic Institute have prepared civic education materials on the right to food and on democracy and federalism.

Do government officials have to produce materials or civic education? Or, is it voluntary?

Every government body which provides services voluntarily prepares and distributes materials on the services they provide. The Good Governance Act and the Right to Information Act have given responsibility to government officials to conduct awareness raising programs and to publish relevant materials on issues of public interest. However, the responsibility for publishing materials on civic education itself has not been given to any government body.

What can a citizen do to encourage more provision of materials on civic education?

With the use of the Right to Information as a constitutional right, citizens can exert pressure on the government to provide information to people about topics of public importance and Acts and Regulations. Citizens can also collaborate with the government and volunteer to increase civic education to others.

Through discussions and suggestions, citizens can further motivate the government offices about where, how, when and for whom civic education is necessary.

Contacts for more information:

1. Civic Awareness Campaign, Informal Training Booklet on Civic Education, 2009, World Food Program, Kathmandu
2. Curriculum Development Centre, Sano Thimi, Bhaktapur
3. Keshar Library, Kesharmahal, Kathmandu
4. Central Library, Harihar Bhawan, Pulchowk, Lalitpur
5. Tribhuvan University Central Library, Kirtipur, Kathmandu
6. World Food Program (WFP), Kathmandu, Nepal
7. National Democratic Institute (NDI), Kathmandu, Nepal
8. Local secondary schools

Tool 7: Public Expenditure Tracking

What is Public Expenditure Tracking?

Public Expenditure Tracking is a method through which people try to find out how much budget is allocated to the activities implemented by the local bodies (VDCs, DDCs and Municipalities) and other government and non-government organisations; how much of this budget is spent or is being spent, and what outputs were obtained through the money that has been spent.

Through the use of this tool, people can find out whether any of the plans, programs and resources has indeed reached their targets, whether the money was spent for the already approved purpose and, if not, what ways can be found to spend the budget as per the approved purposes.

This method helps to identify the problems, weaknesses, irregularities and leakages seen in the management of public budget expenditures and address them accordingly.

Offices and individuals using the tool of Public Expenditure Tracking should know how the public expenditure system works, how the budget would be spent and how it actually was spent, what worked, what did not, and what shortcomings were witnessed.

Why is it important?

Public resources are important for the livelihood of poor people in our society. The state arranges financial assistance, free services and grants from various sources for improving the situation of target groups. These resources must, therefore, reach the target groups and not disappear or get misused on the way.

If resources are misused, it is the poor who will be affected the most. Though significant resources are arranged with the intention of improving the lives of such people, it is always a challenge to make sure that the resources actually reach them. The main reasons for resources not reaching the target group are not only corruption, but also mismanagement and problems of administration. For additional information on what to do about this, please contact the Good Governance Project at Pro Public⁷.

What can go wrong?

If the local citizens do not track expenditures, and ask questions about how public resources are spent, there is a chance that these will disappear midway

⁷ Improving Livelihood through Resource Tracking (in Nepali), and Our Budget Our Right (Information Leaflets), Good Governance Project, Pro Public, Kathmandu

through the process and without reaching the target groups. They may also get captured by powerful people or be misused through unlawful manipulation by wrong minded government employees.

When citizens track and question officials about public expenses, there may be protests from those who are responsible for such expenditure. Some may fear that once citizens start tracking expenses, faults will be revealed and, therefore, they try to make the expenditure tracking work difficult by not being co-operative. They may also try to defame and ridicule the citizens involved in the expenditure tracking by collecting personal information about them and using this against the citizens. They may further resort to threats and other ways of preventing the information collected through public expenditure tracking from being made public.



Leaflet on "Our Budget, Our Rights"

What can citizens do in such cases?

Citizens who are involved in public expenditure tracking have to be sharp, alert and professional. The more alert they are, the more they can deal with allegations which suggest that the work was done because of personal enmity or desire for revenge or that the expenditure tracking work has been motivated by political affiliations or other possible reasons.

Citizens involved in expenditure tracking need to make sure that they retain total transparency in the complete process of expenditure tracking and be ready to provide clear information about why the activity is being carried out. Efforts should be made to show that this work is appreciated by higher authorities. If such appreciation is well known then those lower officials will know that they will not be supported if they protest against expenditure tracking work, and will, therefore, extend cooperation to the work initiated by the citizens.

If citizens involved in Public Expenditure tracking are on the receiving end of protests, objections, and even defamation, it probably means that the citizens are recognized as defenders of citizens rights, and are considered a force to be reckoned with.

Where are materials on Public Expenditure Tracking generally found in Nepal?

The Ministry of Local Development has implemented the Local Governance and Community Development Program (LGCDP) to track and investigate public expenditure made at the local level. This program has been using the method called "Minimum Condition and Performance Measure" (MCPM) to make the expenses of local bodies transparent and accountable. Likewise, under this

LGCDP program and through the Local Governance Accountability Facility (LGAF), materials on mechanisms such as Public Hearing, Public Audit and Citizen Report Cards have been developed. There is also a booklet available called '**Our Budget, Our Right**' which is published by the Good Governance Project, Pro Public.

The Public Expenditure Tracking method has not been used much in Nepal although it is being talked about and piloted in different places. There are thus not many materials available about the use of this tool to date..

Do government officials have to produce materials on Public Expenditure Tracking? or, is it voluntary?

The Right to Information Act 2064 has given citizens the right to demand and receive information. It is therefore mandatory for local bodies to provide information related to budgets, programs and expenditures, providing such demands for information follow due process of law.

Clause 41 of the VDC, DDC and Municipality Grant Operation Procedure 2067 has provisions on accountability, Clause 42 on transparency and Clause 43 on the Minimization of Fiduciary Risk (i.e. risk related to financial good governance). These provisions together are the legal justification for Public Expenditure Tracking. To ensure that citizens are well informed about these provisions, information materials need to be developed and activities that will provide publicity on such matters should be planned and carried out.

Other processes related to local bodies (VDCs, DDCs, Municipalities) have also stressed the need for the employees of these local bodies to provide materials which will enable more people to be able to carry out Public Expenditure Tracking effectively.

What can a citizen do to encourage more provision of materials on Public Expenditure Tracking?

Citizens can individually and collectively organise discussions, dialogues and interaction on the benefits of the Public Expenditure Tracking method so as to bring this tool into the forefront of civic and social accountability work and give it wide publicity. They can further organise themselves by setting up networks to make sure that this tool is exercised at the local level.

Likewise, by lobbying at the level at which policies are formulated, citizens can motivate the government to come up with a Public Expenditure Tracking (PET) procedure and thus institutionalise this tool. They can further suggest what provisions should be included in the procedure and can facilitate the collection and publication of relevant reading materials.

Contacts for More Information:

1. Ministry of Local Development and Local Body Financial Commission, Pulchowk, Lalitpur, Website: www.mld.gov.np
2. Local Governance and Community Development Program (LGCDP), Ministry of Local Development, Pulchowk, Lalitpur, Website: www.lgcdp.gov.np
3. *Format of VDC, DDC Grant Investigation* (draft), Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Phone: 4268681, Email: gg@propublic.org
4. Budget Monitoring and Advocacy (training guidelines and study material), NGO Federation Nepal, POB 7768, Buddhanagar, Kathmandu, Email: info@ngofederation.org, Website: www.ngofederation.org

Tool 8

Check Lists of Standards and Indicators

What are Checklists of Standards and Indicators?

Standards refer to the qualities and levels of the services declared for the public's use by departments and offices under various ministries of the government. Such Ministries as Education, Health, Agriculture and offices under the Ministry of Local Development, for instance, declare that they will provide services of a certain standard and commit to citizens to maintain those standards. Such standards are made public through Acts, Regulations, Guidelines, Codes of conduct, White papers, etc.

Indicator: Standards, as mentioned above, must include information about the nature, quality and availability of the service, the time to be taken, the responsible authority and any fee involved in the service. Likewise, they should be measurable and written in simple and understandable language. The indicator is the measure of whether the service as per the declaration has been given or not, whether the service receivers are satisfied.

The standard of commitment expressed for public service delivery and the list of indicators that measure the level of implementation are together the Check Lists of Standards and Indicators.



Why is it important?

It is the right of the citizens who are getting government services to get them at an agreed level of quality. The service provider, in particular, makes a public commitment about the quality of service. Standards and check lists help enhance and measure the quality of service and also make it easy to monitor and review the implementation of already established standards. If a service is provided without standards and indicators being clear, it will be difficult to know the extent to which the citizens are satisfied or dissatisfied. It will also be difficult for citizens to give feedback about the quality of the services that they have received.

Suppose, for instance, that it is mentioned in a Citizens' Charter in a hospital that the doctors check patients from 10 a.m. in the morning to 2 p.m. in the afternoon. If then a patient who comes at 12 p.m. fails to see the doctor, we can say that the hospital is not living up to its own standards. Likewise, a hospital which has declared that it has an emergency service 24 hours a day, but fails to

provide service to a patient coming at 8 p.m. in the evening, will be considered to have failed in maintaining the standards expressed in its citizen charter. When standards and indicators are made public it helps citizens to identify whether a public organisation is fulfilling its commitment expressed through the Check List of Standards and Indicators.

The government itself determines the standards of its services. Such standard are made public in the form of Acts, Regulations, Procedures, Guidelines, Codes of conduct and Citizen Charters. If the citizens do not know about the standards, however, and if they are not publicised or made public, it is difficult to ascertain whether the declared standard has been implemented or not.

What can go wrong?

First of all, there may not be any standards and indicators declared by the government offices at all. Secondly, the implementation of these standards may be half hearted in the absence of effective monitoring by civil society organisations. And thirdly there may be a problem in the implementation of these standards due to the absence of resources or the lack of enthusiasm for them by the government officials. Government employees may not give them a high priority.

If civil society does not monitor the standards of the government's service delivery, it is not likely that the government's target of delivering quality services will be achieved, and if civil society does have any information about the standards of government services through monitoring, they well be pressured to make their information public.

What can citizens do in such cases?

Citizens can raise people's awareness about the standards that are publicly declared by publicising them widely among those who receive services. They can also work together with the service providers to reform the existing standards. If the service providers protest about citizens publicizing that standards are not implemented, then citizens can invite the government officials to discussion and dialogue on the topic and lobby them for better services. If there is no reform even after that, citizens can take the issue to local civil society networks for discussion and create collective pressure. Finally, if no reform is seen, citizens can lodge complaints at the National Vigilance Centre, Hello Sarkar and the local District Administration Office.

Where are the examples of such Check Lists of Standards and Indicators usually found in Nepal?

Standards and indicators of public services provided by the government offices are not yet published in a single document. However, several different kinds of

similar documents can be accessed through the websites of concerned ministries and departments and through the National Vigilance Centre. While the Good Governance Act has set requirements for public offices to declare standards and issue public notices, this provision has not been implemented very widely.

Check lists of standards and indicators can also be found in the local offices of different ministries. They use websites to disseminate such information. The format of the websites is such that "[gov.np](#)" is written after typing "www" and the relevant office's short name. For instance, for the Ministry of Local Development, please type "[www.mld.gov.np](#)" after which the information in the website can be accessed.

Do government officials have to produce such Check Lists of Standards and Indicators? Or, is it voluntary?

The Good Governance Act 2064 BS has made it mandatory to set up Citizens' Charters, so that the citizens are well-informed about the minimum standards of service to be provided by the concerned offices (see 'What is a Citizen Charter?' p. 14). Similarly, Rule 35 of the Good Governance Regulation 2065 has declared the following timelines for delivering and prioritising services.

Setting Priorities

Priority of work	Official who sets the priority and signs the letter	Period for submission of reply
Immediate	Work to be performed by office head or section officer	Within 2 days
Most urgent	To be performed by departmental head or office head or section officer	Within 5 days
Urgent	Work to be performed by an officer one rank below the office head	Within 7 days
Ordinary	Work to be performed by concerned officer	Within 15 day

Timeline for Work

Priority of work	Period for clearing work
Immediate	<ul style="list-style-type: none"> - If the work is to be cleared by the person who received it, it has to be on the same day as the work was received - If the work is to be cleared by more senior people, it has to be on the same day as when the work is presented - If the work is given at the time of closing the office, it has to be cleared immediately after the office opens the next day
Most urgent	<ul style="list-style-type: none"> - If the work is to be cleared by the person who received it, it has to be within 3 days - If the work is to be cleared by more senior people, it has to be within 2 days
Urgent	<ul style="list-style-type: none"> - If the work is to be cleared by the person who received it, it has to be within 5 days. - If the work is to be cleared by more senior people, it has to be within 2 days
Ordinary	<ul style="list-style-type: none"> - If the work is to be cleared by the person who received it, it has

	to be within 10 days - If the work is to be cleared by more senior people, it has to be within 7 days
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Similarly, No. 3 of the **Service Campaign Operation Guidelines 2065**, under the title 'Measures to be adopted for quality and effective service' includes information on approaches, methods, duration and distribution for providing services.

These guidelines say the following arrangements can be made to meet the objectives of quality and effective service:

- Determine the type, quantity and quality of services that can be provided through available resources and announce this publicly
- Arrange separate services for women, disabled, elderly citizens, Dalits, backward communities and regions; determine the fee, estimated time and process for the distribution of these services
- Enforce office-related Codes of Conduct; formulate phases, a work flow, and a chart of services and make them public; set up a monitoring mechanism with the involvement of service receivers
- Adopt ways to measure the satisfaction of service receivers
- Organise public hearings - declaring a fixed date and time; arrange compensation if the service is not provided in time; push for the services to be provided to be reliable, of good quality, cost effective and prompt.
- Citizens should use applications in the form that is meant for accessing the service, and citizens should further facilitate the processes involved by writing applications and filling the forms for illiterate people.

With the objective of minimizing administrative complications and delays in the decision making process, the "**Government Decision Process Simplification Guidelines 2065**" has been brought into effect. This guideline has determined standards with a timeline for decisions to be made by government heads and employees ranging from the Prime Minister, Ministers and Chief Secretaries down to the local offices. Some of the features in the guidelines which are helpful for service receivers are that:

- work should not to be carried out without a clear decision,
- personal comments should not be allowed;
- unnecessary opinions or advice should not be allowed, and
- opinions or advice should be provided in clear language.

No. 6 of the **Code of Conduct for Civil Servants Holding Public Posts 2065** says that:

- civil servants should not discriminate against service receivers on the basis of ethnicity, caste, religion, gender, age, political or social status, geography, political perspective, access or influence, physical condition, marital status or on any other basis.
- all should be treated properly, equally and with dignity.

- civil servants should not conceal any data, information or notices which are to be made available to the service receivers.
- where cash transactions are to be made, the government officials have to immediately return any cash that needs to be returned, immediately make the evidence of the transaction public to those receiving the services and behave in a friendly manner.
- any government body providing services or the Head of such an office has to make its budget, its expenditures and its achievements public on an annual basis.
- Finally, data, information or notices have to be given adequately and fully for the sake of transparency.

The standards of services delivered by government offices may vary from one ministry, department and office to another. They may also have different indicators for making their services more effective. In particular, the Ministries of Health, Education, Agriculture and Local Development have practiced such arrangements.

What can citizens do to encourage more production and use of such Check Lists of Standards and Indicators?

Citizens can endeavour to keep those who receive government services alert to the issue of standards and indicators so that they encourage such list of standards and checklists to be made and publicized - and further encourage such standards to be put into practice. Citizens can also provide feedback to concerned offices if they have been involved in monitoring whether the standards made public by a particular body have been implemented or not. Citizens can further inform the public locally and create public opinion about the issues of standards and indicators by mobilising their own resources at the local level. If any shortcomings are seen in the standards which have already been made public, the citizens can then make further suggestions. They can request the local bodies and other service providers to determine their own standards; develop indicators accordingly, and examine from time whether the standards have been implemented.

Contacts for More Information:

1. Good Governance Act and Regulation, Office of the Prime Minister, Singhadurbar, Kathmandu, Website: www.opmcm.gov.np
2. National Vigilance Centre, Singha Durbar, Kathmandu, Phone: 4226380, Fax: 4227096, Hotline: 4224901, Email: nvc@nvc.gov.np, Website: www.nvc.gov.np
3. Right to Information Act 2064, Regulation 2065, National Information Commission, Koteswor, Kathmandu, Phone: 4602747, Fax: 4601212, Email: nicnepal@wlink.com.np, Website: www.nic.gov.np
4. Local Self Governance Act and Regulation; VDC, DDC and Municipality Grant Operation Guidelines, Ministry of Local Development, Pulchowk, Lalitpur, Website: www.mld.gov.np
5. Service Campaign Operation Guidelines, 2065; Government Decision Process Simplification Guidelines 2065; Office of Council of Ministers, Singha durbar, Kathmandu, Website: www.opmcm.gov.np

Tool 9: Community Score Card

What is a Community Score Card?

This is a mechanism through which citizens monitor the quality of community based public services. It provides the opportunity for citizens to analyse any particular service they receive based on their personal feelings, to express dissatisfaction, to provide encouragement if good work is done - and further suggest measures to be taken if flaws still remain.

It can also be taken as a method to make service providers accountable to citizens. For instance, local citizens receiving health services and employees of health posts can sit together and evaluate the services collectively. Such exercise can be done both in a single group or in a variety of groups.

In this method, those who have received health services can score them with different points based on different indicators about of the health post's service. For instance, in considering the quality of treatment provided by the health professionals at the health post: if those receiving the services think it was "very good", they can give a score of 3. In the same way, where those receiving services think the treatment was simply "good"; they can give a score of 2: and when they think it was "average" they give a score of 1 thus expressing their feelings about the services received.

Just like those receiving the services, the employees of health posts, too, evaluate the services they have provided themselves and provide scores as per the example mentioned above. After scoring has been done by the service providers and receivers in separate groups a



Stakeholders are exercising
Community Score Card

Joint and collective analysis and evaluation is done in order to seek improvements in the service. Such kinds of collective evaluation can be transmitted to different levels of the bodies providing services as feedback on their performance. Such information can also be given to the media for publicity.

A community score card is generally held in four phases. In the first phase, estimates about resources and the budget of the office under scrutiny are evaluated and in the second phase, work performance is estimated. While doing so, service receivers and providers discuss the matter together. In the third phase, service receivers and providers sit in separate groups and evaluate the service. And in the fourth phase, service receivers and providers again sit together and discuss the indicators and the facts. The exercise of sitting together

and listening to each other raises the feeling of mutual respect and also plays a significant role in forming consensus.

The Community Score Card (CSC) helps both sides to come together, identify the reasons for feeble services and find out solutions for the problems identified. Finally, developing a joint Action Plan will help the work of the community score card, as it will help improve the delivery of services. There is the possibility of heated debate during the discussion but this can be controlled through the use of a Code of Conduct.

This tool can be used in development and construction projects conducted by the local health, education and agriculture offices along with VDC, DDC and municipality. This tool is useful in understanding the quality, work efficiency, accountability and transparency of government services. For example, it helps assess the quality and availability of medicine and other services at a health post or at any other government body.

Outcomes of the Community Score Cards

This tool will also allow people to make more efficient use of resources through the monitoring of a particular service or project. Those who provide the services get direct feedback, as they sit together with those who receive the services and who make their contribution by presenting their suggestions for reform.

Only a few organisations in Nepal have any practice with the community score card and so its use is still not wide spread. The Ministry of Health, in collaboration with Pro Public, had piloted this tool in the health posts of 16 VDCs in 4 districts of Morang, Rasuwa, Dang and Doti. The results of this pilot activity were encouraging.

Why is it important?

Until the employees of bodies which provide services receive perspectives, suggestions and complaints from citizens about the quality of these services, they do not have the encouragement or enthusiasm to bring about reform in these services. They assume that the service they are providing is right and appropriate. The community score card, therefore, has special importance for getting feedback from the service receivers on a regular basis. As the service providers and receivers sit together and get involved in a collective evaluation through this method, we can see it to be a scientific tool and its expansion to a range of government services to be necessary.

What can go wrong?

The community score card is a method of collecting the opinions of local citizens receiving government services about the quality of those services. It is important to ensure that the facilitating individual or organisation used to implement this tool does so in a professional and effective manner with attention paid to making the process as transparency as possible.

If the use of this tool is not done effectively, those providing the services may express dissatisfaction over the way that information is collected and reject the results. They may continue with the existing way of delivering the service without introducing any reform saying that the tool's implementation was not done scientifically.

What can citizens do in such cases?

If those providing the services do not take the initiatives of introducing reforms even after the community score card mechanism has been handled in a well-managed and professional manner, citizens should be ready to raise questions over the effectiveness of government services based on the results of community score card, publicise these questions and take complaints to the higher level officials.

Citizens can further express disagreement with those providing the services, exert pressure on them for reform and even reject or boycott services provided by them. Citizens should also be ready to set up alternative service providers, if that is required. Services can be made more effective if citizens make a comparison between two different bodies which provide services, scoring them, and publicising which office's service is better.

Where is the Community Score Card usually found in Nepal?

As the community score card mechanism was introduced in Nepal not long ago, very few reading materials are available on this matter. However, some training materials have been developed by the Good Governance Project, Pro Public and are available. Some organisations have implemented this tool in the past, but it has not been brought into practice on a regular and professional basis by any organisation, so far.

Do government officials have to produce Community Score Card? Or, is it voluntary?

In Number 3(i) of Service Campaign Operation Guidelines 2065, under the measures to be taken for quality and effective service distribution, three tools - complaint management mechanism, public hearing and **report card**, have been provided for increasing the satisfaction level of service receivers and to carry out

measurements of this satisfaction. However, no ministry to date has brought this method into regular use through sub-ordinate offices.

What can a citizen do to encourage more provision of the Community Score Card?

As this tool is very effective in improving government services, it is important for citizens to spread its use. Citizens can motivate local service providing bodies to assess their services, examine their quality and be more competitive. Citizens can manage resources from government bodies and development partner organisations and seek to practice this tool. They can further interact with the local service providing bodies and suggest how, when and where the community score card tool can be implemented.

Contacts for More Information:

1. Good Governance Project and National Capacity Development Institute, Pro Public, POB 14307, Anamnagar, Kathmandu, Email: gg@propublic.org, Website: www.propublic.org
2. Community Indicator Manual, Helvetas, POB 688, Phone: 5524925, Fax: 5531109, Jhamsikhel, Lalitpur, Email: po@helvetasnepal.org.np, Website: www.helvetas.ch/nepal
3. Community Score Card monitoring, World Food Program, Kathmandu

Tool 10: Citizen Report Card

What is a Citizen's Report Card?

When citizens receive services from government offices their involvement may be passive or active. The Citizen Report Card (CRC) is a method of providing feedback to government offices after evaluating citizen's direct experience, observation, and feelings through a participatory survey method. The concept of CRC was introduced as a way for citizens to take their feelings and experience about a government service to the concerned offices in an appropriate manner. Through doing this, citizens learn where, how and through whom they can provide feedback. Among other tools, the CRC has developed into a powerful means to allow citizens' voice to reach even to the level of policy formulation.

This method used by CSOs is effective from the perspective of cost effectiveness and level of output. This method makes it easy to evaluate the process and quality of services delivered. It is the duty of the state to provide quality services, and it is the right of citizens to access such service in a simple and easy way. Both sides need to be confident that effective service is being delivered. The citizens can feel their rights are being observed through the specific manner, kind, and quality of the services being delivered – and this can be made clear by the manner and attitude of service providers and their impact on the citizens.

Why use Citizens' Report Cards?

- To find out service receivers' perspectives about the quality of public service
- To disclose service receivers' grievances against service providers
- To know service receivers' views on irregularities in service providing offices
- To understand the real situation derived from the views of service providers and receivers

Method of citizen report card: If the researcher collects information from all those receiving services which are related to the specific objective of the citizen report card and prepares conclusion from this, then it is called the **census method**. In this method, a contact is established with every service receiver so that service related information can be collected. Since government provided services are generally of an essential nature and based on common needs, there will always be large numbers of citizens receiving these kinds of services.

It will sometimes, however, look almost impossible to establish contacts with all service receivers and collect information from them for the purpose of a citizen report card. In this situation, the researcher can opt for the **sampling method** to collect information for the purpose of a citizen report card. Sampling is a method in which a representative portion of all service receivers is selected. Sampling is the selection of a few units that represent all of the units. Usually, in the citizen report card, information is collected not through census method, but through the sampling method.

In a citizen report card, information is obtained by directly asking questions to service receivers and asking them to fill out a questionnaire. It can also be managed simply by observation. The questionnaire based interview method is found to have been more effective than the observation method for collecting information, as the service receivers have direct participation.

Apart from the questionnaire based interview, Focus Group Discussions (FGDs) are also used for the purpose of a citizen report card. If interviews, questionnaires and FGDs are all applied the level of validity of the information will be high. The reason is that these



The Director of the Good Governance Project, Kedar Khadka, presenting Results of the Citizen Report Card at the Central Monitoring Committee lead by Madhav P. Ghimire, Chief Secretary of Nepal

methods, on the one hand, remove biased information, while on the other, address shortcomings that appear during the information collection phase.

It depends on the objective of citizen report card as to what kind of information is to be collected and from whom. If the information is to be presented in a mathematical format (averages, percentages) then the **quantitative** research method is applied. If case studies are to be done, then the **qualitative** research method is applied. For the purpose of a citizen report card, both the quantitative and qualitative methods are applied.

Overall, the citizen's report card is a powerful medium to express the view, spirit and voice of citizens about the services they receive. If their perspectives are collected haphazardly without following scientific methods or through representing the views only of certain individuals, the consequence is that the information collected may not be unbiased. If a citizen report card is prepared based on such incomplete and biased information, it may turn counter-productive for the policy makers and service providing bodies. Confusing, partial and wrong information makes it difficult to come to a correct decision. Therefore, those organisations or individuals who want to conduct the citizen report card activity have to plan it in a very well-managed and scientific manner.

The CRC is not an opinion survey of service receivers' views toward public service and government offices: it is a reflection of citizens' direct experience while using services. Those who are preparing to conduct a citizen report card, have to be methodological and scientific in the design, and also have the ability to explain it to the masses.

Why is the Citizen's Report Card important?

Citizens' dissatisfaction with the state starts to increase if the state remains passive, neutral and insensitive about the negative impact of the quality of the services it provides to its citizens. For this reason those who are providing services must have information about how the state's resources are being used and how the services are impacting on the citizens. The Citizen's Report Card has an important role to play in making sure that information is received about the services being delivered and helping these services to be citizen and result oriented. A Citizen's Report Card can bring the following benefits:

- Policy makers can listen to citizen's demands about alternatives and bring these to the policy making level
- Prompt and practical improvements in service delivery can be made through by providing information about the effectiveness of service delivery
- They can assess the impact of public policies and programs
- The feedback based on the achievements of the services can influence budget allocations

A Citizen's Report Card has the following scope:

- It can evaluate public services and the bodies providing those services
- It can be based on the actual experience of those receiving services
- It can provide information to compare the performance of different service providing bodies
- It can transform personal grievances and problems into collective ones
- It can make public the fact that additional fees are needed to access services
- It can provide practical suggestions for improving public services

What can go wrong?

Service receivers generally want to see their concerns addressed without "sticking out their neck" themselves. They further want their concerns to be addressed by their representatives. But even if they are aware of problems, people's representatives cannot regularly pay attention to the quality of public services - they are more involved in making policy level decisions than in the daily monitoring of public services. Ordinary citizens, however, are in regular contact with service providers and they are directly involved with each other. Citizens are regularly involved in monitoring problems, effectiveness and capabilities in the services they receive.

What Factors make for Satisfaction or Dissatisfaction in those receiving services?

- Their own experience
- Information from other service receivers
- Comparative information from other organisations delivering services
- The way in which the body providing the services is structured and managed

The Citizen's Report Card is a tool that collects the experiences of those who receive services about the quality of those services in a free and fair manner. It is a strong medium for giving expression to the voice of citizens. The process of collecting their voice must be carried out impartially and diligently using scientific methods in a well-managed way. If Citizen Report Cards are prepared based on incomplete and biased information then the consequences will be counter-productive for the policy makers and the offices that are providing services. Citizens who are involved in the process of the Citizen's Report Card have to be diligent and transparent. If they are not satisfied with the way in which the Citizen Report Card has been managed, then service providers may reject the results of the CRC and continue with the services without making any improvements.

What can citizens do in such cases?

In general public bodies providing services to citizens are not well managed. They do not pay attention to the grievances of the citizens. Citizens, therefore, have to be ready to raise questions in order to make the service providers accountable, ready to be involved in publicity and in communicating their grievances at the upper level based on the results of the CRC. The use of a CRC should only be put in operation after extensive discussion among those organising it. It should be conducted in a way that understands the concept of public service, and its purpose should be to show people's concerns, based on citizens' real life experiences.

A Citizen's Report Card does not carry out an internal evaluation of an office: it expresses service receivers' experiences about the services provided and the service providers. Citizens should, therefore, be aware about its purpose which is to reform the offices of those providing service and thus make more effective the services delivered. Since the quality and effectiveness of services depends greatly on the attitudes of those providing the service, the Citizen's Report Card provides information on the experience of not only the service providing offices but also the service providing individuals.

Where are Citizen's Report Cards usually found in Nepal?

Though Citizen's Report Cards are a new concept in Nepal, the Good Governance Project, at Pro Public has been putting this concept into practice. The Project has published training manuals, and has been implementing this tool in Khotang, Okhaldhunga, Ramechhap, Jajarkot and Dailekh districts since FY 2066/67. The use of this tool has been providing feedback to the offices of Education, Health, Agriculture, Land revenue, DDC and District Administration, in these places.

The Project has also been presenting the results of CRC to the Central Monitoring Committee led by the Chief Secretary of the Government of Nepal with the objective of providing feedback for the central level. This tool has not,

however, been practiced very extensively although some training institutes have provided theoretical knowledge.

Since FY 2067/68, under the Local Governance and Community Development Program of the Ministry of Local Development, some local organisations have implemented short versions of this tool in some places. While it is carrying out its monitoring of various offices, the National Vigilance Centre, too, asks brief questions of the service receivers and makes an estimate about the quality of services delivered.

Results of the Measurement of Satisfaction with Services Received conducted by Good Governance Project, Pro Public in Ramechhap district (Health, Education, Agriculture, Land revenue, DDC and District Administration Offices)			
Questions asked in Citizen Report Card	Responses of Service Receivers	Fiscal Year (FY)	
		2065/66 %	2066/67 %
Are you satisfied with the services provided by the government office?	Satisfied	25	57
	Dissatisfied	75	43
Are you satisfied with the behaviour of the service providing employees?	Satisfied	40	51
	Dissatisfied	60	49
Did you have to pay additional charges apart from the service charge?	Did not have to pay	48	89
	Had to pay some amount	52	11

Do government officials have to produce Citizen's Report Card? Or, is it voluntary?

The "Code of Conduct of Civil Servants holding Public Positions 2068" issued by the Government of Nepal has taken "service receivers' satisfaction as its measure of success." Number 5(a) of the Code of Conduct says, *civil servants should fulfil their responsibilities in a prompt, cost effective, complete and quality manner*. Likewise, Number 6(a) says, *all should be treated properly and equally without discrimination*, and Number 6(f) adds that *service receivers and stakeholders should be treated in a friendly manner*.

Likewise, Number 3(i) of the Service Campaign Operation Guidelines 2065, under the measures to be taken for the distribution of quality and effective services, has accepted the report card as a mechanism to promote satisfaction and to measure it. In the same Number, the need to publish information related to service distribution has also been mentioned. The Guidelines also has compensatory provisions in the case of failing to make services available in time.

Number 41(j) of the Local Body (VDC, DDC and Municipality) Grant Operation Procedure says, the local bodies should be made responsible to service receivers and financial discipline will be maintained by carrying out a "people's survey." Under the topic "good governance related activities to be

carried out in the days ahead" of the Good Governance Action Plan, issued by the Government of Nepal, it is mentioned that "a citizen charter will be set up in the declared area with compensatory provisions."

What can a citizen do to encourage more provision of Citizen's Report Cards?

Since Citizen's Report Card is effective in better implementation of the local level service delivery, it is necessary, from the citizens' perspective, to make the use of this tool more widespread. This can motivate individuals working in the service providing bodies to be competitive by evaluating their services and examining the quality of their services. Citizens and CSOs can bring this tool into greater use by collecting resources from the local bodies and development partner organisations, and suggesting to local service providing bodies how, where and when to conduct this mechanism. As the government has already embraced the concept of the Citizen's Report Card in its various legal mechanisms, the onus now lies on the citizens to bring the tool into practice.

Contacts for More Information:

1. Citizen Report Card (Sourcebook, 2065), Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Nepal, Phone: 4268681, Fax: 4268022, Email: gg@propublic.org, Website: www.propublic.org
2. Code of Conduct of civil servants holding public positions, 2068; Service Campaign Operation Guidelines 2065 and Good Governance Action Plan 2068, Office of Prime Minister and Council of Ministers, Kathmandu, Website: www.opmcm.gov.np
3. VDC, Municipality and DDC Grant Operation Procedure 2067, Ministry of Local Development, Pulchowk, Lalitpur, Website: www.mld.gov.np

Tool 11: Public Hearing

What is a Public Hearing?

Public Hearing is a community forum where citizens receiving local services and officials providing services exchange face-to-face questions and answers on matters of public interest⁸. In these forums, citizens can put forward personal and community related problems to the service providing officials by expressing their grievances and suggesting measures to improve the situation. Through this method service providing officials can also get feedback on the effectiveness and quality of the services and goods provided by them. It further helps make service providers accountable to citizens, increases transparency in the former's activities and brings the Right to Information law into use by the citizens.

It is believed that the concept of Public Hearing was introduced in Nepal through a TV program "*Ek Aapas* (Together)" broadcast by Nepal TV in 2051 BS. The program was in broadcast regularly for 7 years. Considering the effectiveness of public hearing programs organised by *Ek Aapas*, and by Pro Public's Good Governance Project and Civil Society against Corruption Project, the Government of Nepal institutionalised this tool in 2062 BS by formulating guidelines on public hearings. Likewise, TV programs such as, "Paksha-Pratipaksha (For and Against)", "Nagarik Sunuwai (Civic Hearing)" and "Sarbanjanik Sunuwai (Public Hearing)" also left a positive impression about this tool on the citizens. These days, various TV stations have embraced the concept of public hearing and have been broadcasting programs such as, "Sajha Sawal (Common Questions)", "Haami Janata (We the People)" and "Sarokar (Concern)", among others.



Sample example of the Public Hearing

Why is it important?

Public Hearing is an important tool to make those holding public positions and providing services accountable to stakeholders and to increase transparency about what they are doing. It is taken as a highly effective tool to enhance social accountability.

⁸ Kedar Khadka (2066), Public Hearing (Facilitators' Guidelines), Good Governance Project, Pro Public, Kathmandu, Nepal

Service providers generally have the misconception that the citizens are satisfied with the services provided by them, and, therefore, service providers don't take up much initiative to change their attitude and behaviour or seek to reform the situation. Public Hearings, however, are getting popular among the citizens as they use the forum provided by the tool to express their concerns and their grievances.



Asking Question in the Public Hearing

What is needed to make a Public Hearing effective is (a) a competent facilitator is required and a significant number of citizens to participate in the hearing. With the aim of making Public Hearings more effective, the Ministry of Local Development has produced a procedure on Public Hearing. In the same way, and with the aim of producing human resources capable of conducting a public hearing, the Good Governance Project, Pro Public has produced the **Public Hearing Facilitation Guidelines 2067**.

What can go wrong?

Both the organisation and the facilitator conducting the Public Hearing may not be competent, independent, neutral and sufficiently sensitive. Service providers present in the Hearing may not present themselves sensibly in response to questions raised by the service receivers. There may also be the possibility of the program being obstructed by individuals raising issues of political revenge rather than focusing on the local community's issues. If this happens, then it makes it difficult to achieve the objectives of the program.



Guideline of the Public Hearing

In particular, service providing officials hesitate to participate in Public Hearings fearing that they may receive negative comments and may have to face a lack of respect. Even when they do participate, they may not be comfortable to take up the issues raised in the Hearing.

It is also quite difficult to ensure that poor and marginalised citizens of the local community participate in the Hearing - those who are present, may well be afraid of raising their voices publicly. If such a situation develops, the Public Hearing may be limited to listening to the views of upper class and elite groups. When poor people present their views, they may sometimes be more emotional and may get aggressive against the government employees. In such a situation, it becomes difficult to manage the Hearing.

What can citizens do in such cases?

When taking a decision to conduct a Public Hearing, the organisers need to study local problems in detail and collect adequate information about them so that no unpleasant incidents occur during the Hearing. A capable and independent facilitator needs to be selected to make the Hearing well-managed and likely to produce valuable results. The Hearing will be more effective if the objective of the Hearing is made clear right at the beginning and a Code of Conduct is also endorsed.

It is also better to create a comfortable atmosphere by adequately discussing the matters with the officials who come as speakers before the Hearing begins. During the Hearing, the facilitator also has to motivate participants to raise not only individual issues, but also collective issues and try to come up with a public commitment document at the end of the program. Considering that important community issues may not be raised in the Hearing, some participants can be prepared beforehand to raise questions about such issues.



Where are the examples of Public Hearing usually found in Nepal?

After a long campaign by the Good Governance Project of Pro Public to institutionalise Public Hearings, the Government of Nepal came up with the **Public Hearing Procedures 2062**, thus providing government recognition for the tool. Following it, the Ministries of Local Development, Education and Health formulated and implemented separate procedures.

In Clause 30 of the Good Governance Act 2064, Public Hearings received further legal recognition as this provides for mandatory conduct of Public Hearings. This Act, provides for Heads of regional, zonal, district and local level government offices to conduct Public Hearings to make their activities fair, transparent and objective. Provision is also made for experts, stakeholders, civil society representatives and officials of local bodies to be invited to the Public Hearings.

Rule 19 of the Good Governance Regulation 2065 says government offices have to conduct at least one public hearing every 4 months. Other provisions of the Regulation include:

- providing information to service receivers about the available services and entitlements from that public office;
- collecting office timing, people's grievances and complaints;

- providing budget related information to service receivers,
- collecting suggestions about the service's positive and negative impacts, and
- informing citizens whether the public commitments expressed during previous public hearing were fulfilled.

More recently, local VDCs, DDCs and Municipalities have also been conducting Public Hearings. District Administration Offices are also doing the same - ensuring the participation of service receivers. Organisations involved in local community forestry and human rights have also started practising this tool. Mass media, such as TV and Radio are already conducting programs emphasise the importance of Public Hearings.

Do government officials have to produce materials on Public Hearing? Or is it voluntary?

It is mandatory for government offices to conduct Public Hearing, according to the Good Governance Act, Regulation and Public Hearing Procedure 2062. These bodies, therefore, have to publish public hearing related materials and make them available to citizens.

What can a citizen do to encourage more Public Hearings?

Citizens and CSOs can collaborate with the local DDCs, VDCs and Municipalities to produce, distribute and publicise the Public Hearing related provisions mentioned in the Good Governance Act, Regulation and Public Hearing Procedure. They can make them the matter of discussion at the local level.

Likewise, citizens can take up issues on the effectiveness of the services provided by Education, Health, Agriculture and Local Development offices and distribute reading materials concerning this to the participants of Public Hearings. They can also motivate and suggest that government offices produce materials on public hearing.

Contacts for More Information:

1. Public Hearing Related Procedure 2062, Office of Prime Minister and Council of Ministers, Kathmandu, Website: www.opmcm.gov.np
2. Local Body Public Hearing Procedure 2067, Ministry of Local Development, Pulchowk, Lalitpur, Website: www.lgcdp.gov.np
3. Local Governance and Community Development Program, Ministry of Local Development, Pulchowk, Lalitpur, Website: www.lgcdp.gov.np
4. Citizens' Complaint Management Unit, Office of Prime Minister and Council of Ministers, Toll Free No. 1111

5. Concept of public hearing (Advocacy for Good Governance – collection of articles), public hearing procedure, public hearing post card and public hearing facilitation procedure, Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Phone: 4268681, Email: gg@propublic.org
6. Audio tape on public hearing, Association of Community Radio Broadcasters' Nepal (ACORAB), POB 19324, Chakupat, Lalitpur, Phone: 5551161, Fax: 5260646, Email: info@acorab.org.np, www.acorab.org.np

Tool 12: Public Audit

What is a Public Audit?

Public Audit (PA) is a mechanism that evaluates how effective the investment in a local development project has been and it is carried out with the direct participation of stakeholders and beneficiaries. Through this tool, feedback is collected from the individuals involved with and concerned about the project concerning:

- how much money has come from which source,
- who were involved while making the budget,
- what kind of purchasing processes were followed,
- whether the expenditure was managed transparently,
- what were the drawbacks of the project, and many other issues.

Public Audits are carried out with the participation of labourers, technicians, engineers, contractors, account and store staff, representatives of local political parties and the local users of the investment who have a direct stake in the project.

Public Audit is a formal evaluation of expenditure and implementation carried out by all those who are stakeholders⁹. The tool is used to examine the effectiveness of administrative and financial management of development and construction works by collecting opinions from the stakeholders. It helps to ascertain whether the results planned for the investment were achieved and what any problems might have been.

When this tool is being applied, it is important that feedback is provided to those in charge of the project in a well-managed way and that unnecessary aggression is avoided. Once a project or an investment is selected for a PA, the facilitator designated for the Public Audit should inform the project operators in advance and ask them to prepare information related to the project including financial and administrative data.

Although the Ministries of Local Development, Health and Education have structured Public Audits and Social Audits as per their requirements, there is, as yet, no uniformity in the understanding and exercise of this tool.



Guideline of the Public Audit

⁹ Kedar Khadka (2066), Public Audit (Facilitators' Guidelines), Good Governance Project, Pro Public, Kathmandu, Nepal

Why are Public Audits important?

Public Audits help to increase accountability in the programs and projects of government bodies looks for transparency and develops the culture of exercising the Right to Information. It further helps to contain actual or potential corruption and irregularities in projects, and further, initiate legal action if misdeeds have been witnessed. It teaches local stakeholders and user groups to be responsible and present their grievances and experiences clearly. If such people have not received services or goods that they had a right to, they can raise these issues in the Public Audit. However, when views are presented in a Public Audit, there is no requirement for confrontational behaviour or shouting others down while they are speaking.

What can go wrong?

The organisation and the facilitators who conduct public audits may not be sufficiently qualified, independent, neutral or sensitive. On the other hand, officials representing government bodies which provide services may not behave responsibly in respect of queries raised by different stakeholders. Participants may try to spoil the PA by raising issues of political revenge instead of program and project related issues. If such a situation is allowed to develop, it will be difficult to achieve the objective of the Public Audit.



Stakeholders are involved in Public Audit

Officials may hesitate to participate fearing that negative comments will be made against the program and project in which they are involved in and that they may have to face insults or slander from the participants. Even when they do decide to participate, they may not feel comfortable in handling issues raised during the Public Audit.

It may be difficult to ensure that poor and marginalised people participate in the Public Audit. Those present may be scared to speak their minds. In such a situation, the Public Audit may find itself limited to opinions of upper class people and elites. On the other hand, project officials may become aggressive if poor and marginalised citizens put forward their grievances.

What can citizens do in such situations?

It is necessary that the organisers of the Public Audit think about the issues in advance and collect information beforehand so that there are no unexpected obstructions to the Public Audit. Capable and independent facilitators should be selected to make the program to be well-managed and have worthwhile results. The Public Audit is likely to be effective if its objectives are made clear at the start and a Code of Conduct is approved right in the beginning. It is better for the

facilitator to create a comfortable environment by holding discussions with the speakers of the program beforehand. The facilitator should motivate participants to raise not only individual and personal issues but also collective issues. To the extent possible, the questioners should identify themselves and the facilitator should try to make sure that an Action Plan, with a reform agenda for the future, gets endorsed at the end of the Public Audit.

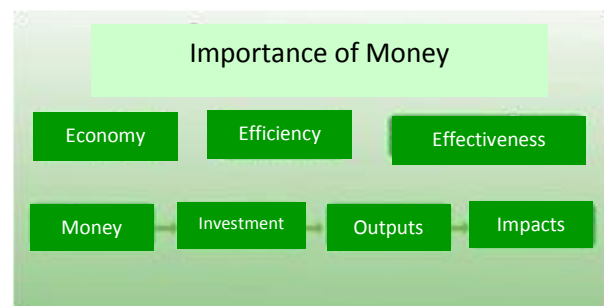


Workers are verifying their attendance & wages.

Where the examples of Public Audits are usually found in Nepal?

Examples of Public Audits can be found in VDCs, DDCs and Municipalities as they are mandated to carry out Public Audit before the final payment is made in regard to projects operated through user groups.

The Ministry of Local Development, with the objective of making local bodies more effective, has implemented Public Audit Procedure 2067 and Local Body Social Audit Procedure 2067.



Number 42 of the VDC, DDC and Municipality Grant Operation Procedure 2067 says that it is mandatory for a Public Audit to be carried out after every development project has been completed. The final payment cannot be made until such a Public Audits is carried out. When a public notice about a Public Audit is announced then the venue of the Public Audit, the time and the date must be clearly mentioned and widely publicised. For effective results, it is necessary to use a qualified and capable facilitator, who, it is expected will manage the Public Audit in an unbiased manner.

Do governments have to hold Public Audits? Or, is it voluntary?

Appreciating the significance of this tool, Clause 20 of the Good Governance Act 2064 has made a provision that stakeholders and civil society members should be consulted when implementing matters of public interest. According to the same Act, suggestions derived from such consultations have to be given proper attention.

The Good Governance Act, Regulation and Public Audit Procedures have mandatory provisions for conducting public audits on a regular basis. The

concerned offices have to publish the relevant materials about a Public Audit and make them available to the citizens.

What can a citizen do to encourage more use of Public Audit?

Citizens can collaborate with the local DDCs, VDCs and Municipalities to produce, distribute and publicise the materials related to Public Audits mentioned in the Good Governance Act, Regulation and Public Audit Procedure.

They can make the Public Audit a matter of discussion at the local level. They can develop issues on the effectiveness of the services provided by the offices of Education, Health, Agriculture and Local Development and distribute reading materials about this to the participants of a Public Audit. They can also motivate and government offices to produce educational materials on Public Audits.

Contacts for More Information:

1. Public Audit (facilitators' guidelines), concept paper, Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Phone: 4268681, Email: gg@propublic.org, Website: www.propublic.org
2. Good Governance Act and Regulation, Office of the Prime Minister and Council of Ministers, Singhadurbar, Kathmandu, Website: www.opmcm.gov.np
3. Procedures on Public Audit and Social Audit, Ministry of Local Development, Local Governance and Community Development Program (LGCDP), Pulchowk, Lalitpur, Website: www.mld.gov.np
4. Social Audit Operation Guidelines in Health Sector 2065, and Social Audit training video, Health Ministry, Ramshahpath, Kathmandu, Website: www.moh.gov.np
5. Public Audit (booklet), Helvetas, POB 688, Phone: 5524925, Fax: 5531109, Jhamsikhel, Lalitpur, Email: po@helvetasnepal.org.np, Website: www.helvetas.ch/nepal
6. Social Accountability Audit and Audio Visual, Action Aid, POB 6257, Apsara Marg, Kathmandu, Phone: 4436477, Fax: 4419718, Email: mail.nepal@actionaid.org, Website: www.actionaid.org/nepal
7. Social Audit: Flow of Events, Association of International NGOs in Nepal (AIN), Kathmandu, Website: www.ain.org.np
8. Public Audit Record Book, CARE Nepal, POB 1661, Kathmandu, Tel: 5522800, Fax: 977-5521202, Email: carenepal@np.care.org, Website: www.carenepal.org
9. Visual Tape of Public Audit, Association of Community Radio Broadcasters Nepal – ACORAB, POB: 19324, Chakupat, Lalitpur, Phone: 5551161, Fax: 5260646, Email: info@acorab.org.np, Website: www.acorab.org.np

10. Public Audit Guidelines, Rural Reconstruction Nepal (RRN), Gairidhara, Kathmandu, Phone: 4004976, Email: rrn@rrn.org.np, Website: www.rrn.org.np
11. Public Audit Guidelines 2064, APPSP, prepared for the purpose of performing public audit of projects operating under the District Publicity Sub-Fund of the District Agriculture Development Fund
12. Public Auditing Training Resource Manual, DFID, Community Support Programme, Mid & West Region, Nepalgunj
13. Public Audit Process in the Promotion of Good Governance, Samuhik Abhiyan (quarterly magazine), POB 6502, Kamalpokhari, Kathmandu, Email: samuhik@wlink.com.np, Website: www.samuhikabhiyan.org
14. Social Audit, Participatory Development Initiatives (P.) Ltd., Newplaza, PO Box 21919, Putalisadak, Kathmandu, Email: pdi@info.com.np
15. Booklet for Facilitators of People's Public Audit, Samudaya Sahayog Karyakram, POB 2, Nepalgunj, Banke, Phone: 081-525982

Tool 13: Public Revenue Monitoring

What is Public Revenue Monitoring?

The income government collects through revenue and tax determines what kind of programs, projects and services it can conduct. Local bodies (VDCs, DDCs and Municipalities) collect tax, tolls and other kinds of income using their authority and determine the local programs and service they can provide based on the amount of revenue they have collected. This is the case in theory. In practice, however, local bodies cannot carry out their programs, projects and services only with the revenue they collect themselves - the main source of their income is still the central budget.

Wherever the revenue and income comes from, it is necessary for local citizens to keep themselves informed about the size of the budget that has come to the local government. If citizens become interested in local income and expenditure, it becomes easy for them to find out how much the local government has spent on which heading. With this knowledge, the local bodies can be held accountable for the mobilisation and management of the public funds in their areas.

Only when the local citizens possess knowledge about public funds, the revenue and the income, can they know how much income has come from which source; whether the tax declared is rational; and where and how the revenue collected has been spent. For example, the following, for example, are the major sources of income for local governments in Nepal:

- Grant provided by the central government,
- Income made through local tax - for instance: housing tax, land tax, bazaar tax, shop tax, vehicle tax, entertainment tax, housing rent tax, business tax, natural resources utilisation tax, parking tax, fixed assets evaluation service tax, recommendation tax, etc.



Why is Public Revenue Monitoring important?

Public Revenue Monitoring by citizens helps to find answers to questions about how national and local governments have mobilised economic resources. Public Revenue Monitoring has a positive effect on those who want to learn where and how the available public money is going to be spent for local development and for the greater benefit of the citizenry. Until citizens know how much money has been received by local bodies, they cannot effectively monitor government expenditure. Therefore, Citizens should, therefore, involve themselves in the regular tracking and questioning of the government's income from their

perspective. If no-one is monitoring it, the local government may not make public all the sources of income and this may lead to corruption.

What can go wrong?

It is possible that the national and local governments do not make public all the sources of their income. They may exclude the real income from an audit and keep the amount involved under the control of corrupt employees. On the other hand, the tax and fees declared by the local bodies as being equally applicable to everyone, may be impractical and inappropriate for the poor and marginalised groups.

What can citizens do in such cases?

Article 27 of Nepal's Interim Constitution has given the right to seek and receive information to citizens in regard to any issue of public interest. Clause 3 of the Right to Information Act 2064 has provided every Nepali citizen with the right to have access to information. By using these laws, every Nepali citizen is entitled to see the accounts and documentation of public expenses, to investigate them and to be involved in monitoring them.

Similarly, citizens have the right to ask national and local governments how much from which sector has contributed to the total revenue and where and how the money was spent. Local citizens and civil society can further suggest changes and reforms after they have had the experience of being involving in monitoring taxes and fees and finding the ways in which these are not practical.

Where are examples of information on Public Revenue Monitoring usually found in Nepal?

The central government, after ascertaining the likely sources of its income, makes a projection in its annual budget as to how much is likely to be collected from these sources. The local bodies, while presenting their annual program, plan and budget in their respective councils, make an estimate of their income sources and the potential collection from those income sources. While the administrative machinery has an important role, the decisive role is played by the people's representatives. Civil society organisations and ordinary citizens are also involved in the VDCs, DDCs and Municipality councils every year. Their involvement is only in the process of formulating the budget, plan and program – they are not involved in the revenue collection or in the monitoring process held after the revenue has been collected.

During internal and external audits, the sources of revenue and the amount collected by them are also examined. There is an increasing trend to make the accounts public. Laws such as the Local Self Governance Act, Regulation and Procedure have made it mandatory to make public such details.

In particular, Number 42 of VDC, DDC and Municipality Grant Operation Procedure 2067 has made provisions for transparency and says that projects implemented by local bodies have to make their budgets public, have to paste information on the information board in a way that it is visible to everyone and have to maintain a website. Going even further, they have to make public through local media income and expense details and such details have to be made public every 4 months and annually.

The Procedure has paved the way for civic monitoring as it says the government offices have to perform Public Audits once a year with the participation of the local community. Number 43 of the same Procedure has the provision on minimizing fiduciary risk in work that contradicts or acts against the Local Self Governance Act, Regulation, existing laws, and the Procedure as mentioned above.

Similarly, the Manual for Assessment of Minimum Condition and Performance Measures (MCPM) Procedure 2065 has developed indicators so that the work performance of local bodies can be measured before the Ministry of Local Development provides them with grants. In Annex 1 of the MCPM, the respective weights for the different scores of the DDCs are listed. For example, under the heading "financial management" and Indicator Number 11, a weight of 4 has been given to real income and expense details and budget implementation. We can see that the principle of citizens monitoring of the details of income and expense has been accepted.

The VDC, DDC and Municipality Grant Operation Procedure 2067, too, have provision for public revenue monitoring. The Revenue Investigation Department, on the other hand, investigates and controls the leakage of tax and non-tax revenue, but it does not have the same direct role that citizens have.

Whatever the legal situation, the Nepali people have not paid much attention to the role of public revenue monitoring in the social sector. At central level, Federation of Nepalese Chambers of Commerce and Industry (FNCCI) and Society of Economic Journalists of Nepal (SEJON), have carried out programs on public revenue monitoring and published some materials about this. Such tools, however, whatever their objectives, have had little practical effect at the local level.

Do government officials have to produce information on Public Revenue Monitoring? Or, is it voluntary?

There is no mandatory provision for government employees to make public materials on Public Revenue Monitoring. The Right to Information Act 2064 has, however, given every citizen the right to demand and receive information. There is, therefore a legal obligation to respect this particular law.

According to Numbers 42 and 43 of the VDC, DDC and Municipality Grant Operation Procedure 2067, government employees can help to develop a

system of monitoring by the citizens. Concerned offices and their employees can, as well, use the work performance measurement indicators of MCPM 2065 and the provisions for weighting the scores – and bring them to bear in monitoring exercises.

What can a citizen do to encourage more information on Public Revenue Monitoring?

Since the Right to Information Act has provided the right to every Nepali citizen to demand and receive information from public bodies, citizens can always question, monitor and remain alert about how much revenue and income the local bodies like VDCs, DDCs and Municipalities have collected and how and from where such amounts were collected. By using these legal frameworks, they can raise people's awareness at the local level and can get involved in debates, interactions and advocacy campaigns either on one's own or in collaboration with civil society organisations.

Citizens can publish articles and write-ups in local media to increase people's interest about public revenue monitoring. They can also present written or verbal suggestions to relevant bodies about the shortcomings observed during public revenue monitoring at the local level. They can also present additional suggestions by attending the annually VDC, DDC and Municipality Council meetings.

Contacts for More Information:

1. Local Self Governance Act 2055, Regulation 2056 and Local Body (Financial Administration) Regulation 2056; VDC, DDC and Municipality Grant Operation Procedure 2067, Ministry of Local Development, Pulchowk, Lalitpur, Website: www.mld.gov.np
2. Minimum Conditions and Performance Measures (MCPM) Procedure 2065; Local Governance and Community Development Program, Ministry of Local Development, Pulchowk, Lalitpur, Fax: 5546280, Email: lgcdp@mld.gov.np, Website: www.lgcdp.mld.gov.np
3. Revenue Audit Guidelines 2064, Office of the Auditor General, Anamnagar, Kathmandu, Phone: 4438545, Fax: 4414651, Email: info@fcgo.gov.np, Website: www.fcgo.gov.np
4. Revenue Investigation Department, Harihar Bhawan, Pulchok, Lalitpur, Phone: 5551802, Toll Free: 16600155000, Email: info@dri.gov.np, Website: www.dri.gov.np
5. Public Expenditure and Financial Accountability (PEFA), Ministry of Finance, Public Expenditure and Financial Accountability Secretariat, Anamnagar, Kathmandu, Phone: 4770387, Fax: 4770706, Website: www.pefa.gov.np
6. Budget Monitoring and Advocacy (training manual reading material), NGO Federation, POB 7768, Buddhanagar, Kathmandu, Phone: 4781368, Fax: 4780559, Email: info@ngofederation.org, Website: www.ngofederation.org

Tool 14:

Citizen Complaints Structures

What are Citizens Complaint Structures?

It is essential for citizens to know how, where and when they can complain within the government structures against anything that goes wrong at the local level. They should also know about the legal complaint provisions that exist if they have any difficulties with the law. Citizen's Complaint Structures can be defined as the institutions that can hear a citizens' complaint against problems, and provisions that allow a citizen to file a complaint. If the complaints structures are effective, citizens can complain about the wrong doing of concerned government bodies and take initiatives to try and reform them.

Complaints structures vary according to place and situation. Complaints can be individual as well as collective. On the one hand, citizens may be dissatisfied with the service of a Chief District Officer, or local VDC, DDC or Municipality officials, but may be hesitant to complain against them: one the other, citizens from marginalised communities may be too scared to make complaints against officials. Such citizens need to be educated about the legal provisions in the Constitution, Acts, regulations and procedures which have provisions for Complaints Structures. At the same time, they should be made aware that there is a possibility of such bodies seeking retribution if a complaint is filed against them.

Government bodies should be informed about the grievances and complaints of citizens through citizens creating separate groups for this purpose or mobilising existing groups of the citizens. If citizens are not satisfied with the concerned bodies' decisions or if the concerned body does not make a decision at all, then citizens should consider conducting a civic campaign. Citizens should not be scared of even filing a case against the concerned bodies at the court. It is, however, very important that that the citizens mobilise the media in their favour if they are going to do this.

The government accepts the importance of Citizen Complaints Structures, and has developed various ways of handling this - some of which are been presented here as examples:

Provision on citizen charter: Rule 14 of the Good Governance Regulation 2065 says that every government office providing services to citizens has to maintain a citizen's charter in its premises so that it is visible to everybody. Among other details, the citizen charter must show:

- the post and name of the official designated to hear complaints,
- the telephone number of the service providing office and its sub-ordinate offices,
- the priority list for service delivery
- whether there is compensation,

Every government office has to maintain a complaint box, open it regularly, follow a token system while delivering services, set up a Help Desk and declare a timeline for hearing the complaint, amongst other things.

Provision on public hearing: Public hearing is also an appropriate medium to listen to the grievances of service receivers and give them a hearing. Rule 19 of the Good Governance Regulation has provided for a Public Hearing every 4 months, according to which the service providing offices have to listen to the people's problems, grievances and complaints related to service delivery. It further says that the service providing offices have to give updated information to citizens about their annual program and budget, the evaluation of their program's positive and negative impacts, and the status of the actions arising from citizens' complaints in previous Public Hearings.

Managing the complaints of service receivers: Rule 20 of the Good Governance Regulation 2065 has made it mandatory to declare an official to be the Information Officer (spokesperson) in every ministry, department and office to handle complaints. The government office has to arrange a free telephone, online service or any other appropriate medium to hear complaints. The information official has to present the complaint including his/her opinion on it, to the office head within 24 hours of receiving the complaint. As per the rule, the office head has immediately to deliver an instruction concerning the complaint received. If such an instruction is made, it is the duty of the Information Officer to inform the concerned citizen about what has happened.

Bring Information and Communication Technology (ICT) into practice: Rule 25 of the Good Governance Regulation says the government offices have to keep information and statistics in computerised form in a well-managed way and have to develop a website. In a bid to make service delivery prompt, government offices have to make use of citizen's charters, office operational procedures, ICT and the citizen's feedback. The Regulations also provide for central, regional and district level monitoring and evaluation committees in order to reducing grievances from citizens receiving services.

Procedure on service delivery: Number 5 of the Service Campaign Operation Guidelines 2065 says that every body providing services has to formulate and implement procedures to increase the quantity and quality of service delivery and pay attention to the satisfaction of those receiving services. Such procedures should show that:

- first priority is given to the services for disabled, elderly citizens, minors and women;
- service deliverers are accountable to service receivers;
- service receivers are ensured of a system for listening to their suggestions and grievances, and are increasingly satisfied.

If the service receivers are not getting services as per the declared standards, or if there are service related problems and if there is any dissatisfaction, Number 10 of the Procedure says that, in those situations, it is the prime responsibility of the service provider to ensure satisfaction of the service receivers by prioritising their grievances, complaints, problems, applications, reactions and suggestions and solving their problem, furnishing them with the reasonable answer, or setting up a hearing about their grievances and issuing directives for further investigation.

Hello Sarkar (Hello Government): In order properly to hear the grievances and complaints of citizens related to service delivery, the **Hello Sarkar Room Operation Procedure 2068** has been set up and put into operation. This room remains open 24 hours a day and is located inside the office of the Prime Minister and the Council of Ministers. Citizens can put forward their grievances, suggest ways of improving matters, or complain against absurdities, anomalies and irregularities seen in the government offices.

The complaints received in this room are categorised as "most urgent" (to be addressed within 2 hours), "urgent" (to be addressed within 3 days) and "ordinary" (to be addressed within 7 days). Action is taken according to the nature of the complaint as mentioned above.

Remedies can be sought for complaints on a range of issues, such as, discrimination, deprivation or obstruction while accessing public services, losses caused to the service receiver due to illegal activity of the service provider, legal discrimination, corruption and gender based violence against women, amongst other things.

Besides, Rule 4 of the National Vigilance Centre Regulation says if somebody knows about irregularities that have happened or are going to happen in the work performed or to be performed by a government office, then citizens can file a complaint in this regard at the Centre with or without mentioning their name. If somebody complains and does mention his/her name, then it is the duty of the Centre to inform him/her about the action taken over his/her complaint.

Why is it important?

Citizens of poor and marginalised communities still feel they cannot speak out against injustice and oppression which has been perpetrated upon them, or express dissatisfaction and make complaints as per the law. They fear retribution if they speak out against powerful people. In such situations, citizens facing problems can work through community based organisations to exert pressure to have their complaints listened to. In many cases it may be necessary to provide them with training and orientation so that they will be able to file a complaint. Citizens should not be satisfied with a simple answer from the official listening to their complaints. The state, realising the need to listen to the voice of such marginalised citizens, has developed complaint hearing structures within the Commission for the Investigation of Abuse of Authority (CIAA), National Vigilance Centre (NVC) and the Hello Sarkar Room.

What can go wrong?

There may be attempts to discourage or prevent ordinary citizens from filing complaints. Such attempts might be made from powerful individuals, against whose illegal activities and oppression the complaint has surfaced. The people in powerful positions might attempt to prove wrong the citizen making the complaint by taking help from the police. They may go even further and attempt to arrest the citizens making the complaints, preventing them from filing a formal complaint or defaming them. The powerful individuals may prefer not to give an

answer to the complaint and look for several measures to escape doing so – this fact also needs attention.

What can citizens do in such cases?

Citizens should not go back on a complaint they have filed. Citizens making complaints must be able to put their points of view plainly and advocate for their views clearly. They should also publicise the issues important to them by making them understandable to the people, powerful individuals and the media. If this is done, many people will come forward to join hands in favour of the person making the complaint. If there is a ground swell of positive support built about the issue or complaint, there is less chance that the complaint will get dismissed by the concerned government officials.

Where are Citizens' Complaints Structures found in Nepal?

Institutional structure for hearing a complaint: There are, at the national level, the Commission for the Investigation of Abuse of Authority (CIAA), the National Vigilance Centre (NVC) and the Hello Sarkar Room to hear complaints against public offices. At the local level, there are offices such as the District Administration Office (DAO) and the District Police Office. The DAOs represent the CIAA and NVC at the local level. Besides these offices, it is necessary that complaint hearing mechanism in all public offices be set up.

Legal mechanism on complaint hearing: Depending on the nature of work, there are separate legal structures in various ministries to hear citizens' complaints and expressions of dissatisfaction. These structures must be in line with the Good Governance Act, Right to Information Act and the Regulations, Procedures and Guidelines formed under these Acts.

The existing Acts, Regulations and Procedures, say that government employees have to clearly inform citizens about the Citizens' Complaints Structures. More than this, it is mandatory to maintain an official with the responsibility for hearing complaints, and to provide a citizen's charter and complaint box in every government office providing services. In addition, there should be a toll free number, a phone, a fax, email and a website to encourage citizens to the extent possible to file complaints.

Such arrangements are provided for in government documents such as the Good Governance Act 2064, Good Governance Regulation 2065, Right to Information Act 2064, Right to Information Regulation 2065, Service Campaign Operation Guidelines 2065, Hello Sarkar Room Operation Guidelines 2068 and Public Hearing Procedure, 2062.

Do government officials have to produce Citizen Complaint Structures? Or, is it voluntary?

Nepal's Interim Constitution has given the right of freedom of thought and expression to every citizen. This right is enshrined in Article 12(3) under the

fundamental rights. Likewise, Article 27 has made sure of the citizens' right to demand and receive information in regard to their own or the public's interest. Similarly, Clause 4 of the Right to Information Act 2064 provides for protecting citizens' right to information in every public office. It further says that:

- information should be de-classified, updated and made public, published and publicised from time to time;
- citizens' access to information should be made simple and easy, and
- government employees' activities should remain open and transparent

With the objective of bringing these all constitutional and legal rights into practice, the Government of Nepal has set up **Citizen Complaints Structures** at various levels. These structures are mentioned in the Good Governance Regulation 2065 and Right to Information Act 2065 and in various procedures formed under these documents. For instance, Rule 10 of Good Governance Regulation, under the title **Decision (has) to be transparent** says that if any decision is related to the public interest or concern, such a decision is to be publicised by pasting it on the notice board of the concerned office, or uploading it in a website or other appropriate medium."

The National Vigilance Centre, too, has drafted Complaints Management Guidelines in 2064. In the draft, some examples have even been given, such as how the Kathmandu District Administration Office, District Development Committee and Land Revenue Office, amongst others, receive complaints and what kind of arrangements they have to ensure the presence of an official to hear complaints.

Government employees need to develop clear and transparent systems for Citizen Complaints Structures and make arrangements for accepting and hearing the complaints.

What can a citizen do to encourage more provision of Citizen Complaints Structures?

If Complaint Structures are going to be effective, involving both individual and public concerns, citizens first need to understand the existing legal and institutional complaint hearing structures. They can do this through studying and active advocacy. Citizens can then play a crucial role in telling others about matters such as: where to complain, how to prepare the complaint, what provisions there are in law about a complaint, how to make sure the laws are used, and other matters.

Citizens can also get involved in mobilising local resources and publicising complaints procedures both individually and in a group. If they see any loophole in the existing complaint structures, they can present suggestions to the concerned offices.

Contacts for More Information:

1. Commission for the Investigation of Abuse of Authority (CIAA), Tangal, Kathmandu, Phone: 4440151, Toll Free: 16600122233, Fax: 4440128, Email: akhtiyar@ntc.net.np, Website: www.ciaa.gov.np
2. Hello Sarkar Room, Singhadurbar, Kathmandu, Toll Free: 1111, Fax: 1100, SMS 1111, Email: 1111@opmcm.gov.np, Website: www.opmcm.gov.np
3. District Administration and District Police Offices of the concerned districts; local VDCs, DDCs and municipalities
4. Complaint Management Committees and mechanisms constituted in other bodies

Section 3:

Participatory Development Tools

- 15. Multi-stakeholder groups
- 16. Participatory planning
- 17. Participatory budgeting
- 18. Community led procurement
- 19. Declaration of assets
- 20. Understanding conflict of interest
- 21. Integrity pact

Tool 15:

Multi-stakeholder Groups

What are Multi-stakeholder Groups?

Multi-stakeholder Groups can be defined as the result of working together with various groups and communities in order to effect change. Such groups can work together to achieve similar objectives and fulfil common needs. If groups can work together, this can result in excellent work – this is the concept behind the formation of multi-stakeholder groups. There are several elements in it.

People who speak the same language and have the same ethnicity, class or caste, may decide to work together, bring about improvements in their lives and solve their mutual problems. If they do this, they can move ahead in common understanding. There is a further opportunity, however – which is to be ready to work with a larger community beyond their own immediate community. Such a larger community could comprise the nearby village, the whole district, various linguistic groups and various ethnicities and communities.



Multi-stakeholder discussion

Stakeholders in Multi Stakeholder Groups could be one or all of the following:

- people who are interested in bringing expected changes and who can contribute to such changes
- people who can expect to get benefits from the expected changes
- people who are not entitled to get direct benefits but will get indirect benefits
- people who are likely to be affected by any changes change (and who may not only get benefits, but possibly losses as well)
- people who are not directly involved, but are interested and remains ready to help bring about changes, as, for example journalists, civil society organisation members, human rights activists, professors, teachers, and others.

Why are they important?

To rise above a small community and work for the greater benefit of a larger area, various sectors and classes to work together until the multi-stakeholder groups can forge a common unity, protect and defend each other and move ahead with a campaign that has common objectives. NGOs and individuals working in the civil society sector are a reflection of multi-stakeholder groups. In

Nepal, there are Aama Samuha (mothers' group), community forestry users groups, water and irrigation users groups, for instance. These organisations, regardless of whether they are registered by government bodies or not, may have been working together informally.

What can go wrong?

Multi-stakeholder groups may start fighting within themselves: some may protest about those individuals who hold positions and power in the group: if they do this, it leaves them open to attack by powerful competing individuals who may want to split the group and, even offer to mount physical attacks. Such individuals can also try to establish that the leading individuals within the groups have some conflict of interest with others in the group, so that the group members should not trust them. Through doing this, they attempt to create hatred for the group leaders.

In this course of doing this, they may 'acquire' group members who have bad characters, have a bad influence on them and obstruct decision making and progress towards the change that is desired. Even if they cannot weaken the campaign, competing powerful individuals can, to the extent possible, try to bring splits in the groups, disorganise them, and convince the citizens to set up a new groups with similar aims and with almost the same name.

They may discourage the group members by infiltrating party politics into the groups; by beating, kidnapping and attacking them and adopting other measures of physical and psychological violence. They may motivate other individuals or groups within or outside the groups, to get involved in such reprehensible work.

It is very difficult for individuals of various areas and background to come together and declare their common commitment to certain issues and agree to bring commonly agreed changes. There are many instances in Nepal where the divisive influence of politics enters a group before the group has really started working together.

What can citizens do in such cases?

It is necessary and important for the group members to understand why stakeholders from different backgrounds are prepared to work together to fulfil the same goals, objectives and expectations, together trying to bring about mutually agreed changes. Citizens need to agree to work together in an open and participatory manner for achieving the same objectives – this means that they should agree to plan together and achieve consensus in dividing and properly utilising all available resources. If this is not done many problems relating to responsibility and ownership may appear.

At the beginning or during the operation of a campaign for achieving change, the group members should consider the potential obstructions that may

be caused from those opposing them and should strategize about how to tackle such potential problems.

In these campaigns, it is especially necessary to involve the participation of women, Dalits, poor and landless people and pay attention to their concerns. It is necessary to respect the views and suggestions of all stakeholders, as those who oppose you may try to bring about splits among the stakeholders and ultimately bring division to the group. If this is not done, and if there is an active opposition, it is possible that there will be allegations inside the group members that the group is not paying adequate attention to particular disadvantaged groups - women, dalits, the poor and Janjati - and that the group is operating in the interests of the elites and upper classes of the society. Such allegations may make the group fall apart in a way to the extent that the different stakeholders will never get together again.

Where are the examples of Multi-Stakeholder Groups usually found in Nepal?

According to Local Self Governance Act, Regulation and Procedure, community-based projects operated by the Government of Nepal have to be conducted with the participation of the concerned community. Likewise, the Forestry Act 2049, Water Resources Act 2049 and Poverty Alleviation Fund Act 2063 also have provisions for communities to work together in multi-stakeholder groups.

For instance, Number 15 of VDC, DDC and Municipality Grant Operation Procedure has provision on ensuring the representation of political parties, NGOs, community organisations (mothers groups, women's cooperatives, women's networks), Dalit organisation, youth clubs, indigenous peoples groups, Janjati and backward communities in an Integrated Planning Committee. This legal provision has taken on board the concept of multi-stakeholder groups.

Similarly, Number 21 of the same Procedure says that, while forming user groups, an 11-member committee should be formed; this committee should be selected by a gathering of households who will directly benefit from the project; 33% of the members of the committee should be women; and for the office bearers within the committee, 1 should be from among the women; while, in the beneficiary group, there should be representation of Dalit, indigenous people, Janajati and backward community members. Development and construction works up to a limit of Rs 6 million can be carried out through these multi-stakeholder groups. This very fact shows the importance of such groups.

In Rule 28 of the Good Governance Regulation, 2065, there is a provision for ensuring representation of consumer rights organisations in the District Level Monitoring and Evaluation Committee. Likewise, Rule 4 of the Poverty Alleviation Fund Regulation, 2064 says that the Fund, while it is conducting programs beneficial to women, Dalit and Janajati people has to conduct the programs so that at least 20% of women, 10% of Dalit and 10% of Janajati communities will benefit directly. Rule 9 of the same Regulation says that community based organisations, rural organisations, women groups, saving and credit cooperative

groups should be recognised as the beneficiary groups, and they should be registered as such when development programs are selected for implementing. Clause 5 of the Water Resources Act says that individuals who want to set up an institution to utilise the water resources for a collective purpose, have to constitute a Water Resources User Group and get it registered. In the Irrigation Regulations, there is a detailed provision for the formation of an Irrigation User Group and that all irrigation related programs are to be conducted through such user groups.

Clause 25 of the Forestry Act says the community forests can be handed over to user groups as per the action plan of the forest user groups. Such user groups will have the right to develop, protect, use and manage the forest and independently set the price of forest products. This is another example of the concept of multi-stakeholder groups.

In Nepal, particularly in the projects operated by the local bodies of VDCs, DDCs and Municipalities, such works is performed with the participation of multi-stakeholders groups, and, in the same way, user groups operate in community forestry, irrigation, drinking water and the sanitation sectors; moreover communities affected by electricity and drinking water projects and others involved in poverty alleviation projects have set up multi-stakeholder groups.

These are only a few examples: besides these, various national and international NGOs have formed networks of multi-stakeholder groups to work in the sectors of environment, human rights, good governance and poverty alleviation. Since large projects under the control of various ministries of the government usually operate through contractors, there is less scope for multi-stakeholder groups, though many stakeholders may be affected by the project. In several cases, stakeholder and affected groups organise themselves and carry out a variety of programs.

Do government officials have to support Multi Stakeholder Groups? Or, is it voluntary?

The government officials are obligated to use the laws mentioned above for the benefit of the people, as these laws make provisions for working together in various forms of Multi-Stakeholder Groups. Government officials have to ensure as much participation as possible from among the stakeholder groups. To this end, reading materials should be prepared and distributed to the people, so that they will know about the arrangements of the rules, regulations and other legal structures. Beneficiary groups need to be constituted for construction projects and their participation is mandatory.

What can a citizen do to encourage more Multi-Stakeholder Groups?

Citizens can take the initiative to put into place the rights and entitlements which are provided for in the various acts, regulations and other legal structures, and

which are intended for the greater benefit of local communities, and for widening the scope of the way in which work is performed through multi-stakeholder groups. Huge investments projects can bring benefits to a wide area with many stakeholders' interests entwined together; it is very necessary to develop a culture of working in which various stakeholders work together.

Citizens can motivate people in the local communities to work together trying for consensus, understanding and co-existence. They can also draw the attention of local media to the situation by writing articles to make joint campaigns for change more effective. They can further bring greater awareness to local government offices about ensuring the value of ensuring the participation of multi-stakeholders in the formulation, implementation and monitoring of projects. Based on the lessons learned, they can put forward further suggestions and recommendations to the relevant government offices.

Contacts for more information:

1. Local Self Governance Act, 2055 and Regulation 2056; VDC, DDC and Municipality Grant Operation Procedure, 2067; Ministry of Local Development, Pulchowk, Lalitpur, Website: www.mld.gov.np
2. Forest Act 2049 and Water Resources Act 2049, Nepal Law Commission, Singhadurbar, Kathmandu, Website: www.lawcommission.gov.np
3. Poverty Alleviation Fund Act 2063 and Poverty Alleviation Fund Regulation 2064 – Poverty Alleviation Fund (PAF Nepal), Gyaneshor, Kathmandu, POB 9985, Phone: 4410041, Fax: 4415845, Email: info@pafnepal.org.np, Website: www.pafnepal.org.np
4. VDC Federation, POB 12951, Kamaladi, Kathmandu, Phone: 4229841, Fax: 4245889, Email: addcn@navin.org.np, Website: www.navin.org.np
5. DDC Federation, POB 12022, Sanepa Mode, Lalitpur, Phone: 554081, Fax: 5548469, Email: addcn@addcn.org.np, Website: www.addcn.org.np
6. Municipality Association, POB 14286, Dillibazar, Kathmandu, Nepal, Phone/Fax: 4418671, Email: info@muannepal.org.np, Website: www.muannepal.org.np
7. Federation of Community Forestry, Nepal, Old Baneshor, Kathmandu, Phone: 4485263, Fax: 4485262, Email: fecofun@wlink.com.np, Website: www.fecofun.org
8. Drinking Water and Sanitation Consumer Federation, Nepal, Thapathali, Kathmandu, Phone: 4249720, Email: info@fedwasun.org, Website: www.fedwasun.org
9. Local DDC, VDC and municipality offices in the districts

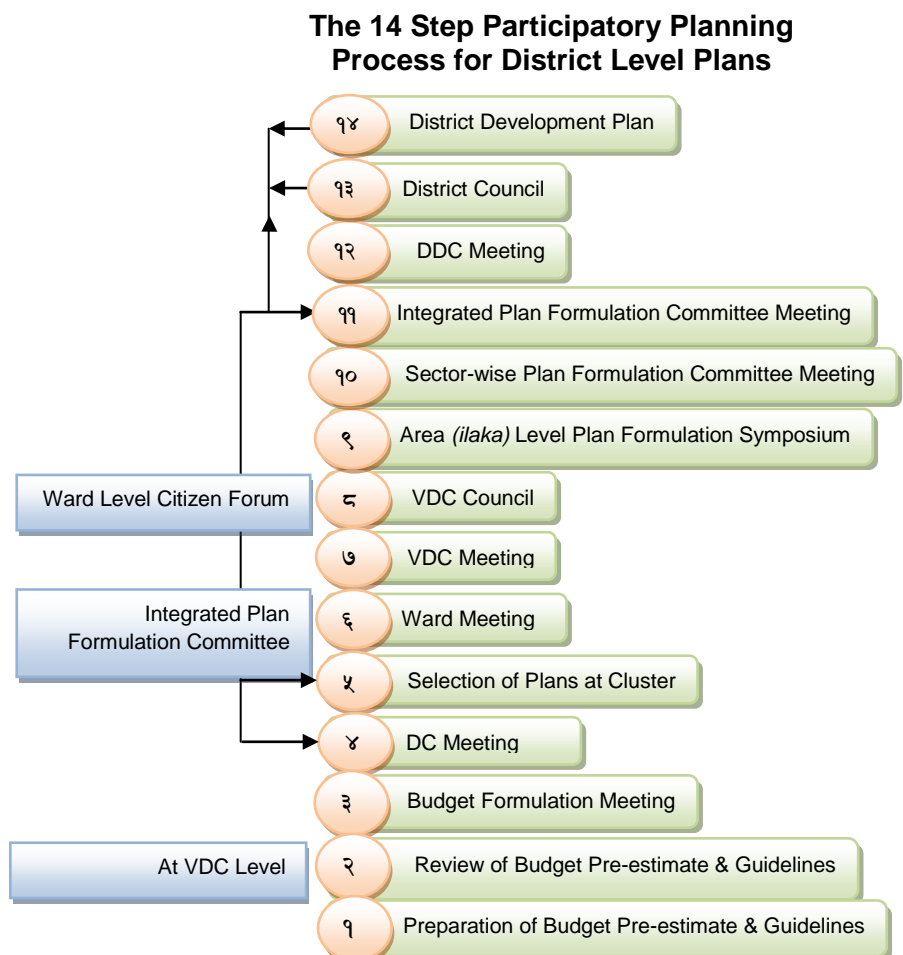
Tool 16: Participatory Planning

What is Participatory Planning?

Participatory planning is a method by which citizens of target groups participate in the planning that affects them. This principle is based on the concept that those who will benefit from plans should sit together with the planners. If the objective is to bring changes in the lives of the local citizens, then the plans made by various local bodies should place citizens in the centre. Unfortunately, however, the actual role of citizens in many plans is just to accept a plan that has already drafted by somebody else.

Such plans are generally drafted by government employees based on their assumption about what kind of plans local citizens need and what kind of plans will bring most benefits. Government employees consider themselves to be the experts in these matters (see 14 steps participatory planning process of the Ministry of Local Development on this page). However, activists working in the field of social accountability do not believe in planning that excludes the citizens. They think that the target group citizens have useful knowledge and experience as well which will contribute to a perfect plan and that a plan should be formulated only with the participation of citizens.

In such participatory planning, local community based organisations, user groups, civil society organisations, local bodies, political parties and representatives of government bodies can all take part. The local civil society plays a crucial role in the planning process by mobilising the community and the citizens for the task.



Civil society organisations can also contribute to raise awareness on issues of local development and addressing local needs. They can formulate plans that can be implemented within the capacity of the community. Further, they can help access external assistance and thus increase the capability of the citizens.

Why is Participatory Planning important?

There are many benefits which come from Participatory Planning - for example:

Strong citizen voice: Participatory planning provides an opportunity - especially for poor and marginalised citizens - to raise issues of concern to them. Such citizens can influence decisions related to the development of the plan and its distribution and make sure that the plans pay attention to their needs.

Informed about the plan: If plans are produced with the participation of the target citizens and which help address their needs, citizens will be informed about the plans and will monitor their implementation.

Building capacity of citizens: If citizens and civil society organisations are involved in the planning phase they will learn many things about the planning processes of government bodies. They will learn about the identification, analysis and prioritisation skills involved in making a plan which affects their own communities. Citizens can also make the concerned officials understand the citizens' concerns and requirements.

Greater mutual understanding: When stakeholders from various sectors sit and work together, their level of mutual understanding and trust for each other increases. They can further learn how to work together while executing the plan and learn how joint activities can be conducted in the future.

Stronger democracy: Participatory planning provides an opportunity for all to practice democracy. It helps the citizens take decisions with government officials on development and construction.

What can go wrong?

Government officials while formulating and implementing plans may use the word 'participatory', but, in reality, citizens may not participate in a real sense and to the anticipated level. The officials may motivate citizens to participate, but at the same time, also limit the process of citizens' participation. They can encourage citizens' participation, but just to make the citizens agree with and endorse matters already decided by the government officials.

The task of bringing citizens of various backgrounds together and formulating the plan may also be more complicated than imagined. It is again

tough to reach a common understanding about the local problems and plans. It may even be difficult to reach a decision for selecting a plan which seems beneficial to the community, as the stakeholders focus more on calculating how much benefit will be there for various ethnic groups, families, and relatives. A major problem with Participatory Planning is that various groups try to dominate others.

What can citizens do in such cases?

If, when formulating plans for physical construction and social development at the local level, target citizens are not included and other people make decisions on their behalf, then the citizens should complain at the local government office or through civil society organisations. The citizens should mention in their letter of complaint that they also have some creative and practical alternatives for development in their minds.

If, when formulating a plan, if it is difficult to bring various groups into consensus, it is a good idea to hire an external facilitator who does not belong to any of the groups involved to ease the situation. Such independent facilitators can often be able to create consensus among them.

Where are examples of Participatory Planning usually found in Nepal?

Nepal's local bodies have embraced participatory planning to a great extent. The Government of Nepal has implemented the Local Self Governance Act 2055 and Regulation 2056 reaches the conclusion that if the local bodies are not empowered to apply participatory planning at the local level, then people's responsibility for and participation in development and construction works cannot be ensured.

The above mentioned Act has provided the necessary responsibility and authority to local bodies to formulate and implement plans and has the objective of institutional development of local bodies so that they are more able to undertake such responsibilities. The Act also has the objective of improving the lives of socially and economically backward communities through involving them in a participatory planning process. Likewise, the Act supports the involvement of civil society organisations which involve people's participation.

Participatory planning process: For achieving the objectives of the above mentioned Act, the local bodies (VDCs, DDCs and Municipalities) have to complete 14 phases of participatory planning. In each phase, the work to be done, the participating organisations or individuals, the responsible organisations and the time line are already set out. The diagram shown here helps understand the phases of the participatory planning process.

In the same way, Numbers 3(b) and (c) of the VDC, DDC and Municipality Grant Operation Procedures 2067 have the objective of following participatory

planning processes to motivate local citizens to be involved in prioritising, implementing and maintaining local requirements. Using the concept of Inclusive Development, the Procedures have further attempted to institutionalise this by mainstreaming and empowering target groups and target areas.

To increase people's participation, Number 15 of the above mentioned Procedure has provisions for formulating plans at the local level with the participation of Dalits, women, Janajati, children and local community based organisations. Such participating groups can prioritise the plans to be conducted in their areas and can offer help to the VDCs, DDCs and Municipalities to make sure they are implemented. Number 15 stresses that while formulating local plans, they should target comparatively extreme poor and deprived settlement areas.

To ensure citizens' participation in a project's operation, there is a provision for implementing projects of a maximum of Rs 6 million through user groups. A committee of the User Group comprising 7 - 11 members has to be constituted at the project site through a meeting of households identified as the direct beneficiaries of the project. In such a committee, at least 33% of members should be women, and among the posts of chairperson, secretary and treasurer in the committee, at least one should be a woman.

To facilitate and monitor the project implementation, a supervision and monitoring committee comprising a maximum 5 members including at least one woman has to be formed at the time of forming the User Group Committee. Without the recommendation of this committee, the final payment for the project cannot be made – this provision is also an effort to institutionalise the participatory planning process.

Number 28 of the Procedure under the title "People's Participation and Cost Participation" says it is the responsibility of the local body to ensure people's participation in every phase of the planning, operation, monitoring and evaluation.

This tool has been brought into effect in the projects and programs operated by various ministries of the Government of Nepal. It is also applied by Nepal's development partner organisations and NGOs in their projects and programs.

Do government officials have to support Participatory Planning? Or, is it voluntary?

As per the Local Self Governance Act and Regulation, it is mandatory to ensure participation of local citizens in every activity related to local development and construction. It is, therefore, one of the duties of the government employees to encourage such work.

The above mentioned Act and Regulations have laid priority on participatory planning. Likewise, government employees have to play a strong

and positive role in the implementation of "user groups" and "people's participation and cost related provisions" of the VDC, DDC and Municipality Grant Operation Procedure of 2067.

What can a citizen do to encourage more Participatory Planning?

Citizens can take the initiative to publicise widely the participatory planning approach. To do this, they can work on their own or with the local citizen's groups and try to implement the rights and entitlements provided by the existing laws. They can form citizen networks to motivate people to get involved in the participatory planning process, and, to make this campaign more effective, citizens can draw the attention of local media to it by contributing articles and write-ups to them. Citizens can further make the local bodies alert to ensure citizens' participation in the planning, implementation, monitoring and evaluation phases of a project or a program.

Contacts for More Information:

1. Local Self Governance Act 2055 and Regulation 2056; VDC, DDC and Municipality Grant Operation Procedure 2067; Ministry of Local Development, Pulchowk, Lalitpur, Website: www.mld.gov.np
2. Forestry Act 2049 and Water Resources Act 2049, Nepal Law Commission, Singhadurbar, Kathmandu, Website: www.lawcommission.gov.np
3. Poverty Alleviation Fund Act 2063 and Poverty Alleviation Fund Regulation 2064, Poverty Alleviation Fund, Gyaneshor, Kathmandu, Nepal, POB 9985, Phone: 4410041, Fax: 4415845, Email: info@pafnepal.org.np, Website: www.pafnepal.org.np
4. VDC Federation, POB 12951, Kamaladi, Kathmandu, Phone: 4229841 Fax: 4245889, Email: info@navin.org.np, Website: www.navin.org.np
5. DDC Federation, POB 12022, Sanepa Mode, Lalitpur, Phone: 554081, Fax: 5548469, Email: addcn@addcn.org.np, Website: www.addcn.org.np
6. Municipality Association, 190, Niketan Marg, Dilli Bazar, Kathmandu, Nepal, POB 14286, Phone/Fax: 4418671, Email: info@muannepal.org.np, Website: www.muannepal.org.np
7. Federation of Community Forestry Nepal, Old Baneshor, Kathmandu, Phone: 4485263, Fax: 4485262, Email: fecofun@wlink.com.np, Website: www.fecofun.org
8. Federation of Drinking Water and Sanitation Consumers Nepal, Thapathali, Kathmandu, Phone: 4249720, Email: info@fedwasun.org, Website: www.fedwasun.org
9. Offices of local DDCs, VDCs and municipalities in the districts

Tool 17: Participatory Budgeting

What is Participatory Budgeting?

Participatory budgeting ensures the direct participation of local citizens and their representatives in respect of budget allocation, and the management and monitoring of expenditure. Participatory budgeting addresses itself to the area and sector to be covered by the budget, to priorities and the availability of resources.

The usual practice is that budget is formulated at the central level and is sent out to districts, villages and municipalities. The provision in any VDC's planning and implementation process is covered by Clause 43 of the Local Self Governance Act 2055 which has declared 14 Steps involved in the participatory planning. VDCs have been formulating budgets following these provisions.

However, in many projects which are carried out year after year, many offices do not follow the process of participatory budgeting. Instead, they present a ready made budget. Although in this process citizens get the opportunity to monitor budget expenses, they miss the opportunity to participate in the budget formulation and put forward their views as to which areas need to be covered by the budget, amongst other points.



In Participatory Budgeting, citizens come together and forward suggestions to the concerned bodies on what programs and issues need to be included in the budget. For citizens' experience to be listened to and for their useful suggestions to be incorporated in a process of participatory budgeting, certain things are needed: first of all, they need to know how the budgetary process works in terms of the acts, regulations, procedures and guidelines for budgeting. Only after getting such knowledge, can they identify the needs of women, Dalits, the poor, the disabled, children and marginalised communities and demand the allocation of necessary budget to them as well. If the budget received from the centre is inadequate, they can further suggest to the concerned bodies that they seek a loan from the bank and manage the budget that way.

The Government of Nepal has adopted the concept of participatory budgeting and this concept is reflected in Clause 43 of the Local Self Governance Act 2055, Rule 66 of its Regulation 2056 and Number 15 of the VDC, DDC and Municipality Grant Operation Procedure 2067. According to Clause 43 of the Act, the concept of Participatory Budgeting has been embraced to ensure productivity and get speedy outcomes; to increase living standards, income and employment of rural populations; to get direct benefits to the people and to contribute to poverty alleviation. This tool has been given a high priority,

as it is believed that it will help: implement projects at low cost with high participation of people; prioritise projects based on local resources and skills; and provide direct benefit to backward communities.

Why is it important?

There is little possibility of solving the local problems if a budget is prepared at the upper level instead of following the participatory budgeting process; or if attempts are made to spend directly budgets that are planned at the upper level. Requirements should be identified by the citizens themselves as they participate in the budgetary process and expenditure should be planned according to their suggestions. The benefits of participatory budgeting can be listed as follows:

1. It empowers citizens to influence public decision making in regard to matters having direct impact on the citizens
2. If Participatory Budgeting is applied, citizens develop knowledge of what a public budget is, and what its limitations are. They further understand their own expectations and requirements based on realities.
3. It motivates concerned offices to allocate parts of the budget (which is a public resources) to poor and marginalised areas for promoting real democracy and equity
4. It helps avoid duplication of projects at the local level



Stakeholders collaborating on project (Source: SDC)

What can go wrong?

On many occasions, citizens want to fulfil all their dreams at one time. Such an attitude creates problems during the participatory budgeting process. People do not understand that participatory budgeting means mutually agreed allocation of limited resources among themselves. It is thus necessary for citizens to keep in mind that all their dreams cannot be fulfilled in a single budget and that they should focus more on how to formulate a realistic budget which can identify the appropriate sectors from among many unlimited needs and expectations which are scattered throughout a number of sectors.

Usually government employees are not very interested in involving citizens and civil society organisations in the budgeting process. They may consider citizens' participation as an unnecessary intervention to their rights and responsibilities. They also fear that the participating citizens may not agree with the budget they have already prepared. Thus they remain unenthusiastic about citizens' participation. Problems may appear even when citizens are involved in the participatory budgeting process, as it may be difficult to bring competing groups to a consensus – and if a consensus is not achieved, it may be difficult to realise the objectives of the participatory budgeting process.

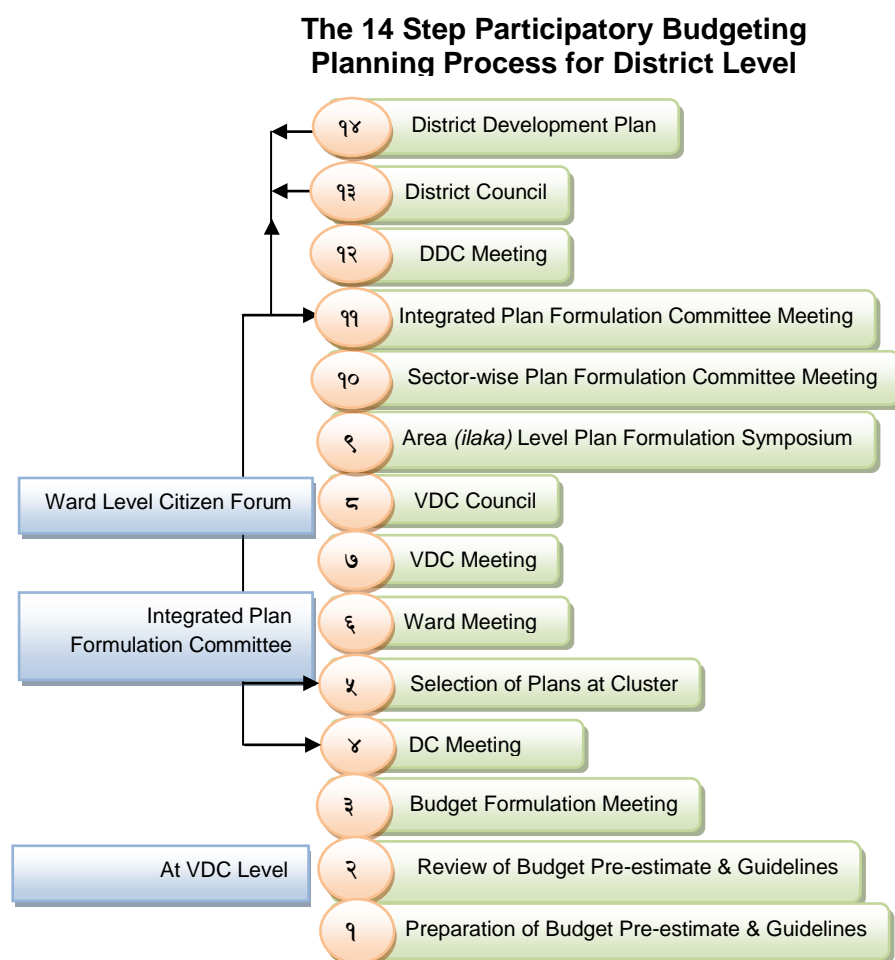
What can citizens do in such cases?

Learning and teaching is required for the Participatory Budgeting process. Citizens who want to be involved themselves and who want others, too, to be involved in the process have to learn about how the budget is formulated, and have to impart this knowledge to other citizens

To organise a participatory budgeting program, it may be useful to seek the help of an independent facilitator who does not belong to the local community. The facilitator's role can be crucial in bringing groups to a consensus, negotiating with the local government, and making citizens to be practical and realistic.

What are examples of Participatory Budgeting usually found in Nepal?

Rule 66 of the Local Self Governance Regulation 2056 has a provision for participatory planning while formulating a plan and budget. Rule 66(5) of the Act says, “before formulating a program or project to be held at the ward level, interaction and discussion should be organised with the concerned local organisations, user groups, NGOs and people of the particular ward and they should be informed about the fundamental details and guidelines received from the VDC.



To ensure that the budget is formulated through the participatory budgeting process right from the small settlement (cluster) level, Number 14 of the VDC, DDC and Municipality Grant Operation Procedure 2067 has provided for 14 steps to be completed by local bodies (see 14 steps budgeting planning process).

In Number 6.1 of the People's Participation-based Development Program Operation Guidelines 2068, it is mentioned that *“the direct beneficiary community, through group meetings and discussion among themselves, have to identify and prepared a proposal for a program or project and submit it to the DDC and the Municipality”*.

The policy level arrangements for this can be found in Number 10 of the "Guideline for Local Bodies to Prepare Budget and Program for FY 2069/70" prepared by the National Planning Commission. This says *“interaction and coordination has to be done with concerned offices, civil society organisations, NGOs and the private sector for finalising plans and programs related to development, construction and service delivery in a particular area”*. Unfortunately, however, participatory budgeting as per this legal provision has not been widely carried out by government ministries and development partner organisations.

Do government officials have to support Participatory Budgeting? Or, is it voluntary?

The Local Self Governance Act, Regulation and Local Body Grant Operation Procedure have made it mandatory to ensure local citizens' participation in planning a program or project. It is the duty of the government officials to encourage such activities. Their role is crucial in implementing legal provisions such as participatory planning, people's participation, cost participation and user group provisions as described in the above mentioned laws.

What can a citizen do to encourage more Participatory Budgeting?

Citizens can take initiatives on their own and with other citizens to bring into practice the rights and entitlements which are provided for by the law, so that participatory budgeting processes can be widely practised. They can motivate people to get involved in the participatory budgeting process by formulating citizen networks, and, to make a campaign more effective, they can draw the attention of local media to it through articles and write-ups. Citizens can further make the local bodies alert to the need to ensure citizens' participation in planning and budgeting, implementation, monitoring and evaluation phases of a project or a program.

Contacts for More Information:

1. Local Self Governance Act 2055 and Regulation 2056; VDC, DDC and Municipality Grant Operation Procedure 2067; Ministry of Local Development, Pulchowk, Lalitpur, Website: www.mld.gov.np
2. Poverty Alleviation Fund Act 2063 and Poverty Alleviation Fund Regulation 2064, Poverty Alleviation Fund, Gyaneshor, Kathmandu, Nepal, POB 9985,

Phone: 4410041, Fax: 4415845, Email: info@pafnepal.org.np, Website: www.pafnepal.org.np

3. VDC Federation, POB 12951, Kamaladi, Kathmandu, Phone: 4229841 Fax: 4245889, Email: info@navin.org.np, Website: www.navin.org.np
4. DDC Federation, POB 12022, Sanepa Mode, Lalitpur, Phone: 554081, Fax: 5548469, Email: addcn@addcn.org.np, Website: www.addcn.org.np
5. Municipality Association, 190, Niketan Marg, Dilli Bazar, Kathmandu, Nepal, POB 14286, Phone/Fax: 4418671, Email: info@muannepal.org.np, Website: www.muannepal.org.np

Tool 18: Community Led Procurement

What is Community Led Procurement?

The role played by a community in the purchase of goods and services required for development and construction works is called Community Led Procurement. Usually the local bodies and various service providing public organisations carry out construction of physical infrastructure and the supply of essential goods, etc only through contracts and contractors. The process of acquiring goods and services from the contractor is called public purchase.

Several problems such as bribery, irregularity, different kinds of corruption and obstructions surface in working with contractors. The quality of public construction and services is often reduced, physical structures are not built strongly and the public resources which have been spent are wasted.



Stakeholder Groups:Source: SDC.

Usually such work is not managed transparently and lacks accountability. This leads to the misuse of public funds and provides the opportunity for corruption. For instance, not long ago, there used to be structure at District level called the All Party Mechanism (APM) through which the budget meant for development, construction and social services used to get allocated and distributed. Political parties used to get involved in the division of resources and in the management of procurement rights, which resulted in limited public resources being massively misused. This type of complaint was quite wide spread, and resulted, finally in the APM being abolished.

In the light of existing processes for procurement or purchases, it is understandable that citizens want a different way for purchases to be made. On the one hand they want to procure goods and services themselves; and on the other they also want to monitor closely the procurement systems developed by government. Community Based organisations (CBOs) are well placed both to manage procurement led by the community and to monitor government procurement. These CBOs can hold discussions with the local government and business groups, participate in the public procurement process, and regulate procurement with the help of the CBO members.

Why is Community Led Procurement important?

Due to the faulty public procurement process, a considerable part of the budget which is allocated in the name of local citizens is lost from the point of view of the citizens. Such losses are, however, intentionally managed by a nexus of

government employees and contractors. Through such structures, government officials receive bribes from the contractors to get the contracts, and the contractors, in turn, either do not perform work or perform low quality works and pocket larger profits than have been agreed.

Higher level civil servants and other government employees misuse their positions and authority by claiming that work has been carried where no work has been done, and claiming that a lot of work has been done, where only a little has been done in reality. This provides illegal benefits both to them and to the contractors. Through these bribes and corrupt activities of the government employees and the contractors, public resource or the budgets allocated to meet certain physical objectives are lost in the process without the designated funds being spent on the real work.

Government employees allocate more budget to a project than its real cost by inflating the cost estimates. This is actually an arrangement for them to receive a bribe. The contractors, on the other hand, make inflated bills for the work which, in reality, involve lesser expenses and costs and thus exploit the public resources. Contractors and businessmen provide a certain amount of the procured service and goods as bribes, gifts, assistance or donations to the employees of public bodies, to decision makers and to subordinate individuals or groups involved in the process. A substantial amount goes to political parties as "donation". Such donation to political parties is never made public and it does not appear in the accounts and audit reports of political parties. To hide these transactions, contractors prepare fake accounts and avoid all aspects of taxation.

If a large amount of the allocated budget is divided among these different players and is exhausted, it means that the planned work cannot be completed and there may not be adequate budget to complete highly essential work. In such a situation, the budget meant for building (for instance) a health post and school structures becomes inadequate and structures are built without using the right quantities of essential construction materials such as rod and cement. The structures are not strong and they get damaged or collapse after some time.

To use another example, coal tar of low quality is used to black top the road, or the thickness of the black-topped portion is not up to the minimum standard. Beneath the road soil or sand is used, instead of gravel. All these all measures weaken the road. As a consequence, before the technician mobilised by the public body prepares and submits a Check Pass Work Performance Report, potholes are visible in the road within two to three months of construction. This situation exists all over Nepal. There is an urgent need to end such systems and reform the public procurement process.

To end such a situation, there is no alternative but to involve citizens and civil society organisations in the public procurement process is inevitable. If local citizens themselves are involved in the procurement process for service and goods, they can assess whether the allocated budget is adequate or not. If the budget is inadequate, citizens can seek addition to it, but will not allow it to be misused, and will make sure that it is used it as per the objective of the public

procurement process. Through Community Led Procurement citizens can motivate everyone to ensure that the public budgets are used properly. Furthermore, they can provide clear instructions to contractors about the work that needs to be performed and can monitor whether the contractor has obeyed or not.

What can go wrong?

For a long time there have been massive complaints that the contractors, corrupt government employees and party representatives have been exploiting the development budget sent to the local government level. These three types of individuals mentioned above are very knowledgeable and experienced about how public re/sources, assets and budgets can be exploited. Therefore, it is possible that they may keep people ignorant to the true situation by creating confusion about various unnecessary work and complications. Citizens' involvement in procurement will be a failure if they do not understand the situation clearly.

Contractors know how to get a contract approved for the amount higher than the real cost. They are experienced in these kinds of tricks. They also understand how to get their work accepted by paying certain amounts to the individuals with a role in the decision making process. It is, therefore, very necessary for citizens interested to work on new ways of managing procurement to understand theoretically these processes works, and also understand practically what kinds of problems are likely to occur in the field of work.

Individuals who are happy with the income they get from corrupt practices tend to consider such money as their own family property even though it is meant for public works. They are very definitely not interested in any reform of the existing procurement process and will not be happy to accept any lessening in their income in spite of reform campaigns. Such individuals who enjoying control over public resources may threaten citizens who are involved in reforming the procurement process and freeing it from their control.

What can citizens do in such cases?

Anti-corruption campaigners can only be successful if they have massive support from the citizens behind them. If people are extensively mobilised to bring reform in the public procurement system, only then will the local level government officials be ready to opt for a community procurement process and bring reform to the existing system. If this is not the case, it is very likely that Citizens and CSOs will find that non-cooperation to such proposals and efforts. It is essential, therefore, to make it clear that the local citizens want a change in the existing system and that they are not ready to accept the existing procurement system in its present form any longer. If citizens are threatened while taking initiatives for such reform, all supporters of reform should collectively condemn such acts and express their solidarity with the reform campaign. It is, however, essential that

local citizens and civil society organisations build their capacity in respect of knowledge about public procurement related acts and regulations at the earliest.

It is also very important that any citizens involved in the reform movement, should not themselves be involved in corruption or bribery, and all reform minded citizens must make a collective commitment to this end. While working with contractors, it is very possible that bribes will be offered in various forms. Such possibilities should be considered and should be discussed collectively. It is essential the reform minded citizens and CSOs formulate “rules of the game” and develop a consensus to follow these guidelines. If you want to know more about how this can be accomplished and how solidarity can be expressed, please see details in "Integrity Pact" (Tool 21) of this sourcebook.

Where the examples of Community Led Procurement are usually found in Nepal?

Rule 66 of the Local Self Governance Regulation 2056 says the process of participatory planning has to be followed during planning. Rule 66(5) of the Regulation further says, *“before formulating a program or project to be held at the ward level, interaction and discussion should be organised with the concerned organisation, consumer committee or group, NGO and people of the particular ward and they should be informed about the fundamental details and guidelines received from the VDC”*.

To ensure that the budget is formulated through the participatory budgeting process right from the small settlement (cluster) level, Number 14 of the VDC, DDC and Municipality Grant Operation Procedure 2067 has provided for 14 Steps to be completed by the local bodies.

Similarly, Clause 32 of Poverty Alleviation Fund Act 2063 and Rule 9(4) of Poverty Alleviation Fund Regulation 2064 have these provisions:

- the project or program should be based on community based organisation's demands;
- at least 80% of the backward people of the project area should benefit from the project;
- women and backward communities should also participate in the project;
- the objective of the project should be to increase employment opportunities for women and backward communities;
- there should be provision for the contribution of all members of community based organisations to a project's identification, implementation and maintenance;
- and the project should have the potential to be included in the list of village or district development projects.

According to Rule 9(6) of the same Regulation, out of the total project cost, the community organisation has to bear 20% of the costs (cash, goods or volunteer labour). The Poverty Alleviation Fund, can, however, where there are

geographical difficulties or lack of ability in the community based organisations, make re-arrangements without lowering the threshold of 20%. The project costs should be directly proportionate to the size of the community organisation and the project process should be transparent and cost effective. The community led procurement as mentioned above has not been implemented by projects of other ministries and development partner organisations.

Do government officials have to support Community Led Procurement? Or, is it voluntary?

Since it is mandatory in law to ensure citizens' participation, it is the duty of government employees to motivate citizens' participation in every activity of local development and construction. The Local Self Governance Act and Regulation have laid priority on people based participatory planning. Further, there are detailed provisions on consumer mobilisation in Number 21 and People's Participation and Cost Participation in Number 28 of the VDC, DDC and Municipality Grant Operation Procedure 2067.

What can a citizen do to encourage more Community Led Procurement?

To widen the scope of Community Led Procurement, citizens can take initiatives on their own and with others to make sure the rights and entitlements provided for in the law are put into practice. They can motivate people to get involved in Community Led Procurement processes by forming citizen networks.

To make this campaign more effective, they can contribute articles and write-ups to local media and draw the attention of citizens, government bodies and other stakeholders to them. They can further make the local bodies alert to ensure citizens' participation in Community Led Procurement.

Contacts for More Information:

1. Local Self Governance Act 2055 and Regulation 2056; VDC, DDC and Municipality Grant Operation Procedure 2067; Ministry of Local Development, Pulchowk, Lalitpur, Website: www.mld.gov.np
2. Poverty Alleviation Fund Act 2063 and Poverty Alleviation Fund Regulation 2064, Poverty Alleviation Fund, Gyaneshor, Kathmandu, Nepal, POB 9985, Phone: 4410041, Fax: 4415845, Email: info@pafnepal.org.np, Website: www.pafnepal.org.np
3. Public Purchase Act and Regulation, Nepal Law Commission, Singhadurbar, Kathmandu, Website: www.lawcommission.gov.np
4. VDC Federation, POB 12951, Kamaladi, Kathmandu, Phone: 4229841 Fax: 4245889, Email: info@navin.org.np, Website: www.navin.org.np

5. DDC Federation, POB 12022, Sanepa Mode, Lalitpur, Phone: 554081, Fax: 5548469, Email: addcn@addcn.org.np, Website: www.addcn.org.np
6. Municipality Association, 190, Niketan Marg, Dilli Bazar, Kathmandu, Nepal, POB 14286, Phone/Fax: 4418671, Email: info@muannepal.org.np, Website: www.muannepal.org.np
7. Offices of local DDCs, VDCs and municipalities in the districts
8. Care Nepal, POB 1661, Kathmandu, Nepal, Tel: 5522800, Fax: 977-1-5521202, Email: carenepal@np.care.org, Website: www.carenepal.org
9. Action Aid POB 6257, Lazimpat, Kathmandu, Tel: 4436477, Fax: 4419718, Email: mail.nepal@actionaid.org, Website: www.actionaid.org/nepal

Tool 19: Declaration of Assets

What is Declaration of Assets?

Declaration of Assets is the system for making public details of the property or assets owned by a public official, when that individual enters government service, remains in the service, and exits from the service.

Citizens observe the activities of public officials keenly. They also monitor his/her monthly income, expenses and lifestyle. If the daily lifestyle and economic activities of such people unexpectedly changes for the better, then citizens start having their doubts about such people. It is assumed that if a government employee's expenses are unexpectedly higher than his/her income, then that extra income has come through corruption.

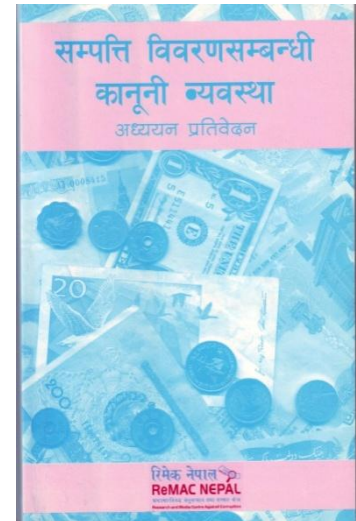
Immediately after taking office, therefore the government official has to declare fixed and movable assets owned by him/her and his/her family, and registered in his/her or the family's name. Likewise, candidates running for election have to declare their assets immediately after getting elected. When an individual is elected for a certain period, it is taken as a good ethical gesture if s/he re-declares the details of the assets in the middle of the tenure, and once the tenure is over.

The objective of such declaration of assets is to take legal action, if, at the time of leaving office, his/her assets are found to have swelled unnaturally compared to the salary, allowances and facilities s/he gets from the state resources. In such a case, a lawsuit can be filed at the Special Court on Corruption after declaring that his/her assets are illegal. It is believed that such legal arrangement prevent public government officials from misusing his/her post and indulging in irregularities.

Why is it important?

It is very likely that corruption will remain high if there is a lack of prosecution or punishment i.e. if there is a culture of impunity. In such a situation, it is really difficult to take action against corrupt people. Where corruption is carried out by government officials, it is both difficult and risky to gather evidence. Both whistleblowers who pass on information about corruption and individuals involved in the proceeding of cases of corruption may face revenge attacks of different kinds.

If there is a situation where judges themselves are corrupt, then there even less possibility of winning corruption case. So, in order to provide strong



legal evidence against corruption, it is necessary to make information about government official's assets public on a regular basis. It can caution people, to a certain extent, that they should not be involved in corruption. There have been instances where actions have been taken against corrupt people based on the disparity between their present income and the asset details they submitted in the past.

What can go wrong?

The existing law on the declaration of assets is not implemented effectively and it is not adequately monitored either. Consequently, illegal income earned by government officials has not been kept under appropriate scrutiny.

The asset details are submitted in a closed envelope, as per the law (see example of declaration on this page).

With some exceptions, most Government officials do not provide information about 'who earned how much property' during their tenure. Corrupt individuals have managed to escape doing so. It is very likely that people have hidden property earned through corruption and have kept such illegally earned property in the name of family members or others, and may have prepared fake asset details. Since there is little transparency, however, this cannot be seen and the corruption remains undisclosed.

Offices where assets details can be submitted (some examples)	
Employees and Officials	Office for submitting assets details
Prime Minister, Deputy Prime Minister, State Minister and Assistance Minister	Secretariat of Council of Ministers
Constituent Assembly Members and Officials	Secretariat of Constituent Assembly
Judges of Supreme, Appellate, Special and District Courts	Secretariat of Judicial Council
Employees of Civil Service	Civil Service Record Office
Nepali Army	Nepali Jangi Adda
Nepal Police, Armed Police and Special Service Employees	Police Record Office
Members of National Planning Commission	Secretariat of Council of Ministers
Other officials appointed or nominated by the Government of Nepal, Companies that have full or partial control of the Government, Bank, Committee, Commission, Corporation, Authority, Academy, Board, Centre, Council, Other Officials Nominated by the Government, Public Post Holding Other Employees and Officials	Concerned Ministry
Officials and Employees of School conducted by the Government of Nepal or receiving full or partial grant from the Government of Nepal	Ministry of Local Development
Audit Service Employees	Office of the Auditor General

What can citizens do in such cases?

Citizens themselves should make sure that they are adequately informed about the laws relating to the declaration of assets and track and monitor what the implementing body is doing in regard to those legal provisions. They should also make government officials alert about whether they have submitted the asset details or not, as per the rule. If they have not yet done so, then citizens can make this issue public through the media and create pressure on them.

Government officials should be constantly scrutinised to see whether their asset details match their lifestyles. Citizens can file complaints at the Commission for the Investigation of Abuse of Authority (CIAA) and National Vigilance Centre (NVC) against the government employee or public official whose lifestyle is unnaturally high and who leads a luxurious life.

Citizens can also take initiatives to lobby for the amendment of the provision of Corruption Elimination Act 2059, which does not provide for revealing the asset details of public post holders. This will, however, require a lot of courage in the campaigner who wants to lead on this issue. If there were more courageous citizens, many laws of Nepal can be made functional.

Where are examples of Declaration of Assets usually found in Nepal?

Clause 38 of the Corruption Elimination Act 2059 has made it mandatory for all government employees or those holding public positions to submit details of assets registered either in their names or in their family members' names.

Stressing Transparency, Clause 37 of the same Act has provided for the establishment of a National Vigilance Centre (NVC) to control corruption and raise people's awareness about and against corruption. Clause 38(c) of the Act has provided that the government officials and those holding public positions have to fill up their property details as per the law and send it to the National Vigilance Centre and that the Centre has to monitor the income of the public officials.

Clause 50 of the Act provides that, within 60 days of holding a public post, s/he has to submit updated details of his/her assets disclosing the source and providing evidence. Both assets registered in his/her name and also in the family members' name have to be disclosed. If somebody violates this law, s/he will be subjected to a fine of Rs 5,000 and it will be assumed that s/he or his/her family possess illegal property.

Do government officials have to support Declaration of Assets? Or, is it voluntary?

It is mandatory for government officials to declare their assets. Every public official, immediately after entering the service, and every year subsequently, has to submit assets details to the concerned bodies. To achieve this objective, the National Vigilance Centre Regulation 2065 has provided that every government office, public organisation or other body, where their public employees have submitted their assets details within 60 days of every fiscal year coming to an end, have to then send such details to the Centre. The Centre also has the responsibility to monitor whether the assets details have been submitted or not.

What can a citizen do to encourage more use of declaration of assets?

Citizens can monitor from time to time to see whether the public officials have submitted their assets details or not. They can also bring individuals who have not submitted such details to the notice of the law and exert pressure on them to pay the fine. They can fulfil the role of an active citizen by publicising the name of those who did not submit their assets details. Likewise, they can exert pressure to make public the property details of those individuals. They can also lobby for ways to reform the Act which provides for the declaration of assets.

Contacts for More Information:

1. Corruption Eradication Act 2059, Commission for the Investigation of Abuse of Authority, Tangal, Kathmandu, Website: www.ciaa@gov.np
2. National Vigilance Centre Regulation 2065, National Vigilance Centre, Anamnagar, Kathmandu, Website: www.nvc.gov.np
3. Nepal Law Commission, Singhadurbar, Kathmandu, Website: www.lawcommission.gov.np
4. Legal provision on asset declaration (study report), Research, Monitoring and Media Mobilisation Program for Strengthening the Campaign against Corruption, Remac Nepal, USAID/ARD Inc. Rule of Law Project

Tool 20:

Understanding Conflict of Interest

What is Conflict of Interest?

Conflict of Interest is the conflict between the formal responsibility and the personal interest of a government official. If the personal interest of a government official is dominant, there may have negative consequences on the office responsibilities s/he needs to fulfil. For instance, a government official may want to provide a job for a relative by misusing his/her post, even though the individual preparing for the job may not be the right candidate.

Sometimes it is really a conflict of interest, but sometimes it becomes the question of the integrity of the government official, while in several situations, questions may be raised about the integrity of the public office itself. For instance, a neutral test system may have been followed in the selection process when a relative is appointed to a public office, but the individual selected may have to face allegations that s/he was appointed by the favour of a specific public official. It is usually believed that government officials are on the side of civic rights and citizen's welfare work in favour of civic rights and the citizens' welfare: they may, however, misuse their post (illegally) in favour of personal interests.

For instance, an employee at the Department of Roads may possess information as to the areas where a new road will pass. S/he can benefit him/herself by purchasing land in the important area through which the road where the road will pass. Possession of such information by the employee is possible because of his/her access to information in his/her office. An ordinary citizen, however, does not have this opportunity. Another example is that an employee can receive various gifts and which he/she can use for their personal use, because they have a particular position.

Why is Conflict of Interest important?

Government officials have access to nearly all the information related to their offices. Furthermore, they are frequently in positions in which they can make decisions and can, if they want to, extend help to their relatives and fulfil their personal interests by misusing the post and the power that goes with it. Such useful information and power is only possible because they are in a government position.

If the information and power they possess by virtue of their post is used to gain economic benefits, career development and the favour of relatives and friends, it can be taken as Conflict of Interest. In such situations, the possibility of corruption remains high and is, therefore, necessary to formulate and implement laws in regard to conflict of interest in the public offices.

What can go wrong?

Generally, employees know about personal interests and the ethical issues related to them, but many citizens may not have paid attention to the impact of Conflict of Interest. Many employees work to create benefits for their families and relatives by misusing their posts and are not aware of an ethical dilemma

If citizens are aware about conflict between the personal and public interests of a government employee, they can complain to the higher level officials accusing an employee of taking advantage of their position to help their vested interests. However, in such a situation, the employee can claim that they have not committed any misdeed. It is better if the citizen can file a complaint backed by evidence, but this task may not be that easy.

What can citizens do in such cases?

Citizens should know which Act and Regulation may have been bypassed by a public officials in order to support their personal interest. In such a situation, a citizen should be able to say confidently which Act or Law was misused by such an employee which enabled him/her to support their personal interest. There is no separate law on this issue in Nepal, however, so far. Clause 18 of the Good Governance Act does say, *"If a decision is to be made in a particular issue by a public post holder and if the issue involves the official's personal benefit, concern or interest and if a conflict of interest occurs with the possibility of him providing benefits to his/her immediate family or other family members; in that case, the same official cannot take decision in regard to that particular issue."*

Citizens can also use the media to agitate against employees who are working to support their personal interests and advantages. If such cases are brought to the public arena, many people will know about it and they may join a campaign and add their voice against the employees who are using their public office for personal advantage. Citizens should have certain knowledge about how much and what kinds of personal and governmental advantages were enjoyed by employees misusing their job and position. Only after that, should citizens make their allegations public.

Where are the examples of Conflict of Interest usually found in Nepal?

There are separate provisions about Conflict of Interest scattered in various laws. No 'umbrella law', however, has been enacted in Nepal yet to deal with conflicts of interest. Clause 18 of the Good Governance Act does, however, mention the issue of conflict of interest.

In respect of conflict of interest while in office or following retirement, Clause 18 makes provision that if anyone is involved in a conflict of interest issue while remaining in the post of a public regulatory body and after taking retirement on

any context, the individual cannot be involved in any other organisation directly or indirectly at least for a period of one year. If the individual involved in the conflict of interest is still in the post, there will be departmental action against him/her and if the individual has already retired, s/he will be fined up to Rs 10,000 by the secretary of the concerned Ministry.

Number 13 of the Public Officials Civil Servants Code of Conduct 2068 says that, in an issue involving conflict of interest, it should be the duty of the employees to provide information about this to the office. In particular, if a conflict of interest exists in any work related to one's office, the civil servant who has this information should pass it on to higher level officials.

Clause 13(p) of Public Procurement Act also has provisions on the conflict of interest. It says that: if there is the possibility of a conflict of interest, information should be disseminated to the effect that there will be no further proceeding on the tender. This provision has attempted to control and discourage the situation of conflict of interest. Likewise, Article 7(4) of the UN Convention against Corruption has encouraged countries to adopt provisions on mitigating conflicts of interest to enhance transparency as per the fundamental laws of a country.

If you wish to study additional materials on this topic, the National Vigilance Centre (NVC) in 2065 BS carried out a study on the issue of conflict of interest. This study can be accessed through the Centre's website. Besides this, short provisions on conflict of interest are scattered all over various laws of Nepal. The interested person should visit the website of Nepal Law Commission and visit local libraries.

Do government officials have to support Conflict of Interest? Or, is it voluntary?

There is no distinct 'umbrella law' in Nepal in respect of conflict of interest. Public officials may not be clear on whether certain laws are relevant or not. There are, however, clear provisions in the Good Governance Act and Code of Conduct that all the works which are carried out in the context of a conflict of interest will be illegal. It is the responsibility and duty of the employees to implement this law.

Therefore, in situations which may involve a conflict of interest, employees with a position of public responsibility have to consider citizens' right to information and clarify the issue of conflict of interest from their perspective.

What can a citizen do to encourage more Understanding of Conflict of Interest?

Citizens can exert pressure on the government to formulate a separate 'umbrella law' related to the conflict of interest. Citizens can file complaints if they have

evidence and by doing so, may make people alert, if they think that government employees are involved in conflicts of interest which break existing laws.

Citizens can also get involve in raising people's awareness about this issue in their own sectors by mobilising local resources and providing suggestions about the issues that need to be incorporated in Acts and other legal frameworks.

Contacts for More Information:

1. Conflict of Interest (study report), 2065, National Vigilance Centre, Anamnagar, Kathmandu, Phone: 4226380, Fax: 4227096, Hotline: 4224901, Email: nvc@nvc.gov.np, Website: www.nvc.gov.np
2. Good Governance Act 2064 and Code of Conduct of Public Post Holder Civil Servants 2068, Website: www.lawcommission.gov.np
3. UN Convention against Corruption (Nepali translation), Commission for the Investigation of Abuse of Authority, Tangal, Kathmandu and Good Governance Project, Pro Public, Anamnagar, Kathmandu

Tool 21: Integrity Pact

What is an Integrity Pact?

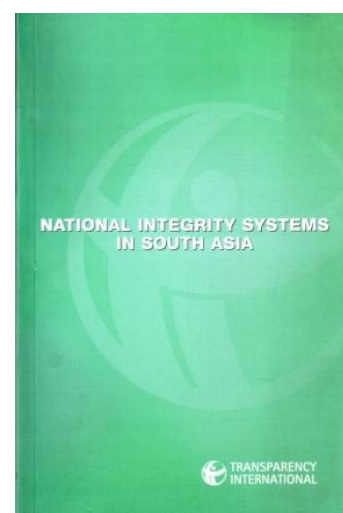
An Integrity Pact is an approach in which the public and private sectors make a conscious pact to work in an honest, cost effective, professional and ethical manner in respect of a particular project. This approach can be implemented both in the government and the private sector, but an integrity pact is usually applied in the contracts in the construction sector.

Integrity Pacts help service providers to perform work in a fair manner and as per the spirit of law without any irregularities. Since the law has the particular objective of working for the benefit of public, and Integrity Pact means that work will be performed without favour or bias according to the directives of the law and abiding by the declared standards mutually agreed?

In an Integrity Pact, it is expected that there will be a particular agreement in respect of a particular project that the activities of service providers and the decision making processes will be accountable and transparent. There should also be an agreed environment in which all stakeholders can get easy access to information about the services delivered by the public bodies. This approach can be applied everywhere, but is particularly important to apply it in the public bodies.

In particular, complaints of corruption are heard in construction related contracts, in procurement and in various contract agreements. It is popularly believed that the construction related contracts cannot be entered into without a certain amount of money being offered in bribes to the individual responsible for providing the contract. Most of the businessmen involved in public construction work, however, would prefer to see public works contracts awarded through competition, without the involvement of bribes. Many of them would prefer getting the work done on the basis of a competitive system backed by ethical principles.

In such an atmosphere, contractors involved in the construction of physical structures such as health posts, school buildings, roads, irrigation canals, etc, and in the supply of books to schools and medicines to health posts, can be convinced to sign an 'Integrity Pact' among the competing contractors themselves. They can jointly express a commitment that they will not bribe anyone while seeking a contract and, moreover, will monitor each other to see whether the commitment has been followed. Such a practice will be necessary in implementing the integrity pact. Bodies which provide services to citizens can also be motivated to follow an Integrity Pact.



Why are Integrity Pacts important?

Much of the development budget implemented by the public sector is spent in bribes – this fact has often been made public. Businessmen can rarely get construction related contracts if they do not bribe the officials. Businessmen who receive contracts through bribes have actually become the victim of a system from which they cannot escape even when they want to do so they spend a considerable amount of their income simply on bribes. A time also comes, however, when they reach a point at which they are ready to express a public commitment not to get further involved in bribes to anyone.

If this happens, both competitors and aspirant contractors may see the mutual advantage they have in getting their work done by not offering bribes. If an Integrity Pact can be brought into existence by both contract receiving and contract awarding parties, the rampant corruption of the public procurement system can be reduced and large amount of money allocated for development and construction works can be re-directed for other social sector work.

What can go wrong?

Businessmen who are habituated to get their work done through irregular ways of operation may hesitate to implement an Integrity Pact. They may not trust such an approach. They may fear that if they do not offer a bribe, some else will - and win the contract. It may not be possible, moreover, to make everyone understand the value of an Integrity Pact and bring them to a consensus. In such a situation, the spirit of an Integrity Pact may not be achievable.

If government officials are worried about losing the source of their (illegal) income because they have adopted an Integrity Pact, it is very likely that they will, in various ways, discourage the Integrity Pact. By working together with the contractors behind the scenes, they may threaten people advocating for an Integrity Pact. However, even if this is the situation, businessmen and contractors can come forward and make public the names of individuals who use bribes to get their work done. This may force those offering bribes to declare publicly that they actually do not want their work accomplished through bribes.

What can a citizen do in such cases?

An Integrity Pact is a highly sensitive process of interaction and negotiation. To implement this approach, it is important that well-known entrepreneurs come forward openly. Likewise, it is important that those public officials with high ethical values can publicly advocate implementing this approach. Citizens can study beforehand to ascertain who might join such a Pact and try to motivate the possible supporters to take ahead the Integrity Pact.

Contractors and government officials can monitor each other's activities only when all competing contractors and government officials have been convinced to sign the Integrity Pact. Civil Society Organisations can back up and

support those businessmen and government officials who have expressed solidarity in support of the Integrity Pact.

Where are the examples of Integrity Pact usually found in Nepal?

Transparency International has piloted the Integrity Pact approach in some places in Nepal. This approach was implemented in local bodies such as Bhaktapur, Lekhnath, Butwal, Bharatpur, Byas and Ratnanagar municipalities and Bhaktapur DDC. This approach, in its initial days, was seen to be highly effective. In the absence of elected local body representatives for so long, however, this approach has not expanded as was expected. Survey research carried out in the offices where the Integrity Pact system was implemented have shown effective results in terms of service delivery.

The Corporate Code of Conduct introduced by the Federation of Nepalese Chambers of Commerce and Industry (FNCCI) also has some provisions for Integrity Pacts.

The Civil Servants' Code of Conduct 2068 can be taken as a powerful government document to strengthen the concept of the Integrity Pact in Nepal. Number 12(b) of this document has the provision that civil servants cannot be involved in any transaction with the individual or organisation related to government contracted work and activities; nor should they accept gifts or donations from any individual or organisation that may affect their official duty; finally that they should not be involved in raising funds or donations for whatever purpose and should not have direct or indirect involvement in such work.

Do government officials have to support Integrity Pact? Or, is it voluntary?

Integrity Pact is a method to enhance honesty in the public sector. The Government of Nepal has not enacted any separate law in this regard but various laws, such as, Good Governance Act, its Regulation, Right to Information Act, Public Procurement Act and its Regulation and Civil Servants' Code of Conduct have adopted the spirit of the Integrity Pact. These laws have banned competition obstructing activities, black marketing, artificial price inflation and bribe-related transactions. The main obligations of government employees therefore is to obey and implement the law, not to get involved in activities against the law at any cost, and not, at any cost, to motivate individuals to go against the law.

There is no mandatory provision in the law to develop Integrity Pacts for government officials as mentioned above. However, provisions scattered in various laws have the motive and objective to support the idea of the Integrity Pact.

What can a citizen do to encourage more use of Integrity Pact?

Citizens can conduct campaigns both individually and collectively to implement the Integrity Pact approach in the public sector. They can publicise the multi-faceted benefits of this approach and help to bring people to a consensus on its use. Since the business sector always works for profit, this approach potentially helps them the most. If they can be convinced that they do not, any more, need to give a portion of the profit they make through hard work and skill, to any government employee who has decision making responsibility, the businessmen will voluntarily come out and embrace the idea of the Integrity Pact. However, this will require considerable amounts of integrity and honesty massive are required and the individuals involved both in promoting and in joining the campaign must be trusted and have a clean and public and personal life.

Citizens can further create civic pressure on government and the private sector to adopt the Integrity Pact approach. They can advocate in favour of the practical aspects of this approach and make other suggestions for how it can be implemented.

Contacts for More Information:

1. TI Sourcebook 2000 (Nepali brief), Material on Integrity Pacts; Transparency Bulletin; National Integrity Systems in South Asia (A summary of national integrity system country studies in 5 South Asian countries), Transparency International Nepal, POB 11486, Gyaneshor, Kathmandu, Phone: 4334646, Fax: 4420412, Email: trans@tinepal.org, Website: www.tinepal.org
2. Good Governance Advocacy (collection of articles), Good Governance Project, Pro Public, POB 14307, Anamnagar, Kathmandu, Phone: 4268681, Fax: 4268022, Email: gg@propublic.org, Website: www.propublic.org
3. Code of Conduct of Public Post Holder Civil Servants 2068, Office of the Prime Minister and Council of Ministers, Singhadurbar, Kathmandu, Website: www.opmcm.gov.np



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