Democratic Accountability in Local Governance Institutions

Experiences from South Asia

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As the countries in South Asia embark upon decentralisation and strengthening of local governance institutions, it is imperative that the accountability mechanisms for these institutions are established, made functional and institutionalised. However, there have been a general dissatisfaction and disappointments with the institutional accountability mechanisms, as they could hardly ensure downward accountability of the local governance institutions to the citizens at large and to the poor and the marginalised in particular. Civil Society Organisations (CSO) and various citizen associations, in the last decade, have come forward not only to demand accountability from these institutions but also innovated a variety of mechanism to hold the elected local governments accountable within the framework of participatory democracy. Such approaches, mechanisms and tools fall under the broad rubric of social accountability. In many South Asian countries, the use of such social accountability mechanisms by the citizens are changing the nature of relationship between the state and the citizen, thereby fostering a new way of looking at citizenship. The current study was undertaken with a view to analyse such experiences from Bangladesh, India, Nepal and Sri Lanka so that the lessons could be shared with a range of practitioners and policy makers.

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Acronyms and Abbreviations

ACC	Anti-Corruption Commission
AG	Attorney General
APCAS	Action for Peace, Capability and Sustainability
APT	Alternative People's Tribunal
ASoG	Ateneo School of Government
BD	Bangladesh
CAG	Comptroller and Auditor General
CBO	Community Based Organisation
CDO	Chief District Officer
CIAA	Commission for the Investigation of Abuse of Authority
CPI	Corruption Perception Index
CPN	Communist Party Nepal
CR	Community Radio
CSC	Community Score Card
CSO	Civil Society Organisation
DAO	District Administration Office
DC	Deputy Commissioner
DDC	District Development Committee
ERs	Elected Representatives
FGD	Focus Group Discussion
FM	Frequency Modulation
GG	Good Governance
GGA	Good Governance Act 2006
GGC	Good Governance Club
GGDCC	Good Governance District Coordination Committee
GGP	Good Governance Programme
GoB	Government of Bangladesh
IAC	India Against Corruption Movement
IDI	In-depth Interview
KII	Key Informant Interview
LDA	Local Development Officer
LDF	Local Development Fund
LDO	Local Development Officer
LG	Local Government
LGCDP	Local Governance and Community Development Project
LGI	Local Government Institution
LRO	Land Revenue Office
LSGA	Local Self Governance Act 1999
MDG	Millennium Development Goal
MNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MoLD	Ministry of Local Development
MP	Member of Parliament
NCPRI	National Campaign for Peoples' Right to Information

NGO	Non-Government Organisation
NIC	National Information Commission
NILG	National Institute of Local Government
NVC	National Vigilance Centre
OAG	Office Auditor General
PA	Public Audit
PAC	Public Account Committee
PB	Participatory Budget
PH	Public Hearing
PSC	Public Service Commission
PSTC	Family Planning Services and Training Center
RFA	Rapid Field Assessment
RPP	Rashtriya Prajatantra Party
RTI	Right to Information Act 2007
SA	Social Accountability
SAM	Social Accountability Mechanism
SC	Special Court
SSK	Sahbhagi Shikshan Kendra
TIB	Transparency International Bangladesh
TRG	Taluka Resource Group
UCPN	United Communist Party Nepal
UDCC	Union Development Coordination Committee
UML	United Marxist Leninist
UNCAC	United National Convention against Corruption
UNDP	United Nations Development Programme
UNO	Upazila Nirbahi Officer
UP	Union Parishad
VDC	Village Development Committee
VVMC	Village Vigilance Monitoring Committee

Executive Summary

This paper aims to analyse the processes of establishing diverse forms of social accountability mechanisms, their application and their outcomes in varying political and socio-economic contexts of different South Asian countries. The countries in focus here are India, Bangladesh, Nepal and Sri Lanka, where despite the existence of democracy, whether sixty years old or only a decade, the people's experiences remain largely similar in terms of the democratic deficits they face in the form of poor accountability and lack of transparency in public institutions, non-participatory methods of designing policies, and corrupt and inefficient institutions. Hence, in the given scenario the relevance of social accountability mechanisms becomes even more pronounced as it offers citizens opportunities to engage with government and monitor the delivery of public services which are quite critical to the development of South Asia's poor citizens of.

The study is based on primary research conducted through tools like focused group discussions with stakeholders, interviews with community leaders and government officials in the countries in focus. The study aims to explore the factors responsible for making social accountability initiatives successful; the role participation can play in the empowerment of the people; the ways different forms of social accountability initiatives interact and create new models of accountability; and if social accountability initiatives can be instrumental in making local governance institutions accountable. To capture these processes effectively, the scope of this study is limited to local governance institutions. The following case studies have been prepared and analysed:

Sl. No.	Title of Case Studies	Partner Organisation
1.	Public Hearings as Democratic Accountability Tool, Nepal	Pro Public, Nepal
2.	Social Accountability through Community Radio, Nepal	Pro Public, Nepal
3.	Community Based Monitoring and Health Services , Bangladesh	PRIP Trust, Bangladesh
4.	Civic Participation in Budget Preparation and Monitoring, Bangladesh	PRIP Trust, Bangladesh
5.	Winning Land for the Displaced in Walapane, Sri Lanka	South Asia Partnership, Sri Lanka
6.	Improving Services through Citizen's Charter, Dambulla, Sri Lanka	South Asia Partnership, Sri Lanka

Dissatisfaction with centralised institutions and the political systems of World War II led to reforms like decentralised governance and parallel government agencies for checks and balance. However, citizens still remained distant observers in governance, so varied models of accountability where the government was directly accountable to the citizens began to be explored. Citizens were looking for democratic accountability mechanisms which were more participative, inclusive and offered frequent interface with governance institutions. Some on-going and direct accountability mechanisms like participative budget, social audit, and citizen report cards would fall in this framework of democratic accountability. Democratic Accountability has been analysed here in the binary framework of vertical accountability and horizontal accountability. Whether these categories can singly address the accountability issues or combination of methods need to be tried.

The presence of certain favourable conditions or enabling factors can be crucial for the success of social accountability mechanisms. These enablers have been identified as supportive laws and institutions,

power of information, information, communication and technology as mobiliser, local capacity building, local ownership, development of coalition and wider constituencies.

An analysis of the enabling factors reveals that constitutional provisions need to be complemented by legal provisions and policies. In Nepal, Bangladesh and Sri Lanka, while the democratic structure of the country entails constitutional provisions and rights that provide a sound enabling framework for the establishing and application of social accountability mechanisms, the need is to complement such constitutional provisions by equally robust laws and policies, which make room for establishing social accountability mechanisms.

People's participation is crucial for achieving better outcomes, which requires that the State, NGOs and CBOs lead sustained mobilisations and awareness programmes. Bearing the cost of these initiatives at the local level can be a challenge. The State led social accountability initiatives are financed by government agencies, but the cost of supporting the citizen led social accountability initiative remains a problem area as they are unlikely to find support from government agencies and tend to be viewed with scepticism. The scale and outreach of citizen led initiatives can be a limitation which can be addressed by building local ownership, reduction of the complexity of programmes and encourage collaboration between different actors to make these initiatives sustainable.

It has been accepted that for social accountability mechanisms to be effective, broad-based participation from diverse groups is vital. To a large extent the enablers of social accountability mechanisms determine the scale, breadth and depth of participation, but they may not necessarily ensure substantive participation as several factors can adversely influence the people's ability to participate. The threat of facing division, control and co-option of citizens and civil society by the government; the exclusion of marginalised and discriminated groups from participatory spaces; and the suppression of poor people's voices by dominant elite groups, remain serious obstacles in achieving effective participation of people, reducing it to mere tokenism. Legal protection is therefore not enough and how social and economic forces can be prevented from subverting the rights of poor social groups needs to be assessed. For this the need is to initiate long term processes of social mobilisation and local capacity building that do not disregard people's participation as tokenism. Besides participation, citizens' interface with the local government for the presentation of their demands is an equally important stage of social accountability and was also visible in the case studies.

The case studies of participatory budget – Bangladesh, public hearing – Nepal and community score card – Bangladesh focus both on the extent of people's participation and the quality of interface between the citizens and the State. As demonstrated, the participation of citizens in all the social accountability initiatives except Citizen's Charter was substantial. However, the citizens' interface with the government in the six case studies showed tremendous variation.

The impact and effectiveness of the various social accountability mechanisms was varied in different countries of South Asia.

The case studies show evidence of significant improvements both for the government authorities and the people. Besides improvement in public service delivery and a positive change in the attitude of government officials, systematic changes like the formation of Standing Committees for the marginalised in Bangladesh; the establishing of audio Citizen's Charter in Nepal and Citizen's Charter in Sri Lanka came about.

Social accountability mechanisms proved to be empowering tools for the marginalised in Nepal and Bangladesh, taught them to negotiate and network with the local government and challenge the power structure in society through their collective voice.

Similarly, the citizen monitoring of water and sanitation in urban areas conducted by PRIA in its project "Ward Watsan Watch (W3)" initiated the process of creating a better informed and engaged citizenry and improved people's participation in raising accountability issues with local governance bodies.

The impact and effectiveness of social accountability mechanisms did not depend on which agency was leading the exercise, but on the efforts made by the agencies in preparing and making use of the existing enabling environment.

A number of constraints of democratic accountability have been identified as follows:

- A deficient democratic structure, rules, policies and institutions can be a serious hindrance in the use of social accountability mechanisms in local government in the region. While India, Bangladesh and Nepal have provisions for democratic structures, Sri Lanka, Afghanistan and Pakistan are still a long way from progressing in this direction.
- The multiplicity of institutions and sharing of political authority across a number of levels creates institutional complexities that lead to democratic deficits, thereby posing challenges in ensuring accountability.
- The capacity deficit among government, communities and CSOs, despite the existence of legal mechanisms can prove to be a hindrance at the outset.
- In interface with the government, CSOs may face challenges of compromise, co-option and conflict.
- Ethnicity, illiteracy and caste discriminations exclude the marginalised sections of society including women, indigenous communities from participating in accountability processes.
- Cost of social accountability- The support for the initiative in terms of human and financial resources can be substantial which the poor communities and even the government and CSOs in South Asia may not be able to afford.

An enabling political context is a prerequisite for the successful application of social accountability mechanisms. Democratic political systems in India, Sri Lanka, Nepal, Bhutan, Pakistan and Bangladesh define the constitutional rights of citizens but the need is to reinvent these mechanisms to be applicable even in non-democratic States where lessons drawn from the South Asian context can prove useful.

Evidently, the success of social accountability mechanisms cannot be judged merely on the basis of whether it is State-led or citizen-led, rather a mix of social accountability processes are more likely to ensure accountability. Therefore, such initiatives should not be myopically viewed as simply demand driven or supply driven, but should consider suitable entry points, possibilities for synergy between the State and society and the right mix of social accountability tools.

Countries in South Asia are at different stages of evolution of democratic accountability in local governance. While India, Bangladesh and Nepal have enacted laws of democratic accountability with varying degrees of success, Sri Lanka, Pakistan and Afghanistan are yet to see the start of effective social accountability initiatives. Civil society organisations can be instrumental in building the credibility of these instruments, but the need is to identify suitable ways of interventions in keeping with the differing socio-political contexts.

In order to make laws and policies on social accountability effective, wider coalitions of the actors is important where local government, citizens, CSOs, national and international NGOs and donors work in

close collaboration, share experiences and the synergy between different partners can help to build trust between the State and citizens.

The capacity deficit of government officials, CSOs and citizens on social accountability should be addressed by planning capacity building programmes using ICT. This was seen in the case study on Social Audit in India. International donors and NGOs should come up with training manuals, brochures etc. of social accountability on specific themes relevant for the country.

Evidence from Nepal and Bangladesh proves that the active engagement of political parties can be critical for the support of social accountability initiatives. Social accountability practices should be linked to the institutional structure of governance and public servants should be provided incentives for promoting its use and penalised for not following the legal mandate of social accountability. The establishing of e-governance would be beneficial in many ways for the government authorities and also for NGOs and CBOs. Support can be drawn from international experience to prepare citizen friendly software. South Asia is widely inhabited by poor and marginalised communities facing caste and ethnic biases, it is essential to involve these excluded groups to bring in long term improvements.

South Asia continues to face problems of rampant corruption, threats from military dictatorships and religious fundamentalism, which reiterates the need for democratic institutions to constantly reinvent themselves and build a greater stake for citizens to enable them to preserve these institutions, Establishing context-specific social accountability systems in local governance can play a key role in this process.

Synthesis Paper

Democratic Accountability in Local Governance Institutions: Experiences from South Asia

- Vikas Jha, PRIA Global Partnership, India

1. Introduction

South Asia is a unique region with diverse kinds of political systems. The eight countries of the region have had different experiences of democratic evolution with some countries often falling off the democratic map. The countries under study here, Bangladesh, India, Nepal and Sri Lanka vary in terms of time scale and democracy ratings[1], but the democratic experiences of the citizens by and large seem to be similar. These countries, whether it is a sixty year old democracy or a decade old democracy, suffer from several common democratic deficits. These deficits are often identified as the lack of transparency and accountability in the working of public institutions, poor implementation of rule of law to guarantee individual and group rights and security, non-participatory methods of designing policies, programmes and service delivery by the government institutions and the absence of effective institutions for checking corruption. Most administrative structures are inefficient and incompetent and are therefore unable to deliver the services mandated to them; systems of decision making about resource allocations and expenditures remain opaque and archaic and corruption is widespread.

What makes matters worse is that the mechanisms for horizontal accountability[2] are non-functional and the slow start of vertical accountability mechanisms[3] in large parts of South Asia. These are the two mechanisms by which democratic accountability can be ensured. The operationalisation of horizontal accountability mechanisms falls in the government's domain, which has not offered much space for citizens' participation. On the other hand, vertical accountability mechanisms have given the citizens' opportunities to participate in governance processes. South Asia provides many good examples of the practice of vertical accountability mechanisms by citizen groups, civil society organisations (CSOs), community based organisations (CBOs) and donors, which offer a new direction in ensuring the accountability of State institutions. A new subset of democratic accountability namely social accountability emerged in the 1990s which cuts across both horizontal and vertical accountability mechanisms. It operates within both the mechanisms of accountability and aims to ensure the accountability of the government. Social accountability is especially relevant for local governance as it

[1]According to the Economist Intelligence Unit, the democratic ratings of Bangladesh, India, Nepal, Sri Lanka and are 5.52, 7.80, 4.05, and 6.61 respectively.
[2]Horizontal accountability is the capacity of state institutions to check the abuse of power by other public agencies and branches of the government; e.g. Parliament, Judiciary, Anti-Corruption Commissions, Audit Institutions, Ombudsman Offices, Human Rights Commissions etc.
[3]Vertical accountability is the means through which citizens, mass media and civil society seek to enforce standards of good performance and good conduct on officials; e.g. various social accountability mechanisms, media expose etc.

offers opportunities to citizens to engage with the government and monitor the delivery of public services, which are critical to the human development of the poor citizens of South Asia.

2. Methodology

The objective of the research study was to collect, analyse and synthesise the processes and results of social accountability mechanisms in Bangladesh, Sri Lanka and Nepal in order to find out how such mechanisms can be applied in varying social and political contexts. The data from the above mentioned three countries has been collected through primary research by the partners mentioned in Table 1. For the collection of primary data, tools like focused group discussions (FGDs) with the community and stakeholders, and interviews with community leaders and government officials were used. The study has used a large amount of secondary data from India and the Philippines to further enrich the analysis. However, the scope of this study is limited to Local Governance Institutions (LGIs) for capturing these processes effectively.

Table 1: Title of the Case Studies

Sl. No.	Title of Case Studies	Partner Organisation
1.	Public Hearings as Democratic Accountability Tool, Nepal	Pro Public, Nepal
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6.	Improving Services through Citizen's Charter, Dambulla, Sri Lanka	South Asia Partnership, Sri Lanka

Before the case studies from South Asia are analysed, it would be pertinent to discuss the historical backdrop of democratic accountability, the changing meaning of democratic accountability and critical issues like enabling factors, participation and inclusion, which are important for social accountability mechanisms in the region.

3. Democratic Accountability: Historical Backdrop

The post-World War II period was the time for nation building across a number of countries. National governments created political systems and institutions, which enjoyed the citizens' trust, but the systems of transparency and accountability had not been put in place as yet (Mulgan, 2010). Citizens were willing to hand over their liberties for nation building and development, which led to the emergence of centralised bureaucracies and political systems, which did not offer any space for the participation of citizens. It generated tremendous dissatisfaction among citizens who articulated their voice through dialogues, movements, protests and new communication mediums like television. The 1970s was the period of the grassroots movements e.g. environmentalism (e.g. Chipko Movement in India), and the health movement (in Brazil) which demanded participation in the political system. Citizens also used the media and courts in order to pressurise the government for reform. The reform of decentralisation in developing countries was created to meet the growing aspirations of citizens. It is important to note that a number of countries in the world especially in Latin America were not democracies, but they created some space for the participation of citizens. Besides this, new

investigative agencies such as ombudsmen and anti-corruption agencies owe their creation to this movement.

These new agencies no doubt created checks and balances for the government, but the citizens' say in monitoring the government's work was still limited. They were asking that direct mechanisms of accountability (government to citizens) be established, "so the period of the 1980s and 1990s witnessed the emergence of varied models of social accountability initially in countries with strong pre-existing civil societies such as India and the Philippines and in Latin America. In Brazil, participatory budgeting processes, which started with neighbourhood consultations to review local government budgets, have led to profound changes in the operation of local government and encouraging human development outcomes. The Right to Information Movement in Rajasthan (India) in the 1990s helped to create the conditions for the balanced scorecard and social auditing" (Walker, 2009). In the contemporary period, "diverse models and applications for social accountability have emerged and each tool recognises to varying degrees, the rights that citizens collectively have as owners to exercise authority over those accountable to them" (*ibid*).

Citizens across the world living in liberal democratic systems or authoritarian systems are, thus, challenging the regimes of secrecy and non-accountability. Some democratic countries have started the process of change by enacting the Freedom of Information laws and have established policies / institutions for facilitating direct accountability, while others have dismissed citizen demands with scepticism and arrogance (Mulgan, 2010). Another set of actors who claim to be outside the ambit of direct accountability processes are private contractors and multi-national corporations (MNCs). Private contractors performing the role of government departments by delivering services and MNCs operating beyond national boundaries have thrown up a new challenge to accountability seekers who were already struggling with the non-accountability of liberal democracies. Citizens now need to be innovative in using the internet and developing connections across national boundaries to bring governments and corporations within the ambit of accountability.

4. Democratic Accountability: Meaning, Enablers, Participation and Inclusion

4.1 Meaning of Democratic Accountability

In the contemporary political scenario across the world, representative democracy is considered to be the political system shaped by the aspirations of citizens. "Representative democracy offers channels of communication with citizens in the decision making processes of governance and establishes institutions, referred to as 'side constraints' for making them responsive to citizen's demands, but centralizing tendencies of representative democracy like economic planning, party politics and bureaucratic centralisation have distanced the political system from its citizens and has become non accountable" (Bellamy & Palumbo, 2010). The representative democracies also rely heavily on elections as a mode of accountability, which has often been criticised as 'accountability in five years'. This sort of accountability has been criticised on four grounds, (WBI, 2005): "firstly, there is information asymmetry both between elected officials and the electorate and between bureaucrats and elected officials; secondly, elections only operate ex-post; thirdly, elections only allow citizens to exercise accountability 'externally,' from 'outside' of government and lastly, citizens send representatives in government through their vote, but do not participate themselves in the tasks of government." Too much dependency on electoral accountability has made the accountability mechanisms distorted and the citizen's voice gets lost in its long process (Walker, 2009).

The other accountability mechanisms are also marred by processes such as complexities between the role of various institutions, judiciary delays, lack of policy reviews and programme implementation and inadequate punishment for the violation of administrative rules etc. (Goetz & Jenkins, 2005). These accountability mechanisms have failed to ensure the necessary checks and balances for making the political system accountable which has tilted the governance system in favour of a selected few and distanced it from citizens. Hence, "the deepening of accountability beyond elections is not just necessary for good governance and the rule of law, it is also central to ensuring rights and formulating development policies and practices capable of combating poverty and inequality" (Claasen & Alpin-Lardies, 2010).

Philip Pettit (2010) also favours a mix of various accountability mechanisms for deepening accountability in representative democracy. According to Philip Pettit, "the idea of control is central to the notion of democracy and three notions of popular control can be identified. Under the first conception of popular control, people have casual influence on government; under the second the people exercise intentional direction over government and under the last, people have intermediate degree of power, which is described as institutional control over government" (*ibid*). He argues that the first conception of control is not demanding enough and the second is too demanding, so the ideal form of control is institutional control. He further dissects institutional control into two – the marketing model and condominium model. In the marketing model, "the government policy maximises the satisfaction of people's private preferences similar to the market. While the condominium model demonstrates "how to make government electorally, constitutionally and more informally monitored by the people as parallel to the electoral and non-electoral measures…" (*ibid*). Petit favours the condominium model and it seems to be a mix of the horizontal and vertical models of accountability.

Accountability can be seen in the binary framework of vertical accountability and horizontal accountability. Some new theories like diagonal and hybrid accountability, a blend of vertical accountability and horizontal accountability have also been made, which indicates that the choice is not between vertical or horizontal accountability, but the endeavour should be to seek a blend of the two, to establish an effective accountability system. A brief discussion on the meaning of different categories of accountability would be pertinent here.

Vertical accountability refers to the relationship between the citizen and the State, horizontal accountability is broadly internal to the State structure itself (Jayal, 2008). Vertical accountability can be exercised through elections and other mechanisms by which citizens control governments.

"Horizontal accountability is exercised through the checks and balances in governmental systems designed to ensure that due process is followed in governmental decision making" (O'Donnell, 2010). O'Donnell suggests that horizontal accountability can be improved through various organisations like the Human Rights Organisations, Independent Election Commissions, and watch dog agencies, but these agencies would often lack bite unless followed by media or activists (*ibid:* 152). However, the existence of a huge number of such institutions has failed to strengthen the fledgling accountability mechanisms in developing democracies. What is required are professional and independent organisations endowed with adequate resources. In addition, "media and social organisations must remain active and vigilant to ensure protection of the rights of the weak and poor in encounters with the State" (*ibid:* 153). The role of the media and research and disseminator institutes in gathering, researching and disseminating information on various socio-economic indicators assumes importance as this keeps the government on its toes. For the effective functioning of the accountability processes in the country, horizontal accountability should go hand in hand with vertical accountability. O'Donnell emphasises that "the

effectiveness of horizontal accountability depends to a significant degree on mechanisms of vertical accountability" (*Ibid:* 154).

Smulovitz and Peruzzotti (2000) have gone beyond horizontal and vertical accountability mechanisms and suggested new forms of accountability that are neither vertical nor horizontal. The agencies seeking accountability are civil society, social movement, media etc. which rises spontaneously on the demand of the people[4]. Such initiatives generate hybrid forms of accountability bridging the horizontal-vertical divide. The hybrid form of accountability which cuts across the traditional distinction between horizontal (government to government) and vertical (citizen to government) requires institutional support in the form of a legal mandate for the non-government actors to act as agents of public sector oversight, easier access to information, right of observers to issue dissenting reports and the existence of clear procedures for conduct between citizen and public sector actors[5]. It aims to achieve vertical accountability and energises intra-State horizontal accountability mechanisms leading to greater accountability in the political systems[6].

Within these categories of accountability, the mechanisms of accountability can take various forms and dimensions. It may be:

- Top down (given from above) to bottom up (demanded from below) or
- Temporal dimension (one off events – spectacles)
- Institutionalised or exercised in open spaces or
- "Ex-ante" or "simultaneous" accountability**,** or it may be ex-post

Mechanisms of accountability can take diverse forms ranging from top down processes of elections, hearings, workshops and consultations to bottom up processes such as popular protests, citizen juries, social audit and participatory budgeting (Newell and Bellour, 2002).

Some accountability mechanisms have a temporal dimension, where accountability processes take the form of one-off events or spectacles, which draw attention to the abuse of power by those who wield power in governance (*ibid*). In South Africa, the Truth Commission set up to uncover abuse of power by the government and the police in the apartheid era would fall in this category (*ibid*). In India, public hearings convened by civil society organisations in collaboration with renowned activists, retired judges etc. to expose the corruption in infrastructure works in Delhi can also be categorised as 'spectacles'.

Other mechanisms of accountability can be "more institutionalised and ingrained in democratic routine" (*ibid*) such as elections, audit departments, vigilance departments, ombudsman etc. These mechanisms operate within the rules and procedures set by the legislature and their reports can be submitted to the government. Citizens' use of open space to demand accountability from the government is another mechanism, which has been used quite extensively in India. Public hearings convened by citizens to audit government welfare schemes, in order to expose poor functioning and corruption, have been used in several locations within India and are good examples of the use of open space.

Ex-post accountability means assessing the impact after the activity or project is over and ex-ante accountability means monitoring the decision making before the proposed action or project is in progress. Ex-ante has relevance for citizen monitoring as they can cross examine the activities before the project is actually approved or monitor the project while it is in progress.

[4] Smulovitz and Peruzzotti as cited in Jayal, *Op.Cit*.
[5] Goetz and Jenkins 2001 as cited in Ibid.
[6] Ibid.

The challenge is to move from accountability as a spectacle in the open space; mostly practiced as ex-post accountability, to bottom up, institutionalised and "ex ante" or "simultaneous" accountability.

Democratic accountability or social accountability in recent times has emerged as a mechanism, which has characteristics like bottom up, sometimes institutionalised or sometimes open spaces and "ex ante" or "simultaneous" accountability. In simple terms, social accountability is mainly demand driven, spontaneous and operates from the bottom up and it can be defined as 'action taken by citizens or civil society to hold government to account for its decision and actions'. In the last decade, social accountability practices have not only grown, but also assumed different forms in South Asia. These different forms of social accountability can be broadly divided into two, 'supply driven' and 'demand driven' initiatives which cuts across both vertical and horizontal processes of accountability:

a) Supply driven accountability initiatives mean State / government initiated accountability mechanisms *which create interface and engage citizens and/or civil society.*

b) Demand driven accountability initiatives means Citizens and/or civil society led accountability mechanisms *which create interface and engage government/State institutions.*

The first category of social accountability mechanisms would comprise of actions or processes of accountability initiated by the State / government. Social accountability processes carried out by local governance institutions or local level vigilance and monitoring committees as stipulated by the government in the guidelines / policies of various social sector programmes would fall in this category[7]. Such mechanisms are operationalised mainly in accordance with the policies or laws laid down by the State. Hence, this method of social accountability is expected to be more regular, frequent and institutionalised. Some mechanisms like Citizen's Charter, Popular Participation Law (Bolivia), Participatory Budgeting (Brazil) Citizen Participation Law (Mexico), Social Audit in Mahatma Gandhi National Rural Employment Guarantee Programme (India), Community Monitoring in National Rural Health Mission (India) and the Right to or Freedom of Information Laws etc. have been initiated by the State to provide space to citizens for monitoring the development programmes and governance processes. The State here assumes the leading role in activating the accountability mechanisms and engages with citizens in various ways. The State, thus, sets in motion accountability mechanisms, which makes it directly accountable to citizens.

The second category of social accountability mechanisms comprise of actions or processes initiated by citizens in specific locations for ensuring the State's accountability. Such actions are spontaneous and arise on demands by the citizens, hence often they are infrequent or they may elapse if the demand for accountability is addressed by State institutions. Nevertheless, citizens endeavour to institutionalise these instruments in order to make these permanent in local government. The leading role for activating this mechanism lies primarily in the hands of citizens or CSOs and civic actions take place in 'open' spaces. For example, citizens and civil society have been using participatory performance monitoring, gender responsive budget, analysis of budget for local bodies, community monitoring, citizen report card on health, water and sanitation, social audit, expenditure tracking, for a long time to ensure the State's accountability.

The tools used for engagement in both types of social accountability mechanisms are largely similar i.e. meetings, dialogues, public hearings, survey reports and other oral evidence gathering methods to ascertain the outputs of the social sector programmes.[8] These mechanisms are different from the

[7] "Report of the Task Group on Social Audit", *Office of the Comptroller and Auditor General of India* (2010):3.
[8] Ibid.

government's traditional accountability agencies as they crosscheck outputs and outcomes through physical verification and oral evidence from the citizens, instead of relying only on secondary documents.

Social accountability initiated by citizens has proven to be direct instruments of accountability in the hands of citizens. These mechanisms if used with appropriate communication techniques (engagement with print and electronic media) along with advocacy can trigger actions by courts and oversight agencies, e.g. ombudsmen, public accounting, auditing bodies, legislative oversight and correct the malfunctioning of government institutions.

Both State-led social accountability mechanisms and citizen-led social accountability mechanisms are emerging as important tools for improving service delivery and checking corruption, thereby ensuring the government's accountability. The crucial question is what conditions (political – institutional) enable social accountability to grow and get established. Another important issue is, can these two mechanisms interact and be complementary to each other? This issue will be further explored in the paper.

4.2 Participation and Inclusion in Democratic Accountability

It is often said that participation in government led accountability initiatives are cosmetic or by invitation only and special efforts are not made to include deprived social groups. This critique of government led social accountability processes may largely true in most countries but there are important exceptions, where social accountability mechanisms have been enacted in laws and they regularly engage citizens in all stages of public policy cycle. This is evident in Bolivia's Popular Participation Law, Porto Alegre's (Brazil) Participatory Budget and Mexico City's Citizen Participation Law.[9] These examples demonstrate that citizens have been able to ensure better allocation budgetary provisions, better service delivery and increasing answerability and enforceability of government's action and inaction, thereby making government accountable. However, these social accountability processes can be used if citizens are prepared for its use. Otherwise, there is always threat of capture of these processes by elite class who would not be representative of interests of citizens.

Non-inclusion of poor and discriminated social groups in participatory processes continues to be a serious obstacle in social accountability mechanisms. Constitutional guarantees and legal mechanisms do not ensure participation of these social groups as illiteracy and complexity of procedures have denied them accessibility to the participatory spaces. Examples from Brazil and Mexico suggest that legal protections are not enough but what is required is how social and economic forces can be prevented from subverting the rights of poor social groups (Gaventa, 2002). Pare, Robles and Cortez have pointed out how Zapatista movement and other indigenous peasant movements in South Mexico have claimed their rights to use and manage natural resources based on their understanding of international declaration of indigenous people rights. Their perspective clashed with private property rights recognised in global market and enshrined in Mexican constitution (*ibid*). They argue that it could happen only because the indigenous people challenged narrow interpretation of rules and unequal power relations (*ibid*). Hence social accountability initiatives for being effective must have representation from diverse social groups which can happen by gradually and systematically expanding circle of participation.[10] This expansion can take place by multiplication of external eyes (watchful citizens and community groups), diversification of political and ideological perspective and stimulating social movement which collectively can challenge elite bias in governance and society.

[9] World Bank Institute, *Op.Cit.* 16.
[10] World Bank Institute, *Op.Cit.* 22.

Another threat which looms large over government led social accountability processes is division, control and co-option of citizens and civil society by the government.[11] Government by providing these spaces tries to deviate social mobilisation for accountability of its direction by regularly delaying penalising actions or distributing lucrative opportunities to some citizens or civil society in government.

Citizen led social accountability mechanisms might also face the threats of division, control and co-option but they are more likely to overcome these threats as these processes are initiated after a long process of social mobilisation, local capacity development and local ownership among citizens is far greater than in government led accountability processes. For these reasons, the participation of citizens cannot dismissed as tokenism however, often social accountability mechanisms started by donor agencies or CSOs are said to be dictated by organisers[12] and participation of citizens are by 'invitation only'. These kinds of participation are usually weak and do not ensure accountability of government. Sustainability of such actions can always been questioned by critics.

Amplification of voice through various participatory processes results in greater accountability is an assumption which may not be true in all cases. Sometimes, voices are loud but political representatives and bureaucracy simply does not pay any attention to it.[13] For example, citizen report card on urban services in India have been made by several organisations across several cities and they have been published in media and presented to government at various levels but it has not resulted in improvement of procedures or reform in policies or improvement in service delivery. Such voices are often muzzled by elite biases on the governance system. Amplification of voice should be supplemented by challenging unequal power relationships which can only happen when ordinary citizens are empowered by voice which goes much beyond participation by 'invitation mode' only.[14] It would mean "citizens asking questions, interrogating poor performance of government, filing litigations and issuing dissenting reports alike State public judicial functions".[15] Such voices would possible challenge power structures more effectively and ensure accountability of government.

The above-mentioned issues will provide the backdrop for analysis of six case studies from three countries. The questions viz. how citizens participate in social accountability initiatives, constraints in participation, processes of inclusion and dynamics of interface with government and political parties will also guide the analysis. The South Asian region has witnessed a variety of experimentation in social accountability mechanisms, which differ in terms of scale and depth. More and more innovations are being carried out in social accountability in the region, which makes it imperative to find out enabling and facilitating factors, which result in the creation and establishing of these mechanisms.

Social accountability mechanisms require that certain conditions be applicable in specific political-institutional contexts. Without appropriate conditions or enablers, such actions are unlikely to succeed. This study has identified six enablers for social accountability viz. responsiveness and voice, power of information, local ownership, local capacity development, development of wider constituencies and Information and Communication Technology (ICT) as facilitators[16]. There might be many more enablers, which could be relevant for a country, but in this paper the focus is only on the important and common enablers.

[11] Ibid: 19.
[12] Goetz and Jenkins, *Op.Cit.*: 31.
[13] Ibid: 30.
[14] Ibid: 31.
[15] Ibid: 31.
[16] Walker, David W., *Op.Cit.*:1046.

4.3 Enablers of Democratic Accountability

(i) Supportive Laws and Institutions

Democratic countries provide their citizens opportunities to make their voice heard by those who hold power (elected representatives and bureaucracy) and interact among themselves through directing communication, forming associations and mobilising for advocacy. This opportunity is provided through establishing laws, institutions and fundamental rights of expression, association and life. Citizens voice their concerns and articulate their voices through these legal provisions and institutions. Citizens use open democratic spaces to demand their rights when formal mechanisms of reaching out to the government fail. This too falls within the domain of the fundamental right to expression. In these ways, democracy provides citizens the mechanisms to influence the government, provide inputs / feedback from citizens and makes it accountable (Horner and Puddephatt, 2010). Such opportunities provide the option to citizens to exercise their voice and engage with government. However, the conditions necessary for the articulation of voice in a fearless environment need to be provided by the State, only then can social accountability tools be used. However, creation of supportive laws and institutions would not be enough, government should be responsive to the needs of citizens and should not regard their demands / voice[17] as 'dissent' against the government.

(ii) Power of Information

"The bedrock of social accountability process is access to / freedom of information, which is held by the government. The performance of the government departments can only be judged on the basis of various indicators like the budget for government programmes, number of beneficiaries, and number of items / money to be distributed among citizens etc., but in most countries of the world this information is not in the public domain, which makes it imperative to enact access to information laws. The availability of authentic information from the government departments can make accountability processes a robust mechanism for making the State accountable as it can expose the siphoning of funds and poor service deliveries by the State" (Jha, 2010).

The lack of information disclosed by the government can derail social accountability processes as citizens may not be aware about the problems of governance and may even find it difficult to identify entry points for raising one's voice. In such situations, they may have to depend upon information that they have generated themselves to influence any policy change, which might demand more time, human and financial resources thereby making the social accountability processes much more difficult to launch.[18]

(iii) Information and Communication Technology

Information and communication technology like internet, e mails, SMSes, local radio etc. has become an important tool for information dissemination and they can also be important medium of monitoring and surveillance. It has the potential for seeking answers not only from local government but also from national governments and large multi-national corporations.[19] The power of the medium to mobilise citizens from local level to global level is unlimited as can be seen from the example of Global Forest Watch (Internet based decentralised yet global surveillance on forests) and India Against Corruption Campaign in India. What is worrisome in use of technology is checking the authenticity of local

[17] "Voice refers to the capacity of citizens to express views and interests and also to the exercise of this capacity", Burnell 2007 as quoted in Walker, David W., *Op.Cit.*:1039.
[18] Walker, David W., *Op.Cit.*:1047.
[19] Goetz and Jenkins, *Op.Cit.*: 129-130.

information being uploaded on network and exclusion of poor and disadvantaged people from the use of this accountability tool, effort should be made to bridge this gap.[20]

(iv) Local Capacity Development

Citizens who have an especially long history of marginalisation lack the competencies and resources to participate in social accountability processes. Sustained and long term investment is required not only from the government, but also from CSOs and international organisations in developing their capacity. The government usually does not spend resources in the capacity development of citizens through structured capacity development programmes but it often invests in awareness generations drives, which indirectly prepare the citizens for the social accountability processes. For example in India, the government has spent resources in carrying out right to information awareness generation drives but has not invested much in training facilitators for social audit etc. In contrast, CSOs and international donors initiate / pilot social accountability processes in specific locations by providing structured capacity development programmes, handholding support and engagement with policy changers. The role of government agencies or international donors or CSOs in the capacity development of citizens depends upon the political conditions of specific locations but what is required is that their efforts must complement each other for better results.

(v) Local Ownership

Local ownership of social accountability mechanisms is important for broad based participation and self-sustainability. It has often been witnessed that the community is wary of bearing the cost (human as well as financial) of social accountability processes, which may affect the starting of such initiatives. It also implies that the government, international donors or NGOs should step in to pilot / start the processes bearing the initial costs and gradually when the citizens realise the benefits of these initiatives, might develop ownership of the processes which would lead to the community owning the projects.

(vi) Development of Coalitions / Wider Constituencies

It has often been pointed out "a collective voice is louder than individual voices"; so coalitions of citizens, NGOs, media and academic institutions are more likely to influence the policy makers and implementers. In addition, multi-stakeholder coalitions are more likely to complement each other's capacities and carry better credibility than individual stakeholders (Water Aid, 2010). The development of coalitions is always a challenge because it often means leaving one's own position, resolving conflicts and disagreements and agreeing to a joint position. for e.g. the National Campaign for Peoples' Right to Information (NCPRI) in India is a platform of citizens, activists, intellectuals and organisations committed to making the Indian Government and society more transparent and accountable. The NCPRI was instrumental in drafting the Right to Information Act (2005) in India. Similarly, several people's alliances or coalitions exist on several issues in India, which put up a collective voice to the government.

The above discussion dissects meaning of democratic accountability and conditions which enable it grow in different context. Before moving on to analyse the six case studies, it would be pertinent to refocus on the meaning of democratic accountability succinctly:

- Accountability should be seen with citizenship and participation. In fact, they are integrated, interlinked and work in a synergised manner. Citizenship gives the right to hold others accountable and accountability is process of engaging in participation. The concept of citizenship encompasses

[20] Ibid.

the concepts of social rights, social responsibility and social accountability. Thus accountability induced by an active citizenship would necessarily have participatory dimension. Citizenship, participation and accountability working in tandem would in essence by democratic accountability. Tandon, 2002).

- Citizenship means not only the right to elect members of legislature but participation in decision making processes of governance which would certainly enhance accountability.
- It is a mix of horizontal and vertical accountability mechanisms where both complement each other and strive to make governance transparent and accountable.
- It is bottom up where citizens or civil society initiate actions to hold government to account for its decision and actions.
- Citizen's action can take place in institutional or non-institutional spaces.
- It is simultaneous accountability where programmes/ schemes are monitored while it is going on quite opposite to ex post accountability.
- It ensures legal protection for participation of citizens in accountability initiatives
- It means representation of diverse social groups especially deprived in accountability initiatives, so that unequal power relations can be challenged. "It also envisages restructuring governance and polity for protecting the liberties and rights of poor and the marginalised." [21]

The case studies which we have selected for analysis belong to both horizontal and vertical accountability mechanisms in which citizens are the key players in demanding accountability from government. Such actions by citizens in both institutional and non-institutional spaces as described earlier also are referred to as social accountability. This, in fact blurs the boundaries between democratic accountability and social accountability making them almost similar. We shall be using social accountability more often as it is in common parlance in civil society and most easily understood by common person.

Further, the analysis is guided by following research questions:

- Which factors (Institutional or political) makes social accountability initiatives successful in local governance?
- Does participation in social accountability initiatives leads to greater empowerment of poor people, greater awareness of rights and greater engagement in local governance institutions?
- How different forms of social accountability initiatives interact and create new models of accountability?
- Does the use of social accountability initiatives makes local governance institutions accountable and ensure better service deliveries? Whether these initiatives are effective and are they achieving their intended impact?

5. Experiences of Democratic Accountability in South Asia

5.1 Enablers in South Asia

The six social accountability initiatives from Nepal, Bangladesh and Sri Lanka would be analysed in the framework of the enablers mentioned above. The State led social accountability initiatives viz. Public Hearing - Nepal, Participatory Budget- Bangladesh and Citizen's Charter – Sri Lanka were started in the legally mandated provisions of the Good Governance Act 2007 – Nepal, Union Parishad (UP) Act 2009 - Bangladesh and Citizen's Charter in all government institutions 2007 – Sri Lanka respectively. These legal

[21] Ibid

provisions had clearly spelt out the process of conducting social accountability mechanisms, the agencies responsible for it, how to engage citizens, the frequency of the exercise and the final reporting. It enabled the local government and government departments to undertake social accountability initiatives with support from citizens, NGOs and community based organisations.

In Bangladesh, Union Parishads as per the mandate of the UP Act 2009 took the lead in convening ward level meetings for identifying priorities in the UP budget, mobilising NGOs, community based organisations, local imams for carrying out awareness generation drives, the training of UP committees for facilitating the budgetary process, convening open budget meetings and sending the final budget to the Upazila office. The UP also ensured that at least 30 per cent of the schemes in the budget were prioritised for women as per the UP Act 2009. Thus, the UPs in Madhainagar, Bangladesh took a leading role operationalising the participatory budget.

Another social accountability mechanism, the Community Score Card (CSC) on health was led by the PSTC (Family Planning Services and Training Centre), an NGO supported by the Manusher Jonno Foundation. This initiative was not legally mandated by law and the UP Standing Committee on Health was not forthcoming in supporting it. The PSTC tried to build an enabling environment by awareness generation among citizens on health rights, roping in socio cultural groups, grassroots groups, local groups and training facilitators for leading the CSC process. These enabling conditions were critical for preparing the CSC and helped in reaching out to the UP Standing Committee on Health, service providers and government departments. The freedom of the media also helped in disseminating information about the CSC on health among the larger audience and reaching out to the provincial government and higher bureaucracy, which has not been possible through normal channels.

Public hearings in Nepal mandated by the Good Governance Act 2007 made it compulsory for the local government and government departments to conduct public hearings annually. These agencies had reduced the exercise to a mere formality with very few people attending the public hearing when it was conducted. The NGOs and community based organisations not satisfied with the government's initiatives tried to organise their own public hearings, which obviously fell outside the domain of the Good Governance Act. The dates of the public hearings were announced through the local FM radio and local facilitators and invitations were also sent to village development committee members and officials of government departments so that they could attend the hearings. The local FM radio relayed the themes of the public hearings prior to the event and also relayed the event live. The declaration of Nepal as a Federal Democratic Republic in 2008 abolishing the 240-year-old monarchy has made possible the freedom of the media, which in turn enabled the establishing of the Community Radios which were free to disseminate information.

The local FM radio or Community Radios are registered entities run by individuals or community based organisations or cooperatives or local bodies (DDC/ VDC/ municipalities). Nepal with 182 FM radio stations covering 69 districts reaching out to 85 per cent of people in the country is performing an important role by disseminating news about public hearings, public audit, citizen report cards, family planning, agriculture etc. It also provides a platform for the general population to voice their grievances to local and district government departments. Besides this, the government departments have also made an 'Audio Citizen's Charter' which is relayed in the government department's reception / waiting hall or on Community Radio. (Box 1)

Box 1

Audio Citizen's Charter

The audio Citizen's Charter is a 15 minute long dramatic conversation in the form of questions and answers which tells people about the services related to the land revenue office in Nepal. This audio Citizen's Charter is in the local dialects (Nepali and Tamang). The local language and content catches the people's attention and has made them aware of their entitlements.

The Land Revenue Officer posted in a remote district of Nepal, Dambar Sunwai first conceptualised the idea of starting the audio Citizen's Charter. This innovative model was expected to reduce malpractices and deliver public services efficiently. Now people can get their work done without any hassles as all the requirements are clearly stated in the audio Citizen's Charter. Informative messages on the purchasing and selling of lands including the amount of revenue required are also included in the audio Citizen's Charter so that people are not deceived by false claims. The audio Citizen's Charter was especially useful for illiterate persons who could not read the written Citizen's Charter.

The audio Citizen's Charter is played in the revenue office and on the Community Radio. Citizens who require the services are seen to be listening carefully to the messages being relayed and sometimes also noting down the important requirements related to the services.

Shyam Krishna aged 60 years could not read and write. The Citizen's Charter posted on the wall did not make any sense to him, but he knew that two photos were a must for registering the land. Illiterate service seekers like Shyam Krishna have directly benefitted from the audio Citizen's Charter initiative that was started by the Revenue Office in Makawapur District from November, 2010. Read out in Nepali and Tamang languages, the audio Citizen's Charter tells people about the type of services, documents required, the amount needed and the time that will be taken for the delivery of the specific services.

The audio Citizen's Charter is an example of the proactive effort made by the government to make the service delivery efficient, effective and participative.

Source: Pro Public Nepal, "Democratic Accountability in Nepal - Country Paper", 2011.

So, ICT is emerging as an important tool for information dissemination, as a platform for citizens to share grievances and experiences, monitoring and even mobilising citizens for a common cause. Given below are two examples (Box 2 & 3) which demonstrate how technology was innovatively used in India to warn citizens of natural disasters like floods and to mobilise citizens for campaigns and movements. In contemporary times, technology can be a great enabler for using social accountability mechanisms.

Box 2

Disaster (Flood) Risk Reduction: Early Warning System in Bahraich, Uttar Pradesh, India

The eastern region of India is prone to floods in the rainy season (July- August). The rivers of east India, which have not been dammed cause sudden floods, inundating large parts of inhabited areas and bring a lot of misery like loss of lives and livelihood, diseases etc. The government has no system of informing the people about the flood situation on a regular basis; hence the devastation caused by floods is huge.

Bahraich is a District in Uttar Pradesh, India which is prone to floods caused by the Ghagra river. The Sahbhagi Shikshan Kendra (SSK), an NGO in collaboration with the district administration has tried to establish an early warning system using technological innovations like computers and mobile technology. This system aims to provide information on a real time basis on the flood situation. The early warning system has hardware like a

server with voice broadcasting software, voice modems and telephone lines, mobile phones, hand operated sirens and megaphones. Through this technological innovation not only are text messages on the flood situation passed on to people but the messages are also disseminated by selected people in the villages through megaphones. This model is running successfully in Bahraich District and has contributed to disaster risk reduction.

Source: Sahbhagi Shikshan Kendra (SSK), Uttar Pradesh, Brochure on Disaster Risk Reduction

Box 3

India Against Corruption (IAC) Movement – Using Technology for Mobilisation

Citizen's participation in the India Against Corruption Movement (IAC) or Anna movement in August 2011 across cities and towns surprised many. Mobilisation of this kind has not been seen in the recent past. Hundreds of thousands of people congregated at Ramlila Maidan, New Delhi and other common places across India. The demand was for the legislation of a strong anti-corruption law in the country.

This huge mobilisation of people can be attributed to Anna Hazare, a 74 year old crusader who had earlier launched several struggles against corruption in Maharashtra, along with activists around the country, the media especially TV channels, which highlighted the issue and new information technology like networking sites, text messages and online campaigns. For the first time in India, a social movement had used these technologies for mobilising people. Networking sites and text messages via mobiles were used to provide day-to-day updates on the movement and activities at the places of protest.

The IAC movement used all the key media tools ranging from electronic media, social media, and websites to mobile phones. A 16 member team from IAC based in Mumbai had the task of sending messages about the movement to one million cell phone users across India who had registered on a telephone number advertised in newspapers and on networking sites. One million cell phone users received two SMSes every day from IAC. In the 'Missed Call Campaign', citizens were asked to give a missed call to the number 022 61550789 as a sign of supporting IAC. Till date nearly 25 million people have given missed calls to the said telephone number. The website www.indiaagainstcorruption.org also provided contact details of volunteers and a schedule of events in all cities. The IAC also used this media to counter misleading claims made by the government and other actors. The new media technology had the quality of speed, authenticity and reach to be the key information disseminator of the movement.

A national daily The Times of India had also launched an on line campaign – ACT (Against Corruption Together) where the number of voters increased from 0.4 million to 1.2 million in just three days with almost 14,000 votes being added every hour. No social movement in India has witnessed such a large mobilisation in the last three decades for a common cause. New tools like text messages, networking sites and online campaigns have tremendous potential for mobilising citizens. It is relevant for India as it has 730 million cell phone users, 60 million net users and 10 million Facebook users.

Source: The Times of India, August 21, 2011; Governance Now, April 16-30, 2011

The Citizen's Charter introduced by the Ministry of Public Administration, Sri Lanka in all ministries, divisional secretariats, district secretariats and local government sought to bring in public domain obligations, principles and service standards for these agencies. The Charter contained provisions for citizen's entitlement to services, quality, quick accessibility of information and a system for grievance redressal in a time bound manner. The preparation of the Citizen's Charter was taken up pro-actively in Dambulla Divisional Secretariat by the Divisional Secretary, Ms. Chandra Herath. She started the process by organising a training programme for 75 staff members of the Secretariat. The programme facilitated by an NGO focused on a change in attitude, positive thinking and time management. This training

programme equipped the staff in preparing the Citizen's Charter and engaging with citizens on the delivery of services. Legal provisions, the proactive attitude of the organisation's head and training with the help of NGOs acted as enabling factors for establishing the social accountability mechanism in Dambulla. This State-led social accountability mechanism treated citizens as beneficiaries and did not involve them in the process of making the Citizen's Charter. They engaged with citizens only after the Citizen's Charter was implemented.

In contrast, the citizen led social accountability mechanism, 'Winning Land for the Displaced'; Sri Lanka took the form of protests, launching media campaigns, convening the Alternative People's Tribunal (APT) and litigations in courts. These activities took place in open democratic spaces coordinated and led by APCAS (Action for Peace, Capability and Sustainability). The NGO helped in sensitising the community on the need to work through dialogue and negotiations, facilitated them in preparing a plan of action and provided some financial support. The APCAS also facilitated the community in convening the APT, preparing the community for APT and negotiating with the government. A wider coalition of elected representatives, lawyers, intellectuals and CSOs was formed to take up the issue at legitimate forums. When the government refused to listen to all these grievances, they helped in filing litigations in courts. These enabling conditions strengthened the voice of citizens, but the deadlock could not be resolved, and ultimately the court intervened to resolve the issue in favour of the displaced people of Walapane.

On the discussion of enabling factors in the six case studies, it can be said that the Constitution's democratic structure and constitutional rights in Nepal, Sri Lanka and Bangladesh are the most critical factors in allowing the establishing and working of social accountability mechanisms. Social accountability mechanism in essence require the freedom to express one's opinion, freedom to associate (form citizen collectives or networks), freedom to make citizens aware of their constitutional rights, and freedom for the media to give voice to citizen's opinions. So the democratic structure in these three countries definitely promotes the establishing and working of social accountability mechanisms. What is required a supportive legal environment viz. laws and policies for establishing social accountability mechanisms. The study demonstrates that the Nepal and Bangladesh governments have been able to frame some laws and policies to support these initiatives. The Good Governance Act in Nepal has framed legal provisions for the Right to Information Act, complaint box, public hearing, public audit, Citizen's Charter and grievance management; the Bangladesh government has also enacted rules for operationalising the participatory budget, access to information, Citizen's Charter and e – governance, but the Sri Lankan Government has not framed appropriate rules and policies for social accountability mechanisms, except for a few exceptions like the Citizen's Charter.

Another important dimension of social accountability as witnessed in the six case studies is that the policies of social accountability are made at the national level but their operational aspects are looked after by the local government. All these initiatives are being used at the local level as it offers citizens more opportunities for participation, because they can congregate at short notice and take part in monitoring the government programmes which affect their lives. The chances of the success of social accountability mechanisms is higher at the lower tier of governance as convening and coordinating meetings at the higher tiers of governance is difficult considering the large population of South Asia. The Administrative Reforms Commission (Para 1.9) has rightly pointed out "A factor which increases corruption is over centralisation. The more remotely power is exercised from the people; the greater is the distance between authority and accountability. The large number of functionaries between the citizens and the final decision makers makes accountability diffused and the temptation to abuse

authority strong"[22] (The distance between governance and citizens must be reduced and public authorities should be made directly accountable to citizens. However, social accountability initiatives at the local level can be scaled up to the provincial and national level for policy reforms.

Mere institutionalisation would not lead to the success of social accountability mechanisms; what is required is the constant involvement of citizens in the exercise through sustained awareness generation campaigns by government agencies, NGOs and community based organisations. In addition to carrying out these campaigns, these actors also have to facilitate social accountability initiatives as citizens need to be trained to undertake these initiatives on their own. Once the pilot testing of the social accountability initiatives is done, then citizens develop trust in the efficacy of the exercise and they are more likely to repeat these initiatives in their own areas, which will make these initiatives sustainable. In the case studies of 'Social Accountability and Community Radio - Nepal' and 'Citizen's Charter - Sri Lanka', it can be seen that the creation of laws and policies was not enough, these initiatives require a push from international donors, NGOs and community based organisations to take the process forward. Participation in Bangladesh's budgetary process is a good example where the local government took the lead role in organising the social accountability initiative. In the citizen led social accountability mechanisms, the onus of starting the social accountability initiative lies with citizens, international donors, NGOs and community based organisations. The government was largely aloof and non-committal in supporting these initiatives except in the case of the public hearings in Nepal.

One more critical component of these initiatives is the prohibitive cost of undertaking these exercises at the local level. The State-led social accountability initiatives are financed by government agencies, but the cost of supporting the citizen led social accountability initiatives remains a problem area. These initiatives are unlikely to find support from government agencies as they tend to doubt the efficacy of such initiatives. The case studies from the three countries show that such initiatives have been financially supported by international donors and NGOs as can be seen in the case of 'Community Score Card and Health Service - Bangladesh, 'Public Hearing – Nepal' and 'Winning Land for the Displaced – Sri Lanka. Yet, the scale of their outreach has been limited to a few selected pockets, which can be a key limitation of citizen led social accountability initiatives. The NGOs in Nepal as seen in 'Public Hearing as a Democratic Accountability Tool' pooled in financial resources from the local government and donations from communities to undertake social accountability initiatives. It can be one of the methods of financing social accountability initiatives, but it would be difficult to convince the local government to support such initiatives and they operate under severe financial constraints as they do not have large assured incomes. The people of South Asia living in extremely poor conditions cannot be expected to pool in all their financial resources for data collection, data compilation, reporting, sharing, media campaigns and interface with the government. The challenge for international donors and NGOs is to reduce the complexities of social accountability initiatives, so that they can be undertaken by the community by collecting small donations from the community, while the responsibility of sharing the report and organising interface with the government can be taken up by NGOs. The collaboration between different actors at various levels will make these initiatives sustainable.

5.2 Participation and Inclusion

Participation and inclusion by special efforts by CSOs and government to include deprived groups and women, spaces of interface with government and joint action by citizens and government.

[22] *Governance Now*, August 1-15, 2011, New Delhi

These enablers in a way determine the scale and depth of participation in social accountability mechanisms, but it cannot be expected that the presence of all these enablers is the prerequisite for starting these mechanisms. Any social accountability mechanism can start with a few of these enablers and go on to develop more enablers with the support of the government and civil society organisations as it progresses. Though participation in social accountability processes is influenced largely by these enablers, participation may still not be substantive. Most of the government led social accountability mechanisms tend to be *ad hoc* or event based initiatives where the government facilitates the processes like hearings, and consultations to consult citizens, but they are not inclined to establish long term participatory mechanisms for making citizens important stakeholders in the accountability process (WBI:16). "Such consultations have often been dismissed as tokenism as they have rarely made the government answerable for its actions or penalised the government for deviation from norms and procedures" (Jenkins: 28).

As discussed above in the previous section, huge investments were made by CSOs in building the capacity of the citizens for undertaking social accountability initiatives. In Nepal and Bangladesh, the government enacted legal provisions for the participatory budget and public hearings and provided a democratic space for citizens to participate. So, the forums for the participation of citizens were not ad hoc or event based, these forums seemed to have some sense of permanency. On the other hand, citizen led social accountability initiatives like the Community Score Card, social accountability through Community Radio and winning land for the displaced was spontaneous and mostly happened because of demands from the community. There is no doubt that the NGOs leading these initiatives tried to bring regularity in such exercises and ensured that they occurred at regular intervals. The leading role played by the NGOs in these exercises raised questions about the sustainability of citizen led social accountability initiatives. Community ownership would be a critical factor in the sustainability of such initiatives.

(i) Special Efforts for Inclusion of Deprived Groups and Women

The participation of citizens in all the social accountability initiatives except the Citizen's Charter was substantial. In the Participatory Budget, Bangladesh, ward level meetings were attended by 150 persons of whom nearly 40 per cent were women. The citizens at the grassroots, for the first time in their lives were engaged in the local level (Union) budget preparation in Bangladesh. The extremely poor, the poor, women, men, the elderly, the physically challenged, and indigenous people were all actively involved in the process. They did not have any special technical training in process development, but their local experience and orientation as well as practical needs made the budget process successful. These meetings have unleashed many opportunities for the community to present their priorities in ward level planning, especially for the voiceless poor and women. The participatory budget process ensures inclusion by introducing the mandatory ratio that at least 30 per cent of the schemes be prioritised by women and approved by the UPs. The public nature of meetings empowered some citizens to speak out for the first time. This general sense of empowerment is further strengthened if citizens can draw a direct connection between their participation efforts and policy outcomes.

The acceptance of the indigenous communities' demand for special standing committees and the allocation of a separate budget demonstrated the inclusiveness of the participatory budget which was possible only because institutional space had been provided for indigenous people to present their demands. Similarly, the adolescent girls' (Kishori Club) demand for computers would have been ignored without the provisions of the participatory budget.

Similarly, the preparation of Community Score Cards (Bangladesh) witnessed the active participation of women, the poor and extremely poor in all the stages of input tracking, interface meetings and follow up processes. The complexity of the community score card (CSC) process meant regular inputs by external facilitators, which proved to be a serious bottleneck and the shortage of manpower aggravated the process. The complexity of the process also meant the domination of the middle class thereby limiting the role of the poor sections in decision making.

Participation in the public hearings of Nepal was ensured by regular announcements by NGOs, community based organisations and FM radio. The announcement about the public hearing on the Community Radio on 21 June 2010 in Ramechhap District led to 50 women collecting there and beating empty vessels as a symbol for the demand for a regular supply of water. In the public hearing Sunita Ghimire shared the problem of women walking long distances to fetch water. Government officials and political parties made a joint public commitment to take immediate steps to develop a proper water supply system. As per the commitment, Rs. 35 million has been allocated for building a water supply system in Ramechhap District. "This has all happened because of public hearing which has become a voice for the voiceless," says Dordev Ghimire, a local villager of Bhatauli VDC. Raising questions on the issue in public hearings also solved the citizens' problems (Box 4).

Box 4

Public Hearing on Community Radio: Opportunities for Poor Citizens to Participate

Ms Sarashowti Katuwal, a resident of Chyanam VDC-2, heard about a public hearing being scheduled on 13 January 2001 in Okhaldhugna. She heard about it through the local FM radio but could not be present herself during the programme. She wanted to ask the Local Development Officer (LDO) a question about the misuse of Rs 40,000 allocated for conducting literacy classes in her VDC. Later, because of the support of the Ramailo Community FM Radio, she asked the LDO the question while sitting at home. The FM radio provided an opportunity for such people to ask questions through mobile phones. "I got a positive answer from the LDO and now that money has been returned," Katuwal says.

Source: Pro Public Nepal, "Social Accountability and Community Radio" (2011)

An aggregate of 60 per cent of disadvantaged people's participation has been recorded in the public hearings which can be directly attributed to Community Radio. This reflects the Community Radio's positive impact in increasing the participation of the disadvantaged community in strengthening local accountability initiatives. There has been a growth of 37 per cent in terms of the ratio of disadvantaged people using services in the education, health, and agriculture offices including VDC block grants in the districts (Pro Public Good Governance Report). FM radios have made special efforts to make their programmes inclusive by focusing on the needs of the disadvantaged groups and broadcasting the programmes in the local languages.

Box 5

Citizen Monitoring of Water and Sanitation in Three Cities: (Raipur, Ranchi and Varanasi) India

Urban local bodies in the three cities Raipur, Ranchi, and Varanasi had failed to provide water and sanitation services to people. To improve the services and increase people's awareness, PRIA initiated citizen monitoring of water and sanitation (WATSAN) in selected wards of the three cities. The term coined for this citizen monitoring was "Ward Watsan Watch (W3)", which was conceived with the dual aim of improving the service delivery of basic services like water and sanitation and demanding accountability.

The action was initiated with convening of area sabhas, the meetings of citizens living in a polling booth weekly to give a ward specific scenario along with a general picture of the city. Gradually, citizen leaders and local CBOs organised these meetings. In the area sabhas, concerns related to water and sanitation were raised and petitions were sent to government departments asking them to take corrective measures. These activities helped to develop a sense of ownership among the people as their demands were addressed by the government departments. Eventually, the data collected was tabulated and documented in a report to be shared with municipal authorities and government departments and it finally led to corrective action by urban local body.

Source: Society for Participatory Research in Asia, "Citizen Monitoring of Water and Sanitation in Three Cities: (Raipur, Ranchi and Varanasi) India" (2011)

It was also seen in the six districts studied in Nepal that public hearings organised by NGOs or jointly by NGOs and the government were supported by the citizens but the public hearings organised by the government had a limited audience. This can be attributed to the government staff's failure to mobilise citizens, and no prior announcement of the dates of the public hearing were made either through FM radio or local facilitators. So the government organised public hearings remained low key affairs as they merely fulfilled the legal mandate of conducting a public hearing.

Elected representatives played key roles in mobilising citizens for participation in the participatory budget. The Madhainagar Union Parishad Chairman, Mohammad Wahiduzzaman said that there was a large gap between the UP and citizens, which could be bridged due to the UP members' efforts. As a result, the first participatory budget in 2004 in Madhainagar was attended by a large number of citizens, which set the tone for the successful organising of the participatory budget in the UP. Similarly the CSC process was actively supported by the elected women member of the UP. Every month, she organised ward level meetings where rural women could speak about their problems and get them recorded in the score card. The Citizen's Charter in Sri Lanka was actively led by Ms. Chandra Herath, Divisional Secretary of Dambulla who systematically focused on the change in attitude, trainings and designing of the Citizen's Charter. Local elected representatives were not seen in Nepal as local elections were yet to be held in Nepal.

(ii) Spaces of Interface with Government

One important stage of the social accountability initiative is the representation of citizens' demands to the local government, which involves intense dialogue and negotiation. The interface with the local government and citizens witnessed the dynamics of dialogue, negotiation, contest and confrontation. In the public hearing organised by NGOs and community based organisations in Nepal, government officials were invited for the programme. The government officials responded to the queries raised in the hearing and the public hearings ended with the signing of joint public commitments (objectives to be achieved in immediate future) by government officials, political parties and NGOs. The Pro Public report of the Good Governance Project 2009-10 shows that 59 public commitments (declarations) were made in public hearings in six districts out of which 48 per cent were fulfilled.

In Participatory Budget, Bangladesh, the spaces for interface were Union Development Coordination Committee (UDCC), Open Budget meeting and review of budget of all wards at UP level which were created by the government. In these forums, citizens come face to face with the UP Chairman and the UP members and a consensus is reached on the budget. In the CSC, Bangladesh, numerous ways like interface meetings and media campaigns were adopted to approach the service providers and government officials. It was soon realised that meeting the service providers and junior officials did not improve the health services, so it was felt that senior officials needed to be kept in the loop. Citizens

also felt that ICT should be innovatively used to establish a grievance redressal system on health services as organising meetings and the travel involved require a lot of time and expenses.

In the Citizen's Charter case study, Sri Lanka, there was hardly any forum or space for interface with the local government. The Citizen's Charter in Sri Lanka was a top down process, which occasionally consulted citizens, which might be the prime reason for the failure of the Citizen's Charter in 23 out of 24 divisions. In Dambulla, it was successful because of the city's proactive Divisional Commissioner. In the Walapene case study in Sri Lanka, the interface between the citizens and local government started with protests which did not yield any result. After an NGO stepped in the demands were channelised through petitions and the People's Tribunal. Yet, the government officials instead of attending the tribunal tried to sabotage it in every possible way, which again led to the citizens protesting before the government department. Ultimately the issue was resolved in favour of the citizens after the case went to court and the court ordered the government to give the displaced people land immediately.

Box 6

The Alternative People's Tribunal, Sri Lanka

The APCAS team proposed that the displaced people use the Alternative People's Tribunal (APT) as the next step towards getting the government authorities to listen to them. The APT is an accountability tool developed in India where a tribunal consisting of intellectuals, media, activists, retired lawyers and judges in the country, would put forward to the authorities recommendations as solutions to the issues affecting the people. APCAS following the Indian APT pattern worked with the displaced in organising this strategy.

APCAS first provided the people of Naranthalawa Camp information about APT, its goals, processes, participation of decision makers and the role of external expertise in the tribunal. The leaders of the Naranthalawa Camp took the responsibility of informing the members about the process and educating members in other camps so that all those who had been displaced knew about the events that were about to take place. APCAS contacted several professors from universities, lawyers and other intellectuals and asked them to give their expert advice to the authorities concerned and the people. To the best of our knowledge such tribunals are not being used in other areas of the country.

The first meeting of the tribunal involving a discussion with all the stakeholders, the people and the government, was to take place in Walapane. Letters inviting and explaining the tribunal process were sent out to the Divisional Secretariat and the Pradeshya Sabha. The government authorities were of the opinion that the tribunal was a form of protest. At this point APCAS made every effort to make them understand the concept of the tribunal, which the officers largely ignored, and some even tried to sabotage the meeting by spreading a rumour saying that the meeting had been cancelled. APCAS acted swiftly to counteract this move and the tribunal was held with all the 200 displaced families attending in force.

At the tribunal, the people presented their issues and problems and the intellectuals gave their ideas and opinions. These were documented in a report that the people approved and in which it was specifically stated that a solution had been found, giving details of the location and the availability of land. The copies of the report were sent to the government authorities since the tribunal expected that all the government needed to do was to implement it, but the government ignored the APT's report.

Source: South Asian Partnership, Sri Lanka, "Winning Land for Displaced, Walapane" (2011)

The interface of the citizens with the government in the six case studies witnessed tremendous variation. State-led social accountability mechanisms like the participatory budget in Bangladesh showed intense deliberation and negotiation between citizens and government, but in the government

led public hearings in Nepal and the Citizen's Charter in Sri Lanka, no effort was made to engage with citizens. It seemed that government agencies were simply satisfied with completing the formalities of these social accountability mechanisms. In the participatory budget, Bangladesh, the Union Parishad launched special drives to make citizens aware about the participatory budgetary process. Invitations were sent to NGOs, community based organisations, youth clubs and local imams to spread the message and participate in the budget making process. The dates of the participatory budget were announced much ahead of the meeting and the ward level meeting was attended by citizens, Union Parishad members, local government officials and NGOs. The members of the UP Committee, which facilitated the participatory budget process were trained on preparing the plan and budget. This case study demonstrates that a local government with sufficient funds and the desire can make social accountability mechanisms participative and inclusive. This would promote the use of State mandated tools of social accountability and build citizens' trust in democratic institutions.

While in citizen led social accountability mechanisms like public hearings, Nepal, a special effort was made to invite government officials and sometimes, the local government also gave them some funds for organising the public hearings, citizens in the CSC case study were stuck in an interface with service providers and junior level officials and could not get access to the higher officials who were the actual decision makers in government departments. In the CSC, the interface with elected representatives also remained weak. There were isolated instances of participation of ERs in the preparation of the CSC, but overall the UP remained non-committal. If the CSC was strong on the demand side (awareness building, CSC preparation etc.) it was weak on the supply side. Interface with the local government was an occasional affair and could not be regularised. Engagement with the local government must be done on a systematic basis to remove their fears and sensitising them on the values and practical benefits of knowing the people's perception of service delivery.

The displacement struggle in Sri Lanka moved in different areas of protest – petitions. people's tribunal, protests but did not succeed in getting an audience with the government at any stage. Citizen led social accountability mechanisms like those in Nepal were successful in interacting and pressurising local governments to be accountable to citizens. It conveyed the demands of the citizens to the government regarding poor service delivery, the poor functioning of government departments and corruption, but all their demands were not responded to, they had to be satisfied with only 50 per cent of their demands being met. The situation was similar in the context of public commitments.

Political parties are also important stakeholders that should be seriously engaged by citizens in the social accountability initiative, as their influence on the local government can be considerable. A public hearing organised in Dolakha, Nepal was attended by nearly 550 people, which included common people, NGOs, political parties and the local government. The presence of different political parties in the public hearing narrowed down the political distance between political parties and helped in achieving a consensus on the development priorities in VDC. The VDC and DDC level council meetings were soon convened through the DDCs and a development budget, which had not been used for a whole year was allocated. The citizens' pressure on political parties led to the resolution of petty squabbles and made them work for the larger public good.

> "The public hearing programme created conducive environment and political distance among different political parties was narrowed down. It made us reach an agreement on dates to convene VDC and DDC level council meetings to allocate the almost frozen budget".
>
> - *P. Chaulagain, Member of Parliament from Dolakha*

The Citizen's Charter case study from Sri Lanka shows that it requires a lot of effort on the part of the citizens and media to convince local government that the neglect of people's aspirations would lead to a mistrust of democratic institutions. Institutional channels of expressing voice should be created otherwise public aspirations will lead to protests and street demonstrations etc. Social accountability mechanisms like the Citizen's Charter, which treat citizens as beneficiaries and not as important stakeholders are not likely to succeed in the long run. Nepal, Philippines and India show how the creation of legal mechanisms is important and that it is equally important that an effort is made to involve citizens in the whole process. Experiences from these countries also show how social accountability initiatives launched jointly by the government and citizens can overcome the limitations of government led social accountability initiatives or citizen led social accountability initiatives.

(iii) Joint Action by Citizens and Government

The joint public hearing model launched by the government with citizens, NGOs, and community based organisations is a unique exercise being practiced in Nepal. Public hearings have been conducted for DDCs/VDCs, health, education, livestock, agriculture, land revenue and administration departments of the Nepal Government. In this model responsibilities were shared among the local government, government line departments and collaborating partners. The NGOs and community based organisations have the responsibility of prioritising the concerns of the citizens, collecting data regarding allocations and details of government departments' expenditure, and arranging, facilitating and reporting public hearings. They also mobilise volunteers, inform citizens and ensure the participation of key stakeholders. They are also responsible for follow-up with regard to the public commitments made in the public hearings. Local governments and government departments are also invited for the programme and on many occasions, they share the cost of the public hearings.

The examples from Philippines and India (Boxes 6 & 7) demonstrate how government departments, NGOs, community based organisations and citizens came together to operationalise social accountability mechanisms to ensure the accountability of services delivered by the government. All stakeholders shared the responsibility of establishing workable and sustainable accountability mechanisms and showed that the mere enactment of social accountability mechanisms is not going to be enough; the challenge is to develop citizen ownership in these mechanisms. This can only happen if a collaborative effort is made by all stakeholders as can be seen in the examples below. It should also be noted that joint social accountability initiatives cannot be successful in every context. In a country where the government does not offer any institutional space for social accountability or does not encourage any kind of collaboration with citizens, joint social accountability mechanisms would remain a distant dream. In such circumstances, citizens would have no option but to create open spaces for social accountability.

Box 7

G-Watch (Naga City), Philippines

A Joint Citizen-Government Monitoring Programme of Education in Naga City

In 2010, the Ateneo School of Government (ASoG) along with the local government of Naga City started a programme called G Watch Social Accountability to monitor education in the city. The joint monitoring initiative through Rapid Field Assessment (RFA) found that despite the fact that Naga City was counted as the most progressive city in Philippines and the centre of education in the Bicol Region the education services here were of poor quality. The problems were traced to the lack of division of responsibilities between the Department of Education and the City Government, the absence of a systematic feedback mechanism for beneficiaries and

community based organisations, no provision of school level monitoring by the beneficiaries and non-engagement of women and youth in the monitoring initiative.

G Watch was a joint monitoring initiative developed in 2010 by ASoG in partnership with the local government, and the Department of Education of Naga City. Its goal was to ensure that the right type, quantity and quality of education programmes and related services were provided to school communities following standard processes that ensure effective and efficient service delivery for example, the provision for teachers, for school building/instructional rooms, school furniture (chairs/seats), textbooks and supplementary materials and student welfare services.
The programme intended to achieve its objectives by utilising G-Watch methodologies in strengthening the accountability of stakeholders, increasing the participation of beneficiaries, and promoting the efficient allocation of scarce resources.

A monitoring team was organised to implement G Watch and was mainly composed of community based monitors selected from the existing CSOs in the school community such as Parent-Teacher Association representatives, and the youth/students who themselves were the main beneficiaries of the programme. Complementing the community based monitors were representatives from the Local Government Unit (LGU) and the project core team who would both be part of the monitoring group per community and oversee and act as intermediaries between the monitors and the LGU.

Process of G Watch

- Pilot-test an easy to use monitoring tool for Naga City's Education Programme and selected related services through joint citizen-LGU engagement.
- Capacitate community based monitors in using the monitoring tool through a briefing orientation.
- Jointly identify issues and problems from the monitoring report in the effort to better improve the delivery of Naga's education programme and services.
- Agree on proposed solutions and actions in addressing identified issues and problems
- Use monitoring results and recommendations thereafter to inform the programmes and project plans for next year.

Outputs of G Watch

- Quick response feedback system coming into existence prepared with the active engagement of the community especially women, youth and civil society organisations.
- Better coordination between the beneficiaries, and the school and Department of Education.
- Clear division of responsibilities between the City Government and Department of Education.

G Watch covered all the 37 public schools in Naga City which includes a total of 29 public elementary schools and 8 public secondary schools.

Source: www.nagacity.ph

Box 8

Social Audit in Employment Schemes: Gujarat, India

The National Rural Employment Guarantee Act (NREGA) [23]renamed the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) in 2011, is an employment guarantee scheme for the rural poor to help them fight poverty. However, large scale implementation and huge expenditures have led to issues of irregularities and corruption in the Scheme. While the government has made provisions for an inbuilt social audit in the scheme,

[23] NREGA is an Act that means to provide assured employment of 100 days to rural households willing to do unskilled manual labour. It provides employment in the creation of durable assets like water conservation structures, which not only enhances the income of the poor but also helps in building durable community assets.

which offers people opportunities to monitor the scheme in their village, few states across India have framed rules for its operationalisation. Gujarat is a state where the social audit has been taken up collaboratively by the government and civil society, which has yielded significant results. It offers a model where both these actors can work together to make governance accountable.

Social audit is essentially a method of participatory audit that can be used by citizens, civil society or the government in development programmes. It assesses performance, unravels the decision making process, helps in the verification of deliverables and ensures the accountability of implementing agencies. This helps in checking malpractices of fraud and corruption, but more significantly it involves citizens in the auditing process and ensures the local stakeholder's role in the grassroots implementation of public sector programmes.

Considering the social audit's significant contribution of social audit in ensuring the accountability of public programmes, the Government of India has embedded the social audit in most flagship programmes. In MNREGS, the main implementation agency is the gram panchayat, which under the scheme is the lowest administrative unit at the village level. The gram panchayat is expected to convene meetings for the gram sabha to deliberate upon issues for demand of labour, number of works to be undertaken and is also responsible for maintaining a record of projects, and making expenditure documents available to the gram sabha on a regular basis. The main monitoring agency for the public works undertaken by the gram panchayat is the gram sabha.

The Government of Gujarat also set up institutional arrangements for operationalising the social audit process in the state. The system identifies grievances in the gram panchayat, at the taluka and district level and tracks these complaints and redresses it. The social audit and grievance redressal mechanism works under the direct supervision of the Principal Secretary and Additional Commissioner, Department of Rural Development, Government of Gujarat.

In Gujarat, Unnati, a development organisation was chosen as the Social Audit Facilitation Unit, a unit which exists at the state level. It started the process by preparing a training manual and conducted a training where a total of 1800 Taluka Resource Group (TRG) members, a group of independent citizens formed for facilitating social audit at the taluka level across the state, were trained on the processes of social audit. The TRG members in turn trained Village Vigilance Monitoring Committee (VVMC) members who facilitated the social audit process at the gram sabha in 2010-2011.

The Social Audit Facilitation Unit collaborated with different tiers of state governments to organise social audits in the prescribed time schedule. Unnati also developed a social audit manual, a format for verification; followed up with district officials for the redressal of issues and prepared the final report of the social audit that had to be submitted to the Department of Rural Development.

Social audits are conducted once in every six months in a campaign mode in a period of 20-30 days. The time of the year chosen takes into account people's participation in the gram sabha and the government officials' availability to attend the meeting. The steps followed in the training process ensured that people were well mobilised and informed to facilitate their participation. The agenda for the gram sabha was verified by the people and the voices of the vulnerable were included, their feedback was taken into consideration for future planning.

After the training by TRG, the VVMC started the social audit process by engaging in the intense mobilisation of citizens on the efficacy of the social audit exercise. Anticipating opposition from the social and economic elite towards the accountability exercise, a lot of effort was put in raising the citizens' awareness about the social audit process. The people's faith was built up when after the audit; grievances were sent to the state and district administration, they were alert to the demands raised in the social audit, as exemplified in Sabarkanta District. Prompt corrective action by administration gained people's trust in the credibility of the accountability exercise

and they started participating in large numbers in the social audit. However, the participation of women is still far from satisfactory.

The participation of MNREGA workers in large numbers was significant as they formed the bulk of the labour force in the employment generation scheme. However, as the social and economic elite did not feel that they would benefit from the MNREGS works, they did not participate in significant numbers.

Impact and Effectiveness

The impact of the social audit process in Gujarat has been substantial. Despite a slow beginning in 2010, it saw improvements in 2011, not only in terms of the coverage of the gram panchayats, but also in terms of the participation of citizens. The exercise was undertaken in 26 districts and 13,873 gram panchayats of the state in 2011 and the social audit was completed in 13,447 gram panchayats.

Faith in social audit - The number of complaints increased from 1807 in 2010 to 3297 in 2011, which demonstrates their faith in the efficacy of the social audits. Different kinds of grievances and their frequency were revealed, like the demand for job cards, and delayed payments, which helped to take relevant corrective measures.
Checked irregularities - About 10,396 gram panchayats uploaded the social audit format on the website thereby bringing 75 per cent of the social audit data from the gram panchayats in to the public domain.
Transparent transaction - To facilitate the direct transfer of money to the beneficiaries, saving accounts have been opened in post offices and banks. Separate accounts for men and women not only empower women to manage their own finances, but also lead to transparent transactions. Further, it is now mandatory that payments are made after the MIS data entry is complete, which will reduce the chances of ghost workers and other irregularities.

Challenges and Implications

The merit of the social audit process in the state has been established. However, there are certain prerequisites for conducting a social audit. Since the dates of the audit are decided by the state government, the taluka office and the gram panchayat should systematically disseminate the schedule. People's participation largely depends on the mobilisation prior to the schedule; they need to be informed about it. People's participation at all levels needs to be facilitated more vigorously. Women's participation has to be promoted.

Proactive measures by the government to institutionalise social audit and the collaborative efforts by the state, civil society and the citizens have established transparency in MNREGA. Citizens have been given a central role in the process through legal provisions giving them a way to engage with the government. However, sustained efforts can develop ownership among all groups of citizens and make the process even more successful.

Source: Society for Participatory Research in Asia, "Social Audit in Employment Schemes Gujarat, India" (2011)

5.3 Impact and Effectiveness of Democratic Accountability

The six social accountability initiatives which were tried out in South Asia differed in terms of effectiveness and intended impact. For analysing the case studies, "effectiveness has been described as the extent to which initiatives are effective in achieving stated goals" (e.g. whether the freedom of information initiatives lead to better access to information or makes the information readily available) (McGee and Gaventa, 2010) and "impact is explained as the degree to which initiatives attain its 'second order' goals" (e.g. does the institution of complaint mechanism about a public service lead to effective service delivery)[24] (Impact can be further disaggregated in terms of the improvement in the quality of governance, increased development effectiveness and empowerment[25]. Improvement in the quality of

[24] Ibid : 4
[25] World Bank Research as quoted in McGee, Rosemary and John Gaventa, *Op.Cit.*:7

governance means a positive change in governance also referred to as 'democratic outcomes' of social accountability (e.g. change in behaviour and practice of public officials and policy actors) (Malena et. al. 2004: 5).[26] Increased development effectiveness can be explained as better articulation of citizens' demands resulting in increased transparency in decision making, which increases the effectiveness of the service delivery and produces more informed policy design (World Bank 2004; Malena et. al. 2004:5) and empowerment means the aggregation of the voice of deprived social groups which often results in the reconstitution of power relations (Ibid). The meanings described above would serve as a framework for analysing the impact and effectiveness of social accountability initiatives in Nepal, Bangladesh and Sri Lanka.

Public hearings in Nepal have ensured transparency and accountability in local development, improved services and entitlements and increased the VDC's budget allocation for roads, water and education. Public hearings also provided a platform for resolving disputes between local leaders and local people and the distribution of development projects among different localities in the VDC. It has also provided a voice to the voiceless especially the marginalised and women to express their grievances. Jandabi Rai of Khotang District says that the demand for increased allocation for disadvantaged groups was fulfilled when the demand was repeatedly raised in public hearings. Public hearings have provided opportunities to the common man to express their opinion and grievances, which in the past would not happen because of the lack of democratic spaces. It has been quite successful in putting pressure on the government, political parties and concerned authorities to respond.

The Community Radio in Nepal has emerged to be the true champion in promoting social accountability tools such as public hearings, public audit and grievance redressal mechanisms. "Community Radio has promoted the concept and practice of social accountability tools among people and empowered them", says the Local Development Officer of Ramechhap District, Ms. Devi Maya Ghimire. Padam Saplota added, "These promotional programmes have empowered women, dalits, janjatis, and other marginalised sections of society and prepared them to monitor government programmes more closely". The Good Governance Project Report 2010 points out that a 60 per cent increase was seen in the participation of the disadvantaged community in public hearings due to Community Radio. The report also says that the Community Radio made the community aware of the availability of public services in education, health, agriculture etc., which increased the use of these services by about 37 per cent. So, Community Radio had a critical role to play in the awareness generation about rights, the availability of services and the accountability of government agencies. The enthusiastic participation of some government officials and the support of the local government were the highlights of the whole exercise. Rarely, have social accountability initiatives in open democratic spaces been supported by government officials, but their support made the social accountability initiatives effective as citizens got the opportunity to question them, so these initiatives were not reduced to mere petition giving meetings.

A similar enthusiasm on the part of government officials was seen in the preparation of the Citizen's Charter, Sri Lanka. Led by the Division Secretary, government officials used the training programmes to establish a citizen friendly Citizen's Charter, online filing of applications related to services and a grievance redressal system. The most significant change was the change in the attitude of the government staff, which was courteous and friendly and this was appreciated by the citizens. The citizens were quite happy as these systematic changes led to an improvement in the service delivery. In contrast, the government's attitude in the Walapane case was not supportive and the citizens resorted to picketing, marches and petitions. When it did not work, they put up their voice through the People's

[26] Ibid.

Tribunal which was a new way of articulating voice in the country. Ultimately, the court gave a decision in favour of the citizens. In this struggle, the citizens also learnt to collaborate with NGOs, the media, lawyers and intellectuals, which underlined the importance of the broad coalition of actors in any social accountability initiative.

The Participatory Budget process in Bangladesh led to the formation of a 14th Standing Committee for the marginalised communities in Madhainagar Union despite the provision of 13 Standing Committees in the Union Parishad Act 2009. This was a long standing demand of marginalised communities to take care of the special needs of these groups. Citizens in the union were able to prioritise schemes which they considered important and recommended their inclusion in the budget. Participation in the process of budget preparation and monitoring enhanced the awareness and capacity of citizens on the working of Union Parishads and how their demands could be pushed through the planning and budgetary process of the Union Parishad. The voices of the poor and marginalised which earlier went unheard received attention and steps were taken by the Union Parishad to address them. The participation of women in the ward level meetings on budget preparation was nearly 30 per cent, which was evidence of their inclusion in the budget process and it provided them the opportunity to prioritise the demands affecting women. Participation in the budgetary process broadened the notion of accountability, which has often been limited to just elections, to on-going and direct accountability mechanisms. It also altered the power relations in the society where the decisions at the local government level were no longer taken by the socio-economic elite, but by the poor and marginalised.

The process of the CSC also improved health services in Jangalia Union, but more important was the awareness about entitlements and rights among the citizens. It made them aware of health services at the Union Health Clinics which increased the number of citizens using services exponentially. The CSC process activated the Union Health Standing Committee, which had been lying dormant for a long time and made functional linkages between the service providers (agency of central government) and Union Parishad, which led to an improvement in the health services in the Union. The ward level meeting for the preparation of the CSC proved to be an important platform for sharing experiences for women who did not have any space for it and it enabled them to seek solutions from the service providers. Thus, the CSC proved to be a good empowering tool for women as the women of the Union identified with the issue; hence they participated in the process in large numbers. The CSC articulated grassroots voices, which were further accelerated with support from NGOs, community based organisations and the media and it built vertical accountability mechanisms on health services in Jangalia Union.

Social accountability in the six case studies shows evidence of improvement in the delivery of public services and systematic changes in the functioning of local government and government departments. Systemic changes like the formation of the Standing Committee of the Marginalised in Bangladesh, the establishing of the Audio Citizen's Charter in Nepal and the Citizen's Charter in Sri Lanka and changes in the behaviour of the government staff in Sri Lanka and Nepal can be attributed to social accountability initiatives in these countries.

Further, social accountability initiatives proved to be an empowering tool for the marginalised sections of society in Nepal and Bangladesh as it gave them institutional or non-institutional spaces for articulating their demands. These groups which had become aware of their entitlements and rights through the efforts of NGOs, international donor organisations and community based organisations learnt various tools of social accountability, which led to the systematic representation of citizen's demands to the local government. Regular interface, dialogue and negotiations with local government solved issues related to service delivery, which built the confidence of citizens in dealing with local

government and bureaucracy. Prior to these social accountability initiatives, they were extremely hesitant about talking to the local government or placing their grievances before them.

The collective voice of the marginalised sections of society challenged the power structure in society by demanding increased allocations from the Village Development Committee for the marginalised sections in Nepal and the CSC process took on bureaucratic dominance in health in Bangladesh. Further, they started playing a key role in decision making at the local government level by becoming key actors in the monitoring of public services in Nepal and Bangladesh. The increased participation of the poor and marginalised in social accountability initiative meetings made the socio-economic elite disinterested in the process in Nepal and Bangladesh, so they did not actively participate in the process.

The opportunity to participate in social accountability initiatives in their localities satisfied and empowered citizens as they felt that their voices were being heard and acted upon. The active participation of citizens in these processes not only solved the problems of public service delivery, but also established the system through which these services could be monitored, ultimately ensuring the State's accountability.

In the Nepal, Bangladesh and Sri Lanka case studies, the participatory processes not only made the excluded citizens aware of their rights and entitlements, but also included them in development and governance. They became members of monitoring committees and negotiated with the government. Despite the variation in the scope and level of participation in the three countries, we find that citizens especially the poor have asserted their rights and entitlements. They have overcome the constraints of class, caste, ethnicity, gender etc., to make demands from the State. They have been able to use the existing mechanisms of accountability and construct new mechanisms of accountability. Though, they were not always successful in terms of results, they became aware of their rights and participatory processes which would enable them to fight further. Greater consciousness of citizenship and rights among citizens especially the marginalised and exercising their rights for inclusion in local governance, demanding public scrutiny and transparency and challenging unequal power relations between the State, the socio-economic elite and lesser citizens (marginalised) were some long term impacts of the social accountability initiatives in the three countries.

The question, which social accountability initiative, citizen or State-led is more effective and impactful will be difficult to judge as each one has its own strengths and weaknesses. It should not lead us into the trap of comparing which one of the two is better, but it would be appropriate to consider which one has been successful and under what conditions. The social accountability Initiatives namely participatory budget - Bangladesh (State-led), public hearings – Nepal (citizen led) and Community Score Card (citizen led) empowered citizens, as they not only become aware of their rights, but also developed the confidence to question government departments and hold discussions with them. This only became possible because of the investment (organisational, financial and human) made by the government, NGOs and international donors in awareness generation, capacity building , creating an enabling environment for the participation of the marginalised and facilitating dialogues with various stakeholders.

Similarly, we find that both State-led and citizen-led social accountability initiatives led to an improvement in the delivery of services and the accountability of government departments. So the impact and effectiveness of social accountability initiatives did not depend upon which agency was leading the exercise, but by the efforts made by the agencies in preparing citizens and making use of the existing enabling environment. Yet, there is no doubt that the presence of enabling conditions like democratic structure, policies and regulations makes the task of local government and civil society

organisations much easier as was seen in Gujarat, India where the government's order asking government departments to facilitate social audits or face disciplinary action ensured the pro-active support of government departments in the exercise. Otherwise, civil society organisations have to make a lot of effort in convince government officials about the efficacy of the social accountability initiatives.

In the context where rules and regulations have not been framed for social accountability initiatives, the role of CSOs becomes important as they take the lead and build the capacity of citizens to undertake the exercise in their locations, so that the initiative can be showcased to the government and other stakeholders for policy reforms on social accountability. In any social accountability initiative, citizens, government and CSOs are the key actors and collaboration or joint action among them can be a desirable alternative which is not always possible. In such conditions, citizens and CSOs can experiment on social accountability tools in democratic spaces and convince other stakeholders about its replication across borders, so that enough confidence is generated for carrying out policy reform campaigns on social accountability at the local, national and transnational levels.

6. Challenges in Democratic Accountability

Deficient democratic structure, rules, policies and institutions: The lack of democratic features in political systems, policies, rules and institutions of South Asian countries can be stumbling blocks for social accountability tools in local government in the region. There is no doubt that India, Nepal and Bangladesh have made good progress on this dimension but Sri Lanka, Pakistan and Afghanistan are still quite far behind which makes citizens afraid to use these tools. For example in Sri Lanka, the out-voting of the Right to Information Act in the legislature reflects that several legislations on citizen participation in local governance, transparency, social accountability etc. are still required before social accountability tools are used.

Multiplicity of institutions: "The challenge of ensuring accountability is multiplied when political authority is shared as it increasingly is, across a number of levels from the local to the national to the regional to the global. The term multi-level governance means several layers of decision making characterise governance system which leads to procedural complexities and delays. For example, the lack of clarity in the division of functions between local government and government departments creates confusion in the minds of citizens in India; they do not have any idea where their grievances related to poor service delivery or transparency in functioning should be directed and which government department or local government to engage with in seeking accountability.

Capacity deficit among government, communities and CSOs: Even in the context where legal mechanisms for facilitating social accountability are present, some capacity deficit among various stakeholders can be a bottleneck in using social accountability processes. For example, the lack of legal literacy and the procedural complexities and delays of legal processes dissuade poorer groups from using the legal system, the lack of capacity of government officials, CSOs and communities and basic resource constraints are hurdles, which are faced by social accountability initiatives at the outset. All the six case studies from South Asia showed that the issues discussed above were major hurdles in the social accountability process.

Lip service to social accountability tools: The local government in South Asia as evident from examples of public hearings held by government departments, Nepal and Citizen's Charter, Sri Lanka feels that holding of hearings, workshops, and consultations would be sufficient for making the government accountable. Local governments do not encourage the participation of citizens in governance and their efforts for the inclusion of the marginalised especially women, the backward and indigenous

communities is minimal, which in a way demonstrates that they are paying lip service to social accountability tools and are not interested in a sustainable and participative accountability system in local governance.

Supportive Laws and Institutions does not necessarily lead to accountability: Supportive laws and institutions do not always result in accountability of government as government simply neglects citizens protests as was evident in the case study 'Winning Land for the Displaced, Sri Lanka" where continuous protests by citizens for over three years failed to move the government. Thereafter, media campaigns and people's tribunal was also tried but government remained unmoved. Similarly, Community Score Card, Bangladesh failed to bring in any systematic changes in health administration at the Union Parishad level in the country. In the case study of Public Hearing by CSOs, Nepal, 51 per cent of public commitments made by government officers were not fulfilled. Thus voice does not necessarily lead to increased accountability but dilemma is "public accountability cannot be achieved without citizens voice" (Walker, 20090. [27] So the policy reform agenda in this context should aim for changing nature of governance and should struggle for participatory governance.

Compromise, Co-option and Conflict (3Cs): In the interface with the government, CSOs also face the challenges of compromise, co-option and conflict. Civil society may be pressurised to compromise on raising their voice on behalf of the citizens or they may be co-opted in government institutions or they may even be attacked, threatened and repressed. All these challenges neutralise the action of civil society and force them to reflect on alternative action.

In the public hearing case study from Nepal, local interest groups obstructed public hearings and government departments were also indifferent to public hearings organised by the CSOs. Similarly, the Community Radio organisers faced threats of physical assault, harassment, and sometimes insults. "We get threats and even enticement for not asking difficult questions during such programmes," shares Tanka Thapa, Station Manager, Rupakot FM, Khotang District. Political parties and contractors have noticeable influence on the content, including editorials and programmes of the Community Radio. In many cases, the executive positions are occupied by people from the ruling political party and they systematically prevent the marginalised groups from having any say in its management. Further, the level of influence is particularly strong during the elections. Also, the local governments try to influence the content on current affairs particularly related to corruption, linkages, and delays in service delivery etc. In the case study of land displacement, in Sri Lanka, the government tried to obstruct the protests by arresting people, misguiding the leaders and making false promises.

These tactics by vested interests in society and the government certainly obstructed the social accountability initiatives and made them rethink their strategy of engaging with government.

Exclusion of marginalised sections of society: The marginalised sections of society especially women, and indigenous communities face obstacles of patriarchy, low education, social constructs like caste, and ethnicity, which prevent their participation in social accountability processes in South Asia. Several examples from India, Pakistan and Afghanistan in local governance show that despite affirmative actions, the marginalised sections of society cannot effectively participate in local governance and they do not have any say in decision making at the local level.

Cost of Social Accountability: The costs (to citizens, government and CSOs) of social accountability processes in terms of human and financial resources should not be underestimated. The costs borne by citizens who lose daily wages by participating in the exercise; cost of awareness generation and capacity

[27] Walker, 2009

building programmes borne by CSOs / international donors / government; cost of collecting documents, preparing reports and organising dialogues borne by CSOs / international donors / government require substantial financial and human resources, which cannot be borne by the poor communities of South Asia. Hence, some model of piloting and sustaining social accountability exercises needs to be worked out by CSOs and the government.

7. Conclusions

- India, Sri Lanka, Nepal, Bhutan, Pakistan and Bangladesh have democratic political systems where the constitutional rights of citizens have been defined and it offers the citizens the freedom to express their opinions, freedom to associate, freedom of the media and democratic spaces for citizens to participate in decision making processes of local governance. These democratic features though vary in scale and depth in different countries. Political context is the prerequisite for establishing and working of democratic / social accountability mechanisms. These mechanisms would need to be reinvented to be applicable in non-democratic States especially dictatorial regimes or one party / military junta ruled States. Lessons learnt from the South Asian context would certainly be useful in testing the applicability of social accountability mechanisms in different political contexts.
- "There is no single 'silver bullet' or special recipe for creating successful social accountability initiatives … the best strategy will always depend on the social and political context"[28]. So the success of a social accountability process in one country does not necessarily mean that it would be successful in another country. It would depend on the governance context determined by historical, political, social and economic conditions. "Social accountability initiatives which are not sensitive to their shifting contexts will always suffer questions of relevance"[29].
- A mix of social accountability processes is more likely to ensure accountability instead of State led or citizen led social accountability mechanisms operating in isolation. Hence, it would be useful not to see social accountability mechanisms through the binary lens of supply driven or demand driven. What is equally important is to look for "the appropriate entry points, possibilities for synergy between State and society, and the right mix of social accountability tools" [30]
- Countries in South Asia are at different stages of evolution of democratic accountability in local governance. India, Bangladesh and Nepal have enacted laws of democratic accountability in local governance and citizens have started using them. Though their success is limited, the experimentation of the process both by citizens and government is a good sign. Sri Lanka, Pakistan, Bhutan and Afghanistan have still a long way to go as social accountability initiatives are at very nascent stage in these countries. Civil society organisations can initiate democratic accountability exercises at the local governance level in order to build credibility of these instruments in citizens and the government. Thereafter it can carry on advocacy with the provincial and national government for enacting laws on democratic accountability in local governance. Therefore, appropriate entry points depending upon the specific context should be selected.
- It is not enough to enact laws, rules and policies on social accountability mechanisms but the real challenge is to make it work. It can happen with close collaboration of the local government, citizens and CSOs. Some examples of collaborative effort of State-led and citizen-led accountability

[28] Claasen, Mario and Carmen Alpin-Lardies, *Op.Cit.27*
[29] Ibid.
[30] World Bank Institute, *Op.Cit.:* vii

mechanisms can be found in India and Philippines, which demonstrates that such initiatives generate ownership both in the State and citizens and are likely to succeed in the environment where social accountability initiatives are beginning to take root. The collaborative effort also creates trust between the State and citizens as citizens do not view it as an initiative imposed from above and the government does not view it as action against them.

- The capacity deficit of government officials, CSOs and citizens on social accountability should be addressed by planning capacity building programmes using ICT as was seen in the social audit case study from India. International donors and NGOs should come up with training manuals, brochures etc. on social accountability with specific themes relevant for the country.
- "Wider coalition of actors required for the success of social accountability initiatives even at local governance level. It is increasingly clear that accountability relations are mutually constructed through cross-cutting coalitions of actors, in a global context of changing norms, expectations and 'cultures' of accountability on all sides"[31]. Synergy between all actors – international donors, national and local level NGOs and community based organisations is required to share experiences, create international and national level coalitions for the advocacy of the enactment of social accountability mechanisms and develop networks of local NGOs and community based organisations for making it work.
- Specific strategies should be drawn for engaging with political parties on social accountability practices. Evidence from Nepal and Bangladesh proves that they are dominant players in local governance and their support can be critical to the success of social accountability.
- The rural employment guarantee schemes in India show that laws for social audits are framed by the national government, guidelines are made by the provincial governments and the social audit process is facilitated by the local government. Hence, the government at all levels; local, provincial and national should be engaged for the enactment and operationalisation of social accountability mechanisms.
- Social accountability practices should be linked to the institutional structure of governance and public servants should be provided incentives for promoting its use and penalised for not following the legal mandates of social accountability.
- Social accountability practices in South Asia are mainly centred on the government department's poor public services. So the establishing of e- grievance redressal mechanisms at the block or Upazila or sub district level would lead to the filing of complaints online and the government at the district and provincial level can easily access the data related to service delivery and take corrective measures. A lot of effort on the part of NGOs and community based organisations like collecting data on service delivery, report preparation and sharing would be saved as reports can be accessed online. International donors and NGOs can help the local government prepare a format and citizen friendly software systems drawing experiences for international level.
- South Asia has a large population of marginalised communities especially women, deprived castes and ethnic groups, so any social intervention without the participation and inclusion of these groups is unlikely to be successful and sustainable in the long run. Case studies from Bangladesh demonstrate that the special efforts made by local government, women elected representatives and CSOs in reaching out to these groups can increase participation significantly, which can lead to

[31] McGee, Rosemary and John Gaventa, *Op.Cit.*

influencing decisions at the local level. All social accountability practices must have special strategies for involving the marginalised sections of society. For example, processes and manuals or training kits should not only be simple, but also target the illiterate sections of society as the audio Citizen's Charter has done in Nepal. These processes would lead to active citizenship thereby increasing participation in initiatives for making government accountable.

- "One of the most spectacular phenomena of contemporary politics in China is the emergence of nongovernmental organisations (NGOs) and their potential contribution to democratisation in the country. More and more people are no longer satisfied to rely on government and social elites; so they pursue autonomous activities in areas such as environmental protection, health, migrant worker rights, and rural education. Civil society and grassroots democracy have once again become part of public discourse and practice in today's China."[32] One of the examples of democratisation can be found in Chengdu municipality where "Participatory Budget and Local Public Services" is being used to monitor service delivery by local government. In the province, fiscal budget set at least 30 thousand USD each year for each village to tackle rural –urban polarisation and this budget will be monitored and evaluated by local people. In addition, people will also have the right to monitor some service delivery at local level. The initiative will have great relevance as Chengdu municipality has 2000 villages with annual budget of more than120 million USD[33].
- Corruption has emerged as a big issue in South Asia as huge amounts of public money are being siphoned off by the government. It is also reflected in the Corruption Perception Index of Transparency International (2010) Report where all the countries of South Asia except Bhutan have a rating below 3.5. It underlines the need for establishing social accountability systems where citizens are key players, not merely 'onlookers' as happens in horizontal accountability mechanisms[34].
- Citizens perceive that corruption in local government harms them the most and it increases the cost of receiving subsidies for them. The effort to start democratic accountability in local governance would have the support of citizens and the government would also gain credibility among citizens and international investors and donors.
- In South Asia, democratic institutions continue to be threatened by military dictatorships and religious fundamentalism hence democratic institutions must constantly reinvent themselves and citizens need to have a greater stake in preserving these institutions. Social accountability in local governance can be one of the ways of deepening democracy.

8. Bibliography

Bellamy, Richard and Antonino Palumbo (ed.), *Political Accountability*, The Library of Contemporary Essays in Political Theory and Public Policy, Vol. 4, Ashgate.

Christiano, Thomas, "The Authority of Democracy", in *Political Accountability,* (ed.) Bellamy, Richard and Antonino Palumbo, 1-127, The Library of Contemporary Essays in Political Theory and Public Policy, Vol. 4, Ashgate.

[32] Zhu Jiangang, Sun Yat-sen University, China, Learning for Global Democracy.
[33] Zhuang Ming, e-mail message to author, Oct 1, 2011.
[34] The 2010 *Corruption Perceptions Index (Transparency International)* rates 178 countries in the index a scale from 10 (very clean) to 0 (highly corrupt). These results indicate a serious corruption problem. The score of South Asian countries follow: Bhutan (5.7), India (3.3), Pakistan (2.3), Sri Lanka (3.2), Nepal (2.2), Afghanistan (1.4) & Bangladesh (2.4).

Claasen, Mario and Carmen Alpin-Lardies, (ed.), *Social Accountability in Africa: Practitioner's Experiences and Lessons* , CapeTown: Idasa and ANSA AFRICA, 2010.

Deleon, Linda. "Accountability in Reinvented Government", in *Political Accountability,* (ed) Bellamy, Richard and Antonino Palumbo, 143-153, The Library of Contemporary Essays in Political Theory and Public Policy, Vol. 4, Ashgate.

Dreze, Jean and Amartya Sen, *India Development and Participation*, New Delhi: Oxford University Press, 2002.

Gaventa, John, "Exploring Citizenship, Participation and Accountability", *IDS Bulletin,* Vol., 33 No. 2 (2002): 1-10

Goetz, Anne Marie and Rob Jenkins, *Reinventing Accountability: Making Democracy Work for Human Development*, New York: Palgrave Macmillan, 2005.

Horner, Lisa and Andrew Puddephatt, "Democratic Space in Asia- Pacific", *Discussion paper,* UNDP Conference, Bangkok, August 2010.

Hughes, Alexandra, "Who Speaks for Whom? A Look at Civil Society Accountability in Bioprospecting Debates in Mexico", *IDS Bulletin,* Vol. 33 No. 2 (2002): 101-110

Jayal, Niraja Gopal, "New Directions in Theorizing Social Accountability?", *IDS Bulletin*, Vol. 38, Number 6 (2008) :100-106.

Jha, Vikas, "Impact and Effectiveness of Transparency and Accountability Initiatives in Asia" (Unpublished paper for Institute of Development Studies project of Review of Impact and Effectiveness of Transparency and Accountability Initiatives, September 2010.)

Jha, Vikas, Bhavita Vaishnava and Kaustuv Kanti Bandyopadhyay*, Citizen Leadership: Deeping Democratic Accountability in India, Brazil and South Africa*, New Delhi: Academic Foundation, 2011.

McGee, Rosemary and John Gaventa, "Review of Impact and Effectiveness of Transparency and Accountability Initiatives: Synthesis Report", Institute of Development Studies (2010).

McNeil, Mary and Carmen Malena, ed., *Demanding Good Governance: Lessons from Social Accountability Initiatives in Africa,* Washington: World Bank, 2010.

Mott, Andy, "Increasing Space and Influence through Community Organising and Citizen Monitoring: Experiences from the USA", *IDS Bulletin New Democratic Spaces* 35.2

Mulgan, Richard, *Holding Power to Account: Accountability in Modern Democracies*, New York: Palgrave MacMillan, 2003.

Newell, Peter and Joanna Wheeler, ed., *Rights, Resources and the Politics of Accountability*, London and New York: Zed Books, 2006.

Newell, Peter and Shaula Bellour, "Mapping Accountability: Origins, Contexts and Implications for Development", *IDS Working Paper 168 (October 2002)*

O'Donnell, "Horizontal Accountability in New Democracies", in *Political Accountability,* (ed.) Bellamy, Richard and Antonino Palumbo, 156-173. The Library of Contemporary Essays in Political Theory and Public Policy, Vol. 4, Ashgate.

O'Donnell, Guillermo, "Horizontal Accountability in New Democracies", in *The Library of Contemporary Essays in Political Theory and Public Policy*, (ed.), Richard Bellamy and Antonino Palumbo, Vol. 4 (Ashgate, 2010).

Paul, Samuel, "Public Spending, Outcomes and Accountability, Citizen Report Card as a Catalyst for Public Action," *Economic and Political Weekly*, January 28, 2006: 333-340

Pettit, Philip, Three Conceptions of Democratic Control, in *Political Accountability,* (ed) Bellamy, Richard and Antonino Palumbo, 30-37, The Library of Contemporary Essays in Political Theory and Public Policy, Vol. 4, Ashgate.

Richard Bellamy and Antonino Palumbo, (ed.), *The Library of Contemporary Essays in Political Theory and Public Policy.* Vol. 4 (Ashgate, 2010) xiii.

Scott, Colin, "Accountability in the Regulatory State", in *Political Accountability,* (ed) Bellamy, Richard and Antonino Palumbo, 177-197, The Library of Contemporary Essays in Political Theory and Public Policy, Vol. 4, Ashgate.

Shah, Anwar, ed. *Performance Accountability and Combating Corruption*, Washington: The World Bank, 2007.

Tandon, Rajesh, "Linking Citizenship, Participation and Accountability, A Perspective from PRIA," IDS Bulletin Vol. 33 No. 2 (2002): 59-65

Walker, David W. "Citizen driven reform of local basic services: Community –based performance monitoring", *Development in Practice* 19, 8 (2009):1035 -1051

World Bank Institute, *Social Accountability in the Public Sector* (Washington: World Bank, 2005).

Newspapers and Magazines

The Times of India, New Delhi, India

Governance Now, New Delhi, India

Web sites

Learning for Global Democracy

www.pria.org

http://www.asg.ateneo.edu/

Country Paper: Bangladesh

Democratic Accountability in Local Governance Institutions

- Sushanta Kumar Sarkar and Aroma Dutta

1. Introduction

The ethos of nascent vertical accountability mechanisms has been creating a new democratic relation in the country. Bangladesh is a developing country with robust economic growth rates. The economy of Bangladesh has proven resilient despite the adverse effects of the global financial crisis as it is relatively isolated from the world economy. The total population of the country is 150,418,000[35] (April 21 2011). It is 2.18 per cent of the total world's population. Three quarters of the population (74.6 per cent) lives in rural areas and the rest in the urban areas (25.4 per cent).Thirty per cent of the total population is below the poverty line. The domain of local democracy in Bangladesh is being widened through historical evolvement. The State initiated downward channels as well citizen led vertical accountability mechanisms, have been making State-community synergies and deepening local democracy. The government has been trying to make economic progress and deliberate local democracy. In spite of the advance of democratic governance in the country, most of the country people are outside of democracy except during elections. The traditional democratic system has provided citizens the right to cast their votes during the elections, but social as well as democratic accountability has been providing entitlement, voice and effective participation in the governance process for the development of the community as well as the country. The ethos and foundation of nascent social accountability mechanisms have been trying to institutionalise durable societal control by enabling collective actors to exercise voice in deliberative processes, in which citizens can hold public institutions accountable in terms of improving the quality of life and their entitlements at the local level. The practices of vertical mechanisms have been creating spaces for effective governance. The move from monolithic State provisions to decentralised vertical accountability channels has been making a direct relationship between the State and citizen, breaking traditional bureaucracy and deepening democracy. The study is designed to provide a pen picture on processes, practices, and the applicability of such mechanisms in varying social and political contexts in the country.

2. Objectives and Methodology of the Study

The objective of the study is to collect, analyse and synthesise the processes, practices and results of social accountability mechanisms in Bangladesh in order to find out the applicability of such mechanisms in various social and political contexts.

The study assessed and analysed the followings:

[35] List of countries by population - Wikipedia, the free encyclopaedia

(i) the level and extent of functional relations between citizen's participation in social accountability (SA) mechanisms and the greater empowerment of poor people, greater awareness of rights and greater engagement in governance institutions

(ii) the scale of effectiveness of using SA mechanisms for making governance institutions accountable and responsive for better service deliveries

(iii) government's control over the processes of accountability mechanisms leads to compromise in citizens' interests.

In order to get in-depth insights, this study is founded on a purposive sample of case studies identified through consultations with key informants and a number of qualitative methods like Focus Group Discussions (FGDs), In-depth Interviews, Key Informant Interviews, and individual interviews. Considering the study objectives, the geographical location, time, and consultations with relevant stakeholders, purposive sample techniques were employed. Cross checking mechanisms were developed for valid information. The following methods were employed for providing pertinent information.

Table 2: Methods Used in Preparing the Bangladesh Country Paper

Sl. No.	Method	Number	Content	Type of Respondent and Geographical Coverage
1	Case Study	Short - 5 and detailed - 2	State-led and civil society initiated SA mechanisms	Community people, local government representatives (Union Parishad), NGO representatives , local service providers
3	FGD	2	SA practices, applicability and appropriate mechanisms	Community people (Madhainagar Union , Sirajganj , Jangalia Union , Kishoreganj)
4	In depth Interview	20 persons	SA practices, applicability and appropriate mechanisms	Union Parishad Chairman , NGOs and CBO representatives , local service providers (Sylhet, Dhaka, Barishal, Kishoreganj, Jamalpur and Sirajganj Disrticts)
5	Key Informant Interview	06 persons	SA practices, applicability and appropriate mechanisms	Civil society representatives (Dhaka, Kishoreganj and Sirajganj)
6	Individual Interview	30 persons	SA practices, applicability and appropriate mechanisms	NGOs and CBO representatives , local service providers (Sylhet, Dhaka, Chandpur, Kishoreganj, Jamalpur, Sirajganj)
7	Document Review	---	State-led and civil society initiated SA mechanisms	Relevant reports, journals, study, statistics, constitutions on practice of SA mechanisms, administrative structures, lGIs structure, legal provisions , people participations and applicability

3. Background

The People's Republic of Bangladesh is a sovereign State located in South Asia. It is bordered by India on all sides except for a small border with Burma (Myanmar) to the far southeast and by the Bay of Bengal to the south. Its politics are vested in both the government and parliament. Civilisation in the greater

Bengal region date back four thousand years, when the region was settled by the Dravidian, Tibeto-Burman, and Austro-Asiatic people. The history of local governments in Bangladesh is very old. Throughout history, the country has repeatedly experimented with decentralisation in the post-colonial and post-independence period. Every successive regime between 1957 and 2011 attempted to reform the local government structure. The institution of local government in Bangladesh goes back a long way. The origin of the existing local government institutions (LGI) can be traced back to the demand for self-government in British India. Initially, the local government was developed by the British to maintain law and order in the rural areas with the help of the local elite backed by local police (Ali, 2001). The local elite were to be nominated to the local government institutions from among those who were trusted by the colonial authority. The British rulers institutionalised this system to perpetuate their political, economic and administrative ends and for colonial extortion (Ali, 2001). In 1870, they introduced *'Choukidary Panchayet'* as the local government institution. This system was later changed and renamed in different regimes from the British period to present Bangladesh as the three-tier Union Committee (1885), two-tier Union Board (1919), four-tier Union Council (1959), and Union Parishad (1973) (Shafi, et.al, 2001: 3). After 1973, the Union Parishad became the lowest unit of local government in Bangladesh. It is treated as a public institution as well as the first step of democracy. The local government structures are confined within the bureaucratic traditional system. The Government of Bangladesh is trying to break the traditional bureaucratic system. In spite of constitutional guarantees, international treaties and Millennium Development Goals, most of the poor people are out of the purview of public services at the local level. The characteristics and salient features of local democracy in Bangladesh are:

(i) Economic Robustness and People's Marginalisation: The economy of Bangladesh is a rapidly developing market based economy. Its per capita income in 2010 was approximately US$1,700 (adjusted by purchasing power parity). According to the International Monetary Fund, Bangladesh ranked as the 47th largest economy in the world in 2010, among the Next Eleven or N-11 of Goldman Sachs and D-8 economies, with a gross domestic product of US$269.3 billion.[36] In spite of economic robustness, the people are become marginalised in the social power relationship. The unequal progress has been widening the gaps in the unequal class based stratified society.

(ii) Poverty and Democracy: Bangladesh is one of the world's poorest countries. Poverty as well as chronic poverty hinders the democratic process in the country. Women are among the poorest of poor, especially when they are the sole heads of their households. Most of the poor are beyond and beneath State mechanisms.

(iii) History of Struggles and Lack of Systematic Process: Bangladesh emerged as an independent nation on 26th March, 1971. The nine-month long war of liberation culminated in Bangladesh's victory on 16 December 1971. The country has a long glorious history from ancient times till today, but the progress of a systematic process and the development of an integrated movement for effective democracy at the local level is slow.

(iv) Urban and Rural Disparity: There is a huge disparity between urban and rural citizens in terms of services, entitlements and living standards. The rural people are the most deprived.

(v) Bureaucracy and Multiparty System: Bangladesh practices within a framework of a parliamentary representative democratic republic, whereby the Prime Minister of Bangladesh is the head of government, and of a multi-party system. Executive power is exercised by the government. The

[36] en.wikipedia.org ./Economy of Bangladesh

traditional public service system has presupposed a chain of command that is hierarchal. The institutions follow a clearly defined structure and positions with duly organised responsibilities. It is reliant on procedurally correct decision making based on the consideration of levels of authority and jurisdiction. The institutional hierarchy as well as the monopoly of bureaucracy and multiparty system creates a complicated governance system in Bangladesh.

(vi) Elected Representative and Civil Society: The convergence between election oriented democracy and a participatory as well as social accountability mechanisms is important. There is no convergence among the two different kinds of democratic accountability mechanisms.

(vii) Corruption and Accountability: The progress in the development of social accountability mechanisms is slower than the proliferation of corruption. From 1997 till now, Transparency International Bangladesh (TIB) has conducted five national household surveys. It has been observed from this national household survey (2010) that 84.2 per cent of the households in Bangladesh have been victims of corruption in one way or the other while receiving services from different public and private service sectors or institutions (Source: TIB).

Out of the total number of households included in the survey, 79.9 per cent households received services from local government institutions in the last one year and 43.9 per cent of them were victims of corruption and irregularities. Among the recipients, 36.7 per cent households paid bribes, 11per cent were victims of negligence of duty, 6.3 per cent were victims of interference by influential people, 1.5 per cent were victims of embezzlement, 0.1 per cent were victims of deception and 0.02 per cent of the households were forced to pay additional money because they were threatened (Source: TIB). “Marginalised" refers to the overt or covert trends within societies whereby those perceived as lacking desirable traits or deviating from the group norms tend to be excluded by wider society and ostracised as undesirables.

(viii) Peoples Participation and Local Democracy: The parameters for SA are largely determined by the existing political context and culture and the feasibility of the success of SA initiatives are highly dependent upon whether the political regime is democratic, a multi-party system is in place, basic rights and freedom (including political rights, information rights, freedom of expression, association and assembly) are guaranteed and there is a culture of political transparency and probity. The existence of these underlying factors, and the potential risks that their absence may pose, must be taken into account when planning SA initiatives. Legal, institutional and socio-cultural factors will also have an important influence on the success of SA activities. Table 3 shows that the institutions for local governance have been established and regular elections are conducted for these institutions. The representation of women can be seen in these institutions but it is still quite small percentage.

Table 3: Representation of Women in Local Governance in Bangladesh

Election	No. of Union Parishads	Total no. of Candidates Contesting for the Post of Chair	Total no. of Women Candidates Contesting for the Post of Chair	Percentage of Women Candidates Contesting for the Post of Chair	Elected Women Chairs	Percentage of Elected Women Chairs
1973	4352	-	-	-	1	-
1977	4352	-	-	-	4	-
1984	4400	-	-	-	6	-

1988	4401	18566	79	.43	1	1.26
1992-93	4451	17444	115	.66	24	20.87
1997	4479	-	102	-	23	22.54
2003	4223	21376	232	1.09	22	9.8

Source: Calculation on Basis of Information of Election Commission[37]

(ix) Central Governance and Local Governance: There is a policy and practice gap between central governance and local governance in Bangladesh. In the context of the LGIs, central-local government relations are complicated. In Bangladesh, statutorily, the central-local relationship has been authoritative in nature.

(x) Bangladesh Public Services and Citizen's Access: The Bangladesh Public Service Commission (PSC) is one of the most important pillars of the National Integrity System playing a key role in promoting excellence and integrity in the public service and administration of the country. The public services are weak and governed mostly by the top down approach. The people have limited access to public services at the local level.

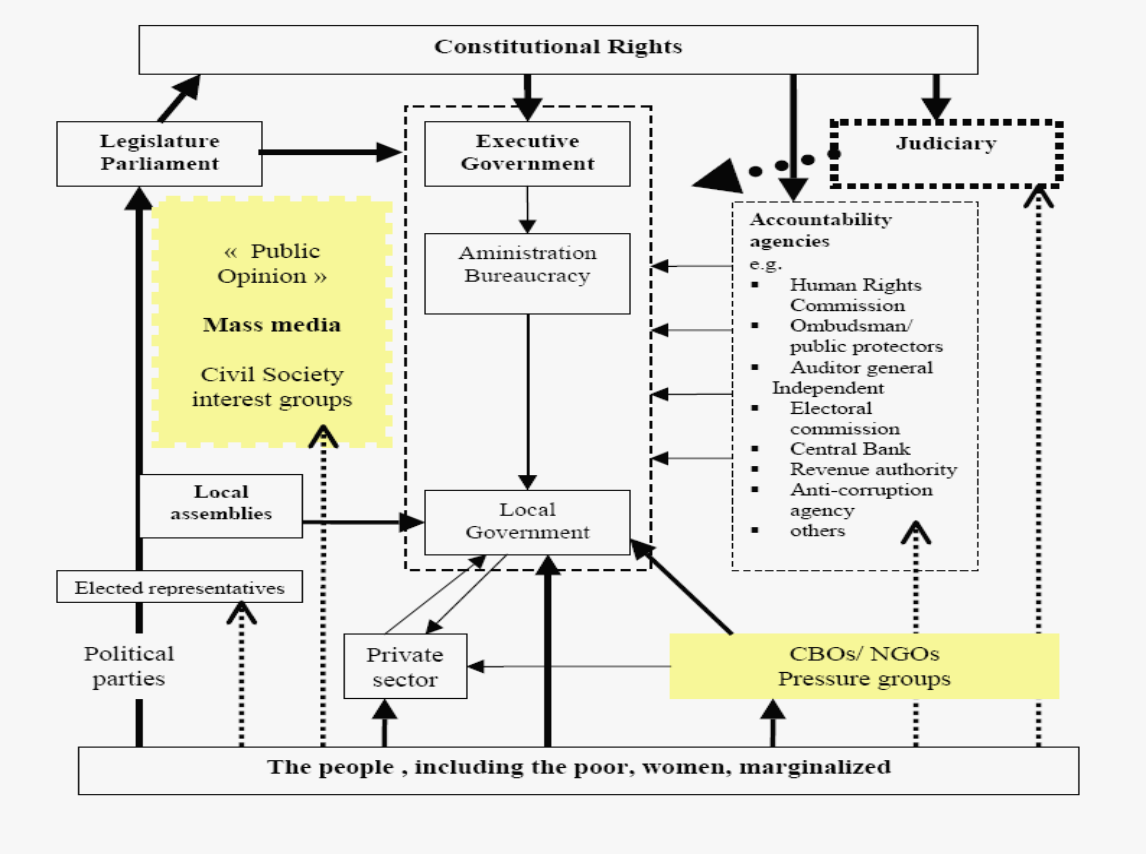
(xi) Democratic Deficit and Democratic Institutions in Bangladesh: The democratic deficit in Bangladesh impedes citizen participation in local democracy. The ostensibly democratic organisations or institutions (particularly governments) are falling short of fulfilling the principles of parliamentary democracy in their practices or operation where representatives are linked to parliamentary integrity. Vertical accountability refers to the direct relationship between citizens and their representatives holding public office. Besides periodical elections, vertical accountability is also a function of political parties, public opinion, media and civil society engagement. There are horizontal accountability relations, between the executive, the legislature, the courts, and special agencies of restraint, through which different State institutions hold each other to account on behalf of the people. Certain entities within the State are entrusted with a constitutional mandate to hold other State agencies to account, thus indirectly acting on behalf of the people. Institutions established to ensure horizontal accountability include Constitutions**,** the legislative branch, the judicial branch, and `accountability agencies' such as human rights commissions (HRCs); ombudsmen/public protectors; auditors-general (AGs); independent electoral commissions (IECs); independent central banks; independent revenue authorities; and anti-corruption agencies; media and civil society organisations.

Figure 1 represents governance structure and democratic accountability process in Bangladesh. The Government of Bangladesh has some organisations under the Constitution. These constitutional organisations are working as statutory bodies of the Bangladesh Government through which legislative activities are being implemented. Article 118 of the Constitution provides for establishing an Election Commission for Bangladesh consisting of a Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time direct. The appointment of the Chief Election Commissioner and other Election Commissioners (if any) is made by the President. When the Election Commission consists of more than one person, the Chief Election Commissioner is to act as its Chairman. Under the Constitution the term of office of any Election Commissioner is five years from the date on which he enters office. A person who has held office as Chief Election Commissioner is not eligible for appointment in the service of the Republic. Any other Election Commissioner is, on ceasing to hold such office, eligible for appointment as Chief Election Commissioner, but is not eligible for appointment in the service of the

[37] Women's Participation in Local Level Government (Union Parishad ...Source: Authors' Calculation on Basis of Information of Election Commission. www.engenderingdemocracy.net/.../women's-participation-local-level-government-union-parishad.

Republic. Powers of Election Commission (Article 118(4) and 126 of the Constitution, read with Article 4 of the Representation of the People Order, 1972): The Election Commission is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Commission may authorise its Chairman or any of its members or any of its officers to exercise and perform all or any of its powers and functions under the law. Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972 provide that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions. The Commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct. The Bangladesh Public Service Commission is a quasi-judicial body established under the Constitution of the People's Republic of Bangladesh. It works under the provisions of the Articles 137 to 140 of the Constitution and certain other rules and regulations made by the government from time to time under the Constitution. The Constitution of The People's Republic of Bangladesh provides independence to the office of the Comptroller and Auditor General (CAG). The audit of public accounts of the Republic, government agencies, public bodies and public companies is conducted under the authority of the CAG and reports are submitted to the Parliament. The office of the CAG assists the National Parliament in ensuring accountability and transparency of the Government in the use of public resources. The Attorney General for Bangladesh is appointed by the President under Article 64(1) of the Constitution, who is qualified to be appointed as a judge of the Supreme Court. The Attorney General is empowered to participate in any reference to the Supreme Court made by the President under Article 106 of the Constitution and can express his own opinion. In spite of democratic institutions, democratic deficits are seen at the local and national level.

Figure 1: Institutional Relation and Governance Structure [38]



[38] Conference Paper # 6, Working Draft, November 06, Mutual Accountability Mechanisms: Accountability, Voice, And Responsiveness A UNDP Capacity Development Resource Capacity Development Group, Bureau for Development Policy, United Nations Development Programme, November 2006.

(xii) State and Civil Society Synergies: The emergence of SA is usually the result of a combination of a series of social, political, and institutional variables that illustrate processes of change within civil society, the State and the public sphere, which allows for the emergence and consolidation of actors and networks specifically oriented around demands for greater governmental transparency and accountability. The local governance movement, health service movement, access to information movement, community based radio movement, transparency and accountability mobilisation are the most successful movements initiated by civil society organisations. The national and international NGOs, development organisations, CBOs, associations, forums, citizen networks and individuals have great contributions to make from planning, implementation, capacity building, and information dissemination to influence policy formulation. This process has been creating State and civil society synergies. There is still a gap between formal partnership and integrated approach for local development.

(xiii) Policy and Institutional Structures: The powers of the local government are enshrined in the Constitution,

Article 9, Promotion of local Government institutions: The State shall encourage local Government institutions composed of representatives of the areas concerned and in such institutions special representation shall be given, as far as possible,

Article 11, Democracy and human rights: The Republic shall be a democracy, respect for the dignity and worth effective participation by the people all levels shall be ensured. Article 59: Local Government (1) Local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law. (2) Everybody such as is referred to in clause (1) shall, subject to this Constitution and any other law, perform within the appropriate administrative unit such functions as shall be prescribed by Act of Parliament, which may include functions relating to (a) Administration and the work of public officers; (b) the maintenance of public order; the preparation and implementation of plans relating to public services and economic development.

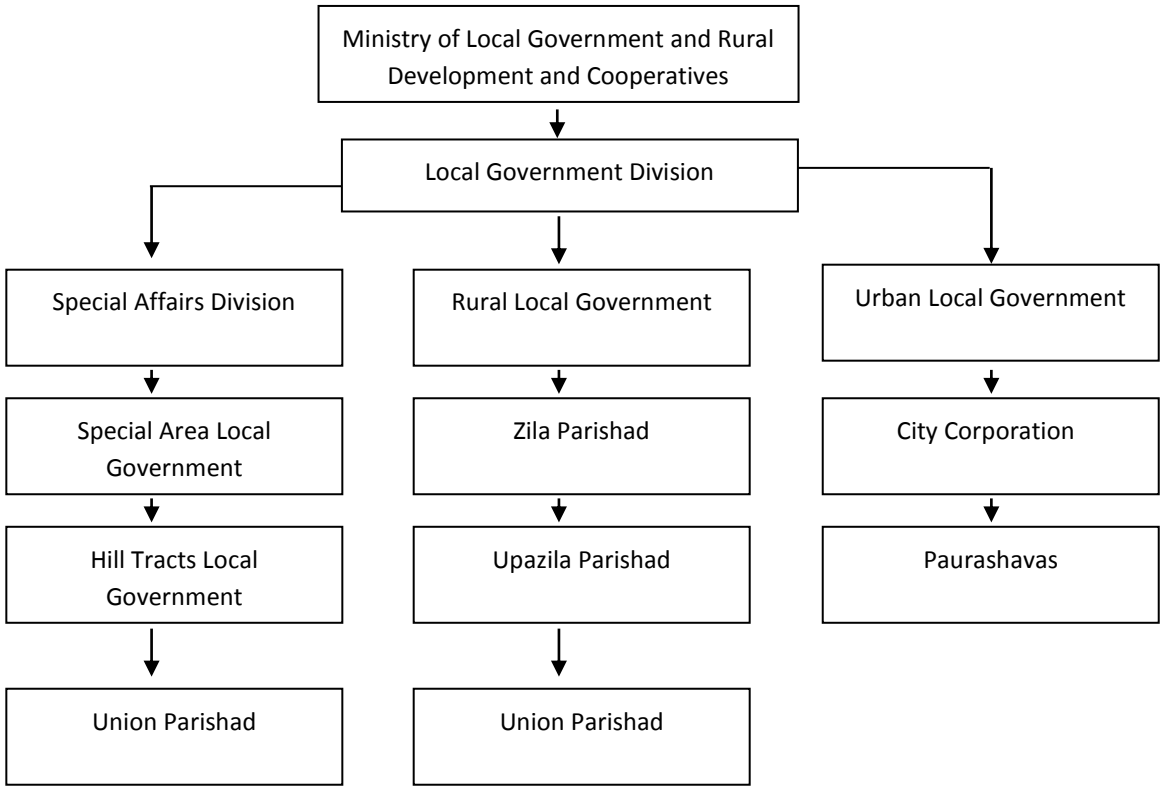
Article 60, Powers of local government bodies: For the purpose of giving full effect to the provisions of article 59 Parliament shall, by law, confer powers on the local government bodies referred to in that Article, including power to impose taxes for local purposes, to prepare their budgets and to maintain funds.

The recently enacted Local Government (Union Parishad) Act 2009 has added a few new dimensions to the traditional functions of Union Parishads (UPs). The Ministry of Local Government, Rural Development and Cooperatives, Union Parishad, Upazila Parishad, District offices are supposed to provide institutional support. The institutional support and legal as well as policy frame work enable the situation. It supports the establishing of Standing Committees on health, education, water supply and sanitation and so on. These policies and structures contribute to building effective democracy at the local level.

(xiv) Political and Social Conditions Favouring Emergence of Democratic Accountability Mechanisms: The emergence of SA mechanisms is derived from the citizens' demand and desire to change the situation. The setback in the governance system is confined to citizens' participation. Though the country has a long tradition of local democracy, the provision of the direct participation of the community in the respective institutions is very limited, as the bottom – up approach is not being followed broadly. Citizen participation is absent in public policy making, participatory budgeting, public expenditure tracking, and citizen monitoring of public service delivery. Mechanisms that involve the participation of citizens in the process of managing public resources have proved to be particularly effective, and are the cornerstone of the Participation and Civic Engagement. The extent of citizen participation in planning is very low;

women, the poor, the marginalised, excluded and vulnerable people have limited scope to be involved. There was no effective and efficient functional relation with local governments, local service providers and community people. The service delivery mechanism is not effective enough to provide to the community at the local level. Considering the perspectives, accountability mechanisms are required in the local governance system. The democratic political system, favourable laws as well as policies, LGIs, vibrant civil society and the people's demand led to the beginning of accountability mechanisms in Bangladesh.

Figure 2: Local Government Structures in Bangladesh



4. Types of Democratic Accountability Mechanisms Prevalent in the Country

In the country, horizontal, vertical and diagonal accountability mechanisms exist and contribute to strengthen local democracy. The practices of horizontal and diagonal accountability mechanisms are old, but the practice of vertical accountability mechanisms has changed the pattern of governance at the local level. It has contributed to accelerate as well as amplify citizen voices and strengthen existing horizontal and diagonal systems as well as deepening local democracy.

i) Horizontal Accountability: This consists of formal relationships within the State itself, whereby one State actor has the formal authority to demand explanations or impose penalties on another. It thus concerns internal checks and oversight processes. For example, executive agencies must explain their decisions to legislatures, and can in some cases be overruled or be given sanctions for procedural violations.

ii) Vertical Accountability: These forms are those in which citizens and their associations play direct roles in holding the powerful to account. Elections are the formal institutional channel of vertical accountability, but there are also informal processes through which citizens organise themselves into

associations capable of lobbying governments and private service providers, demanding explanations and threatening less formal sanctions, like negative publicity.

iii) Diagonal Accountability: Diagonal accountability seeks to engage citizens directly in the workings of horizontal accountability institutions. This is an effort to augment the limited effectiveness of civil society's watch dog function by breaking the State's monopoly over responsibility for official executive oversight. The vertical accountability mechanisms have been providing democratic deliberation and citizen voices. The prevalent and most popular democratic accountability mechanisms practised are given below.

Table 4: Profile of Democratic Accountability Mechanisms Prevalent in the Country [39]

Sl. No.	Practiced Accountability Tools and Mechanisms (Major)	Major Development Period in Bangladesh	Ranges of Implementation	Area	Current Status of Mechanism (Key Feature)
1	Participatory Budget	2000 – 2011 (Country wide from 2007)	Countrywide	Mostly in Rural Settings	GoB has been implementing PB under the LGSP project supported by World Bank. This process was piloted by UNDP at Sirajganj This is the most successful accountability mechanism
2	Community Score Card	2005 -2011	Partial	Mostly in Rural Settings	The civil society - led organisation has been implemented at the local level
3	E-governance	2009-2011	Partial	Mostly in Rural Settings	The government has been implementing this with UNDP
4	Social Audit	2005 -2011	Partial	Mostly in Rural Settings	Civil Society Organisation
5	Citizen Charter	2001 – 2011 (widely started from 2007)	Partial	Urban and Rural Settings	Government and Civil Society Organisations
6	Community Radio	2008-2011	Partial	Rural Settings	Civil Society Organisations and GoB. The process as well as movement was started in 1998
7.	Public Hearing	2000-2011	Partial	Rural Settings	Civil Society Organisations
8	Access to Information	2009 -2011	Partial	Urban	Government and Civil society Organisations

[39] The short profile of democratic accountability mechanisms is prepared by synthesising relevant documents. The social accountability mechanism is nascent in Bangladesh. The development period indicates the comparatively wider practice of mechanisms.

Preconditions of Accountability: The democratic political system, favourable laws as well as policies, LGIs, vibrant civil society and people's demand led to the emergence of accountability mechanisms in Bangladesh, MDGs, international treaties, State capacity, civil society capacity, communities' demand and capacity, information channels and State as well as civil society and State synergies are preconditions for democratic accountability mechanisms in the country.

5. Democratic Accountability Mechanisms in Practice

The conception of democratic governance has been changing. The development paradigm, scale of good governance and extent of integrated approach determine participatory development as well as participatory democracy. Elections are only one channel for the effective citizen participation. The traditional election system is not the key to effective democratic governance. It opens the door to participatory processes. The entitlement and rights of citizens are challenges of existence; therefore SA mechanisms prevalent in the country as well as the world make for democratic deliberation and effective citizen participation.

Over the decades, the citizen and civil society movements and government initiatives founded the SA mechanisms in the country. The SA mechanisms have allowed ordinary citizens to access information, voice their needs, and demand accountability between elections. They enhanced the ability of citizens to move beyond mere protest towards engaging with bureaucrats and politicians in a more informed, organised, constructive and systematic manner, thus increasing the chances of effecting positive change. Earlier, the development and voice were mired in bureaucratic red tape. Poverty and social insecurity were the ultimate destiny for most of the country's people. The people wanted to make an effective change, but had no tools. The SA mechanisms provided them the opportunities to do so. Though the practice is not widespread, it has been proven that SA mechanisms have changed the pattern of power relations and increased the participation of poor in local democratic structures. There are three main arguments underlying the importance of SA, governance, increased development effectiveness, and empowerment. Social accountability gives a mechanism to empower people to raise questions at the structural and functional levels. Not only is it a tool of empowerment, but also a Community Driven Development (CDD) process. The CDD process provides community groups control of decisions and resources. The process considers people as assets and partners in the development process. The gains from the SA process could be the inputs to reforms in the development sector pertaining to health, education, public administration, local governance, etc. These accountability mechanisms are viewed as important in empowering people to directly weed out corruption, leakage of funds, misappropriation of resources and other forms of malfunctioning.

Social accountability's instrumental value is reflected in development effectiveness (through better service delivery) and better governance. For example, it can improve the targeting of projects and resources through better informed project and policy design, make institutions more responsible to people's needs, increase transparency and reduce the leakage of funds. Figure 3 explains these fundamentals. This is achieved through improved public service delivery and more informed policy design. In many countries, especially developing ones, the government fails to deliver key essential services to its citizens on account of several problems including, misallocation of resources, leakages/corruption, weak incentives or a lack of articulated demand.

Similarly, governments often formulate policies in a discretionary and non-transparent manner that goes against the interests and actual priorities of the poor. These problems perpetuate because the three key groups of actors in the public policy and service delivery chain, policy makers, service providers and citizens have different (sometimes conflicting) goals and incentives, compounded by

information asymmetries and lack of communication. By enhancing the availability of information, strengthening citizen voice, promoting dialogue and consultation between the three groups of actors, and creating incentives for improved performance, SA mechanisms can go a long way in improving the effectiveness of service delivery and making public decision making more transparent, participatory and pro-poor. Since poor people are most reliant on government services and least equipped to hold government officials to account, they have the most to gain from SA initiatives. The SA initiatives have led to empowerment, particularly of poor people by providing critical information on rights and entitlements, and soliciting systematic feedback from poor people. The SA mechanisms have provided a means to increase and aggregate the voice of the disadvantaged and vulnerable groups as well as citizens. This is the reason for the popularity of vertical accountability mechanisms. This enhanced voice empowers the poor and increases the chance of greater responsiveness.

Table 5: Practiced Accountability Mechanisms in Bangladesh [40]

Sl. No.	Area		Social Accountability Tools and Mechanisms
1	Policies and Plans	Participatory Policy Making and Planning	Local issue forums, study circles, deliberative polling consensus conferences, public hearings, citizens' juries
2	Budgets and Expenditures	Budget-Related Social Accountability Work	Participatory budget formulation, alternative budgets, independent budget analysis, performance based budgeting, public education to improve budget literacy, public expenditure tracking surveys, social audits transparency portals
3	Delivery of Services and Goods	Social Accountability in the Monitoring and Evaluation of Public Services and Goods	Public hearings, citizens' report cards, community scorecards, public opinion polls , citizen's charters
4	Public Oversight	Social Accountability and Public Oversight	CSO oversight committees local oversight committees
5	Information	Access to Information	E-governance, community radio, pro-active information disclosure
6	Grievance Redressal	Grievance Redressal	Complaint Box, E-Form, direct

6. Comparison of Democratic Accountability Mechanisms

The practice of democratic accountability mechanisms in Bangladesh is nascent. The different mechanisms have different dimensions of usefulness, applicability and effectiveness. It is difficult to compare two or three best used accountability mechanisms. Considering wideness, objectives, level and extent of citizen participation, inclusiveness, potentiality, institutionalisation and possibilities, the study analysed in detail on participatory budgets (PB) and community score cards (CSC).

(i) Participatory Budgeting

Participatory Budgeting is broadly defined as a mechanism or process through which citizens participate directly in the different phases of budget formulation, decision making, and monitoring of budget execution. Participatory Budgeting can be instrumental in increasing public expenditure transparency

[40] The Table illustrates the practiced and popular accountability mechanisms in Bangladesh

and in improving budget targeting. Since it is a useful vehicle to promote civic engagement and social learning, PB has been referred to as an effective "School of Citizenship." Bring citizen voice into the budgeting process through greater inclusion, increase transparency and understanding of budget constraints, improve targeting of public spending, and reduce corruption.

Purpose/ Use of Participatory Budgeting: Increase efficiency in budget allocation: Improve accountability and management. Reduce Social Exclusion and Poverty: The traditional budgeting process can sometimes contribute to social exclusion and poverty due to elite capture, limiting resources available for service to the poor. By encouraging citizens' participation in budget decision making, PB could be used to increase the allocation of resources to basic services in the poorest areas. Increase trust between government and population: Citizens often complain that the government is not solving their problems and not using their taxes for their needs.

Strengthen Democratic Practices Collective Mobilisation: This process is collectively mobilised by citizens, civil society's national and international organisations and Government of Bangladesh.

Time and Resources: This is mostly annual based, but the process continues over the year. In the process, technical and general capacity building initiatives are initiated by employing larger human resources. This is applicable both in urban and rural settings. The information dissemination process is extremely necessary. The process has a wider range of social inclusiveness. The strengths of PB are poverty reduction and social inclusion. It is evident that PB promoted the redirection of public resources towards the poorest neighbourhoods, increasing access to public services and goods by traditionally excluded groups.

Empowerment: Experiments in Bangladesh showed that PB can promote empowerment by increasing the voice of the poor. By providing incentives for civic engagement, civil society mobilisation, and social learning, PB can improve the conditions, norms and networks that enable collective action and strengthen social capital.

Social Accountability: Participatory budgeting potentially helps governments become more responsive to people's needs and facilitates transparency and citizen participation in how budgets are allocated and executed.

Better Planning and Management: Participatory Budgeting can indirectly contribute to better sector and territorial planning, and management of public investments and service delivery. Participatory Budgeting can also increase the effectiveness of tax compliance by means of improving public understanding of how public resources are used.

Improve Credibility and Governance: By increasing transparency and public understanding of the actual government fiscal constraints, PB can potentially reduce public mistrust of the government and lack of credibility. In some cases, PB improved relations between the executive and the legislature, facilitating budget discussions and approval. The major challenge is the quality of participation. Often it is very challenging to include the most marginalised groups, the middle income classes, academia, and the private sector. The middle classes and the private sector usually have good access to public services and thus do not see the value added in PB activities. Marginalised groups often encounter a high cost in participating in PB. The knowledge disparities between the poor and the wealthy also affect the quality of participation and equity of final budget priorities. The government needs to invest resources and time to organise the PB activities and provide budget information. However, many governments lack the capacity to undertake these activities.

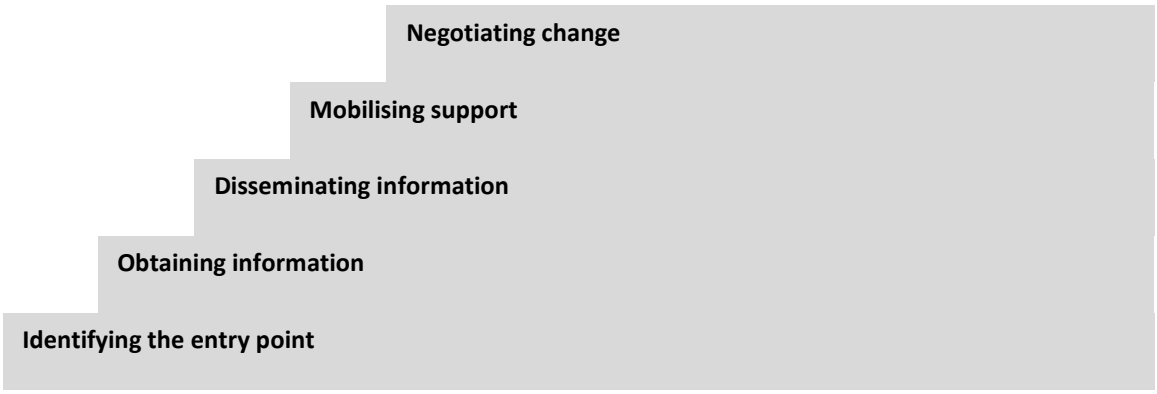
Sustainability: Citizens have a tendency to abandon PB processes after their demands are met. Election periods usually undermine the quality of participation as discussions turn into political debates. Opposition parties are also less keen to mobilise their constituencies and support the PB process.

(ii) Community Score Card

The Community Score Card (CSC) process is a community based monitoring tool that is a hybrid of the techniques of social audit and citizen report cards. Like the citizen report card, the CSC process is an instrument to extract social and public accountability and responsiveness from service providers. By linking service providers to the community, citizens are empowered to provide immediate feedback to the service provider. The CSC process uses the "community" as its unit of analysis, and is focused on monitoring the local/facility levels. It facilitates community monitoring and performance evaluation of services, projects and even government administrative units (like district assemblies). Since it is a grassroots process, it is also more likely to be of use in a rural setting.

The CSC solicits user perceptions on quality, efficiency and transparency. This includes, tracking inputs or expenditures (e.g. availability of drugs), monitoring the quality of services/projects, generating benchmark performance criteria that can be used in resource allocation and budget decisions, comparing performance across facilities/districts, generating direct feedback mechanisms between providers and users, building local capacity, and strengthening citizen voice and community empowerment The CSC solicits user perceptions on quality, efficiency and transparency. This includes, tracking inputs or expenditures (e.g. availability of drugs), monitoring the quality of services/projects, generating benchmark performance criteria that can be used in resource allocation and budget decisions, comparing performance across facilities/districts, generating direct feedback mechanisms between providers and users, building local capacity, and strengthening citizen voice and community empowerment. The main costs include the preparatory ground work, and conducting focus group discussions (FGDs). Careful thought needs to be given to the cost of information dissemination and mobilising citizen groups to actively engage with agencies to work on improvement of service quality. The cost will also depend on the country in which this is being applied, and whether the activity is being conducted in urban or rural areas. The CSC requires comparatively less resources. This is a quick process and is socially inclusive. The strengths of CSCs are that they are used to assess either one public service or several services simultaneously; the feedback is collected from a large population through careful sampling. CSCs are quite technical and thus there may be no need for a major citizen mobilisation effort to get the process started. Perceived improvements in service quality can be compared over time or across various public agencies involved in service provision. Challenges: CSCs require a well thought out dissemination strategy so that public agencies take note of citizen feedback and take the required action to correct weaknesses. In locations where there is not much technical capacity, CSCs may be difficult to design and implement. If there is an error in sampling, the quality of service may not be reflected in the survey results.

Figure 3: Social Accountability Mechanisms Building Block [41]



Box 9

Local Governance and Community Based Service Monitoring

The community score card has changed the pattern of health governance in Kishoreganj. The community participation is increasingly endorsed as a means of strengthening State-community synergies. The community – based service monitoring is a systematic community oversight to ensure accountability and transparency of public services through the participation of people in different service sectors. The process was piloted by PSTC – Family Planning Services and Training Center in cooperation with Manusher Jonno Foundation at Jangalia Union in Kishoreganj in 2009. The service delivery mechanism is not effective enough to provide to the community at the local level. Considering the perspectives, accountability mechanisms were required in public service delivery mechanisms. The community score card process has seven target areas and a Coordinating Committee, which raises community awareness, does research on local service allocations and develops input tracking score cards, generates community score cards, synthesises score card data, prepares score card reports, convenes interactive feedback meetings and follows up on recommendations for action. The level and extent of community participation increased in public services. The method of participation is participatory. The engagement sectors are the institutional structures, community forum through meetings, consultation and advocacy. The marginalised and vulnerable community people used the score card and social mobility increased. The lack of information and less functional institutional structures hinder the effective participation of socially excluded groups in the public service delivery system. The community score card is using user perceptions on quality, efficiency and transparency. The seven steps comprise of (a) tracking of inputs or expenditures (e.g. availability of drugs), (b) monitoring of the quality of services/projects, (c) generation of benchmark performance criteria that can be used in resource allocation and budget decisions, (d) comparison of performance across facilities/districts, (e) generating a direct feedback mechanism between providers and users, (f) building local capacity and (g) strengthening citizen voice and community empowerment. The major output and outcome of the accountability mechanisms used are contributing to developing local health governance and service quality. The significant changes are seen at the community level. The process helped to respond to the basic needs and mechanisms for strengthening the voice for enhancing the negotiating power of the marginalised people to engage with public service providers in a systematic, informed, direct and constructive manner for contributing to citizens' engagement for ensuring social accountability in relation to the existing public services.

[41] Social Accountability: A Concept Note Based on Emerging Practice, Draft for Discussion ,07/09/2003, World Bank

Box 10

Participatory Budget and Local Democracy in Bangladesh

The practice of participatory budget in local governance is a historical achievement in Bangladesh. Participatory budgeting is a process of democratic deliberation and decision making, and a type of participatory democracy. Despite several local revenue sources, Union Parishads (Councils) in Bangladesh are yet to achieve optimal local revenue. The new system of participatory budgeting and planning practices in UPs has been facilitating democratisation of local planning and has been creating a channel for citizens to give voice to their priorities, increasing transparency in fiscal policy and public expenditure management; opening new ways of direct participation, which complement traditional forms of representative governance. The participatory budget process is a State led initiative. The process has been implemented by the Ministry of Local Government in cooperation with World Bank under the Local Government Support Project (LGSP) from 2007. The process was started by the State, LGSP, and the UPs. Initially the UPs had started open budget meetings and participatory planning process under the SLGDP assistance programme, a discretionary and performance grants system which is now taking a formal shape through learning through action and learning from mistakes. The initial stage was challenging. The people had no experience in the participatory budget process. This was a crucial time for the traditional bureaucracy and democratic mechanisms. Integration with civil society and common awareness was facilitated to bridge the gaps to aid development. The participatory budget contributed to increasing the number of community people in participatory resource mobilisation and participatory budgeting. The lack of access to information and provision in participation are key deterrents of participation. There are very few marginal and socially excluded people. In reality, the participatory system of budgeting and planning is still difficult and is dependent on the local political milieu. Participation can be effective when people have a greater say in how their local institutions and development priorities are addressed and managed. Despite limitations, recent trends show that, revenue assessment, collection and development expenditure are a rising trend, which is reinforced by the introduction of open budget discussions, discretionary and performance grants. The increasing trend of the UP's revenue assessment and collection has an impact on the UP's development expenditure. Increased citizen participation directly has an impact in the different phases of budget formulation, decision making, and resource mobilisation. The power relation is changing. The bottom-up approach will empower citizens and strengthen local democracy in Bangladesh.

These two mechanisms followed the significant stages and building block for effective result. There are similarities in the process of accountability mechanisms, but divergence in purpose, time line, and amount of resources. In spite of divergences, the two case studies and processes show the successful adaptation and implementation of accountability mechanisms in the country, is an important step for the institutionalisation of democratic mechanisms and effective participation of citizens for deepening local democracy.

7. Dynamics of Citizen Participation

Citizen participation is a dynamic process and there exist a host of influencing factors or determinants that can dictate the nature of outcomes of development and their sustainability. The democratic structure of the country has created spaces for citizen participation in local democratic structures and State mechanisms. In reality, most of the citizens are beyond and beneath State mechanisms. The level and extent of active participation is low in local democratic structures, but the practice of SA mechanisms has changed the common characteristics of citizen participation. The study analysed the two accountability mechanisms being practiced at Janagalia Union of Kishoreganj and Madhaingar Union of Sirajganj District. The CSC was piloted at Kishoreganj and the participatory budget practiced in

Madhainagar. The CSC process enhanced citizen participation in the local public service provisions and citizens were engaged through invitation or consultations by government, community meetings etc. People from the marginalised vulnerable community used the score card. In the participatory budget process, the engagement sectors are the institutional structures, community forum, ward meetings, participatory planning, participatory budget session, and local development planning. Citizen participation has different dimensions.

a) *Gender Dimension:* Bangladesh is still a patriarchal society though women participation has been increasing in the last two decades. The government, citizen and civil society initiatives have encouraged women's participation, but the level and extent of participation is low. The SA mechanisms being practiced have changed the situation. In specific areas, women are actively participating in local democracy.
b) *Class Dimension:* In general, the elite and middle class are the dominant characters in local democratic structures. The study shows that the poor and middle classes have an active and effective presence in SA mechanisms. The social elite and extreme poor have less participation compared to the middle class and poor at the local level.
c) *Ethnic Dimension:* Bangladesh has always been an abode for scores of ethnic groups from time immemorial. Besides the Bengali majority, there are above 45 ethnic groups with approximately 2.5 million (according to the Bangladesh Adivasi Forum) living across the country. The Chittagong Hill Track has a special local government structure. In the context of the plains, the indigenous people are the most excluded groups. The successful and effective practice of SA mechanisms successfully included indigenous people in effective democracy.
d) *Physically and Mentally Challenged:* The participation of physically challenged in local democratic is still low compared to other classes and socially excluded groups.

Table 6: The Level and Extent of Citizen Participation [42]

Citizen Participation										
Area of Participation	**SAMs**	**Stages**	**Level of Participation**							
			Men	Women	Social Elite	Middle Class	Poor	Extreme Poor	Physically Challenged	Indigenous People
Process	PB	Planning	H	H	M	H	H	M	L	M
	CSC		H	H	L	H	H	M	L	-
	PB	Decision Making	H	H	L	H	H	M	L	-
	CSC		H	H	M	H	M	L	L	M
	PB	Capacity Development	M	M	M	M	M	M	L	M
	CSC		M	M	L	M	M	M	L	-
	PB	Information Dissemination	M	M	H	H	H	M	M	H
	CSC		M	M	L	H	H	M	M	-
	PB	Monitoring	L	L	M	M	L	L	L	L
	CSC		H	H	L	H	M	L	L	-
	PB	Evaluation	L	L	L	L	L	L	L	L
	CSC		M	M	M	M	M	L	L	-

[42] The Table is prepared on the basis of the document, FGD report, individual report and observation of practiced participatory budget at Madhainagar Union and community score card at Jangalia Union , Kishoreganj

	PB	Leadership	H	M	M	H	M	L	L	M
	CSC		H	M	L	H	M	L	L	-
	PB	Union Parishad	H	H	H	H	M	M	L	M
	CSC		M	M	M	H	M	L	L	-
	PB	GOB	H	M	H	H	M	L	L	L
	CSC		H	H	L	M	H	H	M	-

PB – Participatory Budget; CSC – Community Score Card; H – High, M – Medium, L – Low

Box 11

Collective Movement for the Indigenous People

The participation of indigenous and grass roots people are key achievements in the participation process. The participatory budget contributed to the immense achievement of the rural villagers

The indigenous people are deprived of rights and opportunities. The State and indigenous community synergies were not proper. The indigenous people of Madhainagar in Sirajganj District had no voice before 2003 in the Madhainagar Union Parishad. An indigenous people's representative was elected, but the communities were not involved in the participatory processes. They were unaware of the budget, but the situation has changed since they were introduced to participatory budget, says Monosa Chandra Singh, a 40 year old, indigenous person of Madhainagar Village. He grew up in the same villages, but during his childhood, he mingled with the Bengali community. They faced a number of problems including the denial of their rights, discrimination, violence and oppression and were dispossessed from their land. The people of his community only became aware about the participatory budget process, when they attended participatory budget meetings and learnt about community awareness and participatory sessions. They realised that this was a space for demanding rights and the development of the community. They visited the various community members to get their opinions and mobilised the community through by visiting their homes. The community members decided on the demands that should be placed in the Parishad and they presented the demands. The Chairman accepted the demands when proper justification was given for the demands and the UP allocated money for the necessary development. The participatory budget is a step of participatory development. Monosa said, "We had no regular voice at the Union level. The local, national and international development organisations oriented us about our rights and State provisions. The people came to us; we are demanding a special standing committee for indigenous people. It is a rare thing for Bangladesh. There are 13 standing committees, but there is a provision to for local needs. We got a platform in the Union Parishad. This is our great achievement". The participatory budget provided a voice to their community. Monosa mentioned that the participatory budget process should be introduced at the national level as this would reduce their problems and help achieve their dreams.

Participatory budget is a historical achievement, but there is still challenges, local political leaders are not intensively involved in the entire process; the intensive capacity building programmes and practical need based training on budget formulation is absent, policy gap and weak monitoring and evaluation process. The Madhainagar was a traditional union with poverty. The people did not know about budget, but budget was allocated for them. They had no access to the planning process. The voices of poor were rarely heard at the Union Parishad yard. The participatory budget gets citizens beyond votes. Citizens no longer have to wait for the voting day. The community people and all stakeholders accepted and appreciated the accountability mechanisms. With participatory budgeting, they are able to participate in the entire cycle of budgeting and implementation, monitoring and evaluation of development projects. It has changed the power relations in the society and making the political bureaucratic system transparent, and accountable to the citizen, which deepening local democracy.

The experiences of Madhainagar union demonstrates that the synergies of State governing bodies and local communities through the long practices of participatory budget has been creating a channel for citizens to give voice to their priorities, increasing transparency in fiscal policy and public expenditure management, reducing scope for practices, elite capture, and corruption, thereby enhancing the government's credibility and the citizens' trust. It has also been improving service delivery by linking needs identification, investment planning, tax systems and project management. Benefits of participatory budgeting include, among others, improved governance; empowerment of citizens; improved information sharing; deepening local democracy; increased public ownership of development projects and reduced corruption; all of which lead to improved services delivery. However for the benefits of participatory budgeting to be realised, there should be developed and formulate new policies and developed institutional integrity for sustainability.

Planning and Decision Making: The level and extent of male, female participation and the participation of the poor is high and that of physically challenged people is low. The social elite and indigenous people have medium participation in participatory budgeting, but the social elite have low levels of participation in the CRC process.

Capacity Building: In the process of capacity building, most of the categories have medium level participation except physically challenged people.

Information Dissemination: The level and extent of participation of male, female and poor is medium and that of the physically challenged people is low. The social elite and indigenous people have medium participation in participatory budgeting, but the social elite have low levels of participation in the CRC process.

Monitoring and Evaluation: In the context of participatory budgeting, the participation of the community is low. . In the context of CSC, the community has a high and medium level presence.

Leadership: In the context of leadership, male and middle class participation is higher. Participation of the indigenous people is medium and the participation of the extremely poor and physically challenged people is lower than that of other groups

Union Parishad: In the context of participatory budgeting, males, females, social elite and the middle class have higher levels of participation; the poor, extremely poor, and indigenous people have medium participation, and the physically challenged have low levels of participation. In the context of CRCs, males, females and the poor have medium levels of participation, but the social elite and the middle class have higher levels of participation.

Government Services at the Local Level: In the context of participatory budgeting, males, the social elite and the middle class have higher levels of participation; women and the poor have medium levels of participation, but the extremely poor, indigenous people and physically challenged have lower levels of participation. In the context of CRC, males, females and the poor have higher levels of participation, but social elite have lower levels of participation in terms of services.

In spite of institutional bottlenecks, policy gaps, lack of resources, and lack of political consensus, citizen participation is increasing through practice. It is evident that citizen participation empowers and develops service quality as well as effectiveness and strengthens local democracy. In general, participation in planning provisions of public service delivery and local government structure is very limited. The middle class dominate these sectors. The SA mechanisms mobilised the UP and the community as a whole. They participated in all activities initiated by the UP. Women were also mobilised through the Upazilla and District Women's development forums. The emphasis was on the poor

participating in decision making. They participated in the committees, meetings, PP sessions, scheme planning, implementation, monitoring, maintenance, and operations. The project promoted learning by doing. There was no chance of elite capture, as all the activities were open and transparent. The provision of participation is less in budget monitoring. The peoples' participation contributed to a number of successes at the community level. The fewer provisions of involvement in participatory monitoring and evaluation budgetary process, and lack of awareness of budget process mechanisms are the constraints to effective participation in the UP. The participation of indigenous and grass roots people is the ultimate result of social inclusiveness. The SA mechanisms are inclusive, but depend on the designing and implementation of the process.

Table 7: Participation and Empowerment [43]

Stages	Previous Condition (Before SAMs)	Present (After SAMs)	Changes	Impact
Planning	Very low	Increased (High)	Empowerment ↑	Strengthened Local Democracy Citizen Empowered Developed Service Quality and Increased Transparency and Accountability Increased participation
Decision Making	Very low	Increased (High)		
Collaboration	Very low	Increased (Medium)		
Leadership	Very low	Increased (High)		
Capacity Building	Very low	Increased (Medium)	Active Participation ↑	
Information Dissemination	Very low	Increased (Medium)		
Monitoring	Very low	Increased (Medium)		
Evaluation	Very low	Increased (Medium)		
Information Dissemination	Very low	Increased (Medium)		
Consultation	Low	Increased (Medium)	Participation	

Box 12

Access to Information in Bangladesh

Freedom of information is a basic tenet of human democracy. This upsurge of the RTI law worldwide comes as an indicator of the growing importance of citizens' access to information as a catalyst for strengthening democracy, promoting human rights and good governance, and fighting corruption. The RTI and citizen participation in local democracy are the key stones of participatory development. The Right to Information Act (RTIA) was enacted and adopted in 2009 by the Government of Bangladesh with a view to ensuring free flow of information and people's access to it. Although the enactment of the law was a landmark in the country's history; it is yet to be implemented. There are still many loopholes and challenges ahead, which this case study examines within the local government process. Bangladesh is a democratic State. The RTI is the escalation and consequence of citizens' demand.

[43] The Table is prepared on the basis of document, FGD report, individual report and observation of practiced participatory budget at Madhainagar Union and community score card at Jangalia Union, Kishoreganj.

The RTI Act 2009 of Bangladesh adopted by Parliament marks the culmination of a process that can be traced from 1983 when the Press Commission recommended the adoption of an RTI Act, through the Law Commission's Working Paper of 2002 and civil society's demand for an Act that intensified by 2004.-.5. As a part of their advocacy for an RTI Act the civil society organisations eventually formed the RTI Forum with nearly 80 organisations, supported by the Manusher Jonno Foundation (MJF), which drafted the Act and lobbied with the Government. Accountability of public authority was practically minimal. In spite of the constitutional guarantees of Articles 7, 9, 19, 39, 59 and 60 and the institutional framework, the RTI was not properly implemented, and as a consequence, the accountability mechanisms for the RTI were not applied properly. In order to ensure the optimum output and outcome from the RTI, e- governance; citizen's charter; local issue forums; consensus conferences; feedback; complaint procedures; consultation meetings and other accountability mechanisms were practiced in the country. The social accountability mechanisms comprise of accountability initiatives initiated by the government. The Ministry of Information; Information Commission; The four tiers of local government; NGOs, CBOs, communities, UNDP as well as the international development partners are stakeholders and are involved in capacity development, and advocacy initiatives to make the process of application of RTI meaningful. The level and extent of the participation is increasing. The RTI is fundamental in bolstering democratic principles of openness, transparency and accountability in societies. The excluded social groups are still minimally involved in the RTI process. Access to information is critical for enabling citizens to exercise their voice to effectively monitor and hold the government to account, and to enter into informed dialogue about decisions. The proper information management, structural and functional support, intensive awareness programmes will make the RTI more effective for making a responsive society. The impact of accountability mechanisms is the increased responsiveness of the local institutions. These are inspiring the bottom up approach and demand-driven initiatives at the community level. The level and extent of community people's involvement increased. Increasing efforts are being made to increase the accountability, responsiveness, and relevance of the State through active citizenship. This is the change in the power-relationship.

Dynamics of Interaction between States and Citizens Conflict: The success of SA initiatives depends on effective interaction between civil society and the State. Meaningful results are most likely to be achieved when citizens, politicians and bureaucrats all have an incentive to act. In spite of challenges, the State and civil society are becoming closer and making successful decisions. The major outputs and outcomes of the State and civil society synergies are the participatory budget, community radio, citizen charter, access to information, pro - active information disclosure and the community clinic.

Box 13

Community Based Radio Movement in Bangladesh

In 2006, NGOs jointly organised a three-day long Round Table on Community Radio at the National Advocacy Meeting. UNESCO, UNICEF and UNDP joined in the advocacy activities for the first time. A high authority meeting was held for the first time in the conference room of the Information Ministry regarding community radio on the 23 July in 2007 chaired by the Information Secretary and organised by the Ministry of Information. After a comprehensive discussion regarding community radio on a pilot basis the meeting took the decision to form a ministerial committee of eight members convened by the Director General of Bangladesh, Betar who would make the concept paper, regulatory framework and application form in relation to community radio and would submit it to the Ministry. According to the discussion the Ministry would issue a circular regarding the eight member committee on 22nd May in 2007. After several meetings the Director General of Bangladesh Betar finalised the draft of the concept paper, policy and application regarding community radio. BNNRC and MMC assisted the committee in this regard. The government formally announced the Community Radio Installation, Broadcast and Operation Policy 2008 on 12 March 2008. The Ministry of Information of the People's Republic of Bangladesh

quickly invited applications for community radio installation, broadcast and operation from the interested organisations. Under the above mentioned circumstances, BNNRC set up a Community Radio Academy in Dhaka. This helps Community Radio stakeholders with hands on training in technical and management skills, makes them familiar with the functions, management, procedures, problems, prospects and sustainability of the Community Radio as a tool of ICT, with all concerned resources and facilities available for their progress and success.

8. Stakeholder Opinion

All the stakeholders acknowledged that SA is an effective mechanism for building local democracy and citizen participation. They spoke about the challenges of implementation. They mentioned that the mind set and existing service delivery provisions are a barrier to the participation of excluded social groups; the service providers as well as the local government institutions do not always have the capacity or leverage to make decisions or implement change. It is therefore important that senior officials and decision makers are involved in the feedback loop and interface. The development of institutional structure and the practice of e-governance are important for building a demand driven, community based, quality service delivery mechanism. The legal as well as policy framework is not adequate in terms of community participation, functional involvement of NGOs and local development actors; the shortage of sufficient manpower and transportation facilities which hampers the standing committees' work, the information system is manual; there is no scope for keeping data in different formats and there is limited interaction; lack of knowledge of ICT and opportunities to use ICT. The programmes should be implemented using demand-responsive, decentralised implementation and management approaches; strengthen institutional capacity; influencing policy and legislation by coalition building and knowledge exchange, striving to increase the collective demands in the working areas. There are large numbers of local elite political leaders and opinion leaders with huge levels of influence, who have internal conflicts amongst them and hinder the process. The partisan political practices are a major barrier for any collaborative local development effort. Therefore, any person with vested interests or any politically biased person may create problems in its implementation. The institutional and functional linkages with local government, public service providers and community people are weak. The social integrity approach and significant strategies mitigate the problems.

Box 14

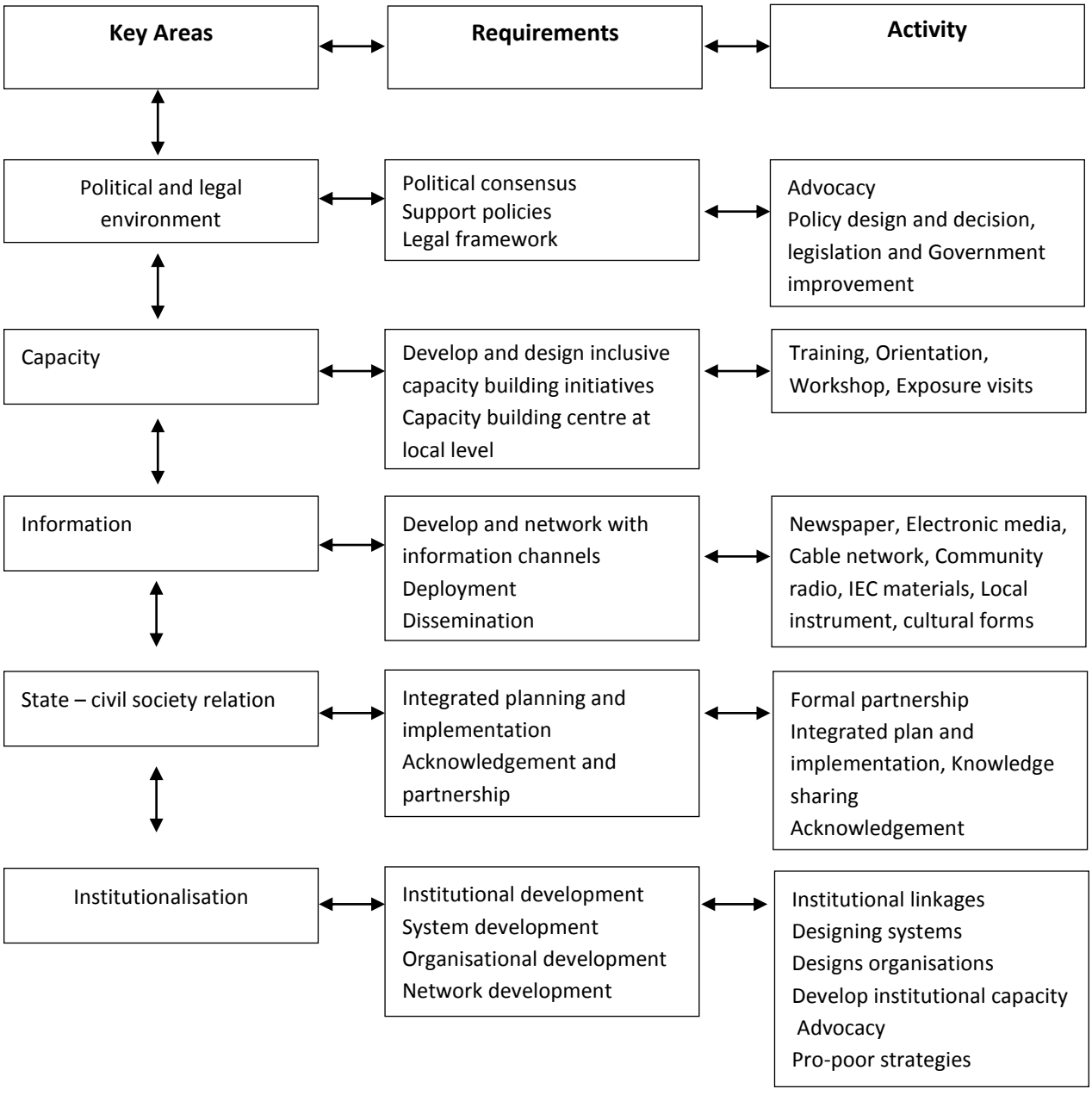
Experiences of Different Stakeholders

Kamal Krishna, a local public health service provider, mentioned "I have been working at the community clinic from the last 16 years. In that time, the number of people attending the clinic was approximately 10. They did not know about primary health services. I was going door to door and knocking on their doors. The result of community score card increased the number of patients, reduced infant mortality. We have a mechanism for being accountable to the higher authority, but for the first time we are accountable to the community. We realised our community participation. The stakeholder suggested we develop a comprehensive planning implementation framework; multi-pronged implementation approaches should be implemented using several implementation mechanisms; improve participation and demand-driven approaches."

Md. Wahiduzzaman, the chairman of Madhainagar Union Parishad, Tarash, Sirajganj says "The starting stages of participatory budget were very challenging. We worked hard and intensively, because cherished participatory process is the way of development. I have no forces; the people of the Union are my authentic forces, If I would not be elected as a Chairman anymore, the people will steer, because they know well the budget, process and execution through participatory budget".

Sabina Yasmin, a traditional housewife of Jangalia Union has two children Sadia and Sanjida. She was married in 2006. She said that the new mothers were struggling to cope with problems related to themselves, their children, and their partners. They struggled to deal with feelings of loss of identity and feelings of inadequacy were overwhelmed by the responsibility of the child, and also breastfeeding problems. Most mothers were reluctant to speak about their feelings and they assigned their depressed mood to personal weakness rather than illness. In The mothers were struggling with their relationship in the new situation and trying to get the partner involved in childcare. She feels fortunate that she was involved in the CSC process. She said, "I learnt many things about health and reproductive health as well as service provisions and social accountability. The community scorecard changes the behaviour and service delivery mechanisms."

Figure 4: Synthesis of Opinion from Stakeholders
(For effective Social Accountability Mechanisms and Local Democracy in Bangladesh



The stakeholders' response is to develop more structural and societal changes of approach towards gender equality and use more social accountable tools as well as participatory mechanisms. The service providers are interested, as according to them, the process created an opportunity for them to interact with the community regarding their existing limitations. Service providers and policy makers may feel threatened by the initiative, it is thus important to engage them from the early stages and sensitise them to the values and practical benefits of people's participation in service delivery assessment. Some strategies for mitigating this problem are to highlight both strengths and weaknesses emerging from score card findings; prepare adequately and facilitate effectively to ensure that interface meetings are constructive rather than confrontational; and focus not only on problems but also on solutions and proposals. Service providers at the local level do not always have the capacity or leverage to make decisions or implement change. It is therefore important that senior officials and decision makers are also involved in the feedback loop and interface. It is important to help community members develop an understanding of the constraints faced by service providers, so as to avoid creating unrealistically high expectations. The effective implementation of a CSC requires a combination of an understanding of the local socio-political governance context; a technically competent intermediary to facilitate the process; a strong public awareness and information dissemination campaign to ensure effective community participation; participation/buy in of the service provider; and coordinated follow up.

9. Constraints and Challenges

In spite of the success of SA mechanisms, there are myriad problems and constraints in implementing SA mechanisms for effective participation as well as local democracy.

(i) Divergent political culture and fewer consensuses: The political divergence and lack of integrated initiatives impedes the devolution of local government and the progress of the SA mechanisms;
(ii) Traditional bureaucracy and new dimensions: This creates a complex situation;
(iii) Central governance and local governance: There is a policy and practice gap between central governance and local governance.
(iv) Electoral representation and civic representation: This is a challenge for building convergence between elected social representation and civil society representation;
(v) Policy and legal deviation : This is a challenge for effective participation and local democracy ;
(vi) Lack of integrated collective mobilisation: Civil society integration is issue based; there is a lack of integrated comprehensive, designing and implementation of SA mechanisms;
(vii) Poverty and social awareness: This is the key constraint in effective participation at the local level;
(viii) State and civil society synergies: Lack of formal partnership and an integrated approach;
(ix) Corruption and governance : Corruption at higher levels challenges people's participation;
(x) Interest of civil society: The presence and interest of CSOs and better still, of the citizenry in general. This condition is decisive for sustainability;
(xi) Capacity building: Capacity building is still a challenge for local democracy in the country. The demand side and supply side actors are not skilled enough to perform their responsibilities;
(xii) Gender discrimination: Bangladesh is a patriarchal society. Though women are moving ahead at the local and national level, in reality, gender discrimination is a challenge;
(xiii) Lack of: There is a lack of an integrated community based monitoring system at the local level;
(xiv) Information sharing: Lack of integration, linkages and comprehensive planning for using information channels;

(xv) Social Power Relationship: Social accountability implies the sharing of power. The Bangladesh society is stratified and class based. The governance system has been captured by the social elite and middle class people;

(xvi) Lack of confidence of marginalised groups: The majority of the people being disadvantaged and marginalised in governance for decades are struggling to get their political rights and freedom as envisaged in democracies. The marginalised people do not have enough confidence to actively participating in SA mechanisms;

(xvii) Weak democratic institutions: The institutions are governed mostly by the bottom up approach ; citizens have limited access as well as scope for participation;

(xviii) Lack of social inclusiveness: Inclusiveness of socially excluded groups is an important factor for democracy. In the context of the planning and implementation of development programmes there is a lack of inclusiveness;

(xix) Lack of institutionalisation and sustainability: These are the key constraints of sustainable participation and longer democracy at the local level.

10. Impact

The practiced accountability mechanisms in the domain of local democracy have changed the pattern of traditional bureaucracy and governance practices. Significant changes are seen at the community level. The process helped to respond to the basic needs and mechanisms for strengthening the voices of the communities for enhancing their negotiating powers to enable them to engage with local government institutions in a systematic, informed, direct and constructive manner and for contributing to citizens' engagement for ensuring SA in relation to the existing public services and local development issues. It brings together service users and providers, which eventually helped to promote public participation for ensuring accountability, responsibility and informed decision making for promoting systems of accountability and transparency, as a process of empowering the poor. The two accountability mechanisms being practised have changed the traditional power relations. In the context of participatory budgets, revenue assessment, collection and development expenditure are an increasing trend, which is reinforced by the introduction of open budget discussions, discretionary and performance grants. The increasing trend of revenue assessment and collection has had an impact on the UP's development expenditure. The practice of participatory budget increased citizen participation. The budget formulation, decision making, and resource mobilisation has changed the pattern of power relations. The participatory approach has been empowering citizens and strengthening local democracy in Bangladesh. The experiences of Madhainagar Union demonstrates that the synergies of State governing bodies and local communities through the long practices of participatory budget has been creating a channel for citizens to give voice to their priorities, increasing transparency in fiscal policy and public expenditure management, reducing the scope for corrupt practices, elite capture, and corruption, thereby enhancing the government's credibility and the citizens' trust. It has also been improving service delivery by linking needs identification, investment planning, tax systems and project management. Benefits of participatory budgeting include, among others, improved governance; empowerment of citizens; improved information sharing; deepening local democracy; increased public ownership of development projects and reduced corruption; all of which leads to improved service delivery. However, to realise the benefit of participatory budgeting, new policies and institutional integrity should be developed and formulated for sustainability. The rural poor of Jangalia Union are facing a financial crisis and economic downturn, which is worsening the healthcare situation. The evolving citizen's movement and adaptation of the CSC as well as SA mechanisms is expanding relations between citizens, public

officials and local development actors, creating a new effective vertical accountability mechanism and strengthening existing horizontal mechanisms, resulting in better governance, improved public service delivery and enhanced development effectiveness. In spite of the barriers and challenges, the people, who had no voice, or participation in local planning, stuck in the vicious cycle of poverty and misery are now coming up. The voice of the voiceless has been breaking the cycle of misery, traditional bureaucracy, widening vertical accountability channels and deepening local democracy. The significant impacts of the SA mechanisms are listed below.

(i) Changed development approach : The practice has changed from the bottom up to top down instead of the traditional practices top – down to –bottom up;
(ii) Increased citizen ownership: Enhanced the spirit of oneness and public ownership of development programmes. Citizens began to openly demonstrate a sense of ownership and care for public investments at the local level in Bangladesh;
(iii) Strengthened elected representatives: The process strengthened the capacities and popularity of elected representatives;
(iv) Increased community participation: Citizens began to understand how their local government works since they were exposed to skills and knowledge.
(v) Increased women's participation: The process contributed to the participation of women in the governance process;
(vi) Enhanced community capacity: The accountability process enhanced the capacity of the community;
(vii) Improved accountability and management: Social accountability has been used to demystify the budget, and improve inter-departmental coordination, and financial management;
(viii) Reduced social exclusion and poverty: The process reduced social exclusion and poverty, increased trust between the government and population;
(ix) Policy impact : The mechanisms have changed the policy provisions and legal framework;
(x) Strengthened democratic practices: The process accelerated democratic practices;
(xi) Enhanced legitimacy: The engagement of citizens in the decision making process enables the council to respond to needs that are relevant to communities. The citizens are in a position to understand the capacity and constraints of the council with regard to the provision of services and development. This reduces demonstrations and payment boycotts. Increased legitimacy also enhances the possibilities of the creation of lasting partnerships between the council and stakeholders that leads to good rapport and improved working;
(xii) Increased social inclusiveness : Social accountability increased social inclusiveness (formation of indigenous people's standing committee and others; grass roots committees are the evidence of inclusiveness)
(xiii) Improved governance: The participatory process contributed to strengthen and decentralise governance. It is likely to improve the accessibility of councils to citizens and to have their problems attended to in a timely manner. These enhance accountability and transparency in public finance management.
(xiv) Changed behaviour pattern of service provider: It has changed the traditional behaviour pattern of service providers and local representatives;
(xv) Reduction of corruption: Given the openness that emerges from the participatory process, the room to engage in corruption is reduced;

(xvi) Empowerment of citizens: Citizens, including the vulnerable and marginalised groups empowered with vital information. Thus, they are able to meaningfully participate in decision making processes including the identification of development projects;
(xvii) Increased voice of voiceless: This process has given the voiceless a voice;
(xviii) Enhanced communication and information sharing: Channels of communication have been expanded;
(xix) Increased solidarity and community spirit: This process contributed to building solidarity and community spirit;
(xx) Building coalitions: It has helped the local government to build joint action around issues among people from different groups. In this regard, it helped the local government institutions to avoid unnecessary arguments between the members and between the councils and key stakeholders;
(xxi) Deepening local democracy: It takes the citizens beyond votes; they no longer have to wait for elections. With participatory budgeting, they are able to participate in the entire cycle of budgeting and implementation, monitoring and evaluation of development projects;
(xxii) Strengthened integration: This process strengthened integrated development practices among elected representatives, local government institutions, service providers, civil society, community people and local development actors;
(xxiii) Enhanced legitimacy: The engagement of citizens in the decision making process enabled the Union Parishad to respond to needs that are relevant to communities.
(xxiv) Institutionalisation and sustainability: Participatory budgeting as well as a few other processes have already been institutionalised by policy provisions and practice.

11. Effective and Applicable Democratic Accountability Mechanisms

The democratic accountability process is extremely relevant in Bangladesh. In the country participatory budgeting, Participatory Performance Monitoring (PPM) consists of citizen and CSCs that solicit user feedback on the performance of public services. Citizen report cards, citizen charters, social audits and other different mechanisms are used. In the framework of SA practice; horizontal accountability entails setting up public policies and government procedures, whereas vertical accountability involves public mechanisms for enforcing accountability, both before and during the exercise of public authority, and includes citizen groups and a vibrant independent media. This vertical alignment leads to a broader understanding of good governance, requiring a continual give and take between the State and society. An effective local governance mechanism plays a critical role in economic development and social justice. In the institutionalisation of governance, the local government suffers from national policies, practices, and efforts. In Bangladesh, democratic local institutions are still weak. The local democracy is broadly confined by the hierarchal bureaucracy. In spite of new regulations and policies, most of the people do not have decision making powers. The demand driven approach is not well maintained at the grass roots level. It is evident that the practice of vertical accountability mechanisms strengthened local democracy, but the scale and extent of development is not broad. There are three importance factors for democratic accountability, improved governance, increased development effectiveness, and empowerment. The evidence shows that SA efforts on the part of citizens and civil society organisations can serve to create new effective vertical mechanisms of accountability and to strengthen existing horizontal mechanisms. (a) Relevance: the degree to which the objectives of a project remain valid and pertinent either as originally planned or as subsequently modified owing to changing circumstances within the immediate context and external environment. (b) Performance: The progress made by SA relative to its objectives. In the past, the assessment of performance tended to focus on the transformation of inputs into outputs, with limited reference to immediate and long term development

results. In order to get functional linkages between these three types of separate entities through interface meetings and dialogues and practice mechanisms. The practiced accountability mechanisms and development effectiveness are:

Table 8: Development Effectiveness of Social Accountability Mechanisms[44]

Sl. No.	Area	Particular Area	Social Accountability Tools and Mechanisms	Effectiveness and Cultural Appropriateness	Covering Key Area
1	Policies and Plans	Participatory Policy Making and Planning	Local issue forums, study circles, deliberative polling, consensus conferences, public hearings, citizens' juries	These mechanisms are adopted as well as practiced and have been effective	This covers only policy and planning
2	Budgets and Expenditures	Budget-Related Social Accountability Work	Participatory budget formulation, alternative budgets, independent budget analysis, performance based budgeting, public education to improve budget literacy public expenditure tracking surveys, social audits transparency portals	These mechanisms are adopted as well as practiced and have been effective	PB is the most practiced area. It meets particular issues
4	Delivery of Services and Goods	Social Accountability in the Monitoring and Evaluation of Public Services and Goods	Public hearings, citizens' report cards, community scorecards , public opinion polls , citizen's charters	These mechanisms are adopted as well as practiced and have been effective	It meets on particular issues
5	Public Oversight	Social Accountability and Public Oversight	CSO oversight committees. local oversight committees	These mechanisms have been adopted as well as practiced and are effective	It meets on particular issues
6	Information	Access to information	E-governance, community radio, Pro-active information disclosure	These mechanisms have been adopted as well as practiced and are effective	Information
7	Grievance Redressal	Grievance Redressal	Complaint Box, E-Form, direct complaint	These mechanisms have been adopted as well practiced and are effective	Particular

[44] This table provides synthesised information from FGD, Interviews with stakeholders and relevant secondary documents

The local government structure has many functions and functional linkages. The single mechanisms are unable to meet the entire range of local governance. Considering the functional areas, cultural appropriateness, citizen participation, social inclusiveness, development integration, relevance, efficiency and effectiveness, mutual accountability is appropriate for effective participation and effective local democracy. This process will build bridges between elected local government representatives, civil society, public officials and citizens.

12. Required Measures for Effective Participation in Local Democratic System

Democratic accountability encompasses an extremely broad array of actions that citizens can potentially take to hold government officials and bureaucrats accountable. These actions may be carried out by a wide range of actors (e.g. individual citizens, communities, CSOs, media), may occur at different levels (micro through macro), may address a variety of different issues (public policy, political conduct, public expenditures, service delivery) and use diverse strategies. The major steps for democratic accountability mechanisms and citizen participation are presented in Table 9.

Table 9: Major Steps for Democratic Accountability Mechanisms and Citizen Participation

Sl. No.	Purpose	Existing Situation	Required Measures
1	Develop policy environment Establish reliable, legitimate and pro-poor ground rules	Lack of policy provisions to make government responsive There is a gap in policy provisions and practices	Enact new laws and regulatory reforms required in terms of finance, development partnership and citizen participation Strict application of the existing laws and reform of laws where necessary, like discriminatory personal law. Implementation of National Women Development Policy. Establishing realisable, legitimate and pro-poor ground rules Build social network for policy advocacy Provide training and awareness on legal as well as policy provisions Develop and activate citizen monitoring Advocacy
2	Local Government Committee Structure and Formation Process	Weakness in coordination and interrelation, irregular meetings, Insufficient budget allocation, Most of the communities are not aware of SC works. *Low* levels of fiscal decentralisation, Lack of adequate technical manpower, Monitoring and follow-up process is very weak and irregular.	Information about committee formation and meetings should be well circulated. Identify local needs and problems and devise development plans accordingly. Appropriate training for the elected representatives. An independent local government commission has to be established for funding and monitoring of local government activities. Local government representatives. Promote online database and facilitate to develop web portal. Policy reform, advocacy
3	Political context and culture	Political disharmony Lack of political consensus a multi-party system is in place, basic rights and freedoms	Develop political consensus. Transparency and probity. The existence of these underlying factors, and the potential risks that their absence may pose, must be taken into account when planning SA initiatives. Legal,

		(including political rights, information rights, freedom of expression, association and assembly) are guaranteed and there is a culture of petty politics in everything.	institutional and socio-cultural factors will also have an important influence on the success of SA activities. Policy dialogue, opinion sharing, workshops, partnership approach development as well as design advocacy and integrated strategies.
4	Social Movement and Collective Mobilisation	Issue based collective movement Lack of common platform Lack of integrated approach	Develop common platform Dialogue, opinion sharing, experience sharing and develop partnership
5	Build Community Capacity	Lack of inclusive need based capacity building initiatives. Absence of local level capacity building centre, lack of community trainer	Develop and design inclusive need based capacity building initiatives. Decentralise and establish local level capacity building centre. Develop as well as build community trainers. Design and implement community awareness programme
6	Access to Information	Bangladesh adopted RTI in 2009. In spite of t Access to Information Program; GoB and civil society initiated programs, most of the people, specially poor, women and social excluded groups are out of information	Proper implementation of RTI, proactive information disclosure , governance, broad casting of community radio, local and national electronic media and local cultural channels and should establish an information dissemination centre at the local level , design and develop inclusive communication strategies
7	Civil society capacity	The level and extent of capacity of civil society organisation has been gradually increasing; but these are scattered	Develop comprehensive integrated practical trainings, start local level training institutions and develop partnership with government and civil society led capacity building institutions
8	Elected Representatives	Most of the elected representatives are not well equipped with technical process of democratic accountability mechanisms at the local level, lack of formal partnership with civil society organisations	Technical training, development partnership, dialogue, meetings, policy advocacy, integrated planning and implementation, experience sharing, involvement with community forum (civil society led), involved in social mobilisation, active participation by the community, strengthen functional relations with civil society and elected representatives
9	State capacity	The democratic institutions and local government institutions are less oriented to accountability mechanisms and the absence of comprehensive technical training as well as capacity building initiatives	Strengthen NILG as well as capacity development institutions and build partnership with capacity building social organisations and design as well deliver cascade intensive trainings. Arrange more exposure visits and learning sharing initiatives and awareness programmes

10	State-civil society synergy	Lack of coordination and functional linkages with local government, civil society and community , lack of integrated forum; there is no proper scope for exchanges of good practices and lessons learnt between the local government ; low level of exchange visits, lack of negotiation and integrated approach	The SA initiatives must include both State and societal actors and focus on the interface between them. To make provisions and activate monthly meeting; create stakeholders consultation forum; develop; change of policy provision; activate exchange visits; create common platforms; develop information channels; develop partnerships with coordinated approach; develop a strategic partnership with NGOs; acknowledging their skills and expertise, developing integrated planning and implementation and formal partnerships
11	Inclusiveness	The poor, extremely poor, women and social excluded groups are less involved in functionaries and leading at the decision making stage in the process of social accountability mechanisms at the local level	Gender responsive pro-poor strategies should be used for designing, planning and implementation of social accountability mechanisms at the local level
12	Community based monitoring and follow-up process	Absence of systematic participatory service monitoring. community monitoring , setting proper indicators and information analysis in the selected standing committees	Develop comprehensive participatory local monitoring systems, provide training to the communities, standing committee members, and local service providers on monitoring tools and techniques
13	Institutionalisation and Sustainability	Most of the social accountability mechanisms being practiced are yet not institutionalised and have no longer term plans.	To institutionalise institutional factors for influencing long term institutional development and/ or reform. Citizen mobilisation and policy advocacy is essential

Figure 5: Major Milestones for Using Social Accountability Mechanisms in Effective Sustainable Participation in Local Democracy in Bangladesh

Legal and Political	Collective Mobilisation	Capacity	Information Channelling	State-Community Synergy	Institutionalisation
⇩	⇩	⇩	⇩	⇩	⇩
Adopted, implement and formulate new policies and build intra and inter party political consensus for effective participation in local governance	Build effective integrated collective mobilisation platforms	Develop State, civil society and community capacity	Develop information channels considering local culture and modern technology and social inclusiveness	Build State-–community synergies	Make the process institutionalised

13. Conclusion

The practice of democratic accountability mechanisms demonstrates that accountability mechanisms have yielded positive results and have been successful in promoting transparency, accountability and effective citizen participation in local governance in Bangladesh. The evolving movements and practice of accountability mechanisms have been expanding democratic relations and strengthening existing horizontal mechanisms, resulting in better governance, improved public service delivery and enhanced development effectiveness. The people, who had no voice or participation in local planning, are now up - streaming. The voice of the voiceless has been breaking the traditional bureaucracy, widening vertical accountability channels and deepening local democracy. The practice of SA in Bangladesh is still nascent, but the demand is high, therefore, intended both to complement and enhance conventional mechanisms of accountability. "Internal" (State) and "external" (social) mechanisms of accountability should be mutually reinforcing. The impact would be greatest and most sustainable when SA mechanisms are "institutionalised" or when the State's own "internal" mechanisms of accountability are rendered more transparent and open to civic engagement. The long term goal is to institutionalise SA mechanisms and strategies for achieving this goal should be considered from the outset. However, various methods of participation for effectively using democratic spaces needed to be combined innovatively and strategically with public services and local government institutions to get results. The traditional democratic system has provided citizens a right to cast their vote during elections, but social as well as democratic accountability has been providing entitlements, voice and effective participation in the governance process for the development of the community as well as country. This process has been developing structural as well functional development of local governance institutions and deepening local democracy.

14. Bibliography

Ahmed, Manzoor (2000), "Promoting Public-Private Partnership in Health and Education: The Case of Bangladesh" in Yidan Wang ed. 'Public-Private Partnerships in 'The Social Sector: Issues and Country Experiences in Asia and the Pacific'. Asian Development Bank Institute. pp. 219-290.

Ahmed, S.G. (1997), Local Government System in Bangladesh: Empowerment, Participation and Development, Round Table on Local Government Reform, TSC, Parliamentary System Council, Dhaka University.

Ahmed, Tofail (2010), Five-year Plan for Union Parishad, Published in The Daily Star, Thursday, April 21, 2010.

Asian Development Bank (2005), Report and Recommendation of the President to the Board of Directors on a Proposed Loan and Asian Development Fund Grant to the People's Republic of Bangladesh for the Second Urban Primary Health Care Project. RRP: BAN 36296.

BBS (1993), *Census of Population 1991,* Government of Bangladesh, Dhaka.

BBS (1993), *Statistical Pocket Book of Bangladesh*, Government of Bangladesh, Dhaka.

BBS (1996), *Statistical Pocket Book of Bangladesh*, Government of Bangladesh, Dhaka.

Behn, Robert (2001), Rethinking Democratic Accountability. Washington: Brookings Institute.

Centre for Policy Dialogue (CPD) (2003). Developing a Policy Agenda for Bangladesh: Civil Society's Task Force Reports, 2001 Bangladesh: CPD and The University Press Limited (UPL).

Chowdhury, A. I., Nazrul Islam and M.M. Khan (1997), *Resource Mobilisation and Urban Governance in Bangladesh*, Dhaka: Centre for Urban Studies.

Democracy Watch and Manusher Jonno Foundation, Democratisation and Strengthening Bangladesh Union Parishad Forum Project.

Faheem Haider (2010), Bangladesh Index: Relative 2010 Human Development Improvement, Objective Misery.

Felicio, M., John-Abraham, I., Reuben, W., and Bain, K. (2003) Peru: Towards a System of Social Accountability, World Bank, *to be published*.

Fox, Jonathon (2000), "*Civil Society and Political Accountability: Propositions for Discussion*", Paper presented at the Conference "Institutions, Accountability and Democratic Governance in Latin America", The Helen Kellogg Institute for International Studies, Notre Dame University.

Gaventa, John (2002) "Introduction: Exploring Citizenship, Participation and Accountability", IDS Bulletin, Vol. 3, No. 2. Brighton: Institute of Development Studies.

Goetz, Anne Marie and John Gaventa (2001), *Bringing Citizen Voice and Client Focus into Service Delivery*, IDS Working Paper No. 138. Brighton: Institute of Development Studies.

Goetz, Anne Marie and Rob Jenkins (2001), *Hybrid Forms of Accountability: Citizen Engagement in Institutions of Public Sector Oversight in India*, Public Management Review, Vol. 3, Issue 3, pp. 363-83.

Government of Bangladesh and Local Government Commission (1997), *Local Government Institutions Strengthening Report*, Dhaka.

Government of Bangladesh, *Constitution of the People's Republic of Bangladesh*, Published by the Ministry of Law, Justice and Parliamentary Affairs

Hasan, Manzoor (2010), Bangladeshi Constitution: A Good Governance Paradigm, Institute of Governance Studies, BRAC University.

Islam, M. S. and Ullah, M. W. (2009), People's Participation in Health Services: A Study of Bangladesh's Rural Health Complex, Bangladesh Development Research Working Paper Series (BDRWPS).

Islam, N., M. Chatterjee and Y. Kaizong, Mc.Millan (ed.) (1997), *Urban and Regional Development in Bangladesh: Past Trends and Future Prospects*, Regional Science in Developing Countries, London.

Khan, M. M. (1997), *Urban Local Governance in Bangladesh: An Overview,* Dhaka Centre for Urban Studies.

Narayan, Deepa *et. al.* (2000), Voices of the Poor: Crying Out for Change. Washington: World Bank.

Noor, A. (1996), *Local Government in Bangladesh: Problems and Issues*, Journal of Local Government, NILG, Vol. 15 No. 1, pp. 15-28, Dhaka.

Norton, Andy and Diane Elson (2002), *What's Behind the Budget? Politics, Rights and Accountability in the Budget Process,* London: ODI.

Panday, P. K. (2005), Local Government in Bangladesh, *South Asia Journal*, July-September 2005, Regional Cooperation in South Asia.

Rabobank Economic Research Department (2011), Country Report, Bangladesh, 2011, Page: 2-7.

Rahman, H. Z. and Islam, S. A. (2002), Local Governance and Community Capacities: Search for New Frontiers, Dhaka: Dhaka University Press.

Rahman, M. S., Poor People's Access to Health Services in Bangladesh: Focusing on the Issues of Inequality, Kobi Nazrul University, Bangladesh.

Reuben, William (2002), *Civic Engagement, Social Accountability and Governance Crisis.* Paper Presented at the ISS 50th Anniversary Conference: Globalisation, Poverty and Conflict, The Hague.

Reuben, William (2003), *The Role of Civic Engagement and Social Accountability in the Governance Equation*, Social Development Note No. 71, ESSD Network, The World Bank.

Schedler, A., L. Diamond and M. Plattner (ed.) (1999), *The Self-Restraining State: Power and Accountability in New Democracies*, Lynne Reinner.

Shah, Parmesh and Deborah Youssef (ed.) (2002), Voices and Choices at a Macro Level: Participation in Country-Owned Poverty Reduction Strategies – A Workshop Report, Washington: World Bank.

Siddiqui, K. (ed.) (1992), *Local Government in South Asia: A Comparative Study on Bangladesh*, UPL, Dhaka.

Siddiqui, K. (ed.) (1994), *Local Government in Bangladesh*, 2nd edition, NILG, Dhaka.

Siddiqui, K. (2000), Local Governance in Bangladesh: Leading Issues and Major Challenges, The University Press Limited, Dhaka.

Siddiqui, K. (2005), Local Government in Bangladesh, The University Press Limited, Dhaka.

Ullah, M. A. (corresponding author) (2011), Revenue Mobilisation Performance of Union Parishad in Bangladesh: Is It Convergence of Central-Local Relations? Regional and Rural Development Planning Field of Study, School of Environment, Resources, and Development, Asian Institute of Technology.

UNDP (1992), *Human Development Report*, 1992.

UNDP (2006), Mutual Accountability Mechanisms: Accountability, Voice and Responsiveness, Conference Paper # 6, Working Draft, UNDP Capacity Development Resource, Capacity Development Group, Bureau for Development Policy, UNDP.

UPDSP (2005), 'Training Guide for Skill Development of the Elected Representatives of the Union Parishad' Union Parishad Democratisation and Strengthening Project, Bangladesh Union Parishad.

World Bank (2001), World Development Report, 2001: *"Attacking Poverty",* The World Bank.

World Bank (2003), *Social Accountability: A Concept Note Based on Emerging Practice*, Draft for Discussion, 07/09/2003, World Bank.

Website Resources

http://www.bnnrc.net/

Economy of Bangladesh from Wikipedia, the Free Encyclopaedia

http://go.worldbank.org/Y0UDF953D0

List of countries by population - Wikipedia, the free encyclopaedia

http://www.lgd.gov.bd/htmal/about.htmal (official website of the Local Government Division, Ministry of LGRD and Co-operatives)

Country Paper: Nepal

Democratic Accountability in Local Governance Institutions

- Kedar Khadka, Pro Public, Nepal

1. Introduction

The objective of this paper is to discuss how Nepal has been promoting and using democratic accountability mechanisms and identify the accountability tools being practiced by the government and citizens to ensure accountability in governance process. This paper starts with brief outline of the political and social context, existing policies and institutional of accountability in the country. How citizens have used the democratic accountability mechanisms would also be important dimension of the paper here.

2. Framework and Methodology

This paper has been prepared on the basis of (1) review of the State-led accountability mechanisms, programme reports and documents of the organisations involved in the promotion of accountability and transparency to ensure good governance. The paper is also a result of field visits including focus group discussions (FGDs), interviews and also the outcome of the consultation meetings among the various practitioners of governance tools in the districts. A rapid consultation was also conducted between January and February 2011 in six districts (Rupandehi, Khotang, Okhaldhunga, Dolakha, Jajarkot and Dailekh) with public officials and CSO members to understand how the tools are being practiced at the various levels of the country. The study team organised a FGD in the Ramechhap District and discussed democratic accountability mechanisms. The participants were from the district development committees (DDC)s, District Administrative Offices (DAO) and also from district level frontline service providers such as health, education, livestock, police, ayurveda, land revenue, cooperative, post office, electricity, water and also women development offices (administrators, doctors, engineers, office chiefs and also some assistant level staff members). The team also spoke to CSO representatives to understand the citizen-led accountability mechanisms being used in the districts.

FDGs focused on accountability mechanisms being practiced by the front line service providers in the district. After the briefing about the objective of the FGD, hour long group exercises were facilitated among the participants. Basically, they were asked to find the accountability mechanisms as developed by the government and how they were being used in their respective fields.

The study team also brought into discussion the effectiveness of existing accountability agencies (anti-graft body, parliamentary committees, audit bureaus, constitutional bodies, national vigilance centre, National Information Commission, nodal officer, spokespersons, health desk, public disclosures etc.) in the country.

This paper discussed the use of social accountability tools like public hearings as the democratic accountability tool and how the community radio can contribute to enhancing the public hearing tool and also to promote resource allocation for the target groups. It also touches on the issues of accountability discussed in two case studies namely (a) Public Hearing as a Democratic Accountability Tool (A Study of the Usage of the Good Governance Act in Nepal) and (b) Enhancing Resource Allocation through Community Radio (A case study of selected VDCs in Nepal).

Despite in-depth discussions, the participants were reluctant to demonstrate their complete understanding of the accountability tools like citizen charter, public hearing, public audit, citizen report cards and also their knowledge regarding the Good Governance Act (GGA) and RTI (Right to Information) Act's provisions. However, the consultation discussions were very fruitful in helping to understand the supply side and demand side accountability mechanisms.

3. Background

Historically, the rulers of Nepal have been unaccountable and undemocratic towards their people. For over 240 years, Nepal was an independent country led by the monarchy. In 1990, Nepal became a parliamentary democracy with a constitutional monarchy. Nevertheless, frequent government changes, inter-party conflicts, lack of governance, absence of accountability and transparency, wide-spread corruption, slow implementation of important political changes and the manifestation of armed conflict shaped the political landscape in the following years. Furthermore, division of Nepalese society into caste and large ethnicities has prevented citizens from coming together and putting up united voice.

Armed conflicts for a decade (1996 to 2006) brought about all round chaos in polity and society completely throwing off the governance process. Around 13,000 people lost their lives during the conflict. But peace was ultimately established with comprehensive peace agreement between the Communist Party of Nepal CPN (Maoist) and the then government. For the first time in the history of Nepal, the Constituent Assembly elections were held in April 2008 and Maoists got the majority vote. Nepal became a republic by the decision of the Constituent Assembly and the monarchy was abolished on 28 May 2008.

However, major political and socio-economic challenges still need to be addressed. Similarly, the country has been facing huge challenges to bring tangible changes in the local governance and community development process. To improve the living standards of the rural people through community led development, an efficient service delivery, good governance, based on a democratic value system and rights based approach and inclusive development efforts are urgently needed.

Challenges in Governance: The global indicator issued by World Bank in 2009 has rated Nepal below 50 per cent in all six dimensions (political stability, control of corruption, government effectiveness, the absence of violence, regulatory quality and rule of law). The Global Integrity Report ranked Nepal as 67 out of 100 (weak State). Despite policy commitments, power devolution to local bodies has not been properly fulfilled. The incentives for accountable, responsive and effective public service delivery and for active citizens and State involvement are lacking. The politicisation in civil service, non-transparent evaluation system and lack of reward and punishment linked to performance results in little incentive to bring expected changes. Another problem in governance is the insecure feeling among public servants caused by the lack of central political will and impunity.

However, the interim Constitution of Nepal has clearly mentioned that the *"main objective of the State shall be to promote the welfare of the people on the basis of the principles of an open society by establishing a just system in all aspects including social, economic and political life while at the same*

time protecting the lives, property, equality and liberty of the people". Similarly the Constitution envisioned as *"State shall pursue a special policy of regulating the operation and management of public and non-governmental organisation established in the country"*.

With such constitutional provisions, the Nepalese Parliament has promulgated the Good Governance Act (GGA) 2006 to support the objectives, policies, and principles of the Nepalese Constitution to translate the principles of local self-governance into practice through the mobilisation of local bodies i.e. district development committees (DDC), village development committees (VDC), municipalities and local communities with the facilitation and support of the respective central line ministries.

The GGA has a special provision to promote governance particularly strengthening public service, monitoring and social accountability tools like public hearings, public audits and citizen report cards. The GGA also envisioned complementing the Local Self-Governance Act (LSGA), 1999 to facilitate civil society organisations (CSO) in formulating plans for the local bodies. The GGA has also recognised the importance of civil society's role in the planning and implementation process, enabling better engagement of local communities in the local governance reform process, to ensure that services are responsive to their needs.

Nepal has 75 districts with 75 DDCs, 58 municipalities, and 3,915 VDCs. The latest definitive law governing local government in Nepal is the Local Self-Governance Act (LSGA), 1999. The DDCs, municipalities and VDCs are governed by elected governing councils, which meet twice a year to decide policies, approve budgets and accounts, and to authorise specified major decisions made by the elected committees, which meet monthly, and run the day-to-day affairs of each area. However, due to the transitional phase in the country, since 2002, elections for the local bodies have not taken place. For the time being, these bodies are being run by government deputed staff. There is a very limited institutional capacity at the grassroots level to implement the accountability requirements as set forth in the Act.

Due to the absence of elected representatives in the local bodies, there is a leadership vacuum, which has affected the local government system over the last eight years. The DDC/VDC office buildings were destroyed during the violent conflicts. This has greatly constrained the scope of interaction between the local governments and communities, which has minimised the scope for instituting downward accountability in the absence of elected representatives.

Making the local government more sensitive to the needs and voice of children, women, dalits, indigenous and other traditionally marginalised groups is very challenging. Nepal is a highly stratified society within which women and disadvantaged groups of people have little access to decision making in local governance and development opportunities. However, the Nepalese Constitution and the subsequent laws and policies have provided space to citizens for participation in local governance. The Constitution of Nepal has given a mandate to enable citizen participation in the State development process. Despite the existence of citizen friendly laws and policies, the country has been facing a huge problem in the implementation of such policies and laws. It has been widely accepted that due to the political instability the public regulatory bodies have not been able to work independently. These days, social accountability tools like public hearings, public audits and citizen report cards have helped civic campaigners track the resources available at the public bodies. In this campaign, community radio has also been a very powerful tool in reaching out to the larger population through radio jingles, programme reports and live programmes like public hearings and the VDC/DDC and municipal council meetings.

4. Horizontal Accountability Mechanisms in Nepal

The Nepalese interim Constitution guarantees various levels of people's participation and establishes the number of institutions for democratic accountability and oversight. The GGA 2008 made public service providers accountable, transparent, inclusive and participatory. Likewise, the Right to Information (RTI) Act 2007 has been very progressive compared to the South Asian region and has granted citizens broad access to public information. These are two institutional innovations of democratic accountability which have come into existence in recent times.

Several horizontal accountability mechanisms have been functional in Nepal but they have very limited institutional capability at the grassroots level to implement the accountability mechanisms as set forth by the laws and policies. A brief discussion on the functioning of some of the horizontal accountability mechanisms would reflect why other accountability mechanisms viz. vertical is required to strengthen democratic accountability in Nepal.

4.1 Commission for the Investigation of Abuse of Authority

The Commission for the Investigation of Abuse of Authority (CIAA) is an action oriented institution. It can play the role of an ombudsman and investigate corruption charges. It is a constitutional body and independent of the government. It has legal authority to summon any official and businessman for questioning and if necessary ask for his detention, for further investigation. It can examine any file or document of the government and public organisations. The CIAA is the only agency which can look into all aspects of abuse of authority and corruption. However, its greatest limitation is the person in authority' ethics, integrity and will to take conscientious legal action against corrupt people.

4.2 National Vigilance Centre

The National Vigilance Centre (NVC) constituted under the Corruption Control Act, 2004 is mandated to prevent corruption and raise public awareness on effective service delivery and mismanagement. The Centre is under the direct control and supervision of the Prime Minister. The NVC can conduct spot checks and see if irregularities have been committed and the information is referred to the concerned organisation and, where appropriate, to the CIAA for further investigation and prosecution. The NVC plays a preventive role, primarily by monitoring asset declarations of government officials. The NVC also conducts technical audits of projects and government operations to ensure that service delivery weaknesses in the government administration are dealt with promptly and effectively.

4.3 Office of Auditor General (OAG)

The Office of the Auditor General (OAG) is authorised to audit the accounts of government agencies prescribed under Article 122 of the Constitution of the Nepal. The OAG has a key role to play in exposing cases of corruption, during its process of auditing the books of account. The annual report of this constitutional body is presented to the Parliament by the President of Nepal. This institution conducts independent audits and evaluations of public resource use, and seeks to promote and uphold public accountability. The OAG specifically assesses whether the expenditures made and revenue collected comply with rules and regulations.

4.4 Public Accounts Committee

The Public Accounts Committee (PAC) is constituted as per the provisions of the Constitution and the House of Representative Regulations 1998 and is entrusted with the task of examining government accounts, public accounts and public properties and investigations relating to financial transactions made by government agencies. It has the authority to call in the Prime Minister, ministers, secretaries

and other officers of the Government of Nepal for questioning in relation to irregularities and corruption. The PAC was considered to be one of the most active Parliamentary Committees helping to combat corruption. The PAC's main function is to examine the public accounts and the auditor general's report to reduce misuse and abuse of public funds. The committee is empowered to direct concerned government officials to explain financial irregularities that might have been specified in the Auditor General's report.

4.5 Office of Attorney General

The Prime Minister appoints the Attorney General on the recommendation of the President. The Attorney General is the chief legal advisor to the government. However, in the case of corruption the CIAA is the prosecutor in the court of law. The Attorney General and his deputies represent the case on behalf of CIAA in the court of law.

4.6 Regional Administrations and Chief District Officers

The Regional Administrators are designated to maintain vertical accountability and are also delegated authority to investigate cases of corruption involving public post holders. Similarly, the Chief District Officers (CDO) are also delegated such authority. Despite the CIAA's recent training for CDOs and their staff, the delegation to the regional and district levels do not yet function effectively as yet, which has become a barrier in the implementation of the accountability mechanisms at the local level.

4.7 Judicial Council

The Constitution provides for the establishing of Judicial Councils under the chairmanship of the Chief Justice of the Supreme Court. The other members of the Council are the Minister of Justice, two senior most judges of the Supreme Court and a legal expert appointed by the President. The Council is empowered to investigate or inquire into the complaints lodged against the judges of the Appellate or District Courts alleging improper behaviour, misconduct, inefficiency, dishonesty and corruption. A suit against such judge may be filed in the Appellate Court if the Council makes a decision after investigating such a case.

4.8 Crime Investigation Department with Nepal Police

Established within the Nepal Police, the department is involved in the investigation of civil crimes only. The department can also be mobilised to investigate financial crimes and cases of fraud as well.

4.9 Special Court

The Special Court (SC) has been constituted under the Special Court Act, 2002 to hear cases of a special nature. The Special Court comprises of a three-member bench nominated by consultation with the Judicial Council. Currently there is only one Special Court in Kathmandu, which is assigned to look into corruption cases initiated by the CIAA. The legislation has given a mandate to expand the current Special Court or the establishing of more Special Courts.

4.10 National Investigation Department

Established within the Ministry of Home Affairs, the department is involved in providing intelligence to the government. The Department has wide networking in the country. Though the department is not directly involved in checking accountability and controlling corruption, its manpower and information can be mobilised for the purpose.

4.11 Revenue Investigation Department

The Revenue Investigation Department was formed under the Revenue (Inspection and Control) Act, 1996, to conduct investigations into revenue leakage and malpractices. The Department was established within the Ministry of Finance. The potential for the leakage of revenue is divided into three, namely, export and import sector, clearance of value added and income taxes and transactions involving foreign currency. The Department has its own mobile force to detect revenue leakage. There is a perception that, in order to make this department more effective, it needs to be detached from the Ministry of Finance and kept under the control of the Prime Minister's office to control financial mismanagement in the public organisations.

4.12 Office of the Comptroller General (Government Dues and Arrears Collection Office)

The purpose of this long established office is to collect government dues and arrears from any persons liable to pay, refund or settle amounts with the government. This is like a central collecting agency of the government. The organisation has remained inactive due to the lack of executive power to take action against the defaulters.

4.13 Public Procurement

Rules and regulations on financial administration cover guidelines and procedures for public procurement; for example, procurement by tender and quotation. Furthermore, rules are more flexible in procurement for donor and loan-financed projects and for propriety goods. There is provision for formulating sector-specific norms in procurement within the financial rules and regulations.

4.14 Financial accountability

Budgetary Process: An annual estimate of revenue and expenditure is presented before a joint sitting of Parliament and is approved only after the lawmakers have questioned and debated, and ministers have furnished answers pertaining to their ministries. Similarly, expenditures are kept within the sum authorised to be spent in the Appropriation Act.

4.15 Accountability and Auditing

Government accounts are independently audited by the Auditor General's Office. A government audit is completed after the end of the fiscal year (usually within twelve months). The audit report is presented to the lawmakers in the Parliament; the PAC in Parliament scrutinises the audit report of each ministry and government organisation. The PAC has played an active role in recent years in correcting the huge misappropriation in government spending.

Five years of working of horizontal accountability mechanisms has not been able to make the government institutions accountable. Long political turmoil and armed conflict have hampered the growth of these institutions. The government giving priority to on-going peace process and drafting of the constitution has not been able to provide sufficient funds, human resources and capacity building of these institutions. Therefore, the existing horizontal accountability mechanisms have not been functioning as expected, leading to search of additional accountability mechanisms. Vertical accountability mechanisms have slowly emerged and are expected to supplement horizontal accountability mechanisms. The need for vertically accountability has also been realised because of the local elections not being held in Nepal since 2002 and existing accountability mechanisms do not involve citizens in any way. It has led to demand for establishment of vertical accountability mechanisms by citizens in Nepal.

5. Vertical Accountability Mechanisms in Nepal

Under pressure from citizens, NGOs and donors, Nepal has created several vertical accountability mechanisms which are largely local experiences of citizens in Nepal and lessons from different parts of the world. Several of these accountability mechanisms such as public hearings, public audits and community media tools were being practiced in the country and the government showed good inclination for reforms by institutionalising these mechanisms through the GGA, RTI Act, public hearings/audit guidelines and directives.

The following Acts, policies and guidelines have provided space to citizens for demanding accountability from the government.

5.1 Good Governance Act as a Tool

Nepal is the first country to promulgate the GGA 2008 in the South Asia. The guarantee of the citizen's right to good governance in practice is one of the main objectives of the GGA. It has made legal provisions in relation to good governance by making public administration pro-people, accountable, transparent, inclusive and participatory. The Act is supported by several guidelines and directives such as the Simplification of Government Decision Directives 2008, Service Campaign Operation Directives 2008 and Social Security Programme Operation Directives 2008.

The above directives and guidelines intend to strengthen vertical accountability mechanisms to enhance public service and delivery of goods at the various levels. The GGA specifies self-positional responsibilities of civil servants and makes mandatory provisions for the display of the citizen charter, provide mobile services, determine service fees on the basis of social justice, participation and ownership of people, setting up of governance reform units in government agencies, conducting public hearings, managing grievances, pursuing information technology in practice, setting up a monitoring and evaluation (M&E) committee and submission of annual reports by the agencies of the Government of Nepal.

The GGA ensures good governance by ensuring the citizen's rights through the transformation of the administrative mechanism into a service delivery accountability mechanism and facilitator. It has formed the basis for executing administrative functions to maintain good governance. It has also guided the duties and responsibilities of the concerned minister, the chief secretary, concerned secretary, head of the department, and office in-charge.

The GGA also ensures transparency in all budget operations, decision making processes, and communication to all actors, coordination among line agencies and non-State agencies and in accessing the remote areas to focus on the tangible benefits of the programme at the local level. The provisions define the roles and responsibilities of all the actors and use a systematic programme implementation approach to increase accountability at all levels of service providers. It has also envisioned institutionalising public hearings, public audits, citizen report cards and citizen charters to make public service delivery efficient. The law has also promoted citizen engagement in the local State building process. In addition to other things, the GGA has specially focused on public hearing as a tool to enhance public accountability.

5.2 Public Hearing

The GGA has provisioned special arrangements to hold public hearings regularly by the front line government agencies to hear grievances, opinions and also suggestions for further improvements. Specially, the disadvantaged and deprived people are expected to participate in the programme and

express their dissatisfaction in front of the responsible officers in the districts as well as at the village level. It has been made mandatory for the chief office-holder at the regional, zonal, district and local level involved in the delivery of services to conduct public hearings with the objective of making the office's activities fair, and transparent. The general public at large, service providers, experts, civil society members, public officials and local body's representative participate in the programme. The public hearing is an effective means of providing the citizens a platform to express their grievances and queries in front of the government agencies.

This helps both the government agencies and the citizens to clarify the details (budget, number of beneficiaries etc.) of the public services. The public hearing also helps to identify the community's needs and aspirations. If the GGA and RTI Act are strictly complied with, they will serve the interests of the disadvantaged people. Table 10 shows how public hearing as tool of social accountability has been institutionalised in the policies and guidelines in the country.

Table 10: Provision of Social Accountability Mechanisms in Guidelines to be Used by the Local Bodies

VDC Grant Guidelines 2010	DDC Grant Guidelines 2010	Municipalities Grant Guidelines 2010
VDC must organise at least one public hearing annually	DDC must organise at least two public hearings annually	Municipality must organise two public hearings annually
VDC should have a citizen monitoring mechanism, social audit, public audit and citizen charter in place to reduce fiduciary risk and increase accountability	DDC should have a citizen monitoring mechanism, social audit, public audit and citizen charter in place to reduce fiduciary risk and increase accountability	Municipality should have a citizen monitoring mechanism, social audit, public audit and citizen charter in place to reduce fiduciary risk and increase accountability

5.3 Public Audit

The GGA has strongly mandated the use of the public audit (PA) as a tool to enhance transparency in development projects and accountability in leadership. It has been made mandatory for local bodies like the VDC, DDC and municipality to use public audits in development projects which are above a certain budget threshold. The public audit specially, has been found effective in reducing shortcomings such as use of low quality construction materials, not allocating budget for the targeted people as per the rules, bypassing the rules, depriving stakeholders of notifications, not clearing advances on time and not performing on time, expenditures based on frequent decisions which are contrary to procedures, accounts not maintained properly, expenses exceeding the approved budget titles, no consideration to settle arrears and no efforts made to audit accounts. This method is also useful in successfully completing a project, as it collects all stakeholders' views, complaints and suggestions after collecting them in one place to discuss the project's income and expenditure before settling the final accounts.

A comparison (Table 11) between public hearing and public audit show that their purpose and operationalisation is different but both have objectives of ensuring transparency and accountability in governance. Public audit seems to be more rigorous and in depth scrutiny into the details of the project whereas public hearing is an important forum for raising grievances by citizens. Complementarity of both these tools in promoting transparency and accountability would be important dimension of analysis in future.

Table 11: Comparison of Social Accountability Tools

Sl. No.	Public Hearing	Public Audit
1	*Public Hearing and Public Audit are conducted by independent and neutral facilitators*	
2	Centres around social and managerial capability	Centres around policy and decision making process involved in financial transactions and their output
3	An opportunity for ordinary people to field queries, questions and discontent unto the authorities concerned	An opportunity for stakeholders to field queries, questions and feedback unto the development project management
4	A method of pointing fingers at public post holders who abuse power	A method of pointing fingers at project personnel who abuse power
5	An opportunity for accountable speakers, i.e., public post holders, to express complaints, grievances and discontent and seek lawful solutions to the problems	An opportunity for project officials to seek information on the following matters and provide feedback: • *How much money is drawn from where? For what work was the money spent? Who help in what way? Expenses were made as per rules or not? What was the output? What factors contributed to the outcome? And what were the reasons for failure?*
6	A method that makes public post holders accountable and transparent to citizens	A method that makes development project managers accountable and transparent to stakeholders and increases participation of the latter
7	People's already-(made)-public grievances about public bodies are presented through the facilitator	Facts on the project's investment, output and outcome are presented by the project chief or his/her representative
8	Face-to-face questions are raised against representatives of service providing bodies on regularity, effectiveness, capability and relevance of the works performed	Queries and questions are put forth to project managers on project selection, implementation, budget allocation, progress evaluation and opportunities received
9	Can be conducted once or twice a year after declaring a fixed date and time	Can be conducted in different phases of a project
10	Face-to-face questions are raised amidst ordinary citizens on the effectiveness of overall management of a public body	Questions and queries are exchanged between project managers and stakeholders on the effectiveness and transparency of financial management of the project
11	Sharp questions are raised against absurdities, anomalies and irregularities in a public body	Outputs and outcomes set by a project are assessed
12	An opportunity to get direct answers to the queries raised to the authorities	An opportunity to seek outcome from an investment from queries made directly to project managers
13	Teaches the authorities that they are accountable to people	Teaches project managers that they are accountable to stakeholders
14	Brings ordinary citizens and government into close	Brings stakeholders and project managers into close

	proximity, lowers conflict between them	proximity, boosts up their confidence in the project
15	The authorities answer the questions of ordinary citizens	The project managers answer the questions of stakeholders
16	Ordinary citizens embrace the culture of asking difficult questions about the irregularities	Stakeholders embrace the culture of asking the project managers difficult questions
17	A single hearing can accommodate many public bodies' representatives and ordinary citizens	It is effective to organise 'One Public Audit for One Project' with the participation of stakeholders
18	Special emphasis should be laid on publicity so as to ensure participation	Presence of the stakeholders involved is mandatory
19	No priority to formalities like welcome speech, other speeches, batch distribution, etc.	
20	Develops ownership feeling towards public bodies	Develops ownership feeling towards the project
21	Seeks transparency, accountability and guarantee of right to information about the activities of public post holders	Consideration is given to decision making process, resource mobilisation, regularity, effectiveness and relevance of work, and work efficiency of project managers
22	Taken as a place where ordinary citizens vent their discontent, grievances and make suggestions against the methods adopted and attitudes demonstrated by public bodies while providing services	Taken as a common place to discuss the project's output, lessons learned, hurdles faced and opportunities
23	Provides feedback to policy makers on people's perception about the government	Provides feedback to policy makers of the project on stakeholders' perception about the project
24	Ordinary citizens may agitate against individuals working in public bodies owing to the latter's poor performance record	Stakeholders may agitate against poor performing project or individuals working in that project
25	The programme becomes effective, if parties sign the Public Commitment at the end. Regular monitoring is a must until the commitments are fully executed.	Once the programme is over, a report has to be drafted including the questions and views of the stakeholders and commitments of project managers. The report should be then made available to stakeholders and annual (accounts) auditor.
26	Can be conducted in any peaceful public place	Better to conduct it at the project site or office
	Preparatory Process of Public Hearing	**Preparatory Process of Public Audit**
27	• Issue-based research • Venue finalisation • Selection of accountable speakers • News published in print media • Articles • Government policy, rules and guidelines – Survey on people's perception, etc.	• Agreement paper • Financial details • Regular reports of (accounts) auditor • Various decisions and voluntary labour • book • Bills and receipts • Special correspondence • Bank balance • Progress report, etc.

5.4 Citizen Charter

The GGA 2006 and its Regulations 2007 and the Service Campaign Operation Guidelines 2009, any public body providing goods and services should post a citizen's charter providing specific information like service and nature of service provided by the office concerned. They must also show the procedure to be followed by the service recipients for getting the service and the documents required for that purpose. The time, charges and name of the section and concerned officer are to be clearly mentioned. They must also show the complaints made by the service recipients, telephone numbers and priority of providing the services. They also must show the services for which compensation can be provided for and those that do not get compensation. This legal mandate has encouraged public bodies across the country to post citizen charters. Some district line agencies have also compiled citizen charters and publicised them to make the service delivery effective.

5.5 Citizen Report Card

The GGA has also made provisions for introducing the citizen report card to check the service recipient's satisfaction about the public services. Pro Public's GGP has started using this tool since 2009. Initially it conducted this survey among six service providing agencies like health, education, agriculture, land revenue, district development committee, and district administration office in six districts in Nepal. The findings were shared among representatives of those six government offices along with other district stakeholders. The same findings were also shared at a meeting in the Prime Minister's Office where more than 26 Government Secretaries were present including the Chief Secretary of the Government of Nepal.

5.6 Grievance Management

To hear the people, the complaint box should be placed at the visible place in every government agency to collect grievances relating to quality, effectiveness of the work carried out by such office and possible irregularities. The general public are encouraged to drop their grievances in the complaint box. To ensure that the complaint is addressed, the responsible officer will have to open the complaint box in the presence of other officials every three days and if the grievances and suggestions are found to be reasonable, necessary steps will have to be taken to address the grievances.

Similarly, the law has also made a mandatory provision to have spokespersons and nodal officers for every public organisation. To make the information flow freely it has also mandated the disclosure of information through notice boards, press briefings and also through websites.

Government institutions like the CIAA and the Governance Unit of the Prime Minister's Office have been operating toll free telephone lines. The toll free numbers are 16600122233 and 1111 respectively. These are some examples showing that the Nepal Government has provided the general public a means to place their grievances in front of the public authorities through telecommunication.

5.7 Right to Information Act

The RTI Act 2007 has a number of progressive features. The RTI Law guarantees the right to information as a fundamental right, subject to exceptions, contains the broad definition of the public bodies and mandates the establishing of the National Information Commission (NIC). Public bodies under the RTI Act are obliged to classify, update and disclose information on a regular basis. The RTI Act also provides for a concrete list of information that is mandatory for public bodies to disclose proactively. As the RTI has been considered the backbone for participatory democracy, people cannot exercise their rights and responsibilities effectively without this.

6. Citizens Participation in Vertical Accountability Mechanisms

Public participation in the governance accountability process has been ensured by the GGA and the RTI Act. These enactments have made a strong provision to demand governance and public information through applications, public hearings, citizen charters and posting complaints at the respective public offices. The widely placed citizen charters have given the public a space to know the process of service delivery.

The regulation has a provision to compensate the service recipients who have incurred a loss due to the failure of service delivery according to the citizen charter. The compensation provision is up to Rs. 5,000 rupees and has to be borne by the staff members who do not perform up to the governance standard. Similarly, the RTI Act also has a provision to levy a fine if the public does not receive the information within the stipulated time.

Likewise, the complaint box has to be maintained at a visible place in every public organisation for the management of grievances relating to quality, effectiveness of the work carried out by such agencies and possible irregularities.

Despite strong emphasis on participation in policies and regulations, Nepal faces downward accountability deficit as there has been no elections at local level since 2002. It has weakened the decentralisation efforts as well as democratic culture at the grassroots level. The participatory planning process has largely been ignored after the dissolution of the elected local government as envisaged by the LSGA.

Part of the problem of non-compliance of reporting and accounting standards by local body lies in the fact that the MoLD's own capacity to supervise and monitor the development sector and NGOs is limited. Even where the DDCs have carried out internal audits, the reports have not been reviewed by the MoLD.

Citizens feel that service providing agencies have not been able to plan concrete actions properly for the implementation of the existing social accountability mechanisms and tools in the field[45]. The government has been focussing on the writing the new Constitution through the Constituent Assembly and for managing the political transition. However, international experience shows that accountability mechanisms like public hearings, public audits and citizen report cards and proactive disclosure of the budget can be effective tools to foster an open and transparent society, which ultimately creates an informed citizenry and promotes accountability in public service delivery. Not a single political party in Nepal has appointed a public information officer. Similarly, though the government has time and again committed to designate a spokesperson at each and every office, in practice it has not yet been done.

Similarly, the NVC has a limited mandate to monitor citizen charters and the annual income of public servants, and hold technical audits. The Government of Nepal has established a governance unit at the Prime Minister's office to monitor the overall governance of the country, but due to the lack of resources it has not been as effective as expected. So, in the absence of a strong nodal body within the government, the monitoring has not been effective.

Nevertheless, the GGA provides that every public agency should disclose information every three months in a proactive manner, but this has not happened. The reason for this is the lack of a strong mechanism to enforce the law or the system to monitor compliance by government offices.

[45] Focused groups discussions conducted in six districts by Pro Public between February-April, 2011.

People are still not fully aware of using accountability tools to demand accountability to improve governance or to utilise it for the interest of their community on a large scale. The CSOs have an equally important role in raising awareness and advocating the aggressive use of these tools. Until and unless people realise the power of these tools, it will just remain a mere piece of paper. The FGD participants strongly stated that the CSOs and the government mechanism should work together to foster this concept on a much wider scale.

7. Innovative Practices of Democratic Accountability

With continued pressure from the CSOs, public hearing guidelines were issued by the Nepal Government in 2006. Now, this has been accepted as an accountability tool to promote transparency and citizen's participation in the nation building process. The guidelines have given the mandate to the government agency to organise public hearings every month to provide an open forum for the general public to express their grievances in front of government authorities. Now public hearings have become an integral part of public advocacy for the development partners as well as government agencies. Similarly, the GGA and Interim Three Year Plan have also made the conduct of public hearings mandatory for the government agencies.

7.1 Experiences of Public Hearing

The public hearings organised over the last five years have become quite successful in putting pressure on the government, political parties and other concerned authorities to respond to the people's grievances. It was realised that the public hearing platform not only helps in raising grievances but is a powerful tool that helps in harmonising political parties into initiating stalled development processes.

After a public hearing was organised by VDC and DDC in collaboration with NGOs, community based organisations in Dolakha District, the political distance between major political parties was narrowed down and a level of political consensus was created in the district. More than 550 citizens participated in the public hearing and questioned the authorities. As a result, the VDC and DDC level council meeting was soon convened and they allocated the development budget that had been lying unutilised for a whole year.

Similarly, a public hearing in Nawalparasi helped Ms Parbati Nepal (a dalit woman) to obtain a citizenship certificate which had been denied to her for eight years. Likewise, about 25 families affected by the flash floods were rehabilitated in Chormara of Kolwa VDC by the local administration after the public hearing. Also, 229 families rendered homeless by the floods were rehabilitated at Dikpuri VDC in the district after the issue was raised in the public hearing.

7.2 Citizen Charter

Article 25 of the GGA makes it mandatory for all government offices to post the citizen charters in a public place where people can see and read them clearly. As per the Governance Act, the citizen charter should mention the types of services, the department is responsible for providing, the official responsible, the documents required, the amount of money needed, time to be taken and the official process. The Act states that it shall be the responsibility of the office chief or other officials as well to deliver public services to the people as per the citizen charter. The responsible official can be liable for departmental action if services are denied to people without any legitimate reasons. If any damage or harm is caused to the service seeker because of not getting the services on time because of the negligence of the service providing agency, five thousand rupees in cash should be provided as compensation.

Because of the provision for compensation, many government offices have not yet posted citizen charters. But there have been some incidences, where government offices have started citizen charter in an innovative way. The Land Revenue Office (LRO) of Makawanpur District has initiated the new audio citizen charter, so citizens can now listen and collect the documents as they are instructed. As many speak Tamang in Makawanpur, the audio citizen charter has been prepared in Tamang as well. This has increased their awareness levels and now people have started going to the concerned section or department with all the required documents. The LRO has also put a helpdesk with a nodal officer for hearing complaints, a notice board and a complaint box. "We want to show people that services can be delivered efficiently and effectively without paying bribes," says LRO officer Dambar Sunwai. The office premises are clean and tidy. Officials can be seen working in an efficient manner. A notice posted there urges service seekers to approach the chief officer, if their work is delayed or does not get done. "There have been no such complaints because of the support of all the employees," boasts LRO chief officer Sunwai, adding, "We want to make it a model LRO in the entire country."

Box 15

Audio Citizen Charter: Innovative Practice of Social Accountability

Some citizens are waiting in the premises of a Land Revenue Office (LRO) in Makwanpur District. Citizen charter on land registration is being played through the public announcement in the office. People are listening to the announcement curiously. Some are taking notes while listening to the messages sitting inside the waiting lounge. A service seeker looks at his notes, verifying them against the details the audio was telling them and heaved a long sigh. Shyam Krishna Lama, a resident of Namtar-2 of Makwanpur District, had forgotten to bring two passport-size photos that were required for registering the land in his name. He then headed straight to the photo studio located nearby.

Aged almost 60 years, Shyam Krishna cannot read and write. The citizen charter posted on the wall does not make any sense to him. Yet, he knew that two photos were a must for registering the land without asking anybody else. Illiterate service seekers like Shyam Krishna have been directly benefiting from the audio citizen charter initiative announced through community radio that was started by the LRO in Makawapur District from last November. Read out in both Nepali and Tamang, the audio citizen charter tells people about the type of services, documents required, amount needed and time that will be taken for the delivery of specific services.

Also the people who do not understand Nepali benefit from the audio citizen charter in Tamang. Suntali Lama and her son who came from a remote village Kalikatar did not know much about the documents they needed to bring to get their work done. They learnt about the documents that were required after listening to the audio citizen charter. Suntali Lama and her son went back and brought the land registration certificate and revenue payment receipt.

Various initiatives have been taken to make the public administration citizen-friendly, accountable, transparent, inclusive and participatory so as to maximise the benefits of development to the people. The government has adopted laws and other measures to enforce the tenets of good governance as the rule of law, effective service delivery, corruption free administration, decentralisation, fiscal discipline, effective resource management and their allocation. The audio citizen charter initiative is an example of the government's proactive efforts at making service delivery effective and prompt.

Conceptualisation of audio charter: The LRO officer Dambar Sunwai first conceptualised the idea of starting an audio citizen charter. A fresh entrant into the civil service, Mr. Sunwai wanted to do something on his own to bring in some reforms in service delivery. He wondered how he could help the illiterate service seekers access service delivery easily and the idea of the audio citizen charter was born.

To start this initiative, sixteen thousand rupees were needed, which was collected through contributions from the entire staff.

At a time when public services are not being delivered by the government agencies all across the country, it should be interesting to see how the offices can make the best use of the citizen charter in an innovative way. Every public official should think about how s/he can satisfy service seekers by providing efficient and prompt services. "I started this innovative approach with my interest to serve people better," LRO officer Sunwai says, adding, "We can do even better to change people's perception toward LRO whom they believe to be the most corrupt." "We took up this initiative to reduce people's complaints and grievances," says Chief LRO officer Krishna Prasad Adhikary, adding, "When people were having difficulty in understanding the difficult words of the written citizen charter, the audio citizen charter has become a very successful tool."

Content of Audio Citizen Charter: The audio citizen charter is 15 minutes long with dramatic conversation in two languages—Nepali and Tamang. It tells people about all the LRO's services along with details like the amount of revenue needed to accomplish certain services. This audio citizen charter has been constructed in the form of a conversation with a touch of the local dialect. This local touch of language and content catches the people's attention and has made them aware of their entitlements.

The LRO took up this innovative approach to reduce malpractices and to deliver public services efficiently. Now people can get their work done without any problems. Some dramatic and informative messages on purchasing and selling of land including the amount of revenue required are also included in the audio citizen charter so that people would not be deceived into fake land deals. People are also requested not to smoke in public places, to use parking spaces, to behave cordially with others and to maintain cleanliness in the office areas.

Audio Citizen Charter - Reaching Out to Citizens: People have found the audio citizen charter effective and supportive. "Now we can know types of services including essential documents required and amount of money needed," says Purshotam Poudel, a service seeker, adding, "People don't have to face unwanted hassles and this has reduced opportunities for official's

Box 16

AUDIO CITIZEN CHARTER

Radio Jingle - One

Character 1: Hello uncle, I heard you are going to get your land registered today, but you're not hurrying up.

Character 2: Yea, I'm looking for documents. I heard citizenship is also required, is it?

Character 1: Yes, it is required and are you aware of what other documents are needed?

Character 2: I may miss some of the documents in a hurry, but you can tell me what I need to take.

Character 1: Once I heard in the LRO office. We can listen to it together.

Informative Audio Message: While buying and selling land, the original copy of the land ownership certificate and receipt of revenue payment of this year, recommendation from municipal office or VDC's recommendation if the house is in the VDC and copies of citizenship certificates of buyers and sellers.

What other documents are needed for changing ownership of land?: Original copy of land registration, receipt of revenue payment of this year, citizenship certificate, birth registration certificate in the case of an infant, copy of citizenship of father or mother, relationship verification certificate, death registration certificate, death conformation recommendation letter and recommendation letter confirming a rightful heir with photos issued from municipal office or VDC.

taking bribes."

"I am happy to listen to the message in my own language and it has made it easier for us to get our official work done," says S.K. Tamang who came from Namtar. Mr Tamang says that this innovative method has benefited the local community that does not understand Nepali.

KR Pandit, a Chief Justice of the Appellate Court, Hetauda, says that the audio citizen charter is a new and effective tool. "LRO has done quite a new thing and people can benefit a lot if it can be replicated by the other government offices as well," stresses Pandit. Even the Chief District Officer (CDO) Dinesh Bhattarai emphasises the need for other government offices to replicate it. "I will do my best to take this innovative approach to other offices and the government offices that serve people directly should initiate it without much ado," says CDO Bhattarai.

Box 17

AUDIO CITIZEN CHARTER

Radio Jingle - Two

Male: (Saying to his wife) -Today I will show you our recently purchased land.

Female: I am also curious to see our land.

Son: Dad, I also want to see.

Male: Ok, you can come with us.

Male: Look! Some other people are taking measurement of our land and fencing it. Hello buddies, what are you doing? This land belongs to me. I bought it just a month ago.

Other male: You must be dreaming. This is our ancestral land and we are selling it to him.

Male 2: See I have brought my land registration certificate as well.

Male 3: Look! You have been deceived. Your land is across that side of the hill not here.

Male 1: What should I do now? I lost my money.

Message: *Therefore, you have to see the location of your land and take proper measurement before buying. Otherwise, it may be by the side of the river or in the hill. Please make sure of it before purchasing or you will end up wasting your money like Mankaji's brother.*

8. Conclusions

Nepal has been at a historic turning point with an agenda of restructuring the State and the writing of a new Constitution. At the crossroads, the country has been facing problems in securing rule of law, controlling corruption, strengthening governance and also ensuring the marginalised populations' access to basic public services. Nepal has been exercising parliamentary democracy since 1990s and has also put in place horizontal accountability mechanisms, but, due to the lack of political accountability, limited resources and a decade long Maoist insurgency, the promotion of democratic accountability has not been as expected. However, Nepal has been enjoying media freedom and a vibrant civil society which has played an important role in putting pressure on the State mechanism to be accountable to the people. Despite this pressure and vigilance, the State has not been effective and responsive to the needs and aspirations of the people in terms of service delivery, rule of law to ensure good governance and controlling corruption.

Against this backdrop, there is a need for meaningful collaboration between the State and civil society including the media, and the private sector to promote horizontal and vertical accountability mechanisms in Nepal. There is also a need for the State to promote accountability tools such as public hearings, public audits and citizen report cards, which are being promoted by the CSOs. The State has also realised its importance and issued various directives, guidelines and also passed laws like the GGA and the RTI Act.

For instance, the public hearing tool has been widely used and liked by a large section of the people. As public hearings are a tried and tested social accountability tool in many countries, the Government of Nepal has also included various laws and guidelines for its institutionalisation. Similarly, development partners including CSOs in Nepal have also started using public hearings to bring on board local people in the State building process.

Likewise, the Nepal Government has also legally included the public audit tool to promote transparency, accountability and right to information to promote governance and to make development efforts effective and transparent down from the local level. So far, the Nepalese experience has shown that these accountability tools have become effective in enhancing administrative efficiency and also financial integrity in service delivery and development work. These participatory methods have also encouraged the local people to bring forward their grievances and concerns in front of the public authorities. These tools have also been useful in managing budgets and public resources properly with the effective participation of local stakeholders.

The use of these accountability tools over the years has given a new space for citizens at large who are now being used as active change agents by the service providers in Nepal. There has been some sort of paradigm shift in which people are taken not only as 'users or choosers' of public services, but also the 'makers' of decisions that affect them in long run.

The local people have also shown their enthusiasm in tracking the budget and resources that are available and are being spent by the public bodies. Through this exercise, it is increasingly being realised that the attitude of the public officials has been changing and they are more accountable, transparent and responsive to the needs of local people.

Though social accountability tools must aim at the rights of the people, at the same time the capacity of the States should also be enhanced to respond to citizen's demands CSOs have already tried to expand the reach of social accountability tools by enabling citizens in using these tools at local level. A close collaboration between government and CSOs is required at the moment, so that social accountability tools can be effectively utilised to improve transparency and accountability in governance. However, some questions have been raised about credibility and legitimacy of CSOs especially NGOs, hence some steps are required to be taken to improve CSOs internal governance, accountability and social inclusion.

"Accountability of political parties and leaders also come within the purview of governance reforms", feel citizens in Nepal. They can be more accountable by public opinion and election of political leaders with better morals.

9. Recommendations

The use of social accountability mechanisms is a relatively new concept in Nepal. To some extent the Nepal Government and its development partners working in the country have been contributing to promoting these tools at the different levels. However, the support has been limited to spreading the concept through training and limited exercises in few DDCs, VDCs and municipalities. Promoting the use of social accountability tools does not seem to be the priority of government.

Only close collaboration between CSOs and government can take these tools to citizens and promote it widespread use. Popularising the tools and engaging citizens to owning these concepts is also vital. So, to make it widely used by the people, the concepts need to be promoted among citizens, government agencies, CSOs and development partners as well.

Finally, all stakeholders should initiate the practice of these tools collectively to promote accountability mechanisms at all levels of governance.

10. Bibliography

The Nepalese Interim Constitution under Directive Principles of the State Articles No. 34(1) and under Policies of the State 35(19)

Good Governance Act 2006, No. 30 and GGA Bylaw Annex 3

Right to Information Act 2007

Nepal Law Commission - website: lawcommission@gov.np

Case Study 1

Civic Participation in Budget Preparation and Monitoring Madhainagar, Bangladesh

- Sushanta Kumar Sarkar, PRIP Trust, Bangladesh

1. Background

Bangladesh is a developing country with robust economic growth rates. Bangladesh's economy has proven resilient despite the adverse effects of the global financial crisis as it is relatively isolated from the global economy. The GDP is estimated to have grown six per cent in 2010 and is expected to be six per cent in 2011. Bangladesh is ranked 129 in the human development index. The total population of the country is 150 million (April 21 2011), which is 2.18 per cent of the total world's population.[46] Three quarters of the population (74.6 per cent), lives in rural areas and the rest in urban areas (25.4 per cent). Thirty per cent of the total population is below the poverty line. To address these issues, the government is trying to strengthen local democracy. In spite of traditional bureaucratic horizontal accountability mechanisms, the State is creating a space for vertical accountability mechanisms. The government has started with incremental strengthening of Union Parishads (UPs) over the medium term. The process has begun with introduction of participatory budgets in the UPs for access to revenue and expenditure information. Despite several local revenue sources, Union Parishads (Councils) in Bangladesh are yet to generate optimal local revenue. The new system of participatory budgeting and planning practices in the UPs is expected to facilitate democratisation of local planning. It would also be instrumental in making the allocation of public resources more inclusive and equitable. It has created a channel for citizens to give voice to their priorities, increased transparency in fiscal policy and public expenditure management, reduced the scope for dishonest practices, elite capture, and corruption, thereby enhancing the government's credibility and the citizens' trust; opened new ways of direct participation which complements traditional forms of representative governance.

Bangladesh has repeatedly experimented with decentralisation in the post-colonial and post-independence period. Every political regime between 1957 and 2011 attempted to reform the local government structure. The institution of local government (LG) in Bangladesh goes back a long way. The origin of the existing local government institutions can be traced back to the demand for self-government in British India. Initially the local government was developed by the British to maintain law and order in the rural areas with the help of the local elite backed by the local police (Ali, 2001). The local elite were to be nominated to the local government institutions from among those who were

[46] List of countries by population - Wikipedia, the free encyclopedia

trusted by the colonial authorities. The British rulers institutionalised this system to perpetuate their political, economic and administrative ends and colonial extortion (Ali, 2001). In 1870, they introduced *Choukidary Panchayat*[2] as the local government institution. This system was later changed and renamed in different regimes from the British period to present Bangladesh as a three-tier Union Committee (1885), two-tier Union Board (1919), four-tier Union Council (1959), and Union Parishad (1973) (Shafi, et.al, 2001: 3).

After Bangladesh achieved independence in 1971, local government institutions experienced a number of shifts in policy regarding their political, financial, and administrative authority and various tiers of government were established. Currently the rural local government bodies are divided into three tiers, namely, local councils (Union Parishads), the lowest tier; sub district administrations (Upazila Parishads), the middle tier; and district administrations (Zila Parishads), the topmost tier. The sub district administrations and district administrations have no direct political representation, but local councils have 12 elected representatives for an average population of 28,800.

After 1973, the Union Parishad (UP) became the lowest unit of local government in Bangladesh. The UP is treated as a public institution as well as the first step of democracy. As the institution closest to common people, the role and nature of the UP, is totally different from any other administrative unit. People usually do not have enough knowledge about their roles and responsibilities constituted under the legal basis of Bangladesh's Constitution.

Recently, the Government of Bangladesh, to strengthen the UP's fiscal role, has recognised the UP as a primary economic unit and a part of the administrative unit of rural local governments. The Ministry of Local Government, Cooperative and Rural Development (LGRD) had introduced performance grants in 2003 and discretionary Basic Block Grants (BBG) in 2004 for each UP, which are provided on a flat rate basis. Besides BBG, the normal Annual Development Programme (ADP) Bangladesh has one of the most centralised public sector governance and service delivery arrangements in the world. Annual Development Programme block allocations are also being provided to UPs. The ADP allocation is appropriated as 90 per cent for general and 10 per cent for operational performance and general allocation based on – the population 50 %), physical area (30 %) and backwardness (20 %). Annual Development Programme projects of Upazila and Zila Parishad are also allocated to UPs, based on population, area and backwardness.

Recently, the government has replaced the Local Government (Union Parishad) Ordinance, 1983 by the Local Government (Union Parishad) Act, 2009 with the aim of curtailing external political interventions and providing more administrative and fiscal authority including citizens' participation and the right to information about UP affairs. To build the UPs' capacity, the Central Government introduced the Local Governance Support Project (LGSP) at a cost of US$ 218.12 million (2006 to 2011). The LGSP has been initiated from the experience and learning of the Sirajganj Local Government Development Project (SLGDP) (GOB, 2003). The traditional revenue administration system along with the inability to explore potential resources, UPs continue to be chronically resource poor institutions and their reliance on central grants is still about 57 per cent (GOB, 2007).

Historically, however, the local government in Bangladesh has remained weak and susceptible to pressures exerted by the Central Government. Through the years, local government institutions have been struggling for sufficient fiscal and administrative power. They are also constrained by lack of transparency, low capacity, excessive bureaucracy, political interference, limited authority, lack of accountability of service providers, and weak financial resources and have limited orientation toward local communities. Moreover, the representative local governance structures, such as the local councils

in particular, were lacking in terms of transparency and accountability. After being elected, local council representatives mostly felt accountable to the sub district administration or their district bureaucratic bosses rather than to their communities. They did not practice transparent systems like open budget meetings, rarely consulted communities on the planning and implementation of development projects, and the services provided to communities were of extremely poor quality. In addition, corruption was rampant among local council representatives. This poor governance directly contributed to pervasive poverty. The SLGDF project was implemented to ensure pro-poor service delivery through responsive local governance. The UPs in particular were wanting in transparency and accountability. The learning from SLGDF contributed to the design and implementation of the LGSP across the country. The Bangladesh LGSP aims to support local governments in providing services that meet community priorities, using a predictable and transparent fiscal transfer system. There are five project components. Component 1, funds fiscal transfers to eligible local governments for basic local service delivery and provides incentives for good governance and service delivery performance. Component 2 supports direct mobilisation of communities to prioritise development needs, and community and government monitoring systems. Component 3 supports core local government capacity development in implementing the block grant. Component 4 supports the government in conducting regular, outcomes-based evaluations of the project in the context of the evolution of the local governance system. Component 5 supports a social protection pilot. However, no specific empirical study on the UPs' revenue mobilisation has been done subsequent to the changes seen in the UPs' recent local revenue activities and the Central Government's grants mechanism including renewed policies. The LGSP, civil society as well as NGOs have been strengthening the local development structure, and creating more effective vertical accountability mechanisms and the integration between local development actors and government deepening local democracy.

The financial allocations to UPs have always been a problem. The Central Government has declared a policy to enhance local government expenditure, but it is still below three per cent of the GDP while at the national level, the share of tax and non-tax revenue in the GDP has increased from 7.1 per cent in 1990/91 to 11.2 per cent in 2007/08 (GOB, 2009). The current share of local government and rural development in the total national public expenditure is only 7.2 per cent (GOB, 2008)[47]. Bangladesh has one of the most centralised public sector governance and service delivery arrangements in the world and local government is still waiting for reforms. Citizen participation in budget making and monitoring[48] is one such reform which has been studied in depth in this case study.

2. Methodology

The study has made the assumption that the participatory budget facilitates democratisation of local planning including a process of decision making and increases the revenue of local resources. In order to get in-depth insights into the practices of process, progress and experiences of participatory budget, focus group discussions, in depth interviews, key informants' interviews were used. Focus group discussions (FGDs) with community people, in depth interviews with the UP Chairman, civil society members, and individual interviews with UP members, and standing committee members, were conducted along with key informant interviews with local experienced persons. The practices of Madhainagar Union of Sirajganj District have been taken as an example considering its practise of participatory budgeting over a long period of time and its ethnic diversity and relevance to the study objectives.

[47] Ullah, 2010
[48] Citizen participation in budget making and monitoring will be referred to as Participatory Budget in the case study.

3. Context of Madhainagar

From time immemorial, Bangladesh has been the abode for scores of ethnic groups. Besides the Bengali majority, there are above 45 ethnic groups with approximately 2.5 million people (according to the Bangladesh Adivasi Forum) living across the country. Madhainagar is an ethnically diverse union comprising of 29 villages. The union is situated two kilometres east of Tarash Upazila and 25 kilometres west of Sirajganj. It is very close to Tarash Upazila. The Dhaka-Rajshahi Highway is 17 kilometres north of Madhainagar Union. The famous Jamuna River flows 42 kilometres east of the Madhainagar Union. The Tarash-Sirajganj Highway passes through the middle of Madhainagar Union. This Union was established in 1973 and its total land area is 34,167 square kilometres with a population of 26,250 (Males -13,146 and Females-13,124). The total number of households in this Union is 13324, (rich-642, middle class-1289, poor-2292, extremely poor–1154). The people of this Union lead very simple lives. The occupation of the people is predominantly agro-based (farmers-12605, labourers-3025; business-185, service – 458[49]).

The people in this area are fortunate as they live in close proximity to nature, but they have to struggle for survival. The indigenous people, the Santals, Bhumis, Oraon and others living in this area are the poorest of the poor. They are frequently excluded from decision making at all levels; the drastic changes in the economic and political structures in recent decades have eroded traditional opportunities for financial independence. The hardship caused by the destruction of the traditional economic form has often unduly affected these people, robbing them of social safety nets and opportunities for employment. Indigenous women often face disproportionately high mortality rates, low literacy rates and high levels of poverty. The local community is making integrated efforts to overcome the situation. Prior to introducing the participatory budget, the growth of the economy was very slow, the people living in the rural areas, especially the poor were deprived of many services as well as opportunities.

The UP was weak. At the Union level, there was no proper integration of the Union Parishad Standing Committee and local development structures like NGOs and different actors of participatory development. The standing committees' response to the demands of the local constituents was slow; the existing level of cooperation between the standing committees and relevant central level government departments at the local level was low; and there was a lack of exploration of the opportunities and challenges for the local NGOs to work with LGIs on local development issues. Local councils or UPs had limited resources, lack of accountability to people, absence of direct participation of the community in the decision making process, lack of capacity to serve people, inadequate feedback systems, weak linkages among key stakeholders, and little revenue raising authority. The UPs were dominated by the district and sub district (Upazila) administrations, which exercised heavy-handed control, especially with regard to the use of funds and the hiring and disciplining of staff. Education, health, nutrition, family planning, irrigation, agricultural services, and main and secondary roads were all managed directly by the Central Government officers. The low levels of fiscal decentralisation were shown by the local governments' share of the total public expenditure. The impact of weak governance on the poor rural people has made them unable to fend for themselves, lacking both the resources and the knowledge to assert their rights. The people want to change their vulnerable situation. The desire to improve democratic social conditions, led to the emergence of social accountability mechanisms.

[49] Madhainagar Union Published Magazine and Union Record Book 2010-2011

4. Legal and Policy Framework of Local Government Institutions

The powers of the local government are enshrined in the Constitution and policy guidelines as can be seen from the provisions listed below.

Article 9: Promotion of local government institutions - The State shall encourage local Government institutions composed of representatives of the areas concerned and in such institutions special representation shall be given, as far as possible.

Article 11: Democracy and human rights - The Republic shall be a democracy, respect for the dignity and worth, effective participation by the people at all levels shall be ensured.

Article 59: Local Government (1) Local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law. (2) Everybody such as is referred to in clause (1) shall, subject to this Constitution and any other law, perform within the appropriate administrative unit such functions as shall be prescribed by Act of Parliament, which may include functions relating to-(a) Administration and the work of public officers; (b) the maintenance of public order; the preparation and implementation of plans relating to public services and economic development.

Article 60: Powers of local government bodies for the purpose of giving full effect to the provisions of the Constitution.

Article 59: Parliament shall, by law, confer powers on the local government bodies referred to in that Article, including power to impose taxes for local purposes, to prepare their budgets and to maintain funds.

Local Government (Union Parishad) Act 2009: The recently enacted Act has added a few new dimensions to the traditional functions of UPs. The Ministry of Local Government, Rural Development and Cooperatives, Union Parishad, Upazila Parishad, District offices are supposed to provide institutional support. The institutional support and legal as well as policy framework enabled the situation. The establishing of Standing Committees comprising of UP members and selected citizens is a mandatory Government of Bangladesh (GoB) requirement. There should be 13 such committees for sectors such as, health, education, water supply and sanitation and so on. Whilst these committees have been formed in many Unions, they are not generally functional. The SLGDP and LGSP encourages participating UPs to establish these committees.

Further, citizen's participation in LGIs have been ensured through the social accountability mechanisms like participatory budget, participatory planning, participatory planning session, and the organisation of different committees through public meetings, the use of UP notice boards, complaint books, yard meetings, information dissemination and awareness. The social accountability mechanisms were started by the State in cooperation with the World Bank. Initially, the UP had started open budget meetings and participatory planning processes under the LGSP assistance programme, discretionary and performance grants system which is now taking formal shape through practical experience. The important stakeholders are the Upazila Parishad, Zila Parishad, City Corporation, local government, NGOs, CBOs, the community people, Ward Development Committee (WDC) and Scheme Supervision Committee (SSC). A number of field experiences of social accountability mechanisms under LGSP facilitated the incorporation of these mechanisms in UPs and one of the social accountability mechanisms, participatory budget will be studied in depth here.

5. Participatory Budget and Community Involvement

The UP Act of 2009 gives the power to the ward sabha for local planning and budgeting. The responsibility of reviewing and giving final shape to the budget lies with the UPs. The process of participatory budget in Madhainagar starts with the ward sabha meeting. In this meeting, all the voters of the ward are invited for identifying priorities in the UP budget. The dates of the meetings for different wards are fixed by the UP and disseminated among citizens. The quorum required for ward sabha meeting is 20 per cent of voters.

The citizens were made aware of the processes of accountability through awareness building programmes. NGOs and community based organisations are also invited and they played an important role in spreading the message. Youth groups, community based organisations, educated sections and local imams played an important role in awareness generation of the community on participatory planning and budgeting. The utilisation of traditional structures or leaders provided an easy mechanism for the mobilisation of support and cooperation. Massive community awareness programmes were organised through the medium of folk songs, theatre, leaflets, notice boards, scheme information boards, and posters. It was not just a matter of turning up at a ward meeting but it focused on facilitating the community's understanding budgets and mechanisms such as voting systems and budget matrices. It has taken a number of years for it to become effective and generate participation to achieve results. The UPs used various mediums like drum beating, leaflets, invitation letters, microphone announcements and personal contact. All the above means are relatively inexpensive and sustainable options, which could be easily replicated every time at the beginning of the participatory budget process.

Once mobilisation is achieved, an important aspect of the project's institutional arrangements is the capacity building of citizens. Members of committees, such as the Scheme Supervision and Ward Development Committees receive technical training on plan and budget preparation. After the awareness generation drives and capacity building programmes, a ward level meeting for planning is convened. The participatory budget meeting is called once in a year. The local volunteers, community people, Government of Bangladesh, NGOs, private sector officials and local government representatives are present at the meeting. The ward level meeting come up with a ward plan as per allocations by UP.

The ward level meeting is the most important as it is the first step in the planning and budget process. The community people present their demands and views at the ward level and *Para* level (the lowest geographical units). It helps to make citizens aware of their role in local governance and their rights with regard to the UP. Through this planning process, citizens directly decide on the allocations for the UP budget. It suggests potential solutions and programmes to address problems. The ward level meeting at Madhainagar were facilitated by Ward Development Committees and the Union Facilitation Team members. More than 150 persons (30-40 per cent women) participated in the ward level meeting in Madhainagar. Tools like community gatherings, mapping, problem identification, prioritisation, and action planning were used in the ward level meeting for making the plan. These meetings have unleashed many opportunities for the community, especially for the voiceless poor and women, to present their priorities in ward level planning. The participatory budget process ensures inclusion by introducing the mandatory ratio that at least 30 per cent of the schemes be prioritised by women and approved by the UPs.

This process has added a new dimension of citizens' participation in the local government systems. At that time, though they were not familiar with the budget, they were happy to be a part of local democracy. The grassroots people, for the first time in their lives were engaged in the local level

(Union) budget preparation in Bangladesh. In practice, it was a great opportunity for the community of Madhainagar. The extremely poor, poor, women, men, elderly, physically challenged, and indigenous people were all actively involved in the process. They did not have special technical training in process development, but their local experience and orientation as well as practical needs made the budget process successful. In the beginning, there were a number of challenges that had to be faced. The local elite does not influence the planning process directly, but inbuilt bias in the society leads to the planned process being tilted to selected sections of the society. The inbuilt bias can only be challenged by societal and political changes where the poor and disadvantaged have a say in the decision making process of society. The political will of the local area was one of the challenges, but local political leaders were positive about the participatory budget process (Box 18). The CSOs indirectly participated in participatory budgeting. Since one of the criteria for the distribution of goods is the number of citizens who attend meetings, the CSOs and local development actors were involved in mobilising more citizens and this established a relationship between mobilisation and outcomes. The processes of collective action and mobilisation for engaging citizens in accountability mechanisms were participatory and integrated.

Box 18

UP Chairman's Experience of Participatory Budget

The Madhainagar Union Parishad Chairman, Mohammad Wahiduzzaman shared his experiences about the process and mechanisms of the participatory budget. "The starting stages of participatory budget were very challenging. We worked hard and intensively, because I realised that the participatory process is the way of development. I have no forces; the people of union are my authentic forces. If I am not elected as a chairman again, the people will steer, because they know the budget, process and execution through participatory budget." He mentioned that he was elected in 2003 and continues in his post up to date. After being elected all the necessary requirements are provided from the house of the Chairman. The community now has access to the Chairman, which was not possible earlier. Initially, it was difficult, because there was an immense gap between the citizens and the UP. But he has bridged the gap through his commitment to participation of citizens in local governance. The first participatory budget meeting was organised in 2004 in Madhainagar where large number of citizens participated. This set the tone for successful organising of participatory budget in the UP. The Union is well known in the country and internationally, because of its successful implementation of participatory budget.

After the preparation of the ward level plan, it is sent to UP where a meeting is convened for the selection of projects in ward plans. This is a one of the ways of screening the projects selected in each of the wards. The size of the project meeting is 30-40 members representing the UP, line agencies, NGOs and network of CBOs.

After the screening at the project meeting level, the ward plan is sent to the *Union Development Coordination Committee (UDCC)* which has come into effect by the notification of February 2011. The committee has 100 members which has representatives from all standing committees of the UP, line agencies, local business centres, NGOs, network of CBOs. The UPCC tries to make a fiscal plan for the ward by assessing contribution from lines agencies, international donor organisations, NGOs etc. The fiscal plan is then sent to the *Finance and Establishment Committee of UP* which comes up with the draft budget.

The draft budget is thrown open to discussion in the *"Open Budget Meeting"*, where citizens from all wards are invited to give an opinion on the draft budget. The draft budget is disseminated through hand bills. Information about the open budget meeting is well circulated using different communication channels like community volunteers, leaflets, and hand bills, announcements, elected representatives and development workers. In the meeting, the UP's annual income and expenditure statements are presented, along with the succeeding year's income-expenditure plan. A date is fixed to discuss the draft budget, to finalise it, and to send it to the Deputy Commissioner for approval. On the designated day, the participants review the budget and ask the UP representatives about different items on income and expenditure and suggest some corrections. Through this session, the people become aware about the UP's plan, financial status, and expenditures patterns. In the meeting, the UP Chairman and members are compelled to justify their arguments. After discussing the various points consensus is reached and inputs are sent to Finance and Establishment Committee which finalises the budget and sends the budget for approval to Upazilla office.

A review of budget is organised six months after it has been approved. It is an open forum organised at the UP level which has the focus to monitor compliance to the approved budget. This meeting is normally attended by 2000- 3000 citizens. The citizens can also suggest a revised budget, if programmes are not implemented as per plans or when new priorities come up.

6. Engagement of Citizens with Local Governance

Participatory budgeting is an innovative mechanism, which aims to involve citizens in the decision making process of public budgeting. By creating a channel for citizens to give voice to their priorities, the participatory budget enhances citizen participation. Participatory budgeting increases their access to public decision making activities. Public meetings and decision-making processes reduce the likelihood that overt, commercial means will be used to distribute goods. The public nature of meetings empowered some citizens to speak out for the first time. This general sense of empowerment is further strengthened if citizens can draw a direct connection between their participation efforts and policy outcomes. Informational meetings provided citizens with a broader understanding of government, governmental responsibility, policy, and policy making. Participatory budgeting programmes provided a structure for citizens to gain the necessary information to develop a better understanding.

The salient features of participation

- Women have a presence in the participatory budget process;
- Indigenous people participate in the participatory budget;
- Indigenous people and grass-roots people have more participation at the ward level meeting
- Development activists have participation;
- The poor and middle class are the driving forces in the accountability process;
- Presence of the social elite in the entire accountability process.

The participatory budget contributed to the involvement of the community in the revenue mobilisation of this Union. It is accelerated by all classes and the ethnic communities. In the ward level meeting, women, the poor and extremely poor actively participate in the movement as well as mobilisation. The poor and middle class are the driving forces of the movement. The local elite are less involved in the entire process. The provision and extent of community participation in the planning provisions of public service delivery and the local government structure is very limited. The middle class are predominant in these sectors. The project mobilised the UP and the community as a whole. They participated in all activities initiated by the UP. Women were also mobilised through the Upazilla and district women's development forums. The emphasis was on the poor to participate in decision making. They participated

in the committees, meetings, PP sessions, planning, implementation, monitoring, maintenance, and operations. The project promoted learning through action. There was no chance of elite capture, as all the activities were open and transparent. The provision of participation is less in budget monitoring. The peoples' participation contributed to a number of successes at the community level. The participation of the indigenous and grass roots people is the key achievement in the participation process. The participatory budget is a great achievement for the rural villagers.

7. Empowerment of Marginalised Communities

The indigenous people are deprived of their rights and opportunities. The State and indigenous community synergies were not proper. The indigenous people of Madhainagar UP had no voice before 2003. Though the indigenous people's representatives were elected, the communities were not involved in the participatory processes. They were unaware of the budget, but the situation has changed since they were introduced to the participatory budget, says Monosa Chandra Singh.

Monosa is a 40 years old, indigenous person of Madhainagar Village. He grew up in the same villages and mingled with the Bengali community in his childhood. They faced many problems including the denial of their human rights, discrimination, land dispossession, violence and oppression. They were often faced the issues of assimilation and integration which meant violation of their cultural rights.

The community learnt about the participatory budget process, when they attended participatory budget meetings; they also learnt about community awareness and participatory sessions and realised that this was a space for demanding rights and for the development of the community. The facilitators went from door to door visiting the homes of the indigenous people and gathered their opinions about plan priorities in the village. On several occasions earlier, the demands were raised but elected representatives of UP did not pay any attention to it. For example, they had been demanding a special standing committee for indigenous people which is in addition to existing 13 standing committees. When the demand for special standing committee and other development demands came through the participatory budget process, the Chairman of UP accepted the demands and allocated money for their development needs. Participatory budget has given an institutional space for indigenous people to present their demands. The example of Kishori Club shows that the small demands of adolescent girls would have been lost without the provisions of participatory budget.

In Bangladesh, the UPs have 13 standing committees, but the Madhainagar Union formed 14 standing committees considering the vulnerability of the indigenous people. Initially, it was difficult, but the community's demands contributed to forming the committee and making it functional. The community acknowledged that the participatory budget is the tool of development for the poor and for the development of the local community.

8. Impact

The results at the outcome and impact level are linked in a sequence of the result chain. Through practice, the participatory budget process attained a set of outputs by producing outcomes. The major outcomes and impacts are, improved capacities of the people of the community, local government institutes, decision makers and policy institutes, and appropriate communication of results to other stakeholders; strengthened functional linkages among service providers, UP and local community; improved legal and policy environment; improved governance and management and local democracy.

Improved Governance: Participatory budgeting strengthened decentralised governance. It improved the UP's accessibility to citizens and helped them to get their problems attended to in a timely manner. It

enhanced accountability and transparency in public finance management. The example in adolescent girls in Box 19 shows that voices of this small group were heard through the participatory budget process.

Box 19

Kishori Club with New Dreams

The Kishori Club is a house of dreams and place for the adolescent girls of Madhainagar Union. The adolescent girls in rural areas are confined within the home. The club is a place for sharing feelings and experiences. "Adolescent period is the most important formative time that shapes the future course of life. The adolescent girls, at the adolescent stage, suffer from different crucial problems. They are often overlooked, and face a unique set of challenges in their transition" says Aklima Khatun, a team leader of the Adolescent Club.

The girls come to the club and receive health awareness training and medical treatment. They are made aware of their rights and the processes of life progress. They are also told about the participatory budget process. The adolescent girls wanted to learn how to use computers. They approached Aaklima who discussed this issue with the UP.

"In the participatory budget meeting, I placed the demand on behalf of the local adolescent girls. The audiences supported me. The Chairman and all the participants approved the budget for purchasing a computer. Now, the computer is used by the rural girls. They are happy. The participatory budget meeting provided a space for improving the life of adolescent girls with new dreams and new technologies."

Formation of Indigenous UP Standing Committee: The UP of Bangladesh has 13 standing committees for local development, but the Madhainagar Union formed 14 standing committees. Considering historical vulnerability, the Indigenous Standing Committee was formed in 2009. This is a unique achievement for the UP. It is the ultimate impact of practicing participatory budget and participatory planning.

Improved UP Income and Demand Driven Budget: The net income is moving up in wards and the demand-driven budgets are allocated through participatory decisions. This is another dimension of people's participation, and one that improved the quality of the final output, because communities were involved.

Increased Holding Tax: The holding tax increased compared to the first stage and recent times. The tax increased from 56,500 BDT to 356,500 BDT in 2010 -2011.

Budget Allotment for Indigenous Community: Earlier there was no budget for indigenous community development. The amount has gradually increased from 10,000 BDT to 20,000 BDT in 2010-2011.

Policy Impact: The success of the project contributed to the implementation of LGSP all over the country.

Developed Capacity of the Citizen: The capacity of citizens has been enhanced. They have understood, how their local government works since they have been exposed to skills and knowledge related to budgets and budgeting. They have also been acquainted with their rights and obligations as citizens.

Empowerment of Citizens: Citizens, including the vulnerable and marginalised groups are empowered to participate in decision and budgetary making processes.

Enhanced Legitimacy: The engagement of citizens in the decision making process enabled the council to respond to needs that are relevant to communities. The citizen is in a position to understand the

capacity and constraints of the council with regard to the provision of services and development. Increased legitimacy also enhances partnerships between the council and stakeholders that leads to good rapport and working relationships between the council and stakeholders.

Madhainagar was a poor UP. The people did not know about the budget despite the fact that the budget was allocated and spent every year in their UP. They had no access to the planning process. The voices of the poor were rarely heard in the UP. The participatory budget takes citizens beyond votes and citizens no longer have to wait for elections for ensuring accountability of UPs. The community and all stakeholders accepted and appreciated the accountability mechanisms e.g. the participatory budget being practiced in Madhainagar. With participatory budgeting, they are able to participate in the entire cycle of budgeting and implementation, and the monitoring and evaluation of development projects. It has changed the power relations in the society and helped make the political bureaucratic system transparent, and accountable to the citizen, which deepens local democracy.

9. Constraints

Participatory budget is a historical achievement in local government of Bangladesh, but there are still challenges to be faced. The local political leaders are not intensively involved in the entire process; the intensive capacity building programmes and practical need based training on budget formulation are absent, along with policy gaps and weak monitoring and evaluation processes. With the majority of the population having been disadvantaged and marginalised in governance for decades and struggling to get their political rights and freedom as envisaged in democracies, lessons are still being learnt. Participatory budgeting needs to build capacities of the marginalised so that they freely and willingly participate beyond the election of representatives in local governments. It implies the sharing of power between local politicians, UP officials and citizens. Participatory budgeting capacity building induction courses for the local politicians must be carried out from time to time that clearly specifies the importance and benefits of participatory budgeting as well as the role and responsibilities of each key player in the process.

In spite of challenges, the existing regulations and practices empowered UPs to mobilise resources from local sources through the assessment and levy of taxes, leasing of local *haats* and *bazaars* (marketplaces), water bodies, etc., but they do not receive the total resources generated from their entitled sources. In addition, the control and administration of local sources still remains with de - concentrated agents, like, the share of land registration fees, market auction, land development tax, marriage registration fees, etc. The advocacy programme should be taken up for policy formulation and proper execution.

10. Conclusions

Revenue assessment, collection and development expenditure have shown an increasing trend which can be attributed to the introduction of open budget discussions, discretionary and performance grants; the increasing trend of revenue assessment and collection has had an impact on the UPs' development expenditure. The practice of participatory budget increased citizen participation. The budget formulation, decision making, and resource mobilisation changed the pattern of power relations. The participatory approach has empowered citizens and strengthened local democracy in Bangladesh. The experiences of Madhainagar Union demonstrate that the synergies of State governing bodies and local communities through the long practice of participatory budget have been creating a channel for citizens to give voice to their priorities, increasing transparency in fiscal policy and public expenditure management, reducing the scope for wrong practices, elite capture, and corruption, thereby enhancing

the government's credibility and the citizens' trust. It has also been improving service delivery by linking needs identification, investment planning, tax systems and project management. The benefits of participatory budgeting include, among others, improved governance; empowerment of citizens; improved information sharing; deepening local democracy; increased public ownership of development projects and reduced corruption; all of which lead to improved service delivery. However, for the benefits of participatory budgeting to be realised, new policies should be developed and formulated and institutional integrity should be developed for sustainability.

11. References

Ahmed, Tofail (2011), Five Year Plan for Union Parishad, Published in The Daily Star, Your Right to Know on Thursday, April 21, 2011.

Government of Bangladesh, Constitution of the People's Republic of Bangladesh, Published by the Ministry of Law, Justice and Parliamentary Affairs

Haider, Faheem (2010), Bangladesh Index: Relative Human Development Improvement, 2010, Objective Misery.

Panday, P. K. (2005), Local Government in Bangladesh, South Asia Journal, July-September 2005, Regional Cooperation in South Asia

Rabobank Economic Research Department (2011), Country Report, Bangladesh, 2011, Page: 2-7, January, 2011

Siddiqui, K. (2000), Local Governance in Bangladesh Leading Issues and Major Challenges, The University Press Limited, Dhaka.

Siddiqui, K. (2005), Local Government in Bangladesh, The University Press Limited, Dhaka.

Ullah, Md. Anwar (2011), Revenue Mobilisation Performance of Union Parishad in Bangladesh: Is It Convergence of Central-Local Relations? Regional and Rural Development Planning Field of Study, School of Environment, Resources, and Development, Asian Institute of Technology.

UPDSP (2005) 'Training Guide for Skill Development of the Elected Representatives of the Union Parishad', Union Parishad Democratisation and Strengthening Project, Bangladesh Union Parishad

Wikipedia, Economy of Bangladesh - Wikipedia, the free encyclopaedia.

Wikipedia, List of countries by population - Wikipedia, the free encyclopaedia.

Case Study 2

Community Based Monitoring and Health Services, Bangladesh

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1. Background

The governance and development discourse continues to embrace citizen participation and functional integration of local development actors. Community participation is increasingly endorsed as a means of strengthening State-community synergies. Democratic governance is essential for creating an enabling environment for progress and for imbuing national and local institutions with systems, processes and values that respect people's human rights and fundamental freedom. Bangladesh is a democratic country. The country is on track to achieve, on average, a growth rate of six per cent per annum, if not higher, over the coming years, barring any major disaster. With an additional two to three per cent growth Bangladesh could, cumulatively, become a middle-income country in a decade. This achievement will depend on the prevailing state of institutions. Whether Bangladesh can emerge from the present ''twilight'' zone and either enters the ''daylight of prosperity'' or the ''darkness of poverty'' will largely depend on the establishing of effective institutions in Bangladesh[50]. The country achieved health gains over the last decade of the 20th century. The delivery of primary health care in Bangladesh has taken a remarkably new shape through the establishing of 18,000 community clinics, one for every 6,000 rural people, but the gap between the State and citizen is still very large. The downward accountability mechanisms as well as vertical channels are not yet functional in health governance. The civil society organisations have been trying to institutionalise durable societal control by enabling collective actors to exercise their voice in deliberative processes, in which citizens can hold public institutions accountable in terms of improving the quality of public services and their entitlements at the local level. The practices of vertical mechanisms are creating spaces for effective governance. The move from monolithic State provisions to decentralised vertical accountability channels has been making a direct relationship with the State and citizen, breaking traditional bureaucracy and deepening democracy.

The traditional public service system is presupposed a chain of command that is organised in a hierarchal manner. The institutions follow a clearly defined structure and positions with duly organised responsibilities. It is reliant on procedurally correct decision making based on consideration of levels of authority and jurisdiction. The rights and duties of officials are explicitly prescribed. The Government of Bangladesh is trying to break the traditional bureaucratic system. In spite of constitutional guarantees, international treaties and Millennium Development Goals, most of the poor people are the out of public health services. The integrated downward channels of social accountability are not very functional. From historical lineage, the health governance in Bangladesh is very old. It can be traced back to the early 17th century when the East India Company came to rule over the Indian sub-continent and governed it

[50] Hasan, 2010

as a police State from England (Rashid and Hyder, 1995). The early efforts of health administration were directed at the alleviation of suffering due to sickness, catering mostly to the needs of the urban elite class. Subsequently, some facilities were extended to small towns in the form of hospitals with a few beds.

The pattern of Bangladesh's public health service delivery system is hierarchically structured from the national level to the village level. The structure is based on a top down approach. All the decisions regarding health policy formulation, service delivery mechanisms, allocation and utilisation of resources etc. are taken at the central level, while the lower level organisations carry out the decisions. There are also administrative mismanagement and deficiency of medicine and medical facilities for the majority of people living in the rural areas. In the recent years physical facilities have deteriorated in most Upazilla Health Complexes. Modern technology is not available in these hospitals and in some cases existing high-tech equipment is not working or is spoilt because of not being operated due to a shortage of technicians. Training opportunities for nurses, laboratory assistants, x-rays technicians and other health sector technicians are very limited. Poor staff practices are a major problem in many Upazilla and Union Health and Family Planning Complexes with high levels of absenteeism, informal user-charges, unwilling to work, regarding postings as 'punishment' etc. Moreover, wrong treatment, negligence towards patients, non-attentiveness, irresponsibility, absence from duty, and unwillingness of doctors to stay in rural areas and small towns are the other problems in Bangladesh's public health sector. There are also problems related to supplies, equipment, beds, ambulance services, proper referral services etc.

The Government of Bangladesh is constitutionally committed to "the supply of basic medical requirements to all levels of the people in the society" and the "improvement of nutrition status of the people and public health status" (Bangladesh Constitution, Article- 18). The health service functions were initially restricted to curative services. With the development of modern science and technology, health services emphasise primitive and preventive rather than curative health care. Yet, a large number of people of Bangladesh, particularly in rural areas, remain with no or little access to health care facilities. It would be critical for making progress in Bangladesh's health services to improve the people's participation in the health sector.

The Government therefore seeks to create conditions whereby the people of Bangladesh have the opportunity to reach the highest attainable level of health. Bangladesh has good structure for delivering primary health care, but the full potential of this structure has due to the lack of adequate logistics and infrastructure never been utilised. In Bangladesh, about three per cent of GDP is spent on health, out of which the government contribution is about 1.1 per cent. In terms of the dollar, the total health expenditure in the country is about US$ 12 per capita per annum, of which the public health expenditure is only around US$ 4. For improving the effectiveness of the public sector interventions and for providing services responsive to the needs and demands of the population, the Government of Bangladesh, since 1998, has been pursuing a sector-wide approach (SWAP). There was no effective and efficient functional relation with the local government, local service providers and community people. The service delivery mechanism is not effective enough to provide to the community at the local level.

Considering these problems in health sector, direct accountability mechanisms should be set in place. The emergence of the tools of direct accountability is usually the result of a combination of a series of social, political, and institutional variables that illustrate processes of change within civil society, the State and the public sphere which allows for the emergence and consolidation of actors and networks specifically oriented around demands for greater governmental transparency and accountability. Civil

society organisations have been trying to contribute to a responsive, transparent and accountable health system in Bangladesh.

The People's Health Movement (PHM) is a global network of grassroots health activists, civil society organisations and academic institutions particularly from developing countries. The PHM currently has bases in more than 70 countries that include both individuals and well-established circles with their own governance structures. The PHM was launched in 2000 in Bangladesh in response to the unrealised goal of health for all that had been established in 1978 at the conference at Alma Ata. The movement has grown over the past ten years and has focused on the revitalisation of primary health care and on addressing social determinants of health. The Health Rights Movement Bangladesh (HRMB) is a forum of 92 organisations establishing health rights for community people. The Population Services and Training Centre (PSTC) is the secretariat of the forum. HRMB organised the first conference on 'Health is not privilege, it is a right; so it should be ensured with equity' and has taken the 21-Point Dhaka Declaration in 2007. These 21 issues from the Dhaka Declaration would be the basis of launching a social movement for getting accessible health services. The main thrust of this forum will be the sharing of the experiences of different organisations and bringing the advocacy issues on the table to push them forward in the national arena. The civil society organisation introduced community based social accountability systems like community score cards (CSCs), public hearings and social audits, but the efficacy and efficiency levels are not widespread. Therefore the study will try to provide a pen picture of the efficiency and effective levels of CSC in health governance of Bangladesh.

2. Objectives and Methodology

The case study intends to test the assumption that the CSC helps in promoting transparency and accountability in health governance. For this purpose, the process, progress and experiences of the community in local public health services were taken as the focus point of the study. In order to get in-depth insights, Focus Group Discussions (FGDs) with community people, in depth interview with the Union Parishad Chairman, project management and local health officer, individual interviews with Union Parishad members, standing committees, health service providers and key informant's interview with local specialists were conducted. Jangalia Union of Kishoreganj District is the central area of the study.

3. Rural Health Structure in Bangladesh

The health system in Bangladesh is completely controlled by the Ministry of Health and Family Welfare (MOHFW), and divided into two wings, one concerned with population and family planning and the other concerned with health. The Government health care service network is spread over the country from the capital to the village level. The network service is provided through three approaches; one is primary care at the Upazila (sub-district) level; secondary care at the district level; and tertiary care at the division level. Bangladesh has a surprisingly extensive health structure throughout the country.

Primary Health Care Service (Three Tier system)

Upazila (Health Complex) – *they offer services like clinical services, support services and field services*

⇩

Union (Health Complex)

⇩

Ward (Community health centre)

Primary health care service is provided through three tier system i.e. Upazila level, union level and ward level. The standard set up for health services in an Upazila consists of a health complex, at the union level there are union health complex (UHC) and health and family welfare centre (UHFWC) and community clinics at the village level.

The services at the Upazila levels are divided into three units, namely clinical services unit, support services unit and field services unit, all under the administration of the Upazila Health and Family Planning Officer (Siddiqui 2003). At the Upazila level there are Upazila health complexes, which are treated as the first referral centres for primary healthcare. These have been established to take the health service delivery system including the primary health care system to the doorsteps of the rural poor.

At the Union Level, health care services delivery is through both the USC and UHFWC. This is the smallest and most peripheral health care service unit having a sub-centre, which provides out-patient services for injuries, wounds and ailments, with no diagnostic, surgical or bed facilities. These health centres provide first static health care facilities. A USC is managed by one medical officer, one medical assistant, one pharmacist and other support staff while a UHFWC is managed by one medical assistant, one family welfare visitor, one pharmacist and other support staff. The field supervisory personnel of the health and family planning sector at the union level are to attend the monthly meetings of the union council and discuss problems and issues concerning the delivery of health and family planning services.

At the ward level, there are community clinics and there is provision of satellite clinics which offer peripheral level health service facilities with a view to providing minimum care. These health services are delivered from time to time (say once a month). The patients are motivated to go and take services there like oral rehydration therapy (ORT) services, awareness raising about health, sanitation, nutrition, communicable diseases etc. However, the community clinics at village level established under the Health and Population Sector Programme (HPSP) a donor driven mega programme initiated a few years back, are not functioning now which means that no health services are available at village level.

However, the existing structure is not delivering services to the poor. Rural Bangladesh is facing a healthcare crisis and State-run facilities there are facing an acute shortage of doctors, nurses and technicians, and as a result of this many people resort to traditional healers. There is a huge disparity between the number of healthcare personnel in urban and rural areas, according to the Directorate General of Health Services (DGHS).

4. Policies and Institutional Environment for Health Governance

The local government institution of Bangladesh is the institutional centre for addressing development issues at the local level. As the public governing body, the Union Parishads are decisive bodies and the authority at the rural level and are mainly responsible for economic, social and community development, which is the hub of the implementation of rural schemes. The Union Parishad has its provisions for a mechanism for ensuring effective public services through various standing committees. In the Constitution, Article 9: Promotion of local government institutions: The State shall encourage local government institutions composed of representatives of the areas concerned and in such institutions special representation shall be given, as far as possible. The Section 38 of the Local Government (Union Parishads) Ordinance, 1983 states that the Union Parishad can form any committee with prior permission of the authority if it deems it necessary. The concept of the Union Parishad Standing Committee came from the objective of making the Union Parishad more active and efficient. According to the Local Government Union Parishads (Amendment) Acts, 1993 and 2001, each Union

Parishad will constitute 13 standing committees, one for each area. The health standing committees of the Union Parishad are subjected to take necessary steps to ensure proper healthcare of the local people.

The major activities are

- The committee will keep itself informed of the activities of the health and family planning workers in the local area so that they carry out their duty properly. If any irregularity is found, first advise them to solve it and then if necessary request the concerned senior officer to take measures against the responsible persons.
- To make the local people aware about family planning matters and give publicity to birth control in the local area. For decentralisation of work and the proper solution of problems, each Union Parishad can constitute standing committees with its members or co-opted members (if any) which will perform its duties according to the specific rules.

5. Health Scenario in Jangalia Union, Kishoreganj

Kishoreganj District (Dhaka Division) with an area of 2688.62 square kilometres is bound by Netrokona and Mymensingh Districts on the north, Narsingdi District on the southwest and Brahmanbaria. Pakundia is part of Kishoreganj District. It has 10 Unions/wards, 97 mouzas and 170 villages. Jangalia is under the Pakundia Upazilla. The main socio –economic structure of Jangalia is almost the same as other rural parts of Bangladesh .The main source of economic activity is agriculture. Most of the people are poor. The geographic land area is divided into two 1) Char Region and 2) Plain Region. The people of the Char region are more disadvantaged than those of the Plain region. The remoteness and the accompanying limited access to infrastructure and services, lower levels and quality of education, lower employment rates and less effective social protection are among the reasons for the poverty in the region. The people in the region depend upon the following services for health care:

a) Community Clinic;
b) Union Health Care;
c) Satellite Clinic;
d) Local Pharmacy;
e) Village Medical Doctor (*Palli chikitsok);*
f) Homoeopathic;
g) *Kabiraj* (practitioners of *ayurvedic* system of medicine),
h) *Totka* (practitioners of combination of *ayurvedic* and *unani*) and
i) Spiritual healers (practitioners of chants and sacred readings).

Some of these services exist in informal health sector and they are not acceptable in modern medical practices. In addition, poverty of people aggravates health crisis as it makes them dependent on delivery of health services by government. Challenges to health system performance in rural areas can include a lack of qualified health workers; greater distance to major hospitals; poor access to specialised services and pharmacies, health promotion and prevention activities; financial barriers linked to lower incomes and insurance coverage, as well as higher costs.

6. Emergence of Social Accountable Mechanisms

Citizen participation is absent in public policy making, participatory budgeting, public expenditure tracking, and citizen monitoring in health services in the country. The extent of citizen participation in

planning is very low; the women, poor, marginalised, excluded and vulnerable people have limited scope to get involved. There was no effective and efficient functional relation with the local government, local service providers and community people. The service delivery mechanism is not effective enough to provide for the community at the local level. Considering these conditions, social accountability mechanisms were required in health services. The poor people have no resources to get treatment in private clinics, but they want to get the health system corrected..

6.1 Political and Social Context

The parameters for social accountability are largely determined by the existing political context and culture. The feasibility and likelihood of the success of SA initiatives are highly dependent upon whether the political regime is democratic, a multi-party system is in place, basic rights and freedom (including political rights, information rights, and freedom of expression, association and assembly) are guaranteed and there is a culture of political transparency and probity. Bangladesh has been and is still practicing a system of multi-party parliamentary democracy with few interruptions and it has a unitary National Parliament, named Bangladesh *Jatiya Sangsad*. Several changes have been introduced in the system of local government in rural Bangladesh following the country's independence. The country is divided into 300 constituencies. The Union is a part of one constituency. The democratic political culture and social desire deliberated the process of SA mechanisms.

6.2 Process and Scaling-up Social Accountability Mechanisms

The CSC was piloted by the PSTC, supported by the Manusher Jonno Foundation (MJF). The PSTC is a non-government and non-profit organisation and it works for the improvement of the life status of the poor and socially disadvantaged people by undertaking various programmes and projects. PSTC began its operations in 1978. PSTC is the inheriting organisation of the Family Planning Services and Training Centre (FPSTC), which was created in 1978 following a government order to act as a bridge between the Government, donors and local level NGOs working in the field of FP-MCH (Family Planning- Mother Child Health). The PSTC has a glorious past. It has promoted and developed 82 NGOs throughout the country, who have been playing a significant role in supplementing and complementing the National Health Programme during the last 30 years.

PSTC has been implementing projects on increased responsiveness of the health service delivery institutions /provider to establish the primary and reproductive health rights of the community. The project comprises a set of objectives and sought to increase the responsiveness of the health service delivery institutions /providers to establish primary and reproductive health rights of the community; develop support groups in the community to establish rights through increasing responsiveness of health service delivery institutions/providers; enhance knowledge of the community on health rights, especially Reproductive Rights, Client Charter of Rights and Provider Charter of Rights; change behaviour of the service providers so that they can provide quick and timely services to the women and children and the victims of violence against women; develop client associations to work as advocacy groups at the Upazilla and Union level to raise the collective voice of the community to establish health rights; influence the policy planners to ensure the Client Charter of Rights, Reproductive Rights and Provider Charter of Rights in implementation process/project in health sector.

Process of CSC is one of the ways of ensuring the health rights of citizens and it was piloted by PSTC in Jangalia Union. The CSC is a participatory, community based monitoring and evaluation tool that enables citizens to assess the quality of public services. It is a two-way, on-going participatory tool for assessment, planning, monitoring and evaluation of basic services. It is used to inform community

members about available services and their entitlements and to solicit their opinions about the accessibility and quality of these services. By providing an opportunity for direct dialogue between service providers and the community, the CSC process empowers the public to voice their opinion and demand improved service delivery. When it was started, the project team tried to think about the limitations of some of our participants and some of the needs that were not being met through the current programme. They communicated with the local community participants and asked them what they wanted to do. They approached the community to find out their experiences. It tried thinking of things that had not previously been introduced in the community. The project team and local community people tried to create an environment where questions on accountability could be raised without fear.

The movement of social accountability and health rights began in 2004 at Jangalia Union. The enabling environment entails a range of significant and persistent challenges to accountability and voice. Initially, it was sought to meet the significant challenges of local areas. The traditional bureaucrats were not very interested in the CSC. The Union Parishad was not very proactive. It required a lot of effort by PSTC to build enabling environment for working of CSC. Community mobilisation on health rights and CSC was actively pursued and some Imams in at the local mosque were also roped in and they delivered speeches on health rights every Friday. Some other local associations like Client Association, Local Volunteer Group, Grassroots Group, Social, Cultural Groups and Religious Actors were also involved in community mobilisation.

The training for preparation of the CSC was started by the Manusher Jonno Foundation which provided training to the PSTC staff members. The PSTC staff members were oriented on the CSC development process and various steps related to it. As a result the level of local capacity increased. PSTC in turn provided training to local Union Parishad members, public health service providers, community facilitators and people on health services, service provisions and accountability issues. CSC in Jangalia Union consisted of the following steps.

Step 1: Input Tracking of inputs or expenditures: it involved building a database on availability of drugs, availability of doctors, comparison of performance across facilities/districts, generation of benchmark performance criteria that can be used in resource allocation and budget decisions. The data has to be accessed from Union and Upazila Health Complexes and government health departments. This step is largely facilitated by local NGOs along with community facilitators.

Step 2: Building local capacity, strengthening citizen voice and community empowerment; it involved providing training to community, Union Parishad members and other stakeholders on preparation of CSC.

Step 3: Self-evaluation by service providers: in this step, service providers assess their services but no engagement with community takes place at this stage.

Step 4: Evaluation by Service Recipients: Community facilitators play important role by collecting data about opinion of people on health services. Thereafter, data is tabulated by NGOs and report is prepared.

Step 5: Sharing data and interface with government; CSC is shared with Union and Upazila Health Complex and government health departments. CSC is also shared though seminars, workshops, press releases.

CSC also involved identification of entry points through which health problems could be addressed. After identification of specific issues like non availability of medicines, absence of doctors etc. in community meeting, the next step was to access information (e.g. policy statements, budget commitments and accounts, records of inputs, outputs and expenditures, findings from participatory assessments, etc.) from the health departments.

The CSC initiatives often involve obtaining both: (i) "supply-side" data/information (ii) "demand-side" data/information. In accessing "supply-side" information, the transparency of government and its capacity to produce and provide data and accounts are crucial.[51] With regard to "demand-side" information, a wide variety of participatory methods and tools have been developed to generate data, while simultaneously serving to raise awareness and promote local-level mobilisation and organisations. Relevant data/information, obtained from the public sphere and generating public debate around them, are a key element of successful CSC. Step 3 is one of bottlenecks in the CSC process as service providers are either reluctant to undertake the exercise or share the data with other stakeholders.

Transmitting relevant information to government officials/bureaucrats who are in a position to act on it (and, ideally, interacting with those decision makers on an on-going basis) is an important step of the CSC. The project team made many efforts for networking with local development actors, dialogue with Government of Bangladesh, NGOs and private sector health service delivery staff. The interface meeting with the government was challenging. It was for the first time the feedback of the community was taken into account and that representation were made to government on health services.

The most crucial and challenging element was to be able to elicit a response from public officials and effect real change. Where possible, citizens' groups can appeal for formal means of sanction or enforcement to effect change (e.g. by presenting evidence to a corruption control agency, reporting to a public ombudsman or filing a legal claim through the court system). Often, however, such means are absent, ineffective or inadequate to influence institutional change (e.g. in the case of user's feedback on the performance of public service providers).

In such cases, citizens' groups employed a number of "informal" strategies to influence change, such as, media campaigns, public hearings, "interface" meetings (where citizens present evidence and dialogue directly with relevant government counterparts) and popular protests. These strategies rely upon the mobilisation of public support and recognition of the issue at hand. In order to effect meaningful change, they involve direct interactions and negotiation with the concerned government counterparts and, ideally, the institutionalisation of mechanisms for on-going consultation, joint analysis and cooperation. Effectively disseminating information to the general public (through the strategic use of media, public meetings, etc.) is also essential, both to inform and to create an impetus for action. Informing citizens of their rights and responsibilities, engaging their interest and mobilising them to build a common forum with different stakeholders (like bureaucrats, media, parliamentarians, etc.).

7. Dynamics of Community Participation

The health movement of Jangalia Union was accelerated by all classes of the community. The women, poor and extremely poor actively participated in the movement but the presence of the local elite was much lower than that of other classes. The provision and extent of community participation in planning the provisions of public service delivery and in implementation is very limited. The middle classes are predominant at these levels and there is hardly any space for participation of poor and marginalised sections. In the CSC process, the representatives from different wards, women from the grassroots and

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poor classes were involved. But in this process, client association groups , the grassroots group or community groups, the poor, extremely poor and women are involved in all the stages of input tracking, interface meetings and follow up process. In spite of the knowledge gap, geographical coverage, shortage of manpower, limited policy provisions, the CSC deliberated on the grassroots voices. The process was accelerated by a number of social organisations and persons from grassroots. Salma was one of them.

Box 20

Women Leader Play Crucial Role in CSC

Salma is a traditional Bengali woman with a unique non - traditional role. She was born in a village of the Jangalia Union; she is 39 years old, a dedicated local member of the Jangalia Union Parishad. She was actively involved in the CSC process and accelerated the health rights movement. Salma got married at very young age. She was a full-time housewife, focused on raising her two younger siblings. She dreamt of changing the life of rural women. "I felt a kind of desire, when I saw the women being ignored and neglected. They have health, but have little chance to think about this; over the years, they are confined to the households and confined without rights as well as entitlements. They are not conscious about good health." This distress and suffering always stuck in her mind. She always believed that the women's days of toiling would end.

In 2004, when she was elected as a woman member of the Union Parishad, she got an opportunity to do something for the women. At that time, she did not know much about health rights and her responsibilities, she did not know about the CSC. The major changes came, when she was oriented by PSTC, a NGO. She received training on health rights, public service provisions, and institutional transparency, accountability and responsiveness and the CSC.

She became intensively involved in activities connected to health right from homes to the Union Parishad. She talked with other members and shared her knowledge with the other members about their responsibilities and how to develop the community's health situation. She interacted with health service providers about the engagement of community people. She disseminated her knowledge door to door. Every month, she organised a yard meeting with help from the PSTC. The yard meeting is now the space for rural women to express their problems and find a solution. The voice of the voiceless is now becoming loud. The CSC is now being used. Salma's role in the health care movement was credit worthy.

Nurzahan said, "When I was pregnant, I was anxious, nobody cared about my problems, and I could not determine what to do. In the crucial movement, Salma *apa* came to me and heard my problems sincerely. She took me to the community clinics. I did not know about community clinics. They diagnosed my problem and provided advice and medicine. After the birth of my son, I started going alone to the clinics. The services of the community clinic have changed a lot and I'm grateful to Salma apa." Nurzahan is not the only woman, a group of women received advise about primary health and the prevention of diseases. Most of them now attend the clinics on their own.

Salma has changed the traditional role of women. She knew that the path she had chosen would not be smooth, but she quietly took on the challenges. The day begins with new dreams and activities. She wakes up from bed before 5:30 am. She finishes her household chores and sends her son and husband to their respective jobs. She then goes to the Union office and starts her social work. Now Salma apa is the name of secured shelter and instant solution for any problem in the community. She mentioned that the accountability mechanisms were always challenging, in the professional aspect, the local health service providers were always accountable to their hierarchal authorities, but for the first time they were directly accountable to the community people through the CSC. The interface and interaction with local service providers and community, has changed the

pattern of local health services. She added that the CSC is a tool for building a bridge between the community and service providers. Her hard work has made her realise her dreams and attain her goals. Women moving beyond the confines of home for preparing CSC were the landmark feature of health movement in Jangalia union.

Some other salient features of movement were:

a) The poor and extremely poor are the predominant characters for receiving public health service, hence they were the driving forces in the accountability process;
b) The presence of the social and economic elite in the CSC process is much lower but presence of middle class was could be seen. It is important to mention here social and economic elites can afford health services from private clinics which might be the reason for their low participation. But this class did not subvert the CSC process in any way.
c) There are very few socially excluded people in the interface coordination meetings.

8. Interface with Other Stakeholders (political leaders, opinion leaders and local elites)

The CSC is an innovative tool, one could not think that the community would have a tool to assess the public service providers. The community people acknowledged that the CSC is an effective tool, but the mind set and existing service delivery provisions hinder the inclusion of the excluded social groups. The service providers do not always have the capacity or leverage to make decisions or implement change. It is therefore important that senior officials and decision makers be involved in the feedback loop and interface. The development of institutional structure and the practice of e-governance are important for building a demand driven, community based quality service delivery mechanism. The legal as well as policy framework is not adequate in terms of community participation, functional involvement of NGOs and local development actors. There is a shortage of sufficient manpower and transportation facilities, which hamper the standing committees' (Union) work, the information system is manual; there is no scope of maintaining data in different formats and has limited interaction; and the lack of knowledge of ICT and opportunities to use ICT.

The stakeholders suggested that a comprehensive planning implementation framework be developed with a multi-pronged implementation approach using several implementation mechanisms; and improved participation and demand-driven approaches. The programmes should be implemented using demand-responsive, decentralised implementation and management approaches. Institutional capacity should be strengthened; policy and legislation should be influenced by coalition building and knowledge exchange, striving to increase the collective demands.

At the same time, large numbers of local elite, political leaders and opinion leaders with huge levels of influence with have internal conflicts amongst them are major constraints in collective effort for social accountability. The partisan political practices are a major hindrance for any collaborative local development effort. Therefore, any person with vested interests or any biased political person may create problems in social accountability processes. The institutional and functional linkages with the local government, public service providers and community people are weak. The social integrity approach and significant strategies help mitigate the situation.

The stakeholders' response is to develop more structural and societal changes in the approach towards gender equality and use more social accountable tools as well as participatory mechanisms. The service providers are interested, as according to them, the process created an opportunity for them to interact

with the community regarding their existing limitations. Service providers and policy makers may feel threatened by these initiatives. It is thus important to engage them from the early stages and sensitise them to the values and practical benefits of people's participation in service delivery assessment. Some strategies for mitigating this problem are to: highlight both strengths and weaknesses emerging from score card findings; prepare adequately and facilitate effectively to ensure that interface meetings are constructive rather than confrontational; and focus not only on problems but also on solutions and proposals.

Service providers at the local level do not always have the capacity or leverage to make decisions or implement change. It is therefore important that senior officials and decision makers are also involved in the feedback loop and interface. It is important to help community members develop an understanding of the constraints faced by service providers, so as to avoid creating unrealistically high expectations. The effective implementation of a CSC requires a combination of an understanding of the local socio-political governance context; a technically competent intermediary to facilitate the process; a strong public awareness and information dissemination campaign to ensure effective community participation; participation/buy-in of the service provider; and coordinated follow up.

9. Impact

The major outputs and outcomes of the practiced accountability mechanisms are contributing to developing local health governance and improvement in service quality. Significant changes are seen at the community level. The process has helped in strengthening the voice of the marginalised to increase their negotiating powers and enabled them to engage with public service providers in a systematic, informed, direct and constructive manner. This will help contribute to citizens' engagement in ensuring social accountability in relation to the existing public services. The process of empowering the poor brings together service users and providers, which eventually helps to promote public participation for ensuring accountability, responsibility and informed decision making, which in turn promotes systems of accountability and transparency.

It is intended to make the Union Parishad's relevant standing committee members more active in monitoring the implementation of the action plan of service delivery mechanisms with the community and the service providers. In the working area, there exists a high demand for targeted public services and the poor quality of the services provided services have created a situation where there is scope to use the enthusiastic human resources available at the ward level. The Union Parishad has its provision for a mechanism to ensure the quality of public services through various standing committees. However, these committees are not really functional and the members are least concerned about their roles and responsibilities. The public service providers are Central Government staff members and there is no specific system or functional linkage between the service providers and the local government. To minimise the existing limitations, the process fostered establishing a functional linkage between these two types of separate entities through interface meetings and dialogue.

To strengthen SA practices amongst the public service providers, the CSC brought an attitudinal shift in the public service providers. Besides the service providers are also aware of the existing lack of scope for them to fulfil the demand of SA in relation to the existing public services. The members of the civil society's (e.g. school management committees, NGOs and professional associations of journalists, teachers and lawyers) project team engaged in implementing the project at various interactive events to ensure an active and functional linkage between the community and civil society. The community people are equipped with service monitoring tools and techniques. The CSC is an effective and efficient tool for service monitoring as well as community empowerment through building effective linkages with

the local government, local service providers and community people. Support groups were established in the community because of the increased awareness on reproductive rights, client and provider charter of rights in the community and information regarding health, especially reproductive health and primary health care, service provisions. These support groups helped establish health rights through increasing the collective voice of the community, the increased quality and access to health service delivery institutions in response to the demand of the clients, influencing the policy planners to ensure the client charter of rights, reproductive rights and provider charter of rights in the implementation process/projects in the health sector, developed capacity to express views and priorities, and to demand their rights and entitlement.

Box 21

Increased Awareness of Citizens About Health Rights

Sabina Yasmin is a housewife from Jangalia Union. She has two children Sadia and Sanjida. She married in 2006; she said that the new mothers were struggling with their lives, the child, and their partners. She expressed feelings of losing her identity; feeling overwhelmed by the responsibility of the child, and was struggling with feelings of abandonment, worries, and breastfeeding problems. Most mothers were reluctant to speak about their feelings and they assigned their depressed mood to personal weakness rather than illness. The mothers were struggling to maintain their equality in the new situation within their relationships and were trying to get the partner (husband) involved in the child's care. She feels fortunate that she was involved in the CSC process. She has learnt many things about health and reproductive health as well as service provisions.

The CSC changes the behaviour and service delivery mechanisms. Kamal Krishna De, a local public health service provider, mentioned that he has been working at the community clinic from the last 16 years. He said that the people did not know about primary health services and he went from door to door to create awareness. As a result of the CSC, the number of patients increased and awareness has also resulted in decrease in infant mortality rates. He said that though they had a mechanism for accountability to the higher authorities, it was the first time that they were accountable to the community and this made them aware of community participation.

Further, the trend of receiving informal treatment declined substantially. It now stands at about zero per cent in the union. The number of people using health services in Union Health Clinics has increased. A decade ago, the number of people using health services was just ten, before the process of CSC was started the number was 700-800 but after the process of CSC the number has increased to 1200-1300.

Women, the poor and extremely poor are the predominant beneficiaries of public health services. The Union Parishad Chairman, Parishad members and standing committee members are now active. They are involved in monthly meetings, health care development planning and execution. There is interaction and interface among the citizen - led organisations, Union Parishad, and public health services providers. The total process promoted democratic local governance, making service providers and public agencies more accountable and responsive to citizens, promoted democratic governance, inclusive growth and human development.

The CSC process enhanced citizen participation in the local public service provisions. Community participation is a dynamic process and there exist a host of influencing factors or determinants that can dictate the nature of development outcomes or health programmes and their sustainability. Communities and individuals are increasingly driving their own service delivery, including more accurate

identification of critical services for each area. The level and extent of community participation has increased in public services. The method of participation is participatory. The engagement sectors are the institutional structures, community forum through meetings, consultation and advocacy. The marginalised vulnerable communities have started using the CSC. Their social mobility has thus increased. Community participation in service delivery involves far more than the direct delivery of services. There is a positive association between change in functional status and satisfaction with community participation. The CSC contributed to the involvement of the community people in the Union's health governing process.

10. Conclusion

The case study demonstrates that the CSC has been successful in promoting transparency and accountability in health governance in the country. However, various methods of participation for effectively using democratic spaces need to be combined innovatively and strategically with public services to get results. Accountability is a consequence of the implicit 'social contract' between citizens and their delegated representatives and agents in a democracy. The rural poor of Jangalia Union are facing a financial crisis and economic downturn, which is worsening the situation. The evolving of the citizens and adoption of the CSC as well as other social accountability mechanisms are expanding relations between citizens, public officials and local development actors, creating a new effective vertical mechanism of accountability and strengthening existing horizontal mechanisms, resulting in better governance, improved public service delivery and enhanced development effectiveness. In spite of the hindrances and challenges, the people, who had no voice, and no participation in local planning, and who were caught in the vicious cycle of poverty and misery are now coming up. The voice of the voiceless is now breaking the cycle of misery, traditional bureaucracy, widening vertical accountability channels and deepening local democracy.

11. References

Bangladeshi Constitution: A Good Governance Paradigm, Manzoor Hasan Barrister-at-Law is Director, Institute of Governance Studies, BRAC University. This article was originally published in the November 2010 issue of Forum.

Key Issues to Health Governance in Bangladesh, Presented by Ferdous Ara, Department of Public Administration, Assistant Professor, Rajshahi University.

Poor People's Access to Health Services in Bangladesh: Focusing on the Issues of Inequality, Prof. M SHAMSUR RAHMAN PhD, Project Director, Kobi Nazrul University, Bangladesh, ABU SHAHIN M. ASHADUZZAMAN, PhD Fellow, Institute of Bangladesh Studies, University of Rajshahi, Bangladesh And Senior Assistant Secretary, Government of Bangladesh, M.Phil leading to PhD Fellow Institute of Bangladesh Studies, University of Rajshahi, Bangladesh And Senior Assistant Secretary, Government of Bangladesh.

Ahmed, Manzoor 2000, "Promoting Public-Private Partnership in Health and Education: The Case of Bangladesh" in Yidan Wang ed 'Public-Private Partnerships in The Social Sector: Issues and Country Experiences in Asia and the Pacific'. Asian Development Bank Institute. pp. 219-290.

Ara, Fardaus, 2008, Public-Private Partnership in Providing Primary Health Care Services in Urban Bangladesh. Unpublished Master Thesis submitted as partial fulfilment of MPhil Degree in the University of Bergen, Norway.

Asian Development Bank (ADB), 2005, Report and Recommendation of the President to the Board of Directors on a Proposed Loan and Asian Development Fund Grant to the People's Republic of Bangladesh for the Second Urban Primary Health Care Project. RRP: BAN 36296. ADB. May.

Centre for Policy Dialogue (CPD), 2003. Developing a Policy Agenda for Bangladesh: Civil Society's Task Force Reports 2001. Bangladesh: CPD and The University Press Limited (UPL).

http://go.worldbank.org/Y0UDF953D0

Bangladesh Development Research Working Paper Series (BDRWPS) BDRWPS 7 (June 2009) People's Participation in Health Services, A Study of Bangladesh's Rural Health Complex Mohammad Shafiqul Islam Shahjalal University of Science & Technology (SUST) and Mohammad Woli Ullah Shahjalal University of Science & Technology (SUST) Bangladesh Development Research Centre (BDRC).

Case Study 3

Public Hearing as a Democratic Accountability Tool: Use of Good Governance Act in Nepal

- Kedar Khadka, Pro Public, Nepal

1. Background

Nepal is a least developed country and due to its poor economic condition and difficult topography, many people in the rural areas live in abject poverty. Some of them cannot afford two square meals and many children are malnourished. It has always been believed that Nepal could not achieve the expected progress because there is a lack of accountability, rampant corruption and bad governance.

A fundamental principal of democracy is that citizens have the right to demand accountability and public actors have an obligation to be accountable. The cornerstone of democratic governance is a transparent, accountable and non-corrupt government. Nepal is still a country mired in social, political and economic inequalities and exclusions which take many forms and manifestations.

The country has not been able to channelize the tremendous energy following the multi-dimensional political transformation of April 2006 as hoped by many. Local development has not gained momentum and democratic transition to a federal republic has not yielded results for the functioning of local bodies. Despite the introduction of a gender and disadvantaged responsive budgeting system, the situation on the ground has not changed much. This tendency has led to a weak sense of ownership in development activities resulting in non-participation in public decisions.

However, the interim Constitution of Nepal has clearly mentioned that the *"main objective of the State shall be to promote the welfare of the people on the basis of the principles of an open society by establishing a just system in all aspects including social, economic and political life while at the same time protecting the lives, property, equality and liberty of the people".* Similarly, the Constitution envisioned *"State shall pursue a special policy of regulating the operation and management of public and non-governmental organisation established in the country"*.

With these constitutional provisions, the Nepalese Parliament has promulgated the Good Governance Act (GGA) 2007 to support the objectives, policies, and principles of the Nepalese Constitution to translate the principles of local self-governance into practice through the mobilisation of local bodies i.e. district development committees (DDC), village development committees (VDC), municipalities and local communities with the facilitation and support of the respective central line ministries. The GGA has special provisions to promote governance, particularly strengthening public service, monitoring and social accountability tools like public hearings, public audits and citizen report cards.

Also, the GGA envisioned complementing the Local Self-Governance Act (LSGA), 1999 to facilitate civil society organisations (CSOs) in formulating plans for the local bodies. The GGA has also recognised the

importance of civil society's role in the planning and implementation process, enabling better engagement of local communities in the local governance reform process, to ensure that services are responsive to their needs.

2. Objectives and Methodologies

The purpose of writing the case study on *"Public Hearing as a Democratic Accountability Tool (A Study of the Usage of the Good Governance Act in Nepal)"* as a state accountability mechanism is to understand the operationalisation of vertical and horizontal accountability mechanisms in Nepal with particular focus on local State building. The study has adopted the following methodologies for research.

- *Document review:* The study involved a review of documents in the public domain, which were available either in hard copy or in the electronic media. It also included documents published by the Nepal Government, civil society, development partners and their reports.
- *Consultation with stakeholders:* The study team held consultation meetings and also conducted focus group discussions with relevant stakeholders.
- *Joint discussions:* The study also had joint discussions with the service providing agencies and civil society representatives especially those who are working as service providers in the districts.

3. Governance Gaps in Nepal

There is a large gap between the planning and implementation of plans and programmes of the government and non-government agencies. Despite an increasing trend in reaching the poor and vulnerable communities, various reports have indicated that the dividends of development have mostly reached the richest quintile of the population. This has resulted in the inequitable distribution of resources. The failure to understand the rights of the disadvantaged and marginalised groups is a serious mistake in the State building process and this is now becoming more noticeable. There is a significant need to educate the people on their rights and entitlements, enabling them to hold the government accountable through innovative accountability mechanism tools.

The absence of elected representatives, in the local bodies, since 2002, has created a leadership vacuum and affected the local government system over the last decade in the country. The violent conflict destroyed the DDC/VDC's buildings and narrowed down the development space. This has greatly constrained the scope of the interaction between the local governments and communities and because there are no elected representatives, has minimised the scope for instituting downwards accountability to citizens and communities.

Making the local government more sensitive to the needs and voices of children, women, dalits, indigenous and other traditionally marginalised groups is very challenging. In Nepal, society is highly stratified, within which women and disadvantaged groups have little access to power and they find it difficult to articulate their needs and make their issues heard by the authorities.

However, local governments as DDCs, VDCs and municipalities have the authority to allocate, control and spend all the resources in the districts. Currently, the major sources of income for local bodies are unconditional grants to VDCs, municipalities and DDCs, inter-governmental conditional grants and internal revenue generated by these local bodies. Additionally, the other funds that flow in the district remain unnoticed by the government.

It has been said that almost 45 per cent of the local government's total expenditure is beyond their control and this has hindered their ability to plan effectively and attempt to target resources towards

the poor. Various studies show that the overall performance of DDCs and other local bodies is not satisfactory (a score of 61 out of 100). Furthermore, the central government's annual plan is not accessible to common people.

There have been few or no efforts to educate, empower and inform the citizens about the policies, plans, accountability structure, programmes and budgetary provisions at local level. The Red Book and the local government's annual plans would be a good tool and checklist for tallying the promise for delivery of services with the actual delivery done at local levels.

In the absence of an elected local government since July 2002, there is a 'downward' accountability deficit, which has weakened the decentralisation efforts as well as democratic culture at the grassroots level. This has many consequences, the most significant being the fact that the local government is being led by bureaucrats with very little downward accountability.

The participatory planning process has largely been ignored after the dissolution of the elected local government as envisaged by the LSGA practiced earlier. In the political vacuum, the local development plans are being prepared by the respective offices in consultation with the local elite totally ignoring the aspirations and expectations of the people, especially the lowest quintiles.

Nepal has been placed at the 146th position among 178 countries in terms of the Corruption Perception Index (CPI) in 2010. A continuing disadvantage in this area has been the low level of commitment of the Ministry of Local Development (MoLD), the apex body responsible for overseeing the progress of local bodies and the National Planning Commission, to effectively supervise and monitor them.

Nevertheless, there are several accountability initiatives in place to ensure the participation of the communities in decision making, transparency and sanctions against non-performance by service providers, but their implementation is weak and ineffective. The government at the central and local level has not complied with the blue prints of the minimum standards in relation to programme implementation. The DDC/VDCs are not equipped with the necessary tools to manage all these affairs.

Recently, the MoLD has been implementing the *Local Governance and Community Development Programme (LGCDP)*, but accountability mechanisms as Acts, regulations, guidelines and directives have not yet been successful in showing tangible results. The Government of Nepal has introduced the *Public Hearing Guideline 2005* so as to collect feedback directly from the service receivers on the quality of services provided by the public bodies. As per its provision, public hearings are to be conducted on a regular basis under the leadership of the Chief District Officer. This provision too has not been regularly put into practice as expected.

In addition, the Ministries of Local Development, Health and Education have formulated separate guidelines such as the *Social Audit Guidelines 2006, Social Audit Directive 2009* respectively. These ministries, to some extent, have been taking initiatives to conduct the programmes. Against this backdrop, Pro Public's Good Governance Programme (GGP), an NGO in Nepal has prepared *Public Hearing Facilitation Guidelines* so as to develop a common understanding about these two different methods, public hearing and public audit, and to produce special facilitators, a human resource that could facilitate the methods of public hearing and public audit separately.

4. Social Accountability in Nepal

The Nepalese Constitution has guaranteed the right to information (RTI) as a fundamental right. Improving governance and accountability underpins the agenda of the Government of Nepal (GoN) for building a nation that is prosperous, peaceful and just. The Nepal Government also adopted the GGA

and governance friendly guidelines and directives. The GGA envisioned public hearings/audits and also citizen report cards as accountability tools to ensure public accountability at the various stages.

Box 22

Vertical Accountability and Citizenship

Citizenship is a useful concept through which some of the complexities relating to vertical accountability can be expressed. Vertical accountability is used to describe the accountability relationship between the State (or more accurately the public officials within it) and citizenry (through voice). It is useful because it captures the roles within this relationship, the authority that public officials have to make and implement the rules that citizens are subject to and the extent to which public officials have been delegated this authority by society and therefore are accountable for the stewardship of it. However, when using the language of vertical accountability it is important to situate this in relation to other accountability relationships, to recognise that State and society are not unitary actors and to be cognisant of the fluidity of roles and the importance of context.

Citizenship is by definition about the vertical relationship or social contract between State and citizen, connoting the rights and responsibilities that a citizen can legitimately claim from the State and which the State can legitimately expect of its citizens. As Newell and Wheeler explain (2006:29), "in order to be able to make accountability claims, there must be an implicit assumption (a social contract) about the roles and responsibilities of the State, as well as the rights and entitlements of citizens".

The nature of citizenship varies from place to place, depending upon the institutional and legal framework, the degree to which State actors operate within the legal framework and the capabilities of the citizenry. The nature of citizenship will itself shape the ways in which citizens exercise voice and demand accountability, and the extent to which the State responds to the voices of its citizens and makes itself accountable to them (Goetz and Gaventa 2006).

As Newell and Bellour put it (2002:23): "Citizenship is in many ways the concept that brings accountability and participation (voice) together. Who has the right to hold to account, and who should be held to account? Who is entitled to participate in public (and private) decision making and who is not? The answers to these questions will tell us something about the different uses of the term citizenship".

(Source: O'Neill T, Foresti M, and Hudson A, (2007) Evaluation of Citizens' Voice and Accountability, Review of the Literature and Donor Approaches, London: DFID)

Nepal has signed the United Nations Convention against Corruption (UNCAC) and as a State party, it is responsible for ensuring the related provisions and progress towards it. The impression is that the Government of Nepal is committed to enhancing governance and accountability which it has articulated in the Three Year Interim Plans, requires great effort to materialise the transformation of policy into practice.

Though civil society is now increasingly concerned with governance, particularly accountability, transparency and the right to information issues, it requires tremendous capacity to explain the complex economic and financial issues for the common people of Nepal. Making planning and public expenditure processes at the local level transparent and democratic to ultimately contribute to meet the target set by the Constitution, plans, millennium development goals (MDG) and other national targets for poverty alleviation.

In Nepal, a range of constitutional and legal provisions are in place to regulate administrative and financial management and to ensure oversight and accountability mechanisms for public agencies,

political parties and CSOs. Dozens of ministries have developed social accountability mechanisms and issues like public hearing, public audit, social audits and citizen charters. Yet, there are many gaps between legal provisions and actual practice, although the existence of the constitutional and legal provisions provides an enabling legal framework for social accountability in Nepal.

There are several State level accountability mechanisms that have been established to promote governance in Nepal. There are more than a dozen constitutional and statutory government agencies established in the country which are expected to promote accountability. Some examples are given below.

Table 12: Social Accountability in Nepal

Sl. No.	Accountability Mechanisms	Nature of Work	Key Functions of the Mechanisms
Policies on Accountability Mechanisms			
1.	Interim Constitution of Nepal	Democratic	Protect all kinds of rights of the Nepalese people
2.	Good Governance Act 2007	Legal framework	Improve public service delivery and citizen engagement through public hearing/audit and citizen report cards
3.	Right to Information Act 2007	Legal framework	Promote access to public information for the general public
4	Local Self Governance Act/Regulations	Local accountability	Local programme planning, implementation, monitoring and regulations
Institutional Accountability Mechanisms			
1	Public Accounts Committee	Legislative Parliament	Parliament oversight agency related to government budgeting
2	Commission for the Investigation of Abuse of Authority	Constitutional Body	Investigation and prosecution of cases against corruption and improper conduct in government
3	Office of Attorney General	Constitutional Body	Public prosecutor including corruption cases
4	Judicial Council	Constitutional Body	Corruption cases in judiciary
5	Office of Auditor General	Constitutional Body	Auditing of government accounts
6	National Vigilance Centre	Directly under Prime Minister	Accountability promotion, awareness raising, prevention of corruption, service delivery
7	Special Court	Judiciary	Adjudication of corruption cases
8	National Investigation Department	Ministry of Home	National Intelligence Bureau
9	Offices of Regional Administrators and Chief District Officers	Ministry of Home	Handling corruption cases in the regions and districts within delegated functions of the government
10	Crime Investigation Department	Nepal Police	Crime detection unit within Nepal Police
11	Revenue Investigation Department)	Ministry of Finance	Detection of revenue leakage in government

12	Financial Comptroller	Financial Comptroller	Collector of government dues, arrears and budgetary control
13.	(1) District Development Committee; (2) Village Development Committee; and (3) Municipalities	Policy body in the district, village and municipalities	Programme planning and implementation

On the whole, constitutional bodies, government ministries, departments and front line agencies are the main actors involved in ensuring the implementation of accountability tools at the various levels. The public hearing guidelines issued by the council of ministers has been given the mandate to organise public hearings periodically by the frontline service providing agencies. Likewise, the MoLD and the Ministries of Health and Education have separately issued social audit guidelines to be implemented by their respective front line offices.

Similarly, CSOs and local media are also equally important actors in promoting governance through public hearings/audit tools. Likewise, DDCs, VDCs and municipalities at the local level are vital for promoting and facilitating this kind of accountability mechanism at the grassroots. Alternatively, the development partner organisations can promote these tools.

5. Good Governance Act: Direct Accountability to Citizens

Nepal is the first country to have promulgated the Good Governance Act (GGA) 2007 in the region. Now the Act is supported by several guidelines and directives such as the Simplification of Government Decision Directives 2008, Service Campaign Operational Directives 2008 and Social Security Programme Operational Directives 2008. These laws are to strengthen accountability mechanisms to enhance public service delivery at the various levels. The guarantee of the citizen's right to good governance in practice is one of the main objectives of the GGA. It has made legal provisions in relation to good governance by making public administration pro-people, accountable, transparent, inclusive and participatory.

In the absence of the adequate sensitisation and empowerment of people and service providers about the Acts and directives, these are not being properly implemented and complied with. The collective efforts to support democratic systems largely depend on accountability, openness, transparency and participation of the people. Therefore, ensuring people's right to receive information promotes transparency and accountability, which are hallmarks of good governance. Creating informed citizenry is possible only through people's unhindered access to information, which is possible only when the right to information and good governance laws are implemented properly. Implementation is possible through wider empowerment, education and dissemination of information about these legislations.

A decade long good governance campaign has resulted in the promulgation of GGA including its regulations and directives. Now almost half a dozen citizen friendly regulations, directives and guidelines have been enacted to enhance the quality of public goods and services delivery. The GGA underlines measures for people oriented, accountable, transparent, inclusive and participatory public administration to benefit the general public to:

a) instigate good governance principles and norms such as rule of law, a corruption free administration, decentralisation, fiscal discipline and public functions, skilled management of resources to create an environment for receiving public service,

b) transform civic rights to governance and to make legal provisions to transform administrative mechanisms towards service providers and facilitators to foster realisation of governance in the country.

Similarly, the GGA has made general provisions for administrative operations at different levels such as the central, regional, zonal, district and local level with basic fundamental mandates for administrative functions and policies to be followed by the Government of Nepal. It has spelt out administrative functions and responsibilities of the officials at different levels such as ministers, chief secretary, secretary, department chief and office chief including work procedure to be adopted for administration.

The GGA also specifies self-positional responsibilities of civil servants and makes mandatory provisions for the citizen's charter to be kept in government offices, providing mobile services, determining service fees on the basis of social justice, participation and ownership of people, establishing governance reform units in public agencies, conducting public hearings, managing grievances, pursuing information technology in practice, setting up of monitoring and evaluation committees and submission of annual reports by the government agencies. Some special features of the GGA as are listed below.

5.1 Key Features of the Good Governance Act

The Act possesses many prominent features. It ensures good governance by bringing into execution the citizen's rights through the transformation of administrative mechanisms into service delivery accountability mechanisms and facilitators. It has formed the basis for executing administrative functions to maintain good governance. It also provides guidance to the concerned minister, the chief secretary, concerned secretary, head of the department, and office in-charge in discharging their duties and responsibilities.

The GGA also ensures transparency in the budget, decision making process, and communication to all actors, coordination among line agencies and non-State agencies and in reaching the remote areas, to focus on the programme's tangible benefits at the local level. The provisions define the roles and responsibilities of all the actors and use a systematic approach to programme implementation to increase accountability at all levels of service providers.

It has also been made mandatory to make decisions within the time stipulated by prevailing laws. Another procedure to be adopted by officials is to maintain transparency while making decisions on any subject. For this procedure the Act has provided an explanation which states *"transparency means procedure of decision making on the basis of certain standard and this term may not prejudice to the matter required to be kept confidential pursuant to prevailing laws."*

While making decisions, the basis on which the decision is based and the reason why such a decision has been taken has to be mentioned. Another key feature of this procedure of decision making is the official authorised to make decisions should not make decisions where there is a conflict of interest where the employees' direct benefit, concern and interest is involved in the matter, or where the decision directly affects their successor or close relatives or provides direct benefit to the business or profession carried out by a member of the decision maker's joint family. The explanation in this regard also clarifies that the decision should not be deemed to be in conflict of interest where the authority decides on the matter for the greater public interest.

The GGA prohibits the officer working in policy making or in the law enforcing body of any sector or sub-sector or regulatory body of any sector or sub-sector from being involved in the management of a firm, company or any other enterprise of non-governmental or private sector engaged in the production of

goods, service or carry out any business related to the decision made during the tenure of their office or be involved directly or indirectly in the management of a firm, company or enterprise engaged in the production of goods, service or carry out business, during the tenure of their office or for at least one year of the retirement from the post.

It has made a provision for a performance contract to be drawn up if any work to be performed by the Government of Nepal is within certain period consisting of the terms of reference, the period of performance and quality or quantity of work performance.

5.2 Citizen Charter

The GGA has a made a strong provision for the citizen charter to be maintained by every government office responsible for delivering public services or involved in public relations in the prescribed form and placed at a visible place in the office. After this provision, most of the district level offices have posted citizen charters. However, the village units are still reluctant to display the charters, but CSO initiatives have encouraged and put pressure on them to implement it.

It is also made it mandatory for the concerned office and the chief of the concerned office and other personnel thereof, to deliver services by performing the work accordingly. Departmental action is taken against the officers in charge of the concerned office and responsible staff thereof in case the service user does not receive proper service due to the office's failure to perform the work.

Similarly, the GGA has regulated the provision of the amount of compensation for the loss incurred to the service recipients, due to the failure of the office to deliver services according to the citizen charter. The provision of compensation is up to 5,000 rupees. This amount has to be borne by the staff members themselves who do not perform according to the governance standard.

5.3 Complaint Box to Engage Citizen in Governance

Under the GGA, a special arrangement has been provisioned for grievance management by arranging a complaint box to be maintained at a visible place in every ministry, department, and government agency and office for the management of grievances relating to quality, effectiveness of the work carried out by such ministry, department and agency or office and any possible irregularities.

The responsible officer of the concerned government office should open the complaint box in the presence of other officials every three days and if the grievances and suggestions are found to be reasonable, necessary steps are to be taken for their proper management. In case the complaint received is irrelevant to the concerned offices, but relating to the individual conduct of high officials such grievances should be submitted to a higher authority.

In case the complaint is irrelevant to the function of the concerned office, it should be forwarded to the concerned person if identified and returned to such person and in case the complainant has not been identified, the complaint should be posted on the notice board of the concerned public offices.

5.4 Mobile Service

Arrangements for offering mobile services in the service user's locality, requires that the specific office / service provider / government department delivers the service at the door steps of citizens or service recipients.

5.6 Public Participation and Ownership

The Government has also been encouraged to operate programmes with direct participation and ownership of the local people.

5.7 Grievance Management

The complaint box should be placed at a visible place in every government agency to collect grievances relating to quality, effectiveness of the work carried out by such office and possible irregularities. The general public are encouraged to drop their grievances in the complaint box. To ensure that the complaint is looked into and addressed, the responsible officer will have to open the complaint box in the presence of other officials every three days and if the grievances and suggestions are found to be reasonable, necessary steps shall be taken to address them.

5.8 Public Hearing

The GGA has provisioned special arrangements for the frontline government agencies to regularly hold public hearings to hear grievances, opinions and also suggestions for further improvements. The disadvantaged and deprived people are expected to participate in the programme and place their dissatisfaction in front of the responsible officers in the districts as well as at the village level. It has been made mandatory for the chief office-holder at the regional, zonal, district and local level involved in the delivery of services to conduct public hearings as prescribed, with the purpose of making the activities of the office fair, transparent and objective and addressing the lawful concerns of the general public and stakeholders. The general public at large, service providers, experts, civil society members, public officials and local body's representatives participate in the programme.

The GGA has clearly termed the process as 'public hearing'. Yet, in practice, public hearings are called different names like public hearings, social audits, public debates and citizen hearings etc. Though the government guidelines have made a mandatory provision for public hearings, government bodies have just started organising public hearings, which are very few. They have been replicating the CSO promoted model of public hearings and the government ministries such as the MoLD, Ministry of Education, and the Ministry of Health have acknowledged it by issuing public hearing guidelines/ directives as demanded by the CSOs in Nepal.

5.9 Public Hearing Models

Basically, there are three types of public hearing models being practiced in Nepal. This categorisation has been made on the basis of the leading role of the actor in initiating the process.

a) *Government line agency led model:* This kind of public hearing model used is solely organised by the government agencies as per the mandate of the GGA. However, experience shows that this model has not been appreciated much by the general public. This is a more formal platform for government officials to gather and discuss their own agenda. It has been very difficult to engage real service users and mobilise them for active participation in the programme.

b) *Civil society led public hearing model:* This model has been commonly used by local civil society organisations, community radio and professional organisations. Generally, they raise contemporary issues like political, social, and environmental and also the quality of public service delivery, and budget tracking in their localities. The community forestry and water user associations and consumer groups which implement VDC/DDC awarded projects in their localities have been using this model.

c) *Joint public hearing model (government agency in collaboration with civil society):* The joint public hearing model is a unique exercise being practiced in Nepal. Pro Public's Good Governance Programme explored and brought this into practice in collaboration with the DDCs/VDCs, health, education, livestock, agriculture land revenue and administration offices of the Nepal Government.

In this model responsibilities are shared among government line agencies and collaborating partners. Answerable officials are invited by the hosting government partner organisation. The responsibility lies with the CSO to gather issues, grievances, data, and facilitation and reporting. Similarly, the CSO has to mobilise the volunteers, inform citizens and ensure the participation of key stakeholders. They are also responsible for follow-up to ensure the participation of the concerned authorities in the programme. On many occasions, the government authorities also share the costs of the programme.

5.10 Practices of Public Hearing

Government line agencies organised 36 public hearings in 2010, but these were very low key affairs and were unable to generate much enthusiasm among citizens. It is attended by very few people, which is largely attributed to poor mobilisation by government officers. So, public hearings by government line agencies have largely become formal affairs with no impact on accountability and transparency in governance.

Pro Public (an NGO) started the public hearings on its own in the Good Governance Project areas. As these hearings gained popularity, government agencies showed interest in jointly holding these hearings as government organised hearings had not been able to attract citizens.

Joint public hearings organised by Pro Public (an NGO) and government agency have been quite successful in terms of mobilisation and results. These public hearings are mandated by law under the GG Act. It is different from the public hearings organised by the government agencies as it is completely owned by them without any engagement with the civil society organisations. The cost of funding is jointly borne by civil society and the government agency in the joint public hearings.

During 2009-10, Pro Public under its GGP, organised more than 59 public hearings which included both Pro Public led public hearings as well joint public hearings in six districts of Nepal. A total of 12,059 citizens participated in these hearings and vociferously raised their issues/concerns/grievances. The participation in the hearings was quite broad based where women participation was around 31 per cent, dalit participation was 17 per cent and indigenous group's participation figured at 29 per cent. The aggregate participation of disadvantaged people in public hearings was 60 per cent.

A total of 59 public commitments (declarations) were issued and signed by the concerned service providing agency's representatives at the end of the public hearings. These public commitments were monitored and followed-up through public hearing declaration monitoring formats. All 59 public commitments were followed-up, in which 48 per cent of the commitments were found to have been implemented and fulfilled.

The increasing trend of collaboration and partnership was observed as many VDCs/DDCs proactively collaborated with the GGP in the districts, to conduct public hearings either by sharing the costs or by showing solidarity. This kind of collaboration by the development agencies and government bodies alike contributed to enhancing partnership and common understanding of the public hearings.

Civil society organisations have to put in a lot of effort into the organisation of public hearings in terms of mobilisation and facilitation. In all the public hearings organised by the government and Pro Public in the year 2009-10, the following five steps were followed when conducting public hearings[52].

[52] The steps of public hearing have been drawn from the experiences of CSOs in Nepal in last ten years. The government has also acknowledged the process in its guidelines.

i) *Preparation:* Issues concerning the public are collected through wider consultation with the general public, media monitoring and local critics. The selection of the key stakeholders and answerable public authority is a must. The programme schedule is prepared and discussed among the team as well as key stakeholders. The selection of an appropriate programme venue and preparation and dissemination of public notice is vital. Public notices are disseminated through community radio, door-to-door campaigns, wall paintings, posters and also through invitation cards. The host organisations also prepare short synopses of the research and consultation process. Another vital task is to select a public hearing facilitator, rapporteur and volunteers.

ii) *Execution Phase:* Organisers should make special efforts in to preparing the programme venue and basic needs like seating arrangements, communication facilities, and drinking water and restroom facilities. Registration of all the participants is very important to identify disadvantaged people participants and their whereabouts. On the day of the programme, the facilitator should be present on time, take stock of the programme venue and check if any further arrangements are needed. The programme should be conducted in an informal way.

Depending upon local necessity, enthusiasm and/or patience of the participants, the facilitator can conduct a public hearing for four to five hours. The facilitator must clearly mention as to how the programme would begin, progress and end.

a) *Presentation of local questions and issues:* The facilitator should briefly present the local questions and issues collected through research on the programme issue. Such a move informs the participants as well as gives them a foundation for fielding questions and queries.

b) *Presentation of Code of Conduct:* In a public hearing, the role of the Code of Conduct is significant. As the number of participants generally remains high in a public hearing programme, it is necessary to present the Code of Conduct before the programme proceeds so as to maintain discipline among the participants, keep patience and be issue-focused.

c) *Presentation by the service providers:* Depending upon the situation, the service provider can be allocated two to three minutes at the beginning of the programme to make a presentation on their organisation's budget, programmes, outputs and lessons learned. Such a presentation will inform the participants as well as make them comfortable about putting forth their questions.

d) *Face-to-face question and answers vis-à-vis the service providers' presentation:* Once the presentation on behalf of the public body under scrutiny is over, the programme should enter into the phase of an open discussion. Within the periphery of the Code of Conduct, the participants should be allowed to speak their minds, field queries and float grievances, discontent and suggestions from a place where a microphone is available. If they are reluctant to speak publicly, they should be encouraged to write down their concerns and forward it to the facilitators for answers.

e) *Priority to be given to disadvantaged groups:* In the programme, the first priority to speak should be given to issues related to women, dalits, *janajatis*, elderly people, single women, backward classes and disabled belonging to disadvantaged groups. They too, should be motivated to voice their concerns so that the accountable speakers' attention can be drawn to the problems.

f) *Presentation, discussion and approval of public commitments:* When the programme is almost midway, the facilitator should read out the public commitments prepared about the issues

discussed so far in the programme and attempt to get them endorsed by everyone. If some corrections are to be made in the public commitments, it should be discussed with the service providers. Ultimately, the joint public declaration needs to be signed by all speakers and endorsed by the participants before the programme concludes.

g) *Vote of thanks:* At the end, the organisers should conclude the programme with a vote of thanks. The participants should be offered snacks, if the budget allows, before the programme is over.

iii) *Evaluation Phase:* Once the programme is over, the organisers should get together and discuss the success, failure and lessons learned from the programme. Such an exercise helps the organisers come up with non-ambiguous directions for similar programmes in the future. The discussion should focus on the speaker's presence, their presentations and the citizens' queries, questions, discontent and answers that were presented in the programme. In this phase, the organiser also discusses the success and failure of the disadvantaged citizen's participation.

iv) *Reporting Phase:* A brief report of the public hearing can be prepared and one report should be prepared of the follow up of the public commitments and if they have been fulfilled. The report should reflect the participation of the targeted population in the programme. It should also reflect complaints and questions from the participants.

v) *Monitoring Phase:* A major responsibility of the facilitator is to make the parties sign the public commitments at the end of the programme. The public commitments endorsed in a public hearing are regularly monitored.

6. Public Hearing as a Democratic Accountability Tool

Public hearing has been an effective tool of social accountability through which people demand accountability from service providers and hold them accountable for their actions. Pro Public widely popularised and practiced this concept, which was first pioneered by Kedar Khadka through a Nepal Television programme "Eak Aapas" in 1995. Later, the Government of Nepal used this tool and made it mandatory for all VDCs and DDCs through the issuing of public hearing working procedures, which was further made mandatory by the GGA 2007. These government decrees and laws have contributed towards popularising and enhancing the use of public hearings at the local level.

Public hearing simply means creating "general people's access to the people in authority". It brings together government authorities and common people on one forum creating an environment for people from all sections of society to question the authorities regarding service delivery, development funds, and misuse of public resources, government accountability, transparency and rule of law, among many others. Public hearings are a contact forum where the people can express their grievances and discontent, face to face with the authority concerned, breaking all traditions about the silence maintained over government mismanagement and irregularities. The authorities that have often tended to elude responsibility while addressing popular concerns cannot escape in public hearings, because they are compelled to deal with queries raised by the public on the spot or publicly pledge to address their grievances later. Over the years, public hearings have become the voice of the voiceless.

The GGA has placed obligations on the government agencies to convene public hearings. The past trend shows that the local bodies organised very few public hearings, which shows their apathy towards implementing this tool. The turnout in government organised public hearings is lower than that in CSO organised public hearings. People's voices are adequately heard and responded to in CSO public hearings but experience shows that the people's concerns are not properly addressed in the

government organised public hearings. In most cases, CSOs carry the citizen's voice, but it becomes more effective when citizens themselves participate and directly raise their voices. Some of the issues raised in the public hearings are also repeated on community radios, which help in keeping the issues alive and acts as pressure on service delivery agencies to deal with the complaint. (See Box 23)

Box 23

Public Hearing on Community Radio

Ms. Sarashowti Katuwal, a resident of Chyanam VDC-2, heard about a public hearing being scheduled on 13 January 2001 in Okhaldhugna. She heard about it through the local FM radio but could not be present herself during the programme. She wanted to ask the Local Development Officer (LDO) a question about the misuse of Rs 40,000 allocated for conducting literacy classes in her VDC. Later, because of the support of the Ramailo Community FM Radio, she asked the LDO the question while sitting at home. The FM radio provided an opportunity for such people to ask questions through mobile phones. "I got a positive answer from the LDO and now that money has been returned," Katuwal says.

The importance of the public hearing tool has been recognised by the GGA and the conducting of public hearings has been made mandatory. While conducting public hearings, experts in the subject, more stakeholders and representatives of civil society and officials of the local bodies should be engaged.

Box 24

Public Commitments in Public Hearings

Joint Declaration of the Public Hearing
District Development Committee, Jajarkot, Nepal
February 26, 2010, Friday (A Specimen of Declarations)

We, the responsible representatives of government offices-concerned and political parties, who today on February 26, 2010, Friday, have gathered here in the premises of Jajarkot DDC office in Khalanga to participate in the Public Hearing titled as Qualitative Development Project and Effective Public Service jointly organised by Good Governance Programme, Pro Public; Jajarkot DDC and Good Governance Club District Coordination Committee, Jajarkot and funded by Jajarkot DDC and GTZ PASRA, Jajarkot, collectively express the following Public Commitments. We declare these Public Commitments in the grand presence of over 683 participants involved in various professions:

Joint Public Commitment Nos:

1. We have agreed to formulate master plan and update maps of Jajarkot district by July 16, 2010.
2. To bring transport syndicate on Salli-Jajarkot Highway to an end by May 14, 2010, a high-level committee will be constituted under the convenorship of Chief District Officer, Jajarkot and initiatives will be taken from all levels to meet the end.
3. We have agreed to update Citizen Charters in all district level govt. offices by June 14, 2010.
4. The service rate of local legal document writers (*lekha-padi* professionals) will be fixed and materialised by May 14, 2010.
5. We have agreed to set up a local FM radio station under the convenorship of DDC by July 16, 2010.
6. We have agreed to discourage the practice of substitute teacher in the district's community schools.
7. We have agreed to mandatory perform a Public Audit before receiving final payment from the project operated by VDC and DDC under the Local Governance and Community Development Programme.
8. We are committed to reduce the existing arrears by 50 per cent within December 15, 2010.

10. We are committed not to provide political protection to individuals, who, remaining in the consumer committees, embezzle amounts of local development-and-construction projects.
11. We DDC and District Administration Office agree to computerise citizenship distribution service to be provided by the DAO by July 17, 2010.
12. We all take it as our responsibility to make an environment for sales and distribution of chemical fertilisers after importing them in time.
13. We have agreed to arrange leaves for most of the area-level (*ilaka-stariya*) government office employees without hindrance to service delivery.
14. We are ready to immediately provide information related to local development-and-construction to any citizen seeking information on it.
15. We are committed to extend our help, if the local administration arrests, detains for at least 7 hours and penalises fine, as per the rule, to anyone wandering in public places uncontrollably under the influence of alcohol.

Representatives of Public Bodies Signing the Joint Public Commitments

Government Offices: Chief, District Land Revenue Office; Chief, District Education Office; Chief, District Heath Office; Chief, District Agriculture Dev. Office; Local Dev. Officer, DDC Office; Chief District Officer, District Administration Office; District Police Office; Chief, District Livestock Service Office; Convenor, Civil Society
Political Parties: District Co-in-charge, UCPN (Maoist); District President, RPP Nepal; District President, RPP; District President, Nepali Congress; District Chairperson, CPN (UML); District Secretary CPN (Marxist); District Secretary and Socialist Democratic People's Party Nepal

With this legal provision, public hearings in Nepal are being organised at different levels. Local level public hearings are being organised in CSOs and government agencies in different parts of the country. In the public hearings, not only issues raised by citizens but also public commitments are formulated and jointly endorsed by the participants especially service delivery departments and elected representatives. The public commitments acted as a monitoring tool for service providers.

Box 25

Public Commitment as a Monitoring Tool

Interactions among the public service providers at the local level followed by commitment from them have obviously been found because of the public hearings organised by the GGP in Khotang District. The local leaders include the VDC secretary, head teachers of schools, village development programme implementers, cooperative leaders, CBO leaders, police representatives, and political leaders at the local level. During the year of 2009/10 the leaders committed themselves to enhancing the quality of services to the disadvantaged and marginalised population, to maintain the public office norms along with time management, to display the citizens' charter, to provide the right to information to the people, to uplift school environment, and to organise public hearing programme at least once a year. Such commitments have been considered milestones in local development by the local people.

If good governance is to be attained, accountable leadership, a transparent governance system and people's involvement in the formulation and implementation of projects based on people's participation must be in place. The State must also adopt the policy of zero tolerance against corruption. Embracing these very concepts the Government of Nepal has enforced the GGA, and RTI and their regulations and about half a dozen directives and guidelines to make public service available in a prompt, fair, hassle

free and effective manner. Under the RTI Act and regulation, citizens have been delegated the right to seek, receive and view public information.

The governance regulation has provisioned for penalties of up to five thousand rupees on a civil servant and compensation to the victim if the former is found harassing the service receiver and also causes damage to the latter. Likewise, the RTI has provisioned that a person holding a public post is obliged to pass information on potential corruption, irregularities and unnecessary delays in public offices. The Act has further slapped a fine of 200 rupees/day on a civil servant if he or she wilfully delays information.

7. Results /Outcomes of Public Hearings

Public hearing has emerged as important tool for promoting accountability. The success stories mentioned below are examples of how the public hearings have been used at the grassroots level and what changes it has brought in the lives of people. .These stories are not isolated examples of success in Nepal, numerous such examples exist at the grassroots, but the most important development is that citizens are questioning the government.

Box 26

Public Hearings for Conflict Resolution

The Good Governance Programme in Dhankuta District has been organising public hearing programmes in different VDCs in the district. The public hearing programmes have helped to resolve conflicts that had arisen among the local leaders and the local people. People's participation has been ensured in local development construction with transparency and enhancement in the quality of services. Some of the prominent examples of conflict resolution are an agreement among the political parties in Kurule Tenupa VDC for the allocation of budget under headings like roads, drinking water, and education; the resolution of conflict in the Mudhebas-Kurule Tenupa Mainline Drinking Water Project; resolution of conflict in the construction project of Maunabudhuk-Kurule Tenupa Village Road; and the regular attendance of health workers in Kurule Tenupa Sub-Health Post.

Box 27

Missing Husband and Compensation

Mr. YB Khatri was working as a social mobiliser of the local development fund (LDF) at the DDC in Okhaldhunga. The LDF sent him for training to Biratnagar in 2007 from where he never returned home. His wife Ms Urmila Khatri and two children started panicking over the disappearance of Mr Khatri who was the only bread-earner in the family. Bereaved and distressed, his wife went to the DDC, and requested them to search for her missing husband. Notices were published in newspapers, broadcast on television and the radio, but to no avail.

The DDC neither took any initiative to search for him nor provided any compensation to the family. The matter was taken to the regional office of the National Human Rights Commission which too just completed formalities like writing a letter to the District Administration Office and District Police Office for taking required action. In response to her repeated requests to the DDC, the LDF provided her a meagre amount Rs 22,000 including his salary for two months and a small grant.

Besides missing her husband, she had the burden of bringing up two children, meeting daily expenses and financing their education. Ms Khatri was reeling under the uncertainty of finances and the burden of the family but no one was willing to give her a helping hand. In January 2010, the GGP was organising a public hearing in Okhaldhunga, which provided her a forum to express her grievance. She raised her problem, and openly criticised the DDC for not taking any initiative in tracking her missing husband and expressed her problems of bringing up two children and the financial problems.

The moderator of the public hearing appealed to the representatives from the government and NGOs for support in kind or any other assistance for the poor family. Soon after the public appeal, Shuvalaxmi Boarding School and Laligurans Boarding School made a public commitment to provide them schooling. Now, as per the commitment made last year, Ms Khatri's 13 year-old son is studying in the second grade at Laligurans Boarding School which is providing him free schooling and even stationery like books etc. Likewise, her daughter is now studying in the ninth grade at Sagarmatha Higher Secondary School with the help of a scholarship. Even the District Council meeting last year agreed to provide her Rs 50,000 as financial support. Even though her husband is still missing, Ms Khatri now at least has some financial support and free schooling for her children after she raised her problem in the public hearing.

Box 28

Employee Refunds Bribe Amount

The Forum for Empowerment of Janajati Woman (FEJW) in Jajarkot District, received a grant of Rs. 95,000 from the Local Governance Community Development Programme for a skill development training programme. The DDC agreed to release the amount in two instalments, but the last instalment was not released in full as Mr N Shakya, an accounts section employee at the DDC, wanted Rs 3,500. He prepared a cheque of Rs 65,000 for the second instalment and asked Ms K Shahi, president of FEJW, to provide him Rs 3,500 which he termed as an official payment.

The GGP office, Jajarkot, organised a public hearing in February 2010, where Ms Shahi raised the issue. She sought a clarification from the Local Development Officer (LDO) Mr BD Gautam as to why the she had been asked for the money under the guise of an official payment. In response to her question in the public hearing, the LDO, Mr. Gautam made a commitment to make enquiries into the case and said he would take action against the employee. Finally, the DDC sent its office assistant with Rs 3,500 to Ms Shahi which she refused to accept and said she would only accept the amount in the presence of other civil society representatives. On 1 March 2010, she organised a small gathering of civil society representatives where the DDC official returned Rs 3,500 which he had taken illegally.

8. Impact of Public Hearing

With continued pressure from the CSOs, public hearing guidelines were issued by the Nepal Government in 2006. Now, this tool has been accepted as an accountability tool to promote transparency and people's participation in the nation building process. The guideline has given a mandate to organise public hearings by the service providing agency every month to provide an open forum to the general public to express their grievances in front of the government authorities. Now the public hearing has become an integral part of public advocacy for the development partners as well as the government agencies. Similarly, the GGA and Interim Three Year Plan have also provisioned the conduct of public hearings as mandatory for government agencies.

Public hearings organised over the last five years have become quite successful in putting pressure on the government, political parties and other concerned authorities to respond to the people's grievances.

It was realised that the public hearing platform is not only raising grievances, but is a powerful tool to encourage political parties to initiate stalled development processes. After a public hearing programme organised in Dolakha District, where more than 550 local stakeholders participated in the

"We have formed a team of engineers to investigate the collapse of a bridge over Rui River in Chitwan District after a radio report".

L.B. Limbu, Former Chief Commissioner, CIAA

programme and raised questions to the authorities; the political distance between various parties was narrowed down and a level of political consensus was created among the major political parties in the district. The VDC and DDC level council meeting was soon convened through the DDCs and they allocated a development budget that had not been used for a whole year.

"The public hearing programme created conducive environment and political distance among different political parties was narrowed down. It made us reach an agreement on dates to convene VDC and DDC level council meetings to allocate the almost frozen budget".

P. Chaulagain, Member of Parliament from Dolakha

Similarly, a public hearing in Nawalparasi helped Ms Parbati Nepal (a dalit woman) to obtain a citizenship certificate which had been denied to her for eight years. Likewise, about 25 families affected by the flash floods were rehabilitated in Chormara of Kolwa VDC by the local administration after the public hearing. Two hundred and twenty nine families rendered homeless by the floods were also rehabilitated at Dikpuri VDC in the district after the issue was raised in the public hearing.

A voice for the voiceless: Jandabi Rai, a resident of Dhitung-4, Khotang, was shy and slightly hesitant about speaking up in the public places. It used to be even more difficult for her to speak in front of government officials. After participating in a couple of public hearings in her village, she has now started to express her grievances and concerns without any inhibitions. She can now raise any issues with government officials. "Last year we didn't know about the provision of budget allocations to the disadvantaged groups, this year we have demanded that they should allocate budgets to us as per the government guidelines," she says. A public declaration was signed to this effect at the public hearing. "Now they have allocated 35 per cent budget to target groups like us," Jandabi says.

"It is the GGP which pressured us to introduce CRC and we are drafting directives to internalise CRC and use it widely at the government level".

Dr B.R. Ghimire Ex. Chief Secretary of Nepal

Similarly, a public hearing was being organised on 21 June 2010 in Manthali of Ramechhap District. Women in Bhatauli VDC were informed about this programme through a local FM radio. About 50 women came to the programme carrying empty vessels as a symbol for demanding a regular water supply. One of the women, Sunita Ghimire asked for a mike and shared their problem of walking long distances daily to fetch water. Later, the government officials and political parties made a joint public commitment to take immediate steps to develop a proper water supply system. As per the commitment, Rs 35 million has been allocated for building a water supply system in Ramechhap District now. "This has all happened because of public hearing which has become a voice for the voiceless," says Dordev Ghimire, a local villager of Bhatauli VDC. Likewise, farmers of Khathajor VDC in Ramechhap District say that technical staff regularly attends the Livestock Service Centre after the issue of their absenteeism was raised in the public hearing. The staff members were deployed to the service centre within 15 days after the local people vented their anger in the public hearing about the staff not being present at the centre. "Public hearing is a voice for the voiceless," says Madhav Adhikary, Chief District Officer of Ramechhap District, adding, "This has helped improve the quality of public services and goods." It has also implications for changes in power relations in Nepal, the evidences of which might come up in stronger way in future.

9. Constraints of Participation in Public Hearing

Though public hearing is an effective tool for improving social accountability, it is yet to trickle down to the grassroots. Service providers still feel reluctant about coming to public hearings. They fear that the issues of misuse and corruption if raised in the programme would put them in a difficult situation. To

make them more accountable, CSOs will have to keep mounting more pressure on them. The VDC and DDC Grants Operation Guidelines have mandatory provisions for them to conduct public hearings with their own budgets but they have not been able to organise them. Many VDCs do not make mandatory allocations for public hearings.

In most cases, the local interest groups are found to have opposed public hearings where their issues are raised. Sometimes they even try to obstruct public hearings. Similarly, government agencies and their representatives also sometimes show indifference and a non-cooperative attitude towards CSO organised public hearings, when issues about their lapses and corruption are raised in the programmes. The level of acceptance from the government has grown but, in some cases, they do not easily agree to participate in the public hearings. As a precondition for a successful public hearing, people's participation, presence of the responsible public officials, wide publicity, research and careful facilitation are critical factors.

Public hearings despite being quite popular among citizens are not being practiced widely by the government agencies at the local level. There is a kind of reluctance on the part of government agencies to conduct it as a part of their responsibilities. Normally, they do not want to organise or conduct it because they fear that people might question their activities and the misuse of public money or resources. Though it has been accepted by law and guidelines have been prepared, it has not been institutionalised yet, and the practice of this tool at the government level still remains weak. It is also a reality that until CSOs put pressure on the authorities to own and implement this tool, social accountability and transparency cannot substantially improve.

As per the GGA 2007, every District Administration Office has to conduct public hearings every three months. If public hearings and public audits can be institutionalised and practiced widely, it can reduce the chances of misuse of funds and enhance transparency in development programmes and activities. The CSOs should initiate coordinated efforts and campaigns for institutionalising these tools and approaches.

10. Recommendations

- The GGA has widened the scope to apply public hearings/audits as social accountability mechanisms in the different layers of society. Subsequent directives on public hearings/audits have also facilitated CSOs to engage the disadvantaged population through this tool.
- The study team found that if any government would like to engage their large population in democratic accountability in local governance, public hearings/audits are effective tools from which public service providers receive complete feedback and suggestions.

11. Reference

The Nepalese Interim Constitution under Directive Principles of the State Articles No. 34(1) and under Policies of the State (35(19)

Good Governance Act 2007, No. 30 and GGA Regulation Annex 3

Annual Report of the Good Governance Project of Pro Public, 2010

Case Study 4

Social Accountability through Community Radio:
A Case Study of Selected VDCs in Nepal

- Kedar Khadka, Pro Public, Nepal

1. Background

Nepal is one of the least developed countries in Asia with approximately 85 per cent of its population living in rural areas, including mountainous regions where access remains extremely difficult. Half the population lives below the poverty line and around 80 per cent are engaged in agricultural activities which account for 40 per cent of the gross national product.

The poverty of some disadvantaged groups, dalits, women and marginalised is almost double that of the national average, with many of the rural poor relying on temporary or long term labour migration as their livelihood. Similarly, Nepal faces huge challenges in addressing political, social and economic inclusion, particularly of groups suffering from caste, gender or ethnic based discrimination. Nepal has also faced enormous problems in resource allocation, management and effective monitoring. The lack of accountability and transparency, rampant corruption and the denial of right to information in public organisations have hampered governance at the local level.

Due to the long absence of an elected local government, since 2002, Nepal has been facing a downward accountability deficit. This has weakened the decentralisation efforts as well as democratic culture at the grassroots level. The participatory planning process has largely been ignored after the dissolution of the elected local government as it had been envisaged by the Local Self Governance Act (LSGA) practiced earlier.

The Nepal government has initiated some efforts to trickle down resources to the target population through local bodies like the village development committee (VDC), district development committee (DDC), and municipalities. Likewise the front line offices of the different ministries are also trying to reach out to the targeted population. The absence of the local elected bodies and the lack of monitoring mechanisms, have resulted in the resources not reaching the targeted population as expected. The local elite, political leaders and also public officials are reluctant to allocate budgets to the targeted population.

Even so, these days, social accountability tools like public hearing, public audit and citizen report card has helped civic campaigners track the resources available with public bodies. In this campaign the community radio (CR) has proved to be a very powerful tool in reaching out to the larger population through radio jingles, programme reports and live broadcasts of public hearings and VDC/DDC's council meetings. One can easily understand that the community radio has become a source of information and

dissemination of the people's grievances. The local people own this media in their area. Likewise, local service providers have also used CR as a vehicle to disseminate their information proactively.

2. Purpose, Objectives and Methodology

The purpose of writing this case study on Social Accountability through Community Radio is to understand and share with a wider regional audience how CR can be a true vehicle to enhance resource allocation to the targeted population in Nepal with particular focus on local State building. The study is based on three key sources.

Review of document: This study involved the review of documents in the public domain which were available either in hard copy or in the electronic media. It also included documents published by the Nepal government, civil societies, development partners and their reports.

Stakeholder consultations: The Study team held consultation meetings and also conducted focus group discussions with relevant stakeholders in the districts of Nepal.

Joint discussions: The study also had joint discussions with the service providing agencies and civil society representatives in the districts.

3. Social Accountability Mechanisms in Nepal

Nepal was placed at the 146th position among 178 countries in terms of the corruption perception index (CPI) in 2010. Political influence has played a major role in diverting the local bodies' budgets into their political interests rather than focusing on the needs and aspirations of the marginalised people. Often, the quality of work has been questionable as the practice of public audit and the participatory review process is not in place. Likewise, the government at the central and local level has not complied with the blue print of the minimum standards in relation to programme implementation. Though the involvement of CSOs and CR in delivering works/services has reportedly increased in the last few years, they are still mired in political concerns and pressures. Till date, the DDCs and VDCs are not equipped with the necessary tools and skills for monitoring and supervising development activities. This underlies the need for not only establishing social accountability mechanisms but also building capacity of local institutions, NGOs and CSOs in using these tools.

Nepal government has set the ball rolling by establishing several social accountability mechanisms mandated by law. The Nepalese interim Constitution guaranteed the right to information as a fundamental right of the people. It clearly said that "every citizen shall have the rights to demand and receive information on any matter of his/her interest or of public interest". The Nepal Government also enacted the Right to Information (RTI) Act 2007 and also promulgated the Good Governance Act (GGA) 2006 as people's right to good governance. The RTI has ensured a legal guarantee for every citizen to question the government's activities, inspect its files, documents, records of any past or current development programmes. Their supervision, inspection, access and oversight on government activities can enhance accountability preventing corruption. The strength of the RTI law lies in its legal guarantee of access to information at all levels of government and protecting the whistle-blowers from possible reprisals. GGA has quite clearly outlined scope and functions of various social accountability mechanisms in the country. In addition, civil society organisations have also carved democratic spaces for ensuring accountability of the government.

Though there are various mediums by which social accountability tool can be operationalised but in this case study, we would be focusing on community radio as it has emerged to be very important medium for mobilising community and building their capacity for using social accountability tools especially

public hearing and public audits. CR is slowly emerging to be a true companion in promoting social accountability tools in the country.

Box 29

Civic Engagement and the MDGs

Civil society can hold governments to account financially and morally. Many civil society organisations have a proven capacity for broad-based mobilisation and creating bottom-up demand that holds leaders accountable. Civil society can also create pressure to ensure that strategies towards the achievement of the MDGs are tailored to the local context. Participation from different stakeholders in policies and strategies that aim to achieve the MDGs is the key. For example, in Ethiopia, the conventional monitoring and evaluation of the national poverty reduction strategy program (PRSP) was supplemented by user perceptions of the quality and satisfaction of services. These have been documented through the first citizen report card survey.

Civil society can also play a useful role in monitoring and reporting on progress towards the MDGs. Data collection and dissemination is extremely powerful. For example, in 2008 a "citizen" Report on the MDGs' was released in New Delhi with representatives of civil society and the UN. It was published by a network of over 3000 development organisations across 23 states working to hold the government of India accountable to meet the MDGs and National Development goals. Additionally, civil society can advocate and campaign for the MDGs.

Source: Ad Melkert: achieving the MDGs – the call for civic engagement. Speech made on 31 March 2008.

3.1 What is Community Radio?

The CRs are registered entities and their registration has to be renewed every year. The stations can be run by an individual, community and also by registered civil society organisations. They can produce and broadcast educational programmes, information, community related news, and views and opinions. The radios are accountable to their listeners and government authorities to harmonise the free flow of information. The government has provided them a flexible framework to produce radio programmes focusing on local development, agriculture, health, education, market, science, technology, family planning, forestry and the environment etc. They are also mandated to give priorities in their programmes for social harmony, mass awareness on democracy and help to provide space for the disadvantaged population to enhance their livelihood through the tool of communication. Community radio provides a platform to the general population to voice their grievances to local and district line agencies as well as to CSO representatives. They also provide space to generate dialogue with their political representatives in their localities.

So, CRs have been a powerful tool in narrowing down the gap and in improving local governance through promoting accountability tools like public hearings, public audits and citizen report cards. This has made local government offices and service providers accountable to the disadvantaged people, and also enabled them to claim benefits from development interventions.

3.2 Community Radio Practices in Nepal

The failure to understand the rights of the marginalised groups is a serious problem in the Nepalese local State building process. The quality of governance is one of the central factors affecting the delivery of basic services and also budget allocation for the target citizen. Pro Public's Good Governance Programme (GGP) has been promoting CRs to encourage participatory citizen action to support good governance processes, which provide extra sets of checks and balances on the State in the interest of the public.

The radio programme has been helping to fill the vacuum between the ordinary citizens and the policy makers on development and governance issues, particularly when there is no elected representation in the local bodies. It has also helped to engage community and civil society in demanding better public services, more transparent public transactions to support the demand for good governance. For this process, the programme has applied social accountability mechanisms like the Good Governance Act (GGA), and RTI as government led tools and public hearings, public audits, citizen report cards, public discourses, budget tracking, and citizen monitoring for public construction, media advocacy and lobbying as citizen led accountability tools.

Ultimately, it is the people at the community level who put pressure on the local government for efficient governance and service delivery. Community mobilisation and participation play a contributory role in promoting the local governance system.

3.3 Operational Modality of Community Radios

The CRs are established by the people who have formed community cooperation societies, deemed to be a good model to ensure community ownership. The Nepal Government provides licenses to NGOs, cooperatives, and local bodies (VDC/DDC & municipalities) to operate CRs. They operate as a programme of these agencies, under the governing structure and mandate provided to a team of radio workers by the license holder organisation. The management practices can be found to differ from one organisation to another.

For example, the Good Governance District Committee (GGDC) runs the Kalinchowk FM radio in Dolakha District and Ramailo FM Radio in Okhaldhnuga District. Originally, the GGDC was registered as a local NGO, which also has mandated radio programmes in its objectives. This mandate has given them an opportunity to establish local FM stations in the respective districts. Radios are run as one of the several units of the licence holder organisation, which is one of the models. The other model is where the radio is the sole programme of the license holder. Radios distribute membership to individuals and institutions that ultimately elect a Radio Executive Board, which allows the radio to run like an independent institution.

Almost a third (29 per cent) of the CRs are not really governed by an independent board of their own. Their governing body is the sponsoring agency, namely Council of sponsoring agency which leads the Radio Board and radio executive staff.

In others, the license holder organisation and other stakeholders share positions in the Executive Board. In essence, there is neither a legal definition nor a commonly agreed and understood framework as to how a CR should run. What is increasingly being recognised is that CRs should develop social capital, by taking an organisational shape. It is observed that there are some weaknesses in the CR management structures, strategic planning, and operating systems. The CR management tends to be ad-hoc and a certain group of people in the community tend to dominate the policy and decision making, but these are not seen as serious threats to operating the stations.

The CRs in the district also receive syndicated programming, mostly developed by a handful of production houses in Kathmandu and financed by donor funds and are also being aired across the country. This type of programme has been helping to bridge and exchange knowledge, information and opinion between local and national perspectives.

Nepalese FM radio commonalities have also formed a network called Association of Community Radio Broadcasters, Nepal (ACOBAR) in 2002. Community Radios also promote, protect and build the capacity of community in order to assist them in promoting and protecting the their rights in the country.

3.4 Management of Community Radio

The CRs in Nepal are mostly established by a group of people and are run by the promoters' enthusiasm and self-drive. Community Radios usually do not have systematic operations and ways of doing business; neither is there any common framework that unifies the CRs and guides them towards a common cause. However, they have been obeying codes of conduct developed by the Nepal Press Council and the CR's umbrella organisation (ACOBAR).

The CRs have been considered as a member based organisation, but in practice the membership has not been wide and inclusive. Changing from a group ownership to a community ownership structure is desired, which is gradually increasing voices in Nepal. The composition of the CR members, board and committees for management varies from organisation to organisation. Most FM radios do not have an inclusive management board. The key leadership positions (Chair, Vice-Chair, Treasurer and Secretary) are captured by men and many CR stations do not have any written policies. The disadvantaged and marginalised groups find it difficult to have representation in management of community radios which reflects it is still exclusive domain of selected groups.

Similarly, most CRs have no clear policy as to what should be the membership composition of the CR. There are gaps between the composition of the target community and the membership of the CR also in the community based membership where the radios intend to distribute membership to all the communities. There are emerging good practices and efforts as well. A few CRs are found to have a new system of membership called the *radio council* which does not have voting rights but can advise the CRs.

Stringers, volunteers, and interns are recruited on the basis of convenience and competence, which does not necessarily give priority to balancing the stringers in terms of gender and social inclusion.

3.5 Key Actors in running Community Radio

Basically, CRs are owned by the local community and established with the support of like-minded donors, local bodies like DDCs, municipalities, VDCs and also politically motivated groups of people. Usually CRs receive a chunk of funds from local bodies as well. The Nepal Government also provides financial assistance to the CRs on an annual basis. Local bodies have also started to broadcast their important messages and notices through these radios and also started broadcasting live events like public hearings, VDC/DDC and municipality's special events, public welfare notices, council meetings, disclosure of their annual budget etc.

Development partner organisations also sponsor many programmes on governance, environment, HIV/AIDS etc. Similarly, contributions from different ethnic organisations and from different faiths are regular sources of income for the stations. They also promote socially beneficial advertisements and information at discounted rates.

3.6 Growth of Community Radio in Nepal

The RTI has been guaranteed by the Nepalese Constitution - *"every citizen shall have the rights to demand or receive information on any matter of his or her interest or of public interest."* With this wide constitutional framework, the media in Nepal has been using its mandates. The rapidly increasing CRs (community as well as private) are evidence of how Nepal has been enjoying its constitutional rights.

Community broadcasting is a relatively new concept in Nepal. However, within a decade more than 182 FM radio stations have been established in 69 districts of Nepal in different parts of the country. The CR has also played an important role in the 2006 people's movement and in institutionalising democracy in Nepal. Nepalese community radios have been exemplary in showing how radios can contribute significantly to promoting accountability and transparency ultimately working towards promoting governance.

Community radio has been defined in different ways in different geographical areas. Popularly it has been called the community radio, voice for the voiceless, republic radio etc. The CRs have been envisioned as autonomous and citizen led mass media organisations in Nepal. It is also expected that they must be sustained by mobilising community resources for their survival.

3.7 Community radio emerging as credible source of communication

Within a short period of time, CRs in Nepal have become a credible source of communication. They proved the credibility, fairness and importance of the audio media. Nowadays, FM radio is considered socially responsive and has significantly changed the landscape of the media in Nepal. They have focused on greater pluralism and freedom of expression. Today FM radios have become major sources of information, education and also of entertainment for the people in the rural areas mainly for those who are ignored by the mainstream media. Similarly, Nepalese CR has also demonstrated to the international community that it is an instrumental for reaching the remote areas of Nepal and raising awareness and providing necessary information. Community Radios have also proved that they have become an integral part of the Nepali rural communities. The FM radio sets are affordable even for the poor and can be bought for two to three US dollars.

3.8 Access to Community Radio

The CR reaches over 85 per cent of Nepal's population. Given this fact, the CRs have become important players in Nepali society. A UNESCO study mentioned that *"there is enormous potential for the expanding community radio sector to contribute directly to addressing Nepal's short and long term needs in particular the transformation of the political system, socio-economic development, greater social inclusion and the imperatives of improving education, health, and governance"*. Most of the CRs are situated in the remote parts of the country. Actually, CRs are an alternative source of information for people living in the remote areas. Community Radio has been broadcasting the news at least twice every day; it highlights local issues, and provides a platform for the voiceless citizen.

3.9 Promotion of Culture and Languages

Nepal is a multi-cultural and ethnically rich country where more than 100 languages are spoken. So, there are similarities among the CRs and they run programmes and news slots in various languages appropriate for the localities. It is also estimated that up to 10 per cent of the programme time is allocated for programmes related to excluded groups. A majority of the programmes are in the major Nepali language. Basically, radios prefer to run programmes in the major language and also out of respect for the communities in the area they broadcast short programmes in other local languages.

4. Community Radio and Public Hearings

In the political vacuum[53], the local development plans and budgets are being prepared by the respective offices in consultation with the local elite ignoring the aspirations and expectations of the people,

[53] No local elections have been held in Nepal since it was declared a democratic republic in 2006.

especially the marginalised groups. This has myriad consequences, the most significant being the fact that the local government is being led by bureaucrats nominated by the Central Government with very little downward accountability and transparency. The local body fiscal commission has developed a budget allocation formula for districts based on population, service coverage and remoteness, but the allocation has not been properly complied with.

A continuing weakness in this area has been the low level of commitment of the Ministry of Local Development (MoLD), the apex body responsible for overseeing the progress of local bodies and the National Planning Commission (NPC) to effectively supervise and monitor them. There are some social accountability mechanisms available, but they are not effectively used for ensuring participation of communities in decision making, transparency and sanctions against service providers for non-performance. The government at the central and local level has not complied so far with the blue prints of the minimum standards in relation to programme implementation. The DDCs and VDCs are not equipped with the necessary tools to manage all these affairs.

However, the formula remains on paper and actual allocation is made based on the bargaining capacity of political representatives. In Nepal, the local government's main source of revenue is the transfers from the central government providing more than 75 per cent of the local body's income which is a mere 12 per cent of the national budget. So, there is an enormous gap between the planning and implementation of plans and the government and NGOs' programmes have become even more urban centred, non-transparent and non-participatory. Despite an increasing trend in reaching the poor and vulnerable communities, various reports have indicated that the dividends of development have not reached the target population. This has resulted in the inequitable distribution of resources.

Failure to understand the rights of the marginalised groups is a serious mistake in the State's local development process and this is now more visible. There have been few or no efforts made to educate, empower and inform the citizens about the policies, plans accountability structure, programmes and budgetary provisions of the government and CSOs. The political environment should gradually be changed to the bottom up approach. There is a significant need to educate the people on their rights and entitlements of holding the government accountable.

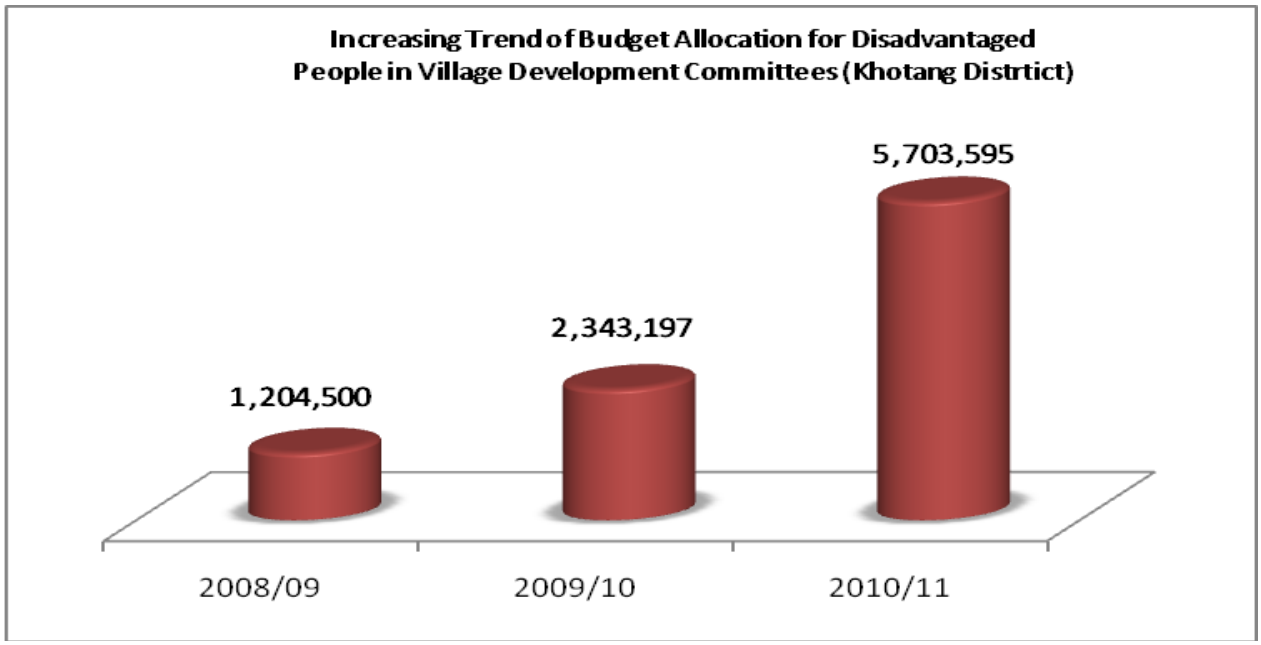
The local CRs have stepped in to make citizens aware about their rights about access to public services and accountability of local level institutions. This has made the people more vocal and demanding about the quality of public services and goods. Social accountability, transparency and right to information issues are equally important for them. Similarly, the government's pro-poor policy and public service delivery guidelines to prioritise service delivery to marginalised people has also been a contributing factor in encouraging people to use government services. There has been a growth of 37 per cent in terms of the ratio of disadvantaged people using services in education, health, agriculture offices including VDC block grants in the districts.

Regular announcement of public hearings on community radios increased the participation of citizen's especially disadvantaged community in public hearing programmes at the village level. An aggregate of 60 per cent of disadvantaged people's participation has been recorded in the public hearings which can be directly attributed to community radio. This reflects the positive impact of the CR to increase the participation of the disadvantaged community in strengthening local accountability initiatives. To achieve this result local VDCs and DDCs have also contributed by sharing costs and providing logistic support. Local GG Clubs and their mobilisation also played a role in motivating the people to participate in the public hearings.

This kind of intervention has also made positive changes in the participation of women, dalits and *janajatis* in the VDC council. This was possible because the CRs strongly advocated and lobbied to comply with the government's affirmative and inclusion policies.

Participation of the disadvantaged groups in the core decision making body of the VDC councils resulted in allocation of budgets as per the guidelines to these groups which were never followed. A number of sensitisation, education and awareness substantially increased participation of citizens in public hearings resulted in roughly 23 per cent of budget allocation (against required 30%) in comparison to less than six per cent in 2009. Table 11 also shows that the public hearings with the support of CRs show the increasing impact on the VDC's allocation of the budget towards the target population. These initiatives could be further strengthened by joint action between the NGOs and government authorities, so that democratic practices could be sustained in the country.

Figure 6



Source: Village Development Committee Council's Minutes from Khotang District (Diktel, Bamrang, Nunthala, Buipa, Vijayakharka, Rajapani, Lichkiramche & Battase) as cited in Good Governance Project Report - 2010, Pro Public. Nepal.

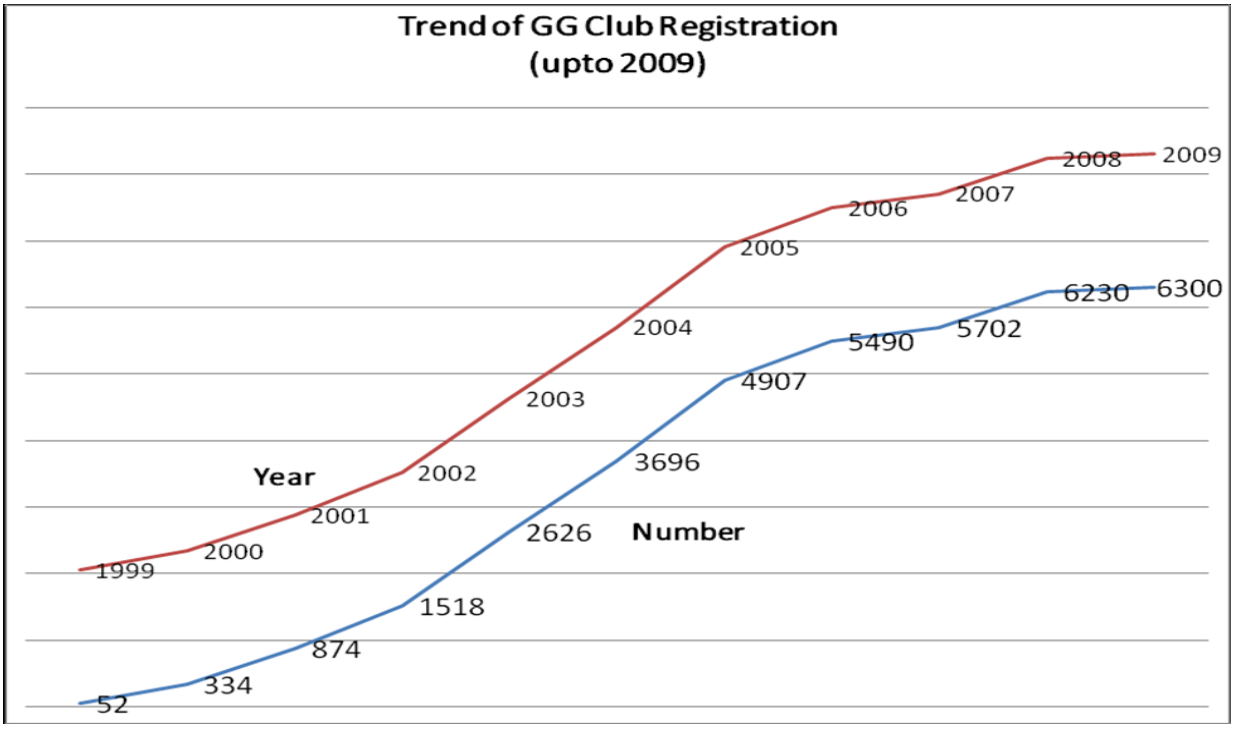
4.1. Spread of Public Hearings across Nepal

The cases mentioned above show the use of public hearings at the level of VDCs. But CRs have spread this social accountability mechanism in several districts of Nepal at all the levels of government. CRs have promoted listeners' engagement in the broadcasting agencies by facilitating in formation of listeners' clubs in the country. The listeners themselves spontaneously formed these clubs after they found the GGP [54]radio programme interesting and motivating because of its objective content and its effective presentation. In addition, Pro Public has also taken leading role in mobilising citizens to form clubs. Their combined effort has resulted in formation of more than 6,300 listeners' clubs (programme

[54] GGP: Good Governance Project supported by World Bank is being run by Pro public (NGO) in Nepal for promoting good governance in the country.

fan clubs) in all 75 districts of Nepal. This is a first for Nepal's radio history of 57 years. Likewise, the district coordination committees of the clubs have already been constituted in 64 districts across the country. These clubs have been recognised as defenders of good governance.

Figure 7



Source: Good Governance Club Registration Report - 2009, Pro Public, Nepal.

The clubs are vigilant against corruption and the mismanagement of public resources. The clubs have been seeking guarantees of qualitative service and adequate facilities to be provided by the local government offices to the disadvantaged people. For this, the clubs have been organising public hearings, public audit, civic monitoring, operating CRs in their area, publishing bulletins and filing complaints. In many places, such activities by the clubs have been able to bring in changes and improvements in their respective societies and local government offices. After the civic monitoring of the clubs, employees of the local offices, such as health, drinking water, schools, postal service, forests, and VDCs have become more punctual at their respective offices. In addition, it has been felt that the quality of services and facilities being provided by these offices to the common man has also significantly improved. This has made civil servants more alert towards service delivery. Impressed by the anti-corruption activities of the clubs, various government offices in the districts have started working in collaboration with the clubs. The government offices as well as local citizens have praised the new working style of the clubs.

The clubs have been successful in tackling several cases with limited resources. Corrupt people are afraid of the clubs where honest people cooperate in the campaigns. Some of the government office bearers have started giving information on corrupt practices informally. This has increased the self-confidence of the club members. The people's participation is increasing and they have started coming to the clubs for further support.

The wide range of participation by political parties, government officials and CSO members in public hearings appreciated the fact that people get an opportunity to interact directly with stakeholders in such forums. Most of the participants have access to public authorities at the public hearings organised by the clubs. The clubs are strong forces and they have a lot of energy, which if used properly, could bring real changes in society. Since GGCs have access to the grassroots, they have the potential to transform society by applying social accountability tools like public hearings at the grassroots level.

Most of these clubs are registered with the GGP and are also registered with the district administrative offices. The GGP has issued guidelines to make these clubs more inclusive and effective. According to the guidelines, to form a GGC there must be a minimum of seven members and 50 per cent of them should be women. To encourage inclusion, a mandatory provision has been made that at least one dalit/indigenous member has to be included while forming the club.

4.2 Changes Brought about by Use of Public Hearings

Though many villages still do not have access to roads in Nepal, people's awareness levels have increased. People now have access to information which has empowered them about their rights and responsibilities. Local CRs have played an important role in empowering and educating rural people.

There are two types of FM radios at the local level, they are commercial and community radios. Commercial radios are run by individuals for making profit and some political parties also operate radios to serve their own political interests. During the elections and times of political turmoil, political parties try to influence CRs. The CRs though are working for the development of the community and its people by broadcasting their concerns, grievances and local issues that serve the community's interests. Local cooperatives and NGOs are more involved in operating such community radios in which generally 25-35 members are found. Their main source of income is from broadcasting local advertisements, notices, programmes, local contributions and renewal of memberships.

These FM radios have janjatis, dalits, women and other marginalised groups as members. They broadcast news, educational and musical programmes, cultural programmes, local issues and problems, well packaged in phone-ins and live programmes. The FM radios have become good instruments of advocacy at the grassroots. Local people while doing their household chores or during collecting fodder from forests, can be seen holding and listening to the radios because many of them also produce and broadcast programmes in the local ethnic languages. The easy access to information allows even illiterate women like Suntadevi Tamang become more empowered and aware of the national and local events.

Ms Suntadevi Tamang who is 65 years old, a resident of Kathajor-9, Ramechhap District, rears chickens. There is a radio at her home and she listens to the radio regularly. One day she heard through the radio that the price of chickens had increased in the local market. People asked her to sell her chickens at the old price but she did not do so. Later on, she sold her chickens at the higher price in the local market.

Non-profit making CRs also contribute in promoting social accountability at the local level. People are now aware of public hearings, public audits and citizen report card surveys as tools of social accountability and the CRs are disseminating messages about these tools through programmes, live broadcasts through jingles and short radio dramas. These tools have empowered people to demand accountability from the service providers and hold them accountable for the resources they are spending. The two cases demonstrate that citizens have been able to solve their grievances settled through public hearings.

"Shantikala Nepali, an elderly dalit and financially weak woman of Sirsekot-8, Syngja, had to bear a lot of suffering due to a wrong date of birth on her citizenship certificate. She was denied her widow

"We have formed a team of engineers to investigate into collapse of a bridge over Rui River in Chitwan district after radio report".

allowance and other government services which were due to her because of this mistake. She was actually born on 28 January 1939 whereas her citizenship certificate mentions 29 January 2039 as her date of birth. To correct this mistake she made seven visits to the office in ten months and was unable to get her citizenship card corrected. Eventually, this issue was raised in a public hearing organised in Syanjya District and was followed up with a report in a radio programme. Only then was her citizenship card corrected. Once this radio report was aired, listeners expressed their sympathy towards Ms Shantikala by sending her some cash support. About 7,300 rupees were collected and handed over to her. Now she has started receiving her widow allowance and other benefits provided by the Nepal Government".

Community radio has become a true companion in promoting social accountability tools such as public hearings, public audits or improving local governance. Local FM radios are broadcasting public hearings/public audits live in the districts. They are also broadcasting programmes and news on whether budget allocations to disadvantaged groups, formation of user's committees and implementation of the development programmes are being done as per the government guidelines. Local FM radios raise problems and also focus on possible solutions of the issues in the VDCs, DDCs and municipalities. "Community radios are very effective in discouraging bad practices and encouraging good works that we are doing," shares Ganesh Katuwal, a Planning Officer at DDC, Okhaldhuga District, adding, "They have also contributed to improve the quality of public services and goods being delivered at the local level."

A Local Development Officer of Ramechhap District, Ms Devi Maya Ghimire says local FM radios are promoting the concept and practice of public hearings/public audits through airing news and views about these tools. "They are broadcasting news on these tools to empower people and the concerned stakeholders, and airing interviews with experts about these tools as news items," Ghimire adds. Various promotional programmes on these social accountability initiatives have helped empower women, dalits, janjatis and other marginalised sections of society. "Local FM radios have made government officials like us more accountable by keeping a close eye on our activities and performance," says Padam Sapkota, Planning Officer at the DDC in Dailekh District.

A live broadcast of a public hearing through FM radio has been creating a positive effect on the transformation of society. After a live broadcast of a public hearing in Khotang District on 19 December 2009, by two Halesi and Rupakot FM radios, members of the User's Committees flocked to the DDC for clearing advances that were long due. The CRs read out the names of those not clearing the advances. "The Chairman of the Construction Entrepreneurs Association Mr Kumar Acharya also cleared his 30,000 advance after the public hearing," shares Basanta Bhandari, Local Development Officer, Khotang District. "This shows how local FM radios have played a constructive role in making people and the local government agencies accountable and transparent," Bhandari adds.

5. Constraints of Community Radio in Encouraging Participation

Some CRs in Nepal are sponsored and funded by political parties, contractors, donors and local bodies like DDCs, VDCs and municipalities. The sponsors particularly political parties and contractors have noticeable influence on the content, including editorials and programmes. In many cases, the executive positions are occupied by people from the political party and they use their powers in the management. This has resulted in capture of CRs by local elites who have vested interest in limiting its control to few people and they systematically prevent marginalised groups from having any say in its management. Further, the level of influence is particularly dominant during the election. Likewise, contracts and

businesses are also found to influence the content of the programme in their own interests. Also, the local governments try to influence the content on current affairs particularly related to corruption, linkages, and delays in service delivery etc. However, the donors have not had a noticeable influence on the operation and content of the CRs' programmes.

CRs also face the threats of physical assault, harassment, and sometimes insults. "We get threats and even enticement for not asking difficult questions during such programmes,' shares Tanka Thapa, Station Manager, Rupakot FM, Khotang District. Rupakot FM for some time has been producing and broadcasting "civic dialogue" in the modality of public hearings.

The Ramailo Community FM in Okhaldhunga District has been broadcasting public hearings live from the VDCs. However, the Chairman of the Management Committee of the CR, Mr Dirga Khatri says that he has been receiving threats to stop the broadcast of such programmes as many issues about the misuse of funds and of corruption are raised in the public hearing. "VDC Secretary and other involved persons pressured us to stop transmission of the programme as the misuse of Rs 40,000 was raised by the people during public hearing in Chyanam VDC of Okhaldhugna," shares Khatri, adding, "We resisted their pressure and the VDC Secretary and his people protested against us."

Mr. Dipak Ghimire, a Station Manager at Hajurko Community FM radio in Ramechha District, echoes that he has been facing two types of problems during broadcasting such programmes live. The first problem is about the content and the second is more technical. He says that implicated journalists and parties continue to harass and even threaten them while covering such public events. As such cases sometimes involve people in the District Administration Office; they become important from the security perspective for them. As Ghimire puts it the lack of technical manpower, essential equipment and skilful journalists are some problems faced by the community FM radios while making live broadcasts of such programmes from the VDC.

Mr. Dipak Basent, a Station Manager of Kalinchowk Community FM Radio, Dolakha District, also shares some bad experiences while covering such events. "They even sometimes snatch away our mikes and other equipment," he adds, saying, "When we were doing a live broadcast of a public hearing on the transport syndicate of Araniko Transport Yatayat, they took away our mikes and disturbed our transmission".

Despite these constraints, CRs have been playing a positive role in the flow of information as well as enabling the local people to access accurate information about civic responsibilities, public programmes and budgets of the national and local bodies. It has also given a platform for the local people to demand and voice local discontent and to engage in social issues in their areas.

6. Recommendations

Nepal has widely experienced that the CR has been an incredible mass communication vehicle to disseminate a wide range of public service provider's information to the larger population at the local level. The study team found that local government offices and development partners in coordination with CRs can help to enhance the poor and disadvantaged people's access to public resources. Local development actors can support local CRs by providing advertisements, notices and opportunities for live coverage of public hearings and public audits.

It has been widely experienced and felt that if local government offices and development partners in coordination with FM stations conduct such social accountability initiatives; they can be more effective and successful. Such partnership and cooperation can enhance the local government's accountability

and transparency, increase compliance with laws and guidelines and enhance people's participation in the local governance process. "If good coordination can be forged between government agencies, development partners and local FM stations, it can ease financial and content-related problems that local FM radios are facing now," opines Mr Dirga Khatri, President of Ramailo FM of Okhaldhunga, adding, "As we don't have other sources of income except broadcasting messages and advertisements, partnering with them would ease our problems to some extent."

"Along with the partnership, our capacity also needs to be built up," adds Mr Dipak Ghimire, Station Manager of Hajurko FM, saying "development partners at the local level can support radio journalists for their capacity building." Similarly, the Station Manager of Panchakoshi Community FM, Dailekh District, Mr. P.B. Bayalkoti says that local government agencies and development organisations can support local community radios by providing advertisements, notices and opportunities for live coverage of the programmes such as public hearings and public audits. Many radio journalists and FM community members believe that if local agencies allocate a certain budget for hearing people's grievances and broadcasting government's responses through the FM, it can really improve accountability and transparency from the grassroots.

7. Reference

Nepalese Interim Constitution 2007 under Fundamental Rights (Article No. 27)

National Communication act 1993 under Article Number 5, Department of Information and Ministry of Communication Nepal

UNESCO (2008: 10 years of community radio in Nepal)

The Status of community radio in Nepal (A study report from institutional perspective), Association of Community Radio Broadcasters (ACORAB, 2009)

Case Study 5

Improving Services through Citizen's Charter: Dambulla, Sri Lanka

- Padma Ratnayake, South Asia Partnership, Sri Lanka

1. Introduction

An attempt has been made in the study to introduce the historical evolution of the present system of administration in Sri Lanka and the drawbacks that are evident in most State institutions. After the Soulbury Constitution the Constitutions that were introduced in 1972 and 1978 had inherent weaknesses that were detrimental to the autonomy of the administrative set up of the country. Waduge (2011) states that:

> *"While the 1978 Constitution clearly spelt the death of the independence of the Public Service Commission and eventually to the Public Service itself, which was previously considered as the engine of development. The politicians began to care little for the need to maintain a self-sufficient and efficient public service. Developing Sri Lanka through the public service was also forgotten" (p.4 Feature Article)*

The State institutions have been functioning in a very irresponsible and unaccountable manner for over three decades with little opposition from the people and the intellectuals. Very few vertical accountability provisions/policies were available for citizens and civil society to express public discontent.

The Ministry of Public Administration introduced the citizen's charter in 2007. It is a pledge between the citizenry and the local government authority, which highlights the rights and the responsibilities of both parties to have good working relations for better local self-governance. The citizen's charter clearly states the rights and obligations of the citizens regarding what they can expect from the local authority and the obligations which are anticipated by the local authority from the citizens. It also spells out the service standards and principals that the government authority will strive to uphold. This is a very positive step and a horizontal accountability tool that has been used by the State to remedy many of the issues that plague the administration of the country; this is in the absence of vertical responsibility tools, which could be used by other stakeholders. This study would highlight the weaknesses of the administrative system and how the weaknesses were overcome by one Divisional Secretariat using the citizen's charter.

2. Background

The Democratic Socialist Republic of Sri Lanka known as Ceylon before 1972 is a Nation State situated in the Indian Ocean at the Southern tip of the Indian subcontinent, having a documented history of more

than 2000 years. Once known as '*Serendib'* (a surprise encounter) and *'Thambapnnie'* (copper coloured sands), and '*Tapbrobane'* Sri Lanka is strategically located in the Indian Ocean's naval routes between West Asia and South East Asia. Sri Lanka's people have been involved in trade, a form of barter system with Persians exchanging their silks and other wares for ivory, pearls and precious stones; it has sent emissaries to the Greek Alexander the Great laden with precious gems and ivory evidence of cultural exchanges. Most significant is Lanka's (known at the time) close amiable friendship with India's Great Asoka, the Emperor who sent his own son to preach Lord Buddha's teachings to King *Devanipathissa* playing a pivotal role in providing seats of learning and refuge for those pursuing Buddhist precepts.

Sri Lanka is a strategic naval link between West Asia and South East Asia and has been a centre of Buddhist religion and culture from ancient times. Today, Sri Lanka is a multi-religious and multi-ethnic nation, with a fifth of the population following faiths other than Buddhism, notably Hinduism, Christianity and Islam. The Sinhalese community forms the majority of the population (around 78%), with Tamils, forming the largest ethnic minority. Other communities include the Muslim Moors and Malays as well as Burghers.

Sri Lanka can boast of a very sound system of local governance that prevailed as far back as the 3rd Century BC. From some of the designations that appear on stone inscriptions from the early times, in the villages, it is possible to surmise that there had been an administrative unit based at the village level during the early and medieval periods. The ruler of the country was a King and the village was ruled by traditional and simple laws which were acceptable to the King, the village leaders and the people. Under this system there was a clear social contract between the ruler and the people.

The earliest system of local governance that functioned was *Gam Sabhas* meaning village councils. This was a much organised system of ruling a village. These not only administered justice but supplied amenities necessary for the general public. The Gam Sabhas were later connected with *Disa Sabhas,* the district councils and these were connected with *Rata-Sabhas* thus providing a form of national rule. The basic characteristics of democracy were seen in the implementation of day to day activities through these institutions. However, the decision making was mainly confined to the village elders from high castes. The caste system that prevailed at the time would have obstructed the spirit of true democracy. It is beyond the scope of this study to do an elaborate investigation to ascertain if this system prevailed.

History has documented that over 150 Sri Lankan Kings ruled the country for over 2,000 years overcoming the challenges they had to encounter due to various invasions. The administrative system that prevailed during the time of the Sri Lankan Kings changed when the country was colonised by the Portuguese, the Dutch and the British. During the Colonial period [1505-1948] the old system of self-governance seemed to have virtually disappeared with alternative systems of administration being implemented by each Colonial rule. The Portuguese rule did not bring about a significant change in the administration of the country. The main influence brought to this country by them was the Roman Catholic religion and some cultural aspects, which continue till date while the main influence of the Dutch was the introduction of the Roman Dutch law which still prevails in the country. The British rule made a significant contribution to the administration of Sri Lanka.

The British framed several Constitutions such as the Colebrook and Donoughmore, to govern the country. The Soulbury Constitution was drafted in 1946, still considered by some to be the best that Sri Lanka ever had. In dismantling the Empire, the British used this model which had no ideological basis and no economic or social objectives, but had one important purpose: the establishing of an essential framework for democratic governance in the newly independent country. Right up to 1947, Sri Lanka was ruled by a British Governor assisted by the Ceylon Civil Service (CCS) and at the lower ranks by

mudliyars and village headmen. The Governor was a very influential and powerful person with authority delegated by the Queen of England to rule Ceylon.

Sri Lanka then called Ceylon, gained independence on 4th of February 1948 and remained a dominion in the Commonwealth of Nations, with the Monarch of England represented by the Governor General. The country continued to be governed under the Soulbury Constitution which was drafted and introduced before independence. Parliament was bicameral, consisting of a Senate and a House of Representatives.

In 1971, the Senate was abolished, and the following year, Ceylon was renamed Sri Lanka, and became the Socialist Republic of Sri Lanka within the Commonwealth of Nations, with the last Governor General becoming the President of Sri Lanka. Under the first Republican Constitution in 1972 the bicameral legislature became unicameral and was known as the National State Assembly.

In 1978 another new Constitution was adopted, which provided for an Executive President, and the legislature was renamed Parliament. It replaced the previous Westminster style of parliamentary government with a new presidential system modelled after France, with a powerful Chief Executive. The President was to be elected by direct suffrage for a six-year term and was empowered to appoint, with parliamentary approval, the Prime Minister and to preside over cabinet meetings. The President under this Constitution is Head of the government and the Commander-in-Chief of the armed forces. The Executive President had enormous powers, and was responsible to Parliament for the exercise of duties under the Constitution. The President may be removed from office by a two thirds vote of Parliament in concurrence with the Supreme Court. The President appoints and heads the cabinet of ministers responsible to the Parliament.

The present Parliament has 225 members out of which 196 are elected from multi seat constituencies and 29 are appointed from the national list based on the number of seats gained during the election by the respective parties. In the last four years, there have been three general elections in Sri Lanka.

3. The Weakening of the Public Administrative System

During the period that the country was governed by the British there was no documented evidence of any political influence or corruption in the public service. The Soulbury Constitution introduced in 1948 established the Public Service Commission to avoid undue political interference and ensure the autonomy and the independence of the public service. Under this Constitution the Public Service enjoyed a certain degree of autonomy and accountability even though the system was not free from political interference specially in making recruitments and the transfer of public servants.

The new Republican Constitution introduced in 1972 abolished the autonomy of the Public Service Commission, bringing it under ministerial authority, the Ministry of Public Administration. This system did not fit well for Sri Lanka (unlike the UK with similar features) it lacked a proper code of conduct, rules and practices. With this transformation many changes took place in the system especially at the district level. Twenty five Government Agents were appointed to be in charge of 25 districts whereas earlier there were nine government agents for the nine provinces. Each district is then divided into divisions, headed by a Divisional Secretary who is appointed by the Public Service. At the village level the *Grama Seva Niladari* (Village Officer), the *Samurdhi Niladari* (Development Officer), the agricultural extension officer and the public health officer work closely with the people and are responsible to the Divisional Secretary. The Divisional Secretary heads a division; her /his teams of officials carry out the day to day services required by citizens. It is the Government institution closest to the public.

In the 1980s another move took place, the introduction of the Provincial Council system and the appointment of the Chief Minister to head a province with a provincial cabinet, the dominance of politics in the system of administration increased immensely. The 13th Amendment to the Constitution brought about a major change in Sri Lanka's system of governance by providing for the devolution of power to a second tier of governance in the country, at the provincial level. Except to those relating to structure, form and the Constitution and the National Policy, all powers and functions relating to the local government were devolved to the Provincial Councils. Yet, the general trend in most State agencies is that there is no organisational structure to ensure people's participation.

There should essentially be an organisational structure within the Local Authority (LA), which should facilitate the recognition of the members of the public and not treat them as strangers. To ensure transparency in local government activities, and responsibility and accountability of people's participation, the LAs should do business in accordance with management principles. An organisational structure, which makes the customer/public uncomfortable, does not go well with responsibilities of a LA. So, an attitudinal change to have a more open and facilitating service for the public is essential. The new organisational structures need a flow of the decision making power from the top to the lower ranks. The responsibility of the management is to check whether this decentralised power is implemented properly.

The traditional case for political decentralisation or devolution of power rests on popular participation in the government on the proposition that democracy has little meaning unless it is widely diffused. It is this same idea that finds expression where Ratnayaka (2007) citing Friedrich von Hayek writes that "Nowhere has democracy functioned well without a large measure of self-governance" (p 18).

The local government by its very nature is associated with democratic governance and the participation of local communities in the process of government. National development and sustainability of development require an understanding of the needs, potentialities and priorities of each area. This requires close contact and interaction between the government and people, which could best be achieved through locally elected, accountable bodies in different areas. While National Policies must apply throughout the country, LAs as partners in planning and implementation are able to throw up the felt needs of their communities against the backdrop of their physical environment and the social and economic problems facing them**.**

Additionally, from a practical standpoint, LAs can attend to mundane day-to-day functions of ordinary living by providing those services, which in accordance with the principle of subsidiaries can best be provided at the local level, which is closest to the people and thus accountable to them. Other features of an effective system of local government will include political socialisation of the citizenry body acting as a training ground for regional / central politicians of the future.

What is of utmost significance is that the local government is the institutionalised mechanism through which the citizenry at the local level can be incorporated into the decision making process within the polity, thus ensuring democratic governance. Since the system of Executive Presidency came into being many changes took place in the public administration setup. With the introduction of proportional representation for parliamentary elections, large cabinets replaced smaller cabinets. The result has been that various departments have been attached to the ministries with overlapping responsibilities, thus causing chaotic situations in the administration of the country. Another added feature was the introduction of new people into important positions in the ministries and Presidential Secretariat.

4. Issues of Corruption

Sri Lanka like many countries around the world is plagued with issues of adverse corruption, non-transparency and irresponsible accountability at all spheres and levels of government, now observed as established norms of the country. Waduge (2011) explains:

> *"Gross violations of corruption also took place when Ministers who are accountable for controlling the allocation and use of funds ended up not including actual expenditures in the budget but instead passing additional amounts through supplementary votes". (p. Feature 4)*

The Public Service Commission was introduced in 1948 by the Soulbury Constitution especially to ensure a degree of autonomy to the public service and to safeguard the administration of the country devoid of political interference. Since 1972 the Public Service Commission was brought under the President and his cabinet thus making it more or less a political entity. Moonesinghe (2010) contends that,

> *"It [corruption] is silently condoned or suffered by the people perhaps to be challenged at the next elections. In the context where the politicians and the bureaucrats exercise influence far in excess of the powers assigned to them by the constitution, the layman becomes an unwilling supplicant willing to barter the abuse of the system for benefits that can be obtained" (p.24).*

This clearly illustrates the moral standards of the leaders and the public.

De Silva (2011) elaborates further stating that:

> *"Over the last 60 years there has been extensive tinkering with public service. Adjustments and changes have been introduced particularly to political and trade union demands, without regard to overall philosophy or conceptual framework of what a public service should be if a democracy functions within the rule of law. There has been little regard to any objective standard of efficiency and effectiveness. The public service, at the middle and lower levels has been viewed as an unemployment relief scheme and the resulting dissatisfaction among the staff and the public is detrimental to the progress of the country. With all these changes taking place during the last four decades, there was a prominent deterioration in the administrative system in the country. Inefficiency and corruption have become rampant in the offices at all levels but worse at the local level. Inordinate delays in delivering services to the people are a common occurrence" (p.126)*

The public experiences several weaknesses in the system like inordinate delays in delivering services to the people, giving excuses for not getting work done has become the norm; people are turned back and made to come again and again to get their tasks done. Citizens are not given clear instructions as to how they could get the task done. Often the people who come for services from the local government institutions are not competent to follow instructions and need assistance from the public servants. While there are officials who are courteous, patient and helpful, many do not fall into this category. Most public servants are not courteous especially to those who need their support the most.

A clear elaboration of political leaders' and public's moral standards signalling a weakening administrative system and the diminishing of democracy. Inefficiency and corruption have become rampant in the offices at all levels but significantly at the local level. The public service, at the middle and lower levels has been viewed as a relief scheme for the unemployed increasing dissatisfaction among other staff and the public; this definitely is detrimental to the country's progress.

Most often the public who request services from the local government institutions are not competent to follow instructions either because they are not functionally literate, their reluctance is the fear of making mistakes while filling forms or are shy about their scrawl like or illegible handwriting necessitating public servants' assistance. The general public has been complaining about bureaucrats' discourteousness especially to those who need their assistance the most, while the courteous, patient and helpful are the minority whom the public flock to while they carry heavy loads of work.

In addition public servants are well known for taking long breaks and generally not to be located in their respective office or seat. It is also known that they attempt to secure the maximum number of leave despite their entitlement; however, disconcerting this may be when an inordinate amount of time has been spent during regular work hours attending to personal responsibilities such as picking up a child at school, and long hours at lunch. It is noted these same personnel often would leave office before closing time, no other officer designated to substitute for them during their absence. This means that the citizens have to make repeated trips till the officer in charge is available to serve them.

Even though the officials were present, the granting of services to the public is done more as a favour than an obligation, often depending on the bribe offered by the citizen. There is confusion in most institutions as to whom one should meet, who was in charge of a particular work and what was necessary to get things done because there were no proper reception desks or clear signs posted.

Corruption pervades from the officers at the top to the orderly at the bottom rung who is expected to inform the public as to where a particular staff member had disappeared, expecting a 'reward' for providing such information. The courteousness also depended very much on the economic power of the citizens. Disrespect and discourtesy were more the norm than the exception, where courteousness is displayed to the public who could display their economic strength or connection to a politician. A common observation in most office buildings is the lack of cleanliness, the clutter and disorderliness, a de-motivational situation for staff and public alike, often the cause for delays in securing much needed customer files. The officials have got used to the system and unless the head of the institution was keen to see a change the setups remained the same. In addition the lack of availability of necessary equipment especially computers was seen as a constraint in promoting e-governance. Another factor that could be considered a hindrance was the dearth of qualified and trained staff who could respond to the most recent developments in ICT that facilitates them to meet local and global needs.

Over and above all this, was the politicisation of the administrative system. Political influence often determined how work should get done in the administrative offices. Even though officials strived to be honest, they were compelled to follow instructions given by politicians, often resulting in work not being carried out according to administrative procedures. In Waduge's (2011) opinion:

> *"The political interference has turned the public service into a place of lethargy where people do not feel obliged to reveal or report wrong doings and abuse of authority as part and parcel of governance." (p. 4)*

This affected the appointment of staff, taking in people who were not qualified for their jobs even if there was no dearth of qualified people for the post as was often the case in Sri Lanka.

5. Reasons for this State of Affairs

In any society it is important for the people to take responsibility for their welfare. This calls for vigilance to keep the political social and economic environment free of corruption and human rights violations.

> *In Sri Lanka, civil society has become somewhat dormant. Many reasons could be attributed to this 'numbness'; one their own enthusiastic support for the political party in power, which inhibits activity; two an ineffective opposition preoccupied with internal concerns of the party or parties; through fear to freely express opinions for security reasons.*

The lack of an active civil society and a strong opposition are the most important reasons for a government to be irresponsible and non-transparent. In addition the civil society organisations at present maintain a deep silence about abuses of power in the government sector. Even though civil society organisations are active when it comes to particular issues like human rights and environment they are silent in case of governance. At the present time the NGOs are less powerful than in the previous years, although even when they were enjoying power very little has been done in the sphere of governance.

6. Urgent Need for Change

The citizens of a democratically governed country expect an efficient public service that is devoid of corruption where there is transparency in the conduct of public affairs. An efficient public service has a direct impact on the lives of the people and their welfare. To have an efficient system of administration in a democracy there have to be mechanisms that ensure not only delivering services to the people but most importantly their involvement as well. The citizens need to know about the plans that are prepared for the country's development as well as their engagement in the preparation of the plans necessary to hold the government accountable to its citizens.

Today more often people expect to participate in governance and also act as watch dogs to ensure an efficient system of governance. Some countries are far ahead of the others in making Government institutions responsible to the people. The Right to Information Act, which is implemented in all the states of India other than Jammu and Kashmir, consists of a very strong mechanism by which the people can demand transparency and accountability from the governance system.

7. The Citizen's Charter

The Ministry of Public Administration introduced the citizen's charter in 2007. It is a pledge between the citizenry and the local government authority, which highlights the rights and the responsibilities of both parties to have good working relations for better local self-governance. The citizen's charter clearly states the rights and obligations of the citizens regarding what they can expect from the local authority and the obligations, which are expected by the local authority from the citizens. It also spells out the service standards and principals that the government authority will strive to uphold.

The citizen's charter is an empowering democratic instrument that enables the government authorities to provide the best of services, in an effective way, to the satisfaction of the citizens of their jurisdiction. The charter is meant to be implemented in all government institutions, the ministries, District Secretariats, and Divisional Secretariats and even in *Grama Seva Niladhari* divisions in some cases.

The charter cannot be interpreted as a static document but rather as an agreement between the institution and the citizenry for building partnerships; between the local authority and the citizens, civil society organisations, the local business community and other stakeholders. Guidelines have been offered by the Ministry of Public Administration to all government institutions as to how this should be done most effectively. How it has been implemented depends on what the institutions have been able to do with it.

The Charter is also expected to improve the transparency and effectiveness of the institution. In addition, with the improved information system, the citizens will be empowered to interact better with the local government authority in a friendly, efficient and transparent manner. Also, it ensures accountability towards civil society. The Charter contains provisions for the citizen's entitlement of services, quality of service, quick accessibility to information and a system to redress grievances in a time bound manner. The provision for a grievance redressal system is a significant inclusion that has the potential to make profound changes within the system.

The citizen's charter lays strong emphasis on changing the mind set and attitudes of the people in the institutions as well as the citizens. The staff is made to realise that they are paid by the public who deserve to be served in the most efficient way possible. The main objective to achieve transparent, accountable and responsive delivery of services in the local government sector has the potential to completely transform the existing administrative system.

The formulation and implementation of the citizen's charter is a five step process involving the formulation of the charter by the institutions, they have to promote it, engage in service delivery, monitor its success, evaluate and improve it.

The implementation of the charter would ensure that weaknesses that we have observed in the public sector could be overcome very soon, because it is committed to providing all important information to the citizens about the services delivered by the local authority, creating a system which will redress public grievances, soliciting the corporation of the citizens in fulfilling their aspirations, making each citizen's interaction with the local authority easy, simple, hassle free and efficient, introducing e-governance and automated access to all services, making the service delivery fair, efficient, citizen friendly and outcome focused, improving the level of people's satisfaction.

As specified in the Public Administration Circular No. 05/2008 the components that should be included in a citizen's charter are the vision and mission statements, the services delivered by the organisation, details of the public who are the recipients of services, details of services provided to each client group, service standards, requirements to be fulfilled by the client, legislative and other provisions relating to obligations of the service providers and the rights of the service recipients, grievance lodging and redressal mechanisms and how to access it and the expectation of the clients.

Therefore, one of the main features of the citizen's charter is a public display board, which is a statement of services provided by the institution. It gives the details that the people need to get their work done. It specifies all the services offered at the institution, the official who is in charge of that particular service, all the documents (name of the application form and the necessary documents which should accompany it) that are needed to get the work done, and the amount of time that it is expected to take. It also specifies who will be acting in that role in case the official is absent. It displays to whom complaints can be made if the service has not been offered efficiently to the citizen.

The charter necessarily requires that the institution be organised and orderly so that work can get done in the time period that is specified for it. For example, in the case of a Divisional Secretariat, the issuing of a birth, marriage and death certificate has to be done within five minutes; and a recommendation of an application for electricity should only take half an hour. If the files and the necessary documents are not placed with meticulous planning and order, these tasks cannot be done at this speed. So the result of the charter has been to organise the Divisional Secretariats to a level of order not seen before. The reduction in delays is also something that has happened because of the charter. The appointment of a

substitute to take over the work during the absence of an officer is made compulsory, so the earlier excuse of sending an individual back because the officer is not present cannot be made.

A major change is also the way citizens are treated when they approach a government institution. Courtesy has been made an obligation on the part of the staff whereas earlier disrespect and discourtesy were common in their actions towards the people. The Charter provides the citizens a chance to air their grievances and this makes all the staff more careful and more accountable in all the above matters. Monitoring is expected to be carried out by every institution that implements the citizen's charter. This can be done by using existing internal mechanisms like quality/productivity circles and studying the weekly/ monthly/quarterly/annual performance reports of each section. Or a feedback and response system can be established like a citizen's feedback form, suggestion box, hotline services etc. Counters are expected to be set up in prominent places to facilitate the public in lodging complaints. The staff has to be trained to handle and resolve problems faced by dissatisfied public, and hot lines set up in case there are a large number of such complaints. A system has to be created to record all complaints. Complaints should be referred to the concerned department or unit for remedial action.

Service recovery is the process by which remedial action is taken when the institution cannot meet a pledge made in the charter. Reactively, this means that the institution has to take immediate remedial action when a complaint is lodged and proactively, it can also inform the citizens of its inability to perform the particular service before a complaint is lodged. If a complaint is lodged, the institution must make an apology to the client involved, either verbally or in writing, explain the reasons for non-delivery of the service or inform the citizens on the status of the follow up action taken to overcome the problem. If the institution is taking proactive steps, it should indicate the remedial measures that have to be taken if things go wrong (say what could go wrong and whom to contact) and indicate how the citizens can help the organisation.

All the institutions are now supposed to use modern tools like computers and the internet to be accessible to people in keeping with the concept of e-governance. All the names of the officials in the institution, their position and their telephone numbers are now available on the internet so that anyone anywhere can contact them if necessary.

8. Methodology Used in this Study

The Divisional Secretariat is the closest local government institution to the people. From the issuing of birth certificates, marriage certificates and death certificates, to issues connected with land disputes, motor licenses, issuing of income, assessment and residency certificates, issuing of timber and liquor permits, the payment of *Samurdhi* grants and the provision of disaster loans and so on all come under the purview of the Secretariat making it indispensable in the day to day life of the ordinary citizen.

The Dambulla Divisional Secretariat was selected based on a few criteria, the then Divisional Secretary and staff had received training in good governance, hence had established certain systems in their administrative responsibilities, also creating a conducive environment for the public. The enthusiasm of the Divisional Secretary to implement the citizen's charter, and her clarity about the implementation processes was another criterion. The citizen's charter has been operational at the Dambulla Divisional Secretariat for over three years. The apparent display that the citizen's charter was in progress was seen in the organisation of space, and the way the public were facilitated on regular business days. Therefore, we have selected a Divisional Secretariat that was known to our organisation, with which we have worked closely and trained the staff on positive thinking and good governance.

The Dambulla Divisional Secretariat won the first place in the 2008, National Productivity Competition and came second in the Management Competition 2008 –2009 conducted by the Ministry of Public Administration. The Secretariat also won the Silver Medal for 'cost reduction – cleaner production' conducted by the National Cleaner Production Centre, winning the bronze medal in 2009, and became the only government organisation to do so. These awards are among the many won by the Divisional Secretariat, which implements to the letter, the work ethic asked for by the citizen's charter. In addition the close links we have had with the Divisional Secretary giving her an opportunity to study the Indian local governance system was a good learning base for her to develop her capacities.

To gather information individual interviews were conducted with the Dambulla Divisional Secretariat staff and the staff of 50 per cent of Divisional Secretariats in the country by phone, focus groups interviews with public receiving services at the Dambulla Secretariat and others, such as *Amparai, Buttala, and Monaragala*. Field visits to ministries, and several Divisional Secretariat offices were made to actually observe the citizens' charter being displayed, and unobtrusively observe the interaction between the public and staff. The examination of several reports available proved that there have been discussions between the staff and public. Secondary information was sought through review literature, ascertained through the internet.

9. A Case Study of an Insider's Use of the Citizen's Charter

The charter was initiated in 24 District Secretariats and 325 Divisional Secretariats, with plans of extending it to all government organisations and ministries at a future date. The effectiveness of the charter, however, depended on the competency and willingness of the staff to implement it in the relevant institutions. Without that pre-condition, it was possible that this scheme could fail despite its good intentions.

This precondition was present in the Dambulla Divisional Secretariat largely due to the pro-active and charismatic Divisional Secretary at that time, Ms Chandra Herath. She assumed work in Dambulla in 2002 and saw immediately that the office and the staff were not in a state to assume the responsibility needed to deal with the complex problems that arose in a division like Dambulla with its historic, cultural, religious and economic importance. To make the institution efficient and streamlined, she knew she had to first change the attitudes of the people who worked there and for this she sought a training session that would change the attitudes of the people.

A workshop, even of one day, would suffice to launch the charter. She determined to hold the training in good surroundings and with the help of a competent agency that could train the people. She thought so because Chandra herself had participated in a training session when she attended a workshop organised by an NGO on good governance, conducted for District Secretaries and Divisional Secretaries in the North Central Province and knew how it could help the participants. She contacted the same NGO and with their help and the assistance of the hotel, she held a one day training session in the best hotel of the area, *Kandalama.* The training session was for bringing attitudinal changes in her 75 staff members. They spent the whole day training, learning about management, positive thinking, personal development, career development, and time management etc. This session brought enormous change in the staff members and to the Divisional Secretary as well who knew she could organise such events.

After the initial training Chandra continued this work in the form of organising lectures and workshops in their institution, which concentrated on positive thinking and managing both their personal and professional lives successfully. They worked as a group to see how a more efficient service could be

provided to the people, forming groups to discuss this, enliven and organise their environment so that greater productivity could be achieved.

So when the citizen's charter was introduced in 2007, there was a ready and waiting crowd at the Dambulla Divisional Secretariat to accept a system, which proved to be more efficient, transparent and accountable. They were also fortunate to have got a new building to house their office at the same time, so that it was possible to implement the charter in all its aspects in Dambulla.

In keeping with the guidelines set in the citizen's charter, the Dambulla Divisional Secretariat staff has opened the services to meet or exceed the expectations of the public, by being open and providing complete and accurate information to citizens. Genuine efforts are being made to consult and involve citizens in issues pertaining to them and they have encouraged access to and use of services and promoted a choice among different modes of service delivery including online service delivery.

An apparent feature was the mutual understanding among the members of the staff treating everyone in a fair, courteous and friendly manner in which they were handling the public matters and problems. The staff members use the resources available effectively and make room for innovations to the extent possible. The Dambulla Secretariat staff developed many systems to make the work more efficient. On public days, which were two days a week, they had an officer in the reception itself to handle and complete simple requests that the public made and send the people off quickly with their work done. They had 'one day services' and also went out into the field to attend to public work and help the people.

Another important step taken by the public servants in this office was that the work load had been clearly and widely delegated. What could be given to the Grama Seva Niladharis was delegated to them, so that the villagers could sometimes get their work done without coming to the Secretariat. This was a very good move as some of the villages under the Secretariat are situated in remote places and the people find it difficult to visit the office.

The staff members led by the Divisional Secretary prepared the hand book required as the first step in implementing the citizen's charter. A core group with the staff and the relevant stakeholders of the Secretariat under the study prepared the relevant charter for the organisation, based on the vision and mission and the major services provided by the Secretariat. They first reviewed the vision and mission of their institution and identified all major services provided by the organisation.

After identifying of the major services provided by the Secretariats, the clients and relevant stakeholders of the institution identified what was needed to provide each service, the forms that need to be filled, the documents that need to be submitted, fees that have to be paid by the client etc. and drew up a work flow chart for each service along with the officers responsible for each task.

Delegation of functions and the time taken to do the service was also calculated. The whole process was reviewed to take away any lapses or redundant steps and all stakeholders were consulted to get their opinion on what had been formulated.

The staff formed different groups and made a kind of flowchart with 'work-steps' that described each step that was involved in the services provided, so that by chance if someone was absent from work one day, it was possible for any other officer to do that work by simply opening the relevant file. This method was followed even by the Grama Seva Niladhari Divisions under them. The experience that Dambulla gained from implementing the charter was brought out as a book by Chandra and that formed

the basis of the work manual that the National Administrative Restructuring Council will shortly bring out to be given to all the Divisional Secretariats.

In keeping with the e-governance concept, the Dambulla Secretariat used the computer system to great effect. They had a very good research and resource centre and all information on their area was collected and computerised so that the Secretariat could supply any information about Dambulla's history to anyone without a problem. This was a great asset to all those who were interested in learning about the area.

On a personal level too, they all made very positive strides. There was a network of information sharing in place that allowed any message to be passed to all of them in minutes. The welfare of the workers was always paramount to Chandra, and the staff was very happy with the way they were looked after, so they in turn worked very hard and well for their institution. There was constant training, workshops and sharing of ideas, which helped to improve them further.

Out of about 30 people from the Dambulla area who were present at a focus group meeting, 99 per cent were of the view that there was a great change for the better with the implementation of the citizen's charter. They were proud of the fact that the Secretariat would not only provide the services in a very efficient, transparent and accountable manner, but also that they were courteous and made all citizens feel welcome in their institution.

Another group of 20 women from the area who were interviewed admitted that there was an observable change in the management of the Secretariat and that they have been successful in getting their work done faster and with ease, but did not know the reasons for the change. There was a woman Grama Seva Niladari in the group who was aware of the charter and said that she was implementing the charter and was proud to say that she had the display board as well. Another group that was very proud of the achievements that this particular Divisional Secretariat had is the NGO that worked with it. It has seen the marked progress in all aspects of the Secretariat, the services provided, the attitude of the staff to their work and the physical arrangement of the office.

The above factors observed in the Dambulla Divisional Secretariat can be held as a very successful example of a mechanism by which horizontal accountability was achieved. The research was extended to many more divisions from different parts of the country to ascertain the success of a horizontal accountability mechanism introduced by the State. The study undertaken outside Dambulla also proved that if the citizen's charter is implemented in all government institutions in earnest the public administration will bring relief to the public.

10. The State of other Divisional Secretariats Divisions

The study was limited only to a few Divisional Secretariats which had undertaken to implement the citizen's charter as it was not possible to contact all 325 Secretariats during the limited period. However the research covered about half of the Secretariats that could be contacted. Research has shown that out of the 25 districts in Sri Lanka more than 80 per cent implemented the charter in their institutions. In certain districts like Jaffna, Hambantota and Colombo and Ampara it has been fully implemented. This does not mean that the standard is maintained at the same level in all the divisions.

Based on the information received, it is doubtful if all the Divisional Secretariats have used the charter to the expected standard. For example, in the *Monaragala* District, a comparatively less developed area, discussions with the Divisional Secretaries, the officials and the public revealed the disparity in efficiency that exists in the institutions of the area. *Buttala*, a division in the *Monaragala* District, is

reportedly far ahead of the others. The people and the staff in a few of the Secretariats were of the opinion that the high standards of the *Buttala* Divisional Secretariat was due to the leadership at that time, the same as seen in the case study presented. In this case also the Divisional Secretary is a woman.

Research has also shown that from the citizen's perspective, there is unequal awareness about the charter. In places like Walapane, a very rural area in the central mountains of Sri Lanka, an informant said that very few people were aware of the existence of the citizen's charter and what it does. In *Hikkaduwa,* a hub of tourism, however, according to a native of that area, people knew what the citizen's charter was and knew how to make maximum use of it. In general, though, it is possible to say that people have not felt the impact of the citizen's charter well enough to lose the cynicism they usually have for government services.

11. Challenges to the Citizen's Charter

There are challenges to the charter that need to be discussed, problems that may arise even in the institutions that the charter is implemented in. Since it is a pledge between the government and the people, it is important that the people are aware of what it is while the officers know what it entails. There has to be participation of the people to make this charter a success and research has shown that this can be strengthened in many areas.

Giving proper training to the officers of the Secretariats is of paramount importance as was exemplified in the case study. Unfortunately, this does not always happen. It was the Divisional Secretariat's personal initiative which made the training possible. Most of the training given by the government concentrates on the upper strata of the administrative service. Yet, training should be given at all levels if an institution is to function effectively.

The successful implementation of the citizen's charter also depends on the willingness and commitment of the chief implementing officer. If the Divisional Secretary is not keen on making the relevant changes, then no matter how enthusiastic the staff is, it will not be effectively implemented. Out of 25 Divisional Secretariats that were contacted to find out the effectiveness of the charter, it became evident that the success depends on the head of the institution. This has been very evident from the case study as well. In one district it was clear that there were two Secretariats that were far ahead of others, which was a result of these two Secretariats having been led by the same efficient Divisional Secretary.

Training is especially relevant when e-governance is considered. There have to be people who are able to work on computers, first, for e-governance to be implemented. The officials need to use the internet and at least one person should be competent to update the official website.

There have to be enough computers for the staff as well as the people in the area to access the information needed. If people are not conversant with computer technology, then they would not be able to use the services provided by e-governance. Rural areas in Sri Lanka are not well equipped with computer technology unlike the urban sector. The physical environment or the available infrastructure is also necessary to make the implementation of the charter successful. If there is not enough space for the organisation to function in an orderly fashion, it will be difficult to provide the services in an efficient manner. However, with the commitment and dedication of the staff, there are instances where this handicap has been overcome.

One of the main problems is the appointment of unsuitable and untrained staff to positions of authority in the Divisional Secretariats. This is happening mainly because political leaders want to appoint their

own followers to these posts, both to return political favours and to ensure that the institute will be run according to the way they decide.

Not only the staff but the people themselves must know how to use the citizen's charter. More than 60 per cent of the people are unaware of the available system. If they do not know that it exists, then they would have no cause to approach the Government institutions with a different frame of mind, and they would not know the power the charter gives them, then they are not in a position to get the benefits. Thus this change would not affect them.

The Sri Lankan culture is not a culture of official complaints. They do not do it for many reasons, perhaps because of the fear of retaliation or the work and effort it entails. Therefore it is doubtful if they will use the grievance redressal system effectively. It is possible to think that sometimes the citizen's charter may even be considered a problem by those who would prefer to use underhand methods of getting the work done. A straightforward officer at the top might be a threat to dishonest officials and be disliked.

It is a weakness on the part of all promoters of good governance that necessary proactive measures have not been taken and also that there is hardly any collective action taken to mitigate these limitations seen in the administrative system. However, the Ministry of Public Administration has to be congratulated for the great initiative taken by them in introducing the citizen's charter, which is a very appropriate means of making the public service accountable, transparent and people friendly. This initiative taken by a State institution to introduce horizontal accountability mechanisms to make the State officials accountable, transparent and effective has proven to be successful and could be followed by any State or non-State institution.

12. References

De Silva, L. (2010). The Public Service Key to Good Governance in Sri Lanka. (Ed.). G. Moonesinghe. National Building Priorities for Sustainability and Inclusivity, PNC: Shramaya Publication

Moonesinghe, G. (2010). Overview. Ed.). G. Moonesignhe, National Building Priorities for Sustainability and Inclusivity. PNC: Shramaya Publication

Ratnayaka, P. (2007). A Study on the status of Democratic Decentralisation and Local Governance in South Asia, Country Study, Sri Lanka, Unpublished. South Asia Partnership Sri Lanka (SAPSRI)

Waduge, S. (2011). Politicisation of Sri Lanka's Public Service, In the Daily Mirror, Feature. May 11, 2011. P. 4 Feature

Case Study 6

Winning Land for the Displaced Walapane, Sri Lanka

- Padma Ratnayake, South Asia Partnership, Sri Lanka

1. Introduction

The Walapane Divisional Secretariat comes under the Central Province of Sri Lanka with a population of approximately 70,000 people in the scenic mountainous area. It has a long history, its cultural identity tied to the Indian epic *Ramayana,* for the Indian queen *Sita* was supposed to have been imprisoned by *Ravana* in *Walapane,* thus giving it its name, for 'Walapane' is close to the Sinhala word **'**Walapene**'** which means crying and lamenting which *Sita* was supposed to have done. People have been settled there from time immemorial and have retained aspects of that old lifestyle even when most of Sri Lanka changed rapidly due to modernisation, old traditions and customs of marriage and close ties to extended families remain intact. According to a native the self-pride associated with the Kandyan people (the people who live in the Central Hills of Sri Lanka where the old kingdom of Kandy was situated) is very evident in Walapane.

The people of Walapane had joined in the historical Wellassa uprising against the British in 1818, and ambushed their officers on their various missions to the Uva Province. The people of Walapane take pride in their native son, the venerable Aban Elle Sri Sumangala who became the Chief Prelate of Asgiriya Buddhist Monastery. This strengthened people's ties with one of the two most prestigious seats of Buddhist learning in Sri Lanka. This value laden connection to Buddhism and cultural ties dates back several centuries when the people of Walapane had close ties to the Kandyan King's Palace, where the Lord Buddha's Tooth Relic is preserved, and once a year a procession is carried out in homage. These links are maintained to date, which are a source of pride for the people of Walapane. As the Kandyan Kingdom was not under any foreign rule and was the last area to fall under the British in 1815, the people in Walapane have this sense of self-worth and live according to their time tested principles and values.

Walapane is situated about 1,500 meters above sea level in the country's Central Hills, having both wet and dry climates. *Kurundu Ella* cascades down the mountains of Walapane, is the second highest water fall in the country. The Western hills are cool, its 7000 mm of rain fall per year allowing for cultivations suitable for cool wet climates. The Eastern Hills are dry and crops that are indigenous to the dry zones of Sri Lanka are cultivated here.

Although the mountainous terrain makes accessibility from most houses to hospitals and schools difficult, people traverse these rugged roads and paths with ease just the way earlier generations have travelled them for several centuries. One may observe inhabitants scrambling down the steep mountain sides. A native stated that people do not consider this terrain tough or difficult as they have traversed these hills all their lives. In most locations just like their ancestors did, goods are transported on animals,

during emergencies the patients are still carried by family or some neighbours on a chair or makeshift stretcher to a medical facility. Fortunately the people are generally healthy, as they live in such a pristine environment and even the elderly can be seen tending their own fields.

The occupation of all most all inhabitants is agriculture, the majority cultivating rice paddy on the contour slopes of the mountains. Some are occupied in *chena* cultivation, a slash and burn method used to grow seasonal vegetables such as varieties of squash, beans etc.; nutmeg and cloves grow in cooler areas. Tea is a plantation crop cultivated since the British period. The British acquired large areas of land and settled Tamil labourers there, because the natives refused to work for foreigners. The British acquired these lands under their Land Acquisition Act of 1884 to establish tea plantations, limiting cultivable land for the natives of the area.

Schools in Walapane have provided quality education for several decades; many students have graduated from university obtaining credentials as teachers and medical doctors. A native of Walapane himself living out of the area confided that most of the educated natives find careers in teaching, medicine and other professions and choose to work in towns and cities. Even when appointments are given in Walapane, which is designated as a 'difficult' area, professionals and others holding jobs in the government manage to get transfers to areas more conducive to modern facilities, such as Kandy the hill capital of Sri Lanka. While the elders in Walapane continue to be engaged in agriculture, the younger people aspire to obtain jobs in the government sector.

Walapane however, more or less retains its insularity. A few civil society organisations such as the temple committee, *the Dayaka Sabha* and the Death Donation societies are active. The inhabitants are a hardworking, gentle group of people with very few criminal or illegal activities in their villages. The people tend to mind their own business, are involved in their own interests, living in the best way they can. The link between the government service and the inhabitants of Walapane is distant according to one villager. The people are reluctant to depend on government dole, as the legend tells of an elderly citizen who was highly offended when a government officer approached him with. Had this occurred in any other part of the country, this officer would have encountered dozens of villagers seeking and begging him to register them for government assistance.

2. The Disaster

The landslide that occurred in Walapane on the night of 12th January 2007 was of a magnitude that was unprecedented in the area. Earth slips caused avalanches of large rocks to slide down the hills carrying mud; and continuous torrential rains caused more mudslides. The fact that it happened at night meant that many people were in their homes sleeping, so that the number of dead and injured were more than it would have been if the landslide had happened during the day. Crops and animals were lost, 3000 families were rendered homeless, and 16 people died that night.

The government declared Walapane a disaster area, calling on the army for search and rescue operations, to find the people trapped in the rain and mud, evacuate victims in areas which were declared dangerous due to the continuous rain that was lashing the mountains. People were evacuated into makeshift camps, which were equipped with tents provided by the government and NGOs such as the Red Cross. About 30 temporary camps were set up in Walapane as a result of this land slide.

The families that were victims of the disaster fall into three categories. One, those whose houses and properties were totally destroyed, two, houses which developed cracks, and sections of lands lost, but structural repairs could be made to what remained. The third category involved those living in risk, where houses were located in landslide prone areas. The majority of the affected communities were

small land owners involved in vegetable cultivation, some working as daily wage earners at the tea plantations, and some others involved in petty trade.

The National Government with the assistance of the Divisional Secretariat was able to resettle 2800 affected families within several months. About 200 other families were informed that the land they had been living on was unsuitable for habitation; hence they had to stay on in the camps until the government found suitable land for them.

3. The Forgotten Landless

This is a narrative of how these displaced people initiated a struggle to gain land from a very slow moving and lethargic government administration that could not assimilate the reality of people's right to land and housing, or that their standing up for rights in itself is their fundamental right.

The tents were products made for temporary use, the maximum time period the tents could be used for was expected to be six months however, by this time the displaced had been living in those tents for an inordinately long time. The earth was wet with constant rain and the chilly air at night made the tents unsuitable even as a temporary measure. For families living with children and old people, life in the tents was unbearable. This problem became the responsibility of the Divisional Secretariat, the local government entity closest to the grassroots.

4. Local Government Institutional Structures

The Divisional Secretariat and the *Pradeshya Sabha* are the main local authorities that cover the Walapane administrative division. Under the Divisional Secretariat are several *Grama Seva Niladari* divisions, the *Grama Seva Niladari* (GS) being the public servant closest to the grass roots responsible for development in the villages. Parallel to the local government institutions are the Pradeshya Sabhas where council members are elected by the people, making it the democratic institution closest to the people. Pradeshya Sabha councillors are from village communities and have demonstrated leadership capacities.

The local government structure provides for people's committees, its members are expected to participate in the planning and implementation of projects in their communities. Sri Lanka's 17th Amendment to the Constitution mandates Pradeshya Sabhas to work with civil society groups. The people voice their grievances to the Divisional Secretariat for redressal, while working with the Pradeshya Sabha councillors for political support.

Another grievance redressal mechanism available to the public is the grassroots Reconciliation Board that functions at the *Grama Seva Niladari* divisional level. The members for the Reconciliation Board are selected based on their credibility and acceptance in their respective communities. These members might be retired school principals and teachers, clergy, and practicing professionals. The grievances brought before the Reconciliation Board are minor disputes like petty thefts, defaults of loan payments, family disputes and issues pertaining to domestic violence. Prior to taking a complaint to the police, people prefer to take these issues to the Reconciliation Board, the verdict given is accepted by the police and courts of law. These Boards are effective in areas where members have had appropriate training and understanding of prevailing issues in their communities. However, even the Reconciliation Board was of no use in this case as they did not have the strength to influence authorities.

The Ministry of Disaster Management and Rehabilitation has assumed responsibility for issues related to rehabilitation and land distribution in collaboration with the Divisional Secretariat, Pradeshya Sabha and government officials at the grassroots level.

5. The Catalysts

Action for Peace, Capability and Sustainability (APCAS) is a Japanese NGO, among the first groups to arrive at the disaster scene to aid victims. APCAS a relatively new NGO to Sri Lanka, had been established with the objective of assisting the victims of the Asian Tsunami in December 2004. They operated with a skeleton staff consisting of a Japanese aid worker and four other Sri Lankans. Notwithstanding the difficulties faced in approaching disaster victims, APCAS staff arrived on 14th January 2007 carrying dry rations for the victims and continued to work even after the majority of families had returned to their lands. The 200 landless families left behind were still living in temporary tents in seven camps as time went by and seemed to have been overlooked by both administrative and political authorities.

APCAS the only NGO to remain with the landless, were determined to see a resolution to this predicament, and began conversations and discussions, questioning people about their next step. This process led the people to form groups to have discussions about concrete planning for redressal. APCAS was not a heavily funded agency, but were prepared to finance small projects, like supplying construction material to put up temporary toilets.

The APCAS staff immediately observed a significant difference between the community in Walapane, and those who had been displaced by the tsunami, the people of the coastal belt of Sri Lanka. The tsunami victims displayed an attitude of total dependency on the government and NGOs for all their needs. On the contrary, the Walapane displaced did not want to be dependent on any one, even the government. In one voice they informed the authorities, “Give us land,” they had said, and we will build our own houses on it. Their self-dignity and self-confidence were apparent to the APCAS staff and the long wait for land was therefore all the more distressing.

People began protesting near the Divisional Secretariat after living in the tents for approximately four months. They asked that they be moved to shelters better suited to the climate than the tents they were currently living in. The people asked for the corrugated sheets that were lying in a pile in the Secretariat yard since 2001 for roofing until permanent shelters could be constructed. Authorities failed to listen to the people, and the corrugated sheets were left at the Secretariat yard, without being put to any use. People also proposed the release of land that was available in the area and known to them. Their pleas were not heard and not given any priority.

Issues concerning the delays in granting land also involved undue political pressure, and the prevailing conflict between the Divisional Secretariat and the Pradeshya Sabha, ultimately affected the victims who could no longer bear living in the tents. It was at this stage that APCAS through discussions guided the people to develop a strategy. The hardships the citizens had encountered when they were homeless had prepared them to take whatever action was necessary to awaken the local government authorities. The NGO assumed the role of a catalyst in assisting the people to use appropriate accountability tools suitable for specific situations.

6. The Philosophy of APCAS

APCAS as an organisation was designed to be non-violent and non-confrontational while getting things done in keeping with the deeply religious base to all their work. APCAS’s method of interventions was wholly in keeping with the ethos of the people; its activism was based on the foundation of good values and religion, perhaps explaining the reason for their close rapport and partnership with the people. Together they launched a struggle to win rights for the displaced landless.

The motto of the agency and its first priority was to establish a dialogue with the people. APCAS work meant the promotion of their objectives; contributing to peace and stability, the maximum utilisation of resources in the project area, development of the people's strengths and capacities, contributing to sustainability and involving beneficiaries as stakeholders and decision makers. In the case of the displaced at Walapane, APCAS's work was mainly concentrated on one camp, the Naranthalawa Camp of about 35 families, which the agency workers had identified as having the most committed and inspirational group of people. They were given leadership training so that the people themselves could take the initiative and work towards their own development.

The agency planned a two-prong intervention, the physical and the psychological. The physical assistance meant infrastructure through the provision of materials where APCAS made available construction material necessary to build temporary toilets. The agency believed in the SRSA concept - Sharing Responsibility for Suitable Action. They believed that leadership should not be concentrated on just one person but should be shared. "If there was someone skilled in masonry, then that person should rise when it comes to work that involves construction. Or if someone is skilled at gardening, he or she should be the leader in anything that involves growing. In this way, responsibility for a task is shared". "We thought this was important to be taught to our people, especially since responsibility is not taken very seriously in this country," says Keerthi. The constitution of their own group reflected this belief.

The APCAS team constituted of five catalysts, one Japanese and four Sri Lankans. Their strength was that each of them was highly skilled in one particular area. There was one who knew and had previous experience about policy making, strategic planning and the art of negotiation. One was a technical expert, he knew about the laying of pipes and plumbing. Another was an accomplished motivational speaker who had the ability to mobilise people. All their strengths combined together made them a highly effective team to work with the displaced people, and each member contributed to the people's struggle to make their lives better.

It is common for the people of Sri Lanka to utilise tools that are universally employed for dissent such as, picketing, marches, forums, strikes and sending petitions to relevant authorities. The appropriate use of these tools is effective when people are backed by influential people or politicians. In the case of the displaced in Walapane, several new accountability tools were used along with those familiar to them.

7. Accountability Tools

The landless displaced from the disaster had by this time been forgotten by the main stream administrative authorities and politicians in the area. At this point APCAS assuming the role of a catalyst supported the people, at first with a letter campaign that would stir up the administrative authorities and remind them of their plight.

7.1 The Letter Campaign

Letter campaigns are generally an easy method of calling the authorities' attention to a cause, hence the first action involved sending out several letters to the relevant authorities describing the conditions of their habitation in the camps, requesting the authorities concerned to take suitable steps to locate and obtain suitable land for the construction of their houses. This action however, antagonised the officials responsible for resettlement, in response they accused the displaced of sending out petitions against them. The content of the letters revealed information the officers did not want publicised, which resulted in punitive action for e.g., the displaced received smaller amounts of ration with rice that was old. APCAS was accused of religious conversion because they had used the tenets of most religions to

advocate a non-violent path for the people to achieve their aims. The displaced and APCAS soon realised that for every action they were to initiate the repercussions on the people were going to be severe.

7.2 The Media Campaign

The displaced people with the APCAS team's assistance made plans to take their story to a larger audience, since their efforts to negotiate with relevant authorities did not yield positive results. The engagement with media was a deliberate strategy since it is common for people in distress to approach journalists involved in investigative reporting. APCAS made available funds and directions for the displaced to get as much publicity as they could especially in approaching journalists who were interested in these issues. Media coverage on the homeless appeared in several widely circulated Sinhala newspapers and television channels giving them extensive publicity.

The publicity generated much attention including a rumour that the country's President himself would arrive to hand over land title deeds to the landless at a special ceremony. The displaced had a lot of hope that they would soon be moving to their own land, although months passed without anything happening, except for the arrival of a dignitary who ceremoniously handed over houses to two families.

7.3 The Alternative People's Tribunal

The APCAS team proposed the Alternative People's Tribunal (APT) to the displaced as the next step towards getting the government authorities to hear them. The APT is an accountability tool developed in India where a tribunal consisting of intellectuals in the country, would put forward to the authorities with the people recommendations as solutions to issues affecting the people. APCAS following the Indian APT pattern worked with the displaced in organising this strategy.

APCAS first provided the people of Naranthalawa Camp information about APT, its goals, processes, the participation of decision makers and the role of external expertise in the tribunal. The leaders of the Naranthalawa Camp took the responsibility to inform the members about the process and educate members in other camps so that all those who had been displaced knew about the events that were to take place. APCAS contacted several professors from universities, lawyers and other intellectuals to give their expert advice to the authorities concerned and the people. To the best of our knowledge one is not aware of such tribunals being formed in other areas of the country.

The first meeting of the tribunal involved a discussion with all the stakeholders, the people and the government, was to take place in Walapane. Letters inviting and explaining the tribunal process were sent out to the Divisional Secretariat and the Pradeshya Sabha. The government authorities were of the opinion that the tribunal was a form of protest. At this point APCAS made every effort to make them understand the concept of the tribunal, which the officers in the Divisional Secretariat and Pradeshya Sabha ignored except for one government officer who attended the meeting. Certain government officers in order to sabotage the meeting informed early arrivals that the meeting had been cancelled making them turn back. APCAS acted swiftly to counteract this move and got everyone back on course. The tribunal finally took place with all the 200 displaced families attending in force.

At the tribunal, the people presented their issues and problems and the intellectuals gave their ideas and opinions. These were documented in a report that the people approved in which the people had specifically stated that a solution had been found, giving details of the location and the availability of land. The copies of the report were sent to government authorities since the tribunal expected that all the government needed to do was to implement it. The government ignored the APT's report.

8. The Government's Version

A member of the Walapane Pradeshya Sabha explained that the delays in resettling the people was due to the scarcity of land, since most areas were not suitable for habitation, either due to the lack of proper roads to access the land or the lack of water in the area. Also 30 per cent of the land came under tea plantations, and a significant area came under the Wild Life Conservation Department, which could not provide more land since they had donated land to squatters who had occupied certain portions of the land. The Pradeshya Sabha's Councilman expressed his surprise at the tribunals' report about the availability of land for settlement of the displaced in the area.

While collecting information for the study a certain official in the Walapane Divisional Secretariat revealed the availability of government land, which was mountainous and would be prone to landslides. He explained, "We did try to negotiate for some land with the plantation sector. Most of the work was done but they objected at the last minute – the politicians in charge of the plantations and the workers themselves. So that didn't bear fruit either."

He expressed his ignorance about the proposals put forward by the tribunal. Although evidence does not point out to the government's efforts to co-op the people's struggle, what could be assumed are their efforts to sabotage the tribunal showing their ignorance of their role of serving the people. The government officers misunderstood the objectives of the tribunal, but later recognised their mistake. The people however, understood the tribunal's concepts although it was their first experience in such a collective expression. It is disappointing that the government personnel could not understand the value of the tribunal at that time although the people were clear about their action.

The Walapane Divisional Secretary stated that the people could not understand the difficulties the government officers encountered, they had in fact gone up to the level of the President himself. He stated it was not that the government was not trying; the search for available land was taking time. In the entire country, Walapane is an area, where habitable land that belongs to the government is scarce. The government has now been compelled to purchase land from private owners and companies. He himself, although having heard of the Alternate Tribunal, had not proceeded with the proposed solutions.

The APCAS staff explained "The political culture of Sri Lanka is used to seeing any alternative action as a threat or a challenge to authority. They will not consider opinions expressed by outsiders to be something that would help them. I doubt if they even read the proposals. We know that everyone got them. We delivered them ourselves. But I doubt if they had the mind set to look at these accountability tools as being different than a petition against their work." The failure of the government to consider the proposals put forward by the tribunal shows that officers could not recognise the tribunal as a platform for building consensus rather they took it as an opportunity for confrontation.

9. Confrontational Action

The displaced regardless of their gender stayed united in their proactive advocacy campaigns, committed to non-violence, were focused and clear about their demands. Their struggle however, had arrived to a point of determination where even the catalysts could not stop them. For the displaced when the legitimate means of putting forward their grievances were exhausted they were compelled to seek other means, deciding to take the law into their own hands; APCAS stepped aside advising the people to be cautious and restrained.

Eight families in the Naranthalawa Camp, after living in torn tents through rain and sun for more than one year, squatted on a piece of land belonging to the Wild Life Conservation Department. This was an illegal act. These families knew it would have repercussions, however, they believed that they had exhausted all means of acquiring land through legal means. Within two days of their encroachment the police arrested them sending all eight families to jail. "We had lived for so long in conditions unsuitable for human habitation but got no response from the government," an activist commented. "But two days was enough for the government to act when it was a threat to wild life."

10. The Resolution

APCAS provided funds for legal proceedings, and lawyers' fees, which the people could not afford. The remaining displaced families at the Naranthalawa Camp continued to organise a protest to be staged on the day of the hearing; when the eight families were to be brought to court. While the protesting displaced families were at the gates of the courts, media personnel who had been alerted earlier arrived and started demonstrating indirect support for the accused families. Leaders of opposition political parties added their voices to the protest and made use of the publicity being given to the occasion.

The court ruled that not only the eight families who had camped at the preserve, but all two hundred families that had been rendered homeless for more than a year were to be given land immediately and resettled as soon as possible.

The role the catalysts played was significant in terms of showing solidarity with 3000 people who did not know where to find shelter before the next rains, or what land would be available for their subsistence. While assuming the role as catalysts the enablers of accountability were able to facilitate the people's struggle in non-violent ways, and assisted the people to focus on their demands.

11. The Present Status

All displaced people are now resettled in their own land. They have built homes, often on their own, with just the materials being supplied to them, often through NGOs like APCAS. They have also attained a certain stature and confidence about themselves. They negotiated and got more suitable land when they found that what they had been given was not suitable. The relationship that APCAS and the people have with the government administrative offices has also improved, with the officials admitting that they had misread the NGO's motives. The people and the administrative officers are now dealing harmoniously with each other.

In a news report published on 8th February 2011, the National Building Research Organisation stated that landslide risks in the Walapane area have further increased and several areas have been identified as areas highly prone to landslides. Landslides continue to occur with 813 people having lost their houses so far in 2011. Again, the government is faced with the problem that had forced a group of displaced people to fight and somehow get land. People live with that constant threat hanging over them. The biggest hope in this situation is the strength and courage they have to face this problem and their willingness to work towards rebuilding their lives again.

12. Observations

This case study has highlighted the prominent role the citizens played during the disaster, inspired by an external partner. The normal practice that the government follows when there is no State land to be given is to resettle the people elsewhere. The government was compelled to purchase land for the displaced because of the struggle that the Walapane people launched and due to their insistence.

APCAS were the first group of catalysts who listened to the community and together with the community were able to work through participatory processes where the people assumed responsibilities for action. There were five experts on the catalysts' team providing training and supporting the people's efforts to hold public discussions and meetings with government officers. Also, when the people did not have sufficient funds to continue with their struggle, they accepted the APCAS's offer of funding.

13. Conclusions

It could be concluded from this study that the use of vertical accountability mechanisms succeeded. Negligence on the part of the government was evident, and such a situation could have been avoided had the authorities clarified that government owned habitable land was not available and fixing a timeline to seek alternative arrangements. The government could have demonstrated their accountability and transparency to its people had the authorities initiated a series of dialogues and discussions with the displaced. The absence of appropriate action compounded the displaced people's situation.

A situation that the authorities overlooked was the prevailing inhabitable conditions of the tents the people were living in, especially during adverse weather conditions. Forming into teams people took action to overcome these desperate circumstances. When APCAS representatives arrived in the area, the people were prepared to welcome their assistance. Under the directives of trained persons, the people continued to demand redressal, using several accountability tools that essentially called upon the authorities to listen to the people's predicament.

At first, a letter campaign drew the attention of higher authorities to the displaced people's conditions, which invariably brought to light the lapses in the officers' duties. The media campaign brought the attention of a wider audience to the situation. The indifference to the media campaign urged the catalysts to employ the APT as an accountability tool. This demonstrated the responsibility and the accountability that the catalysts had assumed.

One cannot determine any pre conditions for using these accountability tools mentioned in this study, however, these tools can be used strategically, with a trained catalyst in any socio-economic-political context keeping the need of the people as a reference point. The entry point for the local government to use accountability tools ideally would be in a situation mentioned in this case study. This shows the need of the people, the entry point, for intervention.

The people on their own would have succeeded, the absence of a catalyst however, would have fragmented the community the way the officers sabotaged the first APT. It was providential that APCAS arrived in the area at the time the displaced people were organising themselves to seek solutions to their predicament. APCAS assuming a catalyst's role facilitated the people and the government to bring in a win-win situation. Since they were an independent entity there is no evidence of being co-opted by the government or any other group. They led the people to be leaders, and shared leadership at various junctures in the process. No evidence can be derived that APCAS could have over powered the people because that would have gone against their mission.

The people were displaced for over a year, during that time they encountered numerous hardships such as living in torn tents and getting soaked in the pelting rains. They had been living in the same area for several generations and knew their neighbours well. The majority of them belonged to the same religion, ethnicity and caste; the adverse conditions that they experienced propelled them to take

action. Social disparities such as caste, class, gender and religion did not impede the people's participation in this endeavour.

The people's experience has resulted in changes in policies, such as areas prone to landslides and earth slips have been demarcated and any construction or cultivation in these areas has been banned. The new construction policy stipulates standards and rules, as well as obtaining necessary permits to construct buildings and structures.

An interesting issue that arose with this case study is the conflicting reports that were given about the ownership of land. According to the government agents, there was not much government land to be made available to the people. The activists and villagers state that the real issue is not that there is no suitable land available for house construction. The actual state of affairs is that, the available government land had been sold to business companies and politicians, who have political influence, making this the real issue, and not that there is no land to be given.

The taking away of land that belongs to the people who were born there, has been an issue that has plagued the country since the British rule, resulting in the Land Acquisition Act in 1894 to take away the land that they considered to be uncultivable. There were many problems with this definition of 'uncultivable land'.

The ancient Sinhala farmer did chena cultivation by burning down a track of land, cultivating it for one season and when the crop was harvested, leave that land empty and move on to another patch *so that the first land had time to get fertile again.* This system was a natural replenishing cycle to ensure that no piece of land was cultivated to the point of barrenness, something that the white coloniser could not grasp. When the British government acquired the land that had traditionally belonged to these farmers, their cycle of planting and harvesting was broken and they were left without what had sustained them for centuries. Not only that, the best land was taken for plantations run by the British, pushing the people to the slopes and the valleys.

Although Sri Lanka is independent and has no white masters to bow down to, their place seems to have been taken by the corporate sector and powerful politicians. The sale of large tracts of land (100 – 500 acres) is common in many areas of the country through government institutions; officers themselves are helpless to prevent this injustice because of the influence of a powerful political figure. In the Sunday *Divayina* paper of 27 February 2011, the headlines carried the news that 1300 acres of land in the *Kilinochchi* area had been sold to business people close to political powers despite the land belonging to people displaced by the ethnic conflict. Instructions to settle these people on alternate land in jungle areas have been given to an Ombudsman. After 40 years of living on their own land, these people do not want to settle down in jungle areas and have protested against this resulting in the halting of the resettlement process in the Kilinochchi District. This is disturbing and extremely harmful, at a time when ethnic tensions need to be appeased and the minority not subjected to unfair treatment just after coming out of a 30 year long ethnic conflict.

A more transparent and accountable process for land transactions has to be established in Sri Lanka. This small island does have much land available for Sri Lankans. When large tracts of land are sold out, the seeds of an enormous problem are being sown for future generations. As the Walapane case study has shown when natives of this country will require new land to move into in the future, the government will not be able to say no. Sri Lankans had been exploited enough in the past as a colony. The last thing they need is to have others take over the role of the coloniser.