

SUPPORTING THE PARLIAMENTARIAN ON PARLIAMENTARY AFFAIRS AND LOCAL DEVELOPMENT

Shiva Ram Rijal

Daayitwa Fellow with Hon. Mr. Biraj Bista, Member of Legislature
Parliament of Nepal



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Abstract

As a Daayitwa Winter Public Service Fellow, I provided research and analytical support in the realms of parliamentary affairs and local development to Hon. Mr. Biraj Bista, Member of Parliament and Constituent Assembly. Since it was off-season of the House, the focus was on local development prospects mainly on local development policy studies. The activities included reviewing Local Self Governance Act 2055, Participatory Planning Process, Social Mobilization as per Local Governance and Community Development Program (LGCDP) II. This report is divided into two parts. The first part comprises the summary and analysis of aforementioned Acts and programs where as the second part comprises the post disaster situational analysis along with the summary, conclusion and recommendations of overall study.

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Abbreviation

DDP	:	District Development Plan
NPC	:	National Planning Commission
MoFALD	:	Ministry of Federal Affairs and Local Development
NGOs	:	Non-Governmental Organizations
VDC	:	Village Development Committee
WCF	:	Ward Citizen Forum
LGCDP	:	Local Governance and Community Development Programme
DAGs	:	Disadvantaged Groups
GESI	:	Gender and Social Inclusion
DSMC	:	District Social Mobilization Committee
LSPs	:	Local Service Providers
DSMC	:	District Social Mobilization Committee
CBOs	:	Community Based Organizations
TLOs	:	Tole Level Organizations
FPTP	:	First Pass the Post
CA	:	Constituent Assembly
PR	:	Proportionate Representative
FGD	:	Focus Group Discussion
PDNA	:	Post Disaster Need Assessment
DDRC	:	District Disaster Relief Committee
EADF	:	Electoral Area Development Fund
P Dev	:	Personality Development
DDC	:	District Development Committee
VDC	:	Village Development Committee

Part I: Desk Research

A. Local Self Governance Act 2055

Local Governance Act 2055 aims to empower people through power decentralization. The preamble states the objective of the Act as “to make provisions conducive to the enjoyment of the fruits of democracy through the utmost participation of the sovereign people in the process of governance by way of decentralization.” It seeks to institutionalize the process of development by enhancing the participation of all the people including the ethnic communities, indigenous people and down-trodden as well as socially and economically backward groups in bringing out social equality in mobilizing and allocating means for the development of their own region and in the balanced and equal distribution of the results of development. The Act also seeks to build capacity of local bodies to formulate and carry out plans, and make decisions on the matters affecting the day-to-day needs and lives of the people by developing local leadership.

Principles and Policies of Local Self-governance:

The Government shall, in accordance with the guidelines set forth in the then Constitution of Nepal, 1990, on decentralization, pursue the following principles and policies for the development of local self-governance system:-

- Devolution of such powers, responsibilities, and means and resources as are required to make the Local Bodies capable and efficient in local self-governance.
- Building and development of institutional mechanism and functional structure in Local Bodies capable of considering for local people and bearing responsibilities.
- Devolution of powers to collect and mobilize such means and resources as are required to discharge the functions, duties, responsibility and accountability conferred to the Local Bodies.
- Having the Local Bodies oriented towards establishing the civil society based on democratic process, transparent practice, public accountability, and people's participation, in carrying out the functions devolved on them.
- For the purpose of developing local leadership, arrangement of effective mechanism to make the Local Body accountable to the people in its own areas.
- Encouraging the private sector to participate in local self-governance in the task of providing basic services for sustainable development.

The functions, duties and powers of each Ward Committee

- To keep neat and clean the roads, ways, bridges, drainage, ponds, lakes, wells, deep water, taps, etc. within the Ward.
- To arrange for disposal of wastes, dirt and rotten materials and to make arrangements to encourage the inhabitants of the Ward for maintaining sanitation.
- To assist the Village Development Committee in keeping inventory of and in protecting population, houses, land, rest houses, shelters, inns, divine places like temples, shrines, mosques, monasteries, madarasa, (Muslim religious schools) etc., barren land, ponds, lakes, wells, deep water, taps etc., and similar other religious and cultural places of public importance, within the Ward.
- To look after the canals, drills, dams (Paini) etc. within the Ward.
- To assist in afforesting in the barren land and hills, steeps and steppe places and in conserving the environment, within the Ward.
- To assist in management of health centres, health offices etc. in the Ward.
- To assist in the establishment and operation of schools and libraries in the Ward.
- To supervise the projects and programmes completed and being carried out within the Ward.
- To motivate the inhabitants of the Ward to register personal events.
- To assist in the acts relating to the protection and earning of livelihood of the backward ethnic communities, helpless, disabled and heirless persons within the Ward.
- To carry out such other functions as directed and ordered by the concerned Village Development Committee.

Functions, Duties and Powers of Village Council

(1) The functions, duties and powers of the Village Council shall be as follows:-

- To pass the budgets, plans and programmes submitted by the Village Development Committee.
- To adopt the resolutions relating to the levying and collecting of taxes, charges, fees, levies etc. proposed by the Village Development Committee.
- To adopt the resolutions relating to the raising of loans or selling or disposing or transferring of immovable properties proposed by the Village Development Committee.
- To discuss on the irregularities determined by the audit report of the Village Development Committee and direct the Village Development Committee to take necessary action for the clearance of the irregularities in respect of those irregularities which cannot be regularized under the prevailing law.
- To grant approval, as required, on such number of positions, remuneration, allowance and other facilities of the employees proposed by the Village Development Committee as are to be borne from its own internal source.
- To evaluate the administrative functions of the Village Development Committee and give necessary directions to the Village Development Committee.
- To evaluate the development and construction works carried out within the village development area and give necessary directions.
- To approve the bye-laws of the Village Development Committee.
- To carry out such other functions as prescribed.

(2) The Village Council shall constitute an accounts committee under the chairmanship of any Member of the Village Council, consisting of three members including the Chairman; and the functions, duties and powers of such a committee shall be as prescribed.

(3) The Village Council may form various committees to render necessary advice and suggestions to the Village Council on various matters in a manner that the Members of the Village Council other than the members included in the accounts committee referred to in subsection (2) are included in the subject-wise committees as prescribed.

Functions, Duties and Powers of Village Development Committee

In addition to executing or causing to be executed the decisions and directions of the Village Council, the functions, duties and powers of the Village Development Committee shall be as follows :-

a. Relating to Agriculture :

- To carry out or cause to be carried out agricultural development programmes within the village development area.
- To arrange for agricultural Haats (weekly temporary bazaar), markets and fairs or to assist in organizing such fairs within the village development area.
- To operate or cause to be operated veterinary hospitals, as per necessity, for the prevention and control of animal diseases within the village development area, and to arrange or cause to be arranged for pasture areas, as required, for cattle grazing.

b. Relating to Rural Drinking Water :

- To prepare drinking water projects for the supply of drinking water required within the village development area and to implement and operate the same, and to arrange or cause to be arranged for their maintenance.
- To construct, maintain and repair or cause to be constructed, maintained and repaired wells, deep water, ponds, taps etc. within the village development area.
- To preserve or cause to be preserved the sources of water within the village development area.

c. Relating to Works and Transport:

- To prepare projects on tracks and trails, and rural roads required within the village development area and to implement the same and make arrangement for their maintenance and repair.
- To maintain and repair bridges, twines, ghats (embankments) and culverts handed over by various agencies.

d. Relating to Education and Sports:

- To establish pre-primary schools with own source, to give permission to establish them and to operate and manage the same.
- To supervise and manage the schools being operated within the village development area.
- To assist in providing primary level education in mother tongue within the village development area.
- To make programmes on adult education and informal education and to carry out or cause to be carried out the same.
- To establish and operate or cause to be established or operated libraries.
- To formulate plans on the development of sports and to implement the same, and to extend support to the development of sports by constituting village level sports development committee.
- To make arrangements for providing scholarships to the students of oppressed ethnic communities who are extremely backward on economic point of view.

(e) Relating to Irrigation and Soil-erosion and River Control

- To prepare projects of irrigation, dams, canals, water channel, water bank (Panighat) etc. required within the village development area and to implement or cause to be implemented the same.

- To prepare programmes on soil-erosion and river control that affects the village development area and to implement or cause to be implemented the same.
- To generate and distribute electricity and to cause to be generated and distributed the same.

(f) Relating to Physical Development:

- To build community buildings, rest houses and public toilets.
- To prepare criteria for houses, buildings, roads and other physical infrastructures etc. to be constructed within the village development area, and to grant approval as prescribed for the construction of them.
- To formulate land-utilization plans of the village and to implement or cause to be implemented the same.
- To make or cause to be made arrangements for necessary sewerage and drainage in settlement areas.

(g) Relating to Health Service:

- To operate and manage village level health centre, health post and sub-health posts.
- To prepare programmes on primary health education and sanitation and disposal of wastes and garbages in the village development area and to implement the same.
- To provide assistance in the development and expansion of herbs.
- To launch programmes on family planning and maternity and child care.

(h) Relating to Forests and Environment:

- To afforest or have afforestation in barren land, hills, steppe and steep land and in public land.
- To prepare programmes in respect of forests, vegetation, biological diversity and soil conservation and to carry out or cause to be carried out the same.
- To make various programmes on environment protection and to carry out or cause to be carried out the same.

(i) Relating to Language and Culture:

- To keep records of religious places and rest houses, inns, shelters etc. within the village development area and to look after and preserve them or cause to be done the same.
- To preserve or cause to be preserved various languages, religions and cultures and assist in their development.

(j) Relating to Tourism and Cottage Industries:

- To preserve, develop and expand tourist areas and to make or cause to be made arrangements for preventing pollution in such places.
- To act as a motivator for carrying out cottage industries in the village development area.

(k) Miscellaneous:

- To develop human resources, to make arrangements for making available employment and self-employment opportunities.
- To provide assistance for cooperativeness.
- To keep records of population, houses, land and livestock within the village development area.

- To carry out or cause to be carried out necessary works in respect of controlling natural calamities.
- To register birth, death and other personal events in accordance with the prevailing law.
- To maintain the inventory of the helpless, orphan and disabled children within the village development area and to make arrangements for keeping them in appropriate place.
- To prepare necessary plans for the upliftment of women within the village development area and to implement the same.
- To carry out activities regarding the protection of orphan children, helpless women, aged and old, disabled and incapacitated persons in line with the national policy and to carry out or cause to be carried out acts regarding the wiping out of social ill-practices and the protection of girls and women.
- To protect movable and immovable properties which are under ownership and control of the Village Development Committee.
- To frame bye-laws of the Village Development Committee and submit them to the Village Council.
- To control immoral activities like sale and distribution of intoxicating substances and gambling and playing cards within the village development area.
- To encourage or cause to be encouraged to carry out cooperative, industrial and commercial activities generating income to the Village Development Committee with the investment of private sector as well.
 - To formulate various programmes based on cooperativeness and to carry out or cause to be carried out the same.
 - To evaluate the performance of the Secretary and forward it with recommendation to the authority.
 - To carry out such other functions as are prescribed by the prevailing law.

Judicial Power of Village Development Committee

Judicial Powers:

The Village Development Committee shall have the power to hear and settle at first instance the following cases within such village development area from such date as may be prescribed by His Majesty's Government (the then government) by publishing a notification in the Nepal Gazette :-

- Cases on border/boundary of land, public land, Sandhi Sarpan (inconvenience in respect of boundary or way-outs), Aali Dhur, canals, dams, ditches or allocation of water and encroachment on roads or way outs,
- Cases on compensation for damage of crops,
- Cases on forced labour (Beth-begar) and cases under the Chapter on Wages,
- Cases under the Chapter on Paupers,
- Cases under the Chapter on Missing and Finding of Quadrupeds,
- Cases under No. 8 and 9 of the Chapter on Construction of Houses,
- Cases under the Chapter on Kalyan Dhan (hidden and unclaimed properties),
- Cases under the Chapter on Deposits except those under No. 5 of that Chapter,
- Cases on providing expenses for fooding and clothing according to status and income under No. 10 of the Chapter on Partition,
- Cases on uses of water bank (ghat) and security of public property,
- Cases under the Chapter on Quadrupeds other than the killing of cow,
- Cases on pasture land, grass, fuel woods,

- Cases on entering into, staying in or attempting to enter in or stay in other's house forcefully,

Except those cases referred to in Annex-1 and Annex-2 of the Government Cases Act, 2049 (1993), such other cases as assigned by the Government by publishing a notification in the Nepal Gazette.

Formulation of Plans of Village Development Committee and Process of Implementation

- Formulation of Plans of Village Development
- Preparation of Resource Map
- Feasibility Study of the Project to Be Carried Out
- Selection of the Project
- Coordination among Village Development Committee and Governmental and Non-governmental Agencies
- Operation of the Project of Village Development Committee :
- Implementation and Management of Projects
- Non-Governmental Organizations to be Encouraged
- Appraisal of Projects :
- Examination, Release and Clearance of Projects
- Repair, Maintenance, Expansion and Management of the Examined and Released Project

Financial Provisions

Funds of the Village Development Committee:

- The Village Development Committee shall have a fund.
- The fund referred to in sub-section (1) shall consist of the amounts as follows.
 - Amount received from the Government or District Development Committee.
 - Amount received from fees, charges, levies, rents.
 - Amount obtained from the sale of movable and immovable properties and other objects of the Village Development Committee.
 - Amount received from the use, other than public use, of water of public rivers and streams.
 - Amount received from donations, grants, assistance or gifts.
 - Amount to be obtained for extending cooperation in the acts of preventing smuggling and theft of forests products located within the village development area.
 - Amount received from the income generating programmes.
 - Amount of loan and borrowing obtained from bank or any organization or agency.
 - Amount received from fines and penalties.
 - Amount obtained from authorization sanctioned by His Majesty's Government or available under other prevailing law.

Provisions Relating to Municipality

Functions, Duties and Powers of the Ward Committee:

The functions, duties and powers of each Ward Committee under the Municipality are as follows:-

- To assist the Municipality in keeping inventory of, and in protecting, population, houses, land, rest houses, shelters, inns, temples, shrines, hermitages, monasteries, mosques,

madarasa, divine places, barren land, ponds, wells, lakes, deep water, canals, taps, stone water taps etc., within the Ward.

- To keep neat and clean the roads, ways, bridges, drainage, ponds, lakes, wells, deep water, stone water taps, temples, shrines, monasteries, public place etc. within the Ward.
- To arrange for disposal of wastes, dirt, rotten materials and for keeping the streets and corners within the Ward clean, and make arrangements to encourage the inhabitants of the Ward for maintaining sanitation.
- To look after the canals, drills, water spouts (Paini) etc. within the Ward.
- To assist in afforesting in the barren land and hills, steeps and steppe places and in conserving the environment, within the Ward.
- To assist in management of health centres, health posts etc. in the Ward.
- To assist in the establishment and operation of schools and libraries in the Ward.
- To catch the strayed quadrupeds and hand over them to the concerned agency.
- To arrange for electricity lamps on the roads and streets within the Ward.
- To keep safely the accounts of incomes and expenditures and other documents of the Ward Committee.
- To assist the Municipality in the selling of food grains and other necessary goods at reasonable price within the Ward.
- To distribute the goods of sports for the development of sports and help to organize art, dramas and cultural programmes for the development of language and culture.
- To take any unclaimed or helpless person being seriously ill in the Ward to nearby hospital or health center and have such person treated.
- In case any helpless or unclaimed person dies in the Ward, to arrange for cremation of such person.
- To arrange for B.C.G., polio vaccination for the children in the Ward and to arrange for the prevention of infectious diseases.
- To motivate the inhabitants of the Ward to register personal events.
- To assist in carrying out various activities to raise the level of consciousness of the inhabitants of the Municipality.
- To help in protecting the barren land.
- To help in preserving ancient monuments within the Ward.
- To help in preserving the temples of historical, archaeological, cultural and religious importance, within the Ward.
- To help the Municipality in having continuity to the cultural dance, songs as well as hymns reflecting originality.
- To assist in the acts relating to the protection and earning of livelihood of the backward ethnic communities, helpless, disabled and heirless persons within the Ward.
- To carry out such other functions as directed and ordered by the concerned Municipality.

Functions, Duties and Powers of Municipal Council:

(1) The functions, duties and powers of the Municipal Council are as follows:-

- To pass the budgets, plans and programmes submitted by the Municipality.
- To adopt the resolutions relating to the levying and collecting of taxes, charges, fees, levies etc. proposed by the Municipality.

- To adopt the resolutions relating to the raising of loans or selling or disposing or transferring of immovable properties proposed by the Municipality.
- To discuss on the irregularities determined by the audit report of the Municipality and direct the Municipality to take necessary action for the clearance of the irregularities in respect of those irregularities which cannot be regularized under the prevailing law.
- To grant approval, as required, on such number of positions, remuneration, allowance and other facilities of the employees proposed by the Municipality as are to be borne from its own internal source.
- To evaluate the administrative functions of the Municipality and give necessary directions to the Municipality.
- To evaluate the development and construction works carried out within the municipal area and give necessary directions.
- To approve the bye-laws of the Municipality.
- To carry out such other functions as prescribed.

(2) The Municipal Council shall constitute one accounts committee under the chairmanship of any Member of the Municipal Council, comprising in maximum of five members including the Chairman; and the functions, duties and powers of such a committee shall be as prescribed.

(3) The Municipal Council may constitute various committees to render necessary advice and suggestions to the Municipal Council on various matters in a manner that members of the Municipal Council other than the members included in the accounts committee referred to in sub-section (2) are included in the subject-wise committees as prescribed.

(4) Other functions, duties and powers of the Municipal Council shall be as prescribed.

Functions, Duties and Power of Municipality

In addition to executing or causing to be executed the decisions and directions of the Municipal Council, the functions and duties to be performed by the Municipality mandatorily in the municipal area shall be as follows :-

(1) (a) Relating to Finance:

- To prepare annual budgets, plans and programmes of the Municipality and submit them to the Municipal Council.
- To keep the accounts of incomes and expenditures, and other documents pertaining thereto in an up-dated manner.
- To expend the money to execute the decisions of the Municipality, subject to the limits of the approved budget.
- To raise taxes, charges and fees etc. approved by the Municipal Council.

(b) Relating to Physical Development:

- To frame land-use map of the Municipality area and specify and implement or cause to be implemented, the industrial, residential, agricultural, recreational areas etc.
- To prepare housing plan in the area of Municipality and implement or cause to be implemented the same.

- To carry out plans on drinking water and drainage in the areas of Municipality and operate, maintain and repair or cause to be operated, maintained and repaired the same.
- To develop, or cause to be developed, green zones, parks and recreational areas in various places in the Municipality area.
- To arrange for, or cause to be arranged for, public toilets in various places in the Municipality area.
- To approve or cause to be approved designs of houses, buildings etc. to be constructed in the areas of the Municipality.
- To build community building and rest houses.

(c) Relating to Water resources, Environment and Sanitation:

- To preserve rivers, streams, ponds, deep water, wells, lakes, stone water-taps etc. and utilize, or cause to be utilized them properly.
- In the event of necessity to carry out irrigation plans in the Municipality area, to make plans thereof and implement and cause to be implemented the same.
- To control and prevent, or cause to be controlled and prevented the possible river-cuttings, floods and soil erosion in the Municipality area.
- To assist, or cause to be assisted, in environment protection acts by controlling water, air and noise pollution to be generated in the Municipality area.
- To protect or cause to be protected the forests, vegetation and other natural resources within the Municipality area.
- To carry out or cause to be carried out sanitation programmes in the Municipality area.
- To carry out and manage or cause to be carried out and managed the acts of collection, transportation and disposal of garbage and solid wastes.
- To generate and distribute or cause to be generated and distributed electricity in the Municipality area.

(d) Relating to Education and Sports Development:

- To establish, operate and manage pre-primary schools with own source in the Municipality area and give permission to establish the same.
- To extend supports in the operation and management of schools being operated within the Municipality area and to make recommendations for the establishment and dissolution of such schools.
- To assist in providing primary level education in mother tongue within the Municipality area.
- To make arrangements for providing scholarships to the students of oppressed ethnic communities who are extremely backward on economic point of view.
- To prepare and implement or cause to be implemented programmes on Municipality level adult education and informal education.
- To open, operate and manage or cause to be opened, operated and managed, libraries and reading halls in the Municipality area.
- To prepare and implement or cause to be implemented, sports development programmes.
- To develop or cause to be developed sports by constituting Municipality level sports development committee.

(e) Relating to Culture:

- To prepare an inventory of the culturally and religiously important places within the Municipality area and maintain, repair, protect and promote, or cause to be maintained, repaired, protected and promoted, them.
- To protect, promote and use or cause to be protected, promoted and used, archaeological objects, languages, religion and culture within the Municipality area.

(f) Relating to Works and Transport:

- To prepare plans of unpitched and pitched roads, bridges and culverts as needed within the Municipality area, except those roads which are under the responsibility and control of His Majesty's Government, and construct, maintain and repair or cause to be constructed, maintained and repaired, the same.
- To arrange or cause to be arranged for bus parks and parking places of rickshaws (three-wheelers), horse-carts, trucks etc. within the Municipality area.
- To prescribe the upper limit of push-carts, rickshaws, horse-carts etc. in consideration of transport requirement of the Municipality and register and provide number to them.

(g) Relating to Health Service:

- To operate and manage, or cause to be operated and managed, municipal level hospitals, Ayurvedic dispensaries and health centers.
- To open, operate and manage, or cause to be operated and managed, health posts and sub-health posts within the Municipality area.
- To formulate programmes relating to family planning, mother and child welfare, extensive vaccination, nutrition, population education and public health, and to implement or cause to be implemented the same.
- To arrange, or cause to be arranged, for prevention of epidemics and infectious diseases.
- To ban the public use of such things and objects in the Municipality area as are harmful to the public health or remove the same.
- To ban the sale, distribution and consumption of such type of consumer goods that may cause adverse effects on public health.

(h) Relating to Social Welfare:

- To arrange, or cause to be arranged, for cremation of heirless dead person, and to make arrangements for orphanages for helpless people, orphans and children bereaved of parents.
- To carryout, or cause to be carried out, programmes relating to the interests and welfare of the women and children and acts relating to the control of immoral profession and trade.

(i) Relating Industry and Tourism:

- To act or cause to act as a motivator to the promotion of cottage, small and medium industries in the Municipality area.

- To protect, promote, expand and utilize or cause to be protected, promoted, expanded and utilized natural, cultural and tourist heritage within the Municipality area.

(j) Miscellaneous:

- To do plantation on either side of the roads and other necessary places in the Municipality area.
- To determine and manage places for keeping pinfolds and animal slaughter house.
- To protect barren and governmental unregistered (Ailani) land in the Municipality area.
- To determine and manage crematoriums.
- To act for the development of trade and commerce.
- To frame bye-laws of the Municipality and submit it to the Municipal Council.
- To carry out necessary functions on the controlling of natural calamities.
- To maintain inventory of population and houses and land within the Municipality area.
- To register birth, deaths and other personal events pursuant to the prevailing law.
- To maintain inventory of the helpless, orphan and disabled children within the Municipality area and arrange to keep them in appropriate place.
- To secure public interest by killing rabid and strayed dogs and specify the places to bury dead animals and birds into.
- To have such trees cut and houses, walls etc. creating hazardous results demolished.
- To up-date the block numbers of the houses in the Municipality area.
- To arrange for animal slaughter houses.
- To impound and auction strayed animals.
- To arrange for lighting on the roads and alleys.
- To grant approval to open cinema halls in the Municipality area.
- To arrange or cause to be arranged for Haat bazaar, markets, fairs and exhibitions etc.
- To operate and manage or cause to be operated and managed fire brigades.
- To confer the honor of distinguished person of the town on any distinguished person.
- To carry out or cause to be carried out other acts relating to the development of the Municipality area.
- To render assistance for the development of cooperative.
- To evaluate the performance of the Secretary and forward it with recommendation to the authority.
- To encourage or cause to be encouraged to carry out cooperative, industrial and commercial activities generating income to the Municipality with the investment of private sector as well.
- To formulate various programmes based on cooperativeness and to carry out or cause to be carried out the same.
- To carry out such other functions as are prescribed under the prevailing law.

(2) In addition to the functions, and duties referred to in sub-section (1), the Municipality may also perform the following **optional functions** in the Municipality area:-

- To make necessary arrangement for providing standard school education in the Municipality area.
- To launch literacy programmes to eradicate illiteracy from the Municipality area.

- To open and operate libraries and reading halls in various places within the Municipality area.
- To control unplanned settlement within the Municipality area.
- To make the structure and development of the town well-planned through the functions such as guided land development and land use.
- To arrange for the aged rest- houses and orphanages.
- To arrange for the supply of electricity and communications facilities.
- To arrange for recreational parks, playing grounds, museums, zoos, parks etc. in the Municipality area.
- In order to reduce unemployment, to collect the data of unemployed persons and launch employment generating programmes.
- To launch programmes to control river pollution.
- To provide ambulance service in the Municipality area.
- To arrange for dead body carriers in the Municipality area.
- To carry out preventive and relief works to lessen the loss of life and property caused from natural calamity.

(3) Consumer groups and other non-governmental organizations shall have to be encouraged for the development and construction works to be done in the Municipality area and such works shall have to be done through such groups or organizations as far as possible.

(4) The Municipality shall exercise the powers conferred on it under this Act and the Rules and Bye-laws framed under this Act.

Provisions relating to District Development Committee

Formation of District Development Committee:

(1) A District Development Committee shall be constituted as an executive body of the District Council in the district development area specified under Section 170.

(2) The District Development Committee shall consist of the Members as follows:-

- Members elected by the elected Members of the Village Council and Municipal Council in each area of the district from amongst themselves at the rate of one Member from each area,
- President and Vice-president elected by the elected Members of each Village Council and Municipal Council in the district from amongst themselves,
- Members of the House of Representatives and the National Assembly within the District, ex-officio Member,
- Two Members including one woman nominated by the District Development Committee from amongst the Members of the District Council as referred to in clause

Functions, Duties and Powers of District Council:

(1) The functions and duties of the District Council shall be as follows:-

- To pass the budgets, plans and programme submitted by the District Development Committee.
- To adopt the resolution relating to taxes, charges, fees, tariff, loans or borrowings and internal resources submitted by the District Development Committee.

- To evaluate the programmes relating to the District plan operated by the District Development Committee and give necessary directions.
- To hold discussions on the audit reports of the District Development Committee and give necessary directions to the District Development Committee for settlement of irregular amounts.
- To approve the District level subject-wise programmes to be operated in the District.
- To approve the bye-laws of the District Development Committee.
- To evaluate the administrative functions of the District Development Committee and give necessary directions to the District Development Committee.
- To grant approval, as required, on the remuneration, number of positions, allowances and other facilities of the employees proposed by the District Development Committee.
- To decide on the sale and disposal, transfer of, or letting on hire, the property of the District Development Committee.
- To delegate some of the powers conferred on it to the District Development Committee.

(2) The District Development Committee shall not be entitled to carry out the following functions unless a resolution is passed by a majority of the total number of Members of the District Council:-

- To sell, and dispose of, or transfer the property of the District Development Committee.
- To raise loans.
- To impose taxes, fees, charges, duties.
- Any other matter as prescribed.

(3) The District Council shall exercise the power conferred on it under this Act and Rules and bye-laws made under this Act.

(4) The District Council shall form an accounts committee under the chairmanship of any Member of the District Council, comprising in maximum of five members including him; and the functions, duties and powers of such a committee shall be as prescribed.

(5) The District Council may form different committees in a manner that the other Members of the District Council, except those who are the members of the accounts committee referred to in sub-section (4), are included in subject-wise committees as prescribed to render necessary advice and suggestions to the District Council.

(6) The other functions, duties and powers of the District Council shall be as prescribed.

Functions, Duties and Powers of the District Development Committee:

(1) In addition to implement and cause to be implemented, the decisions and directions of the District Council, the functions and duties of the District Development Committee shall be as follows:-

(a) Relating to Agriculture:

- To make District level policy on agriculture and livestock development, and formulate and operate programmes in consonance therewith, and inspect and monitor, and cause to be inspected and monitored, the programmes operated.
- To arrange for, and cause to be arranged for, the seeds, fertilizers and other agricultural inputs required in the District.
- To provide, and cause to be provided, the services relating to agriculture extension in the district development area.
- To promote, and cause to be promoted, the agricultural Haat markets and fairs.
- To manages and cause to be managed, the markets for agricultural products.

(b) Relating to Rural Drinking Water and Habitation Development:

- To formulate and implement, and cause to be implemented, such drinking water plans as are to benefit the people in more than one village development area in rural areas of the district development area.
- To formulate plans on habitation and market development in rural areas of the district development area, and implement and cause to be implemented them.

(c) Relating to Hydropower:

To formulate, implement, operate, distribute and maintain and repair projects on mini and micro hydropower and other energy, and cause to be done the same.

(d) Relating to Works and Transport:

- To prepare a master plan of district-level roads in the district development area and get it approved by the District Council.
- To build, operate, monitor, evaluate and maintain and repair the approved District level roads, and cause to be done the same.
- To formulate, build and maintain and repair the plans of suspension bridges required in the district development area, and cause to be done the same.
- To make necessary arrangements on the means of transport to be operated within the district development area.
- To give license to "D" class contractors and cancel and renew it pursuant to the prevailing law.
- To develop and promote the water-ways and ropeways.

(e) Relating to Land Reforms and Land Management:

To protect and promote the Ailani (unregistered) land and governmental barren land situated within the district development area.

(f) Relating to Development of Women and Helpless People:

- To prepare and implement a plan required for the upliftment of the women in the district development area.
- To carry out acts on the protection of the orphans, helpless women, the aged, disabled and incapacitated persons as per the national policy, and to carry out or cause to be carried out acts on the wiping out of social ill-practices and the protection of the girls and women

(g) Relating to Forest and Environment:

- To prepare plans on forests, vegetation, biological diversity and soil conservation, and implement and cause to be implemented the same.
- To protect and promote, and cause to be protected and promoted, the environment.

(h) Relating to Education and Sports:

- To set priority for establishing schools in the district development area and make recommendation.
- To make recommendation, setting out rationale and reasons, for the approval and dissolution of the schools in the district development area.
- To supervise and monitor the schools in the district development area and assist in their operation and management.
- To formulate policies and programmes on the District level adult education as well as informal education.
- To set programmes relating to sports and physical development, and implement and cause to be implemented them.
- To form a District level sports development committee.

(i) Relating to Wages for Labor:

- To determine rate of wages for labor and rate of workmanship at the district level.
- To set and operate programmes on abolition of child labor and rescue of the children,

(j) Relating to Irrigation and Soil-erosion and River Control:

- To formulate, implement, operate and maintain and repair programmes on irrigation, ditch, embankment, and small ditch providing facility to more than one village development area in the district development area, and cause to be done the same.
- To formulate plans on prevention of soil- erosion, river cutting etc. in the areas affected from such acts, and implement and cause to be implemented the same.

(k) Relating to Information and Communications:

- To give approval to set up cinema halls in the district development area except the Municipality area.
- To open district level libraries, reading rooms and information centers in other rural areas except the Municipality area in the district development area.

(l) Relating to Language and Culture:

- To keep records of culturally and religiously important places located within the district development area and to preserve and promote them by having them repaired and maintained.
- To promote, and cause to be promoted, various languages, religions and cultures,
- To preserve, promote and use, and cause to be preserved, promoted and used, the archaeological objects, languages, religion, art and culture within the district development area.

(m) Relating to Cottage Industry:

- To maintain records of the cottage industries to be establish within the district development area.

- To identify and develop an industrial zone in the district.

(n) Relating to Health Service:

- To operate and manage, and cause to be operated and managed, the district level health posts, hospitals, Ayurvedic dispensaries, health centres, health offices etc.
- To formulate and implement the programmes such as family planning, mother child welfare, extensive vaccination, nutrition and population education and public health.
- To give approval to open sub-health posts in the village development areas under the district development area and inspect and monitor them.
- To make arrangements for the supply of such medicines and materials and equipment relating to treatment as required for the district development area, and inspect and monitor the quality standards thereof.
- To prohibit or remove the public use of the things injurious to the public health in the district development area.
- To prohibit the sale, distribution and consumption of such consumable goods as may cause adverse impacts on the public health.

(o) Relating to Tourism:

To protect, promote, expand and utilize the natural, cultural, historical and touristic heritages in the district development area, and cause to be done so.

(p) Miscellaneous:

- To maintain data of the district development area.
- To carry out necessary acts in respect of controlling natural calamities.
- To protect the movable and immovable properties remained under the ownership and control of the District Development Committee.
- To draft the bye-laws of the District Development Committee and submit it to the District Council.
- To carry out such other functions as prescribed under the prevailing law.

(2) The District Development Committee may give grants for the approved programme to any organization, association or body, being subject to the approved budget.

(3) The District Development Committee may, subject to this Act, carry out the development and construction works by entering into agreement as prescribed with any individual, governmental or non-governmental organization or person. Information on the agreement so entered into shall have to be given to the Government of Nepal. Provided that without prior approval of the Government no such agreement shall be entered with any international non-governmental organization or foreigner.

(4) If it is received information that any project or programme of national level operated in the district development area has not been operated effectively or any kind of irregularity has been done there, the District Development Committee may give necessary suggestions in that regard or make recommendation to the concerned body for action.

(5) In addition to those as mentioned in this Act, other functions, duties and powers of the District Development Committee shall be as prescribed.

Local Self Governance Act 2055 and its Ambiguities

There has been several Acts¹ and Regulations² formulated and implemented in Nepal regarding local governance as a basis for the decentralization of power from central authority to district, municipal and village levels. They were not designed fully to attain the idea of local governance that is meant to encourage and establish people's access, ownership, and participation in governing system.

LSGA 1999 is the existing legal instrument crafted for designing local governance. It aims to enhance autonomy and greater roles to the local government bodies. Unfortunately, three years after the LSGA was passed, the entire elected leadership of local bodies was dissolved as their tenure expired. Since then there has no fresh local elections so far. As a transitional measure, civil servants are provided with the charge of exercising full administrative authority in the local bodies. Though the LSGA is regarded as a landmark for the devolution of power and authority to the local governing bodies and has marked important departure from earlier legal provisions. But, the LSGA have some inadequacies and ambiguities on sharing power and authority between different governing units. The ambiguities can be clearly noticed when the provisions and the practicability of roles and responsibilities of VDC and DDC is analyzed. For example, the roles of the VDC and DDC is very confusing and ambiguous according to the article 28 (a. 1) and 189 (a. 1)³. Such ambiguous roles and responsibilities for VDC and DDC create confusion about who is responsible to perform a particular task. Similarly, such ambiguities are also creating the problems of overlapping roles of the different layers of governing units. There are other more ambiguous provisions for the roles and power of VDC and DDC in different areas and sectors as well. The major contradictions and confusions exist in the sector of resources management, such as agriculture, water, forest, environment, irrigation, and hydropower. These problems are also spread into other sectors like language, cultural heritage, religious places, tourist places, transportation, education, health and other areas as well. In fact, the LSGA has conceived the DDC and VDC both as planners and program implementing body of the government rather than one as facilitator and another as an implementer. This has created the contradictions and confusions in smooth planning and implementation of development programs as well as their effective monitoring and evaluation.

Similar ambiguities can be observed for sharing of power and authority between municipality and the DDC. Some of the roles and responsibilities of these governing units are confusing. For instance, the roles of the Municipality under the article 96 (c.2 and 3) and 189 (j.2)⁴ are very ambiguous. The provisions under these

¹The Acts relating to the local government include Gram Panchayat Acts-2006, 2013, 2018 (BS); Village Development Committee Acts-2047, 2048 (BS); Nepal State Nagarpanchayat Act-2006 (BS); Nepal State Municipality Act-2009 (BS); Nagarpanchayat Act-2019 (BS); Municipality Acts-2047, 2048 (BS); District Panchayat Act 2019 (BS); District Development Committee Acts-2047, 2048 (BS); Zonal Panchayat Act-2019 (BS); Zonal Sabha Act-2024 and 2035 (BS); Decentralization Act- 2039 (BS); and Local Self Governance Act-2055 (BS).

²The Regulations relating to local government include Village Panchayat Regulation-2020 (BS); Gaunsabha Regulation- 2026 (BS); Village Development Committee Regulation-2050 (BS); Municipality Panchayat Regulation- 2020 (BS); Municipality regulation-2049 (BS); District Panchayat Regulation-2020 (BS); District Development Committee Regulation 2049 (BS); Decentralization Regulation-2041 (BS); Local Self Governance Regulation-2056 (BS); and Local Finance Administration Body Regulation-2056 (BS)

³Article 28 (a.1) states that VDC has power "To carry out or cause to be carried out agricultural development programmes within the village development area, whereas the article 189 (a.1) also states that the DDC has roles "To make District level policy on agriculture and livestock development, and formulate and operate programmes in consonance therewith, and inspect and monitor, and cause to be inspected and monitored, the programmes operated."

⁴The Article 96 (c.2 and 3) mentions, " 2. In the event of necessity to carry out irrigation plans in the Municipality area, to make plans thereof and implement and cause to be implemented the same and 3. To control and prevent, or cause to be controlled and prevented the possible river-cuttings, floods and soil erosion in the Municipality area.' Similarly, Article 189 (j.2) mentions 'To

articles state that both the Municipality and DDC have the responsibility in preventing the soil erosion, river-cutting and floods in their territories. Similar ambiguities can be identified in the other sectors such as physical construction; maintenance, promotion and utilization of religiously important places and cultural heritage; construction, maintenance and repair of roads; maintenance and arrangement of necessary facilities for vehicles and transport; responsibilities to operate and manage the health facilities; planning and operation of programs for disadvantaged groups, tourism, barren lands, natural calamities, market places and so on . Such contradictions and ambiguities of responsibilities of governing local affairs under the LSGA have made the planning and implementation of the programs at the local level very difficult.

The true nature of local governance can be reflected in terms of how the local bodies' plans are formulated and implemented. The local governing body cannot be autonomous until and unless it exercises its own authority to decide on local governance and development affairs. The primary principle of LSGA was to make local government autonomous and independent in making development plans and in their effective implementation. But the specific provisions of this Act do not provide the lower layers of governing units with autonomous powers in regard to formulating and implementing development activities. For example, the Article 43 (7.a and b), 11 (7.a, b and c), and 195 (5.a, b and c) have provisioned about how lower tiers of governing unit have to abide by the upper layers. The LSGA provisioned that the VDC and Municipality governments need to consider the DDC's directives for making local development plans, while DDC planning has to abide by the directives of the central government. This means the DDC also makes its annual development plans based on the directives given by the central government. This mechanism of local planning shows that the local government under LSGA is largely controlled by central government. Furthermore, the LSGA 1999 provides local bodies with limited financial autonomy, along with the right to collect tax revenues, service fees, and fines. But more than 23 sectoral Acts have clauses contradicting this provision, among them are the Education Act, the Forest Act, the Environment Conservation Act, the Judicial Administration Act, the Local Administration Act, the Land Revenue Act, the Mines and Minerals Acts, the Public Roads Act, the Statistics Act, the Sports Development Act, the Vehicles and Transport Management Act, the Water Resources Act, the Solid Waste Management Act, the Consumers Protection Act, and the Animal Health and Services Act. These contradicting Acts have adversely affected the effective implementation of LSGA provisions. The above ambiguities and contradictions raise a question about whether the LSGA has made commitments for autonomy of local governing bodies. The article 50 mentions that VDCs have a responsibility to follow the directives of DDC and the National Planning Commission (NPC) when it formulates plans and implements them. In the same way, the DDC is required to follow and respect any of the directives and orders from the central government/NPC (Article 122). Similarly, Article 207 (1 and 2) of LSGA authorizes NPC and central ministries to issue directives and orders to DDC in formulation and implementation of district development plans. Accordingly, the upper governing tiers have powers to control the development activities of lower governing units. Thus the lower governing units cannot formulate and implement development plans independently and have to follow the directives and orders from higher authorities.

formulate plans on prevention of soil- erosion, river cutting etc. in the areas affected from such acts, and implement and cause to be implemented the same.'

Similarly, another basic principle of LSGA is to make local governing units accountable to the people in their respective jurisdictions. But the ambiguous roles in hierarchical structures have resulted in upward accountability. According to Article 234 the central government has the role of monitoring and supervision of local bodies. This provision makes the lower governing body accountable to the upper ones rather than to their own constituencies. These legal provisions maintained and strengthened the upward chain of control. In addition, Article 238 provides power to the central government to suspend and dissolve the local bodies on several grounds. Similarly, Articles 235 and 236 have provisions of rights and power of central government for special grants to any of the local bodies. This also encourages the central government or the upper layers of the governing body to become more powerful and influential vis-à-vis the lower layers by virtue of the former's capacity of allocating resources and imposing conditionality.

B. Participatory Planning Process

A participatory approach of planning is one in which everyone who has a stake in the intervention has a voice, either in person or by representation. Development program staff, members of the target population, community officials, interested citizens, and people from involved agencies, schools, and other institutions all should be invited to the table. Everyone's participation should be welcomed and respected, and the process shouldn't be dominated by any individual or group, or by a single point of view.

The use of the term participatory implies not just that everyone's opinion is collected, but rather that each participant becomes an important contributor to the planning process.

A true participatory approach is one in which everyone's perspective is considered. That doesn't mean that people can't challenge others' assumptions, or argue about what the best strategy might be. It does mean, however, that everyone's thoughts are respected, and it isn't necessarily assumed that the professionals or the well-educated naturally know what is best for people. Everyone has the opportunity to participate in the planning process and has important role in decision-making.

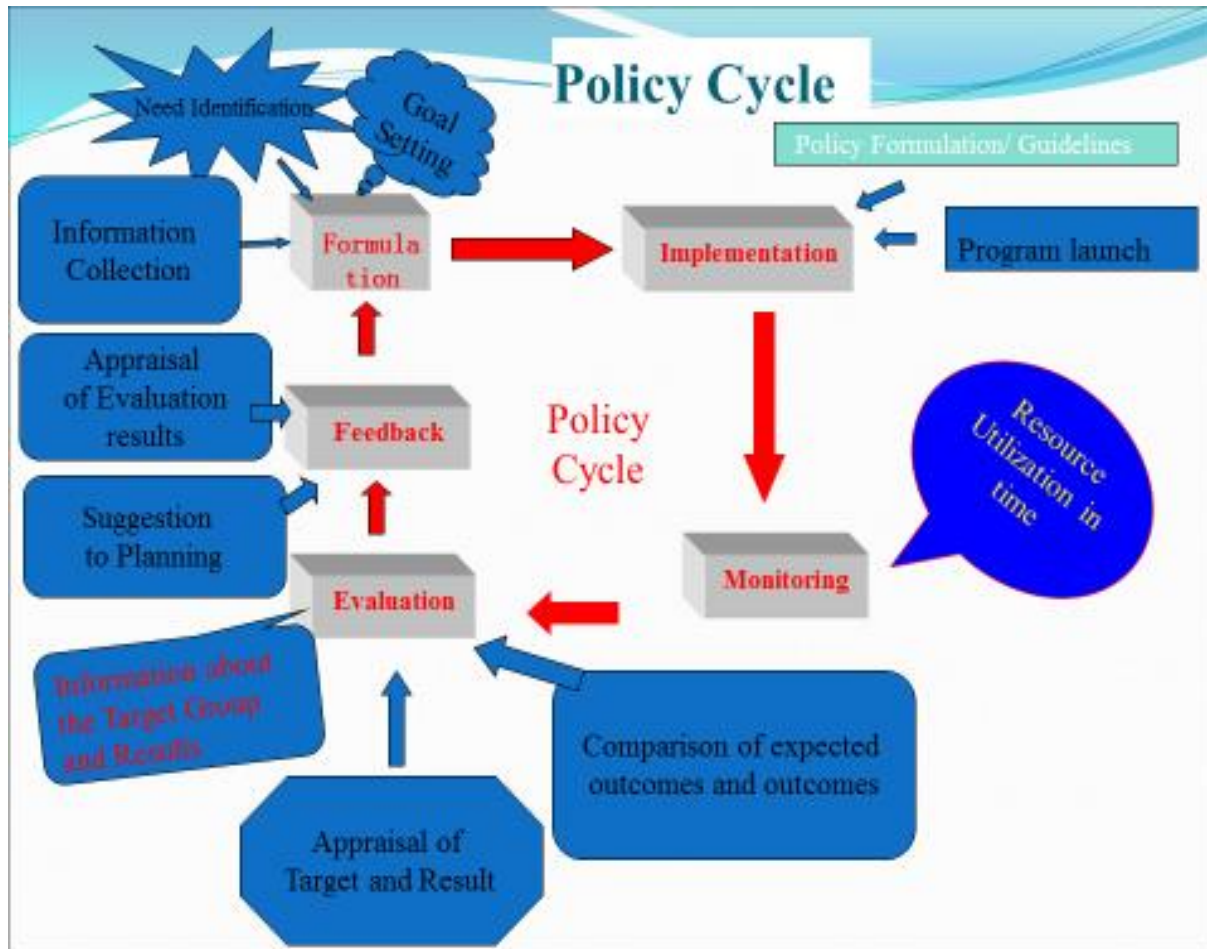
Why is Participatory Planning important?

- **Participation carries with it feelings of ownership, and builds a strong base for the intervention in the community.** If people are integral to the planning of a community intervention, then that intervention will be theirs. They have a stake in it not only as its beneficiaries or staff or sponsors, but as its originators. They'll do what they can to see their work succeed.
- **It ensures that the intervention will have more credibility in all segments of the community** because it was planned by a group representing all segments of the community. If people know that others with the same point of view and experience as theirs were instrumental in making the intervention happen, they'll assume that their interests were attended to.
- **Bringing a broader range of people to the planning process provides access to a broader range of perspectives and ideas.**
- **A participatory planning approach avoids pitfalls caused by ignorance of the realities of the community or the target population.** If, for instance, Muslims are part of the planning process for an intervention in a community which includes many followers of Islam, they'll know that lunch meetings during Ramadan, the Islamic month of daytime fasting, are not likely to work. Long-time community members will know what has failed in the past, and why, and can keep the group from repeating past mistakes.
- **It involves important players from the outset.** If the intervention needs the support of a particular individual, or that of a particular agency or group, and they've been part of the planning from the beginning, their cooperation is assured.
- **It can provide an opportunity for often-disenfranchised groups to be heard,** and teach the community that they have important things to say.
- **It teaches skills which last far beyond the planning process** and can help to improve the community over the long term. People learn to run meetings, to analyze data, to construct strategic plans - in short, to become community resources and leaders.

- **It can bring together and establish ties among community members who might normally have no contact.** Such relationships - between low-income people and business leaders, for instance - are not only supportive of the intervention, but may help to create long-term relationships and break down barriers in the community.
- **A participatory planning process builds trust,** both between your organization and the community and among the individuals involved. This trust can serve as a foundation for future community development and community action.
- **A participatory planning process generally reflects the mission and goals of grass roots and community-based organizations.** With its underpinnings of collaboration, inclusiveness, and empowerment, a participatory approach embodies the ideals that form the foundations of most grass roots and community-based organizations.
- **It implies respect for everyone in the community,** and thus sets a standard for community participation and empowerment that other organizations - and the community at large - may feel compelled to follow.
- **Logically, a participatory planning approach should be effective.** The fact that it includes the views and perspectives of everyone affected by the intervention should work to assure that all assets and needs are identified and addressed, and that unintended consequences are minimized.
- **Finally, it does things the way they should be done.** It respects everyone's intelligence, values everyone's ideas and experience, and affords everyone a measure of control. By empowering the community, and particularly the target population, rather than just superimposing its own ideas on a social structure that already exists, your organization can give substance to its ideals. In the final analysis, some level of participatory approach is almost always the most ethical way to plan a community intervention.

Process of participatory Planning

The following diagram shows how the planning goes on. It starts from information collection to need identification and it goes to project/policy formulation and thereby implementation and, monitoring, evaluation. Likewise it goes on continuously.



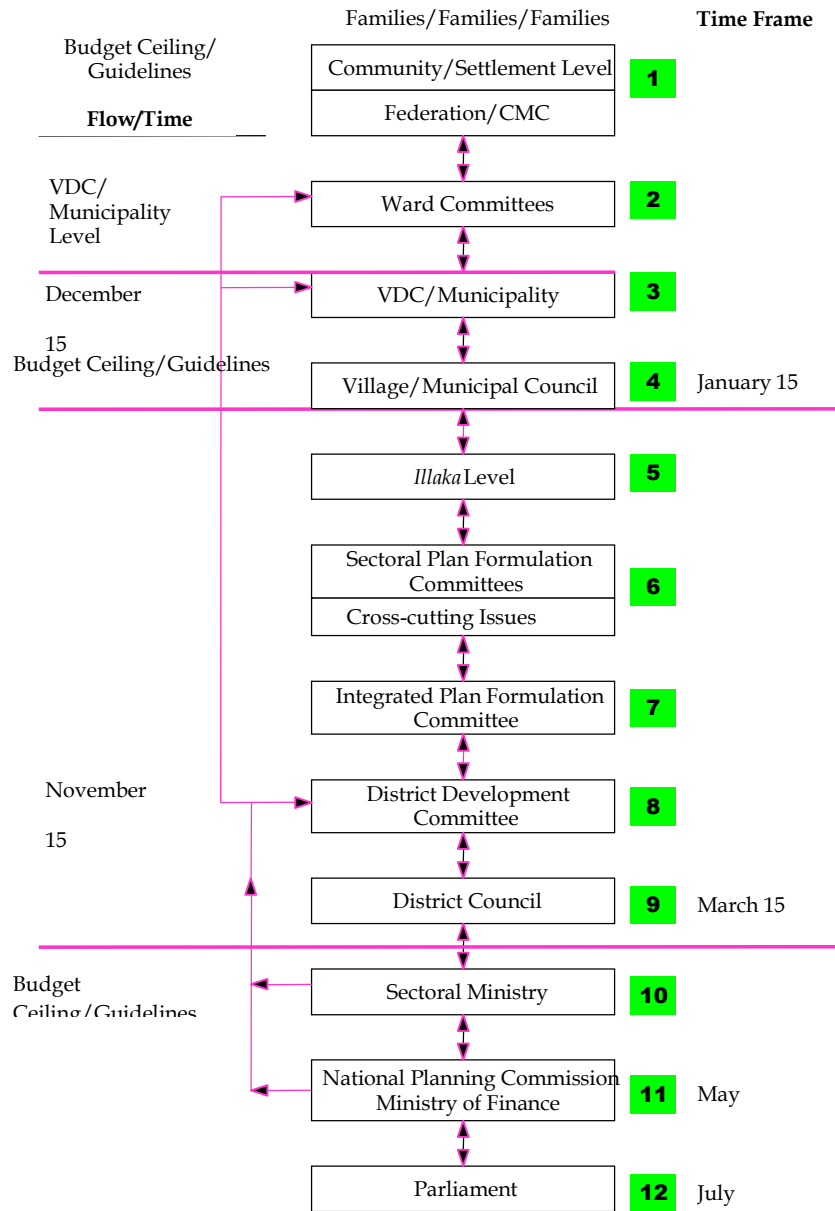
Steps of Participatory planning

Step	Activities	What is done?	Participants?	Responsible?	By When?	Remarks
1	Primary Stage	Statistical Analysis in Both VDC and District Level	DDC, Information Centre	DDC, Information Centre		
2	Guidelines	Guidelines from Central sectorial Ministries and Budget Ceiling	DDC and Sectorial office in district	National Planning Commission and Sectorial Offices	By Kartik	
3	Guidelines Review	Review of guidelines and Budget Ceiling	DDC and Sectorial office in district	NPC and Sectorial office in district	By Kartik	
4	Planning Meeting	Information on Policy, objectives, programs from sectorial offices	DDC and Sectorial office in district and other organizations	DDC, VDCs and Sectorial Offices	By 1st Week of Mangsir	
5	VDC Meeting	Study/Analysis of programmes at VDC/Ward Level	VDCs, Sectorial Office delegates	VDC	1 st week of Poush	
6	Program Selection at Ward Level	Prioritizing effective and important plans in discussion with all stakeholders	Local Peoples, NGOs, Political representatives	Ward Committee (Ward Citizen Forum WCF)	1 st week of Poush	
7	Ward Committee Meeting	Priority Ranking of the plans from Ward Level	Ward Members, President, User's Group	Ward Committee	2nd week of Poush	
8	VDC Meeting	Plans approval from Ward Level, Resource allocation, Categorizing the plans and programmes in terms of resources, Cost estimation	VDC representatives, and Sectorial representatives	VDC	2nd week of Poush	

9	VDC Council	Approval to programs to be implemented by VDC, Listing activities can be done and cannot be done, Cost preparation	VDC representatives, and Sectorial representatives	VDC	2nd week of Poush	
10	Area Level Planning Meeting	Area Level Meeting, Forward Plans and programs to DDC as per ranking	Area Members, VDC, Municipality Heads, Sectorial Section heads, NGOs	DDC Area Member, VDC Sectorial Section, VDC	3rd week of Magh	
11	Sectorial Planning Meeting	Recommendation of prioritized programs to Integrated Planning Committee and to the Centre	DDC Member, NGOs, Sectorial office Heads	DDC, Sectorial offices	1 st week of Falgun	
12	Integrated Planning committee Meeting	Submit Plans and programs to DDC meeting as per priority	DDC Officio (Chair/ V chair), Parliamentarian, Sectorial Committee coordinator	DDC and Sectorial Branch, NGOs, Private	2 nd week of Falgun	
13	DDC Meeting	Analysis of all plans and programmes from Area Level, Categorization of programmes as per district, central or whatever ways to be done, Submitting District Development Plan to DD Council	Chair, V. Chairs and Members	DDC	3 rd week of Falgun	
14	District Council	Approval of District Development Plan with discussion and suggestion	Members of District Council	DDC	By Falgun End	

15	District Development Plan Implementation	Sending the District Development Plan to the NPC, MoFALD and sectorial ministries	NPC, MoFALD and other Sectorial Ministries	DDC	By Chaitra 10	
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Participatory Planning Process - Diagram



A participatory planning process - one in which all the stakeholders are involved - is often the most effective and inclusive way to plan a community intervention. A participatory process provides community ownership and support of the intervention; information about community history, politics, and past mistakes; and respect and a voice for everyone. It also takes time, care, mutual respect, and commitment.

In order to conduct such a process well, we have to carefully consider what level of participation is most appropriate under the circumstances. We also must identify the stakeholders, and make sure they all get to the table, using communication techniques designed to reach them. Care must be taken in getting the process under way. The person and methods chosen to convene it can both send messages about the intentions, and have a great effect on which and how many participants we attract.

Finally, the process must be maintained over time, so that momentum will not be lost. If we can manage a planning process that meets all these requirements, the chances are that we will come up with a successful community intervention, one that truly works and meets the community's needs.

C. Social Mobilization

Background

Nepal has a long tradition of social mobilization. It has become an integral part of many development programmes and it has been recognized from the 10th Five-year Plan and the subsequent Interim Plan as a means for contributing to the national poverty reduction goal.

The aim of social mobilization is empowerment and social transformation to improve people's lives through livelihoods enhancing activities and through better service delivery. Social mobilization makes people more aware of their rights and responsibilities in society, and helps to break down social barriers especially for disadvantaged groups (DAGs). It helps DAGs to develop linkages with local bodies and other service providers that can provide them with access to programmes, services and funds that address

the issues, concerns and rights across all sectors.

From a transactional to a transformational approach

In Nepal social mobilization has largely developed as a process for organizing people into groups and supporting those groups. Such groups then become responsible for delivering services and mobilizing resources (financial and human) for their members. This type of social mobilization is sometimes called the transactional approach. It has been broadly successful in catering to the needs of group members and enhancing their livelihoods. Poor and socially marginalized people have not always benefited from the transactional approach to social mobilization. Specific barriers to their involvement in group activities and sharing of benefits have sometimes not been addressed. Now, since the Government of Nepal specifically aims to transform power structures and develop economic policies that favor disadvantaged groups (DAGs), including the poor, women, Dalits, Madhesis and Janajatis, citizens' rights have become a major focus of all development programmes. Consequently a different approach to social mobilization is needed.

The new focus for social mobilization is on empowering all citizens to engage with the state, building their capacity to voice their views, to influence policy and development programmes according to their own

priorities, to claim assets and services from government and to make local government and service providers accountable to them. This is called a transformational approach to social mobilization (sometimes called citizen mobilization). In some cases a combination of transactional and transformational approaches has been successfully developed. Key differences between the two approaches to social mobilization

Transformational Approach	Transactional Approach
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Social mobilization in LGCDP

The goal of LGCDP is 'the promotion of inclusive local democracy, through local community-led development that enables the active engagement of citizens from all sections of society'. To do this LGCDP will support a series of actions and changes in the areas of:

- a) Assets and services.** To increase access of all citizens especially for DAGs for basic livelihood assets (resources and services) that will improve their well-being.
- b) Voice influence and agency:** To enhance the capacity of all citizens especially DAGs to build their voice and develop ability to influence decision affecting their lives and influence development in their VDCs/Municipalities/DDCs. This will pressurize the local government to respond to their voice and needs.
- c) Policies and Institutions:** To influence and support to bring about changes in policy and rules in organizations/institutions such as existing practices, attitudes and behavior that would be more supportive towards DAGs.
- d) Gender, equity and social inclusion:** To raise awareness on gender, equity and social inclusion to access existing resources, services and opportunities for their development by bringing about changes to planning practices and equitable budget allocation. MoFALD has a Gender and Social Inclusion Strategy (GESI Strategy) and social mobilization under LGCDP strongly reflects this.

In LGCDP social mobilization is used to enhance the voice and active participation of citizens, local groups and communities to influence decision-making and use of resources by local government. It enhances their agency to help individuals in accessing resources and assets for their livelihood improvement. Hence, the three dimensions of transformation are used as the basis for implementation, monitoring and evaluation of the social transformation programme in LGCDP

The transformational social mobilization approach of LGCDP adopts a transformational approach to social mobilization. It works at the level of VDCs and municipality wards. It supports all citizens, especially those from DAGs, to interact with local bodies and other service providers. It helps communities, especially DAGs, to voice their needs, foster their own community development and hold local government accountable for using public funds to deliver services they require (through use of block grants).

The expected outcomes from this transformational approach are that:

- Communities will have more influence on the equitable allocation and prioritization of the resources of local government (including block grants) and those of other service providers
- Engagement and understanding of the communities (especially DAGs) in local body processes will be strengthened
- Communities (especially DAGs) will be able to hold local government and local service providers accountable for use of development funds

Social Mobilization Implementation Strategy

The implementation strategy for social mobilization that has been agreed by MoFALD and LGCDP contains a number of key approaches like:

- (i) VDC/ward coverage by social mobilization
- (ii) Pro-poor targeting
- (iii) Adopting a transformational approach
- (iv) Implementing social mobilization through independent service providers
- (v) Strengthening capacity of social mobilisers/service providers and having an agreed Code of Conduct.
 - a. Pre-job training.
 - b. On-the-job training.
 - c. Providing back stopping.
 - d. Code of conduct.
- (vi) Enhancing capacities of individuals and communities.
- (vii) Strengthening the capacity of DDCs
- (viii) Including non-group members or left-out households
- (ix) Harmonizing different agencies for coordination of social mobilization
- (x) Coordinating LGCDP social mobilization process with those of other programmes, line agencies, I/NGOs etc.
 - Better coordination will improve the following:
 - Accountability
 - Social mobilization
 - Linkages
 - Joint planning
 - Resource sharing
- (xi) Working with elites
- (xii) Involvement in micro-credit

Social Mobilization Process

1. Start-up phase

- a. Select VDCs and municipality wards
- b. Form the District Social Mobilization Committee (DSMC)
- c. Select local service providers (LSPs)
- d. Recruit social mobilisers
- e. Build capacity of social mobilisers
- f. Orient local leaders and local bodies and citizens on social mobilization

2. Situation analysis phase

- a. Prepare the VDC profile
- b. Assess existing local organizations and groups
- c. Establish ward citizen forums
- d. Identify existing resources, settlement patterns, services and facilities
- e. Select community facilitators (if required)
- f. Assess local needs and priorities
- g. Carry out gender analysis
- h. Carry out poverty, exclusion and empowerment analysis

- i. Carry out disadvantaged group household mapping

3. Building capacity and voice phase

- a. REFLECT process
- b. Form and/or reorganize community based organizations and tole level organizations
- c. Register CBOs/TLOs with the VDC/municipality
- d. Enhance the capacity and voice of CBOs/TLOs
- e. Engage citizens in VDC planning and resource allocation
- f. Build capacity of CBOs/TLOs on project cycle, implementation and management
- g. Engage citizens in project/programme implementation
- h. Build capacity of CBOs/TLOs in monitoring and evaluation processes
- i. Engage citizens in project/programme monitoring

4. Accountability, coordination and review phase

- a. Review social mobilization activities
- b. Review social mobiliser/community facilitator performance
- c. Review LSP performance
- d. Review CBO/TLOs
- e. Identify coming year's programme priorities
- f. Prepare new work plan

PART B: Post Disaster Situational Analysis

The Himalayan region of Nepal is considered one of the most severely earthquake prone zones in the world. On 25 April 2015, a massive earthquake measuring 7.8 on the Richter scale devastated hill and mountain districts of eastern, central, and western development regions of Nepal. The second big quake of 7.3 magnitudes on 12 May 2015 added more devastation to existing districts and impacted additional districts which were not impacted in the first quake. The landslides and avalanche triggered by the quake in hills and mountains caused human casualties more severe and in overall, the loss is irreparable.

Details of the Activities

The post disaster situation of the earthquake affected area was scary. As a part of Daayitwa, I have started my work of supporting the victims from the very day of the disaster in Tupche VDC of Nuwakot district. The immediate need of the community was the provision of things like Tarpaulins and mattress for temporary shelter along with food items. After being involved in immediate rescue and relief operations in different places, I, in consultation and collaboration with local bodies along with some other stakeholders conducted two Focused Group Discussions. One was held in Tupche VDC with the primary objective of identifying the post disaster need of the community along with how effectively the local governance is functioning and the other was done in Bidur Municipality to find out whether the concept of social mobilization is effectively applied or not along with sorting out the problems of social mobilizations in the field. The participants of the first FGD were around 20 consisting of VDC secretary, representatives from local political parties; CBOs, Schools and other related stakeholders whereas the second FGD was held with the same number of participants mainly the social mobilizers working under LGCDP II in various VDCs. Both the FGDs were interactive and operated by keeping the post disaster situation at mind.

The informal VDC level PDNA was turned interactive as the concerned stakeholders participated actively. Some three hours long discussion was ended up with the following issues and conclusions.

- The discussion started with preliminary concept from Daayitwa Fellow about the background information of Daayitwa Abhiyaan, the fellowship programme and followed by introduction.
- The Concept note about LSGA 2055, participatory planning, social mobilization is briefed along with post disaster situations.
- Questions like how the VDC body is functioning? How planning process happens? What is the situation of social mobilization in the VDC? What are the primary needs of the community in post disaster situations? How effective the LSGA 2055 is? Do you think LSGA aims are covered with it? How relief and other operation are going on? What are the present challenges of this VDC? Do you see any controversy in relation with different layers of governments?
- Every political Parties representative shared their ideas and opinions regarding the questions put forth to them.

Other stakeholders also took part in responding the questions put in the discussion. Post disaster situation sharing also took place during the discussion.

The following conclusions are drawn from the FGD held in Tupche VDC.

- The primary and immediate needs are identified as: Safe shelter provision to the most vulnerable and recovery shelter to assist those repairing/ rebuilding in the same location and for those rebuilding in the new locations; Support to livelihoods through agriculture and livestock (seeds, fertilizers, animals, etc.); Seeds support (crops and fodder/forage); Small agricultural equipment and tools; Reconstruction and repair support of animal sheds and feeding pans; Livestock (goat, chickens, etc.) distribution to those who have lost their animals;

Disinfection of protected water sources; Cleaning of drainage, latrines, clearance of solid waste; Sensitization of using safe filtration methods; Basic medical supplies to health posts and health service providers; School kits (text books, notebooks, uniforms); Coping Capacity against disaster

- The secondary needs of the community comes under long term needs like rebuilding public houses like schools, public health posts, VDC office, maintenance of rural roads, preservation of cultural sites etc. along with management of long term drinking water system.
- It is identified that there are almost 95% of the total houses were destroyed along with 31 were died and some 60 were severely injured in the disaster.
- VDC personnel had very hard time during the disaster relief distribution as many households have increased after the quake.
- The mechanism of political parties also faces the same pressure of recognizing new houses so that the relief package could be obtained.
- It is also concluded that some section of community stop doing their regular works but prefer collecting relief materials.
- Due to the increase in new houses, relief operations got trouble
- The social mobilization efforts are not much effective at the time of emergency and disaster.
- The priority selection of resource allocation in post disaster situation is diverted from core concept of LGCDP programme
- There has also been some duplication of same relief package.
- Some cases of disturbances, assaults and some minor confrontation is also happened while distributing the relief materials.
- Some external input is needed for the long term rebuilding of the community.

Similarly, the FGD with social mobilizers along with District Governance Expert (DGE) and other stakeholders equally helped to identify the social mobilization situations of some 10 VDCs of Nuwakot district namely: Tupche, Manakamana, Fikuri, Bhalche, Salme, Kahule, Kintang, Charghare, Gerku and Khanigaun. The FGD was held at Hotel Sandaar Hall, in Bidur.

The discussion has very properly managed, interactive and fruitful. The following issues were discussed and presented.

- The discussion started with preliminary concept from Daayitwa Fellow about the background information of Daayitwa Abhiyaan, the fellowship programme and followed by introduction to each other
- The Concept note about social mobilization as per LGCDP II is briefed along with post disaster situational linking.
- Questions like how the Social Mobilization going on in Nuwakot District? In what phase of social mobilization going on? How far the social mobilization has supported in local level planning process. What are the primary needs of the community in post disaster situations? How relief and other operation are going on? What are the present challenges of Social Mobilization in community? Do you see any trouble in relation with the concept and strategy of social mobilization?
- Every Participant shared their ideas and opinions in respect to the questions put forth to them.
- Other stakeholders also took part in responding the questions pit in the discussion.

The following conclusions are drawn from the FGD held in Tupche VDC.

- Social Mobilization was running smoothly before the disaster in respective VDCs in Nuwakot district.
- The post disaster situation has brought tremendous changes in social mobilization.
- Due to the increase in number of houses in respective VDCs, the relief materials distribution is a matter of clash in community.
- The social mobilization efforts are not much effective at the time of emergency and disaster.
- The social mobilizers of different VDCs also had difficult time but engaged themselves in rescue to relief operation.
- Frequent changes in Social Mobilization especially the changes in Local Service Providers brought some trouble in adjusting with situation.
- Though doing efforts regularly, the community resistance due to various factor increases and it's very hard for the social mobilization.
- There has been increase of participation of DAGs in development activities but still needed to be done.
- Some refresher trainings are needed for the quality enhance of the social mobilizers.
- Social Mobilization has helped in local development planning process as well as in implementation.

Summary

Local Self Governance Act aims at empowering the local bodies for providing better services to people. The key principle of the Act is to devolve powers, responsibilities, and means and resources to local bodies for mobilizing resources at the local level. Similarly, it also seeks to have the local bodies oriented towards establishing the civil society based on democratic process, transparent practice, public accountability, and people's participation in carrying out the functions and for the purpose of developing local leadership, and arrangement of effective mechanism to make the Local Body accountable to the people in its own areas. Encouraging the private sector to participate in local self-governance in the task of providing basic services for sustainable development comes as another major principle. The LSGA aims of local level democratic governance but Nepal unfortunately could not see for a long time and still handled by bureaucratic personnel. The overlapping roles and responsibilities between and among the layers of government make the spirit of LSGA less effective and suspicious. Similarly, at present, the local bodies have not been able to utilize their maximum fiscal authority. The main reasons behind this are the absence of elected representatives, contradicting sectorial Acts, and a lack of coordination with other stakeholders. Owing to the lack of sufficient resources, local bodies are dependent on grants from the centre. Furthermore, decentralized governance in Nepal has not been able to find a balance between functions, funds, and functionaries to produce better results for local democracy.

As per the vision aimed by LSGA, the participatory Planning Process is the process in which all the stakeholders of development are involved in all stage of any development activities. In regard to local bodies, the public participation is kept at high point by participatory planning. All voices are to be heard. All issues are to be addressed and all aspirations are to be tried to be accomplished.

Social Mobilization is a tool to mobilize people for local governance and community development. Each and every citizen has a stake in development. Hence, LGCDP gives social mobilization a great value. The aim of social mobilization is empowerment and social transformation to improve people's lives through livelihoods enhancing activities and through better service delivery. Social mobilization makes people more aware of their rights and responsibilities in society, and helps to break down social barriers especially for disadvantaged groups (DAGs). It helps DAGs to develop linkages with local bodies and other service providers that can provide them with access to programmes, services and funds that addresses their specific issues, concerns and rights across all sectors.

In conclusion, the documents reviewed like LSGA, Participatory Planning, and Social Mobilization are all related to the process and activities to local governance and thereby local development by which the services to the community people can be delivered qualitatively. For the better local governance applicable from policy into practices, the following recommendations are provided so that the true local governance can be achieved.

Recommendations

- The structural overlapping of different layers of government should be made practical.
- Expand the scope of formal checks and balances within the system so that local governance runs smoothly.
- Improve transparency in all the activities as well as programmes of local bodies.
- Bring local governance to the front burner of national politics. (Hold local elections)
- The contradicting law/acts should be made favorable.
- The social mobilization process as well as participatory planning process should be incorporated more effectively for strengthening local governance.

- Strengthen open deliberative platforms such as the Ward Citizens Forum (WCF) as an interim strategy.
- Introduce due diligence procedures to qualifying user groups
- Give greater legitimacy to local-level planning.
- Ensure the local presence of local bodies' executive heads especially VDC secretaries.
- The local bodies must be filled with competent and sufficient manpower.
- Several acts contradicting to LSGA should be made appropriate to local governance.
- Decentralization Implementation Plan (DIP) should be functional and the Decentralization Implementation and Monitoring Committee (DIMC), chaired by the prime minister with the main objective of implementing the LSGA properly, has to be functionalize. The role of future local governments has to be maximized with rights and resources.
- The "Think Locally" policy should be incorporated in coming constitution as it has the provision of federal structures.

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