

GOOD GOVERNANCE AND ANTI-CORRUPTION POLICY - 2015



Justice and Rights Institute Nepal (JuRI-Nepal)
March 2016

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Preliminary

As mandated by the JuRI-Nepal's 4th Annual General Meeting on 28 November 2015, the Executive Committee of JuRI-Nepal hereby adopts the Organization's Good Governance and Anti-Corruption Policy in order to support the organization's vision, mission and strategic goals.

This policy shall be effective from 4 February 2016.

1. Context and Rationale

The Constitution of Nepal recognizes good-governance as one of the core principles to fulfill aspirations of people towards perpetual peace, prosperity and development.¹ The Constitution has also followed the long-standing tradition of guaranteeing the fundamental right to information². Similarly, Good Governance Act, 2064 (2007) and Right to Information Act, 2064 (2007) have also recognized NGOs and Civil Society as public legal entity entrusted with a duty to publicize its budget and activities on periodic basis. The activities conducted by such organizations are considered as matter of public concern.

Into line with the stated constitutional and legal provisions, JuRI-Nepal's constitution (2068), financial policy (2068) and personnel policy (2070) provides some provisions towards ensuring good governance and zero-tolerance for corruption. However, JuRI's 4th Annual General Meeting (AGM) realised that the provisions and principles stipulated by its statute and guidelines ought to be further elaborated into an stand-alone policy dealing with governance and corruption and directed the Executive Committee to work for the same.

This policy documents, therefore, outlines key policy statements of JuRI-Nepal dealing with good governance and combating corruption in any form so that it can achieve its organizational goals and contribute to creating 'a just, inclusive and democratic Nepali society which respects and upholds values of human dignity, human rights, social justice, equality, rule of law and good governance'³.

2. Purpose of the Policy

The main purpose of this policy is to promote transparency, accountability and zero tolerance against corruption in the entire work of JuRI-Nepal. This policy is to guide and help monitor internal governance practices of the organization.

3. Organizational Structure

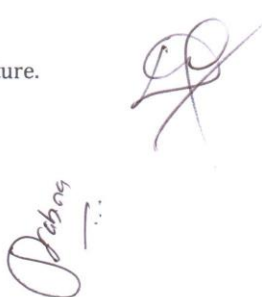
1. Internal structure

JuRI Nepal will have three-tier governance structure.

¹ Preamble of the Constitution of Nepal, para. 6

² Art. 27 of the Constitution of Nepal.

³ Vision of JuRI-Nepal as stated in the Strategic Plan 2016-21

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- General Assembly is the top body of the organization.
- The Executive Committee (EC)⁴ provides overall direction and vision on policy issues which is accountable to the General Assembly.
- Under direct supervision of the Executive Committee, the Programme Management Committee (PMC) looks after daily functions of the organisation. The Executive Director leads the PMC and provides overall supervision and guidance to the staff in day-to-day affairs.

Besides,

- JuRI-Nepal will have a **team of advisors** to advise the Executive Committee on overall organizational and policy issues, as appropriate.

Composition of General Assembly

- General Assembly is comprised of all its founder members, life members, general members, associate members, advisors, honorary members and special invitees. However, only founder members, life members and general members have voting rights.
- New members in General Assembly can be recruited through an open and transparent process as stipulated in the JuRI-Nepal's statute.
- While recruiting new members, consideration will be given to maintain gender and ethnic balance, area of expertise and representation of marginalized groups.

II. Mandate and Functions

Duties, functions and power of the General Assembly

- To elect Executive Committee;
- To appoint auditor for the purpose of auditing the books of accounts of the organization and its projects;
- To amend the statute of JuRI-Nepal;
- To terminate the general membership of JuRI-Nepal upon recommendation of the Executive Committee;
- To grant honorary membership of JuRI-Nepal;
- To take decision if the organisation is to be dissolved;
- To appoint the liquidators in case of dissolution of the organization;
- To determine the remuneration of the auditor and liquidator; and,
- To carry out any other matters as determine by the General Assembly and as mandated by its constitution.

⁴ Currently, the Executive Committee of JuRI-Nepal consists of 11 members of diverse backgrounds in terms of gender, ethnicity and cast.

Duties, Functions and Power of the Executive Committee

The major functions and power of the EC will be:

- To develop and endorse rules, regulations, strategies and policies, as appropriate, so as to help the organisation achieve organizational objectives;
- To appoint member of EC when a position falls vacant in the EC for a period until another election takes place.
- To form an election committee before the election of the EC in the General Assembly.
- To ensure good governance within the organisation by developing necessary structure, resources, and capacity as well as rules, directives, guidelines and policies so as to delivery statutory obligations.
- To make the organisation accountable and transparent to the people and communities that it works for as well as to other stakeholders, including donors and development partners.
- Ensure safety and security of all employees and volunteers of JuRI-Nepal.
- To carry out other duties as mandated by its statute.
- EC members will be volunteers **who receive no remuneration from its core internal programme and budget.** However, **any executive committee member can work as consultant - not exceeding 90 days in a year** - for the organisation and its projects as per the organizational rules and regulations.

Duties, functions and power of the Programme Management Committee (PMC)

Under the overall guidance and supervision of the Executive Committee, the PMC is responsible for the day-to-day administrative and financial management to support the effective operation of JuRI-Nepal's programmes and projects. The PMC is headed by the Executive Committee and represented by Programme Coordinator and Finance and Admin Officer.

Some specific functions and power of PMC include:

- Review and analyse monthly implementation status of the project activities, staff performance and issues concerning staff performance.
- Develop guidelines, formats and other documents with regard to staff performance and evaluation regarding their plan, reporting, appraisal and promotion.
- Make recommendations on staff's benefit and other opportunities, including training and exposure opportunities, and send the recommendations to the Executive Committee for its decision. If the recommendations concerns staff member of the PMC, that member should refrain from taking part in the particular meeting.



- Ensure the daily and overall finance management, including budget allocation, of JuRI-Nepal and its programmes and projects.
- Support to mobilise internal and external resources and generate external resources.
- Take overall responsibility for day-to-day administrative and financial management for the effective implementation of project activities.
- Review and analyse monthly the budget expenditure status take necessary steps if any issues emerged affecting the timely budget expenditure.
- Under guidance of the Executive Committee and direct supervision of the Recruitment Committee, facilitate recruitment process as per need of the organisation.

Roles and responsibilities of Team of advisors:

JuRI-Nepal will have a team of advisors to advise the Executive Committee on overall organizational and policy issues, as appropriate.

- Executive committee can nominate advisors for a specific period
- Executive Committee can select advisors from the past presidents, past senior executive members and senior members of the organization. However, it can also select advisors among the experts and well-wishers outside of the organization.
- JuRI-Nepal provides no remuneration to its advisors for their service other than consultancy tasks which they are free to undertake.

III. Distinct roles and responsibilities of the governing bodies and programme management committee

- The roles and responsibilities of governing body (the General Assembly and EC) and Programme Management Committee of the organization shall be fully separated. No member of EC would participate in the PMC meetings as a paid staff.
- The General Assembly and Executive Committee are part of governance that determine the fundamentals of organization, such as values, vision, mission and strategy of the organization, where as the PMC shall be responsible for translating governance policy into programs and practices.

4. Account

I. Operation of Account:

- The core account of the organization shall be operated by counter signature of the President or General Secretary, Executive Director and the Treasurer of the organization. The signature of Treasurer is mandatory for financial transactions.



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- Separate bank account can be operated for particular projects, as required by the donors and partners. Such account will be operated by joint signature of the Team Leader/Account Officer of the project, Executive Director and Treasurer of the organization. The signature of Treasurer is mandatory for financial transaction.
- Provision shall be made to make expenditures and maintain records thereof in accordance with the prevailing JuRI-Nepal's policy and directives as well as the requirement of donor/partner organisation.

II. Maintenance of Account and Audit:

- The account of incomes and expenditures of the organizations/projects shall be maintained in accordance with the prevailing statutes, by-laws and policies of JuRI Nepal.
- The status of account and program/projects shall be updated at the end of every month and will be discussed in management meeting. This will be shared and updated in the successive EC meetings.
- The accounts of JuRI-Nepal shall be audited by a registered auditor appointed by the General Assembly. In case of project accounts, the accounts shall be audited as per the requirement of project and as agreed by executive committee.

5. Transparency of the Organization:

- Any Nepali citizen concerned with particular information can receive information held in the JuRI-Nepal upon request by paying prescribed fees and procedures. JuRI-Nepal will avail such information immediately if it is ready or will make it available within 15 days.
- All ongoing programs, projects, budget, recruitment, decision making process shall be transparent. But any information that interferes on individual privacy, security of body, life, property or health of a person would not be disclosed.
- No information held by the organization shall be denied unless restricted the prevailing Right to Information Act and its by-laws.
- A spokesperson shall be nominated by EC and an information officer shall be deputed for the purpose of disseminating information held in the JuRI-Nepal Central office. The General Secretary of the JuRI-Nepal would work as spokesperson and information officer unless such positions fulfilled by the EC. Information officer will report to spokesperson.
- JuRI-Nepal shall enlist and publish its following information and shall update them when changes occur or every three months whichever is applicable. Such information would regularly posted and updated in the website of the organization.
 - Structure, nature and contact address of the organization.
 - Functions, duties and powers of organization;
 - Number of employees and working details of organization;

- Service to be rendered as per the financial guidelines of the organization;
 - Name and designation of Chief and Information Officer;
 - List of rules and by-laws or guidelines, policies of the organization;
 - Audit reports and progress reports of the organization and projects;
 - Other particulars as felt necessary by the EC or General Assembly of the organization or prevailing law of the nation.
- At the end of every year, brief account of all the activities conducted during the year shall be posted in the website of the organization, as appropriate. A social audit shall be conducted inviting all the stakeholders, journalists and concerned public of program areas to discuss the achievements, share lessons learned and obtain feedback from the participants.

6. Grievance Handling and Institutional Development:

- A transparent complaint box shall be maintained at visible place of the organization for the management of grievance relating to quality, effectiveness of the work, possible irregularities and any kind of harassment or misbehavior by any staff or board member of the organization.
- The complaint box shall be opened by the Executive Director (at center) and team leader (in case of its district/local offices) of JuRI-Nepal in presence of one other staff after the complaint is dropped. Notice of any such grievance shall be brought into notice of the Executive Committee through the President or General Secretary.
- The higher authority would ask for explanation with concerned person and take necessary action if found guilty.
- A grievance handling committee may be formed by the Executive Committee to investigate the case if deemed necessary. The recommendation of the committee shall be administered by the Executive Director or Head of the organization, as appropriate.
- A complaint register and file will be managed in the organization, including received complaints, decisions taken by the team and response from the organization.

7. Sub-Committees

Following committees shall be formed from among the members of Executive Committee to ensure good governance in the organization.

- **Quality Assurance Task Team (QATT):** A three member QATT will be formed to assist the PMC in ensuring quality of the work carried out by the organisation, including quality assurance of the tasks undertaken by different projects and programmes.




- **Audit Committee:** A three-member committee will be formed headed by Treasurer of JuRI-Nepal to monitor the account of the organization. The main functions of the committee shall be to monitor the integrity of the financial statements, including expenditure against approved budget; review the independence of the external auditors and recommend the organization board on the appointment of auditor and other necessary actions to improve for the financial integrity of the organization.
- **Procurement Committee:** A three-member committee (Treasurer, one general member and one staff member from JuRI-Nepal) will be formed to procure office items and equipments. **Any purchase exceeding the amount of NRs. 100,000/- for each payment must be approved by the Procurement Committee. The Executive Director has the authority to procure assets below NRs. 100,000/- for each payment in consultation with the Procurement Committee and Project Coordinator has authority to procure assets below NRs. 50,000/- upon the approval of the budget for each item and also in consultation with Executive Director.** Other senior staffs/project district coordinator/district chief has authority to procure assets up to NRs. 25,000/- for each payment upon approval of respective program coordinator.
- **Organizational Development Committee:** A three-member Organizational Development Committee (ODC) headed by the General Secretary will be formed to look after the issues of human resources and organizational development. The committee will also look after issues of fund-raising and mobilize its members and staff for the same. The committee will review the by-laws and practices of the organization on regular basis and recommend the EC for necessary structure, resources (both human and financial) and their capacity to raise and uphold organization's profile.
- **Staff Recruitment Committee (SRC):** A five-member staff recruitment committee headed by General Secretary will be formed to look after recruitment process. The committee will be responsible to formulate recruitment policies and guidelines and recruit staff in consultation with EC and PMC. SRC may delegate some tasks to PMC or a team of experts when it comes to recruitment of staff.

8. Decision making:

I. Decision making process

- Generally all the decisions of organizations shall be made by consensus of the deciding authorities such as General Assembly, Executive Committee or any other bodies/committees of the organization.
- If the deciding body cannot reach into a consensus, decision shall be taken by majority of the valid members present in the meeting.




II. Conflict of Interest:

A conflict of interest may arise when the decision of the board is related with any financial or otherwise benefit to a particular board member or his/her close relatives or any other organization where such member is associated.. In such a situation, board members and staff of the organisation should register all their private interest with JuRI-Nepal when such issue arises. Such registration may include, but not limited to:

- Board membership to other organizations.
- Employment with other NGOs or institutions.
- Any employment application from the family members of JuRI-Nepal members.

9. Interpretation:

- General Assembly and Executive Committee has the authority to interpret this policy as per its mandate and spirit.
- If any provision of this policy to be found inconsistent with prevailing state laws that provision shall be null and void.
- If any provision of this policy to be found inconsistent with JuRI's constitution that provision will be amended as per the mandate of JuRI-Nepal's constitution.



Abbreviations

AGM	Annual General Meeting
EC	Executive Committee
JuRI-Nepal	Justice & Rights Institute Nepal
NGOs	Non-governmental Organisations
ODC	Organisational Development Committee
PMC	Programme Management Committee
QATT	Quality Assurance Task Team
SRC	Staff Recruitment Committee

